# Contesting Control

## Land and Forest in the Struggle for Loita Maasai Self-government in Kenya

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# Acknowledgements

This book is the result of many years of careful work that took me from the Netherlands to Kenya and back, after a stay there of more than 5 years. Although plans changed several times in the course of my PhD journey and it took me longer than I had expected, it is thanks to the people around me that I was able to finish this project that meant so much to me in a way that leaves me satisfied and content.

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I owe debts of gratitude to all those in Loita who welcomed me with open arms into their lives and hearths and shared their stories, experiences and opinions with me during my fieldwork there. I was born when my parents and brothers Tito and Ernesto were living in Loita as my father was working on the Ilkerin Project at the time. I was only five years old when we left Kenya but grew up hearing stories about adventures from their time in Loita. My curiosity about the place and its people is what drove me back there. My father's former colleagues and age-mates, the women who had taken my mother to participate in the *olamal* of 1977 and my brothers' former classmates all

opened their doors to me. And the name Neloita, which I was given by the late Kone ole Senteu (Photo 4.1) and the late Michael 'Nambawan' shortly after I was born, bears witness to my own shared history with the people of Loita. I hold this very dear and have learned to treat it with care as it bestows on me both privileges and responsibilities. Those from Loita to whom I would like to offer special thanks include the Mowuo family, for their unconditional hospitality and friendship, particularly Matinkoi and Lenaai who was also my indispensable, loyal and hard-working research assistant; Norungula enole Mukinka, my dear friend who I admire for her courage and energy and who was always there for me; the six families that graciously participated in my longitudinal study and that, for reasons of anonymity, I will not mention by name here; Sankau ole Tikili and Papiyio ole Muntet for assisting me with my research; and Ntoros ole Senteu, Mark ole Karbolo and Rise ole Siloma for facilitating my first steps into research in Loita and encouraging me to come back to do more. I also want to thank the fellow *muzungus* in Loita for their company and friendship: Dr Maria Schiestl, who was a reassuring presence in times of illness; the late Ray Focht, whose sudden death shocked us all and who is sorely missed; and the always welcoming Mieke and the late Jan Voshaar, who died only a few months ago. Having written the first ever book on the Loita, I wish Voshaar had been able to see the final version of mine. And, last but not least, my thanks go to Jan Vandenabeele − teacher, musician, poet, a dear friend since our student days at Leiden University and Zaira's *'mee-eter'* − who was crazy enough to join us in Loita and home-school Zaira and Nikita every afternoon for all that time: we all truly appreciated your company.

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My extended family in the Netherlands and Belgium welcomed us back to Europe with so much warmth and kindness, and this helped us to adapt to being here again after our sudden return from Kenya. A special mention goes to my parents-in-law, Rob and Marijke, who often took care of Zaira and Nikita during school holidays to give me more time to work on my thesis. Rob's visit to Loita was unforgettable and I also thank him for translating some French articles into Dutch for me. I want to remember here my dear grandmother Oma who passed away halfway through my PhD but who had been there for me from the very start: it was her house I came to stay in when I started my anthropology studies and where we live today. Her presence is being felt. I also feel particularly close to my aunt Annemieke and my cousin Chantal who have both been a great support throughout my PhD.

I come from a warm nest and am certain that my family's mobile and adventurous past shaped many of my decisions, such as to leave Mexico to study anthropology in the Netherlands and to do research in Kenya. Although we live dispersed all around the world today, I want my brothers Tito, Ernesto and Marco to know that I hold them and their families close to my heart. I am very grateful to my parents: they have faithfully visited me on a regular basis no matter where I was and offered their unconditional moral and material support no matter what. Their visits have been priceless: they have kept me up to date on family news, offered me wise advice, listened to my stories, read parts of my text and given me the space I needed to concentrate on my writing. I have treasured the intense weeks − and sometimes months − we have spent together. Their love, understanding and constant encouragement have been very important to me and helped me to complete my thesis.

Finally, Adriaan, Zaira and Nikita. Adriaan, there are no words to express how much having you at my side means to me. You and our daughters, Zaira and Nikita, were my fellow travellers on this PhD journey from its beginning to the end. This book is the result of that journey and I therefore dedicate it to the three of you – with love.

Haarlem, 21 February 2015

*Map 1.1*      Loita and neighbours
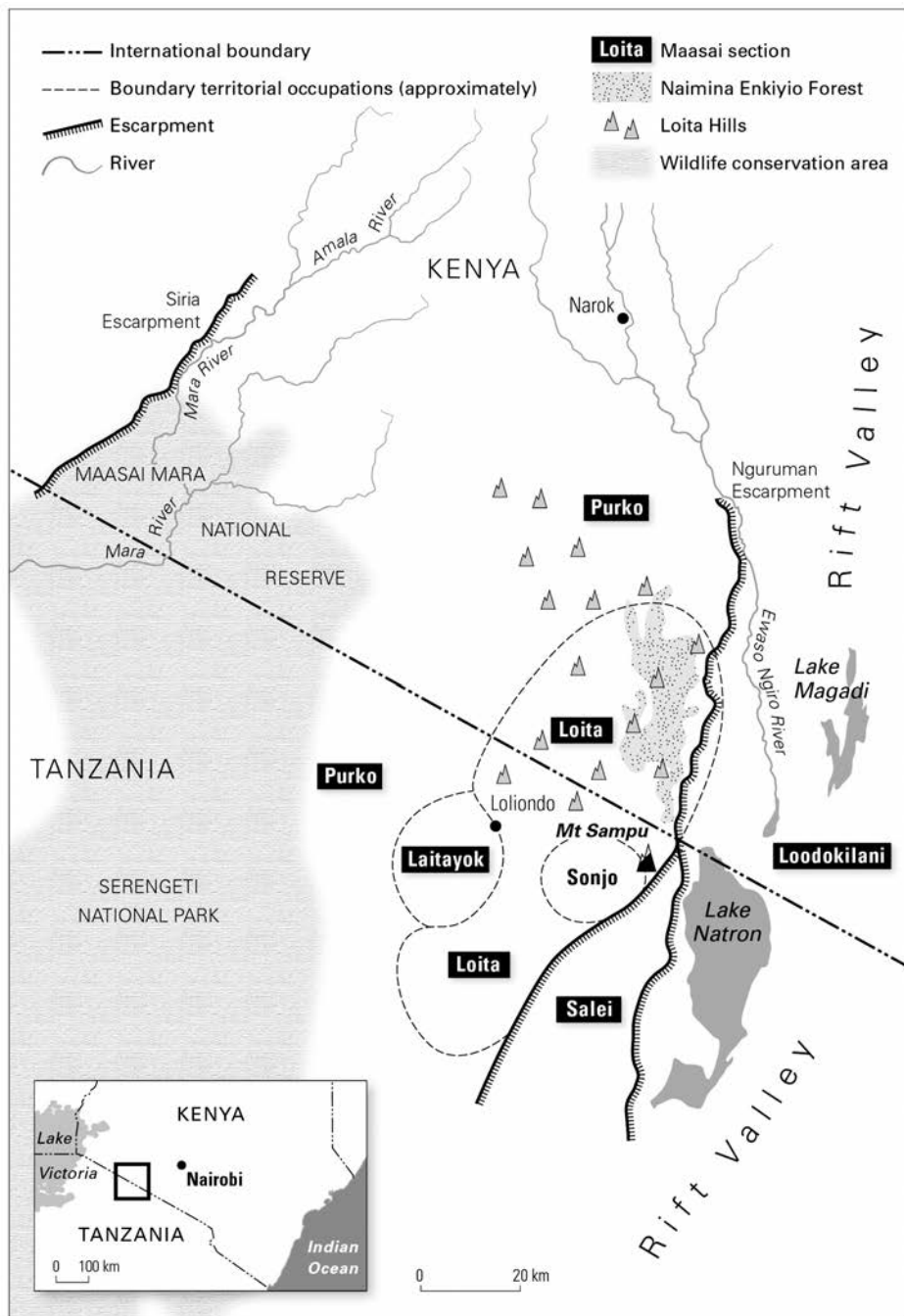
*Map 1.2*    Research area

# 1
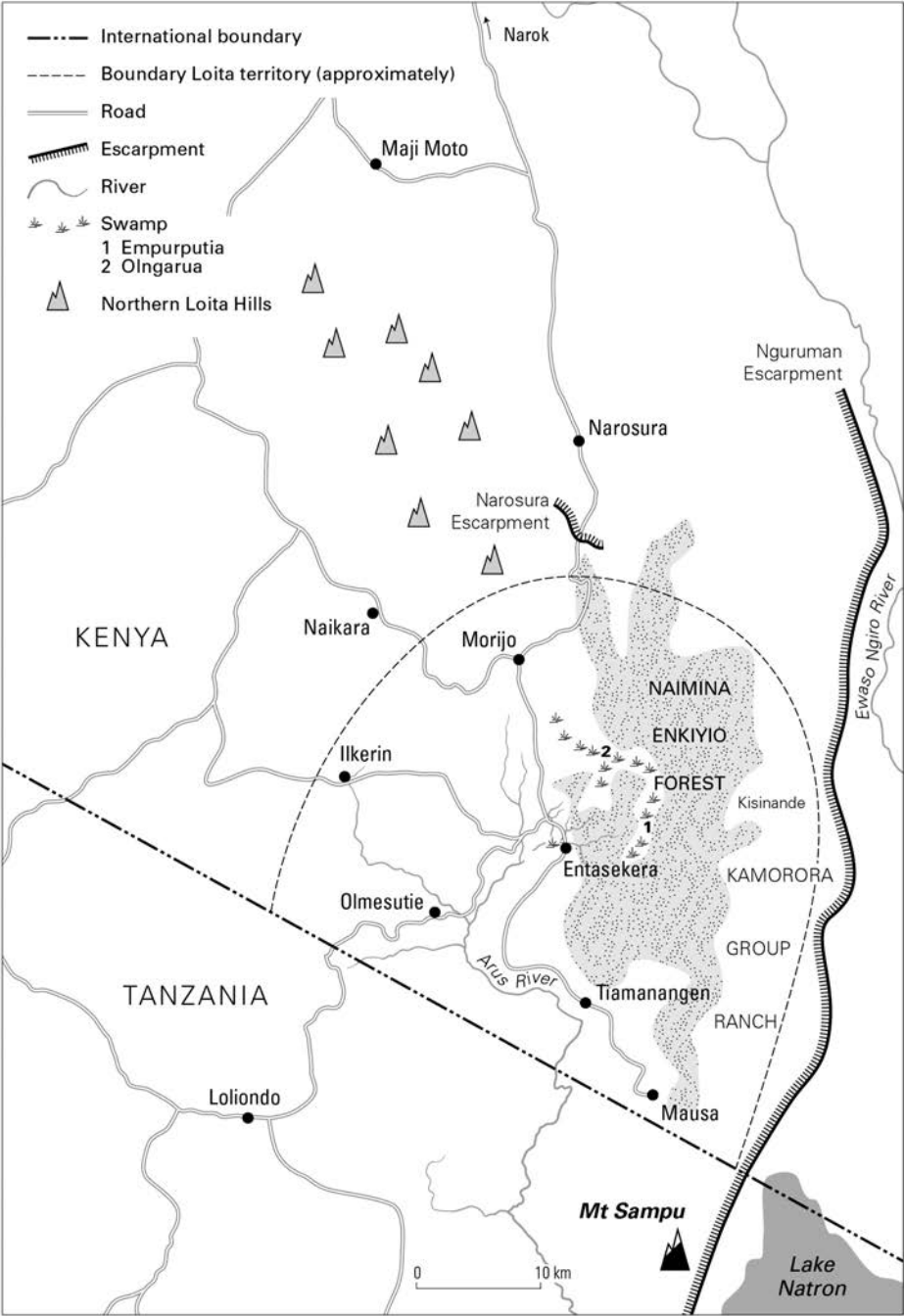
# Introduction

> Governmental interventions are important because they have effects.
> They seldom reform the world according to plan, but they do change things.
> (Li 2007b: 276)

This study is about the Loita Maasai of Kenya[1] who, faced with increasing outside interventions and pressure from neighbouring communities, the state and other agencies, are struggling to maintain access to and control over the land they inhabit and the forest they use. They have been on the losing side of territorial struggles with their neighbouring Purko Maasai and (non-Maasai) Sonjo. However, regarding the state, nongovernmental organizations (NGOs) and international environmental organizations, the Loita have successfully negotiated land reform and various development and nature-conservation projects to retain access to and control of land and the forest. They are still able to benefit from the environmental resources that are key to their livelihoods and their cultural identity. This is remarkable because, since the colonial period, similar interventions in other parts of Maasailand and Kenya have triggered processes that have eventually led to a loss of land and to local people being excluded from forest areas, either intentionally or unintentionally. Loita's historical trajectory and their current position in Maasailand are thus quite exceptional in terms of their apparent autonomy in matters relating to control over their land and forest.

Interventions have, nevertheless, transformed the way people in Loita engage with the land and the forest and with each other on these issues. The combination of continuity in collective access and control on the one hand, and profound change on the other

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[1] The Maasai are divided into a number of socio-territorial units commonly called 'sections' (*iloshon*, sing. *olosho*) in the literature. There are between 16 and 22 Maasai sections, depending on one's source, and the Loita are one of them. Loita is the anglicized version of *Iloitai* (sing. *Oloitai*) in Maa and is used here to refer to both the people and the territory, depending on the context. The Loita occupy land on both sides of the Kenya-Tanzania border in the highlands west of the Rift Valley (see Map 1.1). This research was carried out among the Loita Maasai of Kenya (see Map 1.2). Henceforth and unless stated otherwise, when I write 'Loita Maasai' or 'Loita' or when I talk about the 'Loita section', I am only referring to the *Kenyan* Loita Maasai.

is historically produced and serves as the starting point for an investigation into the social changes triggered by outside interventions. More precisely, I set out to investigate the effects of interventions as they mix and articulate with existing relations, practices, processes and struggles (Li 2007a) in Loita. Loita's exceptionality, in the sense of its continued autonomy, gives such an investigation an interesting twist and makes this a compelling case to study. The way autonomy has been reproduced has not only shaped how interventions have played out but also reveals that the struggle to maintain access and control over land and forest is interlaced and embedded in a more subtle struggle for self-government and for 'not being governed' (too much) by the state and other powerful, external agencies (Scott 2009; Li 2007a). This dissertation will show how change and continuity were formed in this arena of power and political struggle by focusing on articulations and the effects of interventions in Loita.

Social change will be studied by concentrating on two domains: land and forest. The topic of leadership is a third, important theme in this thesis because it contributes to an understanding of the struggle for self-government and not being governed as well as to how people's engagement with land and forest and with each other on these issues have changed. In this introductory chapter, I work out and problematize the themes of land and forest in addition to the more cross-cutting topic of leadership, and end with the research questions that will guide the study. The next chapter, where I discuss the debates, concepts and methods that frame this research, will elaborate on how the research problems are approached. To start with, let me provide a brief account of the historical conjuncture that sees the Loita Maasai stubbornly holding on to their land and forest despite the increasing interventions targeting them. This is the situation that I encountered during my main fieldwork period between mid-2007 and the end of 2008.

## Of land and forest: auspicious conjunctures

One way in which the Naimina Enkiyio Forest, as the forest in Loita is called,[2] was described to me was as 'the deeper forest … the place where people don't live'.[3] This way of seeing the forest lies at the heart of the distinction made in this thesis between the 'forest' (where people do not live) and 'land' (where people do live). Loita territory is, thus, divided into two general areas that are meaningful to the Loita themselves: the land covered by the forest, which is uninhabited but open for all to use if certain rules are followed, and the land west of the forest where the Loita Maasai have their homesteads, where they are organized territorially into localities (settlement areas) and differ-

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[2]  The forest's full name in Maa is *Entim e Naimina Enkiyio*, lit.'The Forest of the Lost Child'. It is named after a Maasai legend: 'a child looking after her father's calves took them to the edge of the forest. While following and herding them she entered the forest itself. In the evening the calves returned home without the child. Young Maasai warriors, or Morans, were sent to look for her. They wandered deep into the forest, calling her name, but eventually they too, like the calves, returned home alone. To this day, the forest has never returned her' (LNECTC 1994: 1). The Naimina Enkiyio Forest is also known as the Loita Forest. In times of drought when herds are driven to the forest in search of water and grass, it is also called *Saru Enkiteng*, 'Haven of the Cow' (Voshaar 1998: 114).

[3]  Interview ML: 22/8/01. Another interviewee (Interview LN: 30/10/07) told me something very similar: 'It is that forest where people don't live that we call Naimina Enkiyio, but not this [small forest]. Here there are homesteads.'

ent rules with respect to land tenure apply.[4] The boundary between uninhabited forest and settled land is not fixed. As more families open up land for settlement and cultivation on the fringes of the forest, the boundary between the forest and land is moving, reducing the forest area and increasing the area of land used for habitation.

The land inhabited by the Loita Maasai holds a unique position in Maasailand. The Loita are the only Maasai section in Kenya whose territory has not been subjected to official tenure reform and, therefore, has not been divided, registered or titled as individual holdings or group ranches. In the late 1960s, the Kenyan state launched a policy of land tenure reform that sought to turn the semi-arid pastoral lands of Kenya into privately owned group ranches (Rutten 1992: 265-327, 2008; Galaty 1992, 1994a; Kimani & Pickard 1998; Mwangi 2007a, 2007b; Coldham 1979). This land adjudication programme had its roots in the late colonial period and was part of a larger state-led but foreign-funded livestock development project aimed at commercializing the pastoral areas of Kenya. 'Adjudication' starts with the declaration of an 'adjudication section', which is followed by an identification of the 'landowners' in the area, demarcating the tract of land and issuing a title deed to the identified 'owner' that, in the case of group ranches, is a group of people but can also be an individual. Maasailand, representing the southern pastoral lands of Kenya and covering the administrative Narok and Kajiado Districts,[5] was a principal target of the land adjudication programme. The group ranch scheme was first implemented among the Kaputiei section that occupies the northeastern corner of Kajiado District (Rutten 1992: 272) and it was then extended to the rest of Maasailand. In Kajiado District and in the larger part of Narok District, the land adjudication programme has been completed. In some of the northern areas of Narok District, land adjudication either remains incomplete pending the issuing of title deeds or has been abrogated as land slated for adjudication became reclassified as a forest conservation area (Matter 2010a, 2010b). However in Loita, which is in the southeast part of Narok District, the land adjudication programme never got started and the status of the land (and forest) has not been reclassified either.

Much research has been dedicated to the creation of group ranches in Maasailand, especially in Kajiado District, with a focus on performance but mainly on the problems and failures, the ensuing subdivision into individually owned parcels of land, its further fragmentation into smaller plots and the final loss of land through sale (Rutten 1992, 2008; Galaty 1992, 1994a, 2013a; Kimani & Pickard 1998; Mwangi 2007a, 2007b). There is general consensus in the literature that the privatization of land into group ranches and the unforeseen individualization that followed in most group ranches has been detrimental to the majority of the Maasai and favoured only a few, Maasai and

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[4]  This categorization of Loita territory does not include two border-zone areas because these are either shared or contested. Kamorora, which is located beyond the Naimina Enkiyio Forest on the Nguruman Escarpment, was historically a shared grazing area used during droughts by Loita and Loodokilani Maasai. Since it was transformed into the Kamorora Group Ranch in 1973/1974, it has become disputed land as its ownership is now being claimed by foreign individuals (see Chapters 5, 8 & 9). The area west of Mount Sampu, also on the Nguruman Escarpment but south of the international Kenya-Tanzania border, has seen periods of sharing and fighting between the Loita (from both Kenya and Tanzania) and the Sonjo (see Chapter 3).

[5]  In 1994, a third Maasai district, Trans-Mara District, was carved out of Narok District (Rutten 2001: 434).

non-Maasai alike, who acquired vast tracts of prime land through land grabbing (prior and during subdivision) and through the purchase of fragmented plots, mostly by immigrant non-Maasai cultivators. This left many former group ranch members with individual ranches in the marginal areas, with small, economically unviable land units or without any land at all. Droughts reveal some of the far-reaching consequences of this. The acquisition of land in the well-watered areas of Maasailand by immigrating non-Maasai cultivators, for example, has deprived the Maasai of valuable drought-retreat grazing lands and forced them to move further away in search of pastures for their herds (Campbell 1984). As a result of the processes set in motion by an outside development intervention, many Maasai lost access to and control over land that they were formerly entitled to use for their livelihood needs.

For the Maasai, the land adjudication programme introduced a new land tenure system founded on private property held by groups or individuals. This was a system devised by external agencies, sanctioned by state law and implemented, supervised and enforced by state institutions and its officials. It was superimposed on existing tenure arrangements that were regulated by the Maasai according to their own rules of access and use. Regardless of whether the Maasai tenure system was replaced successfully or not, the fact remains that people in the adjudicated parts of Maasailand now have to reckon with the state in matters relating to land. With support from international donors and by means of a development intervention, the Kenyan state, in turn, was able to gain a strong foothold over a domain – land in the Maasai districts – where it had no or little authority before.

The exception is Loita. Although Loita leaders had accepted the group ranch scheme (Kronenburg 1986: 51), the land adjudication programme never reached the implementation phase.[6] One reason for this was a quarrel between two Loita leaders as to where the internal boundaries of future group ranches should lie. As it has turned out, collective access and control over land thus remain in the hands of the Loita. Access to land is organized by Loita Maasai tenure practice and land disputes are resolved by leading elders at meetings according to Loita Maasai rules. While people elsewhere in Maasailand have to take the state into account, i.e. its institutions, its officials and its land law, this field in Loita is still governed to a large extent by Loita's own leaders, institutions, rules and practices.

The degree of autonomy from the state with regard to land governance is, in fact, enshrined in state law. Since land in Loita, including the forest, was not and never has been adjudicated into titled holdings, it holds the legal status of 'Trust Land' under state law.[7] Trust Land that undergoes adjudication, through demarcation and the titling of

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[6] Loita, as part of the Cis Mara area of Narok District, was declared an 'adjudication area' (but not an 'adjudication section'!) under the Land Adjudication Act in 1969 (CCD 'Notice of Motion': 5; 'Statement': 5 (f), 6 (a); 'Replying Affidavit': 12). However, it was never set apart for this purpose and therefore remains classified under the legal category of Trust Land (see later).

[7] Legislation in Kenya on Trust Land that is relevant to this thesis includes: Constitution of Kenya, revised edition 1998 (1992), Constitution of Kenya, revised edition 2001 (1998), Constitution of Kenya, revised edition 2008 (2001), and the Trust Land Act (Cap 288). The category of Trust Land was abolished by the new constitution of Kenya, which was promulgated in 2010 and came into effect in March 2013 after the general elections. Loita now falls under the new category of 'Community Land'.

group or individual holdings, becomes classified as 'Private Land'. All adjudicated are-as in Maasailand fall under the legal category of Private Land. The third legal category is 'Government Land'.[8] Trust Land comes under the jurisdiction of the local authority (the county council) that, as the legal trustee of the land, holds the land in trust for the benefit of residents. The legal trustee of the land in Loita was Narok County Council. Legislation on Trust Land recognizes customary rights, specifying that 'for the time being' these lands are to be governed under 'African customary law' of the resident 'tribe, group, family or individual' (Constitution of Kenya, revised edition 2008 (2001), Chapter IX 'Trust Land', Section 115 (2)). 'African customary law' is not encoded in state law as it is understood to vary from community to community. For the Loita, this means that disputes over land fall under the jurisdiction of the leading elders and have to be settled according to their own rules. Only when land becomes formally demarcat-ed and registered (and thus loses the status of Trust Land) can disputes be taken to state courts.[9] Loita leaders govern relations of use and access to land when they mediate land disputes. As long as Loita remains Trust Land, its leaders will enjoy considerable free-dom and autonomy from the state to settle land disputes according to their own rules. Having been left to govern a domain (land) that lies at the basis of Loita Maasai liveli-hood and identity, Loita leaders occupy a key position from which they can exercise power and authority not only within Loita but also in relation to outsiders. Hence state law, by defining what happens and what does not happen in Trust Lands, has signifi-cantly shaped leadership in Loita. Politically, this arrangement implies a certain degree of self-government for the Loita.

Yet the legal status of Trust Land also has its flip side. Trust Land can, apart from being turned into Private Land through adjudication, also be set aside for public purpos-es by its legal trustee. It was within this legal framework that the County Council of Narok attempted to appropriate the Naimina Enkiyio Forest in the early 1990s. The plan was to change the legal status of the forest from that of a Trust Land forest to a forest reserve. To achieve this, the forest needed to be 'gazetted' as a nature reserve by placing a legal notice in the *Kenya Gazette* (the state's official publication) announcing its new status. The Loita, because of their historical proximity to the Naimina Enkiyio Forest, have greatly benefited from its various resources and it has been a key pastoral resource in times of drought and of immense material and cultural value to them too (Kronen-burg García 2003). So when Narok County Council announced its intention to convert the Naimina Enkiyio Forest into a nature reserve destined for commercial tourism in 1993, the news alarmed the majority of the Loita who had not known of the plan. Fear-ing losing access and control over the forest and under the leadership of a group of Loita leaders, they mobilized resistance and filed a court case to prevent this plan from going ahead. After almost a decade of turbulence, the tug-of-war was finally settled in an out-of-court agreement in 2002 and Narok County Council had to abandon its plans for the forest, which has remained an ungazetted Trust Land forest. Like the unique position of Loita land in Maasailand, the forest too is somewhat exceptional in the Kenya context.

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[8]   Government Land constitutes 13.3% of the total land area of Kenya; Private Land accounts for 12.9% and Trust Land for 73.8% (Wily & Mbaya 2000 in Karanja *et al.* 2002: 1).

[9]   There are, nevertheless, indirect ways of taking disputes over land to state courts (see Chapter 11).

It is one of the few indigenous Trust Land forests in Kenya that has not yet been gazetted (Karanja *et al.* 2002: 1).

The controversies surrounding the Naimina Enkiyio Forest did not end with the state's retreat and the conflicts over the forest turned violent. The International Union for Conservation of Nature (IUCN) appeared on the scene at the invitation of the same group of leaders that had organized opposition to Narok County Council. Their collaboration culminated in a joint forest conservation project, known in Loita as the IUCN project, after the conflict with the County Council ended. However, when IUCN wanted to implement an EU-funded community-based forest management project in 2004 after a one-year preparatory phase, resistance flared up again. Fierce opposition in the form of violent demonstrations by Loita and Purko Maasai was directed at IUCN. This time, opposition in Loita was organized by another group of leaders who had actually supported the County Council's forest plans during the conflict with Narok County Council. These leaders stood squarely against the group of leaders that had opposed the Narok County Council forest plan and now supported the IUCN project. The IUCN project was finally halted when a person died during one of the demonstrations. An attempt to resume the project failed after new conflicts broke out in 2005 and IUCN decided to pull out of the project.

Just like the proposed forest plan by Narok County Council, the IUCN project, however well-intended and participatory it may have been, meant a loss of access and control for the Loita. In the case of the former, Narok County Council would take over the management of the forest and introduce its own rules of access and use and, in the case of the latter, the joint co-management construction of the project would mean that the Loita would have to share control and 'biodiversity conservation' would become a key criterion of access. With Narok County Council and IUCN no longer involved, the forest can still be accessed and is under the control of the Loita Maasai, more or less as it was before.

Auspiciously for the Loita Maasai, the combination of circumstances now sees them upholding access to and control of the land and the forest. In both the land adjudication programme and the forest interventions, the interests of Loita leaders and conflicts amongst them seem to have played a key role in the outcome. For a thorough understanding of the dynamics at hand, leadership also needs to be included in the analysis. The next section introduces the important cross-cutting theme of leadership.

## A tale of two leaders

Letiya ole Maine is the age-group chief of the Ilkishili circumcision-group.[10] On 5 February 2010, he welcomed a delegation of prominent politicians, including Prime Minister Raila Odinga, who were visiting the 'manyata',[11] the special ceremonial settlement

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[10]   The word 'age-group' is used here as a general term to refer both to circumcision-groups and age-sets. An age-set is composed of two successive circumcision-groups. Where the distinction between circumcision-group and age-set is important, as in the present chapter, I will be specific and consistent in my use of these terms. Where the distinction is not relevant for the argument being made or where reference is made to both age-sets and circumcision-groups, I will use the more general term 'age-group'.

[11]   Manyata (pl. manyatas) is the anglicized form of the Maasai word *emanyata*, pl. *imanyat*.

in Naibala, Loita.[12] The manyata had been built in preparation for the final ceremony of the age-group ceremonial cycle at which ole Maine's circumcision-group, the Ilkishili, would merge with the younger circumcision-group, the Ilbuluka, to form a single age-set with its own name: Ilkisaroni. This ceremony would also mark their final passage to elderhood as well as the start of their term as the 'governing age-group' in Loita. The delegation of politicians had been one of many to visit the manyata in the previous months. Part of the ceremonial process before the final celebration is to receive groups of people that represent the social categories on which Loita society is built. These are festive occasions when visitors pay their respects to the Ilkishili and Ilbuluka circumcision-groups by presenting gifts of livestock and the latter reciprocate by offering food and drink, performing songs and dances and a place to sleep. In this way, the manyata received delegations from all the existing age-groups in Loita,[13] a delegation of Loita women, another of the Inkidongi sub-clan of Loita who do not join in the ceremony[14] and a delegation of their Tanzanian Loita Maasai age-mates who synchronized and built their own manyata in Olorien near Loliondo. 'Politicians' emerged as a new social category in Loita and were incorporated in the series of delegations received by the manyata. Their delegation even acquired a name of its own: *olamal loo siasani*, which means 'the delegation of the politicians', based on the Swahili word *siasa* meaning 'politics'.

It was a big day in Loita. People had come from all over to see Prime Minister Odinga, who the majority in Loita had voted for in the 2007 presidential elections. He arrived by helicopter early in the afternoon and politicians and civil servants from Narok and other Rift Valley districts as well as a number of ministers and deputy ministers were also present. The manyata of 2010 was certainly not the first to receive a delegation of politicians but, for ole Maine, it was a particularly important event. As the age-group chief of the Ilkishili and with the age-group leadership of the Ilbuluka in disarray (see Chapter 8), ole Maine was, without doubt, the most powerful man in the new age-group.

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[12]  The complete name of this particular manyata is *emanyata oo lorikan* (the ceremonial settlement of the stools), also known as *enkang oo lorikan* (the settlement of the stools). I attended and documented the visit of Prime Minister Odinga and his entourage to this manyata. I was also present on the day that the delegation of the Iromboi circumcision-group and the upcoming warriors visited the manyata (19 September 2009) and I accompanied a delegation of the manyata in Kenya on a two-day trip to the manyata of their counterparts in Tanzania on 6-7 March 2010. The speeches of another delegation of politicians on 18 January 2010, which I was not able to attend, were recorded for me.

[13]  When they arrive at the manyata, the visiting age-groups break up according to clan affiliation. Previously selected manyata residents, one from each clan, then host members of their own clan. In this way, the social category of 'clan' is also accounted for. Gifts and hospitality are exchanged between clan-mates.

[14]  The Inkidongi sub-clan provides the 'laibons' (sing. laibon, this is the anglicized word for *oloiboni*, pl. *iloibonok*) in Maasai society. They have been variously described as 'prophets' (Fratkin 1979; Berntsen 1979; Spencer 1991; Waller 1978), 'diviners' (Spencer 1991; Waller 1978), 'sorcerers' (Fratkin 1991), 'ritual experts' or 'ritual innovators' (Waller 1978) and 'war-leaders' or 'war-prophets' (Waller 1978, 1995) in the literature. See Chapter 6 for a discussion of laibons and laibonism.

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Photo 1.1    Age-group chief ole Maine addressing Prime Minister Raila Odinga and his entou-
rage at the manyata of the 'stools' (February 2010)



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He was the first to speak in a series of speeches that afternoon and was the only Loita
Maasai to do so.[15] He addressed the Prime Minister in Maa.[16] He started by praising
Maasai culture and the importance of manyatas for the unity of the Loita. Then, and
after assuring Prime Minister Odinga that the Loita had voted for him in large numbers,
he raised some issues concerning the marginal position of Loita in Kenya in terms of the

[15]   Others who spoke, in order of appearance, were: Solomon ole Moriaso (Narok County Council's
chairman), Isaac ole Partoip (Narok Town Council's chairman), Nkoidila ole Lankas (Member of
Parliament (MP) for Narok South), Jonathan Magerer (MP for Kipkelion), Gideon Konchella (MP for
Kilgoris/Trans-Mara), Musa Sirma (Orange Democratic Movement (ODM) nominated MP), Alfred
Khangati (MP for Kanduyi and Assistant Minister in the Office of the Prime Minister), Joseph ole
Nkaiserri (MP for Kajiado Central and Assistant Minister for Defence), Peter Anyang' Nyong'o
(Minister for Medical Services and secretary of the ODM party), William ole Ntimama (MP for Narok
North and Minister for National Heritage and Culture), Jan Bonde Nielsen and Prime Minister
Odinga. All of those who spoke belonged to the ODM party, except for Gideon Konchella (Party of
National Union, PNU) and Jan Bonde Nielsen who is not a politician but a wealthy Danish-British
businessman who had built a lodge in Kamorora (see Chapters 5 & 9) and appeared to be a personal
friend of the Prime Minister.
[16]   Ole Maine never went to school and does not speak English although he can speak some basic
Swahili, which he picked up while trading livestock across Kenya. He apologized for not speaking in
Swahili and used a Maa-Swahili interpreter during his speech.

few resources made available by the state for the development of the area. Point by point he requested funds to expand the health centre at Entasekera, the installation of a booster for mobile phone network coverage in the area, road repairs in Loita and the reinstatement of five wards (instead of the current two) to increase political representation of the Loita on Narok County Council. At this point, ole Maine was not talking on behalf of his age-group as an age-group chief but for all Loita as a Loita leader. The timing was perfect because the ceremony marked the start of his age-group's political term in Loita and the visit of a prominent politician to their manyata not only brought prestige and popularity to the age-group but also the prospect of a better future for Loita because of the apparent links that the age-group had to Kenya's political elite.[17] This was a very good start for ole Maine and his age-group as the new 'governing elders' in Loita.

*Leadership and the practice of mediating and governing*
I chose to use this event to introduce the topic of leadership because it illustrates an important dynamic that entertains the analysis of leadership in this thesis, namely how Loita leaders exercise authority by governing and mediating interventions. At the same time, the occasion described above is an excellent case of an encounter between the Loita and the state and therefore offers revealing insights into the nature of the relationship.

The visit of Prime Minister Odinga to a Loita Maasai manyata shows that the Loita are not only part of Maasai culture and society but are also part of Kenya as citizens and voters and have been incorporated and integrated in the Kenyan state since colonial times. The description above also shows that the Loita too have incorporated the state in their social structures, giving state actors a way to participate in their age-group ceremonies as the 'delegation of politicians' alongside other delegations. This dynamic runs as a thread throughout this thesis. The event also shows that encounters of this sort between the Loita and the state are typically mediated by key persons, usually male leaders. As an age-group chief, ole Maine interacted with Prime Minister Odinga as a representative of the Loita and a Loita leader. This demonstrates how meetings between 'the state' and 'the Loita Maasai' often involve embodied encounters between a person representing the state and a person representing the Loita Maasai.

The occasion described above also reveals the importance of a development discourse in the interaction between Prime Minister Odinga and ole Maine, where the state is seen as a driving actor and a provider but also a patron of development interventions. It is clear that ole Maine seized the occasion of Prime Minister Odinga's visit to request – or even demand − some very specific development interventions. These requests had been discussed and agreed upon in advance by the Loita leaders and formally written out in a letter that was handed over to the Prime Minister later. In this particular case,

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[17]  These links follow patron-client relationships embedded in the ODM party structure. (The ODM is the party that advanced Odinga as its presidential candidate in the 2007 elections.) The links were through the ODM councillor in Morijo Loita Ward (Panin ole Parkisuaa) who is also a ceremonial age-group leader in the Ilkishili circumcision-group, via the ODM MP for Narok South (Nkoidila ole Lankas) and the ODM MP in Narok North who is also the Minister of National Heritage and Culture (William ole Ntimama).

development was linked to voter rights. Understood by all, though not explicitly expressed by ole Maine in his speech even though it was alluded to, was the idea that if Prime Minister Odinga and his political allies fulfilled these development requests, the Loita Maasai would vote for him in the next presidential elections. This was, in effect, a way of negotiating votes for development.

The attempt to control and take charge of state interventions in Loita by proactively requesting development projects that are desired (rather than being faced with imposed and unwanted state interventions and policies) should be seen as part of a long history in Loita of being confronted by state interventions and interventions by other agencies in the name of development and/or conservation. Interventions targeting land tenure and forest management were discussed earlier in this chapter and leaders in Loita have played key roles in the mediation and negotiation of these and other interventions. They have opposed and thwarted some outside initiatives, while supporting, inviting and channelling others, sometimes in adapted and more desirable forms. Loita leaders can thus be seen as 'articulation points' or intermediaries that mediate outside interventions, whether they are spearheaded by state actors, as in the case of the land adjudication programme and the Narok County Council forest plan, or global environmental organizations such as IUCN or, as we will see later, by missionaries and NGOs. But 'mediating' does not at times seem to entirely capture what leaders do in relation to outside interventions. Instead of mediating between two parties as a neutral go-between, leaders sometimes appear to be actively managing, or even capitalizing on, interventions. Rather than merely mediating, they appear to be *governing* relations with the state and other agencies. Mediating and governing are two facets of leadership and, depending on the context, one rather than the other would seem to adequately describe the leader's role.

Mediating and governing also work the other way. To come back to the topic of Loita-state encounters, Loita leaders are trying to mediate and control attempts by Loita Maasai to access the state directly, particularly state law. This is in an effort to keep issues, such as violent fights, within the community and for leading elders to mediate and resolve cases in their own way rather than having to involve the police and state courts. The point is that the legal involvement of the state undermines Loita's own institutions for resolving disputes, and hence the authority of their leaders. Outside agencies with different governing structures, of which the state is a prime example, challenge the Loita Maasai's self-government. This hints at a wider struggle for Loita leaders who want to maintain control over relations, practices, processes and conflicts in Loita. It is a political struggle to govern their own people without unwelcome interference from the state and other outside agencies.

Mediating and governing do not only happen at the interface of Loita and the outside world but also internally, inside Loita. Particular leadership positions, such as the age-group chief and the clan chief, but also positions that have emerged from historical articulations with the state, such as the (Provincial Administration) chief,[18] govern parts

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[18] To distinguish this type of chief from others that are discussed in this study, such as the 'age-group chief' and the 'clan chief', it will be referred to as the 'PA chief'. PA stands for Provincial Administration, which is the state institution that lends this leadership position its authority. PA chiefs

of the Loita − the age-group, the clan and the administrative 'location' respectively − and are ultimately responsible for mediating conflicts in these areas. Terms like the 'governing age-group' and the 'political term' of an age-group that were used in the account about ole Maine and Prime Minister Odinga should be placed in this context too. This thesis will explain how individual leadership positions intersect with a collective form of government centred on the governing age-group whose political term is shaped by the temporality of the age-group system.

The ceremony for which the manyata was built marked the transition of political power from one age-group to the next. Ole Maine's age-group was at the beginning of its political term as the governing age-group in Loita. Viewed from this angle, the event described in the anecdote above not only highlights an encounter between the state and the Loita Maasai but also, at another level, an encounter between two ways of governing. Ole Maine did not only invite Prime Minister Odinga to attend the event to increase the popularity of his age-group in Loita but also to present and introduce his age-group and its leaders as the upcoming governing age-group of a unified and well-organized Loita community. The on-going struggle to maintain access and control of forest and land in Loita is part of a wider quest by Loita leaders to hold on to their power and authority. Land, forest and leadership are closely interlinked, which is why they form the three thematic pillars of this study.

## Articulations and effects

The auspicious conjunctures described in the first section of this chapter form the starting point for an anthropological study of the dynamics surrounding interventions in Loita. The interventions are those that Tania Murray Li (2007a, 2007b) had in mind when she wrote about 'governmental interventions'. They occur when policies, programmes, projects and schemes intervene in the name of development and/or nature conservation under the aegis of agencies such as the state, NGOs and (international) environmental organizations. They are governmental not because they come from 'the government' as in the 'Government of Kenya' but because they are informed by the wish to change society and are manifestations of a process called 'governmentality' (Foucault 2001) that seeks to transform the behaviour of people. Governmental interventions aim to implement planned social change. However, and as the quote that opened this introduction indicates, changes and transformations following governmental interventions often deviate from the trajectory envisaged. Not only are changes frequently unexpected and unintended, they are sometimes even contradictory. The articulation of governmental efforts with the world they want to transform create 'messy situations' (Li 2007b: 278) because governmental interventions encounter, become entangled with and (co-)produce 'a witches' brew of processes, practices, and struggles' (Li 2007a: 28). In other words, when governmental policies, programmes, projects and schemes are implemented, they produce 'messy consequences' (*Ibid.*). Li's 'messy consequences' are the social changes that I am seeking to understand and are thoroughly political. They constitute the kind of effects that will be examined in this study, i.e.

are called 'government chiefs' in Loita. To avoid confusion and because of the specific way the word 'government' is used in this thesis (see later), I do not follow Loita usage in this case.

those that are triggered when governmental interventions articulate or 'intersect with other processes shaping particular conjunctures' (*Ibid*.: 1). Articulations and effects are the keywords that will guide my investigation of social change in Loita. I will show that, despite the fact that the Loita retain collective access and control over land and forest, transformations have taken place in the way people relate to land and forest, and with each other in relation to land and forest. Leadership is a topic that permeates these land- and forest-related changes because, as we saw, political struggles involving leaders in their mediating/governing role have shaped articulations and the effects of interventions in important ways. These struggles involve both conflicts among Loita leaders as well as the struggle by Loita leadership to maintain the power to govern Loita. To tease out how these power relations and other political struggles are implicated in the land- and forest-related changes, I engage with a field of study called political ecology, which takes these issues as its object of inquiry.

To understand changes and transformations, a grasp of historical processes is necessary. The discussion of the legal category of Trust Land earlier in this chapter indicated that state law, by defining what happens and what does not happen in Trust Lands, has significantly transformed leadership in Loita. In a similar way, Trust Land has shaped the land- and forest-related changes in Loita too. Colson (1971) demonstrated that categorizations of land, such as 'Reserves' and 'Native Trust' lands, and evolving legal systems during the colonial period that were 'thought to permit local peoples to develop along their own lines' and 'recognize[d] local custom' (*Ibid*.: 193) profoundly altered people's ties to the environment and had far-reaching effects on customary forms of tenure in Africa. It is, therefore, important not only to investigate how the state's legal framework sets the conditions for leadership and land- and forest-related struggles and changes but also to do so from a historical perspective. Trust Land, as we shall see in Chapter 4, replaced the colonial category of 'Native Land', which was created at a time when indirect rule through 'native authorities' was being exercised and the trusteeship of land was placed in the hands of the state. To understand how, for example, Narok County Council became the trustee of land in Loita, the history of the category of Trust Land must be traced as well as how Loita came to be defined as being in Narok District and how the state institution of Local Government evolved. The changes in Loita do not stand in isolation. They came about because they interlocked with wider-ranging processes and dynamics that go back to the colonial period and created constraints and opportunities regarding the development of particular processes. State law is important but other processes will also be touched upon in the chapters to come.

With respect to land-related changes, two issues immediately caught my attention when I arrived in Loita in 2007. The first was the proliferation of meetings that were convened to resolve land disputes. Not a week would pass without me hearing of a land dispute meeting taking place to mediate competing claims by neighbours over land. The nature of the disputes, as my informants would tell me, was new. They had started to appear intermittently since 2000 but had recently seen a drastic upsurge in numbers and turned out to be linked to the land rush that became evident later in my fieldwork. The second observation relates to the Loita Maasai's way of life. Based on the literature consulted on the Maasai in general, and the Loita in particular, my expectation was that

I would encounter people with pastoral livelihoods. However, there were cultivated fields everywhere and people seemed to be putting a lot of energy into the ploughing, tending and harvesting of the maize and beans they had planted. The growing importance of cultivation was something new too, I was told. 'The *effects* of governmental interventions are both proximate and indirect' (Li 2007b: 280 original emphasis). This thesis argues that, even though the land adjudication programme had failed to take off in Loita, it had had indirect effects in Loita: land use changed, new ideas of landed property developed and land disputes emerged that had not existed before. These changes all reflected profound land tenure transformations over time and explained the land rush I witnessed in the field. These land-related changes form one focus of this study.

The forest plan by Narok County Council and the forest project by IUCN met widespread opposition and conflict, and were eventually called off. As we saw, the fear of losing access and control over the forest played a role but so too did the disagreements between Loita leaders as to what path to follow *vis-à-vis* these interventions. Although the height of the forest conflicts had passed by the time I did my fieldwork, the internal divisions that they had created were still simmering in Loita society. While discussing the matter with key informants, I learned that the forest interventions had not merely triggered these cleavages but had actually intensified existing divisions and struggles. For a thorough understanding of the forest conflicts, it is necessary to trace precisely how the interventions by Narok County Council and IUCN intersected or articulated with the processes, practices, struggles and relations already at play in Loita. While the emphasis will be more on the (indirect) effects of governmental interventions in the case of the land adjudication programme, investigating the forest conflicts will allow an examination of articulations of governmental interventions, although both cases take the effects and articulations into account.

In a nutshell, this study investigates the effects of governmental interventions as they articulate with existing relations, practices, processes and struggles (Li 2007a) in Loita. By focusing on historical processes related to land and the forest and taking the cross-cutting topic of leadership into account, the following questions will guide the research:

(1) What are the (indirect) effects of state legislation and land reform policy on the organization of land tenure and governing practices in Loita, and how did they come about? How did/do Loita leaders influence the way land-related interventions play out and land tenure transformations unfold?

(2) How did interventions relating to the status and management of the forest involving state and environmental institutions seeking to preserve the natural environment and/or develop tourism articulate with existing relations, practices, processes and struggles in Loita? What role did Loita leadership play in the forest conflicts?

(3) What do these conflicts and transformations disclose about governmentality (Foucault 2001) and the struggle for self-government and 'not being governed' by the state (Scott 2009) and other governmental actors (Li 2007a)? And, more specifically, as the state is the longest established and most powerful of these external governing actors, what is the historical process by which Loita people and society have gradually and inevitably become interlocked with the state's governing and legislative structures?

The research presented in this thesis combines two fields of study that have been mentioned in this introduction, namely governmentality studies and political ecology. I draw insights from both fields of study to develop an approach that seeks to answer the research questions above. The next chapter discusses the notions, concepts and debates that form the ingredients of this approach and inform the argument in this thesis.

# The political ecology of governmental interventions

As discussed in the previous chapter, this study aims to understand articulations and the effects of land and forest interventions in Loita. The concept of governmentality frames my view on interventions, and political ecology provides the lens through which to analyse articulations and effects. Political ecology is a field of study that examines the way power relations and political struggles are implicated in socio-environmental interaction and change (Robbins 2004; Bryant 1992, 1998; Greenberg & Park 1994; Escobar 1999; Watts 2000; Peet & Watts 1993; Paulson *et al.* 2003). It treats engagements at the human-environmental interface as political processes. I follow the line of research that takes 'a serious treatment of *politics* in political ecology' (Peet & Watts 1993: 240 original emphasis).[1] In my study, the development and conservation interventions by the state, Narok County Council and IUCN, were thoroughly political because they implied a shift in the distribution of access and control over land and forest areas. Since these interventions contributed directly and indirectly to land use change, land disputes, the run for land, tenure transformations and forest conflicts, I view these dynamics as well as the interventions themselves as political processes. The concept of access will constitute an important building block for developing this analytical approach.

The interventions central to this thesis are, as stated in Chapter 1, 'governmental'. To understand exactly how governmental interventions are considered here, it is necessary to delve a bit deeper into the governmentality literature. This will be done in the first section of this chapter. The second section outlines the conceptual tools required to get to grips with Loita's land-related changes and to answer the first research question on the (indirect) effects of state legislation and the land reform policy on land tenure in Loita, and the role of leaders in it. To analyse the process of land appropriation and the

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[1] Vayda & Walters (1999) accused political ecological studies of putting too strong an emphasis on the political at the expense of the ecological. Their critique is valid if indeed the object of explanation is solely *environmental* change, such as mangrove forest degradation. In the present study, it is not, however, environmental change but *socio-environmental* change that is the object of interest.

new ways of claiming land as well as the increase in land dispute meetings, I combine insights from access and property theory and link them to the governmentality literature.

To gain an understanding of how the forest interventions articulated with existing relations, practices, processes and struggles in Loita and the part leadership played in the forest conflicts (the second research question), I draw on two lines of inquiry that political ecologists have employed to tackle resource conflicts. One focuses on the concepts of access and control and the other on scrutinizing existing political struggles. These two analytical angles will be briefly introduced in the third section of this chapter. A more extensive elaboration of this two-pronged approach fits better in Chapter 8, which considers the forest conflicts, and will be presented there. The fourth section in this chapter engages with the theoretical debates that form the backdrop to the third research question on the Loita leaders' struggle for self-government and 'not being governed', in particular in relation to the state. The anthropological methods of research will be explained in the fifth section and the chapter will end with an outline of the structure of the thesis.

## Governmental interventions, practices of government and governmentality

Confusingly, the term governmentality is used in two different ways in the academic literature. One sees governmentality as a historically specific form of power or rule, alternatively called 'modern government' (Inda 2005), alongside other forms such as discipline and sovereignty. A second group of authors employs the term governmentality to denote an analytical perspective. Unless stated otherwise, I use governmentality in the latter sense, that is, as an analytical lens and a theoretical concept.[2]

In common parlance, the term 'government' is used to refer to the activities and the political power of the state, such as when one speaks of 'the Dutch government' or the 'Government of Kenya'. Behind this is the idea that the state and government are inseparably tied. Following Michel Foucault, I conceive of government and state differently. In his 2001 lecture entitled 'Governmentality', he suggested that government and state are two different phenomena and that the prevailing perception of their intertwinement is actually the result of a historical process during the fifteenth and sixteenth centuries in Europe whereby the state gradually became 'governmentalized' (*Ibid*.: 220). He showed that before the term government came to be used as the exclusive preserve of the state after this 'governmentalization of the state' (*Ibid*.: 220-221), it was employed in a more general context. One could refer to 'the government of the family', i.e. the family being ruled by the family head, usually the father, 'the government of the convent' by the superior or 'the government of pupils' by the teacher. Government in this broad sense refers to the management, control, direction and guidance of groups of people but it also extends to include 'the government of oneself', associated with morality,

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[2]    Dean (2010: 16, 24, 28, 30) recognizes this double meaning of governmentality and proposes calling the latter an 'analytics of government' to avoid confusion with the historical meaning of governmentality. The use of 'analytics of government' has, however, not been adopted widely, with many authors still using and explicitly choosing the term governmentality instead of 'analytics of government' (for example, Merlingen 2006).

appropriate personal behaviour and ethics, that became a theme of particular interest to Foucault as he elaborated on his ideas of government (Rose *et al.* 2006: 90; Dean 2010: 20).[3] Practices of government are thus not only found in state institutions but 'cut across domains that we would regard as separate: the state, civil society, the family, down to the intimate details of what we regard as personal life' (Ferguson & Gupta 2002: 989). In other words, the government of the national population by the state, or more precisely by state officials, is just one particular form of government alongside many other governments that are found in society (Foucault 2001: 205). Foucault holds on to this general idea of government and, later, he famously defined government as the 'conduct of conduct' to include all governments that range from 'governing the self' to 'governing others' (Foucault 1982: 220-221, 2007: 192-193 in Dean 2010: 17; Lemke 2000: 2, 2001: 191; Dean 2010: 19).

Government as the conduct of conduct points to a practice that endeavours to shape, direct and control human behaviour. Dean (2010: 18) expands on Foucault's phrase and provides a more precise definition of government, which I will adopt in this study as my working definition of the concept of government.

> Government is any more or less calculated and rational activity, undertaken by a multiplicity of authorities and agencies, employing a variety of techniques and forms of knowledge, that seeks to shape conduct by working through the desires, aspirations, interests and beliefs of various actors, for definite but shifting ends and with a diverse set of relatively unpredictable consequences, effects and outcomes.

The interventions in Loita in the form of development programmes and conservation projects are good examples of practices of government in Foucault's extended sense. These interventions are governmental because they have sought to change the conduct of people in Loita.[4] The land adjudication programme's aim, for instance, was to ultimately change the traditional nomadic pastoral behaviour of Maasai and make them modern sedentary ranchers so that they would provide meat for the national market and land degradation would reduce through destocking (Rutten 1992: 265-327, 2008: 95; Galaty 1992, 1994a; Kimani & Pickard 1998; Mwangi 2007a, 2007b).

This conception of government has implications for the way 'the state', either colonial or independent, is approached in this study. If government happens inside and outside the state, as Foucault convincingly shows, then the state and its institutions should be seen as one – albeit a rather important one – of the many authorities involved in the government of people. State officials, NGOs and missionaries are some of the governing actors, or 'trustees' as Li (2007a) calls them, that will be reviewed in this thesis. But Loita leaders too aim to change, lead or control the lives – the conduct – of people in Loita. Whereas practices of government by state institutions and international organizations are best studied in their interventions, those of Loita leaders can best be captured in the arena of the meeting, as will be argued later. Despite the empirical pervasiveness of the state in people's lives (Trouillot 2001), analytically, non-state governing agencies and actors should be seen as 'operating on the same level' as the state and approached

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3    I do not explore 'the government of oneself' in this study.
4    The list of authors that have analysed development and conservation interventions explicitly from a governmentality perspective is growing fast (Li 2007a; Bryant 2002; Sending & Neumann 2006; Watts 2003; Bose *et al.* 2012; Agrawal 2005; Corbridge *et al.* 2005).

'within a common frame' (Ferguson & Gupta 2002: 994). The concepts of government and governmentality, with their focus on governmental practices, provide this common frame.

Ferguson & Gupta (2002) recognize the plurality of actors, agencies and institutions involved in practices of government and propose the term 'transnational governmentality' to draw attention to the complex and shifting alliances and networks being set up on a global scale and 'beyond "the state"' (Li 2005).

> These include not only new strategies of discipline and regulation, exemplified by the WTO [World Trade Organization] and the structural adjustment programs implemented by the IMF [International Monetary Fund], but also transnational alliances forged by activists and grassroots organizations and the proliferation of voluntary organizations supported by complex networks of international and transnational funding and personnel. The outsourcing of the functions of the state to NGOs and other ostensibly nonstate agencies, we argue, is a key feature, not only of the operation of national states, but of an emerging system of transnational governmentality. (Ferguson & Gupta 2002: 990)

The value of the term transnational governmentality lies in the fact that it highlights how governmental interventions not only originate out of the efforts of a single governing institution, but more often than not out of the transnational *collaboration* of different governing agencies. The IUCN project, for instance, came about through the alliance of an international environmental organization (IUCN) and a group of Loita leaders that were closely linked to an NGO in Loita.

The concept of transnational governmentality was coined by Ferguson & Gupta to highlight a form of government linking 'grassroots' organizations with international and global organizations to the exclusion of the state. Yet, as Sending & Neumann (2006) show in their cases on the international campaign to ban landmines and international population policy, states and (transnational) non-state actors may also work together when it comes to governmental interventions. The land adjudication programme, for example, was a combined effort of the Kenyan state and funding agencies such as the World Bank, USAID (United States Agency for International Development) and ODA (the UK's Overseas Development Administration) (Rutten 1992: 107).

This study focuses on how governmental interventions change the way people engage with land and the forest, and with each other in relation to land and the forest. This will lead to an exploration of interventions that specifically target the behaviour of people regarding land and forest (such as the land adjudication programme and the IUCN project) and those that do not, but that have nevertheless affected people-environmental relations in Loita. State interventions in the colonial period, for example, were primarily concerned with state-making but they did set the conditions for many subsequent human-environmental dynamics. Let me briefly discuss the nature of these colonial state interventions before moving on to a description of the character of the interventions that happened later in Loita.

In his book *Seeing Like a State*, James Scott (1998: 2) asks: '[h]ow did the state gradually get a handle on its subjects and their environment?'. His answer can be succinctly summarized as follows: by attempting to make people and the land 'legible' through what he calls 'state simplifications'. State simplifications involve the creation of categories abstracted from complex and dynamic socio-environmental realities so that they are understandable, useful and relevant to a centralized state. Standardization,

homogenization and grid-making are key terms in the process of simplification. The resulting models or 'abridged maps' (*Ibid.*: 3) respond to state interests by facilitating state objectives such as taxation, conscription and political control. Although Scott based his observations on the early modern European state, his analysis bears striking resemblance to practices by early colonial states (Geschiere 2007: 129). In Kenya, the early colonial period was a time when state control over its newly acquired territory and its population was still fragile and weak. The need for administrative order to assert political control and strengthen state power was therefore imperative. State-making was coupled to indirect rule and it is within this context that the first governmental interventions by the colonial state took place in Loita. These interventions were part of the attempt to make the new territory and the diversity of its people legible by dividing the Kenyan territory into 'tribal' land units headed by appointed 'native authorities'. Making legible, or constructing a 'field of visibility' as Dean would put it (2010: 41), is an important first task of government. It was intrinsic to governmental interventions in the early colonial period, whose ultimate aim was to make government by the new colonial state possible. Practices of simplification and legibility are thus integral activities of state government and were apparent in the early years of state formation.

Towards the end of the colonial period, interventions started to present themselves in the form of programmes and projects under the banner of development and/or nature conservation. The state-led land adjudication programme, Narok County Council's plan to turn the Naimina Enkiyio Forest into a nature reserve, and the IUCN forest co-management project all fall within this category. Unlike the interventions of legibility, whose commonality rests on the fact that they share the same governing authority in a specific phase of its institutional development, namely the colonial state in its formative stage, this second group is organized around a common discourse. Many state interventions, especially those towards the end of the colonial period and following independence, happened in the name of development and/or conservation. But other governing agencies, such as NGOs or international environmental organizations, justify their interventions in these terms too. This group of interventions is therefore different from the first category of governmental interventions because it involves a plurality of governing authorities although there is a common discourse.

A pervasive aspect of this discourse is the desire to improve things. Governmental interventions in the name of development and nature conservation are 'traversed by the will to improve' (Li 2007a: 6) or what Dean (2010: 44) calls 'the Utopian element of government'. The will to improve is an aspect of government that Foucault discusses in his exploration of governmentality as a historical form of power or rule and that Li, as the title of her book *The Will to Improve* (2007a) indicates, has as central to her study (see also Li 2007b). For Foucault (2001: 216), the wellbeing of the population is the goal of government. Contrasting sovereignty as a form of rule whose purpose is the act of government itself, he claims that 'government has as its purpose … the welfare of the population, the improvement of its condition, the increase of its wealth, longevity, health, and so on …' (*Ibid.*: 216-217). This will to improve the condition of the population, help people and make the world better should 'be taken at its word' (Li 2007a: 9). The will 'is both benevolent and stubborn' (*Ibid.*: 283) and 'expansive' (*Ibid.*: 6), yet

programmes of improvement may have damaging effects (*Ibid.*: 2). As Li (*Ibid.*: 1) explains: '[i]ronically, these programs, intertwined with other processes and relations, set the conditions for some of the problems that exist today', though they also bring about changes that people want. Despite the fact that interventions may have damaging effects and there can be 'instances of bad faith', one should not assume a hidden agenda (*Ibid.*: 9). The contradiction between a sincere desire to help people, i.e. the will to improve, and the observation that interventions often make people and their environments worse off than they were before is a striking feature of development and conservation interventions, and a theme that has been taken up by many writers. Scott (1998), for example, looked into some of the disasters in the twentieth century that resulted from well-intended state-initiated development schemes, as the subtitle of his book *How Certain Schemes to Improve the Human Condition Failed* suggests.

The promise of improvement is a common justification for development programmes and nature conservation projects. We will see later how Narok County Council justified its plan by referring to the benefits of developing the forest for tourism: it promised to create local jobs and solve the environmental problems in the nearby Maasai Mara National Reserve by alleviating the pressure of mass tourism there (LNECTC 1994: 5; CCD 'Statement': 6(j)). Interventions to conserve the environment typically appeal to the idea of the global significance and environmental heritage of biodiversity hotspots (Li 2007a; Bryant 2002: 275-276) or particular animal species (van den Bergh 2014) and emphasize the need to protect dwindling global commons of biodiversity and wildlife from the damaging activities of local communities (Robbins 2004: 149). IUCN's mission was the conservation of biodiversity. As will be seen later, IUCN justified its intervention in Loita by referring to the inadequacy of traditional institutions to manage the forest sustainably and the need for IUCN's technical advice to deal with new pressures and demands on the forest (L/PNEFICDP undated: 4).

Foucault originally coined the term governmentality to analyse the exercise and operation of the form of power that is inherent in practices of government. The position of trustee is 'defined by the claim to know how others should live, to know what is best for them, to know what they need' and this claim of knowing better − of expertise − is a claim to power and authority (Li 2007a: 4-5). Government is thus about exercising power and authority. It is a type of power that works by (re-)shaping the conditions of social life that determine the conduct of people (D. Scott 2005). It is a very subtle and diffuse form of power that 'operates by educating desires and configuring habits, aspirations and beliefs' (Li 2007a: 5, 25, 2007b: 275) and people are not always aware of this (Foucault 2001: 217; Li 2007b: 275). The notion of governmentality, therefore, opens up avenues to study this subtle form of power – how it works and what it does – contained as it is in the interventions of governmental programmes, projects, schemes and policies. From the Foucauldian-inspired literature, three main analytical concepts have emerged that make an analysis of governmental power possible. These concepts not only constitute the way the concept of governmentality is generally broken up but also reflect lines of investigation in the governmentality literature. I will briefly discuss these and then position the present research within this field of governmentality studies.

Inda (2005) distinguishes three closely related analytical themes or lines of investigation at the heart of governmentality studies: political rationalities, technologies of government and the formation of subjects. Technologies of government and political rationality are often mentioned in one breath. Lemke (2000: 2, 2001: 191) sums up the relationship between these two concepts very comprehensively: 'The semantic linking of governing ('gouverner') and modes of thought ('mentalité') indicates that it is not possible to study the technologies of power without an analysis of the political rationality underpinning them'.[5] Political rationalities are the 'intellectual machineries' (Inda 2005: 7) that explain social reality and make it amenable and manageable to governmental intervention – 'governable' in one word – and which typically justify intervention in terms of solutions provided to previously formulated problems. Problematization, i.e. identifying some aspect of conduct that needs to be rectified, is thus a key practice of government (Dean 2010: 38; Li 2007a: 7) and 'a highly political act that may or may not be grounded in scientific "fact"' (Bryant 1998: 88). Technologies of government refer to the practical translation of political rationalities into specific and concrete forms of governance, such as programmes, policies, schemes and projects for implementation and intervention (Dean 2010: 32). Li (2007a: 7) captures this practice as 'rendering technical'. The land adjudication programme and the IUCN project are both examples of technologies of government underpinned by political rationalities. When implemented, they act directly on the previously defined subjects and their environment with the aim of reforming the conduct of people in a certain way. The exercise of governmental power is at its clearest here in its intention to direct and regulate people's behaviour, which is why technologies of government are often interchangeably called technologies of power.[6]

Scholars concerned with governmentality have overwhelmingly focused on the study of political rationalities and technologies of government. Less attention has been given to the theme of subject-making and the actual effects of governmental power on subjectivities and identities. Although some scholars consider effects to be beyond the agenda of governmentality analysis (for example, Rose *et al*. 2006: 99-100), others, like Agrawal (2005) and Li (2007a, 2007b), argue that outcomes, consequences and effects of governmental interventions on the lives of targeted populations should, at least, be related to, and perhaps even included in, governmentality studies. Studies that have ex-

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5   In the literature, the notion of technologies of government is alternatively referred to as technologies of power, political technologies (Merlingen 2006), technologies of rule (O'Malley *et al*. 1997), techniques of government (Bevir 1999; Lemke 2000), the technical aspect or techne of government (Dean 2010) or simply technics (Inda 2005). Political rationalities are also called political reasons (Inda 2005), political knowledge (Lemke 2000), rationalities of government (Inda 2005) or simply reasons (Inda 2005).

6   Lemke (2000: 5-6) explains that Foucault identifies three types of power relations. 'Strategic games' are the casual and transient ephemeral power relations found in everyday life that result when some people try to determine the conduct of others; and 'domination' results from more rigid, stable, irreversible and asymmetrical power relations, where the subordinated persons are limited in their behaviour. Domination can result in states of domination. 'Government' lies between the two and 'refers to more or less systematized, regulated and reflected modes of power', i.e. 'technologies'. Technologies of government play a role in the creation of states of domination: '[t]echnologies of government account for the systematization, stabilization and regulation of power relations that may lead to a state of domination'. See also Merlingen (2006: 191-192).

plored the effects of governmental interventions on subjects show that although subjectivities may at times transform so that people become the envisioned subjects of governmental programmes (see Agrawal's 2005 study of environmental subjects in Kumaon, India), governmental interventions have, in other cases, stimulated unintended subjectivities that even contest the governmental programmes that target them (Li 2007a). Or, as Bose *et al*. (2012) demonstrate, subjects may resist imposed identities at first, only to internalize them later. Such studies raise questions as to the 'the docility of the governed' (Merlingen 2006: 190), a topic that has been generally unproblematized in the governmentality literature, and the (in)capacity of governmental practices to succeed in producing the subjects that they seek to create (Inda 2005: 10-11). Outcomes of governmental interventions are unpredictable and therefore merit study. The theme of subject-making overlaps with the political ecological study of articulations and the effects of governmental interventions. The present study aims to contribute to this research niche by examining the political process of subject-making and exploring what happens with the targeted subjects when governmental programmes and projects intervene in their lives.

## Changing land tenure: from access to property

*Access*

The introduction to this thesis (Chapter 1) discussed the struggle by the Loita Maasai to maintain access and control of their land and forest. Clear definitions of the terms 'access', 'control' and even 'maintain' are therefore required. Ribot & Peluso (2003) developed a theory of access to natural resources and defined access as 'the ability to benefit from things' (*Ibid*.: 153, 155),[7] with the 'things' in this study being land and the forest and the most important 'benefit' being the material and immaterial use of resources. By differentiating between 'access control', 'access maintenance' and 'gaining access', Ribot & Peluso offer a practice-oriented approach that allows for the empirical investigation of the *process* of access. Gaining access refers to 'the more general process by which access is established' (*Ibid*.: 159). Access control and access maintenance go together because access maintenance involves efforts, like expending resources or investing in a social relationship 'to keep a particular sort of resource access open' (*Ibid*.: 159) that is controlled by another actor – an individual, a group of people or an institution. Control over access is, thus, defined as 'the ability to mediate others' access' (*Ibid*.: 158). So when writing about 'control' in the context of tenure practices and forest conflicts, reference is actually being made to 'access control'. Controlling access is, as we shall see later, a form of government.

In Ribot & Peluso's definition of access, the term 'ability' is key because it refers to the relations of power 'that can constrain or enable people to benefit from resources' (2003: 154). The concepts of access control and access maintenance clearly involve a power relation. In the case of the former, an actor or institution holds the power to direct and regulate access of others, and in the latter, an actor depends on his/her ability, or power, to successfully keep a certain resource access open through his/her relationship

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[7] They draw on their own previous work on access (Ribot 1998; Peluso 1992) and on that of others, such as Berry (1989).

with the actor or institution that controls and governs access (*Ibid*.: 154, 158-159; Ribot 1998: 311). By focusing on 'the range of powers … that affect people's ability to benefit from resources' (Ribot & Peluso 2003: 154), Ribot & Peluso take notice of the political dimension of the distribution of access.

The concept of access is both the starting point and the common denominator in this analysis of tenure transformations on the one hand, and of the forest conflicts on the other. In each case, however, it is deployed differently as it engages with different theoretical debates and combines with other concepts.

*The grey zone between access and property*

Struggles over land in Loita arise from attempts by families to gain access to land for cultivation and settlement that had previously been used collectively for the seasonal grazing of cattle, sheep and goats. Gaining access to land involves practices of appropriation that set out to exclude others from using the land unless permission has been granted: families thus also attempt to control access. Practices of appropriation in Loita are thus employed both in the process of gaining access to land and while controlling access to land.

The practices of appropriation employed by Loita Maasai families convey and substantiate claims of individual property over accessed land, advancing the family head as the owner of the land. Claiming property is a way of access control (Ribot & Peluso 2003: 159). The concept of property helps to further specify and theorize the form of control that is pertinent to the topic of land tenure change in Loita. I follow Sikor & Lund's (2009: 3) understanding of property as 'legitimatized claims, in the sense that the state or some other form of politico-legal authority sanctions them'.[8] The difference between property and access resides in the fact that while property presupposes a legal or social sanction of claims to land, access does not because it refers to *all* the ways people can benefit from resources, including legal (such as property) and illegal ways, such as through theft or the use of violence (Ribot & Peluso 2003: 156, 161, 164). The concept of access is broader in scope than that of property. Hence property, or 'legal access' in Ribot & Peluso's terms (2003: 162), is a subset of access (Ribot & Peluso 2003). People in Loita use the language of property to justify access to land. Property, then, is a main 'mechanism of access' (*Ibid*.: 161) in Loita.

Access encompasses property (Ribot 1998: 310-312, 335-336; Ribot & Peluso 2003: 154-161) or at least they partially overlap (Sikor & Lund 2009: 3-6). Sikor & Lund (2009: 1) have called this overlap the 'grey zone' of access and property. In postcolonial and post-socialist countries, this grey zone is characterized by a 'central dynamic ... created by people's attempts to secure rights to natural resources by having their access claims recognized as legitimate property by a politico-legal institution' (*Ibid*.). This dynamic, which is manifest in the practices of appropriation that people in Loita employ when seeking to turn their gained access to land into recognized individual property, is the central topic of Chapters 9 and 10.

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8    Meinzen-Dick & Pradhan (2002: 6) offer a similar definition of property: 'Property rights may be defined as claims to use or control resources by an individual or group that are recognized as legitimate by a larger collectivity and that are protected through law'.

*Property as legitimized claims*

Property is approached here from the perspective of legal anthropology, which is concerned with how property operates in the real world as opposed to the more dominant instrumental or (neo-)utilitarian approach that debates how property regimes should best be designed (F. von Benda-Beckmann *et al*. 2006; Rose 1994: 1-7).[9] This means that by adopting Sikor & Lund's (2009) definition of property as legitimized claims, I choose a notion of property that centres on 'claims' over the more conventional idea of property as 'rights'. Although these two terms are often closely related in the property and access literature, and are sometimes used interchangeably,[10] I consider that a focus on claims and the practice of claiming better captures the dynamics and struggles surrounding property making and property unmaking that I observed in Loita. In addition, the term 'claims' offers a common language and a bridge between access theory and property theory, an argument I make in the next sub-section. Although most of the scholarly work that is discussed below holds for property in general, my interest lies specifically in land as an object of property. So when I talk about property, I refer more precisely to 'property in land'. Property in land, or landed property, is also called land tenure in the literature (see Ingold 1986; van Dijk 1996: 18).

The term rights, or property rights, has dominated the property scholarship ever since Maine coined the phrase 'a bundle of rights' to describe property in 1861 (see Ribot & Peluso 2003; F. von Benda-Beckmann *et al*. 2006; Ostrom & Schlager 1996; Schlager & Ostrom 1992; Meinzen-Dick & Pradhan 2002). The term rights is appropriate and useful for a synchronic snapshot analysis of property and may recognize the diversity of bundles of rights that exist empirically at that moment (Meinzen-Dick & Pradhan 2002; F. von Benda-Beckmann *et al*. 2006). Schlager & Ostrom (1992: 249-254) distinguish five property rights that individuals or groups can hold bundled (often cumulatively) with regard to common-pool resources such as fisheries and grazing lands: the right of access,[11] the right of withdrawal, the right of management, the right of exclusion and the right of alienation (see also Ostrom & Schlager 1996: 130-137). The term rights, however, connotes a degree of permanency and fixedness that does not mesh well with calls by various authors to regard property, including land tenure, in its diachronic dimension as changing, relational and negotiable (F. von Benda-Beckmann *et al*. 2006; Meinzen-Dick & Pradhan 2002; Juul & Lund 2002; Berry 1993; Hann 1998; Leegwater 2011). 'Claims' better describes the temporariness, contingency and negotiability of the prop-

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[9] Given the extensive literature on property, my discussion of property is limited here to those aspects of property theory that find resonance with my empirical findings. I cannot avoid engaging in some of the theoretical debates on property and not in others. For a description of the sub-discipline of legal anthropology (also called 'the anthropology of law'), see F. von Benda-Beckmann (2008).

[10] As in the following description of property: 'property generally evokes some kind of *socially acknowledged and supported* claims or rights – whether that acknowledgement is by law, custom or convention' (Ribot & Peluso 2003: 156 original emphasis). Ribot & Peluso, in turn, take their cue from MacPherson's (1978) often-cited definition of property as 'a right in the sense of an enforceable claim to some use or benefit of something' (cited in Ribot & Peluso 2003: 155). See note 8 for another definition of property that reveals the close relationship between rights and claims.

[11] Their use of the word 'access' is different from the meaning of 'access' in access theory. Ostrom & Schlager use it to denote 'simple access', i.e. 'the right to enter a defined physical area and enjoy nonsubtractive benefits' (1996: 131), as in having the right to hike in a forest reserve but without having the right to harvest timber or other forest products (see Schlager & Ostrom 1992: 250).

erty investigated in Loita. By focusing on claims and the practice of claiming, I show that property is a process (Ingold 1986; Berry 1993) and not a finished product. Change and transformation are part of property. The word 'claims' also focuses attention on the agency of claimants and counterclaimants, as well as on those who validate their claims. We will see later that claiming land as individual property and legitimately sanctioning claims are not always simple or easy practices and they need to be seriously worked on by them.

*Appropriation as the link between access and property*

It was argued above that property as legitimized claims should be seen as a process. Ribot & Peluso (2003: 160) insist that access is a process and they also observe that claiming property is a form of access control (*Ibid*.:159). 'The key word is process' (Sikor & Lund 2009: 3). If we view both access and property as processes that revolve around claims and claim making, then I propose focusing on this common ground as a way of clarifying the grey zone between access and property. I suggest that a focus on the process of appropriation, with claim making as its key practice, adequately accounts for this common ground. Sikor & Lund (2009: 6) made a call to study the grey zone between access and property:

> [C]ompetition over access can in many ways be seen as the forerunner of property contestations where people try to secure their possession with recognition from a politico-legal institution. This calls for research into the economic, political and discursive practices that actors undertake in a terrain of competing claims when they seek legitimacy for their own (…). Moreover, it suggests the need to investigate the processes whereby property is made and solidified or challenged and, possibly, undone, directing our attention to social practices employed by actors and institutions seeking to legitimize their actions.

I suggest that appropriation best captures the process that sees access morphing into property and I propose that a focus on claim making adequately responds to Sikor & Lund's call. A notion of appropriation will help to understand practices of claiming land in Loita. Claim making will be tackled in the next sub-section.

Appropriation is making a thing one's own, according to Locke in Olivecrona's (1974: 222) interpretation. Appropriation, or how people accomplish appropriation, was key to Locke's treatise on the origin of property. According to him, appropriation was the beginning and foundation of the right to property (*Ibid*.: 223). Locke developed his theory on the origin of property with the history of agrarian enclosure in England in mind (*Ibid*.: 227). First reported in the fifteenth century but then gaining momentum in the seventeenth century, the rural population of England appropriated areas of common land for their own benefit by enclosing it (Kingston-Mann 2006: 62). The process of appropriation in Loita bears similarities with the history of enclosure in England: families attempted and succeeded in acquiring individual rights to property on previously commonly used land by demarcating and fencing it. Marx coined the term 'land grabbing' to describe the English enclosures (White *et al*. 2012: 621) and this is also the term people in Loita are using to describe the process of appropriation occurring there.[12]

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[12] 'Land grabbing' was also used to describe the attempt by Narok County Council to gazette the Naimina Enkiyio Forest, as recorded in the court case documents: 'He [the lawyer] did so on the 20th August 1993 and he alerted the Council and the relevant Government Ministries and Departments

Parallels can be found between the arguments used in Loita to legitimize the appropria-
tion of land and Locke's ideas on appropriation and property, such as the notion that
people have a right to benefit from land for their livelihood needs (Olivecrona 1974:
221) and that something becomes property when one adds one's labour (*Ibid*.: 224),
such as by cultivating a piece of land (*Ibid*.: 226).

Ingold (1986: 133) links property, process and appropriation more clearly to the
making of claims. He describes property in land, or land tenure as he calls it, as '*a mode
of appropriation*, by which persons exert claims over resources dispersed in space'
(original emphasis). He insists that 'every claim is part of a continuous process' (*Ibid*.:
138) to stress the importance of viewing property in its diachronic dimension. He also
argues that information is conveyed to others during the 'appropriative movement' that
communicates territorial demarcation, a kind of behaviour he describes as territoriality
(*Ibid*.: 130, 133, 135, 141, 143, 146-147). Speech is one way of communication but
when people are not in direct audio-visual contact, they resort to the language of signs:
'[t]hese signs have, as it were, to be "written" down onto the landscape (or seascape) in
the form of durable boundary markers of diverse kinds – notched trees, stone cairns,
buoys, etc. – whose implicit message can be "read off" on encounter by others' (*Ibid*.:
147). This communicative aspect of appropriation is key to my argumentation and will
be taken up in the next sub-section on claim making.

*Practices of land appropriation: grounding claims and talking claims*
If appropriation is the process of making land one's own, then the way to accomplish
this is to have one's claims to land socially or legally understood and accepted. As a
first step, claims to land need to be communicated and people have to be 'persuaded'
(Rose 1994) of their validity as individual property. Claiming land as property, as I not-
ed before, is a practice that needs to be worked on. It is 'hard work' (Juul & Lund 2002:
4) as it requires a considerable amount of effort and investment in resources, labour,
time and networks, but it also demands foresight and persuasive negotiating skills.

I identify two ways of claiming land. Land appropriation in Loita always starts with a
practice that I call 'grounding claims', which is part and parcel of the process of gaining
access to land. Grounding claims is the practice of inscribing and altering the landscape
with visible markers that are socially understood in Loita as conveying the notion of
individual property. A fence, for instance, is an example of a grounded claim, however
ramshackle it may be. It is a powerful assertion of property over the enclosed piece of
land: a 'statement' (Rose 1994: 1, 6). It is a 'technology of access control' (Ribot &
Peluso 2003: 165). Fences, with their connotation of exclusion, are frequent causes of
property-related conflicts (see Fortmann 1995). Disagreement over grounded claims can
similarly be expressed, for example, by destroying a fence. This would be an instance of
a grounded *counter*claim. As long as the grounded claims by a particular family to a
piece of land go unquestioned by others, they may be seen as socially legitimized claims
and accepted as property. When grounded claims are challenged, for example by a

including the Ministry of Local Government and the Attorney-General of our displeasure at the
manner in which the Council was attempting to *grab our land* and dispossess us of it and our rights
interests and benefits in it' (CCD 'Statement': 6 (r) emphasis added).

neighbour, an alternative practice of claim making is required. I call this second way of appropriating land 'talking claims'.

I borrow the label 'talking claims' from an article by Fortmann (1995) entitled 'Talking claims: discursive strategies in contesting property' but, although broadly referring to the same phenomenon, i.e. the use of speech (stories in Fortmann's case) as a strategy to claim property, there is one key difference between her use of 'talking claims' and mine that needs to be explained here. While Fortmann refers to stories told *within* the contesting groups, for example black villagers telling each other stories of their past and white commercial farmers recounting stories of their own good deeds among themselves, I use the notion of talking claims to refer to the face-to-face spoken claims and counterclaims *between* conflicting parties in the process of negotiating property and in the arena of the land dispute meeting.

Talking claims becomes a practice when disputants cannot solve an issue amongst themselves and the dispute is brought before a land dispute meeting to be debated by all those present, but ultimately resolved by one person who takes on the role of mediator. The elders who are approached to mediate land disputes are recognized leaders. The resolution reached by the mediating leader grants, rejects or adjusts a particular claim to land. Practices of claiming land as individual property occur both in the process of gaining access to land (grounding claims) and when claimants seek legitimization of their claims by the elders in general and the mediating leaders in particular (talking claims). If social or legal legitimization is granted, the land can be considered someone's property and the process of appropriation concerning that particular piece of land is complete.

The process of appropriation that leads one from access to property thus starts by claiming property. It is followed by seeking legitimization of these claims (social or legal) and ends with the consolidation of the claims when they are legitimized (i.e. property). This process is sequential and always starts with grounding claims. The process of appropriation may end here with the social legitimization of claims, but if grounded claims are challenged, they need to be followed up with talking claims. Both strategies of appropriation are discursive ways of claiming land and are thus forms of communication intended to persuade people to recognize these property claims: the former is 'written' on the landscape and the latter is spoken (aloud) during land dispute meetings.

*Governmentality and appropriation in the arena of the land dispute meeting*
Land dispute meetings highlight two dynamics that pertain to the field of appropriation. On the one hand, they serve as the arena where claims are 'talked' by disputants as part of their efforts to appropriate land. On the other, land dispute meetings are events where land appropriation is governed. This second dynamic links up with the concept of governmentality.

Talking claims and governing appropriation correspond with what F. von Benda-Beckmann *et al.* (2006) call 'concretised social relationships' and the 'legal-institutional' analytical layer of property respectively. These two layers are part of four analytical layers they identified where property manifests itself and can be studied em-

pirically.[13] In the layer of concretized social relationships, property relations 'find expression at the layer of actual social relationships, that is, in relationships between actual property-holders with respect to concrete valuables' (*Ibid*.: 19). An example would be a statement such as: 'This is my field because I cleared it'. Concrete property relations substantiate categorical property relationships, which are constructed from general categories of property relations by specifying property holders, property objects and the rights and obligations attached to these, as well as detailing the rules and procedures for acquisition and the transfer of such valuables (*Ibid*.: 16). Categorical property relationships belong to the 'legal-institutional' analytical layer of property, where property relations between people with respect to valuable things are legally or socially formalized (*Ibid*.: 17). An example is the following normative statement: 'If you leave a locality, you lose your rights to land in that locality'. Property in the legal-institutional layer is not the same as property at the layer of concretized property (*Ibid*.: 3, 20, 26, 27). In the same vein, legal *rules* regarding marriage are different from the *actual* relationship between two married people, to borrow the analogy with marriage offered by F. von Benda-Beckmann *et al.* (*Ibid*.: 15).

In practice, however, elements of property at the different layers interact in myriad ways, mutually influencing what property is in the separate layers (*Ibid*.: 15, 16). I suggest that land dispute meetings, when disputants justify their claims to concrete property objects (thus expressing *concrete* property relations) with reference to property rules (indicating *categorical* property relationships), are empirical events where this interaction occurs (*Ibid*.: 15, 25). This thesis discusses a case where a dispute over concretized property practices leads to negotiations over categorical property and gave rise to new forms of property rules (Chapter 10). On the contrary, the formulation of new property rules can also have far-reaching implications for concrete property situations (*Ibid*.: 28, 30-31).[14] The analytical framework outlined by F. von Benda-Beckmann *et al.* (2006) offers a valuable way for analysing the way property is created, maintained and changed. This research investigates this dynamism by studying property in land at the interface of the legal-institutional layer and the layer of concretized property relationships. Land dispute meetings provide the empirical setting where the interaction and interrelationship between these two analytical layers of property will be studied.

When disputants 'talk claims', the concern is their mutual property relationship in relation to the disputed tract of land. Here, property comes in the layer of 'concretized social relationships' but in land dispute meetings, it is also discussed more abstractly in terms of categories and rules. This is property in the 'legal-institutional' analytical layer. In both cases, property is negotiated and land dispute meetings therefore reflect processes of negotiation of different orders about concrete property and categorical property. When studying property in the legal-institutional layer, one enters the realm of law.

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[13]   The third and fourth analytical layers are the layer of ideology (where property relations are expressed in cultural ideals, ideologies and philosophies, such as communism, capitalism or neoliberalism) and the layer of everyday social practice of which property forms a part.

[14]   Certain dispute rulings, such as Snyder's (1981) case of a land dispute in Senegal shows, can be decisive for future legitimate access to land. His study demonstrates how new legal categories were formulated that gave legal claims over land to people who had previously lacked this basis for making claims.

Law – whether state law, customary law or any other form of law – is a source of legitimacy for property claims (Ribot & Peluso 2003: 156, 163). It spells outs regulations for use, access and property (land and resources). The regulations may range from *ad hoc* agreements and basic principles to more solidified social values and norms, or they may take a higher institutionalized form where a whole repertoire of rules and procedures guides legitimate use, access and property of land (Sikor & Lund 2009: 3; F. von Benda-Beckmann *et al*. 2006: 17). I use the term 'Loita Maasai law' or simply 'Loita law' to describe the unwritten rules that are used to validate property claims and solve land disputes in meetings. With 'rules', I refer to the 'generally agreed-upon and enforced prescriptions that require, forbid, or permit specific actions for more than a singular individual' (Schlager & Ostrom 1992: 250, following Ostrom 1986). Loita law is not a fixed pre-colonial relic. Rather, and as Moore (1989) showed for Chagga law, Loita law is adaptive, accommodating and flexible, changing in interaction with new practices and changed circumstances or when new rules are devised and old ones discarded, or existing ones are modified to keep up with the times. Law is subject to change (Starr & Collier 1987) and should therefore be approached as a process (Moore 1978, 1972). This is not a new phenomenon, but it is of all times.

I distinguish Loita law from state law, which is the domain of magistrates, judges and lawyers who refer to the written laws of Kenya to plead for their clients or adjudicate disputes in the arena of the court. Loita law is rooted in the shared social experience and history of the Loita Maasai. Kenyan state law, on the other hand, was drawn up by legislatures and is enforced by the state. The relevance of both Loita law and state law in Loita characterizes Loita as a plural legal social field. Legal pluralism refers to the coexistence and interaction of multiple normative or 'legal orders' with different institutions and authorities and different sources of legitimacy within a single social setting (J. Griffiths 1986; Meinzen-Dick & Pradhan 2002: 4; Benjamin 2008: 2258). The legal order of the Kenyan state derives legitimacy from state law, is formed by institutions such as the state court, and includes actors such as magistrates and judges. In the Loita legal order, Loita law that pertains to land tenure is enacted by mediating leaders in the arena of the land dispute meeting.

Mediating leaders arbitrate and settle land disputes with reference to Loita law. They are the ones who exercise the 'politico-legal authority' that sanctions and recognizes claims as legitimate property (Sikor & Lund 2009: 1, 3, 6, 8). In the face of changing land tenure practices, it is their task to resolve and decide which claims to land are valid and which are not. Thus, in the process of mediating a land conflict between two disputants, they govern access and property. Mediating leaders simultaneously govern, manage and direct the behaviour of people in relation to land appropriation. Government entails *any* attempt to shape aspects of human behaviour in a rational way according to particular sets of norms (Dean 2010: 18-19). At land dispute meetings, leaders attempt to regulate and control the behaviour of others with arguments that are in accordance with Loita law. Land dispute meetings are thus arenas where governmentality can be studied and law, with its set of rules and procedures on punishing those who break the rules, is used as a 'tactic' of government (Foucault 2001: 211). Its aim is to correct the behaviour of the culprit and discourage others from misbehaving and following in

his/her steps. What leaders do at land dispute and other meetings should be considered attempts at governing the people of Loita.

## Reframing the Naimina Enkiyio Forest conflicts

The forest conflict with Narok County Council caught the attention of a number of scholars (Péron 2000; ole Siloma & Zaal 2005; Zaal & ole Siloma 2006; Adano *et al*. 2012; Zaal & Adano 2012). The conflict surrounding the IUCN project, though ending in deadly violence, did not however. The analysis presented in this study makes a contribution to the existing literature because it studies both forest conflicts in relation to each other and, by doing so, casts new light on the Narok County Council conflict. This is made possible by being particularly attentive to the underlying struggles of the forest conflicts, especially those within Loita's leadership.

*Politicization and ecologization*

Each of the scholars referred to above have analysed the Narok County Council conflict against the backdrop of a different academic debate. Péron (2000) emphasizes neo-patrimonialism and the recourse of the Loita to state law and the international movement on indigenous people's rights. Ole Siloma & Zaal (2005) focused on 'neo-African governance' institutions and the role they played in the resolution of the conflict. Zaal & ole Siloma (2006) placed the Narok County Council conflict in debates surrounding pastoral poverty, institutions and political networks. Adano *et al*. (2012) and Zaal & Adano (2012), with the latter based on the former and thus advancing very similar arguments, look at the interrelationship of institutional arrangements, violent resource conflict and climate change. My analysis places the Naimina Enkiyio Forest conflicts in the political ecology debate.

In the case of the forest interventions, I examine how governmental interventions articulate with existing processes, practices, struggles and relations in Loita. We already know that in both the case of the Narok County Council and the IUCN interventions, the articulation was conflictive, or even violent, and mixed issues of access and control with politics and power. Conflicts of this sort have been a staple in political ecology. There are two broad lines of argumentation in political ecology that explain environmental or resource conflicts. The most commonly used sees struggle over access and control as being at the root of the conflict. In this view, environmental issues 'become "politicized" when local groups (gender, class, or ethnicity) secure control of collective resources at the expense of others by leveraging management interventions by development authorities, state agents, or private firms' (Robbins 2004: 173). The second line of explanation is less common. The argumentation here is not that an environmental issue has become 'politicized' but rather that a political issue has become 'environmentalized' or 'ecologized'. 'Existing and long-term conflicts within and between communities are "ecologized" by changes in conservation or resource development policy' (Robbins 2004: 173). Robbins (2004) coined two phrases to describe these lines of argumentation: 'the politicization of ecology' and 'the ecologization of an existing political struggle', respectively. Both tendencies can be seen in the Naimina Enkiyio Forest conflicts and, to understand the intricacies of these conflicts, the two approaches will

therefore be explored. Chapter 8, which considers the forest conflicts, elaborates on both these approaches.

### *'Community', collaboration and shifting alliances*

'Local communities', according to Ferguson & Gupta (2002: 981), 'have historically constituted the objects of anthropological inquiry'. By studying the cultures or social systems of local, often rural, communities (Gupta & Ferguson 1997), early anthropologists have tended to see wholes and bounded entities rather than internal cleavages and conflicts. Despite long being (correctly) criticized in the field of anthropology, this tendency appears to be particularly difficult to dislodge and has contributed to ideas of verticality that label communities as local phenomena, states as national-level phenomena and international institutions as operating at the global level. Ideas of verticality, or more precisely of vertical encompassment, have, however, been confounded by the phenomenon that Ferguson & Gupta (2002: 995) called 'transnationalized local actors', such as local grassroots NGOs that are funded by international donors. Are these local or global phenomena? Transnationalized locals 'question both commonsense assumptions about the verticality of states as well as many received ideas of "community", "grassroots" and the "local", laden as they are with nostalgia and the aura of authenticity' (*Ibid.*: 990). Of importance here, as Ferguson & Gupta (2002: 983) note for state verticality, is that:

> [a]n imagined topography of stacked, vertical levels also structures many taken-for-granted images of political struggle, which are readily imagined as coming 'from below', as 'grounded' in rooted and authentic lives, experiences, and communities. The state itself, meanwhile, can be imagined as reaching down into communities, intervening, in a 'top down' manner, to manipulate or plan society.

Such understandings of struggle and resistance are often permeated by a romantic view of traditional communities that are menaced by the state and the modern world and are common in popular discourse but also found in the academic literature. As will be shown in Chapter 8, the majority of the analyses of the Narok County Council conflict, but particularly that of anthropologist Péron (2000), have tended to frame the conflict as being between the local Loita community on the one hand and powerful state actors on the other. As I will show by analysing the IUCN conflict in conjunction with the Narok County Council conflict, the forest conflicts cannot be readily understood by looking at them in these terms and it will become clear that 'transnationalized local actors' have much more leverage than one might have expected.

I have already argued for attention to be given to the (transnational) alliances and networks in governmental interventions. This is an alternative approach to the one that analyses governmental interventions in terms of 'local', 'national' or 'international' levels. By focusing on the intra-Loita leadership division to understand the Naimina Enkiyio Forest conflicts, I move away from a conception that sees 'local', 'traditional' and 'rural' 'communities' (as the Loita Maasai are often portrayed) as being unified and homogeneous, to a more political approach that acknowledges that the global is present in the local and that 'recognize[s] their internal differences and processes, their relations with external actors, and the institutions that affect both' (Agrawal & Gibson 1999: 630). This approach implies a reorientation and reframing of the forest conflicts and a

different appreciation of who was fighting who and why. Rather than interpreting the conflicts as a fight between the local Loita community on the one hand and a state institution and a global environmental organization on the other hand, I instead focus on the changing alliances and networks (Ferguson & Gupta 2002) and the 'contingent collaborations' and 'global connections' (Tsing 2005) that linked political actors in Loita with state and other governing actors over time.

## The state, self-government and the art of not being governed

Foucault (2001) uses the terms governmentality and the 'art of government' interchangeably. Calling government an 'art' 'suggest[s] that governing is an activity that requires craft, imagination, shrewd fashioning, the use of tacit skills and practical know-how, the employment of intuition and so on' (Dean 2010: 28). The art of government by Loita leaders in their attempt to guide and change people's conduct in the context of land dispute meetings is considered in Chapters 10 and 11. A focus on the governing practices of Loita leaders, elucidates an 'art of not being governed' at the same time. James Scott's (2009) book entitled *The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia*,[15] describes how the remoteness and inaccessibility of upland South East Asia (Zomia) enabled its inhabitants to devise social practices that would ward off attempts by classical states in the valleys to govern them. He argues that social practices as disparate as the choice about which crops to grow, levels of literacy and local leadership patterns should be seen as 'political choices *vis-à-vis* state power' (*Ibid.*: 32). Although differences in time, scale and place exist, similarities between Zomia and Loita are to be found not only in their relative distance from state centres but also when looking at the political strategies employed by Loita leaders in response to increasing state influence and interventions since the colonial period.

The strategies by Loita leaders *vis-à-vis* an encroaching state have, however, been more than only an attempt at not being governed and are also a claim to autonomy and self-government. Li (2007a: Ch. 4 & 5) discusses a political response that conveyed claims to self-government, something that was triggered by a number of governmental interventions. These interventions fell under the label of 'integrated conservation and development' and were devised by transnational donors and NGOs. They targeted the inhabitants of the villages that bordered the Lore Lindu National Park in the Central Sulawesi highlands in Indonesia because they crossed park boundaries illegally for agriculture, hunting and the harvesting of timber and rattan. The project's objectives ranged from increasing the agricultural productivity of land outside the park and promoting alternative sources of income for the landless or near-landless to educating villagers and officials about the value of conservation. An unintended and adverse effect of these interventions, as a result of mixing with other processes and struggles, was the large-scale occupation and clearing of the forest inside the park in the Dongi-Dongi Valley by villagers who called themselves the Free Farmers' Forum in 2001. A very concrete way in which the claim to self-government by this group was conveyed was the banner they hung over the road at the entrance to the occupied area that read: 'You Are Entering the

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[15]  Interestingly, Scott makes no reference whatsoever to Foucault or the governmentality literature.

Sovereign Domain of the Free Farmers Forum' (Li 2007a: 158). When farmers were quizzed about the banner and the word 'sovereignty', Li (2007a: 162) was told that:

> 'It means we can organize ourselves according to our own customary laws,' they answered. 'We can work together; we are not organized by the government.' Or, more simply, 'It means we have our own rules.' Despite the brave words, the forum leaders were finding it quite difficult to organize more than a thousand families and enforce 'their own' rules.

The case of the Free Farmers' Forum is a clear example of a struggle for self-government.[16] It emerged as a response to the unmet promises of the governmental interventions that were experienced 'as one among other forces shaping and constraining their lives' and the failure to address their landlessness (Li 2007a: 155). It expressed the wish for freedom and independence from the state and other governing actors so they could organize themselves according to their own laws and rules. The quote above also highlights the difficulties that the Forum leaders encountered when trying to make self-government work. It is against the backdrop of these debates on the art of not being governed and self-government that the struggle by Loita leaders for the authority to govern Loita is analysed in this thesis.

To understand the struggle for self-government and for not being governed in relation to the state, it is necessary to briefly discuss how the state is viewed in this thesis. In line with an anthropological and historical approach, this study moves away from seeing the state apparatus as a unified and homogeneous entity and instead recognizes that it consists of separate state institutions that may exist and develop amid tensions and rivalry between each other (Geschiere 2007: 130; Hansen & Stepputat 2001: 6-7). Processes of state formation (Geschiere 1993, 2007: 130) and everyday practices of state-building (de Vries 2012) therefore receive attention as they affect and co-produce Loita's dynamics and changes surrounding leadership, land tenure and forest conflicts. To understand how Loita was gradually made 'legible' by and for the state in the process of (colonial) state formation (Scott 1998), I consulted archival sources, particularly the official (state) *Kenya Gazette*, where legislative notices and public announcements are placed, and which is now available online.[17] Chapter 4, for example, draws on these sources to discuss how emerging state institutions created new leadership positions in Loita that shaped and transformed Loita's existing political organization. The focus will be on how the state manifests itself empirically in Loita, how it is experienced in daily life (Hansen & Stepputat 2001), how it is present in people's 'encounters' with state power (Trouillot 2001), and how it is 'seen' (Corbridge *et al.* 2005) by the people. Encounters can take the form of personified meetings with state representatives, officials, employees or even Prime Minister Raila Odinga (see Chapter 1). People also experience the state through its policies and programmes of improvement and their effects (Trouillot 2001: 131). In this sense, the state is seen as a provider and patron of development. The state is also viewed as the source of an alternative legal system. Chapter 11 will show that the state was present at a land dispute meeting in the form of a piece of paper

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[16]  The case of the Zapatista autonomy movement in Mexico is a more extreme example (Stahler-Sholk 2007; Stephen 1997).

[17]  See http://books.google.co.ke/books/about/Kenya_Gazette.html?id=SiZddRcP0BcC accessed 23/10/14.

− the so-called P3 form − that is a legal document that can be produced in court as evidence of bodily harm and, as such, implies the arrest of an offender. It thus symbolizes the power of state law in Loita. In summary, the state will be studied in its localized forms, its empirical manifestations, its personifications and its interventions and effects.

Akin to the notion of the land dispute meeting as an arena I consider the idea of a broad, more abstract and historically produced 'arena' useful when mapping and analysing the powers and struggles reviewed in this section.[18] This will allow an evaluation of how social change is linked to governmental power, the political struggle for self-government and not being governed, and the dynamic power relations between trustees and targets as well as those between differently positioned governing actors.

## Methods of research

This thesis is built around data collected during periods of residence and short visits to the field area between July 2001 and March 2010. The longest period of time that was spent in the field was the eighteen months of continuous residence between July 2007 and December 2008.[19] From a central base in Entasekera, I crisscrossed Loita territory on foot, by car or by hitching to visit homesteads, temporary cattle camps, markets and manyatas or to attend meetings, ceremonies and other important events. My research assistant Lenaai ole Mowuo was my indispensable companion on all these trips. The methods were qualitative and ranged from informal conversations to more focused interviews, from participant observation while staying with families to observation only during meetings when my active participation was not appropriate. During my stay in Loita, a rare age-group ceremony that only occurs approximately every 30 years called the 'raiding party of the brisket' ceremony (*enjore e nkiyieu*) at the 'manyata of the feathered headdress' (*emanyata oo nkorrenkel*) was held and I took the opportunity to include it in my fieldwork. A great deal of time and effort went into following and documenting its preparatory phase, the ceremony itself as well as its aftermath. This gave me priceless insights into age-group dynamics and although part of this material is incorporated in this thesis, a more thorough analysis still needs to be made of it. The ethnographic material used in this thesis has been arranged in three main blocks, each associated with a particular technique of data collection: a longitudinal study of six families, focused interviews with key informants on various subjects and the documentation of a wide range of meetings. The blocks are not mutually exclusive and overlap at times. For example, there was the case of a member of a family that I was following for the longitudinal study who called for a land dispute meeting that I subsequently attended and documented. And when the head of another family in the longitudinal study, who was also a Loita leader, became a key informant who I interviewed several times about leadership and politics in Loita.

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[18] What I mean by arena here bears some similarities with Nuijten's concept of 'force field' (2005).

[19] Fieldwork for my Masters thesis was carried out between mid-July and early November 2001. Additional three-week visits in 2004 and 2005 were made to Loita to conduct exploratory fieldwork (Dec 2004-Jan 2005), to film (Jan-Feb 2005) and to hold feedback workshops (Sep 2005) about a documentary on the *eunoto* ceremony of the Iromboi circumcision-group in Loita. Research visits after the long-term field stay of eighteen months took place in February/March 2009, August 2009, September 2009, February 2010 and March 2010.

*Longitudinal study*

The aim of the longitudinal study was to gain an understanding of the lives and livelihood strategies of the Loita Maasai in order to place the land- and forest-related issues in the appropriate social context. Exploratory research indicated that there was a major difference between families that were considered wealthy because they owned large cattle herds and those with smaller herds who were considered less wealthy. It also revealed that livelihood practices varied between seasons. Six families were selected and approached for the longitudinal study: three were small herd owners (with between 10 and 20 head of cattle) and the remainder were large herd owners (with 100 to 300 head of cattle). The selection also considered the geographical location of the homes so as to cover the whole Loita territory. Repeated visits to their homesteads ranged from one-day visits to stays of several days and, occasionally, weeks. Some families, consisting of the male family head, his wife/wives and their children, lived dispersed over several homesteads and all the homesteads were visited at least once. Care was taken to make visits in both the rainy season and the dry season.

While at the homesteads, I would accompany family members in their daily activities and participate whenever possible, while conversing and asking questions about their lives. I accompanied women and young girls as they gathered firewood, went to the river to bathe, wash clothes and/or fetch water with the donkeys, and I would go to markets with them. On one occasion, I went with a woman whose turn it was, as a member of a women's group that owned a dairy, to run the milk-processing machine. I woke up with them at sunrise to milk the cows and stood at the lookout in the evening watching for the herd to come back before they milked the cows again. I helped them repair their houses after it had rained, shelled peas with them and sat with them in their houses as they prepared tea and/or cooked meals. There were always children around. On other occasions, I would accompany the herders, often boys, to water the cattle at the river or dam and to lead them to pastures or join those who were charged with looking after the goats and sheep, which are grazed separately. I observed family heads working their fields with ox-drawn ploughs and spraying their livestock with acaricide to control disease-carrying ticks and also tending sick animals and cows in labour. I accompanied family heads as they inspected livestock they had placed in other homesteads, transported timber to build a new house and scouted for a place to build a new homestead. On one occasion, I joined a family head at the Dagoretti cattle market near Nairobi where he had gone to sell some of his cattle.

Apart from participant observation, I also conducted more focused interviews with the family head and sometimes with his wife/wives. Questions focused on their family history, their current practices and future plans in relation to their use of land. Although women would give me valuable information about their history and current practices, when it came to plans and strategies I was always directed to the head of the family as they are the decision-makers in such matters. Given my interest in past, current and future strategies of land appropriation, I interviewed family heads more frequently than their wives and, as a result, women are largely absent from this thesis when it comes to discussing this topic. I also asked them how they used the forest and what it meant to

them, and I quizzed family members on the forest conflicts. When the families shared homesteads with other families, or if dependants lived with them, I would visit their houses too. Armed with the extensive, in-depth information gathered in the longitudinal study and by comparing this with information obtained in informal conversations or as part of an interview with a key informant and observations made of other families, I was able to discern wider patterns and trends that I subsequently tested by discussing them with as many people as possible to ensure their validity.

When women visited me at the house I was renting at the Catholic Mission in Entasekera, they would often bring a calabash of fresh milk, curdled milk or corn cubs for roasting. I quickly learned that this was Maasai custom. Since I had no cows to milk and no field to grow maize, I adapted this rule and presented every house that I visited with a bag of sugar and tea. When staying with a family for a period of time, I would also bring along bags of foodstuffs (rice, flour, cooking fat, sugar, tea and salt) for every house in the family's homestead to ensure that I was not a burden on their food supply. More than once, I was surprised to have a goat or sheep slaughtered in my honour. Participating in these practices of reciprocity and hospitality paved the way for a pleasant stay in the various Loita homesteads and allowed lasting friendships to flourish.

*Meetings as arenas of politics, government and power*
Under the word 'meeting', I include a variety of gatherings: political rallies, such as those held by aspirant councillors seeking votes prior to elections; *barazas*, like the public gatherings called by PA chiefs to communicate a new state policy; Loita leaders' meetings such as those called by the Ilkerin Project to discuss development matters; land dispute meetings when competing claims to land need to be solved; age-group meetings that were held in preparation for age-group ceremonies; clan meetings when problems pertaining to the clan need to be tackled; and locality meetings to discuss, for example, when to open the common grazing area or how to organize labour for the construction of a new classroom at the local school.

Land dispute meetings are of particular interest in the context of this thesis with its focus on land appropriation. As argued earlier, land dispute meetings empirically capture the practice of talking claims and the government of land appropriation. They are like a theatre where contested claims regarding property are played out. Most land dispute meetings are convened to mediate competing claims between members of the same locality. These meetings are thus locality meetings at the same time. When two or three localities claim a former border-zone area as their own, or neighbouring individuals that belong to different localities dispute a piece of land, then a meeting at section level is called. Similarly, when whole sections dispute land along their territorial boundaries or two individuals that belong to different sections dispute a piece of land, the matter is then discussed and solved at Maasai level. Maasai meetings of this kind are very rare and I was lucky that such a meeting took place during my fieldwork stay and that I was allowed to accompany the Loita delegation to this two-day event.[20] The meeting was attended by leaders from four different sections: the Loita and Purko in Kenya and Tan-

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[20] The meeting took place at Nkokirdinga in Loita near the international Kenya-Tanzania border and close to the territorial boundary between the Loita and the Purko on 10 and 11 September 2008.

zania, and the Salei and the Kisongo from the Ngorongoro area (also known as the Serenget Maasai) in Tanzania. Several land disputes between different sections were dealt with.[21] For the Loita, the disputed area involved tracts of land along the Loita-Purko territorial boundary in both Kenya and Tanzania. The leaders of the other sections acted as mediators. An analysis of this meeting is beyond the scope of this thesis but this concise description reveals an important aspect of meetings: they are probably the best place to see leaders in action and interaction. An example is the visit by Prime Minister Odinga to the manyata of age-group chief ole Maine (Chapter 1).

I approach meetings as arenas of politics and power. It is at meetings that leaders 'perform' leadership, where they assert their authority and (re-)affirm their leadership position. And it is at meetings that they perform their role as governor and mediator. Important decisions are made in meetings that affect the lives of others and leaders may try to persuade and direct others to do – or not to do – certain things. Meetings are the places where leaders try to govern and where they make new laws. They are thus arenas of government. Meetings are held to discuss problems affecting Loita or to choose a path of action when faced with outside governmental interventions. In this sense, they are locales where the articulation of intervention in Loita can be seen: they are points of articulation. Meetings are thus key empirical arenas for studying leadership, political authority, power struggles and government in action. But meetings are much more than this alone: they are forums for the resolution of conflicts, the mediation of disputes and places where wrongdoers are punished and fined. All sorts of struggles are fought out during meetings and they are relevant in understanding social change and how people deal with new developments.

For all the reasons mentioned above, I paid a great deal of attention to meetings during my field research and attended and recorded as many as possible (over 60). I attended the majority of these meetings in person. Those that I was not able to attend were recorded for me by my research assistant Lenaai and, on the occasions when he could not or was not allowed to be present because, for example, he did not belong to the appropriate age-group, other friends who were attending recorded the proceedings for me. With Lenaai's assistance, I translated and transcribed many of these meetings and after my field research, he continued to do this independently. Transcription work and attending meetings are time-consuming research activities. Meetings could take hours, in addition to the time spent travelling back and forth to the site of the meeting. In most cases, this would take a whole day and, for some meetings, like those in very remote or particularly inaccessible places, I could be away for two or three days in a row.

Obtaining permission to attend a meeting from the right person was a procedure that I had to follow. I learned the hard way. On one occasion, I neglected to request permission and after the opening of the meeting I was asked, in no uncertain terms, to leave by the 'owner' of the meeting. The 'owner' in this case was the assistant chief of Entasekera Location and it was he who had called the meeting. The following day, I visited him to clarify the issue and explain my intentions. That same day, after our talk, I received a message from him informing me that the sequel to the meeting was going to take place the following day and that I was welcome to attend. I had learned my lesson: before

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[21]    Other intersectional issues were also discussed, such as stock theft and fighting.

attending any meeting I had to approach the 'owner' of the meeting to obtain official permission.[22] For a land dispute meeting, this involved approaching one of the disputants, and for a Loita leaders' meeting it meant contacting the organizer of the meeting. By following this formality, all my requests were honoured and the 'owner' would take it upon himself to respond to the occasional complaints and requests for clarification regarding my presence that were raised by participants at meetings.

At both locality and section land dispute meetings, I was able to identify the locality and section leaders. I saw age-group leaders take the lead during the numerous age-group meetings that I attended. Clan meetings are rare and I only attended one (minor) clan meeting. In the run-up to the 2007 general elections, I went to many political rallies that were held by aspirant councillors and prospective MPs in Loita. I was given permission to sit in on three Loita leaders' meetings. One was organized by the Ilkerin Project and the other two were called by the District Officer (DO) to discuss issues in Loita such as the uncontrolled logging in the forest and illegal beer brewing. Two meetings that I attended went beyond the social boundaries of the Loita in Kenya. One was the large intersectional Maasai meeting mentioned above. The other was held in Tanzania to coincide with a visit by prominent members of the Ilkishili and Ilbuluka circumcision-groups in Kenya to the manyata of the 'stool' of their Loita age-mates in Tanzania (see Chapter 1).[23]

There are many leaders in Loita but no supreme ruler or overall chief. Each of the leaders has a particular say concerning a specific socio-territorial group of people in Loita. The age-group chief has authority over his age-group, the clan chief is responsible for matters that pertain to his clan, the councillor represents his ward and the PA chief administers his location (which should not be confused with locality). Leaders can also emerge informally, i.e. without holding an official position such as age-group chief, clan chief, councillor or PA chief. Locality and section leaders belong to this group of informal leaders. Their status as leader depends on being recognized as such by the wider community which, in turn, depends on their performance in meetings. Directors and employees of NGOs (who I call 'development leaders') that operate in Loita have also at various times emerged as important Loita leaders. There are thus many leaders in Loita, each governing a piece of Loita Maasai social life, with varying degrees of success.

Leaders are overwhelmingly male. Official leadership positions such as PA chief, councillor, age-group chief or clan chief are occupied exclusively by men. There are, of course, female leaders in women's groups but their authority does not extend to the matters that are of interest in this thesis.[24] Meetings too, except for political rallies and the

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[22]  This was also the case when attending ceremonies.

[23]  During this meeting, many matters were discussed but the most important were land-related and the harassment of the Loita from Tanzania at the hands of the local authority. Leaders in Tanzania asked the leadership in Kenya to share their experiences on this and give advice.

[24]  Women have moral authority as a collective, which is voiced when they form a posse to punish people who have transgressed important social taboos (Spencer 1988). I have heard of two such cases in Loita whereby sexual relations (whether consensual or forced) were discovered between categorical 'fathers' and 'daughters'. These are violent punishments where outraged women beat and humiliate both transgressors regardless of their social and political standing or wealth. Men who are uninvolved have no power to stop these expressions of collective anger.

occasional exception, are exclusively attended by men. This does not mean that women are confined to the domestic sphere and have no say in public. In ritual arenas that like meetings are public events, such as at ceremonies, women play a key role, even in those ceremonies that pertain to the male age-group system. Yet meetings, political decision-making and leadership, which are at the centre of this study, are the domain of men in Loita and women are, therefore, largely absent from this thesis.

*Focused interviews*

Interviews were carried out in the context of the longitudinal study and when following up on meetings. My interest in changes and transformations led me to consult archival sources, as already mentioned, but also to approach elders and older men and women to gain historical background on Loita. At the age of about 100, Noorkipuny, who was blind but still sound of mind, was my oldest informant.[25] And Letutui, who was a well-known laibon, gave me a fascinating account of Inkidongi history that I could corroborate later with the historical literature on this Maasai sub-clan.[26] Interviews were also conducted with people whose occupations led them to enter or use the resources in the forest in a particular way. For example, I interviewed woodcutters while they did their work in the forest and a medicine woman who used to find the special ingredients she required for her medicines there. Although I learned to speak basic Maa, Lenaai acted as my translator when interviewing people who did not speak English. When interviewing women, I would try to use female translators.

   As part of my investigation of the forest conflicts, I interviewed men and women of all ages. An important finding was that the different interpretations I heard appeared to be based on the opinions of those who were considered to be the leaders. This insight led me to focus more on interviewing leaders when it came to getting to grips with the forest conflicts. The leadership in Loita was divided so I put great efforts into interviewing leaders on both sides and I always made it clear to them that I was interviewing their (former) opponents as well. This turned out to be a good approach as they were all willing to give their sides of the story. I also took steps to interview two Purko politicians that were involved in the conflicts, but without success. In the case of William ole Ntimama, who was the MP for Narok North and a cabinet minister under President Kibaki, I got quite a long way. Through one of his political clients in Loita, I was formally introduced to him at his office in Nairobi. He agreed to an interview but subsequent calls to make an appointment never bore fruit. Thus, although my thesis gives a balanced analysis of the forest conflicts in Loita, additional research is needed to incorporate the views and experiences of other important actors outside Loita.

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[25] She married into the Iltiyieki circumcision-group (the right-hand of Ilterito age-set) but Galaty (1992: 39) claims that the Iltiyieki belonged to the left-hand. According to Mol's (1996: 12-15) chronology of age-sets, the Iltiyieki were circumcised between 1925 and 1927. Noorkipuny's eldest son belonged to the Ilkamaniki circumcision-group (the left-hand of the Ilnyangusi age-set). The latter were circumcised between 1946 and 1948. Noorkipuny claims she was the same generation as her husband.

[26] He was one of a handful of living elders who belonged to the right-hand circumcision-group called Ilkalikal of the Ilnyangusi age-set. The Ilkalikal were circumcised between 1939 and 1941 and, given that boys are circumcised in their sixteenth year at the earliest, Letutui must have been at least 86 years old when I interviewed him in 2008. Letutui, though old and fragile, was particularly sharp and willing to answer my questions about the past. He passed away in December 2011.

In total, I conducted 62 interviews, some of them with small groups of people. I recorded in writing the interviews conducted during my Masters fieldwork. The ones conducted from 2007 onwards were all tape-recorded, translated if necessary, and transcribed. Most of the interviews were held in Loita: the majority were done in the homesteads of the key informants, some at trading centres and others in my house at Entasekera. Occasionally, interviews were held in Narok, Nairobi and Tanzania. Only two requests for an interview were turned down: one by an old man who did not appreciate my visit and the other by the owner of a lodge on the other side of the Naimina Enkiyio Forest in Kamorora who ordered his armed rangers to force me to turn back. And I lost the data from one interview when the recorder failed. Transcribed interviews were coded and are in the possession of the author. In the text, reference is only made to them when quoting interviewees.

In addition to focused interviews, I have included informal conversations, anecdotes and observations in my field notes. Specific questions were also asked in phone calls, emails and text messages to Loita informants and also to Jan Voshaar, a former missionary who wrote several books on Loita and to my father, Jos Kronenburg, who worked on the Ilkerin Project in the 1970s.

## Structure of the thesis

The main body of this thesis, which is preceded by an introductory chapter (Chapter 1) and the theoretical framework (Chapter 2), consists of three parts, each with three chapters. The first part gives historical depth to the research topic, the second explores the organization of Loita leadership and analyses the forest conflicts, and the third part focuses on land tenure, the practices of Loita leaders and their relationship with the state.

The first of the three parts starts with Chapter 3, which examines the period between 1800 and 1913. It traces the emergence of the Loita as a separate Maasai section and relates their shifting territorial control around a core area in the Loita Hills by exploring their fate and fortune in relation to other sections, particularly the Purko, at the time when the British colonial authorities were arriving on the East African scene. Chapter 4 then considers the articulations and effects of colonial state interventions of legibility in Loita between 1908 and 1965. Attention is given to the new categories of land as well as to the leadership positions of PA chief and councillor that were introduced by the state. And Chapter 5 describes how Loita leaders gradually became involved in securing control of their territory in the face of Purko encroachment and other threats to Loita land by using and reworking development interventions between 1966 and 1974. The emergence of a new category of Loita leader, called the 'development leader', is also touched on in this chapter.

The first two chapters in Part 2 focus on the organization of leadership in Loita. Chapter 6 introduces the leadership positions of age-group chief, clan chief and chief laibon that, with the positions of PA chief, councillor and development leader as well as the positions of locality and section leader (which are tackled in Chapters 10 and 11), form the whole spectrum of leaders relevant to this thesis. Chapter 7 then explains how these leadership positions intersect with a collective form of government organized around the governing age-group, whose political term is framed by the temporality of

the Maasai age-group system. Drawing on this background information on Loita leadership and the long-standing tensions and frictions between (groups of) leaders, Chapter 8 proposes a new interpretation of the Naimina Enkiyio Forest conflicts.

The last part of this thesis tackles the topic of changing land tenure but also gives insight into the struggle between Loita leaders and the state over the authority to govern Loita. Chapter 9 discusses the process of appropriation by describing the way families ground claims in Loita and showing how this is linked to a diminishing land base and the transition from pastoralism to agro-pastoralism. Chapter 10 moves into the arena of the land dispute meeting and highlights what happens when grounded claims are challenged. By focusing on a particular case at locality level and describing the claims and counterclaims voiced in meetings, an impression is given of how such events unfold and disputes are eventually resolved. This chapter also shows how Loita leaders govern appropriation and it lifts the veil on the wider struggle between Loita leaders and the state over the power to govern Loita. Chapter 11, which is based on another land dispute meeting but this time at section level, illustrates how Loita leaders govern access to state law by imposing new rules in an attempt to avoid the state becoming more powerful in Loita.

The concluding chapter of this thesis (Chapter 12) connects some of the (cross-chapter) dots, ties up some loose ends and presents some concluding remarks.

# Constitutive pasts of present territorialities (1800-1913)

> It then became apparent that the existing literature on the Maasai overlooked the possibility of variation between the sixteen or so tribal sections. Writers had tended to note that the Maasai do this or that, rather than noting, for instance, that the Purko Maasai do this or the Kisonko Maasai do that.
>
> (Spencer 1988: 2)

Every now and then, violent clashes erupt between the Loita Maasai of Kenya and their closest neighbours, the Purko Maasai and the non-Maasai Sonjo. The Purko, one of the biggest Maasai sections in Kenya, surround the Loita on the northern and western plains of the highland plateaus west of the Rift Valley, including the northern parts of the Loita Hills. To the south, the Loita extend into Tanzania along the western highlands but adjoining the Nguruman Escarpment, which marks the transition from the highlands to the dry, hot Rift Valley floor they live next to an enclave of Sonjo irrigation agriculturalists just across the international border.[1] While disputes between the Loita and these two groups were over cattle in the past, today they are about territory and land. The groups' respective warriors are at the centre of the clashes. The Loita are on the

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[1] The east of the Kenyan Loita area is covered by the Naimina Enkiyio Forest that crowns the highest peaks of the Loita Hills. After the end of the Naimina Enkiyio Forest, the landscape drops dramatically down the Nguruman Escarpment until it reaches the floor of the Rift Valley at the height of Lake Magadi. The forest and the escarpment form a natural barrier between the Loita and the Loodokilani Maasai of the Rift Valley and violent territorial confrontations of the sort seen between the Loita and the Purko and the Sonjo today are, to my knowledge, non-existent. Cattle-raiding between the Loita and Loodokilani, on the other hand, was recorded during the intra-Maasai wars in the late nineteenth century. The situation in Tanzania appears to be a bit different from that in Kenya because Maasai sections there seem to intermingle and mix more, which results in considerable overlap of their territorial boundaries, particularly of the Loita and the Laitayok Maasai (Ojalammi 2006; Potkanski 1997). When it comes to territorial struggles, they tend to unite against common enemies, such as the Sonjo (uniting the Laitayok and Loita) and tourist companies that provide services for Arab hunters and that brought together the Purko and Laitayok (Ojalammi 2006: 97-98, 103-104).

losing side when it comes to territorial struggles and the area they inhabit is decreasing. This chapter examines the period between 1800 and 1913 that was constitutive for the present territorial occupation of the area (see Map 1.1) and is important for an understanding of current territorial conflicts.

Spencer's opening quote to this chapter also applies to the literature on Maasai history. With a few notable exceptions (such as Waller 1984), historical works on the Maasai generally disregard sectional variations and present 'Maasai history' as if it applies across the board to all Maasai sections. This makes it difficult to determine which precise sections any one historical account is concerned with. Where historians do acknowledge sectional differentiation, they often have a strong Purko bias (such as Hughes 2006 and Waller 2010). In fact, the dominant narrative of Maasai history at the start of the twentieth century is primarily based on the experience of the Purko section.[2] Purko history, which is presented as Maasai history, does not match the historical trajectory of the Loita Maasai. The Loita were not allied with the British at the turn of the twentieth century as the Purko and other sections were (Waller 1976), they did not sign the 1904 Maasai Treaty with the British (Hughes 2006: 34) and were not moved during the subsequent Maasai Moves in 1905 and 1910-1913 like the Purko and other sections were (Hughes 2006). They were, however, profoundly affected by these historical episodes. An early history is needed that puts the Loita centre-stage. As an anthropologist, I happily took on this challenging task. The main aim of this chapter is to present an early history of the Loita Maasai, one that is based as far as possible on their experiences and from their perspective of the main events. This was undertaken, however, against the background of various choices that translated into certain limitations.

The research strategy adopted involved a review of the existing literature, which was examined for comments and references to the Loita Maasai. These were added to my own material that consisted of interviews with older people in Loita. Stories recounted today about the past are undoubtedly coloured by people's present circumstances (Vansina 1985: xii; Tonkin 1992: 2, 38) but I cherish and quote them at length as a way of giving Loita informants a direct voice in Maasai historiography. My analysis thus tacks back and forth between the academic literature on Maasai history and my own ethnographic material. I try to gauge the experience of the Loita from the most commonly documented events in Maasailand. The analysis does not include archival sources. This choice springs from practical considerations and was made after visiting the Kenya National Archives where I realized how much time and effort it would take to comb the archives for relevant information on the Loita. I was afraid that by plunging into the archives, I would lose both time and my focus on the main research topic. Similar time-related considerations deterred me from consulting the undoubtedly valuable Loita Maasai narratives collected by historian Richard Waller, which he was willing to share

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[2]   This might be due to an inherent Purko bias in the writings of early European travellers and in the colonial archives, which are always key sources for historians. When European travellers first arrived in Naivasha and colonial officials established their administrative centre in Nairobi, the Purko were the most powerful section in the area (Waller 1988: 74). These outsiders therefore had the closest contact with the Purko and their reports on 'the Maasai' might have actually been mainly based on their observations of and dealings with the Purko Maasai.

with me.[3] Instead, I make grateful use here of his work that draws on this material.[4] The present chapter should be read with these source-related caveats in mind.

This chapter describes the emergence and gradual consolidation of the Loita section as a separate Maasai section that came to be identified with a particular area, namely the Loita Hills in western Maasailand. The first and second section of this chapter give historical depth to the actual period of interest here and trace the emergence of the Maasai up until 1800 when identifiable Maasai sections started to appear. The third section then zooms in on the Loita, tracking their historical trajectory for the next hundred years from 1800 to 1902. The historical period discussed in the first three sections was formative for several attributes of (Loita) Maasai society and culture that are relevant to the present, such as pastoralism, the age-group system and laibonism. Due attention will be given to these. The final section examines the Maasai Moves of 1905 and 1911-1913 and discusses their effect on Loita territoriality.

## Origins of the Maasai

### North-south migrations

From historical linguistics it can be seen that a move from north to south, from the area where present-day Kenya, Uganda and South Sudan meet to the Rift Valley in Kenya, marks the point at which the Maasai became an identifiable group of people. The approximate date of this migration has been the subject of academic debate as scholars have interpreted the linguistic evidence of Maa, the language spoken by the Maasai, in different ways. One interpretation, based on genetic linguistic relationships, puts the start of the southward migration somewhere at the beginning of the first millennium AD when early Maa speakers split from other eastern Nilotic-speaking peoples and moved southward, arriving in the Rift Valley by the end of the ninth century (Sommer & Vossen 1993: 25, 27, 29, 33). Another linguistic interpretation, based on the variance and widespread distribution of existing Maa dialects that presuppose relatively rapid and decisive migrations, suggests that this migration occurred over a shorter period of two to four centuries and therefore places its start more recently 'at least three hundred years ago, probably considerably earlier', i.e. in the late seventeenth century at the latest (Sutton 1993: 39). Questions about when this migration may have occurred can best be solved by interpreting the north-south move not as a single period of migration but as a series of periods of migration over hundreds of years (Galaty 1993: 65-67). In this view, the latest date corresponds with the last wave of immigrants to the region, who appear to have occupied a core area around Nakuru and Naivasha Lakes that is commonly called the Central Rift Valley (Sutton 1993: 39; Galaty 1993: 67). This last period of immigration is generally associated with the emergence of the modern Maa speakers. Whether these final immigrants constituted Maasai ancestors themselves or whether

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[3]  I am very grateful for his collegiality on this and look forward to studying these valuable first-hand sources.
[4]  'Tsetse fly in western Narok, Kenya' (Waller 1990), 'The Loita-Mara region in historical times: Patterns of subsistence, settlement and ecological change' (Lamprey & Waller 1990: 20-21), 'Kidongoi's kin: Prophecy and power in Maasailand' (Waller 1995).

'Maasainess' developed in the Rift Valley region subsequent to their arrival remains a question (Lamprey & Waller 1990: 19; Galaty 1993: 65, 67).

## A theory of Maasai expansion (1550-1800)

A second series of migrations followed the north-south movement, occurring simultaneously with the end of the north-south migration. They entailed outward expansion from the Central Rift Valley over the Rift Valley region, i.e. the Rift Valley itself and the adjacent plateaus and plains, and seem to have taken place between the mid-sixteenth and early nineteenth centuries (Sommer & Vossen 1993: 33; Galaty 1993: 68; Sutton 1993: 39). These second waves of migration were formative for several attributes of modern Maasai society and identity: the development of what has been called a 'new pastoralism' (see below), the formalization of the age-group system, an internal differentiation of the Maa language into dialects and, last but not least, the emergence of the politically autonomous sections seen today. The emergence and development of Maasai sections and Maa dialects were so congruently entrenched that Sommer & Vossen proposed referring to them as 'sectiolects' (Sommer & Vossen 1993; Galaty 1993: 70-75). While the sectiolects emerged as a result of Maasai expansion, new pastoralism and the Maasai age-group system account for the process and its success. I mainly draw here on Galaty's (1993) theory of Maasai expansion to understand this period of Maasai history. To give it colour and texture, I illustrate elements of Galaty's theory with my own ethnographic material.

### New pastoralism

The Maasai are identified as having a unique and highly specialized form of pastoralism, a 'purely pastoral way of life' (Spear 1993: 1) that 'eschew[s] all cultivation' (Ehret 1971 in Galaty 1993: 65).[5] Their expansion from the Central Rift Valley to the surrounding areas is associated with the emergence of this new pastoralism, which involved a high degree of mobility to use the pastoral resources available. This resulted in high levels of productivity (Galaty 1993: 69, 84). The new pastoralism was based on an exclusively pastoral economy and was different from the 'old pastoralism' that combined animal husbandry with crop cultivation and which had been practised in the Rift Valley region prior to the arrival of the Maasai. Until about 40 years ago, the majority of the Loita Maasai had such a pastoral economy and their narratives of their pastoral past give an idea of how this new pastoralism might have looked on the ground.

Cows provided milk, which was their main source of food. Milk could be mixed with blood obtained by bleeding their animals if it was in short supply (see Photo 3.1). The slaughtering of animals for meat and soup occurred during rituals or on special occasions and when the dry season was at its height and milk production at its lowest. Edible wild plants and grains, acquired from livestock-grain trading with their agricultural

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[5] This does not preclude the fact that other groups in the Rift Valley region periodically practised specialized pastoralism in the past. Galaty (1993: 66) concluded that groups of early Maa speakers probably practised specialized pastoralism, and Sutton (1993: 38-49) insists that the emerging Maasai actually 'revived' a pastoral ideal and practice in a way pioneered by the now-extinct Sirikwa.

neighbours, supplemented the Maasai's pastoral diet if necessary (such as during periods of drought).

Cattle pastoralism relied on the mobility of the herd, which was the key strategy for profiting opportunistically from the variable and dispersed pastoral resources, i.e. pastures, water and saltlick areas (Sandford 1983). These movements included daily herding, returning to the homestead in the evening and seasonal movements to more distant pastures. This is called transhumance. Transhumant pastoralism took them to lower-lying plains to benefit from nutritious pastures there after the rains of the long rainy season (March-April-May). Some special lowland plains were preferred because of their lower rates of disease or because they offered the saltlicks that were necessary to provide cattle with the minerals they required. As the dry season set in and the temporary streams and ponds on the open plains dried up, herds were moved to grassy areas along the banks of the rivers in areas of more permanent settlement where women, the old and children had remained with enough milking cows for their own subsistence. The herds were usually moved by warriors (*ilmurran,* sing. *olmurrani*) and older boys, and the elders would travel back and forth between their permanent homesteads and the temporary cattle camps. The family is the stock-holding unit and several (polygamous) families would live together in a single permanent homestead. Its composition was constantly changing, with new families joining it and others breaking away to be with other homesteads or to form new ones. Permanent homesteads were not fixed to one place though because whole homesteads would move to a new site after some years, although usually within the same locality.[6] As soon as the first rains fell in the forested highland areas, the herds would assemble on the plains adjacent to the forests. In times of extreme drought and as a last resort, they would even go into the forests to make use of the resources there such as water, tree leaves and any grass still available. Shortly before the start of the short rains (November-December), the highland plains would routinely be burnt to remove the tick-infested tall dry grass and encourage new grass to grow. As the rains extended to the lowland plains at the start of the long rains, the cycle would repeat itself as the herds descended again and dispersed over the surrounding grasslands.

Loita Maasai pastoralism thus revolved around a core of more or less permanent settlements along perennial water courses, with their herds exploiting the surrounding pastures in an oscillating movement between dry-season and wet-season pastures. Galaty (1993: 77) has called this movement 'pastoral orbits' and linked the shift of these pastoral orbits over the landscape to Maasai expansion out of the Central Rift Valley.[7] He infers from his observations of current sectional pastoral practices that the process of expansion occurred when the availability of grass decreased within the herding range during a prolonged dry season, pushing the herds to the margins of their pastoral orbits where they often came into contact with other groups of herders (*Ibid.*: 78). For Galaty, these 'periods of peaceful intermingling [were] … precursors to conflict and preparatory to expansion' *(Ibid.*: 78-79) as the emerging Maasai sections sought to appropriate the

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6  Due, for example, to mounting cow dung in the cattle enclosure.
7  Stenning (1957) recognized a similar pattern among the pastoral Fulani of northern Nigeria. He calls Galaty's pastoral orbits 'transhumance orbits' and labels the process of orbits shifting on the landscape as 'migratory drift'.

interstitial pastoral resources when herd growth at home pushed them to extend their pastoral orbits (*Ibid.*: 77, 84). Maasai expansion from the Central Rift Valley was thus accomplished by 'friction at the margin of herding orbits, when members of a more assertive section penetrate the peripheral pastures of another at the normal extreme of their march, then gain implicit rights in those pastures through continued, and often peaceful, use, and finally clash with, and, in some cases, muster sufficient force to expel, their hosts' (*Ibid*.: 79).

*Photo 3.1*     Bleeding a cow (October 2008).



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*Expansion, warriors and the age-group system*
The Maasai had the upper hand in border-zone encounters with other pastoralists, a historical fact that has been linked to their sophisticated age-group system and especially to the role of the warriors 'who were the spearhead of territorial expansion' (Waller 1995: 35).[8] The warrior age-grade, where an age-grade is a stage such as warriorhood through which age-groups pass, is made up of a group of young men of roughly the same generation (an age-group) who are differentiated from boys because they have been circumcised and from elders because they are not allowed to marry. Again, from my material on the Loita, it is possible to infer how warriors could have been instrumental in the success of Maasai expansion. An exploration of the link between warriors and territorial

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[8]    Although the division of men into age-groups was widespread among the peoples of East Africa, its refinement as a vehicle for military organization is particularly associated with the Maasai.

expansion will necessitate introducing and discussing various elements of the Maasai age-group system.

Loita warriors would proudly describe to me their role in Loita society as that of being the protectors or askaris (an anglicized word for 'policemen' or 'watchmen' in Swahili) of the section, including the territory, its people and its cattle. If a predator kills livestock or attacks people, it is the warriors' job to track down the animal and eliminate it. And when conflict breaks out with neighbouring peoples over land and territory, it is the warriors who lead the fight; and by retaliating and going on cattle raids themselves, they bring back animals to replenish their section's herds. The last two tasks are important here.

Let us discuss the first of these two roles, i.e. that of warriors as the defenders of territorial land. I will focus on one of the last territorial clashes between the Loita and the Sonjo in 2004-2005, an episode I was able to document in some detail because it occurred between my various fieldwork periods.[9] The Sonjo, also known as the Batemi, form a Bantu-speaking enclave in Maasailand and have a long tradition of irrigation-based agriculture combined with goat keeping (as well as hunting and bee-keeping), but today also have cattle and practise rain-fed cultivation (Potkanski & Adams 1998; Adams *et al*. 1994; Ojalammi 2006). The Kisangiro[10] Valley and the Valley of Mount Sampu, which are just south of the Kenya-Tanzania border, have been two typical border-zone areas between Loita and Sonjo territories. Over the last two decades, they have seen periods of sharing until violent clashes broke out, after which both groups vacated the area until tensions subsided and the land was once more shared peacefully.[11] Loita from both Kenya and Tanzania have shared land with the Sonjo, and fought over it in these two valleys. In the past, the Sonjo only used the rivers and streams that flowed through the valleys to irrigate their fields, and the Loita only used the pastures and water resources in times of extreme drought. However, according to the Loita, the growing group of Sonjo have been steadily extending their settlements and fields over the valleys, which has led to a decrease in the area of pasture available for their use in times of need (see also Olenasha *et al*. 2004: 4, 9, 10).[12] But the Loita too have slowly started to settle the area more permanently, with Loita families from Kenya increasingly immi-

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9    The earliest recorded (Loita?) Maasai-Sonjo clash dates back to 1975 and was triggered by cattle rustling (Olenasha *et al*. 2004: 2, 5). The last clashes occurred in 2012 when Sonjo attacked a settlement in Loita and stole large numbers of cattle. See http://www.standardmedia.co.ke/?articleID=2000064684&pageNo=1 accessed 21/3/14; http://www.the-star.co.ke/news/article-3685/tanzanias-sonjo-attack-village-narok-south accessed 21/3/14.

10   Kerunyan according to some informants.

11   For instance, violence broke out in 1995 between Tanzanian Loita and Sonjo in the context of a Tanzanian land demarcation and registration project. Fighting was triggered by a boundary dispute in the western area of the Kisangiro Valley that had been formerly shared by both groups (Ojalammi 2006: 98-90). After the clashes, the area was abandoned by both sides and left unused for several years (*Ibid*.: 99). Similar conflicts occurred elsewhere in the same year between Loita (and other Maasai sections) and Sonjo (*Ibid*.: 95-98; see also Olenasha *et al*. 2004: 2, 6-7, 9, 11).

12   Adams *et al*. (1994: 22, 29-30) and Potkanski & Adams (1998: 88, 89, 91, 106) have noted a development of satellite villages since 1960 from the five main Sonjo villages, where extensive rain-fed cultivation and livestock keeping is practised. This development is related to population growth. Ojalammi (2006: 86, 110) notes how population growth and greater pressure on land results in increased resource-use conflicts in areas formerly shared peacefully.

grating and using the area for permanent settlements (see also Olenasha *et al*. 2004: 4, 9, 10, 15). The diversification of the livelihoods of both groups (the Sonjo nowadays keep cattle and the Loita have taken up cultivation) adds to the conflict because of the need for more land to accommodate the new economic activities (Olenasha *et al*. 2004: 9-10).[13] Having had complementary economies in the past, the Loita and the Sonjo have now become competitors over land.

Violence broke out over the Kisangiro Valley in July 2004 and quickly escalated into a series of attacks and counterattacks that lasted for almost a year and involved young Sonjo men and Loita warriors.[14] The Loita warriors were able to organize quickly and effectively because they then had a manyata in preparation for an *eunoto* ceremony where many warriors were gathered. This provided an effective means of mobilization. The Sonjo, on the other hand, who had been surrounded by Maasai for two centuries, had adopted a similar age-based warrior force to counter Maasai raids (Gray 1963: 89). In combination with the alleged use of firearms and support from the Sonjo-biased Tanzanian authorities (see also Olenasha *et al*. 2004: 10, 11), it turned out to be quite effective when dealing with spear-wielding and bow-and-arrow-carrying Loita warriors, as this case shows. The two groups stole livestock, burned down settlements and crops, which resulted in casualties in both camps before the fighting eventually stopped following the intervention of the Tanzanian and Kenyan police.

The case shows how the Maasai age-group system offers a structure and ideology that enables the mobilization of a warrior force against neighbouring peoples when disagreement over interstitial land-based resources breaks out. Linking similar ethnographic observations to the expansive phase in Maasai history, Galaty (1993: 83, 85) concludes that, as other peoples inhabiting the Rift Valley region lacked the effectiveness of the Maasai age-group system (and particularly the efficient mobilization of rapid collective action through manyatas), they were overwhelmed by the Maasai warriors who either defeated them in clashes or chased them away to avoid confrontation.[15] For the Loita warriors, retaliation against the Sonjo was not only a case of defending pastoral resources but also a matter of pride and honour. To understand this aspect, which is inherent in warriorhood and the age-group system in general, a closer look needs to be taken at the competitive relationship between successive age-groups in the same section.

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[13] After the 1960s, Sonjo started keeping cattle (again?) (Adams *et al*. 1994: 23; Potkanski & Adams 1998: 91; Ojalammi 2006: 67).

[14] The July 2004 fighting erupted when Sonjo accused Loita Maasai of having invaded their village lands and the Loita, in turn, blamed the Sonjo of having expanded onto their grazing lands (Olenasha *et al*. 2004: 7). The clashes resulted in the death of one Loita, a total of five injured on both sides, the loss of goats and the burning of settlements and crops (*Ibid*. 2004: 3, 7). A next round of fighting broke out in Loliondo town in September 2004 when Loita warriors set several buildings ablaze, including government offices ('Two dead in Maasai, Sonjo clashes':
http://www.ntz.info/gen/n01217.html accessed 21/3/14). Nobody died but scores were injured and 'tens' were left homeless ('Two dead in Maasai, Sonjo clashes': http://www.ntz.info/gen/n01217.html accessed 21/3/14). In October 2004, Sonjo retaliated in an effort to retrieve stolen livestock, burning down two different Maasai settlements and killing two people ('Two dead in Maasai, Sonjo clashes': http://www.ntz.info/gen/n01217.html accessed 21/3/14).

[15] Another factor that tipped the balance on the side of the Maasai seems to have been their use of new, more deadly spears (Sutton 1993: 42).

*Photo 3.2*    The Valley of Mount Sampu is on one of the many plateaus on the escarpment that descends to the Rift Valley floor. The Rift Valley lies behind the mountain in the middle of the photo, after which the valley is named (October 2008)



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The fact that the Sonjo succeeded in burning down the manyata of the warriors of the Loita in Tanzania was an embarrassing event that struck at the very core of warrior-hood. The Loita warriors from Kenya, who had their separate manyata in Kenya and had remained uninvolved in the conflict, promptly mobilized to retaliate against the Sonjo and raided and torched Sonjo settlements in the Mount Sampu Valley.[16] The urge to do so stemmed from their feeling that their personal honour and pride were being challenged and, by extension, the reputation of their age-group. The involvement of the Kenyan Loita warriors was not only to save face *vis-à-vis* the Sonjo and other neighbouring communities but, importantly, to save face within the Loita *vis-à-vis* the other age-groups. Age-groups are remembered by their achievements or failures during their

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[16]  See 'One killed as Loliondo tribal clashes erupt again' at http://allafrica.com/stories/200505040853.html accessed 21/3/14. The fighting left one person dead and hundreds injured and resulted in the loss of 30 houses ('One killed as Loliondo tribal clashes erupt again' in http://allafrica.com/stories/200505040853.html accessed 21/3/14). After the attack on the Sonjo villages in Mount Sampu Valley, Sonjo warriors retaliated and attacked Mausa, a Loita settlement in Kenya, which left two people dead and three injured (see 'Police posts to help check clashes' www.arushatimes.co.tz/2005/17/front_page_3 accessed 21/3/14). Homesteads and the local primary school in Mausa were also burnt down.

warriorhood. For example, the Ilkitoip are remembered as the warriors who drove away the Kikuyu cultivators from Loita in the 1970s. But there is another element at play here too, one that concerns the structural rivalry and competitive tensions that exist between successive age-groups (Spencer 1988). Warriors compete to become more famous than the previous age-group that occupied the warrior age-grade. Similar levels of competition will be expressed later in their lives during elderhood, only then they will not compete for fame but for political authority (see Chapter 7). So the warrior age-grade at the time of the fighting against the Sonjo was occupied by an age-group called Iromboi. The age-group that occupied the warrior age-grade before them was the Ilbuluka. Competition between these two age-groups has been particularly fierce in Loita. The manyata incident was used by the Ilbuluka to taunt and ridicule the Iromboi. So an important reason behind the Iromboi of Kenya becoming involved in the Sonjo conflict was the humiliation they suffered at the hands of the Ilbuluka at home. They wanted to restore the reputation of their age-group. This ethos of pride and honour, associated particularly with the warriors but meaningful to all age-groups, represents 'internalized motives for action, which, under circumstances of age-related or resource-based conflict, are sufficient to stimulate intemperate bravery, ambition and self-sacrifice' (Galaty 1993: 80).[17] In this way and through its ideology and structure, '[t]he Maasai age-set system underpins raiding and warfare, and, therefore the process of expansion' (*Ibid*.: 81).

*The emergence of sectiolects*
The process of territorial expansion occurred at the same time as the emergence of the so-called Maasai sectiolects (Sommer & Vossen 1993; Galaty 1993: 70-75). Galaty (1993: 72) proposed a model to account for the process of expansion and differentiation of these sectional dialects 'characterized in terms of their degree of divergence from a core in a set of concentric, geographical-lexical circles'.[18] It describes different Maa-speaking groups radiating outwards from a focal area in the Central Rift Valley in all directions. The 'frontier groups', as he calls them, are the first to have moved away from the Central Rift Valley seeking new territories in northerly and southerly directions and along the plateaus east and west of the Rift Valley (*Ibid*.: 68-69; Sutton 1993: 39). Few of these frontier groups still exist, like the Samburu who now occupy the area southeast of Lake Turkana, and the Parakuyo in central east Tanzania, respectively representing the northern- and southernmost reaches of present-day Maa-speakers (Galaty 1993: 68).[19] Migration by the frontier groups was followed by a second (and final) wave of expanding Maa-speakers. It is in this process of migration that the Maasai sections, as we know them today, evolved out of four larger alliances or 'clusters' identified with the most dominant section (*Ibid*.: 70-75). The first clusters to emerge were the Kisongo and the Purko, expanding to the south and the north of the Central Rift Valley respec-

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[17] Galaty's (1993) analysis of age-group-related conflict differs slightly from my own observations in that he focuses on competition between territorial groups of the same age-group rather than competition between successive age-groups from the same territory.
[18] For a more linear reconstruction of Maasai expansion, see Sommer & Vossen (1993).
[19] According to Lamprey & Waller (1990: 19n), the Siria, Uas Nkishu and Laitayok Maasai are relics of these early frontier groups.

tively. The Kisongo began to occupy the plains of northern Tanzania and the Purko the eastern plains north of the Central Rift Valley. The Kaputiei cluster moved in a south-easterly direction to the highland areas in the foothills of the Kilimanjaro. The last of the sectional alliances to come into existence was the Loita cluster that moved to occupy the southwestern parts of Maasailand. The Kisongo, Purko, Kaputiei and Loita clusters gradually crystallized into the separate sections that exist today.

The Maasai gained ascendancy over the adjacent savannah plateaus in a process that combined age-based 'deadly jousts' of warriors and shifting and expanding 'pastoral orbits' (Galaty 1993: 83; Sutton 1993: 39-42). This ensured a steady and successful expansion out of the Central Rift Valley over the larger Rift Valley region 'sweeping all others from the plains' (Spear 1993: 11). Incipient Maasai sections successfully seized control over the pastoral resources from populations of both non-Maa speakers and frontier Maa speakers alike that already inhabited the area. The periods of fighting associated with these waves of migration are commonly called the 'Iloikop Wars' (1810-1875) (Sutton 1993: 39; Galaty 1993: 77; Lamprey & Waller 1990: 20; Rutten & Owuor 2009: 307; Waller 1993: 291, 1988: 87).[20] Loita's experience, however, appears to be a bit different from other developing Maasai sections in that they did not face opposition from strong and powerful frontier groups or other peoples, seizing the new territories in southwestern Maasailand with relative ease and without the need to resort to major warfare (Waller 1990: 93). They steadily pushed out the peoples they encountered and ultimately came to dominate the area from the Loita Hills in the east, the Loita and Mara Plains in the north and extending to the Serengeti Plains southward as far as the highlands of the Ngorongoro Crater in Tanzania.[21]

## The rise and fall of the Loita (1800-1902)

### Occupation of the Loita Hills and the surrounding areas

The Loita cluster climbed the western escarpment taking possession of the Loita Hills around 1800 (Galaty 1993: 72; Jacobs 1972: 83 in Holland 1996: 357 n. 5). They probably encountered very few people in the area as there is no evidence of any major battles having been fought (Waller 1990: 93). According to Voshaar (1979: 14), Iltatua are said to have lived in the area before and to have left stone implements and waterholes as evidence (Lamprey & Waller 1990: 17). The present Ilkunono blacksmith community of Leshuta who straddle the Purko and Loita territories are another remnant of the earlier inhabitants of the Loita Hills (Voshaar 1979: 43).[22] Nestled in the Loita Hills, the Loita found a forest that provided them with permanent rivers and streams, saltlick areas and adjoining dry-season pastures. It became known as the Naimina Enkiyio Forest.

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[20] The interpretation of the Iloikop Wars and the term *iloikop* have been the subject of intense academic debate (Spear & Waller 1993; Jacobs in Voshaar 1979: 25-27). It is used here solely to provide a name for the struggles and fights associated with this period of Maasai expansion.

[21] Loita Hills and Loita Plains are the names given to fixed geographical features and should not be confused with Loita territory, which depends on the extent of the land controlled and occupied by the Loita.

[22] The Ilkunono probably moved to Leshuta from the Olngarua and Entasekera areas where they lived before (Voshaar 1979: 43).

Bands of hunters appear to have inhabited the forest around Entasekera (Lamprey & Waller 1990: 20).[23] After initially using the area around the forest as a base for further expansion, the Loita held on tenaciously to the area, especially later in the wake of perceived external threats to their land and forest.

From the Loita Hills, they expanded onto the surrounding plains, the Loita Plains in the north and then slowly to advance in a southwestwardly direction to the Mara Plains. The Loita appear to have encountered frontier Loogolala on the Loita Plains, probably around Narosura (Voshaar 1979: 39; Galaty 1993: 69; Sommer & Vossen 1993: 35; Lamprey & Waller 1990: 19) as well as Siria Maasai, and the Laitayok Maasai on the Mara Plains. All the Loogolala were expelled from the area, although some families seem to have been adopted into the Loita section later (Berntsen 1979: 143n). And the Siria were driven towards the Mara Plains to the Maasai periphery across the banks of the Mara River (Jacobs 1972: 83 in Galaty 1993: 72; Jacobs 1972: 83 in Holland 1996: 357 n. 5).[24] The Laitayok started to retreat slowly from the Mara Plains towards the south where they occupied the southern part of the Mara Plains and the north of the Serengeti Plains (Waller 1990: 93). By the mid-nineteenth century, the Loita dominated the Loita Hills and the Loita Plains as far north and west as the Amala River (Upper Mara) and the foothills of the Mau Forest (Waller 1990: 93, 98; Lamprey & Waller 1990: 20), going up to the Ewaso Ngiro River in the northeast (see Map 3.1). To the southwest, they were increasingly claiming parts of the Mara Plains. This gradual southwesterly expansion appears to have pushed small groups of Bantu-speaking hunters and cultivators westwards (Anacleti 1977 in Galaty 1993: 72).

The Loita not only struggled with their neighbouring communities. In the mid-1870s they joined a mega alliance of Purko, Kisongo and Kaputiei clusters to retaliate against the frontier Laikipiak who had been waging war to the far north.[25] The Laikipiak, whose homeland was the Laikipia Plateau to the east of the Rift Valley and the north of the Aberdare mountain range and Mount Kenya, had raided as far south as Lake Naivasha in the Rift Valley. The Maasai considered them an aggressive community that needed to be exterminated. The mobilization of the grand coalition and the success of the attack have been ascribed to the prophetic and divination powers of Mbatiany who was an influential laibon.[26] Mbatiany was able to unite the widely dispersed sections (Berntsen 1979: 134, 142; Waller 1978: 213, 217; Fratkin 1979: 55, 63-64). The Laikipiak experi-

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[23] The map in Berntsen (1979: 136) also suggests the presence of Iraqw and Tatog. And the one in Matter (2010b: 46) suggests the presence of Digiri.

[24] Sommer & Vossen (1993: 35) claim on comparative linguistic grounds that the Loita and Loogolala, who they call Parakuyo, coexisted for about 200 years before the latter withdrew from the area. Some Loogolala appear to have joined the Siria (Waller 1984: 247) and others the Loita (Berntsen 1979: 143n) but most of them regrouped later to form the Parakuyo who now inhabit the Maasai periphery in central east Tanzania, although some have migrated as far as northern Zambia (Sommer & Vossen 1993: 36; Galaty 1993: 69, 70, 72, 74, 79, 84). The Siria would come to occupy the Trans-Mara highlands on the western edge of Maasailand. See Waller (1984) for the fortunes of the Siria from roughly the mid-nineteenth century up to the 1930s.

[25] The Maasai battle against the Laikipiak is well-documented. See, for example, Galaty (1993: 75, 82); Berntsen (1979: 134, 135, 142); Sobania (1993: 105, 108); Voshaar (1979: 38); Waller (1976: 541, 1978: 217, 1984: 251, 1995: 36, 44); Fratkin (1979: 63-64); and Lamprey & Waller (1990: 20).

[26] The institution of laibonism, which is specific to the Inkidongi sub-clan, is described in Chapter 6.

enced a devastating defeat in Naivasha. The so-called Iloikop Wars came to an end with this final battle in c. 1875.

*Map 3.1*     Loita territory, c. 1850
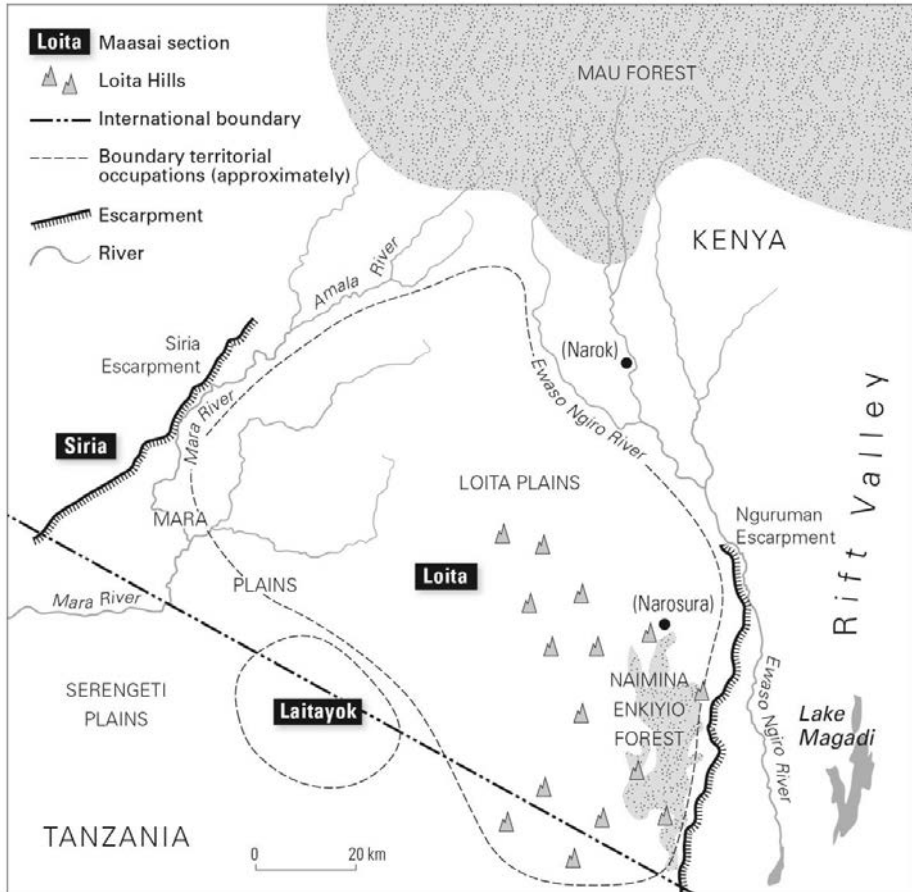


Adapted from Waller (1990: 94)

*The 'Disaster' and cattle-raiding*

> Whereas the warfare undertaken in the first half of the 19th century
> was motivated by the desire for territory and for livestock to feed
> a growing population, that of the second half of the century
> resulted from the need to feed a starving one.
> (Fratkin 1979: 62)

Maasai territory seems to have been at its greatest after the final battle against the Laik-ipiak (Waller 1978: 150). A subsequent gradual loss of Maasai land and territory ap-

pears to have been precipitated by the success of the Iloikop Wars (Waller 1976: 532). The Maasai 'were unable effectively to occupy the areas from which they had driven Iloikop' (*Ibid*.: 532). The area was too large for the people and livestock they had available to assume, exploit and control the grazing lands. By the 1880s, the western, northern and eastern Maasai areas were facing increasingly successful raids by their (mixed) pastoral and agricultural neighbours, such as the Kamba and Kikuyu from the east, the Kalenjin, Luo and Kipsigis from the west, and the Pokot and Turkana from the north, enabling their expanding populations to occupy former Maasai seasonal grazing lands (Waller 1976: 532, 1984: 248, 1985: 358). This fate was spared the Loita who did not have any large non-Maasai communities as neighbours.[27] The Loita, in fact, expanded even further, now at the expense of other Maasai sections who had suffered more from the human and animal epidemics of the late nineteenth century.

About a decade after the Iloikop Wars and before the arrival in East Africa of the British and German colonial powers, Maasai people and their cattle were severely affected by a series of epidemics that, in combination with drought, constituted the most serious catastrophe that East Africa has probably experienced in the last two hundred years.[28] This period is remembered by the Maasai, including my Loita informants, as the 'Disaster' (*emutai*) (Waller 1988). The first outbreak of disease spread from the north in 1883 infecting cattle with bovine pleuro-pneumonia, followed in 1891 by the more devastating and new rinderpest (Lamprey & Waller 1990: 20; Waller 1988: 75-76, 1976: 530).[29] Famine began to spread (Waller 1988: 77) and then a smallpox epidemic hit the Maasai population, especially in the Nairobi area, in 1892 (Waller 1976: 540, 1988: 79). Although their cattle herds had been decimated (Waller 1988: 76), the Loita population was not ravaged as seriously as other Maasai sections that suffered starvation and high mortality rates due to smallpox. The Loita, as well as the Purko, were known for their large herds of sheep and goats (Hughes 2006: 36; Waller 1988: 95) and although they lost cattle, they were still able to feed on their other livestock. Smallpox appears not to have reached the Loita at all (Waller 1976: 540, 1990: 93, 1988: 79). Faced with diminished herds but still retaining group cohesion and with plenty of warriors in need of cattle for marriage purposes, Loita warriors exploited the situation by raiding other weakened Maasai sections (Waller 1976: 534, 540, 1990: 93, 1988: 94), thus extending their territorial control south and eastwards.

Waller (1976: 533-35, 1988: 94-101) explains how, in the aftermath of the 1883-1891 cattle plagues, the Maasai faced three choices in an attempt to recover from their loss of animals. They could turn to hunting and gathering for a living; they could seek refuge among their agricultural neighbours or they could mount cattle raids to help them recover from the economic blows their society had undergone. The Loita, as well as the Purko and Kisongo, opted for mounting raids on the few cattle that were left (Waller 1976: 534). The War of Morijo (*Ibid*.: 540-548), which is named after the final battle held in the area of Morijo in the Loita Hills (Rutten 1992: 170), also called the Loita

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[27] The Siria, living to the west of the Loita and facing encroachment by Luo, Kipsigis and Bantu-speakers, acted here as a buffer community (Waller 1984: 248).

[28] For an in-depth study of the Disaster among the Maasai, see Waller (1988).

[29] The mortality rates for rinderpest in infected herds was 90% or higher. Mortality rates following infection with bovine pleuro-pneumonia were slightly lower (Waller 1988: 101).

War (Voshaar 1979: 37), commenced in 1891 when the Loita aggressively started to mount cattle raids on other Maasai sections (see Map 3.2). These intersectional clashes would last for over a decade. The Loita first turned on their immediate neighbours, the Siria and Laitayok (Lamprey & Waller 1990: 20; Waller 1976: 540, 1995: 52, 1988: 77n). Many Siria and Laitayok (Waller 1990: 93; Lamprey & Waller 1990: 20) but probably also Salei and Serenget Maasai, were absorbed by the Loita cluster as its expanding front advanced across the landscape (Waller 1988: 93; Arhem 1985 in Galaty 1993: 72). This Loita cluster must have crystallized later into the separate but still closely linked sections of the area.[30] After being raided by the Loita and suffering huge stock losses, many Siria followed their stolen stock and sought refuge with their Loita enemies, as well as among other peoples, only to regroup after 1908 in the Trans-Mara region on the western edge of Maasailand with other scattered kin (Waller 1984: 251-252, 256-257). The Loita then descended to the Rift Valley to attack Loodokilani and crossed the valley to the eastern plains to turn to the Matapato (Lamprey & Waller 1990: 21; Waller 1988: 78, 1976: 540). As a result, the Kaputiei joined the Matapato in their flight to Fort Smith close to present-day Nairobi to seek protection from the British towards the end of 1893 (*Ibid.*: 536).[31] More Maasai refugees fled to Fort Smith when the Loita attacked them again on the Kapiti Plains in the Nairobi area in December 1893 (Waller 1976: 537, 545, 1988: 80) following a raid in Kinangop (*Ibid.*: 80) and another attack on the Purko in Naivasha (Lamprey & Waller 1990: 21).[32]

The Loita later grew more numerous as they formed an alliance with what was left of the Damat Maasai after the latter experienced a crushing defeat at the hands of the Purko (Waller 1976: 540, 1988: 80). Much later, they were also joined by Arusha Maasai (Waller 1976: 546, 1988: 81) and Kisongo as well (Lamprey & Waller 1990: 21; Waller 1988: 81). Together they continued raiding an alliance of sections gathered around the Purko, including the Keekonyokie and the sections in eastern Maasailand (*Ibid.*: 81). The ensuing hostilities of the Loita with these sections, and especially those between the Loita and the Purko became more complex when they became mixed up

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[30] The close links between the Loita, the Siria, the Salei and the Laitayok are evident from the fact that they celebrated joint *eunoto* ceremonies at a certain point (Waller 1978: 130).

[31] Fort Smith was one of the trading posts of the Imperial British East Africa Company (IBEAC). The IBEAC was founded by a Scottish ship-owner who secured permission in 1891 from the Sultan of Zanzibar to have a monopoly on trade in East Africa's interior. 'The company was mainly interested in the exploitation of the fertile and wet area of Uganda and not so much in the less attractive tract of land stretching from the coast towards Uganda and on which the feared Maasai and Kamba moved' (Rutten 1992: 169). The British government slowly started to take over the failing IBEAC and used its infrastructure to establish a British colonial presence in East Africa. The company was officially handed over to the British East Africa Protectorate in 1895 and they started the construction in 1896 of the almost 1000 km long Mombasa-Nairobi-Kisumu railway that connected the Kenyan coast with Lake Victoria in Uganda (Rutten 1992: 171-173).

[32] Hall, the commander at Fort Smith, started enlisting warriors from among this group of Maasai as mercenaries or levies to carry out punitive expeditions against other peoples, rewarding them with livestock (Waller 1976: 536-537; Mungeam 1970: 130). This marked the beginning of a tacit decade-long alliance between the northern Maasai sections, particularly the Purko, and the British (Waller 1976). The Maasai-British alliance furthered their mutual interests: 'The Maasai, badly hit by the human and animal plagues of the 1880s and early 1890s, needed time to recover their stock and to reorganize their society. The British, hampered by lack of money and troops, and in a weak position, could not afford to antagonize the Maasai who controlled their lines of communications' (*Ibid.*: 553).

with a parallel feud between two contenders for the position of chief laibon. One of these, Olonana, found support among the Purko, the other, Senteu, among the Loita. The resulting conflict pitted the Loita and Senteu against the Purko and Olonana and this division dominated the later part of the War of Morijo.

*Map 3.2*    Loita cattle raids
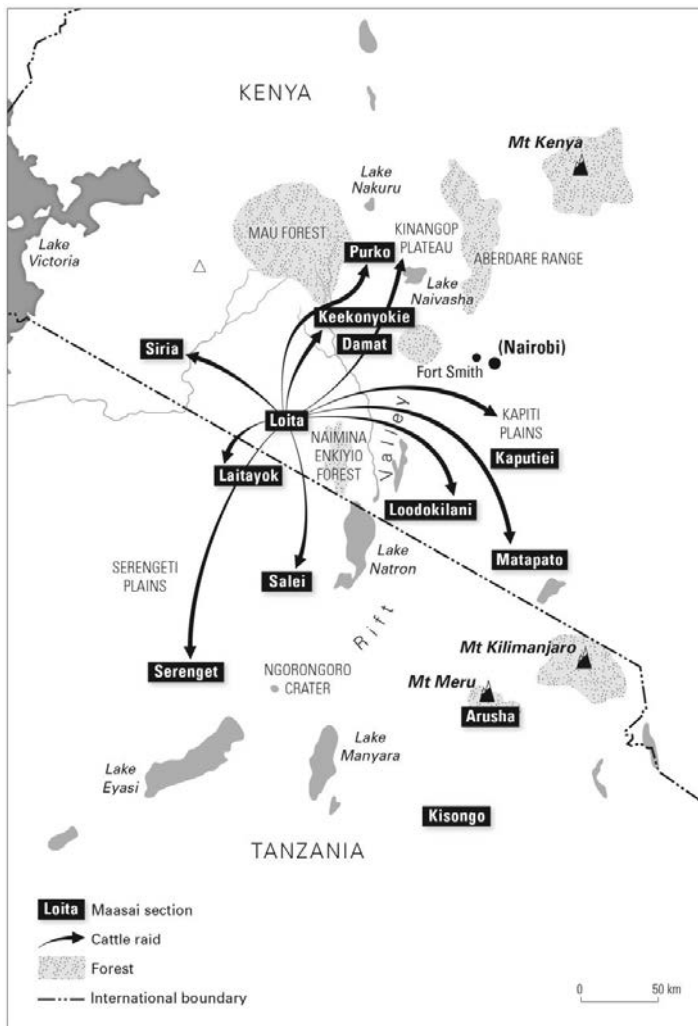


*Laibon rivalry*

Senteu and Olonana were half-brothers and belonged to the Inkidongi family. The most famous laibons of Maasailand come from the Inkidongi family. Both Senteu and Olonana claimed to be the rightful heir to the position of Maasai chief laibon (*oloiboni*

*kitok*) that had been acquired by their father Mbatiany (Berntsen 1979: 142-143; Waller 1995: 36-37, 40, 1976: 541). After successfully directing the mega alliance of Maasai sections against the Laikipiak in 1875, Mbatiany became a powerful laibon and political figure in Maasailand. Mbatiany's authority was well entrenched among the Purko (Mungeam 1970: 130) and possibly extended to other sections with whom the Purko celebrated ceremonies. Even among the Loita, who held their ceremonies separately from the Purko and their allies, he seems to have been accepted as the most important laibon of Maasailand. By the end of the nineteenth century, and by virtue of his success against the Laikipiak, Mbatiany was regarded as the Maasai's chief laibon.

The link between this fraternal rivalry and intersectional warfare needs to be seen in the light of the special relationship between warriors and laibons in the context of cattle-raiding (Waller 1988: 93).[33] Raiding parties of warriors would seek protection and direction from laibons before embarking on a cattle raid. Protection included a blessing, charms and 'a comprehensive curse on the enemy, in the form of a highly allusive and abusive song (*oloipirri*), and a detailed but obscure set of instructions for the conduct of the raid … [like] where [the] enemy stock will be found, what route the raiders must take to find it and what steps will be necessary to carry the enterprise to a successful conclusion' (Waller 1995: 32, 1978: 213, 239; see also Berntsen 1979: 141). These instructions were obtained through divination. Laibons, 'war-prophets' (1995) or 'war-leaders' (1978), as Waller calls them, would be recompensed with a share of the looted stock after successful raids and an acknowledgement of their power as laibon that functioned as an important precedent for future cooperation (1995: 45, 1978: 239; Berntsen 1979: 141). In times of successful warfare, the relationship between laibons and warriors would therefore flourish because the auspicious circumstances were mutually beneficial. As Waller (1978: 239) put it: 'The more successful raids the laibon directed the more stock he would accumulate, the more his reputation would increase, and the closer his links with the murran [warriors] would become'. In fact, it appears that the rise and establishment of the laibon institution among the Maasai would not have been possible if it had not responded to expansionist drives at the pan-Maasai level, as in the case of Mbatiany during the Laikipiak War and at the sectional level, as in the case of Olonana and Senteu during the intersectional wars (Waller 1995: 35-36).[34] Expansion by warriors spurred the rise of laibonism (Waller 1978: 217).

A particularly successful laibon, i.e. one whose ritual skills had proven to result in successful cattle raids, could rise in popularity and become a chief laibon for a section or a number of sections. In time, the position of chief laibon would become more institutionalized with rules of succession from father to son and a more exclusive and formal relationship with the warriors of a section. For example, when the warriors of a whole section organized a large-scale cattle raid (*enjore*), a select delegation of warriors head-

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[33] See Fratkin's (1979) comparison of Maasai and Samburu laibons for a discussion of the link between laibons, warriors and warfare among the Maasai.

[34] Mbatiany's father Supeet also appears to have directed warriors in this way.

ed by their age-group chief would visit and consult their official chief laibon (Waller 1978: 90; Berntsen 1979: 144n).[35]

It is in this context that the claims of both Olonana and Senteu to be the rightful heir to the position of chief laibon need to be placed. The stakes were high. Different and conflicting versions of the Olonana-Senteu feud exist.[36] Here is the version recounted to me by the present chief laibon of Loita, Mokompo, who succeeded his father Simel as chief laibon and who, in turn, inherited this position from his father, Senteu. It is thus a version of the Senteu lineage of the Loita section. The story has been edited to make it a more fluent and comprehensive account.

About Olonana and Senteu? How they were? Both of them, they were from one father but different wives, (...) wives of the same gate-post. And that is how Olonana and Senteu were. Have you heard? Their father became old so the time came to find the person who'd become the leader and take (...) this divining horn (*enkidong*) of Loita, which I have now. Because that is a big position, ever since the Inkidongi were founded. So the time came to appoint one of these sons. So who does not want to be the one? (...) [Anyone would] find a way of getting this big position. But while they were trying to get it, the decision of who would take it depended on their father's choice. (...) And … this one was more favourite, Olonana. (...) And then … his father did not decide [on Senteu]. But Senteu was strong! Both of them were laibons but, as you know, there are strong boys, and Senteu was strong and brave. He was stronger than the other one. Have you heard? So the time came when tricks (*ilosekin*) were used and there were the mothers as well, like the mother of Olonana and there was the one who gave birth to Senteu. And all mothers used to come together, in the house where the boss was. They were just sitting. Just to make the husband happy. So the time came when their mothers were there. Which one would not want her son to be the one? So they were doing like this and like that to make the husband happy, so that the husband would choose their son. (...) But everyone knew that Senteu was strong (*kegol*). And brave (*nepi*). And the other one is also laibon, but you know the kind of children who are a bit slower. But he is a good laibon, a full laibon. So after everyone left the house, the father told her [mother of Olonana] like … like for example now if you are going out and then I do like this to you [sending a sign with the tongue] and I catch you and tell you to stay behind. And he told her [the mother of Olonana], 'you go and tell him to come very early in the morning at 5 am, before anyone else enters this house, to come early'. And the mother to that one [Senteu] overheard when he [Mbatiany] was telling his mother [i.e. Olonana's mother]. And she [mother of Senteu] went to tell her son: 'I don't know what Mbatiany was saying, maybe he is going to give his powers and he has things to give Olonana, he sent for him to come very early in the morning, before daylight'. So then he knew what the other one was told. Well, they went to sleep. And that one [Senteu] was sharp, Olonana is like slower. And that big strong animal [i.e. Senteu] came very early in the morning. The old man was lying [on the bed] but he was just awake. (...) And he heard him. And he was thinking it is his favourite son. It was so dark that he couldn't see anything, and he removed everything to be given [to Olonana]. To give his favourite son to become a leader. And prepared to bless him so that he could take this position. He told him, 'Onanai' (my Onana). And the other one changed his sound to pretend he was the one because he knew from before that when the old man calls Olonana 'Onana', he responds with 'Oe'. And he told him to come near. And he started to remove all his calabashes and he gave, he gave, he gave and when he [finished] giving him he told him, 'OK, go!' And when he finished, he went out. And after Senteu left. He met Olonana on the way as he was coming for yesterday's [agreement]. They met. (...) And … he just passed him and he didn't greet him but they recognized one another. And he went. And he [Olonana] was asked, 'who is this?' He thought Olonana's [business] was

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[35] These large-scale coordinated raids should be distinguished from small-scale raids called *olwamba* conducted by a few warriors and for which they were allowed to consult minor laibons (Waller 1978: 90; Berntsen 1979: 144n).

[36] See Waller (1976: 541, 1995: 40). I recorded a non-Inkidongi Loita version in 2001, see Kronenburg García (2003: 69-70). Fraternal rivalry seems to be a recurrent theme in Inkidongi history. Mokompo, the current chief laibon of Loita, and his brother Ndorko, who as the eldest of the two, was a strong contender for the position are said to be involved in similar feuding. One informant compared them to Olonana and Senteu.

over. So since he thought it had been Olonana, he was thinking this must be Senteu now. And then he asked him, 'who is this?' He responded, 'it's me'. He told him, 'Senteuwa'. He said, 'I am not Senteu, I am Olonana'. 'Ooooh, my lazy boy! The beast-of-prey (*olowuaro*) has tricked you!' It was the end because the guy tricked the other one. (...) So he told him that it was finished. Although he liked him. He liked his son but he had been tricked by the other one, and he told him, 'oooh my son, the beast-of-prey [i.e. Senteu] has tricked you. You are not Senteu. Did you see Senteu with your own eyes?' 'Yes we met on the way coming here, at the entrance', and he told him, 'oooh my dear one, what you will do, two things. Because you have been tricked by the beast-of-prey, I will advise you to respect Senteu as much as possible, never fight him [again] because you will never defeat him. You have been fighting him. [But now] no one in Maasai will ever defeat him. So what you will do, try to make *osotua* (restore the relationship, make peace) with him because you will never defeat him'. And he was also blessed but just the normal blessing. He was never given what was given to the other one because he had already given everything to him, he was given a different blessing, [and a different] message because the other one was already given the information, and he told him, 'I will also give you one section'. So he gave him the section of the Kisongo. 'Go and be laibon of them'. And Senteu, the [new] owner of the original divining horn (*enkidong openy*) from God was given to Senteu and it belongs to this section [Loita], from the beginning it was ours. (...) 'And then you go to take that piece of Kisongo up to Purko at the other side', but he asked him to leave Matapato in that land, 'make sure you leave Matapato'. That is why you see Matapato coming all the way here without passing through those other laibons and that is how he arranged for them. (...) And he said, 'never fight with the other one', but can you imagine [how you would feel about] the person who tricked you and took the thing that you were supposed to be given? That is when sections started fighting against each other.

Senteu became chief laibon for the Loita, sanctioning their raids against other sections. Olonana did likewise for 'his' section, the Purko and other northern allied sections.[37] But there seems to be another reason why Olonana teamed up with the Purko and Senteu with the Loita. This lies in the relationship of these two sections with the mothers of Senteu and Olonana, a relationship forged during Mbatiany's hegemony as the chief laibon of Maasailand. Waller (1995: 42) explains how: 'When deputations arrived, they would seek out the wife from their own area or clan and this might initiate a relationship between clients and their kinswoman's sons. Loitai, for example, visited Senteu's mother … Olonana's mother was either Kaputiei or Kisongo and she entertained Purko visitors as well. Later, Olonana took refuge with Kaputiei and found supporters in both Purko and Kisongo' (see also Waller 1978: 235, 236n). Mbatiany's death c. 1890 coincided with the onset of the 1890s cattle diseases (Waller 1976: 541). The Inkidongi, who had been living in Ngosua near Monduli in Kisongo territory in north Tanzania (Waller 1995: 35) west of modern Arusha, started to disperse over Maasailand (Berntsen 1979: 135, 138; Waller 1995: 35, 36), which is when Senteu sought refuge among the Loita (Waller 1976: 541). This historical episode was explained by Letutui, a prominent laibon in Loita and son of Ngabual who, as Senteu's brother, came to settle in Loita with him.[38] Ngabual would become an influential elder in Loita, both as a minor practising laibon and as an advisor and close supporter of Senteu in Loita (Waller 1995: 43).

Tell her that all the Inkidongi were Kisongo before, tell her to write [that]. Tell her the homestead was located at Olngosua [Ngosua], at the foot of Oldoinyo loo Larusa [Mountain of the Arusha Maasai, i.e. Mount Meru] near Monduli. We were not Loita before but we were typical Kisongo. And then

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[37]   It is not clear whether or to what extent the Kisongo joined the Purko alliance in their fight against Loita raiders. Mokompo's suggestion that Olonana also became the chief laibon of the Kisongo is supported by the fact that the Kisongo today choose their chief laibon from among the descendants of Olonana (Berntsen 1979: 144n).

[38]   His age and experience certainly added to his popularity (see Chapter 2).

there was a disaster (*emutai*) brought by God. It is the disease brought by God that finished off cows and people. My father was the brother of Senteu, they were born to one mother. They were the only two brothers. She was the mother of my father Ngabual and Senteu, they were her only two sons. And their father was called Mbatiany. We came to realize that the disease is the one of the vaccination [smallpox?], because it is the white men who came and started vaccinating people. We are now lucky we got white men. At that time there was an outbreak of the cattle disease called rinderpest (*olodua*), which killed almost all the cows. (...) When this occurred, there was also a lot of hunger because we only had a few goats and sheep so there was not enough food for us. And the Loita decided to go and invite the laibon [Senteu] as chief laibon, who was given the divining horn by chief laibon Mbatiany. (...) They went to Manga [Namanga] to bring them, do you know Manga [Namanga]? What about Oldoinyo Orok [another name for Namanga]?[39] Namanga is now where Darsania [Tanzania] borders Kenya. That is where they migrated from, where Mbatiany died, at Oldoinyo Orok. (...) There were no boundaries before so it is the Loita who came and brought us. So this is why these Inkidongi came, some went to Purko, also some came to Loita. The brothers came from Tanzania, they were five [in total, including other half-brothers]. The two brothers, Senteu and Ngabual, they are the only two who came to Loita, at that time Senteu did not yet have children, he was still a young moran, my father was still a young boy.[40] Three families went to Purko, they were like a swarm of locusts; Neiliang, ole Tuya, Makoo. They are four because there is another one called Mosanga. (...) So the Inkidongi dispersed because they were fighting poverty. (...) All Maasai [were fighting poverty]. So when they came from Kisongo, they already decided to go to Purko and others came to Loita. Our house [lineage] was brought by Loita, so they were the only ones to come here.[41]

Although it is not clear where exactly Senteu came to live initially, what is certain is that he established himself as chief laibon among the Loita (Waller 1976: 541). Olonana, on the other hand, appears to have moved first to Ngong in eastern Maasailand until he fled to join the Purko in the Naivasha area after Loita attacks in the region (Waller 1995: 36; Waller 1976: 541). The Loita-Purko hostilities and the Senteu-Olonana competition became so interwoven that they resulted in one larger conflict pitting the Loita and their chief laibon Senteu against the Purko and Olonana.

*The onset of colonial rule*

The involvement of British and German colonial forces was decisive for the outcome of this double conflict. The British, unaware of the details of the conflict and having met Olonana first, conveniently interpreted Olonana's position of chief laibon as one of overall chief with political authority over all Maasai. By promoting him to the salaried position of 'paramount chief' in 1901, they made his position official and integral to the emerging colonial administration (Waller 1976: 541, 542, 543, 1995: 37; Hughes 2006: 16; Mungeam 1970: 131). An informal alliance between Olonana and the British allowed Olonana to widen his sphere of authority and ultimately defeat Senteu (Waller

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[39] Berntsen (1979: 135-137) reports that by the 1890s 'due to natural population increase and adoption within the lineage, the Inkidongi had extended their grazing areas to all sites of Mt Meru as far north as Mt Longido and Ol Doinyo Orok lol Matapato (Namanga) and east as far as Ol Molog high on the west slope of Mt Kilimanjaro'.

[40] Senteu belonged to the Iltalala age-set and Ngabual to the Iltuati age-set.

[41] Letutui's account bears a striking resemblance to Waller's (1978: 218, 262-267, 1995) historical reconstruction of how the Inkidongi spread from their homeland in the Sikirari sub-section of the larger Kisongo section, i.e. the Mt Kilimanjaro area and from Mt Meru stretching north to Oldoinyo Orok (Namanga), Mount Longido and the Meto hills, to all corners of Maasailand. See also Berntsen (1979: 135-136, 138).

1976: 542, 544).[42] The Olonana-British alliance determined the outcome of the War of Morijo. By 1895, Olonana had secured assistance from the British should Senteu and his raiding Loita enter British territory (*Ibid*.: 545). The Loita warriors had been active on German territory but, unlike the British, the Germans decided to fight the Maasai rather than form an alliance with them (Waller 1976: 545-546, 1988: 82), attacking Loita in Ngorongoro (*Ibid*.: 77n) and driving them northwards into British territory (Waller 1976: 546). Loita's former allies in the south, i.e. the Kisongo and the Arusha, also started to raid the Loita (Waller 1988: 81, 1976: 540; Anacleti 1977 in Galaty 1993: 72). Squeezed between various hostile powers, 'the Loitai began to crumble, and Purko raiders and German patrols reduced the herds and drove the people away from their main grazing and settlement areas' (Waller 1990: 93, 1988: 93; Lamprey & Waller 1990: 21). Senteu and the weakened Loita, having lost many warriors (Waller 1988: 103), finally surrendered to the Olonana-British alliance in 1902 (Waller 1976: 540, 541, 548). The intersectional clashes of the War of Morijo ended with this surrender. The defeat of the Loita marked the end of Loita Maasai expansion.

The surrender of the Loita and their chief laibon Senteu happened in July 1902 when a group of Loita, including Senteu, and some Damat supporters capitulated to Olonana and the British at Ngong (Waller 1976: 540, 548, 1988: 81).[43] Senteu was housed near his half-brother Olonana under strict British supervision (Waller 1976: 548, 1995: 37). By this time, the heavily defeated Loita had been dispersed and were living widely scattered. Those who came with Senteu to Ngong had followed their captured stock (Hughes 2006: 35), others lived on the Mara and Serengeti Plains, and still others in the Loita Hills (Waller 1990: 93; Lamprey & Waller 1990: 21). In the years following 1902, the Loita slowly regrouped and returned to the Loita Hills and the seasonally used Loita Plains to rebuild their community and herds there (Waller 1990: 95, 1988: 85). After living at Ngong for a while, Senteu also moved back to Loita and established a new Inkidongi community in Kisokon around the Olngarua swamp adjacent to the Naimina Enkiyio Forest. This is Mokompo's account of how Senteu came to settle permanently in Loita:

> Then Olonana found the white men [i.e. the British] and because he was the boss, the white men talked to him. And they were all living in the highlands of the Enchorro e Muny (lit. 'the spring of the rhino' in the Ngong Hills near Nairobi). The white men went to the other one [Olonana] to talk to him. Olonana started to sell land (*enkop*) to these Europeans and the other one [Senteu] asked him, '*enta-wuo*,[44] you want to sell the soil (*enkulukuoni*)?' 'Yes.' And he was also strong so the bulls start fighting [again], and he answered, 'yes, because it is mine' because his people lived from there up to there on the other side. And that was his place. Because his people were living there. (...) Well, so it was true that he was selling [the land] so it was just like me and you fighting about me selling the land and you disapproving of it and these ones of your side don't want the soil to be sold, so Senteu was

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[42] For the British, who were militarily weak in their initial phase of colonization, an alliance brought the benefit of befriending rather than antagonizing a still uncontrollable and powerful community that might sabotage the construction of the Uganda railway (Hughes 2006: 27), which ran right through Maasailand or, worse, rise up against the British (Waller 1976: 543, 547, 548). For a full account of the mutual benefits and intricacies of the larger Olonana-British alliance, see Waller (1976). In retrospect, the disunity of the Maasai made it considerably easier for the British to gain control in Maasailand.

[43] Two thousand people, including 260 Damat (Waller 1988: 81n).

[44] A form of address between elders who have given each other a heifer.

taken to a European court by Olonana. And during the case he [Olonana] was the only one who talked to the Europeans and he was asked, 'so how do you want Senteu to be punished?' And he said he wanted him to be jailed or to be resettled to where there was malaria so that all his children would die of the disease and the family of Senteu would cease to exist in Maasailand, 'because he is a beast-of-prey who kills a lot, so we need his fruits (*entalipa*, descendants) to be finished' and that is what he told the leader. He [the leader of the Europeans] came to him [Senteu] and the white man told Senteu: 'Olonana said your fruit has to be finished, and it is your own brother who says so. Where do you want to be taken to, to be away from him, if you have [a place you want to be taken to] let us know, if you don't, well, it is up to you.' (...) Well, 'so where do you want to go to?' And this white man was afraid of Senteu so they were afraid, like Olonana they feared him, also this white men, so nobody was courageous enough when next to him, so they asked him where he wanted to migrate to. He said he wanted the land known as Kisokon, he was told 'fine', and he was brought up to this place known today as Kosika [near Narosura] and when he was brought he asked, 'is it here?' 'Yes it is, I know now where I can live' He was brought, even his cattle, so that he could be away from Olonana and when Olonana sold his land, I think you have seen the boundary that he made?[45] So the white men went to that place, just imagine a place you sold to somebody, he will tell you to go away because it is not ours [anymore], that is when Olonana went and Senteu came up here to Kisokon.

Nevertheless, Senteu became a powerful chief laibon (Waller 1995: 37, 48). The Ink-idongi community in the Kisokon area of Loita is presently recognized as having the most powerful laibons in Maasailand.[46] However, the Loita were never able to regain their previous hegemony over Maasai territory. They had lost forever their grazing lands on the Mara Plains (Waller 1990: 95; Lamprey & Waller 1990: 21). By 1905, the territory they controlled comprised only the Loita Hills and the Loita Plains.

## The 1905 and 1910-1913 Maasai Moves

> The Maasai prophet Mbatian (Mbatiany in Maa), father of Olonana,
> had foretold the arrival of the white man and the railway many years
> before. He had a vision of Europeans, represented by white birds, while
> the railway was seen as a great snake stretching from sea to lake.
> (Hughes 2006: 27)

Mokompo's account above attributes Senteu's departure from Ngong to a dispute with his half-brother Olonana over land. Senteu strongly disapproved of Olonana's moves to 'sell' land to the British. This refers, without doubt, to negotiations between Olonana and the British to set aside parts of Maasailand for white settlement. The British practice of dealing with ritual leaders that they had appointed to the administrative position of 'chief' as if they were landlords was common in colonial Africa (Colson 1971: 200). It was part of a larger colonial state project of making people and land legible (Scott 1998) (see Chapter 4). Olonana's collaboration in the process of land alienation had much to do with his desperate attempts to maintain his acquired political power over the Maasai, an authority that was increasingly being challenged by secular leaders. Hughes (2006:

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[45] Olonana is said to have miraculously made a boundary between Maasailand and the land given to the white men. At Maai Mahiu, a small town in the Rift Valley on the Nairobi-Narok road, this boundary, which can be seen on the eastern Rift Valley escarpment as a straight line, was repeatedly pointed out to me by Loita Maasai lifters. Hughes (2006: 137) also talks about this boundary.

[46] Loita laibons are still visited by individuals and delegations from far afield. In 2001 I saw a large group of Laitayok warriors passing through Entasekera on their way back to Tanzania from a visit to a laibon in Kisokon. In that same year, Matapato Maasai from Kajiado visited Sanya ole Simel, presumably to collect protective charms for their *eunoto* ceremony.

41), for instance, refers to a private meeting between Olonana and Governor Girouard in 1910 at which they apparently struck a deal: Olonana would be recognized as the sole paramount chief in return for his cooperation in initiating a second Maasai move to vacate prime land for white settlers. It would thus seem that the position of paramount chief was, to use Mokompo's discourse, Olonana's 'payment' for 'selling' the land.

In the years to come, the Maasai, particularly the Purko, would lose prime pasture land in the Central Rift Valley, and later also in Laikipia, to white settlers. Pre-colonial Maasailand north of the international border is calculated to have been approx. 55,000 km$^2$ (Rutten 1992: 177). After the agreements (or treaties) of 1904 and 1911 that the British made with the Maasai, 'the only [ones] of its kind made with an ethnic group in British East Africa' (Hughes 2006: 208), that expropriated them of large tracks of valuable land, the Maasai would keep an area of almost 38,000 km$^2$ (Rutten 1992: 182), a reduction of about 30%.[47] Compared to other ethnic groups in East Africa, the Maasai lost the most land to the British (Hughes 2006: 105; Rutten 1992: 182, 187). They also lost access to their best lands: superb, well-watered and disease-free pastures in a pleasant cool climate (Hughes 2006: 105-132; Rutten 1992: 182). Although the Loita did not lose land to white settlers, they did suffer the consequences indirectly when dispossessed Purko settled in the area.

*The first Maasai Move (1905)*
The coming of the Uganda railway was instrumental in the run-up to the Maasai Moves in three ways (Rutten 1992: 173; Hughes 2006: 27, 31). First, it cut Maasailand in two which, in a sense, created 'northerners' and 'southerners'. Second, to recover some of the costs of its expensive construction, the British administration actively tried to attract white settlers to the East Africa Protectorate.[48] Third, the white settlers could access the (future) White Highlands more easily, thanks to the route the railway took. It should be noted, however, that the opinions of the Foreign Office (and later the Colonial Office) in London,[49] and the colonial administration in the East Africa Protectorate differed. The former was concerned with preventing land speculation (Rutten 1992: 173, 177), land accumulation (Hughes 2006: 26) and the protection of native rights to land (Rutten 1992: 175, 181; Hughes 2006: 30, 32), the latter was solely interested in creating an attractive environment for settlers at any cost regardless of the natives' needs (Rutten 1992: 174-175). During colonial rule, the colonial administration would side more than once with the growing settler community and act independently of London on issues concerning land (Hughes 2006: 26, 30-33, 38-42; Rutten 1992: 175, 177-178). Commissioner Eliot set the stage when he made large tracts of land available and offered favourable legislative regulations for settlers (*Ibid*.: 173-175). The declaration that all 'waste and unoccupied lands' would be Crown Land made this possible (Matter 2010b:

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[47] Hughes (2006: 208) puts the total land loss after the Maasai Moves much higher, at between 50 to 70%.

[48] The construction of the railway had cost £5.55 m and was completed in December 1901 (Rutten 1992: 173).

[49] The Colonial Office took over the administration of the British East Africa Protectorate from the Foreign Office in 1905, changing, amongst other things, the status of commissioner to governor (Rutten 1992: 177; Hughes 2006: 25).

99-100; Rutten 1992: 19; Hughes 2006: 25).[50] After limited interest initially, increasing numbers of applications for land were soon filed and settlers – a mix of Boer and British South Africans, English and Anglo-Irish aristocrats and adventurers – started to move to the East Africa Protectorate (Rutten 1992: 175; Hughes 2006: 27). The most coveted lands were often occupied by Africans but, with the backing of the strongly pro-settler colonial administration, these were nevertheless made available for white settlement (Rutten 1992: 174). In this way, the agricultural Kikuyu inhabiting the area north of Nairobi, for instance, lost about 60,000 acres of land to white settlers between 1903 and 1906 (Sorrensen 1968: 180 in Rutten 1992: 174).

*Map 3.3*    Masai Reserves, 1906
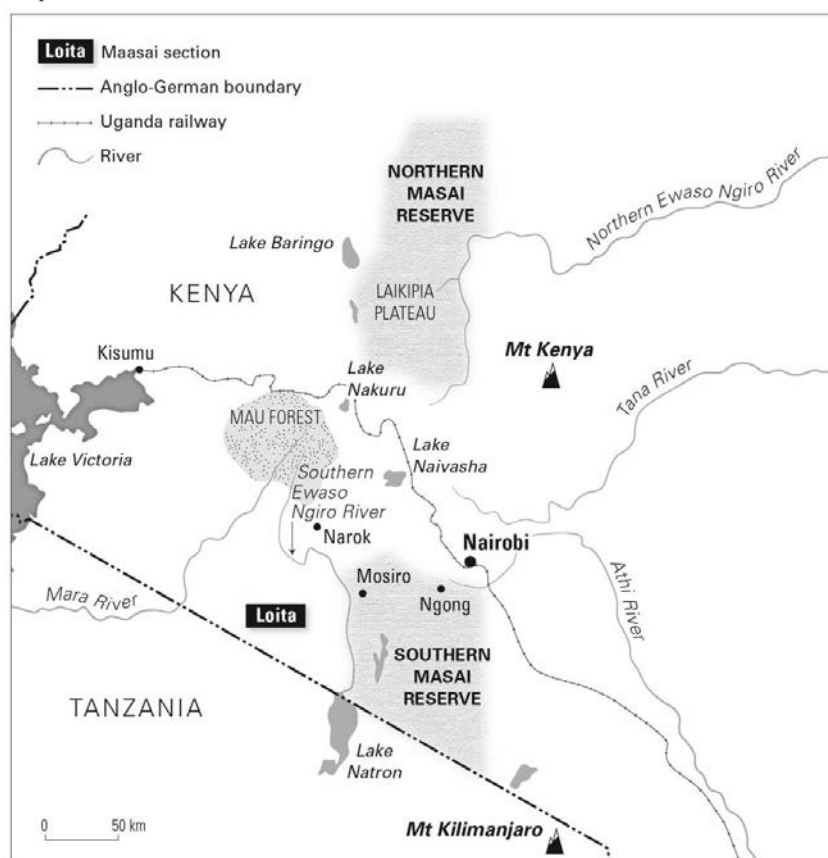


Adapted from Hughes (2006)

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[50]   The first Crown Lands Ordinance 1902 allowed settlers to obtain 99-year leases and the possibility of selling/buying land up to 1000 acres per parcel. The acquisition of more than 10,000 acres was only possible after official approval by the Foreign Office (Rutten 1992: 174; Hughes 2006: 25-26).

After initially focusing on land around Nairobi, interest was soon directed further inland to the rich pasture lands of the Rift Valley (Rutten 1992: 175). Lord Delamere, a rich British aristocrat and the first to apply for a major land grant in the Rift Valley, was given a concession of 100,000 acres with a 99-year lease in the heart of Maasailand in the Nakuru area in November 1903 (*Ibid.*; Hughes 2006: 27-28).[51] What to do with Maasai who claimed but because of their transhumant pastoralism did not continuously occupy these 'uninhabited'[52] lands soon became a topic of discussion between those who argued for mixed occupation of lands by Maasai and white settlers, like Commissioner Eliot who felt that only in this way would the Maasai's 'beastly, bloody system, founded on raiding and immorality' (quoted in Sorrensen 1968: 76 in Rutten 1992: 175; see also Hughes 2006: 3) cease to exist and the Maasai would ultimately be 'civilized'.[53] Another group of officials, including Bagge, Jackson and Hobley, wanted to save the noble savage from western influences (Hughes 2006: 28-30, 31; Rutten 1992: 175-176).[54] Advocates of the latter argued for a separate settlement and called for the creation of a Maasai reserve (*Ibid.*: 175), an idea that was taken up by the new commissioner when Eliot had to resign (Hughes 2006: 33-34; Rutten 1992: 176).

Apart from initial Maasai complaints (Hughes 2006: 35), the negotiations went through relatively easily thanks to Olonana's supportive stance. 'Olonana, who had been salaried by the British since 1901, had already agreed to both move and treaty in advance of the meeting' and later, when giving reasons as to why the Maasai did not rise up against the forced moves, Hughes (2006: 35) wrote '[t]hey could not resist without Olonana's sanction'. The British and Maasai leaders reached agreement in August 1904 (Rutten 1992: 177). It is unclear, however, whether the Loita were also part of the agreement: '[t]he Loitai were said to be represented, but none actually put their mark to this document' (Hughes 2006: 34). The treaty stipulated that the Purko, Loita, Keekonyokie, Damat and probably Laitayok[55] Maasai would move to a northern reserve on the Laikipia Plateau and the Kaputiei, Matapato, Loodokilani and Sikirari to a reserve south of the railway in the Ngong-Kajiado area (*Ibid.*: 34; Rutten 1992: 177). Both reserves were planned for outside the Central Rift Valley (*Ibid.*: 176; Hughes 2006: 34) and thus dispossessed the Maasai of their best grazing lands. The land ceded became Crown Land and was then legally available for appropriation by white settlers (*Ibid.*: 25).[56] The official Maasai area now comprised 24,000 km$^2$, including two extensions to the north-

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[51] Lord Delamere became an important advocate of settler's interests: 'his motive was the European monopoly of the highlands' (Hughes 2006: 28; but see also Rutten 1992: 177).

[52] Hughes (2006: 23-24) discusses how the writings of early visitors to Maasailand describing 'uninhabited' and resourceful highlands suitable for white settlement deeply influenced later colonial views and the administration of Maasailand.

[53] This quote comes from a secret, confidential letter from Commissioner Eliot to the Foreign Office in London dated 9 April 1904 (Hughes 2006: 3, 31-32, 193n; Sorrensen 1968: 76 in Rutten 1992: 176). The letter was not well received by the Foreign Office (Rutten 1992: 176; Hughes 2006: 30).

[54] See Hughes (2006: 28-30) for a detailed account of this debate.

[55] Rutten (1992: 177) talks about Loitatok and Hughes (2006: 34) about Laitutok. In fact, they could both be referring to Laitayok or Loitokitok Maasai, but probably Laitayok.

[56] Crown Land was defined as 'all public lands [i.e. unoccupied land] which for the time being are subject to the control of His Majesty *by virtue of any Treaty*, Convention, or Agreement, or of His Majesty's Protectorate' (Hughes 2006: 25 emphasis added).

ern reserve that would be made within two years (*Ibid*.: 36). This compared negatively with the 55,000 km$^2$ of land that the Maasai once controlled.

The creation of Maasai reserves and the movement of Maasai to the reserves did not, however, mean that there were no Maasai outside the reserves (Hughes 2006: 35; Waller 1984). The Loita, for instance, who appear not to have taken part in the negotiations that theoretically bound them to move to the northern reserve, still lived in Loita (the Loita Hills and the Loita Plains), an area that was not included in the newly created reserves (Waller 1990: 95; Lamprey & Waller 1990: 21; Hughes 2006: 35) (see Map 3.3). Their presence there was tacitly accepted (Waller 1990: 95; Lamprey & Waller 1990: 21). However, despite the fact that that they did not undergo the distress of a forced move themselves, they did so indirectly and experienced the consequences of the treaty with the arrival of the Purko in the area.

### The second Maasai Move (1910-1913)

The first Maasai Move was particularly bitter for the Purko who lost access to Maasailand's best pasture lands around Lake Naivasha and Lake Nakuru. In return, they were offered the relatively inferior Laikipia Plateau that, it turned out, could not accommodate increasing numbers of animals and people (Hughes 2006: 36-37; Rutten 1992: 177). Opinions among Purko leaders varied about whether a move to the north was in fact the best option (Waller 1990: 95). About a third (a quarter according to Sandford 1919 in Hughes 2006: 35; Hughes 2006: 106) of the Purko community refused to move north and decided instead to cross the Mau Forest and go south onto unclaimed grazing land between Narok and Mosiro (Waller 1990: 95; Lamprey & Waller 1990: 21). The Loita Plains lay just across the Ewaso Ngiro River and it was not long before Purko herders started to cross it. These Purko intended 'to follow up the Loitai defeat and to replace them south of the Mau' (Waller 1990: 95). The Loita, still recovering from their defeat in the War of Morijo, started to lose ground to the Purko. By 1909, some 2000 Purko were sharing the Loita Plains with 4000 Loita (Waller 1990: 95; Lamprey & Waller 1990: 21). The arch-enemy of the Loita had become their closest neighbour – and their biggest threat.

As a result of the continuous influx of new settlers demanding land, the British once again approached Olonana in January 1909 to discuss the annulment of the northern reserve and the possibility of moving the Maasai that inhabited the area to an extended southern reserve to open up the Laikipia area for white settlement (Rutten 1992: 178). To the surprise of the British, Olonana, who had remained in Ngong, consented because he apparently wanted to reassert his then-dwindling control over the spatially divided Maasai, and especially over the northern Maasai (Hughes 2006: 37; Rutten 1992: 178; Mungeam 1970: 133). British colonials faced a problem though. The 1904 agreement stated that the Maasai would be allowed to keep the lands in their reserves 'for so long as the Masai as a race shall exist' and the Colonial Office in London was especially committed to keeping this promise (Hughes 2005: 218; Hughes 2006: 34), insisting when talks about a second move began that coercion was out of the question (*Ibid*.: 62). As a result, no transfer of the Maasai from Laikipia could be done openly: 'the Colonial Government made it look as if the removal of the Maasai from the Laikipia area was

solely the result of the wish of Olonana and his people' (Rutten 1992: 179). For Governor Girouard, 'it was a measure of the utmost delicacy. Girouard had to abrogate the 1904 Masai Treaty and pretend to the Colonial Office that the Maasai wanted to move south. At the same time he had to disguise the fact that he was acting in the interests of the settlers, some of whom had been promised land on Laikipia' (Sorrensen 1968: 126 in Hughes 2006: 41; see also Mungeam 1970: 133).

The opportunity arose when the Purko living in the south were barred from travelling to Kinangop in 1909 because of an East Coast Fever quarantine (Rutten 1992: 179; Hughes 2006: 41). Kinangop, southwest of the Aberdare mountain range, was an important ceremonial site and the British had conceded that they would set aside 5 square miles on the Kinangop Plateau for ceremonial use during the 1904 negotiations (Rutten 1992: 177; Hughes 2006: 41). The Purko from the south were preparing to join their fellow northerners to hold their *eunoto* ceremony there (Rutten 1992: 179). Olonana manipulated the situation and demanded that the northern Maasai should proceed to the south for the ceremony at Ngong instead (Hughes 2006: 41; Rutten 1992: 179), and called at the same time for a pan-Maasai regrouping in the south (*Ibid.*). Girouard took his cue from Olonana (Hughes 2006: 61) and '[w]ithout waiting for a formal treaty or Colonial Office sanction, Girouard began moving the Maasai south in early 1910' (*Ibid.*: 41). A big trek southward that would mark the start of the second Maasai Move commenced in April 1910, but it was not until three years later that the move was completed, after considerable resistance from some Maasai leaders and interventions from the Colonial Office in London that had been warned about the situation by white pro-Maasai whistle-blowers (*Ibid.*: 43, 45-55, 60-67, 71-76, 77-84; Rutten 1992: 179; Waller 1990: 95). Olonana died in March 1911 and his final message was that 'the (Laikipia) Maasai had to obey the Government and should move with their cattle to the Loita Plains in the south' (Rutten 1992: 180; see also Hughes 2006: 49). This was ingeniously (mis)used by Governor Girouard to convince the Colonial Office in London of the legitimacy of the Maasai community's wish for the move and to pressurize Olonana's successors to sign the treaty (Rutten 1992: 180; Hughes 2006: 49). In fact, many elders who disagreed with it had been forced to accept it. For instance, ole Gilisho, one of the elders opposed to the move, only agreed to leave Laikipia after being threatened with deportation and imprisonment in Europe (Rutten 1992: 180; Hughes 2006: 45). Indeed, it would appear that this second move could have only been achieved using substantial force on the part of the British. It is alleged that threats and intimidation at gunpoint were used, but not torture and murder as is sometimes claimed (Hughes 2005: 207, 210, 221; Hughes 2006: 55, 58, 66, 73, 76, 99). A second Maasai treaty was officially signed in April 1911 and the last Maasai living in Laikipia arrived in the southern reserve by April 1913 (Rutten 1992: 180, 181).[57]

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[57] Small Maasai communities still live in Laikipia.

*Map 3.4*    Masai Reserve, 1916
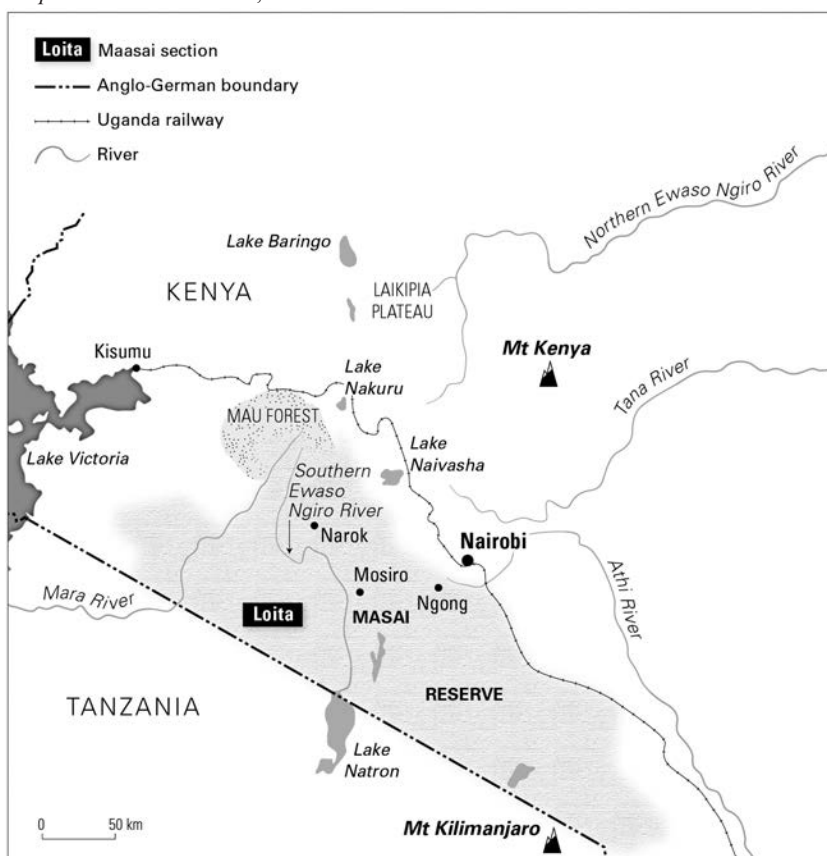


Adapted from Hughes (2006)

For the Loita, the second treaty meant that their territory now officially belonged to the new Maasai reserve in the south. The extension to the west included the Loita Hills and Plains, the Mara Plains and later also Trans-Mara (Waller 1984: 257). It was made to accommodate the incoming Maasai from the northern reserve (Rutten 1992: 180).[58] Following the southward trek for the *eunoto* ceremony, 10,000 head of cattle had already reached the Narok area by 1910 (Hughes 2006: 36). That same year, some of the Keekonyokie families that had remained around Naivasha also arrived in the south and settled on the Loita Plains (Sandford 1919: 27 in Hughes 2006: 35, 194n). These recent

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[58]  First an area of approx. 14,600 km$^2$ including the Loita and Mara Plains and the Loita Hills was annexed, to be followed by an area of 2,300 km$^2$ in the adjacent Trans-Mara region (Rutten 1992: 180). A final extension of 580 km$^2$ was granted near the Mau Narok region (*Ibid.*: 182). Additional extensions were made to the east of the southern reserve (*Ibid.*: 180, 182). In the end, the Maasai reserve covered 38,000 km$^2$ (*Ibid.*: 182).

immigrants were joined by 10,000 Maasai (mainly Purko) whose herds had more than tripled in Laikipia and now numbered 200,000 cattle and 550,000 sheep (Sandford 1919: 36 in Rutten 1992: 181; Hughes 2006: 36). They soon started to take over western Maasailand: '[t]he Purko, spreading outwards from where they had been brought by the Moves, occupied the largest area, stretching south and west from Narok to the Mara River and the Loita Hills and across the border into Tanganyika [former Tanzania]' (Waller 1990: 96). The arrival of the second wave of Purko in the area forced the Loita to retreat into the Loita Hills and to leave the Loita Plains for good. Surrounded by the numerous Purko on the northern and western sides, the Loita continue even today to experience pressure on their land from the politically well-represented and expanding Purko section.

## Conclusion: the waxing and waning of Loita territorial control

A bird's eye view of the Rift Valley region following the lives of the Maasai and their ancestors there in high speed motion would use one word, namely movement, to characterize the period between 900 AD and 1913. This involved the north-south immigration of early Maa speakers to the Central Rift Valley (approx. 900-1700) and the outward expansion of Maa-speaking groups (±1550 to ±1800) during the formative period of the Maasai; the gradual differentiation and spread of Maasai sections to the north and south and to the plains and plateaus east and west of the Rift Valley; the massive mobilization of warriors from all Maasai sections to defeat the Laikipiak in 1875; the criss-crossing movements of raiding parties and fleeing victims during the intersectional conflicts following the decade of the Disaster (1883-1892); the gradual regrouping after this period of warfare ended in 1902; and, finally, the forced Maasai Moves (1905, 1910-1913) under British pressure in the early colonial period.

Tracking the trajectory of the Loita section in this history of movement highlights a surprising alternative to the more commonly documented Purko version of events. The Loita appear to have been quite a dominant and assertive section not only in western Maasailand during the period of Maasai expansion but also during the subsequent intersectional fighting towards the end of the nineteenth century. Loita raiding parties went as far south as the Ngorongoro Crater in present-day Tanzania, and they went west until they reached the western Maasai periphery along the Siria Escarpment. They crossed the Rift Valley to the east in search of cattle on the eastern plateau, chased fleeing Maasai up to Nairobi in the north, and descended again to the Rift Valley attacking Purko in the Nakuru-Naivasha corridor. Loita's successful cattle-raiding was only brought to an end by the intervention of the British and German colonial forces. The alliance between Olonana (the chief laibon of the Purko) and the British was instrumental in the defeat of the Loita, who were led by Senteu, Olonana's rival half-brother. The outcome of this turbulent period had lasting effects for the Loita who would never regain their earlier hegemony over other Maasai sections.

The rise and fall of Loita Maasai hegemony was matched by changes in the territory they occupied and controlled. Before the Disaster that started in 1883, Loita controlled the pastoral resources of the Loita Hills, the Loita Plains and large parts of the Mara

Plains. The neighbouring land was occupied by the Damat in the northeast, the Siria in the far west and the Laitayok Maasai in the southwest (Lamprey & Waller 1990: 20). During the period of intersectional raiding (1891-1902), Loita settlements extended as far as the Serengeti Plains in Tanzania (*Ibid.*: 21) and to the Ngorongoro Crater in the south (Waller 1988: 77n, 81). The Sonjo occupied the Nguruman Escarpment at the same level of latitude as Lake Natron. After the Loita were defeated by the Purko-British alliance at the turn of the twentieth century, they retreated to the Loita Hills and Loita Plains, losing the rest of the formerly occupied land. Their control over the Loita Plains, however, was soon challenged when large numbers of Purko arrived in western Maasailand after the British-enforced Maasai Moves of 1905 and 1910-1913. Purko steadily pushed the Loita from the Loita Plains forcing them to withdraw into the Loita Hills. The steep escarpment at Narosura marked the natural boundary between the Loita on the Loita Hills and the Purko on the Loita Plains. The Purko then spread westwards onto the Mara Plains and southwards encircling the Loita to the north and the west. Loita territory in Kenya covered the Loita Hills and more or less stabilized at this point, comprising just a fraction of the area that they had had in their heyday.

This chapter has described the emergence and gradual consolidation of the Loita Maasai as a separate social unit that came to be identified with a specific territorial area in the Loita Hills and a particular lineage of laibons (Senteu's branch of the Inkidongi family). It also considered how pastoralism, as a mode of subsistence, and the age-group system were essential parts of Maasai expansion and Maasainess. How these practices continue to be important markers of Loita Maasai identity in spite of radical transformations will be discussed in Chapters 7 & 9. Present-day territorial relations with neighbouring Purko (and Sonjo) have their roots in past hostilities that had more to do with cattle-raiding and laibon rivalries, and less with territory and land. The arrival of colonial forces in East Africa was decisive in the way the hostilities were played out. British colonial intervention shaped the new meaning these hostilities would acquire. The Maasai Moves brought the numerous and growing Purko section closer to the Loita, giving a new territorial and land-based twist to their already-existing animosity. Chapter 8 investigates how this enmity and sectional territoriality still persists today.

After the Maasai Moves, the Loita continued to face territorial pressure from the Purko and, over time, they would also lose control of the northern Loita Hills, i.e. the highland plain called Osupuko. Holding on to the southern Loita Hills and the Naimina Enkiyio Forest, some Loita moved to the grazing lands in the south across the Tanzanian border, when their herds started to grow again (Waller 1990: 96, 98; Lamprey & Waller 1990: 22): '[b]y the late 1920s, up to half of the section was settled semi-permanently in Tanganyika, together with most of the remaining Laitayok' (Waller 1990: 96). This southward orientation, the natural barriers such as the Naimina Enkiyio Forest and the Nguruman Escarpment to the east and the Narosura Escarpment to the northeast, and the hostile Purko to the north and west formed a geographical and socio-territorial buffer between the Loita Maasai of Kenya and the developing centres of Kenyan colonial rule around Nairobi. This double buffer would combine with colonial dis-interest to weaken and slow down (colonial) state intervention in Loita. How all this would play out with respect to land and leadership is the topic of the next chapter.

# Seeing Loita: State interventions
of legibility (1908-1965)

This chapter examines governmental interventions by the emerging colonial state that shaped and transformed leadership and land issues in Loita. It traces how the introduction of the positions of 'PA chief' and 'councillor' by the state articulated with existing leadership positions and gave rise to what are called 'double authorities' here. The term 'double authority' (or occasionally 'triple authority') is used here as shorthand to refer to the accumulation of two forms of authority in one social figure. This should not be confused with the 'double structure of authority' found in West Africa between immigrant chiefs with political authority and autochthonous earth priests with ritual authority (Luning 2010, 2007). Double authority is a phenomenon that has persisted until the present and is relevant to an understanding of the forest conflicts (Chapter 8). This chapter also shows how different land categories were introduced in Loita as new boundaries were drawn in the colonial period. 'The categorization of land in the colonial period had far-reaching effects upon the development of local tenure' (Colson 1971: 209). Chapter 9 will discuss how one of the new land categories, namely the 'location', has become the backdrop against which certain strategies of land appropriation have been devised by Loita Maasai families and reflects changing tenure practices.

   The conceptual focus in this chapter is the idea of 'legibility' (see Chapter 2), as advanced by James Scott in *Seeing Like a State* (1998). The concept is used here to examine the articulations and effects of colonial state interventions in Loita after the War of Morijo ended in 1902. After playing a key role in the pacification and stabilization of Maasailand by aiding Olonana and the Purko to defeat Senteu and the Loita, the British could then turn to the task of establishing order and building up an administrative state structure. To accomplish this, the various Maasai groups needed to be known and the lands they inhabited had to be mapped. This chapter discusses how, in the process of identifying and mapping, the lands and people in Loita were gradually made legible to the Kenyan colonial state.

   State practices that increase legibility involve state simplifications (Scott 1998). These categorize and bring order to a complex and dynamic socio-environmental reality

so that state officials can manage, tax and govern their people. Administrative legibility in colonial Kenya was seen as a necessary step in asserting political control. Control, and not necessarily legibility, was the ultimate aim: legibility was more a means of attaining this goal. The early colonial state of Kenya, in the form of an institution called Provincial Administration, thus attempted to make the newly acquired territory and its diverse population legible for administrative purposes of order and control. State simplification in the process involved attaching and mapping ethnic groups ('tribes') with territories ('tribal' areas) and appointing 'native authorities' to represent and administer these ethno-territorial units as part of their strategy of indirect rule. In Loita, such interventions of legibility and simplification happened in stages. From 1908 onwards, Loita Maasai started to be appointed as 'headman' and, two decades later in 1928, after some redrawing and renaming, the boundaries were finally drawn that demarcated an ethno-territorially based administrative unit called the Loita Location. New leadership positions and land categories defined the way state power started to be experienced in Loita during the colonial period. In 1955 when the position of PA chief was first accorded to the Loita, the process of making Loita legible was accomplished. The first section of this chapter describes this process and its implications.

The second section introduces another state institution, namely Local Government. Local Government, like Provincial Administration, introduced its own leadership positions (the councillor) and its own land categories (the county and later the ward). As Local Government developed later than Provincial Administration, its interventions of legibility were calibrated against those of Provincial Administration. For example, counties came to cover the same area as districts, and all the PA chiefs in a district would automatically become a member of the council of the coterminous county. This early institutional interlacing became less strong and Local Government developed as a separate state institution with its own government and administration structures that ran parallel to those of Provincial Administration. Local Government actually challenged the monopoly on government held by Provincial Administration in the early colonial period. The second section of this chapter focuses on the struggles and tensions between Provincial Administration and Local Government by reviewing their interlinked histories of formation. By historicizing the state and exploring state formation, two distinct elements are shown. First, the state is not a unified and homogeneous entity but consists of separate state institutions that may (or may not) develop in competition with each other (Hansen & Stepputat 2001: 7; Geschiere 2007: 130). And second, indigenous leadership structures, though traditional in appearance, are in fact deeply affected by processes of state formation (Geschiere 1993). A detour into the institutional formation of Provincial Administration and Local Government is necessary to appreciate the position of Loita's PA chiefs and councillors in the Kenyan state apparatus. It also shows that, in their competition for the right to govern, each state institution had its own projects to make leadership and land legible.

The final section of this chapter wraps up the issue of legibility by summarizing how Provincial Administration and Local Government categorize land in Loita today.

## Governing the margins

Uneven state interest and the correspondingly uneven intensity and frequency of state interventions across the colony are recurrent themes in this chapter (and elsewhere in this thesis too) and merit some additional consideration. Fixated as the colonial authorities and the white settlers were on the economic potential of Kenya's prime agricultural land, interest and interventions were most prominent in the country's agricultural areas. Consequently, colonial activity was most effective (from the point of view of the state) and most developed in these areas. For example, among the agricultural Kikuyu, colonial officials succeeded in creating strong collaborationist PA chiefs, while they failed in this respect among the Maasai pastoralists living on economically unattractive semi-arid lands (Berman 1990; Mungeam 1970; Tignor 1972). The declaration of the northern and southern Maasai reserves as 'closed districts' in 1906, which was meant to control outsiders' access to Maasailand, created another barrier that further distanced the Maasai from political and economic developments elsewhere in colonial Kenya (Rutten 1992: 178; Hughes 2005: 26, 210; Tignor 1972: 274). In Maasailand, a similar pattern can also be seen. Maasai sections closer to the developing centres of the state (i.e. Nairobi and along the railway line) such as the Purko and the Kaputiei would experience more state influence than sections further afield like the Siria, the Damat and the Loita. From the point of view of state officials at the centre of colonial rule, Loita was on the periphery of the colony, geographically isolated on the country's southern border with Tanzania. In a situation where the colonial authorities were focusing their powers on the agricultural highlands in central and western Kenya, Loita, on the farthest side of the pastoral lands of Maasailand, was not a top priority. Encounters with the state were significantly fewer in number in Loita than in Purkoland, and even fewer when compared to those in the agricultural highlands of Kenya. In other words, to the state, Loita was both economically and geographically distant.

As a consequence, only the new leadership positions and land categories were introduced to Loita in the colonial period as part of the larger colony-wide project of establishing an administrative structure for indirect rule. Elsewhere, these were introduced swiftly and their arrival was followed up with more intense and intrusive state interventions made possible by their legibility. For example, the social landscape of the agricultural areas of Kenya was drastically altered. Changes also took place in Loita but were of a different order. The fact that it was spared most of this post-legibility attention and intervention gave Loita's leaders political space to manoeuvre and negotiate their relationship with the state. This situation echoes some of the dynamics highlighted in Chapter 2 which discusses Scott's *The Art of Not Being Governed* (2009). We saw there how distant and unreachable Zomia gave its inhabitants the room they needed to respond politically to emerging states in the valleys wanting to incorporate and control them by devising social practices to avoid this.[1] Although the timeframe, the scale and the contextual situation is different in Loita, partly because Loita was already administratively

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[1]  Scott (2009: 8) calls this a 'state effect'. His use of the term should not be confused with Trouillot's (2001) definition of 'state effects', which is very different. Trouillot's 'state effects' are basically the same as Li's (2007a, 2007b) 'governmental effects' in spite of the fact that Trouillot retains the word 'state'.

integrated in the colonial state, some parallels can be drawn between Loita and Zomia. Loita, like Zomia, was still somewhat distant and marginal in relation to the state and, like Zomia's population, the Loita too responded politically, resisting attempts by the state to govern it more closely.

An issue related to the intense state presence and control in the agricultural areas is that the literature on the colonial state has shown a tendency to be based almost entirely on its role in the agricultural areas of Kenya (see Berman 1990). As a result, there is an important academic lacuna when it comes to the role of the colonial state in the pastoral areas of Kenya. Those authors that have explored the relationship of the colonial state and the pastoral Maasai either show a strong Purko bias, especially for the pre-colonial and early colonial period, as already noted in the previous chapter, or focus on the developments in Kajiado District, and not on Narok District that incorporates Loita (see Rutten 1992).[2]

## Making Loita legible (1908-1955)

*The emergence of double (and triple) authorities*
As elsewhere in British and French colonies, colonial state officials sought to incorporate native authorities that were imagined to be the political heads of distinct territorial 'tribes' so as to exercise indirect rule through them over the African population (Bierschenk *et al.* 2002: 11-16; Geschiere 1993; Spear 2003; Berry 1992). In Kenya, however, where centralized indigenous political structures were lacking in ethnic groups in most cases, native authorities were almost entirely creations of the colonial state (Berman 1990: 209; Klopp 2001: 42-43; Tignor 1971; Mungeam 1970; Berry 1992: 332). Over the years, different categories of native authorities would emerge (Berman 1990: 212). The highest-ranking category was the 'paramount chief' who was considered to rule over a whole 'tribe'. His territorial jurisdiction encompassed the administrative units of a 'reserve' or 'district'. Next came the 'divisional chiefs' who were in charge of three or four 'locations'. PA chiefs were responsible for locations. Some PA chiefs were categorized as 'senior chiefs' and received a higher salary. Finally there were the 'headmen' who represented villages or groups of villages. The land-based categories of district/reserve, division, location and (groups of) villages would form the basis of today's administrative units of district, division, location and sub-location in Provincial Administration.

In their quest for native authorities, colonial officials appointed men who claimed to be traditional leaders while in fact they were not,[3] or men who only had authority over parts of the 'tribe' (such as clan or lineage chiefs) or whose authority was more ritual than political (like laibons). Colonial administrators tried, for example, to appoint Luo clan heads as PA chiefs in Central Nyanza District while in North Nyanza District they

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[2]    The overwhelming research attention given to the Maasai of Kajiado District and not to the Maasai of Narok District has also been noted by Holland (1996: 2-3, 357 n. 1) who warns of 'the dangers involved in generalizing across Maasailand on the basis of what has been discovered in Kajiado District'.
[3]    The Kikuyu PA chief Kinyanjui is one such famous case (Mungeam 1970: 137-139).

mistakenly recognized the hereditary chief of a Luhya sub-group, the Wanga, as chief of all Luhya and appointed him as the paramount chief of this (mainly) Luhya district (Berman 1990: 210-211).

Something similar happened among the Maasai as well. As has already been noted, colonial officials appointed the chief laibon Olonana to the position of 'Paramount Chief of all the Masai' (cited in Mungeam 1970: 131), elevating him to a salaried status in 1901 (Waller 1976: 543, 1995: 37; Hughes 2006: 16). They believed that, apart from his ritual powers as diviner, he also held political power like an overall Maasai chief or even a Maasai sultan (Waller 1976: 541; Hughes 2006: 13, 35), a belief that Olonana did not rectify but nurtured as it suited his ambitions of consolidating and extending his authority (Waller 1976: 542; Mungeam 1970: 131). Among the Maasai, however, his ritual and political authority was a point of contention at the time of his appointment. Olonana's father Mbatiany had been able to extend his ritual authority as chief laibon of the Maasai to exert political influence in Maasailand (see Chapter 3). The ritual and political authority he had consolidated in the position of chief laibon started to break down after his death when his two sons, Olonana and Senteu, claimed to be his rightful heirs. Maasai sections were also divided, with the Purko and other allied sections recognizing Olonana, and the Loita and their allies supporting Senteu. Even the Germans in Tanzania were drawn into taking sides: they regarded Senteu and not Olonana as chief of the Maasai (Waller 1976: 546). With his ritual and political authority challenged, it was in Olonana's interest to convince the British of his paramountcy. This would 'help [him] against Senteu and … strengthen … his own position through access to new resources of political power' (Waller 1976: 542, 545). Waller concluded that, '[u]naware of his true position in Maasai society, the British took Olonana's claims to paramountcy in the British sphere at face value and by supporting them turned his claims into reality' (*Ibid*.: 542).

The belief that Olonana ruled the Maasai might have come from a misunderstanding about the relationship between the laibons and warriors that stemmed from the time when the British used (mainly) Purko Maasai warriors in punitive expeditions against other ethnic groups and rewarded them with livestock (Waller 1976). Olonana was often approached to recruit warriors for these expeditions (*Ibid*.: 536, 543) and the initial success of this practice might have fed the British idea that Olonana was a commander of the Maasai warriors, very much in the way that a king is the commander-in-chief of a country's military forces. During the turbulent times of cattle-raiding in the Iloikop Wars and the War of Morijo, laibons and warriors had indeed passed through a phase of rapprochement (see Chapter 3). However, the relationship between a particular laibon and a specific group of warriors was not exclusive and depended on the success of a raid. If a relationship with a laibon soured or proved unsuccessful, warriors could turn to another laibon for protection and guidance (Waller 1978: 241) or simply raid independently. A laibon is thus not in control of a private warrior army (*Ibid*.) and neither is he the commander of a Maasai military force. The closest to a commander is in fact the age-group chief. An example provided by Waller (1976: 544) shows that Olonana's control was indeed precarious:

One *ol aigwanani* [age-group chief], ole Kordillo, had led a raid into German territory in defiance of Olonana and the British. The British confiscated stock and exiled ole Kordillo. He, however, gathered a group of discontented *murran* in Loitokitok and began to raid independently and beyond the control of Olonana or the British.

That Olonana did not exert the authority that the British thought he had over warriors (and over the Maasai as a whole) became increasingly clear by 1911. Some British officials had already directly contacted age-group chiefs about joining punitive expeditions with their age-mates (Waller 1976: 536, 550). And it had also been observed that warriors would only join British troops if they fought under the command of their own age-group chief in a separate column (*Ibid*.: 536, 549). The British started to bypass Olonana and to deal directly with the age-group chiefs and the leaders of the ruling age-group that they now recognized as the proper sectional leadership, reducing Olonana's influence both with the British and among the Maasai (*Ibid*.: 542, 551). Leaders of the governing age-group had slowly regained their authority over sectional affairs after the War of Morijo. Previously, in the period of social disruption and warfare that followed the Disaster (i.e. the cattle epidemics of bovine pleuro-pneumonia and rinderpest, the human smallpox epidemic, droughts and famine) in the late nineteenth century, they had lost control of their sections, and particularly over the warriors (Waller 1988: 93). Laibons had in fact been able to extend their authority in this period by sanctioning warriors' cattle raids when this political niche became available (Waller 1978) but with the return of peace, they started to lose ground again to the leading elders.[4]

This tug-of-war between elders and laibons over political power slowly dawned on the British. The 1904 agreement that consented to the first Maasai Move was signed by 20 Maasai, 12 of them age-group chiefs, and this 'implicitly recognized the authority and representativeness of the age-set spokesmen [age-group chief]' (Hughes 2006: 34; see also Waller 1976: 551). Recognition of the authority of age-group chiefs was made more explicit when an attempt was made to integrate all the age-group chiefs of a section, i.e. the chiefs of all existing age-groups per section, into the emerging administrative structure by formally appointing them as headmen. This early state attempt speaks of a deep understanding of the nature of the authority of the age-group chief but,[5] due to its complexity (and hence illegibility), it would soon be abandoned. The appointments of native authorities to official positions was announced in the state's official gazette. *The Official Gazette of the East Africa Protectorate* of 13 January 1915 thus officially recognized ole Moti, the age-group chief of the Iltareto age-group in Loita who was in the warrior age-grade at the time (Berntsen 1979: 141; Waller 1995: 47), as exercising 'jurisdiction over the Loita Muran in the Masai Reserve' (see Figure 4.1). Ole Moti was one of the first Loita Maasai to occupy two positions of authority at one time: one derived from the Maasai age-group system and the other was vested in the colonial state.

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[4]   This seems to be an alternating pattern. Waller (1978) explains how laibonism itself rose as the Iloikop Wars progressed in the mid-nineteenth century. Not only their ritual role for cattle-raiding gained importance but their ritual importance also spread as the Inkidongi dispersed all over Maasailand from their homeland near Mount Meru in Tanzania.

[5]   The jurisdiction of each headman matched the actual jurisdiction of the age-group chief who occupied this position. Chapter 6 discusses how the jurisdiction of an age-group chief is defined by the social boundaries of, first, the section to which the age-group chief belongs, and second, the particular age-group he belongs to.

His double authority combined the position of age-group chief of the Iltareto with that of headman in the developing Provincial Administration.

*Figure 4.1*    Appointment of age-group chiefs as headmen

GOVERNMENT NOTICE No 7 ]

**NOTICE**

**Appointments under the Native Authority Ordinance, 1912.**

THE following persons are hereby appointed Official Headmen for the areas named in the Schedule —

Nairobi,                                                                                    C C BOWRING,
Dated this 7th day of January, 1915                                    *Governor's Deputy*

**Schedule.**

| Names | Rank | Tribe | District | Remarks |
|---|---|---|---|---|
| Ole Peii | Headman | Purko | Narok | To exercise jurisdiction over the Purko Muran in the Masai Reserve |
| Ole Morijoi | ,, | ,, | ,, | To exercise jurisdiction over the Il Kisaiuni Section of the Purko Muran in the Masai Reserve |
| Ole Emboioko | , | ,, | ,, | To exercise jurisdiction over the Il Merisho Section of the Purko Muran in the Masai Reserve |
| Ol Olpejo | ,, | ,, | ,, | To exercise jurisdiction over the Il Pelyani Section of the Purko Muran in the Masai Reserve |
| Ole Tamoo | ,, | ,, | ,, | To exercise jurisdiction over the L'Aimei Section of the Purko Muran in the Masai Reserve |
| Ole Enjogo | ,, | ,, | ,, | To exercise jurisdiction over the L'Aimei Section of the Purko Muran in the Masai Reserve |
| Ole Saitaka | ,, | Il Kakonyukye | Engong | To exercise jurisdiction over the Il Kakonyukye Muran in the Masai Reserve |
| Ole Supeo | ,, | ,, | ,, | To exercise jurisdiction over the Il Paragwo Section of the Il Kakonyukye Moran in the Masai Reserve |
| Ole Embishi | ,, | ,, | ,, | To exercise jurisdiction over the Il Kedemni Section of the Il Kakonyukye Muran in the Masai Reserve |
| Ole Moti | ,, | L'Oita | Narok | To exercise jurisdiction over the Loita Muran in the Masai Reserve |
| Ole Endenyu | ,, | Siria | ,, | To exercise jurisdiction over the Siria Muran in the Masai Reserve |
| Ole Moiipet | ,, | Il Damat | ,, | To exercise jurisdiction over the Il Damat Muran in the Masai Reserve |

Source: http://books.google.co.ke/books?id=B-8XaUA-AZIC&printsec=frontcover&hl=nl&source=gbs_ge_summary_r&cad=0#v=onepage&q&f=false accessed 16/9/14.

The new focus on appointing age-groups chiefs rather than laibons to positions of authority is instructive in another way too. It shows how new state policies and regulations were only partially implemented in Loita, while among their neighbouring Purko, who

were much closer to the colonial centre, they were put into effect more fully. Figure 4.1 shows how six age-group chiefs were appointed among the Purko to the position of headman, clearly identifying and naming the different age-groups and their areas of jurisdiction,[6] while only the age-group chief of the warriors at the time was identified and appointed headman for Loita. The age-group leadership description for the Loita lacks the same detail as that for the Purko. This indicates that the British were much more familiar with or interested in the age-group leadership of the Purko than in that of the Loita. This would become a pattern characterizing Loita Maasai history with regard to state interventions. Policies and regulations targeting the Maasai in the colonial period and development programmes and schemes after independence would be implemented in Loita much later, partially or even not at all, shaping the form and character of subsequent articulations with governmental interventions. Distance and geographical barriers, the Purko socio-territorial buffer, colonial economic disinterest and Loita's southward orientation all shaped this persistent pattern.

Returning to the story of the British and the appointment of the laibon Olonana as paramount chief of the Maasai, the British continued to recognize Olonana's young son, Seggi, as paramount chief of the Maasai following Olonana's death in 1911 (Hughes 2006: 13, 37, 49, 90). This was administratively convenient. His position offered the advantage of a single focal point through which they could attempt to govern the Maasai as a whole.[7] However Seggi had 'inherited his father's official position but little of his authority' (Waller 1995: 37). And in 1918 or 1923, depending on the source (Rutten 1992: 183 or Waller 1995: 59 n. 28), the office of paramount chief was finally abolished.

For the same reasons as the position of paramount chief, the positions of PA chief and headman were maintained. It was much easier to deal with a single agent in a location or a (group of) village(s) than with the age-group chiefs of a section or a council of elders of the governing age-group. Rather than acting upon their understanding of the complexity on the ground, colonial officials knowingly decided to simplify matters. And in the process of simplification, Maasai leadership was transformed. Men with traditional authority positions were still the first choice for appointments to the positions of PA chief and headman, which resulted in a rise in the phenomenon of double authorities. Waller (1976: 547) mentions how Jackson, a British official in Uganda, supported a ceremonial age-group leader (*olotuno*) who at the same time was an age-group chief for the position of PA chief.[8] In Trans-Mara, the laibon Toroni became the PA chief of the Siria (Waller 1984: 256). But perhaps the most famous case is ole Gilisho, a Purko age-group chief, who was appointed PA chief of Naivasha and became a central politi-

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[6]  Early colonial officials identified age-groups with the word 'section'. This is different from the use in this thesis of the term 'section' as a socio-territorial sub-group of the Maasai, and should not be confused.

[7]  The same happened with the Kikuyu. 'In Kenya, by 1914, they [i.e. the British] had collected enough information to realise that the Kikuyu, before colonisation, had had no chiefs but had been governed through councils. None the less, administrative necessity persuaded the British to establish local chiefs and to rule through them' (Tignor 1971: 342).

[8]  The border between Uganda and the East Africa Protectorate initially split Maasailand – just like the border between the East Africa Protectorate and Tanzania did – but was later moved westwards.

cal figure in Narok District until the late 1930s (Hughes 2006: 21-22; Waller 1976: 550). Where traditional authorities were uncooperative or seen as problematic by the British, they simply appointed men who did not have local leadership positions but appeared to be collaborative. One example is the 'self-appointed spokesman and ex-government retainer' Lembere, who became the headman of the Uas Nkishu Maasai at Ravine (Waller 1984: 262).

### The creation of Loita Location

At the same time that headmen and PA chiefs were being appointed in Maasailand, the territorial jurisdictions that they were going to administer were being defined; villages or group of villages in the case of headman and locations in the case of the PA chief. These administrative units fitted into a larger, developing administrative structure of (groups of) villages, locations, divisions, districts/reserves and provinces that 'were legally created to correspond to a Russian doll image of descending "tribal units"' (Klopp 2001: 61) and that would form the core of Provincial Administration. The idea behind the demarcation of these areas was to create 'neatly self-contained and ethnically defined administrative units' (*Ibid*.: 63).

The administrative boundaries in Maasailand were based on the territorial occupation of Maasai sections (Waller 1990: 23).[9] Maasai everywhere started to respond to this new framework in an effort to secure land and native authorities for their own sections. In the process, formerly fluid sectional identities (and also ethnic identities on a larger scale, see Waller 1978: Ch. 4) became more rigid and inextricably linked to fixed territories. This was especially evident among those Maasai communities on the periphery of Maasailand whose identities were ambiguous and open to interpretation because of their close links to neighbouring non-Maasai people. Waller (1984: 261) described how the Uas Nkishu were initially granted a reserve of their own in 1905 outside the Maasai reserve, only to be later forced to move southwards to the southern Maasai reserve that the British saw as their appropriate 'tribal' place. The Uas Nkishu, which had first been seen as a separate 'tribe', came to be defined as a 'sub-tribe' of the larger 'Maasai tribe'. The closely related Moitanik were eventually also moved to the southern Maasai reserve but followed a different path. They were refused their own reserve from the start and, when this failed, they agitated unsuccessfully 'for a separate location and chief of their own' (*Ibid*.: 264, 266).

The Loita did not face the same challenges as the Uas Nkishu and the Moitanik did, securely located as they were at the heart of Maasailand and thus being indisputably recognized as Maasai. They were also well known in colonial circles, having been previously identified as the principal Maasai section supporting Senteu in his vendetta against Olonana, and as the main cause of the streams of refugees coming into Fort Smith seeking protection after cattle raids (see Chapter 3). They were recognized fairly early on as a separate Maasai section that warranted its own headman and its own territorial administrative unit. The first person in Loita to be appointed was ole Kashu ('Ol

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9    By focusing on the Maasai, the colonial authorities ignored the existence of the hunting and honey-collecting Dorobo and Ogiek who lived dispersed in the region, thereby subsuming their forest territories under the Maasai sections to whom the land was allocated (Matter 2010b: 82-88).

Lekashu' in the early archives), who became headman of the Loita group of villages in the 'Naivasha and Southern Masai Reserve' in 1908 (KG 1908: 338). The appointment of ole Kashu as headman was the first step towards making Loita legible. If this was indeed the same ole Kashu that Waller (1995: 47) describes as the age-group chief of the Iltalala age-group (Mol 1996: 13), then he was the first Loita Maasai to occupy two positions of authority, namely age-group chief and headman, setting an important precedent for future double authorities in Loita.[10]

All headmen in the reserve fell under the authority of one (paramount) PA chief, namely Olonana (KG 1908: 338). Olonana, by virtue of his position as PA chief, stood between the Loita headman and the British authorities and mediated their interactions. So the Purko not only formed a physical buffer isolating the Loita from the colonial centre around Nairobi in terms of territorial occupation. Through the hierarchy of authority introduced by the colonial state, the Purko, who monopolized the position of PA chief, also acted as a *political* layer between the colonial authorities and the Loita.

The first native authority appointment recognized the Loita as a social grouping represented by a headman but did not yet tie them definitely to a specific area. The focus on villages might not have posed a problem in settled agricultural communities but it did not fit well among the pastoral and mobile Loita Maasai. It should also be remembered that this period, which was marked by displacements following the 1905 and 1910-1913 Maasai Moves and their confinement to the Maasai reserves, was a time of great upheaval and mobility that resulted in a rearrangement of sectional territories as new sections arrived in the southern reserve, as well as a redrawing of colonial administrative boundaries. The Loita were caught in a weak, vulnerable position. After their defeat by the Olonana/Purko-British alliance, they regrouped in the Loita Hills and on the Loita Plains where they concentrated on building up their herds again. With the arrival of the more numerous Purko who had closer links to the colonial authorities in the north after the first Maasai Move, they started losing ground on the Loita Plains. Eventually the Loita retreated to the Loita Hills. It was at about this time, after the second Maasai Move, that the district and location boundaries started to be drawn in Maasailand. The Maasai reserve was divided into Narok District and Ngong District (which was later renamed Kajiado District) in 1913 (Rutten 1992: 183). And in 1915, the land in the reserve legally acquired the status of Crown Land.[11] Locations started to appear in official documents shortly afterwards. Ole Kashu's area of jurisdiction changed from being 'the Loita group of villages' to the Loita L'Atayok and Salei Location in 1918 and included the sectional territories of the three Maasai sections living in the area at the time, namely the Loita, Laitayok and Salei (KG 1918: 329).

Loita became a separate location in 1928 (KG 1928: 510) and after ole Kashu retired as headman in 1929,[12] the chief laibon Senteu was appointed headman of the area (KG

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[10] He would also become a councillor in 1925 in the newly established local native council for Maasai Province, holding in effect a triple authority.

[11] The 1915 revised Crown Land Ordinance extended the definition of Crown Land to all land in the Protectorate, including the lands occupied by and reserved for Africans (Matter 2010b: 101; Rutten 1992: 181-182; Hughes 2006: 26).

[12] Ole Kashu was succeeded by ole Kubain in 1925 (KG 1927: 106) who held this position for a short period until Senteu took over the position of headman in 1929.

1929: 1320). At this time, Loita's sectional territory coincided with Loita Location and was firmly bound and identified with the southern Loita Hills. Sectional territorial boundaries were not supposed to change anymore. Loita Location was defined as the appropriate and exclusive place for the Loita Maasai, tying the Loita Maasai section to the territory that they occupied at that time in a context where sectional identity was more fluid and territorial use and occupation fluctuating (see Chapter 3). In 1938, the legal status of land in Loita, along with all land in the Maasai districts, was reclassified from Crown Land to Native Land held in trust by the state and to be governed according to customary law (Matter 2010b: 108-111; Rutten 1992: 187).[13] This definition of Native Land with its affirmation of customary tenure and its idea of land held in trust by the state is important because it continued to apply after independence under a new name, namely Trust Land (Matter 2010b: 111).[14]

For state administrators, the Loita were now socio-territorially defined. However, although they were granted a location of their own, they still lacked the position of PA chief that supposedly went with their administrative unit. The reason why this anomalous situation (i.e. the combination of a location with a headman rather than a PA chief) remained unchanged for more than 25 years is unclear. From the perspective of the central state, this meant that even though the Loita were now incorporated in the system, they still remained politically distant. The situation of indirect 'indirect rule' would persist for as long as the political layer embodied in a Purko PA chief remained in place.

*A PA chief of their own*

Senteu is another example of a double authority in Loita. He was the chief laibon for a number of sections, including the Loita, and also a headman in the colonial state. Senteu's case is interesting because he seems, or his sons seem, to have tried to apply rules of succession that pertained to the position of chief laibon to the position of headman. Senteu's position as chief laibon endowed him with ritual authority in Loita Maasai society and his position as headman added to this a political authority vested in the state. His double authority undoubtedly made him an influential man in Loita. After Senteu's death in 1933/1934 (Mol 1996: 363; Berntsen 1979: 138), his leadership functions were divided between his sons. One of them, Simel ole Senteu, inherited the position of chief laibon and another, Kone ole Senteu, became the head of the lineage of Senteu (*Enkang e Senteu*, House of Senteu), a more political position (Voshaar 2012 personal communication). And yet a third son, Sangweyan or Sankoiyan, seems to have inherited the position of headman (Waller 1995: 46). After Sangweyan/Sankoiyan's sudden death in 1938 (*Ibid.*; KG 1938: 899), a string of Inkidongi and non-Inkidongi Loita became headman until the position of headman was later abolished.

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[13] With the 1938 Crown Lands (Amendment) Ordinance and the 1938 Native Lands Trust Ordinance.
[14] See Matter (2010b: 99-113) for the historical transmutations of Crown Land, Native Land and Trust Land. See also Klopp (2001: Ch. 2).

*Photo 4.1*     Kone ole Senteu, painted by Joy Adamson
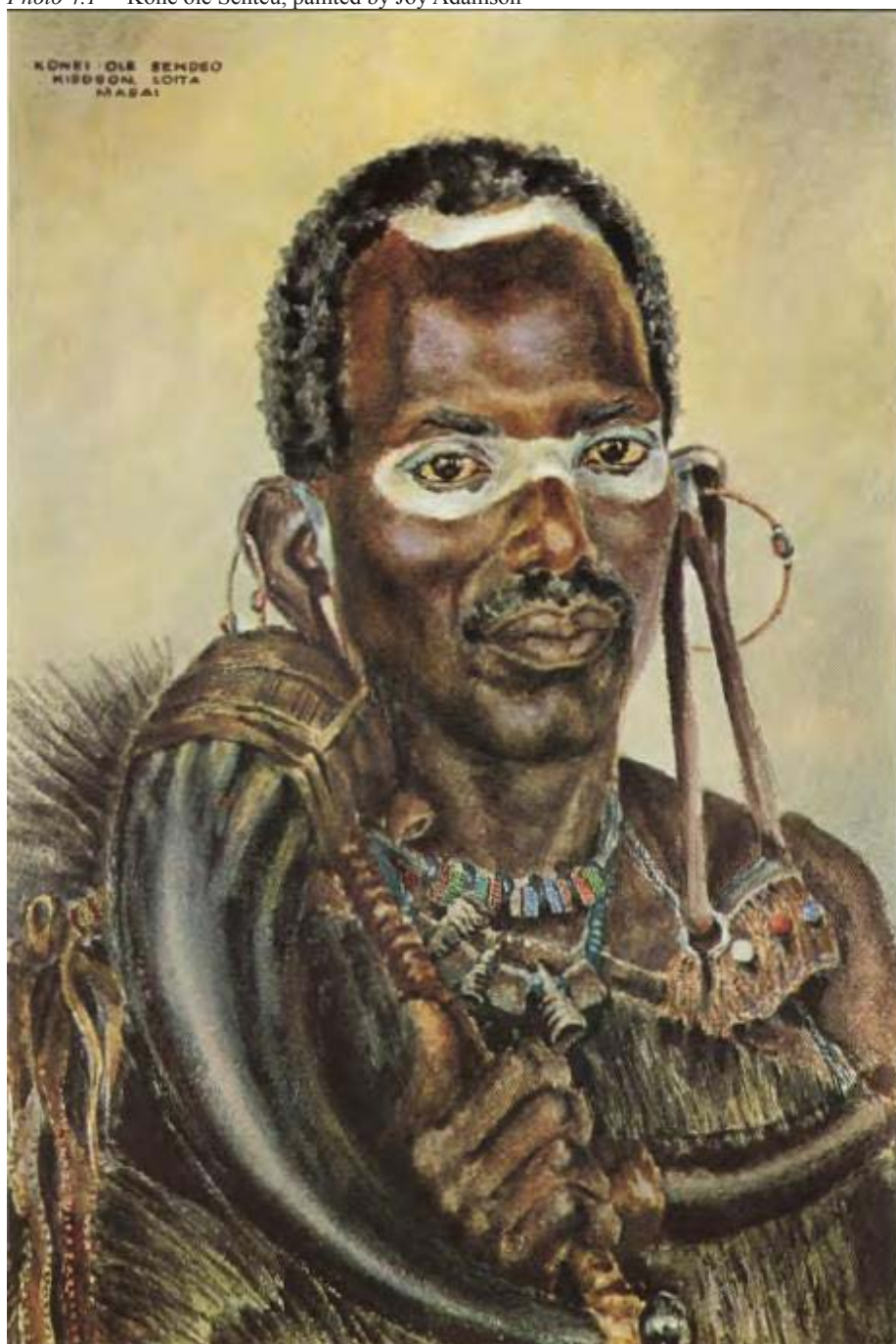


Source: Adamson (1967: 299)

The state-vested leadership position accorded to the Loita was upgraded in 1955 when they finally got their own PA chief (KG 1955: 615). This suggested closer incorporation into the state apparatus and a more direct relationship with it. Senteu's son Kone, who as head of the House of Senteu had established himself as Loita leader, became the first official chief of Loita Location (KG 1955: 615). Kone's double authority combined the position of PA chief and leader of the House of Senteu and he also appears to have been a much-consulted laibon.[15] The state project of mapping and matching tribal units (the Loita Maasai section) to administrative areas (the Loita Location) and appointing a native authority (the PA chief) through which to rule the Loita was now complete. Further adjustments would be made in the future but at this point the Loita Maasai and the territory they inhabited had been made administratively legible to the colonial state.

## Embodied contradictions (1956-1965)

Kone would occupy the office of PA chief for almost two decades until his retirement in 1973 (Kronenburg 1986: 278 n. 75), a decade after Kenya's independence. By virtue of his position as PA chief, he also became a Loita councillor in the new African District Council of Narok (KG 1956: 759, 810; KG 1959: 1033; KG 1960: 408; KG 1965: 1467; KG 1966: 715), the forerunner of the present-day Narok County Council. Prior to this, Loita headmen had also been councillors (like ole Kashu, see note 10) but his case is exceptional because he would hold the position of councillor for about a decade from 1956 to 1965. In that period, he had, in effect, a double *state* authority combining the positions of PA chief and councillor. Such a double state authority would never occur again in Loita.[16] In addition, Kone also held authority in Loita as a laibon and as the leader of the House of Senteu and became a key political figure in Loita during the latter part of the colonial period.[17] He was a highly esteemed leader, something that not only derived from the leadership positions he occupied but also because of the role he played *vis-à-vis* the state and other outsiders. With the political Purko layer out of the way, Kone, as PA chief and councillor, now became the main link between the Loita and the state. This role as intermediary, a position he monopolized during the colonial period and possibly afterwards as well, would largely determine the nature and character of interaction between the Loita and the state, a topic that is touched upon here and there in this section but will be discussed in more detail in the next chapter.

This section takes Kone's two state positions as a point of departure to explore how they fitted in the colonial state as it developed over time. The positions represented different state institutions, namely Provincial Administration and Local Government, and each had their own ways of making people and land legible. The state institutions were involved in a tug-of-war concerning control and authority over the governing of various

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[15] During Senteu's tenure as chief laibon, for example, Kone had ritually directed and blessed small-scale cattle raids by warriors, for which he received a five-year prison sentence from the British (Berntsen 1979: 144 n. 11; Waller 2010: 611 n. 114).

[16] Although Kone's successor as PA chief, the non-Inkidongi Alfred ole Meipuki, would hold these positions successively. He would become a PA chief first and later on a councillor in Loita.

[17] Not only in Loita but also at the district level by virtue of being a member of the District Agricultural Committee (KG 1961: 1250; KG 1962: 327).

areas of the colony. Their processes of formation and development were, therefore, intertwined.

*The place of the PA chief in Provincial Administration*

The positions of PA chief and headman were the first state posts to be occupied by Africans in colonial Kenya. They were integral to the emerging state bureaucracy as the most local offices of Provincial Administration. Provincial Administration was set up in 1900 after the British took over the territory from the Imperial British East Africa Company in 1895, which came to be known as the British East Africa Protectorate (Branch & Cheeseman 2006: 18; Stamp 1986: 23).[18] Together with Central Administration, it became the core institution of the early colonial state.[19] Its main function was to establish political control, initially by using conquest and 'deadly force' (Berman 1990: 204) towards the population of the newly acquired territory (Stamp 1986: 23). Exercising control and maintaining order would remain the main responsibilities of the Provincial Administration throughout the colonial period (Berman 1990) and beyond (Branch & Cheeseman 2006), a role that would be carried out in a typically paternalistic and authoritarian way (Berman 1990: 104-115). To achieve control, the territory of the British East Africa Protectorate was divided into administrative areas, each headed by a centrally appointed officer in a hierarchy of command with the colonial governor, himself an appointee of the British government, at the top (see Figure 4.2). Provinces were the responsibility of provincial commissioners (PC); districts were run by district commissioners (DCs) and divisions by district officers (DOs). All these positions were held by British officials. PA chiefs and headmen staffed the lower echelons of the Provincial Administration's structure and administered locations and (groups of) villages respectively. The men to occupy these positions were recruited from the local community and efforts were made to appoint native authorities, as was seen in the previous section. This hierarchical structure, which was set up fairly early on in the colonial period, continues more or less unchanged today although the governor was replaced by a president following independence.[20]

The organizational structure of Provincial Administration was quite effective in that it became the arm of the central state and could reach out to all corners of the country. However, the effects of this ubiquitous state presence were varied, with much depending on the role played by the PA chief as he formed a crucial link between the state and the local people.

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[18]  The British East Africa Protectorate became Kenya in 1920 when it was officially annexed as a British colony (Lonsdale & Berman 1979: 495).

[19]  Berman (1990) identified Provincial Administration as the most important institution in the Kenyan colonial state. As such, his book on the development of the colonial state of Kenya offers an instructive and exhaustive history of Provincial Administration there.

[20]  It is unclear for how long and in what form, Provincial Administration will continue to exist. Kenya's new constitution has established a devolved system of government called 'County Government'. The constitution states that Provincial Administration shall be 'restructured' in accordance with this new system of government (Constitution of Kenya 2010, Part 4, 17). This 'restructuring' is still in process.

*Figure 4.2*     Provincial Administration in colonial Kenya

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┌─────────────────────────────────┐
│          Governor               │
│      (Colony of Kenya)          │
└─────────────────────────────────┘
                │
┌─────────────────────────────────┐
│   Provincial Commissioner, PC   │
│          (Province)             │
└─────────────────────────────────┘
                │
┌─────────────────────────────────┐
│    District Commissioner, DC    │
│          (District)             │
└─────────────────────────────────┘
                │
┌─────────────────────────────────┐
│      District Officer, DO       │
│          (Division)             │
└─────────────────────────────────┘
                │
┌─────────────────────────────────┐
│          PA Chief               │
│          (Location)             │
└─────────────────────────────────┘
                │
┌─────────────────────────────────┐
│          Headman                │
│  (Village or Group of Villages) │
└─────────────────────────────────┘
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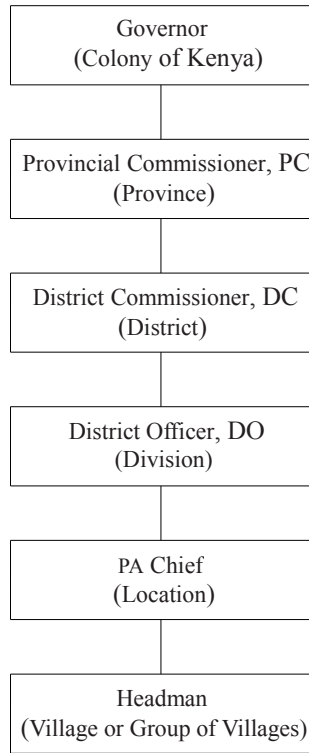
Adapted from Klopp (2001: 46)

*Kone as PA chief: an exception to the rule*

PA chiefs are generally portrayed in the literature on colonial Kenya as corrupt agents that collaborate with the state. These scholarly works are, however, based on the agricultural areas in central and western Kenya surrounding the so-called White Highlands that were inhabited by white settlers (Berman 1990) and they focus in particular on the experiences of the Kikuyu (Tignor 1971; Mungeam 1970). PA chiefs were paid meagre salaries in relation to the unpopular tasks that they were expected to carry out, such as collecting taxes[21] and recruiting unpaid communal labour and forced wage labour for white-settler estates (Tignor 1971; Berman 1990: 60-62, 66-67, 128-198, 205, 209, 212; Mungeam 1970: 129, 138-139). Backed by gangs of young men that they organized and that were initially entirely funded from their own means, PA chiefs were able to go beyond their official powers due to corruption and oppression (Tignor 1971; Berman 1990: 212-214, 249 n. 36). PA chiefs thus came to dominate local political and judicial institutions, which primarily affected their adversaries and the most vulnerable members

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[21]  PA chiefs formally collected taxes from 1901 until 1911 but continued to play an important role afterwards (Tignor 1971: 346).

of the community (Tignor 1971: 341; Berman 1990: 213). Apart from advancing the interests of the colonial state, PA chiefs were also able to amass great wealth by using their new powers (Tignor 1971; Berman 1990: 212). The practice of using their power for their personal benefit lies behind PA chiefs being called 'political brokers' in the literature (Bierschenk *et al*. 2002: 11-16). During the period known as the Emergency (1952-1960), most of the PA chiefs actively sided with the colonial authorities to defeat the Mau Mau rebels. In fact, by being part of the security forces, such as the home guard units, the district tribal police and the tribal police reserves, they committed '[t]he worst abuses and violence against the civilian population' (Berman 1990: 357-358). In addition, they participated in the brutal 'rehabilitation' programme for detainees (*Ibid*.: 359-361) and in the 'reconstruction' programmes in Kikuyu society that aimed to reassert control of the 'passive' Mau Mau supporters in the reserves (*Ibid*.: 361-371). Unsurprisingly, the PA chiefs and other 'loyalists' were the principal victims of the Mau Mau rebels (*Ibid*.: 337-338, 349, 352).[22] They were rewarded materially by the colonial authorities for their role during this violent period and given first access to any benefits from subsequent development and land reform programmes (*Ibid*.: 365, 368-369, 370-371). During decolonization, they would also be rewarded politically. Political power was transferred to the group and members or supporters of the loyalists would ultimately come to dominate the top positions in the executive, the bureaucracy, the legislature and the Provincial Administration in independent Kenya (Branch & Cheeseman 2006: 15, 17, 19-20; Branch & Cheeseman 2009: 6).

The portrayal of colonial PA chiefs as corrupt and oppressive collaborators, which is based on research on more populous agricultural communities of central and western Kenya, does not extend to the pastoral areas of Kenya, like Maasailand.[23] In fact, according to Tignor's (1971) very brief account of PA chiefs in Maasailand, the British failed to establish collaborating PA chiefs among the Maasai (Mungeam 1970: 140; Tignor 1972: 287), which is why social change in Maasailand was slow in comparison with, for example, the Kikuyu where the strong collaborationist PA chiefs served as agents of change. PA chiefs in Maasailand were unable or unwilling to enforce communal labour (Tignor 1971: 359; 1972: 287) or the payment of taxes (Mungeam 1970: 140; Rutten 1992: 224). The events mentioned above, i.e. the forced labour and the Emergency, that contributed to the portrayal of PA chiefs as corrupt collaborationists appear to be of little significance in Maasailand, and even less so in Loita. One factor was Loita's distance from Nairobi and the White Highlands where labour was needed. So too was their pastoral economy that was neglected by the Provincial Administration and, more generally, by colonial policy that focused more on the agricultural economies of central and western Kenya (Berman 1990: 219, 276, 296 n. 68). Only the rudimentary structures of Provincial Administration were introduced in Loita: the position of PA chief and the accompanying demarcation of the location. These structures were not fol-

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[22] The official casualty figures were 1920 'loyal' Africans killed and 2385 wounded during the Mau Mau Movement. By contrast, only 95 Europeans and 29 Asians were killed and 127 and 48 were wounded respectively (Berman 1990: 352).

[23] The literature on the role of Maasai PA chiefs in the colonial period is scant. Apart from Olonana's case, Tignor's article (1971) and sporadic comments (for example, Waller 1984), very little, to my knowledge, has been written on the subject.

lowed by the emergence of collaborationist PA chiefs through whom coercive state measures and policies could be implemented.

Distance and colonial economic disinterest in the area gave political space to the Loita. Rather than extending state control, Kone, the PA chief in Loita, seems to have used his intermediary position between the state and Loita to resist unwelcome state interventions. In this regard, Kone, as the official link between the Loita and the colonial state, acted as an important gatekeeper. 'Gatekeepers' are a specific group of intermediaries who use their room for manoeuvre to position themselves as a 'screen' between two worlds, guarding the entrance in both directions (Bierschenk *et al.* 2002: 14; Osborn 2003: 41). Kone's gatekeeping practices had two important and related consequences for Loita. First, it insulated Loita even more from state intrusion and, as a result, Loita retained a certain degree of political autonomy, allowing its leaders to continue governing Loita without much outside interference. It was thus a case where the legibility that the rudimentary structures accomplished was not followed up with effective state interventions, partly because Loita was far away and economically uninteresting to the state but also because this distance and disinterest made it possible for Loita leaders, including the PA chief, to evade any unwelcome state interventions.

The Loita would not be as affected by increased state intervention and accompanying state control as other Maasai sections closer to the new political centre for the duration of the colonial period (Voshaar 1998: 103). The Loita were also spared the new interventions the state started to implement in the name of development (see Chapter 5). Kronenburg (1986: 17) summarizes it as follows: 'There was little inclination of the Loitas to invite outsiders for activities in their location and also the government had few incentives to get involved in development efforts in Loita' due to its 'relative physical and political isolation'. The same pattern seems to hold for the work of missionaries in the field of education. It was only towards the end of the colonial period that missionaries started to introduce schools in Maasailand (Voshaar 1979: 257). In Loita at the time of independence, there was only one school, Morijo Loita Primary School, and it was run by African Inland Church missionary teachers (Voshaar 1998: 102). This was the only school in Loita until 1973 (LNECTC 1994: 2) and is apparently one of the oldest in Maasailand (Holland 1996: 12). The school was not very effective: it had few pupils and stopped functioning altogether during the Second World War (*Ibid.*: 12, 358 n. 12). King (1972: 406), who surveyed education in Narok District, saw Loita as 'the most remote and least-schooled sector of the Maasai'.

That Loita Maasai retained a degree of political autonomy and were able to negotiate state interventions is nicely illustrated by the case of Kone's appointment as PA chief. Although it was officially the state that appointed him as PA chief, he had apparently already been nominated by the Loita to occupy this position (Kronenburg 1986: 17). Kone's appointment was thus certainly not a one-way state action. The pattern in Loita seems to have been that the state would appoint a PA chief only after consulting the local people, a procedure that was practised at least until the late 1990s (Voshaar 1998: 103). Although the Provincial Administration appointed PA chiefs to further the interests of the colonial state, the Loita appointed Kone to deal with the state in the interests of the Loita. From the point of view of the Loita, Kone was appointed to govern the

relationship with the state. Outsiders visiting Loita, such as missionaries or European travellers,[24] who were associated with the same new 'outside' world from where the state hailed, always seem to have come into contact with Kone. This suggests that either they were referred and directed to Kone or they were approached by him directly. Kone seems to have been able to juggle this important intermediary and ambiguous position in favour of the Loita.[25] He was a highly respected, charismatic and influential leader (Voshaar 1979: 80; 1998: 111; Kronenburg 1986: 17; Waller 1995: 42) and this seems to have been quite exceptional (Voshaar 1979: 80).[26] Voshaar (*Ibid*.) and Tignor (1971: 357) both noted that Maasai PA chiefs did not generally have much influence in their own communities. Today, people who knew Kone still speak positively about him and describe him as a good Loita leader who had the wellbeing of the section uppermost in his mind. Kone, and more widely the Inkidongi family to which he belonged, had a reputation among state officials (Kronenburg 1986: 17) and missionaries (Voshaar 1998: 110) alike for resisting outside intervention in Loita. He was by no means a collaborating PA chief. It is therefore quite remarkable that he was awarded a badge of honour by the governor in 1963 shortly before independence (KG 1963: 642) and that he remained in office for 18 years until his retirement in 1973 (Kronenburg 1986: 278 n. 75).

*Competing state institutions: Provincial Administration*
*and Local Government in the colonial period*

Kone became a councillor because he was already a PA chief. The Provincial Administration, which was the arm of the central state in the countryside, in fact nominated Kone to become a councillor. Kone was a state-nominated councillor. This was indicative of growing tension between the Provincial Administration and a newly emerging state institution, namely Local Government, that was starting to set up local authorities – or councils – all over the country from 1928 onwards.[27] Seeing its authority challenged, the Provincial Administration attempted to keep the new government bodies under its control by nominating their own PA chiefs as council members. To understand the place of the councillor in the colonial state, it is necessary to look into the history of competition between Provincial Administration and Local Government in the colonial period.

Until 1945, Provincial Administration was virtually the only state institution that had a consistent presence in the rural African areas of the colony and, as such, was a key

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[24]  Like Joy Adamson (1967: 230-234, 299) who painted a portrait of him when she visited the area sometime after 1946 (see Photo 4.1).

[25]  This was ambiguous in many ways. The state expected PA chiefs to be agents of the state implementing state policy as well as acting as 'representatives' and 'spokesmen' for their communities (Berman 1990: 209). The Loita Maasai also expected them to mediate state interventions but on behalf of the Loita.

[26]  Even outsiders, like Adamson (1967: 234), noticed his powerful personality: 'I could well imagine what power he could exercise over subjects less independent than myself, and how easily they would succumb to his forceful personality'.

[27]  Both Provincial Administration and Local Government are based on European models of governance and were introduced by the colonizing state, namely Britain. For an illuminating study of the origins of the British model of Local government, its introduction in Kenya and its impact on Kenya's political history, see Stamp (1986). Provincial Administration is based on a French prefectural system of governance (Berman 1990: 73-75).

link between the colonial state and the African people (Berman 1990: 432). The situation in the European-dominated urban and rural areas was different. Starting in the up-coming urban centres from 1919 onwards and later extending to the districts that were settled by white farmers, Provincial Administration had to gradually cede some of its control to the municipal, town and district councils set up by white settlers that were increasingly being run by elected councillors and not by those nominated by the state (Stamp 1986: 23-24; Southall & Wood 1996: 503; Berman 1990: 84, 159). The fact that councils were ideally composed of locally *elected* members stood in sharp contrast to the top-down and hierarchically organized Provincial Administration that *appointed* its staff. Urban and district councils came to serve primarily the needs and interests of the growing European settler population, which often conflicted with state imperatives (Stamp 1986: 23; Southall & Wood 1996: 503). From the very start, tensions between the Provincial Administration and Local Government became evident. With the creation of the post of 'Commissioner for Local Government' in 1928, a forerunner to the Ministry of Local Government, Local Government started to establish councils all over the colony (Stamp 1986: 24).

Having lost some of their control to Local Government in the urban and rural areas inhabited by white settlers, provincial administrators were determined not to lose their grip over the rural African areas as well by ensuring that they tightly controlled the (inevitable) formation of councils and their development in the African areas. The creation of 'local native councils' in 1924, as councils in the rural African areas were called, was more an instrument of co-optation and the containment of emerging African political activity rather than genuine and effective institutions of Local Government given their limited legislative and executive powers (Berman 1990: 216-218; Southall & Wood 1996: 503-504). They were first introduced in politically sensitive districts, such as the largely Kikuyu district of Kiambu (Berman 1990: 216; Klopp 2001: 92). One way in which the Provincial Administration ensured control over the local native councils was by appointing PA chiefs and headmen as councillors.[28] Kone was such a state-nominated councillor. In the Local Native Council for Maasai Province, which was established in 1925,[29] for example, more than a third of the councillors were headmen and were all nominated by the central state, while the rest were nominated by Maasai at an open meeting (KG 1925: 506-507).[30] When Narok District established its own local native council in 1935, there was one more state-nominated councillor (13) than elected councillors (12) (KG 1935: 1067).

The half-hearted introduction of Local Government in the rural African areas did not prevent the emergence of the feared inter-ethnic colony-wide political associations in the mid-1930s. Provincial Administration reacted with harassment and repression (Berman 1990: 226-255). Nationalistic political activity halted for the duration of the Second World War with the detention of 22 African political leaders in 1940, most of

[28] Another way was by endowing the DC with a key role in the local native councils (Southall & Wood 1996: 504). The DC became the automatic chairman of the local native councils. He was also the chief executive of the councils (Stamp 1986: 23) and the person who prepared the council budgets (Berman 1990: 216).

[29] The Maasai Reserve was renamed Maasai Province in 1924 (Rutten 1992: 187).

[30] Fourteen were nominated and twenty-two were elected.

them from the Kikuyu and Luo ethnic groups (*Ibid*.: 244). When political activity re-started amid African unrest (*Ibid*.: 301-307), the colonial state responded by extending political participation to Africans in the late 1940s. They renamed the local native councils as African district councils and expanded their authority and responsibilities (*Ibid*.: 301-307, 309-314, 329; Stamp 1986: 24; Southall & Wood 1996: 504). This was evident in the councils' composition. For example, although Narok Local Native Council was not renamed the African District Council of Narok until 1956 (KG 1956: 475), Narok Local Native Council in 1947 had substantially more elected councillors (over two-thirds) than state-nominated councillors (KG 1947: 185). According to Berman (1990: 309-314) and Stamp (1986: 24), these concessions were part of a conscious political strategy to counter a resurgence of nationalistic political movements by attempting to contain African politics at a local level to limit their political access to central state institutions.

Even at this local level, genuine political expression was highly constrained due to the strict control exercised by Provincial Administration over council activities (Berman 1990: 310-312, 314).[31] Discontent over this state of affairs resulted in a radicalization of African politics and eventually exploded with the emergence of the clandestine Kikuyu-dominated Mau Mau Movement that advocated anti-colonialism and violence (*Ibid*.: 322-338, 437-438). Provincial Administration responded with habitual rigidity and repression, and the political struggle between African politicians and the state escalated and spiralled into violence. Most of the PA chiefs actively participated in the violence against their own people when a state of emergency was declared. The Emergency (1952-1960) heralded what Berman (*Ibid*.: 347) called the 'renaissance of Provincial Administration' when *controlling* the African population became imperative once again.

The brief upsurge of Provincial Administration during the Emergency was not to last. The defeat of the Mau Mau Movement in 1956 did not subdue anti-colonialist sentiments and calls for independence among the African population. African nationalism resurfaced once again in 1955 at a time when political changes were being introduced on the initiative of metropolitan Great Britain in order to open up the central state institutions to African participation (Berman 1990: 378, 395-396). This period of political reform would see a decline in the status and authority of Provincial Administration (*Ibid*.: 378-379, 402). One of these reforms saw the unitary system of the state, of which the Central and the Provincial Administration were the backbone, broken up to form ministries of equal ranking, thereby 'upgrading the status of the specialist and technical departments and reducing the Administration to the status of one department among many' (*Ibid*.: 402). At the same time, reforms were also carried out to strengthen the autonomy of the councils in the African areas (Stamp 1986: 18, 22-25) and streamline the dual system in settlers' and African districts (Southall & Wood 1996: 504). By 1952, the district councils in the White Highlands had already been renamed 'county councils' (Stamp 1986: 24; Southall & Wood 1996: 503). African district councils be-

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[31] Such as retaining veto powers over any measure passed by a council; restricting the election of undesirable individuals to councils; appointing a sizeable minority of members to councils; controlling council finances and preparing council budgets (Berman 1990: 310-312).

came county councils alongside the county councils in settlers' districts. County councils were given the responsibility of providing primary education and public health services, drawing up an electoral roll and acquiring revenue through a reformed tax system (Stamp 1986: 25). Most importantly, with independence, they acquired jurisdiction over and became legal trustees of Trust Land, as the old category of Native Land was renamed (Matter 2010b: 111).[32] In 1963, prior to Kenya's independence, new regulations provided for a first tier of municipal and county councils with a second and third tier of urban area and local councils to cover the whole of Kenya (Stamp 1986: 24-25; Southall & Wood 1996: 504; Klopp 2001: 93).

*Figure 4.3*      Local Government in 1963
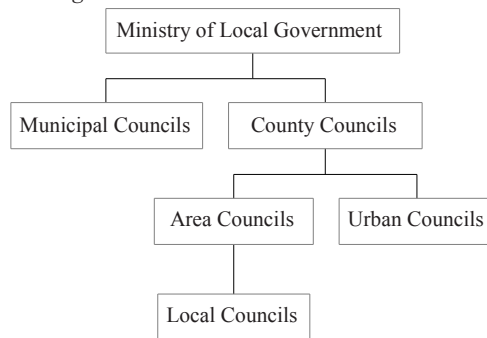


Adapted from Klopp (2001: 93)

The new structure of government and administration shown in Figure 4.3 was added to the existing Provincial Administration structure and is still used today albeit in a slightly amended form.[33]

The institutional arrangements made shortly before independence created two separate and antithetical state institutions governing and administering the people of Kenya in parallel. Local Government was modelled on a form of government that was a direct challenge to the highly centralized and authoritarian mode of government of the colonial state, enshrined as it was in Provincial Administration. It proposed an alternative structure of government based on a number of ideals and principles: democratic and accountable Local Government with a certain degree of autonomy from central govern-

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[32]  These legal reforms were at the root of the conflict with the Narok County Council over the Naimina Enkiyio Forest in Loita three decades later (see Chapter 8). 'The Trust Land Act, which superseded the Native Lands Trust Ordinance at independence in 1963, practically reproduces the Ordinance, providing a similar nationally harmonized framework for land administration while maintaining the status of locally relevant "customary law" on all lands where the Ordinance still applied' (Matter 2010b: 111).

[33]  As with Provincial Administration, it is unclear what the future will bring for Local Government in the context of the new 2010 Constitution. 'All local authorities established under the Local Government Act (Cap. 265) existing immediately before the effective date shall continue to exist subject to any law that might be enacted' (Constitution of Kenya 2010, Part 4, 18).

ment (Stamp 1986: 20-23). Local Government bodies were ideally comprised of locally elected officials called councillors who represent the needs and interests of their constituents. The contrast with the other local state official, the PA chief, is telling. PA chiefs were centrally appointed, represented the interests and needs of the central state, followed the instructions of their immediate superiors and were ultimately answerable to the governor. Although the two state institutions shared the same interests, i.e. governing the population of Kenya, their models of government were very different. Provincial Administration represented a centralized and authoritarian form of government that appointed its officials, while Local Government represented a local, more decentralized and (ideally) democratic form of government composed of elected officials.[34]

For the duration of the colonial period, any institutional distinctions between Provincial Administration and Local Government must have been devoid of meaning in Loita, embodied as they were in one and the same person. After independence, when Kone stepped down as councillor and the positions of PA chief and councillor came to be occupied by different persons, the difference between Provincial Administration and Local Government would gradually become clear as PA chiefs and councillors came to play different roles in Loita. Chapter 10 discusses how a PA (assistant) chief became involved in a land dispute meeting and Chapter 8 considers how councillors were part of the politics surrounding the forest conflicts.

## Legacies of making land legible

Whatever the ideological and practical differences between Provincial Administration and Local Government, they had similar ways of making people and land legible. Both institutions introduced a structure of authority that was linked to territorial jurisdiction. These structures also incorporated newly created offices representing the institution locally that would be occupied by local residents: the PA chief in the case of Provincial Administration and the councillor in the case of Local Government. Both institutions introduced new land categories that covered the whole Kenyan territory to go with these new leadership positions. In this respect, they (sub)divided the country into manageable geographical areas whose boundaries were, and sometimes still are, coterminous but often overlap and crisscross each other.

The new land categories of Provincial Administration and Local Government were added and superimposed on an existing set of categories in Loita. The land category based on sectional territorial control, and discussed in detail in Chapter 3, belongs to this existing set. People in Loita are thus simultaneously part of a sectional territory as

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[34] During the colonial period, the tug-of-war between Provincial Administration and Local Government over the control and authority to govern the countryside displayed an alternating pattern: one state institution would grow in strength in one area (and thus succeed in putting forward its concerns), while the other would see its power and authority reduced, and *vice versa*. Since independence in 1963 and up until 2013 when the new constitution came into effect, this alternating pattern created space for a regular unilinear pattern that would see Provincial Administration increasingly grow in strength to the detriment of Local Government. Provincial Administration would even acquire powers that allowed it to control and supervise Local Government authorities. This resulted in major consequences for their autonomy *vis-à-vis* central government. See Stamp (1986); Smoke (1993); Southall & Wood (1996); Horowitz (2008); Amadi (2009); Barkan & Chege (1989); Tamarkin (1978); Steeves (2006); Rutten (1990); Branch & Cheeseman (2009) and Klopp (2001: 80-101).

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well as of a land unit that pertains to Provincial Administration and another belonging to Local Government. This section presents the shape of these colonially introduced land categories in Loita during field research.

*Seeing like Provincial Administration: Loita Division, locations and sub-locations*
Provincial Administration divides Kenya into eight provinces.[35] From east to west and north to south these are: North Eastern, Coast, Eastern, Central, Nairobi (the city of Nairobi enjoys the status of a full administrative province), Rift Valley, Western and Nyanza. The provinces are then subdivided into numerous districts and these are in turn made up of divisions that are further broken down into locations. Locations may contain one or more sub-locations.

*Map 4.1*     Loita Division
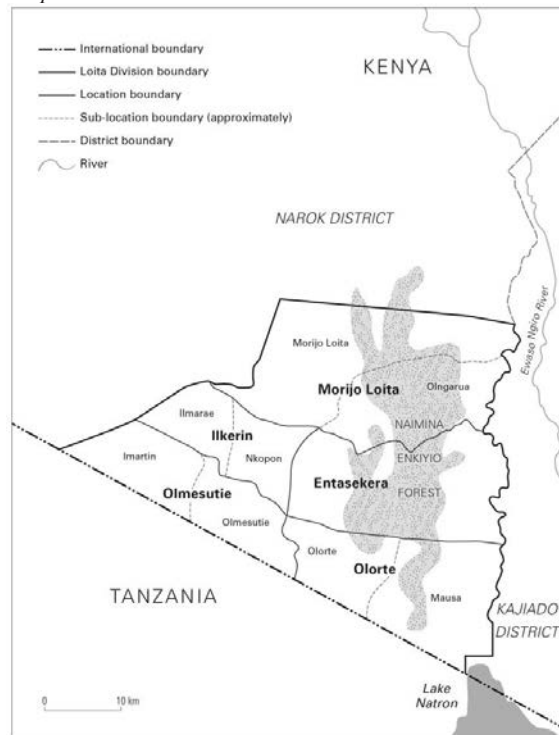


Adapted from ole Saitabau (http://www.ipmpcc.org/wp-content/uploads/2011/12/B-4-SAITABAU-Henry-Ole-lr.pdf accessed 18/11/14) and Narok base map (http://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/Narok.pdf accessed 18/11/14).

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[35] As of 2013 when the newly devolved system of government came into effect, the category of 'province' ceased to exist.

Loita, as a relatively small Maasai section, was initially accommodated in the smallest administrative unit at the time, namely the 'Loita group of villages'. Later when this category was abolished, Loita was subsumed in the Loita, L'Atayok and Salei Location, and eventually the land inhabited by the Loita became 'Loita Location'. Various administrative changes would take place over the years and, by 1997, Loita Location had been divided into two locations (Morijo and Entasekera) that were part of Osupuko Division (Voshaar 1998: 103). The District Officer (DO) of Osupuko Division was based in Narosura, northeast of Loita at the foot of the Narosura Escarpment in Purko country. Of all the provincial administrators in Loita, only the PA chiefs and their assistants, who were all Loita Maasai, had a permanent presence in Loita. This changed in 1997 when the administrative status of Loita was upgraded to that of division.[36] The former Loita Location became Loita Division comprising several locations.

An important implication of the reclassification of Loita as a division was the arrival of a new kind of officer, the next one up in the hierarchy of Provincial Administration, the DO of Loita. The DO's headquarters were constructed in Entasekera at the heart of Loita territory. Unlike PA chiefs, DOs are not recruited from the local community. Two DOs were posted to Loita during the field research for this thesis: one replaced by the other after his transfer and both were from Central Province and from the Kikuyu ethnic group. Thus with the arrival of the DO in Loita, a new leadership position was introduced. It did not, however, come to be occupied by a local Loita Maasai but by a person without any social or cultural ties to the area.

The arrival of a DO in Loita could have translated into closer state control. However, he was hardly ever in Loita during my field research visits there. The DO's office and house were not far from where I lived and more often than not they looked deserted. In fact, both DOs were unhappy with being stationed to what they considered a remote and undeveloped area where they had never been before. And both actively sought a transfer. The first DO actually managed to be transferred to another area in the middle of my field research period. So although the DO of Loita Division became the immediate superior of the Loita PA chiefs and assistant chiefs, it was the latter who provided a constant and consistent central-government presence in Loita.

Loita Division comprises five locations: Morijo Loita, Entasekera, Ilkerin, Olorte and Olmesutie. Loita thus has five PA chiefs, one for each location. According to the 2009 Kenya census, four of these locations are further divided into sub-locations: Morijo Loita and Olngarua Sub-locations (in Morijo Loita Location); Olorte and Mausa (in Olorte Location); Olmesutie and Imartin (in Olmesutie Location); and Nkopon and Ilmarae (in Ilkerin Location). Although every sub-location should, in principle, be administered by an assistant chief, this is not always the case in practice. For example, the PA chief of Entasekera Location, the only location that does not have sub-locations, still had an assistant chief. The official function of the PA chiefs and assistant chiefs is to

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[36] The political struggles that resulted in this administrative change are linked to the forest conflicts and are described in Chapter 8.

maintain order and control crime (Mbuba & Mugambi 2011). Loita Division is located in Narok District in the southwestern corner of Rift Valley Province.[37]

Loita Division is still primarily inhabited by Loita Maasai but over the years as Purko Maasai continued their encroachment of the area, some parts of Loita Division, especially along the western and northeastern boundaries, have become settled by Purko families. Today, the administrative boundaries drawn by the Provincial Administration in the colonial period to parallel sectional territories no longer match the current spatial occupation of the Maasai sections in the region. Loita Division does not correspond with the actual territory occupied by the Loita Maasai. Voshaar (1998: 102) estimates that Loita territory comprises approximately 900 km$^2$, including the Naimina Enkiyio Forest. Thus while Loita *Division* covers an area of 1676 km$^2$ (according to the 2009 Kenya Census), only about 900 km$^2$ are actually occupied and controlled by the Loita Maasai. Apart from Purko, there are a handful of Somali and Kikuyu families living in Loita Division too. These non-Loita are confined to the trading centres where they run businesses: they do not use land for agriculture or pastoralism. Individuals from other ethnic groups, such as Kisi, Turkana and Samburu, are employed in schools, in the Entasekera Health Centre and in local NGOs, such as the Ilkerin Project, or they work as tourist guides.

*Seeing like Local Government: counties and wards*

There were four types of local authorities in the Local Government system during my field research. City, municipal and town councils covered urban areas,[38] while county councils oversee the rural area of an administrative district that does not come under an urban council. The boundaries of counties are thus mostly coterminous with the Provincial Administration district boundaries (Stamp 1986: 28; Southall & Wood 1996: 504; Smoke 1993: 903; Rutten 1990: 157). This dates back to the late-colonial period when the territorial jurisdictions of the reformed county councils were based on newly redrawn administrative districts (Southall & Wood 1996: 504). Loita is in Narok County, which falls under Narok County Council. The boundaries that delineate the area of jurisdiction of Narok County Council are exactly the same as those of Narok District. Narok District also has another local authority: Narok Town Council. So although the boundaries of Narok County and Narok District are coterminous, their areas of jurisdiction are dissimilar. Narok County Council's area of jurisdiction is the land area of Narok District minus the area of Narok Town.

The area under the jurisdiction of a county council is divided into electoral areas called wards. During civic elections, which are held every five years at the same time as presidential and parliamentary elections, voters registered in a ward elect a councillor to represent them in Local Government. Elected councillors make up two-thirds of each local authority. The Minister of Local Government appoints the remaining third, who are known as 'nominated councillors'. Sometimes unelected councillor candidates are

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[37] Narok District was briefly divided into two districts (Narok North and Narok South) in 2008 until the High Court outlawed this administrative change in 2009.

[38] The sole city council in Kenya was Nairobi City Council. There were 45 municipal councils, 62 town councils and 67 county councils. See www.localgovernment.go.ke accessed 20/11/12. Municipal councils covered large urban areas and town councils were in smaller urban areas.

co-opted by the elected and nominated councillors into the council. These councillors are 'co-opted councillors'. City and municipal councils are headed by a mayor, and town and county councils by a chairperson who is elected by the councillors following local elections (CLGF 2009: 93).

*Map 4.2*    Loita Wards



Wards often have common boundaries with administrative locations. Between 1997 and 2002, Loita had five wards that coincided with their five locations. So in that period there were five elected councillors in addition to the five PA chiefs in Loita (KG 1998: 95-96). This was different from the situation prior to 1997 when Loita comprised only one ward and thus only had one councillor. Shortly before the 2002 elections, the situation changed again: the five wards were merged to create only two wards. These wards, called Morijo Loita and Loita West, were the two wards in Loita during fieldwork and only two councillors represented the Loita Maasai community on Narok County Council.[39] Loita councillors therefore constitute a minority on the council and because the

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[39]    The situation as from March 2013 when County Government came into force has changed. The two wards in Loita have merged to form one ward called Loita Ward. Loita Ward is represented by a 'ward representative' (formerly the councillor) in the Narok County Assembly (instead of the Narok County Council). The size and boundaries of Narok County have remained the same.

majority come from the Purko section, they therefore control the decision-making. Chapter 8 discusses the creation of the new wards and the merger of the existing wards which has led to a decrease in the number of councillors representing Loita. This was linked to the political struggles that surrounded the forest conflicts.

## Conclusion: the effects of legibility and the politics of marginality

Governmental interventions in Loita in the colonial period were instrumental in making the Loita Maasai and Loita land legible. Practices that increase legibility are part of the process of state-making (see Chapter 2). Under the auspices of the emerging state, interventions of legibility were first introduced as part of a colony-wide project to establish indirect rule by appointing native authorities to clearly defined and demarcated ethno-territorial units. New leadership positions and land categories were introduced in Loita that reconfigured and modified social life in two ways.

First, the introduction of the state positions of PA chief and councillor gave rise to the phenomenon of double authorities that shaped and transformed the political landscape of Loita. As was seen in the case of Kone, holding double positions of authority has allowed people to become particularly powerful leaders. Chapter 8 considers the forest conflicts and how a clash between two double authorities can create lasting social divisions. A second transformation is related to the establishment and demarcation of Loita Location, which has been reclassified as Loita Division. With the creation of this land category, the Loita section as a social unit was pegged more firmly to the geographical area marked as their designated location. As a result, sectional identities became territorialized and lost their former fluidity and flexibility in the process. The emergence of double authorities and the strengthening of an ethno-territorial Loita identity are two effects of state interventions of legibility, or 'legibility effects' as Trouillot (2001: 126) calls them.

The third effect to highlight here is not a direct result of an intervention but rather the result of an *absence* of interventions. Apart from the interventions of legibility, few state interventions took place in Loita during the colonial period. Unlike other areas that were closer to colonial centres, for example Purko country, and that were economically more interesting, such as the agricultural areas of western and central Kenya, interventions of legibility were not followed up with state policies and regulations. As a result, the presence of the state and state control were much less pronounced in Loita than in other areas. The laxity of the state, fed by economic disinterest and Loita's distance from Nairobi, appears to have created a peculiar dynamic. First, it gave Loita leaders (particularly double authorities) the space to politically manoeuvre their relationship with the state. Second, it made it more difficult for the state to intervene, with the result that no meaningful state interventions were carried out in Loita for the duration of the colonial period. Loita leaders were thus able to successfully avert unwanted state interventions and remained relatively autonomous from the state in comparison to other areas. Their marginality from the state was not then a matter that the Loita lamented but was rather a 'political choice' not to be governed (Scott 2009: 8). Their marginality was political (*Ibid.*: 29- 31) and this was the third colonial 'state effect' (*Ibid.*: 8) in Loita.

How this political latitude, which was gained and nurtured during the colonial period, was deployed by Loita's leaders after independence when mounting pressure of (outside) governmental initiatives could not be contained is the topic of the next chapter.

# Territorializing development:
# An emerging pattern (1966-1974)

| | |
|---|---|
| PK: | And then in the 1960s when the colonial government left and Mzee Jomo Kenyatta took over, things changed. And then development started in small scale, dipping was introduced and the number of schools increased. And then land use also changed because the government made a policy, group ranches were introduced in the 1960s and 1970s. |
| Angela: | But not in Loita, isn't it? |
| PK: | Not in Loita. The Loitas did not actually accept. They didn't agree to subdivide their land. But the Purkos did, up to Narosura. |
| TM: | They started to demarcate the group ranches. |
| PK: | And individual ranches. Because the Purko leaders at that time, in the 1960s and 1970s, they started grabbing the land. (...) |
| Angela: | How did the Loita manage to resist land adjudication at that time? |
| PK: | Leaders at that time, they were organized. |

(Interview PK and TM: 30/8/09)

Enhanced state capacity in the early modern European state 'made possible quite discriminating interventions of every kind, such as public-health measures, political surveillance, and relief for the poor' (Scott 1998: 3). Although Loita had become legible to the state by 1955, it was only around the time of independence in 1963 that these kinds of interventions started to make their presence felt. Different from colonial state interventions of legibility that pursued order and control, these new interventions were imbued with a 'will to improve' and fell under the name of 'development' (Li 2007a). The state was not, however, the only actor or 'trustee' (*Ibid*.) driving development interventions. Others, such as missionaries and NGOs, became important agents of development work in Loita. The diversification of trustees active in the business of development, though often understood as a 'retreat' or 'rolling back' of the power of the state associated with a global move to neoliberalism (Ferguson & Gupta 2002: 989), entails an extension of the practice of government to non-state actors and not a transfer of power from the state to non-state actors (Sending & Neumann 2006). In Loita this meant that,

in addition to the state, they now had to reckon with new kinds of powerful actors and their governmental interventions.[1]

How Loita leaders negotiated, mediated and even capitalized on development interventions to secure control of Loita territory in the face of ongoing Purko territorial pressure and state appropriation of land is the central question in this chapter. An understanding of how this dynamic emerged and evolved is relevant and vital in appreciating the forest conflicts that are discussed in Chapter 8. This chapter shows how the will to improve articulates with and creates ongoing and new threats of land loss by focusing on the role played by Loita leaders.

## Reversing the gaze

The perspective in this chapter is the opposite of that adopted in the previous one where some of the ways in which Loita came to be seen by the state were described. The previous chapter followed the direction of the intervention, positioning the state at the centre (the one who 'sees') and Loita on the receiving end (as the 'seen'). This chapter reverses the previously held view and explores how the Loita see the state, and how they interact with it. This reversed perspective guides the analysis in both the remainder of this chapter and the rest of the book and allows an exploration of how Loita leaders have seen, reacted and developed strategies in response to ever-growing governmental interventions.

The change in perspective is possible because of the different kind of data available for analysis. For the period covered in the previous chapter, I relied on archives and secondary literature (itself also largely based on archival research) to trace the way the emerging colonial state intervened in Loita. Given the long timespan and hazy collective and individual memories of this past, the use of ethnographic data was minimal. Instead, sources were used that were readily accessible, such as the archives of the *Kenya Gazette*, the official journal that is published by the state (and thus naturally advances state interests) and where legislative notices and public announcements are placed. The perspective advanced by Scott (1998) in *Seeing Like a State* lends itself seamlessly to an analysis of this kind of material. (This should come as no surprise given that Scott's book appears to be based solely on archival and secondary literature.) The choice of engaging with a 'seeing like the state' approach was thus partly steered by the sources available but also because such an approach elucidated the central role of the state in making Loita legible.

The situation in this chapter, which considers the recent past, is different. The shorter period of time involved and the personal recollections of past events by key informants allow for the inclusion of more ethnographic material. This makes it possible to examine how Loita see the state. The idea of 'seeing the state' is borrowed from Corbridge *et al*. (2005).

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[1] As outlined in Chapter 2, the word 'governmental' here does not refer to the 'government of Kenya' but it is used in the sense advanced by Li (2007a, 2007b) and based on Foucault's (2001) concepts of government and governmentality. Interventions are governmental because they intend to govern or control people's behaviour.

A caveat of relying on sources written by state officials is that they may portray 'an orderly bureaucratic reality' that does not coincide with the practical realities in the field (Geschiere 2007: 129).[2] Scott's *Seeing Like a State* indeed portrays such an orderly process of state formation and stands in stark contrast to his later *The Art of Not Being Governed* (2009) that focuses on the strategies of those who do not want to be subjected to the state (see Chapter 2). Insights from this latter work inform the analysis in the second half of this chapter that examines how the Loita have dealt with the diversification of trustees and the increase in development interventions.

## Seeing the state: intermediaries and *ilashumpa*

One of the stated aims of *Seeing the State: Governance and Governmentality in India* is to understand how a wide variety of people, ranging from the rural poor to development experts advising the state, but also people 'inside' the state such as state employees and politicians, view the state of India (Corbridge *et al*. 2005: 9). The aim of this section is more modest. Some of their insights are used to discuss a few of the ways in which the state is seen in Loita. One way is through the men and women who represent the state 'at home' (*Ibid*.: 29-30). This is the decentralized and personified state. In Loita, the men and women who represent the state 'at home' can be divided into two groups: those state representatives who belong to the Loita community (like the PA chief and the councillor) and those who do not belong to the Loita community (like the DO). The distinction between Loita and non-Loita is important because it shapes the way people there see the state through them.

The most influential Loita state representatives are the PA chief and the councillor.[3] Until 1965, the positions of PA chief and councillor were occupied by the same person, namely Kone (see Chapter 4). Before being appointed by the state, Kone had actually been mandated by the Loita to fill the office of PA chief (which automatically conferred on him the position of councillor), with the understanding that he would handle state issues in the interests of the Loita. For the local people then, Kone was seen as the key intermediary, the middleman between themselves and the state. Later, when the positions of PA chief and councillor were occupied by different persons, the men in these positions would still continue to be seen as state intermediaries. After independence, literacy and some mastery of English and Swahili became important. When Kone, who was himself illiterate, retired in 1973, it was decided to promote better educated men for the positions of PA chiefs and councillor (Kronenburg 1986: 278 n. 75; Voshaar 1998: 111).

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[2]  Geschiere (2007) uses the notion of the 'autistic' state, borrowed from Spittler (1981), to highlight the limitations of Scott's 'seeing like a state' perspective. '[A] bureaucracy will develop autistic tendencies if it has to deal with illiterate or semi-literate peasant societies. Modern bureaucracies' standards require a steady flow of reports. But the communication gap with the peasants hampers the collection of sufficient information. Thus civil servants tend to repeat the reports of their predecessors, creating an illusionary world of reports; a bureaucracy which talks only to itself' (Geschiere 1993: 170 n. 3).

[3]  There are a few others, mostly civil servants employed by the ministries (like the Area Education Officer from the Ministry of Education) but their political influence in Loita is negligible. Their positions do not bestow the status of 'Loita leader' on the occupants in the way the positions of PA chief and councillor do.

The role of state intermediary is ambivalent: PA chiefs and councillors are both Loita Maasai and agents of the state. As low-level state officials or representatives who also belong to the local community, their social roles overlap (Corbridge *et al*. 2005: 35) as they have double membership and a double network of relationships (Bierschenk *et al*. 2002: 14, 30). There is thus no clear-cut state-Loita dichotomy and these two categories are interwoven. Located as they are at the interface of the state and the Loita, PA chiefs and councillors are simultaneously integrated in the structures of authority of the state as well as being part of the political organization of the Loita. To maintain their position of authority, PA chiefs and councillors have to juggle expectations in Loita with expectations that derive from the state. And this sometimes puts them in compromising situations. PA chiefs risk being dismissed by the state if they are perceived by their superiors as having tampered with state interests, and councillors need to channel tangible benefits and resources from the state to Loita if they wish to be re-elected by their constituents. In Loita, these men are seen and treated as Loita leaders by virtue of being a PA chief or a councillor yet this status as a leader depends on their perceived performance as state intermediaries. They are expected to act as intermediaries for the benefit of the Loita. PA chiefs and councillors in Loita generally do so as best as they can because if they are perceived to fail, they damage their reputation and lose prestige in Loita and risk being side-lined by other Loita leaders and the community in general. This could have major consequences for their position of authority locally and being ostracized by one's own community is highly undesirable. This happened to a former Loita councillor who was seen to be siding with Narok County Council against Loita interests during the forest conflicts (see Chapter 8). This particular councillor was never re-elected and is currently excluded from Loita leaders' meetings and other major functions, such as Prime Minister Odinga's visit to Loita, which are commonly attended by former councillors who are treated as special, honoured guests.

'The state' is also seen in encounters with non-Loita state representatives: DOs giving instructions to PA chiefs, a DC touring his district, the police carrying out an arrest, an MP at a political rally, and Prime Minister Odinga addressing the people of Loita. It follows that the state and state power are seen in their personification. During the colonial period, these persons were white, male, European state officials and were referred to as *ilashumpa* (sing. *olashumpai*) or the white ones. But even though other whites or light-skinned caravan traders, missionaries (Voshaar 1979: 268) and European settlers were called this, the term would come to include all that refers to the state. It encompassed state officials but also the rules, policies and projects that state officials wanted to enforce and implement.[4] After independence when higher-level state posts became Africanized, state officials continued to be called *ilashumpa* even though they were clearly not white (*Ibid*.). If state representatives are *ilashumpa*, then the rules and policies that they enforce and the projects they want to implement are, therefore, 'the way of the *ilashumpa*'. Chapter 11 discusses how state law is seen as an alternative legal system and, with all that is associated with it, i.e. the police, the courts and magistrates and prisons, it is referred to as 'the way of the *ilashumpa*'. This leads us to a second important way in which the state is seen. 'The state' is not only seen and encountered in

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4   In some contexts, Maasai school-going boys are also referred to as *ilashumpa* (King 1972: 396).

its personifications (for example, the non-Loita DO) or through Loita state intermediaries (PA chiefs and councillors) but it is also experienced in its concrete interventions (see Corbridge *et al.* 2005: 6-7).

Studying the state by examining the way people in Loita see it is in line with an anthropological understanding of the state that focuses on people-state encounters (Trouillot 2001) and on its everyday and localized forms (Hansen & Stepputat 2001). This approach rejects the idea of the state as a unified entity 'out there' (Trouillot 2001: 126) or, Scott's all-seeing repository of power 'up there' (Li 2005: 384-385; see also Geschiere 2007: 130). By discussing the role of state intermediaries (the PA chief and the councillor), I propose that the boundary between the state and the Loita is more blurred than a state-Loita dichotomy would suggest, hence further questioning the idea of the state (or for that matter, 'the Loita') as a separate entity.

## The nexus of leaders, development and territory

It is important to realize that PA chiefs and councillors are part of a larger group of Loita leaders that includes section leaders, age-group chiefs and clan chiefs. In the three 'Loita leaders' meetings that I attended during my fieldwork,[5] most of the matters discussed, deliberated and decided upon related to issues concerning Loita's external relations.[6] Each significant social domain concerning internal Loita affairs is governed by its own designated chief or leader. For example, clan chiefs mediate issues that pertain to the clan such as problematic marriages; age-group chiefs take the lead in matters relating to their age-group; and locality leaders are – in principle – responsible for land disputes (see Chapters 6, 10 & 11). PA chiefs and councillors do not have the final say with respect to state issues like clans and age-group chiefs do respectively within the clan or age-group domain, or as locality leaders do with locality affairs. One reason is that their domain (the state) belongs to 'external relations' and, due to the lack of a centralized Loita political leader, this domain pertains to all Loita leaders as a collective. This is also the case because, as intermediaries, they are expected to communicate important matters such as development initiatives by the state to the rest of the Loita leadership. It is in this sense that Voshaar (1979: 80) observed that Maasai PA chiefs were 'no more than messenger boys' for the wider Maasai community. When examining the way outside interventions are negotiated, it is important not only to examine the role played by state intermediaries who, though important, are not the only ones to decide

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5     A sub-DDC (sub-District Development Committee) Loita leaders' meeting convened by the DO and held at his office in Entasekera on 21 July 2008; a Loita leaders' meeting at the Ilkerin Project on 26 and 27 September 2008 and a Loita leaders' meeting convened by the DO at his office on 22 December 2008.

6     For example, the cutting of timbers for illegal sales to outsiders, boundary issues with neighbouring communities, land demarcation taking place among the neighbouring Purko, the inter-sectional theft of livestock and murder, the issue of Loita youngsters being jailed in Tanzania and how to get them released, the construction and organization of cereal banks to prevent maize being sold to outsiders after harvesting and then local people experiencing food shortage in the area if subsequent harvests fail, NGOs wanting to undertake new projects, what to do with the state policy on Female Genital Mutilation (FGM), which projects to request donor funds for and the construction of a holding ground to facilitate livestock marketing.

what course of action to take. Loita leaders as a group (including the PA chief and the councillor) typically meet to decide on major issues that affect the Loita as a whole.

Towards the end of the colonial period, outside initiatives and interventions started to fall under the rubric of development, reflecting a much earlier refocus of state policy on development that had started shortly after World War II (Berman 1990: 256-299, 437-438; Rutten 1992: 243-263) and also the arrival of missionaries who were particularly active in the field of education (*Ibid*.: 225, 240, 246, 262; Voshaar 1979: 257). The state had enrolled the existing structure of Provincial Administration that conveniently reached out to all corners of the country to implement and coordinate development work in the districts during the colonial period (Berman 1990: 257, 276-282, 291; Rutten 1992: 243-263).[7] Local native councils and their successors the African district councils became agents of development activity too.[8] As Provincial Administration and Local Government assumed the task of facilitating development, PA chiefs and councillors as the lowest-level state representatives were the first locals to become acquainted with development discourse and practice. When interventions by the state or missionaries were envisaged to take place in their jurisdictions, they were typically the first people to be approached in the local arena. PA chiefs and councillors became the contact persons for trustees wanting to realize a development project.

There is another link between Loita leadership and development. As the arrival of the state introduced new leadership positions (the PA chief and the councillor) so too did development. What are called 'development leaders' here are Loita Maasai men who became leaders in Loita because they occupied key positions in local NGOs.[9] Many development leaders operate as 'local development brokers' (Bierschenk *et al*. 2002) and as intermediaries between donors and the potential beneficiaries of development aid that, far from being passive communication channels, actively engage in the practice of brokerage by doing other tasks such as 'draining off a portion of the "development rent" in the direction off [sic] one's village or region' (*Ibid*.: 29). Councillors too may play the role of local development broker if they try to channel state funds for development to their own wards. Much of the status of a development leader (and councillor) in Loita depends on their success as development brokers and the mediation of externally funded development initiatives. The first local NGO in Loita, initiated in 1968 and funded by the Dutch donor agency Cebemo (later Cordaid), was the Ilkerin Loita Integral Development Project, which will be referred to as the Ilkerin Project from now on. More recently, other smaller NGOs and Community-Based Organizations (CBOs) have emerged in Loita and some of their staff are emerging as development leaders. The fo-

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[7]    Field staff from the technical departments, such as the Agriculture Department, the Education Department and the Veterinary Department, that would later become ministries in independent Kenya, and from the newly established state Development and Reconstruction Authority (DARA) were also involved in implementing development projects.

[8]    For more on development projects by the local native council and the African district council in Kajiado District, see Rutten (1992: Ch. 6).

[9]    The current Ilkerin Project director, though Maasai is not from Loita origin, yet because of his position and because he has worked and lived in Loita for decades, he is still considered a Loita leader.

cus here is on the Ilkerin Project and the leaders who emerged after being employed on it.

The Ilkerin Project's longevity has, with the state, contributed to the change and transformation of land and leadership in Loita as a result of its interventions. It even played a central role during the forest conflicts. All these relationships will be discussed in the analyses to come but I want to highlight just one observation at this point. In a similar way to Provincial Administration and Local Government, the Ilkerin Project engaged in practices that would develop legibility by introducing a new land category in Loita: the 'sub-centre'.[10] The sub-centre was created in the early 1980s to improve the project's effectiveness and to reach out to the rest of the Loita community from the project's central office in Ilkerin that was on the edge of Loita territory. To facilitate the implementation of its programmes, six sub-centres were established in Loita. 'Each centre was to have facilities for primary education, health care for humans and livestock and a food store. Each would also have its own development committee, consisting of members chosen by the inhabitants of the area around the centre' (Voshaar 1998: 112, see also Kronenburg 1986: 34-35). According to Ferguson & Gupta (2002: 988), this 'outsourcing of the functions of the state to NGOs' is a key feature of what they identified as the rising salience of transnational governmentality, whereby transnational networks of 'local' actors and international funding agencies bypass the state to intervene with governmental programmes and development projects.

The establishment of sub-centres also appears to have reinforced a feeling of belonging to a particular (sub-)location, a land category introduced by Provincial Administration. Six sub-centres were constructed in the five sub-locations that would later acquire the administrative status of location: Entasekera, Morijo, Olmesutie, Olorte and Ilkerin. In Morijo Sub-location, which covered the largest area, two sub-centres were established: Morijo and Olngarua. Although sub-centres referred to places, the inhabitants of the surrounding area came to be seen as belonging to a particular sub-centre and hence a particular (sub-)location. The Ilkerin Project thus facilitated the internalization of state-introduced land categories and identities. As scholars like Ferguson (1994) and Bryant (2002) have shown, development and conservation interventions that are keen to empower and reduce poverty have frequently ended up extending mechanisms of control associated with the state 'intrud[ing] ever more systematically into the lives of marginalized peoples' (Bryant 2002: 287).[11]

The advent of development in Loita coincided with a deep fear of losing more land to the neighbouring Purko Maasai. This concern is a combined ripple effect of two state interventions, as was discussed in earlier chapters. The first dates back to the Maasai Moves of 1905 and 1910-1913 that resulted in the Purko Maasai, the arch-enemies of the Loita during the War of Morijo, becoming their immediate neighbours (see Chapter 3). And the second effect, which was discussed in Chapter 4, involved state interventions of legibility such as the demarcation of Loita Location, which would later become

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[10] Sub-centres were later transformed into Pastoral Community Development Associations (PCDAs) as part of the decentralization policy of the Ilkerin Project.

[11] See Bähre (2007) for a discussion on the practices of legibility inherent in a state-driven development project in Cape Town, South Africa that failed to achieve its aim of empowerment and democracy.

Loita Division. On the one hand, the demarcation of Loita Location hardened sectional identities by correlating the Loita Maasai people to a fixed and specific territory. On the other hand, it confined the Loita Maasai to the southern Loita Hills and in effect weakened their claim to land that had been previously used and controlled by them, such as the northern Loita Hills and the Loita Plains. This stretch of land came to be occupied by Purko families. Together, these two processes enhanced an awareness that territorial boundaries and land needed to be defended against further dispossession and appropriation by the Purko. The gazettement of the Maasai Mara National Reserve in 1961 confirmed this need when evicted Purko, who had occupied these lands, started pushing the western Purko-Loita boundary eastwards (Knowles 1993: 20). Gradually the perception of the Purko being a threat to their land would be projected onto other external actors, such as Narok County Council and IUCN, whose representatives were seen as wanting to appropriate large parts of their territory, in this case the Naimina Enkiyio Forest (see Chapter 8).

At the time of independence, questions about development, Loita territory and the role of Loita leaders as intermediaries articulated in interesting ways that would form a pervasive pattern. The next section discusses how Loita's leaders would take the task of protecting Loita land seriously by utilizing and reworking development interventions with the specific aim of safeguarding Loita territory from further appropriation by outsiders.

## An emerging pattern

Increased pressure by both the state and missionaries regarding the implementation of development projects and programmes brought home the realization that development interventions were inevitable. The Loita reacted by trying to turn development interventions to their own advantage and their leaders, particularly PA chiefs and councillors as the designated intermediaries with the outside world, would play an active role in this. Land and territorial control were high on their agenda.

Plans for a second school in Loita emerged after independence. It was built by the Catholic Church and Loita leaders consented to its construction after it was agreed that it would be built at a place of their choosing:

> In 1967 the Loita allowed the Catholic Church to build a second primary school. The Loita councillors decided that Leshuta would be its location. It was situated near the border zone with the Purko. It was a strategic choice. The Loita school was to stop the further intrusion of Purko into Loita. (Voshaar 1998: 102)

Loita leaders gave in, not so much because they wanted Loita children to go to school but because they hoped that a permanent structure in the form of a 'Loita' school – and not a 'Purko' school – would function as a 'territorial marker' (Sikor & Lund 2009: 14) and a barrier to further land encroachments by the Purko. In the end, however, their strategy failed. Ironically, the school attracted more Purko to the area who, unlike the Loita, were more interested in sending their children to school (Voshaar 1998: 102). Purko children soon outnumbered Loita children at the school and the area eventually became more populated with Purko than Loita. Today, Leshuta lies in Purkoland.

Although their plan failed, it did set an important precedent for future action. What the Loita leaders had done was to use the new discourse and practice of development as a strategy for staking a claim to land. Using their new relationships with the outside world (whether with the state or missionaries in the name of development or with international organizations for purposes of nature conservation) to prevent alienation and dispossession of their land would become a recurring practice employed by Loita leaders. Chapter 8 illustrates how this strategy was ingeniously used by (one group of) Loita leaders when they brought in IUCN in the 1990s to set up a Loita forest management project as the best available option to avoid Narok County Council appropriating the forest. Until then, the biggest threat to land loss had been the persistent appropriation of former Loita land by the neighbouring Purko Maasai. The Ilkerin Project had also been embraced for the same purpose.

The Ilkerin Project was born out of the friendship and collaboration between Kone and the Dutch missionary Jan Voshaar from the Catholic Mill Hill Society (Voshaar 1998: 106; Kronenburg 1986: 16-17).[12] Kone's intermediary position between the Loita and the outside world most likely led to his acquaintance with Voshaar. Although no longer a councillor, Kone's tenure as PA chief and councillor undoubtedly meant that he was familiar with the world of development as both Provincial Administration and Local Government had emerged as state institutions that were active in development programmes. Despite Kone's reputation as being a 'stumbling block' for development in Loita (*Ibid.*: 17), he was one of the first to argue in favour of the Ilkerin Project. To understand this contradiction, the reasons for resisting or accepting development efforts need to be understood. The effect that a particular development intervention was thought to have on land access and land control seems to have been a consideration of utmost importance. Deliberations on particular development initiatives were based on the effects observed elsewhere in Maasailand. Development policies introduced there would be implemented much later in Loita, if at all, because of its isolation and distance from the administrative centre. The Loita were thus in the fortunate position of being able to evaluate the effects of these development projects and programmes elsewhere in Maasailand. Interventions that had led to a loss of access and control over land were thus opposed. Voshaar (1998: 106) explained how the leaders of Loita formally dismissed the setting up of private wheat farms in the early 1980s because they had seen that elsewhere they had led to a loss of prime grazing land for the majority, while only a few were benefiting from them (see also LNECTC 1994: 2). It is in this light that the acceptance of the Ilkerin Project in Loita is examined here.

When Voshaar visited Kone in the late 1960s, Kone heard from him that the Purko had refused to set aside land for an educational, health and animal husbandry development project that Voshaar had proposed (1998: 106, 109-110). Kone must have seen the chance to address the problem of Purko encroachment.[13] The choice of the project site

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[12]  See http://ilkerinloita.org/introduction.php accessed 19/9/14. The initiative came, however, from Voshaar and Cebemo (later Cordaid), the Dutch donor agency that agreed to fund the project (Kronenburg 1986: 18, 21).

[13]  'Development' concerns must have also been on his mind. Voshaar, who makes no mention of the land-claim strategy in his book but confirmed it during a conversation with me in 2007 elaborated on the development concerns of Kone. According to Voshaar (1998: 100-110), Kone's support for the

was telling. After Loita leaders gave the go-ahead to the project,[14] it was decided to lo-
cate it on the slopes of the Ilkerin Hills in the west of Loita, hence the name the 'Ilker-
in Project' (Kronenburg 1986: 16-17). Voshaar would have actually preferred Entasekera
in the centre of Loita on the edge of the Naimina Enkiyio Forest because of the availa-
bility of permanent water there (Kronenburg 2012, personal communication). The Ilker-
in Hills are in the lowlands in the same border area as Leshuta, which was being en-
croached on by Purko. It is a place with good wet-season pastures but with no water in
the dry season (Kronenburg 1986: 17, 19). Settlements there were thus only temporary
and Loita had weak claims to the land (*Ibid*.: 17). They feared that the encroaching
Purko might slowly take over the area.

> Around 1970 the process of encroachment by the Purko Maasai into the areas where traditionally the
> Loita Maasai grazed their livestock had reached not far West from the Ilkerin hill. By staking out the
> boundary with a project the Loita leaders hoped to prevent the loss of more grazing grounds to the
> Purko.[15] (Kronenburg 1986: 18)

For exactly the same reasons as with the choice of the site for the new school, Loita
leaders decided on the Ilkerin Hills as the location of Voshaar's newly proposed project.
A permanent claim to land can be achieved by building permanent structures. And the
tentative project plan that was drawn up at a meeting with Kone, amongst others, did
indeed detail the construction of infrastructure, including offices, staff houses, class-
rooms and a cattle dip (Kronenburg 1986: 15; Voshaar 1998: 111).[16] The Ilkerin Project
has always succeeded in its unofficial goal of being a Loita 'flag post' and stopping
Purko appropriation of former Loita land on that side of the Loita-Purko border.

As the case of Leshuta School has shown, not all the development strategies to pro-
tect the land from Purko encroachment succeeded. The World-Bank-funded land adju-
dication programme, which was introduced by the Kenyan state in the late 1960s, was
designed to set up group ranches in Maasailand. The process of land adjudication in-

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Ilkerin Project stemmed from a realization that the changes that had been triggered by colonialism
were making 'traditional pastoralism' an unviable and unsustainable way of life. The Ilkerin Project
was seen as the best way to respond to these changed circumstances. It was set up as an avenue for
managing change and development proactively 'to train, prepare and empower the Loita Maasai
pastoralists to do their own development' (ILIDP 1995: 1). Other options in Maasailand that were
available at the end of the 1960s were the division of land into group ranches and individual ranches,
and the creation of private wheat farms. It has already been seen that individual and private wheat
ranches had been discounted as an option by the leaders of Loita.

[14] This was by no means a smooth process. Both Voshaar (1998: 111) and Kronenburg (1986: 17, 20)
documented how there had been considerable initial resistance to the project on the side of the non-
Inkidongi Loita Maasai. One of the reasons for this was that it was believed that '"that European" …
was taking the land from Loita' (Voshaar 1998: 111). Trust in Kone, who was a strong proponent of
the project and who in turn trusted Voshaar, seems to have led them to accept the project (Kronenburg
1986: 17).

[15] See also Knowles (1993: 22).

[16] After setting up the Ilkerin Project, Voshaar left Kenya in 1974. Management of the project was taken
over by another Dutch missionary and an expatriate animal husbandry expert, Jos Kronenburg (my
father). The project's leadership and management was Africanized in 1983 and a Loita Maasai was
appointed as project leader. Voshaar wrote several books on the Maasai, one of which was on the Loita
Maasai (1998). He went back to live in Loita many years later to build the first secondary school
there. We were virtually neighbours during my field research period before he moved back to the
Netherlands in 2009. Voshaar passed away in 2014.

volved setting aside certain tracts of land after surveying, drawing and recording the boundaries, as well as identifying and registering the members of the group ranch. All this would be filed in legal documents. Group ranches, therefore, provided a certain degree of tenure security that policymakers hoped would encourage landowners to invest in land and livestock but that Maasai saw primarily as a way of stopping further land alienation. Tenure security seems to have been one of the main reasons why the Maasai welcomed group ranches: they secured access to the land in the face of growing external and internal threats of land appropriation (Rutten 1992: 266, 272-273, 286, 309, 324-325; Kimani & Pickard 1998: 203-204, 210, 211; Mwangi 2007b: 896, 903).[17] These threats included steady infiltration by agricultural neighbours, such as the Kikuyu and the Kamba; the creation of game reserves and national parks by the state; and the growing number of individual ranches established by some Maasai who were taking large chunks of prime grazing land without the general consent of the community. The Kaputiei Maasai of Kajiado District, the first Maasai section to accept the group ranch scheme, also seem to have wanted to adjudicate the land because they feared losing more of it to the politically well-connected Kisongo Maasai in the south (Rutten 1992: 272). In this respect, the Kaputiei are very similar to the Loita.

Fear of losing land to neighbouring Purko Maasai, who had been successful in pushing the Loita-Purko boundary back to the disadvantage of the Loita, and the possibility of losing land to powerful Loita and non-Loita individuals seeking individual title, as was happening elsewhere in Maasailand, are the main reasons given by Loita informants for the initial acceptance of the group ranch scheme in the 1970s (see also Kronenburg 1986: 51; Voshaar 1998: 112). Its acceptance was a 'defensive strategy' (Mwangi 2007a, 2007b), as a way of securing the borders with the Purko in a legal manner and preventing future land losses.[18] However, given the limited size of Loitaland and the fact that the lowland lacked permanent water, it was feared that dividing the Loita into several group ranches would negatively affect the mobility upon which their transhumant pastoralism was predicated, threatening the very continuity of the livelihoods of many (see also Voshaar 1998: 108). It was thus agreed to form one group ranch encompassing the whole Loita area (Kronenburg 1986: 51). When this proposal was rejected by the DC of Narok on the grounds that it was too big and unmanageable, an alternative of three group ranches was discussed (Kronenburg 1986: 51; Voshaar 1998: 112). The boundaries were drawn from lowland (the grasslands) to highland (the forest) so that each group ranch would have wet- and dry-season pastures. Disagreements between the Loita and Purko over the perimeter boundary hampered the process of land demarcation at this stage (Kronenburg 1986: 52). Loita interviewees blame the Purko for continually and deliberately boycotting the demarcation of the Loita-Purko boundary because a final boundary would put a stop to their encroachment on Loitaland.[19] The ultimate aim

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[17] Calls by group ranch members a decade later for the subdivision of these group ranches would be based on the same grounds (Mwangi 2007b; Kimani & Pickard 1998: 205).

[18] In the forest conflicts two decades later, this same reasoning was reiterated during the court case: 'Have our land, which we currently own and use communally, adjudicated and demarcated in an appropriate manner and as a matter of agency (sic: urgency?) in order to stop land loss and alienation' (CCD 'Statement': 6 (l, 2)).

[19] Purko Maasai claims to Loita territory were not investigated.

of the more numerous and politically well-represented Purko was, they claim, to push the Loita out of Loitaland and to appropriate the valuable forested Loita highlands. New attempts to adjudicate the land into group ranches were made in the 1980s but this time it was agreed to divide Loita into two group ranches. Efforts failed once again but this time due to internal quarrels among Loita's leaders about where the boundary should lie. The divisions that this internal quarrel generated would simmer for years until they resurfaced once again during the forest conflicts (see Chapter 8).

As a result, Loita was not divided into group ranches. In fact, the Loita section is unique as the land has not been demarcated and/or registered to either group or as individual holdings. While the rest of Maasailand has been effectively adjudicated and legally privatized, Loita remains classified as Trust Land, a legal category that provides ambiguous and insecure tenure (see Chapter 1 & 8). The failure to adjudicate and demarcate the land in Loita is popularly interpreted as Loita resistance to government interventions and linked to a reputation of being the most traditional of all Maasai sections (LNECTC 1994: 2; Kantai 2001: 41; Karanja *et al.* 2002: 4, 19, 21; Ngece *et al.* 2007: 178; Péron 2000: 385-386, 393; Holland 1996: 7-8, 11-12, 85, 357 n. 1).[20] As discussed above, the research material presented in this thesis reveals instead a willingness to formally demarcate Loita but continued failure to do so due to unresolved external and internal boundary disputes, a point also made by Kronenburg (1986: 50-52) and Voshaar (1998: 106).

In one case, a group of Loita elders and other elders from the Loodokilani section and influential individuals from areas further away (14 elders in total) succeeded in forming a group ranch.[21] It was set up on the slopes of the Nguruman Escarpment in the east of Loita beyond the Naimina Enkiyio Forest in an area called Kamorora. This is a border area between the Loita and Loodokilani Maasai who live on the floor of the Rift Valley. It was previously uninhabited because of the presence of tsetse fly but was used periodically by both Loita and Loodokilani Maasai for grazing during periods of drought. Kamorora was thus a shared drought refuge area and a border zone for both Loita and Loodokilani. There are different versions as to why the group ranch was formed. Some say that it was simply an opportunity seized by a group of progressive and literate Maasai who succeeded in setting up a ranch because it was an area whose ownership was ill-defined and was of little value for permanent residence and therefore did not generate much protest from fellow section members. Another version suggests that political strategy was the main concern, namely the utilization of development initiatives to prevent a loss of land. According to this version, the group of elders quickly established a group ranch of 65,000 acres in Kamorora in 1973/1974 when they learned that Philip Leakey, a white Kenyan who worked for the Kenyatta government, had obtained a concession of 10 acres for a lodge in the area (see Kronenburg García 2003: 132-133). It also appears that Narok County Council had plans to turn the area around Leakey's concession into a wildlife park.[22] Forming a group ranch was the best availa-

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[20] This is sometimes the initial response in interviews with Loita Maasai too.
[21] See Galaty (2011, but also 2013b) for a brief account of this case from the point of view of the Loodokilani.
[22] This move was part of a larger plan of creating a southern tourist circuit linking this new park with the Maasai Mara National Reserve and Amboseli National Park.

ble option at hand at the time. The Kamorora Group Ranch did succeed in preventing Leakey from acquiring the land, but subsequent developments have resulted in a legal conflict with a new player, Herman Stein (of German/Namibian origins), to whom the land was leased for 20 years in 1986 but who now claims ownership of the area. The complicated legal battles that this fight triggered between two Loodokilani group ranches in Kajiado and Stein, between the two group ranches and the original members of the Kamorora Group Ranch, between the original members and Stein, and between Stein and a former friend called Jan Bonde Nielsen (the same man who accompanied Prime Minister Odinga on his visit to Loita in 2010, see Chapter 1) to whom he sold part of the Kamorora lands, are still ongoing. The occupation of Kamorora by the hostile and politically well-connected Stein has effectively prevented the Loita and the Loodokilani Maasai from entering and using the land for their pastoral needs in times of drought for the past three decades. Chapter 8 elaborates on this case in greater detail.[23]

## Conclusion: negotiating development to secure control of Loita territory

> Individuals can and do negotiate the processes to which they are subjected. For governmentality scholars, then, it is important to look not just at the forms of collective and individual identity promoted by practices of government, but also at how particular agents negotiate these forms – at how they embrace, adapt, or refuse them.
>
> (Inda 2005: 10-11)

Loita leaders have sometimes embraced development interventions, sometimes they have refused them but they have mostly adapted them, as will be seen in the following chapters. This chapter has considered how Loita leaders have cautiously negotiated and creatively reworked development initiatives with the strategic aim of keeping Loita land in Loita hands. But this is not only about land, it is also about being autonomous, about 'not being governed' (Scott 2009). At times, leaders have succeeded in this attempt and are able to set the terms of engagement with trustees, shaping the way development interventions play out in Loita. But on other occasions they have not succeeded and are overwhelmed by the power of the intervention and the perseverance of the trustee. In any case, the consistency of this stubborn attempt (to use development interventions to territorialize) has resulted in a recurring pattern that will be encountered again in Chapter 8 that discusses the forest conflicts.

The strategic territorialization of development interventions by Loita leaders needs to be understood in the light of two antecedents. First, it has to be seen against the background of ongoing old (see Chapter 3) and new threats to Loita territorial control. In this regard, development interventions have become stakes in the territorial struggle against the Purko and new, outside actors. Second, it is important to recognize that the political strategizing by Loita leaders was made possible by the political space that they enjoyed during the colonial period when they were 'forgotten' on a piece of Trust Land (Chapter

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[23]  This case merits a more in-depth investigation, which I hope to realize in future.

4). These two antecedents, the ongoing struggle to safeguard the integrity of Loita territory and the unlocking of political space during the colonial period, are themselves the result of earlier articulations with (colonial state) interventions.

The previous chapter looked at the articulations and effects of governmental interventions from the point of view of the state, while this chapter has reversed the gaze and considered them from the point of view of the Loita. By focusing on the complexity and interactivity of articulations, it is clear that interventions are certainly not one-way actions with predictable effects. The effects are the result of the articulation of interventions with existing processes and struggles that may in fact have been formed by earlier interventions.

This chapter considered how PA chiefs, councillors and development leaders, as the designated intermediaries with state and development actors, govern Loita relations with the outside world. The next chapter explores how Loita leaders govern Loita internally.

# Maasai leadership positions in focus

Leadership is one of the three themes investigated in this thesis. The previous chapter explored how Loita leaders govern (outside) development interventions, while this chapter focuses more on how leaders govern Loita internally. This will be done by examining a number of leadership positions and the nature of their authority. Since these leadership positions have deep socio-cultural Maasai roots, as opposed to, for example, the positions of PA chief and councillor that derive from the Kenyan state, I call them *Maasai* leadership positions.

So far, this study has put two Loita leaders in the spotlight: ole Maine and Kone. Chapter 1 described how age-group chief ole Maine received and addressed Prime Minister Odinga during his visit to Loita in 2010. Kone was introduced as an influential Loita leader with multiple positions of authority, namely PA chief, councillor and leader of the House of Senteu, as well as being a practising laibon (Chapter 4). Chapter 5 then showed how he acted as a key intermediary with state and development interventions during the late colonial period and after independence. In the coming chapters, other Loita leaders will also be presented. These include the current chief laibon of Loita, Mokompo ole Simel, and two double authorities: a clan chief who was also a councillor, and another who doubled as a development leader (Chapter 8).[1] Age-group chief ole Maine will appear again in the dispute meeting in Chapter 11. The positions of PA chief, councillor and development leader have already been discussed. For a thorough understanding of the roles played by the leaders that appear in the forthcoming chapters, it is essential to understand the positions of chief laibon, age-group chief and clan chief too.

These positions derive their authority from the age-group system, the clan system and the laibon institution respectively. These leadership positions will, therefore, be examined by placing them in the context of the respective institutions that authorize them. One of the issues that such an undertaking illustrates is that Maasai leadership is both about political authority and ritual authority. Another is that the age-group system,

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[1]    These two men are important players in the forest conflicts. Due to the delicate nature of the conflicts, I do not refer to them by name but instead by leadership position.

the clan system and laibonism define the ascribed and achieved qualifications a particular person needs to have to occupy the various positions. Membership of the social group of which a person is made leader is, obviously, a key condition. The sphere of influence of a particular leadership position is also determined by its authorizing institution, which defines the group of people over which a leader has authority, but also the social domain in which his authority extends. For example, an age-group chief only has authority over men who belong to his age-group, and then only over those who also belong to the Loita section. His jurisdiction over this group is thus formed by the intersection of a socio-territorial unit (section) and a gendered social category (age-group). But an age-group chief will have nothing to say in a meeting that addresses a homicide case, for example, because this falls under the sphere of authority of clan chiefs. The age-group chief may speak in the meeting, like anyone else, if the killer or the person killed belongs to his clan. He will then speak as a member of that clan but not in his capacity as age-group chief.

The age-group system, the clan system and laibonism are not institutions specific to Loita but pertain more widely to Maasai culture and society. Of these, the age-group system and the clan system stand out because they underpin Maasai social identity (Spencer 1993: 145-146) and social life.[2] Both systems cut across sectional territories, integrating Maasai who may live as far apart as 800 km and whose livelihoods can appear very different in a mutually understood framework that organizes and structures social relations between men and women, young and old, and people of different lineages.[3] Maasai sections may speak in different dialects (Sommer & Vossen 1993), differ in the timing and details of ceremonies performed, in the palettes of colours used in their beaded ornaments and in the length of their dress, but what they all share is a common Maasai identity that is based on a shared socio-cultural framework.

The clan system organizes men and women into patrilineal descent groups. There are five clans that are divided into two or more sub-clans and whose members live dispersed across Maasailand. The age-group system organizes all circumcised men into circumcision-groups that move successively through the different grades of warriorhood and elderhood as they mature. Eventually, two successive circumcision-groups will unite to form one age-set. I use the word 'age-group' as a general term to refer both to circumcision-groups and age-sets. The ceremonies associated with the age-sets are synchronized across the various sections in Maasailand and this ensures that the age-group system remains an integral crosscutting Maasai institution (Spencer 1993: 145-146). Women are not part of the age-group system but are affiliated in age with the members of the age-group with whom they danced as young girls as the warriors' 'sweethearts' (Talle 1988: 94). Girls and women are linked to the male age-group system via their positions as the daughters, wives and mothers of men in the various age-groups

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[2]  Of the two, the age-group system is considered to be the more important (Mol 1996: 11; Voshaar 1979: 46, 58; Spencer 1988: 208).

[3]  A clear example of how age-group and clan affiliation structure daily life can be seen in the way people greet and address each other.

(Voshaar 1979: 62, 84). Although they do not formally participate in the age-group system, they do play a key role in the age-group ceremonies of their male relatives.[4]

Age-group and clan leadership, although deriving from these pan-Maasai socio-cultural institutions, does not exist at the pan-Maasai level: there is no single age-group chief or clan chief for all Maasai sections. Instead, leadership is organized at the level of section. Each age-group or, to be more precise, circumcision-group, in Loita has its own age-group chief who is proclaimed approximately every eight years when a new circumcision-group is initiated. Likewise, each clan in Loita has its own clan chiefs. The Loita section is thus politically autonomous in its age-group and clan affairs from other Maasai sections.[5] The age-group ceremonial cycle, for example, is organized and coordinated at the level of section. The epitome of this autonomy is the collective age-group ceremony as all members of an age-group in a certain section are promoted at the same time. Clans too manage their affairs at section level. This usually involves disciplining clan members who have broken clan rules and/or endangered (inter)clan harmony. In Loita, it is the job of clan and age-group leaders to ensure adherence to the rules within the section and to maintain peace and harmony in their groups as well as leading and representing their groups *vis-à-vis* other groups. Unlike informal clan and age-group leaders who handle minor matters locally, the formal clan and age-group leaders chosen at sectional level hold official leadership positions that they assume after being instated during special ceremonies. The group of people over which a Loita age-group chief or Loita clan chief exercises his authority is therefore clearly delimited by the socio-territorial confines of the Loita section. It follows that a particular age-group chief has the power to command and discipline only those who belong to both the Loita section and to the age-group of which he has been made chief. The same applies for a clan chief, who can only punish and fine fellow clan-mates if they are also Loita Maasai.

The unique contribution of this and the next chapter to Maasai scholarship is that it presents original material on the leadership position of clan chief. To my knowledge, the clan chief has never been discussed in the academic literature.

## The age-group chief and the ceremonial age-group leaders

Each circumcision-group in Loita has its own appointed leaders.[6] Of these, only the age-group chief exercises political authority. The others, who I have collectively called the 'ceremonial age-group leaders',[7] exercise ritual authority. To understand the political authority of the age-group chief, it is necessary to contrast it with the ritual authority of

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[4] See Spencer (1993: 152-154, 1988: Ch. 10 & Ch. 11) and Talle (1988: 91-123) for a discussion of the age-group system and gender relations.

[5] This only refers to the Loita in Kenya. The Loita in Tanzania have their own age-group and clan leaders, although there are close links between them and the leadership in Kenya. As far as leadership is concerned, the Kenya-Tanzania border has definitively divided the Loita section.

[6] Each circumcision-group naturally has numerous unappointed and unofficial age-group leaders too. Here, I describe only the formal leadership positions.

[7] In Maa, the ceremonial age-group leaders are called *inkasisin o lporror* (the office-bearers of the circumcision-group) (Mol 1996: 37). Another name for them is *ilmurran loo ntaasa* (the warriors of the occasion).

the ceremonial age-group leaders. This section therefore considers both the position of age-group chief as well as the various ceremonial age-group leadership positions.

Age-group leaders hold positions with clear tasks and responsibilities that pertain to their age-group. To outsiders, the authority of the age-group leaders is most visible at collective age-group ceremonies where they form an unmistakeable presence in their bright-blue ritual garments and/or leather capes (see Photo 6.1). But their authority also extends beyond ceremonial periods of time. The age-group chief plays a prominent role at age-group meetings and during preparations for ceremonies. There are six leadership positions in total, five of which are ritual positions that are linked to specific ceremonies in the age-group system. The ceremonial age-group leaders include the *olotuno* (the established one), the *oloboru enkeene* (the cutter of the strap), the *olorrip olasar* (the guardian of the sacrificial fire), the *olorripu olkila* (the guardian of the cloak) and the *olopising olkiteng* (the smotherer of the ox). The sixth position is that of age-group chief, who is sometimes referred to as the age-group spokesman (Waller 2010). This is a more political position and he is addressed as *olaiguanani* or, in English, as 'chief'.[8] To differentiate this position from clan chief and PA chief, who may also be addressed as *olaiguanani* in Maa, I refer to this leader as the 'age-group chief'.

Apart from a brief description by Mol (1996: 37-38), I have found inconsistent reference and information in the literature on ceremonial age-group leaders.[9] There is no mention of the positions of *olorrip olasar*, *olorripu olkila* and *olopising olkiteng*, apart from in Mol (1996). The other two ceremonial age-group leaders, *olotuno* and *oloboru onkeene*, are discussed in a number of works (Spencer 1988; Galaty 1983; Voshaar 1979; Waller 1978; Mol 1996).[10]

Circumcision-groups are referred to as either belonging to the 'right-hand' or the 'left-hand' side and alternate with each successive group. The right-hand circumcision-groups all have six age-group leaders, while left-hand circumcision-groups have only three (*olotuno*, *oloboru enkeene* and the age-group chief). This is because, as the senior

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[8]   The full title in Maa is *olaiguanani lo lporror*, literally 'chief of the circumcision-group'.

[9]   Fr. Mol's book *Maasai Dictionary: Language & Culture* (1996) provides valuable information on ceremonies and aspects of Maasai culture. Given the sectional variations in the details and timing of ceremonies and specific cultural practices, his descriptions are of particular interest to this study because they are based on the Loita section since his main informant is a Loita Maasai called Peter Nyarket. Mol's book provides the original description in Maa as given to him by Nyarket, and an English transcription by Fr. Mol himself.

[10]  There could be three reasons for this. First, knowledge about *olotuno* and *oloboru enkeene* might be related to the fact that their ritual roles pertain to the most famous of all Maasai ceremonies, the *eunoto* ceremony, which closes active warriorhood and brings all members of an age-group in the section together. The disproportionate attention that the *eunoto* ceremony has received from anthropologists (including myself), filmmakers and photographers, and tourists may account for the fact that *olotuno* and *oloboru enkeene* have made it into the scholarly literature. The Maasai themselves also refer to the *eunoto* ceremony as the most colourful of all ceremonies and the *olotuno* and *oloboru enkeene* as the most important ceremonial leaders. A second reason might be that since the positions of *olorrip olasar*, *olorripu olkila* and *olopising olkiteng* are only occupied by alternate circumcision-groups, as will be explained shortly, they are considered less important. A final reason for their scholarly invisibility could be that they possibly only exist in Loita, or it is only in Loita that they are considered to be in the same league as *olotuno* and *oloboru enkeene*. This argument might find some support in the fact that the only author to briefly mention them, i.e. Mol, got this information from a Loita informant.

half of an age-set, the initiation of a right-hand circumcision-group entails the starting of a future age-set (when two successive circumcision-groups merge). This is marked and celebrated in a separate ceremony where the three extra ceremonial leaders have a role to play. A detailed description of the five ceremonial leadership positions and their ritual role in the ceremonial cycle of the age-group system can be found in the Appendix. Here I concentrate on some of the key differences between the ceremonial age-group leaders and the age-group chief to substantiate my argument that the age-group chief should be seen as the political leader of the age-group.

Photo 6.1     Five of the six age-group leaders in the Iromboi circumcision-group. From left to right, the *olorrip olasar*, the *olorripu olkila*, the age-group chief, the *oloboru enkeene* and the *olotuno*. The picture was taken during a 'raiding party of the brisket' ceremony (*enjore e nkiyieu*) at the 'manyata of the feathered headdress' (*emanyata oo nkorrenkel*) (April 2008)



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*Choosing the ceremonial age-group leaders*
The status and respectability of the ceremonial age-group leaders is derived from the importance of their role in the age-group ceremonies. Their flawless participation and the successful completion of their tasks and responsibilities are vital to the transition of their age-group, which is at the heart of all age-group ceremonies. Should they err in

their role, it would be seen as an inauspicious omen that could put the wellbeing of the whole age-group in danger.[11] Ceremonial age-group leaders hold office for life and not only for the duration of the ceremony, like most ritual functionaries. This means that, even after carrying out their ritual roles, they are bound by their ceremonial position and should behave accordingly for the rest of their lives. Given these demands and the high expectations of them, ceremonial age-group leaders are chosen with the utmost care and candidates' personal characteristics are taken into consideration.

Ceremonial age-group leaders are selected in advance of the ceremonies at which their leadership will be made public. Typically, the firestick elders (with whom they have a special relationship) present two or more potential candidates to the younger age-group at a meeting where they decide collectively on one of them. In the case of *olotuno* and *oloboru enkeene*, even the chief laibon is consulted on the matter. For a person to be eligible for any ritual function, he must possess certain qualities. When choosing a ceremonial age-group leader, particularly the *olotuno* who is considered the most important of all but to a lesser degree the *oloboru enkeene* as well, these requirements are followed to the letter. When talking about the positions of *olotuno* and *oloboru enkeene*, Spencer (1988: 145) wrote that: '[t]he ideal candidate should be unflappable, unblemished and with pure Maasai ancestry'. And Galaty (1983: 369) explained:[12]

> Their offices are defined by qualities of purity and perfection; it is required that the ritual officers themselves be morally and physically whole and symmetrical, without blemish or blame, in short, 'holy' (*osinya*). They should be first sons, born of upright, prosperous and pure Maasai parents, and should never have injured or killed another person or have been themselves injured.

In a similar vein, Voshaar (1979: 91-92) wrote that:

> The person chosen must be a person who is healthy in mind and body, who is neither left-handed, nor impotent. There must be no blemish attached to his birth (e.g. being born feet first) nor to his family. He may not be one-eyed or grey-eyed. He must be a quiet man, waiting for his olporror [circumcision-group] to act, a person who has not shed blood nor one who will do so. In short he must be a holy person (*esinyari*).

People in Loita describe holy men in similar terms. In short, the person chosen as ceremonial age-group leader should be a 'pure' Maasai from a wealthy family and with parents who are respected members of society. He should be a firstborn son, with no physical deformities, anomalies or injuries, and should be of high moral and mental calibre, be virtuous and a calm man of sound mind.

Ceremonial age-group leaders are expected to behave wisely and in a manner appropriate to their position, which in fact prevents them from exercising real political power. When talking about the *olorrip olasar* of his age-group, one young man explained to me how he was barred from arguing with others: 'he cannot have problems [with others], he cannot go to [dispute] meetings, he cannot abuse anybody'.[13] Especially the *olotuno*,

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[11]  Spencer (1988: 158), when writing about the leather strap that the *oloboru enkeene* keeps supple and in good condition (in Loita it is the *olotuno* who looks after it), warns that: 'If it were to become dry and crack, then this could threaten his whole age-group'.

[12]  See also Waller (1978: 204-205).

[13]  Interview LK: 7/10/01. See also Mol (1996: 37): 'They are severely ordered never ever to fight or quarrel with members of their circumcision-group. The members of the circumcision-group too are ordered to respect the Officebearers and to uphold them'. And Galaty (1983: 370) wrote: 'They must

with a powerful curse at his disposal, has to avoid situations where he could be angered by his age-mates and tempted to use his curse.[14] The consequences could be fatal. When firestick elders choose candidates for the ceremonial age-group positions they therefore also ensure that such a person is naturally kind-hearted and friendly. By finding someone with these qualities, they hope to limit the chances as far as possible of them ever becoming involved in future conflicts and controversy. This also means that they should abstain from behaving as a 'real' warrior: 'No longer may they manifest the conventional norms of moranhood [warriorhood], including intense verbal exchanges, wrangling and fighting, travelling in groups and participating in cattle raiding expeditions. By representing the "fathers" of the age-group – the "horns" of the set who precede the others – they must prematurely adopt the norms of elderhood' (Galaty 1983: 370).

In spite of all these precautions, some ceremonial age-group leaders with exceptional leadership qualities and political ambitions can break through these behavioural constraints. The *olorripu olkila* of the Iromboi circumcision-group, for example, was an active and talented debater who did not shy away from conflict and his opinion carried considerable weight. But the most conspicuous example is the *olorrip olasar* from the Ilkishili circumcision-group who, having completed school and after a job at the Ilkerin Project, became a councillor in 2001. His re-election as councillor of the Morijo Loita Ward in 2007 was explained to me in relation to his ceremonial position. It was claimed that he had secured the majority of the votes of his age-mates not only because he was their age-mate (at least one other candidate belonged to the same circumcision-group) but because he was also one of the age-group's ceremonial leaders. It was suggested that his standing as *olorrip olasar* and the respect that it commanded gave him a head start in the competition for votes.

Finally, there is historical evidence to suggest that the position of *olotuno* might have wielded wider ritual authority in the past and that it used to even hold political authority. Waller (1978: 205) reported joint sectional *eunoto* ceremonies in the early twentieth century (and possibly also in the nineteenth century) when a single *olotuno* was elected for all participating sections. This would imply that the ritual authority of this age-group leader would have extended beyond the section level to encompass several sections. The importance of the position of *olotuno* probably declined as the ritual position of (chief) laibon increased (*Ibid.*: 206). Elsewhere, Waller (1976: 547; 1978: 205-207) suggested that the *olotuno* might have had political influence. He mentioned two cases, one in the 1880s and another in the early twentieth century, when both the position of *olotuno* and age-group chief were held concurrently by one person, which raises the possibility that the position of *olotuno* may have had a more political role in the past. One of these double authorities was even recommended as PA chief in the Naivasha area.

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henceforth adopt a humble demeanour, may never fight or be involved in conflict, may not attend councils at which abusive words are spoken, and if abused may not reply'.

[14] This curse relates to the necklace of dark blue beads that he possesses and that was made by women. Each bead represents a member of his circumcision-group in Loita. If he is angered, he has the power to cause an age-mate's death by removing a bead and throwing it away while uttering the offender's name.

*The age-group chief as the political leader of the age-group*

While ceremonial age-group leaders are expected to shun politics, the age-group chief is chosen precisely to deal with controversies, conflict and other age-group affairs (Spencer 1988: 167). When firestick elders are looking for a suitable person to fill the position of age-group chief, they look for a man of principle with a strong personality but someone who is also sensitive to the nuances of custom and culture, aware of the winds of change and the tide of public opinion, and who is a good negotiator. The point is that his position lacks all the ritual and symbolic connotations and associations that the ceremonial age-group leaders carry. The position of age-group chief is not, I argue, ceremonial but political, as he is not linked to any transition ceremony in particular. He is not responsible for the manufacturing of a certain ritual artefact (like the *olorripu olkila*) or charged as its keeper (like the *olopising olkiteng* and the *olotuno*). He is not required to undergo an endurance test for the sake of his age-group (*olorrip olasar*) or represent his whole age-group symbolically (like the *olotuno* or, to a lesser extent, the *oloboru enkeene*). The age-group chief is appointed precisely to handle the matters the ceremonial age-group leaders are barred from dealing with. His position authorizes him to command and punish: he is the main mediator of disputes among age-mates; he has the authority to discipline and fine age-mates who disrespect age-group ideals; he is in a position to demand obedience; he runs the manyatas of his age-group; he is the main decision-maker and takes the lead during the preparations of all major ceremonies of his age-group; he may call his age-mates to fight neighbouring communities if land disputes arise; he is the commander during these fights; and he speaks and negotiates on behalf of his age-group with other age-groups as well as with visiting politicians (see Chapter 1) and tourists who visit their ceremonies and manyatas. The age-group chief leads deputations to manyatas of other age-groups and to the chief laibon in preparation for age-group ceremonies (Spencer 1988: 144-145) or, as in the past, before cattle raids (Berntsen 1979: 140-141; Spencer 1988: 104, 127). After cattle raids, he was the one who divided up the loot, of which he was entitled to claim a share (Waller 1978: 95). The age-group chief serves as a link between his age-group and the firestick elders and holds meetings with them to hear their complaints (Spencer 2010a: 24) and receive their instructions.

The position of age-group chief is therefore the most powerful position in the age-group and, as such, an age-group chief is chosen before any of the other leaders. At a later time, after his age-group has been ceremonially initiated, there is a less important ceremony when the age-group chief is given a heifer by his age-mates and a special black wooden club or baton (*orinka*, pl. *irinkan*) by the firestick elders that was previously blessed by them. This club symbolizes his new position of authority and his political leadership. As will be seen in the next section, clan chiefs are also given such a club when they are installed as the chiefs of their clan.

A final difference between ceremonial age-group leaders and the age-group chief is that the position of age-group chief is not for life as it is for the ceremonial age-group leaders, but depends on his performance as a chief. Replacing an age-group chief is not common and is a complicated and difficult matter that can create deep cleavages in the community. It is said that there was an attempt in the past to depose the age-group chief

of the Ilkiseeyia circumcision-group but that it failed and this made him an even stronger and more determined leader. Today he is a powerful age-group chief. The epilogue at the end of Chapter 8 notes how one ramification of the forest conflicts was that the authority of a particular age-group chief was challenged on the grounds that he was not performing well as leader and how this deeply divided his circumcision-group.

The age-group chief wields political power in his age-group unlike the ceremonial age-group leaders whose power is of a more ritual nature. There are a few differences between the age-group chief and the ceremonial age-group leaders that I will elaborate on briefly because they point to a more nuanced understanding of political authority in general. First is the idea that while ceremonial age-group leaders should avoid (dispute) meetings, these fall under the express domain of the age-group chief. The age-group chief is expected to mediate and be the ultimate decision-maker in (dispute) meetings. In fact, the word for chief, namely *olaiguanani*, seems to be closely related to the word for meeting, i.e. *enkiguana*.[15] Meetings are political arenas. Second, this responsibility is symbolized by the chief's baton, the black wooden club that he is given during his installation and that he holds every time he speaks at meetings as a stern reminder to others of his legitimate power. In the next section on clan chiefs, these two elements − the dispute meeting and the chief's baton − and how they pertain to political authority come to the fore. Age-group chiefs and clan chiefs are amongst the group of leaders that exercise *political* authority in Loita.

## Clan chiefs and the clan system

Just as each age-group has its own leaders, so too each clan has its own clan chiefs.[16] In Maa, a clan chief is called *olaiguanani lo lgilata* (the chief of the clan) or *olaiguanani le nkaji* (the chief of the sub-clan), depending on the context. He derives his position and authority from the clan system that, like the age-group system, is a social structure common to all Maasai sections. While the age-group system divides Maasai society horizontally into groups of men according to age, the clan system groups Maasai society vertically into clans according to descent.

Clans (*ilgilat*, sing. *olgilata*) organize all Maasai men and women into groups of patrilineal descent. However, although the framework of clanship is the same across Maasailand with its divisions into moieties, clans and sub-clans, the exact place of each clan in this configuration varies across the sections (Spencer 2010a: 5). This explains why different writers, whose information comes from different sections, give alternative listings, as Spencer (*Ibid.*) explains: '[s]egment A may appear as a clan in one account, as a sub-clan of clan B in another account and even a sub-clan of clan C in a third'. I will describe the clan configuration that belongs to the Loita Maasai.

Loita consists of five clans: Ilaiser, Ilukumai, Iltaarosero, Ilmolelian and Ilmakesen. The right-left duality that is found in the age-group system also comes back in the clan

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[15]  *Olaiguanani* (chief) is derived from the verb *iguan* (to advise or take council), which is close to the verb *aiguana* (to discuss) and the noun *enkiguana* (meeting).

[16]  Each clan chief has an assistant clan chief who is installed in the same ceremony as the clan chief.

system. This was explained to me by an elder in 2001 who, when I questioned him about the clan system, recounted the following myth:[17]

> There was a man called Naiterukop. He is the Adam of the Maasai. He had five wives. One wife was called Nkaserri and another one Lukum. These two wives belonged to the left-hand gatepost. (...) On the right we have Molel, Mokesen and Tarosero. [These wives belong to the right-hand gatepost.] (…) So the division of clans is based on this: the right-hand gatepost and the left-hand gatepost. You have a round enclosure with a gate [i.e. a traditional homestead]. The houses are built next to the gate: the first wife will build her house on the right-hand side [as one enters the gate]. (...) The second wife will live on the left-hand side of the gate. (...) As a man you will bring your third wife to the first wife's house, until she builds her house next to the first one. The fourth you bring to the second wife's house. The fifth goes to the third until she builds her own house. Thus, some wives belong to one side [and others to the other side]. There is a close relationship between people on one side. Inheritance and protection will be done along these lines. (...) So there is a little clan on every side, protecting themselves and inheriting among themselves. Nkaserri begot Ilaiser; Lukum begot Ilukumai. These two clans are close together; they are called Orokiteng [The Black Ox]. Molel begot Ilmolelian; Mokesen begot Ilmakesen; and Tarosero begot Iltaarosero. This side is called Odomongi [The Red Oxen]. These five wives begot the five Maasai clans. They multiplied.

*Figure 6.1*  Homestead
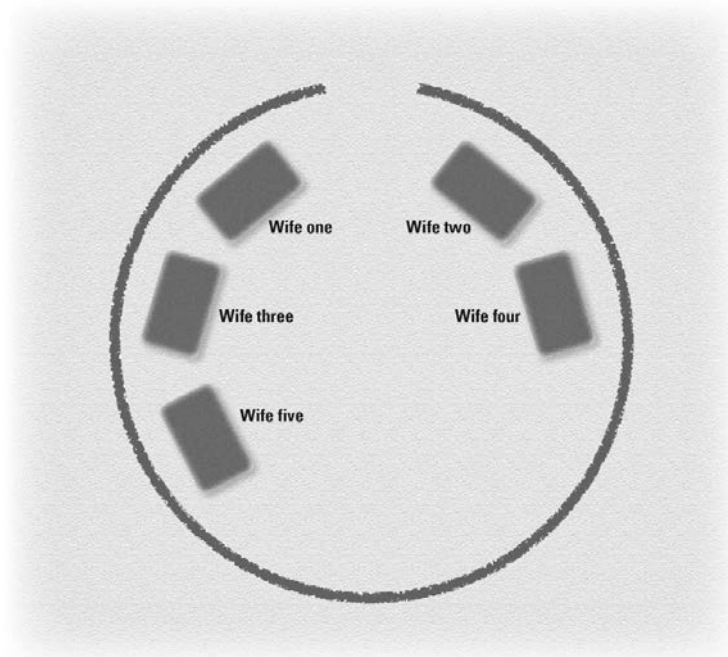


This Maasai myth explains the origin of clanship and is modelled on the spatial organization of the ideal homestead (see Figure 6.1).[18] The right-left duality is translated

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[17]  Interview ML: 1/10/01.

here into the clans that belong to the right-hand gatepost (*entaloishi e tatene*) and the clans that belong to the left-hand gatepost (*entaloishi e kedianye*). The group that is called Odomongi, which means the Red Oxen, belongs to the left-hand side and is composed of the Ilmolelian, Ilmakesen and Iltaarosero clans. The other group, Orokiteng (The Black Ox) that belongs to the right-hand side, comprises the Ilaiser and the Ilukumai clans.[19] The five clans can thus be grouped into two groups or moieties. The constituent clans of a moiety have a closer affinity with each other than with the clans of the other moiety.

Clans are further divided into sub-clans (*inkajijik*, sing. *enkaji*) and some even further into sub-sub-clans. Figure 6.2 depicts the organization of moieties, clans and sub-clans in Loita. Four of the five clans have two sub-clans (Ilaiser, Ilukumai, Ilmolelian and Iltaarosero) and one, the Ilmakesen clan, has three.

Each sub-clan is headed by a clan chief. In the case of the Ilmakesen clan, two of the three sub-clans (the Empirda and Iloigir sub-clans) share one chief, but the clan chief is always chosen from the Iloigir sub-clan. So although the Ilmakesen clan has three sub-clans, it still has two clan chiefs, just like the other clans. With each of the five clans having two chiefs, this brings the total number of clan chiefs in Loita to ten. All clan chiefs have the same responsibilities with regard to the clan and sub-clans they represent. There is no hierarchical system within them: everyone is equal in status.

Unlike the age-group system, the clan system is not linked to a regulated system of ceremonies. The periodic celebration of collective age-group ceremonies confirms and affirms the positions of the age-group leaders on a regular basis. The clan system lacks this mechanism. Instead, clan chiefs assert their authority during their occasional clan meetings, which are held when disputes or certain practices threaten inter- and intra-clan harmony.[20] It is the job of the clan chiefs to ensure that peace is restored and they can discipline clan members who have violated clan rules or lead and represent their clan when conflicts arise with other clans.

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[18] For other versions of the origin myth, see Mol (1996: 20-21); Kipury (1983: 39-40); Spencer (1988: 19); Voshaar (1979: 52, 1998: 64-65) and Waller (1978: 157).

[19] Triangulation with other informants and comparison with the literature suggests that my informant may have mistakenly reversed the right-left duality. I have rectified this slip of the tongue in the quote.

[20] I visited a manyata that had been built on behalf of the Loita Iltaarosero clan in both Kenya and Tanzania in 1998. One of the Iltaarosero clan chiefs explained that the purpose of the manyata was to discuss clan affairs and reformulate its rules and prohibitions. One point that was being discussed was the issue of cattle-raiding that had led to the death of some of the clan's warriors. I was told that these kinds of clan manyatas are rare.

*Figure 6.2* Clans in Loita

Moieties

Clans

Sub-clans
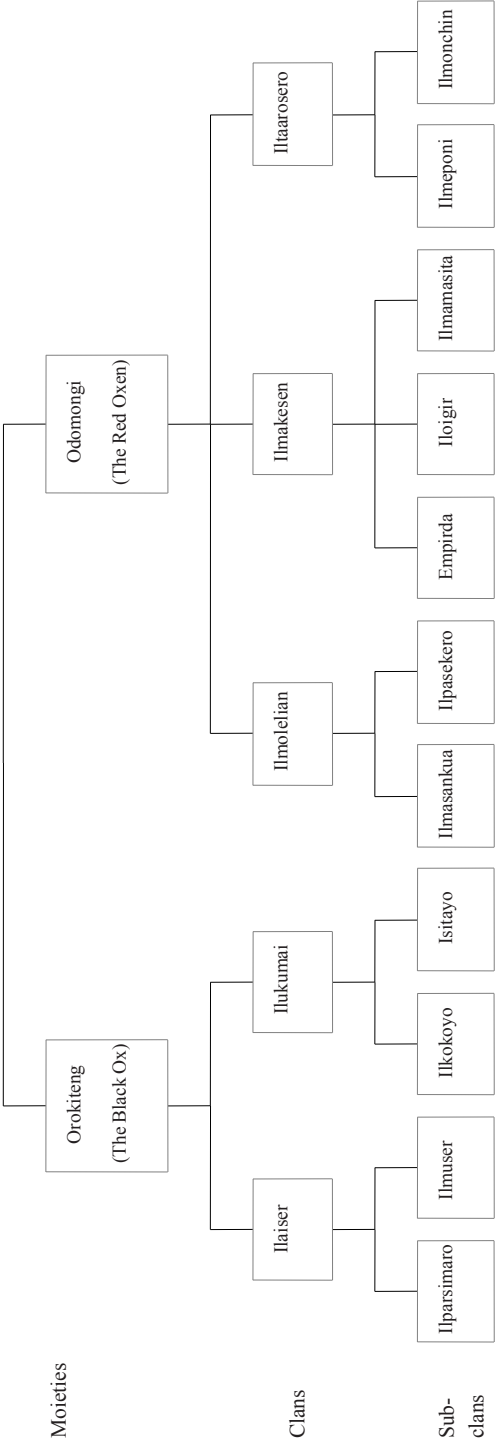
There are certain social issues that fall under the domain of clan chiefs if they cannot be resolved locally by clan elders. This could, for example, include a serious marital problem, i.e. if a wife runs away from her husband.[1] Among the Loita, clan exogamy is the norm.[2] It follows that when problems arise between a husband and wife, it is not only two individuals who are involved but two families and, ultimately, two clans.[3] In a context where most marriages are arranged between the bridegroom and the father of the bride, a solution to any marital problems is initially sought between these two individuals. If the marriage cannot be saved,[4] discussions revolve around the terms of divorce settlement, i.e. the repayment of the bridewealth (and possibly other livestock gifts) by the father-in-law to the husband. If the husband and the father-in-law cannot reach an agreement, a meeting can be called and clan elders, usually elders from the neighbourhood or close friends and relatives, from both sides are invited. At this stage, the matter is taken out of the hands of the husband and the father-in-law, and it is the clan elders who decide on the outcome (Spencer 2010a: 9). If such a meeting also fails, the matter can be referred to the clan chiefs for mediation but they will only be called on if matters escalate or are particularly complicated. They get involved because, at this stage, the relationship between the two clans involved as wife-givers and wife-receivers, is under strain and the reputation regarding the 'marriageability' of the clan is at stake (Spencer 1988: 33, 199, 228-232, 237).[5] Conflicts between a husband and wife that are mediated by clan chiefs are usually open to all circumcised male members of the respective clans at the level of the section. Although the decisions taken at such meetings may affect the lives of the wives, they and other women are not allowed to attend.

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[1]  They may return to their parental home, to a brother, a lover, an influential clan elder or an influential age-mate of the husband for support and protection. See Talle (1988: Ch. 6).

[2]  Clan endogamy is not impossible, although highly undesirable. Clan endogamy is only permitted when the man and the woman are from different sub-clans. In such a case, the man must pay a 'fine' (a heifer) to the bride's family to clear the way for the union. This fine is in addition to the bridewealth. In practice, it is actually the sub-clan that is the exogamous unit. Among the Maasai, marriage is also regulated by what Spencer (1988: 194, 1993: 153) calls 'age-set exogamy', which is the avoidance of marrying categorical 'daughters' from their age-set.

[3]  That marriage and marriage problems are not only a matter between a husband and wife and between their families but also pertain to the clan becomes evident from the following explanation by an elder: 'I have a daughter who is married and lives in Tanzania. If she is mistreated [by her husband], she doesn't have to come here. She will contact a clan-mate of mine and he will act as a father to her. I am not worried about her' (Interview ML: 1/10/01).

[4]  Divorce is a last resort, especially if there are children involved because the rules dictate that as the children belong to the father's clan, they have to remain with him. This is why mothers rarely initiate divorce. It is also in the interests of the wife's family to avoid divorce: 'It is in the interest of the father and brother(s) that a girl remains married because the father may not have sufficient animals to compensate the husband and release her from the marriage contract. In such cases, the only thing to do is to find another husband who is willing to reimburse the previous one, or to substitute the wife with another woman' (Talle 1988: 137). It is not uncommon that a reluctant wife is beaten by her relatives and forced to go back to her husband. Divorce only becomes an option when recurrent beatings lead to nothing (or a more severe beating could end in death), or if the woman threatens to kill herself. See Talle (1988: Ch. 6).

[5]  See Talle (1988: 139) for a case where clansmen became involved in a meeting between a husband and his father-in-law with the sole aim of protecting the reputation of the family's (and their clan's) 'marriageability'. See also Spencer (1988: 237) for a case where clansmen beat up a fellow clan-mate who neglected his wife and children for the same reason, i.e. to protect the reputation of their clan's marriageability.

The most serious issue threatening clan and inter-clan peace, and the one that always involves clan chiefs, is homicide. Homicide within a section, i.e. when the killer and the person killed are both from Loita, is an issue that involves both clans. Clan chiefs are at the forefront of the series of gatherings arranged to address the issue and restore a good relationship between the two clans. This is a period of redress: all ceremonies in the section are suspended, whether they be large-scale and collective or small-scale and individual (see Voshaar 1998: 87). Homicide destroys the peace between two clans and a clear protocol must be followed involving the clan of the killer paying a fine of 49 head of cattle to the clan of the deceased (and not only to the family of the deceased).[6] This needs to be followed by a ceremony to cleanse and bless the killer (by his clan) and a peace ceremony between the two groups.[7] Clan chiefs are responsible for raising the fine and distributing it, depending on whether they are on the giving or receiving end, and they make sure that the correct ritual procedures are followed. If the killer and the person killed belong to the same clan but are from a different sub-clan, payment goes from sub-clan to sub-clan. However, if the killer and the killed belong to the same sub-clan, the 49 head of cattle are released into the forest for the wild animals. They usually end up in the hands of the poorer families in the section.

A new role for clan chiefs has recently emerged. Clans chiefs have been calling meetings to mobilize clan-members to contribute money for, for example, a young, bright clan-mate who wants to go to university but whose family cannot pay the fees. The Ilaiser clan in Loita started this trend and now the other clans have followed suit. The Ilaiser clan also started monetizing fines collected from clan-members who break rules and keeping them in a bank account to be used to sponsor clan-mates at university.

## The chief laibon

Chief laibons are territorial because they claim sectional domains. Mokompo ole Simel, the current chief laibon of Loita, also claims authority over the Damat and Matapato Maasai sections (CCD 'Affidavit': 2).[8] His authority as chief laibon thus reaches beyond the territorial boundaries of the Loita section. However, because of the historical relationship between his lineage the House of Senteu and the Loita (see Chapter 3) and because he lives in Loita and is identified as a Loita Maasai, his authority in Loita is particularly strong. This section describes the nature and character of this authority, based on my fieldwork findings.

Mokompo belongs to the Inkidongi family. The Inkidongi form a sub-clan of the Il-parsimaro sub-clan of the Ilaiser clan and its members can be found grouped in various

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[6] According to one informant, if the death resulted from an accident, the fine can be reduced to 29 head of cattle. Another informant explained that if the murdered person was a pregnant woman, 5 of the 49 head of cattle should also be pregnant to account for the loss of the unborn child.

[7] Until a cleansing ceremony has been held, a killer is barred from full participation in ceremonies.

[8] His claim over the Matapato is being challenged though. In 2001, a delegation from Matapato visited a brother of Mokompo called Sanya when preparing their *eunoto* ceremony. This visit indicated that the Matapato recognized Sanya and not Mokompo as their chief laibon. According to Mokompo, the chief laibon of the Kaputiei is called ole Koyiaki, who is a stepbrother of his father; the chief laibon of the Keekonyokie is Neiliang; and the Purko and Kisongo Maasai have chief laibons that come from the lineage of Olonana, Senteu's brother.

parts of Maasailand.[9] All the men in the Inkidongi family have been born with the exceptional ability 'to see' or 'foresee', as was explained to me on several occasions (see also Spencer 1991: 334, 341; Fratkin 1979: 56, 1991: 320). But not all of them develop this capacity and become practising laibons, and even fewer become successful and powerful. The Maasai (and Samburu) institution of laibonism has received considerable academic attention. In this vast body of work, laibons have been variously portrayed as 'prophets' (Fratkin 1979; Berntsen 1979; Spencer 1991; Waller 1978), 'diviners' (Spencer 1991; Waller 1978), 'sorcerers' (Fratkin 1991), 'ritual experts' or 'ritual innovators' (Waller 1978) and 'war-leaders' or 'war-prophets' (Waller 1978, 1995). In Loita, all these labels make sense to varying degrees and in different contemporary and historical contexts. Yet drawing from my own ethnographic material, I believe that the word 'seer' best describes the innate skill of a laibon in Loita today.

'Seeing' can be done in two ways. Laibons can see things spontaneously in dreams or during an induced trance. This is, for example, how Senteu is said to have seen that Loita was a good place for him to settle. Laibons may also see an inauspicious future situation for a group of people or a whole section that needs rectifying ritually. (This capacity is the reason why laibons have been called 'prophets' in the literature.) Only a few laibons have the ability to 'see' in this way. In Loita, one of these is the chief laibon. The second way in which seeing can be achieved is with the help of divining stones that are kept in a gourd or cattle horn that the laibon handles and interprets during a divination session.[10] (This is why laibons have been called 'diviners'.) Laibons consult their stones on behalf of individuals or groups of people who visit them with a particular problem or dilemma, a disease (which may be related to sorcery or a curse), recurrent misfortune or simply with a question about what the future holds for them. If a remedy is needed, the laibon provides charms and amulets containing ritual medicines (*intasimi*, sing. *entasim*) made from herbs, barks and roots that have protective and/or healing powers. In serious cases, a laibon might also need to perform a ritual ceremony. For example, the women of Loita visited a laibon called Letutui in 2008 (see Chapter 2 & 3) when they were concerned about their fertility. It was decided to hold a series of ceremonies that were presided over and blessed by Letutui and held throughout Loita in the month of August. Divination requires practice and is an ability that needs to be learned, ideally under the supervision of the novice's father (Spencer 1991: 334; Berntsen 1979: 135; Waller 1995: 32). The success of a laibon that divines is partly based on his skill and expertise and partly on his ability to build a personal clientele (Waller 1995: 32; Spencer 1991: 334; Berntsen 1979: 142). Clients that consult laibons pay for divination and remedial services in the form of money, honey beer, a goat or cattle.

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[9] The foundation myth of the Inkidongi that was recounted to me describes how the first laibon called Kidongoi was found wandering on the *Oldoinyo loo Laiser* (the hill of the Ilaiser, also known as the Ngong Hills) and was adopted into the Ilaiser clan (see also Waller 1995: 28). In this way, the Inkidongi, the descendants of this apical forefather, became a sub-sub-clan of the larger Ilaiser clan.

[10] The Inkidongi appear to be named after these divining gourds or horns called *inkidongi* (sing. *enkidong*) in Maa (Mol 1996: 179-180).

Apart from the chief laibon, there are other practising laibons in Loita, such as the already-mentioned Letutui, who was a popular and much-consulted laibon in Loita. When I visited his homestead one day, he was busy attending to a client, a young man who had come from the other side of Loita. The chief laibon holds divination sessions for people from Loita but also for people from other Maasai areas and beyond: 'the white people come, Purko, Kisongo, Kaputiei, even if there are laibons [in their places] … they all come to get medicines',[11] he told me. On one of my visits I was asked to come back on another day because there were already two groups of people waiting for a consultation with him. When I went back two days later, he offered me a spontaneous divination session. My research assistant who had accompanied me that day, Papiyio ole Muntet, was also given the opportunity to ask questions in the same session. This was in 2001 during my field research for my Masters degree. The following is an excerpt from my field notes:

> Divination session with Mokompo ole Simel, chief laibon of Loita
> 5 October 2001
> Ilkujuka, Kisokon
>
> A woman (I suspect one of his wives) takes out the gourd, wrapped in a cloth, and a black and white hide from the room next to his 'office'. I see a bed there, maybe it is his bedroom. Mokompo removes his sandals and sits down on the hide. He uncovers the gourd, spreads out the cloth on the hide in front of him and places his walking stick along the furthest edge of the cloth to keep it in place. The gourd is simple, not decorated. After removing the cap of the gourd he starts speaking softly into the gourd, his lips almost touching the opening of the gourd. We can't understand what he's saying; he's muttering. He then shakes out the stones, piling them up in groups on the cloth. Amongst the stones, I see metal objects and even glass marbles. He counts and piles, joins two piles and again removes more stones from the gourd. Then he says that he can see that my stay in Loita will be very good. Whenever I'll come here, it will be good. (...) He then throws the stones again and says that the gourd can see Zaira [my daughter] moving around; she will have a good life. It is now Papiyio's turn. Mokompo gives him the gourd and Papiyio asks a question to the stones. (...) I ask if I can also pose a question to the stones. I ask the stones about the future of my family. (...) When piling, counting and joining the stones, he asks Papiyio what my question was. He then answers my question: we [my family] will be very happy and we will become very rich. He notices the stones are similar to Papiyio's.

The interpretation of the divining stones involves piling, counting and joining piles 'according to a complicated numerology' (Waller 1995: 32), which I did not try to understand but for which Fratkin (1991: 322), who interviewed Mokompo's father Simel when he was the chief laibon of Loita, offers an explanation. We gave the chief laibon a container with honey beer that we had brought as a gift and that could now function as payment for his divination session.

In addition to his services as diviner for individual and group clients, the chief laibon also divines on behalf of the Loita section as a whole, particularly during age-group ceremonial times. This is an exclusive relationship that is vested in the position of chief laibon, which Mokompo inherited from his father after his death. Instead of the gourd, of which he had two in 2001 and ten in 2008 and that are destined for use in private consultations, the chief laibon uses a cattle horn. In his words: '[the horn] is the one that gave birth to all these other ones [i.e. the gourds], it is from God (*Enkai*)'.[12] Mokompo

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[11] Interview MS: 21/11/08.
[12] Interview MS: 21/11/08.

claims that this horn was the original horn that Kidongoi, the mythical ancestor of the laibons, was carrying when he arrived from heaven.[13] Through Mokompo's great-grandfather, Mbatiany, this horn was handed down to him via the patrilineal line.[14] The horn, like the black club given to the age-group chief and the clan chief, is a symbol of his position of authority in Loita. By virtue of possessing the original horn, Mokompo claims superiority over all other laibons in Loita, and in the whole of Maasailand.

The authority of a chief laibon over a sectional territory is based on his special ability to see and foresee (harmful) events that might affect his territorial domain (Spencer 1991: 338-339). Mokompo, who claims he can see Loitaland (including the Naimina Enkiyio Forest) in this way, interfered during the forest conflicts when he saw that the forest needed protection to ward off the threat of alienation. He used his horn to divine and ritual medicines to 'tie' (*aen*) the dangerous outsiders and prevent them from carrying out their plans. 'Tying' in this context refers to the use of ritual medicines to 'inhibit some adverse force from a distance' (*Ibid.*: 335). An important task for Mokompo as Loita's chief laibon is thus to protect the section from misfortune.

The position of chief laibon is an inherited leadership position. It passes from father to son and Mokompo's line of succession can be traced back historically to Supeet, the father of Mbatiany,[15] who in turn was the father of Senteu (Waller 1978: 195) (see Figure 6.3). The position of chief laibon does not pass automatically to the eldest son. Mokompo, for instance, is not Simel's firstborn son.[16]

The special link between the Loita and this particular lineage of the Inkidongi dates back to the end of the nineteenth century when Senteu became the chief laibon of the Loita, ritually directing their raids against other sections, particularly the Purko, who followed Senteu's half-brother and rival Olonana as their chief laibon (see Chapter 3). Senteu settled permanently in Loita with his extended family and dependants after the intersectional War of Morijo ended and established the Inkidongi community that still lives in Loita today and is known as the House of Senteu.[17]

Though identified as 'Loita', the Inkidongi is a group that is slightly different from the rest of the Loita community, particularly when it comes to settlement patterns (see Chapter 11). Another difference is that, with the exception of the *eunoto* ceremony, they do not participate in the collective age-group ceremonies of the Loita, a pattern that seems to apply more widely to other Inkidongi communities (Berntsen 1979: 137). In fact, they hold their own ceremonies separately.[18] The *eunoto* ceremony is, as the only age-group ceremony that the Inkidongi of Loita hold jointly with the non-Inkidongi Loita, crucial for their identity as Loita Maasai. It is one of the largest age-group cere-

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[13]   For versions of this Maasai foundation myth, see Waller (1978: 198; 1995: 28) and Berntsen (1979: 135).

[14]   Berntsen (1979: 138), who interviewed some Loita elders, Inkidongi and non-Inkidongi alike, gives a brief account of the politics surrounding Mokompo's inheritance of the position of chief laibon.

[15]   Some scholars question whether Mbatiany was Supeet's biological son (Waller 1978: 196) but in oral history he is certainly described as such.

[16]   And neither were Mbatiany, Olonana, Senteu or Simel for that matter (Waller 1995: 39).

[17]   My research on the Inkidongi was limited to this group of Inkidongi.

[18]   I describe and analyse one of these ceremonies in my Masters thesis (Kronenburg García 2003: 59-84).

monies, bringing together the Loita from Tanzania, the Loita of Kenya and the House of
Senteu. It is visible confirmation of a common Loita Maasai identity among these three
groups.

*Figure 6.3*   Genealogy of succession of the chief laibons
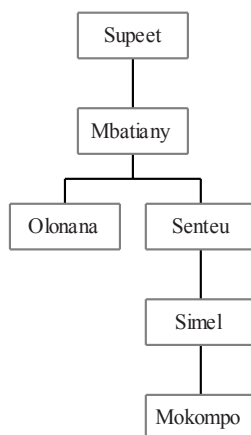


Although Inkidongi do not join their fellow non-Inkidongi Loita as ritual participants
in the other age-group ceremonies, they do pay formal visits to some of their manyatas.
For example, they formed one of many delegations that visited the manyata of the
'stool' (Chapter 1). At other manyatas, however, they are not welcome. Unknowingly,
one day when I went to visit the manyata for the 'raiding-party of the brisket' ceremony,
I took along an Inkidongi friend and neighbour who was curious about the manyata and
saw this as a nice sightseeing trip on his day off. Lenaai, my research assistant, was also
unaware that, for this particular manyata, Inkidongi men were supposed to remain at a
distance. Lenaai was considered responsible for this infraction and was later severely
reprimanded by the age-group chief for allowing it to happen, and specifically for bring-
ing our Inkidongi friend all the way to the ritual house in the middle of the manyata.
This mistake did not become a major issue because our Inkidongi friend had attended
school and his father, being a devoted pastor, had prohibited his family from participat-
ing in Maasai rituals and ceremonies, including those belonging to laibonism. It was
concluded that our Inkidongi friend posed no 'danger'. In this case 'danger' referred to
the idea that he might have been sent 'to curse' the ceremony. This perceived danger
and mistrust could have been related to the association of laibons with sorcery (Fratkin
1979, 1991; Spencer 1991; Waller 1978, 1995). Laibons are viewed ambivalently by
other Maasai. Their supernatural powers to prophesize, divine, heal and protect, includ-
ing protection from sorcery (Kronenburg García 2003: 76), are highly valued but there
are suspicions surrounding their involvement in malevolent sorcery either by inflicting
sorcery themselves or by providing others with poisons (Waller 1978: 246-247, 1995:

31-32; Fratkin 1979: 56, 1991; Spencer 1991). It is believed that laibons' knowledge of herbs, roots and barks for healing purposes and protection extends to knowledge about harmful substances (Fratkin 1979: 56-57, 1991: 319-320; Spencer 1991: 335). However in Loita and apart from the incident described above, I have never heard people accusing or suspecting laibons of sorcery. And sorcery in general is only incidentally mentioned. This is in contrast to Spencer (*Ibid.*: 337) who talks about a 'chronic and endemic concern over sorcery' in Maasai society.

The *eunoto* ceremony is not only important for a common Loita identity, celebrated jointly as it is with the rest of the Loita, but also because it is the most salient and public event at which the chief laibon confirms his special relationship to Loita and where the Loita reaffirm their recognition of his position as their chief laibon. Although also involved in at least one other age-group ceremony, the *eunoto* ceremony is the only one that the chief laibon attends personally. In fact, there is one episode during this week-long ceremony that is wholly dedicated to him. After the arrival of the warrior groups from Kenya, Tanzania and the House of Senteu at the manyata, they all proceed to greet the chief laibon who, seated in view of everyone next to the ritual house in the centre of the manyata, is introduced formally to this new batch of circumcised Loita men. All the warriors greet him personally, bending to touch his right shoulder with theirs, the most respectful form of greeting there is and that, at the same time, is a form of blessing by the chief laibon. The performance of the chief laibon in this ceremony is more that of honourable guest than of ritual expert presiding and officiating at a ceremony. The proceedings were firmly in the hands of the firestick elders.

Another aspect that linked the chief laibon to this ceremony was his responsibility to protect the ritual participants, including himself, from 'danger'. By chance, I had witnessed how Mokompo had seen and remedied 'danger' prior to the ceremony. I had been asked to pick up the chief laibon by car that day but when I arrived at his homestead, he and a group of fellow kinsmen were gathered in one of the houses, intoxicated and in a trance, and after some time the chief laibon announced that he had seen 'danger' along the road to the manyata.[19] I was ordered to drive one of his sons, who was present at the gathering, to a particular spot along the road, where two tracks met, and I was strictly instructed not to stop on the way. There, his son carried out some ritual actions with a white powder (probably white chalk) to clear the path of 'danger'. That day was not a good day for the chief laibon's journey and he did not travel to the manyata until the following day. Ritual protection using medicine against danger (from sorcery, according to Spencer 1991: 338-339, 1988: 140, 167) during transition ceremonies when an age-group is particularly vulnerable seems to be one of the tasks of the chief laibon in relation to age-group ceremonies (Fratkin 1991: 320, 1979: 58; Waller 1978: 241-244, 1995: 47-48; Berntsen 1979: 137, 139-140). Our discussion on the ceremonial age-group leaders has also shown that the chief laibon is consulted as to the choice of the two ceremonial age-group leaders (*olotuno* and *oloboru enkeene*) that are chosen for

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[19]  I do not know what this 'danger' consisted of or what its ritual remedy accomplished. My questions were ignored.

the *eunoto* ceremony. For his ritual services during the *eunoto* of the Iromboi in 2005, Mokompo was paid 49 head of cattle.

The chief laibon also played a role during the preparations for the manyata of the 'stool'. I recall a conversation with age-group chief ole Maine on the ongoing debate over where to construct the manyata. Although the age-group chief had a clear preference and was confident that he could push this choice through during meetings with his age-mates, he reminded me that the final decision lay with the chief laibon, whose ritual guidance (through prophesy, divination and protective medicine) would be sought during a formal visit by a special delegation to his homestead.[20]

In the past, chief laibons combined their ritual authority with political authority; directing cattle raids in the nineteenth century or by becoming a double authority when the colonial state introduced the more political positions of headman and PA chief. Today, however, the role of the chief laibon is solely ritual. This claim has additional strength in that he was not invited to the several Loita leaders' meetings that took place during my stay in Loita. These large-scale meetings, which brought together PA chiefs, councillors, development leaders, age-group leaders and clan leaders, discussed Loita's external affairs (see Chapter 5). What all these leadership positions have in common is that they hold political authority. Meetings, such as these Loita leaders' meetings, are political arenas where political authority is asserted and exerted. These are considered socially inappropriate arenas for the chief laibon to exercise his authority. His own true arena is the divination session and the age-group ceremony.

To sum up, Mokompo's area of influence as chief laibon of Loita covers two specific ritual spheres. The first is in relation to age-group ceremonies. We have seen that the chief laibon offers protection against 'danger' in ceremonies and his advice is sought regarding major decisions. He is at the centre of a ritual performance in the *eunoto* ceremony. The second sphere involves his responsibility 'to protect those living in his domain from … widespread misfortunes' (Spencer 1991: 338), as he did during the forest conflicts (see Chapter 8).

## Conclusion: governing social relations in Loita

One of the points that this chapter has highlighted is that ritual and ceremony are central features of Maasai leadership. Powerful rituals during ceremonies endorse and confirm the authority of leaders. We have seen how the carefully selected men are officially installed in office on ceremonial occasions when they are given a ritually blessed artefact that symbolizes their new authority (the black club in the case of the age-group chief and the clan chief, the divining horn for the chief laibon) or how they are responsible for a particular ritual act or performance during a ceremony (such as the ceremonial age-group leaders). It also became clear that Maasai leadership is not only about political power but also about ritual authority. The discussion concerning the age-group chief and the ceremonial age-group leaders clearly demonstrates how these different types of authority pertain to different arenas. This is a point that needs highlighting because it is of particular relevance in the following chapters. Ritual authority and political authority

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[20]  For more information on delegations visiting chief laibons in preparation for age-group ceremonies, see Waller (1978: 229-230), Spencer (1991: 338-339) and Berntsen (1979: 139-140).

are neatly distributed amongst the ceremonial age-group leaders on the one hand and the age-group chief on the other hand. Ceremonial age-group leaders are endowed with ritual authority by virtue of their role in the ceremonial cycle of the age-group system and the age-group chief is specifically chosen to politically lead his age-group. The meeting is an arena *par excellence* for the age-group chief to exercise his political authority. But most importantly, we saw that meetings should be avoided by the ceremonial age-group leaders, especially if they are convened to settle a dispute or discuss a problem. The appropriate arena for the ceremonial age-group leaders is the age-group ceremony, where unity rather than dissension is conveyed. Ceremonies and rituals are thus moments to preserve unity and celebrate Loita identity, and ceremonial age-group leaders (as well as other ritual leaders) are there to symbolize this sense of unity. Meetings are the political arenas where important decisions are taken that can create dissension, where challenges that need to be addressed take centre stage and where fights are fought out. Age-group chiefs (as well as other political leaders) are there to take the lead in these matters. Given the focus of this research on struggles surrounding land and forest areas, meetings rather than ceremonies and rituals figure more prominently in this thesis and political rather than ritual authority is therefore central.

The distinction between political power and ritual authority is not always clear-cut, as the case of the chief laibon shows. If I limited my consideration of the chief laibon to my fieldwork period, then I would conclude that the authority of the chief laibon in Loita is solely ritual. For one thing, he did not attend the Loita leaders' meetings, which all the other (political) leaders in Loita did, including the PA chiefs, councillors, development leaders, age-group chiefs and clan chiefs. The chief laibon's authority was in fact only exercised during divination sessions and at age-group ceremonies, which are typical ritual arenas. However, if we look back into the past, it becomes clear that at different historical conjunctures, chief laibons also exercised political influence and power (see Chapters 3 & 4). The ambiguity of the chief laibon's authority will be seen again in Chapter 8 on the forest conflicts.

Meetings are the settings where political leaders decide what to do with outside interventions. But they are also the place where leaders decide how to punish or fine fellow Loita Maasai. In both cases, leaders engage in the practice of governing. In the first case, they try to govern relations with the outside world, while in the second, they attempt to govern the behaviour of the Loita. The discussion on the PA chiefs, councillors and development leaders in the previous chapter showed how Loita leaders govern external relations. The analysis of the positions of age-group chief and clan chief in this chapter have shown how social dynamics *inside* the Loita section are governed as these leaders channel age-group and clan relations and processes in the right direction when social boundaries and rules are crossed within their respective age-group and clan domains. Age-group chiefs and clan chiefs govern internal social relations. Separately, they only have authority over a segment of the Loita population but, together, their authority covers the whole clan and age-group domain of the Loita section.

Age-group chiefs and clan chiefs are not the only governors of internal Loita social relations. Chapters 10 and 11 consider how locality and section leaders exercise political authority and govern relations of use, access and property in land.

Double authorities are interesting since they occupy a position as outside intermediary and internal governor. We have seen how this happened in the colonial period when age-group chiefs ole Kashu and ole Moti were appointed to the new state position of headman (Chapter 4). Chapter 8 discusses two more examples of double authorities. Such double authorities have much more power than single authorities because their spheres of influence are double. They can, therefore, be particularly powerful Loita leaders.

Having introduced and discussed the most relevant leadership positions in Loita in this and in the previous chapters, it is now time to turn to why most of the Loita leaders belong to – and are expected to belong to – the 'governing age-group'. We will see in the next chapter that although political authority is distributed amongst the numerous leaders in Loita, it is still concentrated in one age-group. The following chapter explains how the *modus operandi* of the age-group system shapes leadership by prescribing which age-group has the authority to govern the section.

# The governing age-group:
# Configuring leadership through
# the age-group system

> Very broadly, the period when the elders of an age-set are in their politi-
> cal prime corresponds to the span of about fifteen years when the privi-
> leges of moranhood [warriorhood] are claimed by their firestick wards in
> their physical prime (as right and left age-groups).
>
> (Spencer 1988: 215)

A clan chief that I was interviewing on the history of Loita started answering one of my questions in the following manner: 'the time when the Ilterito, our fathers, were the ones governing Loita …'.[1] This short phrase captures what this chapter is all about. 'Ilterito' is the name of an age-set and this age-set was governing the Loita section at the particular period in time that the clan chief was referring to. Not an individual leader but a whole age-set was alluded to as having political authority. This chapter considers how the temporality inherent in the age-group system dictates which particular age-group is charged with the task of governing the section and for how long. This, in turn, is important for understanding why most of the leaders in Loita, including PA chiefs, councillors and development leaders, belong to (and are expected to belong to) one and the same age-group. The chapter explores why leadership and power are concentrated in one age-group.

The clan chief referred to the Ilterito as 'our fathers'. This is significant because it points to the special relationship between the Ilterito and the age-set to which the clan chief belongs. This relationship, which is called the 'firestick relationship' here, links an older age-set with a younger age-set as if they were 'fathers' and 'sons'.[2] An important point in this chapter is that when the 'fathers' *govern* the section, the 'sons' *protect* the section as warriors. This means that the clan chief was a warrior during the time he was

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1  Interview PK: 29/8/09. The interview was conducted in English and 'governing' was the word that he
   used.
2  Though not necessarily biological fathers and sons.

referring to. The firestick relationship is integral to the age-group system and crucial for understanding how the age-group system organizes political leadership in Loita. As a first step, the firestick relationship and the age-group system need to be explained and described in detail. This will be done in the first section of this chapter.

To develop the argument, I build on the work of Spencer (1988, 1993) and Voshaar (1979, 1998) who have analysed the firestick relationship in detail. Their work does not refer to political leadership *per se* but some of their comments give important clues as to how the age-group system structures sectional leadership. At a certain point in his book, Spencer (1988: 215-216) uses the term 'the ruling age-set'. Inspired by this term, but adjusted to conform to Loita evidence, this thesis uses the term 'the governing age-group' to refer to the age-group that has been allocated power to govern the section. The choice for the more general 'age-group' rather than Spencer's 'age-set' is deliberate. This chapter will show that, depending on how closely one looks at the dynamics at hand, one either discerns a governing *age-set* or a governing *circumcision-group*. Both Spencer and Voshaar focus on age-sets, which is compatible with a long-term view of the workings of the age-group system. I will show that, by zooming in at the level of the circumcision-group, patterns that were hazy from a long-term age-set perspective become sharper and dynamics that were previously unclear become more visible. The chapter's second and third sections discuss political leadership based on age-set, as advanced by Spencer and Voshaar. The fourth section looks at political leadership based on circumcision-group as it is revealed by my own data and the final section considers the governing age-group from a historical perspective.

What I hope to clarify in this chapter is that the temporality and rhythm inherent in the age-group system makes it a very dynamic complex that is constantly in motion and that the political landscape that one encounters at a certain point is not the same some years later. When I was in Loita in 2005 filming the *eunoto* ceremony of the Iromboi, their firestick elders (the Ilkitoip) were, without a doubt, the governing age-set in Loita. Five years later, the Ilkitoip's successors, the Ilkisaroni age-set, had started to claim political leadership publicly, for example during Prime Minister Odinga's visit to their manyata (see Chapter 1). Two years later, their political authority as the governing age-set in Loita was confirmed when members of the Ilkisaroni were ceremonially installed as the new clan chiefs of Loita.

The political landscape that I encountered while doing fieldwork from mid-2007 to the end of 2008 is the point of departure for the analysis in this chapter. It was as follows: the Ilkitoip age-set, aged between 52 and 64, dominated the political scene of Loita. They were the designated governing age-set. Most of the Loita leaders (such as the PA chiefs, clan chiefs, one of the two councillors) belonged to this age-set. In this period, the Loita warriors belonged to the Iltumusika circumcision-group and, together with the circumcision-group that had been the warriors before them (the Iromboi), they would form a single age-set in the future. This future age-set linked with the Ilkitoip age-set in a firestick relationship. My main PhD fieldwork period fell in the second half of Ilkitoip's political term.

## The age-group system and the firestick relationship

Apart from providing the basis for the leadership positions of the age-group chief and the ceremonial age-group leaders, as we saw in the previous chapter, the age-group system also configures leadership in another way.[3] To understand this, it is important to understand how the age-group system actually works and what the firestick relationship is. Here I present my own understanding of the workings and machinations of the age-group system in Loita. Despite some minor differences in nuance, detail and interpretation, this understanding is very similar to, and was greatly assisted by, the excellent work of Spencer (1988, 1993) and Voshaar (1998: 72-77, 91-99, 1979: 58-85) on the subject.

*Circumcision-groups, age-sets and age-grades in a nutshell*

The age-group system organizes all circumcised men into age-groups. Two types of age-groups are distinguished in Loita: the circumcision-group (*olporror*, pl. *ilporori*) and the age-set (*olaji*, pl. *ilajijik*).[4] A circumcision-group comprises a generation of men within an age-span of about eight years. This means that between the oldest and the youngest members of a circumcision-group there is an age difference of approximately eight years. Two consecutive circumcision-groups form an age-set and so the age-span of an age-set is about 16 years. Circumcision-groups and age-sets are distinguished by their own names. Membership is for life and men are simultaneously members of a circumcision-group and an age-set, although the emphasis of identity changes over time.

Age-groups advance through the different grades of warriorhood and elderhood as they mature. These transitions are marked by ceremonies that together form a regulated cycle of ritual promotions or graduations. The age-group ceremonial cycle officially starts with the initiation of a circumcision-group at their *enkipaata* ceremony and ends with the formation of an age-set at the 'stool' (*olorika*) ceremony about 26 years later for a right-hand-side circumcision-group and about 19 years later for a left-hand-side circumcision-group.[5] Ceremonies can be either large-scale collective ceremonies held at

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[3]  The age-group system not only structures political leadership but also the way people greet and address each other, it regulates the division of labour in the pastoral economy (Voshaar 1998: 72-79, 1979: 72, 76-85), shapes gender and sexual relations (Talle 1988, 2007) and involves a particular way of perceiving time (Spencer 1993; Rigby 1983). The synchronization of age-groups across autonomous territorial sections is crucial for a common Maasai identity (Spencer 1993: 145-146). The age-group system has also come to shape the allocation of individual ranches, membership of group ranches and conflicts over membership in the process of group ranch subdivision (Galaty 1992: 29, 30, 1994a: 111-112; Mwangi 2007b: 901-902; Rutten 1992: 303, 305-308). Tignor (1972) attributes early-twentieth-century Maasai conservatism to the age-group system. Chapter 3 discussed how the age-group system was key to Maasai expansion in the past.

[4]  Not all Maasai sections have circumcision-groups and age-sets. The Kisongo, for instance, only have age-sets as I learned when I travelled through Kisongoland in 2010 (see Voshaar 1979: 61; Spencer 1988: 95). In Loita, the word *olaji* is not commonly used, but is known. Instead, the word *olporror* is used to refer to both the circumcision-group and the age-set. Usually the context in which the word is used clarifies whether someone is referring to a circumcision-group or an age-set. To avoid any confusion or ambiguity, I have held on to the distinction between the two names. See Spencer (1988: 188-189) for the various connotations attached to the words *olporror* and *olaji*.

[5]  Among the Maasai, there are many more ceremonial cycles than just the age-group ceremonial cycle. Voshaar (1998: 82-85) calls these 'systems' or 'series' (also Voshaar 1979: 97-101). Some of the series identified alongside the age-group series are the mother & child series, the individual series, the

the level of the section or individual ceremonies at around the same time that are held by all members of an age-group. I use the word 'age-grade' (or simply grade) to identify the states or stages that an age-group occupies between transition ceremonies.[6] Transition ceremonies typically mark a new status for the members of an age-group that is associated with the acquisition of certain privileges and avoidances.[7] Alternatively, a transition ceremony may be held to lift a taboo or relax an avoidance that is associated with warriorhood.[8]

The journey through the age-group system of an average Maasai boy born in Loita would be as follows. With circumcision, the boy officially enters the age-group system by joining a circumcision-group. Circumcision also marks the beginning of warriorhood for him. After a period as warrior or in the 'warrior grade' if he doesn't become a warrior in the full sense, he will perform successive ceremonies, collectively or individually, that lift taboos and rules associated with warriorhood one by one as he gradually becomes an elder. The final ceremony of the age-group system will confirm his status as elder. It is also at this last ceremony that two successive circumcision-groups will join to form an age-set. For a man, his age-group identity will from then on be dominated by his age-set rather than his circumcision-group.

It is important to note at this point that, despite all the rules associated with the age-group system and the importance of ceremonial sequencing, the system is quite flexible and there are ways to accommodate unforeseen or changed circumstances or to make exceptions in individual cases. For example, collective ceremonies are often planned to occur during the school holidays so that school-going youth can attend, or ceremonies that have already started can be halted because of the visit of a prominent personality.[9] One of Spencer's many examples of 'recognised loopholes in the age system' (1988:

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'owner of the homestead' series, and the husband & wife series. Certain ceremonies fit into different series. An example is the circumcision ceremony, which is part of the age-group series, the mother & child series, the owner of the homestead series and the individual series. Spencer (1988, 2003) only distinguishes between age-group ceremonies and a sequence of 'personal ceremonies', one for men and one for women (*Ibid.*: 57; Spencer 2010a: 34 for an overview of the personal ceremonies).

[6] 'Age-grade' is an analytical term and there is no word in Maa for 'age-grade'. This definition of the term 'age-grade' is different from what is used in much of the literature on age-group systems (see Foner & Kertzer 1978). These works emphasize the social roles of the different age-grades and age-grades thus go beyond the age-group ceremonial cycle to encompass the whole life cycle of an individual. Such a view of age-grades would tell us that the social role of Maasai 'boys' (who have not yet joined an age-group) is to herd the livestock, that of the 'warriors' is to protect the section, and that of the 'elders' is to take decisions. These categories may in turn have several sub-categories such as small boy and old boy, junior and senior warrior, or junior and senior elder. The problem is that as more sub-age-grades are identified, the social roles become less clear. The transition ceremonies that supposedly mark a person's passage to a new age-grade also disappear.

[7] With circumcision, a boy ceases to be a boy and becomes a young man or warrior. For an extensive discussion of the privileges and avoidances of warriorhood and the dynamics and process of acquiring and losing them, see Spencer (1988: Ch. 5 & 6).

[8] See Note 27 for an overview of warriorhood avoidances and taboos, and the ceremonies that relax these rules. See also Table 7.2.

[9] This happened in 2012 during the *eunoto* ceremony of the Iltumusika age-group. The *eunoto* ceremony has a strict sequence of rituals that need to be performed over the course of several days. The *eunoto* of the Iltumusika had already started when an aspiring politician – Narok County senate candidate Andrew Sunkuli – wanted to visit the manyata and the ceremony had to be suspended for two days to accommodate his visit.

75) are the so-called 'premature elders' (*Ibid.*: 80-82).[10] We shall see later that, like the premature elders, there are also 'premature leaders'.

*Circumcision-groups and the right-left duality*

Circumcision-groups are either from the right-hand or the left-hand side, and alternate in time.[11] The Iltumusika circumcision-group that was officially inaugurated in 2008 and constitutes a left-hand-side circumcision-group was thus preceded by a right-hand-side circumcision-group (the Iromboi) that in turn followed a left-hand-side circumcision-group (the Ilbuluka) that was itself preceded by a right-hand-side circumcision-group (the Ilkishili), and so on (see Table 7.1).

Right-hand-side circumcision-groups are more prominent than left-hand-side ones: they have more members, their period as warriors is slightly longer, they have six rather than three formal age-group leaders (see Chapter 6), and they have more ceremonies to perform and these are often more intricate.[12] During the 'stool' ceremony, which is the last ceremony in the age-group ceremonial cycle, two successive circumcision-groups – a right-hand-side circumcision-group that is always the most senior of the two and a left-hand-side or junior circumcision-group – unite to form a single age-set.[13] In 2008, there were four existing age-sets in Loita: the Ilnyangusi age-set that combined the Ilkalikal and Ilkamaniki circumcision-groups; the Iseuri age-set that was composed of the Ilteregeyiani and Ilmauya circumcision-groups; the Ilkitoip age-set combining the Ilkiseeyia and Irandai circumcision-groups, and the Ilkisaroni age-set that was recently established with the celebration of their 'stool' ceremony in 2010 (see Chapter 1) and united the Ilkishili and Ilbuluka circumcision-groups. The Iromboi and Iltumusika, the circumcision-groups that follow the Ilkisaroni age-set, are still circumcision-groups but will unify to form an age-set in future when they hold their 'stool' ceremony. The name of the age-set that they will form is already known: the Ilmeshuki.

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[10] 'Premature elders' perform a ceremony that is normally held *after* the *eunoto* ceremony and marks a significant step towards elderhood (the 'milk-drinking' ceremony) shortly after circumcision, thus skipping warriorhood altogether. Spencer (1988: 80-82) explained how, among the Matapato Maasai, 'premature elderhood' is often imposed by the father to force the son to stay at home and help his father with their herd and not wander around with other warriors. In Loita, holding the 'milk-drinking' ceremony prematurely is usually more associated with the young man's own wish to get married during his official period of warriorhood. Men are only supposed to marry after performing the 'milk-drinking' ceremony.

[11] The Maa word for right-hand-side circumcision-group is *emurata e tatene* and for left-hand-side circumcision-group is *emurata e kedianye*.

[12] Spencer (1988: 95-96) argued that the prominence of right-hand-side circumcision-groups is related to the prestige they acquire from the 'stiffer test of gaining the [warriorhood] privileges for their age-set' from the preceding (left-hand) circumcision-group in a context where rivalry between adjacent circumcision-groups that also belong to different age-sets is quite fierce. Because of this prestige, 'the van tends to be extended by older boys whose initiation has been delayed and the tail-end by younger boys whose initiation has been brought forward' (*Ibid.*: 95), increasing the numbers of warriors as well as the period of warriorhood for right-hand-side circumcision-groups.

[13] In other sections, such as the Matapato Maasai (Spencer 1988: 182), this happens during a ceremony called *olngesher*.

*Table 7.1*    Age-groups in Loita in 2008

| Approximate age-span in 2008[14] | Circumcision-group | Side | Age-set |
|---|---|---|---|
| 83-90 | Ilkalikal | Right | |
| | | | Ilnyangusi |
| 75-64 | Ilkamaniki | Left | |
| 68-75 | Ilteregeyiani | Right | |
| | | | Iseuri |
| 62-69 | Ilmauya | Left | |
| 53-61 | Ilkiseeyia (official name: Ilkitoip) | Right | |
| | | | Ilkitoip |
| 47-54 | Irandai (official name: Ilkiropi) | Left | |
| 40-47 | Ilkishili (official name: Ilkisaroni) | Right | |
| | | | Ilkisaroni |
| 33-40 | Ilbuluka (official name: Ilmejoole) | Left | |
| 20-29 | Iromboi (official name: Ilmeshuki)[15] | Right | |
| | | | (Ilmeshuki) |
| 16-19 | Iltumusika (official name: Ilkinya-ku)[16] | Left | |

Circumcision-groups and age-sets have their own names. In Loita, a circumcision-group is best known by its nickname rather than by the official name it receives at initiation. Age-sets are only known by one (official) name. With time, only the age-set names are remembered. As can be seen in Table 7.1, age-sets are often named after the official right-hand-side circumcision-group that it is made up of. To avoid confusion, I will therefore use the everyday names of circumcision-groups when writing about them rather than their official names. As noted above, Loita counted four age-sets in 2008. There were then ten existing circumcision-groups. The oldest surviving circumcision-group in Loita, with fewer than ten members, was the Ilkalikal circumcision-group. The

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[14]    Ages are based on Galaty's (1992: 39) calculations for 1990 except for the Iromboi and Iltumusika circumcision-groups that are based on my data in Loita. I took the age of 16 as the average age at which boys are circumcised.

[15]    The first boys were circumcised in December 1995 and the last in December 2004.

[16]    The first boys were circumcised in April 2005 and the last in April 2012.

youngest circumcision-group, the left-hand-side Iltumusika, was initiated in 2008 and they were the warriors in Loita at the time of my fieldwork.[17]

*Ceremonies and the process of becoming an elder*

With circumcision at around the age of 16, a boy becomes a man and joins a circumcision-group, formally entering the age-group system by stepping into the grade of warrior. Today, not all circumcised young men become warriors and dress and decorate themselves as warriors and follow the rules and taboos that go with warriorhood. This is especially so for those youngsters that go to school. There is a word in Maa that describes these young men who do not become warriors in the full sense: *ilngosanek* (sing. *olngosaneki*).[18] But even if *ilngosanek* do not become full warriors, they are still considered full members of the age-group and actively participate in age-group ceremonies whenever possible.

As age-groups mature, they successively advance through the different grades of warriorhood and elderhood. In this sense, the age-group system marks the passage of time while at the same time structuring the process of individual ageing in 'an endless stream of ageing age-sets' (Spencer 1993: 149). In the literature, warriorhood is commonly divided into junior warriorhood and senior warriorhood (Galaty 1983: 368; Spencer 1988: 139; Mol 1996: 247-248). According to Mol (*Ibid.*: 247, 265), *olkilia* (pl. *ilkiliani*) means junior warrior and an *olmorijioi* (pl. *ilmorijo*) is a senior warrior. The *eunoto* ceremony, which is the most popular, well-known and best-documented Maasai ceremony, marks the difference between junior and senior warriorhood. Some authors, therefore, prefer to divide warriorhood into 'before *eunoto*' and 'after *eunoto*' (Voshaar 1979: 71). Elderhood is often divided into different phases as well. Voshaar (*Ibid.*: 60), for example, makes the following distinction: junior elderhood and senior elderhood. But he also talks about 'firestick elderhood' (Voshaar 1998: 72) and a category of 'venerable elders' (Voshaar 1979: 82-83). In practice, however, not all these neat and elegant distinctions are as clear and unproblematic as they seem. It is particularly unclear when senior warriorhood ends and (junior) elderhood starts. In Loita, I have not heard people using the words *olkilia* (junior warrior) or *olmorijioi* (senior warrior) in the sense that Mol reports and many authors use too.[19] Instead, they use the more general word *olmurrani* (warrior). Junior/pre-*eunoto* warriors are simply called *ilmurran* (warriors). After the *eunoto* ceremony, men can be either referred to as 'warrior' or 'elder' (*olpayian*, pl. *ilpayiani*) depending on the context. My interpretation is that, after the *eunoto* ceremony that closes active warriorhood, men become less of a 'warrior' and more of an 'elder' with every subsequent ceremony that they perform. This is why a young man

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[17] The Iltumusika closed their warriorhood with the *eunoto* ceremony in April 2012. By December 2013, the first warriors of a new circumcision-group had already been circumcised.

[18] I could not find the word in Mol's dictionary. Spencer (2003: 21, 1988: 80) translates the word *ilngosanek* as 'premature elders'. For 'premature elders', see Spencer (1988: 80-82).

[19] In Loita, *olmorijioi* (senior warrior) refers to a warrior who has been circumcised *before* the official initiation of his circumcision-group and *olkilia* (junior warrior) refers to a warrior who has been circumcised *after* the formal initiation of his circumcision-group. The distinction is thus made to refer to the more junior and more senior members of the *same* circumcision-group. This is thus different from Mol's interpretation in terms of age-grades (that are held successively by circumcision-groups rather than simultaneously by the same circumcision-group).

who had recently performed his 'milk-drinking' ceremony shortly after the *eunoto* ceremony insisted that he had become an elder[20] and another man claimed exactly the same after his 'meat-eating' ceremony that follows the 'milk-drinking' ceremony a few years later. And on yet a third occasion during the preparatory phase of the 'stool' ceremony, one participant explained to me that this ceremony was to show that he and his age-mates were now elders.[21] These initially confusing claims of having attained elderhood after three different ceremonies in the ceremonial cycle of the age-group system make sense when one considers the relative transformation that is accomplished each time. After the ceremony, one is an 'elder' in comparison to before the ceremony when one was still a 'warrior'. Viewed from a long-term perspective, one has shed more 'warrior-ness' and acquired more 'elderness'. In fact, with every transition ceremony after warriorhood, a certain rule or taboo associated with warriorhood is lifted (see Table 7.2 and Note 27). The 'stool' ceremony, the last age-group ceremony that unites two circumcision-groups, confirms the status of elderhood and men then finally become elders in the full sense of the word. I follow the usage in Loita and will use the word 'warrior' to refer to junior pre-*eunoto* young men (between 16 and 24 years of age) and for the period after the *eunoto* ceremony I will specify the context as well as possible to understand where on the continuum between warrior and elder a man is located in terms of the ceremonies performed. When a man has already performed his 'stool' ceremony, I refer to him as an elder.

Every transition to a new grade is marked by a ceremony. Ceremonies can be held individually at home or collectively at the level of the section with the whole age-group. Some collective ceremonies are hosted by one of the age-mates at his home but a special ceremonial settlement, the manyata, is built specifically for the preparation and execution of the rituals for most collective ceremonies and the celebration of the ceremony itself.[22] At any given time, there may be only one of these ceremonial settlements in Loita.[23] Table 7.2 shows the main transition ceremonies of the age-group system, i.e.

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[20] Spencer (1988: 175) was told exactly the same but it would seem that he assumed that there was a slip of the tongue as he inserted a 'sic' after it: 'Kunaiju expressed his disorientation somewhere between moranhood and elderhood after the 'milk-drinking' ceremony. "On that day, I became an elder [sic] …"'.

[21] There was a fourth ceremonial occasion when I was told something similar. This was at an *olkiteng loo lbaa* ceremony, which is an individual ceremony that has to be performed by each elder before the circumcision of any of his children. This ceremony does not belong to the age-group ceremonial cycle. See Spencer (1988: Ch. 14), Voshaar (1979: 218-252) and Talle (1988: 144) for a discussion of this ceremony.

[22] Warrior manyatas in the sense that Spencer (1988) mentions them do not exist in Loita. Spencer describes the 'manyata village' in opposition to the villages of the elders (the homesteads) as being a separate settlement where warriors live together for the duration of their warriorhood and not as a temporary ceremonial settlement specifically built for a particular age-group ceremony, as is the case in Loita. It is possible that these warrior villages existed in Loita in the past before the Kenyan state intervened to abolish or curtail them (Waller 2010). Voshaar (1979: 65) suggests that 'the governments of Kenya and Tanzania are not keen on manyatas. In fact they have forbidden them except where a manyata is necessary immediately before the great age-group ceremonies: enkipaata, eunoto and olngesher'.

[23] Three manyatas were built during my PhD field research period in Loita. At the beginning of 2008 the Iromboi circumcision-group built their 'manyata of the feathered headdress' that lasted for about five months and soon afterwards the Iltumusika circumcision-group built the manyata for their *enkipaata*

those that are performed by all circumcision-groups. A number of age-group ceremonies are only performed by right-hand-side circumcision-groups, some of which are discussed in the Appendix.

*Table 7.2*   Main age-group ceremonies

| Ceremony | Description |
| --- | --- |
| *Enkipaata* | Initiation of the circumcision-group, a collective ceremony performed at a manyata. |
| Circumcision | An individual ceremony held at home when a boy becomes a man. |
| Ceremony of the *emanyata e ntirpe* | A collective ceremony at a manyata that lifts the rule that forbids warriors to brush their teeth in front of circumcised women. Promulgation of the ceremonial age-group leaders *olotuno* and *oloboru enkeene*. |
| *Eunoto* | The confirmation of the circumcision-group, a collective ceremony at a manyata. Marks the end of warriorhood and the start of becoming an elder. Sexual avoidance with circumcised married women is then relaxed. |
| Milk-drinking | Individual ceremony at home that lifts the milk-drinking rule. From now on, men can drink milk alone. |
| Ceremony of the *emanyata e nkeene* | A collective ceremony at a manyata. Rings made out of the strap of hide kept by *olotuno* are put on the finger of every age-mate. Now they prepare for meat-eating. |
| Meat-eating | A collective ceremony hosted by an age-mate at his home that lifts the meat-eating rule. From now on, men may eat meat in the presence of circumcised married women. |
| The stool | The unification of a right- and a left-hand-side circumcision-group to form an age-set happens at a collective ceremony at a manyata. It confirms the status of elder. |

*The firestick relationship*

The ceremonies of a particular age-group are presided over by elders from a designated older age-group. The relationship between the age-group that holds the ceremony and the age-group of the elders that officiates at the ceremony is called firestick (*olpiron,* pl. *ilpironito*). I will therefore call these elders the 'firestick elders' and the younger men whose ceremonies they oversee the 'firestick youngsters'.

From the ceremony initiating a new circumcision-group (the *enkipaata* ceremony) until the 'stool' ceremony that completes the age-group ceremonial cycle and amalgamates two successive circumcision-groups, the firestick elders play an important role in every transition ceremony of their firestick youngsters, be it an individual ceremony at home or a large-scale collective ceremony at a manyata. Firestick elders not only act as guides, mentors and sponsors but their blessing is required to accomplish each transition. The relationship between firestick elders and their firestick youngsters is so called

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ceremony, which lasted between one and two months. In 2009, the Ilbuluka and Ilkishili circumcision-groups built the manyata for their 'stool' ceremony.

because the firestick elders use a firestick to kindle the first fire for their youngsters when they are still boys to open their circumcision period (Mol 1996: 331; Spencer 1988: 66, 69-70). This happens collectively for the whole age-group at the *enkipaata* ceremony when they initiate a new circumcision-group, and individually at the circumcision ceremonies of each and every boy. The firestick elders thus ritually bring to life a new circumcision-group and a new man by kindling their first fire (Spencer 1993: 144, 1988: 66).[24] In many cases, the biological fathers of the boys belong to the age-group of the firestick elders, which differ on average by about 32 years.

The relationship between firestick elders and firestick youngsters is an intense one of respect and close affinity. Respect and obedience to older people is a widespread and pervasive cultural practice among the Maasai that is instilled in children from a very early age (Spencer 1988: 47, 1993: 141),[25] but the respect and obedience of firestick youngsters to their firestick elders is special. A young man in his warrior grade explained this to me as follows: 'The firestick elders … make fire at every boy's circumcision. I respect these elders. If they tell me I have to go by footing [sic] to Holland, I will go!'.[26] This declaration clearly shows the positive side of respect and obedience that originates in the high esteem held for the ritual role of the firestick elders. It is associated with the blessing of these men during ceremonies. But there is also a negative side that is based on the fear of a potent curse that firestick elders can have over their youngsters. If the firestick elders feel that their youngsters are not showing enough respect, they may threaten to break a firestick as a curse over them (Spencer 1988: 220). I have never heard or read of a case where the firestick elders actually performed this curse but there are numerous recorded instances of the threat to do so or, less seriously, the threat of withholding a blessing. This led to general anxiety and was enough to restore discipline. For a case in Loita, see Waller (2010: 148). Belief in the blessing and the curse of the firestick elders is deeply rooted and powerful. It expresses the ritual dependence of the firestick youngsters on their firestick elders and forms an important basis for the latter's ritual power over their youngsters.

The firestick relationship is structurally based on age-sets rather than circumcision-groups: the firestick elders are from the second age-set above (older) the first circumcision-group that they initiate. The first circumcision-group that they initiate belongs to the right-hand side. The same firestick elders will also kindle the fire for the left-hand-side circumcision-group that succeeds the right-hand-side circumcision-group about eight years later. It should be noted than this pair of right-hand and left-hand-side circumcision-groups will merge in future to form an age-set. The firestick relationship that is forged at the initiation of a new circumcision-group is thus between an age-set (the firestick elders) and a future age-set (the firestick youngsters). This relationship is for life. After initiation, they will lead and guide the youngsters through the age-group ceremonial cycle as they mature until they complete the age-group cycle with the 'stool'

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[24]  In fact, fire and fire-making at Maasai ceremonies generally 'symbolize[s] new life or the birth into a new stage of life' (Voshaar 1998: 81; see also Spencer 1988: 70).

[25]  See Voshaar (1979: 73-74) for the broad meaning of respect (*enkanyit*) among the Maasai.

[26]  Interview MM: 16/9/2001.

ceremony. After this, the firestick youngsters will themselves become the firestick elders of a (future) age-set that is two age-sets younger than them.

*Figure 7.1*   Lines of firestick relationships in 2008

Ilnyangusi

Iseuri

Ilkitoip

Ilkisaroni

(Ilmeshuki)
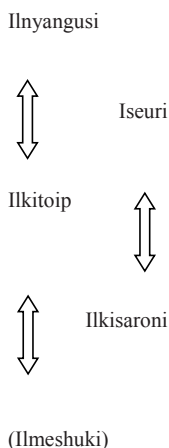
Alternate age-sets linked to each other in firestick relationships form two 'streams' (Spencer 1976), 'traditions' (Voshaar 1979: 68-69) or 'lines' of affinity (see Figure 7.1). These lines have names and are called after the trees from which the firestick elders make their firestick to kindle fire (Mol 1996: 331). The line of the Ilnyangusi, Ilkitoip and (the future) Ilmeshuki age-sets is called *olpiron le sepeperua*. The Ilnyangusi are therefore the firestick elders of the Ilkitoip and the Ilkitoip are the firestick elders of the Ilmeshuki. The Ilmeshuki, when they become an age-set and in turn initiate a new age-set, will also become firestick elders. The alternative line of the Iseuri and Ilkisaroni age-sets is called *oreteti*. The lines of alternate age-sets become relevant in certain social domains. For example, only the right-hand-side circumcision-groups that belong to the line of *olpiron le sepeperua* perform the 'raiding-party of the brisket' ceremony. As we will see, clan leadership is also handed over along the lines of firestick relationship.

## Political leadership based on age-set

The firestick relationship that was introduced in the previous section is key to understanding how the age-group system structures leadership and authority. Spencer (1988: 214-219, 1993: 144) and Voshaar (1979: 66-70, 79-82, 1998: 72, 73) discuss the firestick relationship in some detail and give important leads as to how the relationship is related to political leadership.

Spencer (1988: 66, 1993: 144) calls the relationship between firestick elders and their firestick youngsters a 'firestick alliance'. He explains how a firestick alliance between two alternate age-sets is most tangible and visible when the younger age-set is in its

warrior grade. Since this younger age-set is not yet formed and the age-groups are still circumcision-groups that occupy the warrior grade successively, this means that either the right-hand or the left-hand-side circumcision-group is in its warriorhood period. It is in this period, when one of the two circumcision-groups dominates 'the arena of warriorhood', that the firestick elders dominate 'the political arena' in the section (Spencer 1993: 144, 1988: 215; see also Voshaar 1998: 72, 73n, 1979: 70, 79-80). In this period, the firestick alliance between these two age-sets outshines the age-set between them. As Spencer (1993: 144) put it:

> Thus, as the *murran* [warriors] of an age-set mature and retire into elderhood, passing through their physical prime, so their firestick patrons, who are broadly thirty years older, pass through their political prime, eventually retiring into old age. During this period of about fifteen years, there is a notional 'firestick' alliance between these two age-sets in opposition to the intervening age-set, who are eclipsed during this period but will emerge as firestick patrons in their own right to a new age-set of novice *murran* in due course. When this occurs, they come out of eclipse, and power in the arena of Maasai affairs switches to this age-set and the novice *murran* as the alternative firestick alliance for about fifteen years.

This power not only refers to the ritual authority that firestick elders have over their youngsters but also to their dealings with 'the affairs of the [section] as a whole' and 'all affairs that have to do with the outside-world' (Voshaar 1979: 79). This is political power and it is exercised within and on behalf of the section.

For Voshaar (*Ibid.*: 70), the dominance of one firestick alliance at the expense of the intermediate age-set, as identified by Spencer, is more a matter of emphasizing and prioritizing the section (or the public sphere) rather than the homestead (or the domestic sphere). This observation adds a valuable nuance to the perceived hegemony of a particular firestick alliance in a section. Warriors and their firestick elders dominate public life in Loita. The ritual constraints, i.e. the taboos and rules, that go with full warriorhood push warriors out of the homestead and family life into the forest or more public places like markets, manyatas and ceremonies such as circumcisions and weddings where they form a conspicuous presence.[27] Warriors are also at the forefront of violent

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[27] Warriors should not have sexual relations with circumcised married women (but they may with uncircumcised girls). This sexual restriction is reinforced by food taboos that keep warriors away from circumcised married women, their houses since they are the domain of women *par excellence* (Talle 1987) and domestic life and drives them into the bush and their manyatas and into each other's company for their daily needs.

(i) Warriors may not eat meat that has been seen by circumcised women. The clearest response to the meat-eating taboo is the 'meat feast' (*olpul*, pl. *ilpuli*) that is typically held in the forest as it is the most unlikely place where they will run into circumcised women who might spoil their meal. Warriors may remain secluded in the forest for weeks. An animal can also be slaughtered in the bush closer to the homestead. This is a less ritualized slaughter called *olpejet* (pl. *ilpejeta*). Today, warriors prepare and eat their meat in separate houses within the homestead (like the small house next to the pen where goats and sheep are kept at night) that women do not enter.

(ii) Warriors are barred from eating solid food like rice, beans, *ugali* (maize cooked with water to a dough-like consistency) and even biscuits in the houses of women but they can eat these foodstuffs out of sight of women, for example in the bush.

(iii) Warriors can drink liquids (milk, water and tea but no blood or sodas) at the houses of women but only if they are in the company of another warrior. This rule obliges warriors to seek out each other's company for daily needs and to move around in groups or at least in pairs. If there are no fellow warriors around, a firestick elder or any elder who observed warrior rules during his warriorhood, or a small uncircumcised girl, may stand in symbolically for an age-mate and join

clashes with neighbouring communities if they arise. Other key public events include the numerous meetings held in Loita, such as the land dispute meeting analysed in Chapter 10 and the section meeting in Chapter 11. The firestick elders are the most active group in these meetings: they take the lead during dispute meetings as mediators and are responsible for making important social and political decisions. Indeed, the Ilkitoip age-set that dominated the political arena of Loita during fieldwork were the firestick elders of the warriors (the Iltumusika circumcision-group) at that time.

The intermediate age-set is more involved in the homestead sphere (Voshaar 1979: 70, 1998: 78-79). During my fieldwork period in Loita, this intermediate age-set was formed by the Ilkishili and Ilbuluka circumcision-groups.[28] These are men whose oldest members had young families, possibly with some school-going children, and whose youngest members had only recently married. The men were in the process of settling down, forming a family and increasing their capital to provide for them. Marriage, building a homestead, clearing a field, expanding their herd, livestock trading, starting a business, finding a job and paying school fees are thus the main concerns of this age-set. Its members are too busy at home dealing with family matters to attend to collective issues in time-consuming meetings, unlike the older Ilkitoip, who have already settled down and have older children to take over tasks at the homestead, such as herd management that allows their fathers to focus on the political matters of the section.

Although they place the emphasis differently, both Spencer and Voshaar arrive at the same conclusion: it is the firestick elders of the age-group that is in its warriorhood that dominate the political landscape of a section. This is how the age-group system, via the firestick relationship, shapes and structures political leadership in Loita.

To explore the matter from a different angle, I propose shifting from looking at the firestick relationship between elders and warriors to focusing on the career of firestick elders in the age-group system and their time as the leaders of a section. To recapitulate, the members of an age-group become firestick elders when they kindle the first fire for a new age-group of warriors-to-be during their *enkipaata* initiation ceremony (Spencer 1988: 70). But the firestick elders can only do this when they themselves have completed their age-group ceremonial cycle with the performance of the last age-group ceremony, the 'stool' ceremony, that institutes their age-set by uniting two successive circumcision-groups. The 'stool' ceremony also confirms their status as 'full elder', which implies that they are ready to initiate, mentor and lead a new age-group and become firestick elders. Full eldership also signals that these men are ready to lead and guide the community as a whole. When the members of an age-group become firestick elders,

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him in drinking. The rule of drinking in pairs applies beyond the homestead as well but here too there are ways of bending the rules. Thus, when a lone warrior wants to drink water from a river and there is no one in sight, he may, as a last recourse, hang his hair-cover on a tree next to him and pretend this is a fellow warrior.

Starting with the *eunoto* ceremony that closes warriorhood, all these taboos, rules and avoidances are relaxed one after another during ceremonies. With the *eunoto* ceremony, the sexual avoidance between warriors and circumcised married women is relaxed (Galaty 1983: 369, 376; Spencer 2010a: 25). With the 'milk-drinking' ceremony, the ban on drinking milk, tea or water alone is lifted. The young man drinks 'alone' at this ceremony. During the 'meat-eating' ceremony, men are fed by their wives and may subsequently eat meat that has been seen, touched and cooked by circumcised women.

[28]  In the meanwhile, they have taken over political leadership from the Ilkitoip.

they start their political term. Its end is determined by the ceremonial timing of their firestick youngsters. When the youngsters hand over the warrior grade to a new age-group at their *eunoto* ceremony, a new age-set of firestick elders will also take over the political leadership of the section. The former political leaders will, however, remain firestick elders to their graduated youngsters and continue being ritually responsible for them until they complete the ceremonial cycle and become full elders. It is only in their early career as firestick elders that men dominate the political landscape of a section.

## Political leadership based on age-set in practice

The previous section explained how the age-group system organizes leadership in Loita society by allocating political power to the age-set whose firestick youngsters are the warriors of the moment, the so-called governing age-set. We shall now see how this principle affects clan leadership.

### The rules of clan leadership succession

The degree of institutionalization of clan leadership in Loita appears exceptional. Whereas age-group leadership is widespread in Maasailand with every age-group in every section having its own formal age-group leaders, clan leadership at the section level generally seems to 'range (...) from minimal to non-existent' (Voshaar 1979: 53).[29] I do not consider this to be the case for the Loita section. As we have already seen among the Loita, all five clans have their own clan chiefs. Clan leadership appears to be regulated by clear rules of succession.

Unlike age-group leadership positions, clan leadership is not for life but is instead handed over to a younger person as clan chiefs grow older. This handover is celebrated at a blessing ceremony called *emputoto olaiguanani le nkaji* (the nomination of the sub-clan chief) when the retiring clan chief hands over the black wooden club that symbol-izes authority and power to the new clan chief. Photo 7.1 shows the retiring clan chief of the Ilukumai clan (Ilkokoyo sub-clan) (with his back to the camera) handing over the black club to the new clan chief.[30] The timing of the transfer and the choice of a new clan chief is regulated by the workings of the age-group system.

The two clan chiefs of each clan must belong to different, yet adjacent, age-groups. Age-set membership rather than circumcision-group membership is relevant here. The clan chiefs in Loita during my research either belonged to the Iseuri age-set or the Ilkitoip age-set. Each clan had one clan chief that belonged to the Iseuri age-set and one that belonged to the Ilkitoip age-set (see Figure 7.2). This balance in age-group affilia-tion within a clan is considered imperative. We will see later what is believed to happen if this balance is upset.

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[29] This explains why I have come across virtually no references to Maasai clan chiefs in the literature, as was mentioned in the previous chapter.

[30] Though invited, I was not able to attend this ceremony. My nephew Gregoire, who was visiting us in Nairobi, travelled to Loita and was permitted to attend and document this five-day ceremony on my behalf. He was assisted by Lenaai, my research assistant, who took this photo on Gregoire's mobile phone.

Note that the two age-sets providing clan chiefs (i.e. the Iseuri and the Ilkitoip age-sets) either dominated the political scene of Loita in 2008 (i.e. the Ilkitoip age-set as the firestick elders of the warriors) or had dominated the political scene a generation earlier (the Iseuri age-set). The clan chiefs who belong to the Iseuri age-set, as the most senior age-set, were thus next in line to hand over their leadership position. As a rule, leadership will be handed over to a member of the age-set of whom the clan chief is firestick elder, which is an alternate age-set below (i.e. younger than) the age-set of the clan chief. This is the firestick relationship discussed earlier. Since the Iseuri are the firestick elders of the Ilkisaroni age-set, clan chiefs belonging to the Iseuri age-set will hand over the black club to a member of the Ilkisaroni age-set.

*Photo 7.1*    Handing over the black club to the new chief of the Ilukumai clan (June 2012)



© Gregoire Soria & Lenaai ole Mowuo

The time is ripe for this handover after two ceremonies in two different age-group ceremonial cycles have taken place. The Ilkisaroni age-set needs to have completed the last ceremony of their age-group ceremonial cycle (the ceremony of the 'stool') that confirms their status as full elders and marks their readiness to enter the political scene.

Figure 7.2    Age-set affiliation of the clan chiefs in 2008

| Clans | | | | |
|---|---|---|---|---|

Ilaiser — Iparsimaro, Ilmusere

Ilukumai — Ilkokoyo, Isitayo

Ilmolelian — Ilmasankua, Ilpasekero

Ilmakesen — Empirda, Iloigir, Ilmamasita

Iltaarosero — Ilmeponi, Ilmonchin

**Clans:** Ilaiser, Ilukumai, Ilmolelian, Ilmakesen, Iltaarosero

**Sub-clans:** Iparsimaro, Ilmusere, Ilkokoyo, Isitayo, Ilmasankua, Ilpasekero, Empirda, Iloigir, Ilmamasita, Ilmeponi, Ilmonchin

**Age-set affiliation:** Iseuri, Ilkitoip, Iseuri, Ilkitoip, Iseuri, Ilkitoip, Iseuri, Ilkitoip, Iseuri, Ilkitoip

This ceremony also signals that they are ready to become firestick elders and can initiate a new age-group that they will ritually guide through the age-group ceremonial cycle. However before they can start recruiting and circumcising boys into a new age-group and into the warrior grade, the warrior grade needs to be vacated. The second part of the age-group ceremonial cycle that needs to be completed is, therefore, the *eunoto* ceremony that will close the warriorhood of the age-group occupying the warrior grade at the time. It is after this *eunoto* ceremony that the series of ceremonies for handing over the chieftaincy can start.[1] In summary, the timing of the handover of clan leadership hinges on the pace and progress of the age-group ceremonial cycle: the clan chiefs that belong to the Iseuri age-set can only hand over their leadership position to the Ilkisaroni age-set when the latter are ready to receive it and when the warrior grade has been vacated.

Clan leadership is handed over and inherited along the lines of alternate age-sets based on the firestick relationship (see Figure 7.1).[2] In the line formed by the Iseuri and Ilkisaroni age-sets, the Iseuri will hand over the chieftaincy to the Ilkisaroni who will in turn hand over the chieftaincy to the age-set of whom they will later become firestick elders. This latter age-set does not yet exist and still needs to be initiated. The same inheritance and handover pattern occurs in the lines of the Ilnyangusi, Ilkitoip and the future Ilmeshuki age-set. The Ilnyangusi age-set handed over the chieftaincy to the Ilkitoip who, being in their political prime at the time of my fieldwork, firmly held the positions of clan chief. The Ilkitoip will hand over the chieftaincy to their firestick youngsters (the Ilmeshuki) in the future when they are ready. We can therefore see how the choice of a new clan chief depends on his age-group affiliation and on the firestick relationship, and how the timing for handing over the chieftaincy depends on the particular temporal juncture of the age-group ceremonial cycle in Loita.

*The story of the Ilaiser clan*
Rules surrounding the transfer and choice of clan leadership are sometimes broken, as the following account from the Ilaiser clan, the most numerous clan in Loita, shows. A generation ago, clan leadership in the Ilaiser clan was how it was supposed to be: the leadership of the Ilparsimaro sub-clan was in the hands of the Ilnyangusi age-set and the leadership of the Ilmusere sub-clan in the hands of the Ilterito age-set. According to the rules, the clan chief of the Ilmusere sub-clan was supposed to hand over the chieftaincy to a man in the Iseuri age-set. Instead, however, he handed it over to his own son who did not belong to the Iseuri age-set but to the younger Ilkitoip age-set. The other sub-clan of the Ilaiser decided to stick to their line and the clan chief of the Ilnyangusi age-set handed the chieftaincy over to a man from the Ilkitoip age-set. A situation therefore emerged where two men from the Ilkitoip age-set concurrently ruled the Ilaiser clan, which upset the equilibrium of age-set affiliation. When the clan chief of the Ilparsima-

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[1]  The Ilkisaroni age-set celebrated their 'stool' ceremony in April 2010. Two years later, the Iltumusika circumcision-group celebrated their *eunoto* ceremony (in April 2012) that closed their warriorhood, after which Ilkisaroni elders started circumcising boys into the warrior grade as firestick elders. Not long after the *eunoto* ceremony, the first ceremony to hand over the clan chief position to the Ilkisaroni age-set took place, in May 2012.

[2]  Something similar appears to have occurred in the succession of the position of chief laibon (Waller 1995: 41).

ro sub-clan suddenly died in the prime of life,[3] his death was blamed on this inauspicious situation. The elders of the Ilparsimaro sub-clan sought to repair the situation by appointing a new clan chief from the Iseuri age-set rather than choosing someone from the Ilkitoip age-set so that the two sub-clans had chiefs from different age-sets again. This resulted in an inversion of lines in the sub-clans: the line of age-sets that previously ruled the Ilparsimaro sub-clan now provided chiefs for the Ilmusere sub-clan, and vice versa. The story of the rule-breaking Ilaiser clan and the subsequent death of one of its clan chiefs serve as a reminder of what the consequences of tampering with the rules of succession can be. In fact, the story confirms a wider belief, namely that breaking clan rules can lead to death. Breaching clan rules upsets the balance and peace within and between clans and sub-clans and when this happens, actions must be undertaken to reverse the situation. The story also shows more generally that, although there are clear rules surrounding leadership, in practice, things do not always happen as the system prescribes.

## Political leadership based on circumcision-group

In the introduction to this chapter, it was stated that the Ilkitoip age-set ruled Loita as the governing age-set during the main period of my fieldwork research. They dominated the political scene of Loita at the time and the firestick youngsters of the Ilkitoip were the Iromboi (right-hand) and the Iltumusika (left-hand) circumcision-groups. The first warriors from the Iromboi circumcision-group were circumcised in December 1995 and the age-group closed its warriorhood with the celebration of their *eunoto* ceremony about nine years later in February 2005. Shortly after this ceremony, the first warriors for the next circumcision-group, the Iltumusika, were circumcised. Their *eunoto* ceremony was celebrated more recently, in April 2012. Note that the warriorhood of the Iromboi was slightly longer (nine years) than that of the Iltumusika (seven years). My main PhD fieldwork period fell roughly halfway between the warriorhood of the Iltumusika, which is why their firestick elders, the Ilkitoip, had already completed about 75% of their political term.

This analysis of the political landscape in Loita during fieldwork takes the long-term age-set angle favoured by Spencer. However, there is another dimension to the reading of the state of affairs that breaks the Ilkitoip age-set up into its circumcision-groups and the right-left duality becomes relevant. This is a more detailed description in the sense that it looks at circumcision-group dynamics rather than at age-set dynamics. When viewed from this angle, my fieldwork period did not fall in the middle of the political term of the Ilkitoip age-set but rather in a transitional period. And this changes the whole picture. Although from an age-set view, authority was indisputably exercised by one age-group (the Ilkitoip age-set) that suggests peace and harmony in the political domain, from a circumcision-group view it was a period of tension as the two circumcision-groups that formed the Ilkitoip were jostling for power and control of the section's affairs.

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[3]   He was the father of my research assistant Lenaai who recounted this story to me.

The Ilkitoip age-set is composed of the right-hand-side Ilkiseeyia circumcision-group and the left-hand-side Irandai. There is a general tendency for the right-hand side of an age-set to kindle the first fire for a new right-hand-side circumcision-group and the left-hand-side firestick elders for a left-hand-side circumcision-group (Mol 1996: 331-332). In this case, elders of the Ilkiseeyia kindled fire for the Iromboi and the Irandai for the Iltumusika. This means that there is a closer firestick relationship between the Ilkiseeyia elders and the Iromboi youngsters and between the Irandai elders and the Iltumusika youngsters. Although the first individual warriors of the Iltumusika were circumcised in 2005, shortly after the *eunoto* of their predecessors, the official initiation of their circumcision-group only happened during the *enkipaata* ceremony in August 2008. The *enkipaata* ceremony of the Iltumusika not only marked the official birth of this new circumcision-group but was also a turning point for their closest firestick elders, the Irandai. It is at this point that the Irandai elders assumed their collective role as firestick elders. And it is also from this point on that they started to be part of the political scene of Loita. In this sense, my fieldwork period fell in a transition period. It covered about four years from early 2005 when the Iromboi closed their warriorhood and their closest firestick elders, the Ilkiseeyia, officially ended their political term in mid-2008 when the Irandai officially inaugurated the Iltumusika circumcision-group that heralded the beginning of their political leadership.

As the Iromboi opened the way for a new circumcision-group to become warriors with the celebration of their *eunoto* ceremony, the *enkipaata* ceremony of this new circumcision-group four years later triggered the gradual entry of their firestick elders into the political scene of Loita alongside the firestick elders of the right-hand-side Iromboi to take over political leadership from the latter. This transition period was composed of two smaller but linked transitions. The first pertains to the warriorhood domain that, as a ripple effect, introduces a change in the political domain. It is marked by ceremonies and characterized by a relatively smooth and swift handover of warriorhood; the second is a processual, overlapping and informal (i.e. not marked by a ceremony) passage to political leadership.[4]

In practice, however, the right-hand side of an age-set tends to overshadow the left-hand side in terms of political leadership.[5] Right-hand-side elders have a longer political term because their youngsters have a slightly longer warriorhood. They also claim and retain control of the political scene during the transition period identified above. So while the Iromboi had already handed over the warrior scene to the following circumcision-group, their firestick elders, the Ilkiseeyia, still prevailed on the political scene. This reduces the time left for the left-hand-side elders as the governing circumcision-group. As a consequence, the latter generally fail to deliver weighty leaders, while right-hand-side elders have the time to develop strong and experienced leaders. Some leaders of the right-hand side manage to retain power and authority until the *eunoto* of their left-hand-side youngsters, and sometimes beyond. An example is the age-group chief of the

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4    Spencer (1988: 218) makes a similar observation: 'The precise transfer of power from one age-set of elders to the next is not as clear-cut as the transfer of privileges from one age-group of moran to the next'.

5    This may be related to the higher status of right-hand-side circumcision-groups over their left-hand-side successors more generally, as explained earlier.

right-hand-side Ilkiseeyia, who asserted his authority and influenced the choice of the age-group chief for the Iltumusika youngsters. This was actually a choice that pertained more to the left-hand-side Irandai elders, and particularly their age-group chief. The issue became a tug-of-war between the two age-group chiefs and appears to have been won by the (right-hand-side) Ilkiseeyia age-group chief. It can thus be seen that it is particularly the right-hand-side circumcision-group of the Ilkitoip age-set, the Ilkiseeyia, that more often than not controls social, political and ritual matters in Loita. Loita politics was characterized by this state of affairs during my fieldwork period.

## Change and continuity

What we have seen so far is that the age-group system organizes men into circumcision-groups (that successively occupy the various age-grades of the age-group ceremonial cycle as they mature) and age-sets, and that this framework allocates political leadership to the age-group that are the firestick elders of the warriors at the time. In other words, it is during the warriorhood of their firestick youngsters that firestick elders are considered to be the governing age-group of the section. This analysis is based on the situation I encountered during my fieldwork. However, it is important to realize that the age-group system is not a self-contained system that replicates itself in perpetuity without any form of change or transformation. It is, like all other social institutions discussed in this thesis, a historically produced phenomenon.

Changed circumstances, new encounters and interventions of all sorts have moulded and transformed the Maasai age-group system over the years. Waller (1988: 109-111) briefly describes the effects of the pre-colonial Disaster on the age-group system. Of particular importance in this chapter, however, is the question of whether and how changes in the age-group system have modified the way political leadership and authority is regulated and distributed in Maasai society. Waller (2010), who focuses on the Purko but gives some Loita examples, discusses this in a chapter on colonial state interventions targeting warriorhood. He describes how changing policy targeting the practice of cattle-raiding and the formation of manyatas had an effect on the workings of the age-group system and how, in the process, power relations between warriors, elders and colonial administrators were restructured.[6] Both Maasai elders and colonial administrators shared concerns about what they regarded as undisciplined warriors: '[e]lders were more concerned with disobedience and lack of respect, whereas the colonial administration focused on raiding as a particularly outmoded feature of murranhood [warriorhood] that merited stern punishment' (*Ibid.*: 137). As a result, state interventions to control warriors were often supported by Maasai elders. The gradual marginalization of warriorhood that ensued not only strengthened the authority of the state but also bolstered the authority of the (firestick) elders and, possibly, also enhanced the institution of the governing age-group.

The idea that the notion of a governing age-group might have been a colonial invention finds support in Spencer (1988), whose research was conducted in 1976-1977 after the colonial period. He briefly describes what he considered to be a new practice, hav-

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[6]    See also Tignor (1972: 282-283).

ing noted that the positions of PA chief and assistant PA chief among the Matapato Maasai were often filled by firestick elders who were in their political prime (*Ibid.*: 215-216).[7] He also indicated that the firestick elders even 'claim a right to these appointments as the age-set who "rule the country"' (*Ibid.*: 215). Spencer gathered that the claim to rule and the claim to state appointments were a 'recent innovation' that might have emerged out of articulation with the state and particularly the willingness of state officials 'to accept that there is one "ruling" age-set in principle for new appointments' (*Ibid.*).

Based on the contemporary observation that most PA chiefs and their assistants in Loita derive from the age-group that are firestick elders of the warriors at the time, it appears that this practice developed in Loita as well. It has even been extended to include councillors and development leaders. The pattern is clear but there are, of course, exceptions.

In some instances, men in official leadership positions belong to a younger or an older age-group. The younger leaders have to constantly prove themselves in the eyes of the community, as they are not considered ready for leadership because they are not yet 'full elders'. Paralleling Spencer's 'premature elders' (1988: 80-82), they could be called 'premature leaders'. A good example is the Morijo Loita councillor who served two consecutive terms and, ironically, lost his seat as councillor when his age-group finally became the governing age-group in Loita. As a premature leader he had to contend with members of the governing age-group proper who were not pleased with his leadership position. In all the cases I have encountered, premature leaders had personal qualities (often a combination of formal schooling, a mastery of the English and Swahili languages, work experience outside Loita, charisma, personal leadership talents and, importantly, political skills) that made them stand out from others and that compensated for their youth. It also helps if their families have a good reputation and their fathers were strong leaders before them. On the other hand, there were also cases of 'overdue' leaders. These were men, often double authorities, belonging to older age-groups who were simply able to cling to power after their political term had ended, remaining strong leaders and retaining a sizable following. An example is Kone (see Chapters 4 & 5).

## Conclusion: leaders, political authority and the governing age-group

Leaders in Loita in their various leadership positions belong, in most cases, to the governing age-group. Focusing on an individual man with political aspirations, this means that, according to the age-group system, he has to wait until he becomes a firestick elder to legitimately become a leader. For him to become a firestick elder, he first needs to complete the ceremonial cycle of his age-group. This happens with the 'stool' ceremony that, apart from merging two circumcision-groups, also confirms full elderhood. When a man becomes a full elder, he is considered ready to lead others and can then develop into a Loita leader. His term as a political leader further depends on his firestick youngsters: when they close their warriorhood, his political term also closes. In this sense, the

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[7]  King (1972: 404) made a similar observation. See also King (1971: 133, 135-136).

political career of a leader not only depends on his own position in the age-group system but is also tied to the age-group ceremonial cycle of his firestick youngsters. We saw that the firestick relationship, one of the key relationships of the age-group system that is based on alternate age-sets, functions as a key mechanism in organizing political leadership.

This chapter also discussed how the temporality inherent in the age-group system distributes political power in Loita. Political leadership is allocated to a particular age-group and the period that this age-group governs the section depends on the progress and pace of the ceremonial cycle of the age-group system. A broad view, as favoured by Spencer (1988, 1993) and Voshaar (1979, 1998), sees political leadership allocated to age-sets. A detailed view, as revealed by my own data, notes political leadership allocated to circumcision-groups. The former reflects a longer-term perspective based on the age-set whose timespan covers sixteen years and the latter a shorter-term perspective based on the eight-year timespan of the circumcision-group. I have shown that where the longer temporality of the age-set view tends to generalize and homogenize, the shorter temporality of the circumcision-group view allows a more fine-grained dynamic. For the age-set view, political leadership is thus held by the age-set of elders, the governing *age-set*, whose firestick youngsters are in their warrior grade. The circumcision-group view looks at the circumcision-group dynamics of the age-groups involved, i.e. the two circumcision-groups contained in the age-set of the firestick elders and the two circumcision-groups that form their firestick youngsters. In addition to the firestick relationship, the right-left duality is also important here. When the firestick youngsters of the right-hand-side circumcision-group are the warriors of the section, the right-hand-side circumcision-group of the age-set of their firestick elders is in power. Consequently, when the firestick youngsters of the left-hand side take over the warriorhood arena from their right-hand-side predecessors, the left-hand-side firestick elders then also take over the political scene from their right-hand-side seniors. From this perspective, it is the circumcision-groups that govern.

Although the main purpose of this chapter was to show how the system works, some of the examples given demonstrate that not everything happens according to the rules. The story of the Ilaiser clan is a clear example of leadership rules being broken. We also saw how the right-hand-side elders of the Ilkitoip age-set (i.e. the Ilkiseeyia circumcision-group) encroached on the political term of the left-hand-side Irandai. And the phenomenon of 'premature' and 'overdue' leaders highlights the fact that political leadership sometimes exists outside the governing age-group. Notwithstanding these examples, the pattern is clear: most leaders belong to the governing age-set and political authority is concentrated in the governing age-group.

The preceding chapters, as well as this one, have shown how leadership is structured, how political authority is distributed and how leaders govern. They may have given the impression that Loita leadership is all about harmony and consensus but this is, of course, not the case. Disagreements exist and may develop into serious confrontations, particularly when new interventions target Loita and the stakes are high. Chapter 9 notes how age-groups in the various age-grades have different agendas when it comes to state interventions targeting land tenure, which can result in tensions between the governing

age-group and younger age-groups. But tensions also exist within the governing age-group. Chapter 8 shows that the Naimina Enkiyio Forest conflicts can only be understood when friction and conflict inside the governing age-group are taken seriously and attention is paid to rivalries and competition between particular Loita leaders.

# The Naimina Enkiyio Forest conflicts

When taken chronologically, the controversies surrounding the Naimina Enkiyio Forest can be seen as two different yet closely interlinked conflicts. Each was associated with a governing actor that drove a forest management intervention that triggered the conflict. The first round, the Narok County Council conflict, erupted in 1993 when Narok County Council publicly announced its plan to gazette the Naimina Enkiyio Forest as a nature reserve. The struggle came to an end in 2002 with an out-of-court agreement that saw the County Council rescind its proposed plan. The second round of conflict, the IUCN conflict, was sparked off in 2004 when IUCN returned to Loita after carrying out preparatory work concerning the implementation of a community-based forest management project in 1998-1999. One person died in violent demonstrations surrounding the IUCN project, after which it was halted. In 2005, IUCN pulled out definitively when conflict broke out again when they wanted to resume the project. This chapter puts the articulation of these forest interventions with the existing social and political dynamics in Loita centre stage to disentangle the various political struggles that make up the Naimina Enkiyio Forest conflicts.

As discussed in Chapter 2, the theoretical entry point to studying the forest conflicts is political ecology: the notion that socio-environmental dynamics are shaped by power relations and political struggles and, the other way around, that power and politics shape socio-environmental interaction and change. Insights are drawn here from the 'conflict over access' (Bryant 1992), 'conservation and control' and the 'environmental conflict' (Robbins 2004) subfields of political ecology, as well as the political ecological interpretation of 'environmental violence' (Peluso & Watts 2001) to highlight the various aspects of these conflicts. As point of departure, I consider the forest conflicts as political processes. The analytical strategy employed is to approach the issue from two angles, each of which emphasizes a particular side to the conflict. One angle focuses on the concept of access and sees conflict over access as being at the heart of the problem. The rationale of this approach is that resource conflicts reflect a politicization of access (Robbins 2004: 173; Bryant 1998). Access is about who is included/excluded, about '*who* does (and who does not) get to use *what*, in *what ways*, and *when*' (Neale 1998: 48 in Ribot & Peluso 2003: 154 original emphasis). Focusing on the material benefits de-

rived from access (Ribot & Peluso 2003), this view raises the question of whether the Naimina Enkiyio Forest conflicts can be explained as a 'livelihood struggle' (Bryant 1992: 25).

The second approach moves the focus away from the resource to the power politics surrounding the conflict, including the violent manifestations of conflict. Was (violent) conflict really related to the forest or perhaps it 'reflects or masks other forms of social struggle' (Peluso & Watts 2001: 6)? If the first angle emphasizes 'the politicization of ecology', then this second angle could be termed 'the ecologization of an existing political struggle' approach (Robbins 2004).

The value of analysing the Naimina Enkiyio Forest conflicts from these two angles is that it discloses the various political struggles that were at the heart of the conflicts. I identify four major political struggles that were intertwined and explain the forest conflicts. The first struggle, elucidated from the angle of 'the politicization of ecology', is a conflict over access and access control. The second angle uncovers three political struggles: one involving personal rivalries between double authorities; the second linked to Kenya's electoral politics; and the third that refers to the century-old territorial struggle between the Loita and the Purko. The text in this chapter is organized around the two angles and these four struggles, which will be discussed in turn in the order in which they are mentioned here. A chronological order of the main events is followed as far as possible.

The contribution of the analysis presented in this chapter to the existing scholarship on the Naimina Enkiyio Forest conflicts,[1] which will be discussed in detail in the conclusion to this chapter, is that it will show that the four political struggles identified above crystallized along an internal line of division in Loita's leadership. This means that intra-Loita conflict was primarily a male affair fought out within the governing age-group of Loita at the time, namely the Iseuri. The separation of Loita leadership into two groups runs as a thread throughout this chapter but receives closer treatment in the second part. One of the two leadership groups was informally known as 'the Ilkerin group' because of its close association with the Ilkerin Project.[2] The majority of the Loita leaders belonged to this group. The other group was known by various names but I will call it the 'Olorte group',[3] after the home area of the group's key figure. I will

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[1] Péron (2000); ole Siloma & Zaal (2005); Zaal & ole Siloma (2006); Adano et al. (2012) and Zaal & Adano (2012). See also Voshaar (1998: 113-114); LNECTC (1994); Kantai (2001); Karanja et al. (2002) and Ngece et al. (2007). The examination of the forest conflicts presented here is based on data gathered since 2001. A first analysis is taken up in my Masters thesis (Kronenburg García 2003).

[2] They were nicknamed 'Mashindano' by the other group, which means 'competition' in Swahili.

[3] Such as 'the anti-Ilkerin group' (Kronenburg García 2003) and 'Opposition'. There was a third group that organized around some outspoken and educated individuals and called themselves the 'Concerned Citizens of Loita' or CCL (see ole Siloma & Zaal 2005: 275-276, 280; Zaal & ole Siloma 2006: 7, 11). As they shared the same stance with regard to the forest issue as the Olorte group, these two groups merged. The Olorte group then started to present itself to outsiders, especially to the media, as the CCL (see 'One killed in fight for traditional forest of Maasai, implicating controversial IUCN Project with EU funding', 'Kenya: The Maasai stand up to IUCN displacement attempts from their forest': www.ogiek.org/indepth/break-one-killed.htm accessed 24/2/14; 'Loita and Purko Maasai resist IUCN plans for the Naimina Enkiyio forest': www.culturalsurvival.org/news/michael-ole-tiampati/loita-and-purko-maasai-resist-iucn-plans-naimina-enkiyio-forest accessed 24/2/14 ). Karanja et al. (2002), in an IUCN publication, mention many more Loita sub-groups: 'Inkidongi Development Society', 'Olmaa

show how the division in Loita's leadership is key to understanding the course and outcome of the forest conflicts. Although individual leaders switched sides in the process, the two leadership groups remained remarkably consistent in composition and size. As the analysis of the forest conflicts unfolds, it will be clear when and how these groups were formed and how their rivalry evolved.[4]

The links between these leader groups and the rest of the Loita population are important. During the Narok County Council conflict, protest against their plans was organized by the Ilkerin group, with the majority of the Loita population supporting them. The Olorte group, on the other hand, were on the side of Narok County Council. During the IUCN conflict, there was an interesting inversion as it was the Olorte group that mobilized to demonstrate against outside intervention (which was supported by the Ilkerin group) and they were backed by many Loita Maasai. Not only the rivalries between the groups of leaders are important here but also the relations between them and the rest of the Loita people. The distinction between leaders and followers is also significant in connection with the four struggles identified above. We will see that some struggles were more meaningful to the followers, while others were more relevant to the leaders.

## Part one: the politicization of ecology through the lens of access

The opposition of the Loita majority to Narok County Council's plan can be seen as an 'environmental movement', defined as a political ramification of environmental change in the sense of a reaction by a socially disadvantaged group to the disproportionate socio-economic costs of environmental change that emerged as a result of, for example, commercial tree plantations or hydro-electric dams (Bryant 1992: 24-27). Such an understanding of the Narok County Council conflict would hinge on Loita concerns about the environmental state of the forest. This explanation, however, does not hold if one takes the second round of the conflict into consideration. In this second instance, opposition was directed at IUCN, an environmental organization whose main interest was the environmental status of the forest. Though tempting at first sight, opposition to Narok County Council's plan cannot be convincingly described as an environmental movement.

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Development and Welfare Association', 'Middle Ground Group' and 'Osupuko Oirobi Development Group'. I have never heard of these groups and their proliferation might have more to do with the authors' (and IUCN's) attempts at being inclusive and mapping all forest management stakeholder groups. During the IUCN conflict, yet another group emerged in press notices called the 'Forest Morans', but people interviewed in Loita had never heard of them ('The Maasai stand up': www.ogiek.org/indepth/break-one-killed.htm accessed 24/2/14; 'Loita and Purko Maasai resist IUCN': www.culturalsurvival.org/news/michael-ole-tiampati/loita-and-purko-maasai-resist-iucn-plans-naimina-enkiyio-forest accessed 24/2/14). Ngece *et al*. (2007: 176) make mention of a splinter group of CCL called the 'Forum for Maa Development'.

4    The analysis presented in this chapter focuses on the intra-Loita conflict for which both leadership groups (and followers) were interviewed. Alliances between the leadership groups and outside actors, such as Purko politicians or IUCN officials, are reviewed from the perspective of Loita interviewees and therefore reflect neither a Purko nor a IUCN side of the story. Repeated attempts were made to approach some of these outside actors for an in-depth interview but, apart from fleeting conversations such as that with Purko Minister Ntimama, none materialized.

Fortmann (1990), who studied a series of conflicts about a forest in Adamsville in the US was faced with a similar situation as one of them seemed at first sight to be a clear instance of rural environmentalism. Protests against Megavoltz, a firm that intended to build a wood-fired power plant in Adamsville, were started at the instigation of a small group of local environmentalists but the subsequent protest – the Great Commute – against a forest-management plan turned this interpretation upside down because 'community members, who had turned out in unprecedented numbers on the "pro-environmental side" of the Megavoltz issue, also turned out on the "anti-environmental side" of the Great Commute' (*Ibid.*: 206). Fortmann (*Ibid.*) shows that this apparent inconsistency, rather than people's 'ideological flipflops', disappears when the protests are seen in terms of people defending their claims to a right to use forest resources for subsistence, the right to a livelihood from forest resources and a right to exclude outsiders. All these assertions express claims to access and access control of a resource used by people as a source of livelihood. This was one of the issues at play in Loita's forest conflicts.

It was not the environmental condition of the forest but access, and particularly control over access, that was one of the key issues at stake in the Naimina Enkiyio Forest conflicts. People in Loita were afraid of loss of access to the forest. The belief that 'the County Council was trying to snatch the forest' and that 'IUCN wanted to grab the forest', as one interviewee put it,[5] was widely shared in Loita and this became clear from the many conversations and interviews I had in Loita. The plan proposed by Narok County Council and the project devised under IUCN's expertise were often described as ways of 'taking away' the forest from the Loita.[6] It was thought that if these outside agencies succeeded in their endeavours, the Loita would 'lose their say' over the forest and this could jeopardize their long-held access to the forest.[7] Maintaining access to the forest is vital for the Loita Maasai way of life. The forest has a central ritual value, ensures the ceremonial continuity of the age-group system and structures social life more widely (Kronenburg García 2003). In a more material sense, the forest conflicts reflect a 'livelihood struggle' (Bryant 1992: 25) and the Loita Maasai's opposition is a 'livelihood protest/resistance' (Bryant 1998: 84). The 'conflict over access' research area in political ecology 'illustrates how those "without" power fight to protect the environmental foundations of their livelihood' (Bryant 1992: 14). From this angle, the overt and almost collective resistance by the Loita Maasai to Narok County Council's plan and the IUCN project can be seen as a reaction by the Loita Maasai in defence of the environmental foundations of their livelihood and culture.

A discourse, which may or may not have been sincere and/or strategic, on access loss, threats to livelihood and a culture at peril was adopted by Loita leaders to win backing from the Loita population. During the Narok County Council conflict, the Ilkerin group used it to 'sensitize' and 'train' the community in workshops. They also distributed printed shirts and cassettes with songs about the forest struggle. The Olorte

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[5] Interview MN: 21/9/01.
[6] Interview SS: 11/3/08.
[7] Interview SS: 11/3/08.

group considered this to be 'brainwashing',[8] although during the IUCN conflict they used the same rhetoric at rallies and demonstrations. These political arenas and means of communication were also exploited to accuse the opposing side of 'selling the forest to so and so'.[9] This is one way, i.e. in terms of those leaders 'selling' and those 'defending' the forest, that people in Loita talked about the intra-Loita conflict. Although the Loita supported a different group of leaders on each occasion, their rationale for supporting one or the other group remained, remarkably, the same. Interests between leaders and followers may converge in one context but diverge in another.

The rhetoric was not only used by Loita leaders to rally the Loita into opposition but also to frame their problem for the outside world. This is nicely reflected in a booklet that was widely distributed by the Ilkerin group during the Narok County Council conflict:

> For generations, we the Loita Maasai have protected and conserved our Naimina Enkiyio indigenous forest through our traditions and culture. We are its custodians under African customary law and, as the centre of our spiritual lives and the source of water which maintains our *livelihood*, the forest is sacred to us. Our future survival and the survival of our children and grandchildren depend upon it. Yet our future and that of the forest is in jeopardy. Narok County Council, one of the richest local authorities in Kenya, wants to turn the forest into a reserve for the development of mass tourism. If the plan goes ahead we will *lose access* to the forest for our sacred ceremonies and the use of critical water resources in the dry season and times of drought. (…) We are fighting through the Kenyan courts to save Naimina Enkiyio but the "power politics" are against us.
>
> (LNECTC 1994: 1 emphasis added)

Although the wording was carefully chosen to appeal to an international community preoccupied with biodiversity conservation and the rights of indigenous peoples, what was at stake was not so much the ecological or environmental status of the forest, but access to and particularly access control over a key environmental resource for their agro-pastoral and cultural way of life. The use of the language of nature conservation by some Loita leaders by presenting the Loita as the indigenous custodians of the forest, as is evident in the quote above, was not necessarily because they were concerned about the ecological status of the forest. It was part of a political strategy to attract (inter)national support and funding in their fight to maintain control and access.

## Forest use and access

As seen in Chapter 3, the Loita settled in the vicinity of the Naimina Enkiyio Forest around 1800. Due to their historical proximity, they have always been intensive users of the forest.[10] As mixed pastoralists combining livestock keeping and crop cultivation, the Loita live in the open areas on the western side of the forest where their livestock graze according to the seasonal availability of grass and water and they only enter the forest for specific purposes when the need arises. The forest is of critical importance to their pastoral livelihood in times of drought as it provides perennial water sources, evergreen

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[8] Interview ML: 22/8/01; Interview ML: 5/9/01.

[9] For example: 'Minister Ntimama wanted to sell the forest to the County Council' (Interview MM: 16/9/01) or 'Ntimama is selling the forest to South Africans' (Interview ML: 22/8/01) or '[the co-opted councillor, see below] is selling the forest' (Interview ML: 5/9/01).

[10] For a more detailed description of the various uses and meanings of the Naimina Enkiyio Forest for the Loita Maasai, see Kronenburg García (2003: Ch. 4 & 5).

pastures and, in extreme cases, leaves for the cattle. During prolonged periods of drought, as was the case at the beginning of 2009, Purko herders and also other Maasai drive their cattle to the southern glades of the Naimina Enkiyio Forest (ole Siloma & Zaal 2005: 271). Access to this critical resource is not denied as it is understood that there is no other place where they can go. However, as soon as it rains, they are expected to leave and the territorial boundaries between Maasai sections close again. Maasai sections do not fight over pastoral resources in periods of scarcity but in periods of abundance.[11]

When grass is available elsewhere, the pastures in the forest and the highlands more widely are left to recover. This social norm demands that forest and highland pastures be reserved for drought grazing only, and there is also the wish to graze animals on the new nutritious grass that grows on the lower plains following rainfall. It is in this sense that access to the pastoral resources in the forest is regulated to some extent. In fact, entering the forest for grazing has been the only use that was controlled to any extent for a long time. This came about by virtue of the transhumant pastoralism that the Loita practised in the past (see Chapter 3) and still attempt today (see Chapter 9) whereby they move to the lowlands during the rainy season and to the highlands in the dry season. The forest is part of the landscape that they use as pastoralists. Control of access to the forest as a separate and well-defined land unit by a clear social body or institution is not the case here. It is only relatively recently, and partly in response to the forest conflicts, that attempts have been made by Loita leaders to set up so-called 'forest committees' to regulate access to the forest. And this access is only for the specific purpose of cutting down trees for timber.

Access to the forest for uses other than grazing is not restricted. People can enter the forest freely to extract resources like plants, trees, fruits, seeds, tubers, herbs, barks, bulbs and roots for medicines, food and ritual purposes as well as honey, firewood, fencing posts and timber for housing.[12] Only when there is food scarcity do people enter the forest to hunt game for food. The forest is also a place where warriors have their secluded meat feasts. Various age-group ceremonies and ritual blessings for women are conducted at sacred trees and secret sites inside the forest that are considered conducive to a generalized notion of fertility. For example, there is a sacred place in the forest called Loitokitok where the manyata is built that celebrates the birth of a new age-set (see the Appendix). The forest is thus seen as being key to the continuity of the age-group system. It is also believed that, due to the abundance of large trees, it attracts clouds that bring much needed rain that is crucial for the fields and livestock, and the reproduction of life in general. The abundance of green and water is linked to hope and life (LNECTC 1994: 1). This brings a sense of proximity to God (*Enkai*) that is revealed

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[11] When there is a scarcity of water and grass, inter-sectional problems are set aside to allow for solidarity and hospitality. Commenting on the 1993 drought, one elder, who had seen his home invaded by Purko, explained: 'You cannot refuse a Maasai in hardship. If you restrict, God (*Enkai*) will punish you' (Interview ML: 22/8/01). Differences based on section fade in importance and instead, the value of relationships based on clanship and age are stressed. One young man phrased it in this way: 'When it is dry, we [Purko and Loita] are friends' (Interview MM: 16/9/01).

[12] See Maundu *et al.* (2001: 17-24, 35-54) for an extensive, though not exhaustive, list of plant uses in Loita. See also Legiliso-Kiyiapi (1999: 65-68).

in the observation that the forest 'pulls the rain [also called *enkai*]'.[13] More recent, but still on a small scale, are the earnings some Loita are generating from engaging in tourism activities, for example as porters and guides or by providing camping areas near their homesteads (Shelley & Lempaka 1999: 9, 10).[14] Tourist access to the forest is not denied as long as they come in with someone from the area. Another development that started in the 1980s but that has accelerated since the 1990s is the spread of homesteads to the edges and in the glades of the forest, while previously they were exclusively located away from the forest towards the plains. This is a result both of population growth and declining resources in the grassland areas, such as firewood, construction materials and good grazing land (Maundu *et al.* 2001: 26). Linked to this are the twin developments of the adoption of agriculture and sedentarization that are encouraging families to settle in the fertile highlands along the edge of the forest where rainfall is less erratic than in the lower areas (Kantai 2001: 42). The use of the forest as a drought refuge has increased over the years due to growing livestock numbers that are finishing the grass on the plains earlier in the year (Maundu *et al.* 2001: 26). How these developments have changed land tenure practices and ideas of landed property in Loita is the focus of Chapter 9.

Specific forest user-groups include laibons, medicine (wo)men and expert honey harvesters said to descend from the forest-dwelling and hunting-and-gathering Dorobo but who are now assimilated Maasai agro-pastoralists. These specialized user-groups are associated with the forest because they enter it regularly to extract resources they need for their profession. Laibons, for example, look for ingredients like roots and bark for the protective charms and amulets they make but they also occasionally perform rituals in the forest. In addition, laibons are closely identified with the forest because they live along the edge of the Naimina Enkiyio Forest in the northern half of Loita.

For the Loita, continued access to the forest ensures a stream of benefits that are important for their agro-pastoral livelihood, social reproduction, ceremonial life and physical well-being. The benefits are numerous, often socially differentiated and seasonally dependent. They can be tangible and intangible, and are found across the whole forest, in particular zones or in site-specific locales. Access to the forest is allowed for particular purposes such as ceremonies and needs like collecting medicinal plants, and for Maasai pastoral practices such as drought refuge. This access became endangered when the County Council and IUCN came with plans and projects, and explains why the Loita Maasai vehemently opposed these plans.

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[13] Interview JK: 15/9/01.

[14] In about 2007, one Loita family began to work with a tour company called Maasai Trails that constructed a semi-permanent camp in the vicinity of the family's homestead next to the forest. It serves as a base for organized group hikes in the forest. The engagement of the Dutch founders of this tour company with this particular Loita family dates back to 2001 and they set up an NGO called Loita Development Foundation (LDF). In 2004/2005, LDF wanted to construct an eco-lodge inside the forest but the plans were cancelled after some Loita leaders protested. The LDF forest lodge plan constitutes yet another forest intervention that triggered resistance and court cases (Zaal & ole Siloma 2006: 11), though not of the same magnitude as the Narok County Council and IUCN conflicts. Other minor forest interventions have pre-dated and followed the ones by Narok County Council and IUCN. Although some are mentioned in this chapter, in-depth analyses have not been included here due to space constraints. See Kronenburg García (2003: 96-98) for more information.

## Narok County Council: claiming access
## through state law (1978-2002)

Narok County Council aimed to achieve access control by transforming the tenure of the forest. More specifically, it tried to change the legal status of the forest from that of Trust forest to a nature reserve. This is what Ribot & Peluso (2003: 162-163) call state-law-based 'legal access', i.e. access that is sanctioned by statutory law and enforced by the state, but may mean the exclusion of and denial of access to those who previously enjoyed benefits. The forest in Loita, as well as the rest of the land in Loita, is officially Trust Land under state law (see Chapter 1).[15] Trust Land falls under the jurisdiction of the local authority.[16] Land in Loita is thus vested in Narok County Council, which acts as its legal trustee. Narok County Council is holding the land in trust for the benefit of the Loita until land tenure has been formalized, which can either happen through land demarcation and adjudication or the setting aside of land by central or local government for public purposes. In the meantime, Trust Land continues to be governed under 'African customary law'.[17]

By using the provisions in Kenya's Constitution on Trust Land and the Trust Land Act, Narok County Council attempted to set aside the Naimina Enkiyio Forest by using their right to allocate and use such land (ole Siloma & Zaal 2005: 272).[18] In June 1993, it published the Narok County Council 1994-1998 Development Proposal Plan (LNECTC 1994: 5; CCD 'Statement': 6(j)) that included a plan to gazette the Naimina Enkiyio Forest as a nature reserve. A month later, the development proposal plan appeared in newspaper supplements (CCD 'Statement': 6 (j); Karanja *et al.* 2002: 10, 30). 'Gazettement', i.e. when a legal notice is published in the *Kenya Gazette*, which is the state's official publication, would accomplish the legal tenure transformation of the forest, after which it would be regarded as a legal government resource (ole Siloma & Zaal 2005: 269). The announcement of the Naimina Enkiyio Forest plan was made without proper prior consultation or communication with the Loita, as stipulated in the Trust Land Act.[19] This was one of the grounds on which the County Council was challenged in court by the Ilkerin group.[20]

The 1993 Narok County Council plan was not the first time that it had claimed access control over the forest. Back in 1978, the County Council first allocated a tract of

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[15] Since 2013 when the new 2010 Constitution of Kenya came into effect, Trust Land has been replaced by the new land category of 'Community Land', which is held in trust by the newly devolved governing bodies, the 'County Governments' (Constitution of Kenya 2010, Chapter 5 on 'Land and Environment' (63)).

[16] 'All Trust land shall vest in the County Council within whose area of jurisdiction it is situated' (Constitution of Kenya, revised edition 1998 (1992), Chapter IX 'Trust Land', Section 115 (1)).

[17] The effects of this legal implication are discussed in Chapter 11.

[18] See CCD ('Notice of Motion': 1 (a, 2)). The Constitution of Kenya, revised edition 1998 (1992), Chapter IX 'Trust Land', Section 117 (1) states that: 'Subject to this section, an Act of Parliament may empower a county council to set apart an area of Trust land vested in that county council for use and occupation'. And the Trust Lands Act (Cap 288), Section 13 (1): 'In pursuance of section 117 (I) of the Constitution, a council may set apart an area of Trust land vested in it for use and occupation'.

[19] 'The following procedure shall be followed before land is set apart under subsection (1) of this section … (...)… the council shall bring the proposal to set apart the land to the notice of the people of the area concerned' (Trust Land Act (Cap 288), Section 13 (2) (b)).

[20] See CCD ('Statement': 6(k)).

forest land to outsiders as a tourist campsite (Karanja *et al*. 2002: 12). A second alloca-tion was made in 1984 (ole Siloma & Zaal 2005: 272; CCD 'Statement': 6 (n)). The Loita claim that they were neither notified nor consulted about the campsite allocations but the County Council insists that it communicated with some Loita leaders, although it is unclear exactly which ones (ole Siloma & Zaal 2005: 272). The plan to set aside the Naimina Enkiyio Forest seems to have existed for a while. Péron (2000: 384, 390) and Voshaar (1998: 113) report that, in 1984, a first resolution was passed by Narok County Council to turn the Naimina Enkiyio Forest into a game and nature reserve. The bound-aries of the forest for this plan appear to have been demarcated in 1983 (Karanja *et al*. 2002: 13; ole Siloma & Zaal 2005: 275).

Apart from citing the Trust Land Act, Narok County Council also referred to the Lo-cal Government Act that empowers them to establish and maintain forests along the lines of game parks, such as the famous Maasai Mara National Reserve.[21] Unlike most national parks and reserves in Kenya, which are managed by the Kenya Wildlife Service (KWS), the Maasai Mara is managed by a local authority. Until 1994, it was entirely managed by Narok County Council.[22] The future of the Naimina Enkiyio Forest was repeatedly compared to the Maasai Mara, positively by the County Council and nega-tively by the Ilkerin group.[23] Narok County Council proposed the establishment of a Naimina Enkiyio Forest nature reserve as a way of solving Maasai Mara's environmen-tal problems that have been caused by the growth of tourism.[24] The idea was to develop the Naimina Enkiyio Forest to ease the pressure that mass tourism was putting on the Maasai Mara (LNECTC 1994: 5; CCD 'Statement': 6 (j)). Narok County Council stressed the benefits of commercializing the Naimina Enkiyio Forest, i.e. revenue gen-eration for local and district-level development, and local jobs. However the Loita were deeply suspicious of these promises after what they had seen happening to the Purko Maasai group ranches that neighbour the Maasai Mara. Not only had these Maasai communities lost access to pastures inside the park but promises of jobs and revenue sharing had not been kept by Narok County Council (LNECTC 1994: 5; Péron 2000: 396).

If the County Council had succeeded in converting the Naimina Enkiyio Forest into a nature reserve or game park,[25] they would have acquired legal ownership and exclusive management rights to the forest with the power to control who entered it, when and for what reason. Nature reserves in Kenya seek to preserve the flora and fauna in them and typically exclude all forms of human land use considered damaging to the environment,

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[21] 'Every county, municipal or town council shall have power (e) to establish and maintain game parks, including accommodation for visitors thereto; (f) to establish and maintain forests' (Local Government Act (Cap 265), Section 155 (e) (f)).

[22] In 1994, Trans-Mara District was carved out of the westernmost part of Narok District (Rutten 2001: 434). The western part of the Maasai Mara came under the management of the new Trans-Mara County Council, while the eastern part remained under Narok County Council.

[23] For an analysis of the ecological and social risks of turning the Naimina Enkiyio Forest into a new Maasai Mara, see Péron (2000: 394-396).

[24] Narok County Council had come under fire after the publication of an EU-commissioned report that exposed the mismanagement of the Maasai Mara by the County Council (LNECTC 1994: 5).

[25] In the court case (CCD 'Statement': 6 (s)), 'Notice of Motion': 1 (a3)), reference is made to a game park rather than a nature reserve.

such as cutting, grazing and the removal of forest produce.[26] This includes restrictions on entering a forest for cultural and religious reasons unless in possession of a special permit.[27] These legal provisions could have been used by the County Council as grounds for denying forest access to the Loita and this would have meant a loss of free access for the Loita to the forest and the 'criminalization' (Peluso 1992) of their long-standing use of it. It would have placed their legal access or non-access to the forest in the hands of an outside agency. To access the forest, they would have needed to apply and pay for permits, or bribe and cultivate good relations with the controlling state actors. They would, in effect, have needed to practise what Ribot & Peluso call 'access maintenance' (2003: 158-159), i.e. keeping a resource access open by expending time and resources on the agency or actor that controls it. Alternatively, they could choose to access the forest illegally but risked being caught and the subsequent consequences.

## Strategies of opposition by the Ilkerin group

Loita Maasai resistance to Narok County Council's attempt at taking over access control of the forest was organized under the leadership of the Ilkerin Project. Four strategies of opposition can be identified. One consisted of organizing Loita's diffuse leadership into a single body that was named the Loita Council of Elders. A second move was to counter the County Council's legal claim by playing along and setting up a legal entity called the Loita Naimina Enkiyio Conservation Trust Company, hereafter referred to as the Trust Company. A third strategy was to lobby for support at national and international level, which involved tapping into discourses of indigeneity and nature conservation, and reinventing the position of the chief laibon. And last but not least, it was decided to actively participate in district politics in an attempt to influence the outcome of the conflict. The first three of these strategies are discussed in this section and the last one will receive ample attention in a later section.

### The Loita Council of Elders: performing leadership unity

All the Loita leaders introduced and discussed in the previous chapters were brought together under the Loita Council of Elders: the PA chiefs and the councillors (Chapter 4); the development leaders of the Ilkerin Project (Chapter 5); and the age-group chiefs, the ritual age-group leaders, the clan chiefs and the chief laibon (Chapter 6).[28]

One of the reasons for forming the Loita Council of Elders was the realization that Narok County Council, as a state institution, could not be challenged through any designated state intermediaries, i.e. the PA chiefs and/or the councillors, without them risk-

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[26] 'No cutting, grazing, removal of forest produce, hunting or fishing, shall be allowed in a nature reserve except with the permission of the Director granted in consultation with other conservation agencies, which permission shall only be given with the object of facilitating research' (Forest Act 2005 (Cap 385), Section 32 (3)).

[27] 'Any forest community, or person who is use of desirous of utilising or conserving any grove or forest which is part of a nature reserve for cultural, religious, educational, scientific or other reasons shall submit an application, in the prescribed form, to the Board through the forest conservation committee for the area in which the nature reserve occurs' (Forest Act 2005 (Cap 385), Section 33 (1)).

[28] According to ole Siloma & Zaal (2005: 265), the DO, though not a Loita Maasai, was also a member of the council because of his formal function in Loita Division.

ing reprisals by their superiors. The state was the institution that granted them the authority on which their leadership position rested and, as state representatives, they were expected to further state interests, not oppose them. PA chiefs faced being sacked if they stood up against the state that, as their ultimate employer, expected their loyalty. Councillors faced political intimidation or exclusion from district and national political arenas. It became clear that the usual channels of interaction with the state could not be mobilized because this time it was not a question of adapting and reworking a state intervention (see Chapter 5) but of fighting it. The Loita Council of Elders offered an alternative avenue for voicing Loita complaints over the County Council's plan and a certain degree of immunity from state reprisals. This 'untouchability' was due to 'the inclusion of traditional leadership' that, different from the PA chiefs and councillors, was not directly answerable to the state (ole Siloma & Zaal 2005: 280-281). As one leader put it: 'the government cannot sack an elder!'[29] Loita PA chiefs and councillors still belonged to the Loita Council of Elders but their active participation was optional, depending on the political climate and the risks they were perceived to run.

Ole Siloma & Zaal (2005: 263, 280) describe the Loita Council of Elders as the 'most powerful institution in Loita' with 'a key role in development activities and the management of natural resources'.[30] By merging 'locally developed traditional forms of leadership systems' and 'formal western-style' governance systems (*Ibid.*: 255, 258), the Loita Council of Elders, they suggest, was instrumental in resolving the forest conflict due to its participatory form of 'neo-African governance' (*Ibid.*: 255). Though I agree that the Loita Council of Elders was set up as a new hybrid form of government, I believe that ole Siloma & Zaal put too much emphasis on the role played by this institution in the Narok County Council conflict. Other than referring to a certain balance of power and to links between the Loita Council of Elders and the various institutions involved in the conflict (*Ibid.*: 278), they do not clearly explain what that role was. When talking about roles, it is the role of the Ilkerin Project that they are discussing (*Ibid.*: 279). My argument is that it is more on account of the Ilkerin Project and not so much because of the Loita Council of Elders, as ole Siloma & Zaal (*Ibid.*: 281) claim, that Narok County Council was prevented from proceeding with its forest plans. The creation and mobilization of the Loita Council of Elders was actually part of a larger plan devised by the Ilkerin Project leaders.[31]

After the Narok County Council conflict was settled, the Loita Council of Elders, as a corporate body managing development and natural resources in Loita, virtually disappeared and during my various periods of fieldwork from 2001 onwards, seemed to exist

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[29] Interview JK: 26/8/01.
[30] See also Zaal & ole Siloma (2006: 7, 12).
[31] In a second paper by the same authors (Zaal & ole Siloma 2006), the fixation on the Loita Council of Elders persists. Though much more moderate on the impact of this neo-African governance institution than before and recognizing that it was set up and heavily influenced by the leaders of the Ilkerin Project, they still present the Loita Council of Elders, and not the Ilkerin Project, as the driving force behind the opposition to Narok County Council.

in name only.[32] But this is the point: it was not about development and natural-resource management but about contesting the appropriation of the forest.

By forming the Loita Council of Elders, Loita leadership was made more visible by its centralization in a single institution. The idea was to present the Loita and their leadership as a united block fighting Narok County Council. But not all the Loita leaders (and not all Loita) opposed the County Council. In this sense, Loita leadership and hence the Loita Council of Elders was not united. The (majority of the) leaders who did oppose it were those who came to be known as the Ilkerin group because of the central role that the leaders of the Ilkerin Project played in organizing, planning, (securing) funding and facilitating opposition. The leaders from the Olorte group who, according to the Ilkerin group, were opposing the interests of the Loita community, appear to have been excluded from the Loita Council of Elders (Zaal & ole Siloma 2006: 9-10). If so, then the Loita Council of Elders, though projecting Loita unity and inclusivity, was synonymous with the Ilkerin group and represented only one part of the Loita leadership. In any case, it was the Ilkerin group, and not a united Loita leadership in the form of the Loita Council of Elders, that led Loita Maasai opposition to Narok County Council.

Although the Ilkerin group took great care to present the Ilkerin Project, the Loita Council of Elders and the Trust Company as separate and independent institutions, they were seen in Loita as one and the same, as the same people were involved, they were housed in the same buildings (in the case of the Ilkerin Project, the Trust Company and later IUCN), they held meetings and workshops in the Ilkerin Project, and were funded by the same donors (in the case of the Ilkerin Project, the Trust Company and the pre-phase of the IUCN project) (ole Siloma & Zaal 2005: 273, 279-280; Zaal & ole Siloma 2006: 8-10, 12; Ngece *et al*. 2007: 176, 179, 181). As a result, those against the Ilkerin group automatically opposed the Loita Council of Elders, the Trust Company and, later, IUCN (ole Siloma & Zaal 2005: 280; Ngece *et al*. 2007: 181).

The reason why the Ilkerin Project was able to take the reins so prominently was partly due to the constrained room for action for PA chiefs and councillors as intermediaries. The development leaders of the Ilkerin Project, as the other Loita intermediaries specialized in the outside world, were best prepared to take over the intermediate space made available. They were educated and thus spoke English; were familiar with life, work and politics outside Loita; had a wide network of contacts; and were well aware of trends in the international NGO scene.

*The Trust Company's legal fight*
When the Ilkerin group found out about Narok County Council's plans, they took their protests to the state representatives at district level, i.e. Narok County Council's chairman and the DC, but to no avail (Karanja *et al*. 2002: 10, 13, 30, 31). At national level, direct appeals to President Moi, the Minister of Environment and the Minister of Local

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[32]   Occasionally and only with a great deal of effort did the Loita Council of Elders come together, but then only at the instigation of organizations, like the LDF, that were seeking approval for their development initiatives in Loita. Loita leaders did, however, meet regularly but these meetings were not referred to as 'Loita Council of Elders meetings' but as 'Loita leaders meetings'.

Government also failed (see CCD 'Statement': 6 (l); Péron 2000: 391; ole Siloma & Zaal 2005: 276; Karanja *et al*. 2002: 11, 13-14).[33] So, following legal advice, they set up a company in the form of a trust – the Trust Company – as an organizational structure and a legally recognized and registered body to stage a legal fight against the gazetting of the forest and to attract funding (Karanja *et al*. 2002: 30; Zaal & ole Siloma 2006: 10).[34] Although this was officially an action by the Loita Council of Elders (*Ibid*.: 9), it was an initiative by the Ilkerin Project director and his deputy (Péron 2005: 402), and confirms the key role played by Ilkerin Project leaders in the County Council's opposition.

The Trust Company was set up in 1992 in response to the earlier campsite allocations to outsiders by the County Council and leaked information about the County Council's plan for the forest (MoA LNECTC 1992: 7; CCD 'Statement': 6(n)(q); Karanja *et al*. 2002: 12, 30; ole Siloma & Zaal 2005: 272-273; Zaal & ole Siloma 2006: 8-9). It was seen as the best option available at the time to legally represent the interests of the Loita population regarding the forest (Karanja *et al*. 2002: 30; Zaal & ole Siloma 2006: 9). Though cast in the language of conservation and development,[35] its main objective was to secure legal ownership of the forest to prevent the County Council and others in the future from appropriating the forest (LNECTC 1994: 6; Karanja *et al*. 2002: 30; ole Siloma & Zaal 2005: 272-273, 277, 279; Péron 2000: 402-403; Ngece *et al*. 2007: 173). Using the state's own legal apparatus in an attempt to prevent the loss of the Naimina Enkiyio Forest was in line with the well-honed practice by Loita leaders of territorializing development interventions (see Chapter 5).

The Trust Company was run by nine Loita leaders who acted as the trustees (MoA LNECTC 1992: 7; ole Siloma & Zaal 2005: 279) and were all from the Ilkerin group.[36] Membership was defined as 'all *bona fide* residents of the administrative Loita location', which at that time was estimated at being about 15,000 (CCD 'Statement': 6 (w); CCD 'Affidavit': 3).[37] By including all Kenyan Loita Maasai as members of the Trust Company, it was believed that collective Loita Maasai ownership of the Naimina Enkiyio Forest could be legally achieved and a title deed would be obtained.

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[33] It seems that the Minister of Environment, Philip Leakey, later supported the Ilkerin group (Zaal & ole Siloma 2006: 8, 9; Adano *et al*. 2012: 75). Leakey has a longer history of involvement in Loita. Earlier, his interest in Kamorora, which is across the Naimina Enkiyio Forest on the Nguruman Escarpment, had triggered the formation of the Kamorora Group Ranch (see Chapter 5 and also Zaal & ole Siloma 2006: 8).

[34] The Trust Company was registered under the Companies Act (2. 486), as a company limited by guarantee and not having share capital (MoA LNECTC 1992: 1). According to ole Siloma & Zaal (2005: 275), it was registered under the Land (Perpetual Succession) Act. Through the Trust Company, the Ilkerin group received funding from the Dutch Cordaid and the Directoraat-Generaal Internationale Samenwerking (DGIS) for the court case.

[35] The Memorandum of Association of the Loita Naimina-Enkiyio Conservation Trust (1992: 1-5) cites 29 objectives, all related to the conservation, management, development and (tourism) exploitation of the Naimina Enkiyio Forest and the natural environment of Loita Location more widely.

[36] Ten according to the LNECTC (1994: 6) and Péron (2000: 402).

[37] 17,000 according to LNECTC (1994: 6).

The Trust Company provided a way to sue Narok County Council.[38] A case was filed at the Kenyan High Court after the second resolution by Narok County Council was passed in 1993 that confirmed their gazettement plans (Péron 2000: 403). It was heard twice in 1996 and once in 1998 after which the case was adjourned indefinitely (Karanja *et al*. 2002: 10). The applicants included the Trust Company (i.e. all 15,000 *bona fide* residents) and six Loita leaders. They challenged Narok County Council's interpretation of the Trust Land Act (LNECTC 1994: 6; CCDs) and sought to block the resolutions taken by the County Council in September and November 1993 that confirmed their Naimina Enkiyio plans (CCDs; Péron 2000: 391; ole Siloma & Zaal 2005: 275).[39]

*Indigeneity, nature conservation and the reformulation of the chief laibon*
While the narrative on access, livelihood and culture loss was enough to gain wide-spread support from the Loita population, for national and international support, it was decided, in addition, to tap into the discourses on indigenousness or 'indigeneity' (Friedman 2008; Merlan 2009) and nature conservation.[40] This was evident in the way the issue was portrayed in the media and on the Internet after journalists were contacted about the story and the Trust Company's booklet was widely distributed to international networks, support groups and organizations.[41] At a national level, the Ilkerin group found backing from state institutions, such as the KWS and the Forestry Department, through the Kenya Indigenous Forest Conservation (KIFCON) programme (Péron 2000: 402; Karanja *et al*. 2002: 13-14, 30-32; ole Siloma & Zaal 2005: 276) as well as NGOs like Africa 2000, Kenya Energy and Environment NGOs (KENGO) and East Africa Wild Life Society (EAWLS) (Péron 2000: 402; Karanja *et al*. 2002: 10-11, 14, 31-32). At an international level, the Ilkerin group actively participated in forums on indigenous people and biological diversity (Péron 2000: 396-401; Karanja *et al*. 2002: 11; ole Siloma & Zaal 2005: 276),[42] received assistance from anthropologist Xavier Péron (2003) and adeptly embraced the relevant discourses.

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[38] The court case documents (CCD) consulted are: 'Notice of Motion', 'Statement', 'Affidavit of the First Applicant', 'Replying Affidavit'.

[39] The Narok County Council resolution of 3 September was recorded under Minute 52/93 'Naimina-Enkiyio Forest – Narok County Council -vs- Naimina-Enkiyio Trust Company'. The second resolution, taken on 26 November 1993 concerned Minute 69/93 'Resolution on deregistration of Naimina-Enkiyio Trust Company'.

[40] Indigeneity implies 'first-order connections (usually at small scale) between group and locality. It connotes belonging and originariness and deeply felt processes of attachment and identification, and thus it distinguishes "natives" from others' (Merlan 2009: 304).

[41] See www.ubcic.bc.ca/files/PDF/Chapter11.pdf accessed 27/2/14;
http://unauthorised.org/anthropology/anthro-l/november-1993/0049.html accessed 27/2/14.

[42] In 1994 at the second session of the Intergovernmental Committee on the Convention of Biological Diversity at Nairobi and in 1995 at a UN Working Group on Indigenous Populations in Geneva. The UN conference in Geneva became an arena of direct confrontation between the Ilkerin group and the County Council; on hearing of two Loita leaders going to the conference, the Minister of Local Government, who was seen as the brain behind the Narok County Council plan (see later), hastily sent an envoy of 24 people, including three members of Narok County Council and his own son who, under the auspices of an NGO called the Maa Development Association, presented themselves as the true indigenous Maasai people. According to Péron (2000: 400), who accompanied the Ilkerin group delegation (Péron 2003), the Narok County Council envoy succeeded in outshining the Loita delegation.

An interesting component in this strategy was the reformulation of the position of chief laibon. This role, understood in Loita in terms of protecting the people against danger and misfortune (see Chapter 6), was recast in the language of indigenous people's rights and forest conservation. The Ilkerin group described laibons as being 'charged with the inherited responsibility of protecting and preserving *Naimina Enkiyio* in perpetuity' and the chief laibon as the 'keeper and cultural conservator' of their sacred forest to emphasize the success of their own indigenous institutions of forest conservation and hence their right to self-management (LNECTC 1994: 4).[43] An important reason for presenting the chief laibon in this way was that Loita lacked an identifiable institution charged with conserving the forest as a bounded and separate entity. In Loita, the forest was not viewed as a discrete resource to be conserved but as an integral part of the wider landscape used for their agro-pastoral and ritual life. However, to strike a familiar note internationally and promote a stronger argument, an explicit institution of forest conservation was needed. This is why the functions of the Loita Council of Elders and the Trust Company were explained and articulated to outsiders using terms such as 'natural resource management' and 'conservation'. The position of the chief laibon had, in comparison to the Loita Council of Elders and the Trust Company, an additional advantage: its identity, in the sense of being a long-standing Maasai institution, could nicely be made to conform to the 'indigenous slot' (Li 2000; Karlsson 2003). The indigenous slot, which is advanced and defined by the international indigenous rights movement, states that 'indigenous people derive ecologically sound livelihoods from their ancestral lands', that they possess 'environmental wisdom' and have a 'spiritual attachment to the landscape' (Li 2000: 155, 165). Claiming the indigenous slot in the kind of fora that the Ilkerin group attended is a common strategy among groups competing against the state for natural resources (*Ibid.*).[44]

The strategic capitalization of a global concern with nature conservation and indigenous people's rights bore results. The idea of the chief laibon as a cultural protector of the forest appealed strongly to activists and international development donors. In the grey and academic literature, this idea was also taken up enthusiastically (Maundu *et al*. 2001: 12; Karanja *et al*. 2002: 2, 4, 12, 35; ole Siloma & Zaal 2005: 264, 270; Zaal & ole Siloma 2006: 5; Adano *et al*. 2012: 74; Zaal & Adano 2012: 201; Ngece *et al*. 2007: 172; Péron 2000: 386). Here, the position of chief laibon, even laibonism in general, is described as an institution with managerial and conservational functions with regard to the Naimina Enkiyio Forest. The conservational interpretation of the role of the chief laibon, crafted by the Ilkerin group and adopted uncritically by others, started to live a life of its own. By going along with it, not only did this interpretation become widely documented and known, but it also favoured the side of the story promulgated by the Ilkerin group. In the process, it silenced and marginalized other versions of the Narok County Council conflict, particularly those of the Olorte group.

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[43] This argument is nicely captured in the title of the Trust Company's booklet: *Forest of the Lost Child (Entim e Naimina Enkiyio):* A *Maasai Conservation Success Threatened by Greed*.
[44] See for an illuminating case, Karlsson (2003).

Chief laibon Mokompo (see Chapter 6) became the public face of the fight against Narok County Council. For example, at the second session of the Intergovernmental Committee on the Convention of Biological Diversity in Nairobi in 1994, he addressed the audience directly (Péron 2000: 398). The chief laibon was the head of the Loita Council of Elders, the chairman of the Trust Company and was also the first applicant in the legal suit against the County Council (CCD 'Statement': 1). This prominent position was more in response to an (inter)national fascination with his office than because of his political authority. As we have seen, the chief laibon is a highly respected ritual leader in Loita but his authority is not political (see Chapter 6). Given his illiteracy, the fact that he did not speak English and his unfamiliarity with life outside Maasailand and with the state's legal system, he had undoubtedly been coached by others. Thus, behind the scenes, it was other leaders, particularly those from the Ilkerin Project, who were pulling the strings. But even if his contribution to the Ilkerin group's struggle was not political, his public position did have the desired effect on the public. To outsiders, he not only personified an indigenous institution of forest conservation but, by being forwarded as the 'cultural spiritual leader' of the Loita (CCD 'Affidavit': 2), he also represented Loita unity.

As the chief laibon's role was being reworked to conform to the indigenous slot, it was taken out of context and became something that people in Loita could not relate to anymore. This became evident during my fieldwork when I inquired about the relationship between the chief laibon and the forest. In Loita, the chief laibon is seen as being responsible for protecting and ensuring the well-being of the Loita people. This is based on his powers to predict future events that may harm his territorial domain, i.e. Loita territory including the forest, as was explained in Chapter 6. Through divination, rituals and the manufacturing of protective charms, he can then avert or repair misfortune. It is in this general sense, as the protector of Loita, that he is seen as the protector of the Naimina Enkiyio Forest: not of the forest as a discrete thing but as part of his wider territorial domain.

The connexion that people made in Loita between the chief laibon and the forest was not of someone with authority preserving the nature of the forest but in terms of his ritual intervention to avoid the loss of the forest. He was variously credited with the fact that the County Council and IUCN had not succeeded in 'taking' the Naimina Enkiyio Forest. I was told that: 'we won [against the County Council] because of the [chief] laibon'.[45] And 'IUCN was chased by these people of Inkidongi'.[46] The chief laibon confirmed this when explaining to me that he had used the divining horn during this forest conflict.[47] He reminded me of the quarrel between Olonana and Senteu over Olonana's intentions to 'give away' land to the British (see Chapter 3). Since land had been the reason behind their fight and land and territory loss increasingly had become matters of concern, the laibons of Loita were sensitive to issues involving land (LNECTC 1994: 4), especially regarding the forest since it is a place where laibons perform rituals and gather the ingredients needed for their ritual medicines. It is thus a key resource for lai-

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[45] Interview MM: 16/9/01.
[46] Interview LM: 26/10/08.
[47] Interview MS: 21/11/08.

bon practitioners. The chief laibon singled out Senteu (his grandfather), his father Simel and his uncle Kone (who was a PA chief and councillor in the colonial period, see Chapter 4) for inculcating in him this concern for the forest. Quizzing him on how he protected this vast forest while living on one side of it, the chief laibon referred to his ability to see the whole area of the forest, in the same way he was able to see all Loita land. To explain how he could predict future events, he ingeniously made an analogy with a mobile phone ('someone talks in Nairobi and you can hear it in Loita') and a torch that 'lights up' something. Like a phone, he could 'see' something at a distance and, like a torch, he could set apart a particular (harmful) event. By using the divining horn in divination sessions during the Narok County Council conflict, he 'knew' what to do. The chief laibon did not specify what he had done but another laibon explained that he had used ritual medicines to 'tie' the dangerous outsiders and prevent them from carrying out their plan.[48]

It is in this context that the chief laibon claims to be the protector and guardian of Naimina Enkiyio, having protected the forest against misfortune, which in this case involved threats of alienation. His special powers enable him to monitor the human activities affecting the forest and stop unwelcome intrusions. His concern was land loss, not nature conservation. When I referred to the timber-cutting problem in Loita, he replied that this problem was not for him to solve.[49]

The forest committees mentioned earlier, but not the chief laibon, are concerned with the issue of timber harvesting.[50] Set up for every forest-neighbouring administrative (sub-)location and composed of locality leaders, it is their responsibility to control and supervise this activity. The idea that laibonism is key to forest conservation does not stand up in this light. If anything, it is the forest committees, by attempting to regulate and control logging, that should be seen as environmental institutions. And still, even in

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[48] Interview NS: 19/11/08.

[49] But see Maundu *et al.* (2001: 11, 12) who claim otherwise. At the beginning of my PhD fieldwork period (in mid-2007), cutting timber was a slow and arduous process done with a two-man crosscut hand saw in a saw pit. It was easily controlled. Making timber is allowed for local use only and for the purpose of construction (such as for building a school or a house) in Loita, not for business and it may certainly not be done by or for outsiders. Six months later, non-Maasai individuals with chainsaws were brought into Loita as woodcutters. The job of cutting timbers quickly escalated out of control. Soon, Loita Maasai individuals acquired chainsaws for themselves. Rumours of Loita individuals working together with outsiders started to circulate. It was claimed that timbers were being cut on a large scale and transported outside Loita for commercial sale. The issue was discussed during a sub-DDC Loita leaders' meeting that I attended on 21 July 2008.

[50] On 17 October 2008 I attended a meeting convened by the Entasekera assistant PA chief, who had received orders from his superiors in Narok to set up an Entasekera 'environmental committee' to work together with the new state institution − the Kenya Forest Service (KFS) − towards the sustainable management of the resources in the forest. The KFS was established in February 2007 under the Forest Act 2005 and through the administrative structure in Loita was trying to incorporate the Naimina Enkiyio Forest under its mandate. In reaction to this new policy, the old forest committee of Entasekera morphed into the new environmental committee and because the KFS directive was not followed up with a physical KFS presence in Loita, the environmental committee gradually came to fall under the sphere of influence of the PA chiefs and the DO. What happened was that people started to bypass the environmental committee with their timber applications, instead handing them in directly to the DO. The locality leaders that composed the environmental committees disliked the growing influence of the (non-Loita) DO and it was a point of discussion at the sub-DDC Loita leaders meeting on 21 July 2008.

the case of the forest committees, it is questionable whether they were set up because of conservation concerns. It seems they were initially established with the explicit aim of preventing the state from new attempts at appropriating the forest. Their primary interest appears not to be conservation but the prevention of land loss. As one member of the Entasekera forest committee put it:[51]

> When the government cancelled its plan of taking this forest of Loita, they said that if Loita did not take care of the forest they would come [again] and take it from us. So we said: 'let's take care of it because it is the only way to avoid another fight with the government'. There are people from outside who will come and destroy it, so let's organize people to look after [the forest]. So we decided 'this is the committee that can look after the forest and then the government will not take it'. Because if there is no [committee] and it is destroyed, the government can easily say 'the forest has been destroyed'. So that is one of the reasons why the committees were formed.

The forest committees are not long-standing indigenous bodies responsible for forest management. Their creation was in reaction to the Narok County Council conflict and was part of a strategy to prevent future attempts at appropriating the forest. It was not deforestation, sustainable use or the ecological status of the forest but the strengthening of their claim to land in the face of tenure insecurity that was the main issue behind their creation. The same goes for the chief laibon: land loss, not nature conservation of the forest, motivated his involvement. Péron (2000: 403), who criticizes modern nature and wildlife conservation practices as exemplified by the Maasai Mara and champions the traditional ones of the Loita Maasai, was puzzled when IUCN was brought in by the Ilkerin people. This apparent contradiction disappears when one sees it as a political strategy, just like ascribing a conservational role to the chief laibon and the setting up of the forest committees were strategies to avoid land loss. Involving IUCN secured a strong international physical presence in Loita backed by EU financial resources, and one that it was difficult for the County Council to ignore. The goal was to gain political weight *vis-à-vis* the County Council in the fight for authority to govern the forest. It was the best option available at the time and strengthened the Loita claim to the forest and aimed to prevent the County Council from taking it over. This manoeuvring, of using an environmental organization, initiating a new conservation project and avoiding territorial loss, is a continuation of the political pattern discussed in Chapter 5. This is, once again, an example of Loita leaders territorializing a governmental intervention. The new element in this situation was that 'development' had made place for 'nature conservation' as the new slogan of the will to improve.

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[51] SL: 17/10/08.

## IUCN: access in the name of
## nature conservation (1993-2005)

> At bottom then, even as social forestry and other collective means of
> co-management developed to cope with the failures of conservation
> forestry, *conservation represents control*, largely because the overall
> model of development does as well.
> (Robbins 2004: 163 emphasis added)

IUCN appeared on the scene as a supporter of the Ilkerin group in their fight against the County Council as early as 1993.[52] It presented itself as an expert in modern conservation practices.[53] Later, they were invited by the Ilkerin group to assist in the development of a forest management plan (Ngece *et al*. 2007: 177).[54] This eventually resulted in a project that was officially called the Loita Forest Integrated Conservation and Management Project but was informally known in Loita as 'the IUCN project'. The term 'integrated' refers to the idea that the project integrated indigenous Loita Maasai management systems with modern conservation and forestry practices. Even though and as IUCN officials admit, '[a]t first glance there seems to be little reason for any intervention in Loita. There is no environmental degradation, no erosion, no serious rangeland degradation, no overstocking, no overgrazing, no large-scale agriculture, no severe forest encroachment, no commercial exploitation of the forest resources, and no threat to the wildlife' (*Ibid*.), it was deemed that Loita's traditional management institutions were no longer adequate in the face of new pressures and demands on the forest (L/PNEFICDP undated: 4). IUCN's technical advice was therefore needed to deal with this 'modern' situation (*Ibid*.: 18-20).

The IUCN project was planned as a project with two phases. The first was a one-year preparatory phase that was carried out in 1998-1999. It was funded by Bilance (formerly Cebemo and now Cordaid), which had long-term involvement in the Ilkerin Project. IUCN mediated and facilitated a participatory planning process involving the majority of the stakeholders in order to develop a management structure for the forest (Karanja *et al*. 2002: 9, 34). IUCN also commissioned a number of short-term studies. One of the effects of these was that the forest started to become defined as a distinct and separate entity that needed intervention. As it was being mapped, its features classified and its value more clearly described in a nationally and internationally understood discourse, it

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[52] See 'Letter to the editor: IUCN & the Loita/Purko Naimina Enkiyio forest': www.culturalsurvival.org/news/dr-eldad-tukahirwa/letter-editor-iucn-loitapurko-naimina-enkiyio-forest accessed 25/2/14.

[53] Information on the IUCN project comes from various documents obtained from Loita informants and the Internet, including IUCN-commissioned studies of Loita as part of the IUCN project: 'Loita Forest Project proposal summary' date unknown; www.unesco.org/most/bpik9.htm accessed 27/2/14; *Survey of Tourism Activities in the Loita Forest and Environs* (Shelley & Lempaka 1999); *Preliminary Biodiversity Assessment of Loita Naimina-Enkiyio Forest* (Legilisho-Kiyiapi 1999); Loita/Purko Naimina Enkiyio Forest Integrated Conservation and Development Project 'Project Document' date unknown; 'Conflict Management and Community Development, Projects as Incentives for Partners to Participate In Participatory Forest Management (PFM) - The Case of Loita and Lembus Communities in Kenya (Ngece *et al* 2007).

[54] By the Trust Company according to IUCN, by the Loita Council of Elders, according to Zaal & ole Siloma (2006: 11).

became increasingly 'legible' to outsiders (Scott 1998). For example, the biodiversity assessment by Legilisho-Kiyiapi (1999) championed the Naimina Enkiyio Forest as one of the few remaining and traditionally preserved indigenous forests in Kenya with great ecological and biodiversity value, and an important water catchment area for the region.[55] But it also described potential human-induced threats to its ecological integrity and put the forest on the (inter)national environmental agenda, justifying IUCN's intervention. On a similar note, Shelley & Lempaka's (1999) survey of tourism activities clearly show the forest's growth potential as a tourist attraction and the need for donors, NGOs and private-sector partners to develop community-based tourist enterprises. As a result, the forest started to become better noticed in the tourism sector.

Phase 2 was planned as the implementation phase. There would be the formulation of a long-term management plan for the forest and an effective institutional structure and mechanism to implement the management plan would be developed (L/PNEFICDP undated: 4). After this three-year project, a sustainable and community-based forest management structure would be in place and IUCN would withdraw. However, the second phase of the IUCN project never took off. Even though IUCN was invited by the Ilkerin group to develop a forest management plan and despite its role in bringing the different players in the conflict together to find common ground and its commitment to ensure local community participation in a joint management body (Ngece *et al*. 2007: 173, 177, 180; Maundu *et al*. 2001: 4, 31), resistance to the project had mounted when it was time to implement the second phase of the project.

People in Loita had initially welcomed IUCN and applauded its participatory and transparent method of working (Kantai 2001: 42). Nevertheless, opposition grew after news started to circulate in Loita about IUCN's involvement in the Ngorongoro Conservation and Development Project in Tanzania where it had collaborated with the Tanzanian state in the 1980s and 1990s (McCabe *et al*. 1992).[56] In spite of the area's multiple land use policy and dual mandate of combining conservation with development, the relationship between the local Kisongo Maasai and the managing authority has been characterized by mutual mistrust and conflict (Homewood & Rodgers 1984; McCabe *et al*. 1992; McCabe 1997, 2003). Since the demarcation of the conservation area, the Kisongo have been restricted in their use of fire (Maasai burn grasslands to stimulate

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[55] Legilisho-Kiyiapi (1999) classifies the Naimina Enkiyio Forest as a moist to dry upland forest, partially to closed canopy forest, with open glades, bush and small forest blocks along the edge of the core forest block. The forest is further characterized by three forest formations: 'Afromontane dry conifer forest' dominated by the African Pencil tree on the hilltops and lower down 'moist mid upland semi-deciduous forest' and 'mixed species low upland forests'. Naimina Enkiyio has some of the largest trees of any species in Kenya. The core forest block constitutes 320 km². Its western edge is marked by the Olngarua Swamp. The highest hills in the southern part of the forest have an latitude of almost 2000 m, while they reach 2600 m in the north. The temperature varies from 17.7°C to 20°C and annual rainfall is between 600-1200 mm. The forest harbours a rich birdlife and a considerable diversity of animals, especially of megafauna (elephant, buffalo, hippo, antelopes, lions and leopards), and is part of the larger Maasai Mara wildlife dispersal zone. The Naimina Enkiyio Forest is a source of several rivers that drain south to Tanzania and east into the Ewaso Ngiro River that flows through the dry Magadi rangeland ecosystem providing fresh water to Lake Natron in Tanzania. This is extremely important for the East African flamingo, whose only known breeding site is Lake Natron.

[56] 'Maasai reject IUCN project in Loita forest': www.ogiek.org/indepth/break-one-killed.htm accessed 24/2/14.

the growth of new grass after rainfall), they have been prohibited from settling in certain areas, have experienced periodic bans on cultivation and have lost access to grazing areas and watering places (in some cases allowed under permit) including crucial dry-season forest refuges (Homewood & Rodgers 1984; McCabe *et al*. 1992, 1997: 58).

This news reached the Loita in Kenya through their fellow Loita in Tanzania who neighbour the Kisongo and through Kisongo labourers who are typically employed in Loita to prepare fields for cultivation. The unpopularity of IUCN among the Kisongo (McCabe *et al*. 1992: 362-363) raised doubts among the Loita who feared they would experience the same fate and share the predicament of the Kisongo. The studies commissioned by IUCN during the pre-phase of the IUCN project recommended similar measures be taken with regard to the Naimina Enkiyio Forest: forest-use zoning with varying degrees of access, a wildlife sanctuary, boundary identification to control forest extraction, settlement and cultivation encroachment as well as possible settlement eviction (Shelley & Lempaka 1999; Legilisho-Kiyiapi 1999). These recommendations were incorporated in the Phase 2 project proposal (L/PNEFICDP undated) and confirmed Loita fears about IUCN intentions (Zaal & ole Siloma 2006: 11). The most problematic issue appears to have been the demarcation of the boundary of the forest, as suggested by IUCN, because it implied that those families living in it would need to relocate. Resistance in Loita started to build against IUCN.

Both Narok County Council and IUCN attempted to gain access to the forest, and ultimately control over other people's access to the forest. Narok County Council's main purpose was to commercialize tourism and IUCN's interest was biodiversity conservation. In any case, their aims jeopardized the free access to the forest that the Loita had enjoyed since they had settled the area.[57] The Loita majority's opposition to Narok County Council and IUCN was, mostly, a fight to maintain that status quo. Recalling Ribot & Peluso's definition of access as 'the ability to benefit from things' (2003: 153, 155), the Loita Maasai were afraid of losing the ability to benefit from the forest's numerous resources that they needed for their livelihoods and ritual life. They therefore protested: firstly against Narok County Council and later against IUCN.

## Part two: the ecologization of pre-existing struggles

Bryant (1992: 14, 21-23, 1998: 85) insists that, to understand contemporary location-specific conflicts over access, a historical perspective is best adopted. Indeed, tracing the history and digging into the background of the Naimina Enkiyio Forest conflicts brings to light new vantage points that are worth exploring. Historical examination of practices, processes, struggles and relations that already existed when the forest interventions took place reveals that the latter became enmeshed with various existing political struggles that were not so much about the forest but about other related and unrelated issues. From this angle, the forest conflicts were just one of the many times when ongoing and long-standing quarrels came to a head. This resonates with the 'ecologization of a political conflict' theory that Robbins (2004: 176) describes as follows:

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[57] Maundu *et al*. (2001: 30) call this the 'free-access-for-all-Loitans policy'.

[T]he way pre-existing political differences become 'ecological' – in the sense that longstanding struggles over social and economic power (e.g. labor movements, ethnic territorial disputes, or women's struggles for decision-making autonomy) are newly expressed or reframed as fights over the environmental (e.g. disagreements over conservation policy, finger-pointing over land degradation, or seizure of environmental goods).

The way the forest conflicts unfolded cannot be understood if these struggles are not taken into account. Three main long-standing struggles can be singled out: the territorial struggles between the Loita and the Purko; a personal rivalry between two Loita leaders; and the recurring politics surrounding Kenya elections every five years. My aim here is to show how these struggles and quarrels merged with the forest interventions and crystallized into one large conflict pitting two groups against each other. This will enable me to explain why and how some Loita leaders (the Olorte group) and their Loita supporters sided with Narok County Council while the majority of the Loita Maasai opposed its forest plans and how, in the next round of forest conflicts, the earlier group that supported the County Council garnered widespread support from the Loita population to oppose the IUCN intervention, while the group that had earlier led the opposition, the Ilkerin group, backed this new forest intervention.

## Personal rivalry between double authorities

Opinions in Loita were divided regarding Narok County Council's proposal to turn the forest into a nature reserve. Although the majority opposed it and stood behind the Ilkerin group's active opposition, a small group of Loita Maasai supported the County Council's plan. They rallied behind a very wealthy man who had been a Loita councillor. He had lost his seat in the December 1992 elections to someone who opposed Narok County Council's forest plan, becoming the only councillor to oppose the gazettement plan (Péron 2000: 391). The defeated councillor was, however, able to get back on the County Council via the back door thanks to the influence of the other councillors who wanted the forest plan to succeed and needed his support. He became a co-opted member of the Council, i.e. a co-opted councillor as opposed to an elected councillor. I will henceforth refer to this man as 'the co-opted councillor'. His stronghold in Loita was his homeland of Olorte, an area in the south of Loita on the Kenya-Tanzania border, which is why I have called the Loita group that organized around him the 'Olorte group'.

Co-option, which is different from 'nomination' (see Chapter 4), is not very common. Key informants argue that he had been co-opted because he was a crucial Loita ally for Narok County Council and necessary for making the forest plan happen. As one of the key players of the Ilkerin group put it: 'he was co-opted [with the aim of] defeat[ing] Loita resistance to the forest issue'.[58] More political manoeuvring was done in the County Council meetings held in Narok town to include the co-opted Loita councillor and exclude the elected Loita councillor (Péron 2000: 391). The crucial meeting in September 1993, when the resolution on the Naimina Enkiyio Forest was adopted, was changed without prior notice at the last minute, from being an open public meeting to a closed meeting with the sole aim to excluding the press and Loita protestors from at-

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[58]  Interview MK: 17/8/12.

tending (*Ibid.*: 392; CCD 'Statement': 6 (d)(e)). Two important observations can be made: both the Loita Maasai *and* the County Council were divided, with alliances crosscutting the local and district level; and the majority of the Loita joined the elected Loita councillor and the Ilkerin group in their opposition to the Narok County Council plan. The co-opted Loita councillor and a small group of Loita followers sided with the majority of the Narok County Councillors who were proponents of the plan.

These coalitions reached high levels, going in fact right to the heart of the state's central government, i.e. the Cabinet. According to Péron (2000: 391), Rutten (2001: 424), Adano *et al.* (2012: 75), Zaal & Adano (2012: 202-203) and many of my Loita informants,[59] Narok County Council's forest plan was masterminded by the Member of Parliament (MP) for the Narok North constituency at the time, a Purko Maasai and political heavyweight called William ole Ntimama. At a national level, he was known to be a 'hawkish' politician (Rutten 2001: 410, 411) who did not shun using state power to ensure his re-election and who was accused of triggering interethnic conflicts, killings and evictions by using inflammatory tribal speech (*Ibid.*: 413-416, Matter 2010a: 77-78, 2010b).[60] Apart from being an MP, Ntimama also held the powerful post of Minister of Local Government (from 1988 until the end of 1996) and, as such, was responsible for all the local authorities in the country, including Narok County Council. This is important because, as Minister of Local Government, he had the power to approve or reject certain decisions by local authorities, including the Naimina Enkiyio Forest plan. In the court case brought by the Ilkerin group, it was thus vitally important to prevent him from approving the plan, which is why he was also sued by them (CCD 'Notice of Motion': 3; LNECTC 1994: 6).

Politics in Maasailand, as in Kenya more widely, is characterized by a system of political patronage or neo-patrimonialism (Péron 2000: 388). And issues surrounding land and forests have become imbricated with the dynamics of patron-client networks, the politics of patronage and violence, and struggles among the political elite, particularly during elections (Matter 2010a, 2010b; Klopp 2001). Having been proclaimed as a 'super-leader' and 'Supreme Spokesman of the Maasai' (Péron 2000: 389-390), Ntimama was probably the most powerful political patron of Narok District, and possibly even Maasailand.[61] His network of political clients was extensive. One reason advanced for

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[59]  Ole Siloma & Zaal (2005: 274) and Zaal & ole Siloma (2006: 8) are more careful and see claims of Ntimama's involvement as speculation and rumours that, although contributing to the understanding of the conflict, have not been proven.

[60]  Ntimama also played a key role in the politically motivated evictions and violent clashes at Enoosupukia in 1993 and 2005, including the reclassification of the land in Enoosupukia, which formed part of the Mau Forest, as a conservation forest. This occurred around the same time as the forest conflicts in Loita. However, the Loita forest case never reached the scale of violence seen in the Enoosupukia case. See Matter (2010a, 2010b).

Ntimama first entered district politics during the colonial period in 1954 as a councillor on the Narok African District Council (Rutten 2001: 433). In 1974 he became the chairman of Narok County Council (*Ibid.*: 409, 433). In the 1988 elections he became MP for Narok North, a position he held until he was defeated in 2013. Later, in 2013, he announced his retirement from politics at the age of 87, see www.the-star.co.ke/news/article-135798/i-am-leaving-politics-young-blood-ntimama accessed 19/2/14.

[61]  He was still an influential politician during my fieldwork period: at district level as the uncontested MP for Narok North and at national level by holding the post of Minister of National Heritage and

Ntimama's interest in the Naimina Enkiyio Forest was that he wanted to empower the Purko: '[s]trengthening the Narok County Council by acquiring the Loita forest would consequently mean strengthening the Purko Maasai, while weakening the Loita Maasai by limiting access to the Loita Naimina Enkiyio forest which acts as one their main sources of livelihood' (ole Siloma & Zaal 2005: 274-275). It was alleged that the Purko had planned this a long time ago but, expecting resistance, had waited for the Loita to be politically weak (and for themselves to be strong enough) to carry out this plan (*Ibid.*: 275). Indeed, interviewees insist that in the late 1970s/early 1980s, the County Council had approached the Loita PA chief and councillor with the nature reserve plan (Karanja *et al*. 2002: 31) but Loita leaders had refused, suggesting that Loita political power was strong enough at that time to resist Narok County Council. Kone appears to have played a key role in this resistance (Voshaar 1998: 113). The Purko had been moving slowly towards the coveted forest and some families had already managed to occupy the area around the northern tip of the forest: '[t]he gazettement was thus seen by some as a move by certain Purko Maasai to occupy the forest and alienate it from the Loita people' (Zaal & ole Siloma 2006: 9). Analysis by Adano *et al*. (2012) and Zaal & Adano (2012) of the Narok County Council conflict saw Ntimama's manoeuvres and the collective interest by his fellow Purko as the main process underlying the conflict.

Another, more individualistic, explanation was, however, also given for Ntimama's involvement. Having benefited personally from the touristic exploitation of the Maasai Mara,[62] it is claimed that Ntimama had a vision of turning Naimina Enkiyio Forest into a similar park (Péron 2000: 391, 396; ole Siloma & Zaal 2005: 274; Zaal & ole Siloma 2006: 8). It was rumoured that he had already had talks with investors from South Africa about commercializing tourism in the forest (Péron 2000: 396; Karanja *et al*. 2002: 32; ole Siloma & Zaal 2005: 274). Through political patronage, Ntimama found massive support within Narok County Council, where councillors were already savouring the economic benefits that would be opened up for their appropriation as tourist revenues would go to the County Council (Péron 2000: 391, 396; ole Siloma & Zaal 2005: 274; Zaal & ole Siloma 2006: 8). The fact that the majority of the councillors were Purko like himself was important.[63] To ensure support in Loita and give the impression that all Loita were supportive, he allegedly bribed their representative, the co-opted councillor, who was at that time the elected councillor of Loita (Péron 2000: 391).[64] Rumours had it that, in 1992, the co-opted councillor, the Narok South MP ole Tuya

Culture. During the grand coalition between ODM and PNU following the 2007 violent elections, Ntimama was an important ally of Prime Minister Odinga, the ODM presidential candidate. Ntimama was part of the delegation that accompanied Odinga in his visit to the manyata in 2010 (see Chapter 1).

[62] As the owner of tourist lodges (Rutten 2001: 433; Zaal & ole Siloma 2006: 8; Adano *et al*. 2012: 75).

[63] This bears striking resemblance to how some Dorobo of Enoosupukia understood the role of Ntimama and his links to the Purko and Narok County Council in the context of the 2005 evictions, as can be seen in the words of a Dorobo man that Matter (2010b: 244) interviewed: '…Enoosupukia is a Dorobo area, but the County Council is mostly Purko, and they're jealous of Dorobo land. Perhaps they attempted to clear the land so Purko can take over'.

[64] Some say he was promised a political position after the following elections, others claim he was promised private land. This latter claim finds some evidence in that Ntimama is said to have structurally rewarded councillors with prime plots of land in Nairobi for their political support (Rutten 2001: 435).

(whose constituency covered Loita) and Ntimama were already planning the gazette-ment of the forest (Zaal & ole Siloma 2006: 8-9).[65] The co-opted councillor then mobi-lized his supporters in Loita, forming what I have called the Olorte group, and sided with the County Council and these two MPs in an effort to bring the forest under the control of the County Council (CCD 'Statement': 6).

The central figure in the Ilkerin group was the Ilkerin Project's director, who was al-so one of the nine elders running the Trust Company and one of the two Loita repre-sentatives who went to the 1995 UN conference on indigenous people in Geneva (Péron 2000: 401). This wealthy, educated man was involved in a long-standing feud with the co-opted councillor (Zaal & ole Siloma 2006: 7). It was said that a long time ago these two men, who belonged to the same age-group (Iseuri age-set), had been inseparable friends. Around the same time, when their age-set became the governing age-group in Loita,[66] they obtained powerful positions and became Loita leaders. The co-opted coun-cillor became a councillor in 1987 until he retired in 1997, having served one term as an elected councillor and another as co-opted councillor. The project director became a development leader of the Ilkerin Project after expatriate project leadership and man-agement were handed over to the Loita Maasai in 1982 (Knowles 1993: 24). One as a councillor and the other as a project director, they both had authority in the field of de-velopment: the co-opted councillor with regard to development policies coming from the state and the project director with respect to NGO-driven development. They both acted as intermediaries in development interventions, as local development brokers (Bierschenk *et al.* 2002) and, in a way, became competitors in this field. The first clash between the two men occurred in the 1980s at a time when pressure to adjudicate the land and make group ranches had increased (see Chapter 5).[67] It was decided to turn Loita into two group ranches. The co-opted councillor (then elected councillor) was associated with one group ranch and the project director with the other. They disagreed about the boundary and, in the end, the group ranches never materialized. The story goes that from this first clash onwards, the Loita were divided into two groups: those behind the co-opted councillor and those supporting the project director. Every time either of the two came with a new plan or initiative, whether in the field of development or culture (see the Epilogue), the other group would automatically oppose it, and vice versa. The Narok County Council conflict provided yet another arena for these two men to fight out their long-standing feud (Zaal & ole Siloma 2006: 11).

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[65] The Narok South MP is not a Loita Maasai as Adano *et al.* (2012: 75) and Zaal & Adano (2012) claim. He belongs to the Ilkunono blacksmith community of Leshuta, which is affiliated to the Purko section, and therefore identifies as a Purko.

[66] I deduce this from the information I got on the *enkipaata* ceremony of the Ilkishili, Iseuri's firestick youngsters, which was around 1984. The *enkipaata* ceremony of the Ilkishili marked this age-group's beginning of warriorhood and thus the beginning of the political term of their firestick elders, the Iseuri (see Chapter 7).

[67] Zaal & ole Siloma (2006: 7-8) refer to another conflict: '[I]n the late 1980s, a number of projects were initiated such as a cattle dip and dairy facilities in the sub-centres of the project area. Much of the proceeds of those facilities were kept in the coffers of ILIDP project [the Ilkerin Project]. After allegations that these funds had been misused, there developed a rift between the two individuals and their allies, and it was this rift that was mirrored in the factions in the later Loita Forest conflict.'

*The view of the Olorte group*

Against this backdrop, the Narok County Council conflict can be seen in a different light: it was just one battle in a longer-standing political war between two Loita leaders over authority and control in Loita. Supporters of the co-opted councillor claimed that the project director and his group had actually provoked the whole forest conflict as part of a deliberate campaign to discredit the co-opted councillor in the run-up to the 1992 elections, which he lost. It was not the new councillor who was to blame for his defeat, but the project director: '[the co-opted councillor] was not seeing the hand of [the elected councillor] anywhere, he was seeing the hand of [the project leader]'.[68] The personal vendetta between the two men, and not the forest, was, according to the Olorte group, the main motivation behind this political attack. The campaign against the co-opted councillor hinged on a letter that the co-opted councillor had allegedly drafted after agreeing with Ntimama and the Narok South MP that the Naimina Enkiyio Forest was to be demarcated for gazettement (Zaal & ole Siloma 2006: 8, 11; Adano *et al*. 2012: 75; Zaal & Adano 2012: 203). The letter stated that the Loita had agreed and it was to serve as proof that the Loita had been consulted on the Narok County Council plan. The Olorte group, however, claimed that the whole campaign was based on groundless rumours and had a different explanation for the famous letter.

It all started with another intervention by a different environmental organization called the Kenya Indigenous Forest Conservation programme (KIFCON) that had been established in 1991 and was supported by the UK's ODA (now the Department for International Development or DfID) (Kronenburg García 2003: 93-94). KIFCON was a component of the Kenya Forestry Development Project (KFDP) and its mandate was the management of indigenous forests, which is why it was interested in the Naimina Enkiyio Forest.[69] It appears that KIFCON approached the Ilkerin Project in 1992, assuming that the project leaders were the representatives of the Loita community, with the idea of developing a forest management and conservation project (Karanja *et al*. 2002: 30). After consulting the leaders of the Ilkerin Project, KIFCON proceeded to send out a letter to the legal trustees, i.e. Narok County Council, requesting an allocation of nearly 400 km$^2$ of forest land for the project. The Ilkerin people later photocopied this letter and circulated it within Loita in the run-up to the 1992 elections, while spreading rumours that the co-opted councillor, who was the elected Loita councillor at the time, had drafted this letter and was 'selling the forest'.[70]

From this long-term perspective, the KIFCON programme, and not the Narok County Council plan, was the first forest intervention to trigger conflict in Loita. The Olorte group claims that Narok County Council only became a player in the fight when their authority over the forest was challenged by the formation of the Trust Company (see also ole Siloma & Zaal 2005: 273; Zaal & ole Siloma 2006: 10). The County Council's

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[68] Interview NB: 17/8/12.

[69] The KFDP started much earlier, in 1987. Apart from ODA/UK, the KFDP was also financed by the World Bank, the Swiss Development Corporation, the Finnish Development Association (Finnida) and the Government of Kenya.

[70] Interview ML: 1/10/01. The KIFCON programme stopped its activities in June 1994. The reason for its early termination was mainly political (Forster *et al*. 1997: 19). One informant of the Olorte group suggested that Ntimama had been behind the termination of KIFCON.

indignation is evident from Minute 52/93 of the September 1993 Narok County Council meeting: 'The Clerk to Council informed the Council that a private company has been formed with intention to take over the responsibility of Management of the above forest from the Narok County Council' (CCD 'Notice of Motion': (1a)), and the motive for requesting the deregistration of the Trust Company during the court case (see *Ibid.*: 1(b)). The County Council's forest gazettement plan was a way of reaffirming their authority over the forest. According to the co-opted councillor, the Trust Company intended 'to give' the job of forest conservation to Richard Leakey, the then director of the Kenya Wildlife Service (KWS).[71] His side of the story emphasizes that it was the KWS (and not the County Council) that wanted to take control of the forest. The KWS, the Trust Company and the Ilkerin people (and not himself, Ntimama and Narok County Council) were the ones planning the disappropriation of the forest.

The Trust Company not only irritated Narok County Council but was also heavily criticized by members of the Olorte group. They questioned the assumption that every Loita was automatically represented in the Trust Company (Karanja *et al.* 2002: 33; ole Siloma & Zaal 2005: 275-276; Ngece *et al.* 2007: 177). But they were particularly unhappy about the 'company' status of the Trust Company, claiming it was a way for a few business-minded Loita individuals to try to own the forest and exclude all others. In this context, interviewees referred to the Kamorora Group Ranch case (see Chapter 5). After having signed a twenty-year lease with Stein in 1986, its legal status was transferred to one of a company called Nguruman Limited Company, with the former group ranch members becoming the company's owners. The land was divided into equal parts that represented shares in the company. Key informants claim that Stein had masterminded this move so that he could gain ownership rights over the land by buying land shares from other members, which he did, and now virtually owns and uses the land as his exclusive property. He is accused of deception and manipulation by former group ranch members. But group ranch members point the finger at each other, and especially at the company's directors, for having conspired with Stein in exchange for money. One of the former group ranch members who sided with the Olorte group was particularly vociferous about the risks involved in the Trust Company, especially because one of the Trust Company directors had also been a director in the former Kamorora Group Ranch. Forest land, he claimed, could be similarly transformed into shares to be bought or sold, and members could become shareholders. In a worst-case scenario, access and control over the forest by Loita, like Kamorora, could be lost:

> We can make a comparison now. Let us compare the history of the Kamorora Group Ranch and the Trust Company. The Kamorora Group Ranch started quite fair, if it had not been formed then the land would not have been owned by the Loita people, although a very few people. Initially, the intention was good. The Trust Company is of limited liability, similarly to the Nguruman Limited Company. As a company, shares can be sold and the Loita community can be manipulated, just as happened with the Nguruman Limited Company. If the intention of the Trust Company was to set aside land and obtain a title deed over that land, then I see a potential danger for the future. (...) If the Trust Company gets hold of the forest, the community could lose the forest because of corruption. (Interview ML: 22/8/01)

During the preparatory phase of the IUCN project, when consensus had been reached between the Ilkerin group and the Olorte group, the issue of the Trust Company was

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[71] Interview DN: 21/5/08.

discussed and resolved. After two lawyers investigated the matter (ole Siloma & Zaal 2005: 276), the Ilkerin group agreed to dissolve the Trust Company.

*Double authorities*

Clan leadership was another platform where the power struggle between the co-opted councillor and the project director was voiced. It happened at a time when the Ilterito age-set was handing over the offices of clan chief to their firestick youngsters, the Iseuri. Both the co-opted councillor and the project director belonged to the Iseuri age-set. They had completed the last ceremony in their age-group ceremonial cycle, i.e. the ceremony of the 'stool' that confirmed their status as full elders and marked their readiness to become the new governing age-group in Loita (see Chapter 7). Being installed as clan chief not only confirms the leadership skills of the person chosen but also ensures his entrance into the ranks of Loita leadership as well as endowing him with control over at least a segment – the clan – of the Loita population. The co-opted councillor and the project director belonged to the Ilmolelian and Iltaarosero clans respectively, and when one became a clan chief, the other had to become one too. The co-opted councillor and the project director were thus both installed as clan chiefs and became double authorities.

Choosing sides in resource conflicts is often done on the basis of a common identity, which is flexible and accommodating but at the same time constrained by social structures, such as ethnic affiliation and clanship (Schlee 2004). In the forest conflicts, there were various lines of identification that played a role (but did not determine) the way people chose sides. There was the sectional Purko-Loita line of identification (see later). But there was also a geographical dimension, which is reflected in the names that I gave to the two conflicting leadership groups: people from Olorte (in the southeastern highlands adjacent to the forest) tended to support the Olorte group, and those in the western lowlands around Ilkerin favoured the Ilkerin group.[72] Given that the intra-Loita conflict was predominantly a male affair within the governing age-group, age-group affiliation and gender do not appear to have influenced how people sided with the two groups of leaders. But the social category of clan (which crosscuts gender and age-group affiliation) did so conspicuously. And the fact that both the co-opted councillor and the project director were clan chiefs played a central role too.

The positions of (co-opted) councillor and project director, which are positions meaningful to outsiders, ensured that they functioned as key articulation points between external individuals and institutions and the wider Loita community, and as such they controlled the flow of information. These men were intermediaries with the outside world and mediate the way people see and experience outside actors, such as the state (Corbridge *et al*. 2005: 29-30). How intermediaries present circumstances influences the way people in Loita understand the situations they are facing. The wider (illiterate) Loita population thus depended on its intermediaries and on Loita's leadership more generally for information on the forest issue, and often followed the advice and deci-

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[72] There were also some indications that people chose sides according to their level of education, with educated people supportive of the idea of outside forest intervention and the 'traditional' people vehemently opposed to it.

sions of their leaders, a point also made by Ngece *et al.* (2007: 173, 178). Of all the Loita intermediaries, the co-opted councillor and the project director were the most important: they were key 'opinion shapers in Loita', as one interviewee put it.[73] In addition to being intermediaries with the outside world, they were also clan chiefs and this augmented their authority in Loita considerably. As clan chiefs, both the co-opted councillor and the project director garnered widespread support from the members of their respective clans. The Loita population fractured around this line of identification. Ties based on clanship were one of the most important ways in which Loita followers linked up with their leaders, and vice versa. In a way, the forest conflicts also became a conflict between clans.

## Electoral politics

In the run-up to Kenya's general elections every five years when a new president, MPs and councillors are elected, Loita's public life is dominated by political rallies.[74] These are mostly held by incumbent and aspirant councillors who visit each trading centre and locality in their ward to convince people to vote for them. But incumbent and aspiring Narok South MPs and sometimes even prominent national party members seeking votes for their presidential candidates also visit Loita. To my knowledge, however, presidential candidates have never gone to Loita themselves in the turbulent times just prior to election day, preferring to visit those areas with higher voter density.

As explained in Chapter 4, councillors are elected to represent wards in local government. The councillors in Narok County together form Narok County Council. National representation of Narok District is vested in the position of the MP that represents the constituency. There are two constituencies in Narok District: Narok North and Narok South. Loita is in Narok South. The position of MP is powerful, not only because MPs have a say at national level but also because they often dominate politics at district level too. A last strategy of opposition by the Ilkerin group against Narok County Council's forest plan was to influence the election of Loita councillor and Narok South MP in the run-up to the December 1997 elections. This would bear fruit and turned out to be decisive in their victory in the forest fight with the County Council.

The 1997 elections resulted in a reorganization of power relations at district level.[75] Although Ntimama was re-elected MP for Narok North, he was not reappointed to the Ministry of Local Government and thus lost his official and powerful link with Narok County Council.[76] Many of his political clients in Narok also lost their political positions, which reduced his hegemony in Narok even further. The incumbent MP for Narok South, an ally of Ntimama and a close friend to the co-opted councillor, lost his seat to a

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[73] Interview NB: 17/8/12.

[74] As I experienced in the months prior to the December 2007 general elections.

[75] See Rutten (2001) for a review of the 1997 elections in Maasailand. In 1992 Kenya held its first multi-party elections since 1966 but the Kenya African National Union (KANU) party, which had ruled during the single-party era, remained the dominant party in Maasailand after both the 1992 and the 1997 elections. Political competition was fiercer within KANU than between parties and it was not the general elections but the KANU primaries that were of political significance.

[76] But he became Minister of Transport and Communications (Steeves 1999: 83). According to Péron (2000: 390), he became Minister of Home Affairs and National Heritage.

rival called ole Ntutu who backed the Ilkerin group in the forest conflicts. Prior to the elections, he received a visit from an Ilkerin group delegation who requested that he join the race to become MP for Narok South because they did not want Ntimama's ally as MP anymore. Ole Ntutu did so and campaigned on the forest issue and as a result, he got the Loita vote (Rutten 2001: 424). Issues of land loss have always been at the centre of Maasai politics (Rutten 2001).

Another setback for Ntimama was that the composition of Narok County Council itself changed. New wards were created in Narok South constituency to total 25, which outnumbered the 17 wards in Narok North where Ntimama sat (Rutten 2001: 438 n. 42). In Loita too, the number of wards increased from one to five. This meant greater Loita representation on Narok County Council. There were now five elected Loita councillors on the 55-member-strong Narok County Council, including nominated and co-opted councillors (Karanja et al. 2002: 16), about 38 of whom were Purko. It seems an insignificant Loita victory but, as it turned out, it would seriously affect Ntimama's influence on the County Council.

The increase from one to five wards was the result of a visit to President Moi by some of the leaders of the Ilkerin group who complained about Loita's marginal position in district politics.[77] The forest issue was a major issue during the campaign in Loita, with some aspirant councillors allied with the Olorte group and others with the Ilkerin group. The Ilkerin Project appears to have supported the campaigns of the pro-Ilkerin group councillors with resources, such as transport (Zaal & Adano 2012: 204). They all won the 1997 elections (Zaal & ole Siloma 2006: 11). One of the new councillors was a young man who had obtained his Masters in the UK and who was the coordinator of the Trust Company as well as a former Ilkerin Project employee. As a great-grandson of the famous chief laibon Senteu, he decided to enter politics because he wanted to fight for the forest.[78] This new councillor became the chairman of Narok County Council, which is the most powerful position in a county council. He defeated a Purko contender, an ally of Ntimama, with the support of councillors representing other minority groups in Narok, such as the Keekonyokie Maasai, Damat Maasai and the Kipsigis. It was the first time ever that a Loita Maasai – or any non-Purko for that matter – had been chairman of Narok County Council. He had entered the previously exclusive Purko ranks of political power in Narok or, it was claimed more popularly, he had entered the 'Purko manyata'.[79] This political victory 'was the beginning of the end for the [conflict with] the County Council'.[80] In his time as chairman and by making clever use of his new powers, the County Council officially rescinded its earlier decision to gazette the forest, opted for an out-of-court settlement with the Trust Company and supported the newly evolving forest management project under IUCN (Karanja et al. 2002: 26; ole Siloma & Zaal 2005: 277; Zaal & ole Siloma 2006: 11). This brought closure in the fight with the County Council. The changed political constellation in Narok District after the 1997 elections and especially the infiltration of Loita politicians onto

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[77] This visit also resulted in the administrative upgrade of Loita Location into Loita Division and the creation of five locations. Instead of one PA chief, Loita now had five PA chiefs.

[78] Interview MK: 18/7/01.

[79] Interview ML: 16/4/09.

[80] Interview NB: 17/8/12.

the Purko-dominated County Council worked to the advantage of the Ilkerin group and determined the outcome of the Narok County Council conflict.

The 2002 out-of-court settlement between the Trust Company and Narok County Council happened at a time when opposition to IUCN was starting to grow in Loita. The previously successful collaboration between IUCN and the Ilkerin group began to show its first cracks and there were a series of disagreements. One seems to have been about how the EU funds for the second phase of the IUCN project should be spent, which delayed its implementation.[81] In 2001, during my Masters fieldwork, people in Loita were wondering why IUCN was taking so long to return as they had been expecting them for a while (Kronenburg García 2003: 96, 98). At that time, there were no signs of widespread opposition to IUCN. Speculation as to what was happening eventually changed the tide of opinion in Loita as regards IUCN but also regarding the Ilkerin group, which most people in Loita had supported earlier during the Narok County Council conflict. When news of IUCN's role in the Ngorongoro Conservation Area in Tanzania started to circulate in Loita and people considered the implications for their access to the forest from the studies commissioned by IUCN, doubts about IUCN's real intentions grew and support for its project quickly waned.[82] Fears that it was going to displace the Loita from the forest started to spread.[83] Since IUCN had come in through the Ilkerin group, suspicion extended to it as well, especially when it became known how much money was involved in the forest project (US$ 2.56 m).[84] The fact that members of the Ilkerin group were already positioning themselves for the jobs that would be opened up by the IUCN project was met with suspicion and jealousy. The popularity of the Ilkerin Project declined after the charismatic and popular project director died in 1999 and when accusations of corruption and personal enrichment thanks to international funds intended for Loita's development were increasingly voiced.[85] Putting all these things together, people soon started to accuse the Ilkerin group of being involved in 'selling' the forest to IUCN and receiving millions of dollars for it.[86]

Although the project director had passed away, the antagonism between the group that he had led and the group around the co-opted councillor persisted.[87] Whether the Olorte group had an active role to play in the dramatic change in public opinion or were

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[81] See also 'Maasai reject IUCN': www.ogiek.org/indepth/break-one-killed.htm accessed 24/2/14.

[82] See also 'Maasai reject IUCN': www.ogiek.org/indepth/break-one-killed.htm accessed 24/2/14.

[83] See 'Loita and Purko Maasai resist IUCN plans for the Naimina Enkiyio forest': www.culturalsurvival.org/news/michael-ole-tiampati/loita-and-purko-maasai-resist-iucn-plans-naimina-enkiyio-forest accessed 24/2/14; 'Kenya: the Maasai stand up': www.ogiek.org/indepth/break-one-killed.htm accessed 24/2/14.

[84] 'Maasai reject IUCN' www.ogiek.org/indepth/break-one-killed.htm accessed 24/2/14.

[85] The project leader deputy, a Maasai but not of Loita origin, became the next project director.

[86] See 'Letter to the editor': https://www.culturalsurvival.org/news/letter-editor-iucn-loitapurko-naimina-enkiyio-forest accessed 25/2/14) for a response from IUCN to these allegations: 'IUCN does not buy or own, nor does it intend to own, land or ecosystems of any nature, including that of the Loita/Purko Naimina Enkiyio forest'.

[87] It is said that, at the height of the Narok County Council conflict in 1994, the elders in Loita attempted to mend the rivalry between the project director and the co-opted councillor at a peace-making ceremony. At the heart of this ceremony was an oath between the two men referred to as *olmumai* (pl. *ilmuma*) to put their antagonism to rest, which was sealed with the exchange of heifers. But their rivalry continued and the untimely death of the project director as well as the loss of power of the co-opted councillor are both said to have been a result of the power of the oath that was broken.

merely exploiting the situation opportunistically, they started campaigning vigorously against the IUCN project in a manner reminiscent of the way the Ilkerin group had behaved towards them during the County Council conflict. The implications of the proposed forest management plan for Loita's access in connection with IUCN's history in the Ngorongoro project were widely divulged in press interviews, public meetings and demonstrations by this group, and were subsequently taken up by the media.[88] The Olorte group believed that, even if IUCN left after the three-year project, Loita control of the forest would be lost forever, with the state possibly taking over the management functions.

The final demise of the IUCN project happened, however, when 'politics came in' again, as one interviewee phrased it (Ngece *et al.* 2007: 185) and it became mixed up in the long-running territorial struggle between the Loita and the Purko.[89]

## Rekindling Loita-Purko territorial animosities

Purko's encroachment onto Loita territory continued at a steady pace after the Maasai Moves in the colonial period (see Chapter 3). This has been attributed to the difference in size between the two groups; the strong political representation of the Purko at district and national level, and the fact that boundaries have never been formalized. But the Loita also blame themselves.

> The thing is that Loita don't like to be near foreigners. So whenever a Purko family settles near to a Loita family, the Loitans will move further away. There is a saying used by Purko: 'The Loita don't like donkeys'. When a Maasai homestead decides to move, they will move their belongings, old people and very small kids on donkeys. Donkeys are the main means of transportation. Thus, whenever a Purko homestead settles next to a Loita family, they arrive with donkeys. So, now, the Purko have encroached onto Loitaland, from Narok up to Ilkerin and Morijo. Now Loita land is very small.[90]

Even though the Loita and the Purko have been neighbours for many decades now, they live in separate homesteads and rarely mix. During my stay in Loita, the tense relationship between the Purko and the Loita was evident from the numerous reports by both sides of livestock thefts in the boundary areas, incidental clashes between Purko and Loita warriors over pastoral resources (sometimes with casualties) and recurring disagreements between Loita and Purko leaders over the boundary between their territories. This Purko-Loita hostility became entangled with the political struggles surrounding the forest conflicts.

The resurgence of the struggle between the Olorte group and the Ilkerin group fed into district politics again. The former alliance between the co-opted councillor and Ntimama was reinvigorated, and Ntimama joined the opposition against the IUCN project. Ntimama's antagonism towards IUCN seems to have been revenge for the political consequences that he and his allies suffered after the 1997 elections, which was partly attributed to the forest conflict. The defeat of his Narok South MP ally was particularly

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[88] See also 'Maasai reject IUCN' and 'The Maasai stand up': www.ogiek.org/indepth/break-one-killed.htm accessed 24/2/14; 'Loita and Purko Maasai resist IUCN': www.culturalsurvival.org/news/michael-ole-tiampati/loita-and-purko-maasai-resist-iucn-plans-naimina-enkiyio-forest accessed 24/2/14.

[89] Interview ML: 8/11/07.

[90] Interview ML: 1/10/01.

sour. The conflict started to get out of hand when Ntimama, the co-opted councillor and their entourage were systematically sidelined in favour of other Loita and Purko politicians in the consultation run-up to Phase 2 of the IUCN project.[91] In Loita, the Olorte group felt that they were being left out of the proposed management body in favour of people who were pro-Ilkerin (Ngece *et al.* 2007: 180).[92] The Olorte group then joined hands with the group of Purko who were also being excluded.

One of the terms of the out-of-court settlement between the County Council and the Trust Company was that the IUCN project would incorporate and acknowledge the stake of the Purko families living in a place called Kirtilikini on the edge of the forest in the north of Loita Division in Morijo Loita Location (Zaal & ole Siloma 2006: 11).[93] Kirtilikini used to be Loita territory but had been settled by Purko families who came from the Loita Plains via the steep Narosura Escarpment as part of a territorially expanding Purko front. The Narosura Escarpment had been the natural boundary between the Loita in the Loita Hills and the Purko on the Loita Plains when the administrative Loita Location (later Loita Division) was demarcated (see Chapter 4). So although they officially lived in Loita Division, their arrival and settlement pushed the territorial boundary between the Loita and the Purko sections further south. As the Purko settled adjacent to Naimina Enkiyio Forest, they also claimed its northern tip, especially as they were increasingly being approached by tourists who were off the beaten track and who were in search of guides to hike with them in the forest. Living along one of the two roads leading into Loita, they were the first people that visitors met in the Loita Hills after ascending the Narosura Escarpment. Loita tourist guides resented this because the Purko guides would enter deep into the forest with tourists into forest land claimed by the Loita. Having become acquainted with tourism and realizing its potential, 22 Purko from Kirtilikini Locality successfully applied to Narok County Council to be allocated 22 ha of forest land for a campsite in 1984 (ole Siloma & Zaal 2005: 272; CCD 'Statement': 6 (n)). This was one of the two campsites referred to earlier. Later, they entered into a lucrative agreement with a tour company that leased the campsite and from which they earned US$ 8100 a year (Karanja *et al.* 2002: 12; ole Siloma & Zaal 2005: 272; Shelley & Lempaka 1999: 24). Constituting only 1% of the population in Loita Division, the Purko from Kirtilikini benefited from 60% of the area's total tourist revenues (Shelley & Lempaka 1999: 8; Karanja *et al.* 2002: 12, 17). This inequitable distribution of benefits has been a source of contention between the Purko and Loita (*Ibid.*: 17). According to the Ilkerin group, they only learned about this allocation in 1992 and this was one of the reasons for setting up the Trust Company (CCD 'Statement': 6 (n)).

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[91] See also 'Loita and Purko Maasai resist': www.culturalsurvival.org/news/michael-ole-tiampati/loita-and-purko-maasai-resist-iucn-plans-naimina-enkiyio-forest accessed 24/2/14; 'Kenya: the Maasai stand up': www.ogiek.org/indepth/break-one-killed.htm accessed 24/2/14.

[92] 'Kenya: the Maasai stand up': www.ogiek.org/indepth/break-one-killed.htm accessed 24/2/14.

[93] This is evident in the way IUCN staff and consultants started to write about the forest and the project. While before the forest was referred to as the 'Loita Forest' (for example Shelley & Lempaka 1999), it was now consistently being referred to with the more impartial 'Loita/Purko Naimina Enkiyio Forest' (see for example Karanja *et al.* 2002). The name of the project was also adapted and became the 'Loita/Purko Naimina Enkiyio Forest Integrated Conservation and Development Project' (L/PNEFICDP undated). See 'Letter to the editor': www.culturalsurvival.org/news/dr-eldad-tukahirwa/letter-editor-iucn-loitapurko-naimina-enkiyio-forest accessed 25/2/14.

During the Narok County Council conflict, the Purko from Kirtilikini had been on the side of the Olorte group. They had been wary of the Trust Company and its definition of membership (ole Siloma & Zaal 2005: 276) because 'bona fide residents' carried the connotation of 'real' or 'genuine' and the general sentiment in Loita was that the Kirtilikini Purko were not 'real' and 'genuine' residents but encroachers, and were therefore not entitled to a stake in the forest. But in response to the out-of-court settlement between Narok County Council and the Trust Company, they were now being invited by the Ilkerin group to IUCN meetings (Karanja *et al*. 2002: 14). The Kirtilikini Purko switched sides from the Olorte group to the Ilkerin group.[94]

Meetings against the IUCN project were held in Loita by the Olorte group. There were also joint Loita-Purko demonstrations in Narok town, with one even attracting 1000 demonstrators.[95] More aggressive rallies were held in Purko centres neighbouring Loita, and Ntimama denounced the partial inclusion of the Purko in the IUCN project, branding it a deliberate Loita strategy to divide the Purko. He thus ignited long-standing Loita-Purko feelings of animosity. After a meeting between IUCN opponents, IUCN staff and Provincial Administration officials to solve the issue was aborted in June 2004,[96] an angry mostly Purko but also Loita Maasai crowd headed to the Ilkerin Project where the IUCN headquarters were housed. Eyewitnesses claimed that the anti-IUCN group had been armed with bows and poisoned arrows and carried petrol cans to set the buildings on fire. It is also said that project staff, in anticipation of clashes, had called the police and were carrying firearms to defend themselves. These preparations on both sides clearly ignited the threat of physical violence. Interviewees said that as the crowd stormed the project, policemen fired, killing one person and injuring another (Zaal & ole Siloma 2006: 11).[97] A major clash was prevented but the damage had been done. The violence that broke out was what Peluso & Watts (2001) called 'environmental violence' because it was a politicized struggle over an environmental resource.

Calls for the state to step in were successful and the project was halted on security grounds after the incident.[98] This was the beginning of the end for the IUCN project,

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[94] The invitation of these particular Purko families was done under the patronage of the new Narok South MP, the one who had defeated Ntimama's ally in the 1997 elections. For Ntimama, this implied that he was being cut out of any involvement with the forest. With all his links to Loita cut (the co-opted councillor retired from council politics, the Narok South MP ally defeated and the Purko living in Loita Division siding with the Ilkerin group), Ntimama lost all his political footholds in Loita, which deprived him of any future benefits that might flow from the forest. This issue translated into a fierce fight for political power between Ntimama and the new Narok South MP: 'the two had vowed to oppose each other's agenda, whether positive or negative for the community, each group trying to show the other that they were stronger' (Ngece *et al*. 2007: 179; see also Matter 2010b: 241).

[95] 'Kenya: the Maasai stand up': www.ogiek.org/indepth/break-one-killed.htm accessed 24/2/14; 'Loita and Purko Maasai resist': www.culturalsurvival.org/news/michael-ole-tiampati/loita-and-purko-maasai-resist-iucn-plans-naimina-enkiyio-forest accessed 24/2/14.

[96] 'One killed in fight': www.ogiek.org/indepth/break-one-killed.htm accessed 24/2/14.

[97] See also 'One killed in fight' and 'Kenya: the Maasai stand up' www.ogiek.org/indepth/break-one-killed.htm accessed 24/2/14; 'Loita and Purko Maasai resist': www.culturalsurvival.org/news/michael-ole-tiampati/loita-and-purko-maasai-resist-iucn-plans-naimina-enkiyio-forest accessed 24/2/14; www.geographicalexpeditions.com/honey/25-6-2004%20--%20KENYA%20Contentious%20Forest%20Plan%20Halted accessed 27/2/10.

[98] 'One killed in fight' and ' Kenya: the Maasai stand up': www.ogiek.org/indepth/break-one-killed.htm accessed 24/2/14.

which eventually pulled out because of the recurring conflicts. The final attempts to solve the issue culminated in a consensus-building gathering in Naivasha (Ngece *et al*. 2007: 180) that, at first sight, appeared successful.[99] However, when conflicts broke out again in 2005 when IUCN wanted to resume the project, IUCN pulled out permanently and, as an interviewee lamented, took with them the US$ 2.56 m earmarked for the project.

The violence that erupted towards the end of the forest conflicts between a Purko-dominated group and a Loita-based institution is expressive of the century-old struggle between the Loita and the Purko Maasai over land and territory (see Chapter 3). The forest conflicts have been interpreted by many as yet another attempt by the Purko to displace them from their land and acquire the forest that is so dear to them. One Loita interviewee was openly told by a Purko politician: 'We have pushed you from the Ewaso Ngiro River to Narosura, and then we pushed you over the escarpment, and now we are still pushing you [all the way to Tanzania]'.[100]

## Conclusion: a new understanding
## of the Naimina Enkiyio Forest conflicts

The conflict with Narok County Council has been well documented (Péron 2000; Kronenburg García 2003; ole Siloma & Zaal 2005; Zaal & ole Siloma 2006; Adano *et al*. 2012; Zaal & Adano 2012; LNECTC 1994; Kantai 2001; Karanja *et al*. 2002; Ngece *et al*. 2007; Voshaar 1998: 113-114).[101] The IUCN conflict, on the other hand, though much more explosive, has not received the same amount of attention. It is only briefly mentioned by ole Siloma & Zaal (2006: 11) and Ngece *et al*. (2007: 179).[102] What is new in the analysis presented in this thesis is that the two conflicts have been investigated in relation to each other. By doing so, I have cast new light on the Narok County Council conflict and will explain here why the IUCN conflict seems to have been disregarded by those writing about the first conflict.

One of the major insights from researching the two conflicts in relation to one another is that they cannot be understood without taking into account the internal divisions in Loita, and particularly those within Loita's leadership. This chapter has shown how the various struggles at play during the Naimina Enkiyio Forest conflicts crystallized along a cleavage in the Loita leadership organized around the Ilkerin group and the Olorte group.

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[99] 'Letter to the editor': https://www.culturalsurvival.org/news/letter-editor-iucn-loitapurko-naimina-enkiyio-forest accessed 25/2/14.

[100] Interview ML: 16/4/09.

[101] It is also mentioned briefly in Shelley & Lempaka (1999: 14, 15) and Maundu *et al*. (2001: 25-26).

[102] The IUCN conflict did receive ample Internet and media attention. See 'One killed in fight', 'Maasai reject IUCN', 'The Maasai stand up': www.ogiek.org/indepth/break-one-killed.htm accessed 24/2/14; 'Kenya: contentious forest plan halted': www.geographicalexpeditions.com/honey/25-6-2004%20--%20KENYA%20Contentious%20Forest%20Plan%20Halted accessed 27/2/10; 'Loita and Purko Maasai resist':
www.culturalsurvival.org/news/michael-ole-tiampati/loita-and-purko-maasai-resist-iucn-plans-naimina-enkiyio-forest accessed 24/2/14; 'Letter to the editor':
www.culturalsurvival.org/news/dr-eldad-tukahirwa/letter-editor-iucn-loitapurko-naimina-enkiyio-forest accessed 25/2/14.

During the Narok County Council conflict, the Ilkerin group, which was the group at the forefront of the fight against the County Council, had by far the larger Loita following. The Olorte group and their followers comprised a very small part of the Loita population, according to Voshaar (1998: 114) as 'only six persons and their families' were proponents of the County Council's forest plans. Due to this unbalanced division, in the sense that it divided the Loita into a very large group and a very small group, researchers on the Narok County Council conflict have tended to dismiss the Olorte group's alignment with the County Council as the bizarre activities of a recalcitrant few. As a result, the intra-Loita conflicts have not received much attention. Instead, the focus has been on the claims and actions of the Loita majority, taking them as being representative of all the Loita Maasai. Only Zaal & ole Siloma (2006) have taken the internal leadership conflicts seriously and this stands in stark contrast to one of their earlier publications (ole Siloma & Zaal 2005). The latter, i.e. ole Siloma & Zaal (2005), focuses on the role played by the Loita Council of Elders, the umbrella institutional set-up that was intended to bring all Loita leaders together. Although ole Siloma & Zaal do mention conflicts 'within the community itself' (*Ibid*.: 275-276),[103] the general tenor of their account portrays a united and effective Loita Council of Elders, suggesting a harmonious Loita leadership. Thus, in their view, the conflicts 'within' do not refer to conflicts within the Loita leadership but to conflicts within the ordinary Loita population, i.e. among the followers. And no mention is made of the co-opted councillor. Yet, as both a (co-opted) councillor and a clan chief, he was certainly a Loita leader and, as such, should have been seen as belonging to the Loita Council of Elders, according to this institution's own principles. As a result, ole Siloma & Zaal's analysis overlooks the important links between leaders and followers, and fails to note that the rifts among the Loita emanated from tensions in the Loita leadership.

One of the points made in this chapter is that the Loita Council of Elders was actually created and used by the Ilkerin Project as part of a wider plan of action against Narok County Council. It was one of their many opposition strategies as one of the purposes of creating the Loita Council of Elders was to present Loita leadership to the outside world as a representative Loita body and a united block against Narok County Council. Ole Siloma & Zaal's depiction of an undivided Loita Council of Elders that should be credited for 'prevent[ing] the forest from being taken away from the Loita community' (*Ibid*.: 281) seems to indicate that the analysis in this publication (but apparently not in their second paper, see below) was based on information obtained only from members of the Ilkerin group. This is in a way understandable in the sense that this group represented the Loita majority but, by so doing, they provide only one side of the story. The problem with this is that alternative versions of the conflict, even if from a tiny minority, are silenced and marginalized.

The second publication by Zaal & ole Siloma (2006) after they revisited the field is revealing.[104] It acknowledges the internal divisions in Loita's leadership and discusses the role played by the Olorte group, which they call the 'NCC camp', with 'NCC'

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[103] By referring to the Concerned Citizens of Loita as siding with Narok County Council.
[104] Technically speaking, ole Siloma, himself a Loita Maasai, did not *revisit* the field as 'the field' was his home area.

standing for 'Narok County Council'.[105] They are careful to stress that they conducted interviews in both camps (*Ibid*.: 18 n. i). Their description of the Narok County Council conflict is much more nuanced and balanced, and generally in accordance with my own findings. Yet, in two later publications by one of the two authors in collaboration with other scholars (Adano, Dietz, Witsenburg & Zaal 2012; Zaal & Adano 2012), analysis of the Narok County Council conflict goes back to Zaal's first publication with ole Siloma (i.e. ole Siloma & Zaal 2005) rather than working out his second piece with ole Siloma in more depth (Zaal & ole Siloma 2006), which provided a much more complex yet empirically grounded description of the forest conflict that recognized Loita's internal leadership divisions. In Adano *et al*. (2012) and Zaal & Adano (2012), the internal Loita conflicts are downplayed again and the role of the Olorte group is presented as a one-man act of dissidence.

If Loita's internal differences are ignored, minimized or disregarded as the work of a single individual, the Narok County Council conflict is prone to being presented as a conflict between a local community on the one hand and greedy outsiders wanting to appropriate their forest on the other. For Péron (2000), the greedy outsider is the powerful and corrupt Purko Minister Ntimama who wanted to benefit from the forest's tourist potential and used Narok County Council as a means of achieving this. He depicts the Loita as a traditional community with strong internal cohesion that was struggling to protect its sacred forest. Péron recognizes the Olorte group but dismisses them as a group of about ten individuals who were 'bribed' by the powerful Purko minister.[106] His argumentation clearly mirrors the way the Ilkerin group understood the conflict and, I believe, wanted the conflict to be understood. Péron also argues that the harmony of Loita's social organization and their spiritual bond with their sacred forest ensured the sustainable and collective use of the forest, and hence its conservation. He points to the risks of ecological and social destruction had the forest fallen under the management of Narok County Council. This argument resonates with that of many community-based management advocates who criticize state-centred conservation policies that exclude local people by pursuing the creation of nature reserves. Such ideas are 'attractive' (Agrawal & Gibson 1999: 633), 'powerful' (*Ibid*.: 633) and 'charismatic' (Tsing 2005: 265) but, as Agrawal & Gibson (1999) have shown, those who champion the role of communities in resource management hold an uncritical and problematic conception of 'community', one that sees communities as small-scale and homogeneous and having common interests.

Péron's version is very much in line with the claims and assertions made by the Ilkerin group that were part of their strategy of opposition. Of all the academic publications, Péron's book chapter perhaps went furthest in reflecting an Ilkerin group version of the forest conflict. The path followed by Péron is, admittedly, tempting and one that I myself was drawn to initially. I first learned about the forest conflicts during a family

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[105] They refer to the Ilkerin group as the 'ILIDP camp'; ILIDP is the acronym for Ilkerin Loita Integral Development Project.
[106] 'Pour lui donner plus de poids, il a "acheté" une dizaine d'individus parmi les Loïta, tout acquis à la spoliation de la forêt par le gouvernement local, et qui servent de relais actif auprès des médias de telle sorte que l'opinion publique puisse croire que les Loïta, ou du moins une partie d'entre eux, ont donné leur accord à une telle solution' (Péron 2000 : 391).

visit to Loita in 1998. At the Ilkerin Project, we were received by some of my father's old colleagues and they soon started catching up on old times. The conversation turned to the Narok County Council conflict. As an anthropology student with an activist streak, the topic caught my attention and I was given the Trust Company's booklet. I was captivated by the story that, I realize now, was actually the Ilkerin group's version of the Narok County Council conflict. Three years later, in 2001, I went back to Loita to conduct research on the cultural meaning and value of the Naimina Enkiyio Forest for my Masters. I stayed in Entasekera and got in touch with members of the Olorte group. Gradually, I learned that the Narok County Council conflict was more complicated and layered than I had initially assumed.

The article by Adano *et al.* (2012) is another example of an analysis that looks at the Narok County Council conflict in terms of a local community fighting powerful outsiders.[107] The outcome of the conflict is presented as a success story of local Loita institutions prevailing over 'a few rent-seekers' (*Ibid.*: 77), notably Ntimama. They also refer to the gradual encroachment of the Purko on Loita territory towards the Naimina Enkiyio Forest. The article debates climate change, violent conflict and common-pool resource institutions. For them, the age-group system and laibonism as 'traditional' institutions, and the Ilkerin Project, the Loita Council of Elders and the Trust Company as 'modern' institutions constitute the common-pool resource institutions that manage and govern the Naimina Enkiyio Forest. The authors then advance the Loita case as a successful example of how local institutions prevent violent conflict over natural resources in the context of increasing pressure on resources due to climate change. More precisely, they point to the ingenious way the Loita Maasai used their local institutions of resource management to settle the conflict non-violently through a legal battle in court. The problem with this interpretation is that it does not hold when one considers the next round in the forest conflicts, the IUCN conflict. IUCN became involved in Loita at the invitation of the same local institutions that Adano *et al.* examined, more specifically the Trust Company, the Loita Council of Elders and the Ilkerin Project. IUCN was brought in for its technical expertise on conservation to take the lead in developing a forest-management plan. This raises questions about the management and conservation functions that Adano *et al.* (2012) attribute to the local Loita institutions. Why would Loita bring in an environmental organization if they already had their own institutions to take care of the forest? But the most important critique relates to the fact that the IUCN project reactivated the forest conflict that, though short-lived, this time ended in deadly violence. The local institutions that had been praised for the non-violent outcome of the Narok County Council conflict were, this time around, co-responsible for the violence in the IUCN case: not by perpetrating it but by facilitating it and excluding the Olorte group and their outside allies from participation in the IUCN project. The argument in their article, i.e. that institutional arrangements prevent violent resource conflict, lacks strength in light of the IUCN conflict. If Adano *et al.* had considered the IUCN conflict, which came to a close seven years before the publication of their article,

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[107] But also in Zaal & Adano (2012), which is based on Adano *et al.* (2012), and therefore makes the same argument.

they would have probably noticed this paradoxical inversion of roles and reconsidered their analysis regarding this particular case.

This discussion on the article by Adano *et al*. (2012) points to the importance of studying resource conflicts from a historical perspective, especially if conflicts over the same resource have occurred before. Studying various conflicts over the same resource compels the researcher to find an interpretation that is valid for all conflicts and thus leads to greater accuracy. Fortmann's (1990) publication about three successive conflicts in a national forest in Adamsville, US (see above) proves this point. Like the paradox referred to above, Fortmann (1990: 195) too was confronted by a seeming inconsistency:

> [P]articipation by most of the town in both the Megavoltz fight and the Great Commute poses an apparent paradox. At first the Megavoltz fight appears to be a classic example of environmentalist, anti-growth protest. The Great Commute, in contrast, seems to constitute an ideological flipflop, i.e. an anti-environmentalist, pro-growth protest.

Fortmann convincingly resolves this paradox and shows that 'Adamsville residents were completely consistent in their actions' (*Ibid*.: 195), explaining that: '[t]aken separately, each of the protests could be explained in different ways. Taken together, it is clear that they are defences of local claims to customary usufructuary rights' (*Ibid*.: 206). The value of Fortmann's article is that it provides an explanation that holds for all three protests.[108] Like Fortmann, I have provided a valid explanation for the two Naimina Enkiyio Forest conflicts that shows that the actions of the Loita people were not irrational but completely consistent. In both cases, the common people supported protest because they believed their access to a key source for their livelihood and cultural life was in danger. Without taking the internal Loita conflicts seriously, I would not have reached this conclusion. I have shown that the apparent paradoxical behaviour and inversion of roles that came to light in the discussion in Adano *et al*. (2012) can be resolved if the two conflicts are understood as different crystallizations along a long-running cleavage in Loita's leadership.

To close this consideration of the literature on the Naimina Enkiyio Forest conflicts, I return to the question raised at the beginning of this conclusion, namely, why the IUCN conflict has not received the same amount of scholarly attention as the Narok County Council one. Given the above discussion, I believe that the answer lies in the fact that such an undertaking would have unsettled a well-known success story that has captured the imagination of so many people (including myself at first too) and one that the Loita themselves like to tell. This is the story of a cohesive community with a united leadership that triumphed non-violently over state actors attempting to dispossess them of their sacred forest. I hope to have shown in this chapter that the story is much more complex and nuanced than this.

## Epilogue: ramifications

My two main fieldwork periods in Loita – in 2001 and 2007-2008 – fell outside the most turbulent periods in the forest conflicts. In 2001, the Narok County Council con-

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[108] Fortmann (1990: 195) argues that the three protests should be seen 'as the assertion of local claims to non-aboriginal customary usufructuary rights'.

flict was coming to an end and the IUCN conflict was yet to start. And the IUCN conflict had already elapsed by the time I returned to the area in 2007-2008. However, although no longer dominating the public sphere, the effects of the forest conflicts on Loita society during both fieldwork periods were still evident. Here, I briefly discuss one way in which the forest conflicts were still latently present in Loita during my two stays in the field.

For this, I would like to pick up on the personal struggle between the project director and the co-opted councillor. It came to expression in full force during the forest conflicts but had actually started long before then, and was translated into Loita's age-group ceremonial life in 2001 with its ripple effects still being felt during the preparatory phase of the 2010 'stool' ceremony that would unite the Ilkishili and Ilbuluka circumcision-groups into a single age-set (see Chapters 1 & 7). As we saw, even after the project director passed away, opposition between the leadership groups that the two men had led – the Ilkerin group and the Olorte group – persisted. This division had a major impact on the cohesion of a younger age-group, namely the left-hand Ilbuluka circumcision-group. What is of importance is that the Ilbuluka were related to the Iseuri (the age-set to which the project leader and the co-opted councillor belonged) in a firestick relationship (see Chapter 7). The Ilbuluka were the firestick youngsters of the Iseuri and so the Iseuri had considerable authority over their age-group affairs, particularly their ceremonies but also as regards the position of age-group chief.

In 2001, when the Ilbuluka were in their twenties and preparing for their next collective age-group ceremony for which a manyata needed to be constructed (the *emanyata e nkeene*, the 'manyata of the strap'), a group of them wanted to remove their age-group chief (Kronenburg García 2003: 110-115). The reason given was that he lacked the leadership skills required. But for most people in Loita, the issue was understood differently: the authority of the age-group chief, who was associated with the Ilkerin group, was being challenged by a group of age-mates who were closely linked to the Olorte group. This dynamic was confirmed when the latter, seeing their case for a new age-group chief was not being well-received, proclaimed someone else as the new age-group chief. This man was considered to be on the Olorte side because he belonged to the co-opted councillor's clan (Ilmolelian). I discussed this case in my MA thesis: 'It was considered a scandal that one age-group simultaneously had two age-group chiefs. Especially this last point was strongly disapproved by the people' (*Ibid*.: 110). The gravity of the case became clear when the chief laibon intervened and refused to recognize the new age-group chief. Nevertheless, and to the consternation of many, the Olorte group ignored the chief laibon's verdict and pushed on with their case. They started building their own manyata in preparation for the coming ceremony under the leadership of their new age-group chief separately from the official Ilbuluka manyata that was being constructed at another location. 'The fact that two *imanyat*, instead of one, were being built for the same age-group in preparation of the ceremony was seen as a very grave case' (*Ibid*.: 111). The two Ilbuluka groups stubbornly went ahead and celebrated their age-group ceremony at two different manyatas.

The issue of two age-group chiefs and two manyatas resulted in a deep rift among the Ilbuluka circumcision-group that mirrored the rift among their firestick elders (the

Iseuri). In fact, it was largely believed that the co-opted councillor had used his authority as firestick elder and clan chief to influence the dissenting group of youngsters to install their own age-group chief. So it appears that the Ilbuluka circumcision-group 'inherited' the political division in the Iseuri age-set that, in turn, stemmed from the personal rivalry between the project leader and the co-opted councillor. This inheritance had travelled along two important social lines of identification, namely that of the firestick relationship and that based on clan affiliation. As was seen in Chapter 6, the age-group system and the clan system are two social frameworks that significantly shape Loita (Maasai) social life, so the issue thus also touched the wider Loita community. For example, the Iromboi circumcision-group, not wanting to choose sides, refused to visit either of the two manyatas as protocol dictated, upsetting the relationship between them and the Ilbuluka as well. New marriages too are said to have been affected, with few Ilbuluka marrying women from families on the opposite side of the divide. The intra-Loita leadership division among the Iseuri, that was inherited by the Ilbuluka, ran deep in Loita society and affected long-held customs, age-group relationships and gender relations.

The matter surfaced again during the preparatory phase of the next ceremony: the ceremony of the 'stool'. This ceremony's set-up already called for the construction of two manyatas, one for the left-hand-side and one for the right-hand-side circumcision-group, constructed adjacent to each other to symbolize their future unity. Three manyatas, i.e. two for the divided (left-hand) Ilbuluka and one for the (right-hand) Ilkishili, were out of the question and a series of meetings, starting in 2008 among the Ilbuluka to solve the cleavage and unite their age-group, failed. A delegation even visited neighbouring Maasai sections, including the Purko, for advice on the matter because no precedent existed. Eventually, a joint Ilbuluka/Ilkishili meeting was held at which (a group of) Ilbuluka requested the age-group chief of the Ilkishili (ole Maine: see Chapters 1 & 11) to mediate at a dispute meeting and bring peace to their age-group.[109] At this long meeting, the possibility was raised of ole Maine taking over the leadership of the Ilbuluka to avoid the sticky matter of settling on one of the two age-group chiefs or, alternatively, of even appointing a third person to the position. And this is what appears to have eventually happened. Two manyatas were built, one for the Ilbuluka and one for the Ilkishili as was required, and proceedings continued relatively smoothly. One of the Ilbuluka age-group chiefs declined to attend and join the manyata, while the other one did but his participation and leadership were nominal. It was clear at the celebrations that ole Maine pulled the strings – and no one seemed to object. The ceremony of the 'stool' was a success and, with the creation of the Ilkisaroni age-set (uniting the Ilbuluka and the Ilkishili circumcision-groups) and the end of the age-group ceremonial cycle for its members, the cleavages within the Ilbuluka lost their relevance. Finally, after decades of tension within Loita's leadership, matters seem to have settled to a certain degree. The Iseuri, as the governing age-group in the 1980s and 1990s and having final-

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[109] I attended and recorded this meeting that was held at ole Maine's homestead at Ndoinyo on 15 June 2008. I also attended and recorded an Ilbuluka meeting at Naibala on 1 July 2008 and a meeting between the Ilkishili and the Iseuri (the firestick elders) at Emorogi on 12 July 2008. A fourth meeting, which I did not attend but was recorded for me, took place at Oldoinyo on 31 May 2008 and was between the Ilbuluka and Ilkishili.

ized their job as firestick elders guiding and leading their youngsters through the ceremonial age-group cycle in 2010, moved out of the political spotlight. Handing over the position of clan chief to a younger generation in 2012 marked this transition (see Chapter 7). The Ilkisaroni age-set, with a strong age-group chief at its head, became the new governing age-set of Loita. The intra-Loita leadership division that found its origins in the personal rivalry between two of its strongest leaders appears to have ended now with the political shifts that come with the age-group system. Yet new challenges are rearing up, not within Loita leadership as such but between leaders and the people they are supposed to lead. And the Kenyan state is playing a role in this too. This dynamic is the main topic that will be dealt with in Chapter 11.

# Booking and grabbing land: Grounding claims in the process of appropriation

> True, the dilapidated object in the picture does not look like much of a
> fence, but it certainly does assert something about property.
> It says pretty clearly, "This is *mine*."
> (Rose 1994: 1)

In September 2008, I visited a place where one of the families that I was following for the longitudinal study had started constructing a new homestead.[1] As we walked from their current homestead towards the site in the bush on the other side of some hills, I noticed cut branches lying in straight lines that had not been there two weeks before on an earlier visit. The branches had been placed by neighbours who were demarcating or 'booking' a piece of land for a future homestead and they functioned as the boundaries of the patch they had claimed for the purpose. What was going on? It had all started a week before when two men from the locality, including the head of the family that I was visiting, each started booking a tract of land for a new homestead. These two men and their families had been sharing homesteads with other families but now intended to separate and build their own individual homesteads at some distance from the cluster of homesteads in the middle of the locality. Others in the area, seeing the favourable locations that these two family heads had picked or 'grabbed' and fearing that they would miss out, started to panic and, in a matter of days, about 15 individuals had rushed to book and grab their own plots of land as well. This rush to stake a claim to land was not particular to this locality but had become a widespread phenomenon in Loita during my field research. This chapter explores the process of land appropriation and the practice of claim making during the rapid rush for land in Loita.

 'Booking' and 'grabbing' are the words that the Loita Maasai themselves used to describe this process of land appropriation in Loita. Booking land is similar to making reservations for its future use. Grabbing land refers to the seizing of as much of the best

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[1]    See Kronenburg García (2013) for an earlier version of this chapter.

available land as possible and by any means, continuously challenging the limits of what is socially accepted. The notion of land grabbing in this chapter is different from the way it is used in the literature on large-scale, foreign land acquisitions (GRAIN 2008; Evers *et al*. 2013; White *et al*. 2012; Kaag & Zoomers 2014). Nor does it refer to the illegal allocation of public land to the politically connected that used to be common in Kenya as a form of domestic land grabbing (Klopp 2000, 2001; Klopp & Lumumba 2014). Instead, it is closer to the way Marx first coined the term (White *et al*. 2012: 621), i.e. in the context of British enclosures that saw common agricultural land being fenced off as individual properties.

As outlined in Chapter 2, the notion of appropriation is used as a bridge between the concepts of access (Ribot & Peluso 2003) and property (Sikor & Lund 2009) to show how Loita families gain access to land for settlements and cultivation that had previously been used collectively for the seasonal grazing of livestock. In the process and by excluding others who used to use the land, they claim the acquired land as individual property, advancing the family head as the owner of the land. As it is usually the male family head who is seen as the ultimate owner and manager of the family herd and who is in charge of family affairs (Spencer 2010b: 12, 2010a: 32, 33; Voshaar 1998: 77-78) including matters that involve land appropriation, the focus in this chapter is on the decision-making and strategies devised by heads of families and herd owners. To capture the ingenuity and inventiveness involved in the process of appropriation, as well as the tensions and controversies that it can create, the focus here is on the practice of claim making. Chapter 2 identified two ways in which people make claims: grounding claims and talking claims. This chapter looks at grounding claims, i.e. when people inscribe or alter the landscape with visible markers that are socially understood in Loita, such as those conveying individual property.[2]

## Anticipating land adjudication

The process of land appropriation, demarcation and individualization described in this chapter occurred outside the formal state structures of land governance. There were no surveyors involved, land was not registered and no title deeds were issued. Instead, land tenure transformations evolved internally as people negotiated wider and far-reaching changes that affected their pastoral way of life and compelled them to revise their livelihood strategies. This does not mean, however, that new ideas and practices of land use, access and property in Loita were not influenced by those promoted and imposed by the state. On the contrary, what people were doing in Loita was inseparably linked to the state-led land adjudication programme launched in the late 1960s. This programme of tenure reform was intended to replace existing tenure arrangements in Kenya's pastoral Trust Lands with private property in the form of clearly demarcated, registered and titled group ranches (see Chapter 1). Although the land adjudication programme was never implemented in Loita despite recurrent attempts (see Chapter 5), it did have an important effect in Loita that became evident during my fieldwork. People felt that land

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[2]    The subject of talking claims is dealt with in the next chapter.

adjudication was imminent and inevitable.[3] It was also something that many wanted to happen soon because experience had shown that the category of Trust Land provided insufficient security against appropriation by outsiders, as became evident during the forest conflicts (see Chapter 8).[4] The rush to appropriate land in Loita was partly in anticipation of land adjudication.[5]

The general expectation was that land adjudication would happen in two steps. First, it was believed that the boundaries of the five administrative locations would form the basis for the demarcation of Loita land into five group ranches. Second, the group ranches would then be subdivided and each eligible male resident from that group ranch would be allocated an individual plot.[6] The expectation was that, as elsewhere in Maasailand, group ranches would be subdivided among the registered, primarily male, members.[7] People hope and anticipate that, with land adjudication, they will acquire a title deed for the land they occupy and own today according to Loita's accepted tenure arrangements. It is with this picture in mind, that people are now rushing to book and grab the best places and as much land as possible.

Why would people take the trouble to make group ranches in the first place if it had already been decided to subdivide them into individual holdings later? The interposition of the group ranch is important because it opens up the possibility of acquiring individual plots in different areas during formal land adjudication and demarcation. This is especially valid for the wealthy elite of large herd owners and explains why this group has been deliberately booking and grabbing land in different locations. The alternative,

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[3] For example, as expressed during the forest conflict court case: 'That the County Council did not heed our requests to dialogue and *we decided to set ourselves up in readiness for the land adjudication that we had been aware for some time would be done in Loita* so that we could take possession of the Loita Naimina Enkiyio indigenous forest and be able to preserve it under the customary law that has seen it preserved to date and give us customary and other benefits' (CCD 'Statement': 6(q) emphasis added).

[4] '[W]e *eagerly await Loita to be declared an adjudication section* so that the 7th Applicant can assume trusteeship in perpetuity of our sacred forest areas …' (*Ibid*.: 6(z) emphasis added). The Memorandum of Association of the Trust Company also said it wanted the land in Loita adjudicated. One of its objectives was: 'To promote the adjudication of land within Loita Location and ensure an appropriate and relevant land tenure system' (MoA 1992: 3(11)).

[5] Matter (2010a, 2010b, particularly Ch. 3) describes a similar land rush and process of unofficial and informal land demarcation of individual holdings in Enoosupukia that started in the late 1960s and early 1970s in anticipation of official land adjudication. There are similarities with the Loita case but also important differences. Unlike Loita, imminent adjudication in Enoosupukia triggered a land rush not by locals but by outsiders (non-local Purko and Keekonyokie Maasai as well as Kikuyu) and saw the development of an extralegal land market, including cash transactions, suggesting that, unofficially, freehold tenure was accepted and consolidated locally. Another difference is that land in Enoosupukia appears to have been divided in its entirety under the guidance of (semi-official) land committees, while land committees in Loita are non-existent or at least not active. 'Dividing' the land surface is not accepted in Loita, as will become clear in Chapter 10. Finally, there are differences in the sequence of events. For example, dispersal of homesteads in Enoosupukia occurred after the land had been divided, while in Loita dispersal of homesteads preceded unofficial demarcation and even prompted it, as will be argued in this chapter.

[6] There were different opinions about what to do with the Naimina Enkiyio Forest. Some interviewees insisted it should be carved out first before land adjudication to keep it as a collective resource. Others wanted it to be included in the group ranches and divided up.

[7] By 2000, 31 of the 57 group ranches in Kajiado District had been subdivided and issued with titles, 14 were in the process of subdivision, and only 12 had resisted subdivision (Mwangi 2007b: 889-890).

i.e. if the whole of Loita is taken as a point of departure for division into individual plots, would mean that each man would be entitled to one plot of land only.

The value of having land in different group ranches lies, apart from the possibility of increasing one's total land area, in being able to practise transhumant pastoralism. Transhumant cattle pastoralism was the basis of Loita Maasai livelihoods about forty years ago. But this has been changing and people are agro-pastoral now. A key factor in the change is decreasing mobility due to a limited land base. Some of the processes that lie behind this have already been discussed, i.e. the loss of Kamorora to Stein (Chapter 5) and Purko encroachment since the first Maasai Move in 1905 (Chapter 3). But there are other reasons too, such as population growth and related changes over the last few decades that have affected the way people are using land. This chapter argues that changes in land use and a growing anticipation of land adjudication, together and in combination with less Loita territory (as already discussed in previous chapters), have shaped the process of land appropriation in Loita and this culminated in the rush for land that I witnessed in 2008. In developing this argument, I address research question one in this thesis.

## Loita Maasai pastoral ecology

The Loita recognize three distinct ecological zones that characterize their territory and are significant for their pastoral livelihood: the lowland (*olpurkel*), the highland (*osupuko*) and the middle zone (*olaiparak*).[8] The centrality of the lowland and the highland pastures for Maasai pastoralism have been well documented in the literature (e.g. Lamprey & Waller 1990: 23) but the role of what is labelled here as the middle zone has received less attention. Each of these zonal categories reflects a mix of pastoral land use and landscape cover that shows an intimate knowledge of the environment's ecology and its seasonal relevance for transhumant cattle pastoralism.

*Ecological zones: the lowland, the middle zone and the highland*
From west to east and ascending towards the Naimina Enkiyio Forest, one finds first the lowland, with its rolling plains of grass that are sporadically dotted with curiously formed hills. Here and there are pockets of small thorn trees that thrive on the black cotton soil that is characteristic of the lowland. The whistling thorn trees are a bit taller as you descend towards the seasonal water courses but never reach the height of the trees in the highland. In the rainy season, the lowland provides excellent pastures and plenty of open space for herds to graze. The grass that dominates the lowland but that is also found intermittently in the middle zone and the highland is called *olamunyani* and is considered to be particularly nutritious for livestock. The lowland with its *olamunyani* grass in the rainy season is where the cattle become healthy and herds grow strong.

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[8] The lowland of Loita is still relatively high at an altitude of between 1700 m and 1900 m. The lowland, the highland and the middle zone are together sometimes referred to as the Loita Highlands or the Loita Hills, unlike the Loita Plains that are now in Purko territory.

*Map 9.1*    Ecological zones
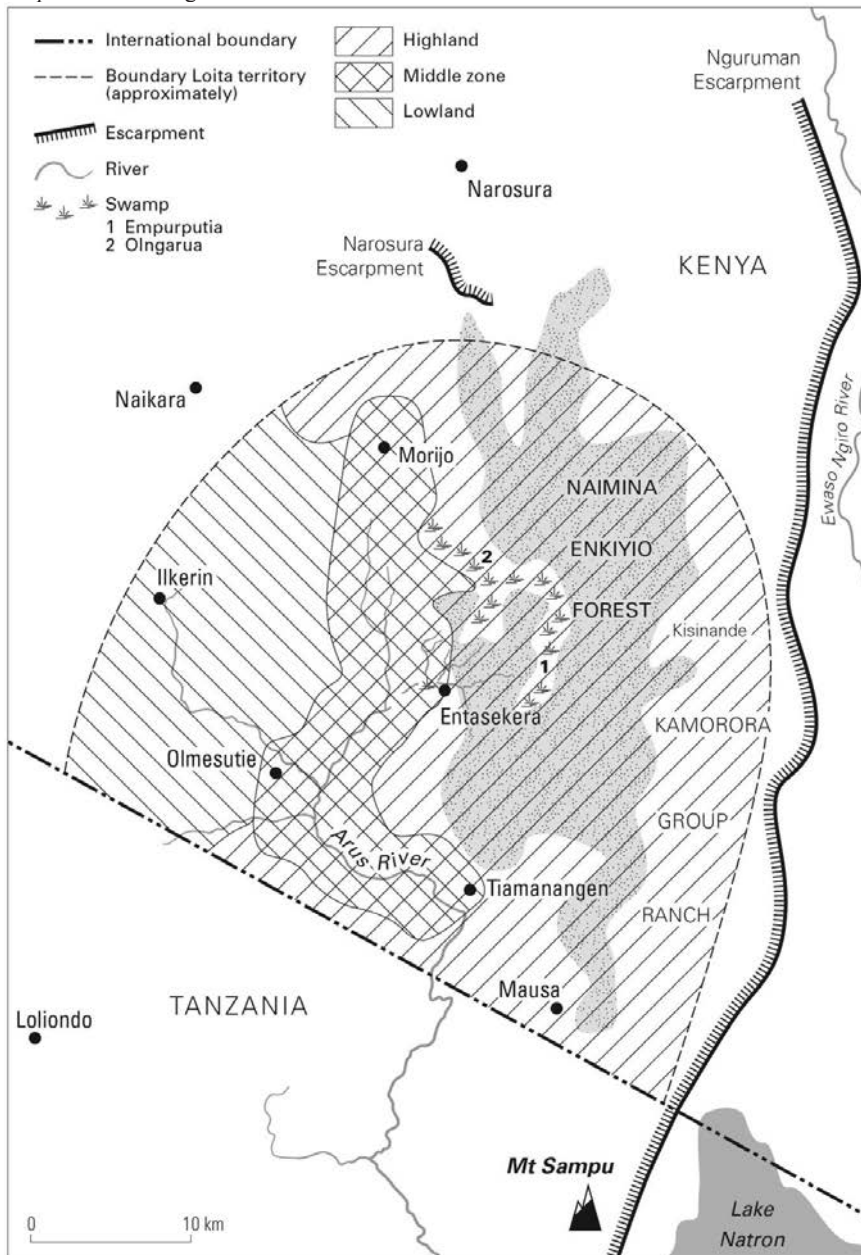


The lowland gradually becomes the highland as the trees grow taller and more numerous, thus inverting the balance of grassland and bushland found in the lowland. The

highland ends in the Naimina Enkiyio Forest in the east, after which the landscape drops sharply along the Nguruman Escarpment down to the floor of the Rift Valley.

The third ecological zone distinguished in Loita is the middle zone, where it is not lowland or highland but a transitional zone between the two. This third category adds more nuance and detail to the Loita landscape than the lowland-highland duality that is frequently mentioned in the literature. The difference between the middle zone and the highland lies in the height of the vegetation. The highland has a 'long forest' (*entim seur*),[9] i.e. with many tall trees, while the middle zone, which is also forested, has smaller trees or bushland (*osero*). The difference between the middle zone and the lowland, on the other hand, lies in the availability of water. Until recently, most lowland areas did not have permanent water sources. Seasonal rivers and ponds filled with rain in the wet season and would progressively dry up as the dry season advanced. The middle zone on the other hand stretches along Loita's main permanent river whose tributaries originate in the forest and meet to form the Arus River (*Olkeju Arus*, literally the black-and-white-dotted river) that flows in a north-south direction parallel to the forest until it drains into Lake Natron in Tanzania. Along the river, there are various saltlick areas that are used by both livestock and wildlife.

*Pastoral use*

Loita Maasai settlements used to be located exclusively in the middle zone where people and animals had immediate and year-round access to water. Lying between the highland and the lowland, the middle zone offered the best of both areas for cattle rearing; it did not lack water as the lowland did in the dry season and, unlike the highland, it offered sufficient open pastures where cattle could feed on the nutritious *olamunyani* grass. And the numerous saltlicks along the river ensured that the animals got their required mineral intake. Large homesteads (*inkangitie*, sing. *enkang*) made up of several families were located on the natural open spaces on both sides of the Arus River. Each homestead jointly exploited and managed the resources (pastures, streams, bushland) of the surrounding area. The people from the homestead and the area they used were referred to as *emurua* (pl. *imurua*),[10] which roughly means 'village', but I use the word 'locality' here.[11] Neighbouring localities had well-defined boundaries that followed geographical features such as streams and valleys or imaginary lines between hilltops and rock formations. Sometimes there were no boundary lines but border *zones* like a particular patch of trees or open ground. The use of the localities' pastoral resources was regulated by clear rules of access that distinguished between residents and non-residents. Border zones were open for use by the residents of adjacent localities.

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[9]  Interview KM: 20/3/08.

[10]  Homesteads were typically built on open and elevated land, often a hilltop. Land that is naturally open is usually covered by a type of grass called *emurua* and the word for locality in Loita (*emurua*) is the same.

[11]  What is called *emurua* in Loita (and what I describe as 'locality', which should not be confused with the administrative category of 'location') is similar to what some authors identify as *elatia* (Coast 2001: 27, 31), others as *enkutoto* (Peacock 1987: 66, 68; Ojalammi 2006: 74-76) or as a combination of both *elatia* and *enkutoto* (Grandin 1991). In Loita, *elatia* means neighbourhood; there can be different *ilatiaritin* (pl. *elatia*) in an *emurua*. *Enkutoto* is 'corner' as in the corner formed when two hill walls meet.

*Photo 9.1*     The lowland in the dry season (July 2008)



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The few plains in the highland that typically benefited from the first rains from the forest, like the highland plains of Olorte, Mausa, Kerunyan and Osupuko,[12] were the places where people would take their herds at the beginning of the wet season during the short rains (November-December) to take advantage of the new grass that grew after controlled burns. Eventually, the rains would proceed to the lowland,[13] which was then used as wet-season grazing during the long rains (March-May). The herds would follow the showers in the lowland to enjoy the fresh shoots of grass as far as the Loita Plains, an area that is now inaccessible to Loita because Purko Maasai have settled it.[14] Grazing in the lowland was only possible until the water supply dried up, after which the herds would be taken back to the middle zone until the next rainy season when they would again be moved to the highland plains. The forest itself, with its water, glades and tree leaves, was only used by the cattle herds as a last recourse in exceptionally dry spells. Constant movements back and forth to the lowland and highland from a base in the middle zone thus typified Loita Maasai pastoral use of the land, with the Naimina Enki-yio Forest functioning as a drought refuge.

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[12]   The highland plain Osupuko near Morijo in the north of Loita Division has been lost to the Purko.

[13]   People literally say it always rains in the forest first before it moves to the plains in the west.

[14]   The Loita Plains were a highly valued lowland area because of the saltlicks there, something that is missing in the other lowland areas of Loita.

*Map 9.2*     *Ronjo* and locality tenure, c. 1950
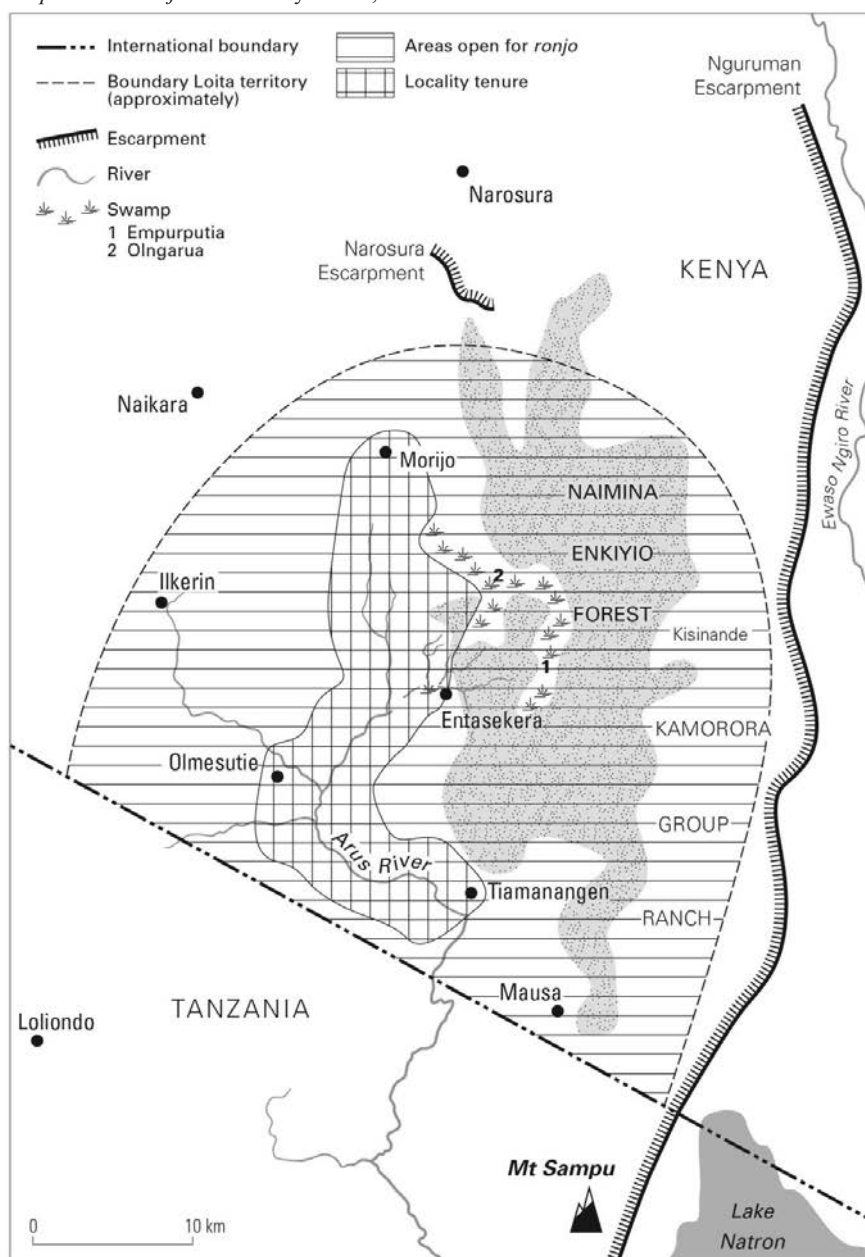


The seasonal use of the pastoral resources in Loita and any related movements ap-
plied only to herds and the people who cared for them. Today, though constrained by
several factors that will be discussed later, people still strive to practise this form of

transhumance. The settlements in the middle zone were permanent in the sense that women, older people and young children stayed there with enough milking cows for domestic use when the bulk of the herds moved away. Their permanency was also evident from their tenure arrangements, with the natural resources of a locality being jointly used and managed. Those who left in search of water and (good) grass for the rest of the cattle, usually the warriors and older boys, went to *ronjo*, i.e. places that were not settled permanently and were therefore free of tenure rules connected to the locality. These areas were open to all Loita regardless of locality affiliation. The word *ronjo* refers to a temporary cattle camp that is constructed by the herders. These cattle camps were sometimes shared by several herds. The herd and the herders would stay at the cattle camp for as long as it was necessary and possible: in the lowland until the water was finished and in the highland until it rained again in the middle zone and beyond.

## 'The land is becoming smaller': narratives of change

To find out how land use has changed in Loita, I would often challenge people to explain why there were no cultivated fields and only cows thirty or forty years ago and fields everywhere nowadays.[15] One interviewee answered this question succinctly by saying that: 'the land is becoming smaller'.[16] The feeling of a diminishing land base was shared by many of my informants in Loita. This section describes people's own understandings of what lies behind this situation and shows the interrelationship between population growth, economic diversification and sedentarization.

### Population growth

Population growth was repeatedly mentioned in interviews as the root cause of the changes in land use that have been taking place in Loita.[17] It was explained in terms of the 'fullness' of the land: the land has become 'full' because the number of people has grown and they are settling in places that used to be exclusively for grazing, which in turn is making the amount of land available for grazing 'smaller'. In fact, the increase in Loita's population is perceived as having far-reaching consequences for the viability of pastoralism. Due to population growth and the subsequent dispersal of settlements to the highland and the lowland, there is not enough pastureland left for the cattle to graze, which is why they 'remain thin, even in the rainy season, and die in the dry season'.[18] This general sense that 'cows are finishing'[19] (i.e. pastoralism) due to increases in population is what has led many to take cultivation seriously.[20]

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[15] The question would be formulated as follows: 'My father told me that during his time at Ilkerin many years ago [in the 1970s], there were no cultivated fields. But now I see fields everywhere. How come?'.

[16] Interview SL: 17/10/08.

[17] According to the estimates at hand, the population in Loita grew from 6500 in 1969 (Kronenburg 1986: 16) to 10,303 in Loita Division according to the 1989 census (Legilisho-Kiyiapi 1999: 7). The 2009 census counted 22,873 people in Loita Division (Kenya Census 2010: 164).

[18] Interview KM: 6/9/08.

[19] Interview KM: 20/3/08; Interview S: 4/7/08; Interview LM: 26/10/08.

[20] Maundu *et al.* (2001: 26) also ascribe agricultural expansion in Loita to population growth.

This realization, strong among both large- and small-scale herd owners, seems to have taken root since the outbreak of two cattle diseases (*lipis* and *oltikana*) and a prolonged period of drought over the last couple of decades.[21] In collective memory, the various livelihood changes that have taken place in Loita were triggered by periods of distress associated with these three events.

*Lipis and the introduction of goats and sheep*

The immediate trigger that led to the introduction of goats and sheep in Loita seems to have been an outbreak of *lipis* that 'finished cows' in the late 1960s.[22] The outbreak was particularly severe because it not only killed animals but also appears to have affected the fertility of the surviving stock. With no medication available, it took an exceptionally long time to recover and rebuild the herds. The fact that cows could not give birth is important because their supply of milk for the Maasai's staple food also declined. People could usually cope with periodic decreases in milk supplies, such as during the dry season and periods of drought, by selling oxen and using the money to buy ground maize for food at shops run by Indian and Somali traders. The first shops in the region were outside Loita in Narosura on the Loita Plains in Purko territory and in Olgos Orok near Loliondo in Tanzania but, over time, they also opened in the emerging Loita trading centres of Olmesutie, Morijo and Entasekera. Maize could also be obtained through trade with Kipsigis (called Ilumbwa by Maasai). When maize supplies were exhausted, families who shared a homestead would contribute oxen for slaughter in turn to provide soup and meat for the people in the homestead until the shops or the Kipsigis had supplies of maize again. During and after the outbreak of *lipis* however, the only way of generating money to buy maize flour was by selling the skins of dead animals to Indian traders. Some enterprising Loita elders also traded skins for goats and sheep with Kipsigis and when this turned out to be a success, others soon followed in their footsteps. Goats and sheep, whose reproduction rates are higher than those of cattle, could be slaughtered to feed the people, especially when supplies of maize flour ran short, sparing the cattle herd and allowing it to grow again. Although individual Loita elders appear to have had flocks of goats and sheep on the plains and beyond Loita territory, these were never brought to the Loita heartland in the middle zone and introducing goats and sheep in this period appears to have constituted the first step towards the diversification of the Loita economy.[23] A greater emphasis on small stock followed an earlier trend evident elsewhere in Maasailand that started during and after the droughts of the early 1930s (Lamprey & Waller 1990: 24).

When the cattle disease *oltikana* struck the herds later, the Loita Maasai economy was further diversified and cultivation was more widely adopted. The reason given for introducing goats and sheep to Loita, i.e. to spare the herds and ensure their recovery, was exactly the same as the one offered for turning to agriculture.

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[21]  *Lipis* might be Anaplasmosis (PA undated: 3). *Oltikana* is East Coast Fever.
[22]  Interview SL: 17/10/08.
[23]  The drastic increase in small-stock numbers in the herds of the Kisongo Maasai in the Ngorongoro area in the 1970s seems to have been, as in the case of the Loita in Kenya, in response to cattle losses due to disease (McCabe 1997: 60).

*Early experiences with cultivation*

Crop agriculture was not unknown in Loita because trading partners like the Kipsigis and neighbouring communities, such as the Sonjo, engaged in agriculture. In the 1950s, settlements associated with the irrigation agriculturalists of the Nguruman Escarpment were extended to what comprises Loitaland today. Ngosesia, for example, was inhabited by a small colony of irrigation agriculturalists called Ilkurman who lived along the Olopolui River, a tributary of the Arus River. I was told that they came from where the Sonjo lived but they appear to be different from the Bantu-speaking Sonjo because they were described to me as 'non-pure' and 'poor' Maasai who did not own livestock and only practised agriculture.[24] They were compared to the Arusha Maasai in that they were a composite Maasai community.[25]

By then agriculture was also being practised sporadically in Loita by *Ilkokoyo* (sing. *Olkokoyo*) immigrants who acquired cattle and became Maasai. Letutui (one of my oldest informants who was mentioned in Chapters 3 and 6) recalled an *Olkokoyo* who had come to the Senteu family because he was related, then married a Maasai woman and had four sons, one of whom is still alive and lives in Kisokon. His descendants are now assimilated Maasai. According to Letutui, this *Olkokoyo* was the first to clear a field in Loita at a place that appropriately came to be called Elangata e Nkurma (the river crossing of the field) near Entasekera. This happened 'when the Ilterito were being circumcised', sometime between 1925 and 1932.[26] I am not sure whether this immigrant was in fact of Kikuyu origin because the words *Olkokoyo* and *Ilkokoyo*, although clearly derived from Kikuyu, are commonly used for any non-Maasai cultivating stranger.

Individual agricultural immigrants like the *Olkokoyo* are different from later Kikuyu immigrants in that they cultivated in the Loita heartland and became accepted as Maasai. The Kikuyu immigrants of the 1950s, on the contrary, established colonies on the fringes of Loitaland and sought to establish relations with the Loita Maasai through patronage and also marriage, but maintained their own social identity by holding on to their language and livelihood pattern.[27]

Two such Kikuyu enclaves developed in the northern part of Loita in the Emorogi and Morijo areas. Groups of Kikuyu immigrants started to arrive during the Emergency between 1952 and 1960 (see Chapter 4). This was a time when Kikuyu were being rounded up, incarcerated and forcibly moved into fenced and policed villages by the colonial authorities in a bid to control the Kikuyu Mau Mau Movement (Berman 1990:

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[24] Interview TM: 30/8/09. Adams *et al*. (1994: 22, 26) and Potkanski & Adams (1998: 111) refer to small irrigating Maasai communities living in the same area as the Sonjo. See Galaty (1982: 9) for more on the Ilkurman Maasai farmers.

[25] The Arusha Maasai emerged in the early 19th century from the destitute Maasai refugees who settled around Mount Meru in Tanzania and took up irrigation agriculture after being raided by Kisongo Maasai (Spear 1993: 122). In the 1880s and 1890s during the time of the Disaster and renewed intersectional cattle-raiding, they incorporated Kisongo, Sikirari, Matapato and Loita Maasai (*Ibid*.: 124). This pattern of taking in impoverished and destitute Maasai could have been the same for the Ilkurman Maasai, which might explain reports of their alleged mixed background.

[26] Interview L: 30/10/07. Elderly Maasai do not think in terms of calendar years but date events by referring to the lifecycle phase of a specific age-group. To give approximate dates, I use Mol's chronology of successive age-groups and age-sets (1996: 12-15).

[27] These two different forms of immigration − the 'Kikuyu acceptee' and the 'Kikuyu alien' − follow a familiar pattern of Kikuyu immigration across Maasailand (Waller 1993).

347-376). The Kikuyu refugees settled in Loita under the patronage of two rich and influential Loita elders, ole Kashu from Morijo and ole Parkisuaa from Emorogi. They were adopted in their respective clans. Those taken in by ole Kashu now call themselves Kashu and those who joined ole Parkisuaa's homestead in Emorogi call themselves Kisuaa. The Kikuyu enjoyed a time of prosperity in the 1970s when they sold maize and brewed beer for the Loita elders who resorted to drinking due to the effects of the cattle disease *lipis*. By the late 1970s, their numbers had increased and so too had the land they tilled. When they started claiming ownership of the land they used,[28] they experienced increasing harassment from the Ilkitoip (warriors at the time) and the Iseuri (who had recently closed their warriorhood period) age-sets until they eventually moved away. The Kikuyu from Morijo left first and settled further down the escarpment in Narosura and took up irrigation agriculture near the Kanunka River.[29] The Kisuaa family moved out of the area completely and some now live in Naivasha while others went to Olkalao.

Long before Kikuyu cultivation took place in Loita, Maasai cultivation of small gardens was seen in isolated cases, mostly by Maasai women who had settled in Loita after migration or marriage. Noorkipuny, my oldest informant and originally a Siria Maasai, had come to Loita after a short stay in Lemek (Purko territory) with her family and ten head of cattle to 'escape' the cattle disease *oltikana* that seems to have been endemic in Siria (Waller 1984: 268).[30] In Siria (or Lemek), she had already practised cultivation, which the Maasai there had learned from the Kipsigis (*Ibid.*: 245, 282), and she continued this when she settled in Loita. Noorkipuny claims she was the Maasai who introduced cultivation to Loita 'when the Ilkalikal were warriors' (between 1939-1946).[31] Another example is Baari who, much later in 1972, used the Ilkerin Project's tractor to plough a plot of land but eventually had to abandon this initiative because of fierce opposition from his neighbours and his own father in particular. Agriculture was considered a 'dirty' practice that reduced the grazing space for cows.[32] The perception that using land for agriculture undermined pastoralism touched a raw nerve. Various neighbours accused Baari of wanting to grow wheat and, as some had seen in Mau, wheat was known to 'take a lot of land'.[33] Indeed, elsewhere in Narok District, educated Maasai from the Purko, Damat and Keekonyokie sections had been able to acquire vast tracts of land in the process of land adjudication, which they then leased to wheat companies (Voshaar 1998: 106). This small group of Maasai, who took some of the best grazing lands from their fellow pastoral Maasai, prospered and came to be known as the 'wheat elite' (King 1972: 398).

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[28] There was a belief among the Kikuyu diaspora, such as the Kikuyu squatters on white farms, that labour in land earned them property rights (Lonsdale 1992: 383). For the Maasai, 'use in itself, however, conferred no rights' (Waller 1993: 233). Kikuyu and Maasai diverged greatly at this time in their ideas of land access and ownership.

[29] The Kikuyu from Kanunka are now growing irrigated tomatoes commercially (Shelley & Lempaka 1999: 6).

[30] Interview NM: 4/12/08.

[31] Interview NM: 4/12/08.

[32] Interview BM: 15/9/08.

[33] Interview BM: 15/9/08.

   Taking up cultivation was not through necessity for development-minded elders like Baari. The need to complement pastoralism with cultivation was only felt later. Adopting cultivation was, I was told, a way of 'finishing the drought' because cows alone could no longer sustain the growing numbers of people, especially during the dry season and droughts when people suffered from hunger.[34] The results of a survey conducted on behalf of the Ilkerin Project also make a link between drought and cultivation as 88% of respondents explained that their main motivation for turning to crop cultivation had been 'to fill the stomach during milk shortage', i.e. in the dry season (Ter Schegget & Schoenmakers 1988: 52).

*Oltikana and the adoption of cultivation*
The realization that pastoralism was under pressure became clear in the period of hardship after the cattle disease *oltikana* broke out 'when Ilkitoip were warriors' (sometime between 1973 and 1985) and this age-group took up cultivation *en masse* after they closed their warriorhood.[35] These young men, who were now allowed to marry, had a bad start as new family heads and independent herd owners. During their time as warriors, cattle raiding, which is one way of building up an economic base in preparation for married life and the chance to become independent cattle owners (Waller 1978: 93), had become increasingly problematic due to state interference. Thus, in combination with smaller herds as a result of *oltikana* and the reduced support from their fathers when it came to bridewealth, they found themselves with too few animals to provide for their young families' needs, or even to get married at all. Some, whose fathers had lost all sense of responsibility due to serious drinking habits, had to take care of their mothers and siblings as well. Cultivating maize (and later beans) secured food for their families in the dry season and droughts without having to sell or slaughter their surviving livestock for food. And by engaging in livestock trade, they could slowly build up their herds again. Although cultivation was adopted, it was still geared towards pastoralism and cultivation was used with the explicit aim of building up herds. McCabe (2003: 106) made the same observation: 'It may seem counter-intuitive that people would adopt agriculture to maintain a pastoral identity, but many Maasai respondents told me that the principal reason they began farming was to save the livestock'.
   It was this young generation of men that increasingly attended the workshops of the Ilkerin Project (Kronenburg 1986: 21) that responded to new interests in agriculture accordingly (Maundu *et al*. 2001: 26; LNECTC 1994: 2). Many elders of that generation vividly recall visits to agricultural communities far from Loita that were organized by the Ilkerin Project and how non-Maasai agriculturalists were brought to train plough oxen on the project's demonstration farm. It also appears that the Loita from Tanzania had by then already turned to agriculture (McCabe *et al*. 1992: 362). In fact, the Maasai in Tanzania, who had adopted cultivation by the 1960s, appear to have done so following an earlier outbreak of *oltikana* (McCabe 2003: 104), which suggests that the pattern found in Loita, i.e. the adoption of agriculture after a cattle disease, applied more widely in Maasailand. All these factors together − the cattle disease *oltikana*, the Ilkerin Project

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[34]  Interview Ld: 17/10/08.
[35]  Interview L: 30/10/07.

and cultivation in Tanzania − steered the Loita in Kenya into adopting agriculture. Poor families living in Morijo, who were already familiar with crop agriculture because of previous Kikuyu presence there, seem to have been the first to take up cultivation.

At first, cultivation was not taken seriously by all and yields were shared with anyone who gave a helping hand with the harvest. More than once did the store remain empty and planting seasons were also skipped without much problem. Nevertheless, although still small, the fields spread all over Loita and, by 1988, 93% of the respondents' families were growing crops (Ter Schegget & Schoenmakers 1988: 52). It is said that when the following age-group, the Ilkishili, graduated from warriorhood in the 1990s, fields increased in numbers even further. The link between the staggered spread and increase of fields to the ceremonial cycle of the age-group system in Loita seems to apply more generally: every time a new age-group graduates from warriorhood and performs the 'milk-drinking' ceremony, a change in economic activity emerges as the members of the age-group settle down to married life and introduce new innovations. This point is relevant and will re-emerge in the discussion on the booking and grabbing of land.

With increasing numbers of fields in Loita, tensions developed as to how land should be used. This was due to competitive methods of land use because land for fields naturally resulted in a loss of pastureland for cows. This tension was evident in the elders' vigilant monitoring of the sites and sizes of new fields. When a family head wanted to clear a field, which coincided with the establishment of a new and smaller homestead, he first had to announce this at a locality meeting. The local elders would then allocate him a place for a homestead and mark an area for the field, which was carefully chosen so that it would not obstruct areas used by people or livestock. In this way, settlement patterns and field clearing were to a certain degree controlled by the elders in each locality. But these restrictions would soon be loosened. If Maasai cultivation spread in Loita due to the effects of *oltikana*, then its intensification in the sense of spending more time and effort on cultivation was triggered by the 2000-2001 drought. According to many interviewees, this drought was one of the worst in living memory.

*Loosening controls on cultivation after the 2000-2001 drought*
The prelude to the 2000-2001 drought started in the previous year when the short rains failed. But the situation did not look too bad at the end of February 2000 when the long rains came and lasted until the beginning of June, even though they were not heavy throughout the region. With already diminished herds, things became very bad when the short rains failed again and it remained dry for eight months. Immediately before the drought, most Loita families had had small fields where they grew maize but many people had sold the little maize they had for high prices to Loodokilani Maasai from the Rift Valley who had come to Loita to buy maize. All this resulted in a serious maize shortage in Loita by the end of 2000 and wild vegetables and fruits from the forest were all many people had to eat.

The herds, which were weak and producing little milk, also suffered as grazing areas became exhausted and dried up. Those herds that had been driven to the forest area to exploit its streams and springs and to graze on open patches of grassland normally

found inside the forest and along the Empurputia Swamp found only water but no grass and so were fed leaves from the trees. Using the forest as a drought refuge of last resort appears to be on the increase and is a process that is undoubtedly connected to the mounting pressure on pastoral resources in the rest of Loita territory due to growing numbers of people and livestock.[36]

The drought was experienced across the region and some areas in Kenya received relief food, but it only arrived in Loita as the (heavy) rains started in March 2001. The rain created another problem because trucks with relief food could not reach the area as they could not cross the sand river that forms the boundary between Loita and Purko territories. People therefore had to travel with their donkeys to collect their maize rations, a journey that could take up to four days. Relief food was distributed once a month for a period of three months but the amount distributed was insufficient and people continued to suffer from hunger, even though they could add milk to their diet of wild vegetables and fruits if their milking cows had survived. I was told that this period was especially hard because the fields needed to be prepared for the next harvest: 'it is a time of hunger so you don't have a full stomach and you are working'.[37] The rains were late in 1993 but Loita had received plenty of relief food (Kantai 2001: 42) and did not suffer from hunger as was the case in 2000-2001. The 1993 experience had not been severe enough to force the reluctant majority to cross the threshold and embrace agriculture in earnest. But after the 2000-2001 drought, the attitude of the elders in particular towards tilling the land changed dramatically and cultivation was considered key to preventing food shortages in the future. Accordingly, controls on making fields were significantly relaxed and the elders 'came to declare that if you are able to make a big field for yourself, you are allowed [to take the land for it]'.[38] Cultivation was accepted and adopted as security against drought (*Ibid*.).

Cultivation in Loita grew dramatically after the 2000-2001 drought. If three out of four homesteads had a garden at the end of the 1990s (Maundu *et al*. 2001: 26), my impression was that every married man had a field or sometimes several fields in 2008. These were divided up according to the number of wives he had and the fields were becoming larger in size. Sometimes even unmarried men were cultivating fields and selling their maize and beans to raise cash for their bridewealth in preparation for marriage. Elders today, the same men that adopted agriculture in the 1980s, deplore the fact that the younger generation are more interested in having their own separate homesteads with their own fields than keeping cows, while they, in their day, had only taken up cultivation to be able to continue pastoralism, i.e. so as not to have to sell and slaughter cows for food during the dry season and thus be able to increase the size of their herds. I was told that elders 'like cows too much' and enjoy staying with them at their homesteads, while young men use them for 'business'.[39] This generational divide as regards

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[36]  The forest was also used as a drought refuge during the dry seasons of 1993 (Péron 2000: 387; LNECTC 1994: 3, 5), 2005-2006 (ole Siloma & Zaal 2006: 4) and 2008-2009.
[37]  Interview LM: 9/2/09.
[38]  Interview LM: 9/2/09.
[39]  Interview TM: 30/8/09; Interview PK: 30/08/09. Some Loita individuals have become successful long-distance cattle traders. The Dagoretti cattle market near Nairobi is a popular destination for Loita traders.

attitudes towards cattle keeping highlights an important change in Loita: there has been a move away from pastoralism and towards a stronger emphasis on cultivation and live-stock marketing.

*Changing settlement patterns*

It is difficult to ascertain exactly how many permanent homesteads there were and where they were by 1970 but it can be inferred from interviews that there were 'very few',[40] about fifteen in the whole of Kenyan Loitaland.[41] In Morijo, the 'homestead of the children' (*enkang oo nkera*) or 'school boma' (Willis 1999: 352, 354; Rutten 1992: 255) was next to the first primary school in Loita where mothers with their school-going children lived. In the Ilkerin Hills, there seems to have been a community of Dorobo at Empaash and the cultivating Ilkurman Maasai lived in Ngosesia. There were the Ink-idongi descendants of Senteu in Kisokon and there was also a specific area called Emurua Olerai, which is now settled permanently, that was reserved for the construction of manyatas. The rest of the homesteads were inhabited by Loita Maasai families, some-times by as many as forty families.

Population growth and the spread and intensification of agriculture coincided with a break-up of these large homesteads as people began to disperse within the localities they belonged to in the middle zone in the 1970s. This dispersal is said to have accelerated in the 1980s. The congestion in the homesteads was instrumental in the disintegration of the large homesteads but the growing importance of having one's own field played an equally important role.

A homestead typically consisted of several families whose houses were built in a cir-cle. The family herds were herded separately during the day but would all mingle in the centre of the homestead at night. The homestead was fenced and each family had its own entrance(s) and fenced section (*olmanie*) within the homestead. Homesteads built in this style are still found in Loita, especially in the sparsely inhabited areas of the low-land, but they now usually accommodate no more than four families and a few depend-ants. Initially, individual families would clear small fields attached to the outer fence of the homestead but as more families started to do this, the fields started to block the pas-sage of people and livestock to and from the homestead. As a result, fields were cleared further away and, over time, families would also move there, which triggered the disin-tegration of the large homesteads in the process.

The break-up of these homesteads was the result of population growth and a need for fields. The overall result was a decline in the average size of the Maasai homestead and, nowadays, the single-family homestead is increasingly common (Grandin 1991; Hol-land 1996: 27, 31; Coast 2001: 29-30). For example, the sole homestead in Emurua Olerai, with its 30 families or so, broke up in the 1980s. Three widowed co-wives

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[40] Interview BM: 15/9/08.

[41] One informant could only remember 11 permanent homesteads in the early 1970s (Interview BM: 15/9/08). Another informant believed that the Inkidongi alone had about 11 homesteads in those years (Interview NS: 19/11/08). A third informant thought that there must have been at least 12 homesteads in the 1950s (Interview NM: 4/12/08). Two other informants agreed that during the time that the Ilterito governed (approx. from the late 1950s to the late 1970s) there were 15 permanent homesteads (Interview PK: 30/8/09; Interview TM: 30/8/09).

moved about 500 metres away to erect their own homestead next to their fields and two close age-mates moved with their families into the bush area nearby, clearing an open space for a shared homestead. At a later date, these smaller homesteads would disintegrate even further, for the same reasons as the large homesteads had done previously. One of the close age-mates, for example, moved away at the end of 2008 after having shared a homestead with his age-mate's family for almost 25 years to form his own individual homestead. He gave overcrowding and the need for a new field as the reasons for his move.

The disintegration of the large homesteads changed the appearance of localities that had previously housed only one homestead where all the resident families of that locality lived. But now, as families started to move away, localities came to be characterized by a cluster of smaller homesteads. Although these smaller homesteads initially stayed in each other's vicinity in the middle of the locality, people later settled all over the area in an attempt to book and grab as much land as possible. But before this, people started to pioneer permanent settlement in the highland and the lowland. This had far-reaching implications for transhumant pastoralism. Permanent settlement in the highland and the lowland meant that these areas could no longer be used for *ronjo* (temporary cattle camps) because rules that applied to the localities were transposed to these areas as families built their homesteads there. The next section describes this process and its effects.

## Strategies for the appropriation of land

The new ways of using land described in the previous section help explain why people are now claiming land that was previously held in common as individual property. This section discusses the strategies of appropriation that Loita employ when turning their gained access to land into recognized individual property.

Strategies for booking and grabbing land are usually planned and carried out by the male family head or herd owner for the benefit of his family. The strategies of large herd owners differ from those of small herd owners. The large herd owners studied owned between 100 and 300 head of cattle, while the herds of the small herd owners ranged from 10 to 20 head of cattle. In general, large herd owners have more than one wife whereas owners of smaller herds have only one. This difference shapes the possibilities and strategies devised by herd owners with respect to land appropriation, as will be shown in this and the next section. The first two sub-sections examine the strategies devised by large herd owners and the third and fourth sub-sections discuss those adopted by small herd owners. Pseudonyms have been used throughout.

### *Dispersing wives over ecological zones*
The break-up of the large homesteads into smaller units in the middle zone and the increased number of fields translated into reduced space for grazing for cattle. The effects of this were first felt by the large herd owners. My material suggests that the lack of space drove large herd owners to 'follow cows' to where there was space and grass, thus pioneering permanent settlement beyond the middle zone.[42] Erecting a new homestead

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[42]   Interview KM: 15/10/08.

elsewhere was only attractive if one could maintain a stake in the locality that one had left in the middle zone because although it was becoming congested, it still provided the benefits of permanent water and saltlicks as well as shops, markets and schools. The solution was to leave one wife behind in the middle zone and take another to the new homestead.

The Empurputia Swamp area in the forest and the plains of the highland seem to have been the first choice because they provided enough space, grass and, crucially, year-round water. Ole Reson pioneered settlement in the highland plain called Mausa around 1983. However, many others followed his example and today the area is crowded with homesteads, fields, livestock, shops and a school. The plain itself is continuously overgrazed and grass is only available in faraway and inaccessible areas. And the reason why he moved there in the first place, i.e. because of he needed pastures for his large herd or for the 'work of grass' (*esiaai oo nkujit*) as he phrased it, later made him look for new land beyond the highland.[43] Around the year 2000, he pioneered settlement in a particular area of the lowland where vast grassy plains offered what he needed. Permanent settlement had been made possible because of the construction of a mechanized borehole in the vicinity. But although the 'work of grass' pushed him out of the populated highland, the agricultural potential pulled him back. The highland turned out to be an excellent area for growing maize and beans and as the importance of subsistence cultivation had grown, he was reluctant to give up his field because if you move from a locality, you give up the right to live there and to use the natural resources for your livelihood needs. The abundant harvests twice a year in the highland in comparison with the rest of Loita where harvests are only once a year are attributed to its fertile red soil and higher rainfall compared to the lowland's black cotton soil that does not retain its low and erratic rainfall long enough for crops to mature. The highland's suitability for rain-fed agriculture was again confirmed when people there had a reasonable harvest after the poor short rains in 2008-2009 while other areas in Loita experienced bad or failed harvests.

Another reason for ole Reson's unwillingness to leave the highland despite its reduced importance for pastoralism was the local primary school as all his school-aged children had moved in with his senior wife so they could attend school in Mausa. The pervasive idea that pure pastoralism is ending has forced Loita Maasai to diversify their livelihood strategies. Taking up agriculture is an economic answer to this, and so is sending one's children to school. The attitude towards schooling has changed dramatically over the last couple of decades. While sending a child to school used to be seen as an insurmountable loss, it is now thought to offer a child an alternative future to pastoralism. This is ole Reson's underlying reason for sending all of his children except for three sons to school. These boys, one from every wife, were selected (by him) to practise agro-pastoralism. They now herd the animals and in time will learn to work the fields. The other children (including his daughters) will, he hopes, be equipped with the skills required to find a non-farming occupation.

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[43]  Interview KM: 15/10/08.

*Photo 9.2*    A highland plain in the rainy season (March 2008)



© Angela Kronenburg García

Having a school in the area adds value to a certain locality and this plays a role in deciding whether or not to establish a new homestead or to remain in an existing one. Recently settled areas, such as the remote plains of the lowland, do not have schools or shops. Other parts of the lowland with a longer history of permanent settlement, the middle zone and the highland are more developed in terms of schools, shops, markets, churches and dispensaries. For ole Reson, the highland is the ideal place for 'taking care of people' (*eramatare oo ltunganak*) because the field provides food for his family and there is a school for his children. The lowland, on the other hand, provides cattle with space to graze during the rainy season and is therefore needed for 'taking care of the cows' (*eramatare oo nkishu*). The lowland is also an excellent place for goats and sheep because of the abundance of *olamunyani* grass that, although short, forms a thickly interwoven mass that is said to make goats and sheep grow well. The lowland's openness prevents goats and sheep from getting lost in the bush or being taken by thieves or leopards, which commonly happens in the middle zone and highland. Finally, the lowland is considered to be free of diseases that affect small stock. Ole Reson's reason for moving to the lowland and his reluctance to leave the highland was prompted by his marriage to his third wife, who he then took to live at the new homestead in the lowland.

Ole Reson was familiar with the plains in the highland and the lowland because these were places where he used to go to for *ronjo* with his father's herd. Later, when he became an independent herd owner, he continued this practice. Going for *ronjo* to these

places is not possible anymore because they are now settled and have become localities with defined rules of access and use for residents and non-residents. Today in Loita, there are only two areas left that people have not yet claimed for permanent residence and that can still be used for *ronjo* (see Map 9.3). Typically located on the edge of Loitaland, these areas are also both contested areas. The land west of Mount Sampu on the Nguruman Escarpment in Tanzania is claimed by Loita Maasai and Sonjo (see Chapter 3) and saw the arrival of Kisongo Maasai in 2008 after their relocation by the Tanzanian state from the Ngorongoro area. Kisinande, also on the Nguruman Escarpment but to the north between Kamorora and the Naimina Enkiyio Forest, is also becoming a contested region. The Loita have always considered Kisinande as theirs but, since 2007, it has been claimed by the new owner of a tourist destination on the neighbouring Kamorora estate who has stationed armed rangers at a post there.[44] During the 2008-2009 dry season, which lasted until February 2009, both areas were used for *ronjo* but its future use by Loita pastoralists remains uncertain.

Ole Reson is well positioned. Having sent his wives to the three different ecological zones, he can continue practising transhumant pastoralism because he has access to localities in all these areas. In addition, he benefits from the school and the agricultural productivity of the highland. Whether he consciously dispersed his wives or just found himself in a favourable situation, he is one of the best positioned when it comes to facing formal land demarcation and adjudication because he has already booked three sites to which he has a socially acknowledged claim. These are spread over two administrative *locations* (not to be confused with *localities*) that are expected to form the basis of the group ranches. If all goes as anticipated, he could therefore obtain legal title for two individual plots and, with some luck and the support of fellow large herd owners in the same situation, he could even obtain title deeds for his three homesteads. This would allow him to continue practising transhumant pastoralism for as long as possible.

*Dispersing wives in the same ecological zone*

Large herd owners are in a position to marry several wives because they have the means to pay bridewealth and can maintain a large family across several homesteads. Although initially it was their large herds needing space and grass that pushed them to settle beyond the middle zone, as was illustrated by ole Reson's story, I argue that, today, the anticipated land demarcation and adjudication have become important additional motives for dispersing one's wives to the different areas.

Ole Kosiom is married to three wives, has one homestead in the middle zone and another in the swamp area next to the forest in the highland. During my fieldwork in Loita, he was constructing a third homestead but instead of building it in the lowland to

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[44]  Stein, who had leased Kamorora from the Kamorora Group Ranch and now claims ownership of it (see Chapters 5 and 8), apparently sold part of it to a Danish-British tycoon called Jan Bonde Nielsen. This man built an exclusive, high-end lodge and receives prominent visitors such as Prime Minister Odinga. When Odinga visited Loita in 2010 he came with Bonde Nielsen after having visited his lodge first. In March 2009, I planned to visit the Loita herders on *ronjo* in Kisinande. But after reaching Kisinande and before I arrived at the Loita cattle camps, I was stopped and sent back by Bonde Nielsen's rangers. That same day I had to walk back to Loita with my companions, going through the forest again and only reaching the first Loita homesteads after nightfall.

benefit from its pastoral resources as ole Reson had done, he unexpectedly decided to build it close to his existing highland homestead.

*Map 9.3    Ronjo* and locality tenure, 2008
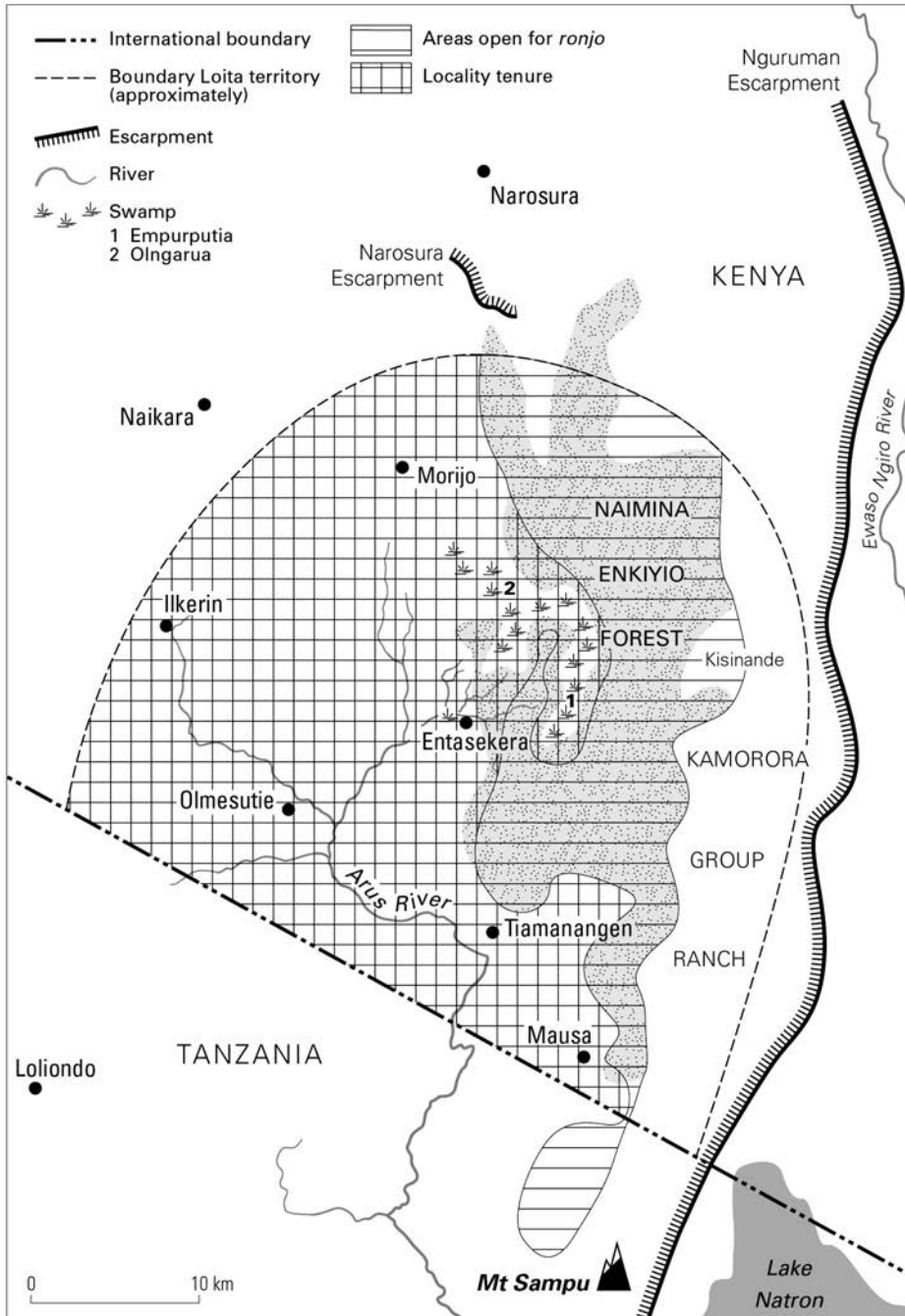
Separated from this homestead by a steep hill and a small forested area, he started by fencing a cattle enclosure in an unlikely open space on the top of a hill (see Map 9.4). The place was an unexpected choice because of the absence of grazing space: half of the open area was occupied by another homestead and the other sides were blocked by a patch of forest that would make clearing hard as it was a steep and stony slope. Moreover, the added value of having two homesteads in the same ecological zone raised questions in light of ole Reson's (and with him many others') strategy of spreading his wives over the different ecological zones, even more so because ole Kosiom's herds already had access to that land. But closer inspection reveals a strategic reason for locating the new homestead on this exact site. Ole Kosiom's intention was not only to book new land and legitimately establish rights to it but also to prevent the expansion of the other homestead in the direction of his homestead down near the swamp. By spacing the new homestead in such a way in relation to his other homestead, he not only blocked his neighbour but, more importantly, discouraged others from claiming the land in between, thus obtaining extra land in the process. In other words, the distance between the two homesteads was just small enough to discourage other people from settling there as they would have little space and no prospect of expansion, and it would still be large enough for him to 'win' land beyond any claimable land. Ole Kosiom has even taken this strategy a step further. During my visit at the start of the 2008-2009 drought, he expressed his intention of constructing a temporary cattle camp across the swamp in the direction of the Naimina Enkiyio Forest creating, in effect, a line of three homesteads in the highland. The reason for the cattle camp, he claimed, was that his cows needed to reach the grazing and water resources inside the forest more easily during the dry season. He added that if, after a while, people had not complained of his move towards the forest, he would 'take a wife' to live there.[45] Indeed, I later learnt that he was involved in talks about marrying a fourth wife.

An important reason for ole Kosiom to have his wives in the highland and not in the middle zone is because there is still space available in the highland area and since he worked as a tourist guide in the forest he realized that the forest had tourist potential. With this in mind, he has already identified scenic spots on his land for campsites. Tourism can now be added to the list of possible benefits provided by the swamp area of the highland, such as year-round water, evergreen pastures and the irrigated agricultural potential opened up by the wet margins of the swamp.

Ole Kosiom and others who apply this method to appropriate land are accused of being 'land grabbers'. But although the name has negative connotations, it also produces admiration and everybody now wants to grab as much land as possible.

Variations on the two strategies discussed so far, i.e. dispersing wives over different ecological zones and dispersing wives in the same zone, abound in Loita. At times, a widowed mother instead of a wife is used by a son to claim permanent settlement at a certain locality and sometimes the wives of married sons or occasionally married daughters are used by their father to spread claims. Sometimes both strategies are used by the same herd owner at once. An example is ole Okuluo. He divided his three wives over two homesteads to claim parts of a plain and a hill in the middle zone. And a plot he

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[45]  Interview S: 28/11/08.

owns at the nearby trading centre adds additional weight to his claim to almost the whole hill because his field lies between the plot and one of his homesteads. He also has a homestead in the lowland and another in the highland where the wives of a married son reside. Ole Okuluo is known as a particularly successful land grabber in Loita.

*Map 9.4    Dispersing wives in the highland*
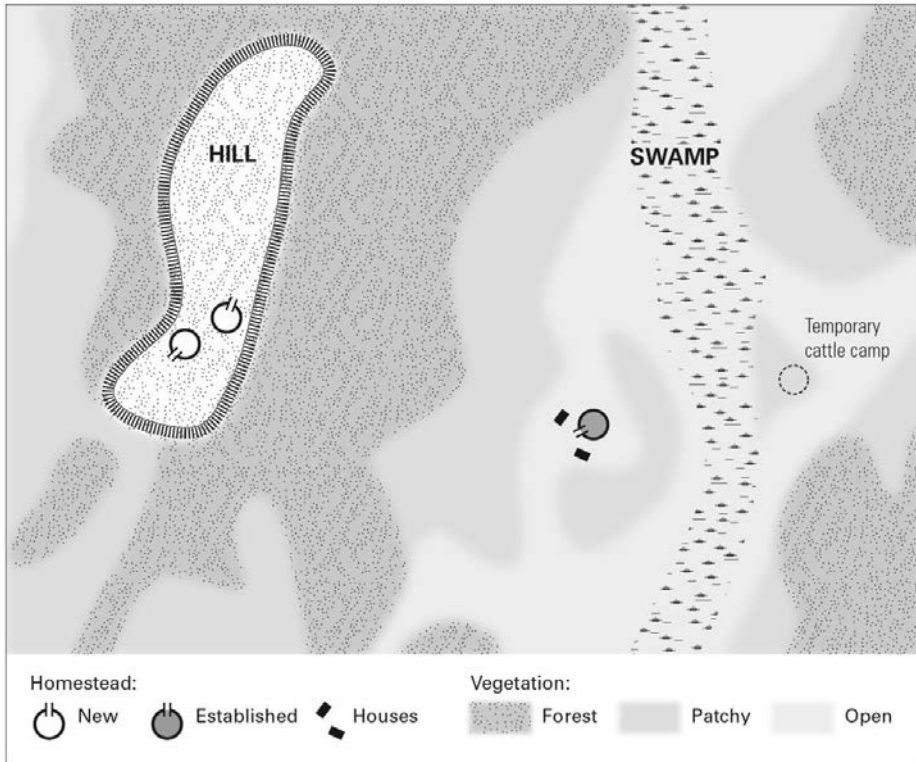


Ole Okuluo, ole Kosiom and ole Reson all belonged to the same age-group: the Ilkitoip age-set. This commonality seems to stand for a wider pattern as most of the men who had dispersed their wives belonged to this age-group. These men had reached an age where they had well-established families and had had time to build up a herd. The men were 'ready' for land adjudication. Most importantly, they belonged to the govern-ing age-group (see Chapter 7) and, as such, would be in charge if land adjudication took place. This put them in a strong position because they could steer the process to their own advantage.

*Tying stock-friendships*

For small herd owners, the situation is different and so are their possibilities and choices. Like large herd owners, small herd owners are also trying to find ways to continue practising transhumant pastoralism. Ole Turuni lives in the middle zone and since his herd is small, it remained there during the dry seasons of 2007 and 2008 because it had rained sufficiently in the previous rainy season and there was enough grass. When the short rains had not come by early 2009, ole Turuni asked a clan-mate − ole Kosiom who was introduced above – for permission to take his herd to ole Kosiom's homestead in the highlands for the duration of the dry spell. Ole Turuni's herd needed water and pasture resources to remain strong during the drought. Although locality boundaries lose their meaning at times of extreme drought and access rules are relaxed (as they are at the sectional level too), ole Turuni could not afford to wait given the risk of losing animals from his already small herd. Ole Kosiom accepted and, by doing so, sealed the beginnings of a relationship based on trust and mutual assistance in cattle management (Spencer 1988: 27) that is characterized by the asking and granting of favours and counter-favours. I call this relationship a 'stock friendship'.

Stock friendships are formed on the basis of an existing relationship. Ole Turuni and ole Kosiom, for example, belonged to the same clan and were also related to each other through a firestick relationship: ole Kosiom was a firestick elder to ole Turuni. Their acquaintance had grown out of ole Kosiom's close friendship with ole Turuni's deceased father.

Both large and small stockowners use stock friends to place their herds or parts of it in distant homesteads according to the needs of their livestock or the season of the year. This system may act as 'life insurance in difficult times' (Voshaar 1998: 71) and allows people to start anew when a disease affects their herd at home. Stock friendships can cross-cut sections. With access to the highland and the middle zone because he has homesteads there, ole Kosiom has a Purko stock friend in the lowland area of the Purko section where he keeps most of his goats and sheep on a permanent basis. Ole Kosiom is linked to the Purko through his Purko mother. Ole Keko has a stock friendship with a member of the Ilkunono blacksmith community in Leshuta who lives in the lowland area of the Purko. They know each other from the livestock-trading business and their stock friendship has been strengthened because they belong to the same age-group. Stock friendships can also go beyond cooperation in cattle management and during the prolonged dry season in 2008-2009, ole Keko took in two children from his stock friend's family because there was insufficient milk to feed them at their own home.

Stock friendships are reciprocal relationships. Ole Kosiom's underlying motive for giving in to ole Turuni's request became clear when their combined herd was moved to ole Turuni's homestead in the middle zone when it started to rain again in March 2009. Ole Kosiom, who has a homestead in the middle zone but in a different locality, had already expressed his wish to abandon this homestead (and with it the rights he had to use the resources of this particular locality) and have all his wives live in the highland area. But he could only allow this if he was assured of continued access to the middle zone in wet seasons when grass is plentiful there. The stock friendship with ole Turuni opened up possibilities for this.

Their stock friendship also created the possibility for ole Turuni to settle in the high-land. By taking his animals to that particular locality in the highland and visiting them regularly, he initiated a first booking for future settlement. Both ole Turuni and ole Kosiom had been discussing ole Turuni's chances of settling in ole Kosiom's locality in the highland. Taking his cattle there was a first step, the next step would be taking his wife to ole Kosiom's homestead. He could then call for a locality meeting and request that the locality elders give him his own place to live, for which he would need to muster enough support from other inhabitants in the locality first. Another option would be to convince ole Kosiom to give ole Turuni a piece of his own land. This would save him the uncertainty of going through a locality meeting.

Ole Turuni does not intend to marry a second wife because, as a small herd owner, he cannot afford it but also because he attended (primary) school and considers polygamy to be an outdated practice. To maintain a claim in the middle zone where his current homestead is located, he is discussing with his brother, with whom he shares the homestead, about the possibility of splitting up so that one would remain in their current homestead in the middle zone and the other would move to the highland. His brother is also educated and married, and also has no wish to marry a second wife. Their bond as full brothers, the fact that they belong to the same age-group and the small size of their combined herds guarantee them both future pastoral access to each other's locality.

Ole Turuni's growing interest in settling in the highland came from the need to secure dry-season grazing at a time when rumours of imminent land adjudication and demarcation were spreading in Loita. These created uncertainty about the future and ole Turuni feared that his stock friendship with ole Kosiom would ultimately come under pressure and might not be enough to secure access to the highland in times of need. A permanent settlement in the highland offered more security. Like the large herd owners who are spreading claims across diverse ecological zones by dispersing their wives in anticipation of land demarcation, so too ole Turuni was trying to stake claims. He did this, firstly, by forming a stock friendship to gain access to a new area − the highland in this case − and, secondly, by mobilizing his brother (or more precisely his brother's wife) to maintain valid access to his current home in the middle zone. Investing in social relations is an important strategy to gain or maintain access to land (Berry 1989, 1993; Ribot & Peluso 2003: 172).

*The emergence of the field-cum-olokeri*

Cultivation is practised by owners of large and small herds alike but my material suggests that small herd owners put more effort into it and have higher expectations than large herd owners do. The fact that small herd owners have more to lose during periods of disease and dry spells certainly plays a role. In times of stress, large herd owners have greater chances of keeping sufficient animals, acquiring foodstuffs and rebuilding their herds afterwards. For small herd owners, the consequences of disease and drought can be devastating. Ole Keko experienced such an adverse situation in 1992 when he was still unmarried and only one cow was left in his father's herd to provide for the entire family consisting of ole Keko, his parents and his six siblings. Their field was small and food was a problem. It is no surprise then that, afterwards, ole Keko focused on

cultivation and worked hard to expand his field every year. In good years, he was even able to make a profit by selling his maize surplus. His contrasting experience of slow and uncertain progress in increasing the herd size and his relative success in cultivation convinced ole Keko of the value of expanding the land he cultivated. His actions and the problems he faced as a result underscore this conviction.

Ole Keko unscrupulously doubled his field in early 2007 by clearing bush and putting up a perimeter boundary fence. He became involved in a heated argument with an uncle who accused him of 'grabbing land' and 'suffocating' the locality.[46] The discussion escalated and reached a point where they actually started fighting and a locality meeting was called to resolve the matter. It was decided that ole Keko could keep the land that he had demarcated but because he had committed a serious cultural offence by fighting with somebody from an older age-group, who was not only a clansman but was also categorically his father, he had to surrender six animals to 'restore' the various cultural rules that he had broken. This was an enormous sacrifice on ole Keko's part as he had painstakingly tried to expand his herd over the years.[47] Extending his field had cost him dear but ole Keko still insisted that it was all worth it because 'over time your herd can grow but not so your land'.[48] Ole Keko's demarcated field is the largest one I came across in Loita.[49]

Ole Keko's search for new ways of improving his livelihood makes him one of the trendsetters in Loita of what is called the 'field-cum-*olokeri*' here. An *olokeri* (pl. *ilookeri*) is a piece of land within a locality that is set aside as dry-season grazing. When the *olokeri* is closed in the rainy season, only the young, sick and draught animals can go in. Grazing there for other livestock is forbidden. An *olokeri* is officially opened during a locality meeting when the rest of the grazing areas of the locality have no grass left, usually towards the end of the dry season. Only the herds of resident families are allowed to graze their animals in the common *olokeri*. Violation of *olokeri* rules used to be severely punished by the locality and the system was quite well respected until about a decade ago. People from outside the locality and from within have been increasingly trespassing and making unlawful use of such areas. As a result, conflicts have been on the rise, especially in localities in the populated middle zone. As *olokeri* rules are increasingly being violated more openly, locality elders have been unable or unwilling to fine trespassers. The system has been collapsing gradually as the *olokeri* has increasingly been encroached on by new homesteads, livestock and fields. Beneath this process of collapse lie the changes discussed earlier, namely population growth, the adoption of cultivation and the break-up and spread of homesteads across the locality. In ole Keko's

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[46] Interview ST: 4/10/08.

[47] Ole Keko was fined two heifers by his clan; one for fighting with a clan-mate, and another one for fighting with a clan-mate who was also his 'father'. Breaking somebody's bone during a fight is traditionally levied with a fine and because ole Keko broke his uncle's finger during the skirmish, he had to give him a heifer. Finally, a ceremony was held to restore peace (*osotua*) between the two relatives. Ole Keko, as the junior of the two, was expected to present his uncle with gifts in order to receive his blessing. These consisted of a heifer, blankets and beer. To afford the blankets and beer, ole Keko had to sell a calf, and a second calf was also sold to pay his uncle's transport costs as he was too weak to come to the ceremony on foot.

[48] Interview ST: 26/5/08.

[49] Of about 5 acres.

locality, for instance, somebody built a new homestead next to the *olokeri*, ignoring complaints by fellow locality members and spoiling part of the *olokeri* with the daily movement of his herd. The expansion of settlements in the neighbouring locality towards the edge of the *olokeri* makes boundary control even more problematic.

The consequences for small herd owners are usually worse than for large herd owners who tend to have second homesteads in the highland where they can send their herds when the grass in the *olokeri* is finished. The predicament of the small herd owners is illustrated by this example: one of the largest herd owners of a locality in the middle zone, whose herd is at least ten times larger than the herds of the small herd owners, entered the closed *olokeri* with his whole herd unannounced. By the time the other locality residents had realized this infraction, his herd had practically finished the grass so they all rushed to the *olokeri* so their herds could use the remaining grass before it was finished. The large herd owner later moved his herd to one of his other homesteads, unperturbed by the problems he had created for the small herd owners who had no access to second homesteads elsewhere. The emergence of the field-cum-*olokeri* is an innovative response by small herd owners to prevent this sort of problem in the future.

*Photo 9.3*    A field-cum-*olokeri* in the middle zone (February 2009)



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Ole Keko shares a homestead with an age-mate who, as a former livestock trader, had travelled far beyond Loita. Having encountered conflicts within their locality over the common *olokeri*, the age-mate introduced the field-cum-*olokeri* in their locality, something he had seen on his travels. Ole Keko soon copied him and as this happened during my fieldwork in Loita, I was able to follow the process closely. The land that ole Keko had officially demarcated as his field, and for which he was fined heavily as we saw earlier, was in fact only partly ploughed. On the other part, which was much larger than the ploughed area, he let the grass grow, creating in effect his own *olokeri* for his own exclusive use. This move did not go unopposed by his neighbours and resulted in a new series of locality meetings. Neighbours felt misled by ole Keko. Had the locality members known his intention was to make his own individual *olokeri*, which was a new idea for many, they would have never agreed to his demarcation of the land. But during the meetings, ole Keko stood firmly by his argument that he had demarcated the land to make a field but that he had not been able to plough the whole area yet. This was his public stance. In private, he confided to me that the individual *olokeri* had been his plan all along but he was well aware of the fact that if he had acknowledged this in public, he would never have won the case. And indeed, in the next ploughing season, he symbolically ploughed an extra piece and left enough space to grow grass again.

Demarcating land as an individual *olokeri* is not (yet) a socially acknowledged practice, so one way to do so is to demarcate a large piece of land, to claim it is for making a field and then simply use it as a field-cum-*olokeri* until having an individual *olokeri* becomes accepted practice. In the eighteen months that I was in Loita, I saw this new practice spreading from locality to locality. The land demarcated for this purpose became bigger, pushing the limits of the accepted size of the 'fields'. And as more people were making a field-cum-*olokeri*, or planned to do so, opposition in meetings disappeared because it was becoming a question of going with the flow or losing out.

As in the case of the large herd owners, an age-group element was at play as well in the strategies of small herd owners. Ole Turuni and ole Keko belonged to age-groups that had already graduated from warriorhood but had not yet reached the full elderhood of the governing age-group: the Iromboi and Ilbuluka circumcision-groups respectively. These young men had recently married and were in the process of building their homesteads, expanding their herds and clearing their fields. It is men from this age-group, in need of land to settle into family life, that appeared to constitute the majority of the grabbers and bookers during my fieldwork period. Almost all the men involved in the rush for land described in the introduction to this chapter − some recently married, others hoping to get married soon − belonged to the Ilbuluka and Iromboi circumcision-groups. For them, it would be better if land adjudication stalled until they had managed to secure access to land as recognized individual property.

## Grounding claims

The strategies of appropriation discussed in the former section are illustrative of the resourcefulness of both large and small herd owners. Strategies adopted the form of visible landmarks that conveyed socially understood individual property claims over a piece of land. I have called the practice of inscribing and altering the landscape with

these visible markers as 'grounding claims' (see Chapter 2). Loita Maasai ground claims in various ways but it always starts with an activity that people in Loita aptly call 'booking land'.

*Booking land*

This chapter started with a case of booking. People had booked land by laying out cut branches on the ground in more or less straight lines to draw the boundaries of the piece of land that they had demarcated for themselves. Demarcating land for cultivation generally follows the same procedure: one first starts by demarcating and fencing the perimeter boundary with cut branches before proceeding to clear, plough and sow the land. Any intention to build a new homestead is communicated by erecting a cattle enclosure. Taking one's herd to a stock friend can also be a form of booking land for future settlement, with the presence of the herd functioning as a marker, albeit a mobile one. Booking land is like making reservations for its future use. Plans to use the land in the future need to be communicated to others so that nobody interferes. This is where visible markers come into play (the cut branches that denote a boundary for example) as they tell others that the land has already been booked by someone for a particular use. At this stage, grounded claims are still tenuous and can be reversed, even if the claimant simply changes his mind and time erases the landmarks. To strengthen a claim, more permanent markers are needed.

*Beacons of permanency*

Permanent settlement is a must for a herd owner who wants a socially recognized claim to land. When a herd and their herders leave an area that they have used temporarily as a cattle camp, the herd owner loses his claim to the land he used, even if he stayed there for weeks or months. The only land that he might claim if he comes back is that where the remains of the constructed structures (*olmuaate*) stand, like the cattle enclosure and any adjacent shelters but not the land beyond. This means, in theory, that if another herd owner wants to settle in the area of a deserted cattle camp, no matter how many consecutive years that specific area has been used seasonally by another herd owner, the newcomer has the right to do so as long as he leaves the *olmuaate* intact, even if he completely surrounds it with for example a field, houses and a cattle enclosure. A claim to *olmuaate* is thus practically useless without a claim to the surrounding land that is necessary for (agro-)pastoral use. To have the right to land for agro-pastoral use, a herd owner needs to live there permanently.

The key factor that determines the difference between a temporary homestead (*ronjo*) and a permanent one (*emparnat*) is the presence of a wife who has her own house. Women are the owners and managers of their houses (Talle 1987; Voshaar 1998: 78). It is this unit of wife and house that stands for permanency. Thus, a herd owner needs to bring in a wife who then builds her own house and comes to live permanently at that homestead. The house she builds should be her principal residence because a wife may, from time to time, join a temporary cattle camp but then she will build a smaller temporary house and her main house at the permanent homestead will remain locked until she returns. In the case of a permanent move, the wife's house at the old homestead will be

burnt down. Having a wife residing at a homestead gives settlement there a substantial degree of permanency because she will be there during the wet and dry seasons. Even if the herd owner migrates with his animals, there will still be a visible presence and continuous use of the land. These are important justifications for a claim to land. Wives have, therefore, become important assets in claiming land, as we saw in the strategies of appropriation discussed in the previous section, and large herd owners with several wives have had a head start in the rush to book and grab land.

In addition to having a wife residing at a homestead, there are other factors that add muscle to a claim to land. One is the material with which the wife's house is built. Ole Reson's wife in the lowland lives in a traditional Maasai house made out of branches and plastered with a mixture of soil and cow dung that she built herself. His wives in the highland and in the middle zone, on the other hand, live in more durable corrugated-iron and timber-roofed houses constructed by hired labourers that replaced their traditionally built Maasai houses. Ole Reson plans to build a cement-walled and corrugated-iron-roofed house for his wife in the middle zone. The investments made in the houses of his wives in the highland and the middle zone reflect ole Reson's intention to reside permanently there. And indeed, the reason why he had not replaced his wife's house in the lowland with a new-style house was because he was still unsure about staying there in the long term. This uncertainly is because of the unreliable water supply at the borehole due to a defective machine that, when it breaks down, makes life in the lowland impossible for both animals and people in the dry season.

By replacing traditional Maasai houses, which were suitable for a mobile livelihood, with corrugated-iron-roofed houses and cement or stone houses, Loita Maasai are progressively grounding their homesteads in specific places in accordance with their more sedentary lifestyle. A house with cement or stone walls is the ultimate sign of a herd owner's plan to stay there forever.[50] This change in house style is widespread in Loita and reflects a process of sedentarization that is closely related to the adoption of agriculture (Maundu *et al.* 2001: 8-9, 18-19, 27). Ole Reson has fields in the highland and in the middle zone, which are also the places where his wives have new-style houses. Cultivating land is another very visible way of grounding a homestead in a locality. Having a field in the homestead is thus another beacon of permanency that, like the construction of a new-style house, attests to the work and money invested and signals one's reluctance to move. In the process of grounding a homestead by building a new-style house and clearing a field, one is in fact simultaneously grounding a claim to a specific place that is visually very powerful. In other words, the more grounded a homestead is, the more permanent it is and the stronger a herd owner's claim is to the land he has occupied and is using.

In summary, the presence of a wife with a (durable) house and a field that is being worked are visible markers of permanent settlement. They embody a process of grounding markers in the landscape whose visibility is instrumental in claims of occupancy and

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[50] Moving a house with a corrugated-iron roof is possible because the materials that were bought (like timbers and the corrugated-iron sheets) can be dismantled and reused, but with a cement or stone house, one loses any investments made.

use of the land. These are the claims that will be used to achieve legal ownership when formal land demarcation and adjudication takes off.

## Claiming individual property in land

The rights that a herd owner derives from permanent residency in a particular locality involve rights of use in areas that are used by all the inhabitants of a locality, such as watering places and grazing areas, including the common *olokeri*. Apart from these jointly used areas, there are also water resources like hand-dug wells (Ngece et al. 2007: 173) and tracts of land within the locality that a herd owner refers to as 'mine' (*enaai*),[51] implying his exclusive right to its use. The size of the plot of land that can be claimed as individual property depends on its purported use. This is important because land cannot be claimed or demarcated as one's own without good reason. Social convention has it that only land that serves a particular livelihood purpose can be appropriated. Land with buildings like houses, animal enclosures and a maize store can be claimed as a homestead (*enkang*). And the area next to the homestead where animals gather when moving in or out of their enclosures, where the saltlick trough is and where young and sick animals stay during the day, can be claimed as *auluo* as can any land under cultivation such as a field (*enkurma* or *olchamba*, derived from the Swahili word *shamba*).[52] The amount of land that can be claimed as a homestead and *auluo* depends on the size of the resident family and the number of animals owned. Social norms state that the land should be enough to serve its purpose, i.e. to accommodate the number of houses required and the size of the herd. The criteria regarding the size of the field, on the other hand, are unclear but the socially accepted limits are usually attained by trial and error, i.e. until a new clearing or extension meets a counter-claim by another herd owner or when the locality complains. For example, when ole Turuni extended his field in 2007, his neighbour complained that he was encroaching on his *auluo*. In another case, the whole locality turned against a man who had cleared a field in what the rest considered was the common *olokeri*. Issues like these are resolved at meetings open to all circumcised men in a locality.

## Grabbing land: manipulating land-based categories

In Loita, claims to land as being 'mine' are endowed with social meaning when this is made in the language of agro-pastoralism. Every herd owner has a right to claim a homestead, an *auluo* and a field. These are acceptable reasons for appropriating land. Land categories are glued to their agro-pastoral use. However, in view of a perceived decreasing land base and imminent formal land demarcation, herd owners have been seeking ways to manipulate these categories in order to grab as much land as possible. One way is by altering the content of an existing category to suit one's personal needs. This is clear in the category of *olokeri,* which is undergoing a process of individualization. The individual *olokeri* is, however, still highly contested and people with an indi-

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[51] Interview K: 20/3/08.
[52] Voshaar (1998: 112) referred to the practice of referring to land used as one's property, as something new in 1998.

vidual *olokeri* face subtle and repeated opposition in the form of the removal of boundary markers and trespassers during the herd owner's absence.

In other cases, herd owners test the limits of these land categories by appropriating more and more land in their name. For example, the word *olale* refers to the compartments inside a house for keeping calves (*olale loo lasho*) and kids and lambs (*olale loo lkuoo*) at night. If space inside the house is limited, a small enclosure outside the house but within the homestead functions as an *olale*. Ole Kipinat fenced a small area at some distance from his homestead at a place where, due to a decision taken at an earlier locality meeting, he had been forbidden to clear a field. This time he claimed it was his *olale*. This was fiercely contested by the locality who disputed his interpretation of *olale* and saw it as an alternative tactic to appropriate the land anyway. Due to a number of circumstances that are beyond the scope of this chapter, ole Kipinat eventually won his case and has since been extending his so-called *olale* over the years, metre by metre, and has now even cultivated a piece of it. What ole Kipinat did was to take out the category of *olale* from the realm of the homestead and use it to appropriate land outside the homestead where he had not managed to do so previously by using the category of 'field'.[53] The same tactic is used when a demarcated piece of land is claimed as a field when in reality it is meant to create an individual *olokeri* in what I have called the field-cum-*olokeri* strategy. Even if a herd owner stretches the meaning of such categories or alters its content, the aim is, either way, to grab as much land as possible.

## Conclusion: land tenure transformations

This chapter has investigated the indirect effects of the state-led land adjudication programme in Loita by showing that, although the programme has not been implemented, it has set in motion a growing conviction that sooner or later land adjudication and demarcation will happen. Based on what has taken place elsewhere, the expectations of how land adjudication will proceed articulated with other processes affecting land access and control, such as the gradual decrease in Loita territory and land use changes triggered by population growth and the loss of cattle to disease and drought. These land-related changes are interlinked with wider-ranging constraints and opportunities associated with a gradual integration in state structures and a globalizing world that has seen the introduction and growing relevance of education, shops, money as well as the market economy (as is evident from the number of livestock traders and the emergence of the wheat elite) and development projects. All these changes have affected the decision-making and livelihood strategies of Loita families and have resulted in Loita gradually shifting from being a pastoral area to one featuring agro-pastoralism and a more sedentary way of life. Along the way, a process of land appropriation evolved that culminated in the land rush described in the introduction to this chapter.

Land appropriation in the highlands and the lowlands was the first stage in a series of land tenure transformations. It saw the tenure rules of the locality being applied to areas that had previously been used for open-access grazing only (*ronjo*), as people started to

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[53] Galaty (1992: 38 n. 3) mentions the same strategy among the Keekonyokie Maasai but with the land-based category of *olokeri* that refers to what in Loita is called *auluo*: 'The notion of "*olokeri*" or "*olopololi*" has been extended, if not distorted, by some in order to claim areas of individuated land'.

settle there permanently. Since about 1980, settled localities have been expanding from the middle zone to the lowland and highland areas of Loita and almost all of Loita territory is now organized into localities. This has pushed back the areas open for *ronjo* to the Naimina Enkiyio Forest and to a few places in the contested Loita borderlands. Where the lowlands and the highlands had previously been open to all for seasonal pastoral use, locality tenure rules that discriminate between residents and non-residents now apply and regulate access to any pastoral resources. The gradual spread of locality tenure over Loita territory soon overlapped with a second tenure transformation that mimicked the first, but on a smaller scale. Now, areas used collectively by the locality residents for grazing their livestock have started to be claimed as individual property by family heads. Over the last fifteen years, this development followed the break-up of the large homesteads typical of the past and saw locality residents slowly clearing fields and building smaller (individual) homesteads in all corners of the locality. The breakdown of the *olokeri* system, the dry-season grazing area reserved for the locality's herds, is perhaps the latest tenure transformation taking place in Loita. Though hotly contested because it was still so recent during my fieldwork period, the common *olokeri* was clearly under pressure from a system of individual *ilookeri* in each homestead.

The three land tenure transformations highlighted here have resulted in areas that were formerly jointly used undergoing a process of enclosure, individualization and exclusion: *ronjo* areas were used in common by all Loita before land started to be claimed by emerging localities to the exclusion of non-residents. Then the areas that were used collectively in the locality started to be claimed by individual locality residents as their own homesteads. Finally, the system of the common *olokeri* seems to be collapsing as individuals start demarcating *ilookeri* for their own use.

This chapter has described strategies of land appropriation by large and small herd owners that reflect their need to secure land for livelihood activities. These strategies highlight a general belief in the inevitability of land adjudication but also show a desire to continue practising (transhumant) pastoralism despite decreasing land availability and a shift towards a mixed agro-pastoral livelihood. That people are striving to continue with pastoralism is particularly evident in the first strategy discussed and illustrated by the case of ole Reson, who has moved his wives to live in different ecological zones. Ole Reson was not the only family head who has made a claim for individual property in the highland, in the middle zone and in the lowland. He belongs to a privileged group of men who, though not necessarily well educated, were considered to be the wealthiest among the Loita because of their large herds. In general, they also belonged to the governing age-group. Wealth in cattle makes it possible to marry and maintain several wives, something small herd owners cannot afford. In the context of perceived imminent land adjudication, wives are important in gaining access to places as beacons of permanency. Claims of permanent settlement, in turn, are expected to be key in claiming individual ownership and in obtaining title deeds when land adjudication takes off. Having homesteads in different localities and ecological zones (and thus with access to varied pastoral resources) makes it possible for men like ole Reson to continue practising transhumant pastoralism. Most of the homesteads are in different (administrative) locations as well and this will be convenient too. So, if all goes according to plan and

the leaders of their age-group can favourably steer the transformation of locations into group ranches, they will be able to continue with transhumant pastoralism after land adjudication. Their wealth in cattle may translate into wealth in land. Large herd owners with a dispersed family and who belong to the governing age-group are set to become the winners of state-sanctioned land demarcation, adjudication and subdivision.

The role of the governing age-group points to an important temporal aspect and age-group-related dimension in the field of land appropriation. Men like ole Reson who belong to the governing age-group are already settled and their claims to land have been consolidated. It is in their interest to jumpstart official land adjudication very soon. Younger age-groups that are still settling and building up their herds or are about to do so would rather wait until they have booked and grabbed land. For the older generation, this would mean that land would need to be divided and shared among even more people and it is therefore generally men from the governing age-group, who are already settled and with political power, that are currently agitating for the formalization of ownership claims. This is, in fact, a generational conflict and it could be said that each age-group has its own political agenda as to when official land adjudication and demarcation should start.

The strategies of appropriation discussed in this chapter are characterized by a practice that I have called grounding claims, i.e. inscribing and altering the landscape with visible markers that communicate individual ownership by the family head (Ingold 1986; Rose 1994). Appropriation simultaneously means dispossession because it implies that others lose access (Li 2007a: 19-20). By inscribing the landscape with markers of individual ownership, a herd owner simultaneously claims the ability or power to control access and denies others the opportunity to use the land (Ribot & Peluso 2003: 154). Grounded claims therefore reflect unequal power relations (Bryant 1998: 86) between large and small herd owners and between older and younger age-groups, as was seen above. Claiming is thoroughly political and the practice of booking and grabbing land expresses power relations and struggles as well.

Visible markers range from a line of cut branches on the ground to a fully developed homestead with a wife, a fenced field and a new-style house. The exercise of marking land described in this chapter parallels some of the examples discussed in Chapter 5 on territorializing development. We saw there how permanent buildings (the Leshuta school, the Ilkerin Project) were erected at strategic places along the Loita-Purko boundary to function as Loita 'flag posts' and halt Purko encroachment in the area. These grounded claims were made at the level of section for the benefit of the Loita Maasai and to the exclusion of the Purko. They are about territorial demarcation or territoriality (Sikor & Lund 2009: 13-14; Ingold 1986) and convey the *collective* appropriation of land.

Let us return to the grounded claims that convey individual property that were discussed earlier in this chapter. If grounded claims go unquestioned by others, they may be considered socially accepted and legitimized claims. Claims are consolidated and the process of appropriation ends here: the family will use their visible markers of permanency and the fact that nobody lodged an objection to validate and legitimize their 'customary' ownership. Their right to a title deed is thus assured when land adjudication

occurs. But when grounded claims are contested and challenged, for example by a neighbour who claims the same piece of land or by the locality that insists that the land is for collective use, the process of appropriation enters another domain: it is then in the arena of the land dispute meeting and will be mediated by locality leaders according to Loita Maasai law. The practice of 'grounding claims' is replaced by the practice of 'talking claims'. The next chapter examines the process of land appropriation when people talk claims in a locality meeting and analyses a dispute between two neighbours who have claimed the same piece of land.

## Epilogue

Chapter 9 described a period in Loita (2007-2008) when strategies of land appropriation were in full swing and individual property had not yet been formalized according to state law. It was only after I completed my long-term fieldwork in Loita that the first boundaries were surveyed to start the state-sanctioned process of land adjudication and demarcation. In mid-2009, the Loita found out that the Purko from Naikara Location on the northwestern side of Loita had formalized the contested Loita-Purko boundary without consulting them. In the process, they had grabbed land that the Loita considered was theirs near an area called Leshuta. The Loita protested and a series of meetings followed. Eventually the boundary was moved to the satisfaction of the Loita. Now it and the rest of the Loita-Purko boundary on the western side of Loita appear to have been surveyed by official land adjudication officers, marked using GPS and beaconed. The Leshuta land conflict forced Loita leaders to pursue land adjudication more seriously and they actively approached reluctant state authorities to initiate the process in Loita. To have Loita declared an 'adjudication section', as was legally required, it was necessary to formalize the internal Loita boundaries of the five administrative locations first as these would serve as the boundaries for the still-to-be subdivided group ranches. Uncertainty surrounding the implications of the 2010 Constitution regarding Trust Lands, which have been renamed 'Community Lands', has convinced many of the urgent need to start the adjudication process. Frustrated by slow state bureaucracy, Loita leaders imposed the payment of a compulsory Loita-wide contribution to cover the services of an official boundary surveyor. By the end of 2010, the Ilkerin Location boundaries were beaconed and the surveyor had proceeded to survey the Morijo Location boundaries, after which more locations would follow. But the Inkidongi (living in Morijo and Entasekera Locations) insisted that they wanted their own separate area. The process of formal adjudication and demarcation in Morijo Location (and the rest of Loita) stalled after a number of cases were filed. Court proceedings are still ongoing.

# Talking claims and governing appropriation in a locality meeting

### Entering the arena of the land dispute meeting

When a person objects to the grounded claims of another person from the same locality and the two fail to solve the issue among themselves, then a land dispute meeting at the level of the locality is convened to resolve the problem. As noted in the introductory chapter of this thesis, meetings of this kind were rampant in Loita during my fieldwork period. They were a new phenomenon that started around the turn of the 21st century, being held occasionally at first but increasing steadily in frequency until the last couple of years when they became very common. Land dispute meetings are a by-product of the processes of change analysed in the previous chapter.

Land dispute meetings at the level of the locality are open to all circumcised men in the locality: no women, children or people from other localities may attend. The exclusion of women from these meetings is because issues of land appropriation are seen as falling under the responsibility of the family head, as was seen in the previous chapter.[1] As with other types of meetings where women are excluded, the outcome may have a gendered effect and significantly affect the lives of women and children.[2] Typically held in the shade of a tree or, in the absence of trees, next to a group of bushes or a termite hill,[3] locality meetings about land disputes are usually well attended.[4] This is not only because they deal with matters that are topical, controversial and the subject of real con-

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[1] Although rare, exceptions do occur. Only once did I observe women at a land dispute meeting. It seems that they were tolerated because they were educated and had good jobs. Although listening attentively to the proceedings, they did not speak and remained seated at the farthest end of the group.

[2] Having to pay a fine, for example, may mean that no money is left to pay school fees.

[3] Tree (*olchani*, pl. *ilkeek*) or termite hill (*olkiu*, pl. *ilkiun*) are alternative names for 'meeting' (*enkiguana*, pl. *inkiguanat*). Each locality has at least one site marked by either a tree, a bush or a termite hill for holding meetings.

[4] Locality meetings may be called for reasons other than land disputes, for example to discuss the opening or closing of the common *olokeri*. Dispute meetings too constitute a broader category and are not exclusively tied to land tenure issues. For example, a fight between two age-mates is best solved during an age-group meeting and mediated by the age-group chief, and one between fellow clan-mates at a clan meeting mediated by the clan chief.

cern, but because the outcome may affect everyone. There is a general emphasis on conformity and achieving consensus in debate in Maasai meetings (Waller 1978: 181-182). Everybody who attends is allowed to speak and will be listened to. Typically, the speaker stands facing the rest of the group, who are seated on the ground. Standing still with a walking stick or knob-stick in his hand or walking up and down, the speaker delivers his speech without being interrupted. After he has finished, the next speaker stands up to speak. Quarrels may flare up when two or more men want to speak at the same time and the issue is resolved only when the stronger of the two prevails or others intervene. In the end, all who want to speak usually get the opportunity to do so but meetings can, consequently, be very long.

There is generally one man or at times two who assume the role of mediator. No one person is approached to mediate a dispute. Only those with known talents in arbitration and resolving disputes in a fair and impartial manner but who are also responsive to the general mood of the meeting are accepted as mediators.[5] They are typically chosen from the pool of elders who are considered as the locality leaders. They will be among the most respected and are often wealthy and successful. The positions of mediator and locality leader are mutually constitutive and being asked to mediate a dispute recognizes one's position as locality leader. However, this position may be strengthened or weakened depending on one's performance as mediator and this will only become clear afterwards if one is asked to mediate again when another dispute arises. Unlike the leadership positions discussed so far (the age-group chief, the ritual age-group leaders, the clan chief, the councillor, the PA chief, the chief laibon, the development leader), the position of locality leader is less formal. Locality leaders are not formally chosen and they are not installed during public events (like a ceremony) and are less permanent as they depend on the recognition of the wider community and the person's performance as mediator in dispute meetings.

Locality leaders/mediators typically belong (though not always) to the governing age-group and its elders are generally the most active in locality meetings. So even though all circumcised men in a locality can speak in a very democratic and egalitarian manner, the stage is typically dominated by elders from the governing age-group, and the locality leaders in particular.

In addition to the disputants and the mediator, there are also the 'supporters'. These men have obviously taken sides beforehand and speak on behalf of the disputant they support – often a relative or a close age-mate. The mediator should refrain from taking sides, although he may ultimately rule in favour of one of the contestants.

Meetings follow a clear protocol. They open with blessings that are given by the most senior man present. Standing in front of the gathering, he calls out a series of sentences, each of which is followed by a quiet 'Naai' (O God) in unison by those assembled. For example: 'Let the rising sun shine on us his blessed light' Naai; 'For the cattle and for the people' Naai;[6] or 'May the clouds with water rain on us' Naai. Another per-

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son may follow with more blessings but usually no more than three stand up to offer blessings. These are followed by 'eating news', i.e. exchanging information, so that those present are up to date on any new events.[7] Several people may stand up, one after another, to give a briefing about the latest happenings in the locality or the places they have been to recently. This may be about the presence or lack of rain, the state of the grass, animals that have been lost or stolen, the state of the fields, disputes and meetings that have taken place, and illnesses or deaths. The discussion and debate regarding the land dispute can then finally start. First, the disputants are given the chance to tell their side of the story and their speeches are followed by those of any witnesses before the floor is opened up and supporters and others can voice their opinions. The claimants' arguments are weighted in view of social norms, past experiences but also any new realities. Every now and then, the mediating leader interrupts with a specific question or asks for clarification. He also steps in if the discussion drifts away from the main topic, if people simply repeat arguments or the debate seems to be leading nowhere. Finally, after extensive debate and deliberation, it is the mediator's task to wrap up the meeting. He will do this by giving his opinion, which reflects the general consensus, and will ultimately decide on the issue at hand.

In their role as mediators, locality leaders take the lead and preside over land dispute meetings. They have the last word and offer their verdict after hearing all the arguments of those present. In so doing, they bring closure to the process of appropriation by accepting, rejecting or adjusting grounded claims to land as individual property. Measures to enforce a decision, if required, are taken immediately after the meeting is over. For example, if someone's field extension is rejected, then the extension is undone immediately by removing the fence that has marked the extension. Locality leaders are like judges: they justify their decisions with reasoned arguments and with reference to rules that pertain to Loita Maasai law. Loita law is adaptive and flexible, and adopts new practices and conditions as old rules become infused with new meaning or as locality leaders create, dismiss or modify rules (see Chapter 2). By sanctioning claims to land and deciding what is legally acceptable, i.e. according to Loita law, as individual property and what is not, locality leaders not only mediate a conflict between two individuals but also determine the rules of the game in the current land rush. In other words, they are governing the process of land appropriation in Loita. The locality leader as the

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go to graze, may the sun protect them. *Naai*. Same to the coldness. *Naai*. May they see the entrances from far. *Naai*. Same to the river crossings. *Naai*. Let them follow the ones who are looking after them. *Naai*. Let them not turn their neck. *Naai*. We tell their enemies to be blind. *Naai*. Those who use the robes and the teeth, let them be blind. *Naai*. May they be blind and have torn robes. *Naai*. Be blessed. *Naai'*. This is a free translation of a blessing at a meeting between the Iromboi circumcision-group and the Ilkitoip age-set in preparation of the 'manyata of the feathered headdress' in Olentarakuai on 20 February 2008.

[7]  Apart from some hilltops and along the border with Tanzania, Loita had no mobile-phone network coverage during my fieldwork period. There was a radio service, installed by the Ilkerin Project, that facilitated communication between the main centres in Loita. But apart from this, 'eating news' was the most effective means of circulating information. When you meet someone on your way from one place to another, social etiquette dictates an extended and ritualized form of greeting where, after giving news about the homestead (the cattle and the family), one also gives the latest news of the place one is coming from. The other person will then follow with his/her account.

mediator between two parties and the locality leader as the governor of land issues reveal the two faces of leadership in Loita.

As discussed in Chapter 2, two dynamics that pertain to appropriation are simultaneously hosted during land dispute meetings. On the one hand, in an attempt to have one's grounded claims legally recognized, claims are 'talked'. In this sense, the land dispute meeting forms an arena where land grabbers and land bookers can extend the practice of land appropriation. On the other hand, land dispute meetings are occasions when locality leaders assert their authority as governors and address the land rush and guide the process of land appropriation. In the first, the land dispute meeting reflects a process of negotiation over concrete property claims and, in the second, negotiations focus on categorical property and rules (F. von Benda-Beckmann *et al.* 2006). The co-existence of these two dynamics in land dispute meetings and their interplay are at the heart of this chapter.

Land dispute meetings can be held at the level of locality (when the disputants belong to the same locality); at the level of section (when the disputants belong to different localities but to the same section) or at the level of the Maasai (if the disputants belong to different Maasai sections). This chapter presents the case of a land dispute meeting that was held at locality level. It took place in a locality called Olorien in the middle zone,[8] under a tree not far from the disputed site on 22 October 2008.[9] The meeting was called to solve a boundary dispute between two neighbours called Shina ole Mashati and Kironkosi ole Sulul. This case is a typical example of a land dispute where the grounded claims of one person are challenged by another. The interplay between talking claims and governing appropriation is clearly seen and, by exploring the historical background of the dispute, some of the patterns and processes described in Chapter 9 are illustrated in more detail.

The land dispute meeting in Olorien was deliberately selected here because it shows something else too. Except for this one, all the land disputes that I recorded at locality level were mediated by locality leaders. In this case, it was the assistant PA chief of the Entasekera Location who took on the role of mediator and thus also of governor. This had to do with the long history of conflict between ole Mashati and ole Sulul. It was hoped that the assistant chief would put an end to this once and for all. At the same time, his presence implied that the locality leaders had failed as mediators because fights and dispute meetings between the two kept resurfacing. The involvement of the assistant chief was also indicative of a wider tension between locality leaders and (assistant) PA chiefs over their authority to mediate/govern land disputes. I return to this important point in the last section of this chapter because it serves as a stepping stone for the topic under discussion in the next chapter on relations between Loita and the state.

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[8]  Pseudonyms have been used for the name of the locality and for the protagonists in the dispute.

[9]  I attended and (tape)recorded the meeting and had it transcribed into English. The meeting started around noon and lasted four hours. Background and additional information on the dispute was gathered on repeated visits to Olorien in the context of the longitudinal study following ole Keko's family (see Chapter 9).

## The importance of knowing how to talk

This section explores the nature of the dispute by zooming in on the two protagonists and discussing their personalities, the history of their relationship and their position in the locality. Reconnecting this exploration into the lives of the men involved in this quarrel with the course and outcome of the meeting will reveal that personal traits, abilities and skills can have a significant influence on the negotiation process and may determine to a large extent who wins and who loses out in the practice of talking claims.

*The boundary and the problem of taking sides*
The meeting was the initiative of ole Mashati who bypassed the locality leaders and went to the office of the PA chief of Entasekera Location and persuaded the assistant PA chief to act as mediator at the meeting. The reason behind ole Mashati calling a meeting was a quarrel he had with ole Sulul the previous day about a boundary that ole Sulul had marked with cut branches. It went up the hill between the new homestead that ole Sulul was building and ole Mashati's new homestead that he was constructing with his age-mate ole Keko and ran downhill as far as the Arus River (see Map 10.1). Officially the meeting was called to mediate between ole Mashati and ole Sulul but, in reality and due to the conflict's history, it involved their immediate neighbours too: ole Keko with whom ole Mashati had formed a close alliance and ole Loet, who ole Sulul used to share a homestead with. During the meeting, ole Sulul explained that he was laying out the boundaries for a new field. Ole Mashati objected to the boundary because he felt that it 'tied' (*aen*) him unfairly. The demarcation of the boundary was done with branches cut from shrubs and trees nearby that were laid out on the landscape in a straight line. Rather than doing this by himself as is usually done, ole Sulul had organized a collective labour party, using his age-mates from the surrounding homesteads to help him in return for a home-brewed beer-drinking party. Ole Sulul and his age-mates belonged to the governing age-group and the fact that some of his age-mates had assisted him in the demarcation exercise was reason for ole Mashati to assume that the governing elders of the locality were siding with ole Sulul to 'tie' him, which is what prompted him to go beyond the locality and ask the assistant chief to mediate in the dispute.

*Local histories of settlement and ambivalent reputations*
To understand ole Mashati's feelings that people in the area favoured and passively and actively supported ole Sulul, it is necessary to examine their mutual relationship in the context of the locality's history of settlement over the past two decades. We shall see that ole Mashati had the reputation of being a clever, manipulative and opportunistic land-grabber and that ole Sulul was considered a man whose good heart turns sour when he starts to drink.

*Map 10.1*     The boundary of the branches
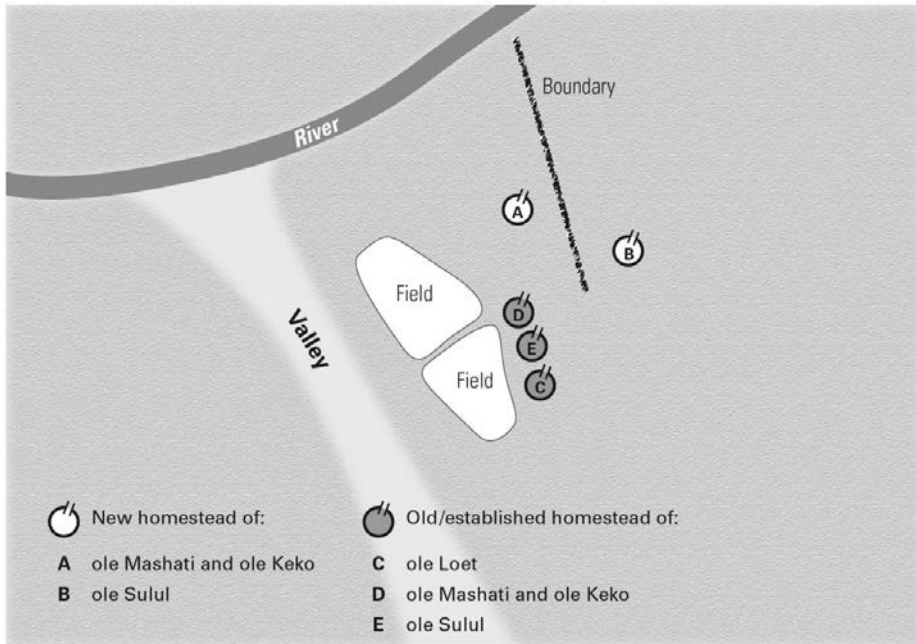


In the past, both ole Mashati and ole Sulul lived in a single large homestead that housed all the families that reside in the locality of Olorien today. At the time, ole Sulul already had a family and ole Mashati, being from a younger age-group, was still unmarried. The homestead had four entrances (see Figure 10.1). Ole Sulul's family shared an entrance with his brother's family and with the family of ole Loet, whose daughter ole Sulul had married. A second entrance was owned by ole Keko's father and ole Keko was young and unmarried then. A third entrance belonged to an uncle of ole Keko,[10] and a fourth to the family of yet another elder. When ole Mashati was still young, his father abandoned his mother and her children. Ole Keko's uncle, one of the wealthiest elders in the homestead, took them in and they joined his side of the homestead. Ole Mashati was therefore not an original inhabitant of the homestead and, although officially accepted by the locality, his status as outsider (even though it was never explicitly mentioned) would come to stigmatize the ambivalent opinion that people in the locality had of him.

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[10]   Chapter 9 described how ole Keko had a fight with this uncle over land.

*Figure 10.1*    The large homestead of the past
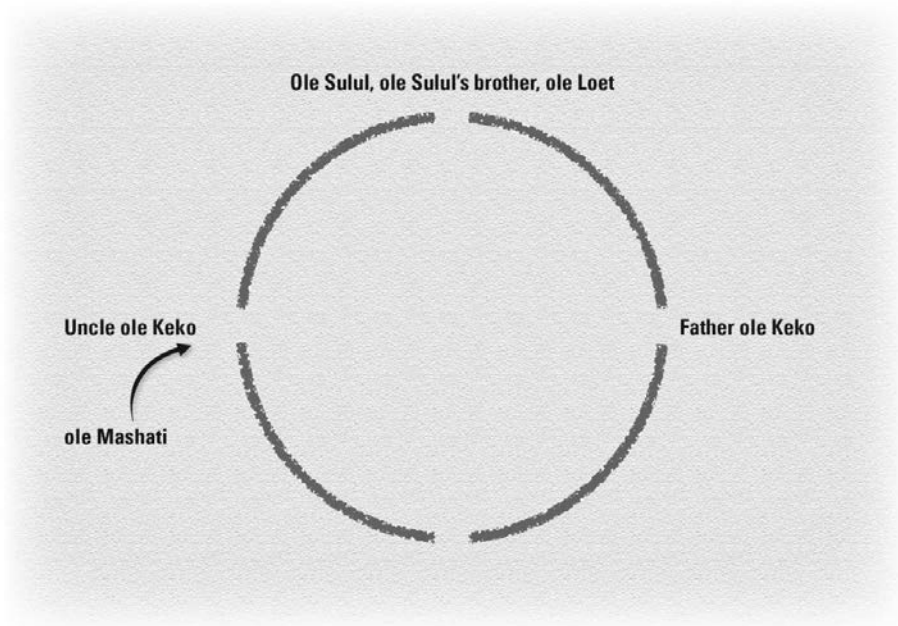


In 1992, the large homestead started to break up and the families moved away from the large homestead onto the open plain. Some established individual homesteads and others built smaller shared homesteads. Four families decided to cross the nearby valley in 2001 and relocate on the hill as the open space there had been used as common pastureland. The area was also criss-crossed by paths that people and cattle used to reach and cross the river down the hill. Under the watchful eye of the elders, two new homesteads were constructed next to each other on the site so that as little grazing land as possible would be lost and the paths would not be obstructed. Of the two new homesteads, one was shared by the families of ole Sulul and ole Loet. The other was established by ole Mashati and ole Keko who, by now, were married men (see Map 10.2). Ole Sulul and ole Mashati were not among the wealthiest people in the locality: they only had one wife each and hence only one homestead.

*Map 10.2*       Break-up and dispersal
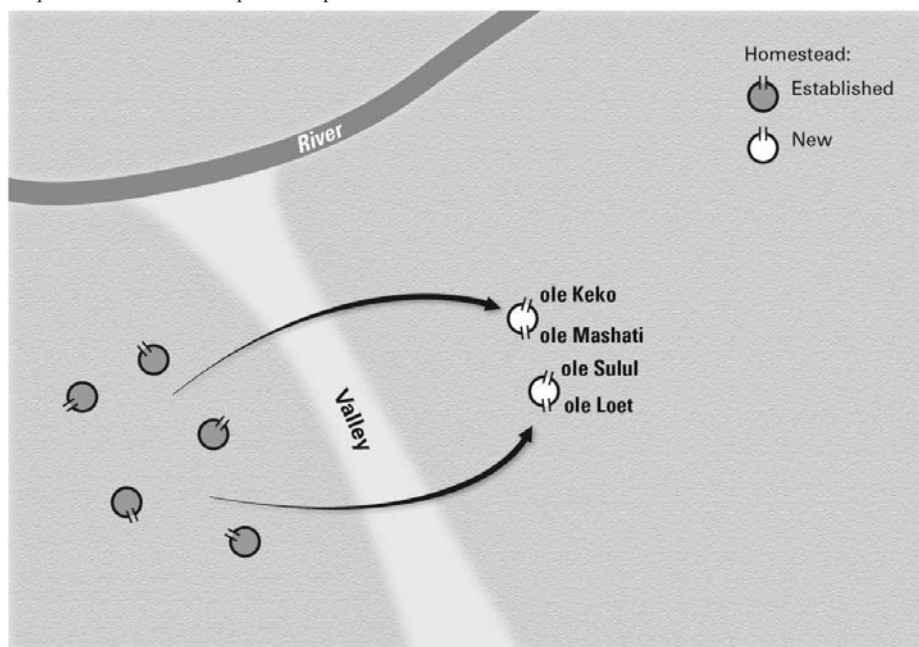


Ole Mashati and ole Keko, who were from the same age-group, had grown up to-gether and were good friends, which was the social relationship on which their shared homestead was built. Their solid, loyal relationship stands in stark contrast to that of ole Sulul and ole Loet. The relationship that formed the basis of their shared homestead, that of in-laws but also of a firestick elder (ole Loet) and a firestick youngster (ole Sulul), was not able to withstand ole Sulul's unpredictable behaviour. Ole Sulul is known to become abusive and aggressive when drunk, which he often is, and during the meeting it became clear that these two men had clashed several times since they had built their shared homestead. On one occasion, ole Sulul even had to give ole Loet a heifer to appease him. After a subsequent fight, they went their own ways but this was more a symbolic separation because the shared cattle enclosure was only replaced with two separate but adjacent cattle enclosures and their wives did not move house (see Map 10.3). After yet another fight for which a locality meeting was called, it was concluded that ole Sulul had to move away. This was to avoid a situation where ole Loet might be tempted to unleash the deadly curse that every firestick elder has over his youngsters (see Chapter 7). Surprisingly, the locality leaders decided on a spot only some 100 me-tres away from ole Loet's homestead. This was where ole Sulul was building his new individual homestead when the quarrel with ole Mashati broke out and which was the concern of the meeting under consideration here. In May 2008, during one of my visits, ole Sulul had only erected part of his new cattle enclosure. His second step, in October 2008, was the demarcation of the boundary for his field, which was the direct cause of

the land dispute meeting discussed in this chapter. The construction of his new home-stead was taking months, if not years. In 2009, ole Sulul had not completed his new homestead and his family was still living next to ole Loet's family.

*Map 10.3*      Separation
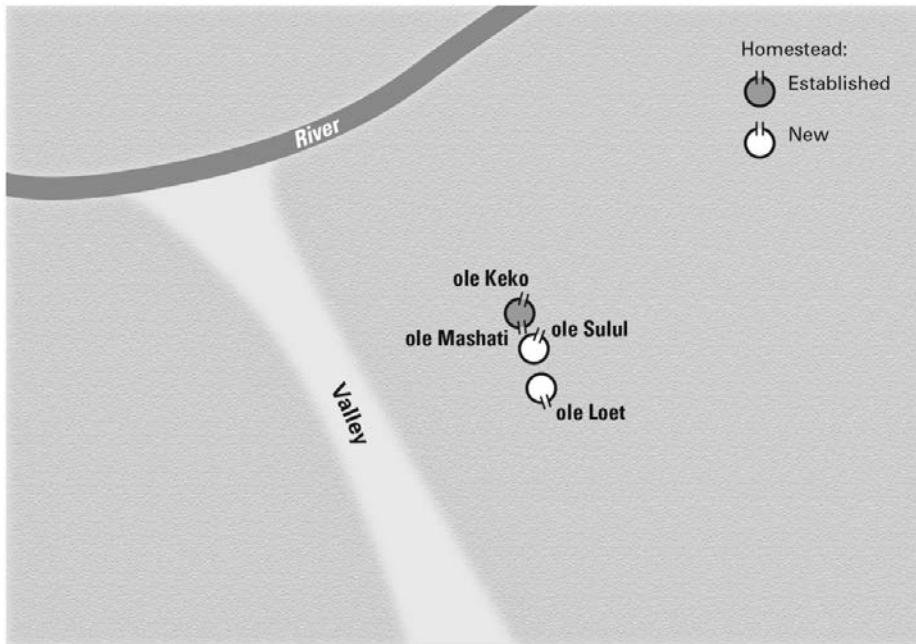


Ole Sulul was known as someone who behaves incorrectly and, because of this, peo-ple avoid him as much as possible, as was clear when nobody wanted to give him a place for a new homestead near their homes. On the other hand, it is the responsibility of his relatives and age-mates to take care of him, direct him in the right direction and even forgive him his mistakes for the sake of his wife and children. At meetings, it was these men who acted as his supporters. Ole Sulul rarely spoke and whenever he stood up to talk, he was quickly told to sit down by his supporters.[11] Ole Sulul was not con-sidered a good talker and was unable to explain or defend himself, let alone steer the meeting in a favourable direction. The assistant chief noticed that: 'Ole Sulul has a valid point, but he doesn't know how to make it to be good'. It was therefore his supporters who pleaded his case, openly labelling him a fool and thereby justifying why they were talking on his behalf. But there was something else. If ole Sulul was considered a fool

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[11]   Ole Sulul stood up to speak six times during the meeting but only gave one long speech and the others interventions were short, incoherent speeches. His longer speech occurred at the beginning and, following the protocol of dispute meetings, he was given time to present his side of the story. Ole Mashati on the other hand, spoke ten times, six of which were long speeches.

and a poor talker, then ole Mashati was considered a clever person who 'knew' how to talk to people in private and in meetings, and who could easily 'trick' ole Sulul, which is why ole Sulul's supporters believed he needed protection and support in his dispute. Taking sides was thus considered vital by ole Sulul's supporters.

Ole Mashati interpreted this differently. He felt that ole Sulul was being incited, misled and used by his supporters to thwart ole Mashati in his efforts at making a living. As he put it: 'a driver is handling the steering of [ole Sulul]' and it is the 'inciters' who 'add [something] to the fire to make the firewood flame'. The assistant chief, who was not from the locality, agreed with ole Mashati's interpretation of the situation.

Ole Sulul's foolishness and ole Mashati's cleverness were a topic that was touched on every now and then during the meeting.[12] Both characterizations were looked on with mixed feelings. Ole Sulul's misbehaviour was widely disapproved of but it was blamed on his drinking. When sober, ole Sulul is a reasonable and hardworking person. In the case of ole Mashati, his land grabbing practices were a source of both criticism and admiration. Admiration because he had grabbed large areas of land over the years and mostly got away with it; and criticism because his behaviour was considered antisocial and unworthy of locality solidarity. I will come back to these accusations later but first an overview is given of ole Mashati's land grabbing over the years.

*Diehard land-grabbers*

When the large homestead was falling apart, ole Mashati and ole Keko started the construction of their own shared homestead across the valley, independently of their guardian and their father respectively. The valley between the large homestead and the new site was the place where many had cleared their fields when cultivation started to take off in Loita. This was before the break-up of the large homestead and was, as described in Chapter 9, a factor that contributed to its disintegration. In the valley, ole Keko had worked on his family's field when he was still unmarried and ole Mashati had cleared a piece of land there as well. Ole Sulul and ole Loet also had their fields in the valley. Ole Mashati, having travelled far beyond Loita as a livestock trader, introduced the field-cum-*olokeri* into the locality, something he had observed on his travels (see Chapter 9). He did this by moving the fence round his field bit by bit, thereby extending its area in the valley. By not cultivating the extensions, he slowly created an individual *olokeri* to his field that formed the first field-cum-*olokeri* in the locality. Chapter 9 described how ole Keko took this innovation into account when he grabbed a very large piece of land to extend his field at the beginning of 2007. In reality though, he planned a field-cum-*olokeri* like ole Mashati but instead of extending it little by little each year, he did so in one swift move. This was vehemently resisted but eventually accepted after locality meetings, though he paid a high price for it. At that time, the intentions of ole Keko (and ole Mashati) were not clear to the other locality residents. The field-cum-*olokeri* was a new phenomenon in Loita and at the locality meetings where ole Keko was chal-

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[12] During the meeting, ole Sulul was called a fool or stupid (seven times), a drunkard or reference was made to his drinking behaviour (nine times) and he was described as a verbally abusive person (21 times). Ole Mashati was called clever (three times) but, more negatively, a cheat (eight times), corrupt (once), a bitter person (once), a liar (five times), a trickster (nine times) and somebody with targets and a hidden agenda (twice).

lenged, he insisted that he was not making an *olokeri* but that it was his field and he had simply not yet got round to clearing it. Since the rule states that every married man is entitled to a field as large as the area he can work, his argument was reluctantly accepted. In retrospect however, people accuse both ole Keko and ole Mashati of working together and using tricks and a hidden agenda in creating their individual *ilookeri*, thereby reducing the land base used collectively for grazing by the locality. Ole Mashati was blamed for this more than ole Keko. He was seen as somebody who had originally been an outsider and was now taking advantage of the hospitality he had been given when his family was in distress and of putting the people who welcomed him into the locality at a disadvantage. And he was also seen as influencing ole Keko and as being the mastermind behind their land grabbing.

The last land grabbing move, which was in fact in full swing during my fieldwork period, gave rise to a land dispute meeting that preceded the one under discussion.[13] It officially involved ole Keko and ole Sulul but, in reality, was between ole Keko and ole Mashati on the one side and ole Sulul on the other. When ole Sulul started to build his new individual homestead (after it was decided that he would separate from ole Loet because of their recurring fights), ole Keko decided to do so as well (see Map 10.4). One of the reasons he gave was that he wanted to be closer to his field-cum-*olokeri* and improve the view over his land to ensure better protection against unwanted human and non-human intruders. Another reason became apparent too when he explained to me that he actually wanted to open up more land in future. Only now, with ole Sulul's new homestead, these plans were being thwarted. Ole Sulul was building his new homestead on a site that reduced ole Keko's options for further expansion. Ole Keko was being blocked: on one side was ole Loet's homestead, behind the homestead were the fields in the valley and now in front of his homestead ole Sulul was building a new place for himself. Ole Keko was in danger of being completely boxed in if he did not react quickly. He thus started to book a site for a new homestead on the only land that remained open to him by fencing a cattle enclosure some 150 metres downhill towards the river and some 50 metres away from ole Sulul's new homestead. Ole Keko's grounded claims upset ole Sulul and almost led to a physical fight. During the ensuing meeting, it was agreed that both ole Sulul and ole Keko had the right to relocate in the immediate vicinity of their original homesteads. Ole Keko was ordered to move his new cattle enclosure a short way uphill because its present location did not favour ole Sulul. It was decided that the homesteads should be in a line at the same elevation so that no one would block anyone else and they would look out on uninhabited land in case they wanted to expand.

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[13] I did not attend this meeting but it was discussed at length during the ole Mashati vs. ole Sulul meeting in order to give the assistant PA chief background information on the history of the conflict between the two men. Further information on the meeting was gathered during the longitudinal study of ole Keko's family.

*Map 10.4*        Booking and grabbing land, I
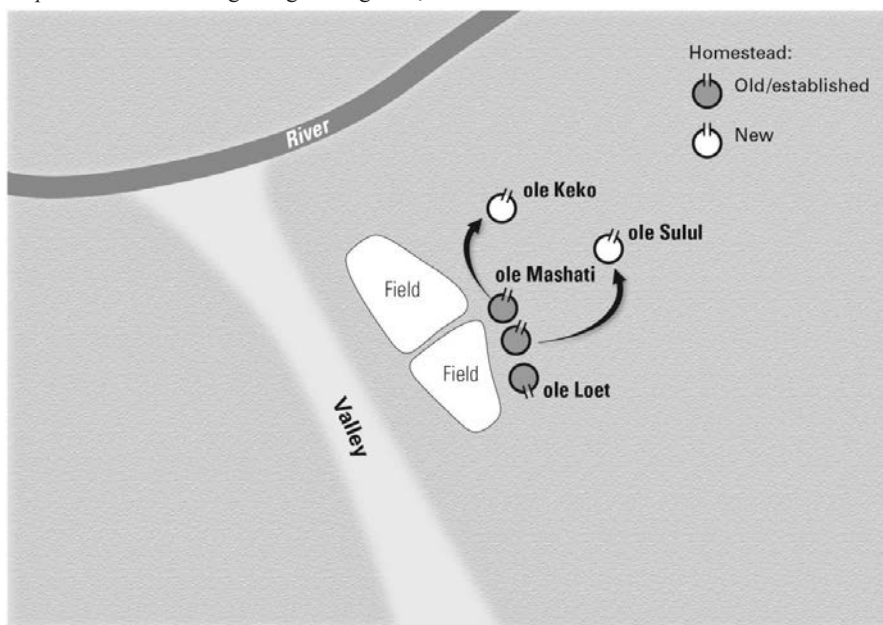


The people at the former meeting assumed ole Keko and ole Mashati were going to separate and that ole Mashati would remain behind when ole Keko moved to the new homestead. After all, this was what had been happening all over Loita, i.e. shared homesteads were breaking down to form individual homesteads. And besides, considering the investment in ole Mashati's wife's house, which was now a large corrugated-iron sheet-roofed house, migration of even only a few metres was illogical. However, as the construction of ole Keko's new homestead proceeded, it became clear that ole Mashati was moving there too. He built a house and he and ole Keko constructed the cattle enclosure together. Ole Mashati's move was unexpected and highly unusual, but justifiable because ole Keko, who was now socially accepted as the owner, had agreed to it. Had it been the unpopular ole Mashati who had made the first move, he would have had had a bigger chance of losing the case in the land dispute meeting than ole Keko. Unlike ole Mashati, ole Keko had convincing arguments in defence of his move: that he needed to have his homestead closer to his field for protection was a strong and convincing argument as he had recently lost a considerable part of his harvest to intruding elephants and a giant forest hog. Ole Keko had, in effect, paved the way for ole Mashati to relocate smoothly. In this set-up, there were no grounds for the locality or for ole Sulul to complain about ole Mashati's move. For many locality inhabitants, this was additional proof of ole Mashati's shrewdness. Now he was not only viewed as an ungrateful outsider and the instigator and master-minder of land grabbing but was also seen as benefiting from and hiding behind ole Keko's painstaking efforts and successes. In the meeting, one person compared their relationship to two teeth that grow in the same place and one

'hides' behind the other. Ole Keko's father voiced his disapproval of their friendship and blamed everything on ole Mashati. Others believed that ole Mashati and ole Keko had planned this from the outset and felt they were all being tricked and misled by this land grabbing duo.

Ole Sulul's demarcation of a boundary for his field needs to be seen in this context. On the one hand, he wanted to do as others did and grab land for the purpose of demarcating an *olokeri*, as he later openly (and foolishly) admitted. On the other hand, when ole Keko and ole Mashati continued construction of the cattle enclosure and even added a house, it became clear that they were not going to comply with the resolution that was reached in the meeting, i.e. of moving the cattle enclosure up the hill to be at the same height as ole Sulul's homestead. Ole Sulul panicked. Given ole Keko and ole Mashati's successful land grabbing activities in the locality that were characterized by sly and careful planning, he feared an enclosure that would 'tie the sun' (block his sunlight) and ultimately 'finish' him, as ole Sulul himself exclaimed during the meeting. Ole Sulul felt that their plan was to force him out of the place by blocking him in on all sides so that they could appropriate any land made available by his departure. This was, of course, never acknowledged by ole Keko and ole Mashati but ole Mashati's move made sense in this respect when something of the sort became clear to me on one of my visits. When I asked ole Mashati about his future development plans, he explained that as soon as they migrated to the new homestead, he was going to cultivate the area of the old homestead, which he had already fenced off with barbed wire, and eventually join the two fields he owned on the hill to form one large contiguous field across the two slopes and over the top of the hill (see Map 10.5).

*Map 10.5*    Booking and grabbing land, II
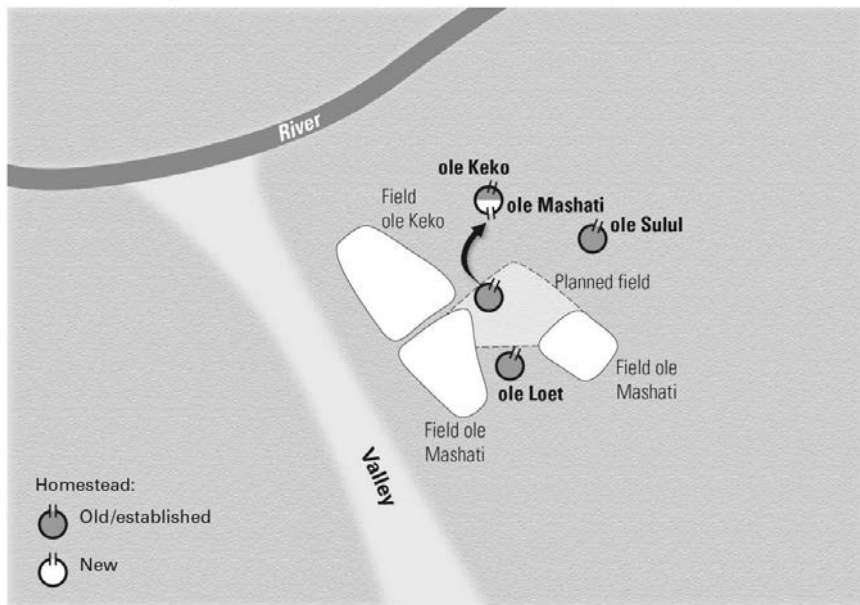
This would, indeed, block ole Sulul and he would be almost entirely enclosed by the properties of ole Mashati and ole Keko. This was not, however, discussed during the meeting and it was not clear whether ole Sulul or other elders had already foreseen it. In any case, ole Sulul's boundary work was partly borne out of a plan to grab land and partly out of anxiety over what the two were up to. He desperately wanted to block their expansion (and his enclosure) by putting down a boundary marker. He explained: 'I said … let me be the first one to be on fertile land so that if he is planning for his profit alone then he will not take it alone … let me cut my place for my field'. His act of unilateral demarcation was thus both an imitation of and a defence strategy in the face of two young, astute and successful land grabbing neighbours.

### 'The good mouth will take the land'[14]

Time and again, ole Mashati seemed to outsmart the elders of the locality.[15] As already discussed, ole Mashati was depicted by others as a clever, cunning and articulate man. This became clear at the meeting. Ole Mashati displayed great social sensitivity about what (or what not) to say, in what manner and at what time. A good example was his caution when talking about *ilookeri*. Although it was common knowledge that he had his own fenced *olokeri*, as was discussed openly by others during the meeting, ole Mashati made sure he did not make any compromising reference to it that would force him to acknowledge its existence. Publicly admitting one has an individual *olokeri*, a controversial practice in Loita, invites disciplinary measures. And this is what in fact happened to ole Sulul. He bluntly declared in the meeting that he wanted an *olokeri* just like ole Mashati and ole Keko had 'because there is nowadays the habit of the [making one's own] *olokeri* that they made and put posts [fenced] … so I do the same also!'. The elders concluded from this that the boundary that he had marked for a field was not really for a field as he had initially claimed but for an *olokeri*. The effect was immediate and decisive when the assistant chief mercilessly refused this claim and, after the meeting, all those present proceeded to remove the boundary branches.

Ole Mashati had in fact been the first in the meeting to casually suggest that ole Sulul's boundary was for an *olokeri*. This cursory comment triggered a series of discussions that eventually led to ole Sulul losing the case – and ole Mashati winning it. This shows another of ole Mashati's skills: the capacity to manipulate the direction of a meeting and to steer it to his own advantage. This did not always work though. Ole Mashati had tried hard using all sorts of arguments to prevent the elders from discussing the previous meeting because this would expose his abuse of the resolution reached by the locality leaders, a point that would put him in a bad light in the eyes of the assistant chief. However when the elders started accusing him of this, he quickly resorted to using another tactic, i.e. a counterattack, that would eventually backfire on the elders. He accused them of taking sides and favouring ole Sulul, a point the assistant chief concurred with.

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[14] *Enkutuk supat naya enkop*.
[15] But not always. In one case, the elders refused to allow ole Mashati permission to use a new field that he had started to clear. Also ole Keko lost a battle with the elders when he had to move a new maize store because the elders objected to its location. In both cases, the elders had reached their decisions during meetings.

Ole Mashati is not only a master at navigating accusations but also at moving in an arena (in this case a meeting) that is constrained by social conventions: what issues merit a meeting, what complaint he should raise during the meeting, who he should direct his complaint to, which socially accepted argument would work best in what context, how to build up a case verbally and when to press a particular argument. He was well aware of the kind of behaviour that strengthens or weakens an argument. This latter point can be captured by looking at the performances of ole Mashati (the good talker) and ole Sulul (the poor talker). Ole Mashati's speech (logical, slow and clear with here and there a catchy proverb but also harsh and direct when necessary), his body language and his facial expressions (calm and composed, occasionally tapping the earth with the end of his walking stick to emphasize a point) contrasted with ole Sulul's speech (incoherent, rambling back and forth, confrontational) and his body language (agitated, seeking eye-contact with ole Mashati, and beating with his walking stick a lot). Another example illustrates ole Mashati's understanding of the rules of the game (and ole Sulul's lack of skill in this direction). It was discussed in the meeting how ole Sulul should have called for a meeting and lodged a complaint when he realized that ole Mashati and ole Keko were continuing with the construction of their new homestead rather than moving it uphill as was ordered. He would have had a strong bargaining position in this case. But instead he opted, rather belatedly, to demarcate a boundary and in a way this provoked a justified reaction from ole Mashati. Ole Mashati, on the other hand, followed the correct procedure and called for a meeting. His choice of assistant chief as mediator clearly increased his chances of success.

During the meeting, ole Mashati and ole Sulul's personal traits and talents were explicitly compared by the elders: ole Mashati is a good talker and ole Sulul is not, ole Mashati is clever and ole Sulul is a fool, ole Mashati is a successful land-grabber and ole Sulul not. A wealthy young man announced: 'the only thing that can give you rights [to land] is to talk goodly and be clever'. His subsequent explanation was along the following lines: men are unequal in properties (cattle, wives, children) and are nowadays also unequal in 'the places that we are cultivating' (i.e. field sizes). This is because God (*Enkai*) did not make men equal; some were born cleverer than others. The implication of his rationale was that wealth and intelligence go hand in hand and that these are gifts given by God. This explanation is an impressive attempt at naturalizing the differences between wealthy and poor Maasai.[16] It is also an indication of the dual attitude to land grabbing, of its attraction because its success is linked to cleverness and wealth. Successful land-grabbers are highly regarded: they are clever and on their way to becoming rich(er). The conclusion of the above rationale is that somebody with ability and an aptitude for persuasiveness (Rose 1994) can gain legitimacy in any land-ownership claim. As another young man aptly observed: 'the person who can grab land is a clever one, somebody who knows how to talk, somebody who knows how to reach another and someone who knows how life is going now because the custom of the land has changed'. The following proverb, expressed several times by different people during the meeting, nicely sums up the situation: 'The good mouth [i.e. the good talker] will take the land'.

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[16]   I have heard this logic on at least two other occasions.

To put it bluntly, the current land rush in Loita is creating winners and losers. Meetings that deal with land disputes are events at which land claims are 'talked' about, negotiated and eventually decided upon by mediators. The negotiation process is crucial for the outcome of the meeting because it is when the claimant and the opponent (and their supporters) have to convince the mediators of their right. One's chances of success thus depend for a large part on one's talents when it comes to speaking and the ability to talk in public (to make strong arguments while remaining calm, to use Maasai proverbs, to avoid embarrassing emotional outbursts, etc.) with a keen sensitivity to the ambiance of the moment and the mood of the elders. The meeting between ole Mashati and ole Sulul shows just this: the ultimate winners in land dispute meetings are those who know how to talk.

## Governing appropriation by setting the limits

The boundary issue signalled a much wider and disturbing problem for the elders of the locality and the assistant chief. Land grabbing was spiralling out of control and the land dispute meeting was used to address this problem. Their efforts at dealing with it reflect a negotiating process over what is accepted practice and what is not. At the end of the meeting, two lines-not-to-be-crossed were made clear.

### Denouncing land grabbing

It was surprising how the issue that triggered the quarrel and the meeting, i.e. the boundary of branches, was dealt with swiftly and without much deliberation. The greater part of the meeting was dedicated to talking about land grabbing. Land grabbing in Loita was denounced ('these fields that are all over the land!') and one old man stubbornly declared that he was not 'in that competition'. Most of the times, however, the discussion centred on ole Mashati (and ole Keko). He was directly accused of selfishly grabbing land ('you have blocked us ten times at *olokeri* and at the paths where cattle pass … until you reached the small river') and of grabbing land that was not permitted ('you have been disturbing us, you even came to the places that you were not allowed'). He was suspected of planning more land grabbing activities ('do you think the eye cannot see this wire with which you already fenced?') and there was speculation as to what his next trick would be. He was warned not to grab more land ('if you come here, you will not block the way … [you] will not close the path and the river crossing for the cattle'). The anger and violence that his activities evoked were reported ('on that day that ole Nchoe tried to come and kill him with the spear'). And finally, when deliberating on a solution for the conflict, several elders proposed prohibiting the three of them (ole Mashati, ole Keko and ole Sulul) from creating new fields or extending existing ones once and for all.

The older men in particular were bitter about these developments and expressed their disappointment with reference to Maasainess and the 'taking care of cattle' (*eramatare oo nkishu*). One elder deplored how, since people had discovered the 'sweetness' of fields, they did not care anymore about cattle and that, because of these fields, 'these new things' were happening. The grabbing of land was occurring with disregard for cows: cattle paths were being closed, grazing land enclosed and saltlick areas, *ilookeri*

and river crossings were becoming unreachable. In other words, people were not 'talking Kimaasai' anymore, i.e. by disregarding pastoralism.[17] What becomes clear is that, although the meeting was officially called to arbitrate between ole Mashati and ole Sulul and deal with the boundary issue, it was in fact used by the elders to condemn land grabbing, which they considered to be the underlying issue, and to discuss the problems it was creating. Land dispute meetings are not only platforms for mediating between individuals but also for discussing the new, widespread, increasingly open and problematic land grabbing practices occurring in Loita.

*Getting to grips with the field-cum-olokeri*

The land dispute meeting between ole Mashati and ole Sulul shows that controversy and confusion surrounds the new land grabbing practices in Loita, particularly the field-cum-*olokeri*. This is not the first time that such a confusing period has occurred and neither will it be the last. A brief historical review indicates that cycles of initial confusion and resistance when a new or modified form of land use and demarcation is introduced and threatens to get out of hand are followed by efforts on the part of the elders in general and the locality leaders in particular to take charge of the practice in meetings and channel matters in the desired direction so that a new set of rules governing the practice can emerge. Meetings are arenas where new or modified forms of land use and rules for claim making are negotiated and governed in Loita.

Chapter 9 explained that when fields started to proliferate and increase in size in the 1990s, the elders ensured control over this process by determining the location and size of the new fields in locality meetings. At that time, it was common practice to make one's intention for a new field (often in conjunction with a new homestead) public at locality meetings, which were the mechanism for elders to maintain a tight grip on the spatial planning of homesteads and fields. This ensured people would not take too much pastureland and would obstruct paths as little as possible. However, after the food shortages following the 2000-2001 drought, control was loosened considerably. The drought triggered a new rule, announced by the elders, that a field was allowed to be as large as an owner could conceivably cultivate. Thus, the size of the field came to depend on the labour invested in cultivating it. This criterion would later be manipulated in the context of the field-cum-*olokeri* to say that it was the size that one 'planned' to cultivate. If one wanted, the fields could be extended each subsequent year. With no more formal limits on size, locality meetings would now only be held if someone objected to an extension to or the location of a new field. This changed the timing but also the character of meetings. They now came to be organized as dispute meetings between two parties that needed to be mediated, and ultimately reconciled. The assertion that I heard many times in Loita that land dispute meetings started 'about 10 years ago' and have been on the rise ever since strengthens this tentative historical reconstruction. Thus while meetings continued to be places where new forms of land use, claims and rules were negotiated and governed, they also came to function as sites where land claims were challenged, defended and fought over.

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[17]   *Kimaasai* is the Swahili word for the Maa language.

This state of affairs seems to have worked well for a while but, with the emergence of the field-cum-*olokeri*, a whole new dynamic came into play. To create an individually owned *olokeri* only needs fencing, which involves a lot less labour than creating a field that additionally requires clearing an area of the bush and roots as well as ploughing, planting, tending crops and so forth. The size of an *olokeri* becomes almost limitless if it only depends on fencing. The implication in terms of individual land seizure when land availability is on the decline is tremendous. A field-cum-*olokeri* invites unlimited land grabbing. This is why individual *ilookeri* are so controversial in Loita, especially in the populated middle zone where space is scarce. Those who insist on creating an individual *olokeri* need to proceed prudently with a carefully thought-out plan. The trick is to demarcate it in the name of a field, as ole Mashati and ole Keko did, as one that will supposedly be cleared, ploughed and planted in future. If opposition arises and a meeting is called, one then has to make sure that the claimed land is 'given' by using a socially accepted argument, even if this does not reflect the real intention. After some years, when the claim to the land is visibly grounded and thus socially stronger, one can finally disclose its true purpose and use it accordingly. The assistant chief summed this up nicely when he compared ole Mashati and ole Keko to bulls that were eating grass and growing strong until they came out to fight others: 'same to these men, they have been using these fields as *ilookeri* until [when strong] they will come out to announce [that in fact the purpose was not a field but an *olokeri*]'. In private, as in conversations with me, ole Mashati and ole Keko already admitted this, but not in public. They understand that 'announcing' an individual *olokeri* in a meeting is not done – at least not yet.

The outcome of the land dispute meeting between ole Mashati and ole Sulul confirmed that 'announcing' (i.e. publicly stating) an *olokeri* is a line not to be crossed. This rule was not verbally declared but it was made pretty clear when the assistant chief dismissed ole Sulul's boundary as soon as ole Sulul 'announced' that he wanted his own *olokeri*. Publicly stating that land claimed is for an individual *olokeri* is off limits. The rule is ambivalent because it leaves open whether making an *olokeri* by 'announcing' a field is permitted. Silence on this issue during the meeting indicated that this practice is tolerated, albeit grudgingly. Two locality leaders of a nearby locality confirmed this state of affairs. The message is clear: the accepted way ('the rule') for making an individual *olokeri* is by 'announcing' it as a field.

The negotiation of new forms of land use and claim making by defining what is acceptable practice and what is not result in new rules and limits. Rules that regulate landed property are confirmed, adjusted, made and unmade in land dispute meetings in dialectical interaction with new events and circumstances (like the food shortage after the 2000-2001 drought) and novel ways of using the land (such as the field-cum-*olokeri*). Meetings are arenas where rule-making is employed as an instrument for governing appropriation.

*Limits to land grabbing*

Another line-not-to-be-crossed was evident in the meeting. The assistant chief concluded from the orientation and location of the boundary of branches that what ole Sulul was actually trying to do was to 'cut' (divide) the land and not to grab it. The assistant chief was not convinced by ole Sulul's argument that he was demarcating a field, or an *olokeri*. First, the boundary was just a line and did not form a two-dimensional figure that enclosed an area, making the claim of field or *olokeri* refutable. Second, the boundary ran between the house of ole Mashati and that of ole Sulul, dividing the land between the two homesteads. This was a step too far for the assistant chief. As discussed in Chapter 9, land can only be claimed as individual property if it is to serve a particular livelihood purpose, such as for building a homestead, as the *auluo* of the homestead or for a field. The rest of the land in the locality is collective property. But what ole Sulul's boundary appeared to do was divide the land and distinguish his from that of his neighbours. One can say 'my homestead' and 'my field' but one cannot say 'my land'. Trying to appropriate land like this without an acceptable reason is akin to dividing land which, the assistant chief made clear, falls within the ambit of the state. Dividing land will happen with the long-anticipated and state-sanctioned land adjudication process and since 'the Loita have not yet agreed on land demarcation' what ole Sulul's boundary was purporting was still 'against the [state] law'. By raising this issue, the assistant chief placed limits on land appropriation in Loita. Booking and grabbing is permitted with a valid reason only: for a new homestead, as one's *auluo* or for a field. This is 'the rule'. But dividing land is off-limits. This will only happen when adjudication finally arrives in Loita and land is surveyed, formally demarcated and registered as individually owned plots. By making this point clear, the assistant chief sought to prevent a new and even more radical and uncontrollable form of land grabbing in Loita.

## Questioning the authority of locality leaders

> Property is, we would argue, one of the most important fields in which politico-legal institutions seem persistently to compete for authority in post-colonial and post-socialist societies.
> (Sikor & Lund 2009: 10)

When setting the limits of land grabbing, the assistant chief was also limiting the authority of the locality elders as mediators of land disputes and governors of land tenure. It was not ole Sulul but the elders who had assisted him in making the boundary of branches who were blamed for this infraction. By helping him, the elders, who like ole Sulul belonged to the governing age-group, had implicitly agreed to what the assistant chief considered was dividing the land and they had therefore sanctioned something that they were not authorized to because, as the assistant chief noted, it fell within the jurisdiction of the state. The assistant chief felt that the elders had overstepped their authority by encroaching on the jurisdiction of the state.

The assistant chief used his opportunity as mediator of the dispute to strengthen his authority as a Loita leader. And while he accused the elders of encroachment on the state's domain, the fact remains that he also encroached on the domain of the locality elders by taking the place of the locality leaders as mediator of the land dispute. He was

able to do so in his capacity as a state official charged with maintaining state law and order (Mbuba & Mugambi 2011). This signals a power struggle between (assistant) PA chiefs and locality leaders over the authority to govern property relations and land tenure change. The present case indicates that the locality leaders were on the losing side. What is of interest is that this is not because the assistant chief tried to mediate the conflict but because ole Mashati *invited* him to do so and thus also invited the state in. This is a dynamic that will be explored in the next chapter.

By bypassing the locality leaders and inviting the assistant chief to mediate the land dispute meeting, ole Mashati questioned the impartiality and competence of the locality elders to handle the case. This was an issue that was repeatedly raised during the meeting. Elders were either urged not to take sides and 'to give everyone his right' or they were more directly accused of supporting their friends and relatives irrespective of whether they 'followed the truth' (both in the sense of telling the truth and of acting rightfully). Ole Mashati's move and the criticism voiced during the meeting seriously questioned the authority of the locality leaders, and the governing elders in general, when it came to solving land disputes. At the same time, this legitimized the assistant chief's presence as mediator and strengthened his authority. The assistant chief seized the opportunity with both hands. He identified the issue of supporting friends as the reason why conflicts and land dispute meetings were always resurfacing in the locality. He claimed that had the locality leaders come to a fair and wise solution as mediators are supposed to, the issues in the locality would have been resolved after the first meeting.

What we see here is that, besides serving as a platform for dealing with issues of land appropriation (talking claims and governing appropriation), the land dispute meeting also hosted a political struggle between two types of leaders. Sikor & Lund (2009) have theorized this relationship between appropriation and political struggle and argue that issues of access and property recursively constitute and interconnect with questions of power and authority. The link between the two sets of relationships is established by the 'contract' of mutual recognition between property and authority: '[t]he process of recognition of claims as property simultaneously works to imbue the institution that provides such recognition with the recognition of its authority to do so' (*Ibid.*: 1). The particular 'contract' that had been in place in Olorien until the ole Mashati versus ole Sulul meeting confirmed and recognized Loita's legal institutional order,[18] i.e. the Loita way of mediating land disputes in localities. Disputants sought recognition of their grounded claims from locality leaders in the arena of the land dispute meeting and with Loita law as a source of legitimacy. The arrival of the assistant chief modified this contract. While the arena and the source of legitimacy remained the same, mediation and arbitration changed hands. The word 'modify' is important here because what happened was not a replacement of one institution with another: the land dispute was not taken to court to be judged by a non-Loita magistrate with reference to state law. Only the locality leaders were replaced and it was therefore only their authority that was undermined while that of the assistant chief's was legitimized and strengthened. The assistant chief was accommodated in the existing locality meeting format, happily for ole Mashati but

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[18] Sikor & Lund (2009) speak of 'politico-legal institutions'.

to the chagrin of the locality leaders. Loita law, though defined and delimited in relation to state law, continued to apply, as did land dispute meeting protocols. It would thus be better to talk of the creation of an alternative 'forum' (K. von Benda-Beckmann 1981) for the mediation of land disputes. This new forum constituted an adaptation of the locality meeting with the assistant chief as mediator. The next chapter will go into the struggles and dynamics surrounding different forums in more depth.

This particular assistant chief was called at least once more to mediate a land dispute in another locality. And in this case too, it concerned a long-running conflict between neighbours that locality leaders did not seem able to contain. Although he did not eventually mediate the land dispute, the fact that he was called indicates that he was recognized as a mediator. He might have been approached the first time in his capacity as assistant chief but he was certainly asked again because his previous performance had proven his ability to mediate. As a Loita Maasai, which all PA chiefs in Loita are, his familiarity with Loita law and the protocols and procedures of Loita meetings undoubtedly provided him with the background knowledge he required for success as a mediator. In one case, the DO of Loita Division was called to mediate a particularly complicated land dispute between three localities in a border zone that they all claimed was theirs. However, not being a Maasai (and not understanding the language) and therefore totally unfamiliar with the Loita way of doing things, the meeting made no progress and, to save face, he simply referred the issue back to the section leaders, who are skilled locality leaders called to mediate disputes between localities. It is not the DO, who is the highest ranking state official in Loita, but his subordinates, i.e. the (assistant) PA chiefs, who challenge the authority of the locality and section leaders to mediate and govern land dispute meetings. And it is their intermediary position between Loita and the state (see Chapter 5) and particularly the fact that they are both Loita Maasai and agents of the state that make this possible.

## Conclusion: the multidimensionality of land dispute meetings

Land dispute meetings are about talking claims as well as about governing appropriation. The case of the Olorien meeting proves this. Although the meeting was convened because ole Mashati disputed the grounded claims of ole Sulul (talking claims), the occasion was seized by the locality elders and the assistant chief as an opportunity to deal with the wider problem of land grabbing (governing appropriation) that they considered was the underlying issue in the dispute. The land dispute meeting thus reflected two struggles. One was between the two disputants over land. They had come into conflict while participating in the race to book and grab land, as was analysed in Chapter 9. We saw there that those who won the race were the wealthy herd owners with several wives and homesteads spread across Loita's three ecological zones. This chapter has shown that when practices of appropriation are taken into the arena of the land dispute meeting, it is not wealth but another asset that becomes of importance, namely the ability to persuade people about one's property claims (Rose 1994). This points to the personal dimension of land appropriation and the importance of an individual's character and the skills required to succeed. Ole Mashati's unscrupulous land grabbing activities had made him unpopular in the locality and the odds of the meeting going in his favour were

stacked against him. But, as an eloquent and persuasive speaker and thanks to his social know-how and ability to turn a setting constrained by explicit and implicit rules to his own advantage (for example by bringing in the assistant chief as mediator), he won the case. Persuasion made the difference. 'Knowing how to talk' is a crucial asset in the negotiation process since it can influence and shape the outcome of meetings.

The other struggle that was reflected in the meeting was that of leaders attempting to govern the behaviour of others. The meeting was thus not only about property claims but about a claim to authority as well. The governing elders of the locality expressed their concern over the persistent and innovative land grabbing activities taking place in the locality and the assistant chief responded accordingly by defining two limits to land grabbing. The first addressed the field-cum-*olokeri*. In this case, the line that was not to be crossed was made clear by punishing the trespasser − ole Sulul − because he 'announced' an *olokeri*. At the same time, this confirmed that announcing an *olokeri* as a field is acceptable and will be tolerated. The second limit made a distinction between grabbing land by 'dividing' it at will (which was unacceptable) and grabbing land for a valid livelihood reason (which was acceptable).

However there was a third struggle evident in the land dispute meeting too. It concerned a tug-of-war between the locality leaders and the assistant chief over the authority to mediate land disputes and govern land issues. This struggle, between the customary land dispute leaders and the state-appointed leader venturing into the land dispute domain, shows a wider struggle between Loita leaders and the state over the power to govern Loita. The next chapter focuses on this wider power struggle and will show that, as in the case of the Olorien meeting, it is people from 'within' who are undermining the governing authority of the leaders in Loita.

# 11

# Governing access to the state
# in a section meeting

The meeting dealt with in this chapter, like the one discussed in the previous chapter, displays three struggles. The first was a dispute between two individuals that needed to be mediated and resolved. The second struggle was an attempt by leaders to govern the conduct of the people. And the third was an underlying power struggle between Loita leaders and the state, more specifically the law-enforcement wing of the state apparatus, over the authority to govern Loita. While the preceding chapter only cursorily mentioned the third struggle, the case considered here allows for a more detailed treatment of it.

The dispute that prompted the meeting discussed in this chapter started as a typical land dispute between two neighbours. It was very similar to the one reviewed in Chapter 10 in that one neighbour objected to the land claims of the other. To solve the issue, a locality meeting was convened and mediated by a locality leader. After it was resolved and the locality meeting was closed, a fight broke out and people were injured. Matters escalated out of control when one of the disputants tried to involve the police and eventually a section meeting was called to deal with the case. It is this second (section) meeting that is the focus of this chapter.

Section meetings are rare and I was fortunate to be able to attend and document one. They are typically convened to solve land disputes between neighbours of different yet adjacent localities or between whole localities. Land disputes of this kind usually flare up in the border-zone areas of neighbouring localities that were previously uninhabited and were used by both sides as open grazing areas, a forest block for gathering firewood or a valley. So if a land dispute between localities or individuals from different localities escalates and cannot be solved by the locality leaders of the localities involved, the case is then transferred to the level of the section to be resolved at a section meeting. These are open to all circumcised men in the section. Since they are open to *all* the circumcised men from *all* the localities in the Loita section, they can potentially be very large gatherings. Unlike locality meetings, not all those present are given time to speak. The

proceedings of the section meeting discussed in this chapter, for example, were closely controlled by the mediators. The meeting lasted two days.

Locality leaders with recognized mediation skills are requested to mediate at section meetings. These leaders, who are promoted to the position of 'section leader', are from localities that are not involved in the case to avoid conflicts of interest and problems of loyalty. Once a matter is taken to a section meeting, the leaders of the localities involved lose their say in the case and any resolution reached must be accepted even if they do not agree. Like locality leaders, section leaders are informal leaders, that is, they are not given formal recognition as leaders during a ceremony or given an artefact symbolizing their authority, such as the black wooden club presented to the age-group chief and the clan chief or the divining horn to the chief laibon. Like locality leaders, their status as section leader depends on recognition by the wider community and typically hinges on their performance as dispute mediators in meetings. And like locality leaders, section leaders govern issues that relate to land. Locality and section leaders are thus the customary authorities regarding land issues and their spheres of influence correspond to the land categories that are relevant to the tenure organization in Loita, the locality and the section respectively. Land, however, turned out not to be the main issue at stake at the section meeting considered in this chapter. We shall see how the mediating section leaders took the opportunity of the land dispute between two neighbours of different localities, which had already got out of hand, to govern people's behaviour in relation to the state and not people's behaviour in relation to land, as those attending the meeting had initially expected.

## Power struggles in a context of legal pluralism

Although it was a land dispute that triggered the chain of events that led to this section meeting, for the section leaders the meeting was not about land or the subsequent fight but about the fact that people had tried to involve the police. The police enforce *state* law. This is not, however, the way of the Maasai but 'the way of the *ilashumpa*' − the way of white men/state actors − and includes all that is associated with the state, such as its policies and development programmes (see Chapter 5) as well as the various components of its legal system, such as state law, the police, court cases and prison. What was at stake in the section meeting was not competition for land but a struggle for power between Loita leadership and state actors and between Loita law and state law. The fact that land disputes often hide wider power conflicts has been well demonstrated in the literature (Nijenhuis 2003, 2013) but to understand how this plays out when different legal frameworks compete for authority (Sikor & Lund 2009: 10), we need to turn to the literature on legal pluralism.

As mentioned in the theoretical chapter (Chapter 2), legal pluralism refers to the co-existence and interaction of multiple legal orders (or frameworks) with different institutions and authorities, and different sources of legitimacy within a single social setting (J. Griffiths 1986; Meinzen-Dick & Pradhan 2002: 4; Benjamin 2008: 2258). Legal orders mutually influence each other. Their interaction can take different forms (competition, cooperation, overlap, subsidiary/domination, etc.), may change over time and is shaped by the often unequal power relationships between them (Merry 1992; Meinzen-Dick &

Pradhan 2002: 4, 7). Legal orders do not only apply to local customary legal frameworks (like the Loita legal order) and national state legal orders (such as the Kenyan legal order) but also include transnational forms of law (Merry 1992; A. Griffiths 2002: 298-302), for example those derived from religious movements or from international conventions on indigenous rights, or those embodied in institutions such as the International Criminal Court (ICC).

Legal pluralism has a particular relevance in Loita and offers the possibility of 'forum shopping'. Forum shopping is when 'disputants have a choice between different institutions and they base their choice on what they hope the outcome of the dispute will be, however vague or ill-founded their expectations may be' (K. von Benda-Beckmann 1981: 117). In the land dispute discussed in Chapter 10 and in this dispute, strategies of forum shopping by the disputants were the order of the day. This chapter offers two instances of forum shopping: one is *within* a legal order and the other is *between* legal orders. Chapter 10 presented a case where forum shopping involved a (new) forum located in the *overlap* of two legal orders.

Loita's classification as Trust Land effectively rules out the option of forum shopping *between* legal orders when an issue concerns a land dispute. Loita Maasai disputants may take a land issue to a section meeting mediated by section leaders, to a locality meeting mediated by locality leaders or to a locality meeting mediated by an (assistant) PA chief (see Chapter 10), but they cannot take such cases to state courts because the category of Trust Land makes land in Loita subject only to customary law (see Chapters 1 & 8). The 2008 Constitution of Kenya states in Chapter IX, Section 115 (2) on Trust Land that:

> Each county council shall hold the Trust land vested in it for the benefit of the persons ordinarily resident on that land and shall give effect to such rights, interests or other benefits in respect of the land as may, under the *African customary law for the time being in force and applicable thereto,* be vested in any tribe, group, family or individual. (Emphasis added)

African customary law is not spelled out or specified in state law as it is understood to vary from community to community. From this perspective, the African customary law that is being considered here is Loita Maasai customary law as it is enacted by Loita leaders during dispute meetings.[1] As long as land in Loita remains Trust Land, it will

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[1]  I have tried to avoid the term 'customary law' because the concept is loaded with disparate and often conflictual intellectual baggage. But for current purposes, the following distinction is important. I distinguish between 'customary law' (note the quotation marks) enacted in state courts and Loita Maasai customary law (without quotation marks) enacted in the arena of the Maasai meeting. A case of 'Maasai customary law' being enacted in court took place in 2008. This concerned a Maasai inheritance dispute where the judge referred to and considered 'Masai customary law' in his ruling ('In Re Estate of Lerionka ole Ntutu (Deceased) [2008] eKLR':
www.kenyalaw.org/Downloads_FreeCases/SUCCESION_CAUSE_No_1263%20OF%202000.pdf
accessed 13/5/14. If the same case had been heard under Maasai customary law (note the absence of quotations marks), this would have happened under the mediation of the clan chiefs and during a clan meeting, as matters of inheritance come under the domain of the clan system. 'Customary law' is thus applied, interpreted and ultimately validated (or not) by state-appointed judges and magistrates and finds expression in state institutions such as tribunals and the court house. This is legally provided for in the Judicature Act that defines the jurisdiction of Kenyan courts and states that 'African customary law' is to guide civil cases (i.e. disputes) in which one or more of the parties is affected by the respective customary law as long as this does not conflict with written law (Judicature Act Cap 8,

continue to be governed under Loita law only. Locality and section leaders thus enjoy a certain degree of freedom and autonomy when it comes to settling land disputes. But there are limits too. Legislation regarding Trust Land specifies though does not elaborate on the fact that African customary law is only valid as long as it is not inconsistent with written law.[2] In civil cases, where customary law is sometimes considered, it is the courts that rule what it considers is in conflict with written law. What this means for land rights is unclear but the case described in Chapter 10 offers a clue. Chapter 10 showed how the assistant chief, holding the ambiguous position of both Loita Maasai elder and agent of the state, played a crucial role in defining the limits of customary law *vis-à-vis* state law when he ruled that 'dividing' the land (as is purported to happen with formal state-led land demarcation and adjudication) pertained to state law and not to Loita law. Thus, although Loita law operates separately from –though in relation to – state law and although both laws are found empirically in different settings, Loita law stands in an unequal power relationship *vis-à-vis* Kenyan written state law as it is state law that defines the room for manoeuvre in Loita law.

Although state courts have no jurisdiction over Loita's land disputes, they do have the authority to hear cases of assault and injury. And it is precisely on these grounds that forum shopping between legal orders occurs in Loita. Reporting assault and injury to the police is a first step in initiating a state court. This was the basis on which the police were involved in the case presented in this chapter. It was not the land issue but the ensuing fight that was the reason why the disputants 'forum shopped'. Disputes can transform over time (F. von Benda-Beckmann *et al.* 1997: 232) and state law in Loita only becomes an alternative legal framework when violence is part of the dispute. In fact, the (few) cases that were taken to the police on the grounds of assault and injury were indeed all triggered by disagreements over land. To my knowledge, none of these cases actually reached court but the threat of this possibility was an issue in dispute meetings in Loita. It is important to note that the state forums available are as diverse as the Loita forums. Theoretically, the disputants in the present case could have gone to the DO (or the PA chief) with their complaints, as they too have jurisdiction over matters of law and order. But the fact that they chose a particular state agency, namely the police, seems to have been because the police offered them a so-called P3 form (a legal document that can be produced in court as evidence of bodily harm) that could be used as a weapon in the arena of the Loita dispute meeting. The 'state' was particularly visible in the form of this P3 form. Thus, by emphasizing the 'legally relevant' (F. von Benda-Beckmann *et al.* 1997: 232) aspect of the dispute, namely physical harm, state law is often used in struggles over land. Strategies of forum shopping show that Loita Maasai play the different authorities off against each other and across and within legal orders or in their overlap, in an attempt to have their land claims recognized. We can see that 'the definition of the dispute is a means to establish jurisdiction and thus a means of forum

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Section 3 (2)). Both 'customary law' and customary law were historically formed and are subject to change.

[2] 'Provided that no right, interest or other benefit under African customary law shall have effect for the purposes of this subsection so far as it is repugnant to any written law' (Constitution of Kenya, revised edition 2008 (2001), Trust Land, Section 115 (2)).

shopping' (K. von Benda-Beckmann 1981: 118) and that only when violence becomes part of a land dispute can the state assume jurisdiction.

Keebet von Benda-Beckmann (1981: 117) also discusses 'shopping forums', which is when the authorities of forums try 'to acquire and manipulate disputes from which they expect to gain political advantage or to fend off disputes which they fear will threaten their interest'. This brings us back to the struggle between Loita leadership and state actors and between Loita law and state law over power and authority. We will see how the section leaders displayed shopping-forum behaviour by appropriating the dispute meeting because they expected to gain some political advantage: their aim was to regain their control over people and strengthen their position of power in Loita. State actors, on the other hand, seem to be more passive in their shopping-forum activities. As we shall see, the police were quite unwilling to travel all the way to Loita to make an arrest as they risked not even finding the person in question on their arrival. Instead, they chose to wait for a phone call with information as to the location of the suspect from the person who had reported the matter to them so that they would not waste time and resources.

## Prelude to the section meeting:
## forum shopping between and within legal orders

This section presents a detailed description of the events that led up to the section meeting that is the focus of this chapter. The reconstruction of what happened is primarily based on the oral statements given during the section meeting by the two disputants and that of a third man who attended the locality meeting and had witnessed the fight.[3] The dispute started as a quarrel between two neighbours but the son of one of them also became involved in the conflict.[4]

### The fight
Having recently married and moved into his new homestead, Leshan ole Moniko started booking and clearing a field not far away on a plain on the eastern side of the Arus River in Loita's middle zone. Lemayian ole Kipurda, who lives on the hill north of ole Moniko's homestead across the stream that runs from the forest into the Arus River, opposed the location of this new field. Ole Moniko and ole Kipurda belonged to different localities but they both had valid claims to land on the plain. In the past, before members of ole Moniko's locality started building homesteads on the plain, it had been an uninhabited border zone between the two localities and was a shared grazing area. However as settlements started to spread, the plain became an area where land disputes

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[3] Although at the time I was an immediate neighbour of one of the two disputants, I did not attend the locality meeting that erupted in fighting. However, I did follow the ensuing events closely afterwards, which was when I noticed commotion in the locality that same afternoon. I attended only the first day of the two-day section meeting that followed the locality meeting but both days were recorded and transcribed. I also attended (and recorded) the reconciliation ceremony a few days later that closed the series of meetings. Numerous conversations and informal interviews with the disputants, their family members, friends and neighbours, as well as the locality and section leaders further support the analysis of the section meeting.

[4] They all belong to different age-sets.

increasingly flared up. Following the correct procedure, ole Kipurda forwarded his complaint to the elders of ole Moniko's locality. Ole Moniko was ordered to stop work on the field until the matter had been heard at a locality meeting that was set to take place the following Sunday.[5] So far, so good.

An incident that happened the day before the meeting set the stage for the violent events that occurred during the locality meeting the next day. That Saturday, the son of ole Kipurda started to fence off a piece of land for a homestead next to ole Moniko's new field. The two young men quarrelled but parted before things got worse. Ole Kipurda's son had been accompanied by an armed warrior. The following day, ole Kipurda's son arrived at the locality meeting with a spear and adopted a rather aggressive stand. He then took his spear home after an elder ordered him to do so but returned with an iron club instead of the common wooden one. These three factors would later be taken as proof that ole Kipurda's son had been ready to resort to physical violence and was prepared to harm ole Moniko.

*Map 11.1*     The disputed land
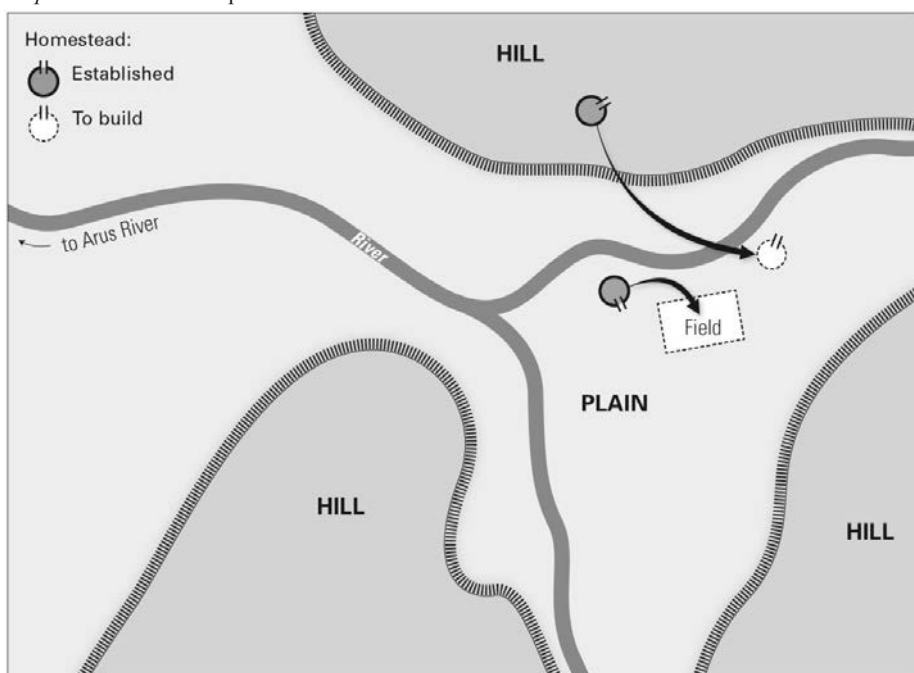


On the day of the locality meeting, it was resolved that ole Moniko had the right to his own field like every married man in Loita, but that the spot that he had chosen and

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[5]   This was on 30 September 2007.

where he had already started to clear land had been ill-chosen. That area, it was declared, was part of the locality's common *olokeri* and, as such, was unavailable for other uses. After the locality meeting, the elders proceeded to identify a place for ole Moniko to have his field. While determining its size, ole Moniko and ole Kipurda began to argue and exchanged harsh words and insults. At that point, ole Kipurda's son lost his temper and attacked ole Moniko with his iron club. Some of ole Moniko's friends and age-mates intervened and started beating up ole Kipurda's son until others could separate them. Ole Kipurda and his son fled the scene but ole Moniko was badly hurt and needed to be taken to the Entasekera Health Centre for treatment.

*Latent friction between the Inkidongi and the non-Inkidongi*
The fight was serious because blood flowed. In addition, the issue threatened to escalate into a much larger (land) conflict pitting Inkidongi against non-Inkidongi. This layer in the conflict is relevant because, as we saw in the epilogue to Chapter 9, the Inkidongi lineage increasingly seems to be claiming land for their own use separately from the rest of the Loita. Ole Kipurda belonged to the Inkidongi family and ole Moniko did not. The stream between ole Moniko and ole Kipurda's homesteads not only marked the boundary between the plain and the locality to which ole Kipurda belonged but also represented the boundary between the area occupied by the Inkidongi family of laibons and the rest of the Loita Maasai.

When Senteu settled in Loita after 1902 (see Chapter 3), his family and dependants occupied the Kisokon area in the east of Loita close to the Naimina Enkiyio Forest but on the southern side of the Olngarua Swamp. Senteu is said to have had 36 wives but he lost most of them before he settled in Loita.[6] It appears that when Senteu arrived, he found the area was already occupied by a mix of Kisongo Maasai, Loita Maasai and other Inkidongi families (brothers of his father Mbatiany) but when he settled there 'they all ran away'.[7] The Kisongo went back to their homeland around the Ngorongoro Crater in Tanzania and the Inkidongi families settled among the Matapato Maasai. The Loita withdrew to the south and west.

Senteu's family members did not disperse and settle among their fellow Loita. This nucleated settlement pattern is in stark contrast to the dispersed settlement pattern of the rest of the Maasai (Berntsen 1979: 137). Among Loita who do not belong to the Ink-idongi, family members tend to disperse: adult sons commonly migrate to join other homesteads or form a separate homestead with other clans, often age-mates or, nowa-days, on their own. Inkidongi families, by contrast, tend to remain in close proximity to each other (*Ibid.*). Spencer (1991: 334, 336) noted that Inkidongi homesteads were inclined to be located in areas where sections neighboured each other and each settlement cluster was typically associated with a branch of the wider Inkidongi family. The House of Senteu indeed occupies such a boundary area: Kisokon joins on to the boundary with the Purko. On the other side of the boundary in a locality called Oltarakuai, there is another cluster of the Inkidongi family called the House of Neiliang (*Enkang e Neiliang*), who are the descendants of Neiliang, a half-brother of Senteu. Whereas the members of

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[6]  Twenty of them according to Waller (1978: 234).
[7]  Interview MS: 21/11/08.

the House of Senteu consider themselves Loita because they live in the Loita section, the House of Neiliang has attached itself to the Purko section.

When Senteu settled in Loita, a considerable uninhabited area divided his homestead from the rest of the Loita. His sons Simel, Kone, Olooltoronken and Mepukori, all from the Ilterito age-set, were then still boys and they and their descendants later came to live on both sides of the Olngarua Swamp with their homesteads stretching to the north and south. Loita Inkidongi homesteads reach Napolasar in the north in Morijo Loita Location. The sons of Senteu's younger brother Ngabual − Letutui, Kididingi and Oloshoroi − spread southwards and westwards and their descendants now occupy part of Entasekera Location. At the same time that the Inkidongi were spreading to the south and west, non-Inkidongi families were moving in the opposite direction to occupy areas that had previously been used for dry-season grazing by Inkidongi, such as the Empurputia Swamp. Today, as a result of population growth and territorial expansion, the previously empty zone between the Inkidongi and the rest of the Loita has disappeared and, in some places, Inkidongi families live side by side with families that do not belong to the Inkidongi. This has created tensions over land that did not exist before. The land dispute between ole Kipurda (a member of the Inkidongi family) and ole Moniko (who is not an Inkidongi) was an expression of this underlying tension. In the turmoil that followed the fight when emotions were running high, I heard several people declaring that this was a 'war' between the 'Loita' and the 'Inkidongi' over land and territory. Although this interpretation was quickly dismissed by the elders, it indicates how disputes over land between members of these two groups are putting pressure on the historical alliance between the Loita and the House of Senteu to the point that the Inkidongi of Loita are not being considered 'Loita' anymore.

*Reporting the matter to the police: the P3 form*
Early in the morning on the day after the fight, ole Kipurda and his son travelled to Narok town, the administrative centre of Narok District. Ole Kipurda's explanation was that he had gone to Narok because he was concerned about his son's health as he had been vomiting blood since the fight and ole Kipurda wanted him to be treated in a hospital with an X-ray machine, which the Entasekera Health Centre in Loita lacked. Ole Kipurda asserted that it was while he was in Narok that he decided to report the matter to the police. The procedure followed by the Kenyan police for filing a case and arresting an alleged offender requires a medical examination that reports the nature and extent of the injuries sustained by the complainant. This involves filling in a Kenya Police Medical Examination Form, also known as the P3 form. The medical examination has to be carried out by a medical officer or practitioner who, by signing the document, agrees to give evidence in a court of law if necessary. The fact that ole Kipurda went to Narok very early in the morning without informing anyone to get a P3 form for the arrest of ole Moniko would become the main issue in the section meeting that is discussed later in this chapter. This is a clear instance of forum shopping between legal orders. Pursuing this road meant opting to fight a battle in a Kenyan court under state law. For the governing elders in Loita, this implied that ole Kipurda favoured Kenyan law over

Loita law. It is no surprise then that ole Kipurda's actions met strong disapproval from the mediating leaders.

Ole Moniko waited in Loita for the whole day for ole Kipurda to return from Narok to settle the fight at a dispute meeting according to Loita law. At this point, land was not the issue as this had already been resolved by the locality meeting: the issue was now the fight between the two men. Eventually, and uncertain as to what was happening in Narok, he got the go-ahead from the locality elders to go to Narok and get his own P3 form so that he would be able to defend himself if ole Kipurda had gone to Narok to get one.

In the meanwhile, ole Kipurda's relatives from the locality he belonged to convinced ole Kipurda (who arrived shortly before ole Moniko left) to leave the police out of the issue and settle the fight in the Maasai way. They subsequently approached a respected elder from the area who belonged to neither of the two localities about mediating the dispute between ole Moniko and ole Kipurda. This move, brought about by ole Kipurda's party, effectively lifted the issue from the locality level to section level. This is a second example of forum shopping but this time within the Loita legal order.

## Resolving the fight

The section meeting was held in a neutral spot at the Entasekera trading centre twelve days after the locality meeting.[8] Two mediators presided over the meeting and the fact that they were asked to mediate meant that they were recognized as section leaders. One was the respected elder who was introduced above and who I will simply refer to as the section leader. This man belonged to the governing age-group and was considered to be wise and fair. He is often called on to mediate matters that have got out of hand. The other mediator was age-group chief ole Maine, whom was introduced in Chapter 1. At that time (in 2007), ole Maine did not yet belong to the governing age-group but was an equally respected leader. Ole Maine had been approached because of his proven skills as a mediator and his leadership position as age-group chief further added weight to his authority. Both the section leader and ole Maine were influential Loita leaders and were considered to have a profound knowledge of Maasai law and experience with dispute mediation. Neither of them had gone to school. The analysis of the section meeting in this and the next section follows the course of the two-day meeting.

### Identifying ole Kipurda as the wrongdoer

The meeting was opened by ole Maine who explained the way the meeting would proceed: 'We first find the mistake before we go to the solution'. To find out what went wrong and the wrongdoer (*olarruoni,* pl. *ilarruok*), he called the two men to give their sides of the story. He called ole Moniko first to give his account of the events: '*Ero*, why were you beaten?'. Ole Moniko stood up to tell his story and ole Kipurda followed with his version of the story. Their accounts were largely consistent and only differed slightly in nuance. After their statements, the section leader called a witness to recount how the fight had occurred. The witness gave a lengthy and detailed speech that was

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[8]   It was neutral because it did not belong to either of the two localities.

followed by a speech by ole Maine who concluded that the mistake lay with ole Kipurda. He clarified his point as follows:

> It was not ole Kipurda who planned the fight, for sure. This elder did not have that idea. And if you want to be sure [of this], [it is] because (...) he did not bring ten [supporters to fight], (...) but he came to talk [with] the elders [of ole Moniko's locality]. If he had wanted to fight, he would have called his supporters [to go to the meeting with him]. Would he have fought if he was alone? It [the fight] was just an accident because [fathers] don't have power over their children. (...) You [addressing ole Kipurda] didn't tell him [i.e. his son] to beat him up. (...) You didn't know you would quarrel with ole Moniko. You just planned to refuse him [the place for the field]. (...) But his son was ready [to fight]. (...) Why didn't you [addressing ole Kipurda] go like the day you looked for peace [i.e. following the procedure of calling for a meeting to resolve the fight through dialogue]. And blood poured! And you were responsible because you are the one who quarrelled, but you refused, and you went to Narok instead of him [ole Moniko] who was the one who was in his right to get the P3 [because his blood had flowed, he was visibly injured]. (...) And you could have called the elders and told them to come because the young men had fought. (...) You have degraded yourself [you didn't act as an elder]. The custom of the Maasai is not like that. Let's see how we can solve this issue of the young men so that it will not get worse. Can Narok solve it? Because you went the long [way of] solving, because you came with a P3. You say you seek peace but you are like an enemy. (...) The mistake is yours, not for anyone else. It was your child that applied [the mistake] on you. If you are a weak elder that cannot prevent the children from fighting, the mistake is yours.

Ole Maine concluded that although ole Kipurda did not plan the fight, he made a mistake by going to Narok instead of solving the fight between his son and ole Moniko in the appropriate Loita Maasai way, i.e. by calling a meeting to resolve the issue. Ole Kipurda responded to ole Maine's ruling with an extensive speech that ended with the following:

> *Oyie*, I have said I will accept if you tell me I made a mistake by going to bring the P3. And I have answered you that I didn't know about the issue of the fight [he did not plan it]. I have realized that I made a mistake, it doesn't fit me, it is true, because I am a leader here and I am an elder. That is why I agree with the Maasai. It is as they say: you can make a mistake first because of foulness but you solve it later when you realize. I wish I had known. So in that, it is true, I accept that and I have finished.

Ole Maine then clarified how the section meeting was only to deal with the issue of the fight and the issue of going to Narok to get P3 forms. The field or the homestead that ole Kipurda's son wanted to erect were issues for the locality he explained, and needed to be discussed later at another locality meeting. After all, the locality had already reached a resolution before the fight broke out. Until this point, however, many of those who had come to the meeting had assumed that the land issue was part of the discussion and this announcement came as a shock. It was particularly disappointing for ole Moniko who had hoped that the resolution reached by the locality leaders regarding the field he had started clearing would be overturned by the section leaders.

### Restraining ole Moniko

After ole Maine spoke, the section leader stood up and questioned whether ole Kipurda had indeed had a P3 as he claimed. He believed that ole Kipurda was bluffing. So he concluded that the next step was to convince ole Moniko to annul the P3 that he, unlike ole Kipurda, had managed to get, to avoid ole Kipurda's son being arrested by the police. The section leader compared the situation to two fighting bulls and explained that

they, the mediators, could not allow ole Moniko to 'finish' ole Kipurda's son: 'If a bull overthrows another one, will you [join him to] gore the one on the ground? No, you hit the one that overthrew him [to prevent him from killing the other one]'. The way forward, the section leader explained, was to 'guide everyone' so that any animosity between the two neighbours would come to an end and peace would be restored. He then addressed ole Moniko directly:

> So I say, ole Moniko, you are the one who is in the right, as we see it. So from the meeting that we are in now, we are telling you, you cannot tie the other one. Or is there anyone who wants to say something different? [Everybody replied: 'No one'.] And we are calling you to tell you that you cannot tie him. Even if you have the right. (...) We are not allowing you that weapon [i.e. the P3] that you have brought. We will take it away from you. That is why we are here.

Ole Moniko, still angry that the land issue was not part of the agenda, reacted adamantly:

> I will not listen to you because it is [ole Kipurda] who showed us the way to the police. So allow us to compete. (...) Let's go further ahead [to the police], or you think we can't do that? I say I don't want that resolution. I am hurt, I lost the [case of the] field, I lost my cows, I lost blood. What if I don't listen to you, what will you say?

Ole Moniko's reaction was one of genuine indignation and anger. He resented the fact that his obedience towards the elders of the locality (stopping work on his new field, accepting the elders' resolution to move his field to another spot and later waiting for their blessing to involve the police) had been 'rewarded' with aggression on the side of ole Kipurda's family. Not only had he been badly injured by a man from a younger age-group (a shameful event in itself) but ole Kipurda and his son had also rushed to Narok and unjustly presented themselves to the police as victims. His anger was not only directed at ole Kipurda and his son but also at the elders. He felt that while he had respected the elders throughout, they were now letting him down. The only thing he needed to do he shouted as he removed a piece of paper from his pocket was to rush uphill and call the police to come to get ole Kipurda's son because, unlike ole Kipurda, he *did* get a P3 form in Narok. The section leader responded to ole Moniko's defiant stance by announcing that it was time to compensate ole Moniko. He praised his respect towards the governing elders and the behaviour he had shown in these stressful times, but he stood firm on the issue of the P3:

> You [ole Moniko] are the brave one today, you are the one who can fine the other one. Do you think we can allow you to tie the other? Who is holding the spear now? So [you think] we can stand [in the meeting] to tell you to spear that elder? (...) Nobody can stand and say: kill him nicely. (...) We refuse you that P3.

The section leader's speech was backed by two locality elders but ole Moniko remained equally uncompromising. The section leader then recounted the story of another case where two elders had fought and went for P3s. When they realized that the P3s would not resolve the matter, they returned to Loita to seek mediation in the Maasai way:

> *Ero*, two elders who fought, ole Sinti and ole Nkai,[9] cut each other's ears. Ole Sinti stayed the way you did, and friends took ole Nkai to get a P3, and he got a P3. We heard in Narok that this guy had got a P3 and we told the other one [i.e. ole Sinti] to get one too because how can he stay without one, if the other one got one. He [i.e. ole Sinti] got it. Listen, ole Moniko, because I could have told you to

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9    Not their real names.

go, I was like those elders. I could have told you to go. When they did this, the police came to take the other one and when they went to the table, they both had a P3. They locked them up together and they both had cut ears. And when they put them in jail, the police told them to come to an agreement. Ole Nkai refused. He was thinking his P3 was more powerful than the other one. And the other one told him that they should agree on one thing so that they could go home because they were the same. And he refused. And they were locked up. And when they were inside the cell, there were many different people, like those that say: 'what can you give me then we will tell you how you can win' [lawyers?]. Then they told him the cases were equal. Now and then he agreed and he told the other one let's request [permission] to get out. They allowed them [to get out] and they went to mediation [in the Maasai way].

As the meeting progressed, more elders stood up to urge ole Moniko to leave his P3. Ole Moniko started to realize that pursuing the police route might not be the best way forward as it might be a costly and time-consuming enterprise, and one that he could not afford. He had, after all, recently started a family and was still constructing his homestead. It would also put him in a bad light in Loita because he would go against the wishes of the Loita leaders. Aware at the same time that he was in a strong bargaining position because he had a P3 and ole Kipurda did not, he eventually, though reluctantly at first, opted to begin negotiations regarding compensation. Being uncooperative was initially a tactic to position himself advantageously in the face of the imminent negotiations. However, it was not until ole Moniko's eldest brother summoned ole Moniko to give a clear answer that he opened the negotiations by expounding on his (extremely exaggerated) expenses:

I have *aja* conditions if you want me to bring back my P3, three of my oxen [that he claims he sold to pay his expenses]. If you don't comply, I am going to tie [ole Kipurda's son]. (...) Here is the P3 of my oxen and there is no way to reduce it, no way that you will do that. I demand *aja* thousand [KSh 100,000]. *Aja* [100] thousand. During the fight I hired vehicles: it cost me KSh 10,000. And when I went to the police, and you know how they are, I used another 25,000. I was beaten yesterday, as you know, and I went for P3 after going to the hospital where I spent 25,000. And the transport I used to collect my brothers, it cost me 10,000. *Oyie*, I am deaf now and there are letters that are here that show that I am deaf, and if you try to hold this ear, it is like there is a drum inside. I also can't see if I close this eye, I cannot differentiate a person and a tree from afar and I used to differentiate them before. So if [ole Kipurda's son] knows where to buy a new eye then go and buy it. If such a place exists. If there is a place to go and buy an ear, then go and buy it. That costs 50,000 plus 25,000 plus 10,000 becomes 85,000. Is it not the 100,000 of my P3 of my oxen? So stand up and find out how to do it because that is what I want.

Ole Moniko finally gave in but demanded huge compensation in return for not going down the route of using the P3 to jail ole Kipurda's son.

### Punishing ole Kipurda's son

Loita Maasai law provides different punishments for specific offences that breach cultural rules of respect and proper behaviour in the mediation of fights. Punishments involve fines in the form of livestock, sometimes accompanied by smaller gifts. In the case of a fight between two men, the fine *and* the direction of the fine, i.e. who gives what to who, is dictated by the nature of the injury, if any, and the relationship between the two men. The most unambiguous fines are those that involve men that belong to different age-groups and different clans. These fines are irrespective of who was found to be in the wrong. When a man kills another man and both are from Loita, clanship plays an important role (see Chapter 6). The rule is that the killer's clan has to find 49

cows, which can be donated by any elder of the clan, and these are given to the clan of the person who was killed. A homicide in a section is a very serious case and its importance is apparent as the whole clan bears responsibility for the act of one of its members. In cases where the fight does not result in death, the fine is the personal responsibility of the offender. A fine stands for the loss inflicted on the injured person, whether this is death or injury. In the case of death, the 49 cows stand for the 49 bones of the dead man.[10] Broken bones are compensated with a heifer and the offender slaughters a sheep for the injured to compensate for the loss of blood. This fine is called *enker enkopito*. When the men involved in a fight are from different age-sets, the younger man has to give a heifer to the older man, even if the older man is found to be in the wrong. The heifer transferred from junior to senior is traditionally accompanied by a *shuka* (a blanket worn as a cape, usually by old men) and honey beer. This fine (the heifer, the *shuka* and the beer) is called *eropet* and is offered to the older man in a reconciliation ceremony and he responds with a blessing. This peace-making ceremony restores the damaged relationship between the two men and brings closure to any enmity.

The fight between ole Moniko and ole Kipurda's son called for two of these rules. Because ole Moniko lost blood at ole Kipurda's son's hands, ole Kipurda's son was required to slaughter a sheep for ole Moniko. In addition, because ole Kipurda's son belonged to a younger age-group than ole Moniko, he had to give him a heifer too. These two fines were quickly decided upon during the meeting and did not require any negotiation as these rules have been in place since time immemorial.

## Regaining control by making a new rule

As explained above, the mediating leaders knew how to punish and impose fines for the fight because fighting and meetings to resolve fights 'were there from the time we were children'. However, a new element had complicated the fight between ole Moniko and ole Kipurda. Their case was one of a growing trend of individuals opting to involve the police and state law rather than seeking the mediation of Loita leaders. For the leaders, this trend was a cause of worry and needed to be dealt with. The issue ran through the entire section meeting but was particularly visible in the latter part.

### White men's law

The term 'state law' was not used in the meeting but was referred to in many ways. One man described it as 'going to the government' but it was mostly called 'the way of the *ilashumpa*' or the white men (see Chapter 5). This undoubtedly refers to the colonial period when Maasai first came into contact with a police force under white command and courts set up and cases heard by white administrators and officials (Berman 1990: 103). This framework, which was imposed in the colonial period and inherited by Kenya at independence, has not changed much in the eyes of the Loita. Even though the skin colour of the police commanders and magistrates changed with independence, state law is still called the '*ilashumpa* way' by the Loita.

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[10]   Elsewhere in Maasailand the number 9 from the 49 cattle fine stands for the number of orifices in a man's body (ole Sankan 1971: 14).

Another way in which state law was referred to was by using the phrase 'going to Narok' or simply 'Narok'. In Loita experience, Narok is the nearest hub of state law. And a final way of speaking about state law is in relation to cattle, which are the pride and wealth of the Maasai. Going to Narok is like 'wasting cattle': one has to sell cows to raise the cash to pay for transport to Narok, to pay for hotels and food in Narok, to pay hospital bills in Narok, perhaps to bribe police officers in Narok, to pay a lawyer for representation in court, etc. To follow the *ilashumpa* way is to 'finish your cows', and so instead of fellow Loita benefiting from this (by receiving fines imposed during meetings for instance), it is 'guys from other tribes [that] eat our cows'. One elder reasoned: 'Let us bring back [the case] to be us "who are eating", it will not be a waste, let us not take it to the Kamba [nickname for the police][11] because they will eat these and more, and they cannot mediate [between the two of] you the way we are doing'.

*Cutting the horns of the Loita leaders*
One locality leader accused ole Kipurda of bypassing the locality elders: 'That is what we tell you because you fought and you decided to go to the *ilashumpa* and we were not the ones who sent you!' This accusation reveals an important issue: going to Narok for a P3 form is not in itself a problem. The problem is rather that ole Kipurda went without consulting the locality leaders. Ole Kipurda's action was a direct affront to the authority of the locality leaders. For them, this trend of going to Narok, involving the police and fighting disputes in courts of law without the blessing of the elders was a serious problem that needed to be tackled head on. It was, after all, a threat to their authority that seriously jeopardized their role as the governors of Loita.

Disapproval of this new trend was repeatedly voiced by the elders in the meeting. One elder exclaimed: 'This thing that they go away [to Narok]. You know, we hate it!' The reason for their dislike was succinctly put into words by the section leader: '[because it] takes away [the case] from the elders'. Choosing the *ilashumpa* way not only means disowning the authority of the elders to mediate disputes but also means curtailing their power to govern and rule over Loita. Ole Maine discussed this issue in a clear and unequivocal manner by likening the power of the governing elders to the horns of the bull. The horn is the bull's weapon and his horns give him strength and power. The sharper the horns, the stronger and more powerful the bull is. Ole Maine blamed the people who go to Narok of 'cutting' the horns of the Loita leaders, i.e. reducing their strength and power.

The causes of this new development were also discussed and analysed during the meeting. For ole Maine, the problem lay in the criticism that the mediating leaders were facing in Loita. Ole Maine observed that people had been referring to mediators who punish offenders with heavy fines as *ilowuarak* (predators, sing. *olowuaru*), even if they had solved the case in a just way. The word *olowuaru* refers to animals like lions and leopards that take and eat Maasai livestock. When used for people, it retains this negative connotation and describes a greedy or jealous person (Spencer 1988: 134) who enjoys 'eating' the livestock of others, i.e. by setting fines. Ole Maine believed that out of

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[11] The Kamba are one of the larger ethnic groups in Kenya. Loita Maasai say that the police and the army are mostly staffed by Kamba.

fear of developing a reputation as *olowaru*, mediators had been mediating disputes in a soft way. The problem with soft mediations was, he felt, that the punishments and fines were 'weak' and did not provide disputants with durable solutions or discourage others from committing the same infractions. 'That is why', in ole Maine's opinion, 'the cases are going to Narok'. He blamed the people who unfoundedly criticize mediators but he mostly blamed the leaders of Loita: 'You are the ones who are allowing [these things to happen]'. It was because of their weakness and the fact that they were succumbing to social pressure that inconsistent and unwell mediations were taking place. He thus called on the governing elders and Loita leaders to ignore their critics and mediate 'strongly' to ensure that disputes did not recur and that wrongdoers did not repeat the same mistakes and to discourage others from transgressing social rules.

In this attempt at rallying the elders to regain control of social life in Loita, it was agreed that something needed to be done to stop people from taking recourse to state law – and thus of further 'cutting the horns of the elders'. As a very old man told the governing elders: 'You have to bring the people back into line'. One way in which this could be done was by formulating a new rule and determining a fine that punished those who involved the police and bypassed the governing elders. Ole Maine was the first to explicitly call for 'a rule' that would 'guide' the people: 'that when people fight and take the cases to Narok without informing them [i.e. the governing elders of the locality], then there will be a fine'. As a result of the dispute context, the fine would go to the other side. In other words, what was being made unlawful was forum shopping without the elders' knowledge and consent. The reasoning behind the rule was that those who opted to go to Narok anyway in this manner would face another case in Loita upon their return. Ole Maine rhetorically asked: 'What do you think people will do if there are two cases that will eat you?'

*The jurisdiction of the new rule*

At a certain point in the meeting, some of the locality leaders tried to take back ownership of the meeting. They called for devolution of the case to the locality: 'I wanted to tell the Loita, let's postpone [the meeting] to next Sunday so that we can meet and agree as the locality [first]'. The locality elders wanted to decide on the fine to punish ole Kipurda without interference from the section leaders. The section leaders, however, refused this on two grounds. First, it was impossible to return the matter to the locality because it had already reached the level of section: 'You wanted to take back [the case] to the group of the locality after you first called the Loita?'. Ole Kipurda and his relatives had called for mediation at the level of Loita and the section leaders had accepted, so they now had the responsibility of solving the case. Secondly, Loita mediators raised some serious concerns about the impartiality with which ole Kipurda would be fined. They feared that the locality leaders, bitter as they were about his disrespect, might let their feelings determine his fine. A third point was not explicitly mentioned by the section leaders but transpired as the meeting progressed. By mediating this particular case in a section meeting, the section leaders could tackle the sort of behaviour that ole Kipurda had shown, i.e. going to Narok without informing the locality leaders. The fight between ole Moniko and ole Kipurda offered them an opportunity to deal with this be-

haviour and make it apply to all Loita Maasai in one fell swoop. This is because, as a *section* meeting, the rule that came out of it would cover the whole Loita section and not only the locality where ole Moniko and ole Kipurda lived.

When fights cut across the social lines of age and clan, there are clearly defined rules and fines for dealing with the matter. But if the two men involved in a fight belong to the same age-group or clan, resolutions vary. When two age-mates or clan-mates fight, it is the responsibility of the respective age-group and clan to discipline them and fines are determined at the age-group's or clan's discretion. In this way, individual age-groups and clans have developed their own legal rules for disciplining fellow age- or clan-mates at age-group and clan meetings. In a similar way, a locality has the freedom to impose and define new fines on its residents if existing rules are lacking, or to add a fine to a known one if the case seriously endangers social peace in the locality. Such a new rule and fine can be used by other localities as examples when they face a similar situation. But it is not compulsory. Only when a new rule with a new fine is imposed in a section meeting will this rule and fine apply in the whole of Loitaland.

This is why the section leaders were keen to take up the case of ole Moniko and ole Kipurda. The section meeting offered an opportunity for the section leaders to deal with the problem once and for all. With a new fine, they killed two birds with one stone. On the one hand, it functioned as compensation to soothe ole Moniko and encourage him not to deploy his P3. On the other hand, attached as it was to the new rule, it dealt with concerns over people bypassing the governing leaders and reaching out to state actors and institutions directly. The section leaders may not have deliberately 'shopped' for this dispute but it was certainly a chance that they could not let pass and they gratefully took it up and hung on to it. The advantage they hoped to get out of it, i.e. to regain control over the actions of the Loita people in relation to the state, was in the interests of Loita leadership in general.

*Formulating the fine*

Precise, careful and exhaustive formulation was required because the new rule covered the whole of Loita territory. A relative of ole Kipurda's pointed out to the elders what the implications would be if ole Moniko's requested compensation (of KSh 100,000) was honoured: 'If you give ole Moniko those 85,000 in the wrong way today, another person will take it tomorrow'. What he was suggesting was that if ole Moniko's obviously exaggerated demand was honoured, the governing elders would have to be consistent and treat future cases in the same way. He warned that this could trigger a new trend of people seeking to obtain large sums of money unfairly by using the precedent of the case of ole Moniko and ole Kipurda. With this argument on the jurisprudential effect of the new fine, ole Kipurda's relative successfully rebuffed ole Moniko's exorbitant demand.

The governing elders then proceeded to review other P3 cases that could serve as examples for formulating the fine for the new rule. The debate eventually centred on the last case that the area had known and that pertained to the same locality where ole Moniko and ole Kipurda lived. The most respected locality leader was asked to elaborate on the case that involved a fight between an elder and a younger man who was seri-

ously injured and then got a P3 from Narok to jail the older man. A locality meeting was called to solve the issue and the elders persuaded the young man to abandon his P3 claim. The old man was fined two traditional fines (a sheep to represent the blood lost and a heifer for the broken bones) plus a new fine that involved donating the biggest ox he had in his herd for a 'meat feast' (*olpul*, pl. *ilpuli*) for the young man. In the past, meat feasts were held prior to cattle raids so that the warriors could gain the strength and bravery they needed from the meat, the soup and the special herbs added to it. The elders would typically donate oxen to the warriors and meat feasts could last for several weeks. With the new fine, the elder would donate an ox to the younger man so that he gained strength and recovered from his injuries. It was seen as an appropriate fine from senior to junior.

From this P3 precedent, the idea of using 'the biggest ox of the herd' was adopted. A relative of ole Kipurda then raised the issue of the ox's true monetary value. Rather than fining 'the biggest ox of the herd', he proposed imposing a fine of an ox valued at a fixed price to make the rule less ambiguous for future cases: 'Let me finish what I was saying so that we can agree as the section (*olosho*) that the one who injured another … has to contribute a heifer, a sheep and KSh 10,000 or the ox for 10,000. (...) Let's agree on this 10,000 or the ox for 10,000'. This relative probably knew that ole Kipurda's biggest ox was valued at KSh 30,000 and wanted to formulate the fine slightly different-ly to reduce the burden on ole Kipurda. However, the section leader refused this argu-ment and reiterated that the fine would consist of 'the biggest ox of the herd' regardless of its monetary value: '[we take] what there is, whether it is the ox for 5,000 or for *aja* thousand. And we'll take that one because that is the one we found [in the herd]'.

On several occasions during the negotiation process over the new fine, the audience was reminded of the important fact that the rule that was being formulated was to be-come a section (*olosho*) rule that could influence them personally in future. One elder explained: 'If the chiefs (*ilaiguanak*) agree, then it will be that ox. (...) And maybe you might say that [the rule] will stop at the locality [of ole Moniko], but it won't stop there. It will go up to Mausa [a place faraway on the southern edge of Loitaland]'. Other el-ders explicitly asked the audience whether they accepted the proposed rule: 'Will you agree or not because as we are at a section [meeting] we will be using this thing from Mausa [south of Loita] up to Osupuko Oirobi [north of Loita]'. And another elder said: 'Do you agree that, we will be using this in the coming days as the Loita section?' When no objections were raised, the section leader recapitulated the new rule and the new fine. The fine, the biggest ox of the herd, would stand for unlawfully (i.e. without the consent of the Loita leaders) obtaining a P3 in Narok and it would function as a gift to soothe the injured party 'so that he will not file a case'. Ole Maine concurred with the section leader and the matter was closed.

## Conclusion: sharpening the horns of the state

This chapter has shown that the authority of Loita's leaders is being undermined not by resolute state actors forcefully trying to strengthen the state's grip on Loita but by its own people who are involving the state. In this case, the state was brought in through the P3 form that carried the threat of (state) law enforcement and police involvement.

The thing is, as ole Maine put it, that as people cut the horns of the Loita leaders, they are, at the same time, 'sharpen[ing] the horn' of 'Narok'.[12] This chapter was not about land but about power and authority. More precisely, it was about power relations between Loita leaders and state actors and the struggle over who has the authority to govern Loita. By turning to state actors and statutory legal institutions and taking cases away from Loita's leaders, people are giving the state more power. This development, if left unchecked, threatens to alter the power relations between the Loita and the state, and between Loita's leaders and the Loita population. And this will not be in the interests of Loita leaders. Their position as intermediaries between Loita and the outside world are at risk. For the leaders, it has therefore been of paramount importance to gain control over the relationship between the Loita people and the state, and particularly over the forum-shopping activities of disputants.

The section meeting discussed in this chapter bears some similarities with the locality meeting discussed in Chapter 10. In both cases forum shopping took place. For ole Mashati, who was able to bring in the assistant chief (a state employee) as mediator, forum shopping worked well. But ole Kipurda did not succeed in forum shopping because his case was eventually brought back to the Loita leaders: turning to the state had a devastating effect. The 'biggest ox in the herd' fine was an exceptionally heavy one. In addition, the fines that his son was expected to pay (the sheep and the heifer) also fell on ole Kipurda's shoulders because his son was still living at his homestead. Ole Kipurda was fined heavily not only because the section leaders disapproved of this type of behaviour but because they wanted to reassert their authority in Loita too. The mechanism for achieving this was rule-making and this meeting, therefore, reflects a process of law-in-the-making as well. It demonstrates how changes in law are the product of negotiations and new rules may be politically motivated or reflect struggles over power (Chanock 1978).

Even though the section meeting was a magnificent show of power at the hands of the section leaders, the fact that they needed to do this exposes the predicament of Loita leadership, namely their struggle to maintain control over the people and social life of Loita. This takes us back to some of the earlier chapters in this thesis. As the (colonial) state started to make its presence felt in Loita, the role of Loita leaders as intermediaries with the state and the outside world grew in importance. Kone, who had succeeded his father Senteu as head of the family and became the first PA chief of Loita, was the main intermediary in the late-colonial period (Chapter 4) and during the early years of the newly independent Kenya (Chapter 5). Under Kone's mediation, Loita's leaders were reasonably successful at keeping state interventions at bay, which allowed them to continue governing Loita without much outside interference. But as state interventions increased and these were joined by interventions in the name of both state and non-state development and nature conservation, it became increasingly difficult for Loita leaders

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[12] I heard the same issue being raised in another meeting. This was during a sub-DDC meeting that brought together all the Loita leaders, including the two section leaders mentioned in this chapter, and was convened by the DO. At a certain point when they were discussing how to handle illegal logging in the forest, one leader stood up and, speaking in Maa which the DO could not understand, he warned all those present not to give the DO, as a state agent, too much power by allowing requests for cutting timber to go through him.

to control matters and agree on what course of action to take. Chapter 8 showed how this pressure mixed with other struggles and fractured the Loita leadership into two groups. Yet at that point, the Loita people were still following their leaders when it came to external interventions, even if this meant that some followed one group of leaders and others another. So leaders only had to deal with their own political disputes and wrangling and those with state actors and other outsiders. This chapter has demonstrated, however, that the relationship between the leaders and Loita followers is now coming under increasing strain. Although the role of intermediary remains important, such as the age-group chief ole Maine's intermediary role when Prime Minister Odinga visited Loita (see Chapter 1), this chapter has highlighted how people occasionally reach out to the state without the mediation of leaders. Voices are increasingly questioning the competency of Loita leadership, as became clear in this and the previous chapter. The display of power in the section meeting discussed in this chapter was in response to such criticism and an attempt at reversing this worrying development. Yet it would seem that the damage has already been done. Just as ole Mashati successfully manipulated the struggle of power between (assistant) PA chiefs and locality leaders to suit his own ends (Chapter 10), so too might the struggle of Loita leaders to contain the influence of the state be taken advantage of. If so, this will lead to a further sharpening of the horns of the state.

# 12

# Conclusions

## The dynamics of continuity: the struggle for self-government and the link to land and forest

The previous chapter discussed how the struggle by Loita leaders to govern Loita in the face of growing state influence took shape in a section meeting. The meeting was a powerful display of authority in the context of legal pluralism. The immediate cause for the section meeting had been a land dispute and even though this was not at the heart of the meeting, it is an important detail as it was no coincidence that the struggle for authority was linked to a dispute over land. In fact, the power of Loita leadership in relation to the state depends on their continued control over matters relating to land tenure and forest use and access. In other words, efforts at maintaining a degree of self-government and at not being governed too closely by the state and other actors appear to hinge on their authority in matters relating to land and the forest.

This situation was shaped by the category of Trust Land,[1] which stipulates that such areas will continue to be governed under the 'customary law' of the inhabitants until it acquires the status of Private Land through adjudication and titling or is taken over by either Kenya's central government (when it will become Government Land) or by the relevant county council in its capacity as legal trustee. These scenarios have not happened in Loita despite repeated attempts at demarcation and registration through the land adjudication programme and efforts to turn the forest into a nature reserve by Narok County Council. The land and the forest therefore still remain classified as Trust Land. This has cushioned and emboldened Loita leaders' control over domains, i.e. access to land and the forest, that are the cornerstones of Loita identity and socio-cultural life and their livelihoods, which gives them a powerful basis from which to govern their relationship with the state and other outside actors in an attempt to remain autonomous. Chapter 11 demonstrates this by showing how a land dispute between neighbours provided Loita leaders with a platform from which to address the state's growing authority

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[1]  Crown Land and later Native Land in colonial Kenya, and Community Land after the new Constitution came into effect in 2013.

in Loita. Ironically, state law – through the legal category of Trust Land – has given Loita leaders an important foothold in their struggle over authority with the state.

The importance of controlling land and the forest in the quest for self-government evolved historically and is evident in leaders' growing concerns with it. Chapter 4, which considered the colonial period, discussed how state interventions aimed at rendering Maasailand 'legible' introduced leadership positions (the PA chief and the councillor) that had jurisdiction over corresponding land categories, namely the location and the ward. Since these land categories were calibrated against Loita's territorial occupation at the time, a sense of these leaders having territorial authority developed and this laid the basis for the Loita leadership's subsequent actions. The absence of other interventions beyond those of legibility due to state disinterest and Loita's relative isolation strengthened the power of Loita leaders to avert unwanted state interventions in the colonial period. After independence, as interventions increased and new governing actors, such as missionaries and NGOs, arrived on the scene, securing territorial control increasingly appeared to inform the practices and strategies of Loita leaders. Chapter 5 discussed the emergence of this pattern by showing how leaders accepted and reworked development interventions like the construction of a school and the establishment of the Ilkerin Project to prevent ongoing Purko encroachment. Gradually, however, interventions started to target the territory itself, as was the case with state plans to create a wildlife park in Kamorora (Chapter 5) and to make a nature reserve out of the Naimina Enkiyio Forest (Chapter 8). These state attempts implied a loss of land and forest but also, importantly, a loss of autonomy as state control and scrutiny would have increased in the area. It challenged Loita leaders' political leverage and much of their struggle for the authority to govern Loita therefore played out in the domains of land and forest. Continued control over land and the forest became an important source of power for Loita leadership.

The fact that Loita leaders still have a significant degree of control over matters relating to land tenure and forest access in a context of increasing interventions is the result of a historically formed political space. Although this now appears to be narrowing (see Chapters 10 & 11), it has enabled leaders to operate and exercise authority fairly autonomously. The basis for this political space was set in the early colonial period when the Loita withdrew to the inaccessible and remote Loita Hills after losing the War of Morijo, which meant they were spared the direct effects of the 1905 and 1910-1913 Maasai Moves (Chapter 3). It was also around this time that state legislation defining what would later become Trust Land started to be formulated. In addition, state control in the area remained relatively weak due to few interventions, certainly in comparison to those in other parts of Maasailand and Kenya (Chapter 4). Loita was largely left alone during the colonial period and this gave Loita leaders political latitude to negotiate and territorialize state and non-state development interventions after independence to avert ongoing Purko encroachment and other perceived threats to their territory, only some of which were successful (Chapter 5). At the same time, new leadership positions emerged (the PA chief, the councillor, the development leader) from engagement with the (colonial) state and the world of development. These interlaced with the existing leadership cadre − the age-group leaders, the clan chief, the chief laibon − and the age-group-

configured organization of leadership and transformed the structure of leadership and the role of leaders in the process (Chapters 4, 5, 6 & 7). But continued control of land and forest has not always been the result of the concerted and strategic actions of Loita leaders. Chapter 5 briefly discussed how internal leadership quarrels were partly to blame for the fact that the land adjudication programme did not materialize in Loita. And Chapter 8 showed how this same intra-Loita leadership conflict was at the root of the failures of Narok County Council's forest plan and the IUCN project, a point that will be elaborated on later in this concluding chapter. In all three cases, the intervention was welcomed by some of the Loita leaders. At the end of the day, we can see that Loita leaders' political manoeuvring, either intentionally or accidentally, played a significant role in Loita land and forest remaining in Loita hands.[2] There was continuity not because nothing happened but as a result of the dynamics at play.

## A transnational arena of governmentality and political struggle

The dynamics outlined in the previous section are themselves part and also an effect of a larger, historically produced arena that revolves around governmentality, political struggles and social change. To delineate the contours of this broad arena, I have combined insights from Foucault (2001), Li (2007a), Scott (2009) and Ferguson & Gupta (2002) who all emphasize or elaborate on a particular aspect of it (see Chapter 2). Foucault (1982, 2007 in Dean 2010: 17) coined the term 'governmentality' to analyse the form of power that is inherent in government by defining government as the conduct of conduct to denote a practice that aims to shape people's behaviour. This study has benefited from his broad concept of government, which was used to approach a wide range of interventions (colonial state interventions of legibility, the land adjudication programme, Narok County Council's forest plan and the IUCN project) as well as the actions of Loita leaders in meetings as practices of government and thus manifestations of governmentality. The tendency in the Foucauldian-inspired governmentality literature has been to analyse how governmental power is contained in governmental interventions. Li (2007a), who focuses on interventions carried out in the name of development and/or nature conservation, goes a step further and has studied what it does to the people who are targeted. She has investigated the effects of governmental interventions as they articulate with existing relations, practices, processes and struggles. Like Li, this study also analysed articulations and the effects of governmental interventions (Chapters 4, 5, 8 & 9) but did so by incorporating the governing practices and political strategies of leaders more explicitly in the analysis to capture all the relevant forces of power at play in Loita. Scott's (2009) historical study of Zomia (upland South-East Asia) in *The Art of Not Being Governed* is useful in pinpointing more precisely the nature of these practices and strategies. Scott describes the social practices that were adopted by the inhabitants of Zomia to avoid being governed by emerging states as 'state effects'.

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[2]    Matter (2010b), who studied forest politics and the unofficial land adjudication process in Enoosupukia in the north of Narok District, makes a strikingly similar argument but by showing the opposite, i.e. how a lack of leadership (notably of state intermediaries such as the PA chief and councillor) among the local Dorobo appears to underlie their gradual loss of control over land and their forest.

For a long time, these political choices and strategies were successful thanks to the inaccessibility and remoteness of the area. A similar dynamic is evident in Loita: increasing governmental interventions over time have triggered political strategies by Loita leaders to avoid being governed too much by the state and other actors. The political space created for this is possibly partly due to Loita's relative isolation geographically. Loita leaders were clearly not passively accepting the interventions that targeted them but were actively and strategically negotiating and governing them. But there is more to this, and both Li and Scott hint at it although neither elaborates on it. Scott referred to the population of Zomia as a 'self-governing people' and Li, with her case of the Free Farmers' Forum in Indonesia, described how the farmers' actions, in word and deed, conveyed claims to sovereignty and self-government. This shows that political responses to governing interventions often go hand in hand with claims for self-determination and self-government. This was exactly the case in Loita. Such claims in Loita did not come out of the blue but were founded on existing self-governing structures organized at the level of the section and institutionalized in the age-group and clan systems (see Chapters 6 & 7). Here, leaders exercised authority (governmental power) in meetings and this represents a different form of governing from that in projects and programmes of intervention. What the political struggle for self-government and for not being governed in Loita most clearly shows is that governmentality is layered and multifarious, and transformative effects (in institutions, livelihoods and identities) occur as different forms of governing intersect, overlap and articulate over time. Leadership, as the field where this overlap most obviously takes place, has seen tremendous institutional change as it gradually took a territorial dimension after new leadership positions were introduced and interventions started to target land and forest. In this changing context, leaders slowly came to define themselves and their roles in relation to the state and other governing institutions and actors as these increasingly made their presence felt in Loita.

Insights from Foucault, Li and Scott were useful in delineating the broad, historically produced arena of governmentality and political struggle as governmental interventions meet, intersect, influence and are influenced by governing practices and political strategies in Loita. The case of the Naimina Enkiyio Forest conflicts (Chapter 8) best shows how this arena took shape in practice, as it was illustrative of how governmental interventions targeting part of Loita territory (the forest) articulated with the Loita leaders' struggle for self-government and for not being governed. This case also helps to further refine the model outlined above in two important ways. First, it shows how governmental interventions and the practices of leaders are increasingly becoming interlocked. Ferguson & Gupta (2002) called this new form of governmentality 'transnational governmentality' to highlight the complex and shifting alliances and networks of differently positioned governing actors. Both the Narok County Council forest plan and the IUCN project are good examples of this. The IUCN project came about through the alliance of an international environmental organization (IUCN) and a group of Loita leaders (the Ilkerin group) that were closely linked to a donor-funded NGO in Loita (the Ilkerin Project). Narok County Council's forest plan brought together a minister, Narok County Council and another group of Loita leaders (the Olorte group) that all rallied around a co-opted Loita councillor, who was also a clan chief.

The second point of refinement is connected to the first and springs from the centrality of a longstanding intra-Loita leadership conflict regarding understanding the course and outcome of the forest conflicts. The same amount of differentiation that Li (2007a) affords to her review of governmental interventions in Indonesia − i.e. by showing the variety of actors and institutions involved, their alliances and their struggles and the different, sometimes contradictory, ways in which they operationalized their projects and programmes of intervention − also needs to be extended to the governing practices of leaders. It is then clear that Loita leadership is a heterogeneous entity composed of actors with their own mutual histories and relations that may not always agree as to what path to follow when confronted with a new governmental intervention from outside. In combination with the first point, it follows that Loita leaders engage differently in the struggle for self-government and for not being governed since some may form alliances and become part of the governmental intervention as co-governing partners, while others will be involved in the politics of self-government and not being governed. The forest conflicts in Loita are interesting because the two leadership groups that divided along this line in the first conflict (the Olorte group that aligned with the Narok County Council plan and the Ilkerin group opposing it) saw their positions, as 'trustees' and political 'targets' of intervention (Li 2007a) respectively, inverted in the second round of the conflict (the Ilkerin group allying with IUCN and the Olorte group opposing their project of co-management). This dynamic was decisive and led to the ultimate failure of both the Narok County Council plan and the IUCN project, with the result that the Naimina Enkiyio Forest is still under Loita control.

What also became clear is that not only the governmental intervention was transnationalized but so too was the struggle to not be governed. The Ilkerin group, for instance, found widespread national and international support for their fight against Narok County Council's plan. Using the case of the Naimina Enkiyio Forest conflicts, this thesis has shown that, in order to understand articulations and the effects of governmental interventions, it is not only important to incorporate practices and strategies of self-government and those aimed at not being governed by the targeted people but to do so by paying attention to internal political tensions and dynamics in an era of transnational governmentality and political struggle.

The introductory chapter to this thesis (Chapter 1) drew attention to the peculiar situation of a degree of political and territorial autonomy on the one hand, yet deeply rooted land- and forest-related change and conflict on the other in a context of increasing interventions and pressures. Both continued autonomy and profound changes are best understood in the historically formed transnational arena of governmentality and political struggle that is outlined here. Continuity and change are effects of the articulations of governmental interventions with the struggle for not being governed and the claim to self-government. How Loita's relative autonomy came into being has already been discussed in the first section of this chapter. The following sections draw some conclusions on the topic of change.

Capturing societal change

This thesis captured a society in flux. Of course, social change is of all times but it would appear that, in relation to land, it has reached a point of heightened controversy in Loita, as is evident from the numerous land dispute meetings that took place during my period of fieldwork in the area. This fortuitously enabled me to see change happen – literally! I was able to witness snippets of law-in-the-making. But how can change be captured methodologically and analytically? This thesis has shown that a historically embedded actor-oriented approach, i.e. by focusing on what actors do, why and how, is a particularly suitable strategy for capturing societal change.

Exploring the overlap of governmentality and political ecology made this theoretically possible. Governmentality is about changing and shaping the conduct of people and, in this way, making new subjects. Governmentality involves subject formation (Agrawal 2005; Bose *et al.* 2012; Bevir 1999: 349-350, 354-355). By focusing on the changing strategies of actors, including the way new rules are made that are then internalized, this study captures subjects-in-the-making. The study was interested in understanding the changing ways in which people engage with land and the forest, and with each other in relation to them. Tools and insights from political ecology, which takes these dynamics as its object of study, were thus part of the theoretical framework (see Chapter 2). Political ecology approaches socio-environmental change as a political process. What governmentality and political ecology have in common and that bodes well for their compatibility is that they both engage with questions of power, power relations and political struggle. Governmentality as a form of power impinges on the political ecology of land tenure and forest use and access. This study offers a perspective on social change by linking governmentality and political ecology and by analysing the changing strategies of actors and subjects-in-the-making as political processes. The paradox is that by strategizing so as not to be governed, the Loita Maasai inevitably changed as subjects and internalized state-introduced rules, such as when Loita leaders allied with high-level politicians and adopted the role of political clients.

Methodologically, social change was captured by studying the practices and strategies of actors ethnographically and placing them in a long timeframe. The in-depth longitudinal study of six families that was carried out to understand Loita Maasai livelihoods resulted in a finely tuned understanding of the family heads' past, present and future strategies in relation to use, access and appropriation of land, which laid the groundwork for Chapters 9 & 10. By looking at the changing strategies and practices of particular actors, I have demonstrated how they were a manifestation of wider processes of societal change, such as the transition of pastoralism to agro-pastoralism, and changing tenure practices as well as how they were related to anticipated governmental interventions (Chapter 9). Land dispute meetings are arenas where practices and strategies of land appropriation by family heads are attended to when contested, but they also show how leaders (locality and section leaders but also PA chiefs) play an important role in mediating conflict and governing land appropriation (Chapter 10). Leaders were another group of actors whose strategies, practices and struggles were studied to understand processes of social change. Being at the forefront of dealing with governmental interventions and other pressures that imply a change in access and control of land and for-

est, leaders are not only mediators of externally imposed change but, as governors themselves, they also shape and direct change, for example by formulating new rules, most visibly during meetings, as was evident in Chapters 10 & 11.

This brings us to the last point I want to make here. Meetings turned out to be excellent events for observing change. They are arenas where changes and problems were discussed, negotiated, dealt with and directed. Chapter 10 showed how a new way of land grabbing was seen as a problem in a land dispute meeting and how the mediating/governing leader tried to shape its course by making rules that would henceforth govern and put limits on the practice of land appropriation. And Chapter 11 showed how another emerging change, i.e. that disputants were by-passing Loita leaders and reaching out to the state's legal system directly, was redirected by introducing a fine and formulating a new rule to tackle this pattern because it strengthened the power of the state and challenged the authority of the Loita leaders. To understand the arguments and actions observed in meetings, it was necessary to take a historical perspective and look into the mutual histories of the actors involved (the disputants, the supporters and the leaders), other antecedents and meetings that were referred to as well as expectations of what the future held for the persons involved and the Loita in general. This demonstrated that institutional changes can be captured by taking a historical perspective of people's motives, practices and strategies in the arena of meetings.

## Property-in-the-making

> [S]ocial institutions such as property regimes are not 'things' which
> are there or not, they are what people *do*.
> (Juul & Lund 2002: 4 original emphasis)

A long timeframe approach of arenas and practices of actors, including anticipation and future planning, made it possible for this study to capture how property is being 'made' in Loita. This was done by exploring the process of land appropriation and focusing on practices of claim making (Chapters 9 & 10). It shows how making property claims is all about 'persuasion' (Rose 1994) and communicating 'territoriality' (Ingold 1986). By describing how people 'ground' claims (for example, by building a fence) and 'talk' claims (such as in land dispute meetings), I demonstrate that land that was open for all to use is increasingly being claimed by individuals as their exclusive property. This is property-in-the-making and in analysing this dynamic, this study makes a theoretical contribution to illuminating the 'grey zone' between access and property (Sikor & Lund 2009).

Some conceptual and theoretical clarification is needed here. The process of property-in-the-making in Loita is not part of a formalization process in the sense that customary tenure is made official through state-sanctioned, legally protected written documents (Benjaminsen *et al.* 2008). It is not a semi-formalization or informal formalization of property (*Ibid.*: 30, 32) and it is also not an informalization of formal tenure transformation (Matter 2010a). Instead, it is about individualization and consolidation of property claims in line with the Loita's own legal and tenure practices and arrangements.

Although the process of individualization occurs outside the formal state structures of tenure reform, it is not entirely an 'autonomous evolution' driven by population growth, land scarcity and the commercialization of agriculture (Platteau 1996). Loita's land tenure transformations are not only economically driven but must be seen in the changing context of political struggle and (transnational) governmentality that increasingly puts pressure on Loita territory and highlights the need to secure claims. This changing political context combined with a growing anticipation of formalization in the context of a move from pastoralism to subsistent agro-pastoralism (itself triggered by population growth, among other things) and set the stage for property-in-the-making in Loita, as was demonstrated in Chapter 9.

The process of property-in-the-making in Loita is not a move away from an open-access regime to an individual property arrangement. Open access is what Hardin (1968) had in mind with his famous example of a pasture limitlessly open to all herdsmen, denoting that nobody can be excluded (Ostrom & Hess 2008: 6). Yet, as is seen in Chapters 8 & 9, although the unsettled lowland and highland areas (including the Naimina Enkiyio Forest) were open for transhumant pastoral use by all Loita Maasai, they were closed to pastoralists from other Maasai sections, except in times of drought. The same system was mimicked on a smaller scale at the level of locality where non-residents were excluded from the pastoral resources in the locality that were used collectively by the people who lived there. Grazing areas in Loita were thus not ungoverned or lawless, as is connoted with the notion of open access.

They cannot either be adequately described as common property, even though the definition of common-property regimes revolves around the idea of 'members of a clearly demarked group hav[ing] a legal right to exclude nonmembers of that group from using a resource' (Ostrom & Hess 2008: 8). The point is that, in the past, the concern was the ability to *use* land, not to *hold* it, even if this was done collectively (Colson 1971: 199). This is a subtle but important nuance. It was not about holding land collectively but about belonging to a group because access to land was predicated on membership of the group that controlled the land, as is generally common among pastoralists (van Dijk 1996). Property presupposes clear boundaries but, as we have seen throughout this thesis, Loita territorial control has changed over the years. Land was not seen as something that could be owned and the concept of common property carries a notion of holding land.[3] The theory of access, with its focus on the ability to benefit from natural resources (even by using force) and its three dimensions of gaining, controlling and maintaining access (Ribot & Peluso 2003), best captures the concern about *using* land. In Loita, it was thus not about holding or owning land as common property but about being able to continue to benefit from – or to use – the pastoral resources of the lowlands and highlands seasonally by maintaining access to them through territorial control in the context of encroaching Purko Maasai and other pressures on the land and forest (see Chapters 3, 5 & 8). Rather than a transition from common property to individual property, property-in-the-making in Loita therefore reflects a shift from a tenure practice where access regulated the use of land, to an arrangement where individual property

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3    The collectively held group ranches that were established elsewhere in Maasailand may, however, be seen as common-property holdings (Mwangi 2007a; Galaty 1994b).

has increasingly become the norm. By focusing on 'what people *do*' (Juul & Lund 2002: 4, see quote above), this study demonstrates how property is being made and analyses the shift from access to property.

Property-in-the-making is most pertinently seen in the arena of the land dispute meeting where claims are 'talked' and appropriation is governed (Chapter 10). The 'making' here comes about from the interaction of the various actors involved who each have their own agenda. The disputants and their supporters 'talk claims' and are preoccupied with the concrete case at hand, and the mediators who govern appropriation are concerned with categorical property, i.e. the rules that define what is legitimate individual property. The practice of talking claims and governing appropriation are phenomena that belong to respectively the 'concretised social relationships' and the 'legal-institutional' analytical layer of property (F. von Benda-Beckmann *et al*. 2006), as discussed in Chapter 2. Land dispute meetings are thus empirical arenas where interaction between these different analytical layers occurs. It is in this process of interaction between the different actors that property is negotiated and what is individual property and what is not, is determined.

During the negotiation process in land dispute meetings, old rules are discarded or adjusted and new rules are formulated (Chapter 10). Property-in-the-making is about rules-in-the-making too, and because these rules form part of a repertoire of regulations, procedures and prescriptions that together form Loita law, property-in-the-making is also about law-in-the-making. Land dispute meetings are not only key arenas for studying property-in-the-making but are also for examining rules-in-the-making and laws-in-the-making.

## Subjects-in-the-making

The move from claiming access to land on the basis of one's membership of the Loita section to claiming land as individual property entails transformations in the way people identify and come to define themselves. From identifying oneself as a mobile herd owner, there appears to be a tendency to identify oneself as a settled landowner and 'farmer' with a field of one's own and a diversified livestock holding composed of cattle, goats and sheep. There is a general trend towards individualization: from sharing a large homestead with several families to having one's own individual homestead, from collectively using and managing a common *olokeri* to finding ways of having one's own individual *olokeri*. When people claim individual property over land, this not only reflects an individualization of land tenure but also a change in relations with the state, which become more individual. The practices and strategies of land appropriation, which were discussed in Chapter 9, were partly in anticipation of formal land adjudication. The expectation, even the wish by individual Loita Maasai, including their leaders, that state-sanctioned land adjudication would happen sooner or later indicates that state power is increasingly being internalized, and that people are redefining themselves as citizens and voters, and as subjects of the state.

An important motivation is individual tenure security but tenure security is also relevant at the more collective level in the face of encroaching Purko Maasai and other threats of territorial alienation. The paradox is that because of the concern about secur-

ing land and territory, the Loita need recognition by the state even though they do not want to be governed. This is a dilemma that is particularly evident among leaders who are responsible for the collective yet also have interests as individuals and family heads. And this brings us back to the anecdote discussed in Chapter 1 about Prime Minister Raila Odinga's visit to the manyata of the upcoming governing age-group in Loita. On the one hand, age-group chief ole Maine spoke of the unity of the Loita and formally introduced his age-group and its leaders to Prime Minister Odinga, hinting at Loita's capacity for self-government and implying that they were a political entity that should be taken into account. On the other hand, he positioned himself, Loita leadership and the Loita in general as clients of the political elite and as citizens of the state with the right to vote in return for development resources and projects. Of particular interest here is the fact that the specific requests that ole Maine made to the Prime Minister for funds for the development of the local health centre, a mobile network booster, road repairs and increased political representation in the local authority did not include governmental interventions targeting land and the forest as these would challenge the power and authority of Loita leadership *vis-à-vis* the state. Ole Maine clearly wanted to keep the issue of land and forest off the agenda but the fact that the Prime Minister himself as well as some of the other politicians that accompanied him (including Narok North MP Ntimama!) *did* raise the issue by speaking of land loss and the importance of conserving the Naimina Enkiyio Forest shows that these matters are inextricably linked to, and are even central to, the whole discussion. Loita leaders want to hold on to power by keeping the state at bay, which they partially achieve by maintaining control over land and the forest, yet they also need the state legislation that makes this possible (Trust Land) as well as state recognition of their leadership. They want resources and development but not those that might lead to the loss of land and the forest and, as individuals, they hope for tenure security and the formalization of individual claims to land. However this means becoming more closely subjected to the power of the state, which counteracts their leaders' long-running struggles for autonomy and not being governed.

This thesis has demonstrated that the societal and institutional changes that accompanied and followed governmental interventions went − and still go – together with struggles, conflicts and disputes between differently positioned people. Similarly, changes and transformations in subjectivities, though not necessarily in the direction planned by the governing actors, involve internal struggles, contradictions and a moving around of the 'mental furniture' (Agrawal 2005: 174). The formation of new subjectivities, like the emergence of different social practices, is part and parcel of, and refracted in, the process of governmentality and political struggle.

# Appendix: The role of the ritual age-group leaders in the age-group ceremonial cycle

The *enkipaata* ceremony is the first collective ceremony in the age-group ceremonial cycle and marks the launch of a new circumcision-group.[1] It is named after the *enkipaata* dance that is performed by the boys in the circumcision-group over four days and the ceremony is held twice in quick succession at different manyatas (ceremonial settlement) in different locations.[2] The firestick elders decide on a name for the new circumcision-group during the ceremony (Mol 1996: 189, 247). The *enkipaata* ceremony is held by both the right-hand and left-hand circumcision-groups. But in the case of a right-hand circumcision-group, the ceremony also includes the announcement of the two boys who have been chosen to hold the leadership positions of *olorripu olkila* and *olopising olkiteng* (*Ibid.*: 37).[3] The *olorripu olkila* is chosen from the Ilmakesen clan[4] and the *olopising olkiteng* from the Ilmolelian clan. The task of the *olorripu olkila* is to collect five small skins from each of the five clans, after which his mother makes a cloak from them. When this is ready, it is given to the *olopising olkiteng* who takes it to the manyata that will be built after the *enkipaata* ceremony and where his task will be to smother the ox that features in the ceremony with the new cloak (*Ibid.*).

The ceremony held shortly after the second *enkipaata* ceremony is called 'seizing the horn of the ox' (*enkibungata e mowuo o lkiteng*) because one of the rituals involves a

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[1]  Information given here about the *enkipaata* and the 'seizing the horn of the ox' ceremony is based on the experiences of a young man who participated in both ceremonies in 1999-2000. He is from the Iromboi circumcision-group and was interviewed not long after these ceremonies during my Masters field research in 2001 (Interview LK: 7/10/01). He was among the 49 boys who were selected to live in the manyatas during these ceremonies with their mothers.

[2]  The Iromboi circumcision-group built the manyata for the first *enkipaata* ceremony at a place called Ilmotiok in Morijo Loita Location. This was in late 1999 and the manyata remained for three months. The second *enkipaata* ceremony was held within months at another manyata in Olentarakuai in Olmesutie Location. Mol confusingly reported that the gap between first and second *enkipaata* ceremonies is two years (1996: 37) and later that it is four years (*Ibid.*: 189). During my PhD field research in 2008, the circumcision-group that followed the Iromboi, the Iltumusika, celebrated an *enkipaata* dance at a manyata in the same place where their predecessors had built their first *enkipaata* manyata (Ilmotiok).

[3]  I use Mol's descriptions on Loita ceremonies here, rather than Spencer's (1988) descriptions that are based on the Matapato Maasai, to fill in the gaps in my own data. Where our information differs, I give preference to my own data and make mention of the difference as was done in the previous footnote.

[4]  It has been tradition in Loita to choose this ritual leader from either ole Siloma's family or ole Munga's family. They are both from the Ilmakesen clan.

competition between the boys to see who can be the first to grab the ox's horns.[5] The ceremony celebrates the start of the formation of a future age-set that will end during the 'stool' ceremony some 20-25 years later when a right- and a left-hand circumcision-group merge to form a single age-set. As the senior half of a future age-set, only right-hand circumcision-groups perform the 'seizing the horn of the ox' ceremony. A third ritual age-group leader, the *olorrip olasar*, is chosen from the Iltaarosero clan in one of the rituals performed during the ceremony. This ritual age-group leader is considered more important than the *olorripu olkila* and the *olopising olkiteng*, the two ritual leaders already selected (Mol 1996: 38). His task at the ceremony is to guard the place in the forest where the ox was smothered (by the *olopising olkiteng* with the cloak made by the *olorripu olkila*'s mother) and slaughtered and where its blood was drunk, the meat roasted and eaten, and the bones and leftovers burned. The *olorrip olasar*'s task is to stay awake the whole night to make sure everything is burned, which has to be done in the shade of an olive tree. He has to stand motionless and upright, without talking or spitting. A boy will stay with him (a firestick elder, according to Mol 1996: 38) throughout the night to keep a small fire going to scare off any wild animals. Since the 'seizing the horn of the ox' ceremony is only performed by right-hand circumcision-groups, left-hand circumcision-groups do not have this kind of leader, just as they do not have the other two ritual leaders – the *olorripu olkila* and the *olopising olkiteng* − that play a role in this ceremony.

After the 'seizing the horn of the ox' ceremony, a small manyata is adjoined to the homestead of the age-group chief to house the three ritual age-group leaders and the five additional boys selected to live there (Mol 1996: 261).[6] The three ritual leaders, the five boys plus the age-group chief will be circumcised on one day, after which the circumcision period for their circumcision-group will be officially opened (*Ibid.*: 261-262).[7] Boys belonging to that circumcision-group will then be circumcised individually at home and, after a period as initiates that allows their wounds to heal, they become men and formally enter the stage of warriorhood. N.B. this involves only the right-hand circumcision-groups. The circumcision period of a left-hand circumcision-group opens with the *enkipaata* ceremony.

About four or five years after the initiation of a new circumcision-group during the *enkipaata* ceremony, a large *eunoto* ceremony (the 'planting' or the 'establishing' ceremony) inaugurates the circumcision-group as a corporate entity with its specific membership. After this, no more youth are allowed to be circumcised or recruited into this age-group. The *eunoto* ceremony closes the flamboyant and colourful period of warriorhood and age-mates then prepare to settle down and marry in their first major step towards elderhood.

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[5]   The manyata for this ceremony was built at a sacred place on the edge of the Naimina Enkiyio Forest called Loitokitok. The last 'seizing the horn of the ox' ceremony was held in 2001 for the Iromboi circumcision-group.

[6]   The Iromboi circumcision-group built this manyata at Olentarakuai, which is where the homestead of the age-group chief is located. I paid a short visit to this manyata during my Masters field research in 2001.

[7]   In practice, however, boys can be circumcised before this.

In the run-up to the *eunoto* ceremony, a ritual is held to install the two final ritual age-group leaders who will be central in the *eunoto* ceremony. This ceremony is performed by both right- and left-hand circumcision-groups and they both therefore have these ritual leaders. The *olotuno* and the *oloboru enkeene* are announced and promulgated at the ceremonial settlement 'of the woven mat' (*emanyata e ntirpe*) (Mol 1996: 265).[8] The *olotuno*, that is also referred to as *olaunoni* in the literature (Voshaar 1979: 91, 1998: 76), is probably the most important ritual officer in an age-group. Unlike other officers, he is not only responsible for certain tasks but also holds a profoundly symbolic position that is a great honour but also a personal curse.[9] Chosen with assistance from the chief laibon, he symbolizes the establishing or planting of the circumcision-group at the *eunoto* ceremony. According to Voshaar (1979: 92), the *olotuno* is not only a symbol but is in fact the 'creator' of his circumcision-group. He is respected as an elder by his age-mates and indeed by society as a whole. Although this is an honour, this position is unpopular because it cuts him off from the camaraderie of his age-mates (Spencer 1988: 167) and he is forcefully installed.

The *oloboru enkeene* is chosen and installed with the *olotuno* as his right-hand man (Voshaar 1979: 94) and they will henceforth be among the first in their age-group to execute the ritual actions at the collective age-group ceremonies. In addition to his role as deputy to the *olotuno*, the *oloboru enkeene* provides the ox that will be ritually slaughtered at the ceremonial settlement 'of the woven mat'. The ox's hide will then be cut into a long strip and given to the *olotuno* for the *eunoto* ceremony, where it will be used to outline a ritual house that plays an important role in the final part of the *eunoto* ceremony (Spencer 1988: 158; Galaty 1983: 374). At the manyata I attended in 2008, the Iromboi age-group was preparing for their 'raiding-party of the brisket' ceremony and the hide strip was brought outside and handed over to the firestick elders who used it to outline the circumference of another ritual house in the middle of the manyata.

By the time the *eunoto* ceremony is performed, all the ritual age-group leaders have been chosen and installed. Although they have fulfilled their ritual roles in their respective ceremonies, they remain age-group leaders for life and are expected to attend all the future collective ceremonies of their age-group and live in the manyatas with their mothers and, later, their wives.

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[8]  It is unclear which clans these two ritual leaders should belong to but Voshaar (1979: 319) writes: 'In Loita, olaunoni [Olotuno] used to be of the Lugumai [Ilukumai] clan. Today a holy person can also be chosen from another clan'.

[9]  For descriptions of the *eunoto* ceremony and the symbolism of the position of *olotuno* and *oloboru enkeene*, see Voshaar (1979: 91-94, 1998: 76-77), Spencer (1988: 145-146, 166-169, 2010a: 23-26) and Galaty (1983: 368-377).

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# Summary

This is an anthropological study about the Loita Maasai in Kenya who, in the face of increasing outside interventions and pressure from neighbouring communities as well as the state and other agencies, have been struggling to maintain access and control over the land they inhabit and the forest they use. They have been on the losing side in territorial struggles with neighbouring Purko Maasai and (non-Maasai) Sonjo. However, they have successfully navigated land reform policies and development and nature conservation projects by the state, NGOs and international environmental organizations and have managed to retain access to and control of their land and forest. This is remarkable because similar interventions in other parts of Maasailand and Kenya since the colonial period have triggered processes that eventually led to loss of land and exclusion from forest areas for the local people. Interventions have, nevertheless, changed the way people in Loita engage with these areas and with each other on such issues. This thesis examines the effects of interventions and how they have articulated with existing relations, practices, processes and struggles (Li 2007a) in Loita. It focuses on the social and political changes taking place in relation to land, forest and leadership and demonstrates how the struggle to maintain control over land and forest is interlaced and embedded in a more subtle struggle for self-government and for 'not being (too) governed' by the state and other powerful, external agencies.

Chapter 1 argues that, to understand the effects and articulations of land and forest interventions in Loita, it is necessary to include the subject of leadership in the analysis. This is done by describing the interventions that form the focus of this study and considering their social, legal and political implications. The state-led land adjudication programme of the 1960s sought to convert Kenya's pastoral lands into privately owned group ranches. Although the programme failed in Loita, it has had indirect effects: land use changed, new claims to individual property emerged and land disputes, which did not exist before, developed. This reflects profound land tenure transformations over time and a changing relationship between Loita leaders and the state. The attempt by a state institution, namely Narok County Council, to turn the Naimina Enkiyio Forest into a nature reserve for tourism in the 1990s and a forest management and conservation project carried out by an international environmental organization (IUCN) in the early 2000s evoked widespread opposition at a time of longstanding conflict among the leadership of Loita. Although Narok County Council's forest plan and the IUCN project were eventually abandoned, the internal political conflicts they generated are still simmering a decade later.

Inspired by the literature on governmentality, interventions in this thesis are seen as 'governmental interventions' (Li 2007a, 2007b). And in line with political ecology, articulations and effects are approached as political processes, with Ribot & Peluso's (2003) notion of 'access' being a central analytical concept. Chapter 2 proposes a theoretical framework to understand the role of governmental interventions in land tenure

change and the forest conflicts, and to assess the struggle by Loita leaders to remain autonomous from the state and other outside actors. With respect to land tenure change, Sikor & Lund's (2009) 'grey zone' between access and property is addressed, i.e. when people attempt to turn their access to land into recognized (individual) property. For this, the term 'appropriation' is suggested to account for this process and a focus on claim making is proposed. The forest conflicts are placed in the political ecological debate of whether access to the forest has become 'politicized' or whether an existing political conflict has been 'ecologized' (Robbins 2004). To understand the struggles and political strategies of Loita leaders, the literature on self-government and 'not being governed' (Scott 2009; Li 2007a) is considered. Finally, the topic of state interventions and local responses is situated in discussions of 'seeing like a state' (Scott 1998) and 'seeing the state' (Corbridge *et al*. 2005).

Chapters 3, 4 and 5 give historical depth to the research topic. Chapter 3 examines the period between 1800 and 1913 that was constitutive for the present territorial occupation of the area and is important for understanding current territorial conflicts between the Loita and their neighbours. It traces the emergence of the Loita as a separate Maasai section and their occupation of the Loita Hills and the surrounding areas, offering an alternative to mainstream Purko-biased Maasai history from around the time when the colonial powers arrived in East Africa. It explains how the Loita lost control of the Mara Plains and the Loita Plains to incoming Purko Maasai after the British-enforced Maasai Moves of 1905 and 1910-1913. As a consequence, neighbouring Purko in the west and north and geographical features to the east buffered the Loita Maasai from the developing centres of Kenyan colonial rule around Nairobi. This shaped the way the relationship between Loita leaders and the state would unfold.

Chapter 4 engages with a 'seeing like a state' perspective to analyze state interventions that aimed to make colonial Kenya administratively 'legible' (Scott 1998). It considers the articulations and effects of these interventions in Loita between 1908 and 1965. Attention is paid to the new categories of land as well as to the leadership positions of Provincial Administration (PA) chief and councillor that were introduced by the state. With the creation of Loita Location, the Loita section as a social unit was pegged more firmly to the geographical area marked as their designated administrative location, which has given Loita identity a stronger territorial twist. And the articulation of the new leadership positions with existing leadership positions led to what are called 'double authorities', i.e. when two forms of authority are accumulated in one social figure. New leadership positions and land categories defined the way state power started to be experienced in Loita in the colonial period. These interventions were not, however, followed by others, such as in areas that were closer to the colonial centre and/or were economically more interesting to the colonial authorities. As a result, state control in Loita was much less pronounced than in other areas of Kenya and Loita therefore remained relatively autonomous from the state for the whole of the colonial period.

Chapter 5 moves on to the post-colonial period. It reverses the angle taken in the previous chapter and employs a 'seeing the state' perspective to describe how Loita leaders capitalized on the political space created during the colonial period to deal with increasing outside governmental interventions that were being carried out in the name of

development. This chapter describes the gradual process by which Loita leaders became involved in securing control of their territory by using and reworking development interventions between 1966 and 1974. It discusses both successful and unsuccessful cases and touches on the emergence of a new category of Loita leader called the 'development leader'.

Chapters 6 and 7 tackle the subject of leadership. Chapter 6 introduces the leadership positions of age-group chief, clan chief and chief laibon that, with the positions of PA chief, councillor and development leader as well as those of locality and section leader (discussed in Chapters 10 and 11), form the whole spectrum of Loita leaders relevant to this thesis. To understand the authority of these leadership positions, the age-group system, the clan system and laibonism are examined. This chapter demonstrates that, while ritual authority is exercised in ritual arenas such as ceremonies, political authority and the practice of governing are seen in the arena of the meeting.

The question as to why most Loita leaders (are expected to) belong to the 'governing age-group' is taken up in Chapter 7. It explains how the temporality of the age-group system configures leadership by prescribing the age-group that has the authority to govern the section, and for how long. The 'firestick' relationship between alternate age-sets functions as a key mechanism when it comes to organizing this.

Drawing on background information on Loita leadership and by showing that the forest conflicts can best be understood by focusing on frictions and struggles within the governing age-group and between Loita leaders, Chapter 8 proposes a new interpretation of the Naimina Enkiyio Forest conflicts. Analyzing them from both 'the politicization of ecology' and 'the ecologization of an existing political struggle' angles, the chapter identifies four major political struggles that were at the heart of the conflicts: a conflict over access and access control; personal rivalry between double authorities; political wrangling linked to Kenya's elections in 1992, 1997 and 2002; and the century-old territorial struggle between the Loita and the Purko. The analysis presented in this chapter contributes to the existing scholarship on the Naimina Enkiyio Forest conflicts and shows that the four political struggles crystallized along an internal line of division in Loita's leadership.

Chapters 9 and 10 discuss the process of appropriation and the practice of claim making. Chapter 9 focuses on how families 'ground' claims in Loita by inscribing or altering the landscape with visible markers that are socially understood as conveying individual property. It describes how areas that were formerly jointly used are undergoing a process of enclosure, individualization and exclusion and links this to a diminishing land base and the transition from pastoralism to agro-pastoralism and a more sedentary way of life. It is argued that Kenya's land adjudication programme fed into these changing dynamics and that, although the programme has not been implemented, there is a growing conviction that, sooner or later, formal land adjudication and demarcation will happen. What has taken place elsewhere and the anticipation of land adjudication have affected the decision-making and livelihood strategies of Loita families and have led to the practices of appropriation and claim making discussed in this chapter. Such processes of change reflect profound land tenure transformations over time.

Chapter 10 moves into the arena of the land dispute meeting and highlights what happens when grounded claims are challenged. By focusing on a particular case at locality level and describing the claims and counterclaims voiced in the meeting, a practice that I call 'talking claims', an impression is given of how such events unfold and disputes are eventually resolved. The chapter demonstrates the multidimensionality of land dispute meetings by showing the way they display three struggles at one time: (i) a dispute between two individuals that needs to be mediated and resolved; (ii) an attempt by the mediating leaders to govern appropriation as they accept, reject or adjust grounded claims to land as individual property; and (iii) a wider power struggle between Loita leaders and the state over the authority to govern Loita.

Chapter 11, which focuses on this last point but is also based on a land dispute meeting at section level, shows how this particular meeting was more about power and authority than about land. The main issue addressed in this meeting was that individuals in Loita were turning to state actors and statutory legal institutions with their disputes and were thus taking cases away from Loita's leaders that, in turn, undermined their governing authority in Loita. The chapter illustrates how Loita leaders have attempted to control this behaviour by imposing new rules that govern people's access to state law in an attempt to retain their own autonomy and to avoid the state becoming more powerful in Loita.

Chapter 12 is the final chapter and it connects some of the themes that run through the thesis, ties up various loose ends and presents some concluding remarks. It highlights five main points: (i) Loita leaders will have to ensure their continued control over matters relating to land tenure and forest use and access if they are to maintain a degree of self-government in relation to the state and other actors; (ii) when it comes to land, forest and leadership, social change in Loita is best understood in the context of a larger, transnational and historically produced arena that revolves around governmentality and political struggle; (iii) this is a society in flux that was captured by taking a historically embedded actor-oriented approach and linking governmentality and political ecology; (iv) this thesis analysed the process of making property in Loita and this reflects a shift from a tenure practice, where access regulated the use of land, to an arrangement whereby individual property is increasingly becoming the norm; and (v) in the process of property-in-the-making, the way people are now identifying and defining themselves is also changing and this, in turn, is compromising the long-running struggle by Loita leaders for autonomy and for 'not being governed'.

# Samenvatting

*Controle betwist: land en bos in de strijd voor Loita Maasai zelfbestuur in Kenia*

Dit is een antropologische studie over de Loita Maasai in Kenia, die, in de context van toenemende externe interventies, druk van omliggende gemeenschappen, de staat en andere instanties, strijden om toegang tot en controle over het land waar zij wonen en het bos dat zij gebruiken, te behouden. Zij verliezen terrein in de territoriale strijd met de naburige Purko Maasai en (non-Maasai) Sonjo. Maar als het gaat om landhervormingen, ontwikkelings- en natuurbeschermingsprojecten uitgevoerd onder leiding van de staat, NGO's en internationale milieuorganisaties dan zijn zij erin geslaagd om toegang tot en controle over hun land en bos te behouden. Dit is opmerkelijk omdat soortgelijke interventies in andere delen van Maasailand en Kenia sinds de koloniale periode processen in gang hebben gezet die uiteindelijk tot het verlies van land en afsluiting van bosgebieden voor de lokale bevolking hebben geleid. Interventies in Loita hebben niettemin de manier veranderd waarop mensen omgaan met rechten op land en bos en met elkaar over dergelijke kwesties. Dit proefschrift onderzoekt de effecten van interventies en hoe ze articuleren met bestaande relaties, praktijken, processen en de strijd over land en bos in Loita. Het richt zich op de sociale en politieke veranderingen die plaatsvinden in relatie tot land, bos en leiderschap en laat zien hoe de strijd om behoud van de controle over het land en het bos vervlochten en ingebed is in een meer subtiele strijd voor zelfbestuur en om 'niet (te veel) bestuurd te worden' door de staat en andere machtige, externe actoren.

Hoofdstuk 1 stelt dat om de effecten van en veranderingen door interventies in landrecht en de toegang tot bos in Loita te begrijpen, het nodig is om de rol van lokaal leiderschap nader te analyseren. Dit wordt gedaan door de interventies die de focus van dit onderzoek vormen te beschrijven en hun sociale, juridische en politieke implicaties te bespreken. Het land registratie programma, in gang gezet door de staat in de jaren 60, probeerde pastorale gebieden in Kenia om te zetten in groep ranches in privé eigendom. Hoewel het programma in Loita faalde, had het een aantal indirecte effecten: landgebruik veranderde, nieuwe claims op individueel eigendom kwamen op en geschillen over land, die voorheen niet bestonden, staken de kop op. Deze effecten weerspiegelden dieper liggende veranderingen in landrecht door de tijd heen en de relatie tussen Loita leiders en de staat. De pogingen van een staatsinstelling, de Narok County Council, om het Naimina Enkiyio bos om te zetten in een natuurgebied voor de ontwikkeling van toerisme in de jaren 90 en een bosbeheer- en natuurbeschermingsproject uitgevoerd door een internationale milieuorganisatie (International Union for the Conservation of Nature) in de eerste jaren van de 21ste eeuw leidden tot wijdverspreide oppositie in een situatie waarbij Loita's leiderschap al geruime tijd diep verdeeld was. Hoewel het plan van Narok County Council en het IUCN project uiteindelijk niet doorgingen, sudderen de interne politieke conflicten die ze gegenereerd hebben een decennium later nog na.

Geïnspireerd door de literatuur over 'gouvernementaliteit' ('governmentality' Foucault 2001), worden interventies in dit proefschrift beschouwd als bestuurlijke interventies ('governmental interventions' Li 2007a, 2007b). En in overeenstemming met poli-

tieke ecologie, worden de politieke articulaties en effecten benaderd als politieke processen, waar Ribot & Peluso's (2003) notie van 'toegang' (access) een centraal analytisch concept vormt. Hoofdstuk 2 bevat een theoretisch kader om de rol van de bestuurlijke interventies van welke aard dan ook in de veranderingen in landrecht en de conflicten over het bos te begrijpen, alsmede het streven van de leiders van de Loita Maasai om autonomie ten opzichte van de staat en andere externe actoren te behouden, te beoordelen. Met betrekking tot veranderingen in landrecht, wordt Sikor & Lund's (2009) 'grijze zone' tussen toegang en eigendomsrecht als uitgangspunt genomen, dat wil zeggen dat we inzoomen op het proces wanneer mensen proberen om hun toegang tot land erkend te krijgen als (individuele of collectieve) eigendom. Om dit proces te benoemen en te bestuderen wordt de term 'toe-eigening' geïntroduceerd en wordt een analyse gemaakt van de manier waarop claims worden gemaakt. De conflicten over het bos worden geplaatst in het politiek ecologisch debat omtrent de vraag of toegang tot het bos 'gepolitiseerd' is of dat een bestaand politiek conflict 'geëcologiseerd' is geraakt (Robbins 2004). Om de strijd en politieke strategieën van Loita leiders te begrijpen, wordt de literatuur over zelfbestuur en de kunst van het niet bestuurd worden ('the art of not being governed') (Scott 2009; Li 2007a) beschouwd. Tot slot wordt het onderwerp van staatinterventies en lokale reacties besproken in debatten over 'kijken als een staat' ('seeing like a state') (Scott 1998) en 'kijken naar de staat' ('seeing the state') (Corbridge *et al.* 2005).

Hoofdstukken 3, 4 en 5 geven historische diepte aan het onderzoeksonderwerp. Hoofdstuk 3 betreft de periode tussen 1800 en 1913, dat constitutief was voor de huidige territoriale bezetting van het gebied en is belangrijk voor het begrijpen van de huidige territoriale conflicten tussen de Loita en hun buren. Het traceert de opkomst van de Loita als een aparte 'Maasai sectie' en hun bezetting van de Loita Hills en de omliggende gebieden. Dit hoofdstuk is tevens een alternatief voor de standaard – op de Purko Maasai gebaseerde – geschiedenis over de periode dat de koloniale machten aankwamen in Oost-Afrika. Er wordt uitgelegd hoe de Loita de controle verloren over de Mara Plains en de Loita Plains aan de zich verplaatsende Purko Maasai als gevolg van de 'Maasai Moves' van 1905 en 1910-1913, die door de Britse kolonisatoren werden afgedwongen. Als gevolg daarvan, vormden de naburige Purko Maasai in het westen en noorden en geografische grenzen in het oosten een buffer tussen de Loita Maasai en de koloniale centra rond Nairobi. Deze geopolitieke situatie gaf mede vorm aan de wijze waarop de relatie tussen Loita leiders en de staat zich zou ontwikkelen.

Hoofdstuk 4 houdt zich bezig met het 'kijken als een staat' perspectief om staatsinterventies die erop gericht waren om koloniaal Kenia administratief 'leesbaar' (Scott 1998) te maken, te analyseren. Dit hoofdstuk behandelt de articulaties en de effecten van deze interventies in Loita tussen 1908 en 1965. Er wordt aandacht besteed aan de nieuwe juridische categorieën om land te classificeren en aan de nieuwe leiderschapsposities van provinciaal stamhoofd en raadslid die werden geïntroduceerd door de koloniale staat. Met de oprichting van Loita Location, werd de Loita sectie van de Maasai als een sociale eenheid vaster gekoppeld aan het geografische gebied dat gemarkeerd was als hun administratieve locatie. Dit heeft Loita identiteit een territoriaal aspect gegeven. Een andere uitkomst van de creatie van de nieuwe leiderschapsposities naast de be-

staande leiderschapsposities was het ontstaan van zogenaamde 'dubbele autoriteitsposities', wanneer twee bestuurlijke posities verenigd worden in één persoon. Nieuwe leiderschapsposities en landcategorieën definieerden de manier waarop de macht van de staat werd ervaren in het Loita gebied in de koloniale periode. Deze maatregelen werden echter niet gevolgd door anderen, zoals in gebieden die dichter bij het koloniale centrum gelegen waren en/of economisch interessant waren voor de koloniale autoriteiten. Als gevolg hiervan, was staatscontrole in Loita veel minder uitgesproken dan in andere gebieden van Kenia, en bleef Loita dus relatief autonoom van de staat tijdens de gehele koloniale periode.

Hoofdstuk 5 behandeld de postkoloniale periode. Het draait het genomen perspectief uit het vorige hoofdstuk om en maakt gebruik van een 'kijken naar de staat' perspectief om te beschrijven hoe Loita leiders gebruik maakten van de politieke ruimte die overbleef tijdens de koloniale periode om de toenemende 'bestuurlijke' ontwikkelingsinterventies van buitenaf het hoofd te bieden. Dit hoofdstuk beschrijft het geleidelijke proces waarbij Loita leiders betrokken raakten bij het veiligstellen van de controle van hun grondgebied door het gebruiken en het manipuleren van ontwikkelingsinterventies tussen 1966 en 1974. Het behandelt zowel geslaagde en mislukte gevallen en de opkomst van een nieuwe categorie van Loita leider genaamd de 'ontwikkelingsleider'.

In de hoofdstukken 6 en 7 wordt lokaal leiderschap besproken. Hoofdstuk 6 introduceert de leiderschapsposities van de leeftijdsgroep leider, clanhoofd en hoofdlaibon, die samen met de posities van provinciaal stamhoofd, raadslid en ontwikkelingsleider evenals die van nederzettings- en sectie leider (besproken in de hoofdstukken 10 en 11), het gehele spectrum vormen van Loita leiderschapsposities die relevant zijn voor dit proefschrift. Om de uitoefening van gezag door deze verschillende leiders te begrijpen, worden het leeftijdsgroep systeem, clan-systeem en het laibonisme geanalyseerd. Dit hoofdstuk toont aan dat, terwijl ritueel gezag wordt uitgeoefend in rituele arena's zoals ceremonies, politieke autoriteit en bestuur uitgeoefend worden in de arena van de meeting.

De vraag waarom de meeste Loita leiders behoren en zouden moeten behoren tot de besturende leeftijdsgroep wordt opgenomen in hoofdstuk 7. Er wordt uitgelegd hoe de configuratie in de tijd van het leeftijdsgroep systeem leiderschap organiseert door voor te schrijven welke leeftijdsgroep de bevoegdheid heeft om de sectie te regeren, en voor hoe lang. De speciale relatie tussen afwisselende leeftijd-sets gesymboliseerd door de firestick functioneert als een belangrijk mechanisme om de betrekkingen tussen de leeftijdsgroepen te reguleren.

Gebruikmakend van de achtergrond informatie over Loita leiderschap en door te laten zien dat de conflicten over het bos, het best te begrijpen zijn door te kijken naar fricties en rivaliteit binnen de leeftijdsgroep die aan de beurt is om de leiding te nemen en tussen Loita leiders, stelt hoofdstuk 8 een nieuwe interpretatie van de conflicten over het Naimina Enkiyio bos voor. Het hoofdstuk benadert de conflicten zowel vanuit een 'politisering van de ecologie' als vanuit een 'ecologisering van een bestaande politieke strijd' perspectief, en identificeert vier dimensies in de politieke strijd die met deze conflicten in verband stonden: een conflict over toegang en controle over toegang tot het bos: persoonlijke rivaliteit tussen twee personen met dubbele autoriteitsposities; politieke verwikkelingen rondom de Keniaanse verkiezingen in 1992, 1997 en 2002; en de

langdurige territoriale strijd tussen de Loita en de Purko Maasai. De in dit hoofdstuk gepresenteerde analyse voegt nieuwe elementen toe aan de bestaande literatuur over de conflicten over het Naimina Enkiyio bos en laat zien dat deze vier politieke dimensies uitkristalliseerden langs een interne breuk in Loita's leiderschap.

De hoofdstukken 9 en 10 bespreken het proces van toe-eigening van land en de praktijk van het maken van claims. Hoofdstuk 9 richt zich op hoe families claims op land maken in Loita door het 'schrijven' of het veranderen van het landschap met zichtbare markers die sociaal worden begrepen als tekens van individueel eigendom. Het hoofdstuk beschrijft hoe de gebieden die voorheen gezamenlijk werden gebruikt een proces ondergaan van individualisering en uitsluiting en koppelt deze aan een afnemende landbasis en de overgang van pastoralisme naar agro-pastoralisme en een meer sedentaire manier van leven. Er wordt betoogd dat de Keniaanse land registratie programma articuleerde met deze veranderende dynamiek en dat, hoewel het programma nog niet is geïmplementeerd, er een groeiende overtuiging is dat, vroeg of laat, formele registratie en afbakening zal gebeuren. Op basis van hoe dit proces elders is verlopen en in anticipatie van land registratie in hun eigen gebied hebben veel Loita huishoudens besluitvorming en overlevingsstrategieën veranderd hetgeen leidde tot een verandering in de praktijken van toe-eigening en het leggen van claims op land. Dergelijke processen weerspiegelen vergaande veranderingen in (lokale percepties op) landrecht door de tijd heen.

Hoofdstuk 10 verplaatst zich naar de arena van een land geschil meeting en bespreekt wat er gebeurt wanneer claims op land worden betwist. Door te focussen op een bepaald geval op het niveau van een nederzetting en het beschrijven van de claims en tegenclaims die geuit worden in de vergadering, een praktijk die ik 'talking claims' noem, wordt een indruk gegeven van hoe dergelijke gebeurtenissen zich ontvouwen en geschillen uiteindelijk worden opgelost. Het hoofdstuk toont de multidimensionaliteit van landgeschil meetings door het tonen van de manier waarop op drie niveaus strijd wordt geleverd: (i) een geschil tussen twee individuen dat bemiddeld en opgelost moet worden; (ii) een poging van de bemiddelende leiders om het proces van toe-eigening te sturen wanneer zij claims op land als individueel eigendom accepteren, weigeren of aanpassen; en (iii) een bredere machtsstrijd tussen Loita leiders en de staat over de autoriteit om Loita regeren.

Hoofdstuk 11, dat zich richt op dit laatste punt, maar ook is gebaseerd op een landgeschil meeting maar dan op sectie niveau, laat zien hoe deze meeting in het bijzonder meer over macht en gezag ging dan over land. De belangrijkste kwestie die behandeld werd in deze bijeenkomst was dat individuen in Loita zich richten tot overheidsactoren en statutaire juridische instellingen met hun geschillen en op deze manier de gevallen uit handen van Loita leiders houden wat hun regelgevende autoriteit in Loita ondermijnd. Het hoofdstuk illustreert hoe Loita leiders probeerden om dit gedrag te sturen en te controleren door het ontwikkelen van nieuwe regels die de toegang tot staatrecht reguleren in een poging om hun eigen autonomie te behouden en om te voorkomen dat de staat steeds machtiger wordt in Loita.

Hoofdstuk 12 is het laatste hoofdstuk en het verbindt enkele van de doorsnijdende thema's van het proefschrift, knoopt diverse losse eindjes samen en presenteert een aantal slotopmerkingen. Zij wijst op vijf belangrijke punten: (i) Loita leiders zullen hun

voortdurende controle over zaken met betrekking tot landrecht, gebruik en toegang tot het bos  moeten veiligstellen willen ze een zekere mate van zelfbestuur in relatie tot de staat en andere actoren behouden; (ii) als het gaat om landrecht, bosbeheer en leiderschap, wordt sociale verandering in Loita het best begrepen in de context van een groter, transnationale en historisch geproduceerd arena die draait rond gouvernementaliteit en politieke strijd; (iii) dit is een samenleving in verandering die beter begrepen kan worden door het kiezen van een historisch ingebedde en actor gerichte aanpak en het koppelen van gouvernementaliteit met politieke ecologie; (iv) dit proefschrift analyseerde het proces van het maken van eigendom in Loita en dit weerspiegelt een verschuiving van een rechtspraktijk, waar min of meer vrije toegang het gebruik van de grond regelt, tot een situatie waarbij individueel eigendom steeds meer de norm wordt; en (v) in het proces van eigendom-in-ontwikkeling, verandert ook de manier waarop mensen zich identificeren en zichzelf definiëren en dit proces op zijn beurt, compromitteert de langlopende strijd door Loita leiders om autonomie te bewaren en om niet (te veel) bestuurd te worden.

**Angela J.N. Kronenburg**
**Wageningen School of Social Sciences (WASS)**
**Completed Training and Supervision Plan**



Wageningen School
of Social Sciences

| Name of the learning activity | Department/Institute | Year | ECTS* |
|---|---|---|---|
| **A) Project related competences** | | | |
| Writing research proposal | | 2007 | 6 |
| Maa language course | Maasai Centre Lemek, Lemek, Kenya | 2007 | 6 |
| 'Getting to the bottom of Mount Kenya: analysis of land dynamics and development in a multi-disciplinary perspective' | Wageningen University Graduate School, in Nairobi and Embu, Kenya. | 2009 | 4 |
| 'Theoretical and methodological approaches to the study of local politics in developing countries' | Institute of Society and Globalization, Roskilde University, Denmark | 2010 | 2 |
| '"Grabbing" and "booking" land in Loita Maasai, Kenya: a historical perspective to current forms of land demarcation'. | XVIth International Union of Anthropological and Ethnological Sciences (IUAES) congress, Kunming, China | 2009 | 2 |
| 'Law and self-government in Loita Maasailand, Kenya'. | 'Work in Progress Seminar: The Role of Law in Development', British Institute in Eastern Africa (BIEA), Nairobi, Kenya | 2011 | 1 |
| **B) General research related competences** | | | |
| CERES orientation programme | CERES, Utrecht | 2007 | 5 |
| CERES presentation tutorials | CERES, Utrecht | 2007 | 5.5 |
| **C) Career related competences/personal development** | | | |
| Social scientist East Africa expert at the CCAFS (Climate Change, Agriculture and Food Security) East Africa scenarios workshop | CGIAR, Dar Es Salaam, Tanzania | 2011 | 2 |
| Guest lectures 'Ethnography: land tenure and forest conflicts in Kenya' | MA course 'Environment & development: indigenous peoples rights, poverty alleviation and biodiversity conservation in tropical forests', Institute of Cultural Anthropology & Development Sociology, Leiden University, the Netherlands. | 2013, 2014 | 1 |
| **Total** | | | 34.5 |

*One credit according to ECTS is on average equivalent to 28 hours of study load