**Mediating *Maendeleo*: Examining the nexus between
geothermal extraction, wildlife conservation and
community well-being in Olkaria-Suswa, Southern Kenya.**

by

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Abstract

Decisions regarding livelihoods, land and natural resource management are embedded in the traditional institutions and societal structures of the Maasai communities that have been in dynamic interaction with hegemonic forms of state-building during the colonial and post-colonial periods in Kenya. The Maasai's fraught interaction with and cautious response to change, often portrayed and interpreted as being conservative and repugnant to modernization and/or *maendeleo* (development), is critical in understanding their response to contemporary mega-development enterprises now mushrooming in the erstwhile marginal frontiers of Kenya.

This study examines these larger dynamics in the context of the nexus between development, conservation and community livelihoods in the contested landscape of Olkaria. By locating this study in a historically significant site but also an area of large-scale international and state investment in natural resource extraction, I analyze the historical and current threads that intricately but fractiously weave together geothermal development, wildlife conservation, and community well-being as well as claims and struggles of belonging in a contested landscape marked by more than a century of land displacement and land conflicts. Four villages within the greater Olkaria region (Narasha, Olomayiana, RAPland and Mt. Suswa) in Nakuru, Narok and Kajiado counties were purposefully selected for the study. A mixed method approach that entailed ethnographic methods such as focus group discussions, interviews and participant observation were employed to collect data. The data was qualitatively analysed in a thematic scale using *enkishon* (well-being)-based Maasai philosophy as a frame to deeply understand the extent to which decision making/leadership (*erikore*), environmental governance (*eramatare*) and rights-based development (*esipata*) have been shaped by geothermal development in the area of study.

The findings of this study show that geothermal development and wildlife conservation are incompatible as the former is privileged over the latter to the detriment of wildlife well-being. The study shows how the Kenyan government, investors, and donors promote geothermal as environmentally friendly, and documents how local Maasai consider the environmental effects of wastewater, fumes and noise at the local scale to be harmful to their health, wildlife and livestock. Additionally, the study shows how geothermal fields require expansive land space for exploration and subsequent exploitation, which has meant many local communities have been forced to resettle elsewhere and continue to face the risk of resettlement, a process that has often been characterized by human rights violations, dispossession and significant socio-cultural implications. This thesis shows that coupled with little economic returns at the local scale, including limited employment opportunities, geothermal development in Olkaria culminates in compromised livelihoods that destabilise the Maasai *enkishon* of well-being.

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Ashe Oleng'! Ahsante Sana! Thank you very much!

List of Abbreviations

ACC - Africa Conservation Centre

ACHPR – Africa Commission on Human and Peoples Rights

EIA – Environmental Impact Assessment

EIB-CM – European Investment Bank Complain Mechanism

CAMPFIRE- Communal Areas Management Programme for Indigenous
Resources

CBC – Community Based Conservation

CBO – Community Based Organization

CLA – Community Land Act

CDM – Clean Development Mechanism

CSR – Corporate Social Responsibility

DCC – Deputy County Commissioner

EAS – East African SyndicateEIB – European Investment Bank

ESIA – Environmental Social Impact Assessment

GDP – Gross Domestic Product

GHG – Green House Gases

HGPN – Hells Gate National Park

HWC – Human Wildlife Conflict

IAP – International Accountability Project

IDS – Institute of Development Studies, University of Sussex

IPs – Indigenous Peoples

IPPs – Independent Power Producers

IWGIA – International Working Group on Indigenous Affairs

KADU – Kenya African Democratic Union

KANU – Kenya African National Union

KenGen – Kenya Electricity Generating company

KETRACO – Kenya Electricity Transmission Company

KILOA – Kisharu Land Owners Association

KMC – Kenya Meat Commission

KWS – Kenya Wildlife Service

LAPSSET -Lamu Port South Sudan Ethiopia Transport

MCA – Member of County Assembly

MPIDO – Mainyoto Pastoralists Integrated Development Organization

NGO – Non-Governmental Organization

OOGC – Oldoinyo Onyokie Geothermal Company

PAP – Project Affected Persons

PDNK – Pastoralists Development Network of Kenya.

PPPs – Public Private Partnership

RAPIC – Resettlement of Affected Persons Implementation Committee

REDD – Reducing Emissions from Deforestation and forest Degradation

SAPs – Structural Adjustment Programs

SCC – Stakeholders Coordination Committee

SDGs – Sustainable Development Goals

SGR – Standard Gauge Railway

UNFCCC – United Nations Framework for Climate Change Convention

UNCBD -United Nations Convention on Biological Diversity

UNPFII – United Nations Permanent Forum for Indigenous Issues

USAID – United States Agency for International Development

Glossary of Kiswahili and Ki-Maasai terms

Ashe oleng' -Thank you very Much (Maasai)

Ahsante - Thank you (Kiswahili)

Chai - Tea

Chapati – Pan cake

Emutai – Disaster

Endelea – Going forward

Enkai - God

Enkatini – History

Enkishon – Well-being

Eramatare - Governance

Erikore - Leadership

Esipata – Right

Ilkunono - Blacksmith

Maendeleo – Development

Olaigunani/Ilaiguanak – Chief (s)

Oldeket – Curse

Olgilata/Ilgilat - Clan(s)

Oloiboni – Seer/prophet

Olosho – A ridge; a community section

Olpiiron – Age-group mentors

Olporror – Age group

Orinka – Knobkerrie

Osotua – Peace; relative

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CHAPTER ONE:

INTRODUCTION, METHODOLOGY AND THEORETICAL FRAMEWORK

1.1 Introduction: “No way Through”

I drove up to Olkaria on a chilly Monday morning of 26th February 2018. Olkaria is in Naivasha sub-county, about 90km north-west of Nairobi. Though I have used Nairobi-Naivasha-western Kenya road before, I had never detoured to the picturesque Olkaria hills, situated on the south-west tip of Lake Naivasha. From a distance, one could see a cloud-like smoke bellowing effortlessly behind the hills forming a canopy of a whitish fog above them. While I have heard and read a lot about Olkaria and the geothermal activities in the area, I had never been there in person. This visit was therefore significant for me and I was excited and nervous at the same time, not knowing what to expect. Branching off from the truck-full highway just before Naivasha town, a welcoming KenGen (Kenya Electricity Generating Company) billboard shows that Olkaria is 25km from the junction. Driving slowly along the South-lake road but carefully navigating the innumerable potholes, my curious eyes were cast on either side of the road, observing the many developments along the edges. The stretch on my right-hand side forming the lake riparian is dotted with fine hotels and lodges, a clear indication that this is a high-end safari circuit. The left is predominantly occupied by flower farms, most of them shaded greenhouses forming an undulating wave-like sprawl across the landscape. These developments on either side of the South Lake road do not follow a regular pattern but are occasionally interspersed with farm fields, wildlife sanctuaries, and housing estates among other developments. While I was enjoying these sceneries, a giraffe suddenly

appeared in the middle of the road, strutting its long neck above the vehicles, momentarily causing a traffic jam (see Figure 1). He seemed not to be in a hurry as if with the intention to make a statement to the effect that he was the boss and has got the right of way. The best I could do was to pull out my camera, take photos and wait patiently. It was a moment for surreal Safari! Just before Olkaria gate, on the busy section along Oserian flower farm, I encountered a fresh roadkill – a teenage baboon. I also saw a three-legged mother baboon, with a baby tucked under her belly, with a front limb severed from the knee. These incidents depict that the paved road built in and around a wildlife protected area is a real threat to their wellbeing.

Figure 1: A giraffe on Lake Naivasha South Road

Souce (Author)

I arrived at the Olkaria gate an hour later, leaving the busy Lake Naivasha riparian behind. To access the Olkaria villages where the Maasai are located, one must go through the Hell's Gate National Park (HGNP), whose entrance is barricaded and heavily guarded. At the gate, a mean looking security guard pulled me aside. I realized he was not a regular Kenya Wildlife Service (KWS) military official. His badge and uniform read 'Ilkarian Security Company', which I later learnt is a private firm contracted to take care of the geothermal establishment. "Where are you going?" he asked. "To Olomayiana village", I responded. I had to explain my mission, produce my research permit and all relevant identification documents, including a clearance letter by the Naivasha sub-county commissioner. He took my documents to the KWS official seated inside the office. Meanwhile I had the time to scan around, and my curiosity was drawn to the billboards – both for KenGen and KWS – welcoming but also cautioning visitors against wildlife, KenGen property among others (see Figure 2). Behind the gate is a colourful hillock which I later learnt was the favourite Maasai red-ochre mining site, but no longer accessible. The KWS officer, adorned in a jungle green uniform, summoned me and asked where I was going and why. After explaining, he concluded, "I am sorry, but you can't go through". His reason was that I didn't have a clearance letter from the community's honorary warden¹ to prove that they were expecting me. Secondly, he added, I should present my papers at the Elsa gate on the western side of the park. In that case, I had two options; to pay (approximately Ksh. 1500, including the car rate, an equivalent of \$15) to go through as a tourist or return and come back another day with an invitation letter from the community warden. None of these options were appealing to me; I was not ready to pay (not that the amount was exorbitant, but I felt it was not just) nor go back, but he was

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¹ Shaa Ole Kiloku is a community elder appointed as an honorary community warden. According to the appointment letter he showed me later, his mandate goes to Olkaria's Hell's Gate National Park and he oversees the South Rift. He is however only actively involved on issues around HGNP; see chapter 4.

not budging either on his decision. We were at a standstill. Thankfully, I was able to use my patience coupled with sustained negotiation and past activist experiences (which include invoking a few of my rights), such as the right of belonging as a Maasai and hence the right of freedom to visit any part of my community at any given time. I politely but firmly asserted that they (KWS) are the guests in “our land”, pointing out that there are probably more damaging activities taking place here (in reference to geothermal) than the Maasai going through. This brief stand-off paid off, and I was accepted to go through, but he reminded me to get the right paperwork in place for subsequent visits. While I exercised the right of belonging firsthand, I also practically learnt the lived experiences of the Olkaria Maasai who go through the barricade daily to access the markets and the rest of Kenya.

Figure 2: KenGen/KWS billboard, signifying an intricate alliance between the two.

Source: Author

Figure 3: Geothermal well, steam pipelines, cattle and electricity line near Olkaria 1.

Source: Author

From there I drove for ten minutes, on a paved road (a unique feature in a national park in Kenya). I passed a herd of cattle grazing right beneath steam pipes, with billowing smoke on the back ground (see Figure 3). Shortly, I arrived at Olomayiana village, situated right at the outskirts of Olkaria I geothermal power plant. The village elder,² Ole Naeku (not his real name), of *Iseuri* age-group (approximately 78 years old), was expecting me. I apologised for my delay, explaining to him the giraffe incident and my predicament at the gate. A jovial Ole Naeku welcomed me warmly and ushered me to this modest house, newly painted with blue and yellow colours, with a corrugated iron sheets roof, a plain tin

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² Village elders are basically village headsmen, nominated by the village as their spokesmen in matters relating to government and other developments. This is a relatively new structure that came with the new devolved arrangement under the 2010 constitution. A village is constituted by a cluster of households, which in Olomayina's context includes about 70 households, tightly gathered over an area of about 25km². Ole Nairrenyu lives with his family, his two sons and their wives, in the same compound.

wall and wooden interior. Directly opposite the living room, was the goat and sheep pen right at the centre of the twig-fenced enclosure.

We settled in as he called out to one of his daughters-in-law to prepare *chai* (a mixture of black tea, milk and sugar). I introduced myself – complete with my larger family name, clan, age group, Maasai section, geographical location, my mother's clan/family and most importantly the age of my father. With these details, which is the standard introduction protocol among the Maasai, he could track me down and figure out some form of common social ties. For example, we quickly figured that we are from the same section (*Olosho*) of *Ilkeek Onyokie* and he is the same age-set as my father – *Iseuri*. These are significant ties that bind us together, creating a relaxing environment for our discussion. While this was supposed to be 'just an introduction' and informal discussion, I couldn't wait for another day to tap into the invaluable insights already streaming out of him. I asked for his permission to record and he gladly consented and straight away re-enacted the story of how he ended up in this current location, a story largely of displacement:

I was born and brought up here, near Lake Naivasha where my father was working herding the *Ilashumba* ["white man" in Maa] cows. He would also herd his cows here alongside those of the settlers. The cattle used to graze together. My father told me that the *Il-Keekonyokie* and *Il-Purko* sections of the Maasai were moved from Laikipia to this place. By that time, this place was occupied by *Il-Damat* section, but they moved further south to give us room. Later, the Europeans took possession of this area around Lake Naivasha pushing us further to Ewaso, around Mt. Suswa area and beyond.

Our discussion would occasionally be interrupted by the incessant ringing of his mobile phone tucked in a small pouch dangling around his neck. He would pause to look at the name of the caller (never mind that he was illiterate, but he could still figure out the caller), then disregard if he felt it was not worthy responding to. But there was this one persistent caller that kept interrupting to the point that I nudged him to go ahead and

respond. It happened that one of the neighbours was reporting to him that his cows had been confiscated and locked up by KWS rangers while grazing at HGNP. Then Ole Naeku asked the caller, “How much do they want? ... Let me send you the sh. 1000 to bail out because I have an important guest. I don’t have time to come and negotiate with them.... You will then refund me later, Ok?”. Ordinarily, he would meet with the rangers and negotiate either for free release or reduced charges. In this scenario, he opted to lend the distressed neighbour some money and send it to him through M-pesa.³ As the chairman of *Olomayiana Kubwa* and a revered elder in the larger Olkaria area, he has a huge responsibility to guide his community to better navigate the treacherous terrain of *maendeleo* (development). He then resumed our discussion:

After *uhuru* [independence], most families moved from Ewuaso and came back and settled on these hills, on the other side facing Lake Naivasha. Later, after many years, we were told by the government to back off to pave way for the formation of Hell’s’ Gate National Park. We were threatened and coerced to leave but we adamantly stayed put. Then force was used. They fired and killed our dogs and animals and burnt our homes. We were forcefully moved from where Olkaria II is currently located to the current location of Olkaria I. Around the same time, geothermal work was also going on and we were forced again for the second time, to move. For the second time, our homes were burnt by the government forcing us to move to Oloolkarian and Olomayiana areas near the gorge. We made a formal complaint to the then Rift Valley Provincial Commissioner, Mr. Yusuf Hajji. He ordered the boundary be re-demarcated so that the community will not be moved again in the future. This was done, though we were not allowed [by the rangers] to participate in the demarcation exercise. On the process, they altered the boundary, excising Oloolkarian hill from us. This hill is so rich with our cultural values, harbouring important materials such as *Olkaria*⁴ and plants such as *oreteti* [fig tree] and *Oloirien* [olive tree] commonly used for various ceremonies such as the making of *Olpiron*.⁵ It was also a place where sacrifices were offered to God.

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³ M-Pesa is a mobile phone-based money transfer system, a disruptive technological revolution that has significantly transformed hamlets and spaces that were hitherto side-lined in communication development.

⁴ Ol-Karia (sometimes also known as ‘*Ereko*’) is a red ochre used in Maasai ceremonies but mainly adorned by warriors to distinctly identify them but also for beauty. This place is named Olkaria because of the abundance of this resource.

⁵ Making fire (*aipiru enkima*) is made by rubbing a hard wood such as olive tree as the borer, against a soft wood as the base into which boring occurs. While this could be done for various reasons, it is ceremoniously used during rites of passage, especially when establishing a new age-group, hence the mentoring age-group/set came to be known as *olpiron*, see a section below.

When I inquired about the history of geothermal in the area, he said:

It came in the form of Kenya Power and Lighting Company (KPLC) and was here before the park. When we were young, we used to see them surveying the land and making marks. Later, it changed to KenGen, which has since started expanding and drilling more wells within and outside the park. They keep on expanding and drilling so close to our homes. The company convinced us that these fumes are harmful and can kill people that it needs to be given a wide berth of up to half a kilometre from the nearest well. They therefore urged us to relocate again. We started consultation meetings as a community and demanded that we should be compensated before we move. Unlike during the time of [the establishment of the] park [HGPN], now we are lucky because we have young educated people. When KenGen proved to be adamant, they [our young people] wrote letters to the government and financiers who pressured KenGen to compensate us. A section of the community was moved from the lower part called Olomayiana Ndogo, the lower part of our village. While we negotiated and agreed on land for land compensation, they [KenGen] refused to give us a better land and instead, dumped people in a steep, sloppy area full of gullies. The place, unlike the previous land, is of poor quality and not good for livestock farming. And so about 150 families were relocated and settled in *Oloombokishi*, which came to be known as RAPland.⁶ A lot of more would-be beneficiaries were left out because they [KenGen and government officials] were never open when registering people. Sometimes they would say it is a government census. Many people missed out because of lack of clarity and because some families had migrated with their livestock since it was in the midst of a bad drought period. Right now, there are new geothermal wells that have been drilled in this village, just outside my home. Now, we are the next victims, but we have learnt a lesson from the RAPland relocation and I can assure you, it will not be easy.

This narrative by Ole Naeku provided a synopsis of the deep-seated struggles and the simmering tensions that underpin the precarious nature of his community. Weaved with his lived experiences, Ole Naeku's oral narrative forms a tapestry of historical continuities from colonial to post-colonial and contemporary periods. As we sipped our *chai* and digressed into the local politics actively defining both the old and recent moves, it dawned on me that an arduous task has been cut out for me: to understand the thread that intricately weaves conservation, geothermal and community land use as well as claims and struggles of belonging, that goes back deep into historical times.

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⁶ RAPland is a resettlement village where the Olkaria IV project-affected people were relocated. It derives its name from Resettlement Action Plan (RAP), hence RAPland.

My study examines the interactions between development (in all its forms including but not limited to the politics of geothermal development) and conservation actors, their consistencies, and contradictions, competing and conflicting interests and how all these impact on Maasai community wellbeing (*enkishon*), including their livelihoods, environment and wildlife. Critically analysing broader conservation and development narratives, discourses and ideologies and relating them with my analysis of the contemporary experiences of Maasai living in the Olkaria region, I intend to specify the social-economic and political impacts of geothermal extraction on the local community. Situating these impacts on a wider and deeper history of dispossession and hegemonic power dynamics, I will also examine the varied responses emanating from the Maasai community and how such responses shape and construct a futuristic trajectory of development and identity.

This will be examined and discussed through the lens of *maendeleo*, a generic Kenyan concept of development, domiciled as a neo-liberal term for denoting ‘progress’. Contemporary *maendeleo* substitutes the colonial ‘civilization’ mantra characterising the colonial development regime. *Maendeleo* became widely popularised in post-independence Kenya as a slogan for the patriotic state-building nucleus around which political and economic resources are deployed. As will be discussed, *maendeleo* later took a political and ethnic turn, privileging the politically connected ethnic groups and or regions at the expense of the marginalized and numerically (and politically) minority groups. To further problematize *maendeleo* and development in general, I will look from the Maasai perspective where the age-old *enkishon* philosophy will be applicable. *Enkishon* basically translates to well-being; an encompassing notion of human and non-human centeredness in all efforts by humankind – including the yet-to-come generations. This study therefore seeks to establish the extent to which safety nets undergirding

enkishon have been compromised and or enhanced by the contemporary *maendeleo*-related activities.

As part of the introduction, I briefly lay out (in sub-sections a to e) the historical and contemporary social political and geographical landscape of the people and the area under study. Part ‘a’ introduces the research site both in the historical and contemporary context and how the sense of belonging has been constructed over time. Part ‘b’ and ‘c’ briefly discusses the pre-colonial Maasai history and the internecine wars preceding colonial invasion. Examining through the traditional lenses, sub-section ‘d’ briefly summarises the territorial and social-political organization of the Maasai. Lastly, sub-section ‘e’ while tracking the changing social-political organization to its current form, also attempts to problematize ‘community’ and its shifting meanings as it applies to modern-day *maendeleo*. The rest of the chapter (sections 2 to 5) lays out the scope of the study and its limitations, theoretical and conceptual frameworks as well as the methodology respectively. In the last section (5), I lay out a summary of the thesis’s chapters.

a. The place

This research was carried out in the region where Nakuru, Narok and Kajiado Counties intersect (see Figure 4). Olkaria is largely in Nakuru’s Naivasha sub-county while Suswa encompasses both Narok and Kajiado counties in Narok East and Kajiado West sub-counties respectively (see Figure 5). Sub-counties are also sometimes referred to as constituencies in relation to parliamentary representation. As an administrative unit, sub-counties are headed by a deputy county commissioner (DCC), normally representing the national executive. Beneath sub-counties are wards, politically represented by an elected Member of the County Assembly (MCA). Administratively, there are several

locations and sub-locations within a ward that are headed by government-appointed chiefs and sub-chiefs respectively. All these leaders play a critical role when it comes to development in general but specifically regarding the affairs of the geothermal companies, especially when the latter are dealing with communities. In Nakuru County, my work was focused at Olkaria ward and Ewuaso Kidong' and Suswa wards in Kajiado and Narok Counties, respectively.

These administrative and political boundaries would occasionally fade away in the Maasai customary context where boundaries are defined according to territorial sections (*iloshon* - discussed below). The area under study is currently regarded by the larger Maasai community as *enkop o Il-keek onyokie* (the territory of *Il-keek Onyokie* section). However, in Olkaria-Suswa area, the boundaries have largely been redefined by the history of land use and sometimes the residents of this area identify themselves according to the 'ranch' they occupy rather than the county or sub-county. For example, *Ilmaasai le Kidong'* ("the Maasai of Kedong'") is often mentioned regarding those occupying Kedong' Ranch or *Maiela* among others. However, the naming of these places is shifting and changing, in part because the population is increasing, hence the emergence of new villages with new names such as Narasha, Olomayiana, Oloosinyat, among others. The new names seek to re-indigenize ownership, giving the community more entitlement and claim to it. "Claim" because, according to Ole Naeku's life story above and my experience with the gatekeepers of geothermal fields, there is no doubt that this is a contested landscape.

Historically, prior to the British invasion, the area around Lake Naivasha was occupied by the *Ildamat* section of the Maasai (Leys 1924. Huxley 1967, Hughes 2006). Following the first Maasai moves of 1904, the Maasai were pushed out of this area first to Laikipia and then further south in 1911 (discussed further in chapter 2). A larger part of

this area remained under white settlers throughout the colonial period. Among the many ranches that dotted the floor of the Rift valley, an area that formed part of the larger ‘white highlands’, are Kedong’ Ranch (76,000 acres) and Maiella Ranch (16,000 acres). After independence, ownership changed hands, not to the majority Maasai originally owning it prior to confiscation, but to land buying companies and cooperatives largely comprising members from the Kikuyu community. After buying from the outgoing white landlords, the new owners never settled on the land, therefore becoming legal but absent landlords. On the other hand, the Maasai, mainly from *Keekonyokie* section, slowly moved in, occupying the open spaces left behind by outgoing white settlers. After settling in and using the ranches to graze their animals, they later contested for formal ownership basing their claim on customary entitlement and on adverse possession (see chapter 5). The contested ranches are mainly situated in Nakuru County. On the relevant land in Narok and Kajiado Counties, the land tenure changed in the early 1980’s from group ranches to private ranches with titled individual ownership. Mt. Suswa is shared between Kajiado and Narok, with a significant portion at the tip, circumventing the crater, designated as community land, now forming the core of Mt. Suswa Conservancy.

This area became an imperative focus of this study not only because of its multi-layered historicity of dispossession but also because of the multifaceted and competing land uses taking place at the same contested landscape. The entrance of geothermal companies and conservation agencies over the last few decades has further exacerbated the land pressure as well as added further contestation over governance and livelihoods for the communities in the place under this study.⁷ The fact that the actors in this landscape are not limited to local communities (both Maasai and non-Maasai) and absentee landlords,

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⁷ Geothermal energy is sourced by tapping hot volcanic steams deep in the earth’s crust and bringing it to the surface, channelling it to the stations which drive turbines and generate power.

but also include non-human actors such as corporations and wildlife makes these relationships even more convoluted and requires a careful analysis.

Figure 4: A map showing the study area, Olkaria Kenya

Source: Munyiri 2016: 3

Figure 5: A sketch map of a study area

Source: Institute of Development Studies (seeingconflict.org)

b. The People: A brief history of the Maasai

While a lot has been documented about the Maasai during and after colonialism, there is inadequate (sometimes contradictory) literature about them during the pre-colonial period (Halderman 1987). The collective memory ends at the point of ascending the Kerio escarpment (the current North Rift), commonly referenced as '*pee kilepu te dikirr e kerio*' (when we came up from the Kerio valley). According to the Maasai folklore held and sustained in and recounted through stories, idioms, proverbs and songs, reference is made to a long, torturous stay at the floor of the valley (whether confined by their enemies or geographically confined by the cliffs), barely surviving the heat, drought and famine. The Maasai must have apparently suffered for long down there. In an analogy reminiscent of the Biblical Noah floods, the spies (*ilaikitalak*) were sent up the escarpment to scout the land. They came back with word and evidence that the plateau is a bountiful land and

those who manage to ascend the cliffs will flourish. A make-shift bridge was built which men, women and cattle used to ascend. Halfway through the journey, it snapped; those who made it became Maasai proper while those who remained behind became *Ilmeek* (non-Maasai). This story is still embedded in Maasai folklore today.

While there is no explicit archeological evidence regarding the Maasai migration pattern, historians argue that the Maa-speaking groups, migrated from the north of what is now Kenya (e.g., Spear 1993). According to Spear and Waller (1993), the Maasai came from what is now South Sudan to occupy the present East African region as early as the 1st century. Other early writers point out that the Maasai have lived in the Rift Valley and its environs since about 1600s. Lamprey and Waller write, citing Ehret (1984): “The most widely accepted dating, based on linguistic evidence, places the arrival of Maa-speakers in the Rift Valley around 1600” (Lamprey and Waller 1990: 19). According to the early monographs of explorers and missionaries the Maasai are suspected to have originally been farmers growing sorghum and millet, although strong archeological evidence is lacking to back up this claim (Galaty 1993). It is, however, widely documented that the Maasai were ardent cattle people, occupying the Rift Valley from the current central highlands all the way to the steppe of what is now central Tanzania, practicing a transhumance nomadic lifestyle (King 1971). They quickly absorbed and/or displaced the original inhabitants of the semi-arid savannah and forced them to specialize in other livelihoods other than pastoralism. Three major occupations were then practiced in and around the Rift Valley: hunter-gatherers in the forest fringes, pastoralists in the open savannah grassland and farmers in the cold and wet highlands on either side of the Rift valley (Sutton 1993:40). Scholars suggest that the relationships between these groups were mutual and cordial; with exchanges going on between the tripartite groups especially during periods of stress such as drought. Such stressful moments forced a group to adopt

another's practices, some temporarily and some permanently. In the 19th century, as Waller (1993:226) points out, "the boundaries between different Maa-speaking communities and between pastoralists, cultivators and hunters in the Rift Valley region were permeable, constantly shifting and subject to continuous redefinition". When the drought decimated cattle, the affected families were forced to grow crops or even practice fishing as in the case of *Ichamus* Maasai near Lake Baringo (Spencer 2014:148).

Pastoralism became a popular form of livelihood conferring a superior status to those who practice it. This status could be lost the moment cattle are lost either to natural calamities such as droughts and diseases or raids by other communities. In such cases the individual families or sections might take up hunting and gathering, fishing and or even growing crops but they always strove to go back to tendering cattle once the situation gets better. Without cattle, according to the Maasai world view, one is socially insignificant and likely to be contemptuously condemned as *oltorroboni* (hunter-gatherer), a term which has morphed in its interpretation to insinuate a poor person is someone without cows. Another occupation-based identity permeating several Maasai sections are *Ilkunono* (blacksmiths). These were the 'industrialists' of the community who worked on rock ores to produce iron that was then used for various products, notably: spears, swords, arrow-heads, cow bells, jingles and other beauty hardware (Spencer 2014). Two main factors conspired to kill this noble occupation: the dominance of the European based iron production and secondly the demonization by the Maasai themselves who would consider *Ilkunono* as social-misfits and too unclean to be part of the mainstream Maasai. Although this smelting industry faded away, the craft has been maintained in forging metals into Maasai tools, weapons and ornaments. While at Olkaria, I met with one craftsman working the old practice with the skills he said were passed on by his father (the majority of the Olkaria Maasai are of *Ilkunono* descent). But now instead of searching for the

special rocks to extract the metallic pieces, he just recycles metallic objects to creatively make beautiful artwork which he sells to tourists. He produces and sells beautiful hand-made crafts at Emanyatta cultural centre in Olkaria.

I probed further to understand why his work and that of the *Ilkunono* section is demonised by fellow Maasai, yet they benefited a great deal out of their unique skill. He said:

There was a belief that since the weapons come from us as manufacturers, and such weapons are used to kill and spill blood, then we are considered as '*kedua*' [loosely translated as 'bitter' or 'unsweet'], meaning we are not suitable and cannot fully integrate or be in the Maasai mainstream. We were looked down upon because we don't own cows, thus considered poor and less superior. That means we couldn't marry girls from the other Maasai section since we don't have cows to exchange with the bride. They also don't marry from us as our daughters are considered socially 'unfit'. Just until recently, in the event you pass by an *Ilomit*⁸ homestead seeking overnight accommodation, they will host you, but overturn their hides [skin mattresses]. But things have changed now. There are some intermarriages, and we can freely accommodate each other.

While things might have changed, and *Ilkunono* have diversified their practices, ascending the social ladder to become proper pastoralists, I came to discover later that there are still subtle tensions that are not easily discernible to the external eye (see chapter 5). Because of the associated stigma against their occupations, most of the *Iltorrobo* (hunter-gatherers) and *Ilkunono* would not proudly identify themselves as such.⁹ From the foregoing, therefore, it can be deduced that the Maasai assumed some sort of a 'caste'-like system where the cattle keepers are top on class order (see Spencer 2003, Galaty 1993). The next on the rank are agriculturalists, hunter-gatherers, and blacksmiths in that order.

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⁸ He is referring to the non-*Ilkunono* Maasai as *Ilomit* (kind of a retaliatory and pejorative ascription).

⁹ We will however see in subsequent chapters the dynamics upsetting these social configurations such that the *Ilkunono* are now the dominant and most powerful group in Olkaria and, the less cherished wildlife-based subsistence of *Iltorrobo* is now the most sought after in the name of community-based conservation (see, chapters 5 and 6). It is however important to note that both *Iltorrobo* and *Ilkunono* are spread across various Maasai sections (*Iloshon*) and would identify themselves as a sub-set of the dominant host sections.

These ‘classes’ were fluid and largely influenced and determined by economic wealth measured by the number of cattle, wives and children a man possessed.

Although the Maasai have increasingly been pressured by circumstances to lead a more sedentary and semi-nomadic way of life, most of them are still, cattle keepers, tending cows, sheep, goats and donkeys¹⁰ (Halderman 1987, Mwangi 2015). Many of them, however, are diversifying their livelihoods to include agro-farming, trade, petty business and formal employment, among others while still practicing pastoral livestock rearing, albeit in a semi-nomadic way (Nkedianye et al. 2020). It is difficult for the Maasai to entirely give up on pastoralism and cattle keeping. This is because livestock, more than being an economic asset, plays a significant role in their social and cultural lifestyle (Hodgson 2004). Besides being a symbol of social status, the cows are active agents for mediation, relation building, rites of passage, and marriage and human-deity relations.¹¹ They are the foundation of Maasai culture on which all the cultural practices are embedded. So, when land tenure is threatened and ‘development’ is imposed in a way to compromise pastoralism, then it will most likely diminish the Maasai long-cherished practice that identify them as once proud and elegant (Hodgson 2004); the Maasai are gradually and systematically nudged by more powerful forces, just like *Ilkunono* and *Iltorrobo*, to recoil and grudgingly succumb to new practices and identities.

The future and the changing nature of Maasainess was foreseen by early writers, most of them predicting a rather precarious situation. Among the first one to make this

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¹⁰ Donkeys are mainly kept for transport purposes. Some sections such as Samburu have recently started keeping camels, partly influenced by their neighbours such as Rendille, Borana and Somali. The camels have also been introduced by NGOs to the southern rangelands but have not fared well.

¹¹ Unbreakable friendships are built by exchange of cows, and from such gifts new names emanate. This is called *pakiteng*, *entawuo* and *esupen* when mature cows, heifers or sheep/goats are exchanged respectively. Cows are also offered as a bride’s token of appreciation (not bride price as has been colloquially labelled) by the groom to the bride’s parents to cement the relationship. Equally important is the offer of cattle as sacrifice (*Olasarr*) to God (*Enkai*) to appease and seek divine intervention in times of distress.

prophecy included H.K. Hinde (1910) who in his book *The Last of The Maasai* justified it thus:

By the ‘Last of the Masai’ [sic], I do not mean the last individuals of the race, but rather the last of the rapidly decreasing band of pure blood, whose tendencies, traditions, customs and beliefs remain uncontaminated by admixture with Bantu elements and contact with civilization (Ibid:151)

It is this contact with civilization and its aftermath that made many perceive Maasai to be an endangered species. Such dismal prophecies of possible extinction have been echoed in many subsequent accounts, re-enacted many a times through the literary works of Merker (1910, cited in Waller 1993:298), Ole Kulet (1990), Dapash (1999) and Monbiot (1994) among others. Waller (1993:299) summarises it thus: “While Hinde and Merker believed that the Maasai would be swallowed up by agriculture and inter-breeding, later writers have blamed sedentarization, education and the encroachment of capitalism for their impending, but regrettable, demise”.

In the face of such expectations of the future, it is remarkable to see how the Maasai have survived this perceived socio-cultural destruction for more than a century. Relative to other ethnic groups in Africa, the Maasai have, to a great extent, maintained their identity and a great deal of their traditional values, culture and systems. That does not mean they have not changed, nor does it intimate that they are frozen in time. It means they have resiliently selected, adapted and readjusted to times and forces that shape their wellbeing and identity. While the prevailing environmental and human-induced forces have inevitably impacted the extent of their change, it is however not to the degree sometimes overhyped by some writers, whose musings Waller (1993) suggests, “[s]tem from a mixture of romantic nostalgia and fashionable guilt” (Ibid: 96). But from the Maasai ‘prophetic’ point of view, Shaa Ole Kiloku¹² summarises more optimistically; “My

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¹² Interviewed on 19th April 2018 at his home, Narasha Village, Olkaria.

father told me that Olonana¹³ said, the Maasai, especially those around these three mountains [Mt. Suswa, Longonot and Olkaria hills] will go through a lot of tribulations but they will finally triumph”.

c. Internecine wars

Until the 1870's the Maasai influence had grown exponentially in leaps and bounds, expanding towards all directions except the north where they ostensibly came from. According to elder Ole Nairrenyu, this growth necessitated not only inter-ethnic conflicts but also infighting amongst Maasai sections (*Iloshon*). It is not clear when and why these civil wars started but they were presumed to be supremacy battles concerning dominance over prime grasslands such as Laikipia, which apparently became the epicentre of the bloody conflicts. According to early writers (see Leys 1924, Jacobs 1965, Hollis 1905), conflict was always amongst ‘Maasai proper’ (pastoralists) and between them and the ‘Kwavi’ Maasai.¹⁴ Although the latter have been associated by some historians with an intrinsically agricultural farming economy, this view has been largely refuted by the work of Waller (1978) and Berntsen (1980), who point out that the so-called ‘Kwavi’ (which was probably derived from the Kikuyu term for Maasai – Kapi) or ‘Iloikop’ were, historically, equally pastoral, as the term referred to the *Ilaikipiak*, *Il-wuasin Gishu*, *Ilosekelai*, and *Iloogolala*, Maasai-speaking groups that the central Maasai defeated over time. The early colonialists and caravanners observed that many had settled and were cultivating, but this was due to them having been made destitute by losing cattle and suffering from epidemics.

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¹³ Olonana was the reigning Laibon (sometimes referred to as a seer, prophet, spiritual leader) at the time of the European invasion. See chapter 2 for more about the Maasai Laibons.

¹⁴ The distinction between these two categories is blurred as it was largely a construct by the coastal people (who were involved in slave and ivory trade) whose narratives were largely relied upon by the incoming Europeans to make sense of the Maasai (see more in Jacobs 1968, Hughes 2006, and Koisabba 2020).

The last of these wars, the "War of Laikipia," ended between 1870-75, just a few years before the coming of the European settlers (King 2010). While Jacobs (1968) contented that the large-scale internecine wars began in about 1815, they could have started earlier considering that the Maasai oral history holds that nine *Iloshon* were annihilated (Sankan 1971). A combination of two or more *Iloshon* would combine forces and rise against the other, decimating it completely while assimilating (*ael*) those who surrender (Koisabba 2020). The Laikipia war saw a combination of *Il-Purko* and *Il-Keekonyokie* sections against the very powerful and much dreaded *Ilaikipiak*. The latter were decimated with some of the remnants surrendering and assimilated. Throughout the 19th century therefore, the Maasai were deeply divided along *Iloshon*. While internecine strife certainly played a role in decreasing the power and influence of the Maasai more broadly, the conflicts also increased the reputation of the Maasai as a warlike people (Halderman 1987).

The spiritual leaders *Iloibonok* (anglicised as Laibon) are believed by elders to have had a great influence on the internecine wars (Fratkin 2012). The main Laibon is determined by how powerful his charms are to support warriors in their battles and raids he sent warriors on. He is then declared as the chief Laibon who would always be consulted by a section or an alliance of sections (*Iloshon*). The Maasai mythology trace the institution of Laibonship to a recent past and its genealogy is memorialized and traced to *Oldoinyo loo Laiser* (current Ngong Hills).¹⁵ Though hereditary and therefore expected to be within one *Olosho*, the Laibons spread out to other *Iloshon* perhaps to expand and gain more cattle from their work. As its lineage grew, some Laibons expanded to other Maasai sections where they could carry out their spiritual activities as well as sanction raids and

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¹⁵ The narrative states that one of the warriors in a meat camp found a boy with mystic powers who could do extra-ordinary things. He was adopted by the warrior from the Ilaiser clan. The name of the boy was Lemuya (hence Ngong hills is also sometimes named after him, as *oldoinyo loo Lemuya*).

wars. The internecine wars could therefore be interpreted as supremacy wars between the Laibons demonstrating their powers and outwitting each other. This is especially so because the Laibon institution, unlike other leadership structures among the Maasai, was not properly coordinated and controlled by any checks and balances (Hughes 2008). This competition climaxed in the late 19th century when the great Laibon Mbatiany passed on, leaving his two sons Senteu and Lenana fighting over his insignia and power. This coincided with the coming of the Europeans who exploited this power conflict to their advantage (see chapter 2).

The Laibons have a cardinal responsibility to mediate spiritual matters among the Maasai who diligently observed their religiosity through offering sacrifices to their deity (*Enkai*) (Koisabba 2020). When the community is faced with difficult situations that require divine interventions such as in times of prolonged drought, *Enkai* (God)¹⁶ is offered sacrifices to appease him for rain or to lift the calamity. Many Maasai believe that *Enkai* is the originator and creator of everything on earth, perceived as immanent and transcendent, powerful and righteous and, yet personal and helpful to humankind (Hillman 1993, Hodgson 2004, Malcolm 2008).

d. Territorial and social-political organization

The Maasai socio-political organization is vertically and horizontally differentiated, making an otherwise complex, heterogeneous society more organized. The Maasai are a conglomeration of semi-autonomous sections (*Iloshon*; singular: *Olosho*) glued together by strands of patrilineal clans (*Ilgilat*) and age-sets (*Ilporori*). The sections, clans and age-sets become critical units through which Maasai social organization can be

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¹⁶ Note that I am capitalizing the name God to denote my own belief, that contrary to some Christian beliefs which state any belief in any other divine name denotes a lesser god. As a Maasai and having observed the Maasai faith, I am convinced that the Maasai do worship a true God and not a small god.

analyzed. *Ilgilat* is the ‘blood relations’ that runs through *Iloshon*. According to Ole Sankan (1971), the Maasai community is made up of over 15 *Iloshon*. Each *Olosho* is distinctively differentiated from the other by territorially delineated boundaries, colorization and patterns of bead work¹⁷ and quite negligible but apparent dialectical accents. *Olosho* is synonymous with grazing territory and so it becomes a fusion of land use and social set-up. The Maasai are therefore organized by and according to *Iloshon*, *Ilporori* and *Ilgilat*.

The number of *Iloshon* has changed over time. The Maasai oral history has it that nine *Iloshon* were decimated (among them *Iltaarmodoon*, *Iloogol Ala*, *Ilosekelai*, *Ilkoki*, and *Idikirri*) in the internecine wars. Others such as *Ilwuasinkishu* and *Isampurr* were also nearly decimated, but they bounced back (Koisaba 2020). The last major Maasai group, collectively fought by a combined force of other Maasai groups was *Ilaikipiak*. *Ilaikipiak* were known to have very strong and brave warriors who waged war with almost all the other Maasai groups. The current existing *Iloshon* are: *Isamburr* (Samburu) and *Ilchamus* (Njemps) in northern Kenya; *Ilmoitanik*, *Isiria*, *Ilwuasinkishu*, *Iloodokilani*, *Ildalalekutuk* (also referred to as *Ilkankere*), *Ildamat*, *Ilkaputiei*, *Ilmatapato*, *Ilkisonko*, *Iloitai*, *Ilpurko*, and *Ilkeekonyokie* in southern Kenya (Vossen 1988, Koisabba 2015); the *Iloshon* in Tanzania include *Ilparakuyio*, *Isalei* and *Ilarusa*, while sections such as *Ilkisonko* and *Iloitai* transverse both Kenya and Tanzania.

The Maasai are also organized in age-groups and age-sets¹⁸ (*Ilporori*), a cohort of males constituted every seven years and a successive pair of age-sets (*Olaji*) on a fourteen-

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¹⁷ Maasai are known to adorn colourful beaded craft and jewellery. The pattern and colour differ from one *Olosho* to another (although changing over time); for example, the *Ilkisongo* and *Loita* section are gravitated towards exclusive white, while *Ilpurko* and *Ilkeekonyokie* are inclined to the mix of blue, white and red (see Wijngaarden 2018).

¹⁸ Each age-set is composed of two age-groups: the ‘right hand’ who are the seniors and the junior ‘left hand’. They go through rites of passage separately but merge up to become senior elders at the age of

year cycle (Spear and Waller 1993). Each age group has its own group of leaders called *Inkasis*, who facilitate age group ceremonies. The chief (*ilaiguanak* –plural; *Olaigunani*-singular) is the highest authority in a given age-group. He is flanked by other equally important leaders¹⁹ who become part of the advisory council that also includes the elders. Such recognized leaders are only men. The youngsters are mentored and presided over by an older age-set, two sets prior on an alternate basis (approximately between 40-50 years) known as *olpiron*²⁰ who are council of elders guiding the new age band throughout their cycle. The Maasai community, in the customary sense, has no single central authority. The authority strongly lies collectively on the ruling warriors and their *Olpiron* elders (Sankan 1971). *Olaiguanani* and other age-group leaders are selected based on their moral and social standing which is largely determined by the character of their parents and family. The male individual must possess good oratory skills, must be of good physique (must not be disabled) and is trusted by his peers. Once the elders have settled on a prospective candidate and he is validated by the *Oloiboni* (spiritual leader), a blessing ceremony will be conducted to present the leader with the *Orinka* (sceptre)²¹. Although the powers of *Olaiguanani* are limited to his *Olosho*’s age-group, especially on the day-to-day governance, it can transcend these limitations in time of crisis to include the entire community (see chapter 3).

Ilgilat forms another main categorization and organizational structure of the Maasai. The two moieties are *orok-Kiteng* (black cow) and *odo-Mongi* (red cow). These two are further divided into clans, most of which are all found in every *Olosho* across the

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around 35-40 years for juniors and 40-50 years for seniors. The ceremony is called ‘*olng’esh*’ where they acquire a new name that binds them together as an age-set.

¹⁹ The other three key officials of an age-group are: *Olopolos Olkiteng*’, *oloboru enkeene* and *olotuno* (see Ole Sankan 1971 and Koisabba 2017).

²⁰ *Olpiron* or ‘fire makers’ becomes the official mentors and teachers of the younger age-grade.

²¹ Other sections/iloshon refers to it as *Orkuma*.

community.²² The main purpose of a clan (*olgilata* – singular) is two-fold. The first purpose is to regulate marriage such that one can only marry from the opposite clan. This is meant to mitigate incest and by doing so maintain respect and mutual kinship relations in the community. The second function is to provide safety nets to the members and cushion them from distress. This comes in various forms but include sharing cattle, food or pasture in time of need. When the Maasai migrate with their livestock from one *Olosho* to another for temporary reprieve, they don't just move blindly, but rather are guided by clan relations. At the point of distress such as drought, *oloshos* borders get dissolved temporarily and *olgilata* opens up. *Olgilata* also plays a key role in bailing out a member accused of capital offence such as murder. Murder carries a big penalty of either 149 sheep or 49 cows for a man killed and lesser amount for a woman (see, e.g., Sankan 1971). These sheep and cows are drawn from the entire clan. If the offence has been committed within a clan, then the contribution will be done by the sub-clan or the closest families. The cattle, meant for cleansing and restoration of the offender, are distributed not solely to the bereaved family but the entire clan or sub-clan. By doing so, the relationship (*osotua*) is then indemnified and the two families can exchange brides in marriage or other good gestures and gifts to cement the relationship (e.g., Spencer 2004, Waller 1993, Koisabba 2017).

e. 'Community' and the contemporary set-up

As currently constituted, the Maa-speaking people in Kenya are mainly found in Samburu, Kajiado, Narok, Baringo, Nakuru, and Laikipia Counties. In the 2019 National

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²² The convention is that the 'moiety' (*Enkishomi* - gate post) is made up of clans, and then these are divided into sub-clans. Sometimes a clan in one place becomes a sub-clan in another section, and in a very few settings a clan in one place becomes a section in another (e.g. *Isiria*).

Census, the total Maasai population in Kenya was projected at 1.19 million.²³ That of the Samburu (Isampur) was 310,327, and the population of Njemps (Ilchamus)²⁴ was 35,000 (Koisabba 2017). Kenya's population is estimated to be 48 million (Kenya National Bureau of Statistics 2019).

Unlike many other communities in Kenya, the Maasai have not yet given up their traditional social structures even though their influence and power are somewhat diminishing. Despite the immense pressure, the traditional institutions are still alive and as this study will show, are bouncing back in new ways. This creates a dual system of governance; the traditional and the formal government system. While the traditional institutions may seem to have lost significant power and influence in the customary sense, they have also assumed new roles and powers delegated by the government, political and corporate institutions. The traditional institutions are striving to re-define themselves amidst conventional leadership structures such as elected politicians, appointed chiefs, government administration, church leadership and NGO (non-governmental organization) leaders. It is, however, more difficult in Olkaria, Nakuru County, where the Maasai are contending with the fact that they are ruled by a governor, MP, MCA and chiefs who are ethnically distinct from them. This normally appears more clearly during the time of crisis such as the 2013 burning of Narasha village by assailants believed to be backed by the sub-county administration and geothermal companies ostensibly to intimidate and coercively evict residents (see chapter 5). In such cases, the Olkaria Maasai will depend and draw support from Maasai political leaders from Narok and Kajiado Counties. On the

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²³ See Ministry of State for Planning, National Development and Vision 2030 <http://www.scribd.com/doc/36670466/Kenyan-Population-and-Housing-Census-PDF> ; Retrieved on 12th May 2020.

²⁴ The Samburu and Ilchamus are also considered as part of Maasai sections (Iloshon), but since they got separated from the mainstream populations in the south, they are now dialectically distinct from the rest.

day-to-day affairs of Olkaria, community leadership is largely delegated to church leaders, community-based organizations, and development committees. These leadership configurations will be further explored in chapter 3.

This study is focused primarily on the Maasai community in ethnic terms without necessarily excluding those who live among them in the same study area. While a ‘community’ is often defined as a people bounded by similar or related cultures (Westoby 2014), it is, however, a fluid term sometimes denoting people occupying a definite geographical area without necessarily sharing any cultural or linguistic traits. Its application in social discourses is therefore contextual, often conferring different meanings and produce multiple publics. The social configuration of the area under study is not exclusively a Maasai community. There are several other non-Maasai ethnic groups referring to themselves as the ‘Olkaria community’. Olkaria is generally a cosmopolitan area comprising of almost all ethnic groups in Kenya pulled by the employment opportunities offered by the geothermal companies and the booming flower industry near Lake Naivasha (Styles 2011). Even in the Maasai-dominated villages, there are still a significant number of non-Maasai, especially the Turkana, Borana and Kikuyu who used to work with the settler ranches but chose to settle in the area after the ranches became dysfunctional (Hughes and Rogei 2020). Suswa town and its environs is also incrementally becoming cosmopolitan due to the completion and launch of the standard gauge railway (SGR) terminus.²⁵ This has therefore complicated the term “community” which Maasai sometimes use, along with *kabila* (ethnic group), to make clear distinctions.

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²⁵ The SGR is one of the Vision 2030 (the Kenyan government’s official development program) flagship projects envisaged to link the landlocked country with the port of Mombasa. This is an ongoing project with Chinese funding but is currently functional only up to Suswa town. This is significant because of the many auxiliary projects such as the dry port and industrial park, among others, that come along with it which attract more immigrants into the area.

Sometimes members of the (ethnic) communities themselves and the government or corporations are at cross-purposes when it comes to making sense of the meaning of these terms. The government and corporations use ‘community’ in their policy documents to refer to people living within a given geographical area, often delineated by an administrative boundary such as location or sub-location. The ‘communities’, on the other hand, including the Maasai, refuse to be defined by such reductive and geographically delineated approach, especially when they are pushing for certain rights of entitlements and or benefit claims. And so while the other ethnic groups want to be identified and included in this definition, the Maasai would want to exclude them on an ethnic basis and the fact that they do not share historical and cultural peculiarities which many believe should be considered in the definition. In short, there is a distinct cultural politics of “community” at work in defining its terms and who belongs or not to it (Li 1996).

Furthermore, the notions and contested use and application of ‘community’ need to be examined against the ‘local’ which is equally wrought with complexities. While analysing the politics of participation in development, Peters (1996) posed a rhetorical but pertinent question, “who is local here”? This resonates well in Olkaria geothermal projects where the companies justify to their funders, the government and other partners that they are employing the ‘locals’, implying Kenyan nationals. While this may be true, the Maasai communities in Olkaria interpret ‘local’ to mean people residing in, and especially indigenous (historically and culturally rooted) to, Olkaria as opposed to the recent non-Maasai immigrants. This poses a political and social challenge that often denies the investors a ‘social permit’ even when they have acquired government controlled legal permits. But it is not only in development fronts that conflicts over the meaning of ‘local’ come into play. Tsing (2001) contends that ‘local’ is also a creative cultural product when it comes to framing environmental-human understanding. While acknowledging that the

features and boundaries of ‘the local’ are continually reformulated in relation to landscapes and community-making negotiations, Tsing emphasizes that local residents also participate in shaping ‘communities’ during negotiations of environmental knowledge, action and policy. This is happening both at the local and global scale, especially where the indigenous people’s social movements have gained traction and significantly contribute to debates on biodiversity, climate change, and development, among other processes. The Maasai have been proactive in these indigenous rights discourses and practices, thus contributing to the shaping of development and environmental policy frameworks (Hodgson 2004).

1.2 Scope, limitations, and my positionality

This work situates the Maasai primarily within the *maendeleo* (“development”) context as advanced by the construction of geothermal extraction sites, conservation areas and other infrastructural developments infiltrating the study area, such as the standard gauge railway (SGR). Although I track the historical continuities of Maasai dispossession and displacements to contextualize their experiences, my focus is from the early 1980s onwards when the first geothermal project was launched, and the Hell’s Gate National Park (HGNP) was established. This period is pertinent to national level discourse, as it was around this time that “development” took a different turn under the influence of structural adjustment programs (SAPs) which increased privatization and gave a greater role to corporations in rural development. This decade through to the 1990s and beyond was also politically significant. The country transitioned from one-party autocratic governance to a multiparty democracy in the 1990s and constitutional reforms ushered in devolved governance in 2010. This study will look at how the Maasai of Olkaria and Suswa are responding to these dynamics more broadly. It also examines how, from a local specificity, the Maasai have been shaped by the wider national-scale changes and various “development” trends.

By zooming in on geothermal activities and related infrastructure as ongoing development projects, inferences will be drawn on how the human and non-human actors in this space have responded to the new paradigms of development and conservation as discussed by Brockington et al. (2008). This study will not look at the economics and detailed financial flows of the companies involved in geothermal development, but rather it will examine how relationships between them and the Maasai community, as well as conservation entities, unfold. This dissertation therefore traces the nature and degree of development changes while trying to establish the conditions under which the Maasai’s

future identity and existence are hinged with the broader socio-political and economic dynamics playing out at different scales. While Mitchell (1991) sees development as a process that is always in flux, Styles (2011) contends that Kenya is reconstructing some of the forms of state power dismantled by SAPs through *maendeleo* initiatives. In subsequent chapters I argue that by embracing "neoliberal" rhetoric that came to the fore in early 1980s, the SAPs' ideals are further entrenched and propagated through Public Private Partnership (PPPs) and Independent Power Producers (IPPs) as currently applied in renewable energy sector. Through such arrangements, Kenya continuously cedes more economic power to foreign entities, institutions and donor-states.

My approach entails not only a deliberate understanding of these dynamics from the community perspective but also looking at how they are responding to them. Being a Maasai and having been previously involved in community struggles are added advantages as I deeply understand broader development related injustices. As such, I also easily relate with various social-cultural aspects of Olkaria community as a sub-set of the larger Maasai community. However, coming from a different geographical location and never having had any prior interaction with this community under study, I stand to learn and benefit a lot from their daily engagement with *maendeleo*. In the process, I try as much as I can to shed off any potential biases that may arise from my being a Maasai, but instead use my identity ties as a strength. Moreover, my anthropological skills are invaluable in framing my thoughts and engaging the community and other respondents more impartially. Having spent most of my research time in this community, my conceptual and analytical frames have been significantly informed by the community's life experiences drawn from the daily interaction with them.

1.3 Theoretical and conceptual framework

In the crafting of my analytical framework, I draw from the anthropology of development as explored by scholars such as Kurtz (2001) and Escobar (1995, 2011). My approach to the broad question of development is shaped by Escobar's representation of development anthropology citing Bennet: "Because development has become a historical and national necessity, anthropologists are drawn into participation even as they protest its means and ends" (Bennet 1988:2, cited in Escobar 1991:669). I am drawn to the work of Grillo and Stirrat (1997) who examine discourses of development from the anthropological point of view as shaped and determined by forces external to development. This implies 'development' is a 'stand-alone' object (delieanted from the social-environmental linkages) that has been constructed and shaped by certain vested interests executed through local, national and international institutions. I find this strand of thinking and reality becoming alive in Olkaria, manifested by a development discourse which Escobar refers to as 'colonization of reality' (1995:5) as certain representations become dominant and shape the ways in which reality is imagined and acted upon. Considering the extension of the colonial legacy in the post-colonial period, Escobar builds on Foucault's work on the dynamics of discourse and power to portend that a certain order of discourse produces permissible modes of being and thinking while disqualifying others.

In the development discourse pertinent to Kenya and Olkaria in particular, the permissible modes of being, thinking and action came to be known as *maendeleo*. As discussed further in a section in this section below, *maendeleo* becomes the language through which development is post-colonially conceived, imagined and executed (Scott 1985). Therefore, *maendeleo* discourse becomes a site of struggle in which social economic meanings are produced and challenged. Yet, these struggles become even more

intense when the non-human environment is at play, leading to more competition between human and non-human agents over the resources that make up the physical environment (Croll and Parkin 1992). The roping of the environmental factor into the *maendeleo* discourse is predicated on a ‘development gaze’ (Escobar 1995:155) in which the various actors are confronted with decisions that must be politically mediated at different scales. Neumann (2005) contends that the environment and ecological resources, as well as how we acquire, disseminate, and legitimize knowledge about it, are highly politicized, reflective of relations of power, and contested. Although nature is generally seen as precisely that which cannot be produced but rather an antithesis of human productive activity, Neil Smith (1984, 2010) argues that its substance-making can only be fashioned as a ‘use-value’ through production. For example, an *Olkunoni* (blacksmith) smelts ore out of nature to fashion iron, which when forged into a knife representing a use-value. As such, the natural landscape presents itself to us as the material substratum of daily life, the realm of use-values (usefulness of something) rather than exchange-values (Ibid: 192). Moreover, Ingold (2000: 20) proposes that humans and their environments should not be understood as opposed or even separate, as is often implied, but rather as elements within one ‘indivisible totality’. This totality, he argues, is not static or stable but instead open-ended and constantly under construction (see Derbyshire 2018). This informs the fluid and shifting understandings within communities such as pastoralists and hunter-gatherers whose livelihoods and cultures depend on the natural environment that continually remake and reproduce each other. To avoid oversimplification and overgeneralization of the pastoralists, their cultures and way of life should be seen as an activity socially and economically interwoven with a set of other subsistence strategies and modes of life in a complex and dynamically changing pastoral economy (Galaty and Bonte 1991).

I draw from political anthropology as discussed by Grillo (1997), Swartz et al. (1966), Kurtz (2008), Spencer (2004), and Vincent (1990) to further anchor my discussion of Olkaria-Suswa. By conceiving politics as a process of competition to influence outcomes, the works of these writers help me not only to understand processes involved in determining and implementing public goals but also the use of power by the members of the group concerned with these goals. It is necessary to study these dynamic processes as a continuum related to the past as well as to the present and continually influenced by pressure within and outside of a society (Derbyshire 2018).

Lastly, I delve into the anthropology of extractives as discussed by Gilberthorpe and Rajak (2017) where the issues of ‘resource curse’²⁶ that was initially an antithesis to resource-rich-induced development has become established as a dominant paradigm in both academic and policy arenas. These are discussed within the recently ballooning literature on oil where the ‘petrodollar’ has become a metonym for the complex of extractive and financial processes that are commonly seen to foster the culture of greed, corruption, violence and economic exploitation that erodes political stability (Karl 1997, Ortiz 2020). These discussions resonate well with Olkaria which produces energy consumed elsewhere, but its returns are of little benefit to locals who lose grazing lands. This study shall address the key question of community’s access to benefits, how much they gain in compensatory payments, employment and or infrastructure, among other things, and their forms of resistance (see, e.g., Kirsch 2007).

Tsing’s (2005) concept of scales and friction are applicable to analysing Olkaria given its multiverse nature of development converging in one locale. The scales will be

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²⁶ This initially referred to the effects of exporting extractives, usually produced with relatively little labor, that results in the currency inflating, which makes enhancement of the normal economy, and industry in particular, more difficult. Therefore, becoming rich in minerals may paradoxically lead a country to become poorer in general.

viewed from the political economic perspective to make sense of *maendeleo* trends both in a span of time and space but at different levels. Anna Tsing's work aptly situates complex global-local connections as well as problematizes these interactions at different scales (Tsing 2005). Tsing (2001) argues that between the local and the global a wide range of regional scales is called into play to "explain and change our imaginings of the environment and to draw us into new practices" (Ibid: 12). Noting that it is not only "the global" that must be produced as a framework for environmental and development understanding, Tsing also emphasises the role of "the local" as "a creative cultural product" whose features and boundaries are "continually reformulated in relation to particular landscape and community-making negotiations" (Ibid:15). In her book *Friction: An ethnography of global connection*, Tsing (2005) expands this argument further by refusing to accept the lie that "global power operates as a well-oiled machine" but rather each of the global-local connection occurs with a characteristic amount of "friction" (Ibid). This argument has been built on the works of writers such as Ferguson (1990), Sachs (1992), and Escobar (1995), who demonstrate these top-down development models as indeed fractious. Describing her analysis of such frictions as "an ethnography of global connection", Tsing (2005: ix) further explains that friction should be looked at through the way people and their ideas and desires rub up against each other, producing unpredictable outcomes. I am therefore drawn to apply Tsing's concepts of scale and friction to analyse the 'heat' generated by the Olkaria geothermal extraction, popularly identified as *maendeleo* projects, manifests in the form of conflicts, collaborations, and sometimes devastating disruptions. Tsing's concept of scales and friction will be further examined against the concept of 'institutional assemblages' as applied by Kragae (2020) to underscore the way extractive institutions operate in Kenya, producing new order and power relations.

In focusing on the meaning of "*maendeleo*" or "development" that plays out in Olkaria, I draw on James Howard Smith's detailed ethnographic research on "the reinvention of development in neoliberal Kenya" (2008) and Styles's (2011) work on Naivasha's flower farms' development. Smith explains that in Kenya, the concept of *maendeleo* (development or "moving forward toward a shared goal") "becomes a prism for reimagining order and progress when established mechanisms for achieving development" (2008: 4). In her investigations of the "rosy aspirations" in Naivasha, Styles (2011) agrees with Smith that the concept of *maendeleo* has evolved since independence as an enthusiastic development catch phrase perceived and re-imagined differently in the neoliberal contemporary Kenya. Both Smith and Styles argue that the *maendeleo* concept morphed in the wake of structural adjustment policies to become "dislocated from the state" and "increasingly disconnected from the categories of tradition and modernity". My work in Olkaria-Suswa seeks to locate these (dis)connections in the Maasai context as they struggle to make meaning of *maendeleo*.

To conceptualize the Olkaria –Suswa community's response to *maendeleo* as it relates to mega-development projects and conservation, I use a deep Maasai philosophy called *enkishon* to frame their varied engagement with various aspects of development. When I put a question to the elders (the community's custodians of culture and indigenous knowledge) to explain their understanding of *enkishon*, it is apparent that there were diverse responses to it signifying its broad application. Responses ranged from "our way of life", "our well-being", "our foundation as Maa", "our responsibility of stewardship", "our culture", "our identity" to a more nuanced sanctity of a God-given responsibility as Ole Parsampula aptly puts it:

When we pray in the morning and in the evening, our prayers are punctuated by the phrase *Enkai nchoo yiook enkishon* [God, may you grant us *enkishon*]. This means *enkishon* is every good thing such as life, peace, good health, children,

cattle, and land that is abundant with water, trees, grass, wildlife among others. And we go further to ask him [God] to give us *enkishon* in good and equal measure but gradually, slowly coming lest it breeds pride and power and become destructive. Though *enkishon* is good, it can be destructive. That is why we have a proverb that says *earr engolon olopeny* [power destroys the bearer].

To the Maasai *enkishon* is holistic, inclusive and spans social temporal and spatial latitudes to link with others. It means *enkishon* should encompass far and wide, the current and the coming generations, including the dead. The Maasai, like many African communities, believe the spirit of the dead hovers around them and depending on how it is treated, it can spell doom or blessing to the living. The *enkishon* concept is similar to *Ubuntu* (see Mogobe 1999, Bolden 2014). It focuses on humanity as a whole; that ‘I am because you are’. It is the opposite of the Eurocentric self-centred prosperity in the name of development that *maendeleo* is fashioned to emulate. *Enkishon* therefore encapsulates everything signifying what many Maasai would call “real *maendeleo*” must inculcate: the web of interconnected values touching on both the living and non-living, the human and non-human, including indigenous knowledge and its application in problem solving (Ferguson 1990: 178; cf. Lane 2015).

Enkishon is an abstract concept that can only be made concrete in the context of a social-cultural reality, sensible to the Maasai. It is this reality that external forces informed by more dominant notions of *maendeleo* are confronting and destroying by, in Escobar’s words, ‘colonizing reality’. The Maasai, however, have used *enkishon* as a conceptual tool of engagement to mediate and navigate these forces – from the colonial epoch to the contemporary. In the Maasai wisdom as demonstrated by Ole Parsampula above, *enkishon* is only good to the extent to which we do not abuse or corrupt it. It is the lens through which the Maasai perceive development, *maendeleo*, to determine whether or not it passes through the *enkishon* litmus test. This therefore means development or *maendeleo* is not

necessarily bad, but only becomes bad if it violates the principles of *enkishon* such as equality, justice, sustainability, and honesty among other virtuous attributes.

It is in this regard that I became attracted to the historical literature of the Maasai colonial and post-colonial encounter to trace the old trope defining the Maasai's conservatism, rebellious and defiant attitude to “change” or “prosperity” or lately *maendeleo*. By examining the literature that analyses the colonial period (Huxley 1968, Mungeaum 1968, Sorrenson 1965, 1968, Leys 1975, Hughes 2006) and the post-colonial period works (e.g., Galaty 1980, 1982, Halderman 1987, Hodgson 2004, Hughes 2008, 2011, Koisabba 2015), I will be able to draw the tensions between *maendeleo* and *enkishon* philosophy. To situate these discussions within the political economy context, I am drawn to key works on the Kenyan political economy (e.g., Kitching 1983, Mwaura 2005, Hetherington 1993). Considering the multiple overlaps raised by such transdisciplinary debates, I also draw quite significantly from the ecological and environmental literature as discussed by Smith (1984) and Maathai (2006).

1.4 Methodology

To interrogate complex relationships between multiple actors, I employ, as suggested by Farmer et al. (2011), a mixed method approach. These methods are informed by and emanate from the multiple disciplines such as anthropology, rural development and ecological/environmental studies. They compelled me to work and think “outside the box” to maximize my research outcomes as Willerslev et al. (2016) advise. Mixed methods also can help to limit fatigue often experienced by the studied groups and instead the varied methods can excite them to be emotionally connected with the process and occasionally, actively participate in it (Mulrennan et al. 2012, Drury 2011). Active participation of

respondents helps in acquiring deeper understanding local attitudes, perceptions and beliefs of the subject matter under study.

My fieldwork spanned one and a half years (January 2018 – April 2019, with intermittent visits thereafter up to the end of the year 2019), allowing me to immerse myself deeply in the community's daily life experiences. My ethnographic work has been particularly enhanced by the fact that I speak the same language as the local community members. During the ethnographic work I conducted 51 interviews with members of the community (29 males and 22 females) of ages ranging between 19 and 75 years. In addition, I carried out 5 life histories of 2 elderly men, one woman, one youth (23 years) and one middle aged man (42 years old). Life histories, according to Thompson (1981) and Hagemaster (1992), provide insights through various generations and, when employed with other procedures, give access to “the reality of life of social aggregates such as strata, class, cultures etc.” (Kholi 1981:63). I also conducted five focus group discussions, one each for the elders, women, youth and two mixed groups of men and women. Each group constituted 10-12 participants purposively selected to represent diverse interests in the community. Through the focus groups, a total of 57 participants were reached, out of which 25 were women. The focus groups were conducted in a traditional approach of ‘*olchani*’ – an open-air meeting under a tree, creating a conducive but relaxed environment for active participation and engagement.

In addition, a total of 22 key informant interviews were conducted targeting geothermal companies' officials, political leaders, government officials (including Kenya Wildlife Service), church leaders, traditional leaders and leaders of non-governmental and community-based organizations. I also had the opportunity to conduct participant observation in various community workshops, ceremonies, public meetings known as *olchani* (plural-*Ilkeek*), political demonstrations, church functions, companies' community

engagement forums as well as just hanging out at the market places in Suswa and Emanyatta cultural centre at the Olkaria Gorge. In all these, I gained innumerable insight into salient issues underlying the different perceptions of community members and their involvement in various discourses and practices touching on geothermal extraction and conservation activities as well as their daily relations as informed by political affiliations and *maendeleo* aspirations.

I also participated and actively engaged with the ongoing research by other academics and NGOs in the same area and pursuing similar issues. I became particularly involved with research carried out by the Institute of Development Studies (IDS) at the University of Sussex on extractives, which included using the method of participatory video. The studies undertaken by NGOs around this time include those by the International Accountability Project (IAP) and Bank Watch, of which I attended their discussion forums with the community. In all these I engaged in discussion with the researchers and other scholars to address various aspects of the Olkaria community as they are affected by varied development issues. All these were complemented by information obtained from the archives in Nairobi as well as grey literature from newspapers and NGO reports. An unconventional source of information was social media. With the ballooning use of smartphones, especially by the young and elites in the community, social media has become another site of debates and intense discussions on matters ranging from politics, *maendeleo*, and protests to social welfare over the last few years. I enrolled in several WhatsApp groups and Facebook pages through which a lot of complementary information and deeper insights have been gained.

After qualitatively analysing all the information I gathered and learned through these methods, four key themes emerged. First, historical continuities of dispossession which are seen and narrated through stories are a foundation on which contemporary

injustices are built. Secondly, a sustained dismantling of traditional structures has persisted, giving rise to new institutions that are vulnerable to exogenic forces and power relations that have further divided the community and weakened leadership. Thirdly, contemporary *maendeleo* has had severe environmental impacts, including but not limited to degradation, pollution and diminishing biodiversity, which in turn have affected the human and non-human well being. Lastly, contestations over justice, injustice and rights of belonging and access to resources and/or benefits came up repeatedly and emphatically. The entire thesis is therefore organized around these specific themes which are further discussed more in-depth in substantive chapters 2, 3, 4 and 5. While the theme of land and livelihoods also feature prominently, it is not however discussed as a stand-alone topic because it undergirds all the other themes forming substantive chapters. Therefore, the theme of land and livelihoods is interwoven through out the thesis. These themes will be further analysed against the principles undergirding the *enkishon* philosophy in the context of *maendeleo* in general but more specifically geothermal development in Olkaria-Suswa.

In the following chapters, I flesh out three main arguments. One, that development as promoted by many governments, donors and those who become enrolled in their activities, often works against the poor of the world. They promise so much yet deliver too little and, in some instances, take away the little resources owned by the poor, including the land. By doing so, communities such as the Maasai are stripped of their *enkishon*-based defences. Contrary to the much-hyped position that the Maasai are “anti-development”, I argue that the Maasai indeed aspire to “develop” or “*endelea*” (meaning going forward) but in a self-determined version concomitant with and enshrined in the *enkishon* philosophy. Accordingly, many Maasai hence tend to ‘close in’ when they perceive anything packaged as *maendeleo*, progress, development as invidious and a threat

to their *enkishon* and they either reject the *maendeleo* or take it with a grain of salt. Secondly, I argue that by ‘closing in’, protecting their cherished *enkishon*-based values, the Maasai lost precious moments of strategic alliance building, to secure their interest in the broader political economic configuration both in the colonial and in the post-colonial era, including the current neoliberal times. Yet, when they recently started opening up, they did so incautiously, so that uncensored external forces of *maendeleo* – manifested in the form of, among other things, education, land privatization, religion, diversification of livelihoods (more on capitalists’s terms), politics – strongly interfered with, disrupted and almost destroyed their *enkishon*-based values. My third and last argument is that for the Maasai to sustain *enkishon* and the values of *erikore* (leadership), *eramatare* (governance) and *esipata* (rights), they must devise ways to mediate *maendeleo*. Whereas such efforts are already exhibited, albeit at small scales,²⁷ I argue that these and similar efforts need to be amplified and strengthened in a way that will entrench and safeguard their interests for the long haul.

1.5 Chapter Summaries

In the five chapters that follow, I will present the lived experiences of the Maasai in Olkaria-Suswa to bring to life the tense interactions between *maendeleo* and *enkishon* within a political economy analysis of geothermal development and conservaton. I aim to demonstrate how the Maasai responses to *maendeleo* can be flexible, adaptive and resilient, capable of producing new dynamics that make *enkishon* better. These responses and resulting outcomes are, however, contingent and dependent on the historically shaped worldviews, forms of leadership and decision making, the cultural politics of land and

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²⁷ See Galaty (2013) in his discussion of the indigenisation of pastoral modernity, modernity in pastoralism, including the reassertion of the commons, among other such practices.

natural resource governance, as well as struggles to be included rather than being excluded from *maendeleo* discourse.

Chapter 2 examines historical narratives (‘*enkatini*’), thus laying out the historical continuities shaping the Maasai worldview and dominant perceptions of development, that is, *maendeleo*. *Enkatini* is a valued form of oral narrative collectively memorised and passed by the older to the younger generation, stipulating when, how and why things came to be. Through *enkatini* as mainly narrated by elders but also corroborated by the historical literature, I situate the Maasai historically and trace their experience with both the colonial and the post-colonial development encounter. This provides a prism of analysing how the *enkishon* and *maendeleo* concepts started to interact and continued to co-create each other. It is in this chapter that I point out how ‘interests of convenience’ were negotiated and secured in coalitions, partnerships and alliances, through which the Maasai lost the opportunity to secure their interests, particularly to land, resource governance and leadership, for posterity. However, we see how the Maasai used non-violent approaches such as negotiations, agreements and judicial system to retain the relatively productive southern rangelands.

Chapter 3 explores the theme of *leadership*, which strongly corresponds with one of the *enkishon* principles – *erikore*. This chapter traces how leadership has morphed from the traditional setting to include, and be overtaken by, the conventional political set-up established by the Kenyan state, and how the frictions between the two have weakened the Maasai ability to negotiate as a common front that secures *enkishon*. While this will be analysed within the broader context of Kenya’s ethnicised political landscape, it will also be examined internally to depict how the factors of *iloshon* (sections), *ilgilat* (clans) and *Ilporori* (age-sets) have been deployed by political leaders to further divide the community, a position that has been taken advantage of by external forces, including

extractive companies. This chapter will also explore not only the emergence of other forms of leadership structures such as NGOs, *maendeleo* committees and religious institutions (particularly Christian churches) but also the increased role of women in leadership – a departure from the traditionally accepted protocol. Intersectionality and emerging power relations will be explored, particularly as it is engendered in *maendeleo* and contemporary leadership discourses.

Chapter 4 examines the theme of conservation and environment. In my analysis I use the *enkishon* related equivalence of stewardship – *eramatare* – which basically means ‘taking care of’, and or ‘nurturing’ for posterity. Through engaging with broader ecological and biodiversity conservation debates, this chapter will explore how the issues of conservation are locally mediated in a space hosting competing land use activities. By focusing on Hell’s Gate National Park (HGNP) and Mt. Suswa Conservancy, currently at the centre of geothermal concession areas, this chapter will delve into the moral economies of conservation against the political economies of development and how they are negotiated at different levels as well as their impacts on practical conservation at the local level.

Chapter 5 examines the fifth theme of justice – *esipata* – exploring various strategies and processes employed by the community to demand a rights-based development. Actions ranging from negotiations, protest movements, lawsuits to petitions and building of international alliances will be examined, especially in terms of how such actions have reproduced different perceptions of *maendeleo*, *enkishon* and construction of new identities and sensibilities of ‘Maasainess’ such as being non-pastoralist Maasai, Christian Maasai, educated Maasai and or Indigenous Maasai, among others (see, for example, Spear and Waller 1993, Hodgson 2011, McCabe et al. 2010). Claims and struggles for identity and belonging revolve around land and access to resources therein

which also embodies cultural and spiritual values (Galaty 1993). To the Maasai, land (*enkop*) is not just land in the sense of neoliberal commodification. It is an assemblage of all that constitute *enkishon*, a convergence of socio-cultural and environmental values. By looking at it from the ‘eviction’ point of view, where an assemblage of institutions conspires to dispossess a community, and therefore undermine their rights (*esipata*), we are drawn to the ramifications of such moves on land-based livelihoods, social relations and identity among other *enkishon* related aspects.

In conclusion, chapter 6 will reflect on the discussions based on all the above five themes, tying them together with the main arguments and theoretical frameworks. This will involve relooking at the *enkishon* philosophy to determine what it holds for the future, while noting areas for further studies and research. Throughout the chapters, I give an account of how the Maasai have resiliently devised ways to navigate *maendeleo*-related challenges by ingeniously entrenching *enkishon* values in a way that aims to safeguard their long-term interest. In attempting to understand the current politics shaping Maasai struggles, I inevitably delve into the colonial and postcolonial development legacy and its social-cultural and economic ramifications on Maasai *enkishon*. In particular, I provide a deeper understanding of the simultaneous enrichment of a minority and a further immiseration of a majority as defining Kenya’s political development agenda. The century-long interaction with external forces and associated modernity has produced stereotypes and binary identity tropes of progressive vs. retrogressive, traditional/primitive vs. the civilized, that continue to define contemporary Maasai-dom. Consequently, the Maasai institutional structures and governance systems shifted significantly as discussed in chapter 3 where institutions of leadership (*erikore*), symbolized by ‘*orinka*’, have been shifting in meaning and purpose to accommodate new responsibilities and respond to emerging challenges. Such a long interaction has not only shaped the nature of *eramatare*

but has also created a type of mosaic of varied community livelihoods out of their collision with *maendeleo*. As I will argue in this thesis, this dissonant *maendeleo* showcased in Olkaria-Suswa, mainly in the form of geothermal development, has amplified various forms of contestation, conflicts and collaborations. Moreover, the community's effort to 'return the gaze' and engage agencies of neoliberal intrusion and disruptive *maendeleo* is seen through among other things, the mobilization of *esipata* (rights) as a strategy to challenge power inequalities and various forms of repression at different scales.

CHAPTER TWO

ENKATINI: HISTORIOGRAPHY AND CONTINUITIES OF DEVELOPMENT (IN)JUSTICES

The tribe of the Masai (sic), though comparatively insignificant in numbers, yet merit more than passing interest, if only for the obstacles in the past, the difficulties of the present, and the problem of the future which they present to white civilization... (Lord Cranworth 1919:51)

2.1 Introduction

The legacy of deeply vested economic interests, power politics of division and dominion, and land/resource dispossession were established in Kenya during the colonial period, re-enacted during the neo-colonial times and persist up to now during what I call the re-colonization period. The colonialists advanced their interests, disguised as civilization missions, development, and progress, which they perceived to be good for the natives. Aided by the information supplied earlier by the missionaries, explorers, and Arab traders, regarding what was claimed to be the aggressiveness of the Maasai, the colonial settlers were determined to ‘tame’ them to ensure the success of the colonial project (Mungeam 1967, Hughes 2006, Hodgson 2004, Koissaba 2015). Whether by coincidence or sheer luck, the Maasai power and prowess that the colonialists so dreaded was waning at the time. As a matter of fact, the Maasai (or sections of the Maasai) badly needed the support of the colonialists against their enemies – both from within themselves and from without. The Europeans, on the other hand, wanted to settle down undisturbed and establish the colony, but they most urgently wanted to build the Kenya-Uganda railway through Maasailand. As such, an alliance of convenience presented itself and a collaborative mechanism was hatched.

Through this historical journey, I will recount *enkatini* of the Maasai²⁸ on how they have continually ceded sovereignty and the much-needed political power to counter different forms of colonial, neo-colonial, and re-colonization paradigms. As in the colonial times, new forms of alliances continue to be constructed to entrench diverse interests, both economically and politically. Formation of ethnic-based political alliances tend to privilege dominant ethnic groups to consolidate political power at the national level. On the other hand, the economic oligarchs in the country (who tend to be connected to the leaders of the political alliances) are linked with international capitalists through strategic alliances called ‘public private partnerships’. Both the political and economic powers reinforce each other, subtly subjecting minority communities such as the Maasai to similar colonial conditions of political-economic dominion and dispossession. The sustained 100-year hegemony has produced similar results – continuous loss of land/resources, threatened pastoralist livelihoods, cultural and systemic subjugation. I will also examine how various dynamics during the colonial and neo-colonial epochs have shaped diverse Maasai responses and strategies to navigate, negotiate, and/or resist hegemonic domination as manifested in three different historical performances: 1) The Anglo-Maasai agreements and subsequent moves; 2) The Lancaster House conferences and transition to independence; and 3) Post-independence politics. I do this by asking reflexive critical questions: How did the Maasai engage the colonial and post-colonial regimes in a bid to secure their interests? What were the gains and losses of their colonial and post-colonial experiences? How can the lessons learnt be applied in engaging the contemporary and future *maendeleo* discourse to secure *enkishon* of the Maasai?

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²⁸ The oral narratives form an *enkatini* (story) that helps to construct the social-cultural, political and economic history of the community as well as interaction with contemporary *maendeleo*. *Enkatini* is developed, preserved and disseminated through folk tales, songs and story telling sessions. Compiled with documented Maasai history, *enkatini* as narrated by Maasai elders helps to clarify blurred historical footprints.

2.2 Maasai-European encounter

The colonial project was preceded by the adventurous visits of European explorers and missionaries who first had interactions with the coastal people in what is now Kenya before venturing inland. These late nineteenth century explorers relied on the information supplied by the Swahili and Arab traders who frequented the interior. They retold the stories about the inland people and discussing the ferocity of the Maasai (Mungeam 1967). The Swahili traders narrated that the Maasai could potentially pose an impediment to any expedition across their country. The explorers were sponsored by geographical societies representing their respective nationalities and were eager to trace the source of the River Nile as well as ‘discover’ anything else in between. They were evidently laying a firm ground for the colonial settlers who would be coming soon after.

The explorers hired local (Swahili) guides and armed caravans and set out one by one to the hinterland. In 1882, the German Geographical Society of Hamburg sent Dr. G.A. Fischer to explore the possibility of crossing Maasai land, but his group was “repulsed and compelled to withdraw by the Maasai around Lake Naivasha” (Sankan 1971: xxi). The British explorer Joseph Thomson, sent by the British Royal Geographical Society, managed to cross up to Laikipia in 1883, but only with “a well-armed caravan which became too powerful to be resisted [by the Maasai]” (Waller 1976:529). Other explorers who followed suit between 1880 and 1890 established a regular route to what became Uganda were Count Sámuel Teleki von Szék and Ludwig von Höhnelt (Hungarian and German, 1887), Frederick John Jackson (British, 1889), Carl Peters and Frederick Lugard (British, 1890) (Mungeam 1967:2). The explorers recounted different experiences depending on how they approached the Maasai. For example, Joseph Thomson who interacted with the Maasai in a more humane way, never attacking or killing anyone, praised them as noble and seemingly superior to other ethnic groups (Mungeam 1966,

Koisabba 2017). In contrast, some were aggressive and confrontational; for example, Carl Peters killed hundreds of Maasai near Naivasha, portraying them as warlike and troublesome (see Cranworth 1919, Hughes 2006, Koisabba 2015).

But even long before formalized alliances between the Maasai and the British, the latter tried diplomatic means to win the trust of the Maasai. A case in point was in 1895 when a large government caravan was attacked after provoking the Maasai by abducting girls in a settlement in Kedong' valley, Mt. Longonot area in Naivasha. The Maasai warriors, responding to a distress, descended and killed hundreds of caravaners, in what came to be known as 'Kedong' massacre' (Waller 1976:543). The following day, a European trader and contractor by the name Dick, retaliated and killed dozens of warriors but was also, in the end, speared to death. To avert a possible Maasai uprising, the British patched up a peace deal and conceded that the Maasai acted on extreme provocation, hence exonerating them from blame. The effect of this action is that it not only advanced the mutual alliance between the Maasai and the British but enhanced the trust of the former on the basis that the latter is indeed fair in dispensing justice.

While the Maasai perceived the British as just and friendly, they were, on the other hand, seen by the British to be callous and aggressive. The experience of the explorers and early settlers with the Maasai therefore produced dualistic accounts about them – good and bad – that shaped the perception of the European towards them. In his book, *Through Masai Land*, Joseph Thompson portrayed the Maasai with a mix of awe and admiration on one hand and contemptuous disdain on the other. Describing them as a 'wandering people with no fixed abode' and 'dreaded warriors,' he at the same time couldn't help exclaiming, "what splendid fellows they were...a band of the most peculiar race to be found in Africa" (Thomson 1887, quoted in Koisabba 2017:15). These perceptions conjured up equivocal and vacillating perceptions about the Maasai that continued to shape the opinion of those

coming thereafter. Indeed, the colonial officials, as demonstrated in subsequent sections, took different and sometimes contradictory positions in decision-making forging irreversible political and official positions that had long-term adverse ramifications for the *enkishon* of the Maasai.

2.3 Coalitions and convergence of Anglo-Maasai interests

Soon after the infamous Berlin conference of 1884-5, the British were quick to claim and grab the territory in which Kenya and Uganda now lay to create the East African Protectorate. The Imperial British East Africa Company (IBEAC), founded in 1888, was given exclusive rights to administer and develop the East African territory (Leys 1975). However, the IBEAC mission failed to take off, notably due to the capital-intensive nature of the Mombasa-Kampala railway line, hence reverting the governance back to a protectorate of the British government. While Kenya lacked high-value resources such as minerals relative to other African colonies, its strategic location and conducive climate were ideal for agriculture and ranching. The British government soon was encouraging white farmers to settle in what came to be called ‘White Highlands’. But first, the right conditions had to be established, including taming the ‘wild’ native tribes, setting up governance structures, and developing infrastructure, particularly the completion of the iconic railway line.

Based on the literature produced by the explorers and missionaries, the incoming Europeans anticipated a fierce resistance by the Maasai (Sankan 1971, Sorrenson 1968). Cranworth (1919) chillingly described the Maasai agility in reference to the early Maasai encounters with the Arab traders:

They attacked Mombasa, and sacked Vanga. Early travellers, European or Arabs, were confronted and forced to pay tribute. To what extent they were feared, a

perusal of almost any of the works of early shooters or explorers will show. At the mere mention of the word Masai, rifles were loaded, laager was formed, and tribute was to hand! (Cranworth 1919:202)

These and similar images presented the colonial officers with a rather indelicate imagination of the Maasai. They feared bringing them so close, yet they perceived it as too dangerous to push them to the periphery of the new territorial configuration. Charles Eliot, the first commissioner of the protectorate, had his own version of the description: “They resemble the lion and the leopard, strong and beautiful beasts of prey that please the artistic sense, but are never of any use, and often a very serious danger” (quoted in Cranworth 1919:59). The effect of being overfed with mystical narratives about the Maasai was the production of a love-hate attitude diametrically described in binary terms - good and bad, handsome and arrogant, fierce and compassionate, among others. These mixed imageries constructed uncertain perceptions that continued to pose a dilemma and prevented development of a straightforward policy on how to engage the Maasai either for better or worse. In the sections that follow, we shall see how these perceptions have affected the livelihoods of the Maasai in similar binary terms where pastoralism is ‘bad’, and agriculture and/or wildlife conservation is ‘good’. The ‘devilish/angelic’ imagery that permeated both the colonial and post-colonial periods is still currently produced in the contemporary safari literature and tourism promotional materials (Bruner 2001, 2009).

By the time the settlers were making serious inroads in the 1890s, the Maasai had suffered so many setbacks that their established polities were on the verge of collapsing. Throughout their historical narratives, the Maasai refer to the first decade marking the beginning of colonialism as ‘*emutai*’ (disaster) due to a combination of various calamities that severely impacted human lives and livestock (Waller 1988). This generally affected the Maasai *enkishon*. As briefly stated in chapter 1, *enkishon* philosophy is the fabric that

firmly holds the community together, advancing social-economic wellbeing for all, including for the coming generations. However, the *emutai* of the colonial invasion became real threats to the Maasai *enkishon*. Around the time of the British incursion, the Maasai were in the thick of divisive feuds between spiritual leaders; the two brothers, Olonana (anglicised as ‘Lenana’) and Senteu, who were fighting for the Loibonship mantle.²⁹ Lenana and his sections were strategically located around Nairobi, which was of great interest to the British. The British, on the other hand, fearful about the Maasai as they were, also had their own problems that would not allow them to wage an unnecessary combative encroachment (Mungeam 1967, Waller 1976). Waller (1976) records that besides being extremely underfunded with a severe shortage of manpower, the British lacked the administrative structures and strong footing to handle any emerging challenges. They therefore opted for peaceful, diplomatic negotiations, a strategy that worked perfectly well for the Maasai, who also at the time, were recovering from *emutai* and the internecine wars and thus were just too weak to engage in any battle (Hughes 2006). There was therefore a convergence of interest here: the Maasai wanted protection (from themselves and the neighbouring communities) while the British on the other hand, wanted a peaceful environment for the uninterrupted construction of the railway and continued establishment of the colonial administrative structures (Jackson 1930).

The Fort Smith port in Nairobi became an alliance centre between Lenana and the affiliated Maasai sections, and the British. His brother Senteu and the Loita Maasai section was isolated and confined in the German protectorate of northern Tanzania (Leys 1924, Hughes 2006). The British did not only ‘protect’ the Lenana factions from his brother’s

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²⁹ Being a hereditary entitlement, the ageing Loibon Mbatiany was duped, akin to that of the biblical Esau and Jacob, to confer instruments of power on Lenana instead of Senteu, his favourite son, hence sparking the conflict. Senteu was forced to take refuge among the Loita section where his lineage has continued to reign to date while Lenana dominated the other Maasai sections.

aggression, but they reinforced his counter-attack in what came to be called the ‘Morijo war’ of 1899 in the Loita plains (Cranworth 1919). The Germans, on the other side, never identified the Maasai as allies, and so they never accorded them any support. According to Waller (1975), the German administrators pointed out that “it was to the advantage of both ... administrations [German and British] that the Masai nation should weaken itself by internecine feuds” (Ibid: 564). Moreover, this strategy prevented the colonial powers (Germans and British) from getting into a collision course against each other. As a result, the Senteu faction was defeated and surrendered to those led by his brother, giving Lenana more power over the larger Maasai (Koisabba 2015). Overall, the British were determined to displace the Masaai from their land to reap the benefits. They were able to do this through a mixture of bluff and diplomacy because it appeared that they had more to offer and that their interests coincided with those of the Maasai (Waller 1976).

Through this collaboration, however, the British managed to peacefully co-exist with the Maasai long enough to warrant building a dry port at Nairobi and successfully complete the railway line through their territory. By the time the railway reached Nairobi in 1899 and Kisumu in 1901, another phase of the British colonial agenda was already unfolding: settler ranching. Envious Europeans eyes had already been cast on the heartland of the Maasai grazing territory of Naivasha and Laikipia (Koisaba 2015). At this point, the Maasai had considerably recovered from the impact of the disasters. Their brief collaboration with the British had enabled them to make raiding expeditions against their ethnic neighbours while they themselves were cushioned against counter-attacks. The Maasai, on the other hand, were expected to protect and support colonial projects, a fact that was underpinned in oaths including blood covenants to solemnly protect the unwritten ‘agreement’ (Hughes 2004). This arrangement was going to be short-lived because with more cattle and fewer internal feuds came the need for spacious grazing areas for the

Maasai cattle. The peace covenant therefore no longer held as there was bound to be a conflict of interest going forward. The colonial officials had divided opinions on how to handle the land question – not only for the Maasai but for other African groups as well. The epicentre of the land question, however, revolved around the Maasai, whom some of the colonial officials wanted to be carefully handled as Francis Hall (Nairobi commissioner) underscored: “Antagonizing the Maasai might lead to a collapse of British control but a little manipulation might turn the greatest menace of East Africa into an important British asset” (cited in Waller 1976:570).

The ‘little manipulation’ that would ensure the preposterous entrenchment of colonial interests was to be done through; 1) the application of English laws, and 2) the signing of treaties/agreements. On the application of laws, the Land Acquisition Act of India (1894) was extended to Kenya and used to appropriate all the land situated within one mile of either side of the Uganda Railway for the construction of the railway. It also gave powers to the Commissioner of the Protectorate to compulsorily acquire land for government establishments (Okoth-Ogendo 1991). The ground was firmly laid in 1898 when a British Order in Council gave the government power to acquire land, while a 1901 Order in Council formally legalised land alienation in the protectorate. Subsequently, the Crown Lands Ordinance of 1902 entrenched more power to alienate land declaring all land within the protectorate as Crown land, effectively making all Africans tenants of the Crown (Okoth-Ogendo 1991). The Crown land, therefore, included all public lands within the East African Protectorate that for the time being were subject to the control of His Majesty by virtue of any agreements or treaties, and all land that had been or may have been acquired by His Majesty under the Land Acquisition Act of 1894 (Koisabba 2017). The Crown Lands Ordinance No. 21 of 1902 gave powers to the Commissioner to identify and sell as freehold land to desiring European settlers without giving due cognizance to

customary and indigenous land tenure systems and their rights to the land (Kanchory, 2006). After the completion of the railway line in 1901, the British settlers began coming to take up the farms and ranches allocated to them by the British government. By 1911, the total European population was 3,175 and rose gradually to 9,651 by 1921, a year after Kenya was formally established as a colonial state (Hughes 2006: 54).

2.4 Collaborations, (dis)agreements and resistance.

With continued colonial establishment, characterized by systematic land acquisition, infrastructure development, and rising influx of settlers, it occurred to the Maasai and other Africans that the Europeans would be there for the long haul. This situation was bound to strain the relations of the white settlers and local groups, including the newly found alliance with the Maasai (Waller 1976), who were also growing numerically in both people and cattle (Hughes 2006). The Anglo-Maasai interests would inevitably clash, calling for the management of the situation.

There was a sharp difference of opinion amongst colonial administrators on how this could be done. The first commissioner of the protectorate, Sir Charles Eliot, proposed to have the Maasai settlements interspersed amongst the settlers' farms in an attempt to induce them to abandon their habits and "gradually to become useful members of society" (Cranworth 1919:54). Charles Eliot derided the Maasai lifestyle, and his policies were premised on the need for them to change or be forced to change. The other colonial officials were against this idea, advocating for the Maasai to have their own reserve, spacious enough to enable them practice pastoralism and cultural practices (Sorrenson 1967). This (later) position was favoured by the colonial foreign office. Eliot was accused by the Secretary of State of exceeding his powers in this matter. Moreover, contrary to accepted procedure, Eliot had issued out concessions of Maasai land through the East

Africa Syndicate (EAS)³⁰ before the land question was settled. This led to his resignation in June 1904 (Hughes 2008). His successor, Sir Donald Stewart, promoted the idea of the creation of specific Maasai reserves.

The reserve policy was effected through a treaty dubbed the “Anglo-Maasai agreement” entered into on 9th August 1904 between the Maasai representatives and the British colonial officers. The treaty, which embodied ideas opposed to those of Charles Elliot, designated two reserves to be exclusively in the occupation of the Maasai and to be theirs “so long as the Maasai as a race shall exist” (Leys 1924:101). The two reserves included the Northern Reserve on the Laikipia plateau, north of the Uganda Railway, and the Southern Reserve, south of the railway encompassing the modern day Kajiado, and parts of the Rift Valley around Mt. Suswa. They were to be connected by a half a mile corridor beacons off to maintain communication between them. The settlers were apportioned land in between, 10 miles on either side of the railway. This area, which came to constitute the larger ‘white highlands’ earmarked for settler farming was not only conveniently located in proximity to the railway line, but was in terms of soil fertility, pasture content and rainfall patterns, most ideal for ranching (Koisabba 2015).³¹ Movement beyond the boundaries of the reserves was restricted, an act that was too confining to the Maasai given their mobile pastoralist lifestyle. The once united community was split with various Maasai sections settled in different reserves, with a railway line and settlers’ farms separating them. Although the two-mile-wide corridor was established to connect the two reserves and maintain interactions for age-set rituals, it was not useful, as it was only wide enough for people to walk through, but too narrow to

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³⁰ The EAS was a group of City of London and South African financiers registered in February 1902 to acquire prospecting rights and government concessions in British East Africa (Hughes 2008).

³¹ Therefore, the Kedong’ Ranch as a productive entity goes back to the post-1904 period when the Rift Valley moved under settler occupation after the first Maasai move (see Sorrenson 1969).

sustain migrating livestock (Kantai 2007). And since the Maasai would not move without cattle, they were in practice confined to the respective reserves without much interaction (Koisabba 2015).

Even though the 1904 agreement indicated that the Maasai “will not be moved again as long as they exist as a race”, a new proposal to move them again was made in 1909 (Mungeam 1967, Leys 1924, Hughes 2006, King 2010). The proposed plan sought to consolidate the two Maasai reserves by dissolving the Northern reserve and expanding the Southern reserve. This idea, which obviously aimed to grab the coveted ‘sweet’ Laikipia from the Maasai, was undoubtedly in breach of the 1904 agreement and was expected (by the colonial officials) to arouse the Maasai wrath. Governor Percy Giroud was apparently in a hurry to move the Maasai against their will, so imposed his intention through coercion, without the approval of the Foreign Office (Sorrenson 1967, Koisabba 2015). The forcible Maasai move of 1909 was chaotic and its adverse impact exacerbated by the cold rainy season, which claimed the lives of many people and livestock, forcing most of them to return to Laikipia (Waller 1975, Hughes 2006). When this came to the attention of the Colonial Office, thanks to Maasai sympathisers such as Norman Leys,³² the move was temporarily halted until another formal agreement was entered into. Governor Girouard was found culpable of overstepping his mandate and forced to resign (Leys 1924, Huxley 1967, Hughes 2006).

The second Anglo-Maasai treaty in 1911 was premised on the justification that the Maasai never kept their part of the bargain, by not observing the provisions of the treaty, for example, foraging beyond the reserves’ boundaries. Some officials also suggested that

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³² Norman Leys was an administrator during the early years of the colonial government. As a barrister, he secretly advised the Maasai on legal actions to take in regard to the forced relocations as well as leaking information to the colonial office in London; see Mungeam (1966) and Hughes (2006).

there was the “Lenana factor”, and that it was his will to have the two sections amalgamated so he could hold onto the control of the entire community as opposed to fragmented sections. Quoting the ‘Blue Book’ that chronicled the daily occurrences of the colonial operations, Leys (1924) points out that Lenana accepted the move not only because the government wanted him to, but because the government had failed to create the two-mile corridor, so he was worried he would “lose half of his community” (ibid:104). On the contrary, Sankan (1971) reports that Lenana adamantly refused to repeat his earlier collaboration and, although he refused to accept the prepared treaty, some Maasai believe that his thumb print was appended to the ‘agreements’³³ a few days after he died (Hughes 2006). Many other section representatives, including chief Ole Gilisho, were coerced to sign. As a result, about 10,000 Maasai, 200,000 cattle, and over one million sheep were coerced into moving from the Northern reserve in Laikipia to the expanded southern Maasai reserve (McIntosh 2017). While colonial officials’ documents claim that the Maasai had accepted to give up Laikipia in exchange for the expanded Southern reserve, Hughes’ (2006) ethnographic gathered in early 2000 from the elders who participated in the move showed that the Maasai never wanted to leave Laikipia. It is obvious that the level of consultation was minimal, given the translation challenges and the haste with which it was done, a fact that the Foreign Office did raise (see Mungeam 1967, Doharty 1967). The move was reportedly objected to and the affected Maasai sections made efforts to fight against it (Cranworth 1919:66, Leys 1977, Tignor 1976). Hughes (2006) documents how the Maasai resisted the putative agreements by asserting that they would rather die fighting than move. Others were adamantly opposed to the

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³³ The 1911 treaty came to be referenced in quotes to indicate it was a fraud. This, however, may have affected future claims based on the agreements if the Maasai viewed it as ‘fake’. If the Maasai refer it as so, then it may present a challenge in the future to rely on its validity and claim Laikipia (see, chapter 5).

relocation and hid in forests to evade the move, forming part of the current Maasai population in Laikipia County (McIntosh 2017).

Through the two Anglo-Maasai agreements (1904 and 1911), the Maasai lost over 50% of their best territory within a span of seven years (Kantai 2007, Hughes 2006). Aggrieved by the forceful move and feeling betrayed by a people with whom they had not only a written agreement but a covenant of blood-brotherhood (see Huxley 1967:45, Hughes 2008), the Maasai turned to the courts in search of justice. With advice from Norman Leys,³⁴ a European sympathiser of the Maasai cause, the Maasai, led by Parsaloi Ole Gilisho,³⁵ hired a barrister to bring a suit against the colonial government. The case was filed in 1912 on the basis of the breached 1904 agreements (Sankan 1971, Hurderman 1987, Hughes 2006). Though it was a worthy attempt, they lost the case on a technicality, with the judge citing that the case was a “jurisdictional matter between two sovereign states that could only be determined at the international court” (Kantai 2015:30). Ole Gilisho and the compatriots were determined to appeal the case at an international court but were so pressured by the colonial officials to drop the case that they could not pursue it further (Hughes 2008, Ndaskoy 2005).

Although the case was dismissed both at the high court in Nairobi and court of appeal in Mombasa, it seemingly confirmed the invalidity of the agreements which Mungeam (1967) refers to as a mere ‘gentlemen’s agreement’ that was never binding on the parties (Mungeam (1967)). However, it did, on the other hand, lend some credence to its legal status by virtue of referring the matter to the upper courts. It proves to some extent, that had the agreements been unbinding and thus unenforceable, the case would

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³⁴ Norman Leys was later deported from Kenya (see, Hughes 2006).

³⁵ The *Dictionary of African Biography* (Gates et al. 2011) describes him as a Maasai leader best known for his resistance to the second Maasai move and subsequent colonial impositions on the Maasai. He was born in 1875 as a Laikipia Maasai but was adopted by an *Il-Purko* section family after the decimation of the Il-Laikipia Maasai section during the internecine wars. He belonged to the *Iltuati* age-set.

have been lost at the lower courts. Moreover, instituting a court case soon after the second move is a clear indicator that the 1911 agreement was never unanimously agreed upon.

Ole Gilisho, who was one of the plaintiffs, was actually a signatory to the 1911 agreement, which was an indicator that he had been coerced into signing it. Overall, the case outcome served to weaken the positive British-Maasai diplomatic relations that had characterized the previous two decades as Mungeaum (1971:552), summarises:

The agreement between the Maasai and the British, as it evolved, was a tacit one. The precise terms of an alliance were never formulated. It rested on a consensus, broadly shared by both Maasai and British, about the need to avoid conflict in the common interest. Both sides had their reservations, but a clash was postponed. When it came, in 1911-13 and 1918, it came partially and surprisingly late. It had its origins not in the fact of British control, but in the perceived breakdown of an earlier agreement. The working of this agreement had allowed the Maasai to survive the establishment of colonial rule with their social structure largely intact and with an enhanced view of their special status. It required only the shock of dispossession and control, administered by the British between 1904 and 1913, to turn the Maasai in upon themselves, making them determined to preserve their earlier gains and to resist further British encroachment.

Duped, betrayed, and confined to arid terrain, the Maasai were resigned to fate and started to adjust to being in the enlarged Southern reserve. The bittersweet relationship had culminated in broken trust. Defiance and distaste for colonial-driven development became a new form of resistance and contestation. Rebellion against education, agriculture, and improved livestock husbandry was a direct jab to the British supremacy and development authority. The putative British civilizing mission was bound to fail in Maasailand and the gravity of it was depicted by the critics, who ascribed to the Maasai such characteristics as ‘conservative’ and ‘rebellious’. Although this form of contestation of colonial institutions by the Maasai was justified, it badly backfired on the Maasai as it compromised their capabilities for future engagement.

From the foregoing, it is evident that the contempt for and subsequent lack of formal education alienated the Maasai from the decision-making circles hence

contributing significantly to their inability to effectively negotiate for long-term benefits. As a result, the task of interpretation and negotiation was delegated to interlocutors (settlers and Africans) who in the process may have corrupted or misrepresented the facts. The few Maasai who went to school in the early days were demonized by the mainstream Maasai and rendered social misfits (Hodgson 2004). They were branded as *ilmusanik* (one who has not gone through Moranhood), *ilashumba* (whites) and *ilkiriko* (wanderers). Since education was acquired through mission schools, most of those who acquired formal education converted to Christianity, further putting them on a collision course with the cultured Maasai (King 1971).³⁶ Consequently, they could not lead the majority of conservatives along the path of deep engagement with the new changes and politics of the day. Instead, they retreated to their own cocoons and negotiated for their own individual interests. This, as will be further discussed in chapter 3, has had dire ramifications to the Maasai leadership, especially when dealing with contemporary political and maendeleo related discourse.

2.5 Establishment of a colony and the colonial experience (1915-1960s)

As the Maasai had learned, the British were developing a firm grip on their new possessions in what became known as Kenya. The successive Ordinances in Council legalized power which the government had already assumed and applied to alienate thousands of square miles of the best lands at will (Koisabba 2017). The most drastic was the Land Ordinance of 1915, which empowered the Commissioner to give the European settlers freehold leases of up to 99 years without due consideration of the African natives

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³⁶ Molonket Ole Sempele was not only the first Maasai, but also the first 'native' Kenyan, to acquire his formal education in the diaspora (Virginia USA, 1909-1912). He lost his age-set leadership as a result of his new status as an educated Christian. See <https://samrack.com/molonket-olokorinya-ole-sempele-was-the-first-kenyan-diaspora-student-in-usa-1909-1912/>, retrieved on June 3rd 2020.

who inhabited the same lands (Halderman 1987:270, Styles 2011). The ordinances introduced a dual system of land administration and political governance which became common in British colonial Africa (Mamdani 1996), effectively rendering all the ‘unoccupied’ lands property of the crown (Kanyinga 2009). The land was only deemed to be occupied when a given African group (commonly called a “tribe”) lived and subsisted on it at any given time. This criterion negatively impacted transhumant communities such as the Maasai (Hughes 2006). The transitioning from a protectorate to a colonial state in 1920 further strengthened the British grip over the highlands and Kenya at large, leading to the development of the colonial settler economy (Okoth-Ogendo 1991, Hayes 1997).

The post-war period saw transition from a protectorate to a colony with a major shift in administrative policies. The Kenya Annexation Order-in-Council dated June 11, 1920, amended the local administrative structure, granting Maasai elders more decision-making power in matters concerning the community (Oyugi 2014). Development and governance policies, including taxation regimes and direct control through a salaried chieftaincy of elders (as opposed to warriors’ leaders), were initiated and enforced (Leys 1924). At the time, the population of the whites doubled, as the post-war veterans were rewarded with land in the ‘white highlands’ (Leys 1967). This period also witnessed a general shift in the relationship between the administration and the Maasai. With increased pressure on land, there was a proposal to open the door for possible annexation or leasing of parts of the Southern Maasai Reserve to outsiders, especially the neighbouring Kikuyus. This was captured by the Kenya Land Commission (KLC) of 1933, which attributed the inordinate wealth of the Maasai to both the burgeoning size of their herds and expansive land at their disposal (Great Britain 1933:191). While echoing the words of Eliot three decades earlier, the Commission considered it imperative that the Maasai should not be left in isolation lest their progress towards “civilization” stagnate or, worse still, that they

“degenerate” (Oyugi 2014). As such, the boundaries were altered to allow the Kikuyu agriculturalists to farm on the fringes of the Maasai highlands, such as Mau, Ngong, and Loitokitok. The justification was that these lands “lay idle” and were breeding grounds for tsetse fly, hence they needed to be cleared and replaced with cultivation (Singida 1984).

While these actions were proposed with the veiled ‘goodwill’ of exposing the Maasai to an alternative use of land, this intention was betrayed by the fact that the Kikuyu leaders had been agitating for more land owing to their population growth. The British, suffering from the guilt of being seen to have favoured the Maasai over others, wanted to balance this out through the KLC. Besides, the Kikuyus, who had been exposed to missionary education, were now actively involved in the political activities of the country through organized associations. The Young Kikuyu Association headed by Harry Thuku (earlier allied to the Indian uprising)³⁷ and the Kikuyu Central Association founded by Jomo Kenyatta (Wood 1960) were particularly vocal on land distribution and later became instrumental in advocating for Kikuyu access to Maasai Reserve land.³⁸ It was obvious that the strategies of the British colonial administration interests were now shifting, and the next major threat to the British settlement were no longer the Maasai but the Kikuyu. They therefore needed to be appeased with land and even scholarship opportunities, among other benefits.

The post-World War II period running up to independence was quite revolutionary and disruptive. The sense of injustice many colonized Africans felt and attributed to loss

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³⁷ The Indians who came alongside Europeans first as laborers but later settled to do business, claimed to have the same equality as white settlers in the early 1920s. This claim was based on an argument of civilizational equivalence (in which Indians claimed to be as civilized as whites because they came from the rich heritage of the ancient civilizations of India—in contrast to Africans who were not yet deemed to be civilized), as well as a claim of being equal partners in the imperial project. See Aiyar (2011).

³⁸ After Kenya became a colony in the 1920s, the government encouraged District-based political associations. The Maasai also had their version formed after the Second World War (Maasai United Front). Though these regional (ethnic-based) parties folded up after independence and joined national level parties, the seed of ethnicity had already been planted and deeply entrenched in the outlook of many African leaders (MacArthur 2017).

of land and human rights violations gave rise to rebellion in various forms. Historically, this sense of injustice at the hands of British land grabbers inspired an Anglophobia, which erupted in its strongest and most complex form in the *Mau Mau* rebellion starting in 1952 (Maloba 1998). Fronted mainly by the Kikuyu, the guerrilla war was mainly waged around Mt. Kenya and its environs. A state of emergency was declared in 1952; many were incarcerated, and others killed (Oginga 1967, Odhiambo and Lonsdale 2003, Elkins 2005). This action only served to polarise the country further. A political solution had to be found to assuage the surging resentment.

It was by then dawning on the British that the balance of political-economic power was bound to shift and had to be managed carefully, in a way that protected their interests. Exacerbated by the ‘winds of change’ abroad, a diminishing empire, and the ongoing liberation of African countries, the British foothold was no longer firm. A raft of key legislative and development frameworks rolled out in this period can only be interpreted as a strategic means to an inevitably looming change. Among them is the little-known Littleton Constitution of 1954, which provided for the first-ever elections with representation slots provided to Africans and Asians (Wood 1960). The 1957 Lennox-Boyd Constitution further provided a plural approach where racial ratios were balanced out in the Legislative Council (18 Africans, 18 Whites and 4 Asians) (Monro 1960). This still could not appease many of the Africans advocating for change and they continued boycotting sessions, demanding for full-fledged political autonomy. The framework, as was argued by Tom Mboya,³⁹ upheld communal (tribal) rights of representation as opposed to individual rights. This insinuated that while Europeans were viewing Africans

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³⁹ Thomas Joseph Odhiambo Mboya (15 August 1930 – 5 July 1969) was a Kenyan trade unionist, educationist, Pan Africanist, author, independence activist, Cabinet Minister and one of the founding fathers of the Republic of Kenya. A Minister for Economic Planning and Development in newly independent Kenya, Mboya was assassinated in cold blood in 1969. See Lonsdale (1983) and McCann (2019).

through the racial lenses, the Africans themselves were ethnically disaggregated and their interests could not be subsumed under a few black representatives.

Parallel to the political discourse, there was also a major shift happening in terms of land tenure and (agricultural) development. First is the extension of leases in the 1950s to mark the onset of the 999-year leaseholds, which was instigated by the settler class to help protect them from claims arising from the 100-year leasehold end. Secondly, the East African Royal Commission (1953-55) sought to revisit and reverse the previous system of land tenure. By using fear of more communal forms of tenure established on reserves (on the claims they were susceptible to encroachment or acquisition without compensation), population growth beyond the confinement of reserves, as well as economic unviability of compartmentalized units, the commission sought to destroy the communal land entitlement and privilege private ownership with a view to increased productivity and development (Okoth-Ogendo 1989). Another major change was effected through the framework of the Swynnerton Plan (1954), which largely focused on the agricultural development but also had significant ramifications on land tenure policies (Kanyinga 2009). The 1954 Swynnerton Plan contemplated the changes taking place and yet to come, so the reforms would attempt to address the land, agriculture, and political questions, in direct response to the 1952 state of emergency (Leys 1975). In that sense, it was regarded as a revolutionary policy whose underpinning objective was “to intensify the development of African agriculture in Kenya” (Okoth-Ogendo 1989: 97). Its significant outcome was the consolidation and registration of landholdings and subsequent issuance of an "individual" freehold title as proof of ownership to the new parcel of land. The title became a negotiable document that conveyed new mobility in land transfer and disposition (Kanyinga 2009). The privatization of land holdings was the genesis of a gradual demolition of the communal or traditional land holding system. While the Swynnerton

Plan was designed to give tenure to an African medium scale landowner for crop farming, it also inadvertently created another divisive frontier based on classes: the landed rich, mainly the colonial friendly ‘home guards’ (Munro 1960) and the landless poor, particularly the *Mau mau* activists (Kanyinga 2009).

The recommendations of both the Swynnerton Plan (1954) and the East Africa Royal Commission (1953-1955) culminated in the enactment of the 1959 ordinance of land adjudication. This furthered the course of land privatization and had two more implications. Firstly, it opened the previously racially sacrosanct ‘White Highlands’ to occupation and farming on a non-racial basis (Schaffer 1967). By doing so, it moved native Kenyans from a position of virtual neglect to the forefront of indigenous development (Leys 1975, Wayumba 2019:48). Secondly, this action implied that the Maasai pastoralists would continue to lose high potential areas to a new set of ‘settlers’ recognized in the Swynnerton Plan as ‘progressive native agriculturalists’ (Kanyinga 2009). It is, however, noteworthy that the Maasai elites also grabbed the private ranches in the remaining Maasai highlands within the Southern Maasai reserves, further aiding outsiders’ encroachment.⁴⁰ This happened both through land selling by the Maasai elite and fraud where non-Maasai, particularly the influential political class, accessed land through first registration titling. The stipulations that ‘first titles’ could not be challenged was introduced to protect the Kenyan elites from claims by communities that had been historically dispossessed. These elite interests of Maasai and non-Maasai African Kenyans can also be seen in the group ranch policy discussed later in this chapter.

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⁴⁰ In an earlier interview with Hon. John Keen (that I conducted at his home in Karen in 2004), one of the Maasai pioneer politicians, he boasted that he was the only Maasai who benefited from land re-distribution in post-colonial Kenya (in reference to his ranch within Nairobi).

Overall, the decade 1950-1960 was indeed revolutionary if the scale of political and land reforms that happened within a short time is anything to go by. For the British who advocated for them, the reforms were necessary to try to accommodate what they saw as “native interests” as well as lead down the pathway of “development” (Mwaura 2005, Mwakikagile 2007). But they were equally important in safeguarding and entrenching the European interests beyond the transition period. For example, the use of British-designated chiefs as decentralized ‘local despots’ (see more in chapter 3 and Mamdani 1996) in breaking down of the communal reserves was a powerful tool of control and domination in the early colonial period. Privatization of communal reserves shows that they had outlived their purpose and that restructuring them became part and parcel of the emerging form of nationalism and national integration. With a newly forged pre-independence alliance with the British, the Kikuyu were guaranteed access to the coveted ‘White Highlands’, elevating their social status in the new configuration (Kanyinga 2009). It appeared that the Kikuyus in the 1950s were in the same position that the Maasai were in during the late 1890s and early 1900s: a perceived or real threat to the establishment who, therefore, had to be accommodated. Although the Kikuyu vehemently resisted continued political domination, they however, found a common ground with the British via the liberalized ideology of capitalism.

2.6 Post-Independence political economy and indigenization of *maendeleo*

2.6.1 The transition to Independence

The period 1960-1963 was metaphorically a rite of passage in Kenya's political development. Having come of age, Kenya as a newly born nation state was about to transition into self-rule. Following the heated and violent events of the preceding decade,

the new decade opened up with renewed hopes for Africans, as the Europeans inevitably ceded political ground. The secretary of state for the colonies, Mr Lennox-Boyd, agreed to set up a constitutional conference to unlock the ‘political impasse,’ negotiate for stakeholders’ interests (including those of the Europeans) as well as discuss the future of Kenya (Wood 1960). The objective of the conference as spelt out by the secretary was to “plan the next steps in Kenya’s constitutional evolution...to build a nation based on parliamentary institutions on the Westminster model and to achieve a general acceptance by all of the right of each community to remain in Kenya and play a part in public life” (Ibid: 54). Several conferences were convened with a number of colonial officials as well as representatives drawn from the native political associations. However, these associations were mainly ethnic or regional based and therefore designed to advance the interest of ethnic groups first. Nevertheless, such representation efforts attempted to accommodate and entrench the ambitions and hopes for Europeans, Africans, and Asians in the new constitutional dispensation.

At the first conference at Lancaster House in 1961, a proposed framework emphasized the accommodation of Africans within the governance structures and the speedy application of the principle of majority rule was mooted. It also put forth a bill of rights that tended to safeguard more of the Europeans’ interests in land and economic franchise. While some of the African representatives were not comfortable with this lopsided proposition, the beneficiaries of the KLC land allocation, largely Europeans and Kikuyus, supported the entrenchment of such safeguards in the constitution. This brought about an element of a divided African front, which laid the foundation for subsequent political realignments.

The second conference was held at Lancaster House in February 1962 to work out a programme for independence, including an agreement on the land transfer scheme.

Unlike in the first Lancaster conference, there was a significant presence of the Maasai in this conference, whose agenda principally centred on the Maasai land question (Kantai 2005, Koisabba 2015). The Maasai delegation saw this conference as the last opportunity to rekindle attention and reclaim their lost land based on the Anglo-Maasai agreements and the subsequent struggles experienced earlier in the 20th century. Little did they know that interests had shifted, and the outgoing colonial power was keen on a future that would guarantee stability to the settlers willing to remain in the country. At the conference, the Maasai delegation took a radical approach which called for unconditional restitution of the land, a position that was likely to destabilize the status quo. It became apparent that the outgoing British government would prefer the incoming independent Kenyan government to assume all its liabilities, commissions and omissions (Oginga 1967, Doherty 1987). The response to these demands took a political turn when both the crown and the two Kenyan political parties (KANU and KADU)⁴¹ tended to downplay the Maasai land issue. The British were obviously keen to hand over all these liabilities to the incoming government, a burden that the new government was not willing to shoulder (Ndaskoy 2005). Her Majesty's Government proclaimed that it did not recognize any rights by the Maasai to land outside their reserves. This proclamation, coupled with KANU's and KADU's cautious move on the matter, confirmed the theory held by many Maasai that others wanted to deny them their claims. The failure to acquire the immediate assurance of land restitution was devastating to the Maasai delegates, some of whom stormed out of the deliberations in protest (Koisabba 2015). Undoubtedly, due to the hard-line position taken by the British government and the laxity of KANU and KADU in not recognizing and supporting the Maasai cause, the opportune moment to address the Maasai land claims

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⁴¹ Kenya African National Union (KANU) was the mainstream party while Kenya African Democratic Union (KADU) was comprised of minorities from far-flung regions of the country, including pastoral regions. While KANU's position was for a centralized system of governance, KADU advocated for a devolved system.

was lost. All this ended in bitter failure, in what Hughes (2006) describes as lost opportunities. As further explained in the following section, the Maasai came to be associated with post-independence KADU since it proved to be pro-oppressed and a strong proponent of *majimbo* (federalism).

2.6.2 Land (re)distribution and political re-alignments

Land and politics have always been intertwined variables, constantly constructing a winding contour threading through the major phases of Kenya's history. The fact that economies of many countries in Africa, and Kenya in particular, depend on agriculture makes land and issues around access to and control over it more contentious. Land issues became strongly embedded in and intricately interwoven into the entire socio-political and economic structures of the colony and the newly independent country (Mwakikela 2007, Kanyinga 2009). While policy-makers conceived agriculture as an entry point for development and a backbone for the country's economy they prioritized 'progressive farmers' to gain redistributed agricultural land. In the late 1950s, the colonial government undertook to distribute some areas of the premium 'white highlands' with an intention to ensure continued peace, stability, and economic growth. While part of the 'white highlands' was made available to richer African Kenyan farmers for agricultural development it was also redistributed to landless peasants through the 'million-acre scheme'. However, the turn-around on land policy in the twilight years of colonial administration was interpreted as a strategy to secure the economic interests of and continuing investments by white settlers, many of whom would become Kenyan citizens (Kanyinga 2009:329). It is against this backdrop of the creation and dismantling of the 'White Highlands' that the evolution of Kenya's land question and the current political, economic, and development agenda is founded.

The new independent regime, with the KANU-dominated national assembly, picked up the development and land policies from where its predecessor had left. Land that was re-distributed through land holdings referred to as ‘settlement schemes’ became a ‘development’ mechanism in the new independent Kenya (Mwangi 2015). Resettlement of landless squatters involved the government buying farms from ‘willing settlers’ and turning them into settlement schemes designed to suit the landless of different social classes (Kanyinga 2009). In some instances, the resettlement involved moving Africans, especially those who were Kikuyu from central Kenya to land in the former ‘white highlands,’ either as individuals or groups (Leys 1975, Njonjo 1978, Leo 1989).

Through the One Million Acre Settlement Scheme, about one million acres of land were transferred from the white owners in the former ‘white highlands’ on the ‘willing-seller, willing-buyer’ basis. The money for this project came through the British government and the World Bank (Kanyinga 2009). Plans were put in place to buy an average of 200,000 acres each year for a period of five years (Halderman 1987). The land purchase programs, while furthering distribution of land in the highlands, privileged the purchase and transfer of land to those Kenyans who had the ability to pay. Development co-operatives and land-buying companies were formed to buy land from private white owners and sell to new African farmers (Kanyinga 1998), an approach that entrenched market logic as a means for accessing land rights. Some of the co-operatives and private companies that emerged obtained loans from the Agricultural Finance Corporation, which was established by the government in the early 1960s to give credit to farmers (Okoth-Ogendo 1981:33) who had title deeds to be used as collateral.

The land redistribution process, however, was not only determined by economics but also was strongly shaped by politics in terms of determining who would get land, where and how. Upon independence, Kenya started off not only as a multi-party

democracy but with a devolved regional system (*'majimbo'*) that was considerate of minorities' inclusion (Oginga 1967). Majimboism was conceived by leaders from marginal areas (mainly coastal, western, Northern, and Southern Kenya) and promoted by the political party KADU as a way to bring these ethnic groups into the mainstream. The marginal areas were the same as those that were neglected and subjugated during the colonial rule as 'closed Districts', which had benefited very little if at all from development expenditures (Mwaura 2005). These leaders envisaged Majimboism to take care of the diverse interests, harmonise development approaches, and help build a formidable unity of diverse cultures with shared aspirations under the new Kenya state (Mwaura 2005). But it all started on a wrong foot when land was distributed along ethnic and political lines, where those allied to KANU (largely Kikuyu) benefited more than pro-KADU minority groups. The Maasai were mainly aligned with KADU and therefore not politically positioned to access land through resettlement programs or other opportunities, such as financing to buy land. Besides, being a minority, their political voice was negligible compared to the more populous Kikuyu and Kalenjin. It was therefore difficult to promote Maasai land claims or any other Maasai agenda items through the established political structures. Furthermore, the Maasai could not access agricultural financing since they didn't have title deeds that the Agricultural Finance Corporation would honour for loans. It became evident to the Maasai that land acquisition was more influenced by political and economic factors than the inherent rights of being victims of dispossession, which sealed them off yet again from another possible opportunity to acquire part of their original territory.

2.6.3 Land tenure and pastoral economies

The new state of Kenya started charting its development pathway soon after independence by adopting the Sessional Paper of 1965, focusing on the elimination of

poverty, disease, and illiteracy (Mwakikagile 2007). To address poverty, agriculture was to be revamped and strengthened along the 1954 Swynnerton Plan framework. One of the stated goals in the Sessional Paper was to promote social equity and opportunity for pastoralists and other marginalized communities to help them overcome poverty (Mwaura 2005). After various failed attempts were made to focus on livestock development, particularly the free-range pastoral economy, more focus was given to (crop) agriculture (Halderman 1987).⁴² This pathway was confirmed after a model group ranching project that was introduced in the Poka area of Kajiado District flatly failed by the mid-1960s (Doherty 1987; Mwangi 2007). The same trope of the rigidity and conservatism of the Maasai and their reluctance to change was used to divert resources to sectors with high returns, such as crop farming and the dairy industry (Halderman 1987, Kanyinga 2009).

Pastoralism and rangelands issues came back to the limelight in 1966 when the World Bank and USAID funded the Lawrence Land Commission (LLC of 1965-1966). The Commission predicted that once land was adjudicated and deeded, security of tenure was enough incentive to their owners to invest in their property for economic advancement (Oyugi 2014). A clause in the LLC plan encouraged pastoralists to register for group titles to safeguard against having a landless class. This recommendation elicited mixed reactions from the Maasai, where some desired to join the group ranches and others objected to the idea. While a few politically connected and progressive individuals favoured this development, others who called themselves 'traditionalists' were generally opposed to the group ranch concept or individuation of land along family or clan lines (Hedlund 1971, Homewood et al 2002). On March 13, 1967, Maasai leaders, including their Members of Parliament and the heads of Narok and Kajiado County Councils, challenged the LLC's

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⁴² The Poka Model farm was an experiment in 1965-1966 that failed to take off due to the faulty approach that was adopted by its promoters (Halderman 2008).

recommendations,⁴³ arguing against the Ministry of Lands and Settlement's haste to implement the recommendations before proper consultation was done. They also disputed the rationales imbued in both the LLC and Swynnerton Plan suggesting that uncultivated parts of Maasailand were a 'waste' of a valuable resource. The Maasai leaders disputed the recommendation that suggested confiscation and redistribution of their land to landless and "enterprising" communities such as the Kikuyu and the Kamba. This, they claimed, would threaten the very livelihood and future of the Maasai people.

Both the Swynnerton Plan and the LLC mentioned the need for 'proper rangeland management' for maximum economic utilization and to avert environmental degradation (Kanyinga 1997). This trope of environmental stewardship, embedded in such development plans of pastoral areas, has been and continues to be predicated upon the assumption of an imminent ecological crisis (Galaty 1980). The issues of overgrazing, degradation and diminishing land carrying capacity have come up time and again in various government reports. The mobility associated with pastoralism has also been blamed for the spread of livestock diseases to other regions (Doherty 1987, Scoones et al. 2013). With this in mind, the land policies and development plans were authored by authorities and development experts, with an intention to integrate pastoralism into mainstream development. As such, bounded territorialisation that later paved way for land privatization was conceived and centrally placed as a requisite condition for pursuing the post-independence *maendeleo* trajectory.

An example of such bounded territories are group ranches established under the Land (Group Representatives) Act of 1968. Group ranches were expected to revolutionize

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⁴³ Narok North Member of Parliament Hon. Justus Ole Tipis signed the memorandum as leader of the delegation. Co-signees were M. T. Ole Kenah, Olkejuado [Kajiado] County Chairman, and M. P. Ole Nampaso, the Narok County Council Chairman.

pastoralism and, by extension, *maendeleo* projects and services in pastoral areas.

Conceived as a hybrid of communal and private land ownership, group ranches were designed to strike a balance between the customary and modern (registered and deeded) land regime (Moiko 2004). The ranches included territorialized groupings and bounding the Maasai in a given geographical area, co-owning and utilizing the land and resources therein. Group ranches were envisioned as units for development and modernization. For example, the government adopted model ranches as sites to experiment improved livestock husbandry, by building cattle dips in them, and assigning veterinarians to treat common livestock diseases to serve as pedagogical examples to encourage the Maasai to adopt these practices. The government also established the Kenya Meat Commission in early 1970s to provide a ready market for livestock with the hope of encouraging commercial ranching by the Maasai. Given its promotion by the government, group ranching grew exponentially from the early 1970s to cover about 75 percent of the total land area in the expansive Kajiado and Narok District by 1980 (Galaty 1980).

To successfully implement livestock breeding programs in the version espoused in the government's *maendeleo* plans, pastoralists had to agree to shift their 'mind-set' from the indigenous land regime to 'modern land management techniques' (Oyugi 2014). The land adjudication went hand in hand with livestock development programs funded by FAO/UNDP under the Kenya Land Development Program. Following the demarcation of the commons into group ranches, range management became a necessity given the continued land degradation due to overgrazing. Identified as a critical sector under the Ministry of Agriculture, the 1970-74 Rangelands Development Plan was conceived to guide development in the rangelands (Kamau and Pickard 2013). Its guiding and overarching principle was that the rangelands should be developed to yield maximum benefit to the national economy (Hulderman 1987). According to the plan, the rangelands

needed to be developed, conserved, and managed according to ecological principles of proper land use. By so doing, pastoralists must then be accorded the opportunity of full social development in the terms of the putatively modern world. These terms translated into the promotion of their integration into the free market economy (Mwaura 2005). The ideas resonate with those of the colonial government officials whose position was to enforce sedentarization and integration of the market economy into the traditional livelihoods.

While the group ranching idea was conceived and imposed by the government to bring about economic transformation, the group ranching process inadvertently impacted the Maasai in other ways that were probably unanticipated during its conception. Besides forcing the Maasai into a semi-sedentarized lifestyle, with lesser mobility, there was also a major shift in the community's leadership power dynamics. The law regulating group ranches requires that a committee be elected every five years by members to run the affairs of the group ranch. These laws were often flouted with group ranch leaders either overstaying their terms, entering into secret deals (such as mortgaging title deed without consent of group ranch members)⁴⁴ and in some extreme cases pushing for dissolution and demarcation against the wishes of the majority members. In some areas, the group ranch leadership became so powerful as to subsume the traditional one and, in most cases, it became a launching pad for more ambitious forms of political leadership. In places such as Loitokitok for group ranches bordering Amboseli National Park and for Narok group ranches bordering Maasai Mara National Reserve, revenues generated from tourism or from leasing land for wheat and barley cultivation (in the case of Narok) became so immense that group ranch leadership became a highly contested position. The Loitokitok

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⁴⁴ See <https://www.the-star.co.ke/news/2020-01-07-lenku-negotiates-return-of-170000-acres-to-group-ranch/>, retrieved on 14th March, 2020.

group ranches near Amboseli had always been characterized by intense tension every time there was an election process, sometimes ending up as a court case (Meguro et al 2011, Coleman and Mwangi 2015).

Whether unforeseen or purposely designed at conception, another major outcome of the group ranch idea was the systematic individuation of land. Many group ranches were, as early as the 1980s, subdivided among members and deeded. This process has since been expanding southwards and over 80% of the group ranches have so far been subdivided into individual parcels and titles issued to owners, often in the name of the man as the head of the family (Mwangi 2007). The title has since become a transferable commodity and a collateral through which one can secure a loan from financial institutions, and when in default (as has often been the case with many Maasai), the land is auctioned (Rutten 1992). The willing-seller, willing-buyer policy, coupled with the demand for land, fuelled the land market in Narok and Kajiado County with proximity to Nairobi being a driving factor. Most of the land has been bought by individuals and companies for real estate development or speculation. As a result, the Maasai from the affected areas are slowly losing the common customary land control mechanism as the capitalistic individuation of property slowly crept in, facilitating more and more selling of land. Consequently, many non-Maasai have bought their way into what had been Maasailand, especially in Narok and Kajiado Counties that are close to Nairobi (Galaty 1993). About 50% of these counties (formerly Districts) are now owned and occupied by outsiders. Many Maasai who consider these areas to be historically communal Maasai land, now see the land slowly slipping away (Koissaba 2015), taking along with it leadership and decision-making rights (see chapter 3).

The sages saw this coming and were against the group ranching idea, for they could anticipate the end results. The majority of these critics migrated away from the

experimentation areas around Nairobi, moving deep into the interior and running away from what they considered a ‘curse,’ as Keko Ole Kodonyo narrates (interviewed on 4th August 2004 at his Olosho-Oibor village):

We were told by the government and some Maasai leaders that land will ‘go’ [will vanish or diminish] unless we implemented a group ranch. We didn’t believe that, and we refused to be clustered into groups. We preferred to own land communally as we used to do. But a few of us were tricked and were allocated land. Some of us refused and as a community, we rebuked and cursed those who did this. As for me and my family, when I saw pegs [beacons] driven into the ground, we decided to move [from around Nairobi] down into the valley. But this habit persisted and over the years, it has come to reach us here [about 70km west of Nairobi] and now all the land has been subdivided and we are in small enclosures surrounded by strange neighbours.⁴⁵

Proponents of group ranching argued that group titling provided more land security, safeguarding the land from being grabbed either by the government or by powerful individuals. This was justifiable given the history of Maasai land loss through various forms of land tenure: bounded reserves during the colonial period, agricultural schemes in the late colonial period, and transitions from communal/customary holdings to group ranches and currently individual holdings were all characterised by significant land loss since independence (see Galaty 1993, Halderman 1987, Coleman and Mwangi 2015, Moiko 2004, Koissaba 2015). Each period brought changes, and transitions have been punctuated with significant land losses, starting with white settlers who took a third of the former Maasai territory (Huxley 1967, Hughes 2006, Kanyinga 2009). Other studies contend that the Maasai lost more land after independence than during colonial times (see Hughes 2007, Koissaba 2015, IWGIA 2017) to, among other things, expanding agriculturalists, conservation areas, mega-development projects, and individual land grabbers (see Figures 6 and 7). The idea of group ranching therefore may have helped in mitigating further loss, had subdivision of the ranches not taken place and subsequently

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⁴⁵ The interview was done courtesy of Maasai Civil Society Forum (MCSF), which collected views from elders to strengthen the Maasai negotiations during the constitutional review process.

induced commercialization which evidently facilitated further loss. The Maasai leaders when group ranch laws were being enacted and in the recent past have failed to secure a legal framework to safeguard Maasai territory from continued land dispossession. The continuous land use changes coupled with climate and environmental changes as well as changes in demographic factors continues to exert pressure on pastoralism. However, pastoralists continue to resiliently respond to these changes by adjusting pastoralism as a land use practise as well as diversifying their livelihoods (Galaty 1990 and 2014, Bollig 2016).

Figure 6: Map of East Africa and Maasailand circa 1905

Source: Hughes 2006:33

Figure 7: Post-Independence Maasai land

Source: Galaty 2016:718

2.7 The Maasai and the neoliberal political economy of the 1980s

The direction of the Kenyan economy had already been determined during the colonial period (Kitching 1980). The colonial project – premised on the economic model of extracting resources, taking advantage of cheap labour, and selling cheap products locally – is being reproduced in the neoliberal period since the 1980s. Back in the beginning of colonialism, the Imperial British East Africa Society and the East Africa Syndicate (EAS) played a significant role as private capital holders to administer land and explore other resources such as minerals (Hughes 2008). The mode of production throughout the colonial period was hinged on the capital-intensive models incentivised by the Colonial Office, so much so that the peasants' production couldn't cope with competition, thus confining their livestock and agricultural production to a mere

subsistence level (Kitching 1980, Kituyi 1985). Although it could be argued that it was a question of access to capital and legitimate competition that relegated small-holders to subsistence production, it is also a fact that the playing field was skewed in favour of the colonial settlers. Moreover, African small-holders and pastoralists were unable to freely enter the commercial market, which were monopolies for settler commerce, with low, fixed prices for Africa produce. While access to capital was important for settler and later African large-scale production (for fences, machinery, roads), a large section of the society was designated as subsistence farmers, labourers and consumers. This trend has not changed significantly, even in the post-independence era (Hornsby 2012). However, the growing money economy and land privatization have induced pastoralists to gear their production to the integrated market economy. More recently, the availability of title deeds has enabled most of the Maasai men (registered as head of families) to either sell pieces of land or use them as collateral to secure loans to invest in fences, water systems, veterinary medicine, etc (Lesorogol 2005).

The post-independence era continued to build a sustained alliance with foreign capital through an arrangement that Mwaura (2005) terms as “the neo-colonial state of dependency” (Ibid:109. This happened variously, including but not limited to, expatriate services, aid, loans, and foreign investments that were readily made available for *maendeleo*. While the Kenyan government and donors have seen this partnership between Kenyans and international actors as a catalyst to development, this relationship has produced a new ‘mode of production’ that is externally controlled (Hetherington 1993). According to Mwaura (2005) the multi-national corporations operate in alliance with Kenya’s few elites and the privileged political class to advance the investment interests that favours foreigners more than locals. Institutions such as the World Bank and International Monetary Fund have ensured that a firm alliance with foreign capital has

been consolidated and operationalized through the neo-liberal policies of the 1980s that privatized various commercial and administration enterprises (Leys 1975: 168-9; see also Hetherington 1993, Mwaura 2005). Besides stifling many budding industries and creating antagonistic modes that precluded indigenous development efforts, these dynamics have also produced national level oligarchs, sometimes so powerful that the 'state' interest dissolves, and 'capital' becomes the chief actor of *maendeleo* (Brett 1973: 167).

A shift in the configuration of economic scales from the international arena as the 'core' of the capital enterprise to oligarchs at the national level (Leys 1975) culminated in the neo-liberal regime that began in the 1980s. Through the structural adjustments programs (SAPs) advanced by the Bretton Wood institutions, ground was laid for international capital to flow in and out without much restriction (Mwaura 2005). International capital is either funnelled through national-level allies such as multinational companies, or sometimes finds its way directly to the local level. For instance, through the independent power producers' (IPPs) framework, investors invest directly in exploitation of geothermal resources at the periphery. Similarly, private conservationists with strong international connections jet in tourists to high-end facilities in remote locales, and jet them out again without impacting the other sectors of the economy (see Mbaria and Ogada 2016). The hopping of capital in and out of the specific areas, although it may be interpreted as economically viable, can also be extractive and exploitative (Mwaura 2005). An alliance between local and foreign capitalists has produced and continues to produce class frictions within the nation-state. This has been greatly manifested in political revolts (such as the attempted coup of 1982) which, upon close observation, have as much to do with resources such as land and related factors of production as with political feuds (Kanyinga 2000). The ongoing impact of these paradigms is seen as powerfully shaping

internal social relations both within and at the periphery of the nation-state (Galaty 1981) where a privileged class is strongly emerging (Hetherington 1993).

Being at the periphery, the Maasai have responded to the neoliberal economy by engaging in diverse livelihood initiatives to complement their dwindling pastoral economy. The founding of the Kenya Meat Commission (KMC) in the 1970s became a fundamental catalyst for the commercialization of the livestock based Maasai economy (Rutten 1992). With proximity to Nairobi's insatiable demand for beef, this industry is expected to thrive and sustain the rangelands' livestock-based economy, which also contributes significantly to the national GDP (Halderman 1987). This project, which attracted support from the multi-lateral institutions such as the World Bank and bilateral aid agencies such as SIDA (Swedish International Development Cooperation Agency) and USAID, was revolutionary for the commercialization of Maasai cattle (Halderman 1987). Cattle dips were built, and market stalls developed in strategic locations where small abattoirs also began mushrooming. As a result, the Maasai became integral players in the market economy, especially the meat industry, which contributes up to 12% of the national GDP (Nyariki and Amwata 2019). Regardless of the significant role the meat industry (especially in export) for pastoral well-being and the national economy, it is an economically fragile sector compared to tea and coffee for example that are seemingly stable. While the KMC, established in 1950 by an Act of Parliament to promote the country's meat industry through purchase and slaughter of livestock products in the local and export markets, it is yet to turn around the beef-based pastoral economy. According to Nyariki and Amwata (2019), KMC is only felt by pastoralists during extreme seasons when the government rolls out 'off-take' programs to cushion pastoralists from the devastating drought effects, by buying off weak and vulnerable cattle. As such it comes across as more of a relief agency than a strategic economic institution. Consequently, KMC

has repeatedly been accused by leaders from pastoralist communities as biased, exploitative, and often targeting commercial ranchers rather than small scale free rangers that it is ostensibly established to serve.⁴⁶ From the outset, it was clear that the Meat Commission was the instrument of European cattle producers, accepting livestock first from Europeans, and then, if the market demand was high, from Africans. In the post-independence period, which Dressang and Sharkansky (1975) describe as a period of intense political demands, the commercial position of the KMC declined as did the record of other public corporations (Ibid: 167). The woes of KMC were further compounded by the neoliberal policies of the 1980s which removed government support, contributing to eventual closure of its main plant in Nairobi. Even after government's effort to inject 1.9 billion in 2006 in an attempt to revive it, the firm however failed to take off continuing to make losses and depending solely on government grants and loans (Simba 2010). The commission continued the loss-making streak, leading the government to transfer its operations to the ministry of defence in 2020 amid public outcry on the multilateralization of public assets.⁴⁷

While the neoliberal development policies of the 1980s opened up opportunities for Maasai traders who could market their livestock and related products, the latter also felt the impacts of the World Bank's SAPs that adversely affected small, local industries and enterprises such as cotton, pyrethrum, and rice production, among others (Mwaura 2005, Mwakikagile 2007). Prior to this period, the skin and hide industry was booming in

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⁴⁶ <https://citizentv.co.ke/news/pastoralists-accuse-kmc-of-exploitation-in-livestock-off-take-programme-162049/>; accessed on 2nd April 2021

⁴⁷ See article by Paul Gumba, Lecturer, Faculty of Agriculture, Egerton University (4th Nov 2020); <https://theconversation.com/kenya-tries-to-save-its-meat-commission-again-why-it-wont-work-this-time-either-148547>, Accessed on 22nd Feb 2021.

Maasai land and the merchants who ventured into the skin and hide trade made tremendous progress.

While conducting research in Suswa in 2019, I bumped into Moriaso Ole Kindi, the proprietor of Mara Gateway Hotel, where I would occasionally visit to unwind and catch up with the local politics after long days in the sun-scorched plains of Suswa. The hotel was teeming with Chinese working on the SGR and KETRACO (Kenya Electricity Transmission Company) sites as well as with tourists making their way to or from Maasai Mara. Moriaso is my father's age (Iseuri age set) and had never been to school. Curiosity drew me to inquire how he had made it against all odds. From the onset, the introduction was easy because he knew my father and so we quickly settled in for a discussion over a cup of tea. He narrated to me that he came from a very humble background and had also struggled with herding livestock, like any other young man of his age:

The drought of *enkurma sikitoi* [yellow corn meal, in the early 1960s] taught me business. We lost nearly all our cattle. But because of many dead cattle another opportunity in skins and hides presented itself. I specialized in buying skins and hides across Maasai land. This business was despised because it was tedious, and the hides stink a lot. But then it became a booming business. I made a lot of money and I never turned back. I only stopped because the hide market dropped and completely collapsed in the '80s and [I] focused on other businesses. I don't know what happened to it [the skin and hide market] but many people who went that route got better off. I invested my money wisely by buying more cows and investing in real estate. I have houses for rent in Narok Town and Ngong. I also ventured into wheat farming in Narok and have machinery like tractors, which I also hire out. Then I have built this hotel, which is a good business, too.

Unknown to Moriaso, the World Bank's SAPs of the 1980s removed import barriers which meant that those in the skin and hide industry as well as many other indigenous industries now had to compete with similar products from all over the world, which often entered the Kenyan market at lower prices Mwaura 2005). While economic liberalization may have brought its own benefits, it however impacted negatively on the emerging industries and economies that could not just yet effectively compete globally. But like Moriaso, the majority of Maasai are proactively joining the entrepreneurial arena and learning the tricks of capital accumulation and stiff competition.

The entrance of corporate capitalist investors into the peripheries where the local peasants/pastoralists-turned-entrepreneurs are expected to engage in mutual 'partnership' presents both opportunities and challenges. Expropriation and commercialization of natural resources such as wildlife, minerals, and, lately, renewable energy in marginal areas have opened up the erstwhile remote regions to infrastructural development, enabling trade and according to employment opportunities. This neo-liberal *maendeleo* however comes with its own challenges, among them, the risk of compromising land ownership and governance. To the Maasai, just like other pastoral communities, land is not only critical in sustaining their *enkishon* values, livelihoods security and articulation of social relations (Galaty 1981) but is also an indispensable factor in economic production. But with intensification of *maendeleo* generally and mega-development projects, in particular, the rangelands are increasingly under immense pressure of competing and sometimes incompatible land use activities.

For the Maasai, these socio-economic pressures are most visible in the natural resource sector. Land and natural resource have been contentious point of encounter between the Maasai, on one hand, and the government and private sector on the other. Conservation and tourism, for example, have always been advanced as laudatory –

morally good for the environment, for the national economy and, lately, through community-based conservation (CBC), for the local communities. The latest is the extraction of geothermal which has also been promoted for the same reasons as conservation. The following section tracks a brief history of these two sectors (conservation and extraction) as well as laying the ground for further discussions in chapter 4 and 5 respectively.

2.7.1 Conservation and the tourism enterprise

Game conservation began in the earliest days of the colonial era. Oyugi (2014) points out that the country's first two reserves, the 33,000 km² Southern and the 33,7500 km² Northern Game Reserves, were established in 1899 and 1900 respectively. Citing Cranworth (1919), Oyugi notes that the Game Department was first established in 1906 and was charged with, among other responsibilities, regulating hunting through a licencing scheme. The Game Department prevailed upon the government to amend the Native Reserves Act of 1904 to establish the game reserve, as per the London-based Society for the Preservation of the Wild Fauna of the Empire (Oyugi 2014). The Maasai reserves were established on the same territory as the game reserves. Sport hunting was a major tourism product, with a high-powered hunting expedition led by President Theodore Roosevelt in 1909 perhaps among the first safari enterprises in the protectorate.⁴⁸ It is not clear how much money the British earned from it, but the expedition was criticized by the conservationists of the time as "predatory, wasteful, and unethical" (Cranworth 1912: 314). This best describes the hunting sport, which was leisurely and commercially pursued throughout the colonial period and which almost extirpated the wildlife population (King 2010). The first half of the 20th century, generally referred to as the 'Era of the Big Game

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⁴⁸ See <https://www.vox.com/2015/7/29/9067587/theodore-roosevelt-safari>, retrieved on May 2nd, 2020.

Hunting' (Akama 2004), was designed to massage the ego of the affluent, white social-political elite class (see Cranworth 1919, Anderson and Grove 1987, Hughes 2007, Oyugi 2014).

Divided opinions and conflicts of interest continued to persist on matters regarding wildlife in the context of Maasai grazing rights. "Blame games" ensued between the colonial administrators and the Maasai, with the latter occasionally criticized for keeping large herds of cattle that competed with wildlife pasturage use, especially in the Southern Reserve. However, there was a genuine concern among several administrators with regard to Maasai rights and their pastoral livelihood. These British settlers therefore wanted the Maasai interests secured in the governance of wildlife. There was a general feeling by some colonial officials that the Maasai had already lost so much land and that there was instead a need to focus on livestock modernization schemes, an undertaking that would be incompatible with the creation of protected areas in the Southern Reserve (Oyugi 2014). All these ambivalences, ironies and divergent opinions were accommodated in William Morris Carter's Kenya Land Commission report of 1933-34. The creation of the game reserves and parks were temporarily delayed in the Maasai reserve to assuage possible resentment. However, fortified protected areas, which became exclusionary conservation spaces (thus limiting Maasai grazing rights), were later established in the Southern Reserve. The Nairobi National Park was established in 1946, while Amboseli National Reserve followed shortly in 1948 amidst communities' protest.

Soon after independence, the government of Kenya identified wildlife as a strategic pillar to its national economic agenda. During the Independence Day celebrations on December 12, 1971, President Kenyatta highlighted wildlife as the "prime mover of Kenya's whole international economy" (Oyugi 2014: 45). As a signatory to the African Convention for the Conservation and Management of Wildlife, the Kenyan government

committed to taking full responsibility for all aspects of wildlife management, including the governance of existing county council game reserves (such as Amboseli and the Maasai Mara), with a view to elevate them both to national park status. Amidst community protests (both in Narok and Kajiado), the government ‘won’ 392 km² of the larger Amboseli ecosystem which was officially registered as a national park in 1974 (Okello 2005). However, Maasai Mara remained as a county reserve, with the local authority holding a greater stake in its management and revenue collection. The expansion and intensification of conservation efforts continued in Kenya, reaching up to over 50 of such protected conservation areas (parks without people) that cover about 8% of the land in Kenya (Nyeki 1993, Mwangi 1995, Okello 2005). Established in 1984, Hell’s Gate National Park is amongst the youngest national parks in the country. There was a general shift in the 1990s in the country’s conservation approach, from the highly fortified and militarized exclusive parks to a more a collaborative community-based effort. The details of this new approach and its significance to the Maasai, in the context of competing land use, will further be explored in chapter 4.

2.7.2 Minerals, extractives, and renewable energy

Besides conservation enterprise, Kenya’s colonial government also pursued exploration and extraction of minerals to supplement its agricultural and tourism-based economy. Although Kenya did not really have precious gems on the scale of its neighbours, parts of the Maasai Reserve did indeed contribute to the limited mineral development. Though not substantial, gold was discovered and exploited in Lolgorien in the northwest of Narok District in 1920, while Kajiado District harboured unrivalled deposits of soda ash and highly valued magnesium-rich limestone (Hughes 2008, Oyugi 2014). The early settlers, particularly the ambitious EAS, won the concession for Magadi Soda (sodium bicarbonate) in Lake Magadi, Southern Rift Valley, currently in Kajiado

County. Magadi Soda became the earliest case of a mega-resource exploitation and perhaps the largest (in terms of land mass, spanning over 216,000 acres) and longest land dispossession in Maasai areas (Hughes 2008). Currently (from 2019), the local authority of Kajiado County is at loggerheads with Tata Chemicals who controls Magadi Sodas over appropriating the resource, in a bid to renegotiate the exploitation of this resource, which for so long has least benefited the local Maasai.⁴⁹

Post-independence Kenya has continued the same trend of resource exploration in marginal and remote frontiers of the country. The recent discovery of oil in 2010 in northern Kenya could be a turning point in Kenya's fortunes, holding great promise for joining the league of oil producers.⁵⁰ So far, Kenya has only exported the first consignment in 2018; but this was short lived as further work was halted owing to poor infrastructure. The much-anticipated LAPSET Corridor Program⁵¹ will be invaluable in exporting the oil resources from the remote Turkana County to the port of Lamu and to the rest of the world. The neighbouring Marsabit County boasts of a more recent renewable resource, Lake Turkana Wind Power, which was established in 2015. With 365 turbines in a landscape spanning 150,000 acres, the project has injected over 310 MW of clean energy into the national grid (Kaunga 2017). While exploitation is lauded by government and development agencies as a long overdue *maendeleo* initiative opening the historically marginalized northern region to the rest of Kenya and the world, it is shrouded in tensions

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⁴⁹ See <https://www.businessdailyafrica.com/bd/news/counties/multinational-in-bitter-row-with-kajiado-county-over-land-rate-billions-2236048>; <https://nation.africa/kenya/counties/kajiado/uhuru-calls-for-talks-to-solve-kajiado-tata-ltd-feud-137254>, retrieved on 15th June 2020.

⁵⁰ See <https://www.reuters.com/article/us-kenya-oil-idUSKCN1VG1FQ>, retrieved on July 15th 2020.

⁵¹ The \$25 billion infrastructure project—the Lamu Port South Sudan Ethiopia Transport (LAPSET) Corridor— will link Kenya with Ethiopia, Uganda and South Sudan. The far-reaching project involves a railway, a highway, a crude oil pipeline and a fibre-optic cable connecting the four countries. See <https://www.un.org/africarenewal/magazine/august-2016/megaproject-rises-east-africa>, retrieved on 6th April 2020.

and contestations over benefit sharing and land acquisition⁵² as these extractive models of capitalist exploitation continue.

In the southern frontier the development of geothermal, another renewable energy, is budding and quickly expanding in magnitude and significance. Geothermal exploration first began there in 1956 when exploratory drilling was carried out by a consortium of companies. It was not until the 1970s that geothermal development began to intensify, after the discovery of a 75km² geothermal field was gazetted in 1971. Olkaria I Geothermal Power Station was the first geothermal power plant in Africa, commissioned in three phases: 1981, 1982, and 1985 (Ogolla 2005). Geothermal exploration and exploitation in the Rift Valley have significantly intensified in the last two decades. Though capital-intensive, the combination of keen international capital, a growing market, and a conducive policy have seen the upsurge of its development on protected areas, public spaces, and private lands (Mutia 2010).

In the Olkaria area, where this study was conducted, geothermal exploration is carried out mainly in protected areas (national parks and community-based conservancies) and in contested landscapes. Olkaria and the area around Naivasha form part of the area that the Maasai lost through the 1904 treaties, an extension of the colonial ‘White Highlands’ that hosted settler ranchers. Soon after independence, the settler ranches were purchased by local cooperative groups (constituting membership from elite but politically connected ethnic groups such as Kikuyus and Kalenjin), formed around and soon after independence with a motive to buy and accumulate land left by returning settlers (Kanyinga 2009). With support from government-run financial schemes and institutions,

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⁵² Studies undertaken by the Institute of Development Studies (Sussex University) examined conflicts around renewable energy projects. They established that extensive land was fraudulently acquired, with locals going to court to challenge the acquisition; see <https://www.nation.co.ke/business/Lake-Turkana-Wind-Power-case-resume-Monday/996-5424360-2s0h1jz/index.html>, retrieved on February 25th 2020.

local cooperative groups bought various white ranches, including Kedong' and Ngati/Maiella ranches south of Naivasha encompassing the current greater Olkaria-Suswa landscapes. However, beneficiary members of these cooperatives could not immediately settle there for various reasons. First, the area was not good agricultural land which Kikuyus (being the majority if not exclusive members of these groups) preferred. Secondly, the Maasai consistently used the area for their livestock, with some living in the said ranches for years (Hughes and Rogei 2020). Oblivious to the transactional transfer of ownership, these Maasai still considered it their ancestral land, believing it ought to revert to them now that the white settlers were moving. Most of the Maasai, therefore, migrated to the ranches as early as the 1970s, coming from Ewuaso (Kajiado County) and Nairragie-Enkare (Narok County) and settling in the Olkaria Hills, encompassing the current HGNP, Kedong' Ranch, and Ngati/Maela Ranches. The absentee Kikuyu landlords began to show up much later, when the prospects for geothermal exploitation started gaining traction, perhaps keen to take advantage of the looming windfall and the escalating land premium. These dynamics, including the ensuing tensions, will be explored further in chapter 5.

2.8 Discussion and conclusion

Reflecting deep into the colonial history, we have seen that the arrival of the British settlers at the turn of the 19th Century coincided with a collapsing Maasai economy and waning political strength as a result of natural calamities and the inter-*iloshon* wars amongst themselves. Weak and vulnerable, they were exposed to their erstwhile enemies waiting in the wings. The British, on the other hand, loaded with alarming information about the 'warrior' Maasai, and not fully prepared to face the anticipated resistance, seized the opportunity to build an alliance. As a result, a convergence of interests occurred between the British and some Maasai sections, with the latter wanting protection from

other Maasai sections and from neighbouring non-Maasai groups. The British on their side wanted, at least for the short term, to settle down peacefully and build the railway across Maasai land. Collaboration and alliance persisted, and a blood covenant was entered into to seal the relationship (Hughes 2006). While both achieved their short-term objectives, it seems the British had a long-term goal that the Maasai were short-sighted about. The trust that had been developed and nurtured turned out to be mischief on the side of the British when they breached both the blood covenant and the signed treaties (Hughes 2006). The Maasai perceived this as the greatest example of hypocrisy and dishonesty. Trust and honesty constitute fundamental principles undergirding the Maasai *enkishon* philosophy. But, unfortunately, they were introduced the hard way to Eurocentric politics of mischief and chicanery that continued to disregard their *enkishon* and have shape *maendeleo* for a long time to come.

However, in the course of interaction with the British over the colonial period, some administrative officials proved to be sympathetic to the Maasai and went out of their way to fight for them. The differences of opinions were so sharp and fractious that the making of decisions in regard to the Maasai cost the administration at least two high-ranking officials – Commissioner Charles Eliot and Governor Percy Girouard. Those who were sympathetic to the Maasai were either expelled or demoted. After all was said and done, the Maasai lost more than half of their former territory and were deeply divided both territorially and ideologically. We may ask ourselves whether this loss was worth the collaboration. The Maasai did not adopt the conventional resistance but, rather, took a tactful, non-violent and diplomatic approach. Nevertheless, the subtle resistance to Eurocentric endeavours towards ‘development’ and civilization was a strong signal of defiance. The Maasai also refused to collaborate on ventures that would put them in

jeopardy or that would only benefit the settlers.⁵³ A case in point was the Anglo-German war during the Second World War, fought literally in the Maasai territory, in which the Maasai adamantly refused to take part other than provide beef to the forces (Hughes 2006). Other forms of resistance included the court cases challenging relocations, and petitions submitted to the KLC (1933) and at the Lancaster House Conference (1962).

The Maasai approach to the colonial project can also be looked at from a positive perspective. Being the only native group in Kenya to enter into a negotiated treaty with the settlers, they managed to secure half of their territory, which under other circumstances would have been lost. Had they chosen a confrontational approach and assuming that the treaties were never entered into, there was a high likelihood that the Maasai on the northern side of the railway could have been pushed to the drier and arid northern region, possibly losing much of the good southern rangelands. Needless to say, many lives were also saved by avoiding bloody confrontations as much as possible except in self-defence. To that, the Maasai elder age-set and spiritual leaders take the credit for this piece of wisdom. However, the leaders did not take full advantage of the little goodwill available to entrench their interests in the treaties and governance structures.

During and after World War Two, the period preceding independence, there was a general shift of focus for the British from the Maasai to the Kikuyu as the British now saw the latter as likely to upset the colonial status quo. The Kikuyus, having acquired education as early as 1920s and actively engaged in the political process, were becoming more informed, politically organized and increasingly aware of their rights. They began to launch formal demands on restitution of agricultural lands (Wood 1960). As such, they were awarded land through the KLC in 1933, and subsequent policy frameworks such as

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⁵³ However, they participated in organized expeditions against other groups, where they would stand to benefit and restock their shrinking herds.

the Swynnerton Plan tended to favour them. Besides, the Maasai had extended their subtle resistance far too long and failed to read the changing winds. They did not proactively participate in the political activities preceding independence (though a few of them participated in *Mau Mau*)⁵⁴ until the 1962 Lancaster House Conference, when an elite delegation presented a strong case for unconditional land repatriation. This position was appealing neither to the outgoing British regime that was determined to sustain its interests nor to the incoming Kikuyu-led government who were also eying the ‘White Highlands’ to settle their members. It was, however, clear at this point that the traditional leadership, which commanded a larger Maasai following, had not been involved in this Maasai delegation to London.⁵⁵

This disconnect between the elite leaders, later endorsed as political representatives after independence, and the traditional leaders drove a wedge that highlighted their different ideologies, which proved costly for the Maasai. It made it extremely difficult for the elite political leaders to convince their counterparts and the Maasai in general to accept private land holdings in the highlands. Frustrated, the elites went on to apportion themselves part of the land, further driving a wedge between them and the Maasai majority, as they were seen to be advancing their own individual interests against that of the community. These tensions continued to persist at a critical moment when land legislation and policies governing important resources were being formulated in post-independence Kenya. In an interview with the late Honourable John Keen (May 2005 in Karen), he confirmed that at the time the Maasai lacked an organized political front and

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⁵⁴ During an interview with Elder Ole Parsampula at his home in Narasha on 17th June 2018, he told me how his father among other Maasai men were actively involved in Mau Mau battles. Taking cover in Olkaria hills and Mt. Suswa caves, Ole Parsampula recalls the combatants coming out to take part of the sheep he was herding as food and contribution to the fighters.

⁵⁵ The Maasai delegation to the Lancaster house conference comprised: John Keen, P. Ole Lemein, J.Ole Tameeno, J.K Ole Sein, Dr. Likimani, Partosio Ole Nampaso, J.K Ole Tipis, J.L.N Ole Konchellah and J.L Ole Rurumpan

therefore lost the opportunity to safeguard their interests. And while the political leaders lacked the strong backing to push for favourable policies, the traditional leaders and the larger community were far too detached from and disinterested in the national *maendeleo* discourse.

As will be discussed in Chapter 3, for the elite political leaders to remain relevant, and having now joined the well-to-do social class with money, they used their party affiliations, clans, and *Iloshon* to gain prominence and relevance in the communities. This approach to leadership furthered the divisions, which were conveniently exploited by foreign and national companies and national politicians to weaken the Maasai's bargaining power. These divisions are still alive and have even expanded to include clans driven by contemporary leadership and economic interests. In a nutshell, as I will argue, the Maasai disunity continues to compromise the attempts to build on numerical strength and politico-economic power to bargain for positions of common interest. This weakness was and is still being manipulated by others in the contemporary exploitation of resources within their territories. This will be a great undoing for their *enkishon* now and in the future.

From the discussion in this chapter, we can deduce that the physical, social and ideological divisions of the community followed a pattern. The dismantling of the commons started with the scrambling for territory and partition of Africa, where with a stroke of a pen, the Maasai found themselves distributed amongst three East Africa countries – Kenya, Tanzania, and Uganda.⁵⁶ A decade later, the Maasai were territorially distributed in various reserves, with a larger majority later re-united in the extended Southern Maasai reserve, which had restricted movements. The grazing schemes were also introduced through the KLC in 1933, with similar restrictions. Then, the group ranches of

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⁵⁶ The Uganda border was later altered in 1902 to move the Maasai from Naivasha province to the current position, thus bringing all Maasai then in Uganda back to Kenya.

the 1960s and 70s finally opened the land to subdivision and individual holdings (Mwangi 2015). This was the final attainment of the destruction of the commons and the prioritising of individual interests, which many views as the hallmark of capitalism (Moiko 2004). The continued loss of land and compromised livelihoods have tremendously reduced the Maasai capacity to engage in the alliances and partnerships that characterize contemporary political and economic dynamics. On matters of leadership, Chapter 3 will focus on leadership (*erikore*) to further discuss how the Maasai continue to lose power and an ability to engage in contemporary *maendeleo* issues in a way to sustain *enkishon*-based values.

CHAPTER THREE

ORINKA: FROM ‘BLACK’ TO ‘BEADED’ SCEPTRE OF LEADERSHIP AND THE CHANGING POWER RELATIONS

Meishooroyu Orinka, olayioni/ emurua/enkop [Three things you should never give up: leadership, sons or land] - Maasai proverb

Every Wednesday, Suswa town becomes a beehive of activity. People travel from all corners to attend the market. They come from the dusty plains and highlands laden with livestock and loads of fresh farm produce to trade. The place bubbles with life and energy. While most people (including non-Maasai) come as buyers to replenish their food supplies for another week, others work hard to make an extra shilling in all manner of trading activities. Women entrepreneurs sell *chai* and *Chapati* to traders in the open air next to the livestock yard.⁵⁷ The large-scale traders whose trucks are on standby wait to load hundreds of livestock destined for Nairobi market. Everyone is hopeful for a good business day. The market day is also a social site, where people meet and exchange information (*Ilomon*) about cows, children, politics and new developments.

Suswa livestock market site is particularly lively, with lots of business activities and deals taking place. Individual farmers come with their stock, which include cows, goats and/ or sheep. The middlemen, often young men without much capital to buy and sell stock of their own, strive to outcompete each other, to broker stock trades and then sell to the moneyed barons who are the main purchasers making a mark-up on the process. The

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⁵⁷ Cattle trading is a gendered occupation.

brokers would take the principle amount to the stock owner while keeping the profit. It is a business built on trust but also the fact that most people know each other further deepens the trust. The livestock market closes at mid-day, and everyone retreats to the town centre to buy supplies – food, clothes, and livestock drugs, among other things. They catch up later on over *nyama choma* (roasted meat) in pairs or small groups, and sometimes larger groups retreat to the edge of the town to have more formal and engaged discussions under an acacia tree.

On a market day on 7th August 2019, something unusual caught my eye. I noticed groupings of men, talking vigorously with speakers intensely ‘beating the air’ with an *orinka*⁵⁸ (sceptre) in turns. It occurred to me that this was something unusual, more than the normal political undertones. Suswa is known as a site for protests, where community members express dissatisfactions for various reasons. The protests are either directed against local development companies or to challenge a looming eviction or cows run over by a truck or just for political reasons. The anger often is meted against the motorists, plying the busy Nairobi – Narok road, an economic artery for both Maasai Mara safaris and the wider western Kenya region to the border with Uganda. Suswa has also been known as Pan-Maasai political epicentre where the entire community occasionally converges to make critical political decisions (Koisabba 2015). Yet, there were no demonstrations underway, at least none that I was aware of. “It is just some leadership wrangles between a senior politician and a chief. The age-group members are figuring out how to pacify the two”, my research assistant interjected, downplaying the gravity of the matter.

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⁵⁸ It is important to note that other Maasai sections such Il-kisonko, I-lloodokilani, ILoitai among others refer *Orinka* as ‘*Orkuma*’.

My curiosity to establish the underlying issue intensified. I couldn't resist the urge to talk to the said chief. My assistant secured an appointment and I met him on 16th October 2019 at Duka Moja shopping centre, 10 kilometres out of Suswa town. Chief Ole Ntakajai is a man who straddles two worlds: the past and the present. He is not formally schooled, yet in addition to being a traditional chief of *Ilkishuru* age-set, he is also a government appointed administrative chief in charge of Suswa sub-location. After preliminary introductions, Chief Ntakajai narrated his story to me:

I was born in Ntulele around the time when Kenya got *uhuru* [independence]. I am from Keekonyokie section [*olosho*] and *Ilaiser* sub-clan. I am the *Olaiguanani* [traditional chief] of *Ilkishuru* age-set [comprising of *Ilkipali* (right-hand age-group) and *Ilmajeshi* (left-hand age-group)]. I was made a chief at a young age at the *Enkipaata* ceremony normally held in Ewuaso near Mt. Suswa. The ceremony is typically for the making of an age-group and its leadership which comprises of *Oloiguanani*, *oloboru enkeene* and *Olotuno*. *Olaiguanani* is the highest-ranking position. The *Olpiron* [supervising age-group] plays a critical role in deciding the best candidate. And so, they settled on me and I became the chief presiding over my age-set across Ilkeekonyokie section. My work is to bring order and organization in the age-set. They have to follow my commands. During my coronation, I was presented with a special club (*orinka*) by the elders as witnessed by my age-group and the entire community. The *orinka*, which is my symbol of leadership, is blessed and cursed⁵⁹ in equal measure. That it may bring good tidings to whomever will obey it and bad omen to whoever doesn't. I shouldn't misuse the powers ordained on me, lest the curse befalls me and my family. And so, it is a huge and risky responsibility. I must make wise decisions when executing my duties, especially presiding reconciliations, sanctioning war, raids, and lion hunt expeditions, among others. Also, I had to marry immediately after *moran-ship* [warrior hood], to a girl of my choice and it doesn't matter whether she was betrothed to someone else at the time. This is because an unmarried man cannot make wise decisions. For the last, I think almost 40 years now that I have held this position, I can say I have done well and exercised justice in my judgements. I know others who mishandled it and it did not go well with them. But as of me I am not only healthy as you can see and of sound mind, but I am also wealthy. I have two homes; one in the lower plains where I farm goats, cows and sheep; and another in the highlands where I farm wheat and corn. I also have two wives and several children. I can attribute my success to the fact that I never abused my power.

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⁵⁹ 'Curse' known as '*oldeket*' in the Maasai sense is declaring a bad omen to someone by those in authority over him or her.

As an assistant chief in charge of Suswa sub-location, Chief Ole Ntakajai presides over government initiated *maendeleo* projects in his area of jurisdiction as well as attending to all social issues including solving local disputes. Just as it was during the colonial times, government chiefs are the ‘eyes’ of the executive at the grass-roots level, promoting government policies while relaying intelligence to their superiors. And so, he holds two different positions, drawing power and authority from different, and sometimes antagonistic sources: the community and the government. “How do you balance these responsibilities and how do they complement with or conflict against each other?” I inquired:

I think the two roles complement each other as it is all about leadership and service to the people. For the traditional chief, you are not paid. Maybe occasionally my age mates will reward me with heifers or sheep. But at least the government’s job comes with a salary. I have enjoyed it so far. My only challenge is the politicians because they have selfish interests and they would want to misuse me to achieve their selfish political ends.

This was a perfect moment to engage him on his engagement with the political leadership. I knew it was a sensitive topic, having heard from others the magnitude and the effort it took to reconcile the two. I wasn’t sure of his reaction and so I quickly picked up from where he ended, probing further on his political challenges:

I had lots of political challenges in the past involving a local political leader. Our difference is premised on the fact that I don’t support his leadership style. I feel he is not aggressive enough in advancing the community interest. So, we have had a long-standing ideological difference, and politically I am not his supporter. One day, early this year [2019] he framed a case against me and prevailed upon the District Commissioner [DC], who is my boss, to suspend me from my duties. But I got to know the information beforehand and instead I went to the DC and resigned. And since the politician used the political powers at his disposal against me, I also decided to use my traditionally given powers against him. Remember, he is from my age-set and so I am his traditional chief.

Though chief Ntakajai claims to have been a just and diplomatic leader, he felt that this was the moment to unleash the other side of his power, the preternatural force engrained in the *orinka*. And this was enough to make the politician and his entire age-

group really panic. Truce finally prevailed after a peace delegation mediated for peace with gifts from the political opponent in the form of heifers being offered to the chief as a sign of atonement. This experience with chief Ntakajai and his contemporaries depicts the clash of powers and the tensions around the contemporary political and the traditional leadership positions. But it also proves that the different leadership positions can collaborate and reinforce each other as in the case of Chief Ntakajai's responsibilities. Besides the government's responsibility that comes with his office as an assistant chief, Chief Ole Ntakajai is still actively involved in traditional roles, having recently been involved in facilitating the rite of passage ceremony (*enkang' oo ng'usidin*) for his *olpiron* age-group (see a section below for more on this). This type of ceremony, he said, is happening in a more Christianised and elitist context, making the process more complex than during the past. Chief Ntakajai's overlapping roles and responsibilities depicts a multi-layered and interwoven nature of Maasai leadership and complex power dynamics undergirding it.

The Maasai are engaged, and grappling, with diverse social-economic and political issues, both historical and contemporary. As it has happened to many ethnic groups in the post-colony, traditional institutions and structures have been severely disrupted, with some of them either substituted for by 'modern' institutions or modified to accommodate the expanded mandate. Relative to other ethnic groups in Kenya, the Maasai are considered to be one of the few communities struggling to mediate *maendeleo* within their cultural contexts. The Maasai cultural resilience is widely documented – often romanticized as timeless and unchanging- a fact that makes their daily *maendeleo* performances difficult to mediate. This resilience however can be attributed to the application of values engrained in the Maasai-*enkishon* (holistic well-being) philosophy. Leadership, symbolized by *orinka*, is paramount to either the success and or failure of the community's day to day

struggles with *maendeleo*-related issues including but not limited to conservation, mega-development projects, livelihoods, access to social amenities as well as land use activities. It is also particularly important in mediating community's interest in the national level ethno-politics alignments, regional and international movements, imagining of *maendeleo* futures and cultural identities in the context of Kenya's 'communities'. As such, and as ethnographically demonstrated in this chapter, leadership is highly regarded as an integral part of the Maasai philosophy.

By analysing and applying the concept of *orinka* in Olkari-Suswa, this chapter will delve into the role of contemporary leadership, in mediating all these dynamics – both at the community and national scales. This will be examined against Kenya's multi-ethnic configuration, which through the prevailing political economy, is increasingly becoming clustered more along economic class lines than cultural identities. The national and sub-national political economic dynamics will be examined through the lenses of both the traditional and contemporary Maasai leadership structures and institutions. By analysing the challenges and opportunities involved in the leadership continuum, I will attempt to demonstrate how the reconfiguration of traditional structures such *Iligilat*, *Iloporori* and *Iloshon* and institutions such as *Iipayiani* (elders) have been redeployed to reflect and meet the current leadership demands. These reconfigurations have produced new 'centres of power', giving *orinka* a novel impetus by bringing hitherto side-lined sections of the society such as women to the centre of decision making on *maendeleo* related matters.

3.1 Conceptualizing *Orinka* in the context of changing leadership structures and national ethno-politics

Leadership (*erikore*) is a critical component of the Maasai *enkishon* philosophy. According to elder Ole Parsampula, an *Olarikoni* (leader) is ranked second to *Enkai* (God)

and leaders are therefore revered and respected. Its sanctity is enshrined in the age-old saying that, *meishooroyu orinka, o layioni* (leadership [orinka] and son-ship cannot be given away).⁶⁰ Traditional leaders (*Ilarikok*), especially chiefs (*Ilaiguanak*), and the entire office bearers are not elected but appointed after a long and deep consultative process between the concerned age group, elders, and the spiritual leaders (*oloiboni*). Once they agree on a man, they would declare to the family of the appointee that their son now belongs to the community and not to them. “The family would cry and mourn as if they are demised. This is because they know the enormous responsibility bestowed upon their son and family in general which may either attract a blessing or curse to them and their generations to come,” Ole Parsampula emphasized. “*Orinka* is blessed and cursed in equal measure – that if you abuse it, it will curse you; but if you use it responsibly, it will be a blessing to you,” added elder Sakayian.

Orinka is therefore a symbol of leadership with powers conferred upon it to be representative of the wish of the people or group of people being led. The materiality and metaphysical nature of *orinka* matters less compared to its symbolic sanctity that is deeply engrained in the consciousness of people. Once ordained, the *Orinka*-holding leader will draw power, respect and loyalty from people. There are three types of *Irinkan* (plural for *orinka*), though materially similar, they are symbolically distinct.

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⁶⁰ While probing deeper on the meaning and essence of this proverb, the elders explained that *orinka* is symbolic to leadership and cannot be traded for anything. Similarly, land (which is interpreted as *emurua*, *enkop* or *Olayioni*) is perceived in the sense of ‘son’ (*olayioni*) which connotes the perpetual patriarchal inheritance. So, the two, land and leadership, are strongly embedded in the Maasai *enkishon* philosophy and therefore jealously guarded.

Figure 8: Orinka Oibor

Figure 9: Orinka Orok

Figure 10: Orinka Loo Saen

Source: *hadithikenya.com*

Figure 8 depicts *Orinka Oibor*, which is a weapon, often carried by warriors, boys and men generally for purposes of self-protection either against wildlife or human rivals. It is structurally distinct from the rest as it has a round-head that bends either 90 degrees or more, sometimes with a small sharp tip. It is brown in colour and not necessarily finely-made, as long as it is good enough to serve the purpose. The materiality is important, as it is crafted from a hard-wood for durability and performance. The younger age-groups have ingeniously advanced it by inserting a metal knob, instead of an ordinary round ‘head’ to make a lethal knobkerrie. In Figure 9 is *Orinka Orok*, especially made for *ilaigunak* (traditional chiefs) leaders. Although the administrative (government) chiefs have come to adorn them as well, they are not subjected to the rigorous spiritual process the traditional ones used to be made to go through. It is normally dark brown or black in colour (but generally referred to as *orinka orok* – denoting black – by the Maasai) and straight with a small round-end. The materiality is not determined by the hardness or softness of the wood but the sacredness of the tree. Most of them are made from *Olorien* (the olive), some specific acacia or *oreteti* (the fig). The third type and most recent is *Orinka Loo Saen*

(Figure 10). This is decorated with beads⁶¹ and has come to be popularly used by political leaders (Cherrington 2006). Although it has come to be part of the beauty attire for most of the men and a wide spectrum of leadership, it remains symbolic of contemporary political leadership. The beaded sceptre is an extension of the black-straight *orinka* for traditional chiefs, though it does not strictly follow the protocol of sacred materiality. However, during political campaigns, it is common to see aspirants for various political positions seeking to have their ‘*orinka*’ blessed by elders, normally of their *olpiron*, not only to confer favour that comes with blessings but also to consolidate votes among the age-group/sets and *olpiron* peers. The mobilization of the old in the present makes sense in terms of the contemporary leadership demands that are beyond the traditional set-up, even though it comes with its own uniqueness and associated challenges. Elder Ole Sencho clearly makes these comparisons:

There are several things that amazes me in the political leadership [relative to traditional leadership]. One, it doesn’t matter the background of the aspirant as long as he has money and is a good orator. Another problem is that everyone wants to be a leader and they go to different elders asking for blessings. As elders, we are also not doing good by endorsing and blessing everyone who expresses interest. We are even nowadays blessing non-Maasai and giving them *orinka*. This is how *kiyela* [assimilation] is coming and slowly we are losing *orinka* [leadership], as we are literally giving it away.

The elders find themselves on unfamiliar grounds, struggling to situate their gerontocratic role in an amalgamated traditional-political landscape shaped by forces beyond their traditional sphere of influence. Like other ethnic groups in Kenya, the Maasai elders are actively participating in nation-wide politics. While their role remains largely ceremonial, in some ethnic groups the traditional institutions play a significant role on who to run for political elective positions such as the Meru’s *Nchuri Ncheke*, Luo *Kerr*

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⁶¹ Beads and/or beaded jewellery are legendary and significant to the Maasai way of life. They connote various traditional contexts, statuses, identity and values and are still adored even in the contemporary times amidst modernity and *maendeleo*; see <https://www.culturalsurvival.org/publications/cultural-survival-quarterly/secret-life-beads>, retrieved on 11th June 2020.

and the Borana council (Kanyinga 2009). The Pan-Maasai elders' council, on which Elder Sakayian from Olkaria is a member, plays a critical role in mediating traditional systems with the political expectations. Their role is also playing out in different areas, such as new leadership structures such as *maendeleo* committees in the case of Olkaria geothermal community leadership structures (discussed in Section 2 below).

Just like the world is currently presented as a homogeneous 'global village' with shared commonalities, so are the post-colonial nation-states where the heterogeneous ethnic differences are constantly subsumed under the rubric of 'the nation' (Taylor 2008, Anderson 2006). The colonial and post-colonial officials were confronted with multiple ethnic groups, overlapping cultural traditions, intermingling populations, diverse modes of subsistence and fragmented political allegiances, connoting a chaotic scenario which, according to Hodgson (2004:48), is "repugnant to their intertwined notions of order and civilization". The latter are to be realized through development, access to resources and basic services which Kenya's sessional paper of 1965 recognize as education, healthcare and wealth creation, a fact that was easier said than done.

By using Harrison's (2003) concepts of 'difference-in-inferiority', difference-in-equality', and 'difference-in-superiority', in relation to historicity, nationalism and ethnic identities, I intend to demonstrate how the post-colonial power has produced a political economic class that has continued to shape the ethnic identity, leadership and nationalism in the modern-day Kenya state. Africa's nation states and ethnicities continue to be defined by the history and experience of colonialism and the coloniality of the post-colonial era (Grotsfoguel 2004). Relations and interactions that span over a century have influenced and built more commonalities than differences upon which a subjective judgment of inferiority, superiority and equality are made, thus dichotomizing nation-states into 'Self -vs -Others' (Harrison 2003). The colonial legacy undergirds nation

building and ethnic identities on the basis of a “coloniality of power” (Grotsfoguel 2004:326) that continues to represent the symbolic and structural darker side of ‘a new dawn’ that political independence symbolizes. According to Grotsfoguel (2004), the coloniality of power entails contemporary power relations that are still deeply embedded in and influenced by former colonial powers.

The darker side of independence could not be better exemplified than by reflecting on the ethnic and class configurations related to representation and resource allocation processes. In an effort to patch together an otherwise heterogeneous country comprising of over 42 distinct ethnic groups bounded together in a nation state called Kenya (Kanyinga 2009), the political class requires great ingenuity and political mastery to craft an ‘imagined community’ (Anderson 2006, Grotsfoguel 2003:327) that is representative of one homogeneous nation. At independence, a clarion call around national unity, peace and development (*umoja*, *amani* and *maendeleo*), was made by political leaders. The early post-colonial government popularized *Harambee!* (a Swahilinized Hindu word meaning ‘pulling together’) to symbolize a concerted effort to unite and support each other based on ostensibly shared values and commonalities as Kenyans. Although concerted effort to dissolve ethnic identities has been made through cultural, economic and political integration, the Kenyanness tends to fade away when both historical experiences and contemporary power dynamics are at play. Such has been a conspicuously present characteristic that has persisted up to now.

Harrison’s concept of ‘difference-as-inferiority’ and ‘difference-as-superiority’ (Harrison 2003:352) are two sides of the same coin where the former is defined through the hegemonic latter. This is applicable to minority, marginalized and or indigenous communities that are politically and economically dominated by the ‘powerful’ ethnic groups. At the regional and global scale, a similar scenario plays out in Africa, for

example, where countries in the continent often depend on their former colonial masters for guidance, capacity building, investments and economic affairs (albeit, China is increasingly becoming an alternative hegemon for African governments). The nation states and ethnic identities are therefore continually built on ‘borrowed’ values, cultural symbols and aspirations by mimicking the culturally-superior other such as the colonial masters.

A more desirable position is ‘difference-as-equality’ which, according to Harrison (2004:347), is where equality in stature, respect in diversity and self-determination are critical. This is however, often objected to and highly contested by the powers that prefer the promotion of commonalities but denying resemblance (Harrison 2003:352). For example, while commonalities of shared national values such as patriotism are exalted, resemblance in terms of equity and equitable access to socio-economic opportunities for all communities is often resisted, albeit in a subtle way. This is reflected in Harrison (2003) who critically examines the denied resemblance and vehement objection of any shared commonality by the self. On the other hand, Grottsfoguel (2004) focuses on active recreation of class distinctions based on ethnic identities and shared similarities that are always overlooked in preference for differences. Both authors converge on the symmetrical dualism of the states viewed as ‘Self-Vs-Others’, ‘We-vs-Them’ and the hierarchical ordering of social-economic classes. This chapter seeks to understand these post-colonial power dynamics that shape Kenya’s ethnic and national identity formation in the context of the leadership and *maendeleo* discourse.

3.2 Maasai traditional structures and institutions

The colonial and post-colonial political and administrative structures had compromised the viability of Africa’s traditional institutions that were in existence at the time of European arrival (Soja 1968, Mwaura 2005, Hughes 2006, Koisabba 2020). This is

also applicable to the Maasai as well as to other ethnic groups in Kenya (Whittaker 2012). However, traditional leadership is significantly regaining value and reclaiming its space in the socio-political organization of the Maasai like for other Kenyan groups and elsewhere on the continent (Scott 2004). Traditional leadership continues to be an integral part of the Maasai organization. This patriarchal, hierarchical structure is reinforced through the practice of age grades for males that begin at the young age of about 15 years when an age-group is first constituted (Spencer 2004). A senior presiding age-group (*olpiron*) ensures that they pass the baton to their mentees making it a perpetual practice. With the age-groups, comes a leadership structure that wields immense power in governance, natural resource use, maintaining social order, and so forth. The chief (*ilaiguanak* –plural; *Olaigunani*- singular) is the highest authority in a given age-group. He is flanked by other equally important leaders⁶² who become part of the advisory council that also includes the elders. Olaigunani and other age-group leaders are selected based on their oratory skills, physique (must not be disabled), parental background and good social-standing. The Maasai traditional leadership is not monarchical or hereditary in nature (except in the case of *Oloiboni*). Most of the current *Ilaigunak* across all age-groups come from different clans. Once the elders have settled on a prospective candidate and he is validated by the *Oloiboni* (spiritual leader), a blessing ceremony will be conducted to present the leader with an *Orinka* (sceptre).⁶³ The *Olaigunani*'s power is therefore limited to his age-group and within his *Olosho* (section), especially on the day-to-day governance, although it can transcend these limitations in time of crisis that involves the entire community.⁶⁴

Olaigunani's role is at its peak during *murrano* (warrior-hood) when *oloshos* are looking upon them as enforcers of the customary law. Warriors are also a standing army protecting

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⁶² The leadership comprise of *Olopolos Olkiteng*, *oloboru enkeene*, and *olotuno*.

⁶³ Other sections/iloshon refer to it as *Orkuma*.

⁶⁴ Notes from my interview with Ole Ntakajai.

the community from external aggression but operate under strict control from *olpiron* (mentors).⁶⁵ Therefore, each *olosho* and each age-group/set⁶⁶ has this kind of structured leadership that is autonomous but not mutually exclusive. Although age-groups cut across all *iloshon* (territorial sections; single: *olosho*), their leaders are geographically confined within their specific *olosho*. However, social ties bind age-groups from different *iloshon* together and they frequently visit each other during special ceremonies to pay tribute and honour.

The Maasai community, in the customary sense, has no single central authority. The authority strongly lay collectively on the ruling warriors and their *olpiron* elders (Sankan 1971). In seeking to understand the role of *ilgilat*, *ilporori* and *iloshon* in the traditional context, I raised this issue with the council of elders at RAPland on 17th July 2018 and the response was conclusively summarised by Ole Ntopia thusly:

All Maasai are one *olosho* [community]. But within that, we have several *iloshon* [sections]⁶⁷ which makes no big difference; each has their own territories and sometimes run their own *ntaleng'o* [ceremonial affairs] separately but sometimes two or more can join together. We also temporarily migrate into each other's territories to forage in times of droughts as well as intermarry from one another. [Patrilineal] clans are *osotua* [blood lineage] and they cut across *iloshon*. Clans play a very significant role because one can only marry from a clan different from his. Women therefore have two clans; from where she is born and the one she is married to. There are two broad clan categories; *odo-mong'i* [red oxen] and *orok-kiteng* [black cow], which were the initial clans from the beginning. Now there are several sub-clans beneath them which can also intermarry between them. Clans also play a significant role in paying for *inkirro* [penalties for capital offences like murder].

In regard to age-sets, the elders think that that the community should never let them go. It is not only a form of identity but also a structured way to unify the community

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⁶⁵ *Olpiron* is the mentorship relationship between the senior age-set (in their 40s) and the new age-set. Each age group must initiate their own young age-group who takes over from the preceding age-set.

⁶⁶ As discussed in chapter 1, age-sets are made up of two bands, referred to as age-groups categorised as 'right hand' (older) and left hand (younger) bands; see Spencer (1993).

⁶⁷ The meaning and application of *olosho* is context based as the Maasai refer themselves as *Olosho* in relation to other ethnic groups in Kenya, but internally, *olosho* is used in reference to the sections or sub-tribes (as sometimes referred to) which makes up the Maasai community.

along the age-bands. Age-sets are made up of two age-groups (the right and left hand) initiated at different times. It begins at *enkipaata* ceremony where boys are ushered into an initiation rite of passage to become warriors – the epitome of youthhood that climaxes in *Eunoto* ceremony (see Figure 11) to disperse the party and enable them to begin their individual families.⁶⁸ A new age-group is established in such a seamless way as to dispel any possible power vacuum. The two age-groups are later combined to form an age-set which is given a new name after the *Eunoto* ceremony. This is done in a special ceremony called *olng'esherr*, the 'meat sticks' or '*enkang*' *Oolorikan*', 'the home of seats' in reference to the three-legged traditional stool (*olorika*) that each of the participant will sit on to signify a newly acquired status of elder hood and a position of authority. And while this form of leadership was revered and respected in the past, it has also competed with and is being threatened by the emergence of disruptive development and of other centres of power. In recognition of this, the United Nations Educational, Scientific and Cultural Organisation (UNESCO) has declared these rites of passage as 'intangible cultural heritage in need of urgent safeguarding'.⁶⁹ Kajiado County has been quick to forge a partnership with UNESCO in this endeavour, going a step further to document Maasai culture.⁷⁰ These efforts are important in attempting to sustain some aspects of Maasai culture that are threatened by neo-colonial ideals and changing lifestyle.

The Maasai traditional institutions and leadership structures have been gradually changing to accommodate emerging political and socio-economic dynamics. It started

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⁶⁸ <https://ich.unesco.org/en/assistances/safeguarding-of-enkipaata-eunoto-and-olng-esherr-three-male-rites-of-passage-of-the-maasai-community-00888>, retrieved on 20th March 2020.

⁶⁹ UNESCO seek to protect three rites of passage ceremonies: *Enkipaata*, the induction of boys leading to initiation; *Eunoto*, the meat-eating ceremony that marks the end of moranism; and *Olng'esherr* which marks the beginning of eldership. See <https://ich.unesco.org/en/USL/enkipaata-eunoto-and-olng-esherr-three-male-rites-of-passage-of-the-maasai-community-01390>, retrieved on 15th June 2020.

⁷⁰ <https://kajiado.co.ke/2018/06/04/lenku-forms-task-force-fasttrack-research-documentation-maa-culture/>, retrieved on 14th October 2020

from the colonial times when just like in the case of other native communities across Africa, Euro-centric leadership structures and norms were imposed on the Maasai (Mamdani 1996). In the first instance, the *Oloiboni* Olonana, a spiritual leader, was made a paramount chief. According to the Maasai, the chieftaincy and the Loibonship are two separate entities that the colonialists rolled up into one. Later on, other male age-group chiefs were made 'paramount chiefs' (Sankan 1971, Hughes 2006, Koisabba 2015), extending their powers beyond the cultural confines of an age-group. In a bid to capitalize on the respect and authority they command, more traditional chiefs continued to be crowned as government chiefs, converging responsibilities in one person as in the case of chief Ole Ntakajai. Over time, as the conventional forms of leadership in post-colonial Kenya (both political and administrative) continue to thrive, the traditional chieftaincy and gerontocratic authority either declined in the traditional sense or morphed to assume other 'new' responsibilities (Spencer 2004).

Figure 11: Graduating warriors at Eunoto ceremony

Source: The Guardian (2012)⁷¹

3.3 Political leadership

Early Maasai elites (1950s -1980s) such as Ole Tameno, John Keen, Ole Sein and others started engaging in political activities long before independence and actively participated in the independence negotiation process at Lancaster house conference (Koisabba 2015). During the colonial period and for the first few decades after independence, political leadership was not given the same weight by the Maasai as traditional leadership. This is because being a political leader meant one had been schooled, which implied a greater disconnect both culturally and ideologically from the community (King 1971, Sankan 1971). Besides, those who were sent to school then were

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⁷¹ See <https://www.theguardian.com/world/gallery/2012/mar/19/maasai-tribe-eunoto-ceremony>, retrieved on 15th January 2020

not regarded as Maasai proper and were subjected to all manner of stereotypes by the mainstream Maasai community (Hodgson 2004). Part of the subjective stereotyping is also connected to the kind of students that parents were forced to send to school, by nature of their selection the majority of whom were culturally perceived to lack the requisite traits of being strong leaders.⁷² Political leadership therefore became largely a preserve for the few elites at the national level who found it challenging to engage on behalf of a detached and disinterested community.⁷³ Nevertheless, political leadership continued to run parallel to the traditional structure, gaining momentum over time to currently become the most powerful force shaping *maendeleo* in Maasailand.

Political leadership came to be accepted as an important leadership structure in engaging matters beyond the community. These include engaging the national government and the contemporary issues of *maendeleo*, as well as any other external agencies coming into Maasai lands. Since independence, Maasai political representation has gradually increased from two members of parliament to the current 21 elected and nominated members of parliament and senate (out of which at least seven are women). The 2010 constitution was a turning point for the Maasai and other marginalized communities as it provided unprecedented political and economic self-determination. The constitution provided for devolved governance structures which include county government units that came with a significant number of autonomous functions devolved from the central government. The three counties that are predominantly Maasai (i.e., Kajiado, Narok and Samburu) are run by three Maasai-elected governors and at least 35 elected and nominated

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⁷² According to an interview with Shaa Ole Kiloku held on 5th May 2018 at his home in Narasha, most of the parents were forced to send their kids to school against their wishes. The parents then opted to send kids who were either less favorite (those born out of wedlock) or those perceived to be not capable herders.

⁷³ Interview with Hon. John Keen by, Maasai Cultural Exchange Project 2005 (see maasaiculturalexchange.org).

Members of County Assemblies (MCAs) in each of these counties. From these figures, it is notable that Maasai political representation is quite significant compared to previous years. And now under a devolved system, Maasai political leaders at the county level have got unprecedented opportunity to shape their own development agenda, enact and implement policies that ensure sustainable *maendeleo* is realized. This form of self-determination undergirds the very principles upon which the enkishon philosophy is founded. At the national level, Maasai leaders such as the MPs, senators and ministers play a critical role in mediating national level development touching on sectors such as education, land, environment and natural resources (including wildlife and minerals) that are still part of the central government function. Such interventions at the national level are strongly dependent on strategic alliances and unity of purpose across scales, often perceived by members of local communities to be elusive.

In other counties such as Nakuru, the Maasai are a minority, and therefore lack adequate political representation. The Olkaria Maasai community in Nakuru constitute less than 10 percent of the population and therefore cannot elect their own leader both at the ward and constituency levels (IWGIA 2019). The current MCA is from the Luhyia ethnic group, who form the majority of those working in all the flower farms in the vicinity. The Olakaria Maasai community also lacks a government appointed chief and is therefore led by chiefs from the dominant communities in the region. This keeps them in isolation, with many feelings that their interests are not better addressed. “Without an elected leader or an appointed chief, we are left to the mercies of our adversaries, who are on a daily basis figuring how to dispossess us”, declared one of Stakeholders Cordination Committee (SCC) chairperson in Narasha. When the Olkaria Maasai community is faced by difficult situations that requires political intervention, they must solicit support from the Narok or Kajiado political leaders (Hughes and Rogei 2020). For example, when Narasha was

attacked in 2013 by hired goons aiming to forcefully evict them over land wrangles (see chapter 5 for details), it was the Maasai political leadership from Narok and Kajiado counties that came to their rescue.

3.4 Emerging centres of power

The traditional and political structures had for a very long time been running parallel to, and sometimes at cross purposes with, each other. My interlocutors informed me how during the early days of multiparty politics, the politicians would disrupt traditional ceremonies when they perceived the organizers as politically aligned to a certain party in opposition to their own. Such tensions would create a gap between the traditional and political systems within the community. This also created a vacuum and disconnect between the political leaders and most of the community members; a gap that was effectively occupied by other emerging leadership structures. Among them are NGOs which started mushrooming in Maasailand in the early 1990s. Also, faith-based institutions, particularly Christian churches and groups associated with them, have also grown exponentially to occupy not only the spiritual void left by the waning Loibon institutions (as discussed in chapter 2) but also to provide community leadership when required. Besides, both NGOs and churches have played a significant role in *maendeleo* projects such as provision of health care, education, water among others. Most of these are supposedly government's responsibility and by extension political leaders should ensure such services and projects are initiated. Both NGOs and churches have initiated awareness creation on civic issues and provided general leadership roles regarding contemporary issues.

Another emerging centre of power in the community are the various *maendeleo* committees such as Group Ranches committees, Community Based Conservancy

committees, and companies'-initiated committees, among others, depending on the prevailing economic/land use activity in a given place. For purposes of these discussions, I will discuss the role of NGOs and religious institutions more generally but also with specific reference to Olkaria-Suswa in guiding *maendeleo* projects such as geothermal development. I will also discuss various maendeleo-based committees and their leadership roles and how these have influenced power relations in the community.

3.4.1 NGO-based leadership

The emergence of community-based NGOs, established and led by indigenous elites, provided an important leadership impetus framed around *maendeleo*. Before the NGOs era, Maasai-led associations existed before independence (Hughes 2006). International and national level NGOs have operated in the country since early 1970s, and indigenous NGOs funded by international organizations started to take root in Maasailand in early 1990s (Kameri-Mbote 2002). The emergence of indigenous NGOs was informed by several factors including increased poverty in the marginal areas and the persistent lack of essential services (Hershey 2013). According to Hodgson (2004), the NGOs serve to fill such development and leadership gaps that the government and political leaders fail to provide. Therefore, with available and often growing funding from international donors, the number of NGOs and their roles grew exponentially over time with their leaders carving out a niche for themselves in community leadership.

In Maasailand, various Maasai-led organizations made significant impact on development, civic education, land rights advocacy as well as creating awareness on national and global issues deep in remote areas. Often referred as 'hardship areas' by the government,⁷⁴ far-flung marginal areas are rarely reached by government-provided

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⁷⁴ Government policy on teachers, see for examples, <https://www.jitimu.com/2020/08/tsc-hardship-areas-for-teachers/>, accessed on 15th Dec 2020.

services, including livestock extension and healthcare services. Non-profit organizations would then mobilize resources externally to finance such services in many such areas.

The government and political leadership have occasionally been at odds with NGOs, accusing them of subversion and promoting foreign agenda (Nega and Scheneider 2014), especially when sensitive issues such as land, human rights, and similar issues are at play.⁷⁵ A case in point was when in 1993 several Maasai organizations coalesced to form an umbrella network called the Maasai Civil Society Forum (MCSF) to advocate both for constitutional reforms and restitution of land under the 1904 Anglo-Maasai agreements. The ensuing conflict between the authorities and the NGO leaders saw one forum organization member, the Laikipia-based OSILIGI be completely de-registered by the government (Galaty 2008). OSILIGI was accused of subversion activities including inciting the Laikipia Maasai to invade commercial ranches, mostly owned by whites. Another forum member, Simba Maasai Outreach Organization (SIMOO), was also accused by the government of corruption and lack of transparency. Its bank accounts were frozen, vehicles confiscated and was left fighting endless court cases. The leaders of the forum were also individually intimidated, forcing the chairman to seek asylum outside the country (see MCSF 2004, Cultural Survival Quarterly 2006). The net effect of these struggles produced a centre of power that the community could relate to, earning the NGO leaders more recognition and trust by many members of the community. The role that NGOs play in international advocacy and the emergence of indigeneity identity will be discussed further in chapter 5.

At the local scale, particularly in the Olkaria-Suswa area, organizations such as Narasha Community Development Group (NCDG) and Mainyoito Pastoralists Integrated

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⁷⁵ See. <https://www.devex.com/news/kenyan-csos-ngos-to-fight-proposed-foreign-funding-restrictions-82297>; accessed on 16th Dec 2020.

Development Organizations (MPIDO) have been instrumental in mediating community-company relationships and related development around geothermal projects by creating awareness, sharing information and building the capacity of communities to better engage with geothermal companies and other actors. Most of the community members with whom I spoke find their contributions useful. In an MPIDO-organized forum offered under the auspices of the European Union-funded “SDGs and Indigenous Peoples Navigators” project held on 12th September 2019 at the Olkaria cultural centre, I could tell that attending participants were excited about the role of this NGO. However, when I was speaking to one of the SCC chairmen,⁷⁶ he was of the view that NGOs only serve to antagonise the good relations between KenGen and the community and should steer clear of the community affairs. Nevertheless, MPIDO and NCDG played a significant role in preparing the community to negotiate for the 2014 relocation exercise and later for the mediation process with the European Investment Bank and the World Bank on the same issue (IWGIA 2019). In collaboration with other international human rights organizations, the local NGOs have used such networks to put pressure on geothermal financiers such as the World Bank to observe and respect their own policies on Indigenous Peoples when it comes to relocation and compensation (Hughes and Rogei 2020). With a broad network of international civil society groups and global platforms such as those provided by the UN, these NGOs have advocated for ‘community rights’ at different scales to earn themselves strong support as undisputed leaders from a greater section of the communities they serve. However, such efforts have put the NGO leaders in tension, if not in conflict, with many political and other leaders in terms of helping to define the “community interest” in Olkaria.

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⁷⁶ In an interview held on 2nd August 2018 at Suswa.

3.4.2 Faith-based leadership

Churches form another emerging centre of power and source of leadership. As the traditional spiritual leadership wanes, Christianity gradually fills the vacuum. The custodian of the traditional spiritual leadership is bestowed in the institution of *Oloiboni* (Sankan 1971). The descendants of Olonana, who as noted above was made a chief by the British, domiciled in the *Ilkeekonyokie* section, continued to serve the *Ilkeekonyokie* and the neighbouring sections for generations as *Oloiboni*. His brother, Senteu, who ran away following supremacy battles at the turn of the 20th Century (Huxley 1967), reigned in Loita where his descendants are still actively serving the neighbouring Maasai sections both in Kenya and Tanzania. The role of traditional spirituality among the *Ilkeekonyokie* section changed significantly a decade ago when the *Ilkishuru* age-set, under the influence of Ole Ntokoti,⁷⁷ decided to partake their *Olng'sher* ceremony with the church leaders rather than *Oloiboni* playing the spiritual role. This is a major shift from Loibonship to Christianity, whose influence continues to grow, assuming most spiritual matters including the significant role of age-sets' rites of passage. The power of Christianity in shaping leadership and decision making cannot be ignored in Maasailand as its importance grows significantly.

In Olkaria, churches and their pastors play a significant role in guiding the community, especially on land- and geothermal-related issues. For example, in Nkaampani village (one of the villages represented in SCC), the community defied KenGen's requirement to elect a chairman and instead opted for the more traditional procedure of

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⁷⁷ Ole Ntokoti, who passed on in 2017, was an influential spiritual leader who was neither accepted by the mainstream Christians nor by the traditional, *Oloiboni* supporters. He was a man on both sides of the divide, an eloquent orator with the gift of visions and prophecies who finally succeeded in undermining the powerful institution of *Oloiboni* in his region. He is examined in more detail later in this chapter.

nomination and vetting. This was under the influence of Bishop Koina (from the Baptist church) who, during an interview at Suswa on 11th December 2018, said:

I advised the community in my village to nominate instead of electing their SCC representative. This is because an election involves a lot of politics which breeds divisions, hatred and grudges that will affect the community, just as it has been the case with any other election. I am glad they listened to me and now we have the best chairman representing us, who is loved and accepted by everybody in the village. No one can say that he was from that faction or he favours so and so. That is happening elsewhere in other villages around us and already there are conflicts. I strongly suggest that this should be the way to go in the future.

The church leaders, however, sometimes find themselves in the mix of disputes while mediating their different leadership roles. In the case of Olkaria, some church leaders (including pastors) are either SCC members, KenGen employees or are beneficiaries of lucrative tenders. While they are individually entitled to these benefits some of the community members I spoke to, doubted their impartiality in advancing community rights, citing possible conflict of interest. “It is true, everyone wants a job or some work to do. But once you are there, it becomes impossible to pinch a cow that is giving you milk”, one of the pastors commented metaphorically. However, this has not entirely affected the ability of different churches to provide leadership and guidance to the community on general issues, including geothermal related ones.

In one of the Orpower 4 geothermal company community participation exercises that I attended, the active role played by the church leaders in negotiating on behalf of the community members was evident. Besides organizing and hosting the event, the church leaders were active in the discussions and active engagement with the company, putting them challenging it on corporate social responsibility (CSR) and other benefits. Overall, churches are not only providing an alternative centre of power but are also influencing and shaping politics as the majority of voters are increasingly becoming Christians. The recent appointment of Jackson Ole Sapit (a Maasai man) as the primate and Archbishop of the

Anglican Church in Kenya is a powerful statement on the role of the church in Maasailand. Since assuming office, Archbishop Sapit has been actively involved – both in public and in the pulpit – commenting on national politics but specifically on Maasai issues.⁷⁸ Owing to ballooning membership (Bariu 2017), the churches currently play a greater role in shaping political leadership and subsequent decisions. This makes it of growing interest to politicians who find there a fertile hunting ground for votes. Moreover, spiritual anointing of potential political leaders by the clergy is a popular practice, often seen at the eve of every electioneering period as these politicians search for divine favour. Similarly, another common practice is the traditional coronation by various ethnic communities adorning political aspirants with regalia that symbolizes authority and power. Among the Maasai, this often comes with presentation of *orinka* by elders, proclaiming blessings and victory vibes.

3.4.3 ***Maendeleo*-based leadership (committees)**

Conventional community projects or governance systems that do not fit into the mainstream traditional structures have been accorded specific governance structures commonly referred to as ‘committees’. It can be as small and simple such as project-based committee in charge of a cattle dip, a community health centre or school committee, but it can be also very complex in terms of roles and responsibilities. The oldest and most powerful of these committees are Group Ranches Committees, elected by group ranch members to manage the ranch affairs. As discussed in chapter 2, the group ranches are a hybrid between the traditional land commons and the private tenure (Moiko 2004). The group ranch governance differs from that of the commons which is guided by customary protocols. Drawing its regulatory authority from an act of parliament, group ranches are

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⁷⁸ See <https://nation.africa/kenya/counties/homa-bay/bbi-must-address-inclusivity-says-archbishop-ole-sapit-228134> as well as <https://www.standardmedia.co.ke/kenya/article/2001322380/clerics-to-leaders-keep-your-money>, retrieved on 15th August 2020.

required to elect their committee members, making the process highly competitive and political. In most of the places, group ranches become a site from which powerful leaders emerge and often ascend into political leadership. As such, they are sometimes afflicted with tension and conflict, which outweigh the traditional conflict resolution mechanism and cascades into court wrangles. The Olgulului-Ololarrashi group ranch elections held in 2018 are a good example of this as they were bitterly contested between two groups that accused each other of malpractices and corruption.⁷⁹

Other emerging powerful committees are Community Based Conservancy (CBC) management committees. CBC committees are also elected and or appointed by the conservancy members and tasked to manage spatial land use with a view to accommodate and promote wildlife conservation. CBC, as will be further explained in chapter 4, is a concept promoting an integrated conservation approach where both wildlife and livestock cohabit and forage in the same ecosystem. To incentivise this endeavour, CBC promoters (either government or conservation organisations) pledge economic benefits accruing from tourism-related enterprises. To that end, CBC committees play a tricky but important role of negotiating partnerships with private companies investing in lodges and tourism enterprises in their respective jurisdictions. Such investments aim at generating income that sustains the economic needs of the conservancy members. This is where the CBC leadership faces challenges due to the common experience of members' unmet expectations and unfulfilled promises. It has been severally documented that the income generated from CBCs rarely meets the expectations of its members nor does it substitute for the foregone grazing opportunity, especially during dry seasons when resources are

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⁷⁹ See <https://kajiado.co.ke/2018/12/01/security-paid-sh140-000-olgulului-group-ranch-election-says-official/>, retrieved on 17th April 2020.

rare (Pellisa et al. 2018, Lugusa 2018). This often puts the CBC members into a collision path with their leaders.

In the case of Mt. Suswa conservancy, which was informally established in 1996 and has yet to be officially registered as a conservancy, such leadership tensions persist. The delay in its registration process is attributable to leadership wrangles between the old bearers of the vision and the young elites who want to take over the CBC management. After a long negotiation mediated by South Rift Land Owners Organization (SORALO), a new CBC committee comprised of young men and women was instituted in early 2018. Josphine Kindi, a 27-year-old woman was among the incoming key leaders who are upbeat about revamping the conservancy. Interviewed during the conservancy's stakeholders meeting held on 16th March 2018 at Suswa town, she said:

As a young woman, it is not easy to convince the men and elders that it is possible to revive the conservancy. The elders are sceptical and doubtful of my ability to bring the required change. I am trying to prove a point to them. We are literally wrestling the leadership from their [elders'] grip who have been holding on it for the last 20 years. Luckily, I am getting a lot of support from most of them and from other conservation organizations such ACC, SOLARO and EAWS.⁸⁰

Indeed, Josephine's determination paid off in late 2018, when the instruments of power to manage the conservancy were handed over to her and her team by the outgoing committee. As a woman, this brings a different leadership dynamic to the management of the conservancy that previously was mainly associated with men. Ole Nkukuu, a youthful manager working for the conservancy, was optimistic that the conservancy would soon be registered. The conservancy is in the process of instituting a strategic plan, which among other things, will enlist partnership with the private sector to invest in eco-lodges and tourism activities (CBC will be discussed further in chapter 4).

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⁸⁰ Africa Conservation centre (ACC), South Rift Land Owners Association (SORALO) and East African Wildlife Society (EAWS).

On the other hand, private companies involved in various development projects have initiated community committees to create what they call “representation and inclusion”. Most of the committees are appointed by either companies or local government authorities while in other places, they are elected by members of a given village. Leaders of these committees, drawing power from the electorates and from respective companies, may become powerful and influential. For example, the Stakeholders Coordinating Committee (SCC) was established by KenGen in 2010 as a platform through which the Olkaria community can engage the company on various issues pertaining to geothermal development. KenGen has clustered the catchment area into 3 zones depending on the proximity to the core of its activities. These zones are further divided into villages, whereby one village elects three representatives – a chairman, woman and youth representatives. The same structure has been adopted by two other major geothermal companies, that is, Orpower 4 and Akiira 1 Geothermal Ltd (AGIL), to provide leadership and assist the companies in negotiating complex challenges posed by geothermal development. The companies’ officials interviewed perceive that this is the best way to bring the community to the negotiation table and include them in the decision making on matters affecting them.⁸¹

While the idea may be noble and of good intent (though not always the case, see Welker 2009 for an Indonesian example), it is however masked by various challenges such as internal wrangles (within committees and community). The manipulation by companies and government’s hegemony in trying to encourage financial investment in natural resource development compromises the effectiveness of the committees. However, the committees have presented another leadership front and have become a testing ground for

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⁸¹ Interviews of KenGen, Akiira, Orpower and GDC Community Liaisons officers and follow-up made via emails at different and varied dates.

emerging leaders, especially women and youth. Although details and functions of this committee, SCC, will be further explored in chapter 5, it is worth noting here that, by virtue of their positions, the said chairmen are powerful leaders in the Olkaria Maasai community who are not only shaping dialogue with the companies but also the general *maendeleo* in the area.

3.5 Ethno-politics of maendeleo

In chapter 2, I introduced the emergence of political leadership and how it entrenched itself within the Maasai institutions of leadership during and after the colonial periods. Kenya's political leadership ideology of centralized power not only mimicked that of its colonial predecessor but was deeply embedded in the Lancaster-made constitution that was perceived to privilege dominant elite communities. The ambitious and fiercely negotiated federal system (*majimbo*) that was considered at independence by many Kenya's sub-national leaders, including those of the Maasai, to be progressive, did not survive the first five years of independence before reverting to a highly centralized system due to competing interests over control of power and resources (Mwakikagile 2007). Considering Kenya's socio-economic heterogeneity and the colonial historical experience, formulating and enacting a clear national identity strategy has been a challenge. This is connected to the colonial divisive strategy where ethnic groups were not only distinctly separated but were, until later in the day, disallowed to have national political organizations (Oginga 1967). Kenya's political leadership has therefore been established on a firm foundation of fragmentation and 'otherization' while the privileged consolidate power at the centre. Hinged on the 'coloniality of power' (Grosfoguel 2004) manifested in the post-independence nation-state, Kenya's political leadership and its modern political engagement are wrought with ethnic biases and tensions revolving around ethnicized politics of representation and resource distribution (Soja 1968, Oucho

2002, Kanyinga 2009). The incoming first Kenyatta government in post-colonial Kenya privileged a centralized governance system that further marginalized communities in the periphery, thus exacerbating the pre-existing uneven development set by the colonial regime.

As the national space becomes a site of resource expropriation, political leadership increasingly become rooted in ethnicity as leaders have striven to voice their regional or ethnic development demands (e.g., MacArthur 2016). This is in response to an emerging political economy where resources and other opportunities such as employment are distributed through state institutions more on ethnic affiliations and less on merit (Ajulu 2010). It is therefore imperative that occupying a position close to the seat of power enhances a group or community's chances of *maendeleo*. The budgetary allocations, infrastructural development and investments follows the colonial logic of investing in high potential areas for optimum returns (Mwaura 2005). Human development and investment in social services such as education, healthcare, water, among others, are not only lacking but skewed in favour of the ruling ethnic groups. Employment opportunities become highly ethnicized and public service is dominated by workers from one or two ethnic groups who are coincidentally the political ruling groups. According to a study carried out by the public service commission in 2014, five dominant ethnic communities (Kikuyu, Luhya, Kamba, Kalenjin and Luo) constituting 70% of the national population, dominate over 50% of public service jobs.⁸²

Ethnicity thus is a major factor in the cultural politics shaping control over and access to resources. This becomes an aspect of social stratification which intensifies when one or more ethnic groups have control over those resources that become scarcer and more

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⁸² See <https://www.africa.upenn.edu/NEH/kethnic.htm>, retrieved on 20th January 2021

valuable. The tyranny of numbers, where the majority can have their way through ‘democratic processes’, further isolates the minorities and minimises their representation at the national level (Oucho 2002). This ethnicized political economy has meant that ethnicity is also often used in political mobilization and in defining conflicts, including violent ones. Since independence in Kenya, there has been at least four major uprisings that have been suppressed.⁸³ There have also been at least 10 active ethnic based militia groups (Daniels 2009, Adams 2010).

The Maasai and other minorities that are seemingly politically insignificant are subjected to avoidance, displacement and systematic assimilation by the state. Economically, the resources found in their regions tend to benefit more the central government and external actors than the locals. For example, while the state and other players in the tourism sector have been using the Maasai as a brand to promote tourism, the Maasai themselves don’t benefit as they ought to from this lucrative industry as they lack control over key elements of the tourism economy (Mbaria and Ogada 2017, Bruner 2001). This scenario reflects a situation that Harrison (2003: 51) terms “cultural difference as denied resemblance,” where the Maasai are demeaned by ‘others’ as retrogressive due to their iconographic material culture but are still found ‘useful’ in symbolizing the pristine wilderness that a discerning tourist is yearning for (Smith 2008). This duality of perceptions is reinforced by the widely documented colonial period approaches (as discussed in chapter 2) where colonial-Maasai engagement was motivated by what I refer to as the ‘who they ought to be and not who they are or aspire to be’ mantra. However, the

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⁸³ These include the ‘shifta’ wars of 1970’s, the attempted coup of 1982, the 1992 multi-party conflicts and the bloody post-election violence of 2007/8. Among the renowned ethnic militia were the shifta (associated with Somalia tribes), Kikuyu-based mungiki, chingororo associated with Kisii community and the Sabaot land defence forces.

cultural identity and tourism value attached to it has presented some benefits to the Maasai, even though it may not be to the desired extent.

The re-introduction of multi-party democracy in the 1990's re-enacted and placed ethnicity as a crucible in forming political alliances. Formation of political alliances and coalitions are drawn more along ethnic lines than ideological ones. Political parties become a power-sharing deal between ethnic leaders who mobilize their communities to support an alliance that serve their interest (Ajulu 2010). The Rainbow coalition that finally sent home the second president, Daniel Moi, in 2002 after the 24 years of (Kalenjin-dominated) rule, brought together the two dominant ethnic groups, Kikuyu and Luo. As is usual during this multi-party democracy era, several other minorities were included to balance the ethnic equation and portray the party as a more diverse 'face of Kenya' (Oucho 2002). The Rainbow coalition, founded on the ethnic political marriage of convenience, could not last the 5-year election cycle (Kanyinga 2009). The alliance was ripped apart by the constitutional referendum in 2005 where the key principals, President Kibaki and Raila Odinga (who was then the Minister for Roads in Kibaki's administration), were on the opposing side of the 'yes/no' vote. With the president's 'yes' side defeated, the coalition hurtled into the 2007 general elections utterly divided. The ground for an ethnic showdown was already set and the aftermath of the 2007 general elections that saw widespread violence, killing thousands and displacing tens of thousands, which left an indelible dent in Kenya's political history (Kanyinga 2009). Although the Koffi Annan-led mediation team ultimately forged a government of national unity between Kibaki's party and Odinga's party for the sake of peace (KRC Report 2007), the ethnic identity boundaries and political rivalries were deeply established and this experience of their being deeply weaponized left many emphasizing their ethnic affiliation more than ever.

In the next elections, there was a reunion of the two ethnic groups (Kikuyu and Kalenjin) who had been nemeses undergirding the the main post-election violence in 2007. Their leaders, respectively Uhuru Kenyatta and William Ruto, who had been in the opposition, formed a joint party called Jubilee which went on to win in the 2013 general elections. Many political analysts saw this as yet again another political marriage of convenience to defeat the International Criminal Court (ICC)-led indictment against both men,⁸⁴ who became respectively the president and deputy-president (Endoh & Mbaio 2016). Once again, ethnic mobilization played a significant role in electoral politics,⁸⁵ in this case to usher the suspected masterminds of post-election violence into the highest offices in the land.

The clamour for constitutional reforms that started soon after the introduction of multi-party democracy in the early 1990s gained momentum over time and the post-election violence of 2007/8 presented the urgency to have a new governance dispensation. A new constitution was promulgated in 2010 after a decade of hard stances and fierce negotiations mainly based on regional and ethnic interests (Achiba et al 2020). It was in such a contested process that the political leaderships of various ethnic groups came into sharp focus as they pushed various agenda that favoured their groups.

The voices of those with less numerical strength were often drowned out by the dominant communities. The minority groups therefore strategically coalesced around a 'minority' banner under Pastoralists Hunter-Gathers Minority Network to support their

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⁸⁴ The fact that both the president-elect and his deputy won the elections, made it difficult for the prosecutor to obtain sufficient evidence against them to continue pressing the charges against them (see <https://theglobalobservatory.org/2016/04/international-criminal-court-kenya-ruto-kenyatta/>, retrieved on 20th November 2020)

⁸⁵ It is also not uncommon for ethnic groups to come out to 'protect one of their own' whenever there are corruption charges levelled against them. In her book: *It is our turn to eat: The story of a Kenyan whistle blower*, Michela Wrong (2009) contends that the continued grip to political power and by extension economic dominion in Kenya relies on the use of ethnicity for 'protection'.

delegates and push their agenda through the constitutional process.⁸⁶ The minority group's agenda was mainly focused around historical injustices, natural resources governance, culture, land tenure and devolution. With the support of the civil society and indigenous organizations, the minorities succeeded to a great extent by having most of their demands enshrined in the constitution (Koisabba 2015).

The new governance dispensation was a turning point for most of the hitherto marginalized groups as the new constitution created 47 devolved units (counties), effectively shifting power and resources from the centre to the periphery. The devolution of resources comes with some degree of autonomy and self-determination for localized *maendeleo* that is easily controlled, planned and monitored by the local communities. Moreover, the constitution comes with an expanded leadership structure at different levels, including 349 MPs, 47 governors and their deputies, 63 senators, and over 2200 MCA's (Nyadera et al. 2019). The expanded leadership has to a greater extent minimized the ethnic tensions arising from inclusion/exclusion at the national level discourse, even though only 15% of the annual national budget is shared among the 47 counties (Onjala 2017). A further 2.5% shared via the national structures such as Constituency Development Fund has helped to reduce the regional development gap and avert potential conflicts (Whittaker 2012, Keya et al. 2020).

However, mediation of national politics along ethnic alliances as opposed to ideological formation persists. While the 2017 general elections, which took place 5 years after devolution, were relatively peaceful (Busolo and Ngige 2020), the outcome was contested and overruled by the supreme court. And even though the incumbent (Uhuru

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⁸⁶ See Center for Minority rights development; www.cemiride.org, retrieved on 11th April 2020.

Kenyatta) eventually prevailed in the election rerun, it was a historic ruling in Africa⁸⁷ that is also an indicator of some form of judicial independence and initiated a more civil and non-violent way of conflict resolution.

This judicial ruling does not mean ideology-based politics has finally come of age. As early as 2018, political realignments were already taking shape in preparation for the 2022 succession politics. With the 2012/2013 anti-ICC indictment agenda far behind and defeated, the sitting president Uhuru Kenyatta is warming up towards his erstwhile political nemesis and opposition leader Raila Odinga (while edging out his deputy, Ruto) in a newly developing political alliance. This alliance is slowly taking shape through the Building Bridges Initiatives (BBI), pioneered by both leaders with a view to addressing perennial politically related tensions and conflicts. The ongoing discussions mainly around leadership and resource allocation are generating heated debates within cosmopolitan counties such as Kajiado and Narok where the influx of immigrant communities (owing to land selling) are almost tilting the voting equation to the detriment of indigenous communities. The memorandum submitted to the BBI secretariat by Maasai political and civil society leaders in February 2020 suggests that a formula should be found to safeguard the leadership rights of the Maasai as indigenous peoples in these counties, even though they may lack the critical mass to vote in one of their own. While this is an ongoing process, it will present a major challenge to the BBI think-tank to strike a balance between democratic rights and indigenous rights (see chapter 5 for more on BBI).

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⁸⁷ This may have influenced the Malawian ruling in May 2020, which ripped the incumbent of its powers and handed the presidency it to the opposition leader, see, <https://www.africaportal.org/features/africas-litigated-democracy/>. retrieved on 11 June 2020.

3.6 Paradigm shift in Maasai leadership

At the local scale, contemporary political dynamics continue to redefine and reproduce the roles of *Iloshon*, *ilgilat* and *olporror* in a way that is reconstructing new power relations. To consolidate their political bases, especially in a community that was initially disconnected from national political discourse, individual politicians continue to solicit validation and support from their respective *Olosho*, *Olgilata* or *olporror*.⁸⁸ The sense of ownership that political leaders draw from one or more of these groups provides a mandate that is necessary to participate and contribute to the national or sub-national politics. Political campaigns have always been conditioned along these lines making them more competitive and sometimes divisive. Nevertheless, Maasai politics just like other ethnic groups's politics are polarised and highly charged, with each ethnic group (or coalition of groups) and/or clans/sections (for example in the case of the Maasai) taking hard political positions. While this may be a recipe for division, chaos and, potentially conflict, it has inadvertently contributed to community's active participation in the overall political process. Unlike in the early 1960s and 70s when there was little or lack of interest in these political positions, currently the Maasai have gained immense interest in politics, with many vying for elective positions and participating in the elections. The wider power that also comes with political leadership, the greater financial resources available and their key involvement in *maendeleo* projects are major incentives in pulling followers to a particular leader. The rise of this importance of politics from the 1960s (after independence) has led to increased mobilization of traditional structures by the political elite as they interweave traditional institutions in political discourses and practices. But the traditional systems such as clans and age-groups have also, on the other

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⁸⁸ Interview with Ole Nkomeya, on 16th May 2018 at Suswa. Ole Nkomeya is a retired Member of the County Assembly (then Councillor), having served for 20 years representing Keekonyokie North ward, Kajiado County Council (now Kajiado county).

hand, produced leaders who realized that none of them could win political elections with only the support of one clan, section or age-group. Community level alliances between two or more clans or age-groups have therefore become a growing trend that has kept these traditional institutions alive for a different purpose.

Other than politics, education and Christianity are also instrumental factors shifting and reproducing traditional institutions differently than before. As mentioned earlier, the first elites in the community, who got an opportunity to access formal education in the first two decades after independence, were far removed and detached from the mainstream community and its traditional affairs. In the early days, a clear distinction existed between the ‘learned’ ‘*ilashumpa*’ ‘*isukuuluni*’ or ‘*ilmusanik*’ - as they were pejoratively referred by the majority in community majority – and the rest of the community. Hodgson (2004) contends that the formally educated members of the community were not considered for official leadership positions in the traditional system as they were seen to be adulterated Maasai. But since the 1990’s this trend is slowly changing, especially in the areas where the communities are gradually embracing education.

In some parts of Kajiado where access to education opportunities has increased, especially the areas bordering Nairobi, the practice of *moranism* (warriors) declined tremendously among the *Keekonyokie* and *Ilkaputiei* sections. As access to education becomes tenable and popular among younger generation, it becomes challenging to the practice of *moranism* for two reasons. The first one is due to an explicit ideological shift from ‘traditional’ to ‘modern’. Those who are schooled often perceive ‘others’ and their associated cultures such as *moranism* to be retrogressive and backward. Secondly, those young men who would want to participate in both worlds by attending school and carrying out the rite of passage to become a moran (warrior) find it difficult because of the congruent time factor, which means you can only perform one or the other. It becomes

practically impossible to undertake the two concurrently, especially because of the way the academic calendar is designed which limits school holidays to a month or less. This period is too short for *moranism* considering the intricate plans and activities involved in the process. In short, this part of Maasai culture and education are diametrically antagonistic and tend to mutually exclude each other. Since crucial aspects of *moranism* are practiced at a time when the youth are at high school, it becomes impossible for the school-goers to participate even when they desire to do so.

On the other hand, Christianity has also been radically opposed to what is viewed as ‘traditional culture,’ creating a sharp divide between the cultured and the converted as well as creating shifts in values (Parsitau 2020). An interview with Pastor Parkire held on 19th January 2019 in Suswa underscores this divide:

In the early 1990s when a great [Christian] revival came to Maasailand, there was a great division between those who were born again [converted] and those who were not. Families who converted to Christianity could not attend cultural ceremonies and families that are not Christians do not attend church functions and even in some cases, do not go to Christians’s homes when they had functions. In some instances, it was so bad that it could turn to physical confrontation. But I am glad now that those radical and extreme positions are fading away and there is more harmony and accommodation from each side.

From the recent events, it is indeed conceivable that the Christian and cultural institutions are finding a common ground to navigate the differences that were hitherto present. By focusing on common interests, the traditional and religious leadership seem to be collaboratively providing guidance to the community’s diverse and complex social interests while minimising tensions and potential conflicts. An outspoken and self-proclaimed prophet/spiritual leader, Isaiah Ole Ntokoti, played a significant role in mediating this cultural/religion divide. A member of the Iseuri age-set, Ole Ntokoti bordered the two worlds by successfully managing to balance conservative cultural ideals and the liberal Christian practices. My elderly interlocutor, Mzee Ole Parsampula, tells

me that Ole Ntokoti (now late, as he passed on in 2017) was his great friend, being of the same *Iseuri* age-set, sharing the same warrior-band and *Olpul*⁸⁹ as well as the same *emanyatta* (temporary ceremonial home). During an interview with him at his home on 17th July 2018, he stated that Ole Ntokoti started showing Loibon-like signs when he was still a warrior, citing that “he was not an ordinary person”. He adds:

When we later went to *olng’esherr* [a transitional ceremony that ushers junior to senior elders], he would make unique declarations. for example, when he said it will rain during a bad drought, nobody believed him, but it happened. People started having trust and revering him as *oloboni* [Loibon]. But he refused to be the regular Loibon that uses magic stones. He would go to pray on top of Mt. Suswa and inside the caves and come down to declare the will of God upon the people. He had all the characteristics of *Oloboni* but chose to use the Bible instead and he was also against the ordinary Loibons.

Starting in the 1990s, Ole Ntokoti’s popularity and influence grew in leaps and bounds across Maasailand, both in Kenya and Tanzania. Political leaders as well as ordinary community members would pay homage and seek divine blessings from him. He became so popular that he was accorded the presidential award, *The Order of the Grand Warrior* (O.G.W) for his peace-making roles (Kenya gazette, 11th December 2013). Among other things, Ole Ntokoti can be credited for the role he played in mediating culture and religion among the Maasai. In 2007, he supervised the *Olng’esherr* of *Ilkishuru* age-set of Keekonyokie section, a role that was normally played by the traditional Loibons. For the first time, there was a departure from the traditional way of managing the ceremony to a hybrid approach where Christian ministers played a significant role in the traditional ceremony. According to Ole Parsampula (Interviewed on 16th August 2018 at Narasha), Ole Ntokoti assumed the role of *Oloiboni* (practiced in a Christian fashion) in various other cultural ceremonies, a fact that enabled him to pacify

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⁸⁹ *Olpul* is a meat camp in the wild where the warriors would frequently retreat to feast on meat and train in fighting skills. A band of not more than 20 members (an equivalent of today’s ‘battalion’) makes up one *Olpul* who jointly participate in cattle raiding and lion hunting.

the two groups; the “traditionalists” and the “Christians” in his area. His path-breaking role in trying to find a synthesis between Christianity and Maasai tradition set the pace for many others to follow suit.

As result the mainstream ministers who were previously regarded as radical and “anti-tradition,” started to be actively involved in traditional ceremonies. For example, in November 2019 another rite of passage ceremony known as *enkang Oo ng’usidin* (the home of sticks), where an age-group is blessed to be successful herders, was organized. This was taking place around Ngong Hills which for long was considered to be culturally ‘lost’ by Maasai traditionalists because of its early encounter with education and missionaries. *Olaigunani* Ole Romo closely collaborated with Bishop Julius Tinkoi, a leader in Gospel Revival Church, to organize the ceremony for the *Ilkimayiana* age-group. During an interview with Bishop Tinkoi, a day after the ceremony on 14th December 2019, he observed:

This was necessary as the community needs to be accommodated [in Christianity] the way they are, in their culture and way of life. Besides some of these practices are not necessarily evil [as some Christians claim]; in-fact some of them such as the age-group rites of passage are important in enhancing Maasai identity and unity. And therefore, I strongly support and commit to work with the traditional chiefs if we agree on some modes of operation in a way that it doesn’t compromise Christian doctrine but also achieves the community’s cultural objectives. I am happy it is working out very well.

The bishop was innovative in his execution as in addition to blessing the ‘herding sticks’ he also included pens as part of the materials to be blessed and each initiate had to possess one. “These are our contemporary herding sticks,” he asserted. He also told me how he had been earlier approached by elders to preside over the coronation of ‘*Olaiguenani*’ of the same age-group, which he gladly did. The young chief presiding over this age group is well educated, a Christian and still a traditional chief. Commenting on the importance of balancing all these roles, Pastor ole Kayiakai, who is also a traditional chief

of *Ilmeirishi* age-set, declared during an interview conducted in Ngong town on 15th October 2019, “I think when we all join hands and agree on Cultural-Christian issues we will create a good leadership atmosphere to serve and guide the community in the best way possible”.

3.7 Intersectional power dynamics, challenges, and opportunities

The diverse leadership structures and institutions such as traditional, political, civil society (NGOs), faith-based (Church) and development-based committees are all important for the organizing and mobilization of the community towards *enkishon*-based *maendeleo*. As discussed, the nexus between these structures continues to be created in a way that is less fractious, but more accommodative and sensitive to different mandates assigned to each institution. When this nexus is well managed as it seems to be the case in the recent days, it can create a dynamic and strong community that can engage well with contemporary challenges at all levels. However, there are also underlying weaknesses and tensions that come with the overlapping, parallel and occasionally conflicting mandates inherently engrained within these institutions. Let me examine both some of these challenges and opportunities.

3.7.1 Challenges

The emergence of political power driven by money and materialism as a viable leadership route for Maasai over the last few decades is quickly reigning and tending to dominate over every aspect of the community. Contemporary political leadership has therefore fused and weaved itself into the traditional structures and institutions to address societal issues and advance *maendeleo*. This has reproduced traditional structures in a new way that tends to sustain political power and, on the process, ‘politicize’ other leadership

structures. It embodies the same tactics of national ethno-politics, where powerful individuals rally around their ethnic groups to maximize political power and thus economic exploitation. At the local scale, therefore, the Maasai political leaders have successfully transformed traditional structures - mainly clans, age-sets and *Iloshon* - for their own political mileage. Being a competitive process, these politics do in one way or another privilege one *Olgilata* or *Orporror* over the others, thereby creating an unhealthy divide. In some cases, the numerically inferior clans or age-groups feel politically insubordinate to the ‘superior’ or dominant ones, thus reinforcing Harrison’s (2003) concept of ‘difference-in-inferiority’ and ‘difference-in-superiority’.

In the recently devolved county politics, the *Iloshon* and *Iligilat*-based politics have also played out quite significantly during the campaigns for governors, Senate and other political positions. “I don’t think there is any other time, that inter-sectional politics of clannism has become so explicit in Maasailand than in the last two general elections under devolution,” observed Daniel Ole Tenai, a politician and aspirant for the Kajiado Senate Seat (interviewed on 15th December 2018, at Karen, Nairobi). The use of *Iligilat/iloshon/ilporori* as a factor of political mobilization deployed by the political elite has re-enacted these identities in a divisive manner. At the constituency or ward positions for MPs and MCAs respectively, *Ilporori* and *Iligilat* work well for the politicians, as one local political aspirant shared with me on 15th December 2019 at Suswa:

They [political leaders] would hold clandestine meetings at night to strategize and stabilize their bases [within a specific clan or age group]. During the day, no one wants to be seen to be partisan because they still need votes from the other clans or age-groups. And so, in the open, a leader will portray an image of being inclusive, but behind the scenes, they are all very partisan in terms of how they distribute opportunities and resources.

While the clan-based nepotism has been subtle in previous years, it is becoming explicit under the devolved system where resources and other opportunities are shared out

at the county level. For example, in 2014, a section of the *Orok-Kiteng* clan members went to court to challenge the County Government of Kajiado led by a governor from *Odo-mong'i* clan because of alleged discrimination (Kenya Law 2014).⁹⁰ One year after devolution, a group of Maasai students' associations stormed the local county government offices in Kajiado County claiming that employment is undertaken not on merit but *Ilgilat* relations. "Did we elect you to be leaders of your clans and sub-clans or for all the citizens of this county?" asked one of the irate students.⁹¹ The youth are generally concerned about *maendeleo*, especially in regard to the distribution of tuition bursaries and employment opportunities.

Ubiquitous clan-based politics are a major concern to the elders, who warn that if the tensions degenerate into conflict and hatred, it becomes a curse and an abomination to the community. Elders point out that such a leadership approach does not only weaken the community, but also casts a spell of doom over the community's *enkishon*:

We are bringing *oldeket* [curse] on ourselves. Aren't we all *Osotua* [relatives]? This greed for money is going to rip this community apart and we will soon be assimilated (*ayel*). It is already happening. It is an abomination to have leaders who are not from our community ruling us. It is happening here in our homesteads [in reference to local chiefs]. There are places in Maasailand who are governed by non-Maasai and it is because of this curse [*oldeket*] that we have brought upon ourselves. Our leaders have become so selfish that they no longer care about *enkishon* of the community but are after their own interest (Ole Sencho, interviewed on 16th October 2018).

In Olkaria, sectional- and identity-based divisions seem to follow a pattern that is different from the mainstream *Ilgilat/Iloshon/Ilporori*. The divisions in Olkaria are manifested along the 'class' categories that used to exist in the community according to

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⁹⁰ In the high court at Nairobi Milimani law courts constitutional and human rights division petition no 283 of 2014: James Tinai Murete, Gideon Meyoki & others (petitioners) versus county government of Kajiado...1st respondent and Kajiado county public service board...2nd respondent (Kenya Law 2015).

⁹¹ <https://www.standardmedia.co.ke/article/2000105179/fury-over-kajiado-county-jobs>, also see <https://countypress.co.ke/job-scandal-rocks-county-hiring-board/>; retrieved on 29th March 2020.

the occupational practices of a group. As discussed in chapter 2, the Maasai are generally categorized as pastoralists (*Ilparakuo*), hunters and gatherers (*Iltorrobo*), black smiths (*Ilkunono*) and crop farmers (*Ilkurman*). Although some of these practices such as black smiths and hunting/gathering died out, the stereotypes associated with *Ilkunono* and *Iltorrobo* persist. Olkaria is predominantly occupied by *Ilkunono*, a sub-section of the *Keekonyokie* Maasai section. Since the Maasai consider pastoralism as a prime occupation and the more cattle one has, the higher social standing he has in society, any other form of occupation such as black smith, hunting and gathering and farming were contemptuously despised by ‘Maasai proper’ (see Fosbrook 1956, Galaty 1982, Spencer 2004). Such is the situation the *Ilkunono* of Olkaria find themselves in, even though they had since transitioned to be pastoralists and agro-pastoralists. As a result, there exists an abstruse, rarely spoken tension between the *Ilkunono* and non-*ilkunono* whom they ascribe as *Ilomit*.⁹² Their exclusion from the mainstream societal power relations, pushed *Ilkunono* to embrace alliances with other entities, in this case KenGen. As a result, *Ilkunono* gained a predominant foothold on KenGen and geothermal affairs. The few Maasai who hold middle level positions at KenGen as well as most of the SCC chairmen happen to be from *Ilkunono* sub-section. Discreet interlocutors believe that there is a sort of settling of scores in the way opportunities are distributed among the Maasai of Olkaria, which they say tends to favour *Ilkunono*. Such subtle and implicit comments that are rarely publicly discussed underscore simmering tensions, which in turn affect the overall unity of purpose when engaging geothermal companies.

Another challenging intersection exists between the NGOs and political leadership. Political leaders perceive local NGO leaders as a threat to their positions. The *maendeleo*

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⁹² *Ilomit* is not really an established form of identity and when I tried to find out its meaning, I couldn't quite clearly figure out where and how it originated. People interviewed had different versions, some making inferences such as ‘selfish’ and ‘greedy’.

advanced by NGOs make them and their leaders popular in the rural areas, creating a potential spring-board to the political arena. While interviewing one of the MCAs around Suswa area, his distaste for local NGO leaders was evident in his sentiments:

As leaders, we are willing to negotiate for benefit sharing with the geothermal companies so that the communities can benefit more. However, the NGOs should not be part of this because they are controversial and will always spoil the deal. They should steer clear and allow elected leaders to act on behalf of the community.

Being ‘elected’ (even though elections are often replete with rigging, corruption and malpractices) is used to legitimize those in political power and lock out everyone else. But the MCA’s sentiments are understandable given that the NGOs have not only created an alternative centre of power,⁹³ but its leaders can also be a potential threat to the political status quo. Buoyed by donor resources, hands-on *maendeleo* projects and proximity with communities, NGOs have always produced powerful politicians. For example, most of the NGO leaders both in Olkaria and at the national level who were actively involved in civil society activities in the past decade have since either contested for political positions or are serving in senior government positions both at the county and national level. Consequently, NGO leaders have in the recent past transitioned to seek political fortunes where they feel they can be more impactful at a bigger scale than within the NGOs sphere of influence. The net effect of this move has been a weakened NGO sector, particularly in Maasailand compromising their important role at the community level including checking the excesses of government and private sector. This impact is felt more when a proper transition is not done and when the exit of an NGO leader means reduced donor funding as individual NGO founders have come to be synonymous with the organizations themselves (Nega and Schneider 2014). While like any other leader, NGO leaders are entitled assume

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⁹³ See, <https://onlinelibrary.wiley.com/doi/full/10.1111/j.1468-0491.2011.01553.x>; and <https://www.tandfonline.com/doi/full/10.1080/03066150.2010.512465>. retrieved on 3rd July 2020,

political positions, Kameri-Mbote (2000) contends that proper structures, systems and transitional mechanisms should be put in place so that their departures may not mean the demise of the organization.

3.7.2 Opportunities

As pointed out, the latest developments have shown a dynamic working relationship between traditional institutions, political leaders and other emerging leaders including religious and civil society leadership. While some interlocutors perceive the political dimension that the *Iligilat/Ilporori/Iloshon* have taken is dangerous and divisive, I see it as an ingenious and dynamic way of engaging traditional structures to respond to challenges that transcend the temporal and spatial scales. I also see flexible, malleable and resilient institutional structures that are elastic enough to reproduce Maasai identity under contemporary circumstances. If well-managed and the above-mentioned associated challenges are adequately addressed or minimised, these institutions can be a formidable basis upon which *enkishon*-based values can be secured for posterity.

One of the valuable opportunities emerging from the changing and shifting leadership structures is the creation of space for women and other marginalized groups within the community. The 2010 constitution provides for a two-third gender rule, which has since seen a surge in women and youth participation in several *maendeleo* committees and other leadership positions, including special appointments for political roles. This brings diverse rationalities to the debates on contemporary issues, be it CBC or geothermal committees, among others. During a woman focus group discussion held in Narasha on 27th Nov 2018, the participants exuded confidence that they were up to the task if given a chance. One of the participants declared, while accusing men (SCC leaders) of lethargy and corruption:

We are not like men; women always pursue the truth and justice. As women, we are family-centred, and we always think of our families and children first. Men can just have fun out there and marry more women in urban towns. But we are still a minority [in terms of power] and our opinions are often disregarded. More opportunities go to men most of the time. There is just a way for them to go behind our backs and secretly cut deals with KenGen officials without our knowledge.

Despite their shortcomings, the committees provide unprecedented opportunity to bring women to the decision-making table, something that was unheard of in the past. The same case applies to those churches which ordain women as ministers, giving them a platform of influence and leadership. Rhodah Loonkushu is minister of Dominion church in Namuncha village who by virtue of her position was co-opted to be part of SCC representing churches and women. During an interview with her at Namuncha shopping centre on 3rd December 2019, she emphatically declared; “We should not just be there to be seen but also to be heard and make a difference. Our men should cooperate and agree to work with us for the sake of our community”. Moreover, geothermal companies, particularly KenGen, have also integrated the elder’s council (*Ilpayiani*) in its governance structures in the Olkaria community. In addition to their traditional responsibilities, the elders are also charged with the extra task of mediating conflicts stemming from geothermal related activities. Both the SCC and elders’ structures, roles and responsibilities will be discussed further in chapter 5.

In another new development, clans and age groups have assumed a totally unique role in the recent past. Among the *Keekonyokie* section, clans have incrementally mobilized themselves as a unit to support one another, pray and socialize together. While clans have always had social support mechanisms on the basis of *osotua* (kinship ties), a new trend is emerging where a sub-clan drawn from the entire *Keekonyokie* section (that is approximately 500 kilometres square) would congregate in one village for two to three days to pray and deepen the social ties and kinship. Even in such clan-specific gatherings,

only one day is reserved exclusively for the clan members while the rest are open to the rest of the community. This is a perfect substitute to the traditional ceremonial congregations that would occasionally bring a broad spectrum of the community together for socialization and communal ties. Now that these traditional congregations are either inadequate or untenable in some places, the clan-based social gatherings have re-enacted the same purpose inherent in the traditional setting.

The clan-based congregations are not limited to only social events but also provide support for the needy in their midst through self-help initiative. The clan members would mobilize resources in the spirit of *harambee* (fund drives) to pay for hospital bills and schools fees for needy kids from poor family members as well as investments. The recent case is on 12th November 2019, when the *Ilmotosio* a sub-clan of *Ilukumae* (*orok kiteng* moeity) invited the County governor of Kajiado to present scholarship cheques to beneficiaries as well as health insurance policies worth ksh 10m-, or approximately 100,000USD (Kajiado County Press, December 2019). Moreover, other clans and or age-groups are slowly transforming into investment cooperatives and some of them have invested in land and real estate. For example, in Suswa, I was drawn to a commercial building called ‘*Irkitoip*’, the name of an age-set. Upon further inquiry, I was told it is owned by members of the said age-set. Also, in Kedong’ Ranch, the lucrative sand harvesting business⁹⁴ is managed and its benefits shared according to age-groups. “We have a day for each age-group to go to the river, sell the sand and the proceeds from the day belong to them. They share among themselves but also invest communally as a group. This approach is good because it brings a healthy competition between the age-groups and age-sets in investments such as building commercial houses in Suswa town or buying

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⁹⁴ Sand harvesting is a major economic livelihood for the Maasai living in and around Kedong Ranch. Sand is sold to truck drivers, who then ferry the commodity to urban places for construction.

steers for sale. It has also made it easy to resolve misunderstanding within the group using their age-group leaders”, underscored Ole Tumanka, Chairman of the Suswa Sand Association.

3.8 Conclusion

The colonial inheritance and post-colonial dynamics in Kenya have generated complex socio-economic and political projects that have continued to impact the cultural and ethnic identity of various ethnic groups including the Maasai. Whereas culture and ethnicity are not static both in form and content (Galaty 1993), they nevertheless undergo historical change and “demonstrate variation between contexts” (Ibid: 191). These variations are often resilient to external shocks and threats. With new emerging challenges such as loss of land and compromised political leadership, Maasai identity and self-determination are particularly threatened. However, while my analysis in this chapter has demonstrated that these threats are real, at the same time Maasai have responded by re-engineering their social-cultural and political structures and institutions. In this chapter, I have attempted to demonstrate how different governance structures – both traditional and contemporary – could potentially destroy the *enkishon* fabric that holds the community together. But I have also demonstrated how the traditional, political and other emerging centres of power including churches, NGOs and various committees have found a common ground for co-working and collaboration, reasserting *enkishon* in a novel way. The reconfiguration of these centres of power has the potential to strengthen leadership and create more opportunities that will enhance the resilience of the Maasai community.

As discussed in chapter 2, the Maasai leadership during the colonial period strived to protect *enkishon* by engaging in non-combative resistance to ‘development’. Similarly, even though many of the contemporary Maasai have embraced *maendeleo*, they continue

vouching for difference as opposed to similarity, as a symbol of resistance to pressures that seek to homogenize cultures and identities. This is further exemplified by the cultural distinctions that have morphed into a tourism attraction product and a brand to many safari enterprises. The dissimilarity between the Maasai and other ethnic groups in Kenya is more pronounced in the tourism sector (e.g Bruner 2001), which reinforces ‘difference-in-superiority’ concept as discussed by Harrison (2003) where some actors deny the ‘resemblance’ of resource-sharing but exalt the ‘conservation’ commonality of shared values. This scenario, however, provides a background and site where ethnic boundaries and national differences in terms of identities and access to resources are enacted, performed and contested (Harrison 2003:358). These performances and contestations will further be analysed in chapter 4 through the lenses of *eramatare*; an *enkishon*-based principle of caretaking, equity and sustainability in the context of conservation and environmentality.

CHAPTER FOUR

ERAMATARE: OF WILDLIFE, UNPROTECTED

AREAS AND COMPETING LEGACIES.

“Anything that threatens cattle and the Maasai wellbeing is a threat to wildlife. Without cows, there will be no wildlife because they go hand-in-hand,” Shaa Ole Kiloku, honorary community warden, elder, Narasha village [20th February 2018]

Shaa Ole Kiloku is an honorary community warden for the South Rift. He is a respected community leader in his own right as an elder but also draws much power from the authority delegated by Kenya Wildlife Service (KWS). During the numerous occasions I visited him at his home in Narasha, he would proudly display his badge and letter of appointment signed by the KWS Director General. His work is to mediate the community-KWS affairs, especially handling issues related to human-wildlife conflict, such as reporting cases of wildlife attacks to KWS and relaying KWS communication to the community. Although he volunteers his services, his position comes with prestige and certain privileges. Besides being an active participant at KWS meetings and functions, he is also mandated to admit visitors (in writing) to his village through the park (hence visitors are exempted from park fees), and propose community projects to be supported by KWS, among other delegated powers. On this particular occasion, he told me of a high-level KWS meeting in a lavish Naivasha hotel for which he has been tasked to invite community representatives. He invited me to join the delegation, which I gladly accepted.

The meeting took place on 15th March 2018 and was attended by stakeholders around the Olkaria-Lake Naivasha eco-system, including: KWS staff, hotel/lodge proprietors, flower farmers, representatives from geothermal companies, government

administration, county officials, and community representatives, among others. The agenda for the one-day workshop was KWS-centred with an emphasis on “awareness creation” for KWS conservation efforts, human-wildlife conflict (HWC), poaching, and wildlife tracking, among others. In short, it ended up being a talk by KWS while every other participant simply listened. A huge part of the agenda was addressed to KWS staff and according to my assessment was not relevant to most of the participants.

During the plenary session, participants – especially the Maasai delegation – pointed out a few shortfalls of the program, including the minimal time accorded for discussion and the fact that most of the deliberations were in English, yet most of them only understood Kiswahili, without provision for interpretation. One Maasai delegation member pointed out that the issue of HWC as discussed by KWS in the meeting was biased towards flower and agricultural farmers around the shores of the lake. He complained that little attention was given to the livestock mauled by hyenas in Olkaria and its environs. They had also hoped that the issue of compensation for livestock lost to wildlife would be addressed. “If we cannot be compensated for our lost livestock, then it is high time you keep your cows [meaning wildlife], we keep ours”, one of the enraged participants said.⁹⁵ Speaking on behalf of the Maasai delegation, Shaa Ole Kiloku asked why KWS has never honoured its pledge of contributing towards a community health centre, despite receiving a matching grant from Orpower geothermal company 5 years ago. At this point, he pulled out well-kept documents, including a proposal and design of

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⁹⁵ These sentiments are commonly echoed across Maasailand where HWC is rampant and the KWS role in addressing them is seen to be sluggish and sometimes domineering. In a recent case in Kajiado, a former MCA threatened to mobilize the community to kill all the predators in the area if KWS does not take the issue seriously, retorting; “If our cows eat yours, kill our cows, but if our cows want yours, come kill them” (see <https://www.standardmedia.co.ke/eastern/article/2001309949/kajiado-mca-arrested-arraigned-over-incitement>). He was soon arrested and charged for incitement but released following community pressure.

the hospital in question, and passed them around for everyone to see. No discussion could follow as it was already lunchtime.

Talking to the Maasai delegation during the lunch break, they were suspicious of the meeting's agenda, saying it was not relevant and did not address their concerns. They were reluctant to sign the attendance list, fearing that their signatures could be used to endorse something sinister. They did sign in the end, because that was the only way to receive transport allowance. When I inquired about their fear over signing, one woman attending commented, "Who knows if it is KenGen again who want to displace us?" This underscores the level of mistrust, perhaps informed by past experiences with both KWS and geothermal companies. Another youthful participant interjected, "This just explains how KWS has failed in its *eramatare* of wildlife".

Eramatare had been echoed severally through various focus group discussions, which participants would regularly refer to when debating matters of land use, livelihoods and environmental health. *Eramatare* is a concept that can loosely be interpreted to mean good governance. I use this concept in this chapter to better understand the community's perspective towards environment in general and conservation in particular in a *maendeleo*-centric landscape where mega-development projects such as geothermal seem to be diametrically opposed to *eramatare* of wildlife. Engaging the community dialogues through the concept of *eramatare* is also helpful in; 1) understanding how (community members are responding to the politics of development and conservation; 2) shaping my argument that conservation as is currently conceived and applied in Olkaria landscape is both counter-productive and repugnant to the core values of preserving the 'national heritage', as certain species of wildlife are commonly depicted in Kenya, as is currently embedded in various conservation frameworks and legal structures. I will also argue that KWS has become an indecisive player, failing to mediate the balance between

‘development’ and ‘conservation’. This is best illustrated where mega-development projects are sprouting in wildlife conservation spaces. On the other hand, the communities are responding by using conservation principles differently to slow down geothermal expansion with a bid to protect both their land, biodiversity and grazing spaces for their livestock. Such is the case of Mt. Suswa, a new frontier and site for conservation and geothermal contestation.

To understand *eramatare*’s relationship to conservation, the first section of this chapter will contextualize its application in a landscape that is increasingly dominated by human settlement and development activities. This section will link *eramatare* with the cultural *enkishon*-based land use principles and broader political and economic dynamics defining conservation in the area. The challenges and impacts posed by geothermal development on conservation will be further analysed with a focus on wildlife disturbance and disruption. The interface between conservation and geothermal conservation and the resulting frictions thereof is examined from different scales to understand the emerging conservation-development mosaic. Tourism and safari-related enterprises have been a relatively a conservation-friendly economic activity embraced by communities and conservation actors alike. However, the entrance of geothermal into the geo-economic arena has complicated the conservation agenda in geothermal rich locales (Mwangi 2007). These overlaps, tensions and frictions that arise because of *maendeleo* will be examined against the backdrop of various conservation models in general but also as they are specifically applied in Olkaria-Suswa landscape in particular.

4.1 Eramatare concept and its applicability to conservation and *maendeleo*

To the Maasai, *eramatare* is loosely interpreted to mean responsible stewardship. The term mainly draws from the herding context, implying good livestock husbandry. While *eramatare* is the responsibility of every person – women, children, men and boys – a shepherd (*olchekut*) plays a greater role in the day-to-day *eramatare*. According to elder Shaah Ole Kiloku, *eramatare* encompasses good care of livestock including herding them to proper grazing areas, protecting them, attending to the sick and all other efforts geared towards raising a healthy herd, which sustains family needs and relations within the community. *Eramatare* literally means “taking good care of...”; it embodies the role of *olchekut* (herdsman/ shepherd) who is expected to be vigilant at all times – ensuring the cattle has good pasture, water, are secure from any threats, keeping a keen eye on and nursing the sick, milking the lactating mothers, feeding the orphaned calves, ensuring the kraal is regularly cleaned, ensuring breeding at the right time, among others. *Eramatare* responsibilities extend to the ecosystem upon which the livestock depends such as, for example, ensuring that the waterways are uncontaminated, forests are maintained, and that grazing patterns and landscapes are sustainably utilized. The *eramatare* concept means different things to different people and its application can be equally as varied (Godfrey 2018). I choose to use “web of *eramatare*” to denote its inter-connected nature and its dynamic application to shifting realities such as the case in Olkaria. Further, this concept is applicable to understanding *maendeleo* in general and *eramatare*-based conservation in particular because it encompasses how one DOES *eramatare*, how something can BE *eramatare*, and how it can be a GOOD *eramatare*. In that sense, it fuses well with *enkishon* philosophy, which is about holistic well-being connecting cosmos, environmental health and human relations.

Wildlife is embedded in the Maasai web of *eramatare* in a way that rejects unnecessary hunting; that is, killing wildlife for the sake of killing is strongly abhorred. This web of *eramatare* is contingent to a set of social and cultural rules, values and norms that are collectively negotiated and maintained. This principle has often been misunderstood and misinterpreted by conservationists. For example, lion hunting by Maasai has been popularly fetishized and used particularly by international media and conservationists to portray the Maasai as a threat to ‘conservation’ (Hahn 2019). This position has been challenged as a biased frame used to justify the western narrative of hunting as a sport or culling as a management technique while Africans’s hunting is portrayed as poaching and illegal killing of wildlife (Ogada and Mbaria 2017). In reality, traditional hunting for purposes of rites of passage is culturally regulated under the *eramatare* principles in a way that enhances growth by attending to inbreeding issues.⁹⁶ While *eramatare*-based conservation subsists within the wider Maasai web of *eramatare*, it does not however imply the absence of human wildlife conflict. Ikanda and Packer (2008) point out that retaliatory killings in response to lions attacking cattle is common and may deplete lion populations. However, due to the intrinsic value of lions to the Maasai culture, they are generally guarded and protected (Hahn 2019). Thus, pastoralism and its varied practices of care towards its herd is not only one of the most compatible land use activities with conservation, but also one of the livelihood activities at the interface of conservation and social well-being.

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⁹⁶ Maasai hunting of lions for purposes of rites of passage is strictly regulated and a band of warriors can only kill a mature male lion. This would allow young, fresh blood to get into the territory and continue breeding, see, <https://lionalert.org/inbreeding-in-lions/> - retrieved on 4th April 2020. It is on this basis that Chan et al. (2020) suggest that conservation biologists, social scientists and anthropologists need to collaborate in ecological studies.

However, in complex ecologies where mega-development takes place such as Olkaria's geothermal steam fields that overlap with rich bio-diverse landscapes, the relations between people, place and other actors takes a different dimension. In such contexts, wildlife become active agents shaping the politics of development, social economic relations and environmental reinventions. In reimagining conservation in such places as Olkaria-Suswa ecosystem, Chan et al. (2007) contend that nonhuman organisms, and current and future human beings, should emerge as winners against economic and political pressures. According to Chan et al. (2011), a win-win formula must be found so that nature and humans can live in harmony for posterity. This is aligned with the Maasai's *enkishon* philosophy, which embodies the web of connectedness between land, social relations, environment and people's livelihoods. Such is a requisite condition for sustainable wellbeing and *eramatare* is an adhesive gluing together the building blocks for *enkishon*-based *maendeleo*.

Godfrey (2018) uses the concept of *eramatare* to assert that effective conservation in a pastoral landscape should be pastoralist-centred, encompassing all aspects of environment and people's values and cultures. She argues that mainstream conservation discourse should allow communities to define conservation in context of their pastoral management institutions and ecological governance system, their relationships with wildlife, and local organizations. Western et al. (2020) extend this line of argument by suggesting that husbandry and conservation practices that once maintained the productivity and resilience of pastoralism can be used to enable free-ranging wildlife movements, especially the large herbivores such as elephants. This, they say, is an ethos embedded in husbandry practices, cultural customs and the governance of Maasai society. These discussions contribute immensely to the broader web of *eramatare* embedded in the *enkishon*-philosophy of the Maasai. I therefore apply this concept to examine and

understand broader conservation discourses particularly in the context of ballooning economic development. Focusing on the Olkaria eco-system, I will use the concept to examine how KWS and geothermal companies understand and promote conservation and economic development in their endeavour to realize *maendeleo*.

KWS and geothermal companies use conservation to rationalize the acquisition of land from communities and the public (in the case of Hell's Gate National Park - HGNP), which in turn is put under geothermal development to the detriment of wildlife. Such developments do not only interfere with the natural ecosystem for wildlife habitation but impede free movement between various eco-systems which is critical for wildlife survival. I therefore apply the web of *eramatare* concept from an anthropological perspective to ground my argument that the two objectives of development and conservation are inconsistent and incompatible, contrary to the official and scientific assessments that permit the initiation of mega-development projects in ecologically fragile areas. An Environmental Impact Assessment (EIA) is often carried out as a standard procedure to determine the extent to which such projects will affect the natural ecosystem. These evaluations are often flawed, reducing significant impacts to only a 'manageable' range (see Sinclair and Diduck 2017). These procedures have lately been updated to include an assessment of social impacts, becoming commonly referred to as Environmental and Social Impact Assessment (ESIA). While these processes would provide an ideal avenue for communities' participation in line with requirements embedded in various statutes, this however is rarely the case. Instead ESIA becomes a legal procedure to legitimize the establishment of mega-development projects such as geothermal power development. The affected communities, left with fewer options, engage in various forms of resistance. For example, the Mt. Suswa Maasai community are redeploying the logic of community-based

conservation primarily to resist geothermal development with an aim to secure the land and pastoral livelihoods.

Understanding and applying *eramatare* in policy and practical discourse around wildlife conservation in Maasai areas creates a more inclusive and culturally relevant approach where all players in conservation are and should be *ilchekuti* (shepherds) in charge of *eramatare*. By this I mean, in addition to integrating conservation into the pastoralists' livelihood systems, it may be unlikely to achieve much if there is a lack of goodwill from conservation actors such as the government (through KWS), conservation NGOs and the political leadership. The reason why this collaborative effort is important in integrating *eramatare* into wildlife conservation is because it requires a major change of mind-set for all those involved in conservation, including communities, to be speaking and practicing the same conservation language. Political leaders are particularly important when it comes to policy review and entrenching the necessary legislative framework that is participatory, inclusive, and strikes a balance between conservation and development. For example, designing an *eramatare*-inspired conservation approach, which entails unhindered movement of wildlife, requires robust policy to marshal land use planning and cushion designated conservation spaces and or wildlife corridors from undesired encroachment by incompatible development activities (Homewood et al 2009, Kabiri 2010). As noted earlier, *eramatare* is not limited to understanding conservation in the context of *maendeleo* but also includes examining how communities respond and interact with emerging tensions. The convergence of geothermal development and conservation in Olkaria-Suswa ecosystem precipitates a complex set of relations between various actors. These relations are wrought by multiple layers of issues ranging from historical land injustices to multi-displacements of people, from displacement of wildlife to contemporary development projects. Mediating these relations engenders tensions, conflicts of interests

and multi-scalar dynamics that need to be examined, not only at the development-conservation nexus, but also in the troubled space between the local and global scale. Even at the local scale, environmental projects have resulted in negative impacts on resident populations along gender, class – and in the case of OlKaria Maasai – sectional (*iloshon*) divides. Central to these discussions are the social contests, alliances and collaborations that are involved in the production of environmental projects and political positions that continue to impact conservation, *maendeleo* and community well-being (*enkishon*).

The politics of conservation and development weaves through different scales forming alliances and networks linked by common interests. At the local scale, particularly in Olkaria, mega-development as well as conservation projects are fronted by its promoters as *maendeleo* that is good for current and future generations. Although the concept of *maendeleo* was intended to induce citizen participation in the development discourse, it has since become a political cliché meant to deploy ethnic political support and following. Most of the development plans and strategies at the national level such as vision 2030 (Kenya's grand development blue print) are designed to achieve *maendeleo* at all levels. The same applies to the global level discourse where both development (in the sense of reducing poverty) and conservation have recently been tagged with the 'sustainability' catch phrase to depict long term positive impact. Although these approaches are related to the principles of *eramatare* and *enkishon*, they are however different in the way they are understood and practiced at the local (community) level.

As further analysed throughout this chapter, it is notable that increased geothermal development projects in Olkaria have continued to negatively impact wildlife diversity and mobility. This has been exacerbated by KWS's lease agreement with geothermal companies such as KenGen and Orpower to allow geothermal exploitation within a nationally gazetted conservation area (Ogotu et al. 2007). From its own feasibility studies

and strategic management plans, KWS portends that geothermal activities carried out in strict observance to the laid-down procedures and agreed-upon protocols will have a minimal negative impact on the diversity, growth and health of wildlife in the area. In contrast, the outcome of my ethnographic work in Olkaria-Suswa points out that increased geothermal activities is a threat to biodiversity impeding on the peaceful enjoyment of the landscape by the wildlife. The Maasai communities in Olkaria and Suswa are aware that any threat to the wildlife is also a threat to pastoralism, which for both communities is the most compatible land use activity.⁹⁷ The creation of HGNP and the ongoing wave of land appropriation to make way for geothermal extraction have continually undermined *eramatare* of the Maasai living within the Olkaria-Suswa landscape. While advancing the geothermal idea as greener, cleaner, renewable and environmentally friendly, various actors, including the government, promote its development, placing its premium slightly above other possibilities. This proposition justifies the government's acquisition and accumulation of land meant for conservation and or community use, and concedes it to corporations for geothermal speculation, exploration and exploitation. Through these 'green grab' logics, a new set of values and interests favouring external actors have been imposed on the local landscapes and communities (see Leach et al. 2012, Thornett 2017). These values tend to privilege the national and global economic interests, commonly advanced as 'green technology', buttressed by the global development and environmental discourses.

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⁹⁷ The youth and elders focus group discussions held in Narasha on 17th and 18th August 2018 point out that the impact of land use by geothermal has similar adverse impacts on both livestock and wildlife.

4.2 Biodiversity conservation in the context of global carbon-neutrality discourse

The dominant western ideology of the nature-human separation (Nash 1968, Sterba 2012) was first experienced by the Maasai during the colonial period when exclusive conservation spaces were first introduced. The ‘ordering’ of nature was advanced as a modern way of ecological management as opposed the traditional land use system where wildlife is integrated into the pastoral livelihoods system. This division depicts nature as wild and therefore must be tamed and subdued to advance civilization (Colchester 1994, Argyrou 2005). On the other hand, the principles of *eramatare* sharply contradicts the notion of nature-human separation gravitating towards an intergrated land use system. The Maasai-*enkishon* philosophy emphasizes on the harmony of ecological cosmos for the benefit of human-kind. Post-independence conservation approaches tend to reconcile the human-wildlife interaction through community-based conservation initiatives, where traitional *eramatare* conservation approaches are married with the modern ‘scientific’ logics of conservation. While this approach has produced a much better and effective human-wildlife mosaic, the recent new developments of mega-projects such as geothermal in conservation spaces threatens to reverse the gains made in the past few decades (IWGIA 2017).

Multi-scale approaches are heuristically useful in addressing the environment and all elements of nature, including wildlife, transcend territorial boundaries. Such approaches are fraught with political and economic undertones that produce different relationships at different levels. According to Tsing (2001), the confluence of historical, spatial and political ecologies involves power dynamics that shape the human and non-human relations in a given landscape. The local-to-global (and vice-versa) political and

economic hierarchies, institutions and practices have often been used to frame environmental realities and mobilize social-political actions (Arnold 1996). At the same time, the changing significance of environmental projects applied in multiple locales as well as the pattern of collaboration in forging environmental objectives and political positions are often shaped by forces embedded in neoliberal economic agendas (Tsing 2001, Escobar 1995, Cronon 1995). According to Stott and Huq (2014), the idea of global environmental change, particularly attributed to global warming, elicits significant economic, scientific and political clashes, whose heat is felt at the local scale.

While a global effort to reconcile environment and development was made in the 1972 Stockholm Conference, it was not until the 1990s when the link between biodiversity and human well-being became a focus of public discourse (Clapp and Dauvergne 2011). The Environment and Development conference held in Rio de Janeiro in 1992 (“The Earth Summit”) focused on the accelerating pace of economic globalization and its impact on the environment (McMichael 2017). Its key output is the famous Rio Declaration on Environment and Development, the Agenda 21 implementation framework, the UN Framework Convention on Climate Change (UNFCCC) and the UN Convention on Biological Diversity (UNCBD), all seen as landmarks in the rise of sustainable development as a societal paradigm (Clapp and Dauvergne 2011, Naeem et al. 2016). The production of policies and environmental frameworks at the UN level, driven and influenced by the ‘developed’ western countries, creates a global arena of power contestations furthering the neoliberal ‘global agenda’ (Sachs 2005). Critics argue that such global-scale processes promote economic globalization and industrialization in a way that is incompatible with sustainability of human and natural environment (Rich 1994), while entrenching a ‘managerial’ approach to solving environmental problems from above and paying inadequate attention to local solutions from below (Hammond 2000).

Subsequent global processes such as the UNCBD being inclusive of participants from ‘below’ sought to respond to the accelerating rate of extinction of the world’s species and ecosystems (Shukla et al. 2017). The UNCBD’s explicit objectives are to conserve the Earth's biological diversity for future generations, to exploit it in a sustainable way and to share the benefits of biodiversity in a fair and equitable manner (Jenks 1995).⁹⁸ While this Convention makes a strong connection between human well-being and bio-diversity, it has been severally criticized as being too slow and too technical in addressing the pertinent biodiversity loss in keystone areas (Naeem et al. 2016). Indigenous peoples, rallying around Article 8(j),⁹⁹ have been vocal in criticizing the overemphasis on discussion with slow action in relation to access and benefit-sharing from exploitation of nature-based resources found in their territories (IWGIA 2017). Moreover, other international processes such as World Parks Congress have promoted the idea of expanded conservation spaces and the inclusion of local communities in governance. The expansion of nature conservation from the protection of habitats and species to sustaining biodiversity launched by the World Conservation Strategy in the 1980s calls for large-scale planning across a broad range of land uses, users, jurisdictions and agencies (WWF 1980). It is on the basis of these international processes and logic of conservation that international and local conservation organizations have proactively mobilized resources, shaping conservation discourse and policies around them. Debates abound on whether or not the conservation resources are in tandem with the effort required to achieve the stated goals of the UNCBD (Ogada and Mbaru 2017).

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⁹⁸ The UNCBD calls on developed countries to transfer to developing countries (i) technology "relevant to the conservation and sustainable use of biodiversity" and (ii) "technology which makes use of ... (genetic) resources." The Convention requires the establishment of a multi-lateral fund financed by the developed countries to support the purposes of the Convention.

⁹⁹ Article 8 (j) emphasised the link between maintaining traditional knowledge and: continued stewardship of traditional lands and waters by indigenous communities; the customary use of biodiversity; and the right of indigenous and local communities to require free prior and informed consent.

Global warming has been a major global agenda shaping the environmental and economic debates in the last three decades in attempt to address its causes and impacts (Hegerl et al. 2019). Under the United Nations Framework on Climate Change, scientific studies by IPCC¹⁰⁰ (1990) concluded that the growing accumulation of human-made greenhouse gases in the atmosphere would enhance the greenhouse effect, resulting in additional warming of the Earth's surface, unless measures were adopted to limit emissions. The report confirmed that climate change was a threat and called for a binding international treaty which came to pass during the Earth Summit. The parties of the UNFCCC (Conference of Parties – COP) have convened on an annual basis since 1995 with a two-prong approach to global warming: mitigation and adaptation. While the former is about scaling down pollutants identified as greenhouse gases (GHGs), the latter is a compendium of efforts geared to promote coping mechanisms and enhance resilience of ecosystems and people to address the effects of climate change.

Rigorous negotiations have been going on globally with proposed actions in an attempt to reverse global carbon output mainly emanating from the fossil-based energy regime (Letcher, 2009:30, Mitchell 2009). As such, there has been a call for a new paradigm shift away from fossil fuels – associated with carbon emission and subsequently global warming – to cleaner, greener and renewable energy that is environmentally friendlier (Baer et al. 2019). A set of instruments such as the Clean Development Mechanism (CDM) and the Green Climate Fund (GCF), among other funding structures, have been established to channel global resources to regional and local scales promoting cleaner, greener energy projects (Zoomer et al. 2011, IRENA 2018). It is on this basis that

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¹⁰⁰ Intergovernmental Panel on Climate Change (IPCC) was jointly formed by the United Nations Environment Programme (UNEP) and the World Meteorological Organization (WMO) in 1988 to provide policymakers with authoritative scientific information on the relationship between increasing GHGs emissions and global warming.

geothermal development efforts in Kenya were significantly boosted since the 1990s and they have been steadily expanding in the last three decades.

Parallel to these developments is the need for local communities to cope with the changes and extremities of climate change to cushion their livelihoods from the adverse effects of global warming (Rogei 2016). Climate change adaptation therefore became an integral part of the climate change discourse with the global South demanding subsidies and financial support from the industrialized global North, which was accused of contributing to the preponderance of global warming. Local communities and Indigenous peoples have also been negotiating for access to and benefit from natural resources in their territories – including bio-rich spaces such as forests and parks - as an adaptation mechanism to global warming (IWGIA 2019). Conservation efforts which dispossess people of these life-supporting systems go against the climate change adaptation tenets, making communities whose livelihoods are dependent on the natural environment more susceptible to economic shocks. An example is REDD+¹⁰¹ initiatives, which promote forest covers, especially in the global South, to act as carbon sinks for excess pollution produced in the industrialized North. Commercializing forests through carbon funds may further displace communities from using these now protected forests and exacerbate their economic vulnerability if there are no clear mechanism for their participation and access to benefit-sharing. In Kenya, forests, just like wildlife conservation spaces, are active frontiers where commercial investments are in friction with conservation of natural resources. For example, the Mau forest, the largest water catchment area and a lifeline to the Maasai Mara ecosystem, is at risk of severe degradation from logging and illegal settlements. Although Kenya's authorities are proactively involved in restoring the Mau

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¹⁰¹ REDD+ (Reducing Emissions from Deforestation and forest Degradation) is a set of activities meant to reduce emissions from deforestation and forest degradation. Forests are considered as carbon sinks and are thus encouraged to stand for this purpose.

forest complex, whether for the sake of conservation or to tap into the green carbon funds, in contrast they are allowing geothermal development to take root in other forest reserves such as Eburu and the Menengai crater. Just like in wildlife conservation spaces, geothermal development in forested biospheres is likely to have significant ecological impact owing to forest clearance for infrastructural development.

These developments and seemingly conflicting objectives are likely to cause tensions and frictions at different scales and between different actors. In a meeting I attended on 7th September 2018 at the Rift Valley Lodge in Naivasha to launch Kenya's REDD+ process, there were sharp confrontations between government agencies. The forest department representatives blamed agriculture as the main driver of deforestation while the KWS lamented being left out in the REDD+ process, arguing that parks and most wildlife conservation areas host a large percentage of forest cover. In other words, there seems to be a shift of focus from wildlife to geothermal green funds to forest carbon funds. The tensions between public sector organizations such as KWS and Kenya Forest Service (KFS), over the green funds are likely to increase as the private sector also gets involved. For example, several private conservancies such as Olchoki ranch in Laikipia have already enlisted for carbon credit (McIntosh 2017, Fox 2018), and many more may follow suit. While this is favourable for the overall conservation goals, it may favour certain species with the risk of forest-destructive species such as elephants likely to be phased out of such spaces. Conservation of wildlife is compatible with the preservation of forests for purposes of carbon credits. However, it may put pressure on communities that depend on such forests for their resources. At the same time, 'green' projects such as geothermal, have lately attracted carbon funds meant to offset carbon emission and, in the process, fight climate change (see more in chapter 5). Because of these developments,

significant pressure is exerted on both humans and wildlife species depending on the resources available in the same landscapes.

4.3 Evolving nature of conservation in the age of *maendeleo*

Conservation in Kenya, like in many other parts of the world, is a paradox, always at the mercy of development (Mwaura 2005, Debelo 2012, Kabiri 2010, Ogada and Mbaru 2017). It started during the colonial times when the ‘white highlands’ were cleared of ‘vermins’ (Oyugi 2014) to pave the way for exclusive settler ranching, which was the earliest form of *maendeleo* in the country. As a result, thousands of wildlife species were displaced to the drier peripheries of the savannah where they were conveniently hunted for a fetishized trophy sport. Like Africa’s savannah that appeared limitless, the African game appeared equally infinite to colonial settlers, with one individual such as Teddy Roosevelt reportedly killed over 500 species in one expedition.¹⁰² But more settlements, disturbances through hunting, increased infrastructure and general development continued to displace wildlife from their previous habitats, pushing them farther away from people to more fragile ecologies (Oyugi 2014). While the creation of protected areas such as national parks, created for the purpose of preserving the remaining species, was perceived to be a good idea by many conservation scientists, it is evident that wildlife diversity has declined over time despite the formation of these parks (Kabiri 2010).

In Kenya, conservation efforts have been advanced by concerned authorities and stakeholders for various reasons. The government of Kenya, particularly KWS (whose vision is "To save the last great species and places on earth for humanity"¹⁰³), is committed to achieve this conservation goal through a broad matrix of mandates and

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¹⁰² <https://www.vox.com/2015/7/29/9067587/theodore-roosevelt-safari>, retrieved on 5th April 2020.

¹⁰³ <http://www.kws.go.ke/about-us/about-us>, retrieved on 11th May 2020.

actions of conserving and managing national parks, wildlife conservation areas, and sanctuaries under its jurisdiction. Kenya has twenty-two terrestrial national parks, four marine national parks, twenty-eight terrestrial national reserves, six marine national reserves and five national sanctuaries (Kenya Wildlife Service, 2012), covering about 7% of Kenya's land mass (Ogutu et al. 2007). Among the earliest to be established were Nairobi National Park in 1946, Amboseli in 1947, Tsavo in 1948 and Mt Kenya in 1949 (Akama 1999, Sindiga 1996). Most of these protected areas are located in rangelands and arid areas occupied by pastoralists, including in Kajiado, Narok, and Samburu counties, among others. According to subsequent state legislation, the parks were to be protected public lands, "set aside for the propagation, protection and preservation of objects of aesthetic, geological, prehistoric, historic, archaeological or scientific interest for the benefit and advantage of the general public" (Simon, 1962:51).

Besides conservation, wildlife and biodiversity have incrementally been viewed as a resource which can be commercialized through tourism. With an aim to achieve sustainable wildlife conservation, KWS is committed to promote and or undertake commercial and other activities within the conservation arena. This informs the aggressive promotion of tourism as a foreign exchange earner to complement income from export crops, mainly tea and coffee (Akama 1999). With the dwindling prices of agricultural products in the world market relative to manufactured goods that has severely impacted economic development in Kenya (Sinclair 1990), tourism becomes vital to cushioning growing economies such as Kenya's from such adverse trade impacts. Consequently, Kenya has increasingly turned to the development of tourism as an alternative source of foreign exchange earnings, job creation and economic growth. Treating tourism as an important strategy for socioeconomic development, the government started to formulate legislation aimed at the protection of Kenya's unique wildlife resources and the promotion

of organised recreational activities in protected wildlife parks and reserves (Achiron & Wilkinson, 1986). As such, Kenya's wild animals and natural environment have continued to be promoted, with safari tourism becoming one of the most important contributors to the national gross domestic product (GDP) (Akama 2002, Sinclair 1990).

Figure 12: Hell's Gate National Park.

Source: Kenya Wildlife Service¹⁰⁴

Over time, conservation has been advanced to realize the dual role of conservation for posterity (in the strictest sense of the word) and as an economic enterprise, where communities and other stakeholders can benefit from tourism-based resources. The latter has been built on the 'sustainability' model, which is often portrayed in economic terms (Waithaka 2004). Conceived as community-based conservation (CBC), this model is a hybrid system allowing a more 'liberalized' form of conservation. The concept appreciates the role played by communities in wildlife conservation and the need to involve them in the management and governance of conservation spaces. In return, the communities are expected to benefit from the economic resources from this nature-based enterprise. The

¹⁰⁴ See, www.kws.co.ke, retrieved on 15th September 2020.

tools deployed to encourage landscape biodiversity conservation are primarily economic in nature and include conservation leases and easements, payment for ecosystem services, cost offsets, and consumptive and non-consumptive uses of wildlife (Bedelian & Ogutu 2017; Naidoo et al. 2016; Nelson et al. 2008). New economic accounting methods for valuing natural capital and ecological services, such as the Total Economic Value (Costanza et al. 1997) and the System of Environmental-Economic Accounts (Jasch 2003), emphasize the multiple benefits of conserving biodiversity (Lugusa 2019, Western et al 2020). However, valuing nature and biodiversity solely on economic terms and quantified in monetary values obscures the non-monetary values that communities attach to nature.

The Maasai-based *enkishon* philosophy and its concept of *eramatare* perceive and value nature and biodiversity in much broader, longer and deeper terms that go beyond immediate financial benefits. While CBC has been proposed as a more integrated approach that embodies *eramatare* ideals, the cultural incentives for conservation have, however, been replaced by monetary incentives in the form of economic benefits designed to win support for conservation from local people (Western, et al. 1994, Chan et al. 2007). Moreover, CBC and related eco-tourism initiatives aim to counter exclusionary models such as ‘parks without people’ embodied in fortress conservation by emphasizing on the financial benefits of conservation trickling from the local scale (Salafsky and Wollenberg 2000).

Debates abound on the efficacy of the CBC concept, with some literature pointing to its success (see, Western et al. 2015, Songorwa 1999, Bedelian and Ogutu 2017) and others to its shortcomings (Wells 1994, Rihoy et al. 2010, Kabiri 2010, Ogada and Mbaria 2017). The proponents of CBC claim that the new approach to conservation has produced a win-win model for conservation and livelihoods through which human wildlife conflicts are minimized. Through CBC, host communities are promised benefits from the safari-

generated resources and eco-tourism ventures while animals are said to benefit from more dispersal areas and corridors connecting various landscapes. CBC, others claim, has been successful in conserving wildlife and biodiversity in some rural landscapes and in improving socio-economic development (Naidoo et al. 2016; Oldekop et al. 2016). According to Bersaglio and Cleaver (2018), conservation organizations such as the Northern Rangeland Trust (NRT) have leveraged government development efforts by availing the necessary infrastructure and social amenities such as schools, roads and security in the regions that were otherwise marginalized by mainstream development structures. With 39 conservancies covering 42,000 km²,¹⁰⁵ NRT boasts not only of complimenting government's development efforts, but also aiding it to in achieving national and international conservation commitments.¹⁰⁶ Critiques of NRT, however, contend that the conversion of rangelands into conservation spaces in the Northern and Coastal regions, has condemned pastoralists to perpetual competition for resources and exacerbated conflicts in an already fragile and fragmented ecology (Ogada and Mbaria 2017, Fox 2017, Lugusa 2019).

NRT and other CBC efforts can be equated to Zimbabwe's CAMPFIRE (Communal Areas Management Programme for Indigenous Resources), cited by some as an example of successful community-based conservation (Getz et al. 1999, Frost and Bond 2008)), but criticized by some social scientists who document widespread local disenchantment with both the program and the local officials administering it (e.g., Alexander and McGregor 2003). In addition, CBC is perceived to be vulnerable to

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¹⁰⁵ <https://www.nrt-kenya.org/>, retrieved on February 2nd, 2020.

¹⁰⁶ As a signatory to the Convention on Biodiversity, Kenya as a state party has committed to designate 17% of its terrestrial land and 10% of its marine seascape for conservation by 2020 (KWCA Report 2016). With 59 terrestrial parks and reserves and 10 Marine parks and reserves covering 8.2% of the country's land area, wildlife conservancies contribute towards attaining this target and are vital in conservation and management of the over 65% of national wildlife that remains in community and private lands (Ibid: 15).

corruption and exploitation, where local elites monopolize the flow of benefits into the community (Homer-Dixon 1999). Recent studies such as Beresaglio and Clever (2018) suggest that CBC can be improved when administrative institutions are strengthened, while Groom and Harris (2008) are of the view that equal distribution of benefits can change community's attitude towards CBC. Mbaria and Ogada (2017) argue that CBC may generate lots of money, but often this money is reserved for others, benefitting local communities such as pastoralists the least. This is because, they say, international conservation agencies and investors spend more on overhead and ensuring generous profits than passing on money through land leases, and/ or Corporate Social Responsibility projects to the communities who bear the foregone opportunity of grazing.

When pastoralists move out of their former grazing spaces (now turned into conservancies) to other places, it causes conflicts with other land users as it was the case in 2016 with the Laikipia ranchers (Fox 2017). Already by the start of this century, Berkes and Jandreau (2016) contend that such divergent perspectives and mixed results have lessened enthusiasm of many observers for CBC compared to the earlier promises and expectations. While comparing three tourism-based conservation enterprises in Kenya, Lamers et al. (2016) note the complexity and the challenges posed by different financial flows managed by private investors, which create confusion among community members regarding how to see the role of the private investor in the partnership. Similarly, the challenges of inequities in benefit sharing, lack of transparency and accountability in dealing with complexity and politicisation of the partnerships have also been observed and attributed to the demise of Kimana and Shompole ecotourism projects (see, e.g Meguro and Inoue 2011).

While agreeing that CBC at the ecosystem level has encountered severe obstacles, others (Curtin, 2015, Western et al. 2020) suggest that scaling up biodiversity

conservation to a larger landscape level may be a better option. This approach calls for yet wider networks and jurisdictions cutting across varied land uses, user interests and jurisdictional boundaries (Scarlett and McKinney, 2016, Western et al. 2020). In other words, these recent studies suggest that CBC as it is may not be as effective as it was earlier conceived. As such, a critical review of local conservation efforts needs to be undertaken with a view of strengthening the gains made to overcome the said obstacles and take into account all stakeholders's interests. While CBC ostensibly offers an unprecedented bottom-up approach (Murphree 2004), such projects are only expected to yield sustainable gains for biodiversity if the gains for people are sustainably interconnected (Salafsky et al. 2001, Chan et al. 2007). This is further expanded by Western et al. (2020) suggesting that CBC can be improved by integrating and fusing it with the cultures and livelihoods of the people, thus making it less commercially oriented.

In her chapter "Nature in the making," Tsing asks a pertinent question, "Is there a 'locally appropriate' way to promote conservation?" (2001:18). While there is no straight answer to this question, Buscher and Fletcher (2019) affirm that it is possible to have a different approach, one that "takes seriously our economic system's structural pressures, violent socio-ecological realities, cascading extinctions and increasingly authoritarian politics" (Ibid: 2). By coining a concept, they call 'convivial conservation', Buscher and Fletcher (2019) delve into an *eramatare*-like approach to provide a substantive response to a web of spatial, social and political variables in an attempt to strike an economic, political and ecological balance. It is worthwhile to examine convivial conservation from the perspective of land use practice and social-cultural values connected to the said livelihood. For example, the pastoral landscapes which include more fragile arid areas and savannah are not only important to innumerable wildlife species but also support intangible cultural values of pastoralists and indigenous knowledge. To the Maasai, pastoralism is a

culmination of a web of *eramatare* values strongly connecting people, the environment and other non-human members of a given landscape. Successful conservation of wildlife in the savannahs depends on the web of *eramatare*, particularly in terms of how herding people manage their lands (Groom and Western 2013). Building on the CBC concept premised on the notion of ‘reconciling’ wildlife with the rural communities, Buscher and Fletcher (2019) propose a post-capitalist approach that promotes radical equity, structural transformation and environmental justice. This approach is meant to address shortcomings of CBC and other conservation models preceding it.

While the novel idea of convivial conservation is premised on the reality of failed conservation models, its grand ambition and the scale of intervention it requires may delay its success. However, it can be fused with some aspects of CBC, drawing on the web of *eramatare* ideals to address the day-to-day conservation challenges in different locales. The Maasai of Kenya would benefit from this approach to reduce the friction between them and the government agencies in charge of conservation of wildlife. For example, the government has been over-protective of wildlife and slow in providing, if at all, compensation for the damages they afflict to community members or their property. This has contributed to increased human-wildlife conflict (Blair 2008, Ikanda and Packer 2008). The militarized rangers highly trained to handle poachers have exacerbated the situation in the way they handle conflicts arising out of competing resource use with neighbouring agriculturalists, or wildlife attacking livestock or crops and or people (Mbaria and Ogada 2017). In some cases, herders are incarcerated and or livestock confiscated by KWS officials when found inside the parks, as was the case when a community member phoned Ole Tobiko about his confiscated cattle when I first met him as discussed at the start of the thesis. Many pastoral communities bordering protected areas, including the Olkaria Maasai living around HGNP, relate to such recurrent

experiences. “The wildlife seems to have a right to come out and graze in our land, but when we follow them to the park after our grass is depleted, we get punished by KWS”, observed Mzee Ole Sencho (Olomayiana village Olkaria, 2nd June 2018). The high-handedness in which these issues have been handled further created a rift between KWS, the custodian of all wildlife in the country, and the communities who host over 70% of the wildlife in the country (Williams et al 2018). Besides, compensation for lives, livestock, crops or property destroyed by wildlife is both negligible and slow in being implemented. This only served to put the wildlife and their host communities on a collision pathway, disrupting the web of *eramatare* that has supported human-wildlife co-existence.

Beyond the widely documented human-wildlife conflict is the underlying tension between development and conservation. The latter is the means to ostensibly manage the ultimate collision between humans and wildlife as result of the shrinking spaces where wildlife is driven to community spaces (Thornett 2017). In the Lake Naivasha wildlife ecosystem,¹⁰⁷ for example, Ogot et al. (2017) document varied species of wildlife that have declined significantly in the period between 2009-2015 owing to human encroachment and increased development activities (see figure 13). This seminal study concludes that concerted efforts and collaborative wildlife conservation and management in ‘human-dominated and modified landscapes’ are required to mitigate further decline of wildlife species (ibid.: 24). Moreover, Hahn (2019) notes that the decline of wildlife species and the increase of human-wildlife conflict are inevitable owing to various factors such as climate change and the expectations regarding *maendeleo*.

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¹⁰⁷ An ecosystem entails an area with similar ecological characteristics connected by certain patterns of land of land use that are inter-related.

Figure 13: Wildlife grazing next to steam pipes

Source: Author

While several ideas have been put forward to address the spiralling decline of wildlife species, communities still play a central role in integrating conservation in their web of *eramatare*. Other desirable solutions include the creation of wildlife corridors and ‘green’ conveyor belts, linking various ecosystems, which would be supported by the green climate funds, as these can help sustain community landscapes and free movement of wildlife. Incentives such as the provision of veterinary services to pastoralists, access to fortified protected areas, especially in times of distress, as well as prompt compensation for livestock or human injuries and deaths, can go a long way in integrating wildlife conservation with pastoralism in a cost-effective and sustainable way. Although some of the pastoral community members such as the Maasai in the southern rangelands have diversified their livelihoods activities to include crop farming, they are always willing to

revert exclusively to pastoralism if both conservation enterprises and pastoral economies are improved (Lamers et al. 2013).

4.4 Impacts of Geothermal extraction on conservation in Olkaria-Suswa ecosystem

Conceived as a pillar for development and privileged as a source of green renewable energy, geothermal power is construed to be the solution not only to the warming planet but a turnkey to Kenya's a middle level economic status as envisioned in Vision 2030 (Hughes and Rogei 2020). The global shift from fossil-fuels to a cleaner, greener source of energy in a bid to combat global warming makes geothermal more attractive to investors (Merem and Twumasi 2019). Due to its relatively benign nature (De Jesus 1997), geothermal exploitation is attracting international capital investment, and Kenya, endowed with huge geothermal potential, is strategically positioning itself to profit from this windfall. It is doing this by securing political goodwill, enacting legislation that ensure investor confidence and setting up institutions to manage climate financing (EIA-AKU 2017). Although Kenya is endowed with diverse green sources of energy, including solar and wind, geothermal is particularly abundant in stressed, fragmented and fragile ecologies hosting keystone biological resources¹⁰⁸ in places already designated as protected conservation areas (De Jesus, 1997, Barasa 2015). Such is the case in and around HGNP and Mt. Suswa ecosystems, which are also inhabited by pastoral communities. Nevertheless, the government is determined to explore and continue the exploitation of geothermal power in such spaces regardless of its impact on pre-existing biodiversity.

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¹⁰⁸ Keystone resources are the critical resources that sustain wildlife and/or livestock at a time of crisis. This include wetlands, salt licks, fresh water sources or green patches such as swamps that are lush throughout the drought season.

The prospects for geothermal development in the Rift Valley started as early as the 1950s but it was not until 1981 when the first power plant was developed in Olkaria, three years before the establishment of HGNP. Over time, there has been a growing influx of geothermal companies exploring and exploiting the geothermal resources with the support of the national government. Geothermal Development Company (GDC) is particularly active in Mt Suswa area, while the Akiira Geothermal concession area falls around Mt. Longonot national park and the adjacent Kedong' ranch and community spaces. KenGen and Orpower are extracting geothermal in HGNP and its environs (see Figure 12). Part of HGNP is now leased to KenGen and Orpower geothermal¹⁰⁹ companies for exploitation of geothermal with Olkaria I, II and III projects taking place within the park (Thornett 2017). This entails drilling of wells, development of power plants and setting up a network of pipes to evacuate the steam from the wells to the nearby plants for conversion into power. The power produced is finally evacuated through transmission grids by the Kenya Electricity Transmission Company limited (KETRACO) to a sub-station in Suswa town, where it converges with another line of transmission from Lake Turkana Wind Power before onward transmission to the national grid in Nairobi.

The agreement signed between KWS and KenGen over the lease of HGNP for purposes of geothermal exploitation shows that KWS has leased out 1,075 of its 2,500 hectares for a period of 66 years in exchange of money. Beginning in 2008, the first instalment was four (4) million shillings (40,000 USD), which will gradually increase to ksh. 27,319,931 (approximately 273,000 USD) annually by 2073. While the agreement is explicit on pollution management including wastewater disposal, it also provides that

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¹⁰⁹ It was not easy accessing the documents detailing this information, despite the fact that they are public documents which should be in the public domain. While the agreement between KWS and KenGen was finally obtained, accessing the Orpower-KWS agreement was not possible despite numerous written requests. Both parties, however, admitted through interviews that such agreements exist as a guiding framework to the partnership.

specific memorandums of understanding (MoUs) will be occasionally entered to guide specific developments as the need arises. The interview conducted among HGNP and KenGen officials confirm that they have specific MoUs to address specific issues such as the setting up of infrastructure and disposal of brine water. For example, the steam pipelines are required to be set up in a way that doesn't harm or interfere with wildlife movement. As such, the steam pipelines have been insulated, painted green and at some points raised above the ground to permit safe passage of wildlife. According to Schade (2017), while other aspects of pollution such as fumes and noise and its impact on wildlife can be measured and mitigated, such requirements are rarely enforced.

Hell's Gate National Park is one of the parks that is struggling to balance the twin goals of conservation and *maendeleo*. With half of HGNP's area engaged in geothermal activities, it is not surprising that, just like in other conservation areas, the number of wildlife has been declining since the 1990s (Kabiri 2010). While there are no documented effects of fumes (largely sulphur dioxide) on wildlife, it is common knowledge that activities such as increased vehicular and human traffic, heavy machinery, a network of steam pipelines, noise and fumes, naturally destabilize the wildlife's continuous and peaceful enjoyment of this landscape, regardless of the many mitigation measures that KWS purports to have put in place (see Figure 14).¹¹⁰ The wildlife will gradually be moving out of such disturbed landscapes, causing more conflicts with surrounding communities and exposing them to more risks of being killed. During an interview with Daniel Ole Sintiyio (former KWS warden) on 17th Nov 2018 (in Ngong), he affirmed that:

At the time of its creation, it was conceived that the park [HGNP] was more compatible with geothermal. But there wasn't a large mass of animals in Olkaria, anyway compared to other places. The bird of prey, the Lammergeyer vulture that is endemic to the gorge, was used as an excuse [to establish the park]. I am not

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¹¹⁰ According to the interview with one of the HGNP official on 15th July 2019 at Naivasha town.

even sure if there are any left. I remember the last one was tragically killed in Maiela some years back.

HGNP is straining to live up to its expectations of conserving and propagating wildlife numbers and diversity (Kabiri 2020, Ogutu 2017). According to Mbaria and Ogada (2017), the declining wildlife numbers are a function of various factors including poaching and loss of habitat. The Ndungu commission (2004)¹¹¹ observed that protected areas in the country have been severely encroached upon, with lands illegally excised and expropriated by the government, thereby reducing the wildlife spaces pertinent to protected species survival. The commission identified HGNP as one case of illegal allocation within the KWS protected areas. Through legal notice number 13 of 2nd February 1984, the government irregularly allocated KenGen 6.98Km² of the 68Km² national park. Later, Orpower Inc. also benefited from the 0.6km square or 11% of the park's land, (Ibid.: 164). It is notable that the commission uses the language 'allocated' and not 'leased' as it is in the agreement between KWS and KenGen/Orpower. The commission report, however, recommends that these portions of land be recovered and reverted to public use, which is conservation. This recommendation has yet to be implemented by the concerned authorities.

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¹¹¹ The Commission of Inquiry into the Illegal/Irregular Allocation of Public Land, which came to be known as the "Ndungu Commission" after the name of its Chair, Paul Ndungu, was a Kenya Government Commission established in 2003. The Commission was formulated to inquire into the extra-legal allocation of public lands and lands reserved for public purpose to private individuals and corporate entities, and to provide recommendations to the Government for the restoration of those lands to their original purpose or other appropriate solutions.

Figure 14: Steam well-heads inside HGNP

Source: Author

Increased development in Olkari-Suswa wildlife ecosystem is further exacerbated by the development of the Standard Gauge Railway, which has become a barrier separating HGNP and Mt. Suswa conservancy. With the only remaining corridor closed off by these developments in Suswa, the HGNP/Mt. Longonot is likely to be cordoned off, with no space for wildlife movement to connect with other landscapes. This has escalated human wildlife conflict as Ole Parkire (interviewed in RAPland village on 10th July 2018) recounts:

Last night, hyenas attacked my flock and killed over 20 sheep. Right now, there are lambs whose mothers are dead and there is nothing to feed them on. Although we reported to KWS, we don't expect them to do anything as they have never compensated us. But we will see what we can do about it.

‘Seeing what we can do’, I later learned, meant poisoning the wildlife. The remaining carcasses were laced with poison and laid out for the scavengers to eat. The problem with poison is that it isn’t selective, but kills every scavenger, including dogs and vultures (Lein et al. 2019). Eric Reson, a graduate student carrying out research on birds in Olkaria, attributes the declining numbers of Lammergeyer vultures to poisoning (Eric Reason, personal communication). Ruppell’s vulture – the world’s highest-flying bird – suffered a similar fate when KenGen (in violation of its memorandum of understanding with KWS) drilled a well directly in front of its Cliffside breeding area (Thornett 2017). Geothermal companies have been accused by the community of pollution, especially the toxic brine water which is released into the streams. These allegations have been countered by the companies arguing that they abide by the standards stipulated by regulators by either re-injecting (recycle) the water to cool the steam or storing in reservoirs. Most of the community members interviewed claim that brine water is released into the streams, disguised as run-off during rainy season. This, they say, has caused untold suffering downstream, including causing the growth of poisonous weeds that are lethal to the livestock. At one point, a child drowned in one of the unfenced reservoirs. Some wildlife also suffered the same fate (Thornett 2017).

A prospecting geothermal company’s environmental impact is guided by the requirements of the Environment Management and Coordination Act (1999), which requires an environmental impact assessment (EIA) to be carried out. The Act requires participation by all stakeholders, including communities, to give their views, either written or verbal, regarding the probable impacts of a proposed project. This normally comes with a few challenges: firstly, notices are published in newspapers and in English, making it difficult for communities to access them until after the deadline has elapsed. Secondly, the town hall consultative meetings are held in towns and not in communities, making it

difficult for most community members to access them. Thirdly, assessments are carried out by consultants hired by promoters of the project (geothermal companies) and so impartiality is not guaranteed. Lastly, the processes are often technical and carried out in languages that are difficult for the majority of affected communities to understand, hence limiting their effective participation. The project financiers also have their own regulatory processes which augment the government's assessment. Although the financiers' assessment processes are more rigorous and participatory, since they are guided by international policies and tend to conform with international conventions' protocols, they are still limited in meeting the community's expectations (more on this will be discussed in chapter 5). Surprisingly, these evaluations for HGNP have failed to report the interference with, including killing of, animals caused by vehicles since the road through the park is paved ostensibly to facilitate ease passage of heavy drilling equipment.¹¹² Some of my interlocutors also informed me of cases where giraffes were electrocuted by low lying electric power lines and occasionally other animals, including their livestock, have received severe burns by exposed steam pipes.

The development of geothermal projects in a conservation area goes beyond local and national actors. While geothermal power is vouched for nationally as an important driver of economic development, it is also being promoted by global actors as a model of clean energy and a solution to the global challenge of a warming planet. Beyond the much hyped 'environmental intervention' and 'public asset' for the common good, a closer examination also reveals underlying economic interests where global financial institutions are centrally placed in financing such projects. Although geothermal power is locally consumed (and remain Kenya's asset) and mainly exploited by national/public companies such as KenGen and GDC, the technology for and other technical aspects of geothermal

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¹¹² This is according to a senior HGNP official interviewed on 24th Oct 2018 in Naivasha town.

drilling and construction of power plants are largely outsourced. Besides, the recent trend has shown a proliferation of private foreign companies, known as independent power producers, invited by the government under public private partnership arrangement.

4.5 Conservation and maendeleo in Olkaria ecosystem

Olkaria Ecosystem comprises 68.25 Km² of Hell's Gate National Park (established in 1984), Mt. Longonot National Park (52 Km², established in 1983), Lake Naivasha National Park (140 Km², 1995), and Mt. Suswa Conservancy (2006).¹¹³ It also includes the outlying ranches and community lands between these conservation areas. Initially, this wildlife ecosystem connected with Lake Nakuru to the northwest, the Aberdare and Laikipia plateaux to the northeast, and the Mau Forest to the west but this is no longer the case due to human development encroachment cutting off the corridors (Ogotu et al. 2007). The only dispersal outlet that has remained is the southwest area, down the Rift Valley, through Mt. Suswa, Ewuaso and connecting with Maasai Mara, Loita Forest area and Magadi conservancies. However, this last corridor is currently under severe pressure owing to continuing land use changes in Kedong' and new developments such as the standard gauge railway (SGR) line.¹¹⁴ Without this important corridor, Mt. Suswa and HGNP will remain without the critical dispersal areas for wildlife, making them more isolated and less sustainable for conservation of wild animals. KWS is aware of this fact and according to the HGNP management plan (2010-2015), it intended to negotiate with Kedong' Ranch¹¹⁵ to allow the passage of wildlife between HGNP and Mt. Longonot

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¹¹³ Mt. Suswa conservancy is registered as a trust pending final registration as a full-fledged conservancy.

¹¹⁴ See, <https://www.standardmedia.co.ke/business/article/2001345719/president-uhuru-launches-nairobi-suswa-sgr>; retrieved on 13th March 2020.

¹¹⁵ Kedong Ranch is a 76,000-acre privately-owned land touching Lake Naivasha to the North, HGNP to the West, Mt. Suswa to the South and Mt. Longonot to the East. It therefore forms an ideal wildlife dispersal area; but going by the mushrooming development activities in the recent past, it looks like the wildlife are losing it. The land is also sharply contested as the resident Maasai claim ownership; see chapter 5.

National Park and beyond. This effort failed, according to the interview held with one of the HGNP officials on 15th November 2018 in Naivasha. KWS efforts are now more concentrated in HGNP and Mt. Longonot National park, with Mt Suswa conservancy relegated to the community and conservation organizations to manage and respond to the same challenges of prospective geothermal development.

To understand more on the interactions between conservation and development, I focus on the experience of HGNP and Mt Suswa conservation areas which are the epicentre of geothermal development. Both provide an ideal scenario on how the communities are responding to these developments in the context of environmental well-being in general and conservation in particular. While both cases are similar in the sense of sharing a common conservation objective, they are separately presented as the motivation behind their efforts are different.

Case 1: Experiences in and around HGNP

Both the development of the first geothermal plant (Olkari 1) and the establishment of the HGNP took place within a four-year period (1981 and 1984 respectively), making the two objectives of conservation and *maendeleo* collide within a relatively small landscape. In addition, the land in question was occupied, used and claimed by the Olkaria Maasai pastoral community. Although geothermal activities started earlier, it was the creation of the park that originally created friction within the community due to the combative approach of KWS and their forceful eviction of the community living in the boundaries of the newly established park. The force applied then and the continued sour relations between KWS and this Maasai community have meant that many in the community are quite negative towards wildlife conservation, even though it is clearly part of its *enkishon* value system. The creation of a fortified and exclusive Hell's Gate National

Park in 1984 is vividly remembered by the Olkaria Maasai as a case of forceful relocation without their consent. As Ole Panin recounts on 12th May 2019 at Narasha:

We were told to move out of that area because the government wanted to use it as a conservation area [*olale loo ng'uesin*]. That year [1984] when HGNP was created was particularly bad because it was in the middle of a worst drought. I remember many Maasai as far as Ewuaso had moved their livestock here for refuge, to be close to Lake Naivasha for clean water. When people were forced out to pave way for the park, they lost a lot of their livestock as a result.

At the time of HGNP's creation, Maasai elders recall, the area was teeming with wildlife intermingling with and grazing alongside the Maasai cattle in the smoky Olkaria hills. Those interviewed recalled KWS asking them to move but they refused, claiming that they needed to be close to the Lake Naivasha where they water their livestock. Besides, they declared that they didn't feel their presence to be a threat to the wildlife as they have always co-existed in the same ecosystem for years.¹¹⁶ But the government was determined to relocate them. First, KWS sent one of the senior officers, now retired Daniel Ole Sindiyo (a Maasai), to beseech them to move as directed by the government. Orkoskos Ole Parsampula (interviewed on 2nd March 2019 at the Emanyatta Cultural centre) recalls this meeting:

KWS sent Ole Sindiyo who tricked us to attend a meeting to discuss *maendeleo* issues. Since we wanted water, which Kenya Power and Lighting Company (KPLC), was selling to us at the time, we were eager to attend the meeting. It was in the middle of a bad drought and it was becoming difficult for us to access the lake. So, we thought it was a good opportunity to discuss all these [issues]. Further, Ole Sindiyo being one of us [a Maasai], we had trust in him, that he will show us the right thing since he is educated and understands the two worlds. He convened a meeting here at the gorge and bought some goats to slaughter for us. Then he explained that the government wants this part of the land for conservation. That they need to protect wildlife and tourists will be coming here. To do that, they need us to move out voluntarily. He also made it clear that this was the order of the government which must be obeyed. We disagreed and told him that we can't move an inch because this is our land and we have coexisted very well with the wildlife.

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¹¹⁶ This is from the elders' focus group discussion held in Olomayiana village on 17th March 2018.

We asked him what other conservation they want, and we have all wildlife here and we are not killing them because we are not *Iltorobo*.¹¹⁷

Apparently, this strategy did not yield the consent that KWS wanted to secure through Ole Sindiyo. I was fortunate to meet and interview the now retired and aging former KWS warden and later director, Daniel Ole Sindiyo (82 years in 2018).¹¹⁸ He clearly remembers what transpired during this meeting:

I started working with the game department since 1965 as a warden based in Nairobi station. I became director in 1979 and retired in 1987. Under my regime, we established eight protected areas and HGNP was one of them. I was asked [by government] to go and convince the Maasai to move and give way to the Park in 1984 and to enable geothermal exploration. People have been living there but the area was reserved as government land. At another level [meaning government level in Nairobi], this land was already made a conservation area anyway and so they were just squatting [living there illegally]. Sooner or later they were going to be evicted. But I wanted them to move out peacefully so that they and their livestock don't get harmed. I didn't want force to be applied on them.

When I probed further whose land it was, he pointed out that it was one of white settler ranches that the government had acquired but the Maasai were already in occupation of. Acknowledging that he failed in convincing the Maasai to leave, he assured me that the relocation was peaceful, and no homes were burned during the process. He also said he ensured that the Maasai could access Olkaria hills and Lake Naivasha through special corridors designed for their passage. He said KWS built a well and a cattle dip for the community and for them to graze their cattle in the park during the drought season. Ole Sindiyo confirmed of the plans to use the area for long-term geothermal exploration and could not deny the possibility of using the park as an excuse (by the state) to evict the community to make the land available not for conservation but geothermal purposes.

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¹¹⁷ *Iltorobo* are a hunting and gathering section of the Maasai (see chapter 1 for more on Ndorobo).

¹¹⁸ The interview took place at his home in the Ngong Hills on 19th October 2018.

Elder Ole Sakayian did not agree that the eviction was peaceful and conscientious. He insisted that their homes were burnt, and they were forcibly moved at gun point; “they even killed our dogs and young calves”, he said. The displaced families of about 200 people¹¹⁹ were pushed to the gorge area (currently Olamayiana) and to Narasha village (both in the Ngati farm, whose ownership is contested by a section of the Maasai currently occupying it – see chapter 5). A few other families are still settled on the narrow corridor that was created to enable wildlife and Maasai cattle access to the lake. Despite the promises earlier made, the Olkaria community confirm their access to the park is highly restricted and their cattle are often captured by armed rangers, only to be released after a cash ransom has been paid. Most of the community members are nonetheless amused that, ironically, the area that was captured from the Maasai to be used exclusively for conservation has been opened to geothermal extraction. “We don’t understand. When our cattle stray into the park it is trespass. When the wildlife is grazing in our land it is okay with KWS, in fact they encourage us to let the wildlife graze undisturbed. But the park is being used for other purposes and now the wildlife has been ‘evicted’!” observed a youth from Narasha village. Such is the dilemma that communities around conservation areas confront – a skewed and lopsided relationship where privileges flow one-way, ostensibly favouring wildlife conservation at the expense of communities and their way of life. But a new dimension is emerging where other land use activities such as geothermal seem to be favoured more at the expense of conservation. Such is the case in HGNP where, after the communities have been displaced, geothermal development is slowly taking shape, potentially subsuming the landscape that is also a conservation area.

Even with these developments in HGNP and the wider Olkaria-Suswa wildlife ecosystem, KWS is still determined to conserve its biodiversity by pulling all stakeholders

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¹¹⁹ The estimate is recalled by various elders interviewed. It could be slightly higher or lower.

(including geothermal companies, private sectors and communities) towards this endeavour. The HGNP/Mt. Longonot management plan of 2010-2015¹²⁰ sought to achieve this objective through implementation of the plan's four key pillars: ecological management, tourism development, community partnership and enhanced security to ensure that the ecosystem is safe for visitors and wildlife. On ecological management, the parks seek to open discussion with Kedong' ranch with a view to entering into an understanding to allow free movement of wildlife between the two parks and other ecosystems such as Mt. Suswa. Similar arrangements were proposed to be made with Ngati ranch to secure the tenure of the gorge, currently being used as a tourist attraction site and heavily used by Olkaria Maasai community for eco-tourism activities. However, an interview with one of the senior parks officials on 10th November 2018 intimated that although the talks with the two ranches have been initiated, concrete land use commitments have yet to be realized to permit free movement of wildlife. Wildlife still roam between the two parks using the ranches as passage corridors, but this may be short-lived if the proposed development plans are effected.¹²¹ The corridor connecting HGNP/Mt. Longonot ecosystem with Mt. Suswa has already been curtailed by the Nairobi-Suswa SGR, providing only a very few, small underpasses that hardly allow passage of wildlife (see Figure 15). "In Nairobi National Park and Tsavo Game Reserve, the railway line has been elevated high enough to allow the passage of big animals such as giraffes and elephants. But in Suswa, only small gazelles can go through the narrow tunnels which are far apart", states Ole Nkukuu, manager, Mt. Suswa Conservancy.

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¹²⁰ This plan was to be replaced with a new one (2016 -2020) but by 2019, this has not yet been realized and so the old plan is still in operation.

¹²¹ There are plans to establish an industrial park, a railway line to connect the new standard gauge railway in Suswa and the old Naivasha line among other developments.

Figure 15: Railway line, power lines and smoky Olkaria hills on the background

Source: Author

Regardless of the challenges, HGNP has been proactive on tourism development, focusing on local tourism with a specialization in non-conventional tourism products. HGNP and Mt. Longonot National Park are the only two Kenyan Parks where hiking, walking, biking among other leisure activities are allowed. To fully exploit the potential of HGNP as a tourist amenity, the park has embarked on exploiting geomorphological tourist attractions such as the gorge trekking and rock climbing. This is, in addition to occasional public and private events hosted by the park for an additional fee, an undertaking that has recently attracted objections from the public and conservation activists.¹²² Recently, HGNP hosted Koroga festival, a private event that entailed music extravaganza and other

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¹²² See <https://www.discoverwildlife.com/news/koroga-festival-hells-gate-national-park/>, retrieved on 17th May 2020.

social events that attracted hundreds of people into the park. This was done against the backdrop of public outcry and protests by conservation activists claiming that such events have negative ecological effect, including pushing the animals out of the park. KWS has been adamant in holding such events, arguing that adequate assessments and due diligence measures were put in place. And while, HGNP management plan indicate that KWS has been creating community awareness and sensitization on wildlife conservation through partnership with other organizations such as Elsamere Conservation Trust¹²³, the immediate communities protest about their exclusion. “I am not aware of the HGNP/Mt. Elgon management plan; maybe it was made in hotels and attended by a few elites. I have not heard of any public participation meeting in the community”, says Ole Sencho (interviewed on 8th August 2018 at his home), for example.

The Olkaria Gorge, a geological formation with unique features and peculiar wildlife species such as Larmagardier vultures, has been a point of contention between the community and KWS, both working informally to manage the gorge. The upper side of the gorge is situated in Ngati ranch, formally Emanyatta village (also known as “Cultural Centre”) before the relocation of the community in 2014 to RAPland (15 km away) to pave way for the development of KenGen’s Olkaria IV (see chapter 5).¹²⁴ After relocation, the community members (most of them from RAPland) are still allowed to access the gorge and carry out its eco-tourism activities such as guided tours and selling beaded jewellery/handcrafts. The eco-tourism directly benefits 36 youth members of Oloolkarian Community Tour Guide Association (OCTGA) and 60 women group members indirectly

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¹²³ Elsamere Conservation Trust is a non-profit organization, founded by Joy Adamson, based in Naivasha that has been reaching out to local schools to create awareness and carry out conservation education for the public.

¹²⁴ The ownership of Ngati Ranch is still contentious with ongoing cases between Ngati/Maiela Cooperative and a section of the Maasai community. This is discussed further in chapter 5.

supporting the livelihoods of over 400 families.¹²⁵ In a good season each guide earns an average of \$100 per month, while individual women make up to \$150 on average per month, according to my interviews with Daniel Shaa and Francis Kool, the officials of OCTGA (interviewed on 19th Nov 2019 at Olkaria). OCTGA also provides health coverage through the National Health Insurance Fund's insurance plan by paying annual premium for its members.

Despite these benefits, the community has experienced major challenges that have affected their continued enjoyment of this project. After the 2014 relocation to RAPland, proximity to the business site has been a major challenge owing to its great distance from their new residence. Although in 2014 KenGen provided a 51-seater bus as part of the relocation agreement, to be managed by the community's Oloosinyat Welfare Association, the bus broke down two years later due to maintenance costs they could not cover. In 2019, the bus was still grounded at Olkaria Primary school. Meanwhile, the OCTGA members used motorcycles to access the gorge with occasional interference by KWS as the motorcycles are disallowed through the park (part of the road between the gorge and RAPland goes through a section of the HGNP). The guides have also occasionally complained of KWS bringing their own guides, especially when the guests are coming from the nearby Mt. Logonot National Park, denying the local guides the opportunity to do business. But the greatest challenge was experienced in October 2019 when flash floods tragically killed several guests and guides.¹²⁶ As a result, access to the gorge was closed indefinitely to allow the execution of security and risk mitigation measures by KWS and other government authorities. Obviously, this was a blow to the main source of the

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¹²⁵ Interview with Daniel Ole Shaa, chair Ilkarian Eco-tourism and Guides Association, on 15th January 2019.

¹²⁶ See <https://nationalpost.com/pmn/entertainment-pmn/flash-floods-kill-seven-people-in-kenyas-hells-gate-park>, retrieved on 17th Dec 2019.

community's livelihood; the members interviewed blamed the development of geothermal works around the gorge, especially Olkaria IV and V, saying that these developments have funnelled the surface run-off to the gorge, creating the floods. They hoped that the studies and mitigative measures will address this artificial cause of the flood, which they claim also include discharge of brine water into the gorge.

All these concerns were raised on 19th October 2019 when a powerful KWS delegation (the chairman, vice chairman, Director General, regional warden, etc.) visited and held a meeting with the Olkaria community at the Cultural Centre. It was a very rare opportunity for the community to speak to such high-ranking officials. They capitalized on it and raised many conservation issues, among them, human-wildlife conflict, and harassment by HGNP officials as they go through the park and the ownership of the gorge. Community speakers made it clear that they would want to have the gorge registered as a community conservancy to better preserve the cultural values and rare species found in it as well as continue benefiting from their livelihoods. Although there was no immediate response to this concern, the delegation promised to investigate it for consideration and to be communicated later. The chairman of the Maasai cultural centre in the gorge later confided to me:

You know, since we were moved to RAPland, our lives now almost entirely depend on this gorge. Our youth and women eke out a living by guiding tourists and selling beaded jewellery respectively. As such, it will only be prudent if we secure this gorge that separates Kedong' and Ngati ranches [who legally co-own it]. KWS has the power to make it a conservation area. And if they agree to make it a conservancy and allow us to manage it, it will be of great benefit to us and then we can certainly say it belongs to the community. As it is now, it can easily be taken from us. But I doubt if KWS can take it from the private companies and, if they do, they may revert it to themselves [KWS].

Case 2: Geothermal development in Mt. Suswa conservancy

Suswa community members conceived of the idea of eco-tourism around Mt. Suswa in early 1990s owing to the increased number of guests visiting the mountain. The community organized themselves into a committee to provide guided tours and charge for the service. The money generated was used to cater for community welfare, including paying school fees for needy kids from poor families. This transformed into a conservancy idea in 2008 with support from various non-profit organizations and local political leadership, particularly the then councillor for Keekonyokie ward. In an interview with him on 7th August 2019 in Suswa town, the former councillor explains the motive behind the proposed conservancy:

I knew there will be a time this mountain will be in great demand because of geothermal and so we wanted a way to strengthen its management beyond individual ownership. By registering it as a conservation trust, we will be able to fend off predators. But even that is not possible because I am a leader and I know how the government works; but now the trust will give bargaining power when it comes to benefit sharing. But the community priority for now is conservation.

The community's intention therefore was to use conservation to shield against prospective geothermal development. Various members interviewed feared for the unknown when it comes to geothermal development. Being aware of the experience of HGNP and Olkaria conjures up some fears that make them opt for conservation rather than geothermal development. Besides, as the chairman of the conservancy explains, Mt. Suswa is a sacred mountain, with spiritual cultural relevance, recognised by UNESCO, and is a water catchment area and therefore should not be deconsecrated.

Geothermal exploration in Mt. Suswa was pioneered by the Geothermal Development Company (GDC), a government company formed in 2008 and registered in Kenya with a mandate to explore and pen up new steam fields. GDC is intended to absorb

the initial risks such as exploration costs after which it sells the steam to KenGen or other IPPs (independent power producers). In the case of Mt. Suswa, GDC (and by extension the government) conflicted with Wallam Energy Ltd (a Canadian based company), a private IPP that was licenced in 2011 to undertake the same activities in Mt. Suswa. The conflict between Wallam and GDC culminated into a legal battle that was finally resolved in early 2020 in favour of GDC. But even when the case was ongoing, GDC was still engaging a section of the community with a view to gaining their support for the project. During my interaction with the Mt. Suswa community, and in particular the Mt. Suswa Conservancy committee, the majority of them expressed their non-involvement in GDC work. A section of those interviewed claim that a project committee (meant to liaise with GDC) was put in place apparently by GDC in collaboration with local government officials. Members of the Mt. Suswa conservancy confirm that there are no robust consultative arrangements between the community and GDC. “We normally see a convoy of GDC vehicles coming here and disappearing. Most of the time they don’t talk to people,” said one leader from Mt. Suswa Community Conservancy (interviewed on 24th February 2019 at Kisharu village). Talking to one of the GDC committee members (who is also a member of Mt. Suswa Conservancy), he admitted that they were requesting that local political and government administration leaders should be part of the committee. Though the committee has since participated in exchange visits to other GDC projects such as Menengai Crater, this speaker was sceptical about replicating the same in Mt. Suswa. “Unlike Mt. Suswa, Menengai is a government forest reserve without communities, with no cultural or spiritual relevance to those around it. Mt. Suswa is everything to us and that is why most of the community members are worried what will happen if it is taken up by geothermal processing, especially after seeing what is happening to Olkaria Maasai”, says one of the youthful participants.

Meanwhile the Mt. Suswa community continues to make the best of eco-tourism activities taking place in the conservancy. The conservancy committee provides guided tours to scenic sites such as the volcanic caldera (dubbed by locals as ‘baboon’s parliament’) and caves and to viewings of rare animal species. Both local and foreign visitors enjoy guided excursions provided by the locals.

Conservation agencies have also eyed this guided hiking activity as an enterprise that could be scaled up to generate more income for the community and enabling what they see as continued co-existence of wildlife with herders as a way to “preserve the pristine environment”. SORALO (South Rift Land Owners Association) is a non-profit organization whose goal is to improve rangeland governance as well as improve natural resource management and conservation efforts to monitor, manage and protect wildlife and other resources. Operating in southern Kenya, SORALO has been in the forefront of institutionalizing Mt. Suswa Conservancy through capacity building trainings, development of strategic management plans as well as linking them with potential partners such as the Africa Conservation Centre and the East Africa Wildlife Society, both of which have supported the development of the conservancy. Most of the community members interviewed would not mind adopting this form of land use, in comparison with GDC’s proposed geothermal extraction.

While the Maasai of Mt. Suswa have embraced the CBC concept for the obvious reason of eco-tourism incentives, digging deeper exposes another underlying and perhaps more interesting conservation rationality. And this is using CBC as a shield to cushion land from geothermal companies. During a group discussion held with Mt. Suswa Conservancy committee members at the rim of the caldera atop Mt. Suswa on 7th December 2018, one member candidly put it:

It is not that we are making a lot of money from these ecotourism activities. We barely make enough in a year to meet the expenses and still have money to give out to the needy children as school fees. At least not for now. Maybe when we finalize the new management and advertise the conservancy, perhaps we can make more money. But our greatest motivation for now, and that is why we need to develop this conservancy, is so that we can block geothermal, which is more detrimental to our lifestyle and the environment.

Another elder asserted:

Since the government loves conservation, we think they will not push so much of geothermal in a place where conservation is taking place. It will be easier for them to kick us out with our cows, but not wildlife. They care more about the wildlife than us, you know. In addition, we will have strong backing from conservation organizations and together we can gang up to block GDC and any other geothermal company.

When I told them that HGNP is not only a conservancy but a full-fledged national park, yet geothermal activities are still taking place there, one participant responded:

You know there is no difference between KenGen and KWS [meaning they are both government entities]. Ours is a community land and private land which we intend to amalgamate and form a conservancy. I believe we will have an upper hand in determining the kind of land use we want. We think conservation is better for us because we will get wider support. We even heard that UNICEF declared this place a world heritage site.¹²⁷ We shall follow it up and capitalize on that if at all it is true.

Obviously, this community strongly believes conservation will be a shield to cushion them from geothermal. However, they still have an internal challenge to surmount. There are dissident voices from within as a section of them who think that geothermal is the way to go. As one young man put it:

GDC took us for benchmarking in Menengai crater in Nakuru where they are undertaking a geothermal project. I think it is good for us and we can generate more money through it than in conservation or pastoral activities. Besides we have been told that our cows can still graze, even in the midst of the project, as they will use a different technology than that being used in Olkaria.

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¹²⁷ On further probe, this was based on the proclamations made by the former Minister for Culture and Gender, Hon. William Ole Ntimama, that he would apply for Mt. Suswa to be considered as a UNESCO world heritage site. There was no further evidence showing that Mt. Suswa is recognized as a world heritage site.

In an interview with one of the GDC's officials (on 18th March 2019 at the Naivasha office), he explained that GDC, being a government entity, must carefully mediate business logic against the public good (which includes community interests). The official explained that GDC has a strong Corporate Social Responsibility (CSR) policy which guides them in engaging the communities, including setting up committees for consultation purposes. Saying that the policy is embedded in internationally accepted standards and National Environmental Management Authority guidelines, the official reiterated that GDC has carefully engaged the Mt. Suswa community and is fully aware of the spiritual, cultural and environmental importance of the mountain to the local community. It has since mapped out 4 wells in which they intend to use directional drilling technology to access geothermal resources to minimise the impact (see Figure 16). Such claims are supported by a section of the community. "I believe geothermal will create more employment and other opportunities for us [the youth]. The mountain can no longer support larger numbers of livestock and wildlife and so both the pastoralism and conservancy may not be enough to support peoples' livelihoods," declared one of the youth from Kisharu Village, Mt. Suswa (interviewed on 9th Dec 2018). This view represents most of the youth who, having attained some basic level of formal education, are of the view that such *maendeleo* projects will provide them with employment opportunities.

Figure 16: Mapped out geothermal sites atop Mt. Suswa

Source: GDC

4.6 Conclusion - conservation and development nexus

Attempts to balance nature protection and human activities in areas demarcated for biodiversity have prompted difficult questions of practicality and social justice (Campbell 2005). In many instances where environmental projects such as geothermal extraction, mining, etc. take place in indigenous people's territories, their outcomes are often detrimental to communities' livelihoods, access to benefits, right to clean environment and general wellbeing (see Kirsch 2007, Bebbington 2012, Li 2015, IWGIA 2019). As such, success of environmental protection at the local scale depends on how development is promoted at the global scale in a way that values traditional production systems such as pastoralism (Escobar 1995, Campbell 2005). Practices of environmental governance that promote local benefit sharing for common good and support for local livelihoods are

desirable (Homewood 2009). However, the growing involvement of different actors in conservation and environmental projects advocating commercialization of biodiversity (Escobar 1995, 1999; Castree 2001) has reinvented a reified a locality through new kinds of relationships among people, places and environmental processes (Ching and Creed 1997, Gupta 1998, Bryant and Goodman 2004). This is for example, replicated in Olkaria-Suswa when geothermal companies create committees to represent ‘the local’ made up of those who have agreed to their activities. The same is also seen in the conservation arena when conservancy committees are established to represent local interests in a given conservation initiative. As a result, conservation landscapes have become contested sites where communities, NGOs, international and national conservation organizations, private sector and government agencies are active actors (Ingold 2004). These actors coalesce to form a powerful assemblage of institutions that shape *maendeleo* and *eramatare* (see chapter 5).

In Olkaria-Suswa, such contestations reveal themselves through the varied responses by community members to both conservation and geothermal development. Although *eramatare* links and connects landscapes through social networks, traditional livelihoods and free wildlife movement within a conservation friendly and compatible context (Western et al. 2020), this continues to be curtailed by mega-development projects across such terrains and landscapes. I agree with Godfrey (2018) and Western et al. (2020) that sustainable conservation can be tenable if integrated with traditional livelihoods, supported by a robust policy framework and political goodwill. However, I argue that this is only tenable if the authorities cut down developing mega-projects in ecologies where wildlife thrive. Although CBC has contributed to possibly a proverbial win-win between communities’ livelihoods and wildlife conservation, it has also proved to be unsustainable in the long-run as it is dependent on an economic model that depends on tourists and

others willing to spend money on conservation. These are bound to be affected by external forces and eventualities that impact on tourism including terrorism, political instability and emerging challenges such as Covid 19 which adversely affected safari travels (see more in chapter 5). As such, conservation must be grounded in logic that transcends tourism and economic gain.

Nature based tourism, when well articulated around the principles of *eramatare*, can be a promising social enterprise that could advance *enkishon* ideals of the Maasai. It is not only a better option to respond to the demands of *maendeleo*, but also a way to diversify livelihoods in response to the contemporary challenges of climate change. Compared to geothermal, nature-based tourism presents better land security, resource management opportunities and a broader base of benefit sharing across several households. Besides, traditional land use and livelihoods regimes are sustained in a sensitive social-cultural context. But in areas such as Olkaria where mega projects such as geothermal is taking place, there is no doubt that conservation and tourism are under threat and so are the livelihoods that are depended on them. This situation is slowly changing the community's attitude towards wildlife and wildlife conservation as government authorities bestowed with the statutory obligation to conserve are giving in to the more lucrative enterprises and land uses.

Wildlife is considered by Kenya and most Kenyans as a national heritage that should be preserved for posterity and bequeathed to future generations. The conservation of wildlife and their habitats ought not to be contingent on economic options available in the said spaces. This will compromise the health and well-being of wildlife as well as the communities sharing that same landscapes and deriving intrinsic values from nature such as the significant role of lions for Maasai. When other resources such as geothermal or valuable minerals exist in conservation areas and must be exploited, then robust plans

should be made to relocate the wildlife in a systematic and responsible way, just the way “project affected persons” (PAPs) are compensated among projects funded by agencies like the World Bank. While the financier’s and government’s policies are still limited in meeting people’s relocation rights, it is acutely lacking in the case of how wildlife should be handled. The environmental impact assessments (EIA) often carried out at the request of the National Environmental Management Authority are, as has been depicted by the case of Olkaria, inadequate and sometimes flawed (Schade 2017, IWGIA 2019). For example, the EIA carried out for geothermal projects suggests that the wildlife is not significantly impacted by geothermal activities. Evidence presented in this chapter shows this is not the case, as the wildlife species continue to decline. Some KWS officials discreetly revealed to me that HGNP is under threat and its future and that of the wildlife in it is unpredictable. Proactive policies and safety nets to safeguard protected areas from economically-induced invasions by companies supported by the government are acutely lacking, thus exposing wildlife to speculation and experimental co-existence with development. Rather than wait for these development projects to deplete the national heritage, *eramatare* and stewardship should be inculcated in every development plan with strong legal and political backing. Unlike people, wildlife cannot agitate for their rights, including rights to a given space, free movement and continued existence (Igoe 2004). In Chapter 5, I discuss how communities struggling with these developments are mediating and negotiating for their *esipata* (rights) while contesting against injustices thereof. Hopefully their win will be a win for the wildlife and nature, but this is only feasible if their win secures a broader latitude for traditional livelihood systems that are inherently compatible with conservation and rights-based *maendeleo*.

CHAPTER FIVE

***ESIPATA*: GEO-DISPLACEMENTS, CONTESTED RIGHTS AND THE STRUGGLE FOR BELONGING.**

“Epik emonkoi nkishu boo, neitayu esipata... [Treachery and cunningness may bring many cattle, but the truth disperses them] - Maasai proverb

5.1 A curse over Kedong’

My interlocutor emphasized that I should be present in one of the community meetings at Suswa to discuss the fate of the 76,000-acre Kedong’ Ranch. The ownership of the Ranch has been the subject of contestation for many years. It is one of the southernmost ranches (bordering the Southern Maasai Reserve) that formed part of the ‘white’ highlands alienated by the colonial settlers at the beginning of the 20th century. The ranch has since changed hands from the original owners (the lease-holding white settlers) to the contemporary politically connected elites (in the form of registered cooperatives and/or companies) that took over soon after independence. Yet, this piece of land has been claimed and utilized (for grazing) and partly occupied by the *Keekonyokie* section of the Maasai who have claimed it based on historical and customary entitlement. The peaceful enjoyment and use of the land by these Maasai have been going on for the last few decades with little (if any) interference from the absentee owners. However, recent developments and economic interests spurred by geothermal concessions and related projects have triggered deep-seated tensions and contestations over the ownership of the ranch.

In response to recent efforts by the owners to assert full control over the land, the community organized itself into the Kitet-Suswa Community Association to enable them

to more easily mobilize resources, undertake political protests and file legal suits. While this process has been ongoing for the last decade, events took a dramatic turn in early 2019. One section of the community's association leadership entered into a secret deal with the ranch owners and agreed to accept on behalf of the community 4,000 acres (out of the 76,000), Sh 10 million (USD 100,000) and a few other community projects.¹²⁸ In return, the community representatives withdrew the court cases and offered to convince the community to voluntarily vacate the property.¹²⁹ This triggered discontent and resentment from the majority of the over 30,000 Suswa community members laying claim to the rolling savannah, highly valued by the community for its fine pasture.

The meeting held on 15th October 2019 under an acacia tree, on the fringes of Suswa town and attended by over 300 men (no women), was emotionally charged and tense. Anger rent the air as speaker after speaker laid out how the four leaders of the association had betrayed them, entering a deal without consulting or obtaining consent from the community they purportedly represent. Part of the agenda was to counter their move; refile the court cases and organize more political protests. The enormity of the challenge was clearly visible as one elder, moderating the discussion put it:

We understand the external vested interests over this land. We are up against powerful political forces, including “number 1” [in reference to the president]. That is why our political leaders are shying away. They are obviously scared or maybe they are being intimidated. And now our [community] leaders have betrayed us. We are on our own and we must stand strong and fight for what is rightfully ours.

While agreeing to contribute goats and sheep to offset the court case costs, they also agreed to deal with the errant leaders. The conduct of the community leaders

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¹²⁸ By 2019, the market value of the said land was approximately Ksh. 2 million (USD 20,000) per acre.

¹²⁹ This is according to the agreement deed drawn by Havi and Company advocates and signed by concerned parties on 15th April 2019.

collaborating with the ranch management against the will of the larger section of the community was discussed at length. It was at this point that the elders present decided to invoke a ‘curse’ (*oldeket*) against the four leaders. In the traditional sense, an *oldeket* is rarely applied and can only be resorted to as the last option. The *oldeket* is conducted with an intention to inflict harm and injury on the targeted person or his/her immediate family members. The gathering unanimously agreed to have an *oldeket* declared. The dreaded move could result in tragedy, suffering and or death of the victims, especially if they were guilty of subverting the community’s will. In this case, the curse includes the declaration that the four should be treated as outcasts and isolated from any community function. This sensational climax of the *entumo* (open forum) was cut short by one elder who stood on a ‘point of order’ (regarded as *aosh endango* in the traditional context) and pleaded for the deferment of the *oldeket*. He promised to bring the culprits before the elders so that they can plead their case. His plea was accepted but with an ultimatum of seven days, failure to comply meant the *oldeket* will be effected.

Six months later, I learnt that the four suspects did not surrender and the *oldeket* was declared. My follow-up inquiry from the elders confirmed that they are resolute in this decision and confident that its effect will be felt sooner or later. “The effect of *oldeket* can be immediate or can be long-term, sometimes even generational. Its impact can only be undone if the culprit surrenders, submit to the elders’ punitive measures and then a blessing (*emayian*) will be invoked”, said one of the elders. One of the ‘suspects’ whom I spoke with over the phone declared they are not terrified of the action taken because according to them they are doing justice for the community. He claimed that they took the action after realising that the community could lose the entire land if they continued pursuing the judicial pathway. He said over the phone interview conducted on 1st March 2020:

We are not afraid and the *oldeket* will not find us because we are doing what we believe is right and for the best interest of the community. It is better to have 4,000 acres than lose everything. Soon they [the rest of the community] will realise and appreciate our effort. That is why we entered an agreement with Kedong' so that we negotiate and win something rather than fight and lose everything.

This case of (un)just contestation in Suswa, over who is doing right or wrong, is replicated in many villages across the greater Olkaria region, straddled a line across Naivasha and Kajiado West sub-counties where geothermal extractive activities are thriving. The situation has further been complicated by convergence of political, economic and 'gatekeepers' interests at community, sub-national, national and global scales. The contemporary development activities are taking place against a backdrop of historical land injustices, competing land use, access to and utilization of resources forming underlying tension and friction in Olkaria. The Olkaria-Suswa Maasai community therefore becomes a site where *esipata* ("rights") discourse is contested by various factions, pitting the community members against each other, on the one hand, and the community institutions against an assemblage of external actors/institutions on the other. This chapter analyses an assemblage of institutions that forms a powerful array of forces against the Maasai communities, examining how it interacts with different dynamics within the communities which shape both their resistance and their division.

Generally, this chapter examines how geothermal extraction in Olkaria is not only a catalyst for development but is also a nucleus around which varied interests are coalescing. First, we see how these coalitions morph into varied powerful assemblages of institutions¹³⁰ which by virtue of their coming together aim to upset the existing power relations to their favor. In the sections that follow, we see how these assemblages are

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¹³⁰ I use assemblage of institutions here to denote a collection of contemporary organizations and interest groups (e.g., government elites, geothermal companies, company-initiated community committees, funders among other), that are distinct from the traditional institutions, acting in common for a given purpose, in this case advancing the continued extraction of geothermal.

formed at different scales – community, national and global – connected by an array of policies, pieces of legislations and governance, skewed towards advancing the interests of these institutions. I therefore attempt to analyse the roles these institutions play in shaping *maendeleo* through a rights-based resource governance approach. Specifically, we see how geothermal extraction in Olkaria Suswa produce, shape and or even extinguish ‘rights’ (*esipata*). *Esipata* is another important pillar for *enkishon* philosophy, encompassing the notion of justice, truth and honesty. To assert the notion of ‘rights’ for an individual or group of individuals, the Maasai strongly believe that *esipata* can never be suppressed not even through the dreaded *oldeket*. The four (4) people who were cursed consoled themselves in this because they assumed they were pursuing a just case/*esipata*.

To understand *esipata* in the context of geothermal extraction, I zero in on the activities taking place in Olkaria landscape where *esipata* becomes a contested issue. The bone of contention arises when the community members feel entitled to the land due to historical attachment and adverse possession, while the land holders and/or geothermal companies assume they have the right of ownership conferred on them by the fact that they possess a title (either leasehold or freehold or concession rights), irrespective of how it was acquired. Another level of contestation is the right of access to benefits accruing from geothermal exploitation, where the community feels more entitled due to their land occupation and ‘ownership’. In turn, the companies and its other allies such as government agencies and funders feel the communities are not as entitled and should make do with basic compensation complimented with corporate social responsibility (CSR) projects. To understand these dynamics better, I analyse the lived experience of a section of Olkaria community displaced in 2014 to pave way for the development of Olkaria IV and V projects, as well as on the recent evictions of Kambi Turkana members by Akiira 1 concession area, also on Kedong’ ranch. The community’s experience of this move and its

persistent impacts are underscored by the unfulfilled promises and the unfavourable conditions being endured at the new settlement site, dubbed as RAPland. The last sections of this chapter analyse the community's responses to this disruptive expression of *maendeleo*: first by engaging on complex paths of litigation to establish their rightful entitlement to the land (Comaroff and Kretschmann 2018). Establishing land ownership is a critical requisite to lodging subsequent claims for fair compensation and/or benefit sharing. Secondly, the community launches and sustains protest movements at different scales; fronted locally in the form of demonstrations and political engagements as well as internationally through indigenous-based rights pursued by NGOs and indigenous peoples (IPs') networks. But then we see how these efforts have been frustrated by powerful coalitions of interest, buttressed by the focus on climate change interventions (financed by multi-lateral institutions) that privilege geothermal development while victimizing communities, as is the case in Olkaria-Suswa.

In the end, this chapter examines how different Maasai individuals and groups would occasionally become part of the anti-community assemblage through occasionally colluding with companies and government agencies. Moreover, it shows that even for those in the community who are challenging this larger assemblage, finding allies in NGOs and others, can also become entangled with a more powerful coalitions, like the NGOs who receive Bank funding or implement CSR projects supported by geothermal companies, that do not necessarily support the Maasai communities in the end.

1. Understanding *esipata* in the context of multi-scale assemblage of institutions

In the day-to-day *eramatare* (governance), individual and group rights (*esipata*) among the Maasai are mediated in an open manner such that justice is often attained within the traditional institutional framings. Rights of individuals and groups such as

children and women are rarely contested in a traditional sense as they are deeply embedded in the norms and customs of the community. In the traditional sense, roles and responsibilities of women, young men, elders and children are defined and so is their access to communal resources such as land, water and grass. Under the unwritten rules of a communal land regime, everyone has access to and, use and co-ownership of resources within a given space. This has, however, changed over time, and in response to social-economic and environmental changes, the emergence of gendered inequalities and contestations has been observed and documented (see, e.g. Hodgson 2004, 2009). And while *esipata* is central to the Maasai *enkishon* philosophy, modern day governments and institutions have redefined contemporary rights, making it a new frontier and subject for negotiations and struggle. These new sites for contesting rights are multi-scalar, with vertical and horizontal cross linkages, threading various institutions, from the local to the global level.

By examining power generation in Kenya, and particularly geothermal production in Olkaria, we see how power politics associated with vested economic interests of various institutions come into play, undermining the inherent rights of communities in whose territories power-generating mega-projects are located. The top-down planning, centralized control and negative, often unsustainable, local impacts at the generation facilities' sites underscore the lopsided governance of geothermal development in Kenya (Klagge et al. 2020). The negative impacts such as loss of land, diminished livelihoods, social-cultural disruption and environmental degradation among others, are more pronounced where land tenure and governance structures are weak and political representation is lacking (Coleman and Mwangi 2015).

Nevertheless, the negative impacts have often been challenged and countered by and through sustained community struggles woven around political advocacy, litigation

and human rights discourse both at the national and international arenas. These struggles produce various forms of representation of “the community,” some of which form productive outcomes for many community members regarding economic benefits, political relevance and legal precedents to be emulated in future struggles (Mariita 2002, Klagge et al. 2020). Recognizing these productive outcomes and building on Chambers’ (1983) ‘practical political economy’,¹³¹ Li (1996) extends the term to cover the policy arena, in which interventions of a discursive nature can be similarly productive, including in “the arena of everyday life, in which relatively powerless people demonstrate well-honed analytical skills and strategies as a routine condition of day-to-day survival and long-term advancement” (Ibid: 502). Li argues that these interventions are most effective when they are able to take advantage of the space opened up by policy discourse, such as that favouring community participation, while also drawing upon an assemblage that brings an array of agents (villagers, entrepreneurs, officials, activists, financiers, researchers, etc.) and objectives (profit, livelihoods, control, property, efficiency, sustainability, etc) together (Li 2007). These assemblages represent not only institutions but essentially a body of ideas, assumptions and rules in terms of which people can come together and act in common, or at least with mutual understanding even if in conflict (North 1990). This notion of ‘assemblages’ therefore brings disparate and heterogeneous elements together, forging connections between them, while sustaining these connections in the face of tension as well as testing the tenacity of such institutions that embodies them (Schnegg and Bollig 2016, Schnegg 2018).

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¹³¹ Chambers (1983) coined the term ‘practical political economy’ to refer to the activities of development professionals who ‘put the poorest first’ by designing interventions which confront oppression and inequality but do so indirectly, through the exercise of strategy in the identification of ‘soft-spots’ and opportunities, and the attempt to facilitate gains without imposing intolerably high risks.

These tensions are manifested differently at various levels and scales but are all functions of the entanglement of vested interests over resources. The ‘frictions’ (Tsing 2005) that ensues have been mediated by policies, legislation and decisions made at the global, national and sub-national levels to create a global assemblage of institutions which, according to Saskia (2006), inhabit the formal nation-state apparatus, global systems such as the global corporate economy and the supranational system. Whether their origins lie in the nation-state or global systems, one systemic feature that characterizes these diverse assemblages is that they are less prominent at the national scale and seem to operate at the periphery, semi-autonomously detached from the central public authority. For purposes of this chapter, such assemblages will be examined from the perspective of the private/corporate and government alliance on one hand and the community-NGO coalition on the other, and the opposing perspectives they represent. The middle intersection of these broad coalitions are company-community committees/organizations that tend to mediate tensions and lessen ‘operational frictions’ between the two broad alliances.

While these alliances are not mutually exclusive, they are however constituted based on prevailing circumstances at a given context. In marginal areas, for example, where government presence is limited, as is the case along frontiers of marginal lands from which natural resources are extracted, both the private sector and NGOs play significant ‘public’ roles. These may include positive actions such as meeting the community’s basic needs through provision of water, healthcare, infrastructure, and security, among others. But where for example the NGO’s demand duty bearers to assume their responsibilities and or demand right-based development on behalf of the communities, they are quickly branded by the Kenyan government and its supporters as anti-government and likely prevented from operating. The NGO-community alliance can also be fluid and not always rosy. In some instances, NGOs can exert authoritative

hegemonic domination, usurping and upsetting pre-existing power relations such that communities are controlled by external organizations. The same is true with private sector/community relations, especially where the government is ‘absent’ from the scene and the private companies assume its responsibilities. This institutional coalition potentially accumulates power and authority that tend to shape other aspects of the community, including those that embody *enkishon* values such as self-determined governance and decision-making protocols. As such, it is important to analyse and understand these coalition-making processes and their role in (dis)empowering local communities and thus better understand the struggle for *esipata* (rights) in the context of geothermal extraction and governance of energy sector in Kenya.

Governance structures in the electricity sector in Kenya are largely subject to national legislation and policies. The formulation of such policies and development of subsequent governance structures, however, has been shaped and fashioned by community struggles and advocacy at different scales. The socio-technical nature of electricity as a critical infrastructure requires coordination between different levels of political action and places as well as between technological and social elements to cross-link the diverse generational technologies, grid architectures, and resulting geographies (Hughes 1983, Klagge et al. 2020). But this comes with a complex web of institutional assemblages that communities often find difficult to engage with, further exacerbating the precarious nature of *esipata* as it applies to rural communities (Colchester 1994). For example, electricity-related government institutions alone comprise over 10 parastatals and companies, all under the Ministry of Energy and Petroleum.¹³² Besides, electricity generation involves

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¹³² Energy Regulatory Commission, Rural Electrification Authority, Kenya Pipeline Company, Geothermal Development Company, Kenya Petroleum Refineries, Kenya Power, Kenya Electricity Generating Company

new actors such as the Independent Power Producers (IPPs) and climate finance organizations, thereby making governance structures more complex and thus making it more difficult for deprived communities to assert their rights.

While the geothermal fields are increasingly turning into sites for struggle, it becomes extremely difficult for government or investors to control them by coercive means, especially where communities are rightfully entitled to the land. In the case of Olkaria, therefore, it will be indubitably correct to argue that an injustice has been committed in a way that a land-based historical injustice has been used (and continues to be used by companies and government) as an excuse to deny the affected communities' adequate compensation and benefits during and after their involuntary resettlement. Consequently, this has become a building block for contemporary economic injustices as the companies deem the compensation for resettlement more as a favour than a rightful entitlement, even where the communities have demonstrated strong entitlement to land. The Maasai of Olkaria-Suswa have struggled to strategically demonstrate that the land rights they are claiming are strong enough that they should be compensated not just for resettlement but for the resources themselves (see section 2.3 on Kenyan laws regarding natural resource extraction). The extent to which this has succeeded depends on their proving that they are entitled to the land, about which the courts have been popular battle fields. The community is drawing upon a wide range of direct and indirect strategies, including cross-scale linkages with local, national and international networks and institutions in a bid to obtain or retain access to key resources.

Kenya Electricity Transmission Company, National Oil and Kenya Nuclear Electricity Board. See https://www.usaid.gov/sites/default/files/documents/1860/Kenya_Power_Sector_report.pdf, retrieved on 7th July 2020

In this chapter, I argue that whatever can be made into commercial value in Maasailand – such as the geothermal resources or Magadi’s soda and or the wildlife of the Mara, Amboseli and Samburu – are appropriated by outsiders. This happens when national elites position themselves to create companies that are seeking international partners for geothermal development. This has been exacerbated by an assemblage of politically and economically powerful institutions with vested interests strategically positioned to disempower and dispossess the community of its resources. In the Olkaria-Suswa case, it all started by securing a strategic resource: land. In this contest over land ownership, the companies and foreign entities have gained a competitive edge and bargaining power over the communities. While progressive national and international policies and laws that secure community interests and rights over such resources have been enacted, they are still relatively limited or there is a lack of political goodwill to implement them. As discussed in the previous chapters and contrary to the popular belief expressed in the Kenyan media, the Maasai, like many other ethnic groups who face similar struggles in Kenya, are not opposed to the appropriation of natural resources; nor are they against *maendeleo* (development) that benefits them and the state that they are part of. As a matter of fact, many of them have engaged in profiting from such resources through enterprises such as CBC and, as will further be demonstrated in this chapter, continue to do so in order to even the playing field. Further, diversification of livelihoods helps to ease the pressure on diminishing resources and cushion them against the impact of climate change (Rogei 2015). The bone of contention, however, is the injustice embedded in the resource appropriation process such that, regardless of the value of the resource, as in the case of geothermal, ensures the communities suffer a net loss as the government/private sector coalition seem to gain significantly at different scales.

5.2 Extractives, governance, and transition to renewable energy in

Kenya

The increased discovery of precious resources in Kenya, including geothermal and oil, has in recent times elevated debates over extractives. Besides Magadi Soda in Kajiado County, which has continued to exploit trona deposits (that makes soda ash) in the Rift Valley since 1911, a lot of attention has lately been given to relatively newly discovered resources such as base titanium in Kwale County (2010), oil in Turkana (2012), and Lake Turkana Wind Power (LTWP) in Marsabit (2016). There is great expectation that these resources should boost the country's economic prospects. The Turkana oil, for example, is expected to produce 560 million barrels that will generate substantive income annually along with creating many job opportunities and catalysing *maendeleo* in the region (Otieno 2015). The LTWP, which has pumped 360MW into the national grid since 2017, is expected to reduce the cost of power consumption locally thus spurring economic development. Conceived to boost the dwindling hydropower that is vulnerable to weather variability and often impacted by recurrent droughts, other renewable energy sources such as wind, solar and geothermal are expected to provide stable and sufficient energy supply. According to the 2019 *Economic Survey* by the Kenya National Bureau of Statistics, 86% of all electricity generated in Kenya in 2018 came from renewables. The largest segments in renewable energy are hydro (29.8%) and geothermal (44.6%). These figures not only resonate with Kenya's development agenda embedded in the Vision 2030 development blue print but are key drivers of President Kenyatta's Jubilee Party's "Big Four Agenda", which identifies four key issues for Kenya's development – Manufacturing, Affordable Housing, Universal Health Coverage and Food Security. While 'environment' does not make it to the top of the agenda, 'energy' is however considered as an enabler under the manufacturing pillar. To achieve these goals, Kenya envisages a 100% transition to

renewable energy and as such President Kenyatta and the Kenyan government have been soliciting increased investments from international financing mechanisms such as the Green Climate Fund, among others (Odhengo et al. 2019). While conducting a ground-breaking ceremony of the Olkaria 1 Additional Unit 6 power plant launching the Olkaria 1, unit 6 project on 4th December 2018, President Uhuru Kenyatta was categorical in this pursuit, saying:

We have to use renewable sources of energy to protect our environment and to ensure that we pass to our sons and daughters a country that is clean and green as we inherited it from our forefathers.... Our efforts to connect Kenyans with electricity will not stop until the entire country is covered. Indeed, today's ground-breaking ceremony is a mark of our resolve. We gather here today not only to break ground for Olkaria 1 section 6 but to celebrate the freedom as well as possibilities that power brings into our homes and indeed development to our country and communities.¹³³

In Kenya, extractive activities have taken place largely on community land, further complicating customary land relations. These relations become part of a complex land matrix that is highly sensitive and contentious in property rights discourses. Extractive activities, which require a lot of land to execute, overlap with other land-based livelihood activities. The frictions over land use that ensue pose serious threats to pre-existing control over, access to and use of land (Schade 2017, Sena 2015, Koisabba 2017). Access to and control of land are essential for the realisation of economic, social and cultural rights and act as a gateway for many civil and political rights. Consequently, landlessness due to dispossession of land by governments and extractive companies not only threatens the realisation of these inherent and cardinal rights but leads to rural poverty and impoverishment. The impacts are direr when land (already occupied by local, including/ or Indigenous, groups) is allocated for extractives as it often leads to the extinction of existing land (including customary) rights. Tensions and conflicts often arise when

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¹³³ This is from the notes I took at the function which I attended.

companies obtain concession rights and legal permits from the government and use this power to push for total access to the land rather than negotiate for the ‘social license’ to operate (Doyle and Whitmore 2014, EAI-AKU 2017).

5.2.1 The global scale and the push for renewable energy

To fully analyze the current assemblage of organizations needed to extract geothermal in Olkaria, I need to first briefly situate it within the emerging global architecture promoting renewable energy as part of the plans to fight climate change. As the absolute urgency of tackling global climate change is finally starting to sink in, leaders around the world are actively pushing for a renewable energy transition. As such, climate finance is needed for mitigation, because large-scale investments are required to significantly reduce emissions. Significant financial resources are needed to adapt to the adverse effects and reduce the impacts of a changing climate (Zomer et al. 2008). This has been the bone of contention during the global negotiations creating a major rift between global South countries (whose governments often argue that they are victims of climate change as they emit negligible amount of carbon but often have to deal with worse consequences from the global climate change than the major global emitters in the world) and the global North countries who want to transition to other sources of energy, albeit at their own pace. According to the United Nations Framework for Climate Change Convention (UNFCCC), climate finance includes local, national or transnational financing—drawn from public, private and alternative sources of financing—that seeks to support mitigation and adaptation actions that will address climate change.¹³⁴ Among the market based mechanisms devised by the Kyoto Protocol is the Clean Development Mechanism (CDM) whose purpose is to assist parties in contributing to the ultimate

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¹³⁴ <https://unfccc.int/topics/climate-finance>; retrieved on 30th October 2019.

objective of the Convention, as well as to achieve compliance with their quantified emission limitation and reduction commitments.¹³⁵ The CDM allows governments or private entities in industrialized countries to implement emission reduction projects in “developing countries” and receive credit in the form of “certified emission reductions” (CERs), which they may count against their national reduction targets (Stott and Huq 2014). The CDM sets out two weighted objectives: to assist “developing countries” in achieving sustainable development and to assist “industrialized countries” in achieving compliance with their emission reduction commitments (IPCC 2007).

These commitments and climate financial flows were further expanded during COP 21, held in Paris, France in 2015, which yielded the Paris Agreement, dated 12 December 2015 (Khan 2020). The Paris Agreement charts a new course in the global effort to combat climate change by seeking to accelerate and intensify the actions and investment needed for a sustainable low carbon future. Its central aim is to strengthen the global response to the threat of climate change by strengthening the ability of countries to deal with its impacts. To attain this goal, appropriate financial flows were necessary, and the USD 100 billion climate finance goal was reaffirmed and extended to 2025 with a mechanism proposed on how this target will be achieved and implemented through measures set by each country – Nationally Determined Contributions (NDCs) – that will be reviewed regularly.¹³⁶

Both the Kyoto Protocol and the Paris Agreement call for financial assistance from parties with more financial resources to those that are less endowed and more vulnerable

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¹³⁵ Kyoto Protocol Article 12.2: “The purpose of the clean development mechanism shall be to assist parties not included in Annex I in achieving sustainable development and in contributing to the ultimate objective of the Convention, and to assist parties included in Annex I in achieving compliance with their quantified emission limitation and reduction commitments under Article 3”.

¹³⁶ International Institute of Sustainable Development see <https://www.iisd.org/blog/paris-agreement-built-last>, retrieved on February 5th, 2020.

(Clapp and Dauvergne 2005). This recognizes that the contribution of countries to climate change and their capacity to prevent it and cope with its consequences vary enormously. In accordance with the principle of “common but differentiated responsibilities and respective capabilities” set out in the Convention, country parties in the global North are to provide financial resources to assist developing country parties in implementing the objectives of the convention (Cristoff 2016). To facilitate the provision of climate finance, the Convention established a financial mechanism to provide financial resources to developing country parties. The Global Environment Facility (GEF) has served as an operating entity of the financial mechanism since the convention’s entry into force in 1994. At COP 16 in 2010, parties established the Green Climate Fund and in 2011 they also designated it as an operating entity of the financial mechanism. The financial mechanism is accountable to the COP, which decides on its policies, programme priorities and eligibility criteria for funding (Wright and Nyberg 2015). International financial institutions like the World Bank and European Investment Bank (EIB) have the potential to accelerate the transition to renewable energy as part of the 2030 Agenda for Sustainable Development needed to meet the commitments of the 2015 Paris Agreement by mobilizing resources towards that end.

The development of renewable energy in Kenya is taking place against a backdrop of Africa’s energy challenge, where various initiatives¹³⁷ are already in place not only to enhance access to energy but also transitioning the continent to renewable, clean and green energy (IWGIA 2017). In its 2020 report titled *Next generation Africa Climate Business Plan* (Mburu 2020), the World Bank urged East African states to be proactive in establishing environmentally friendly projects that use less carbon-intensive materials and

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¹³⁷ Sustainable Energy for All, the African Union’s Program of Infrastructure Development in Africa (PIDA), Power Africa, the Africa-EU Energy Partnership, the African Clean Energy Corridor, and in 2015, the African Union launched the Africa Renewable Energy Initiative (AREI).

technologies in a bid to increase the capacity of renewable energy generation in the region from 28GW to 38GW in the six-year plan beginning 2021 (Mburu 2020). The involvement of international organizations and agencies in the development of geothermal energy infrastructure in Kenya over the years remains instrumental in the growth of the sector. Current efforts include the launch of the US\$67million East African Geothermal Risk Mitigation Facility (EAI-AKU 2017). A partnership between the African Union Commission and the German state-owned development bank (KfW) was intended to offer matching grants for exploration and to help minimize several of the potential exploration hazards. At the same time, governments and international donors alike have demonstrated a renewed interest in promoting the development of Africa's clean and renewable geothermal energy resources. In 2012 alone, the US Agency for International Development (USAID) and the Geothermal Energy Association launched a new international energy partnership to help bring US geothermal industry expertise and companies into the rapidly expanding East African geothermal markets including those in Kenya (Merem et al. 2019).

5.2.2 National level institutional assemblage and governance structures

While historically Kenya has not been a significant mineral producer or exporter (Hughes 2008), recent activities have led to an upward trend in resource exploration and exploitation, particularly in renewable and non-renewable sources of energy.¹³⁸ However, the rapid growth of the extractive sector in the last decade has not developed in tandem with a robust legislative and policy framework (Otieno 2015). As such, the governance and coordination of natural resource exploration and exploitation have been beset by extractive practices that are often detrimental to host populations (Ambani 2018). These

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¹³⁸ First Schedule, *Mining Act* (No. 12 of 2016).

have included: lack of popular participation in the design, implementation and management of extractive operations; loss of community production factors such as land, water, pasture and communal cultural sites; environmental degradation that has had a negative impact on food production and has detrimentally affected human and animal health; inequitable sharing of the benefits of extraction, which see extractive multinational corporations benefit hugely from natural resource exploitation to the detriment of host communities. Lack of employment opportunities and the failure to share the benefits of extractive operations equitably have generated tensions, leading to varying degrees of conflict, from community protests to actual struggle (sometimes violent) over the control of natural resources (Ballard and Banks 2003).

To minimise these tensions and in compliance with bilateral and multilateral donors, Kenya has put in place a raft of policies and structures to regulate the extractive sector. One of the earliest and most ambitious of legislative frameworks to be proposed is the Natural Resources Benefit Sharing Bill (2019) which was first inceptioned in 2014. The bill suggests, among other things, the establishment of a Benefit Sharing Authority, with various functions including coordinating the preparation of benefit-sharing agreements between local communities and affected organizations. While the bill is still pending before the senate, intense lobbying and negotiations have, already yielded the Energy Act and the Petroleum Act both of which came into force in 2019. The Energy Act 2019 as set out in its preamble, seeks among other things, to consolidate the laws relating to energy, properly delineate the functions of the national and devolved levels of government in relation to benefit sharing,¹³⁹ as well as regulate the exploitation of renewable energy

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¹³⁹ The Act, however, adopted the provisions of the Natural Resources Benefit Sharing Bill despite the contestations by local authorities (such as Turkana county over the oil royalties) relating to the amount of the royalty charged on licensees, i.e. between 1% to 2.5% to be paid during the first 10 years of production and between 2% and 5% for the following years. It has also retained the provisions on the

sources in the country. The extractive sector will be more community-friendly when other legislative frameworks such as the National Energy and Petroleum policy of 2015 and the Local Content bill of 2016 are operationalized. While the former ensures the country's compliance with Extractives Industry Transparency Initiative (EITI) principles (such as safeguarding community interests as well as public disclosure of payments and revenue), the latter seeks to promote the interests of Kenyans to participate in and benefit from the extractives value chain activities. It does this by providing a framework to facilitate the local ownership, control and financing of activities connected with the exploitation of gas, oil and other mineral resources including geothermal (Sivi-Njonjo 2018). The overarching purpose of local content legislation is to move communities beyond benefit sharing to equitable economic participation. This is in tandem with Nyamwaya's (2013) assertion that real and durable prosperity can only come through robust economic participation by local communities in whose locality the natural resources are found. While reflecting on international practices on natural resource-based revenue sharing, Brosio and Singh (2014) suggest the need to have a standard range on which different layers of governance access a 'reasonable' share accruing from such resources. As it is, there are discrepancies across Africa in terms of royalties and distribution of benefits across different scales. In Nigeria for example, 13% of the oil revenues trickles down to the producing state (Ehtisham 2003). However, sharing royalties with local authorities, does not necessarily mean the rural communities directly impacted by such project do actually get a revenue share. National, regional and international legal regimes should therefore address the disparities arising from such benefit sharing.

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division of the royalty by the three stakeholders: i.e. the local communities will receive 5%, the county government 20% and the remaining 75% will be taken by the national government.

In Kenya, the draft and enacted legislation and national policies draw their credence from climate change related structures that are strategically positioned to regulate climate finances, a significant portion of which goes to geothermal development. Kenya's climate change governance structure spans several ministries, notably Finance, Environment, Energy and lately, the Office of the President. Actions to develop a policy and institutional framework to guide Kenya toward a low carbon climate resilient development pathway are mainstreamed in various national and county frameworks, medium term plans and long-term strategies.¹⁴⁰ The Intended Nationally Determined Contribution, a key requirement of UNFCCC, is in place, outlining Kenya's mitigation contribution in abating its greenhouse gas emissions by 30 per cent by 2030 (Ministry of Environment, INDC submission report 2015)¹⁴¹. Moreover, Kenya envisages setting out priority adaptation and mitigation actions that will help the country move toward a low carbon climate resilient development pathway. The enactment of the Climate Change Act (2016) to mainstream governance of climate action in the country is testament to this commitment.¹⁴² More significantly, the Act has given prominence to enhanced mobilization of climate finance and governance of such resources through a National Climate Change Council and the establishment of Climate Change Fund, both chaired by the President. This demonstrates the political prominence given to climate change discourse by the government's executive.

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¹⁴⁰ These include the Second Medium Term Plan of Vision 2030 (2013-2017), County Integrated Development Plans (Enacted every five years), National Climate Change Framework Policy (2016), Climate Change Act (2017), National Policy on Climate Finance (2015), National Climate Change Response Strategy(2010), National Climate Change Action Plan (2013-2017), National Adaptation Plan (2015 -2030), Green Economy Strategy and Implementation Plan (2016-2030), Agricultural Sector Development Strategy (2010 -2020), Kenya Climate Smart Agriculture Framework Programme 2017-2026, REDD+ Readiness strategic plan (2018), Kenya National Energy Policy 2014) Energy regulations policy (2012), among others.

¹⁴¹ https://www4.unfccc.int/sites/ndcstaging/PublishedDocuments/Kenya%20First/Kenya_NDC_20150723.pdf, accessed on 16th Dec 2019

¹⁴² [See http://www.lse.ac.uk/GranthamInstitute/law/climate-change-act-2016/](http://www.lse.ac.uk/GranthamInstitute/law/climate-change-act-2016/), accessed on 21st Feb 2020.

Although Kenya has put in place a wide range of legislative measures, they may not directly translate to its anticipated objectives. Orago and Musangi (2018) argue that the emergent policies and acts have been hijacked by powerful interests that ensure that most of them are neither founded on sound understanding of the local context nor on a coordinated, coherent broader framework. The process of developing the legal, regulatory and institutional framework is further complicated because the intensity of interest and investment in the extractive sector has outpaced scholarship, research, and environmental and social impact assessments. This situation has been compounded further by the low level of access to extractive industry information, rated by Karemi-Mbote (2014) as insufficient to meet the constitutional threshold of transparency and accountability, despite the enactment of the Access to Information Act of 2016. Moreover, inaccessibility to information by communities is hampered by, among other things, lack of harmonization of regulatory policies and practices in the extractives sector. In addition to the multiplicity of institutions involved in this decision-making process, the remote and marginal geographies where communities are situated make it difficult for information to be relayed in a timely fashion in the right form and content to best inform their participation and conscious approval. The extractive industry sector in Kenya is still shrouded in secrecy wherein information regarding contracts and licenses awarded are undisclosed to communities (Peter and Stanley 2017). The development of new laws under the new devolved system, including a progressive Community Land Act, is a step in the right direction. However, the implementation of such policies is further complicated by the competing interests between the national and county governments on the one hand and within the bicameral legislative arrangement on the other, where vested interests play out. For example, it took 4 years and almost a threat of legislative dissolution for the Community Land Act (CLA) to be enacted in 2016 (Wily 2018).

The CLA of 2016, which hinged on the 2010 constitution, signalled a dramatic new policy direction away from colonial and post-colonial land tenure. Prior to the CLA, the security of land tenure was embodied in the extinction of customary rights and their replacement with freehold or leasehold entitlements issued to individuals or corporate entities. The positive attribute of the CLA is that rather than extinguishing community-based land rights, it formally brings them into the mainstream, as registrable property, and with as much protection as accorded private lands. This means that the communities will need to be fully consulted and to agree based on their own terms on about how resources can be expropriated. Depending on the prevailing land tenure in a given location, CLA can be seen as a God-sent opportunity while in other places, it is interpreted as business as usual. For instance, the advancement of the group ranches under the Group Ranches Act of 1967 was premised on the same notion of land security. This, however, could not prevent the continued loss of land through grabbing and sub-division and unchecked selling, among other outcomes (see Roger 2005 on Ndung'u land report 2004). Under the CLA communities can still choose to individualize their land and commercialize it if they so wish. However, for much of the Northern Kenya frontier where land was until 2016 governed by County Councils under the Trust Land Act, the CLA gives them more grip and control over their territories. A classic example of land insecurity where communities are bound to lose land and resources at the whims of an assemblage of government and private institutions comes from Marsabit County where without community's knowledge or consent, the now defunct Marsabit County Council appropriated 150,000 acres and gave it to the Lake Turkana Wind Power project (Comark and Kurewa 2018). This has become a classic example. The CLA is therefore expected to cushion the communities against such risks while bringing them into the mainstream of decision-making. As such, the CLA provides a greater legal opportunity to negotiate for more benefits since it

recognizes and strengthens land ownership through registration. The type of land tenure, whether community, public or privately owned, determines the nature of resource-use negotiation and ultimate benefit accruing to the land owners.

The engagement of *Olkaria-Suswa* communities, with geothermal companies, therefore, has largely been determined by the prevailing system of land tenure in the area. This area encompasses all the three land regimes defined in the constitution; that is, private, public and community (with private being under both leasehold and freehold). The outcome of any negotiations over these spaces and resources in there is largely determined by three factors: 1) historical and contemporary land rights and ownership; 2) leadership and capacity; and 3) an understanding (or lack of it) of the policies and legal frameworks governing participants' rights. These three factors shape the debates and discussions that have been ongoing on regarding community-geothermal company interactions. They are also the basis upon which different institutional coalitions form, advancing certain ideas against others. For example, the community-NGOs alliance seeks to push the idea of land and resource entitlement by hinging the claims on historical land rights and the broader discourse of indigenous peoples' reparations and restitution. The government-private sector formation, on the other hand, capitalizes on the importance of *maendeleo*, strategically employing leadership/capacity and information- based tactics to 'win' over a critical segment of the community. Drawing from the cases of Ngati and Kedong' ranches ownership discourse, this chapter demonstrates how these interest-driven alliances form and morph into complex coalitions battling over the resource- rich Olkaria landscape.

5.3 Geothermal in the Olkaria-Suswa landscape

Kenya's Vision 2030 hopes to turn Kenya into a mid-income, newly industrialised xcountry by 2030, which will be powered largely by geothermal power from Kenya's

Great Rift Valley. Geothermal power is heat derived from the earth so is not as variable as other sources of power like solar, wind and hydro. Kenya is estimated to have between 7,000 and 10,000MW of geothermal potential, making it potentially the largest producer of geothermal electricity in Africa and the ninth in the world (Schade 2017, IWGIA 2019). Kenya aims to produce 50 per cent of its energy from geothermal sources by 2025, and 100 per cent of its energy from renewables by 2030 (Mwangi 2017:16). This implies that there are several plans for either the expansion of existing plants, mostly located in Olkaria ward, or the construction of new plants. Currently, there are geothermal explorations and active geothermal projects in Eburu, Menengai, and Silale and more explorations underway near Lake Turkana (see Figure 1 above).

Substantive geothermal production is taking place at Olkaria, mainly executed by the Kenya Electricity Generating Company (KenGen).¹⁴³ The 204 km² square concession area encompasses the geothermal rich Hell's Gate National Park as well as the surrounding private ranches and community lands (Hughes and Rogei 2020). KenGen's earlier projects (Olkaria I) were initiated in the early 1980s and continue to be expanded (Mugo 2015). Currently, there are five Olkaria Geothermal Power plants that are operational. Apart from the commissioning of Olkaria I in 1981, Olkaria II was commissioned in 2003, Olkaria III in 2009 and Olkaria IV in 2014. Both Unit I and II of Olkaria V were commissioned on July and October 2019 respectively. The completion of the latest plants (Olkaria V) adds 165MW to the KenGen geothermal production capacity, bringing the total capacity from geothermal to 855MW. Plans are under way for the construction of Olkaria VI and VII, which are expected to inject an extra 280MW onto the

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¹⁴³ Kenya Electricity Generating Company PLC (KenGen) is a power generating company in Kenya with the mandate to generate electricity through the development, management and operation of power plants. The government holds 70% of its shares while 30% is privatized, see <https://www.kengen.co.ke/index.php/our-company/who-we-are.html>, retrieved on 2nd February 2020.

national grid. Besides KenGen, Geothermal Development Company (GDC) is also actively involved in geothermal activities in the Olkaria-Suswa landscape, particularly in the Mt. Suswa area. Other private companies involved in geothermal exploration and production in Olkaria- Suswa include Orpower and AGIL (see section 3.2).

The rapid increase of KenGen's geothermal production has been enabled by the expansion in global climate financing under the clean development mechanism (CDM) as well other international financing mechanisms (IRENA 2017). In the last decade, KenGen has benefited from hundreds of millions of dollars channelled through the multilateral development banks (CIF Report 2018). For example, Olkaria IV and additional units of Olkaria I were approved by the European Investment Bank (EIB) and the World Bank in 2009 and registered as CDM Project no. 8646 on 17th June 2013 (Schade 2017). As part of the Kenya Electricity Expansion Program (KEEP), which ran from 2010 to 2017, the World Bank approved a specific investment credit of the International Development Association on May 27th, 2010, amounting to the equivalent of US\$330 Million (Inspection Panel Report 2015). Together with the EIB, an additional US\$168 million was added to help finance the expansion of existing geothermal production (Olkaria I) as well as the construction of Olkaria IV (Shaa and Perreras 2016). The project is also co-funded by the French Development Agency and the German *Kreditanstalt für Wiederaufbau* (KfW) to a tune of USD 800 million.¹⁴⁴ Financed by an Official Development Assistance (ODA) loan from the Japan International Cooperation Agency (JICA), construction of Olkaria V started in January 2017, which costs KSh45 billion or US\$450 million (IWGIA 2019). Given all the resources it commands¹⁴⁵ and the political good will it enjoys,

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¹⁴⁴ The Inspection Panel Report and Recommendation on Request for Inspection KENYA: Electricity Expansion Project (P103037), February 2nd, 2019.

¹⁴⁵ The EIB funding amounts to EUR 244,947,563 for the whole Olkaria geothermal project, see, European Investment Bank. Projects Financed Multi- Criteria Lists. Retrieved from:

KenGen continues to expand its operations geographically to encompass other areas in the Great Rift valley and regionally in Ethiopia and Rwanda.¹⁴⁶ It has also since diversified its production portfolio to include other renewables such as wind and solar.

The increased production capacity of KenGen in Olkaria, though good for the country's *maendeleo* pathway, has had detrimental ramifications for the local Maasai community (Hughes and Rogei 2020). KenGen's expanded operations started to inevitably encroach into the villages occupied by the Maasai community. These villages are Narasha, Olomayiana, Oloosinyat, Oloonong'ot and Oloolkarian (sometimes called Emanyatta or "cultural village" because of the eco-tourism activities carried out in this village). Oloosinyat and Oloonong'ot villages are situated in the west-end of Kedong' ranch bordering Ngati Ranch, where the rest of the villages are located. The proposed development of Olkaria IV and V, funded by the World Bank and EIB alongside other bilateral partners, necessitated the relocation of sections of the community. Following a EIA report carried out in 2009, it was recommended that 950 people (approximately 150 households referred as "Project Affected Persons" - PAPs) be moved from Emanyata, Oloonongot, Oloosinyat and part of Olomayiana (which was split into two – Olomayiana Kubwa was left untouched while those in Olomayiana Ndogo were moved) - all of which were located on private land (registered under Ngati Cooperative Society), to an area that was yet to be identified. This was premised on the notion that fumes and sound pollution are hazardous to human settlement in the area so that human settlements should be at least 500 meters away.¹⁴⁷

<http://www.eib.org/projects/loan/list/?from=1982&region=6&sector=1000&to=2017&country=KE>, on 5th January 2019.

¹⁴⁶ See <https://www.businessdailyafrica.com/analysis/ideas/KenGen-s-geothermal-deals-in-Ethiopia-good-for-Kenya/4259414-5468690-5uahvk/index.html>, retrieved on 3rd May 2020.

¹⁴⁷ According to the interview with one of KenGen officials held on 18th Nov 2018 at KenGen offices.

The relocation process, guided by the World Bank's guiding principles under Operation Policy 4.10, requires extensive consultation and acquisition of free prior and informed consent especially where Indigenous peoples are involved. As such, the project promoter (in this case KenGen) was obliged to establish requisite structures through which the community participation and consultation mechanism are mainstreamed into its administrative and operational structures. Besides establishing the office of the community liaison,¹⁴⁸ KenGen also formed the Council of Elders and the Resettlement of Affected Persons Implementation Committee (RAPIC) as major structures representing community interest, especially in the resettlement process. While RAPIC is focused solely on issues around resettlement and is ad hoc, the Stakeholders Coordination Committee (SCC) is a long-term strategic structure with expanded mandate and wider geographical coverage.¹⁴⁹ The Council of Elders, on the other hand, helps to mediate peace and avert conflict among community members. RAPIC was mandated with the responsibility for identifying the PAPs and working out the modalities for compensation as well as resettlement logistics. Members of the RAPIC, drawn from the community, KenGen, and government agencies, identified and agreed on an alternative piece of land in Kedong' Ranch, approximately 20km from the affected villages (Schade 2017). Agreement on the piece of land was however not quite unanimously reached, as narrated by one elder and a member of RAPIC, interviewed on September 2nd, 2018 at the Cultural Center (Oloorkarian):

We had options for three spots and RAPland was the least favourable to us, but KenGen and government officers compelled us to go for it. For us, we preferred a spot above the RAPland ridge, closer to the shores of the lake. It was flatter, endowed with pasture and much more habitable. The land was relatively similar in quality and accessibility to our formal villages. However, other members of RAPIC, particularly those representing KenGen and government institutions,

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¹⁴⁸ A Community Liaison Officer, from the affected community was hired by KenGen.

¹⁴⁹ SCC is comprised of 45 members drawn from the areas that are directly and or indirectly impacted by KenGen's activities. About 3 members (a chair, woman and youth) are elected from each of the villages. SCC meets at least twice a year in meetings convened by KenGen to consult on various projects that may affect the identified communities.

prevailed upon us to accept this [RAPland] land. It was not easy convincing community members to accept it.

Although the resettlement process was apparently consultative to a certain degree, the decision regarding the the piece of land to settle in seems to have been imposed by both the government and company agents. According to the elders' views (during their focus group discussion held on 15th May 2018 at RAPland), the consultative process on the environmental assessment was hurried and apparently their views were not taken into consideration. "Traditionally, we know which sites are habitable and which oones are not. This obviously not one of the habitable sites and that is why it has never been settled on for many years", said Sakayian ole Nkamasiai, one of the focus group participants. While KenGen reported that the community opted for RAPland due to economic reasons such as proximity to power plants where they could draw some benefits, local NGOs on the other hand accuse KenGen for not empowering PAPs to enable them to make informed decisions. "The fact that the community is not adequately prepared, lacked requisite skills, information and capacity to negotiate worked against them and favoured the companies. As an organization, we carried out training workshops to build the capacity and empower the community to negotiate for better deals", observed Joseph Ole Simel, Director, MPIDO (15th June 2019).¹⁵⁰ These sentiments were corroborated by various members of RAPIC members interviewed on different dates, who alleged that information regarding the entire relocation process wes not shared on time and in a manner and language well understood by most community members (see, Independent Panel report 2015, IWGIA 2019).The negotiation between KenGen and the community yielded a memorandum of understanding signed in 2013 (IWGIA 2019). KenGen's obligation was

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¹⁵⁰ MPIDO (Mainyoto Pastoralists Integrated Development Organization) is a non-profit organization working with pastoralists and other indigenous peoples in Kenya and Africa; see www.mpido.org.

to build 164 two-bedroom units on a 1700-acre parcel of land bought from Kedong' Ranch. This piece of land came to be popularly called RAPland (deriving meaning from the 'Resettlement of Project Affected Persons'). KenGen was to acquire a title deed for absolute ownership registered under the name Oloosinyat Welfare Society.¹⁵¹ KenGen's contribution package also included the construction of a school, dispensary, and social amenities including four churches and a social hall as well as a cattle dip (RAP Report 2012: 35). It also committed to build roads that served the new village by connecting it with water and electricity. In addition, four scholarship opportunities per year (high school) for 2 boys and 2 girls were promised. Moreover, it was agreed that the cultural site at the gorge, near their former Olookarian (cultural centre) village that relies on the tourism economy, will remain as community property but only to operate during the day. KenGen was also to acquire a title deed for 14 acres for the cultural centre (15 km from Rapland). KenGen also bought a 60-seater bus¹⁵² for ferrying people between the cultural centre and RAPland.

In turn, the community on their part were required to peacefully vacate their villages as soon as the houses were ready for occupation. They were also expected to be supportive of the project and to cooperate with the leaders in this endeavour. The resettlement officially took place between August and September 2014 (Schade 2017). There was no monetary compensation promised other than ksh 35,000 (USD 350) for transport, which was never paid out as KenGen retained it to off-set electricity connection

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¹⁵¹ Oloosinyat welfare society was registered by the PAPs to hold property such as land and the bus on behalf of the RAPland community.

¹⁵² Bought in November 2014, the bus was handed over to the PAPs' welfare society's Bus Management Committee, which later decided to lease the bus to a third party, thus preventing the PAPs from using it for their own purpose. In the meantime, two privately owned minibuses are providing transportation, but reportedly charge unreasonably high fares. One year later, the bus was grounded for lack of servicing and insurance. It has been parked at Olkaria Primary school compound since then.

fees.¹⁵³ The relocation not only freed land for Olkaria IV (situated in the former *Oloosinyat* village site) but also for Olkaria V, whose construction began in 2016 at the site of former Oloonong'ot village. Part of the land for the planned Olkaria VI was also secured via this move, as it will be situated at Olomayiana from part of which village members part of it (Olomayiana Ndogo) were moved.

The relocation of a section of the community to RAPland took place against the backdrop of historical contestations over the land from which the Maasai were displaced; land to which these Maasai had claims based on historical rights and adverse possession. Two of the four relocated villages, Oloorkarian and Olomayiana Ndogo, inhabited Ngati/Maiela ranch while the other two, Oloosinyat and Oloonong'ot, were from Kedong' ranch. The process leading to the resettlement in 2013 and 2014 was largely shaped by the previous struggles by a section of the community claiming ownership of Ngati ranch from which they were being evicted. Since the mid-1980s after the first eviction to create HGNP (see chapter 4), the Maasai community on Ngati ranch had intensified their grip on the land through sedentary settlement and initiation of *maendeleo* projects. “We built schools and churches for ourselves to emphasize that this is our land, and nobody should take it away from us,” declared Mzee Shaa Ole Kiloku (interviewed on 11th March 2018, at his home in Narasha village).

But as the geothermal potential increases, this land which was earlier perceived by its legal owners to be desolate and unproductive, started to gain premium value, attracting the interest of its absentee owners – the Ngati Cooperative Society. The 500-member cooperative claimed to have bought the land from Maeiella LTD and had it transferred to it in 1974 after the payment of all the instalments (eKLR 2006). Aggrieved by the Maasai

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¹⁵³ This is according to the interview of one of the KenGen officials, 16th November 2019 at Suswa town.

encroachment into the property and armed with title deeds for three registered portions (number 2662, 1380, and 8398/2 totalling to 16,338 acres), the cooperative moved to court in 1996 to compel the Maasai to vacate the land. The Maasai, on the other hand, oblivious of the 'title' status, rode on the ancestral and historical entitlement to occupy and lay claim on the same parcel. The same land, most of which has been conceded by the Ministry of Energy to private companies such as KenGen and Orpower for geothermal exploration and development, has become a site of vicious contestation. These struggles and contestations, largely playing out in the courts and manifested by judicial rulings, have produced two broad alliances: The Olkaria Maasai community, on the one hand, and a salient collaborative coalition between KenGen, government agencies and the Ngati Famers Cooperative Society on the other.

In response to Ngati's claims, a group of Maasai filed a counter-claim suit in the high court of Nakuru claiming the entire 16,338 acres based on adverse possession and historical customary belonging. The ruling was made 5 years later 12th May 2000. The high court, prior to making the verdict, visited the disputed land to ascertain the credibility of the evidence tabled before it and Judge Rimita made this observation in his final judgement:

This court visited the land in dispute and saw the disputed areas. The boundaries appeared clear. The area occupied by the Maasai had old settlements and I was able to see an old school among other developments. Apart from some portions, the Maasai are cultivating the land rather than using it only for grazing purposes.... Our independent assessment and analysis of the entire evidence on record shows that there had been absence of possession of the portion of the suit land by the true owner, the white settlers, before 1964 through abandonment in favour of the Maasai. There is further evidence that the adverse possessors, have been in actual possession of the said portions of the suit land for over twenty (20) years. I think their possession of the said distinct portions of land was adverse, the cooperative claim is therefore time barred and cannot succeed ... The Maasai counter claim succeeds, and it is allowed.

Although the ruling was favourable to the Maasai based on adverse possession rather than ancestral entitlement, a coalition of varied institutional interests continued to work against the implementation of the rulings. As a result, there were appeals and counter-appeals that have gone on for the last 20 years, which in most cases (including the ruling of 2009, see eKLR civil appeal no 330 of 2009) continues to favour the Maasai community.

In another petition against the Ngati Cooperative society brought before the Environmental and Land court in 2014, the Maasai petitioners sought protection from harassment and threats of eviction (ostensibly by Ngati and KenGen), considering the attempted forceful eviction on 23rd July 2013 (Koissaba 2013, Schade 2017). KenGen became overtly implicated after it was alleged that it bought a portion of the contested land from Ngati. Upon acquiring a court order compelling the eviction of the Maasai on the said land, both Ngati and KenGen were accused by the Maasai of hiring over 300 armed (non-Maasai) men, who descended on the land parcels No. 8398/2 and L.R No. 2662 and indiscriminately attacked residents, burnt their houses and destroyed their property.¹⁵⁴ It took a political intervention, spearheaded by Narok and Kajiado politicians, to restore peace. The victims of the botched eviction were compensated by the government and were able to rebuild their homesteads. However, the perpetrators of the heinous act were never convicted, a fact that many interlocutors suspect the government's (and KenGen's) hand in it.¹⁵⁵

Regarding the court rulings, the final judgement delivered on 19th February 2015 by Judge Munyao Sila confirms that ownership of the properties LR Nos. 1380, 8398 and

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¹⁵⁴ See <https://www.culturalsurvival.org/news/forceful-evictions-maasai-narasha-recipe-tribal-clashes-kenya>, Extracted on 12th April 2020

¹⁵⁵ This is according to the interview with Jackson Shaa, on 25th May 2019 held Narasha.

2662 as was determined in 1996 still stands, which is, belonging to the Maasai. However, external pressure from interested parties, including powerful political individuals and geothermal companies, pushed for an out-of-court settlement. As a result, part of the Maasai committee was compromised, leading to divisions within it.¹⁵⁶ This delayed their pursuit of the implementation of the court-given justice to the relief of the opposing and several other interested parties. Many in the community blamed “leaders”, both those who hold elected positions at the county and national level and those who purportedly serve the community, as causing the delayed pursuit of this ruling. Should the Maasai fail to pursue this to its legal conclusion, the local activists perceive that the community might risk losing 75% of the parcel that the court awarded them should the leaders not ensure the implementation of the ruling. Most of the community members I interviewed are not aware that such a window, which they could use to redeem the land under claim, still exists. Although this community has a great chance to acquire the entire ranch based on the court ruling, their internal divisions will likely cost them yet again another great opportunity. As discussed in chapter 3, such divisions, which followed the clan and age-set contours, were reified by an array of external forces drawn from a collection of institutions with vested economic interests in Olkaria. From the foregoing, it is evident that the constellation of both government and private institutions conspires to jeopardise *esipata* of the communities, including delaying or subverting justice.

It was against this legal determination where land ownership has been proved beyond reasonable doubt that the resettlement process was executed. It can therefore be concluded that the 2014 RAPland relocation hinged on the fact that the PAPs were not mere ‘squatters’ on the said land but had a rightful entitlement to it, which was validated

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¹⁵⁶ This is according to the interview with one of the committee members conducted on 12th December 2019 at Narasha village.

by the courts. This may therefore have informed the rigorous (and seemingly participatory) resettlement process; the fact that they were awarded land-for-land compensation in addition to other privileges as mentioned above is a testament to this recognition. The continued winning of the court cases gave the Maasai a bargaining edge in their corner. This great opportunity was, however, compromised by the divisions within the community ostensibly orchestrated by the various institutions also eyeing the same land and resources. For example, several interlocutors alluded that the chairman of Maasai committee on land colluded with Ngati Cooperative and agreed to share the land, even though the court's ruling favoured the Maasai community. Critics saw KenGen's and government's (often represented by county commissioner's office) hand in this. Again, another coalition front emerged where the companies, government, Ngati cooperative and some community elites took advantage of the ignorance (lack of information) of the majority of the community members in regard to the specifics of the case. As a result, the community's unity was compromised and as such, it could not take full advantage of the favourable land rulings to press for fairer compensation and optimum benefits. Together with their limited negotiation capacity, insufficient and sometimes skewed information, and the threats and intimidations they suffered,¹⁵⁷ the PAPs grudgingly accepted the offer. The many promises made by KenGen to them (e.g., provision of a title deed for the new land, enhanced infrastructure, new houses, among others) softened the PAPs and motivated them to move, regardless of their doubts. As one RAPland SCC leader, interviewed on 15th April 2018 recalled:

We knew that this land is smaller and of much worse quality. However, after fighting for so long against Ngati and now with superior forces are on our case, we

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¹⁵⁷ Daniel Ole Shaa and his family, one of the affected PAPs, refused to move citing a rushed, poorly designed resettlement process and poor compensation. In an interview with him on 3rd June 2018 at the cultural centre, he recalls how he was intimidated by government (and KenGen) operatives who removed him from being a member of SCC and threatened him through text messages. This coercion made him to reluctantly move a month later after the rest.

gave up. This is especially so because now we have a piece of land that is truly ours, with a title deed and some form of agreement. It is better to take the small at hand than the big that is not there and which we may lose in the long run.

The PAPs are aware that the size and value of land was not only smaller (1700 acres) compared to their original land (4,200 acres) but was inferior in quality; “Only half of it is habitable as the rest is rendered with deep gullies and poor pasture distribution”, said Ole Sencho (interviewed on 17th April 2018, at RAPland). Most of those interviewed recalled that they ought to have pressed for financial compensation, especially for the anticipated loss of livelihoods. These regrets could have been avoided if leaders – both political and/or RAPIC – rose to the occasion at the point needed to guide the PAPs. The low capacity therefore coupled with company manipulations and little knowledge about the guiding principles on resettlement contributed to their agreeing to a poor deal that has worsened off PAPs’ wellbeing. Most of the RAPland members I interviewed between 2018 and 2019 (approximately 25 men and women) believe that they are now poorer than 6 years ago before the move.

5.3.1 RAP land complaints, unfulfilled promises and the mediation process

As the resettlement dust settled and the excitement of super modern new houses and subsidies diminished, reality kicked in. The immediate shock was that without a resettlement financial package, most families could not immediately equip their houses with beds, mattresses, couches, etc., a luxury that their modest traditional huts did not require. The traditional houses were made of twigs, grass and smeared with cow dung. And so, while the modern houses represent real *maendeleo*, the traditional huts were still missed and for good reason, as a middle-aged woman living in RAPland commented:

Most of the people did not have mattresses and so just spread their hides on the concrete floor and slept. Unlike the Maasai huts, the concrete floors are extremely cold, and many people contracted flu and pneumonia. And in these houses, you

cannot put up a fire to heat it. It took time before people started buying the necessary beddings and adapt to the new houses.¹⁵⁸

The majority, especially poorer families, say they are more impoverished now because they must pay for electricity, cooking gas and furniture, as they can hardly access the forest for firewood. Moreover, due to the topographical nature of the land, characterised by steep gullies, most households lost their cattle to accidents when they were grazing, while others moved them to safer places under the care of their kinsmen. Besides, the area is also infested by hyenas, preying on their livestock. As a man observed: “Since we moved here I have lost over 20 sheep to hyenas and five cows have fallen off the cliffs. I was forced to move the rest to my relatives’ place in Narok. That is the case with most people here, do you see any herds around? Nothing!”¹⁵⁹

According to the PAP-KenGen agreement, 200 out of the 1700 acres were for common use, including for a shopping centre. The community members allege that KenGen has been reluctant to allow for the proposed sub-division of the commercial centre to warrant building shops close by. This means long, and costly shopping trips must be made for food and other necessities to the nearest towns, Suswa and Kamere – over 30 kilometres away. A few families are operating small ‘*dukas*’ (shops) in their houses to supply the basics. In addition, KenGen reneged on its promise to issue a title deed for the 1700-acre parcel to the community that had been expected within 90 days after the relocation. I raised the matter among other unfulfilled promises during an interview with one of KenGen’s officials seeking to understand the status of PAP agreement. The official reported that KenGen is committed to fulfil all the promises, including delivering a title

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¹⁵⁸ These sentiments were echoed by Fatuma Shaa, who in an interview with IDS and documented in a short video, confirmed that she lost a baby due to the horrible conditions they were subjected to at the initial stages of the resettlement; see <https://seeingconflict.org/>, retrieved on 5th May 2020.

¹⁵⁹ Interview with Sakayian Ole Nkamasiai, 75-year-old pastoralist (RAPland, 15 November 2018).

deed for RAPland, but cautioned that patience needs to be exercised, “We are dealing with bureaucratic government institutions and therefore there is need for all parties to be patient. It is just a matter of time. We are very committed to fulfilling all our promises”, said an official interviewed on 16th April 2019 in Naivasha.

On the social-cultural front, intra-family challenges and inter-village relations were a common theme underpinning the post-settlement lamentations. The single house unit provided by KenGen in RAPland meant that families were bound together – parents and children, all under one roof (see Figure 17). This goes against the cultural tenets of Maasai customary values, especially where parents and teenagers are not allowed to be in the same house. In the traditional setting, several huts are built (normally done by women) depending on the need. A father would have his separate hut (*orripie/oseet*), normally strategically placed close to the kraal for security reasons. The wife (or wives) would have their independent houses and teenagers may have a separate house. And so, the modern RAPland village is not in sync with this cultural reality. Besides, inter-village relations were also severed in the sense that RAPland is now more isolated – situated about 15km from its nearest neighbouring village, *Olomayiana*, which itself was halved, with a section of it moving to RAPland and another remaining. Narasha village is 20km away and Suswa on the southern side is even farther. This adversely impacts the social relations and support systems that form the fabric of Maasai culture and well-being, a key pillar in the *enkishon* concept. This was well captured by the Independent Panel report (2015:35):

According to some of the local Maasai families, the new housing clashes with the traditional lifestyle of the Maasai, and the relocation process had not met the expectations of the local communities. The houses are isolated and secluded, with families reportedly finding it hard to socialise with their neighbours. In addition, the small yards adjacent to the houses are fenced and too small for animals to graze on. The yards are also too small for the cultivation of the land, which is stony and eroded. Houses awarded to some disabled people on the top of a slope were not convenient for their everyday lives.

Some families tried to adjust by building small extensions and additional basic units to accommodate their expanding families. But in May 2018, word went around that KenGen is against the idea of extensions and would be demolishing any ‘irregular’ constructions. There was a lot of tension and obviously the community was agitated, but then the demolitions never took place since KenGen disowned the allegations (according to my interview with one of RAPland leaders). Although the annexures continued to stand and grow, concerns regarding the extent of ownership and control of RAPland by the PAPs continue to persist. Without a title deed and with the seemingly tight grip and control by KenGen on how land is used, it raises valid concerns on the side of the PAPs. “I strongly doubt that we are here to stay for long. I think we will be moved again, and these houses will be KenGen’s staff houses in the future”, predicted one youth interviewed at RAPland. As discussed below, this community has never received a title deed to the land and is on the process of petitioning the Kenya Land Commission and Ministry of Lands on the same (according to a phone interview with one of the RAPland leaders done on 17th December 2020).

Figure 17: A small herd of cattle with Rapland village in the background

Source: Author

Three months after the relocation, grievances regarding the suitability of the land, unmet promises, such as the issuance of the title deed, house distribution criteria where deserving people were left out,¹⁶⁰ among others, started to emerge. In protest, a section of the PAP community wrote directly to the financiers, particularly the World Bank and the EIB, to register their complaints. The RAPlanders drew support from a coalition between community-based organizations such as Narasha Community Development Group and

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¹⁶⁰ An interview with several PAPs revealed that several beneficiaries were left out of the official list, either because they were not around at the time of the census (some moved with cattle being nomadic pastoralists) or were discriminated against by RAPIC for varied reasons (including being stubborn or seen to be against the process) and or perceived to be not indigenous to Olkaria. An interview with Francis Ole Kool (on 12th July 2019 at Olomayiana) revealed that he was discriminated against because he is an immigrant originally from Samburu. Francis and several other victims launched a complaint and were later accommodated and their houses (for about 14 people) were built in 2019, five years after other PAPs had long settled.

national level organizations such as MPIDO, PDNK and Kenya Human Rights Commission to highlight their plight. Understanding the policy framework, rights-based advocacy approach and the bureaucratic protocols of engagement are technical processes that the PAPs drew support from these organizations for a successful petition to the funders.

The World Bank Inspection Panel (WB-IP) acknowledged receiving a formal “Request for Inspection regarding the Kenya: Electricity Expansion Project (Credit no. 4743-KE) on October 26, 2014, specifically concerning impacts from the geothermal power generation expansion component being implemented in the Greater Olkaria Geothermal Area” (WB IP Report 2015:2).¹⁶¹ This is in addition to two complaints received earlier and four complaints made to the Complaints Mechanism of the European Investment Bank (“EIB-CM”) around the same time and on related issues (Ibid:2). The complaints comprise an array of grievances ranging from: economic impact, housing (citing omission of 14 houses), intimidation by RAPIC,¹⁶² social-cultural impacts, and unsuitability of resettlement site, to a new threat of eviction due to encroachment of geothermal activities in the area. The report summarises the complaints thus:

The requesters are mainly concerned with impacts related to resettlement activities. They explain that the resettlement affected their lives and instead of restoring or uplifting their livelihoods, it added impoverishment, intra-community disputes, and health concerns resulting from the stress of the situation brought about by the Project. They also state that “*contrary to their promise,*” the World Bank did not closely monitor the resettlement process (ibid: 3; emphasis in the original).

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¹⁶¹ The Inspection Panel Report and Recommendation on Request for Inspection KENYA: Electricity Expansion Project (P103037), February 2nd 2015.

¹⁶² Anyone with a dissenting opinion to the resettlement process was intimidated and threatened with the possibility of being omitted from the beneficiaries’ list. An interview with Daniel Shaa on 11th June 2019 revealed how he refused to move from his original location to RAPland unless the interest of all PAPs, especially the vulnerable such as widows, were considered. As a result, he suffered much intimidation and moved on later after sensing that his family was no longer safe.

In light of the complaint, a fact-finding mission was conducted in January 2015 by a team from the World Bank-Inspection Panel and EIB-Complaint Mechanism (EIB Report 2015). After several consultations and meetings, the team confirmed that the above allegations met the threshold of their grievance mechanism. The fact-finding team established that the issues of harm raised by the PAPs are plausibly linked to project activities and notes potential non-compliance by the Bank with applicable operational policies and procedures (Hughes and Rogei 2020). Similarly, the World Bank Fact-finding Inspection Panel carried out its independent investigation. Its conclusion report (World Bank 2015), acknowledged that the alleged issues of harm were because of non-compliance by project promoters (in this case KenGen) with World Bank operational policies and procedures with respect to the above grievances. Based on these findings, both institutions agreed to initiate a mediation process with a view to reconciling the community's expectations and the project promoter's (KenGen) obligation to meet them. This process is embedded in EIB's and World Bank's complaint and grievance redress mechanisms (Schade 2015). The mediation process entailed undertaking of an independent, in-depth investigation and elaborate consultation with all project stakeholders including PAPs, government and KenGen officials. The outcome of these investigations informed the Mediation Agreement (*Agreement on Olkaria IV Resettlement Mediation of 28 May 2016*), which became effective on 29 September 2016 (Hughes and Rogei 2020).

The Mediation Agreement was signed by KenGen and the community representatives, who are the sole parties to the Agreement. By signing it, KenGen committed to an Action Plan which addressed the complaints of the PAPs, including transfer of land title to the PAPs (Bank Watch Report 2017). The *Addendum to the Management Report and Recommendation in Response to the Inspection Panel*

Investigation Report of 2015 was approved on 16th February 2017, containing a Management Action Plan to implement the Mediation Agreement.¹⁶³ The Plan proposes actions to address issues of noncompliance related to land titling, livelihoods restoration and infrastructure.

Progress on the Management Action Plan has been monitored by the World Bank through several site visits. From the April 2019 progress report, most of the actions have been completed and the titling of 1500 acres was delivered to the community on 14 March 2019,¹⁶⁴ transferring the land to the Ewang'an Sinyati Welfare Society (ESWA), a registered trustee group comprising of respected RAPland trustees. However, it turned out that the title presented was a certificate of leasehold title and not a freehold, as had been promised. In addition, its geographical coordinates indicated northeast instead of southeast of Naivasha where RAPland is located. Although KenGen owned up to the location 'error' and committed to amend it, the community read mischief in both the error and leasehold status. As lessors (according to the tenure), they are required to pay the Ministry of Lands an annual fee of 436,000 Kenya shillings (approximately USD4400). The leasehold is for 999 years, backdated to 1950. According to an interview with one of the welfare leaders, "We need legal guidance on this matter. It doesn't make sense why we are required to pay a lease fee on the land that is rightfully ours. Paying rent means it is not our land. Unfortunately, we don't have an experienced legal counsel to help us on this matter". With advice from a young law student from the community, the community wrote to the

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¹⁶³ World Bank (2016), "Addendum to Management Report and Recommendation in Response to the Inspection Panel Investigation Report on Kenya Electricity Expansion Project (Loan No. P103037) – INSP/97705-KE," 30 October 2016, *International Bank for Reconstruction and Development – International Development Association*.

¹⁶⁴ World Bank (2019b), "Second Progress Report on the Implementation of Management's Action Plan in Response to the Inspection Panel Investigation Report (Report # INSP/97705-KE) on the Kenya Electricity Expansion Project (P103037)," *World Bank*, 30 April 2019, retrieved from: <http://www.inspectionpanel.org/sites/www.inspectionpanel.org/files/cases/documents/97-Second%20Management%20Progress%20Report-30%20April%202019.pdf>. See also Hughes and Rogei, D. (f/c), "Feeling the Heat."

Ministry of Lands and Physical Planning on 25th April 2019 to request both the correction of the address as well as the conversion of land tenure from leasehold to community land in line with the new Community Land Act (2016). They have not yet received any feedback six months later. They also contend that KenGen is not supportive of this idea and is linking its potential adoption to benefit sharing arrangements which are more stringent under the CLA than any other legal regime as discussed in section 2.2 above. Community members fears were confirmed when an evaluation team from GIBB Africa,¹⁶⁵ was commissioned by KenGen, to start a process of summative evaluation on August 2020, with a view to bringing the 7 years long RAPIC process to a close. Most of the PAPs will feel short-changed if the process is ended without putting to rest the issue of land ownership.

The Olkaria community, especially the members residing in Ngati Ranch, have lodged a successful land claim based on historical entitlement and adverse possession. A coalition of institutions such as KenGen, Ngati cooperative, and government agencies have colluded to upset and derail this sweet victory conferred by the courts by prevailing upon the community's leadership and instilling division among them. However, there is still a chance to pursue the implementation of the court ruling if the leadership and the community reorganizes itself and equip themselves with the necessary information and resources. Meanwhile, the fact that PAPs of Olkaria IV and V have received a relatively good resettlement deal, may be attributed to this struggle over land ownership. Moreover, a coalition of community-based organizations, NGOs and international IPs network carried out historical cross-scale negotiations and mediation with an assemblage of financial institutions including the World Bank and EIB and project promoters), KenGen

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¹⁶⁵ GIBB Africa is a consulting firm that did the initial EIA in 2009, which carried out the RAPIC assessment in 2012. See GIBB Africa Report (2012)

and the government of Kenya. As mentioned earlier, the IPs networks provided the necessary knowledge and skills on policies and conventions that were invaluable tools to fight for IPs rights. The success of this process can be attributed to the level of awareness created by civil society groups and activists; and the advocacy and technical support they accorded the community (see more in section 4.1 above). Moreover, the fact that the community could demonstrate legal ownership of the land, as proved by the court rulings, gave an impetus to their claims and to the validity of fair compensation. In a situation where the community cannot demonstrate strong land entitlements, it may jeopardise their claim to benefits and compensation maybe jeopardised, as is the case in Kedong' Ranch.

5.3.2 Claims, evictions and protests over Kedong' Ranch

Kedong' Ranch is an expansive area spanning over 76,000 acres, registered in the name of Kedong Ranch Ltd, LR no 8396 (IR 11977) with a leasehold interest for a term of 999 years from 1 May 1950 (Ndakosy 2005). Since then, ownership of the ranch has changed hands. It was taken over by Akiira Kedong' LTD in the early 1960s whose membership mainly comprised of post-independence elites. Just like in the case of Ngati Ranch, the new owners have not been physically present on the land although the farm continued as an ongoing concern until the early 1990's when its productive activities collapsed (Koissaba 2015). A section of the Maasai community has lived on some parts of the land for decades while others have lived on its fringes but have been accessing it for grazing purposes for a similar or longer period. In some sections such as *Oloonong'ot* and *Oloosinyat* villages (now under KenGen's Olkaria V), the community, according to elders' narrations, has lived uninterrupted since early 1970's. This is the group that was considered for resettlement at RAPland. Kambi Turkana and Olorropil villages, mainly occupied by former ranch workers and their descendants, largely of non-Maasai descent (such as Turkana), have become more populated since the collapse of the farm in early

1990s. This group, and a section of the Maasai in the southwest part of the ranch (bordering Suswa) are considered to have temporarily lived in the area, but not long enough to make claims based on adverse possession. With increased geothermal activities and an influx of geothermal prospecting companies, pressure on the land has also increased exponentially over the last decade.

The Ministry of Energy has issued several concessions to a number of private companies under the Independent Power Producers (IPP) initiative meant to realize maximum geothermal production. This is under the broader Public Private Partnership framework meant to hasten *maendeleo* in a bid to realize Vision 2030 targets. Among the companies pursuing these concessions under the IPP scheme is Marine Power Generation Limited (MPGL), a subsidiary of Akiira Geothermal Ltd (AGIL) licenced in 2009 (IAP 2019). AGIL immediately commenced surface studies, government and stakeholder consultations and planning with a view of establishing Akiira 1 project. After completing its Environmental Impact Assessment in 2012, AGIL/Akiira 1 has since carried out explorations and geological studies as well as drilled several test-wells, which they plan to move into full production (Hughes and Rogei 2020). The Environmental and Social Impact Assessment (ESIA) study of the larger MPGL license area purported that there were no community settlements, apart from a few temporary seasonal grazing shelters of the Maasai community (Hughes and Rogei 2020). A Biodiversity Impact Assessment carried out in 2014 using GIS and remote sensing techniques showed only two seasonal settlements used by the Maasai for temporary grazing and zero presence of ‘Turkana’ settlements (AGIL report 2015). Armed with the two reports, AGIL was confident that there were no social or environmental impediments to its endeavour and embarked on financial mobilization for geothermal development in its concession area in Kedong Suswa area.

However, both the Maasai community members from Suswa area and the Turkana groups from Olorropil and other nearby villages disagree with AGIL's ESIA report alleging that the ranch is free from human habitation. The three 'Turkana' villages (which include a mixture of different ethnic groups comprising of Turkana, Samburu, Kisii, among others), totalling about 2000 people, all reside within the ranch.¹⁶⁶ They claim to be descendants of farm workers who had worked in Kedong' Ranch since it was started in the 1950s and at the onset of the 999 year leasehold period (as discussed in chapter 2). The workers were therefore dispersed after the ranch wound up its operations in early 1990s. The majority of the former farm workers and their families continued inhabiting some sections of the expansive ranch, carrying out some livestock farming, sand harvesting and sometimes charcoal production as a means of survival. There are also exclusive Maasai villages inhabiting the southern part of the ranch near Mt. Suswa and they all graze their cattle on the land and undertake sand harvesting activities there. Besides, the Maasai lay customary and historical claim to the land, arguing that it was part of the former "white lands which should naturally revert to the community after the departure of settler", as argued by Simon Sipai, interviewed on 18th December 2019. While the change of ownership in the 1960s should not be considered as problematic to these claims as from the Maasai perspective, they have persistently pressed for reparations and pushed to wrestle ownership of the area from Kedong' Ranch Ltd. as the legally recognized owners of the land.

To that end, the Maasai community, especially from Suswa area bordering the southern part of the ranch, has contested ownership of this land for years. The first case against Kedong' Ranch Ltd was filed by the Maasai community in 2010 at the Nakuru

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¹⁶⁶ Interview with the Turkana Chairman on August 17th, 2019 at Suswa.

High Court.¹⁶⁷ They wanted the court to safeguard them from being evicted by acknowledging their entitlement to the land by both customarily and by adverse possession. This, however, failed as the judge ruled that the petitioners have failed to prove possession, thus:

The burden of proving possession lies with the plaintiff in a suit such as this. The plaintiffs failed to discharge the same.... I therefore find that the plaintiffs have not been in possession or occupation of the suit land as they allege. It follows therefore, that all the other issues collapse. One of the cardinal duties of a plaintiff in a suit for adverse possession is to prove possession of the suit land. Having failed to demonstrate possession, the suit must fail.¹⁶⁸

The Maasai community, with the assistance from local organizations, hired lawyers to file subsequent cases, including a constitutional petition filed in 2014¹⁶⁹ (that alleged violation of various constitutional provisions, including contemplating eviction possibility, in which case there would be great violation of their rights to dignity, education, housing or health, and a right to a clean and healthy environment), also failed to hold. A ruling made on 24th September 2015, concluded that “the petitioners have failed to demonstrate any infringement of their constitutional rights by the respondents”.¹⁷⁰ But the Maasai did not passively accept the court’s outcome or let the said land go uncontested. In as much as they couldn’t convince the courts on the basis of adverse possession, they sought temporary injunctions to bar them from possible evictions to at least buy time to follow up on other avenues, such as political negotiations. But even that injunction was not easy coming as the ruling made on 8th December 2016¹⁷¹ declared in part, “Much as

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¹⁶⁷ High Court at Nakuru in Civil Suit No. 21 of 2010.

¹⁶⁸ Parkire Stephen Munkasio & 14 others v Kedong Ranch Limited & 8 others [2015] eKLR.

¹⁶⁹ High court at Nakuru, HCCC petition no 57 of 2014 (see, <http://www.kenyalaw.org>, Page 18/18).

¹⁷¹ Parkire stephen Munkasio & 14 others v Kedong Ranch Limited & 8 others [2016] eKLR.

the applicants raise alarm that they stand in imminent danger of eviction, torture, and violation of rights in the process of forcible ejection from the suit land, they have not placed before us any evidence that they are in occupation or possession of the same. One cannot be ejected from where one is not in the first place” (Ibid:8). Their claims have been doubted by the courts because the Maasai pastoralists bordering Kedong’ ranch on the southwest side near Suswa have not moved in to stay permanently. Instead, they either move in the livestock for daytime grazing or migrate seasonally into some parts of the ranch only to retreat when the weather is favourable. In the recent years, however, there have been gradual permanent settlement taking place on southeastern side of the ranch, but this has not happened long enough to convince the courts on adverse possession-based claims.

Efforts to mobilize political support by leveraging the political influence from Maasai politicians from Kajiado and Narok were futile. According to the activists, their efforts to push political leaders to support the processes both financially and/or in-kind was either turned down outrightly or tactfully evaded. The human rights activist, Ole Kerenke (interviewed on 29th August 2019 at Suswa), criticizes political elites as “reactionary rather than strategic” in their engagement with stakeholders, especially the government agencies. The unsuccessful political strategy coupled with continued loss of court cases because of the inability to demonstrate adverse possession may have informed another dramatic strategy that was undertaken by a section of the community’s leadership. Some members of the committee opted to negotiate with Kedong’ Ranch for an out-of-court settlement. To that end, a deal was hatched, and a consent agreement was signed on 16th May 2019. The terms of the consent were that the petitioners (Maasai) would withdraw pending cases at the court of appeal while Kedong’ Ranch on their part agreed to cede 4,000 acres (out of the 76,000 acres) to the community and 10 million shillings

(approximately USD 100,000) as compensation. The community is then expected to “immediately vacate the ranch peacefully, otherwise they will be forcefully evicted”, read some part of the consent.

Although this action resulted in immense tension and division within the community (see the vignette at the start of this chapter), for many it seems to be the practical way to go forward to claim some of their “rights” as the last resort after the other options have failed. While the four leaders were accused of not consulting the larger community and ending up taking “so little too late” as one of the opposing committee members puts it, the accused defended their action saying, “It was the only option on the table after the political activist and court cases, failed to work”. Besides, there was already pressure building up to evict the Maasai at the south-eastern part of the ranch where the Standard Gauge Railway (SGR) goes through and some sections are already earmarked for the development of a dry port and industrial park.¹⁷² Apparently, the community is sandwiched by powerful interests radiating from both the geothermal activities in the northern part and the SGR-related developments in the southern part. The fact that the community is now divided on the approach to take to address the issue made them even more vulnerable.

By the end of 2019, the heavy machinery was rolling, pulling down some of the homes (see figure 9) in some parts of Kedong’ ranch to coerce the community members to occupy the 4,000- acre parcel ceded by the company. They however refused to budge and instead resorted to demonstrations and closure of the busy Nairobi-Narok road, hoping to slow down the demolitions and attempted evictions. However, fencing off the land

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¹⁷² See <https://www.the-star.co.ke/business/kenya/2019-12-22-naivasha-dry-port-opens-for-cargo-amid-concerns-about-is-viability/>, retrieved on 2nd January 2020.

continued, with 9-meter-deep trenches excavated around the perimeter of the property, closing in tens of households (see Figures 18 and 19). While a faction of the community moved to court in November 2019 to block the fencing-in and looming evictions, the ruling was not quick coming and its urgency was affected by Covid-19 pandemic which shut or slowed down court proceedings. As the case drags in court, its urgency notwithstanding, the trenching and fencing of the land in question goes on unabated, sending a signal to most of the Maasai involved that the ‘untouchables’ (the national political elite) are at work.

Figure 18: Deep trench and fortified fence delineating part of Kedong’ Ranch

Source: ‘Save Kedong’ Network whatsapp group, 15th November 2020

Figure 19: Demolitions within Kedong' community settlements.

Source: 'Save Kedong' Network whatsapp group, 20th Nov 2020

Relative to their RAPland counterparts, the Kedong' Maasai suffered disproportionately at the hand of investors and government operatives because of their inability to legally prove entitlement to the land. While this does not take away their historical and customary rights to the land and their longstanding usage of the land and its other resources, their claim was not considered strong enough to convince the courts. But like Ngati Ranch case, the Kedong' Maasai also lacked a united and strong political leadership to help sustain the struggle or enter into meaningful negotiation with Kedong' ranch. The community committee became equally disoriented, exhausted and vulnerable to the persuasions of the Kedong' and government alliance to withdraw the case and enter into an out of court settlement. The struggle for Kedong' was therefore left to a section of the community led by a coalition of activists determined to claim the land based on historical and customary entitlement. They have been using various means including demonstrations (blocking roads) to attract media attention, judicial means, including the

international court systems, and arguing for international IPs' rights approach on reparations and settlement of historical injustices.

We can therefore make some inferences from the two cases and conclude that legally recognized land tenure supports the community's entitlement and heavily influences the outcome of their engagement with investors and government agencies and the extent to which compensation and benefits should be claimed. RAPland Maasai succeeded to a certain degree because they won their land claim cases, while the Suswa-Kedong Maasai failed because they could not demonstrate their legal entitlement to the contested land. As such, the latter risk eviction with little or no compensation (as the case of Olorropil discussed below) regardless of whether or not they have an alternative land to move to.

Turning to the courts to seek justice has proved futile in many instances. However, the corridors of justice have proved to be an ideal site for alliances to take shape as different institutions align themselves to defend their interests. The charge sheets always depict who is against who, and in most cases, you will find the community representatives on one hand against a contingent of up to six institutions categorized as 'interested parties'. This becomes disadvantageous to the community when it comes to financial resources, political will power and access to information which this powerful assemblage of institutions has in plenty. Often the community (as plaintiffs) lose the case on technical grounds with counter cases instituted which, in most cases run parallel to each other in different courts in different cities. Most of the community leaders interviewed believe that their lawyers are sometimes compromised, and they also have little faith in the judges. They also feel the courts' discretion to base their rulings on adverse possession alone, without considering other factors such as historical and customary ties, is narrow decision designed to deny them justice.

5.3.3 Non-Maasai evictions at Olorropil village

Olorropil village lies adjacent to RAPland but within Akiira 1 concession area (approximately 480 km²) that was carved out of Kedong' Ranch (IAP 2019). The village is inhabited by mostly non-Maasai, the majority of whom are descendants of former Kedong' Ranch workers. On 28th October 2019, a contingent of heavily armed policemen and women descended on a sleepy village of Olorropil, delivering a 5-day verbal notice warning the villagers that they were illegally squatting on a private land and that they should vacate by the end of the 5-day notice. This threat was made real on that Sunday morning of November 3rd, 2019 when government officials and armed policemen burnt down the village sending hundreds of men women and children to scamper for safety. Efforts by the village leaders to negotiate with both the government administration and Akiira 1 were unsuccessful as the armed police carried out patrol for days to ensure that the villagers did not return.¹⁷³ An attempt to secure a court order (by pro-bono humanitarian lawyers) also failed to materialize. Hundreds of evictees spent weeks of rainy days at Olkaria primary school and a local church in RAPland where well-wishers provided them with basic supplies. The evictions were justified by senior government officials terming the residents “bogus squatters” on an “economic sabotage” mission to obstruct government’s development initiatives with an intention to demand compensation (Kenya News Agency, October 30th, 2019).

This swift and brutal eviction may have occurred due to several factors, including this community’s lack of political back-up (since this is a minority within another marginalized group) and its lack of capacity and resources to pursue legal justice. And so, unlike their RAPland counterparts or the Kedong' Maasai, this group could not even

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¹⁷³ See <https://bankwatch.org/blog/kenyan-village-burned-down-weeks-after-eib-withdraws-from-energy-project-planned-at-the-same-place>, retrieved on 12th December 2020.

attempt to demonstrate ancestral or adverse possession of the said land by legal means. Therefore, Akiira and the government agencies were quick to extinguish their claim, albeit in a crude way. Although there are legally established procedures to evict a group of people under the land acquisition and resettlement policy (Government of Kenya 2009), this was never observed or applied in the case of Olorropil villagers. Non-profit organizations and some civil society activists, however, were quick to rally around the violation of human rights by the geothermal company and the government. Besides advocating for humanitarian services such as provision for basic amenities to the evictees, the human rights discourse around the evictions was scaled up by NGOs and human rights activists, cross-linking it with other significant international players involved in Indigenous peoples' rights discourse. Bank Watch, for example, authored a petition, signed by various IPs activists and organizations on 15th November 2019 to pressure EIB from funding Akiira 1 project on the basis of human rights violations. Lotte Hughes, a researcher published articles that critiqued geothermal financiers, poking holes in their own policies, laying bare their inconsistencies and contradictions in their application (see, e.g Hughes 2020).

5.4 Scaling up rights-based contestations and building global protest movements

A national dialogue workshop on the rights of indigenous communities and extractive industries in Kenya, held on 7th-8th October 2019 in Nairobi and organized by the African Commission on Human and Peoples' Rights (ACHPR), underscored the emerging antagonistic relationship between extractive industries and human rights. The dialogue was premised on the outcome of the study the ACHPR published (2015) based on research carried out across Africa which established that "extractive industries pose the

greatest challenge to the land rights and survival of indigenous communities' culture and way of life in present day Africa" (Ibid:32). Bringing together major stakeholders, including government officials, private sector representatives, civil society groups and community representatives, the forum confirmed that both the failure and reluctance to apply existing laws that regulate the activities of extractive industries are a threat to the rights of indigenous communities, including their right to land, consultation, fair compensation and access to equitable benefits.

The recommendations of the ACHPR study and the national dialogue resonate with localized studies carried out in Olkaria. In the course of 2019, a number of academic and non-academic studies carried out by civil society groups were ongoing in the Olkaria and Suswa landscape. A study by the University of Sussex's Institute on Development Studies (IDS), pursued within a program on 'seeing conflict at the margins,' examined the conflicts that emerge around large scale renewable projects. This was part of a larger research project that also encompasses Lake Turkana Wind Power in Marsabit County and some renewable energy projects in Mozambique, in which I also participated. Using a mixed method approach, with an emphasis on participatory video, the research team had thus far established that large-scale resource developments have reinforced and intensified long-standing struggles around public authority, community autonomy and environmental justice in marginal areas. These struggles have in most cases resulted to new and emerging tensions, protests, disputes, and inter- and intra-community violence.¹⁷⁴ Alongside the IDS research was another study carried out by the International Accountability Project (IAP)¹⁷⁵ to determine the extent to which the Akiira project is impacting on the local community. The report's findings indicated that the participation of, and consultation with,

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¹⁷⁴ See www.seeingconflict.org, retrieved on 25th February 2020.

¹⁷⁵ IAP is an international organization that promotes transparency and accountability around mega-projects financed by multilateral and bilateral agencies, see www.accountabilityproject.org.

communities by Akiira were limited, noting that the appointment and selection of the community representatives forming a committee was not done in a transparent way, hence compromising the principle of free, prior and informed consent (IAP Report November 2019). These findings were corroborated by a brief study undertaken in June 2019 by Bank Watch, a human rights organization that monitors EIB-funded project impacts on local communities. In this case, EIB was on the process of appraising 1.3b Euros funding for the Akiira 1 project (Schade 2017). A report by Bank Watch¹⁷⁶ established that the rights of local community members will be severely impacted should the project proceed as currently designed.

On the basis of these findings, IAP, Bank Watch and IDS research team members petitioned (albeit separately) EIB to reconsider its financing through Akiira Geothermal Limited (AGIL) for the Akiira 1 project until the community concerns are addressed. EIB was urged to reconsider commissioning a new ESIA and to audit the human right situation of the impacted communities before approving the project. Furthermore, the petitioners argued that any resettlement scheme should be in line with EIB's standards (Antonowicz-Cyglicka 2019).

The mounting pressure finally succeeded, and EIB posted a memo indicating that “due to engagement with affected communities and civil society groups about human and environmental rights concerns, the European Investment Bank is no longer pursuing a €155 million (\$192 million) loan for the Akiira I Geothermal Power Plant in Nakuru County, Kenya”.¹⁷⁷ The additional EUR 155 million EIB loan meant for the project was also affected by the new developments, citing viability and environmental concerns

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¹⁷⁶ <https://bankwatch.org/about>, retrived on 17th January 2020.

¹⁷⁷ <https://medium.com/@accountability/community-campaign-leads-the-european-investment-bank-to-withdraw-from-geothermal-project-in-kenya-2348c76748a2>, retrieved on 15th Dec 2019.

(IWGIA 2019). While these decisions came as a setback to the development of Akiira, it was a big relief for the affected communities, especially RAPland, Suswa and Olorropil village members who were to be directly affected by the project. Interaction with affected communities shows the important, even vital, role that intermediary institutions – either national or international level – such as NGOs play in leveraging their technical capacity to effectively engage the bilateral financiers with factual and empirically proven data. Through the presentation of such evidence, the multilateral development banks (MDBs) and, often through them, government agencies are compelled to take community allegations seriously, especially when corroborated by credible international organizations and research institutions whose research results are often validated by the affected community members and their institutions. While international organizations leverage their technical capabilities and access to information, community-led organizations take both a litigation and political approach at the local and international scales to advocate for their rights. Sustained international advocacy, therefore, has produced an ‘Indigenous Identity’ (Hodgson 2004), which has less to do with generic ascriptions but everything to do with creating a platform through which their grievances are advocated.

5.5 Conclusion - Indigeneity as a tool of engagement in the global arena

Every year since 2004, Indigenous Peoples (IPs) converge in New York at the UN headquarters to discuss matters that are common to the people occupying the most marginal and fragile corners of the globe. Fragility is not only ecological, but also socio-cultural and economic. The convergence of thousands of “IPs” – referred to in diverse politically correct terms such as aboriginals, minorities, First Nations, etc. – representing over 370 million others (IWGIA 2017) brings them face to face with global leaders whose decisions shape international development. The UN Permanent Forum on Indigenous Issues (UNPFII) has provided an unprecedented platform through which IPs participate in

global affairs, especially defending and advocating for their inalienable rights. The discussions centred around common themes that have played a significant role shaping diverse policies, particularly those touching on development, conservation, cultures and environment. Maasai-led indigenous organizations¹⁷⁸ have been at the forefront of this activism at the global scale, mediating and shaping a policy trajectory on contemporary and emerging issues including extractives and climate change. By taking their struggles closer to the doors of international agencies, the IPs have raised their concerns to challenge and redefine the manner in which projects are carried out in their respective territories.

These global debates have not only yielded the historical UN declaration on Indigenous Peoples' Rights,¹⁷⁹ which defines the irreducible minimum baseline on which governments and other agencies engage with IPs but have also immensely contributed to the framing of MDBs' operation policies and guidelines in regard to IPs and development. For example, the World Bank policies relevant and applicable to IPs' issues, which include Indigenous Peoples (Operational Policy 4.10), the Policy on Cultural Heritage (OP 4.11) and the Policy on Involuntary Resettlement (OP 4.12), have been immensely enriched by IPs' debates and demands. Similarly, the EIB's Environmental and Social Principles and Standards (ESPS) is cognisant of IPs' rights, specifically articles 55 and 56 that refer to the UN Declaration on the Rights of Indigenous Peoples, including free, prior and informed consent.¹⁸⁰ Both institutions, therefore, involved in financing the geothermal

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¹⁷⁸ The most active Maasai institutional participants are: Mainyoito Pastoralists Integrated Development Organization (MPIDO), Indigenous Livelihood Enhancement Partners (ILEPA), Indigenous Movement for Peace Advancement and Conflict Transformation (IMPACT), and the Indigenous Information Network (IIN), among others.

¹⁷⁹ The Declaration on the Rights of Indigenous Peoples (UNDRIP) is a non-legally-binding resolution passed by the [United Nations](#) in 2007. It delineates and defines the individual and collective [rights of Indigenous peoples](#), including their ownership rights to cultural and ceremonial expression, identity, language, employment, health, education and livelihoods among other issues.

¹⁸⁰ Article 52 states: "All policies, practices, programmes and activities developed and implemented by the promoter should pay special attention to the rights of vulnerable groups. Such groups may include

projects in Olkaria and Suswa have no shortage of policies and safeguards to cushion the PAPs from unfavourable impacts. It is therefore ironic that despite the legion of policies and legislation both at the national and international level, communities are still struggling to entrench and safeguard their rights and entitlements at home (Hughes and Rogei 2020).

Such was the irony that both EIB and the World Bank found themselves in during the RAPland mediation process. In one of the RAPland youth focus group discussions held on 22nd July 2018, those present reported how the mediation team was put on the defensive, in one of the local dialogue forums, finding it hard to explain why and how they breached their own policies, especially those applicable to IPs. “We told them point blank that their policies are useless if they seem so beautiful on paper but are not applied on the ground....it is as good as useless”, declared one of the youthful activists. Internationally, NGOs and researchers pose similar pressure to institutions financing geothermal in Olkaria criticizing them of double standards in the application of their IPs’ policies. IAP, for example, published a report on the community-led research regarding EIB’s activities in Olkaria and pointed out that the financiers are failing to uphold the basic rights that ought to be applicable to the PAPs (see, IAP report 2019). IWGIA on the other hand, documented that IPs’ rights as enshrined in the UNDRIP should be upheld by both the government and the UN agencies including the World Bank that is financing most of the mega projects such as Olkaria geothermal. (IWGIA 2019).

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indigenous people, ethnic minorities, women, migrants, the very young and the very old. The livelihoods of vulnerable groups are especially sensitive to changes in the socio-economic context and are dependent on access to essential services and participation in decision-making.” Article 53: “Where the customary rights to land and resources of indigenous peoples are affected by a project, the Bank requires the promoter to prepare an acceptable Indigenous Peoples Development Plan. The plan must reflect the principles of the UN Declaration on the Rights of Indigenous Peoples, including free, prior and informed consent to any relocation” (ESPS 2009:18).

In analysing the possible failure of the Bank during the due diligence process, the EIB-CM took into consideration the World Bank's relevant project appraisal policies, including the Operational Policies and, in particular, the Environmental and Social Handbook (Koisaba 2017, Schade 2017). The EIB-CM (complaints mechanism) believed the findings of the World Bank-Inspection Panel of independent experts concerning OP 4.12 are fully applicable to the EIB-CM's investigation, taking into account the regulatory framework that obliges the EIB and the promoter to implement the resettlement according to the relevant World Bank policy framework (EIB Report 2015).

According to the findings therefore, the project only partially succeeded in implementing the resettlement in line with the World Bank's OP 4.12 on Involuntary Resettlement (Schade 2017, Hughes and Rogei 2020). It also emerged that the World Bank's Operational Manual 4.10 on Indigenous Peoples was never triggered and therefore was not applied. Had it been triggered, it would have ensured higher standards of special consideration regarding land, benefit sharing and consultation (IWGIA 2019). This led to insufficiently informed consultations, a lack of cultural compatibility of the resettlement area and a failure to arrange benefit sharing from the commercial development of natural and cultural resources (Antonowicz-Cyglicka 2018).

The 16th session of UNPFII held on 24th April to 5th May 2017 in New York, with a special theme celebrating the "Tenth Anniversary of the United Nations Declaration on the Rights of Indigenous Peoples: measures taken to implement the Declaration",¹⁸¹ provided an opportune moment to hold the World Bank accountable on the RAPland involuntary resettlement case. During a meeting held at the World Bank's New York office on the fringes of the main UNFPII conference (which I attended as part of the

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¹⁸¹ See <https://www.un.org/development/desa/indigenouspeoples/unpfii-sessions-2/sixteenth-session.html>, retrieved on 15th December 2019.

Maasai delegation but also as a researcher), the Maasai delegation demanded to know why the Bank's OP 4.10 was never triggered. While admitting that it was a mistake that the policy was not triggered, the Bank representatives tended to pass the blame to the Government of Kenya, with one official saying:

You know we work with and through the governments. They are the owners of the bank. And Kenya wanted all people affected by the project to be treated the same, as Kenyans, with none given special preference over the other. But we have since addressed this issue and going forward in subsequent projects, the OP 4.10 shall apply to the Maasai.

Hiding behind the Kenyan government, which is known to be openly opposed to matters 'Indigenous', was the smartest way for the Bank to evade this accusation. In a follow-up to this particular issue, a research team working with IDS on the 'Seeing Conflict Project' in Olkaria, sought clarification from EIB on the said inconsistencies. A response sent to the team (which I am part of) on 30th April 2019 indicated that the decision was informed by the changing Maasai lifestyle (becoming more 'modern') which makes them less indigenous as per the UN definition of IPs. When asked to explain why the EIB did not regard Maasai people as indigenous, the EIB correspondent said in part;

At the time of the appraisal in 2009 these communities did not fulfil all 4 criteria of an indigenous way of life, as required under the World Bank O.P. 4.10. Their means of existence were not homogeneous, in that they were not only land-based, and their production was not primarily self-sufficient. E.g. the Cultural Village on its own certainly did not fall into this category on the basis of its income-generation model. Also, a significant number of families that have been resettled had casual wage-earning members at the geothermal business.

In addition, the correspondence also indicated that another reason as to why the bank did not trigger its indigenous policy during the appraisal phase in 2009 was in order to avoid aggravating 'tribal tension' in Kenya, in the wake of post-election violence in 2007-08; and that the EIB did not 'consider the affected people to qualify as a

vulnerable community'.¹⁸² Such nuances and manoeuvres can be interpreted to mean that the MDBs are redefining indigeneity, and by extension remaking new identities which has a bearing on IPs' rights of belonging and entitlement. These fears were corroborated slightly more than a year later by an online story regarding the World Bank assertions that they will no longer consider the Maasai to be 'indigenous' in their subsequent engagements.¹⁸³ This was widely condemned by a larger section of the Maasai NGOs, but the World Bank never came out publicly to firmly deny or affirm the allegations.

Another smarter strategy that has recently been employed by the World Bank is roping in and taking the civil society under its 'financial wings' by financing their activities. In the recent past, there has been an increased trend of the World Bank financing NGO activities, especially those that have been proactively involved in IPs rights. For example, MPIDO, a human rights organization renowned for its IPs advocacy in Kenya which has also been proactive on Olkaria affairs, has been a recipient of World Bank grants meant for the capacity-building of IPs in Africa regarding REDD+ and climate change adaptation.¹⁸⁴ Other indigenous organizations are also receiving money for various activities. Whether or not such organizations have toned down their activism as a result of such an alliance remains an investigative question for another day. However, it is common understanding that it will not be easy for them to freely critique a partner institution entangled in the powerful web of institutional assemblages. Nevertheless, by financing and subsequently subduing civil society, the government and the private sector, the World Bank positions itself as a powerful umbrella institution, capable of pulling

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¹⁸²See <https://www.eibinafrica.eu/the-forgotten-struggle-of-kenyan-indigenous-people/>, accessed on 17th August 2019.

¹⁸³ See https://www.ippmedia.com/en/news/world-bank-deletes-maasai-indigenous-people%C2%A0identity?fbclid=IwARlreaP8XIMxSdVIR_U0qDEEAR9i7EfkTS8RQIxCfxhjrTo2F9mqgiF9Eso, accessed on 15th Dec 2020.

¹⁸⁴ www.mpido.org, viewed on 17th March 2020.

together an assemblage of institutions glued by common interests and hence promote its version of development. Amid this grand coalition, the Maasai and other communities will likely be at the mercy of investors and government agencies and their definition of *maendeleo*. Such is the case in Kedong’ ranch where evictions are looming and the future of its Maasai and other residents, despite a legion of protective policies and legislation, hangs on the ingenuity, bravery and determination of the community’s zeal to keep fighting the powerful assemblage against it.

The struggle for belonging in Olkaria landscape is convoluted, multi-layered and complex. The pursuit for the redress of historical injustices has been a rallying point for the Maasai in this area. Over the decades, they seemed to have gained ground, moving in and occupying mainly Ngati and lately, also Kedong’, giving them an upper hand over the absentee landlords – at least for a while. This move was attributed to the focused leadership of yesteryears, where some interlocutors agreed that the former powerful cabinet minister and MP for Narok North, William Ole Ntimama, encouraged the Maasai to occupy the land, “as that was the only sure way of possessing it”. They also rode in an active civil society activists and NGOs sector which pulled in international networks to built formidable alliances to make demands based on IPs rights. This culminated in the historic 2004 movement demanding restitution of over 1 million acres of the former white highlands currently occupied by descendants of colonial settlers (see chapt 2 above). The two decades between 1990 and 2010 saw the community gaining more power and expanding in an attempt to occupy these contested landscapes. But things took a different turn beginning in 2000 when geothermal extraction became a lucrative venture in the area. As a form of green energy and therefore a potential solution to global warming, geothermal attracted colossal amounts of external funding, government support and political goodwill for the private sector to thrive. In the last two decades, therefore, an

assemblage of institutions, laden with power and dominance, has been forming, determined to reverse the gains made by the community and its alliances over the decades. This is happening through expansion of geothermal extraction, development of mega-projects such as the SGR, industrial parks, etc., which, inevitably shall displace the Maasai unless new pathways of resistance are found.

CHAPTER SIX

CONCLUSION

“My father told me that Oloiboni Olonana prophesied that the Maasai living around these three mountains [Mt. Suswa, Mt. Longonot and Olkaria Hills], will go through a lot of tribulations but in the end, they shall triumph” Shaa Ole Kiloku, interviewed on 16th June 2019 at Narasha

On 15th September 2020, Simon Ole Nairenke called to inform me of an impending demonstration to take place in Suswa. He told me of the new Kedong’ community committee plans, for the umpteenth time, to mobilize community members to block the busy Nairobi-Narok road, this time, protesting the death of a 9-year old girl. Nasinkoi slipped and fell in a 9-feet trench dug by Kedong’ Limited, circumventing a section of the community living within the ranch. As discussed in the previous chapter, Kedong’ ranch is a contested land with an ongoing court case restraining Kedong’ Limited from evicting community members until the case is heard and determined. Meanwhile, Kedong’ has resolved to digging deep trenches around the property, closing in hundreds of families and their livestock, literally creating a fenceless detention. Trenching is an ‘invisible’ and ingenious form of fencing which, unlike the conventional fences, is not susceptible to vandalism. To refill it, heavy machinery needs to be mobilized, a fact that is far beyond the community’s ability. Another logic for trenching, according to Ole Nairenke, is to frustrate livestock mobility, putting them at risk of either starvation or even death by falling into the deep trenches and by doing so, nudging the community to move out without necessarily being too confrontational. This approach, however, took a different turn upon the demise of Nasinkoi Nkukuu died on the night of 14th September 2020. Nasinkoi and her peers were out tending livestock when she accidentally slipped and fell onto the deep gully. The loose volcanic soil forming its banks collapsed burying her alive.

Once her peers raised a distress call, it was a race against the first approaching darkness and by the time rescue arrived, it was too late to save her. She passed on. Without much recourse, the agitated community members took to the highway, blocking the traffic flow and engaging in running battles with the police. Several people were injured, and others arrested. In a few days that followed, the committee leaders were arrested with what was widely seen as trumped up charges against them. One of the community leaders told me on the phone on 17th September 2020:

It is obvious that we are being intimidated. Just the other day, the entire administration in charge of security in both Narok and Nakuru counties held a meeting in Suswa. They gave clear instructions that the government will be ruthless in dealing with anyone blocking the road. We obviously disagreed with them as it is our right to picket and demand for our rights. The sad thing is, none of our political leaders has ever come out to support us or condemn such heinous acts including trenching that killed Nasinkoi. Nasinkoi is now our “Floyd”¹⁸⁵ and we shall rally around her demise to make our plight known both in Kenya and globally, because just like the black Americans, the Maasai are unable to breathe. We will not accept to be moved out of Kedong’; it is our ancestral land and we have nowhere else to go!

The precarious situation in Kedong-Suswa is the latest *maendeleo*-related challenge emanating from this geothermal rich locale. Meanwhile, the situation in Olkaria’s Olomayiana and Narasha villages is not at ease as prospects for more plants (KenGen’s Olkaria VII) intensify. The displaced community members resettled at RAPland continue to cry foul even as mediation process meant to indemnify the Project Affected Persons (PAPs) comes to a close (Hughes and Rogei 2020). On the same breath, Mt. Suswa is bubbling with uncertainty, especially after the Geothermal Development Ccompany/Kenyan government won a dispute case against WalAm Energy,¹⁸⁶ making it a

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¹⁸⁵ George Floyd was arrested and died under the police custody in Minneapolis USA on 25th May 2020, eliciting a worldwide clamor for justice under the banner “we can’t breathe” – a clarion call depicting a race-related oppression against tBlack people everywhere. See <https://www.nytimes.com/2020/05/31/us/george-floyd-investigation.html>, retrieved on December 27th 2020.

¹⁸⁶ WalAm Energy Inc has taken Kenya to the International Centre for Settlement of Investment Disputes (ICSID) in London for breach of contract over the 30-year lucrative geothermal deal, see <https://www.standardmedia.co.ke/business/article/2001228832/us-firm-sues-kenya-for-pulling-plug-on-sh62b-geothermal-power-deal>, retrieved on 17th Oct 2020.

new frontier open to independent power producers (IPPs) and other investors to explore and install geothermal projects. Here, conservation and pastoralism are at stake, including the latter's spiritual-cultural importance to the Maasai. A section of the community members felt that intensification of geothermal development will deconsecrate the mountain highly regarded by locals as 'holy'. Others see it as an economic opportunity presenting itself and, "since we cannot obstruct the power of geothermal and the force behind it, we better figure out how to benefit from it, in a smarter way than what happened in Olkaria", said one of the proponents of a Maasai-led geothermal company (interviewed via phone on 15th November 2020).

The towering Mt Suswa and the picturesque Olkaria hills encompassing the low-lying plains between them conceals generational and ongoing contestations over ownership, control and belonging. This thesis has attempted to trace not only the winding course of struggle over these lands but also the disruptive development that has threatened community livelihoods, violated their rights over access to and control over resources, as well as the human and non-human plight of displacement and/or decimation. By piecing together, the historical tapestry of land dispossession, I have attended to Maasai history and their experience with colonial and neo-colonial dynamics that have informed and shaped the Maasai *enkishon* philosophy. I also have analyzed how contemporary development, in the form of geothermal development and the associated infrastructure, fashioned and promoted generically as '*maendeleo*,' has disrupted and reproduced *enkishon* in various forms. While *enkishon* has been projected as a chain of interconnected values linking the past, current and future generations, it is better understood when examined against four key *enkishon*-related concepts mobilized in this thesis. To contextualize and remain focused in its analysis, I have used the four main concepts of *enkatini* (historical narratives), *erikore* (leadership), *eramatare* (governance) and *esipata*

(rights) to attend to the broader emerging themes touching on leadership, conservation and rights-based *maendeleo* respectively.

Throughout this thesis, I have argued that development is a foreign concept conceived by the colonial government and ‘indigenized’ as *maendeleo* by the post-independence Kenyan regime to impose a hegemonic change that favors external actors more than the rural poor. This promotion of *maendeleo* further advances social-economic and political domination over rural communities such as the Maasai, in a manner that causes the loss of *enkishon*-based defenses such as *erikore*, *eramatare* and *esipata*. I have argued that development as advanced by and through neoliberal ideals has disrupted *enkishon*, a harmonious, inter-connected set of social-cultural and environmental relations. To conceptualize *erikore*, *eramatare* and *esipata*, I relied on ethnographic narratives in the form of *enkatini* historical narratives to trace the *maendeleo* trajectory connecting the past, the present and the future and what it portends for the *enkishon* of the Maasai community. To that end, this thesis has drawn heavily on political anthropology approaches to amplify the contemporary politics and challenges of development as it relates to the Maasai’s experience with and responses to social-economic and environmental changes. In doing so, I have shown that development discourses unfolding at the global, national and local scales are disjointed at every level. While the local level is the main site for contestation, the national and global scales are hotspots for development ‘friction’ and hence they are critical platforms for contested engagement (Tsing 2001). In this thesis, I examined how these development-induced frictions have disrupted and or impacted the Maasai wellbeing (*enkishon*) and prompted various response strategies by different Maasai communities and leaders. Three key response strategies that stood out - *erikore*, *eramatare* and *esipata* - were discussed in the context of leadership, resources governance and rights-based *maendeleo* respectively.

6.1 The Maasai web of *eramatare* and resource governance

To understand the sanctity and cardinal role of *erikore*, this thesis examined it through the lenses of the Maasai web of *eramatare* – a general governance concept that considers land and natural resources, sustainable livelihoods and social equity. *Erikore* and *eramatare* are intertwined in that the former reinforces the latter producing a predictable and more certain trajectory towards *enkishon*. I used the *eramatare* concept to better understand the community's perspective on the environment in general, and conservation in particular, in a *maendeleo*-centric landscape where mega-development projects such as geothermal are thriving. Ethnographic evidence in this thesis has shown a sense of despair and hopelessness in the community, a fact that many informants attribute to the deterioration of *erikore* and *eramatare*. A key lesson that has emerged is that the broad application of the concept of *eramatare* to holistically take care of the living and non-living members of the environment is fast declining. Instead, this governance has been taken away and placed within the government, taking away responsibility from the community and assigning it to specific institutions, in this case Kenya Wildlife Service (KWS). Through conservation policies that tend to promote wildlife separation from people, a rift was created, setting up people against wildlife and vice-versa. By purporting (but failing) to compensate damage or loss of life inflicted by wildlife on people or their livestock and property, these government institutions made the human-wildlife relations even worse. The frosty and worsening human-wildlife relations partly informed the conception of community-based conservation (CBC) approach with a view to reconciling the two. Most of the CBC projects are found in pastoralist areas where the livestock-wildlife mosaic overlaps and wildlife-based benefits are expected to trickle down to the host communities.

While this study does not explicitly examine the successes or limitations of CBC as a conservation approach, it does contribute significantly to the broader debates around conservation in general and its place in the government's development agenda. Both the CBC and fortress (exclusionary) conservation models provided an important backdrop against which conservation and *maendeleo* are examined in this study. While the latter has been widely criticized by social scientists and community activists as unethical and unsustainable (see, e.g., Maki et al 2016), the former was fronted as savior for both the wildlife and communities. However, other studies have also argued that while CBC is a better option, it has increasingly become difficult to sustain, especially because of its financial incentivization philosophy (Western et al. 2020). Besides, various studies (see, for example, Fox 2017, Mbaria and Ogada 2017) suggest that this model gives control to external agencies under the guise of private-public partnerships. Backed by government policies, the active role of these external agencies is justified by the old tropes of scientific conservation knowledge, their putative technical know-how in managing conservation enterprises, their connection with tourism market networks and 'expertise' in community capacity building. Such narratives and practices remove the community from their *eramatare*-based knowledges, control, governance sovereignty and apportion the same to other conservation actors. As such, most conservancies endure some form of friction and conflicts. Most of the complaints range from lack of transparency, reneged promises of economic benefits, loss of land (and limited access to critical resources) to governance issues (Fox 2017, Lugusa 2019).

Regardless of its shortcomings, and as discussed in chapter 4, CBC is still a preferred approach (perhaps for lack of a better option), especially when compared to fortress conservation. Fortress conservation is informed by a school of thought believing that people are a threat to wildlife's continued existence and should therefore be closed-in

for safety. This highly exclusionary model comprises of highly guarded national parks and game reserves, meant to close out anybody else except tourists. The recent trend of *maendeleo*, however, seems to contradict this logic. Opening protected areas to development projects is, according to the local community's perspective, *eramatare* gone wrong.¹⁸⁷ While KWS and the development partners insist that Environmental Impact Assessments (EIAs) carried out guarantees wildlife health and continued existence, it is evident from this study that this is not always the case. This study has shown that heightened industrial activities in protected areas such as HGNP tend to push the wildlife into community spaces, further exacerbating human wildlife conflict. While this phenomenon may reinforce the need for more CBC initiatives to accommodate wildlife 'refugees', it poses a major conservation challenge, especially because KWS, and the government in general, are critical players in the national conservation discourse. In the Olkaria ecosystem, the wildlife displaced by geothermal in HGNP briefly found a haven in ranches, especially the expansive Kedong' ranch, nearby community spaces and Mt Suswa conservancy. It is, however, now evident that increased development activities in these spaces, compounded by infrastructural projects such as the new railway, curtail wildlife movement in and between various ecosystems.

From the foregoing, the wildlife, just like the Maasai in Olkaria landscape, are largely victims of development projects originating from and designed by external actors at different scales. The global and national forces advancing the development of geothermal energy, conceived as part of the global warming solution, is simply irresistible at the local scale. Like a powerfully flowing river, the climate change discourse and its intervening activities, are laden with powerful political 'debris' and financial power to

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¹⁸⁷ Several interlocutors refer a protected area as, "*Olale oramatieki ing'uesi*", loosely translating to "an enclosure where wildlife is taken care of". '*Oramatieki*' is a generic verb from the noun '*eramatare*' denoting 'care of'.

which everything else has to conform or be shaped by its flow. At the national scale, an assemblage of institutions (including privatization of public parastatals) and an array of legal/policy frameworks are aligned to grease this capitalist machinery. With guaranteed returns and available financial resources, private companies are shoving and jostling for concession spaces where they can profit from the windfall. In turn, the government stands to benefit from cheap energy to power its economic endeavors. Climate change phenomena, though a global problem, have presented an opportunity to various actors along the supply chain, except at the local scale where the local communities and wildlife are losing out. Both are losing the habitats they need to thrive. Communities are therefore squeezed between the impact of climate change and the impact of green energy, which become a key global answer to climate change. Ironically, while geothermal is presented as clean and greener at a wider scale, communities at the local scale perceive it as a pollutant that has contaminated their water ways, the air, and soundscape through exceedingly noisy well-heads, all of which adversely affect people, wildlife and plants.

While these allegations require further investigation, community voices unanimously agree that the web of *eramatare* that encompasses an inter-connected relationship, linking the human and non-human members of nature, has been greatly compromised. I therefore conclude that for the web of *eramatare* to function, under the current challenges presented by *maendeleo*, both political support and legislative changes informed by communities' aspirations are critical. Noting that policies that affect conservation most likely affect pastoralism (and vice-versa), it makes sense to integrate conservation efforts with community livelihoods. Equally important is the integration of traditional knowledge that draw on cultural values rather than exclusive economics logic to present the motivating factors for conservation. Most importantly, migration corridors connecting various conservation landscapes need to be formally demarcated and legally

acquired - compulsorily if need be, but with fair compensation to the land owners - in the same manner land is acquired for mega-infrastructure such as SGR. These corridors will not only be invaluable for wildlife migration but will inadvertently favor pastoral livelihoods, cushioning them against the adverse effects of *maendeleo*. For now, it is indubitably correct to argue that conservation, often promoted by the government as a national heritage, is in practice, subordinate to development. Therefore, the intensification of human and mechanized activities in wildlife protected spaces suggests that wildlife, according to the government authorities, is not hinged on *eramatare* principles as the Maasai perceive, but rather on forms of economic logic pegged to returns on investment.

In chapter 4, I attempted to answer Tsing's (2001) question of whether there is a locally appropriate way to promote conservation. While I may not have exhaustively provided the ultimate solution, I have, based on the experiential circumstances intersecting geothermal and conservation in Olkaria-Suswa landscape, contributed to the ongoing debates in this area. While CBC was probably a great idea at its inception, it has over time proved that it has its own limitations. This includes emerging conflicts over resources, lack of transparency, especially in the context of partnership models, and, most importantly, its failure to offer a sustainable alternative to other livelihoods such as pastoralism. It is against the backdrop of these challenges, and those posed by mega-development projects in protected areas, that the *eramatare* concept will be necessary in mediating *maendeleo* - conservation discourse.

At the global scale, another conservation debate aiming to address CBC's shortcomings is taking shape. As discussed in chapter 4, a convivial approach¹⁸⁸ is expected to consider economic "system's structural pressures, violent socio-ecological

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¹⁸⁸The approach proposes a post-capitalist model that promotes radical equity, structural transformation and environmental justice (see Buscher and Fletcher 2019).

realities, cascading [biodiversity] extinctions and increasingly authoritarian politics,” (Buscher and Fletcher 2019:2). While the spatial and temporal extent to which this grand idea may be effective is difficult to determine, it may however intersect and reinforce the web of *eramatare* in two ways. One, it may provide a global frame upon which new conservation policies are shaped, which hopefully, may delink mega-development projects from conservation. Secondly, it may provide another global platform for *eramatare* advocates to champion for wildlife rights (*esipata*) in an attempt to save them from the economic system’s structural pressures and short-sighted political decisions. In other words, the convivial approach may help in asserting international pressure on biodiversity ‘rights’ much in the same way as the global movement advancing the rights of Indigenous Peoples’. Indigeneity, however, has evolved to be a powerful leadership platform that not only advances interests and community rights in a contemporary *maendeleo* setting but is shaping various leadership structures. While the inception of indigeneity stems from the colonial legacy of dispossession and marginalization that persists through the current times (Hodgson 2004), its contemporary application is reproducing identity, self-determination and renaissance of culture in a novel way.

6.2 Erikore, the precarious leadership and the Maasai futures

The process of colonialism has in a great way changed Maasai leadership structures. The ‘new’ administrative systems entrenched and institutionalized into the national structures either replaced or adjusted the traditional system to some degree. For example, some Maasai traditional chiefs double as government administrative chiefs. As such their responsibility transcended the age groups they represent to include the entire community in a given geographical constituency whose boundaries are determined by the government. Some of these boundaries cross those of the *Iloshon*, sometimes causing conflict between community sections. Over time, the traditional-turned-government chiefs

become more loyal to the appointing authority than to the community they serve. As chief Ntakajai (interviewed on June 2nd, 2019 at Suswa) noted, “Sometimes we are forced to make decisions that favour the government more than the community because the government is powerful. Often, we know such decisions are not right or are unpopular with the community, but I am helpless because above me is the District Commissioner, Regional Commissioner and even the President!”. Such powerful forces have continued to shift the Maasai leadership structure, decision-making to follow a trajectory that often disadvantage the community.

Political leadership, running alongside the administrative leadership, is perhaps more dominating. While this was a preserve of the colonial administration, Africans became actively involved in politics a few years prior to independence and their involvement partly contributed to the attainment of freedom from colonial rule. However, the Maasai and many other minority ethnic groups, particularly those residing in marginal areas, had been slow in engaging in post-independence political leadership. The few Maasai elites who participated lacked community-wide support, as most Maasai did not perceive the importance of electoral politics.¹⁸⁹ Over time, political leadership, particularly at the national level, proved to be quite significant as it became the loci of resource sharing. It became a magnet pulling ethnic and regional representation to the centre. Realizing that critical decisions, including land and ownership, control and access to resources, are highly dependent on the political dispensation, the Maasai became incrementally politically active. Now Maasai electoral politics are so important that it is currently a brutally contested process and, according to various informants, a major cause for community division. Divisions have been experienced mainly along clans (*ilgilat*),

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¹⁸⁹ Interview with the late John Keen (by Michael Tiampati) archived at Pastoralists Development Network of Kenya. Retrieved on 22nd April 2018.

sections (*iloshon*) and age-sets (*Ilporori*), where candidates vying for various political positions mobilize their respective sections for support. This has been perceived by many respondents as a major cause for division, further weakening the much-needed unity of purpose that is a requisite for negotiations both at the national and county levels.

Mediating social-economic and political interest has been an elusive endeavour for the Maasai, a fact that is largely attributed to the said divisions. Manifestations of progressive land loss (attributed to skewed policy), diminishing natural resources governance (including wildlife), and the inability to maximumly negotiate for benefits accruing from local resource use are indicators of a passive and incoherent leadership.

So powerful has the political configuration and associated power become that all other leadership structures have become subordinate to it. The traditional and the newly emerging centres of power such as NGO's, churches and *maendeleo* committees¹⁹⁰ – all which play a significant social-economic development role in Maasai communities – are infiltrated into and influenced by political forces. The NGO's, for example, are perceived to be potential planks for political breeding and their leaders are seen (by incumbent politicians) as potential threats. As such NGO and political leaders often oppose each other and rarely gets along regardless of the agenda. The same applies to *maendeleo* committee leaders, especially in areas where benefits from natural resource use or other sources accrue to such groups. This include areas that are still under group ranches (for example Kajiado South), areas that are mostly under conservancies (e.g., areas around Maasai Mara and Amboseli) or areas with prominent presence of mega-projects such as geothermal in Suswa-Olkaria region. In Suswa-Olkaria, for example, committee leaders affiliated to geothermal companies work at cross-purposes with other established

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¹⁹⁰ These include among others conservancy management committees, Group Ranches committees, Project committees such as KenGen's stakeholders' committees, etc.

leadership structures – colluding with them where and when their interests overlap but often colliding with them when not. A case in point is the perennial contestation over the ownership of the expansive Kedong’ ranch. For the last two decades, Kedong’ ranch has been the political rallying point where political leaders – both from Nakuru and Kajiado – pledge their commitment to restitution of the 76,000-acre land. This pledge fizzles out as soon as elections are over, and the cycle repeats itself five years later. The Kedong’ fiasco reached a fever point in 2020 when a section of the committee representing the community colluded with Kedong’ management to settle the dispute out of court. As noted in the previous chapter, the out of court settlement signed on 5th October 2019 indicated that four committee members accepted (on behalf of the Suswa community) 4,000 acres and ten million Kenya shillings (approximately 10,000 USD). In return, the community was to cede approximately 72,000 acres and peacefully vacate the land. Although most of the community challenged this action through judicial and non-judicial means, there was a feeling that political leaders are not standing in solidarity with the community, as summarised by Mark Tinkoi (a community activist interviewed on 15th September 2020):

We have had several battles over Kedong’ for years, even decades. The latest one is, however, the most challenging for various reasons. One, the community is divided with one section supporting the former committee and another supporting the current committee [challenging the action of the former committee]. Secondly, several development projects – including geothermal, SGR (Standard Gauge Railway), dry port, etc. – are quickly unfolding even as the court case is going on. Thirdly, political leaders are not supporting us. This is much of a political struggle because we know the powerful political forces behind the battle, yet our political leadership have remained mute when we need their support most. Now we are on our own.

Without giving up, the community plans to escalate the case by referring to international courts, particularly the Gambian-based African Commission on Peoples’ and Human Rights where they believe they will receive justice. Buoyed by various cases won by Indigenous peoples such as the Ogiek case (see Jeremie and Sena 2018), the

complainants are optimistic that they will find justice away from home and its political interference. However, human and financial resources required for such a case are enormous and this is therefore a major impediment to that end. This begs for NGO guidance and leadership. Yet, such help has not come through so far for this case.

It emerged that the local indigenous NGOs are now cautious in terms of the battles they pick. The Pastoralists Development Network of Kenya (PDNK) has the latest experience of being a victim of circumstances while advocating for the Magadi Soda (Tata Chemicals) case at the UN permanent for Indigenous Peoples in 2019. In a letter addressed to the Kajiado County Government (KCG) written on 18th November 2020, PDNK laments thusly;

We were approached by the KCG to provide technical advocacy services by petitioning the UN and other international agencies against Tata Chemicals LTD which has appropriated over 200,000 acres of community land without gainfully benefiting the immediate Maasai community nor the county government. We gladly agreed. Later, we received backlashes and lost two opportunities of accessing international funding opportunities for our other projects. We later learnt that we have been backlisted courtesy of Tata Chemicals which was part of the donor consortium. We lost a great [granting] opportunity because we stood by the community and Kajiado County Government. It is only fair that the CGK compensate us [PDNK] as a reciprocation for this effort.¹⁹¹

The PDNK director confirms that it will be increasingly difficult for local NGO's to engage in combative advocacy activities. They risk suffering locally through political intimidation and internationally through some sort of 'economic' sanctions. Most of the NGOs, he says, have opted to go slow on advocacy issues, opting to engage with liberal development activities while accepting grants from institutions and donors that they are supposed to criticize. The donors that are financing mega-projects detrimental to the

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¹⁹¹ Due to the local and international pressure pressed against Tata Chemicals, the local tribunal in Nairobi has found Tata Chemicals culpable and ordered them to compensate Kajiado County Government the foregone royalties and losses accrued over the years. According to an interview held with Hamilton Parseina (CEC, Lands Ministry, Kajiado county on 15th Dec 2020), they are still working out the amount of financial demands to present to Tata.

Maasai wellbeing are ingeniously using financial resources to bring various stakeholders under their influence. In Suswa-Olkaria, for example, Akiira 1 geothermal company, holding a concession for part of Kedong' ranch, is supporting Forum CIV,¹⁹² a consortium of organizations 'building the capacity' of the local community in readiness for the anticipated projects. They do so by creating awareness regarding possible impacts of the project. Various community groups have been trained on, among other things, micro-entrepreneurial skills so they can take advantage of the diverse economic opportunities arising from the geothermal activities. The content of such trainings also entails imparting management skills so that the community can better manage *maendeleo* projects supported under the corporate social responsibility (CSR) scheme. While such an initiative may be intended to benefit the community, a section of which consider it as a goodwill gesture, others perceive it as a strategy to bring the community under its control.¹⁹³ Some community activists have singled out CSR as a strategy used by the companies to deny the community actual benefits accruing from exploitation of resources (see also Gilbert and Muthuri 2011, and Cheruyiot and Tarus 2017). During a meeting I attended in Narasha village on 15th September 2019 where the Orpower 4 was sensitising the public on its community engagement policy, participants complained that they never know the annual budget available for CSR projects for purposes of planning and prioritization. While communities' elected committees identify and supervise the CSR projects, companies still have ultimate control and use this as a weapon to reward for loyalty or punish rebellious sections of the community.¹⁹⁴ Yet, most of my interlocutors agree that when the

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¹⁹² The Inclusive Growth Project Through Decent Work is an innovative project based on the Public-Private Development Programme model, which is supported by the Embassy of Sweden in Nairobi and co-implemented by the International Labour Organisation . ForumCiv members include geothermal companies such as KenGen, Akiira 1 and GDC. See <https://www.forumciv.org/int/where-we-work/kenya/inclusive-growth-project>, retrieved on 2nd April 2020.

¹⁹³ Interview with Suswa youth focus group held on 15th April 2019.

¹⁹⁴ This is according to the Narasha (men) focus group discussion held on 17th May 2019.

community is well mobilized with a proactive united leadership, they tend to benefit more from the companies and/or any other development initiatives.

This study has therefore concluded that it takes *erikore* established on *enkishon*-based principles to mediate for sustainable *maendeleo* and its anticipated benefits. This has not always been the case for the Maasai. The near decimation of the traditional leadership structures by the colonial and post-colonial systems and the emergence of a more ruthless political system contributed significantly to the community's vulnerability to external forces. This has been clearly demonstrated by the community's inability to effectively engage geothermal companies in the Olkaria-Suswa area. According to Ole Sencho (interviewed on 5th June 2019), the political leadership is driven by interests other than the communities' interest. For example, he argued that politicians are keen in sustaining the status quo, careful not to disrupt voting patterns while being susceptible to rent-seeking opportunities that often make them compromised.¹⁹⁵ Political leaders remotely participate in decision making, avoiding physical meetings with stakeholders at the community level and are often represented by proxies.¹⁹⁶ As a result, geothermal companies fill the leadership void by establishing new community leadership structures occupied by gatekeepers providing interface between the community and the companies. KenGen, for example, established the SCC, which purely operates under KenGen's terms, hence advancing its interest more than that of the community. More often, there are major disagreements between the SCC and the communities they purport to represent, and which ostensibly elects them.¹⁹⁷ One of KenGen's officials confirmed to me in November 2019 that SCC has not lived up to its expectation and may be disbanded soon. Whether or not a

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¹⁹⁵ This is according to Elders focu group discussion held in RAPland on 16th September 2019.

¹⁹⁶ Interview with one of the senior political leaders confirms that though he was a member of the SCC, he has appointed someone to represent him in the meetings.

¹⁹⁷ Most informants say that election of SCC is coercive, corruptible and has caused major divisions in the community.

new outfit will be designed, this study has found that communities hosting, or bordering projects are neither compensated nor partake of reasonable benefits, a fact that is partly attributed to leadership failure on their part.

Various discussions held with the community members affirms this leadership challenge. Gradually, there seems to be an emerging trend of less friction and more collaboration between the traditional, political and other emerging leadership powers such as churches and, NGOs as well as various project-based committees such as SCC, among others. For example, the younger age-sets (40 years and below) who were perceived by elders to have been culturally ‘lost’ due to education and Christian influence are rebounding back to practice traditional rites of passages capable of producing powerful traditional leaders. Interestingly, the church, hitherto renowned for sanctioning such ‘heathen’ practices, are increasingly mediating these functions, fusing some traditional practices with Christian values with an aim to marry the two; as chief Ntakajai (interviewed on 5th August 2019 at Duka Moja) summarises: “We can always find a common ground, bring together politics, church and traditional practices and agree together what to leave behind and what to take forward. This is the only way we can build a formidable society that can withstand modern challenges”.

This study has established that indeed the community is slowly establishing a common ground on which all these centres of power can co-work and collaborate through what I call an assemblage of local governance institutions. The reconfiguration of these governance structures can produce strong leadership thus enhancing the resilience of the Maasai community as well as reasserting *enkishon* philosophy in a novel way. It is evident that traditional leadership plays a significant role (more than any other form of leadership) in mobilizing and providing unity on matters that need succinct directive. This is because, unlike political institutions, religious organizations and or NGO’s, traditional structures

such as *olporor* (age-group) or *Olaji* (age-set) command authority to and draw loyalty from those who subscribe to it. And because of the interconnected nature of *Ilporori*, the entire community will be bound by decisions made by *inkasis* (age-groups/sets leadership). The recent rebound of traditional practices and the ongoing continuities of enthronement of traditional leadership are a step in the right direction.

Based on my research, I suggest that consolidating community unity is a requisite step creating a successful political alignment both at the county and national levels. This will strengthen their voice in natural resources governance and *maendeleo*-related decision-making processes. Considering that the Maasai have been so politically fragmented along *ilgilat*, *ilporori* and *Iloshon* lines, a section of the community leaders claims that the time is nigh to forestall such intra-divisions. During a coronation ceremony held on 6th January 2021, the Maasai council of elders enthroned Joseph Lenku, currently Kajiado County governor, as a pan-Maasai spokesman and symbol of unity across Maa inhabited counties.¹⁹⁸ Although important to the advancement of the community's interests, this action was, however, sharply criticized by a local political nemesis as 'individualistic' and a mere public relation exercise in search of political mileage. These political differences and individualistic interests and the risk of elite capture are major challenges to be surmounted if negotiation for leadership positions along these inter-sectional lines are to be realized.

'Negotiated democracy', seemingly working in the north-eastern counties of Wajir and Mandera where pastoralist communities experience divisive clan-based politics (Mohammed 2017), may be applicable to the Maasai as well. In Wajir and Mandera

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¹⁹⁸ See <https://www.standardmedia.co.ke/politics/article/2001399257/maasai-elders-confirm-lenku-as-spokesman>; and also, <https://kajiado.co.ke/2020/11/05/lenku-picks-late-ntimamas-mantle-lead-maa-nation/>, retrieved on 10th January 2021.

counties, elders play a significant role in distributing elective positions to respective clans with a view to mitigate the inherent conflicts. While this arrangement has been lauded as a workable hybrid of political and traditional systems, it has received some criticism of ‘elite capture’ by the moneyed clan members.¹⁹⁹ The arrangement generates mixed feelings where others opine it as a threat to democracy²⁰⁰ and others see it as the best win-win model that could continually be strengthened (KHRC 2018).

A similar principle of negotiation could be applied in the case of national political discourse. Kajiado and Narok counties, traditionally belonging to the Maasai, are currently dominated and will soon be overtaken by non-Maasai immigrants. Having permanently settled in these areas, the immigrants have the right to vote and elect leaders under democratic principles hinged on majority rule. By doing so, the minority indigenous people are likely to lose out from political leadership opportunities and subsequently on critical decision-making, including resource governance. This can be a recipe for conflicts which could be avoided by negotiating for key leadership positions. Political alliances and coalitions are common in Kenya’s national politics and tend to accommodate diverse interests (Nyadera et al. 2019). In the post-2012 political dispensation (when the 2010 constitution took effect), some ethnically heterogeneous counties proceeded to negotiate a power-sharing mechanism in a bid to assuage ethnic conflicts (Biniam 2015). One such county is Nakuru. With equal dominance of Kikuyu and Kalenjin communities, they entered into a pact ahead of the 2013 elections to agree on elective positions that each side should be entitled to (Elfvorsson and Sjögren 2020). That could be a possible direction that Kajiado and Narok may take to accommodate the interest of ballooning immigrants.

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¹⁹⁹ <https://www.standardmedia.co.ke/article/2001260767/status-of-negotiated-democracy-in-north-eastern-kenya>, retrieved on 10th April 2020.

²⁰⁰ <https://allafrica.com/stories/201703290106.html>; retrieved on 10th April 2020.

This fact is already predicted in the so-called Building Bridges Initiative (BBI)²⁰¹ that has dominated Kenya's political debate since 2019 (BBI steering Committee Report, 2020). The Maasai memorandum, submitted to the BBI secretariat and drawn from the political leadership across Maasailand, emphasized among other things, the need to secure indigenous leadership rights, currently being threatened by expanding immigrant numbers.

From the recent political debates triggered by BBI, it seems Kenya is heading towards redefining 'democracy' from the hegemonic tyranny of numbers to presumably a mediated process to be formalized through the ballot. The Maasai position of demanding executive leadership positions regardless of being numerically a minority has been boosted by a recent suggestion by the President that the presidential position need to be rotational and not a preserve of the two dominant ethnic groups. This suggestion received mixed reactions with most of the minority ethnic groups welcoming the idea (Mkanyika 2021). Critics see it as dismantling national cohesion, while proponents fault the 60-year old democracy that has failed to inculcate the principles of equity and equality but instead nurtured the inter-ethnic seeds of hatred and divisions.

6.3 *Esipata* and the rights-based *maendeleo*: What does the future hold?

This thesis has documented various instances – both historical and contemporary – of Maasai community's struggles and claims for entitlements to land, resources and governance rights. Olkaria-Suswa and the ongoing geothermal development have provided an ideal site to examine the local-global scale interactions and emerging frictions as the

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²⁰¹ The March 2018 handshake between H.E. President Uhuru Kenyatta and Rt. Hon. Raila Odinga, as the leader of the opposition coalition, was a moment that crystallized a grand political coalition, hinged on the proposed constitutional amendments envisioned to strengthen the rule of law, promote ethnic cohesion and integration and institutional reforms to address economic ills including corruption, skewed resource distribution among others. See <https://www.bbi.go.ke/>, retrieved on 9th August 2020.

Maasai community engage with *maendeleo*. This confrontation sets up the community against a powerful assemblage of institutions including private and public corporations driven by the capitalist logic of resource commodification and commercialization. In chapter 2, we saw the historical configuration of resource ownership and governance structures that entrenched continued institutionalization of dispossession of land and general deprivation of the Maasai *enkishon*. While this scenario casts them rightly as victims of colonial and post-colonial development, we have also seen their proactive engagement and struggles to secure their interest in land, resources and governance. Much of the Olkaria landscape therefore represents a historical presence of a century-long living experiences of dispossession, protests and production of new forms of struggles likely to overflow into the foreseeable future. In chapter 5, I interrogated how the Olkaria community is employing several tactics, particularly, mobilizing *esipata* as a strategy to claim a foothold and advance their entitlements to specific rights.

At the local scale, the Olkaria-Maasai community has extensively used the judicial system to fight historical land injustices. The two expansive ranches – Kedong’ and Ngati – were part of the former ‘white highlands’ alienated during colonial times courtesy of the 1904/1905 Anglo-Maasai Agreements. Soon after independence, the land changed hands from the colonial settlers to the then politically connected ethnic groups who organized themselves as cooperatives and companies and bought them from the outgoing ranchers. While this was against the wish of the original owners (the Maasai), there was little that could be done for the property laws and governance structures had shifted significantly to their detriment. However, over the years, they moved slowly to occupy the said ranches, then vacated (by white ranchers) but not yet physically occupied the new landlords. Technically, the Maasai occupiers became illegal settlers, colloquially known as ‘squatters’ and the (new) absentee landlords hold legal instruments of ownership.

Koissaba (2015) called this scenario a new form of re-colonization. They fought it in courts, pegging their claims on adverse possession and customary entitlement. The section of the community claiming Ngati cooperative's ranch made significant progress, winning several cases by virtue of adverse possession (having occupied the land uninterrupted for an extensive period). However, due to internal divisions (sometimes engineered by exterior forces), the community could not implement the court rulings that would have formalized their continued stay on the said land. Nevertheless, thanks to the fact that the community demonstrated a strong sense of belonging to the land, geothermal expansion has not made significant forays into the area. The only village that is currently likely to be affected by KenGen's Olkaria VII project is Olomayiana Kubwa. It is evident that due diligence is being applied by the implementers of this project and extra cautious measures are being taken to mitigate against possible backlash.²⁰²

In the case of Kedong' Ranch, the court cases did not lead to a direct win for the communities. Most of the rulings indicate that the communities have not proven demonstrated that the principle of adverse possession holds. Claims based on the history and customary entitlement also did not hold. Although counter appeals are going on in various courts as communities pull every string, including invoking human rights, Kedong Ranch Ltd. is taking advantage of the favorable ruling to subdivide, sell, lease and evict the "squatters". For example, the ranch sold 1700 acres to KenGen in 2014 to settle the Project Affected Persons (PAPs) displaced by Olkaria IV and V. In 2019, Akiira 1 geothermal project (leasing a concession area from Kedong') forcefully evicted occupiers of Olorpoil village (mainly comprising of non-Maasai settlers, being former workers of Kedong' Ranch). Also, from 2019 to 2021, the company has been actively evicting a

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²⁰² An interview with KenGen officials indicated that they are considering various options on voluntary resettlement in subsequent projects.

section of the Maasai community settled at the southwest part of the ranch (near Suswa, where the SGR goes through) to enable the development of industrial parks, a dry port and related infrastructure. This shows that, in the contested sites where the community has unsuccessfully demonstrated belonging and ownership to the court's satisfaction, community members are bundled out without any recourse for compensation or resettlement. Therefore, land tenure and the extent to which it confers rights of entitlement determines how such communities are handled by title holders (who are not necessarily owners), government agencies and investors. These rights, according to the communities' perception, are narrowly defined by prevailing legal frameworks and legislative statutes, purposely designed to disadvantage them. As such, communities are forced to change tactics and use other strategies to pursue the elusive quest for justice.

The role of indigenous NGOs intensified over the last three decades, pushing the rights agenda at the global scale. Many Indigenous peoples' organizations found a common ground at the UN forum for issues where they engaged not only the UN itself, but governments and multilateral institutions. While this provides visibility, cross-linkages among the assemblage of institutions and the much need solidarity, little has changed on the ground, according to the Special Rapporteur on the rights of Indigenous peoples (Stavenhagen 2006, UNPFII 2018). Even though various development agencies in Kenya and multilateral institutions such as the World Bank have adopted and integrated indigenous peoples' considerations into their policy frameworks, most of them renege on their own policies at project implementation stages (Hughes 2020). A case in point is the relocation of four villages²⁰³ moved to the new village dubbed as RAPland in Kedong' Ranch to enable the execution of the World Bank and EU funded geothermal projects. The community's human rights activists challenged the multilateral institutions on the grounds

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²⁰³ Emanyatta, Oloosinyat, Oloonong'ot and Olomayiana Kubwa.

that the project they funded violated the rights of the project affected persons and also these institutions failed to apply the Ips' rights enshrined in their policy frameworks. Initially, both institutions were defensive, claiming that the government of Kenya does not recognize the Maasai as Indigenous peoples.²⁰⁴ This position was supported by the EIB believing that the Maasai have ceased to be IPs by virtue of their diverse livelihoods options as opposed to exclusive traditional system (Inspection Panel Report 2015). In other words, the financiers of geothermal projects attempted to redefine indigeneity to privilege the setting up of projects and technically evade responsibilities that come along with it. However, due to concerted efforts by IP rights organizations, a petition was made triggering a grievance redress mechanism which not only reversed the diffuse wild redefinition of indigeneity but also accorded more benefits to the PAPs.²⁰⁵ The promised land title, however, has never been forthcoming, putting the PAPs in a precarious situation, most of them believing that they may be moved again unless an absolute title comes through and the community registers the parcel under the Community Land Act. That way, land security will be guaranteed.

On the lower belt of Kedong' Ranch, fresh evictions are emerging to pave the way for mega-industrial projects. The community has fought this battle in court for decades. The cases are expensive, time consuming and energy draining. Most of the community members confess that they are now broke, exhausted and fearful. Since the Nasinkoi incident which triggered sustained demos and disruption of traffic flow along the Nairobi-Narok highway, most of the community leaders have received threats and intimidations

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²⁰⁴ In fact, Kenya is one of the countries in Africa that do not recognize IPs, has neither ratified International Labour Organization Convention on Indigenous and Tribal Peoples (ILO 169) nor UNDRIP. They are rather comfortable using the terms 'minorities' and 'marginalized groups' instead of "Indigenous Peoples".

²⁰⁵ However, over 6 years after the relocation to RAPland, most of the promises made by KenGen as recommended by the Inspection panel have not been met.

from the security agencies. They have been charged of incitement, disruption of peace and subversion of the government's development plans among others have been preferred against them and many have been in and out of court. The Kedong' community members are complaining that the political leadership has been exceptionally quiet.

On October 17th, 2020, the senior government officials from the interior department held a meeting with the Maasai political leadership drawn from around Suswa area in Naivasha. It was highly secretive, and nobody knew what discussion transpired. The leaders never provided feedback, neither have they condemned the ongoing evictions affecting thousands of people. Most of the community members believe that their leaders have been compromised and were warned to steer away from the highly political Kedong' ownership saga. "Once again, we are on our own. But we will keep on fighting to the last man standing", declared Ole Sipai, interviewed on 15th December 2020. The community is using all means possible to fight for their corner, including traditional 'curses' meted against the perceived compromising members of the community. Occasionally it would turn physical as it happened on 18th December 2020 when some of them were physically assaulted and severely injured by another group opposed to the out-of-court settlement with Kedong'.²⁰⁶ But a more civil strategy is being laid out, including an ambitious quest to file the case at the international court of justice. Though at the early stages, they have already engaged a lawyer and are awaiting advice on whether to go to Arusha-based Tribunal or to the Africa Commission in Gambia, with the hope of getting the justice away from the local political influence. Motivated by recent rulings made by such courts in favor of IPs in Kenya,²⁰⁷ the community nevertheless has a huge obstacle to surmount, including the exorbitant costs and lengthy procedures. As such, this noble cause may be

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²⁰⁶ According to phone interview with Simon Sipai, on 19th December 2020.

²⁰⁷ See <https://www.forestpeoples.org/en/legal-human-rights-rights-land-natural-resources/news-article/2017/ogiek-kenya-win-landmark-land>, retrieved in 16th November 2020.

overtaken by events happening locally, such as ongoing evictions and continued violation of human rights as chronicled in Nasinkoi's case above.

Rising gently but majestically above the Kedong' plains is the sacred Mountain of God (Mt Suswa) where the Maasai have held rites of passage ceremonies for generations. It is therefore a cradle of Maasai spirituality and cultural heritage. It is also a biodiversity rich locale harboring endemic species such as bats and birds of prey as well as large mammals. Currently a dormant volcanic mountain, its innocent look conceals a potential rupture of a different kind as the profiteering corporate entities crave for its abundant steam beneath. Positioned adjacent to Olkaria, Mt. Suswa been on the radar of geothermal exploration and has already been mapped out for exploitation. The process however was temporarily halted due to disputes between the government/Geothermal Development Company (GDC) and WalAm, an international investor that fell out with the government in 2011. The duration of the case provided a breather to the community and an invaluable opportunity to strategize and reposition themselves on the best way to engage which ever geothermal company that will win the mountain's concession rights. The first strategy was to use conservation, by establishing and strengthening Mt. Suswa Conservancy as the first line of defense. They hoped that the government would favor conservation, a highly hyped endeavor in Kenya's environmental discourse. Besides, Mt. Suswa is by itself a revered cultural site, considered sacred by the local community and listed as a world heritage volcano (Casadevall 2019). But the community realized that the government and particularly KWS is unusually excited about the conservancy idea.²⁰⁸ Having also witnessed what has happened across the plain in Olkaria's Hell's Gate National Park with its invasion by geothermal companies, the community hatched another plan, just in case

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²⁰⁸ Interview with conservancy committee on 17th March 2019 pointed out that they are not receiving as much support from government agencies as they ought to. However, NGOs such as SOLARO and other conservation agencies are supporting them.

the first one does not hold. The majority of the Mt. Suswa Maasai community agreed that in the most likely event that geothermal exploitation takes place on the mountain, then they would rather be part of it to maximize on the benefits. They therefore registered the Oldonyo-Onyokie Company Limited and applied for concession rights to partner with GDC and or any other investor. While this grand idea is ambitious considering the technical, financial and political obstacles to surmount, it will be an alternative strategy of trying to partner with, instead of being subordinate to, investors. Although partnerships have been widely deployed under the model of CBC as a form of social enterprise, geothermal partnerships will present a totally different dynamic considering the complexity of the financialization and technical engagements involved in geothermal processes. The evolving discussions by a larger section of Mt. Suswa community suggest that partnership is the ideal way to realize real benefits that would augment other land uses such as pastoralism and or eco-tourism that are likely to be compromised by geothermal development.

The third strategy employed by the Mt Suswa community is to organize themselves by forming and registering the Kisharu Land Owners Association (KILOA) formed in 2019. Through this local institution comprising of all land owners in the are, they hope to ride on the sanctity of the title deed (as this area is comprised of privately-owned ranches) to resist forceful acquisition and their own likely subsequent relocation. Instead they hope that this Association will facilitate partnership, negotiate for land use plans and participate in decision-making processes. When GDC therefore came calling soon after winning the court case, the community was ready and waiting. On 18th January 2021 the community association leaders wrote a petition to the KCG insisting they should not sign an MoU framework with GDC before a clear roadmap of community engagement is established. Although energy exploitation is more of a national government affair, the

county government plays a critical role in mediating community engagement and assuring social relations. In their petition, the Association raised pertinent issues that GDC needs to clarify before moving in to drill the mountain. These include but are not limited to; 1) adequate community consultation and obtaining of free, prior and informed consent (FPIC)²⁰⁹; 2) A transparent Environmental and Social Impact Assessment (EISA) process to be conducted; 3) Recognition of the two community institutions, that is OOGC and KILOA; 4) Clear benefit-sharing mechanism (above the CSR handouts often dished by corporations); 5) Minimal displacements; and, 6) Spatial planning of the mountain to map out the sacred sites that should be conserved. On 29th January, a tri-partisan consultation was held between GDC, the governor and community representatives to agree on the above issues. Subsequent engagements will follow and, while the community representatives believe it is the right step in the right direction, they hope the same goodwill will be sustained through the implementation stages.

Whether the proposed Mt. Suswa model of geothermal exploitation partnership will succeed or not, suggests a new front in this longstanding complicated struggle for the Maasai rights that needs to be studied going forward. Although conceived on the same model as the CBC partnership, this assemblage of private-corporate entities is unique in the sense that it is premised on different principles of engagement. And unlike the Kedong’ and Olkaria experiences, whose sense of belonging and land ownership are questionable, Mt. Suswa is privately owned, and most community members own

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²⁰⁹ FPIC is a principle protected by international human rights standards that state, ‘all peoples have the right to self-determination’ and – linked to the right to self-determination – ‘all peoples have the right to freely pursue their economic, social and cultural development’. Backing FPIC are the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the Convention on Biological Diversity and the International Labor Organization Convention 169, which are the most powerful and comprehensive international instruments that recognize the plights of Indigenous Peoples and defend their rights. See <https://www.un.org/development/desa/indigenouspeoples/publications/2016/10/free-prior-and-informed-consent-an-indigenous-peoples-right-and-a-good-practice-for-local-communities-fao/>, retrieved on 16th March 2019.

individual titles to their land. Whether or not this will change the rules of the game to be more favorable to the community will depend on the application of new policies and laws, ordinarily beautiful on paper but in most cases are either unimplemented or unenforced on the ground. This includes but is not limited to Local Content policies, provisions of the Community Land Act and most importantly, the ambitious benefits sharing laws, among others. Future studies will be able to draw a connection between research, policy formulation and application of the same in a manner that balances out the community's *enkishon* against the interests of the power-laden assemblage of institutions supporting extraction of natural resources.

Projects to address climate change are important. Green energy is a public good valuable to the national economy and to the global quest to reduce global warming to pre-industrial level of 1.5 degrees Celsius (IPCC 2019). However, while the Maasai and Indigenous peoples in general are not the major contributors to climate change, they seem to be the ones carrying the most burden in mitigating it. Their lands, natural resources, local economies, cultural relations are at stake when climate induced mega-projects are established in their territories. International and local corporations and government agencies have worked together in assemblages that stand to benefit from cheap energy and economic growth and have trumped the community rights, turning a blind eye to the local need for sustainable livelihoods, health and biodiversity. While the communities have responded to these challenges in various ways described in this thesis, they are set against powerful forces both at the local, national and global scale. As Hughes (2020) rightly puts it, governments, funders and companies rarely consider the negative impacts of geothermal on people's livelihoods, health, environment and wildlife as a priority; rather, they consider such dire consequences as a type of 'collateral damage'. This thesis has established that there seem to be a coalition of convenience in the form of an assemblage

of global lenders, the state and private corporations ganging up against the communities and their relationships with the wildlife despite the larger environmental discourse on which green energy idea is premised. Decisions made both in foreign and state capitals can have life-long and devastating impacts not only on what funders call “project-affected persons” but also non-human members of the environment such as wildlife. In the Maasai case, it is obvious that their *enkishon* based tenets of *erikore*, *eramatare* and *esipata* will be disrupted by these green *maendeleo* initiatives and their effects will be felt long after the investors and other international players have left the scene. However, given the continued community awareness and relentless struggle for their rights of belonging, coupled with institutional alliances at different scales that are keen to advance community interests, there is a light of hope at the end of the *maendeleo* tunnel.

From this study, we have seen how historical experiences and ideas conceived during colonial times have endured through various historical epochs to shape the Maasai notion of *maendeleo*. The thread that weaves development and conservation through community spaces seems to be brittle and this association may soon fall apart. Unless serious measures are put in place to regulate development, particularly geothermal in conservation areas, the biodiversity is likely to suffer irredeemably. Consequently, communities and their livelihoods are equally vulnerable to such disruptive, large scale development projects. The following recommendations may be adopted by the government and private development agencies to cushion communities and nature from adverse impacts: i) a clear and robust consultation mechanisms to be established by government authorities and investors which are designed to obtain an informed consent from the community; ii) participatory but independent environmental, social and economic impact assessments to be carried out to establish the impacts of such activities on flora and fauna as well as on community livelihoods; iii) robust and transparent guidelines and

policies on benefit sharing to established and/or strengthened as a substitute for or complimentary to prevailing community land uses; iv) a strong land tenure that guarantees land security to be ensured through participatory processes for the communities to have stronger bargaining power; and, v) horizontal and vertical networks, including indigenous people's movements, continue to be involved in development activities as a way for advocacy for improved rights of engagement, benefits and self-determination for Indigenous peoples.

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