

**IN-MIGRANTS AND EXCLUSION IN EAST AFRICAN RANGELANDS:  
ACCESS, TENURE AND CONFLICT**

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**ABSTRACT**

East African rangelands have a long history of population mobility linked to competition over key resources, negotiated access, and outright conflict. Both in the literature and in local discourse, in-migration is presented as leading to increased competition, driving poverty and social exclusion on the one hand and conflict and violence on the other. Current analyses in developing countries identify economic differences, ethnic fault lines, ecological stresses and a breakdown in State provision of human and constitutional rights as factors in driving conflict. The present paper explores this interaction of in-migration and conflict with respect to Kenyan and Tanzanian pastoralist areas and populations. Using quantitative and qualitative methods, patterns of resource access and control in Kenya and Tanzania Maasailand are explored in terms of the ways land and livestock are associated with migration status, ethnicity and wealth or political class. Contrasts and similarities between the two national contexts are used to develop a better understanding of the ways these factors operate under different systems of tenure and access. The conclusion briefly considers implications of these patterns, their potential for exacerbating poverty, and policies for minimising social exclusion and conflict in East African rangelands.

## INTRODUCTION

East African rangelands, though limited by aridity and seasonality, are fertile areas supporting major livestock production systems, spectacular wildlife populations, and increasingly, smallholder and large scale commercial farming. While they have for centuries been dominated by pastoral and agropastoral peoples, the key resources (water and fertile land) have continually been contested by different ethnic and occupational groups. Mobility, in-migration, resource competition, negotiated access, conflict, and assimilation have thus remained perennial issues throughout their history. In the course of the Twentieth Century, ever-larger areas have been expropriated for conservation or cultivation (e.g. Homewood and Rodgers, 1991; Igoe and Brockington, 1999; Ndagala, 1990a; Fratkin, 2001), with formerly fluid boundaries crystallizing into legally defined, often patrolled and/or fenced, exclusion zones (Homewood, 1995). Outbreaks of violence in East African rangelands have been variously presented as: Malthusian competition across ethnic and economic fault lines due to resource availability declines (Ndagala, 1992; Otieno, 2002); as resource competition between minority (resident) and majority (colonising) ethnic groups (Ole Kunej, 1999; *Africa Law Review*, 1998); as part of a direct response of marginalized people to systematic dispossession (Shivji and Kapinga, 1998; Galaty and Ole Munei, 1999); as orchestrated events stage-managed by an elite seeking to retain monopoly on power and resources (Klopp, 2001); or, as some combination of these political and environmental pressures and responses (Dietz, 1996). However, within this broad range of contributing factors, in-migration is repeatedly identified both by local people and by outside observers as a source of tension (e.g.: Ole Kunej, 1994; Galaty and Ole Munei, 1999; Klopp, 2001).

The present paper makes a comparative analysis of access to and control of resources by households of different duration of residence and ethnic affiliation in buffer zones surrounding the Serengeti-Mara Ecosystem (SME), which straddles the Kenya-Tanzania border. Our study describes patterns of tenure and access among Maasailand inhabitants in the two countries, and the extent to which the competition

and inequalities they reveal are consistent with current varying interpretations and theories of conflict in developing nations (Stewart, 2002; Klugman *et al*, 1999; Hussein, 1998; Kurimoto and Simonse, 1998). The cross-border comparisons make it possible to contrast the outcomes of comparable ethnicities, economic systems and ecological processes in the different national economic and political contexts of Kenya and Tanzania. The discussion examines how trajectories of exclusion and socio-economic change have been influenced by contrasting national and regional policies, and have in turn influenced social cohesion, or conversely, conflict. We focus on the following research questions:

1. Are patterns of tenure and resource access or control in SME associated with duration of residence and/or with in-migrant status?
2. Are patterns of tenure and resource access or control in SME associated with ethnicity?
3. How do patterns of tenure and access to or control of resources in SME differ between Kenya and Tanzania?
4. To what extent are patterns of access to and control over resources, and associated patterns of conflict, consistent with current theories on origins of violent conflict in developing countries in general, and East Africa in particular?
5. How have trajectories of tenure and access on the one hand, and dispossession and poverty on the other, been influenced by contrasting national and regional policies? What policy insights do these findings suggest?

The paper uses empirical data to provide the first quantitative cross border comparison of the ways in which tenure and access are influenced by ethnicity and migration status in SME, and on the similarities and contrasts resulting from the different national contexts of Kenya and Tanzania.

## **BACKGROUND: LAND TENURE, ACCESS AND CONFLICT IN MAASAILAND**

Oral histories and colonial archives show the Central Rift Valley and adjacent highlands were dominated by Maa-speaking peoples from the Seventeenth Century on, with a history of mobility, migration and social assimilation punctuated by devastating episodes of warfare, drought and disease (Homewood and Rodgers, 1991; Spear and Waller, 1993; Waller, 1988). Maa-speaking peoples were organised into geographic sections and locations (see e.g.: Spear and Waller, 1993) cross-cut by clan, age set and stock friendship relations (e.g.: Ndagala, 1990b; Potkanski, 1994). Membership of these social networks structured customary systems of access to communal resources. Within any one location, access was decided by elders, regulated, and penalties for infringement enforced where necessary by warrior age sets, who also played a part in challenging as well as in enforcing the decisions of their elders (Spencer, 1988). Current work suggests women played an active part in management and decision making, but that from the advent of the colonial period, they were progressively excluded from rights over land, livestock and resource management and became juridical minors and dependents (Hodgson, 2000). Access by outsiders, whether to temporary use of resources, or to longer term membership of the group, was open to negotiation. Newcomers could develop political alliances with established families through gifts, stock alliances, intermarriage and adoption (Brockington, 2002; Waller, 1993; Spear and Waller, 1993). Competition might repeatedly erupt into conflict, raiding and violence, but until recently such conflict remained at a level which could be contained and resolved by customary means through mediation by elders (cf. Kurimoto and Simonse, 1998; Fleischer, 1999; Christiansson and Tobisson, 1989). Permeable social and spatial boundaries made it possible to respond rapidly in a variable and unpredictable environment (Ndagala, 1990b). This framework of natural resource management was disrupted at the end of the Nineteenth Century when the Maasai and their herds were decimated by warfare, human and animal epidemics (Waller, 1988; Dawson, 1979). The next two sections outline subsequent trends in land tenure, access and conflict in Kenya and Tanzania throughout the Twentieth Century.

### Kenya Maasailand

Maasai were traditionally guided in ritual matters, including military strategy, by their prophets or *laibon*, and each age set nominated its own spokesmen or *laigwenak*. Colonial indirect rule was established in the early Twentieth Century with appointed chiefs, initiating an alternative legal system and hierarchy of power. As the incoming colonial administration took over land for white settler use, Kenya Maasai were moved (voluntarily or by force) from Laikipia and other northern rangelands and concentrated into the then Southern Masai Reserve, now Narok and Kajiado Districts (Waller, 1988; Anderson 2002; Klopp, 2001). The colonial administration classed this as

“‘trust land’, that is public land controlled by the government in ‘trust’ for the Maasai, a status that much land has maintained in the post Independence period.... the Maasai reserve ...[was] ....a ‘closed district’, colonial administrators attempted to create an ethnically pure enclave that fit their notions of a tribe”

(Klopp 2001: 487)

This planted the seeds of an ethnic dimension that would in due course affect future decisions over land allocation, as well as creating the administrative structures that would manage and control such decisions.

The colonial designation of a Maasai reserve imposed clear spatial and social boundaries where more fluid interactions had prevailed. It placed control over allocation of what had been communal land in the hands of colonially appointed Maasai chiefs and local Maasai leaders as well as the district and provincial administration (Klopp, 2001). Trust land was, and is, meant to be managed in the interests of customary users, avoiding alienation among other outcomes (Okoth-Ogendo, 2000). However, following Independence in 1963 the Kenyan Government, encouraged by the World Bank, began to divide Maasai rangelands into individual, corporate and group ranches. Group ranch leaders emerged from, or became part of, the local elite (Box 1; Galaty, 1980, 1992, 1994; Rutten, 1992). Group ranch management elections have in practice been held infrequently, if at all, since the time of group ranch

formation<sup>1</sup>. As some members of the Maasai elite began to acquire and deal in individual titles, and ordinary members saw little benefit or revenues from group title, pressure built for group ranches to be subdivided into individual holdings (Galaty and Ole Munei, 1999; Rutten, 1992). This is a process that continues today in Narok District (Thompson and Homewood, 2002). The process and implications of privatisation of land in Kenya Maasailand have been extensively documented and analysed (particularly Galaty 1980, 1994, 1999; Galaty and Ole Munei, 1999; Campbell, 1993; Rutten, 1992; Markakis, 1999; Okoth Ogendo, 2000). Land law and legal procedures in Kenya have been misused by the well-placed to dispossess many poorer and less well connected Maasai (Galaty, 1999; Galaty and Ole Munei, 1999). Instances of corrupt and illegal practice have been widely documented (Galaty, 1994, 1999; Galaty and Ole Munei, 1999; Thompson and Homewood, 2002) and have become established in what can be seen as a systematic process of accumulation of land and wealth by a circumscribed 'elite'.

Land privatisation has had a serious impact on Maasai communities, with much land being progressively taken over by other groups and many Maasai eventually losing all rights of access (Galaty, 1999; Galaty and Ole Munei, 1999). 'One would expect... that titling Maasai land would have reduced uncertainty of tenure and social conflict, but in fact, instances of uncertainty and conflict have risen' (Galaty and Ole Munei, 1999:68). The implications are particularly serious for women and other dependents not qualifying for registration and land title in the first instance (Talle, 1988).

Formerly common land in Kenya Maasailand is now mostly privatised, and much is currently undergoing rapid enclosure and/or conversion to cultivation (Campbell, 1993; Galaty, 1994; Homewood *et al*, 2001). Simultaneously, in-migration of non-Maasai into these areas has occurred. Between 1962 and 1989 the percentage of population represented by Maasai had declined from 79 percent to 47 percent in Narok District (Coast, 2000), and from 78 percent to 57 percent in Kajiado

(Rutten, 1992). ‘The net result of this influx of migrants, along with the irregular land allocations, was to intensify a sense of land pressure and insecurity on the part of the largely pastoralist Maasai’ (Klopp, 2001:508).

During the 1990s in Kenya Maasailand, conflicts over land and associated agricultural or wildlife revenues have repeatedly erupted in violent confrontations (Klopp, 2001; Dietz, 1996; Thompson and Homewood, 2001). Hundreds died (thousands, by some counts: Klopp, 2001), and tens or even hundreds of thousands were displaced (Klopp, 2001). While one widespread perception sees this violent conflict as a reaction to in-migration creating and exacerbating land shortages (Galaty 1999), there is considerable evidence to suggest that much of this violence was deliberately orchestrated to undermine multi-party elections and allow leading politicians to retain a monopoly on power (Klopp 2001, 2002; Dietz, 1996; c.f. Fratkin, 2001). In North Narok these conflicts may have been primarily attributable to political manipulation for electoral purposes, though they built on existing tensions (e.g.: Galaty, 1999). The conflicts by no means followed simple ethnic lines (Klopp, 2002). There was a strong political and economic dimension: violence was primarily targeted at multi-ethnic communities of smallholders, and benefited large landowners and supporters of Moi’s regime. Throughout Narok, violence hit Kikuyu and Kipsigis smallholders, but non-Maasai land barons were not affected: class and political clientage, rather than ethnicity, were the real determinants (Klopp, 2001). Major tensions erupted among the Maasai, with “the unthinkable : physical conflict between those in the privileged relation of age-set sponsorship, and cursing of elders by juniors” (Galaty,1994: 112).

### Tanzania Maasailand

The Maasai have inhabited Northern Tanzania since the Seventeenth Century, when they displaced the Datoga from the Highlands of Ngorongoro. The wars and pandemics of the end of the Nineteenth Century (Waller, 1979; Spear, 1997) devastated Tanzanian Maasailand. The Germans established a

Maasai reserve south of the Moshi-Arusha-Dodoma road, intending to free up the northern Monduli-Ngorongoro-Loliondo-Longido areas for settlers. Following WWI and the British colonial takeover, the 1923 Crown Land Ordinance placed all land under the control of the Governor. The government thus became “simultaneously trustee and conqueror” (Igoe and Brockington, 1999) controlling rights of occupancy, whether “deemed” (customary) or “granted” (newly allocated). The British administration also established Maasai reserves, and by 1926 the Masai District covered most of then Tanganyika Maasailand, with some chunks excised for settler use. Local people’s customary rights were largely protected as “deemed rights of occupancy”. However, after WWII the colonial administration increasingly took land from local users to grant to settlers and to gazette conservation areas (e.g.. Mkomazi Game Reserve: Brockington 2002; Serengeti National Park and Ngorongoro Conservation Area: Homewood and Rodgers 1991, Shivji and Kapinga 1998). Nyerere’s vision of a united nation in which every citizen would be Tanzanian, rather than a member of a tribe, led to a post-Independence policy with citizens having the right to live anywhere in Tanzania. This erased the ethnic dimension of access to land and foreshadowed the extinction of customary rights (Ndagala, 1994). The post-Independence State granted extensive areas for parastatal farms, ranches and protected areas, overriding customary rights of former users in the process. Perhaps the most drastic was the granting of a cumulative total of 100, 000ha of best Barabaig pasture land for a Canadian-funded wheat scheme, without consultation of or compensation to the agro/pastoralists whose livelihoods it had hitherto underpinned (Lane 1994, 1996; Ndagala, 1990a).

During the 1970s a major USAID-funded programme (Maasai Range And Livestock Development Project - MRLDP) sought to establish and develop Ranching Associations (RA) throughout Tanzania Maasailand (Ndagala, 1990b; Moris, 1981). This process would have given security of tenure to resident pastoral and agropastoral people, but it ran counter to principles enshrined in the wider national programme of villagisation (*ujamaa*) then underway. By the end of the decade the MRLDP

had collapsed (Moris, 1981; Homewood and Rodgers, 1991) and Maasai areas were brought under the villagisation programme (Ndagala, 1982). In principle, *ujamaa* villages would have their land demarcated and registered by District Development Councils, and Village Councils would then allocate land on which households could farm and build. In theory, land was available for every rural person's livelihood needs, although not for individual disposal. In practice, villagisation wrought havoc with rural land tenure, and left matters wide open for conflict, dislocation and land expropriation (Shivji, 1998). Registration of village grazing lands, in an attempt to improve security of tenure, often led to fierce conflict between neighbouring villages, for example between overlapping Maasai and Sonjo users in Loliondo (Shivji, 1998).

From the mid-80s, with economic liberalisation and pressure from international financial organisations, such tenure changes increasingly benefited expatriate individuals and corporations, many involved in export cash crops (Igoe and Brockington, 1999). The promotion of foreign investment has repeatedly led to alienation of village land to investors, under the guise of supposedly "joint" ventures for tourism, mining, ranching or cash crops. Privatisation of land originally allocated to parastatals, and the upsurge in real estate development and speculation, have provided rich opportunities for further alienation to outsiders (Shivji, 1988). Conservation legislation has increasingly constrained natural resource use by rural populations (Igoe and Brockington, 1999). Since the mid 1980s the rural poor have found themselves squeezed between alienation to large-scale state enterprises (whether cultivation or conservation) and foreign investors on the one hand, and the return of lands to former local landowners on the other (Shivji, 1998).

The Presidential Land Commission (1991-2) undertook a comprehensive survey of land tenure issues in rural Tanzania, and its landmark Report (1992) set out both the detail of individual cases and overarching, radical analyses. It documented processes of expropriation and allocation, whether illegal,

unconstitutional, or the product of confused and contradictory legislation, that have become common in Tanzania. The Regulation of Land Tenure Act of 1992 deliberately pre-empted the Presidential Commission's findings and, in the face of mounting instability, sought to extinguish all customary rights, further deepening the "utter confusion in the legal framework of village land tenure" (Shivji 1998: 16).

Unlike Kenya, the ethnicity criterion underlying colonial and subsequent land allocation was superseded, with Nyerere's "one nation" policy entitling citizens to apply to live anywhere in Tanzania. As in Kenya, the land law and legal processes which should protect the rights of customary users have repeatedly been bypassed, manipulated or reinterpreted in ways that have allowed individuals and groups in gatekeeper positions to sell or lease formerly communal land to national and foreign investors. Court challenges and rulings have been ignored. Conflicts over land and associated agricultural or wildlife revenues in Maasailand have started to lead to violent confrontations<sup>3</sup> and have elicited repressive measures (Brockington, 1999; Brockington and Homewood, 1999; Lane, 1996; MNRT, 1997; Shivji, 1998; Shivji and Kapinga, 1998; Otieno 2002).

### **CONFLICT: IN-MIGRATION, ETHNICITY AND RESOURCE ACCESS**

Analyses of conflict in developing countries tend to focus on either contributing factors (Stewart, 2002) or issues of scale and intensity (Hussein, 1998). Violent conflict can result from ethnic or economic divides, environmental hotspots of resource concentration or deterioration, and/or failures of the social contract providing human or constitutional rights between State and subjects (Stewart, 2002). Analyses of the scale and intensity of violent conflict concern frequency (in terms of numbers of separate incidents), intensity (in terms of numbers of casualties), and their scale (individual violent confrontations; instances of State violence against groups within national borders; political and military conflict between groups within or across national borders) (Hussein, 1998). In East African rangelands,

violent conflicts around power and control of land or natural resources have escalated to outright civil war in Uganda. The relative stability of Kenya and Tanzania since Independence has been explained as the result of relative equality of opportunity, whether political (Tanzania) or economic (Kenya) (Klugman *et al*, 1999).

However, other literature looking beneath and beyond the level of nation states has detailed both increasing conflicts between farmers and herders. It has also noted widespread marginalisation of pastoral peoples in Maasailand, and East Africa, and more generally across sub-Saharan Africa (Galaty and Bonte, 1992; IIED Drylands and Pastoral Land Tenure Programmes; Igoe and Brockington, 1999; Markakis, 1999; Fratkin, 2001). Pastoralist peoples such as the Maasai have been divided by colonially determined boundaries (Galaty and Bonte, 1992), making them minorities in the nations they inhabit. Internal administrative boundaries within nations further fragment already minority pastoralist peoples (e.g.: Ndagala, 1990a). Caught in conflicts of interest whether within or between nations, pastoralist peoples such as the Maasai have in many cases become the victims of State neglect, or even the targets of State violence. Social services, physical infrastructure, and political representation are routinely well below national averages in remote and low population density pastoral areas (Coast 2000). Where social services are provided, they may be preferentially accessed by more settled, non-pastoralist in-migrants to formerly pastoralist-dominated areas (Tanzania Maasailand - Moris 1981; Ole Kuney 1994; Kenya – Rutten 1992). Tensions over access to land and the concomitant intensifying competition for key resources, whether through population growth or the political economy of resource distribution, have meant even the apparently stable nation states of Kenya and Tanzania harbour considerable tensions and conflict issues around pastoralists. Mobility and migration are commonly high, and the associated complexities of perennially re-negotiating temporary and flexible access to resources are made more problematic in a landscape that is progressively more rigidly surveyed, demarcated and allocated. These tensions may be expressed through silent discrimination and silent

violence (Hussein, 1998; c.f. Hitchcock, 1996). In other cases State agencies in conjunction with powerful outsiders use modern weapons to coerce, evict and exclude pastoralists from their customary rangelands for officially sanctioned conservation or development ends (Peluso, 1998; Brockington, 2002; Shivji and Kapinga, 1998; Igoe and Brockington, 1999; Brockington and Homewood, 1999; Chatty and Colchester, 2002), for development projects (Lane 1996, 1998) or simply in the course of violent power-seeking (James, 1996; Hutchinson, 1996; Dietz, 1996; Klopp, 2001).

There are few data allowing evaluation of the degree to which violent conflict involving pastoralists may have increased and may still be increasing in sub-Saharan Africa (Hussein, 1998). Herder-farmer relations continue to shift between cooperation, competition and conflict as they have done for millennia. Individual violent disputes involving theft, raiding fights and even killings are probably often overlooked in the national and international press. State violence may often be presented (and internationally perceived) as enforcement against poachers, trespassers or other outlaws. In reality, however, it may in fact represent State action supporting politically dominant resource users against others, and result in mass eviction and forced displacement that destroys livelihoods on potentially enormous scales (Lane 1996, 1998; Peluso, 1998; Brockington, 2002). Political violence using military action to subjugate populations and control resources has been the most violent and destructive form of conflict, affecting many pastoralist populations in the present day, and involving raiding of livestock and/or slaves and destruction of villages. Over the last century the nature and impacts of conflict have changed. In particular, the introduction of modern weaponry has changed the stakes. The acquisition of modern weapons can give the definitive advantage to one group (e.g.: contemporary northern Uganda: Mirzeler and Young, 2000). Where there was once at least the theoretical possibility of balanced and reciprocal raiding between groups, total victory or at least heavy casualties have become new possibilities (Turton, 1996; Kurimoto and Simonse, 1998). Lethal synergies may develop between geopolitical conflicts and local rivalries (Allen, 1996; Fukui and Markakis, 1994; Markakis, 1993;

Hogg, 1997; Galaty and Bonte, 1991). Across Africa, pastoralist groups have been disproportionately drawn into such conflicts, in part because of the colonial legacy of boundaries which left them fragmented between mutually hostile neighbouring nations, and cast as subversive minorities within whichever nation they find themselves (Markakis, 1993; Galaty and Bonte, 1991).

Kenya and Tanzania Maasailand have mainly experienced conflicts of interest, competition over natural resources, and periodic individual or State/group violence. These conflicts have not escalated to the point of extreme political and military violence seen in Uganda, Northern Kenya and the Horn of Africa. However, both individual-level violent confrontations, and also silent violence on the part of the State and politically dominant groups are widespread, as is the perception that such conflicts are created or fuelled by in-migration. This paper presents detailed household-level data and analysis of in-migration, resource access and exclusion in East African rangelands. It focuses on the extent to which access to land and other assets are structured by residence status, ethnicity, and economic/political status.

## **STUDY AREAS**

The research presented here focuses on the protected area-adjacent zones around the Serengeti-Mara ecosystem (SME) straddling the Tanzania/ Kenya border. These rangelands are characterized by strong ecological, ethnic and socio-economic continuities, across which contrasting political and economic contexts have been superimposed (Homewood *et al*, 2001). The SME illustrates processes common to many savanna protected area-adjacent zones elsewhere in sub-Saharan Africa. The contrasts between Kenyan and Tanzanian lands offer a controlled comparison, with related issues and factors operating in essentially similar ecological, ethnic and socio-economic circumstances, but radically different macro-economic and political contexts (Homewood *et al*, 2001).

The SME consists of the contiguous core conservation areas of the Maasai Mara National Reserve (MMNR, Kenya) and the Serengeti National Park (SNP, Tanzania), surrounded by buffer zones that make up the ecologically continuous wet season wildlife dispersal areas and migration routes (Map 1). Earlier work has characterised demography, land use and livelihoods within the protected area-adjacent zones to the north, east and south of SME, which are populated primarily by Maasai agropastoralists (group ranches of Narok and Kajiado Districts in Kenya; Loliondo Game Controlled Area and Ngorongoro Conservation Area (NCA) in Tanzania). In the present study, additional foci of in-migration familiar from this previous research were chosen as study sites (Coast, 2000; Thompson, 2002). In Kenya, in-migration research focused on Sikrar (Lemek Group Ranch, Narok District) and Emarti (Trans Mara District) but also draws on previous work in Lemek, Siana and Koiyaki Group Ranches (Thompson, 2002, Coast 2000). In Tanzania, research focused on Endulen in NCA, both the administrative and trading centre (*madukani*) and its rural environs, drawing on comparative work in other areas of NCA and Loliondo (Coast, 2000; Homewood *et al*, 2001). Maasai make up most of the protected area-adjacent population to the north, east and south of SME. For example, a census of the NCA population (n=51,621 individuals) reported that ninety seven per cent were Maasai (NCAA, 1999). In Endulen, Sikrar and Emarti sites, the balance of ethnicity has been significantly altered by in-migration, primarily of Kipsigis (Kenya) and Iraqw/Mbulu (Tanzania). The nature and implications of current in-migration can only be understood in context, and the following sections sketch historical and contemporary processes within the main study sites.

### Kenya

Primary data for this study are presented from two sites, Emarti and Sikrar. Emarti centre lies on the western edge of the MMNR and has two government primary schools and water piped from the Mara River. Sikrar is located on Lemek group ranch and is furthest of all Kenyan sites from MMNR. It has a primary and secondary school, and unimproved piped water. Comparative data are drawn from

previous research in sites on Siana, Koiyaki and Lemek Group Ranches, whose small trading centres each provide primary schools (and in Lemek, a secondary school), dispensaries, and where there has been little or no in-migration by non-Maasai. These sites are dominated by livestock production and cultivation, with varying degrees of involvement in tourism. For example Talek, on Koiyaki Group Ranch, has grown up around an MMNR entrance gate, and residents do not farm but are commonly involved in tourism-related as well as livestock activities. By contrast Nkorinkori on Lemek is in the centre of the mechanized wheat belt, with no tourist involvement but exceptional opportunities for mechanized farming and land leasing.

### Tanzania

The study focuses on Ngorongoro Conservation Area (NCA) which has been managed as a joint land use area for wildlife conservation and pastoralism for the last forty years (Homewood and Rodgers, 1991; Thompson, 1997). Village grazing is demarcated within otherwise parastatal-controlled lands (Homewood, 1995) allowing few rights over resource tenure and access for local users (Shivji and Kapinga 1998). Ngorongoro's complex history of in-migration, driven by climatic fluctuations, security (periodic raiding and violence with Barabaig and Sukuma) and, over the last forty years, the alternation of development opportunities with periods of imposed restriction, is set out in a later section. The main study sites were in the rapidly growing trading centre of Endulen village, and in its rural environs. Comparative data are drawn from previous work in other areas of NCA (Coast, 2000; Kivelia in prep.), and from adjacent Loliondo and Longido (Homewood, 2000; Homewood *et al*, 2001;).

Endulen centre (hereafter *madukani*) dates back to the 1950s when the colonial district officer was based in the village. It has undergone a recent rapid rise in the speed of in-migration, making it the largest and densest settlement of all the study sites. Services include commerce<sup>4</sup>, education<sup>5</sup>, health<sup>6</sup>,

administration<sup>7</sup> and security<sup>8</sup>. While Maasai lifetime residents populate the rural environs of Endulen, *madukani* draws in-migrant professionals to work in either government or Ngorongoro Conservation Area Authority (NCAA) positions. Increasingly they retire there and develop business interests. At the other end of the socio-economic scale in Endulen *madukani*, a significant proportion of households are in-migrant farm labourers, some of whom work in return for food and shelter, and are commonly referred to as *kibarua*.

## METHODS

Detailed data relating to mobile and in-migrant populations are often poorly served by national demographic data collection exercises such as censuses, not least because of the difficulties involved in defining “migration” and “migrants”. Migration is widely acknowledged to be the most difficult component of the demographic balancing equation to conceptualise, measure and analyse (e.g.: Anarfi, 1998)

In both countries, migration issues are highly sensitive; the current study was only possible because of previous long-term researcher field presence (Coast 2000, 2002; Thompson, 2002). Both qualitative and quantitative methods were used, focusing mainly at the individual and household level. In both countries a Participatory Rapid Appraisal (PRA) style pilot study, based on past research experience and complemented by participant observation, semi-structured interviews and oral histories, formed the basis for a single-round household survey (Tanzania: n=90 households; Kenya: n=157 households). The questionnaire-based survey included a wide range of issues: household composition; duration of residence; dependence on cultivation, livestock and other income-generating activities; and, land acquisition, leasing and sale. The comparative data are drawn from previous work comprising a multi-round survey of 288 households in Koiyaki, Lemek and Siana (Thompson 2002) and 505

households interviewed in Ngorongoro (Coast 2000) as well as 174 households interviewed in Ngorongoro and Loliondo (Kivelia in prep) of which 30 were re-visited in a multi round survey.

As far as possible the same methods were used for the in-migrant survey in Kenya and Tanzania, but circumstances limit comparability. For example, post-Independence Tanzanian censuses do not record ethnicity, and analyses focusing on ethnic correlates of development or economic status are considered politically sensitive and potentially destabilising. In Kenya, by contrast, data on ethnicity are routinely collected in decennial censuses. In the present study ethnic affiliation was taken as the individual's first (mother's) language. Respondents may misreport ethnic group, especially if they are concerned that their rights might be affected. However, the use of lifetime residents as interviewers minimized misreporting. In-migration was defined as a shift of permanent residence to the study site. For all study sites, "long term resident" is defined by a household head who moved to the area prior to the 1970s. All households that moved to the study site after 1970 are referred to as "recent in-migrant". These definitions are used throughout the paper.

## **RESULTS**

Two sets of results are presented here. Firstly, a description of the nature and scale of in-migration, including historical trends and ethnic composition of in-migrants. Secondly, resource access is outlined with respect to ethnicity and migration status, with specific reference to access to land. Within each of these sections, comparative data are presented for both Kenya and Tanzania, and results are placed in the context of other work.

### *Nature and scale of in-migration*

Based on oral histories and survey data, there are few in-migrant households<sup>9</sup> in Lemek, Siana and Koiyaki sites in Kenya, or in the rural Endulen environs in Tanzania.

#### *Kenya*

Settlement and land use in Western Narok and the adjacent parts of Trans-Mara District were shaped by the interaction of the Maasai Moves with climate, vegetation, land use, conflict, and disease (Waller, 1990; Lamprey and Waller, 1990). Maasai spread into Western Narok between 1903 and 1913, while further south other Maasai dominated the Loita Hills, the southern part of Trans-Mara and northern Tanganyika. In the first decades of the Twentieth Century, the plains of Western Narok were used only seasonally, with Lemek, a site of permanent water, emerging as a centre of settlement, trade and livestock facilities (Waller, 1990). Colonial survey reports show there was still no permanent settlement anywhere west of Lemek by 1946 (Waller, 1990). From the mid-1950s onwards the colonial administration encouraged tsetse control, bush clearance and controlled grazing, halting the spread of tsetse by 1960.

#### **Table 1**

Oral histories (Thompson, 2002) dovetail with historical and aerial photo analyses (Lamprey and Waller, 1990; Waller, 1990) to give a picture of Sikrar and Emarti as two ‘frontier’ sites, with different timing of in-migration. Our survey showed that 75% Sikrar and 56% Emarti sample household heads had arrived in the Western Narok study sites since 1960 (53% and 37% since 1970: Table 1).

The earliest household arrivals (from 1938) were recorded for Emarti, an area designated as Maasai by the colonial administration and resettled in the wake of tsetse control. However, Emarti was still largely

uninhabited in the late 1950s, allowing relatively free access when in-migrants sought leave from the Maasai administrative chief to clear and cultivate land west of the Mara plains. These in-migrants were mainly Kipsigis, driven by land shortages in the then Kipsigis Reserve to the north to seek cultivable land in Maasai “closed” areas (Manners, 1967). Maasai of the Uas Nkishu Section followed, their cattle benefiting from the cleared land (see Anderson 2002 for the factors precipitating their removal from the Uas Nkishu Reserve). From the late 1960s, private land was allocated on the western side of Lemek to the emerging Maasai elite (cf. Galaty, 1999; Galaty and Ole Munei, 1999), and then sold on to in-migrant Kipsigis. Maasai settlements spread out through the rest of Western Narok during the 1970s (Lamprey and Waller, 1990). In 1980-84, when Emarti lands were being sub-divided, Uas Nkishu Maasai families already in place called on others of their section to move to the Emarti area. This strategic move triggered a new influx, raising Maasai numbers in the ongoing contest with Kipsigis in-migrants. Both Maasai and Kipsigis families gained registration as group ranch members during this time, their petitions generally mediated by gifts of livestock to the lands committee.

Before Lemek group ranch was established in 1969, influential local Maasai (administration chiefs and other figures) applied successfully to central government for title deeds, ostensibly to guard against the continued westward movement of non-Maasai cultivating groups onto Maasai lands. Many of these new landowners rapidly sold land on a piece-meal basis to Kipsigis in-migrants (Thompson and Homewood, 2002). Further opportunities for in-migration into Sikrar arose when Lemek Group Ranch was established. By the 1990s therefore, many Kipsigis families had been cultivating land in the area for over thirty years. At the time of registering group ranch membership, prior to the issue of title deeds in 1993-1999, many Kipsigis families were able to have their names included (though excluded from the committee itself), generally on the production of a gift to the group ranch lands committee.

These different histories are reflected in the differential association of ethnicity with duration of residence for the two sites. In Sikrar, the majority of long term residents interviewed were Kipsigis while the majority of recent in-migrants were Maasai. By contrast, over one third of the whole sample in Emarti were long term resident Maasai. The extent to which these differences are reflected in patterns of land allocation is explored in a later section.

## **Table 2**

By no means all Kipsigis applicants who tried to establish or maintain residence in these two areas were successful. It was reported that other Kipsigis families who had arrived more recently left again, fleeing to adjacent Bomet District during the politically driven and violent ‘ethnic clashes’. These took place during the 1980s in Emarti (reportedly linked to the land titling procedure), and in 1992 and 1997 in Sikrar (linked to land titling and multi party elections) (Klopp, 2001, 2002). As a result of these clashes in both Sikrar and Emarti, Kipsigis and Maasai communities today form separate clusters, with the Kipsigis located to the west of each study site, placing them closer to the predominantly Kipsigis Bomet District.

## *Tanzania*

NCA has a complex history of settlement, with Maasai moving there from the Serengeti in 1959 as part of an agreement whereby the colonial authorities removed Maasai from the newly established Serengeti National Park, and created Ngorongoro as a Conservation Area with a dual wildlife conservation and residence/community development mandate. The Serengeti Maasai were promised water development and other benefits at Ngorongoro, most of which either proved short-lived or failed to materialise. The initial advisory board set up at the time included several Maasai representatives, rapidly reduced to one, and, from 1975, to none. There were major influxes of in-migrants in the mid 1970s when NCA was (briefly and unsuccessfully) scheduled for Ranching Association status (Moris, 1981; Ndagala, 1990a;

Homewood and Rodgers, 1991; Perkin, 1997) and again during periods when cultivation was relatively freely allowed. These periods were interspersed with the imposition of severe restrictions including eviction from the Crater, exclusion from the Northern Highlands Forest Reserve, Olduvai and Olmoti, and periods of harassment over established cultivation (Makacha and Ole Sayalel, 1987; Shivji and Kapinga, 1998). The NCAA considers cultivation to conflict with conservation. There are perennial threats to ban cultivation and to evict both non-Maasai and Maasai in-migrants and potentially even long-term residents from NCA. For example, in October 2001 the Conservator of NCA announced a new policy to evict all individuals who have moved into NCA since 1959. The extent to which this may apply in practice, in particular to non-Maasai, ex-government in-migrants and their families is not yet clear. Reports in April 2002 suggested several in-migrant labourers had been arrested and given lengthy jail sentences (Olson, pers com) though their employers had not been penalised. In-migrants to NCA have included Maasai seeking drought refuge grazing and (during putative Ranching Association status years) better veterinary and other livestock support provision. At other times in-migrants have included non-Maasai, both poor Iraqw and Mbulu labourers looking for farmwork (*kibarua*), and also relatively well off Chagga and Mbulu tradesmen, government retirees and their relations, looking for opportunities to farm fertile land, establish businesses and take advantage of school and other social services.

Endulen rural environs are more representative of conditions elsewhere within NCA, with few (6%) in-migrants since 1970, and an entirely Maasai population (Coast, 2000). In contrast, in-migration to *madukani* fluctuated prior to 1980 (Arhem, 1985) but has increased rapidly since then, with over one-third of current household heads arriving post-1990 (Table 3). This reflects the recent blossoming of service and economic opportunities for the well placed in an era of economic liberalisation, in a rapidly expanding settlement servicing Tanzania's highest-earning game viewing area.

### **Table 3**

Not surprisingly for a growing trading centre, two-thirds of respondent household heads report themselves as in-migrant, and three-quarters of lifetime residents were born of in-migrant parents. In Endulen *madukani*, two-thirds of recent in-migrants were non-Maasai, predominantly Iraqw, originating from neighbouring Karatu and Mbulu (Table 4).

### **Table 4**

#### *Resource access and exclusion*

Where analyses of access to the means of production have in the past focused on land, labour and capital, a sustainable livelihoods framework (defined by Carney and Farington 1998) extends and restructures these factors in terms of the natural, physical, social, human and financial dimensions of capital. Detailed expositions can be found elsewhere (e.g. Ellis, 2002) but for the purposes of the present paper natural capital is represented primarily by land for cultivation, grazing, wood poles and fuel it can provide. Physical capital is represented by roads, waterpoints and other infrastructural developments. Social capital comprises the network of social relations on which households can draw to gain access. Maasai customary entitlements are structured by the framework of section, location, clan, and age set, alongside more recent but powerful factors such as relation to local leaders. Human capital is represented by access to education and health services. Finally, financial capital in the context of the rural populations in East African rangelands is perhaps best measured by holdings of livestock and/or land, and level of employment. Types of employment may be classed as secure (often government) jobs, which are generally skilled and often with business connections; intermediate types comprise reliable though poorly paid non-farm jobs; the poorest options involve sporadic, casual and unskilled employment (c.f. Iliya and Swindell, 1997).

The present study therefore uses empirical data to examine how natural, social and financial dimensions of livelihoods. Firstly, we examine access to land for a variety of purposes, including cultivation, livestock grazing and as an investment through the ownership and rental of property. Secondly, broad patterns of access to and engagement with different livelihoods are summarised (detailed data on education and livelihoods form the basis of a separate companion paper). Finally, socio-political networks and their role in exclusion and conflict are analysed here from policy documents, press reports, key informants and observation of individual cases. This paper does not deal with differential access to either physical or human capital either with respect to national averages or other regions.

### *Access to land*

East African rangelands are undergoing a widespread shift from primarily communal tenure of common property resources to largely privatised holdings (Toulmin and Quan, 2000). There are both similarities and contrasts between the trajectories of land alienation for Kenya and Tanzania Maasailand (Homewood, 1995). There are striking differences in the way land alienation is patterned with respect to in-migration and ethnicity, though trajectories in both countries are readily explained by what Klopp calls “class” (socio-economic status and concomitant power and wealth) (2001:509).

### *Kenya*

Maasai households in both Sikrar and Emarti report significantly ( $p < 0.0005$ ) higher landholdings received at subdivision than Kipsigis (Fig 1; see also Thompson and Homewood, 2001).

### **Fig. 1**

In Emarti, well-connected Maasai received large land allocations (more than 40 hectares) at subdivision, while poor Maasai and Kipsigis received smaller areas (between one and eight hectares). Half of all Emarti Maasai received more than twenty hectares. By comparison, half all Emarti Kipsigis received up to four hectares, and forty two per cent received none at all. In Sikrar, over eighty per cent of Maasai received more than forty hectares on subdivision while eighty per cent of Kipsigis received 10 hectares or less.

In the Kenyan study sites, differences in land entitlement by ethnicity are greatest early on in the land allocation process (Table 5). During the 1960s, Maasai individuals resident in the area and connected to the administration were able to register title to large areas of land at Lemek Group ranch (covering Sikrar, Lemek Centre and Nkorionkori)<sup>10</sup>. Life histories of Kipsigis and Maasai moving to the area from the 1950s onwards show how in-migrants were initially given permission to settle by Maasai administrators, and that by the 1960s these influential Maasai were leasing land to in-migrants. Subsequently, Lemek group ranch was subdivided; a process lasting from survey in 1995 to final allocation of title deeds in 1999. During this land registration process, land allocation favoured Maasai over Kipsigis Emarti.

## **Table 5**

The following three case studies (Box 1, 2, 3), based on detailed life histories, illustrate the key points outlined in Table 5, and demonstrate how ethnicity and migrant status have influenced land entitlements.

## **Box 1**

## Box 2

## Box 3

Building on the qualitative data above, we use regression analysis to explore the relative importance of ethnicity, migrant status and (in Model Two) wealth in determining land received at subdivision (Tables 6 and 7).

### Table 6

Ethnicity emerges as the major determinant of land received (beta = -0.634,  $p < 0.0005$ ) overall and in Sikrar (beta = -.856,  $p < 0.0005$ ). Ethnicity is also a strongly significant determinant at Emarti, but here (where the main phase of land allocation began pre-1970) migrant status is equally important and as strongly statistically significant. Overall, ethnicity and migrant status alone account for 65.8% of the variance in the amount of land allocated, and for 78.7% of the variance at Sikrar (29.2% of the variance at Emarti). In Emarti, the amount of land received by Maasai households at subdivision differs significantly ( $p \leq 0.005$ ) between long term residents (mean=20.4 ha) and recent in-migrants (mean = 3.7 ha). In Sikrar, the relationship is not significant, although recent Maasai in-migrants reported considerably greater (mean = 46.9ha) land at subdivision than long-term Maasai residents (mean = 20.1ha)

In a second analysis (Table 7) we include a standardised wealth measure based on livestock equivalents per reference adult. Subdivision and allocation occurred at very different times in Sikrar (20-25 years prior to the survey) and Emarti (3-5 years before the survey), and we have no direct measure of wealth rank or socio-economic class at the time of subdivision. Although some households will have experienced major reversals of fortune, and current livestock holdings per reference adult is inevitably

an imperfect measure, this is still likely to be the best predictor of wealth at an earlier period. Model Two is based on the combination of ethnicity, migrant status and current livestock holdings, and explains an even higher proportion of the variance in land allocated, and is highly significant at  $p < 0.0005$ . The model accounts for 82.9% of the variation at Sikrar, where ethnicity remains the main determinant. At Emarti, all three factors are of comparable importance and in combination they account for 39.1% of the variance in the amount of land allocated.

### **Table 7**

Ethnicity emerges as the main and most consistent determinant of access to land, with land received by Maasai at subdivision at Sikrar some fourteen times greater than Kipsigis (Maasai = 43.6ha, Kipsigis = 3.1ha), and 5 times greater at Emarti (Maasai = 15.0ha, Kipsigis = 3.2ha). The mean amount of land received at subdivision by Kipsigis, regardless of location, is remarkably similar. Our survey found no landless Maasai households, but four percent of Kipsigis households in Sikrar and seven percent in Emarti reported no access to land for cultivation.

Livestock ownership is also significantly ( $p \leq 0.005$ ) differentiated by ethnicity, with markedly higher levels of ownership amongst Maasai households compared with Kipsigis in both Emarti and Sikrar (Fig. 2). Recent in-migrants to Emarti have smaller land areas and smaller livestock holdings than long-term residents, reflecting the relative poverty of later arrivals in this area, whether Maasai or Kipsigis.

### **Fig. 2**

During the post-registration period, new land allocations have been much smaller in size. Land is frequently acquired by purchase via market dealings rather than involving new allocation. Again,

transactions involving Maasai are much larger than those involving Kipsigis (Table 8). Around one household in six in Sikrar and Emarti had been involved in a recent land transaction. Despite the small numbers, patterns of land transactions suggest that Maasai in Sikrar tend to be involved in deals over major land areas, while Kipsigis are involved in larger numbers of smaller deals.

### **Table 8**

In both areas, long-term residents have similar low level involvement in land transactions. In Sikrar, but not Emarti, recent in-migrants are more involved in large land transactions than are long-term residents (Table 9).

### **Table 9**

#### *Tanzania*

Access to land in NCA was governed in the past by customary systems of rights and reciprocity among and between Maasai families and clans and sections (Ndagala, 1990b; Homewood and Rodgers, 1991; Potkanski, 1994). Since Independence and *ujamaa* villagisation, official processes for land allocation, operating through village governments, interact with and over-ride customary channels. These processes are often overseen by groups that are more sedentary, with greater educational uptake and achievement and more familiar with administrative systems (e.g.: Ole Kuney, 1994). Maasai residents and in-migrants in NCA apply to their village land committee for farming and building plots. Land in NCA is in theory not open to private ownership, though NCAA has granted leases to hotels and lodges (with no legal right to do so) and has applied for tenure rights to the Conservation area (Shivji and Kapinga, 1998). Ownership of buildings in the administrative centres to some extent confers *de facto* land ownership, with land transactions couched in terms of the transfer of such property. The formal system for the allocation of land favours those involved in its organisation and is open to manipulation.

The costs of court cases mean that wealth and patronage commonly settle the frequent disputes over access to land for building. Village government (and land committee) membership is largely drawn from a small group of resident Maasai elite educated men (Box 4).

#### **Box 4**

Wealthy non-Maasai in-migrants (civil servants, retired government and NCAA employees, businessmen) are able to negotiate from the Land Committee, or buy building plots from individual residents (Box 5). Elsewhere in NCA, similar patterns are found. For example, in remote Nairobi, in-migrant non-Maasai cultivators are reported to access land through patron-client relations with politicians outside NCA (Kivelia n.d.).

#### **Box 5**

The currently extremely sensitive nature of cultivation within NCA precluded data collection on areas of farmland controlled and/or cultivated during the present study. Instead, the number of cultivated fields (*shambas*) per household was recorded from key informants, because of the unreliability of individual household responses. There is no significant difference in the distribution of numbers of fields cultivated by households of different ethnicity in Endulen *madukani* (Fig. 3).

#### **Fig. 3**

Most (80%) residents of Endulen environs have one *shamba*, and the rest have two or more. However, the variance is much greater for residents of *madukani* and for recent in-migrants. A significant proportion, particularly recent in-migrant *kibarua* households, has none (Fig. 4).

#### Fig. 4

Regression analysis exploring the influence of ethnicity and migrant status on the number of cultivated fields per household confirms a pattern that differs strongly from that found in Kenya. The model explains only 7.8% of the variance in land holdings. Ethnicity makes a weak and barely significant contribution to explaining the observed variation (beta =  $-0.276$ ,  $p < 0.05$ ). Migrant status is not a significant factor. It was not possible to factor in livestock ownership.

Three-quarters of landless *kibarua* households have been able to negotiate some access to much smaller cultivation plots, (*bustani* or gardens). All *kibarua* households stated that they would like to cultivate, but some were unable to access a *shamba*. In recent years there has been a proliferation of religious organisations in Endulen, each acquiring relatively large tracts of land for buildings. Key informants stated church membership is one way for landless households to acquire a *shamba* (c.f. Hodgson, 2001) but the areas accessed are typically very small. At the other end of the scale, a higher proportion of *Madukani* residents and recent in-migrants have two, three or more *shambas*.

#### Livelihoods in Kenya and Tanzania Maasailand

This section summarises livelihoods data pertinent to issues of resource access, exclusion and conflict. A companion paper analyses livelihood change and diversification in Maasailand with respect to ethnicity and migration status (Thompson, Coast and Homewood in prep). For most people in both Kenyan and Tanzanian study areas, with the exception of Endulen *madukani*, livelihood strategies depend primarily (85-100% households) on herding and/or small-scale farming (Fig 5). In Endulen *madukani*, around three-quarters of long-term residents (all Maasai) but fewer than half of recent in-migrants (around half of whom are Maasai) have livestock. Sikrar and Emarti have been pooled, as

there are so few differences in the distribution of livelihoods by migrant status. Income streams from wages and remittance have been pooled, as have strategies associated with poverty such as casual labour (including *kibarua*), charcoal and honey production.

### **Fig. 5**

The main points to take away from the summary of the distribution of livelihoods by migrant status and location presented in Fig. 5 are that

- People in all sites are predominantly agropastoralist, with the exception of the trading settlement Endulen *madukani*, where significantly lower proportions both of residents and more particularly of in-migrants have livestock or fields.
- Only in Koiyaki, Lemek and Siana do households show a significant participation in tourism earnings
- Recent in-migrants, both in Endulen *madukani* and in the Sikrar/Emarti sites, show the highest involvement with strategies to alleviate poverty (casual labour, charcoal, and honey).
- The long term Maasai residents of Endulen environs show least engagement with livelihoods other than agropastoralism.
- Business and property rental are more common sources of income in Endulen *madukani* than elsewhere.

Kenyan and Tanzanian Maasai rangelands are seen by outsiders as dominated by people who are culturally and occupationally pastoralists, themselves under pressure of invasion by farming in-migrants. Our survey suggests a picture more closely consistent with a broadly agropastoralist population undergoing the same general process of diversification of rural livelihoods that is taking place across sub-Saharan Africa (Ellis, 2002; Bryceson and Jamal, 1997; Bryceson, 1999; Iliya and

Swindell, 1997). This is taking place alongside in-migrant households with a range of occupations from poverty strategies through to business investment, depending on their circumstances.

### *Socio-political networks, exclusion and conflict*

Both Kenyan and Tanzanian study areas experienced those processes of loss of access to resources, exclusion of the less well-off by the more wealthy and powerful, and ultimately the increasing tension and conflict that have been outlined in an earlier section for Kenya and Tanzania overall. In the Kenya study areas, machinations over land by the group ranch elites were countered to some extent by group ranch members enlisting the intervention of the district government. Appeals involve travelling up to 150km to Kirindon or Kilgoris District Officers, and require influence and resources, mirroring processes observed elsewhere in Kenya (Klopp, 2001). These processes are illustrated in the following three case studies (Box 6, 7, 8).

#### **Box 6**

In common with other parts of Kenya Maasailand the study areas experienced violent ethnic clashes over land issues, peaking in the 1990s (Box 8).

#### **Box 8**

These outbreaks of conflict followed the issuing of land title deeds. During this period in our study areas, some Maasai benefited and many Kipsigis lost and were killed or driven out. In North Narok, comparable clashes are generally accepted to have been orchestrated by Moi's powerbrokers in a ploy to disrupt multiparty elections which threatened their power base (Klopp, 2001). In other parts of Maasailand, the ethnic dimension to these conflicts may be a more direct expression of existing

tensions than a product of political manipulation. Our results show ethnicity is strongly linked to access to resources in Kenya - particularly land - but also of relatively more secure livelihoods, irrespective of in-migrant or long term resident status. For example, 48 percent of Kipsigis households report some involvement in business compared with only 29 percent of Maasai. Our sample focuses on rural smallholders, but it was clear that large landowners whether Maasai or non-Maasai, long term resident or recent in-migrant, were not affected, suggesting the class dimension over-rides ethnicity and duration of residence.

In Tanzania, normal channels of representation operate through the village, district, regional and national governments. The 'legal quagmire' of cumulative land tenure legislative changes has left a situation where legally defensible decisions with far-reaching implications are increasingly made centrally without local knowledge or input. The impact of Tanzanian national politics on local access to resources has been as marked as in Kenya, and access has been as open to manipulation.

The situation in NCA is even more extreme than for Kenya or that outlined by Igoe and Brockington (1999) for other parts of Tanzanian Maasailand, because the normal channels of representation and civil administration are overridden by the NCAA's own arbitrary powers. In effect, the area is governed by the NCA Authority, but this functions as a parastatal not as a local government administration (Shivji and Kapinga, 1998). NCA is meant to be a multiple land use area and the NCAA is meant to have responsibility for community development and welfare as much as for wildlife conservation, but in practice conservation has taken priority since Independence (MLNRT, 1990; Thompson, 1997). For most of the three decades since its inception there was effectively no representation or consultation and a harshly repressive attitude. In 1990 An Ad-Hoc Ministerial Commission on Ngorongoro recommended that

- villages should have tenure

- NCAA should hold regulatory powers
- NCAA should have no tenurial rights
- a Pastoral Council should be constituted to liaise with the Authority and provide a channel for residents' concerns

In 1994 the Pastoral Council came into being. In practise it is largely made up of *ex officio* members elected to local government positions (Shivji and Kapinga, 1998) with other priorities. *Ex officio* members apart, in-migrant non-Maasai have proportionally much greater representation than do resident Maasai. The extent to which the Pastoral Council operates independently from the NCAA, or represents the wider resident community, are in doubt (Shivji and Kapinga, 1998; Kaisoe and Oleseki, 2002). The Pastoral Council has functioned as a channel for negotiation in some instances of conflict (Box 9).

### **Box 9**

However, there is considerable scope for local leaders to be dissuaded from supporting their local communities' interests. (Box 10).

### **Box 10**

Church groups, donor projects, NGOs and civil society organisations, whether international or indigenous, may become informal channels of representation (c.f. Spear, 1997; Hodgson, 2001). However, they occupy a precarious position, viewed with suspicion by the government as potentially politically destabilising, and by local people as open to manipulation by ambitious individuals (c.f. Lissu, 2000). Because of their structure and composition they function more as pressure groups than as representative bodies participating in local government (Shivji and Kapinga, 1998). Some conservation

agencies function not only as pressure groups but also as an integrated element in the NCAA administration:

“The Law Enforcement Department of the Authority is heavily financed by the Frankfurt Zoological Society (FZS) in terms of provision of vehicles, uniforms and communications equipment (e.g. walkie-talkie radio transmitters etc). It is said the FZS financed the anti-cultivation operations of 1987/8 during which pastoralist settlements were raided and their crops burnt and slashed, and nearly 25 per cent of all pastoralist leaders were arrested and fined and others incarcerated at the behest of the MNR [Management of Natural Resources] officials (interviews with residents, 2-5 July 1997....)”

(Shivji and Kapinga, 1998:23)

Most recently, and in clear contravention of the *Ad Hoc* Ministerial Commission recommendations and historical agreements with the Maasai, NCAA has sought title to the Conservation Area. Shivji and Kapinga point out this situation would be essentially illegal as it would amount to a double allocation of land rights already held as deemed rights of occupancy by the Maasai customary users. However, NCAA has for some time been issuing leases to tourist hotels as though it did in fact hold such title. In Kenya this is mirrored by the issuing of title deeds to politically connected lodge operators inside the government gazetted Maasai Mara Game reserve (Thompson, Data book 1, p.114- 115, 4/8/99). Maasai rights in Ngorongoro are made more complex by the delicate balance between the need to assert basic human and constitutional rights, and the risk of eliciting repressive measures from an administration that feels under threat, particularly from international human rights advocacy (Shivji and Kapinga, 1998).

## CONCLUSION

This paper has analysed the patterns and implications of in-migration and ethnicity in East African Maasai rangelands under contrasting Kenyan and Tanzanian macroeconomic and macro-political contexts. It compares patterns and mechanisms of access to land, livelihoods, and socio-political

networks for residents and in-migrants of different ethnicities in areas with strong cultural and ecological continuities between Kenya and Tanzania. This conclusion considers the implications of our findings for the role of in-migration in the moderation of poverty, social exclusion and conflict.

Both Kenya and Tanzania are seen as having been relatively stable due to their comparative equality of opportunities, whether economic (Kenya) or political (Tanzania) (Klugman, *et al* 1999). However, below the national level, pastoralist groups have been consistently marginalised in Kenya and Tanzania (Igoe and Brockington, 1999; Shivji and Kapinga, 1998; Lane, 1996; Markakis, 1999) and across sub-Saharan Africa as a whole (Galaty and Bonte, 1992). From this viewpoint, pastoralist groups such as the Maasai are differentiated from the rest of the national population in terms of ethnic, economic, and environmental stresses and also in terms of social services provision. Divergence along these dimensions has been identified as leading to instability, conflict and violence (Hussein, 1998; Stewart, 2002).

Our study documents levels of differentiation between and within groups in Maasailand that belie the postulated equality of economic opportunity in Kenya, and of political participation in Tanzania. In Kenya, processes of land allocation have resulted in many people keeping only a tenuous foothold in agropastoral livelihoods, having adverse knock-on effects on their access to natural resources (Southgate and Hulme, 1996, 2000) or losing their rights of access altogether (Rutten, 1992), and being dispossessed by 'legal' or illegal means (Galaty and Ole Munei, 1999), with serious repercussions (Hodgson, 2001; Talle, 1988). Our results show the rights of some long-term residents of different ethnicities have been less secure than those of more recently in-migrant Maasai in the study areas. Kenya politicians have used disorder as a political instrument, raising tensions over land allocation in Maasai areas, deflecting discontent through attacks on vulnerable scapegoats, so as to manipulate election results through intimidation and ethnic conflict (Klopp, 2001; Dietz, 1996). Here it has been

the well-off rather than the dispossessed who have pursued violence, manoeuvring to consolidate control. The instigators of Kenya's "ethnic clashes" played on existing tensions arising from rapid immigration (Klopp, 2001) and systematic dispossession of poorer Maasai (Galaty and Ole Munei, 1999), though many less well off rural people resisted having their ethnic affiliation and legitimate concerns exploited for political ends (Klopp, 2002). In the aftermath of violence, wealth and power emerges in our study as a major dimension of resource access in Kenya Maasailand, linked to ethnicity (favouring Maasai in areas formerly within the colonial Maasai reserve)..

In Tanzania, rural populations have been left vulnerable to loss of land and livelihoods by the confused legacy of land law created by successive periods of colonial administration, *ujamaa* villagisation and economic liberalisation (Shivji, 1998). Tanzania in theory gives some customary land rights legal status, but in practice disregards them (McAuslan, 2000). Central government and its representatives may legally grant land leases to investors without consulting or compensating the local users dispossessed by the transfer. Mobile pastoralist populations have suffered more than many in this process, and the events in Maasai rangelands have been well documented (Brockington, 2002; Igoe and Brockington, 1999; Africa Watch, 1990). There have been recent and increasing instances of ethnic clashes over land and access to key resources in Tanzania Maasailand (Otieno, 2002; Dean, 2000; Kiondo, 2002). Officially, ethnicity is not an issue: in truth, the Tanzanian government regards issues, analyses and organisations focusing on ethnicity as potentially destabilising (Cameron, 2001).

In line with work by Ole Kunej (1994), Igoe and Brockington (1999) and Brockington (2002) our study shows that beneath this denial of ethnicity as an important dimension, there are indications of systematic discrimination against the rural Maasai agropastoralist population (c.f. silent discrimination against San in Botswana - Hitchcock 1990, 1996). The virtual absence of ethnic pattern in our findings on access to farmland in NCA, despite the long Maasai demographic and military pre-eminence in this

area, underlines this point. The parastatal administration of the study area by NCA allows pastoral residents very limited channels of representation or consultation and regularly over-rules their constitutional (and human) rights. Agropastoralist access to education, land, and non-farm livelihoods including employment with the thriving tourist industry is severely limited by the NCAA administration. NCAA prioritises conservation (despite its brief for development) and overrides normal channels and laws. By contrast, in-migrant non-Maasai appear to have proportionally better representation (Shivji and Kapinga, 1998). They are able to secure land grants from village governments and/or leases from the NCAA, at the expense of the local rural population, despite the lack of any legal basis for the NCAA to issue such leases. Other aspects of natural resource use are similarly stacked against local pastoralists. Legal appeals and violent protest are on the increase, despite eliciting punitive measures (Brockington, 2002; Lane, 1996; MNRT, 1997; Shivji, 1998; Shivji and Kapinga, 1998).

The common predictors of violent conflict (Stewart, 2002) are all visible in the NCA. The ethnic differences may be silent but appear deep-rooted. The economic differentials are intensifying: the relatively uniform nature of long-term resident rural population is giving way to *Madukani*'s mix of on the one hand landless households dependent on casual labour and poverty strategies, and well off officials and businessmen on the other. There is a long running struggle for control of the hotspot of valuable environmental resources the conservation area represents. NCA is a premier tourist destination earning over 50% of Tanzania's game viewing fees (Leader Williams 1999). It is generally understood this revenue bankrolls the ruling *Chama cha Mapinduzi* party in Tanzania, and senior representatives of the NCAA have repeatedly stated its intention to further restrict and ultimately evict the pastoralist population, despite the official mandate it holds for joint community development and wildlife conservation. The social contract that should give people some security at least of human and constitutional rights is barely in evidence. Despite Tanzania's avowed adoption of community

conservation policies, this highest earning of conservation areas is unable to manage community development so as to achieve health, education, water or transport infrastructures that approach national average standards. Where such services are installed they are largely monopolised by privileged in-migrant elites. International conservation organisations equip, arm and train paramilitary forces used by the NCAA to control or coerce the local population: harassment is common, violence and even executions well documented (Shivji 1998).

This paper originated in response to an increasingly strong assumption, both in the literature and among local people, that in-migration is leading to increased competition for key resources, which in turn may drive poverty and social exclusion on the one hand, and conflict and violence on the other. It has shown that economic and political systems that are relatively equitable at the national level (Klugman *et al*, 1999) may conceal marked inequalities between groups at the local and regional level. These differences are predictors of conflict, but the inequalities displayed in our findings are not associated in any simple way with in-migration. The inequalities are shaped by national context, and in Kenya, they show an ethnic dimension, but the over-riding association is with wealth and power, rather than ethnicity or in-migrant status. It is the political economy of land appropriation which primarily drives conflict in Maasailand. State violence is a major contributor, causing exclusion, eviction, and extinction of rights, whether disguised (as in Kenya) or direct (as in Tanzania, where a cumulative 30% of the land has progressively been gazetted as protected areas in which local land use is restricted or forbidden (Brockington, 2002; IUCN, 1986). In both countries, State violence has been responsible for hundreds (if not thousands) of deaths and for the displacement of tens of thousands of people, who in turn become the poorest of migrants drifting through the East African rangelands (eg. Usangu Plains: Igoe and Brockington 1999) or completely excluded and camped, for example, in church yards locally (Box 3) or elsewhere in conditions akin to refugee status for example at Limuru near Nairobi or Malea near Naivasha (Klopp 2001, 2002). Any programme aiming to reduce poverty, enhance social

cohesion, and ultimately reduce the potential for violent conflict, needs a better understanding of these processes.

In both Kenya and Tanzania, processes of intervention and change in land tenure have repeatedly allowed elites to manoeuvre to their own advantage. Land allocation systems have been problematic and consistently work for those organising them. In both countries this favours the well-off. In Kenya Maasailand, for historical reasons, this includes a substantial Maasai elite and smallholder/landowner class; while in Tanzania, few Maasai agropastoralists but many well-off in-migrants dominate the process. Appeals in land allocation disputes are not easily accessed, are open to corruption, and plural legal systems increase the chances of conflict. Dispossession and exploitation have combined to initiate a political alliance among educated young professionals from pastoralist groups in Kenya. Focusing on issues of land, education and political representation, this forms a new channel to discuss and put forward pastoralist concerns through civil society processes (Markakis, 1999). In Tanzania, Maasai residents have been isolated from and bypassed by political processes, which are dominated by an administration with few pretensions to balanced local government. The struggle between conservation interests and human rights is unlikely to be resolved in any positive way for the agropastoralist population of NCA in the foreseeable future.

Reviews of tenure, access and conflict management in rangeland areas have emphasised the need to foster systems for negotiated access that can better accommodate multiple user groups within the social, spatial and temporal variability so characteristic of African arid and semi-arid lands (Behnke, 1993; Niamir Fuller, 1999; Scoones, 1995; Toulmin and Quan, 2000). However, when such different trajectories of tenure reform have had such comparably adverse impacts on vulnerable people in both systems, is further review of land titling procedures likely to improve things? Any such review needs to take account of the way every change has offered opportunities for the well-placed to increase their

control at the expense of the poor, not only in Kenya and Tanzania, but more widely (McAuslan, 2000). Pathways to reduce tensions must make access to education, political representation and job opportunities more equitable for residents and in-migrants, whatever their ethnicity. Current initiatives for education throughout sub-Saharan Africa are already targeting rapid expansion of education in areas such as NCA, but there are fundamental problems with the lack of infrastructure and teachers (Carr-Hill 2002; Bishop, 2003). Better education, alongside better security of livelihoods, could help address the lack of equitable and effective channels of representation for both residents and in-migrants, currently a major barrier to civil society in East African rangelands.

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<sup>2</sup> UK Environment Agency

<sup>1</sup> In our study area, Lemek group ranch has one change of group ranch committee members in 25 years, Koiyaki one change in 20, and Siana two changes in 20 years (Thompson, 2002).

<sup>3</sup> See, for example: [http://news.bbc.co.uk/1/hi/english/world/africa/newsid\\_1762000/1762477.stm](http://news.bbc.co.uk/1/hi/english/world/africa/newsid_1762000/1762477.stm) (15/01/2002):  
[http://news.bbc.co.uk/1/hi/english/world/africa/newsid\\_1755000/1755750.stm](http://news.bbc.co.uk/1/hi/english/world/africa/newsid_1755000/1755750.stm) (11/01/2002)

<sup>4</sup> Shops, beer houses, butcheries, maize grinding mills, etc.

<sup>5</sup> This role expanded recently, with the opening of a Government secondary school in April 2001.

<sup>6</sup> It is estimated that up to one third of patients at Endulen Hospital travel more than 60km to use its services.

<sup>7</sup> NCAA zonal headquarters

<sup>8</sup> Police post and NCAA Game Ranger post

<sup>9</sup> Less than 0.02% of the study population in Kenya (Thompson and Homewood, 2002; Coast, 2000).

<sup>10</sup> It was not possible to interview these large land-holders as their positions as local MP, administrative chief or councillor led to refusal to participate in interviews.

**Table 1: Percentage distribution of decade of arrival of household heads, Kenya.**

	<b>Sikrar n=94</b>	<b>Emarti n=59</b>
<b>Pre-1960s</b>	25	44
<b>1960s</b>	22	19
<b>1970s</b>	13	29
<b>1980s</b>	15	5
<b>1990s</b>	25	3

**Table 2: Percentage distribution of household head by ethnicity and residence status: Kenya.**

	<b>Sikrar, n=94</b>		<b>Emarti, n=59</b>	
	<b>Long term resident pre-1970</b>	<b>Recent in-migrant post 1970</b>	<b>Long-term resident</b>	<b>Recent in-migrant</b>
<b>Maasai</b>	3	22	35	17
<b>Kipsigis</b>	45	30	23	25

**Table 3: Percentage distribution of decade of arrival for in-migrant households in *madukani*, Tanzania.**

<b>Decade of arrival</b>	<b>Percentage</b>
Pre-1970s	38
1970s	8
1980s	16
1990s	38

**Table 4: Percentage distribution of household head by ethnicity and resident status: *Madukani*, Tanzania.**

	<b>Long-term resident Pre-1970</b>	<b>Recent in-migrant Post 1970</b>
<b>Maasai</b>	23	20
<b>Iraqw</b>	8	19
<b>Chagga</b>	0	7
<b>Other Tanzanian</b>	8	14
<b>Kenyan</b>	0	1

**Table 5: The land allocation process in Kenya**

<b>Ethnic group</b>	<b>Pre group ranch registration 1960 -70s</b>	<b>At group ranch registration 1982 (Emarti) 1999 (Sikrar)</b>	<b>After group ranch registration</b>
<b>Maasai</b>	<p>Maasai leaders (“big men”)</p> <p>Holding &gt;5,000 ha</p> <p>Influential in local, district and/or national government</p> <p>(See box 1)</p>	<p>Maasai “rich men”</p> <p>Substantial land allocations</p> <p>Emarti: mean 20.4 ha</p> <p>Sikrar: mean 46.9 ha</p>	<p>Emarti: mean 3.7 ha</p>
<b>Kipsigis</b>	<p>Early Kipsigis in-migrants lease smallholdings from Maasai leaders</p>	<p>Marginal livelihoods, dependent on education and employment</p> <p>Emarti: mean 4.8 ha</p> <p>Sikrar: mean 2.6 ha</p> <p>(See box 2)</p>	<p>Landlessness</p> <p>Emarti: 7% households</p> <p>Sikrar: 4% households</p> <p>Extreme cases involve households moving from group ranch to group ranch in search of land</p> <p>(See Box 3)</p>

**Table 6: Model One: Land received in Kenya as a function of ethnicity and migrant status**

	<b>Both sites</b>	<b>Sikrar</b>	<b>Emarti</b>
<b>Independent variables</b>			
- Ethnicity	-.634***	-.856***	-.364**
- Migrant status	.109	.072	-.351**
<b>r<sup>2</sup></b>	<b>.658***</b>	<b>.787***</b>	<b>.292***</b>

\*\*\* p<.0005, \*\* p<.005, \* p<.05, No asterix = not statistically significant

**Table 7 : Model Two: Land received at subdivision in Kenya as a function of ethnicity, migrant status and current livestock holdings**

<b>Independent variables</b>	<b>Both sites</b>	<b>Sikrar</b>	<b>Emarti</b>
- <b>Ethnicity</b>	-.390***	-.660***	-.310**
- <b>Migrant status</b>	.010	.045	-.313**
- <b>LE:RA</b>	.518***	.292***	.308**
<b>r<sup>2</sup></b>	.624***	.829***	.391***

\*\*\* p<.0005, \*\* p<.005, \* p<.05, No asterix = not statistically significant

**Table 8: Land transfers reported 1996 - 2001 by ethnicity: Kenya (Mean  $\pm$  SD)**

	<b>Sikrar</b>		<b>Emarti</b>	
	<b>Kipsigis</b>	<b>Maasai</b>	<b>Kipsigis</b>	<b>Maasai</b>
<b>Ha purchased</b>	1.3 $\pm$ 1.1 (n=6)	21.5 $\pm$ 26.9 (n=2)	0.12 (n=1)	1.2 (n=1)
<b>Ha sold</b>	1.2 $\pm$ 1.2 (n=9)	23.6 $\pm$ 18.0 (n=4)	3.6 $\pm$ 5.7 (n=3)	1.2 (n=1)

**Table 9: Land transfers reported 1996 - 2001 by residence: Kenya (Mean  $\pm$  SD).**

	<b>Sikrar</b>		<b>Emarti</b>	
<b>Residence</b>	<b>Long-term resident</b>	<b>Recent in-migrant</b>	<b>Long-term resident</b>	<b>Recent in-migrant</b>
<b>Ha purchased</b>	0.7 $\pm$ 0.9 (n=3)	9.7 $\pm$ 17.2 (n=5)	0.7 $\pm$ 0.8 (n=2)	- (n=0)
<b>Ha sold</b>	0.8 $\pm$ 0.6 (n=7)	16.6 $\pm$ 17.7 (n=6)	0.6 $\pm$ 0.5 (n=3)	10.1 (n=1)

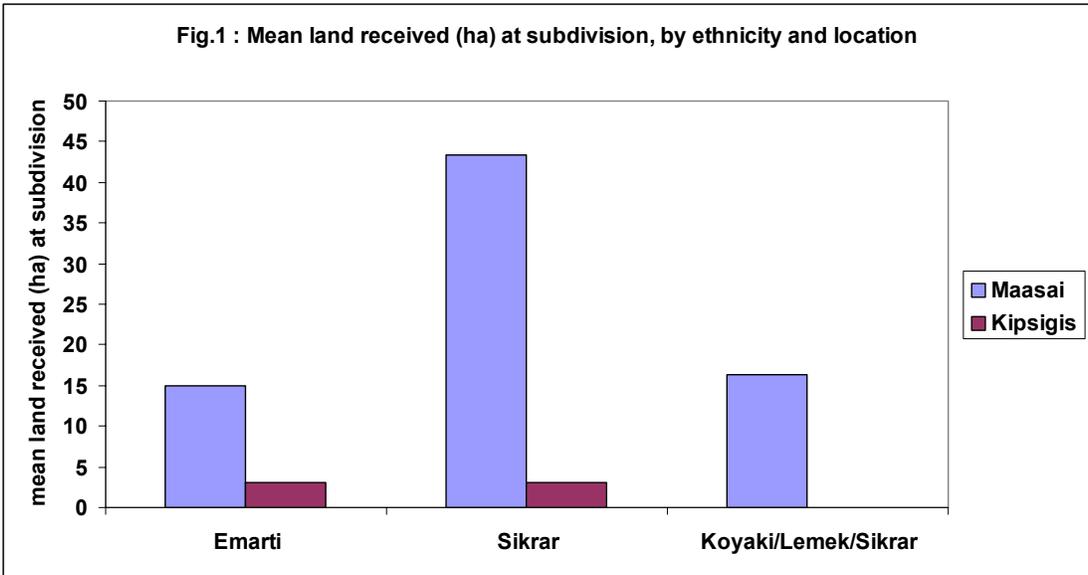


Fig. 2: Mean livestock equivalent per reference adult, by ethnicity and location

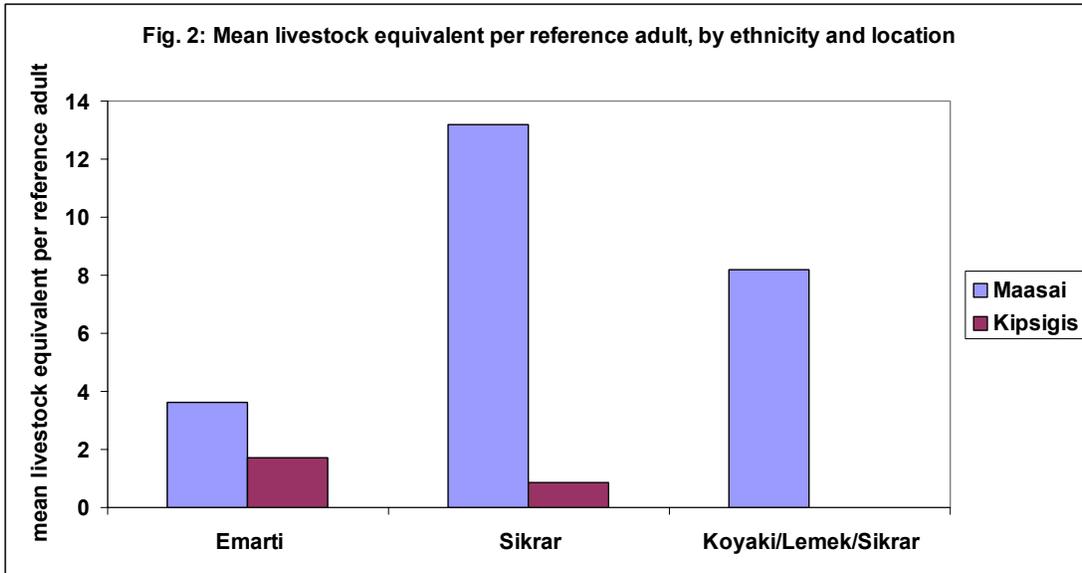


Fig. 3 : percentage distribution of number of fields (shambas) by ethnicity, Endulen madukani

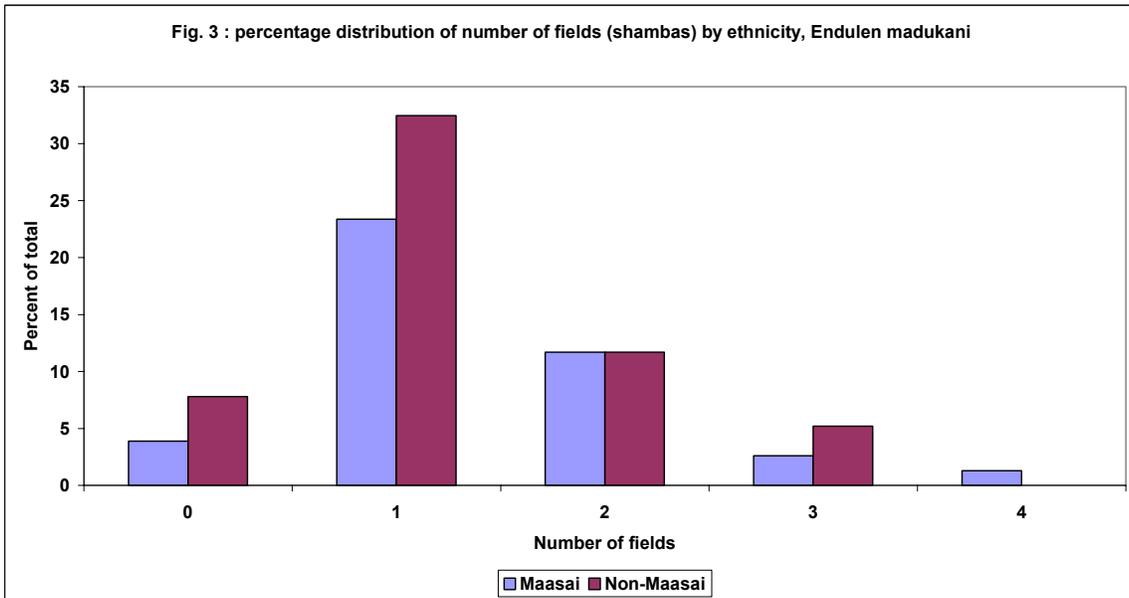


Fig. 4 : Percentage distribution of households by shamba holdings, ethnicity and migrant status - Endulen madukani

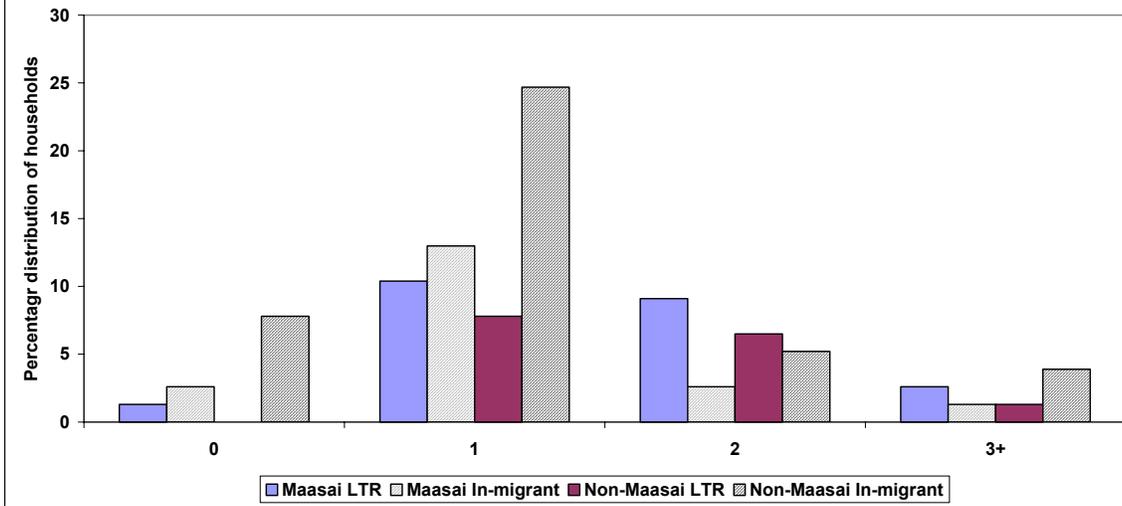
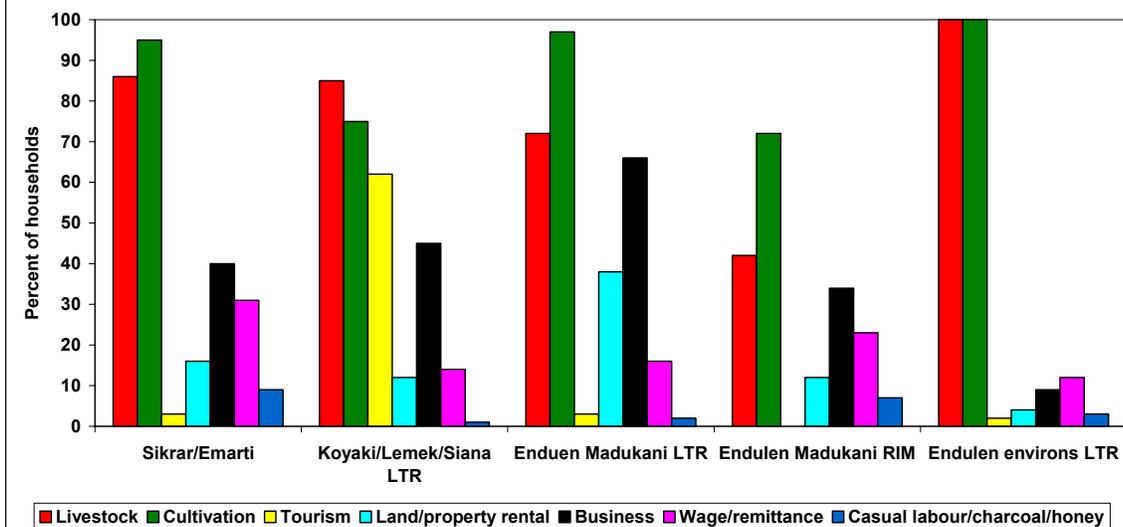


Fig. 5 : Percentage of households reporting livelihood strategies, by location and migrant status



### **Box 1: Land allocation to Maasai “big” men in Kenya**

During the 1950s the colonial government operated a veterinary research station and government cattle holding pens on what later became Lemek group ranch. These stations were issued with title deeds held by the government. At independence, Maasai petitioned the Lands Office in Nairobi to transfer the title deeds to themselves. Powerful traditional leaders, including administrative chiefs recognised by the colonial administration, were able to use their influence and have the title deeds allocated to themselves. For example, the paramount chief of the area went on to become an extremely respected and influential leader in the newly formed independent government, and received large land transfers at both locations. His subsequent accumulation of wealth can be judged from his obituary in the national press, listing ten wives and sixty three children (several of whom hold positions of prominence as Members of Parliament, officials of the County Council and so on. He had shares in at least three tourist lodges, owning the land on which one was built, as well as large mechanised wheat and livestock holdings.

Sources: Interview Book 2 p.65;

Interview Book 1, p.68;

Thompson, 2002;

Daily Nation 10/4/2000

**Box 2: Land allocation to a long-term Kipsigis resident (poor man) and a recent in-migrant Maasai at Sikrar (Maasai rich man)**

A Kipsigis man, X, arrived at Sikrar in 1969. The chief in Mulot (a Kipsigis area) brokered the original occupation of the land with the paramount chief of the Maasai Area. The paramount chief mandated the sub-division of an area of land amongst Kipsigis who had contributed livestock. Under this process, respondent X purchased 1 acre of land from the Maasai, costing him 2 cows. Respondent X has 8 years of primary school education, and works as a driver. On sub-division of the group ranch some thirty years later he was allocated a further 4 acres. He owns 4 cattle (including 3 milk cows) and a total of 7 sheep and goats. He cultivates the 4 acres in Sikrar but has had no harvest since 1997 due to drought.

In contrast, a Maasai man, Y, moved to Sikrar in 1996. A registered member of Lemek Group ranch, Y received 120 acres of land. He has a cattle herd of 70 animals including 16 milk cows, and owns at least 150 sheep and goats. He cultivates 5 acres, although no harvest was obtained from 1998 onwards due to drought. Maize from his last harvest in 1997 totalled 30 bags and lasted the family the entire year. He still rents out 40 acres of land each year in smaller 2 – 3 acre plots to Kipsigis farmers, at a rate of KShs 1,200 (US\$ 20) per acre. His wife runs a small shop at a near-by trading centre.

Source: Interview book 1, p 147 (24/2/2001)

### **Box 3: Landless recent in-migrants (Poor)**

Z, a Kipsigis, moved to Emarti in 1983. His father had many sons and only a small farm at Kapkoimur near Nandi, a Kipsigis area to the west of our study area. Z sold his land (25 acres) and invested in two agents who convinced him they would buy cheaper land for him in Eldoret. The agents cheated him out of this money. Respondent Z moved to Emarti as the land had not at that stage been sub-divided, hoping to be placed on the land register. However, he did not succeed and now lives on Catholic church land at Emarti. Respondent Z owns 1 milk cow, two sheep and two goats. He does not cultivate, his wife works in the mission as a cook, and earns KShs 500 (US \$ 9) per month.

**Box 4: Resident access to land in *madukani***

Some lifetime Maasai residents have acquired considerable property portfolios. Four Maasai men are responsible for thirteen *madukani* rental properties. All four are unusual in that they inherited wealth, had at least primary school education, and have been members of the village land committee. Men who have been Village Chairman or Secretary own the majority of rental properties. Such positions provide an opportunity to learn how systems work, to develop useful networks and to diversify to protect households from risk, such as livestock disease.

**Box 5: In-migrant access to land in *madukani***

Government employees retire at fifty five, and older civil servants tend to diversify their occupations well before retiring. Government and NCAA employees have started to request posting to Endulen in order to establish businesses before retiring there. Common ventures include shops, bars and transport services. In-migrants to *madukani* apply to the village land committee for plots to build and/or cultivate. Outcomes depend on the interplay of wealth and influence as opposed to customary rights in village government decisions. One retired government official was able to acquire rights to land within *madukani* in order to build a bar, by offering an arrangement for cheap or free beer to a Maasai resident who was a known alcoholic and had land rights. Key informants suggest this is not an unusual case.

**Box 6: District government intervention in group ranch management, Kenya.**

On sub-division of Lemek, registered members were each entitled to 100 acres of fertile or 128 acres of steeply sloping/marshy land. All circumcised males deemed by the Land Adjudication Committee to have been resident on the group ranch prior to the closing of the register in 1993 were registered. According to Narok County Council there were 1,021 registered members on Lemek. Initial attempts by local elites to allocate larger shares to themselves were thwarted in 1995, when a revised survey was undertaken under the supervision of the District Commissioner to ensure allocated plots were of equal size.

(Thompson and Homewood, 2001)

**Box 7: District government intervention in wildlife association/ farming association disputes, Kenya.**

In 1996, a group of educated men established a Farming Association on Lemek group ranch, independent of the recognised group ranch committees responsible for controlling land allocation and for running Koiyaki-Lemek Wildlife Association. The Farming Association land lies in the MMNR wildlife dispersal area, close to luxury tented camps from which group ranch committee members draw income. At the time of first ploughing, the group ranch Chairman tried to halt farming on the grounds of conflict with tourism on the ranch in general, and operation of the luxury camps in particular. The tented camp operators also threatened to vacate the area. The District Officer was called on to resolve the issue, which he did in favour of the Farming Association's right to generate income for its members. The tour operators have since stayed put.

(Thompson and Homewood, 2001)

**Box 8: “Ethnic conflict”, violence and government involvement in Narok.**

In Emarti in 1980-1984, violence erupted during group ranch member registration, and oral histories suggest approximately 3,000 in-migrants were chased out. Others stayed on, recognised by Maasai as having legitimate claims. The Land Committee ensured physical separation by ethnicity through grouping Kipsigis land titles to the west of Emarti. In Sikrar, similar violence erupted in 1998-9, when title deeds were allocated on newly sub-divided Lemek. Sporadic fighting culminated in non-title-holding Kipsigis being driven out towards established in-migrant settlements to the west. All Kipsigis workers on Lemek wheat farms and Siana tourist lodges were forcibly removed, and some were killed in their places of work. Central government later replaced key Kipsigis figures in Narok District, including the District Commissioner, District Officer, and senior police personnel. Local MPs, Maasai and Kipsigis leaders facilitated peace meetings, and Kipsigis title deeds were allocated, again to the west of the area. Maasai land sales and leasing to Kipsigis have subsequently resumed.

Source: Interview book 1, p 114- 115 (4/8/99)

**Box 9: Conflict management between NCAA and residents, Tanzania.**

In 1997 NCA wardens under the Head of the NCAA law enforcement unit attacked Maasai herders and cattle grazing in an area to which they had right of access. This area was near, but not in, the Northern Highlands Forest Reserve where grazing is not allowed. Herders were wounded, their spears taken, and cattle wounded and scattered. Seven cattle subsequently died. Some 500 warriors (*moran*) mobilised for conflict and the NCAA faced a major crisis. The Pastoral Council acted as a channel for negotiations, which resulted in compensation being paid to the owners of the livestock and to the herders who were attacked, together with sanctions against the NCAA official who had instigated the attack. It is not clear, however, that the official concerned was dismissed, as demanded by the resident Maasai.

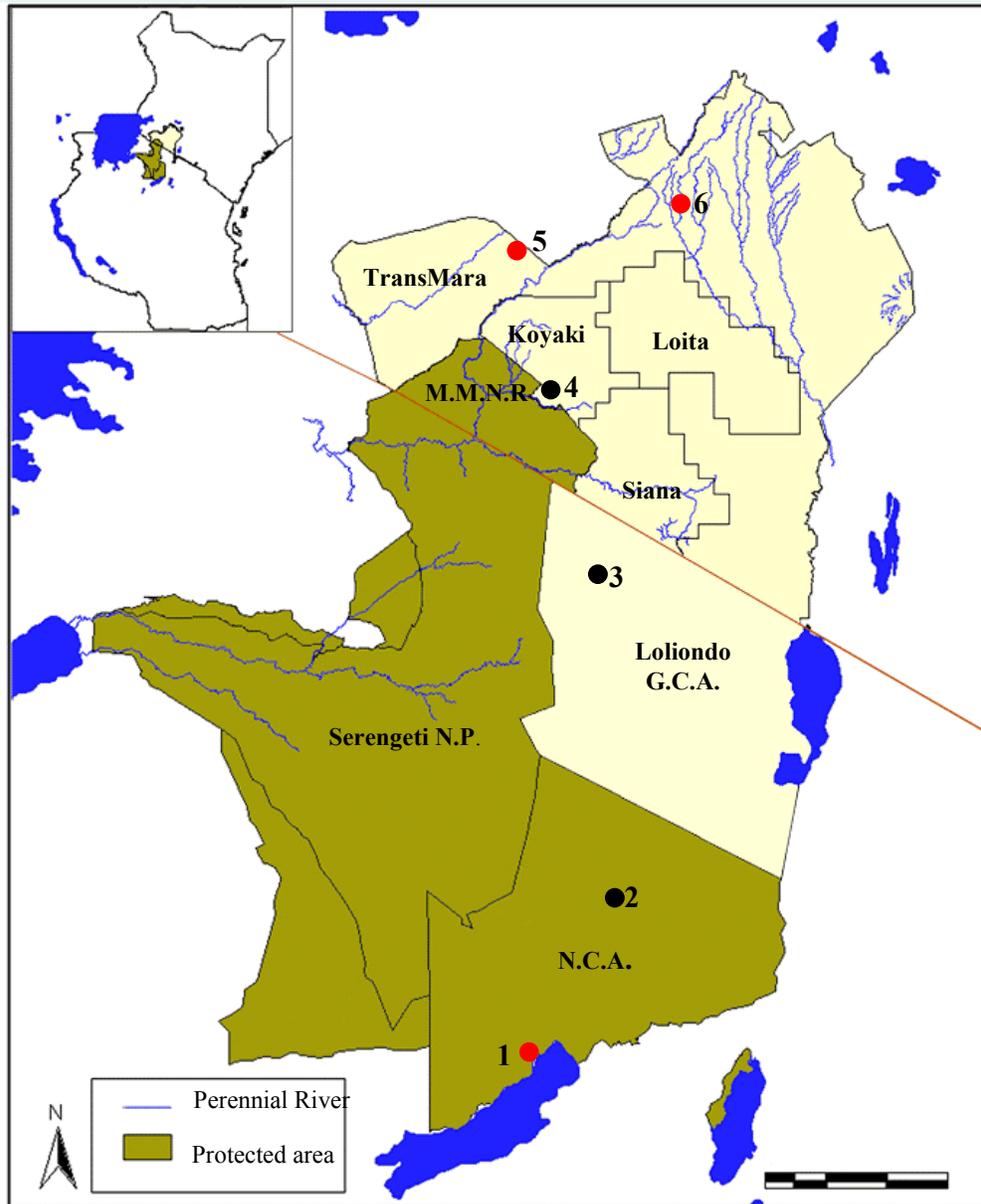
(Shivji 1998)

**Box 10: Cultivation bans, Tanzania.**

In 2001 the NCA Conservator proclaimed a ban on cultivation and the intention to evict all those who have entered NCA since 1959. At the same time, many migrant labourers were arbitrarily declared illegal in-migrants and arrested and jailed for substantial terms. Maasai elders and women's representatives were deeply divided over the best way to respond. Local representations to the Pastoral Council and the NCAA were not effective, not least because elders were put under considerable pressure agree with the official position. It was agreed that women's representatives should go to Dar Es Salaam to petition the President, as this would make clear that NCA Maasai were making a peaceful representation about issues of fundamental importance to livelihoods. The women's delegation made the journey, but came under considerable pressure from government representatives and were eventually persuaded to return to NCA without having achieved their audience.

Source: Residents and development workers, NCA

**FIG. 1**



- 1 Endulen
  - 2 Highland Forest Reserve
  - 3 Loliondo
  - 4 Talek
  - 5 Emarti
  - 6 Sikrar
- 
- Study site
  - Site of comparative data source