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**CONFLICT AND COOPERATION IN SOUTHWESTERN KENYA: A CASE OF
KURIA-MAASAI RELATIONS, 1979-2010.**

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DECLARATION

This is my original work and has not been submitted for an award of a degree either in this University or any other institution.

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This project is submitted for examination with our approval as University supervisors.

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DEDICATION

Dedicated to my beloved mother Robi Chacha Maisori and My late Father Mzee Maisori Itumbo.

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My Sincere gratitude goes to The University of Nairobi for believing in my potential and granting me the scholarship opportunity to pursue my master's degree. Special thanks to my supervisors Dr. Kenneth S. Ombongi and Dr. Herbert Amatsimbi Misigo for their academic guidance and mentorship. To Mr. David Masika, thank you for the endless support, and academic criticism which challenged me to do better.

I thank my family members for your unrelenting support. Thanks to my parents for your motivation and prayers throughout my studies. Sincere gratitude to my husband for your understanding, and support. May God bless you all!

ABSTRACT

The twentieth century experienced an intensification of intercommunity relations between agro-pastoral and pastoral communities in East Africa. These relations were influenced by different factors. For instance, community identity, culture and livelihoods of communities considerably informed their relations. This research focused on the Kuria-Maasai relations which were influenced by various factors and characterized by conflict and cooperation. Shared cultural practices, retaliatory cattle raids, conflict over land, which had roots in the pre-colonial era. In the post-colonial era, the binary of conflict and cooperation was characterized by commercialized cattle raids, and land conflicts following the 1979 massive small arms proliferation to the South western Kenya. In the year 2010 the Kuria-Maasai conflict heightened and triggered government interventions. However, more significantly, the acquisition of small arms provided a continuity of the binary of conflict and cooperation without necessarily changing their relations. This study applied the protracted social conflict theory and the bargaining theory of war which brought out the protracted nature of the Kuria-Maasai conflict and mechanisms in which the Kuria and Maasai communities attempted to unite and coexist. The research relied on sources such as books, scholarly articles, archival materials, and oral sources of information.

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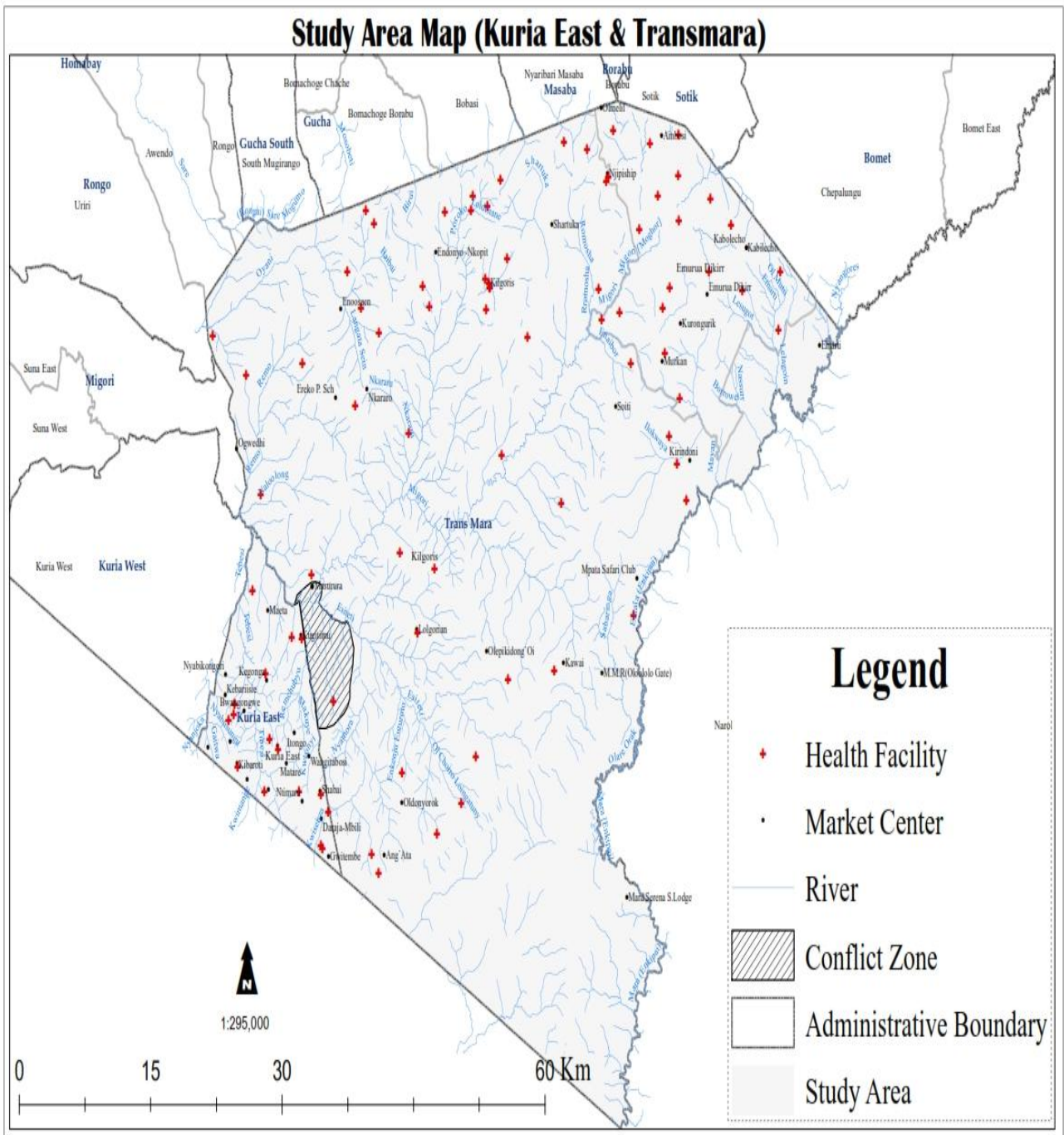
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LIST OF ACRONYMS

LRA	Lord's Resistance Army
GSU	General Service Unit
MCA	Members of County Assembly
KPR	Kenya Police Reserve
RDU	Rapid Deployment Unit
SPLA	Sudan People's Liberation Army
TJRC	Truth Justice and Reconciliation Commission
UNLF	Uganda National Liberation Front
USSR	Union of Soviet Socialist Republics
U.S	United States of America
U.K	United Kingdom
NACOSTI	National Commission of Science Technology and Innovation

MAP SHOWING THE AREA OF STUDY (TRANSMARA BORDER)



OPERATIONAL DEFINITION OF TERMS

Abhamura- Warriors among the Kuria, tasked with carrying out raids and protecting the community.

Abharooti- Seers among the Kuria community who foretell events and plan raids.

Baraza- Local community groups made up of appointed members who handle issues within the community and represent the community intercommunity matters.

Enkai- ‘God,’ in Maasai Language.

Ilmeek- Bantu People who are not of Maasai community, in most cases Kuria.

Inchaama- Kuria council of elders.

Iritongo- Traditional court among the Kuria people, with the responsibility of solving disputes.

Laibon-Traditional religious leaders among the Maasai, who could foretell the future, and performed rituals before raiding took place.

Morans- Warriors in the Maasai community with the responsibility of carrying out raids and protecting the community against external aggression.

Omogambi- A Traditional political leader in the Kuria community.

Sungusungu - A militia group

CHAPTER ONE

BACKGROUND TO THE STUDY

1.1 Introduction

Parties exposed to conflict tend to behave more cooperatively in the aftermath of the conflict. For instance, they begin to increase their social participation by joining more local socio-economic groups and community organizations.¹ For instance, in an interstate setting, among the Nile basin countries conflict resulted due to scarcity of the water resource.² The 1929 Water Agreement between Britain and Egypt was an imposition determined to promote self-interests. The 1959 Water Agreement between Egypt and Sudan further locked out others countries from fully utilizing the water which ensued into antagonism between them. However in 1991 Egypt agreed to cooperate with Ethiopia and committed themselves to equitable distribution of the Nile waters. Gradually, they built relations with upstream states such as Uganda, with which they worked on projects such as the Owens Dam and clearing Lakes Victoria and Kyoga of water hyacinths which blocked the flow of water hence contributing to flooding in Uganda. Such international relations ensured cooperation between countries where majority benefit as opposed to a few.

In an intercommunity setting relations were attributed to several factors which influenced them to either cooperate or conflict with each other. For instance, inter-community conflict between the Borana and Somali communities were as a result of incompatible systems of land tenure in which the traditional significance of land as a resource clashed with that of the state.³ This took place through the changes in borders between the communities and constant adjustments of administrative units and therefore undermined the traditional systems of resource management, such as land for grazing and water for their cattle which aggravated inter-community conflict.

Among the Karimoja communities the access to small arms revolutionized their conflicts. Mustafa Mizler and Crawford young argue that the AK-47 was a change agent in the intercommunity relations in the Northeast of Uganda. The Karamoja undermined their

¹ Bauer, Michal, Christopher Blattman, Julie Chytilová, Joseph Henrich, Edward Miguel, and Tamar Mitts. "Can War Foster Cooperation?" *The Journal of Economic Perspectives* 30, no. 3 (2016): 249-74. www.jstor.org/stable/43855710. Accessed: 22-11-2019.

² Tesfaye, Aaron. "Conflict and Cooperation and the Evolution of the Nascent Nile Basin Regime." *Northeast African Studies* 14, no. 1 (2014): 123-44. doi:10.14321/nortafstud.14.1.0123. Accessed: 20-11-2019

³Tache, Boku, and Gufu Oba. "Policy-Driven Inter-Ethnic Conflicts in Southern Ethiopia." *Review of African Political Economy* 36, no. 121 (2009): 409-26. www.jstor.org/stable/27756289. Accessed: 20-11-2019.

neighbours through violence and cattle raids.⁴ Sandra Gray et al, concurs that, although the AK-47 raids augmented the collective cattle wealth of the Karimojong and propelled their survival as pastoralists, it also resulted to unequal access to cattle within the Karimojong communities. They attribute this to the concept of Darwinism where human activities of violence acted as the principal means of survival for the fittest among the Karimojong pastoralists in the 1970s.⁵ However, within the pastoral economy, more so among the pastoral groups of rift valley and western Kenya, cattle raiding was not seen as a crime, but as a traditional sport of warriors in which several communities took part and traditional institutions oversaw the practice.⁶

This research focused on the Kuria and Maasai people who settle in Migori and Narok counties in the Southwestern part of Kenya.⁷ They are primarily pastoral and agro-pastoral communities. The Kuria were regarded as agriculturalists⁸ however, scholars such as Kjerland described them as people of a cattle with a passion beyond cure.⁹ These economic activities were substituted with hunting and retaliatory cattle raiding from each other, especially along the river valley where pastures and salt licks were plenty.¹⁰

Historically, the two communities had symbiotic relations exhibited in shared cultural practices and livelihood aspects with each other. On one hand, the Kuria learned the age-set system and piercing of earlobes from Maasai people, and in return they offered their agricultural skills and products to the Maasai. They bartered agricultural products such as vegetables, sorghum and cassava to supplement their diet. The Kuria also acquired animal products from the Maasai. For example, it was the Maasai who were renowned lion hunters. Therefore, their hunting skills gave them the advantage to obtain and sell lion skin, claws and Ostrich feathers to the Kuria. Additionally, they exchanged their ornamental substances to the Kuria who borrowed some of

⁴Mirzeler, Mustafa, and Crawford Young. "Pastoral Politics in the Northeast Periphery in Uganda: AK-47 as Change Agent." *The Journal of Modern African Studies* 38, no. 3 (2000): 407-29. <http://www.jstor.org/stable/161705> Accessed: 29-07-2018.

⁵ Gray, Sandra, Mary Sundal, Brandi Wiebusch, Michael A. Little, Paul W. Leslie, and Ivy L. Pike. "Cattle Raiding, Cultural Survival, and Adaptability of East African Pastoralists." *Current Anthropology* 44, no. 5 (2003): 3-30. www.jstor.org/stable/10.1086/377669 Accessed: 16-11-2019.

⁶ David Anderson, Theft and Moral Economy in Colonial Kenya, *International African Institute* 56, No. 4, Crime and Colonialism in Africa (1986): 399-416 <https://www.jsto.org/stable/1159997> Accessed:22-11-2019.

⁷ Paul Abuso, Op. cit., p 7.

⁸Chacha Babere K. "From Pastoralist to Tobacco Peasants: The British American Tobacco and Socioecological Change in Kuria District Kenya, 1969-1999." (MA Thesis, Egerton University)

⁹ Kjerland, Kirsten Alsaker, "The Belated Incorporation of the Abakuria into Modern Kenya," PhD Dissertation, University of Bergen, 1995.

¹⁰Paul Abuso, Op. cit., p.33.

their cultural attributes from the Maasai. For example, the red ochre which Kuria warriors smeared on their faces and body was acquired from the Maasai. Similarly, Kuria women used ochre on their bodies and wore Maasai beads and necklaces to enhance their beauty. Between the two communities also, intermarriages across the Transmara border were common.

However, conflict over recurrent cattle raids and land disputes persistently characterized their relations. Raiding was a cultural and a communal affair in which traditional institutions played a greater role in planning, blessing the warriors and executing the raids. The cattle raiding practice between the Kuria and Maasai underwent rapid transformation after the Tanzania Uganda war. Prior to 1980, most raiding activities took place in the night, however, afterwards, the dynamics of raiding changed. The acquisition of small arms, in the aftereffects of the Tanzania-Uganda war in 1979, heightened the Kuria-Maasai conflict. Raids were planned and executed in broad daylight. In the early 1990s cattle raiding intensified and community members slept in shifts, in which, men stayed awake to maintain a vigil over their cattle. Nevertheless, with small arms raiding activities became more efficient, audacious and ferocious. Similarly, land disputes were intensified with the commoditization of land which lost its communal aspect of ownership particularly with the influence of the capitalist economic ideology with roots in the colonial regime.

This research applied the protracted social conflict theory. Edward Azar *et al* emphasize that protracted conflicts are characterized by long durations of hostilities and parties restrain interactions within either conflict or cooperation.¹¹ Among the Kuria and Maasai the binary of conflict and cooperation was maintained notwithstanding the new dynamics introduced into their relations. This study provides additional insights to the extant literature by examining the continuity of the already existing Kuria-Maasai relations, nurtured by the mutual cattle raids and land disputes which had roots in the pre-gun era. In addition, this research provides a background to the study; examines factors that influenced small arms proliferation in the south western part of Kenya. Further, it analyses the impact of small arms in the Kuria-Maasai relations and

¹¹Edward E. Azar, Paul Jureidini and McLauren. Protracted Social Conflict; Theory and Practice in the Middle East, *Journal of Palestine Studies*, Vol. 8, No. 1 (Autumn, 1978), University of California Press on behalf of the institute Studies pp. <http://jstor.org/stable/2536101> Accessed: 20-06-2018.

examines various mechanisms which were devised by the parties to promote cooperation between them.

1.2 Statement of the Research Problem

Historically, the Kuria-Maasai relations were an embodiment of conflict and cooperation. At the beginning of the 19th Century, they practiced reciprocal cattle raids and cooperated by forming military alliances; they took refuge among each other, especially during famine. Through such encounters, cross-cultural practices were acquired. This was demonstrated through the use of totems, age-set systems, generation-set systems, and piercing of earlobes which the Kuria learnt from the Maasai.¹² However, the colonial rule and its corollary domination redefined the frameworks of their relations. It imposed boundaries between them, administered indirect rule, and restricted them into native reserves with little land for their cattle and agriculture.¹³ In the wake of Kenya's independence, the scramble for their original land arose, with the two communities laying claims over land resource.

Nonetheless, proliferation of small arms in the region, especially following the Tanzania-Uganda War introduced a new dimension to the Kuria-Maasai relations. The conflicts characterized by cattle raids and land disputes underwent dramatic change. The scale and significance of their conflict heightened severely.¹⁴ Despite the studies on changes induced by guns in an African perpetual conflict setting, we know little of the actual impact of the proliferation of arm on intermittent enhancement of conflict as well as prospects of cooperation in neighboring communities. The gun was not merely a change agent in the case of Kuria-Maasai relations, but rather, mediated between the two communities in ways which perpetuated the historical binary of conflict and cooperation. This research argues that while the introduction of guns complicated the severity and fatality of the reciprocal cattle raids among the Kuria and Maasai, it maintained the very interesting duality of conflict and cooperation established by the two communities' pre-gun era inter-relations. The study contributes to the existing knowledge by engaging with the

¹²Paul Abuso, Op. cit., p.46.

¹³Thomas Spear and Richard Waller, *Being Maasai: Ethnicity and identity in East Africa*. James Currey. London, 1993.

¹⁴Heald, Suzette. "State, Law, and Vigilantism in Northern Tanzania." *African Affairs* 105, no. 419 (2006): 265-83. <http://www.jstor.org/stable/3876789>. Accessed: 22-05-2018.

following questions: How did the gun maintain the Kuria-Maasai relation over time? What was the impact of the guns to the Kuria and Maasai relation?

1.3 Objectives of the study.

To analyze the proliferation of small arms and its impact on the Kuria-Maasai relations.

To analyze conflict and cooperation between the Kuria-Maasai communities.

To assess mechanisms put in place by actors to address the conflicts.

1.4 Justification of the study

Conflict and cooperation between the Kuria and Maasai people are not recent phenomena. Scholars such as Paul Abuso argued that the two communities survived through reciprocal cattle raids, cross-cultural translation and conquest wars between each other.¹⁵ During the colonial era, the border between the two communities in 1949 experienced what the colonial government referred to as the Kuria's trespass into Maasai land, invading their territory.¹⁶ However, members of the Kuria community defended their presence in reference to the 1944 grazing concession between the two communities, through the colonial government, which allowed the Kuria to graze their cattle in Maasai land until the wet season resumed in Kuria.¹⁷ Contrary to the agreement, the Kuria established settlements in the Trans-Mara border, consequently stirring hostilities with the Maasai.

Conversely, in the post-colonial era, new dimensions emerged and immensely influenced relations between the two communities. The proliferation of arms heightened the kuria-Maasai relations through recurrent reciprocal cattle raids and land disputes. In 1984, the government intervened by involving a taskforce of Paramilitary General Service Unit to cool down cattle raiding in the then Kuria District. In July and August of the same year, a gun amnesty was initiated in which guns were collected through the patrimonial institutions such as *Iritongo* and *Inchaama* among others. Nonetheless, the binary of conflict and cooperation persisted. In one instance, a member of the Kuria community was attacked and shot by Maasai people in his farm.

¹⁵ Paul Abuso, Op. cit., p. 7.

¹⁶ KNA, Colony and Protectorate of Kenya, Pinney's Report on Trans-Mara, ADM. 15/1/19/1/Vol I, February, 1949.

¹⁷ KNA, Colony and Protectorate of Kenya, Pinney's Report on Trans-Mara, ADM. 15/1/19/1/Vol I, 1944.

In retaliation, the Kuria killed two Maasai. This gave rise to the imposition of a buffer area between them and neither of the communities was allowed to engage in farming and grazing activities on the contested land.¹⁸ Such events, among others, as discussed in the chapters, provided an opportunity to further examine the impact of guns on inter-community relations following the increase of small arms in South Western Kenya. Although various studies have focused on the field of research little attention has been given to the impact of small arms on the Kuria-Maasai relations.

1.5 Scope and Limitation

The study focuses on the Kuria and Maasai people from 1979 to 2010. The year 1979 marked the end of the Tanzania-Uganda war which contributed to massive arms proliferation. The war provided an opportunity for the Kuria people to be recruited to the military in which they formed more than fifty percent of its composition. Due to the fluidity of the Kenya-Tanzania border, a lot of small arms were smuggled into Southwestern Kenya by the returning soldiers. In 2010, conflict between the two communities heightened than ever before as a result of newly formed gangs and plenty of small arms in the region. It was during this period that the government deployed various more forces than ever before including the GSU, RDU, and the KWS in Masurura which were meant to work together to end the conflict.

The research was conducted in Kuria east and Trans-Mara west, regions in which heightened conflict was experienced between the two communities. The specific areas of the research included Kugitimo, and Rumangucha in Kuria sub-county; Masurura and Getaita village in Trans-Mara sub-county. These towns frequently experienced conflicts due to cattle raiding, land and border conflict. Similarly, trade and cultural interactions took place in these small towns. Major resources such as River Migori, River Sinandei and River Kuigama which were important to their livelihoods are located on the same border region.

¹⁸ Free Press Correspondent, “Three killed in new Clashes between Maasai, Kuria tribes as border conflict rage.” Kenya Free Press, 2016 November 21 <http://www.kenyafreepress.com/top-stories/national/742/three-killed-in-new-clashes-between-maasai--kuria-tribes-as-border-conflicts-rage>.

1.6 Review of Literature

1.6.1 Introduction

Extant knowledge on intercommunity relations considered the history of the Kuria and Maasai communities and their symbiotic relations. It pays attention to cooperation, conflict and the impact of small arms proliferation on intercommunity relations. Scholars such as Paul Abuso focused on Kuria-Maasai relations in terms of conflict and cooperation.¹⁹ In another study, Kasomo Daniel highlights different ways the Maasai people employ in their attempts to cooperate with their neighbours.²⁰ Additionally the literature covers extant knowledge on the impact of small arms proliferation in an African setting especially between neighbouring communities, non-state actors and the government. Different perspectives portrayed small arms as a change agent, in inter-community relations as well as a source of insecurity among peripheral communities.

1.6.2 Literature on the Kuria and Maasai communities

Paul Abuso discusses the early history of the Kuria and how it was tied up with that of their neighbours. He examined the Kuria and Maasai relations in terms of conflict and cooperation.²¹ He argues that the two communities organized reciprocal raids between each other. Despite this, they exhibited mutual cross-cultural borrowing from each other, such as the Kuria's age-set systems borrowed from the Maasai. They also formed military alliances where one Kuria clan seek military support from the Maasai in a conflict against a fellow Kuria clan. Abuso accounts for the earlier relations of the two neighbouring communities when they first encountered each other. How did the two communities relate with each other after proliferation of arms in South Western Kenya?

Kosygin Aberi, however, focuses on culture as the cause of conflict in the Kuria-Maasai relations.²² He asserts that cultural values attached to resources such as land and cattle are the root causes for the conflict between the two communities. The cultural values include traditional

¹⁹ Paul Abuso, Op. cit., p.7.

²⁰ Kasomo, Daniel, The Position of African Traditional Religion in Conflict Prevention, *International Journal of Sociology and Anthropology*, Vol.2 (2) pg., (February, 2010): 24-28.<http://hdl.handle.net/123456789/790>. Accessed: 24-01-2018.

²¹ Paul Abuso, Op. cit., p. 7.

²² Kosygin, Aberi. The Role of Culture in Cross-Border Conflict Between the Maasai and the Kuria of Western Kenya, 1920-1963, (M.A Dissertation, Kenyatta University, Department of History), November 2015. Pg. 12

religious practices, circumcision, moranism, age set systems, medicine men, witch doctors, the institutions of the *Laibon*, *Omogambi*, and beliefs attached to both cattle and land. These values were a major source of their conflicts and cooperation throughout their history. For example, after circumcision, the Morans were tasked with roles such as raiding and protecting the community from external raiders. The Maasai believed that cattle were given to them by Enkai, therefore any war over cattle and grazing land involved the *laibon*, who took the Morans through rituals and blessed them before they went to war. Similarly, among the Kuria people, circumcision was an important rite of passage for young boys. They embraced the practice with bravery to become *abhamura* (warriors) of the community and earned respect for protecting the community and pursuing cattle's raids. The Kuria also had seers (*abarooti*) who foretold and in effect, organized cattle raids which were executed by the *abhamura*. What, then, was the impact of the introduction of small arms into the Kuria and Maasai cultural practices such as cattle raiding?

Maguire accounts for social controls that were meant to foster coexistence among the Maasai people as well as their neighbours.²³ Although these mechanisms did not apply equally to their neighbours as they did among the Maasai, they were a means of coexistence. For instance, when one killed a fellow Maasai, forty-nine oxen were seized from the murderer and given to the victim's family. If the murdered man was a Bantu and was well known or was a friend to the Maasai, twenty-nine cattle were paid to his family. Where the victim was a stranger, no penalty at all was administered. In other cases where one confiscated cattle belonging to a fellow Maasai, he paid five bulls for each stolen head of cattle, but if one stole from a non-Maasai (*ilmeek*) the fine was reduced since they believed that all cattle naturally belonged to them. What were the mechanisms put in place to ensure cooperation between the Kuria and Maasai following the proliferation of arms between the two communities?

Elsewhere, Kasomo Daniel asserts that traditional religion was an instrument for coexistence. Communities were governed by institutions that compelled them into conforming to community regulations. Institutions of ancestor hood, religious leaders, elders, and covenants ensured peace

²³Maguire, R. A. J. "The Masai Penal Code." *Journal of the Royal African Society* Vol.28, no. 109 (1928): 12-18. <http://www.jstor.org/stable/716994>. Accessed: 24-01-2018.

and prevented conflict. For instance, in times of conflict, the Maasai and their neighbours convened meetings and placed weapons of warfare and poisonous trees along the border, a black dog was killed and laid across the fence and breastfeeding mothers from both communities would exchange children and suckle them. Finally, religious leaders prayed to bless the covenant of peace between the two communities.²⁴ Did religious groups or traditional religious leaders play a role in promoting cooperation between the two communities in the post gun era? This is an area that has remained unaddressed.

1.6.3 Literature on factors influencing intercommunity relations

Heald Suzette implies that the Kuria people were of a militaristic nature.²⁵ Their migration and settlement from Kenya to Tanzania was characterized by violent raids against the Maasai, Luo and Ngorome communities. The Kuria were not only known for raiding cattle from their neighbours, but also among themselves. This nature of belligerence, therefore, made them suitable soldiers for the Tanzania-Uganda war in which they formed more than 50% of the army. Straddling on both sides of the Kenya-Tanzania border, they were strategically situated to smuggle guns during and after the war into Southwestern Kenya and beyond. In the early 1980s, they had the capacity of proficient fighters and guns to venture in commercial raids. This magnified the scale of conflict and fatalities among the Kuria and between their neighbours. Therefore, it would be interesting to explore the impact of the proliferation of small arms, not only among the Kuria people but also between the Kuria and Maasai communities.

In another study, Michael Fleisher argues that vigilantism in the mid-1990s among the Kuria people was an offence and defense militia group which discouraged intra-community raids and encouraged inter-community raids.²⁶ He asserts that the Kuria experienced government institutions' inability to contain cattle rustling and, thus, they turned to vigilantism to seek solutions to their insecurity. This community based policing group, armed with both traditional

²⁴Kasomo, Daniel, The Position of African Traditional Religion in Conflict Prevention, *International Journal of Sociology and Anthropology*, Vol.2 (2) pg., (February, 2010): 24-28.<http://hdl.handle.net/123456789/790>. Accessed: 24-01-2018.

²⁵ Suzette Heald, State, Law and Vigilantism in Northern Tanzania, *Journal of African affairs*, Oxford University Press, vol. 105, No. 419 (Apr., 2006) 268-269. <http://www.jstor.org/stable/38767889> Accessed: 22-05-2018

²⁶Fleisher, Michael L. "'Sungusungu': State-Sponsored Village Vigilante Groups among the Kuria of Tanzania." *Africa: Journal of the International African Institute* 70, no. 2 (2000): 209-28. <http://www.jstor.org/stable/1160816>. Accessed: 22-05-2018.

weapons and guns, and was tasked with defending the community from cattle raiders. He argues that vigilantism provided some benefits especially in reducing cattle raids within the Kuria community despite undermining law enforcement and the legal justice system. Did *sungusungu* benefit the Kuria-Maasai intercommunity relations?

Similarly, Michael Fleisher in his book *Kuria Cattle Raiders* discussed the transformation in the nature of cattle raiding from early times to the present day.²⁷ Historically, cattle raiding was motivated by prestige and the desire to replenish herds and for bride wealth. However, in present day, Kuria men are engaged in it as an income producing enterprise. Young men were engaged in cross-clan gangs, at times armed with crude homemade guns and, sometimes, with refined modern firearms, which were bought, or hired from corrupt military personnel making them better armed and organized than the police. With automatic guns, they raided cattle and kill people who are a threat to their business. Today, raiders operate in networks of accomplices on both sides of Kenya and Tanzania and a new cycle of inter-clan and intertribal antagonism and warfare which is sustained by cattle raiding. The cattle are sold to buyers, mainly butchers, for local slaughter and consumption or for shipment both as live animals and canned meat to foreign countries. How did the introduction of guns transform cattle raiding not only among the Kuria but also between the Kuria and Maasai?

In another study, Kennedy Mkutu, examines the escalation of intercommunity conflict brought about by guns on pastoral communities along the Kenya-Uganda border.²⁸ For centuries, crude weapons were used in raids, deaths were rare but in cases where they occurred, victims were compensated with cattle. Women and children were hardly harmed. However, the last two decades experienced a modification of cattle raids from their traditional practices into extensive armed conflicts characterized with death, militia groups and banditry. As a result of the porous international borders, pastoralists and armed vigilante groups acquired arms for the protection of themselves and their animals. This resulted to antagonistic relationships between communities and the state; communities as the Karamojong refer to the state as '*anyang*,' meaning enemy,

²⁷ Michael L, Fleisher. *Kuria Cattle Raiders: Violence and vigilantism on the Tanzania/Kenia Frontier*, (Michigan: University of Michigan Press, 1942), 8.

²⁸ Kennedy Agade Mkutu. "Small Arms and Light Weapons among Pastoral Groups in the Kenya-Uganda Border Area." *African Affairs* 106, no. 422 (Jan., 2007): 47-70. <http://www.jstor.org/stable/4496415>. 23-02-2018.

which violently imposed disarmament on them. Similarly, the cash economy encouraged large scale raiding for personal gain. Bullets were used as convertible currency and, in some instances, they became a medium of exchange for cattle or beer.

Among the Dassanetch community, James Ndung'u brings out the gun as an agent of undermining the state hegemony yet a source of security to this community living at an extremely porous border with the presence of the AK-47.²⁹ He argues that the gun culture was a result of the failure of the State in providing security in the frontier areas. The gun, in a way, provided 'security' to the community. Therefore, owning a gun has become a necessity to the Dassanetch who have not experienced the responsibility of the state in providing security. In Transmara, hence, what factors motivated the Kuria and Maasai communities to acquire small arms?

In another study, Peter Ndambuki argues that small arms proliferation is the source of insecurity in the Horn of Africa.³⁰ To most pastoral communities that engage in reciprocal cattle raids, especially in the northern parts of Kenya and Uganda, guns increased such raids and assaults among the *Ngoroko* of the Turkana of Kenya and Karamojong of Uganda. Also, refugees moving from their countries to host countries in the region, some whom are ex-fighters, smuggle in firearms to host countries where they are easily accessed by the host communities. For example, Kenya experiences security related challenges due to hosting thousands of refugees from neighbouring countries. Proliferation of arms fuel endless armed violence by non-state actors, ethnic militias, and criminal bands and also contribute to the fall of regimes, as is the case in Uganda in 1979 and 1986, Somalia and Ethiopia in 1991, and Rwanda in 1994.

Similarly, Daniel Jordan attributes insecurity to access to guns. In response to the perceived failure of the Nigerian government in political and economic reforms, inequality and injustice

²⁹ James Ndung'u, *Herders, Guns and the State: Historical perspective of the Dassanetch Frontier Areas and the Politics of Arms in Northern Kenya, 1909-1997*. M.A Dissertation, University of Nairobi, Faculty of Arts, Department of History, 2009.

³⁰ Muthike, Ndambuki. "The impact of illicit arms on security: Case study of cattle rustling in northern Kenya." (Masters' Thesis, Institute of Diplomacy and International Relations, University of Nairobi. 2016) pp 1-44.

became rampant.³¹ A number of vigilante groups emerged in the country and operated with support from the local people. Such groups as the *Bakassi* boys gained support in exchange for the security of the people and traders in the marketplaces. However, the *Bakassi* Boys gradually adopted criminal tendencies. With the acquisition of guns, they focused on violence and crimes that negatively affected Nigeria's towns. Armed robberies became daily occurrences, forcing residents into curfews. Most children and women sought refuge in the churches where they spent nights to be safe. Criminals extorted protection money from traders and robbed them on their ways to banks to make deposits and, in most cases, they killed the traders. They carjacked motorists at gun point, kidnapped people, and engaged in human traffic and trade in human body parts. It would therefore be intriguing to determine whether the proliferation of arms among the Kuria and Maasai communities encouraged formation of criminal gangs and, if so how. Further, it would help to establish how this affect the relations of the two communities.

1.7 Theoretical Framework

This research was contextualized within the *protracted social conflict theory* pioneered by Edward Azar. In his work, "Theory and Practice in the Middle East," he argues that the Nations' politics, nationalism and social identity are the fundamental issues in conflict. He used the theory to illustrate the Arab-Israeli conflict. Therefore it developed intermittent and protracted hostilities which were difficult to resolve by either the participants or even outsiders.³² He asserts that when groups with different identities conflict, they fight for recognition and access to economic resources. Such parties fight to uphold their economic structures and strive to maintain their social practices. Hence, it becomes complicated in addressing underlying causes of the conflict since they don't exist independently. For instance, addressing politics as a cause of the Arab Israeli conflict, bore minimum fruits since politics in the Middle East draws great reference from religion and identity of the people.

The theory comprises of five major characteristics; a protracted conflict depicts a long duration of time; variation in force and regularity of interactions; occasionally conflict affects other

³¹Smith, Daniel Jordan. "The Bakassi Boys: Vigilantism, Violence, and Political Imagination in Nigeria." *Cultural Anthropology* 19, no. 3 (2004): 429-55. <http://www.jstor.org/stable/3651627>. Accessed: 06-08-2018.

³²Edward E. Azar, Paul Jureidini and McLauren. *Protracted Social Conflict; Theory and Practice in the Middle East*, *Journal of Palestine Studies*, Vol. 8, No. 1 (Autumn, 1978), University of California Press on behalf of the institute Studies pp. <http://.jstor/org/stable/2536101> Accessed: 20-06-2018.

realms; strong balancing forces which restrain relations within the trends of interaction between parties. Finally in most instances there is minimal or no termination of the conflict at all. This theory allows the research to reflect through the identity, culture and livelihoods of the Kuria and Maasai communities which influence their intercommunity relations. For instance, culture played a significant role in intercommunity cattle raiding in which traditional institutions played a role in planning and executing the raids.

The two communities pride in their identities.³³ The Maasai for example, mainly identified with pastoral elements of hunting and agriculture. Mythically, God released a rope from above to earth, which brought cattle to the Maasai. Henceforth they became pastoralists and thought of themselves as brave, dignified, honorable, wealthy, and favored by God. Contrastingly, the *ilmeek* agriculturalists (Bantu) were destructive and agriculture represented sacrilege of the earth.

However, the Kuria and Maasai shared similar attributes of their social organization. The Kuria were described as agriculturalist with a pastoral inclination.³⁴ Their relations with the Maasai were characterized with raiding and warfare, which was carried out by warriors who desired cattle. On one hand, the Maasai, raiding was a form of sport which gave them something exciting to live for; on the other hand, the Kuria raiding was a form of an economic activity to generate income for their needs. Among the two Communities, members were encouraged to raid cattle from their neighbors and discouraged to steal cattle within their community. This made raiders to be highly regarded than cattle thieves and raiding for prestige was one of their motivations. Similarly the land tenure and its uses sparked up major conflicts between the two communities.

Although the protracted social conflict theory explains the longevity, fluctuation in intensity and frequency of interactions, it does not clearly bring out the aspect of conflict resolution between the two communities and how they bargained to coexist with each other. This gap shall be filled by the bargaining theory of war as developed by Fearson. The theory helps in identifying

³³ John G, Galaty. Being “Maasai”; Being “People-of-Cattle”: Ethnic Shifters in East Africa, *American Ethnologist*, Wiley on behalf of the American Anthropological Association, Vol. 9, No. 1 (Feb., 1982), pp 5-7.
<http://www.jstor.org/stable/644309> Accessed: 21-01-2018.

³⁴ Mary, Adada. The Abakuria in the Pre-Colonial Period, *International Journal of Liberal Arts and Social Science*, Jaramogi Oginga Odinga University of Science and Technology, Vol. 4, No. 2 (March., 2016). P13.

conditions which are beneficial to initiate war or peace.³⁵ The conditions for war and peace as identified by the bargaining theory become rationalist sources of war and peace. It is important to note that there was a lot of bargaining between the Kuria and Maasai on resources and peaceful co-existence. Bargaining played a significant role in Kuria-Maasai relations. Intercommunity cooperation encompassed a bargaining tool, in which the two communities negotiated in different ways which promoted mutual progressions under conflict or scarcity of resources. Ecological resources, economic spaces, and Public facilities facilitated their bargaining through complementing each other in their social and economic lives.

1.8 Research Hypothesis

This study seeks to investigate:

The proliferation of arms impacted on the Kuria-Maasai relations.

The Kuria and Maasai experienced conflict and cooperation between each other.

Various measures adopted to address the conflict between the Kuria and Maasai.

1.9 Methodology

This study benefited from both secondary and primary sources of data. The secondary sources were online scholarly journal articles, and books from Jomo Kenyatta Memorial Library (JKML) at the University of Nairobi where the researcher was a student. At JKML, the researcher benefited from historical books on African communities, which were found in the Africana section within the JKML. Books on anthropological studies, especially on subjects related to the Kuria and Maasai communities, equipped the research with the social and economic activities of the two communities.

Additionally, the primary sources comprised of reports, newspapers and letters, among other archival materials. The JKML archives provided an access to both old and recent newspapers containing articles on the Kuria-Maasai relations, disarmament policies, among others. The research also benefited from the Kenya National Archives and Documentation Services, where government reports on Kuria and Maasai from the colonial period and post-colonial assisted in

³⁵James Fearson, "Rationalist Explanations for War," *International Organization*, Vol. 49, No. 3, 1995, pp. 379–414.

building the background of the study. For fieldwork purposes, the researcher acquired a research permit from the National Commission of Science, Technology and Innovation (NACOSTI) which qualified the researcher to conduct fieldwork.

The research focused on four towns where conflict over cattle and land were rampant. This included Kugitimo village, and Rumangucha village in Kuria East and Getaita and Masurura in Narok West. Other towns such as Kehancha and Nyamagongwi were also included because the researcher specifically traced some recommended informants in these towns. For instance, Nyamagongwi hosted most of the evictees of the 1989 government taskforce that rendered them homeless and therefore they were labelled as 'squatters' some of whom established new settlements here. Kehancha town also provided a market for the Maasai Milk and cattle yard for both communities, therefore some informants were also traced to this town.

The researcher benefitted from 30 informants between the age of 30 and 70 years. Among them were elders, so as to bring an understanding of the history of the two communities. However, the researcher encountered difficulty in convincing some of the potential informants due to suspicions especially among the Maasai communities. The fieldwork was conducted when the Kuria-Maasai relation were characterized with antagonism following the land conflict which was undergoing a judicial process. Nonetheless, the research benefitted from informants in Kurumangucha who had friends in Masurura or in Kugitimo. Also, Maasai ladies who trekked to Kehancha town daily to sell or deliver their milk supported the research with information especially related to economic activities such as trade in shared marketplaces where they traded in beads, animal products and farm produce.

Similarly, teachers from both communities assisted the researcher to understand the role of education and schools in cooperation between the two communities and the impact of conflict on such platforms. Other areas of significance to the research were market places and health centres such as clinics and hospitals, mission centres, which provided a platform for cooperation between the two neighbouring communities through provision of health services.

The study used open ended questions to guide data collection. The questions were both in English and Swahili language and were translated into Kuria or Maasai language when need be. The researcher understood Kuria language, but hired a research assistant from the Maasai community who acted as a translator. Occasionally the researcher took notes during the interview but mostly used a tape recorder to gather information from respondents. Poor roads and inaccessibility to remote areas was surmounted by use of the local motorbike transport locally known as *bodaboda* to move from one point to the other.

The research was conducted during a tobacco harvesting season and also at the peak of circumcision ceremonies. Random interviews therefore were somewhat difficult to conduct as people were engaged in various communal activities. However, previous informants provided a link to accessing other members of the communities. Most interviews were scheduled in advance to enhance convenience for both the researcher and the informants. For example some of whom belonged in a peace making committee between the two communities provided a reference and contacts to their counterparts who were actively involved in the peace effort between the two communities.

Lastly the research also targeted security personnel who were involved in the 2010 government operation in the Transmara region. This was to allow the research to understand government involvement in the Kuria-Maasai relations and the response of the local communities to government efforts. Also this was meant to bring about an understanding as to why the binary of conflict and cooperation was persistent despite of the various attempts of both patrimonial institutions which occasionally worked with the government to eradicate conflict between the two communities.

This study was qualitative. Data collected was interpreted through three main aspects. Firstly, who were the parties involved in conflict and cooperation, where did it take place and when the events of their relations took place. Also the research focused on answering: who, where, why, what, when and how questions. For instance what was the motivation behind cattle raids and how did they influence intercommunity relations. Also the research further interrogated where such events took place and the significance of such platforms to intercommunity relations. For

example, what importance did shared market places have between the two communities and how did they benefit from trading with each other. Lastly, when did arms proliferation take place in Transmara region and what impact did it have to the Kuria-Maasai relations over time.

CHAPTER TWO

DETERMINANTS OF KURIA-MAASAI RELATIONS PRIOR TO 1979

2.1 Introduction

Over the years, the Kuria-Maasai relations were invariably characterized by a dual trajectory of conflict and cooperation. This chapter provides a background analysis of this duality in inter-community relations in an African setting. It postulates that a complex combination of historical junctures precipitated inter-community changes which, at times, led to periods of alternate hostility and cooperation in the Kuria-Maasai relations. For example, as bands of Kuria and Maasai people settled on the edge of the South-western Kenya highlands, from the 1600 onwards, they frequently clashed.³⁶ Consequently, a culture of internecine rivalry and competition over pasture lands emerged and much of these communities' disagreements historically hinged on the divergence in their economic interests and practices. On one hand, the Kuria practiced a mixed subsistence economy-cattle keeping and crop growing while, on the other, the Maasai livelihood solely depended on pastoralism.

However, what the two communities fought for against each other, as a result of a shared ecological zone was mitigated by mutual cultural 'borrowing' of each other's practices. They created an interesting paradox of conflicting communities which culturally 'worked' together. But Maasai-Kuria cultural unity did not often withstand the stress occasioned by the disruptive state control mechanisms in the pre-colonial and post-colonial regimes. The subsequent confinement to sharing of diminishing land among the two communities forced boundary delimitation as well as reserve areas and breakdown of law and order in the neighbouring region during the Tanzania-Uganda war of 1979 that reshaped the Kuria-Maasai inter-community belligerence.³⁷ But this happened without completely eradicating the alternating periods of cooperation and expedient co-existence.

To highlight the above dynamism in the pre-1979 Kuria-Maasai relations, this chapter examines the framing of cultural identities, patterns of migration and settlement, and concludes with an

³⁶ Paul Abuso, Op. cit., p. 7.

³⁷ Michael L, Fleisher. *Kuria Cattle Raiders: Violence and vigilantism on the Tanzania/Kenya Frontier*, (Michigan: University of Michigan Press, 1942), 8.

analysis of how and why colonial and post-colonial eras in Kenya fashioned the Kuria-Maasai relations in ways which maintained the binary of conflict and cooperation. As such, the sections below will provide, first, insights into the history of the Kuria and the Maasai.

2.2 The Concept of Intercommunity relations

In the pre-colonial era, community identities were molded by their social sphere in which members were subject to norms which were, however, predisposed to change over a period of time.³⁸The migration and settlement of communities modified the beliefs, cultural practices and the formation of different intercommunity socio-cultural components. Resultantly, both indigenes and the immigrants found new friendships and traditions in which intercultural sharing of values redefined new relations to connect communities through shared beliefs and practices. Traditions became the centre of the evolution of communities and provided a sense of history and cultural continuity to the communities' relations.³⁹Therefore, construction of traditions provided a context upon which one community's identity vis-à-vis the other were constructed. For example, the Kuria-Maasai relations were influenced by mutual practices such as pastoralism and cattle raiding which were linked direct to their livelihoods. However, Nilotes were more conventional than the Bantu in cultural change.⁴⁰ Hence, the contact between the Kuria and Maasai resulted to the latter influencing the former more.

2.3 The Kuria and Maasai People

Trans-Mara is a roughly D-Shaped area forming the far western extension of Kenyan Maasailand. It stretches between the Tanzanian border and the Chepalungu Forests. The area is separately inhabited by three different Maasai sections: Siria, in the South; Uas Nkishu and Moitanik scattered in the north. By 1940, the population was roughly in the order of 3,000 in Uas Nkishu and 1,800 in Siria, forming a small part of the total Maasai population of Narok District.⁴¹ This research concentrates on the Siria sub-section which borders the Kuria and the

³⁸Masolo, Dismas A. "Community, Identity and the Cultural Space." *Rue Descartes*, no. 36 (2002): 21-51. <http://www.jstor.org/stable/40979946>.

³⁹Dutta, Ranjeeta. "Texts, Tradition and Community Identity: The Srivaisnavas of South India." *Social Scientist* 35, no. 9/10 (2007): 22-43. <http://www.jstor.org/stable/27644238>.

⁴⁰Odak, Osaga. "Inter-ethnic Relations in Bantu-Nilotic Ethnic Boundaries of Western Kenya." *Zeitschrift Für Ethnologie* 120, no. 2 (1995): 227-40. <http://www.jstor.org/stable/25842414>.

⁴¹Waller, Richard D. "Interaction and Identity on the Periphery: The Trans-Mara Maasai." *The International Journal of African Historical Studies* 17, no. 2 (1984): 243-84. <https://www.jstor.org/stable/218606>.

earliest Maasai to inhabit Trans-Mara. Their central grazing lands were the southern part of Trans Mara, between Ngata Barikoi and Nkararu. They moved during the dry and wet seasons in search for pasture and water. They also spread up the Moghor and Keiyan valleys beyond Kihancha and Kuria East. It was the movement of the Maasai towards Kuria-land that brought the two communities into conflict or cooperation.

Tracing the origin of the two communities remains a debatable subject. There are various schools of thought that have attempted to explain where they came from. One such school suggests that the Maasai came from the Arabian Peninsula.⁴² This argument is associated with the work of Moritz Merker, a Germany soldier who wished to build his country's empire in East Africa where he served for eight years since 1895. It was during this period that he became acquainted with the Maa-people, hence developing a sturdy concern in their culture and religion.⁴³ He discussed the narratives of Israelites and the Maasai and brought out similarities of the two which he used as the main proof that the Maasai came from the Arabian Peninsula.⁴⁴ Another school of thought holds that they originated from southern Sudan. Proponents of this account supposed that the Maasai migrated from southern Sudan and moved along the Rift Valley which stretches through Kenya and Tanzania. Supporters of this theory argue that the Maasai migrated from the Nile Valley around the 15th century and moved into the Great Rift Valley in the 17th and late 18th centuries.⁴⁵

Their oral literature, too, attempt to explain their origin. In their legends and folktales, the Maasai have beliefs that they rose from a crater where *Engai* gave them the first prophet (Laibon). He led the people in the killing of the evil giant (*Oltatuani*) who raided their cattle. He was the leader and defender of the Maasai community. Another oral account suggests that the original home of the Maasai was in the North of Lake Turkana where they lived for many years until they were forced by natural calamities and attacks from their neighbours to move. From this region, they migrated southwards in the 15th century and arrived in the modern-day Kenya and

⁴²Nasieku Tarayia, "The Legal Perspectives of the Maasai Culture, Customs, and Traditions," <http://arizonajournal.org/wp-content/uploads/2015/11/Tarayia.pdf>, accessed on 23/06/2019.

⁴³ Moritz Merker, *Die Masai: Ethnographische Monographie eines ostafrikanischen Semitentvolkes*, Berlin: Dietrich Reimer, 1904, posthumous second edition 1910.

⁴⁴ Tudor Parffit, *Black Jews in Africa and Americas*, (Massachusetts: Harvard University Press, 2013)

⁴⁵ Nasieku Tarayia, *ibid*, pp. 184-186.

<http://arizonajournal.org/wp-content/uploads/2015/11/Tarayia.pdf>. Accessed: 23/06/2019.

Tanzania during the 17th and 18th centuries. By the beginning of the 19th century, the Maasai occupied parts of the Great Rift Valley and contiguous lands from Dodoma and Mount Marsabit.⁴⁶

In another myth of origin, the Maasai believe that they descended from two equal and complementary tribes, one was strictly of females (*Moroyok*), and the other of males (*Morwak*). The women grazed antelopes and gazelles while men grazed cattle, goats, and sheep which they maintained. The two tribes met in the forests and children were born of their union.⁴⁷ This myth illustrates the economic activities of the Maasai who mainly exhibited a pastoral way of life which was substituted with hunting. Similarly they deeply influenced their neighboring communities such as those living close to Trans Mara.

Migration in Africa was largely informal and undocumented, hence, it made accurate data insufficient.⁴⁸ However, evidence of the remarkable increase in migration in various parts of the continent was evident. Some of the conventional causes of migration included conflicts, political oppression, economic crisis and environmental factors.⁴⁹ These factors influenced the migration of people such as the Kuria who claim to have migrated from Misri and settled at Gutura, Tagota, Ngabone, Mitingware, Gatukia and Kilgoris areas by the 1600 AD.⁵⁰ The Abakuria are Bantu speakers whose language and historical traditions place them close to the Abagusii. They do not have a common myth of historical origin. Most of them believe that they came to a place called Misri.⁵¹ In the Kuria oral traditions, their origin is a place called Mbiriri near a large body of water.⁵² Their ancestors arrived in the Mt. Elgon region from western areas in the mid-16th century or before and steadily moved south to their present homeland between Lake Victoria and the Serengeti. From Mbiriri, the Kuria are then said to have migrated to Mt. Elgon and thereafter proceeded to the south of Lake Victoria.

⁴⁶ Cheryl Bentsen, *Maasai Days*, New York: Double day, 1989.

⁴⁷ Thomas Spear and Richard Waller (Eds.), *Being Maasai: Ethnicity and Identity in East Africa* (Ohio: Boydell and Brewer, 1993), V-Vi.

⁴⁸ Akokpari, John K. "Globalization and Migration in Africa." *African Sociological Review / Revue Africaine De Sociologie* 4, no. 2 (2000): 72-92. <http://www.jstor.org/stable/24487392>.

⁴⁹ Akokpari, Ibid, p 75.

⁵⁰ Oral Interview, Mwita Mang'eng'I, Kugitimo, 12/12/2018

⁵¹ Paul Abuso, Op. Cit., p.35

⁵² Gabriel Chacha, *Historia ya Abakuria na Sheria Zao*, (Dar es Salaam: E.A.P.H., 1960).

Their traditions indicated a similarity in relations with the Abalogoli and Abagusii whose dispersal point was Mt. Elgon region where they settled first from Misri. From Mt. Elgon, the Kuria occupied places bordering Lake Victoria in their quest to access water and adequate pasture. It was the Kuria settlement around this place that brought them into contact with the Maasai who, as discussed earlier, claimed to have migrated from Southern Ethiopia through Lake Turkana and settled around Lake Victoria region. They then moved to Gusiiland where they stayed for a while before moving to Gutuura and Tagoota.⁵³ While in these regions, they came in touch with the Maasai who were very aggressive, which forced the Kuria to consolidate themselves into a defensive force.

The migration and settlement of the Kuria and Maasai was characterized by wars of expansion, mutual cattle raids and natural calamities. These wars were not just between the Maasai and Kuria but also between different Maasai clans. For instance, in 1850s, intra-conflict between the Uasin Gishu Maasai and the Purko Maasai broke out resulting to the death and displacement of some of the Maasai who had to seek refuge among the Kuria.⁵⁴ At the beginning of the 19th century, Abakuria groups as well as their Gusii and Abasuba suffered militarily at the hands of the Maasai. The Kuria were pushed further to the west from their original areas including Tagota, Gutura, Gantende. Among their oral history, the events of attacks by the Maasai were recalled as the worst experience ever. For example, in the early 1900s, the Maasai warriors surrounded Gutura and attacked the Kuria neighbours in what was known as the battle of Gutura (present-day Lolgorien).⁵⁵ Since, traditionally, the Kuria don't count dead bodies, they state that many people were killed and most wounded and lots of cattle confiscated. Consequently, this marked the end of the Kuria people's settlement in Gutura.⁵⁶

However, harsh climatic conditions such as drought and attacks by army worms also influenced their migration. In 1892, rains failed and resulted to serious famine, rinderpest and diseases which had devastating impact on their cattle stock. Starvation set in pushing the Kuria to move

⁵³Paul Abuso, Op. cit., p. 35.

⁵⁴ Ibid p.35.

⁵⁵Ibid p. 46.

⁵⁶ Ibid p.46.

south wards into Tanzania due to crop failure.⁵⁷ This attracted an encroachment by the Maasai to occupy the left Kuria territory. As livestock keepers, their movement was dictated by the presence of grazing land. They kept traditional herds which are shot-horned zebu, sheep, goats and donkeys. They lived on livestock's milk, meat and blood. Cattle by-products such as skin were used for clothes and dung was used by women to plaster houses. Cattle was also a significant asset in marriages, rituals, paying fines and trade.⁵⁸

The return of the Kuria from Tanzania was motivated by recovering their lost land. They also raided Maasai cattle, however, a powerful Maasai military pushed the Kuria southwards into Musoma District in Tanzania.⁵⁹ Borrowing from Amelie Constant and Klaus Zimmermann's views on migration, ethnicity and economy, it is argued that migration, settlement and relations between the Kuria and Maasai were highly influenced by their economic activities. Migration acted as a "factor of mobility" while migrants as "factors of production" which were of significance in their livelihoods.⁶⁰ Of equal importance to understanding migration of the Kuria are questions of culture and acculturation because they inform their relations with Maasai neighbours.

The Kuria and Maasai economic activities solely depended on land, pasture and water. The Maasai were semi nomadic pastoralists known for traversing various territories in search for grazing land. Their search for grazing land was influenced by their dependence on livestock products. Cattle not only signified wealth and status in Maasai society, but also they were a source of food, pride, and wealth. Through cattle, Maasai men acquired women for wives and therefore gained status in society. Due to the economic values attached to it, it was seldom that the Maasai killed a cow.⁶¹ They are the most important aspect of their lives. The Maasai men take great pride in herding as their cows as their most prized possessions. They ensure that while blood is sucked, the cow does not die due to it. Cattle are everything: for food, material, culture,

⁵⁷ Oral Interview, Mwita Mang'eng'I, Kugitimo, 12/12/2018.

⁵⁸ Aud Talle, *Women at a loss: Changes in Maasai Pastoralism and their Effects on Gender Relations*(Stockholm: Stockholm Studies in Social Anthropology, 1988).

⁵⁹ Paul Abuso, O. cit., p.46.

⁶⁰ Amelie F. Constant and Klaus F. Zimmermann, "Migration, Ethnicity and Economic Integration," Discussion Paper No. 4620 December 2009, <https://pdfs.semanticscholar.org/761>. Accessed:07/07/2019

⁶¹ Sofie Mörner, "The Maasai-Changes in Livelihood after Land Loss," Bachelor Thesis, Department of Life Science, Södertörn University College, 2006, pp. 17-20.

and rituals. When the Maasai meet, cows are mentioned in their greetings. “I hope your cattle are well,” they say in greeting.⁶² They are a symbol of wealth and a source of pride, and a person’s entire life revolved around the size of their herds. The Maasai put a lot of effort into the cattle and walked hundreds of kilometers in search for their pasture. They seek for good grazing areas especially when their land suffered from drought.⁶³

Just like the Maasai, the Kuria attached vital importance to land. The land was communally owned for grazing, water, and firewood collection. Most importantly, it was used for practicing a mixed economy of crop growing and livestock keeping. Land in Kuria was divided along clan lines.⁶⁴ Clan heads then gave it to each family who occupied its own particular piece of land and tried to make it as extensive as the elders of the sub-clan would allow. The boundaries of such areas were usually streams, rocks, valley bottoms or hills. However, land ownership changed with the intrusion of the colonial rule which introduced barriers to land and its uses.⁶⁵

They were actively engaged in crop production. Among the first crops they cultivated were finger millet, sweet potatoes, sorghum and a few species of vegetables such as cowpeas. The rest of the vegetables grew wildly.⁶⁶ Millet and finger millet thrived well because they were suitable to the local physical conditions, especially the inland modified tropical equatorial type of climate experienced in the area. Crop production was highly practiced in fertile soils especially in the hilly areas of Ntimaru and Kegonga which physically influenced agricultural economy. Intercropping was a common practice among cultivators. They mostly broadcasted finger millet seeds in a single file and Sorghum was planted around the farm at the sides to act as a fence.⁶⁷

Boarder lands which served as grazing fields such as Tagota (present-day Lolgorien) experienced high incidences of conflict between the two communities. They were at the centre of violent conflict between Maasai and the Kuria. The rivalry was brought about by the contest for the land around *Ikwabe re Kuria* (Maasailand of the Kuria) in which both parties attached ownership. The

⁶² Oral interview, Joseph Ncheiri, Oral Interview, Masurura 13th/12/2018.

⁶³ Ibid 13th/12/2018.

⁶⁴ KNA/ NZA/PC/4/2/1/7/ Agricultural Development in South Kavirondo 1960-1962:54.

⁶⁵ KNA/ NZA/PC/4/2/1/7/ Agricultural Development in South Kavirondo 1960-1962:54.

⁶⁶ Oral interview, Mokami Ogituti, Kugitimo, 13th/1 2/2018.

⁶⁷ Paul Asaka Abuso, Op, cit., p.46.

Maasai community claimed that the land was communally theirs while the Kuria claimed they had been living there for a long time. The long-standing conflict between these communities could be viewed as efforts by each to reclaim their land which they asserted they had inherited from their ancestors. However, at the centre of it all was the search for grazing pastures for their cattle.

Besides being cultivators, they also kept cattle and pursued cattle raiding as an economic activity. According to Michael Fleisher, cattle raiding as an economic activity among the Kuria was by no means a new phenomenon, it was practiced for centuries back in pre-colonial society.⁶⁸ The motives for raiding among the Kuria was generally attributed to desire for prestige, retaliation, looting, need for brides, and trophies or the desire to acquire, or reacquire, cattle. Many of Kuria young men who had undergone initiation received their baptism of blood as cattle raiders during the prolonged period of warfare between the Maasai and Kuria. Raided cattle were the primary source of wealth for the young men. Cattle raiding was part of their socialization. Kuria oral songs such as the one below that praises cattle and their benefits:

Igareero Ibhimori
Reero mbirgonke Ibhimori ×4
Tatiga bhigonke
Tatiga bhigonke kori,
Biangohe gukina,
Birente omokamona.
Translation
That Today's Calf
That today's calf ×4
Today the calf with suckle,
Let the calf suckle so that,
They mature fast,
And bring daughters in-law.

The value attached to cattle brought major disputes or cooperation with their Kuria neighbours. Their love for cattle brought out the aggressive nature of the two communities: warfare was inevitably fought over land and grazing rights, and cattle raids were essential in guaranteeing a family's prosperity as well as to massage the warriors' ego and enable them to acquire brides.⁶⁹ Firstly, the Maasai spread into Kuria-land, provoking the competition over the available grazing

⁶⁸ Michael L, Fleisher, Op. Cit. p.8.

⁶⁹ Oral Interview, Joseph Ncheiri, Getaita, 10th /12/2018.

land which was equally significant for the Kuria. With increase in population, grazing lands greatly reduced and contributed to the escalation of violence between the Maa-Kuria communities. For instance, during the dry season in Maasai-land, Kuria territories were mostly green which enticed the Maasai herders to relocate to Kuria areas to look for pastures for their livestock. However, they had to battle it out with the Kuria who also grazed their cattle on the scarcely available resources on their fields on which they practiced crop farming as well.⁷⁰

As seen above, the economic aspect of land played a major role in the community relations of the two neighbours. The need to move freely demonstrated their necessity for land. However, due to its limited access, the Maasai struggled to maintain a pastoral lifestyle. According to Daniel Ndagala, the Maasai lived in a region in southern Kenya and northern Tanzania for about 300 years, side by side with wild animals.⁷¹ But the state changed this over the years by imposing some restrictions. The Maasai were no longer allowed to live in and to use the land that they originally accessed. Most of their former land was lost to the Kuria who, instead, utilized it for commercial cultivation while national parks also ate into their territories. Therefore, they lost two thirds of their original land. This is well highlighted in the court records which indicate:

Tendes took 20,000 acres of land from the Maasai leading to a conflict between the two communities. The land was strategic in terms of grazing fields and watering points.⁷²

Given the changes instituted by government to restrict cattle movement and many uses of cattle, and the story about their origin, it is not surprising that cattle held great importance in Maasai life both in rituals and other ceremonies. Virtually all social roles and status derive from the relationship of individuals to their cattle: cattle are a major sign of wealth and are exchanged between a groom and his bride's family as a symbol of their bond (bride wealth).⁷³ Essentially, their social use is to create or strengthen ties and loyalties. They are also used as payment for fines to re-establish social harmony (including cases of murder) and are offered as sacrifices on the most important ritual and ceremonial occasions - symbolizing the people's bond with Ngai,

⁷⁰ Oral interview, Lemaian, Getaita, 10th/12/2018. (Not real name).

⁷¹ Daniel Kyaruzi Ndagala, *Territory, Pastoralists and Livestock Resource Control among the Kisongo Maasai* (Gotab: Stockholm, 1992), p 42.

⁷² GOK/CIV/183/2016: A Petition Regarding Historical Injustices Occasioned to the "Tendes" Kurians in the Former Trans-Mara District, Lolgorian Division on or about 1989, and Nairobi: National Land Commission Registry, 21, November, 2016.

⁷³ Oral interview, Alice Kantai, Masurura 13th/12/2018.

their God. These ceremonies include births, deaths, and all the rites of passage. Depending on the occasion, the sex and color of the cattle is ritually significant.⁷⁴ The changes introduced by governments forced the Maasai to adopt other ways to support themselves. For instance, a Maasai family had often other animals such as goats, sheep and sometimes donkeys which were used in trade. The latter are an important source of transportation, especially for the women. They were used to carry water on long distances and to transport products to markets for sale.

The Maasai also carried out raids as an economic activity. However, these raids were met with counter attacks from the Kuria. The raids resulted to revengeful attacks by each group resulting in killings and loss of cattle. Cattle rustling as an economic activity among the Maasai was a traditional activity as depicted in their traditions, cultural songs and dances carried from one generation to another. The traditions highlighted the existence of cattle rustling before the coming of the Europeans into Africa and subsequent penetration into the Maasai realm. They engaged in cattle rustling culture, raiding the Kuria and taking away their animals and girls as a means of expanding grazing lands, restocking livestock and obtaining cattle for bride price.⁷⁵ When returning from successful raids, the warriors were received by ululation and other songs of praise by women singers, some of whom were potential brides for the warriors. Rustled livestock were meant to replenish lost herds following drought or raids.

2.4 Making sense of Visible Identities

Identity is a complicated and an unclear concept that plays a central role in shaping relationships between different communities, ethnic groups or states. Identity, as argued by Erik Erikson, refers to a social category of people defined by membership rules, expected behaviours or any other socially distinguishing features.⁷⁶ It is also associated with dignity and pride and has a big influence on the relationship of various people and communities involved. In this section, I argue that identities of the Kuria and Maasai communities allows us to better understand and explain their actions in terms of conflict and cooperation. By analyzing their ordinary language whether constructed deliberately to identify “we” and “they”, is a valuable and essential tool in

⁷⁴ Oral interview, Nekishon Loseia, Masurura 13th/12/2018.

⁷⁵ Oral interview, Emily Ncheiri, Getaita, 10th/12/2018.

⁷⁶Erik Erikson, *Identity: Youth and Crisis*(New York: Norton, 1968)

understanding the actions of conflict and cooperation. Horowitz argues that identity plays a central role in constructing the art of nationalism and ethnic conflicts.⁷⁷

In Kuria-Maasai relations, identity remains an outstanding factor. Certainly, the ethnic identities of the Kuria and Maasai are relevant in either conflicts or cooperation. In many cases, the choices made by any of these communities lay the foundation for ethnic mobilization. Ethnic conflicts or cooperation often emerge in situations when communities feel threatened with marginalization, or when no recourse for grievances exists.⁷⁸ Therefore, ethnic thinking and mobilization generally emerge from the resulting unequal access to available resources and not from an intrinsic hatred. The competition between ethnically based patronage networks for access to resources was intensified by open competition for pasture, land and water between the two communities. To the Kuria and Maasai, identity is who they are and how they relate to others. It is the way the two communities individually and collectively distinguish their social relations with each other. Herrigel argues that social identity means the desire for group distinction, dignity, and place within historical specific discourses of framing their character, boundaries of their territory, and their economy.⁷⁹ Identity is, therefore, a process; identity is split and identity is cooperation.

Among the Maasai, identity means various things; the word “Maasai” for instance exemplifies a generally accepted set of values which cannot be compromised. “Maa” is associated with pride. It means, “I will not beg, I am wealthy in terms of cattle or I identify with all cattle” or I will not supplicate to anybody. This implied an identity of bravery, fortitude, and arrogance. Similarly, these were significant values for the military aspect of Maasai culture who considered themselves *iltung’ana loo ngishu* (People-of-cattle) or *en talapu* (Those-who-are-under-cattle or, those who are-suckled). They identified and believed in accumulation of as much cattle as

⁷⁷ Donald Horowitz, *Ethnic Groups in Conflict*, (Berkeley CA: University of California Press, 1985), 5.

⁷⁸ Kehinde Olayode, “Beyond Intractability: Ethnic Identity and Political Conflicts in Africa,” PhD Dept. of International Relations Faculty of Administration, Obafemi Awolowo University, Ile-Ife, Nigeria, *International Journal of Humanities and Social Science*, Vol. 6, No. 6; June 2016.

⁷⁹ Gary Herrigel, “Identity and Institutions: The Social Construction of Trade Unions in the United States and Germany in the 19th Century,” *Studies in American Political Development*, 1993, p 371.

possible because, cattle were given to them by Engai. The cattle can be accumulated from the neighbours who hold them though they mythically belong to the Maasai.⁸⁰

In the original state, the Maasai, Ilmeek and Iltorrobo co-existed in various aspects but God dropped a rope from heaven to earth sending cattle to the Maasai. The Torobo are said to have been angry and shot the rope with an arrow. Henceforth they became hunters, producing food in the wild as they lacked cattle.⁸¹ Similarly, famine is said to have stricken the Maasai people. Together with their cattle they climbed the escarpments in Kerio Valley in search for pastures. Unluckily, the bridge crumbled down. Those who ascended became pastoralists and those who succumbed became agriculturalists. However, the Maasai believe that with accumulation of enough cattle one could ascend to become a pastoralist.⁸² Identity with pride and cattle is a motivation that drove the Maasai to raid their Kuria neighbors in the practice known to the Maasai as returning the cattle home to their rightful owner.

Another aspect of identity and pride that informed the relations between the Maasai and the Kuria was religion. The Maasai were a very tradition-conscious and proud people. They identified with their God who was Engai who lived at the summit of Mt. Ol Doinyo Lengai. The identities with Ol Doinyo and Engai reinforced their claims over the land that was around the mountain. The mountain demonstrated how they constructed and saw themselves as part of a reality only completed by how others view and relate to them. Engai was believed to have given the Maasai land and power over all the cattle. They regarded the earth around Mt. Ol Doinyo Lengai as some sort of womb. It is where life came from, therefore the land was synonymous with life. It is each and every Maasai's birthright. If one tampers with it, they tampered with where they come from, 'the womb'. Land around Ol Doinyo Lengai and cattle therefore played an important role not only in the Maasai life but also as a source of cooperation and conflict with the Kuria.

⁸⁰Galaty, John G. "Being "Maasai"; Being "People-of-Cattle": Ethnic Shifters in East Africa." *American Ethnologist* 9, no. 1 (1982): 1-20. <http://www.jstor.org/stable/644309>. Accessed: 07/07/2019.

⁸¹ Galaty, John G, Ibid p6.

⁸² Galaty, John G, Ibid p7.

In their traditions, the Kuria and the Maasai communities have a history of prejudices and stereotypes against each other which provided a fertile ground for conflict. The Kuria have a strong and topical stereotype of perceiving the Maasai as backward and with detrimental lifestyle.⁸³ To the Kuria, mentioning a Maasai usually evokes images of a dangerous person who wants to raid their cattle and girls: “They are dangerous warriors, uncontrollable and a threat to our people,” said one Kuria old woman.⁸⁴ They saw the Maasai as fearful, vestiges of savagery and as threats to them. They rated the Maasai as untrustworthy, violent; and unintelligent. They treat them essentially as illiterate and more concerned with pastoralism. Interestingly, the Kuria also put these stereotypes in historical perspective. For example, during initiation, most elders incited the initiates against the Maasai. They took advantage of the stereotypes and prejudices that existed between the two communities to ensure that the two communities remained at conflict.⁸⁵

Stereotypes made them communities to try by all means to do away with the other. The enmity influenced by stereotypes went a notch higher with scarcity of resources, such as land and cattle that made the two communities to compete. The Kuria and the Maasai communities considered each other to be traditional enemies. The Maasai referred to the Kuria as *oromang’ati*, meaning the enemies while the Kuria referred to the Maasai as *ababhisa/abhaibhi* to mean enemies or thieves who steal their cattle. They killed Kuria young people who defended cattle as depicted in the song below:

Iching’ombe Charya abhamura

<i>Soloist</i>	<i>Response</i>
<i>Iching’ombe</i>	<i>Charya abhamura ×8</i>
<i>Iching’ombe</i>	<i>Charya abhamura...</i>

Translation

<i>Soloist</i>	<i>Response</i>
<i>Cows</i>	<i>Have eaten our warriors ×8</i>
<i>Cows</i>	<i>Have eaten our warrior...</i>

⁸³ Oral interview, Mokami Ogituti, Nyamagonwi, 13th /12/2018.

⁸⁴ Oral interview, Robi Matiko, Kurumangucha, 15th /12/2018.

⁸⁵ Oral interview, Robi Matiko, Kurumangucha, 15th /12/2018.

Individuals seeking political positions also tapped into the rich intercommunity stereotypes especially during the election campaign periods. Politicians referred to the Maasai by the name they had been branded by their community *ihikwabe* meaning the small Maasai, the tiny people who have no value. This gave the Kuria people the legitimacy to refer and believe that a good politician is the one who could defend them from a Maasai enemy.⁸⁶ Similarly, among the Maasai, politicians capitalized on land so that they could win popularity. People were made to believe that, the best leader was one who had the ability to reclaim their land permanently from their enemies.

Land among the Kuria and Maasai communities is a fundamental and highly symbolic resource that holds a unique position within the two communities' economies and social life. Many of the conflicts experienced in colonial and postcolonial Kenya between the two communities are linked with land usage. The volatile dynamics between land, its competing usages and the ensuing conflicting claims to its access and control present a complex issue. According to Ward, land conflicts in Africa are a challenge to many communities.⁸⁷ The escalation of conflicts over land and other land-based resources between the Kuria and Maasai communities provides copious illustrations of the numerous struggles for access to land such conflicts also underscore the perennial failure by both communities to compromise on land issues. The introduction of colonial rule and subsequent, struggles for the control and private ownership of land have greatly accentuated interethnic polarization, social inequalities and the number of landless people, particularly among the rural poor of these communities. These experiences have created scarcity and other distributive pressures for land acquisition process.

2.5 Sources of Conflict and cooperation in the colonial period

The colonial state was highly associated with antagonisms, contradictions, struggles and generation of policies that sought to redefine pre-capitalist customary regulations guiding access, control and ownership of land not only among the Kuria and Maasai but also in the entire protectorate. Following the abolition of slave trade in the 1800s, the British encouraged trade in legitimate commodities throughout its colonies. It also empowered European settlers to take over

⁸⁶ Oral interview, Mokami Ogituti, Nyamagonwi, 13th /12/2018.

⁸⁷ Anseeuw Ward and Chris Alden, eds., *The Struggle over Land in Africa: Conflicts, Politics and Change* (Cape Town: HSRC Press, 2010).

land for commercial agriculture. Companies like British American Tobacco acquired land, established trading outposts and promoted tobacco farming. These developments had severe implications for land tenure.⁸⁸

The settler economy led to the concentration and focus on commercial agricultural activities that resulted to an unprecedented diversion from the production of food crops to cash crop production, thereafter creating an artificial scarcity and competition over land, leading to an intensive land grabbing by members of various ethnic groups. Colonialism was also closely associated with the coming of European missionary organizations which set up economic bases in order to penetrate communities and settlements and also spreading Western cultural values through Christianizing and educating the native populations.⁸⁹ Although the resistance to the colonial policy position was brutally crushed by the colonial state, the resultant tensions generated by the clashing of these conflicting notions as well as the contradictory frameworks of land ownership resulting from them as upheld subsequently by the postcolonial state laid the foundations for the lingering land conflicts as well as land-based disputes across the Kuria-Maasai region.

Before the arrival of Europeans, in a sequence of movement and adaptation, the communities of East Africa had adopted various economic and social patterns. This meant that the colonial powers were faced with challenges in their effort to confront the livelihoods of communities in efforts to bring effective social change.⁹⁰ However, much of the Africans resisted colonial regimes in Kenya and Tanzania managed to alter the livelihoods of the Kuria and Maasai.⁹¹ For example, in the 1890s, the harsh German administration in Musoma District (Tanzania) forced some of the Kuria clans to migrate northwards into Kenya. They inhabited the western side of South Nyanza district the then Migori Sub-District. In Tanzania, however, they occupied both North Mara and Musoma Districts. The British regime in Kenya introduced new dynamics on

⁸⁸Heald, Suzette. "Tobacco, Time, and the Household Economy in Two Kenyan Societies: The Teso and the Kuria." *Comparative Studies in Society and History* 33, no. 1 (1991): 130-57. <http://www.jstor.org/stable/179012>.

⁸⁹Peter Nyong'o, "The Land Question, Land Grabbing and Agriculture in Africa," *CODESRIA Bulletin* 3 and 4, 2013, pp. 26-29

⁹⁰Anderson, David M. "Cow Power: Livestock and the Pastoralist in Africa." *African Affairs* 92, no. 366 (1993): 121-33. <http://www.jstor.org/stable/723101>. Accessed: 22-05-2018.

⁹¹Waller, Richard. "Ecology, Migration, and Expansion in East Africa." *African Affairs* 84, no. 336 (1985): 347-70. <http://www.jstor.org/stable/723071> Accessed: 22-05-2018.

neighbouring communities. Communities which were identified by similar and shared cultural attributes were labeled as tribes. The Kuria, for example, were referred to as the Watende by the colonial administrators in Karunga which was the first administration Centre of British South Kavirondo. The demarcation of boundaries and the introduction of a capitalist economy had severe impacts on the Kuria-Maasai relations.

According to David Anderson, the military embellishment of the Maasai came to an end with the imposition of administrative boundaries. This relatively halted further expansion of territories by the Kuria and Maasai communities. In 1910, the colonialists evicted the Maasai from fertile lands in favour of White settlers therefore making it almost impossible for pastoral economic activities.⁹² In the same year, C. M. Dobbs, the District Commissioner of South Nyanza, barred the Kuria from expanding their territories. For effective administration, local leaders were appointed to keep law and order within administrative units. Chiefs were appointed as communities' representatives. For example, the first chief of the Siria Maasai was Chief Ole Nalutu, while Chief Chacha Maucha represented the Kuria.⁹³ Such local administrators were used to indirectly administer the British rule. By 1927, the two communities had already established boundaries between themselves through their chiefs. However, a shift of boundaries was experienced by the two communities when the colonial regime demarcated Kuria-Maasai boundary by planting beacons in Buregi sub-location and Nyabasi sub-location. This was done before a number of witnesses, among them Ole Ngoidila (Maasai), Nyakimuli Makuli and Maguba Mwita (from Kuria). Notably, the two communities still maintained their previous boundaries in ways appealing to their interests.⁹⁴

The imposition of colonial boundaries resulted to the loss of grazing land and severe restrictions on the pastoral way of life was felt. Most Africans were moved into native reserves. The land that they vacated was opened to European settlement and later also to the establishment of game parks and to what Allan Jacob referred to as African agricultural colonization.⁹⁵ Most parts of

⁹² Waller, Richard. "Ecology, Migration, and Expansion in East Africa." *African Affairs* 84, no. 336 (1985): 347-70. <http://www.jstor.org/stable/723071> Accessed: 22-05-2018.

⁹³ Oral Interview, Mwita Mang'eng'i, Kugitimo, 12/12/2018.

⁹⁴ Oral interview, Nyahiri Kohera, Kurumamgucha, 20/12/2018

⁹⁵ Alan Jacobs, "Maasai Pastoral-ism in Historical Perspective," in Theodore Monod (ed.), *Pastoralism in Tropical Africa*, London (1975) 412-13.

Trans Mara stretching to Ngorongoro in Tanzania and a large part of Maasai and Kuria territory was gazetted and became a northern wildlife refuge area.⁹⁶ From 1904 onwards, most areas were also declared wildlife conservation areas and the movement of domestic animals in them was subjected to numerous restrictions. The establishment of the Serengeti National Park in 1959 forced the Maasai to leave that area altogether and move to some areas claimed by the Kuria. Even in the native reserves, the Maasai and Kuria people faced restrictions. Their cattle were put on quarantine and their movement and sale beyond the reserves was prohibited as a precaution to prevent the spread of diseases to the European farms.

The changes in land tenure posed the greatest challenges among Maasai and Kuria livelihoods.⁹⁷ The pastoral lifestyle was challenged by encroaching colonial interests and government restrictions. Wildlife conservation policies and Western notions of private property and resource ownership interfered with normalcy by shrinking the land, causing competition for the same resources between the Maasai and the Kuria. Changes in land tenure and uncertainties related to scarcity in resource were a major source of deprivation, vulnerability and insecurity in the Trans-Mara areas. Africans (Maasai and Kuria) were forced to lesser productive areas and therefore lost some of their best grazing land that was predominantly important in times of drought. This became a recipe for conflict between the two communities.

In response to the pressure exerted by the capitalist penetration and colonial policies premeditated to facilitate the imposition and growth of that economy, practices such as cattle rustling underwent a rampant transformation to become exceedingly commercialized especially among the Kuria people. From its pre-colonial roles of demonstrating the spirit of new warriors; restocking community herds; to an illicit, and violent, cash-market-oriented enterprise. Indeed, the British administration had major administrative problems to deal with cattle raiding and ‘trespassing’ of the boundaries by the communities which grew to become a major problem.⁹⁸

⁹⁶ Carl Fumagalli, “An Evaluation of Development Projects among East African Pastoralists,” *African Studies Review* 21(3) (1978) 49-64.

⁹⁷ De Haan, Tjaart Schillhorn van Veen and Gauthier *et al*, *Livestock Development, Implications for Rural Poverty, the Environment, and Global Food Security*, The World Bank Washington, DC, 1999 p 6.

⁹⁸ Fleisher, Michael L. ""Sungusungu": State-Sponsored Village Vigilante Groups among the Kuria of Tanzania." *Africa: Journal of the International African Institute* 70, no. 2 (2000): 209-28.
<http://www.jstor.org/stable/1160816>. Accessed: 22-05-2018.

It has to be noted here that the introduction of boundaries and reserves did not hinder cross-border interactions. For instance, in 1927, high inter-community activities were witnessed, although, against the wish of the colonial masters.⁹⁹ The Kuria people were said to have ‘trespassed’ into Trans-Mara and established settlements in part of Maasai land despite frequent attempts of the boundary survey by their local administrators. In 1929, the Kuria attempted to justify their presence within the Maasai territory by showing a boundary that wound round their settlements conveniently excluding those on Maasai land. Between 1935 and 1942, more Kuria settlements were established on Maasai territory and soon there were inter-community ties through intermarriages. In 1939, for instance, a Kuria lady was married in Tagota (present-day Lolgorien) which, according to Mwita Mang’eng’i, was big news considering the long history of enmity.¹⁰⁰

This drew more attention to the colonial government which was determined to maintain the boundaries for administration. Fascinatingly, the Kuria had established settlements within Trans Mara for years. It was not clear, however, if they were invited by the Maasai or it was an invasion. Nonetheless, it was determined by the colonial government that the Kuria community disregarded the boundaries and therefore entered Trans Mara forcefully against the wishes of the Maasai. This stirred up hostilities between the two communities. Consequently, the colonial government, through Mr. Pinney, resolved the conflict by introducing land leasing policy between the two communities. The land occupied by the Kuria was to be considered leased to them by their Maasai neighbours.

In 1944, the grazing concession was effected. The Kuria were allowed to graze and water their cattle in Engopelsani/ Nyabikwa River on the condition that all the settlements in Maasai were to be destroyed and cultivation stopped.¹⁰¹ A grazing fee at the rate of 1 shilling per head in a month was charged by the colonial government. Although the concession was to last only until the next rainy season, the Kuria had utilized this opportunity such that they grazed beyond their initially allocated areas and more dense settlements were established along the border such that

⁹⁹ Kenya National Archives, PC/NKU/3/1/20, Notes on the Topography of the Maasai-Kuria Border, The Maasai-Kuria Border Part IV, 1927.

¹⁰⁰ Oral Interview, Mwita Mang’eng’i, Kugitimo, 12/12/2018.

¹⁰¹ Kenya National Archives, PC/NKU/3/1/20, Notes on the Topography of the Maasai-Kuria Border, the Maasai-Kuria Border Part V, 1944.

there was barely no space to cultivate between them.¹⁰² Once more, it resulted to antagonism between the two communities. The colonial government sought the repatriation of the Kuria back into south Nyanza. This was followed by attempts to resolve the differences between the two communities.

In August 1945, a first meeting between the Maasai and the Kuria was held at Angata Baragoi.¹⁰³ Once more, the colonial leaders imposed boundaries along the disputed land. The boundary started from Tanganyika Hills, straight through the swampy area in front of Getura hill, a straight line passing a small river Urusinande, straight to river Siteti. From the border, 5 miles deeper and 20miles long into Maasai land approximately 20,000 acres in value. On 13thMarch 1946, a second meeting was held at Lolgorien to verify their previous agreements. The then District Commissioner Edward Henry Windley of Narok initiated a transaction where the Kuria were asked to pay 2,000 herds of cattle to the Maasai in exchange for the possession of the disputed land, failure to which the land was meant to remain within the Maasai territory. However, the Kuria people were reluctant to implement the payment.

In 1948, forceful eviction of the Kuria was implemented.¹⁰⁴ The “trespassers” (Kuria) were ordered to move out of Maasai land. However, when the boundary was visited on 22nd March 1949, the settlements of the Kuria still remained. Interestingly, some of the Kuria sub-headmen who were in charge of maintaining the same boundaries also lived in these settlements. This resulted to strained relations between the two communities. As a result, it was recommended that all the Kuria people be returned to the South Nyanza District. A Maasai-Kuria border Committee was formed and a post of Kenya Police was established to quell any future aggression. Further, the grazing concession was denied to the Kuria when a list of individuals facing eviction was issued, including those who initially served in the colonial government.¹⁰⁵

The British method of eviction proved unsuccessful in resolving the antagonism between the two communities. Disputes sporadically arose between the two communities over grazing fields and

¹⁰² Ibid, Maasai-Kuria Border part V, 1944.

¹⁰³ Kenya National Archives, PC/NKU/3/1/20, Solving Boundary and Tribal War, 13/3/1946.

¹⁰⁴ Kenya National Archives, PC/NKU/3/1/20, List of Kuria of More than 2 Years Residence to be Evicted, Appendix B.

¹⁰⁵ Ibid, Appendix B

watering points. In response to frequent rows, the colonial government formed a Protectorate Task Force of 1955 to settle the conflict.¹⁰⁶ On June 3rd the same year, a taskforce was sent to Trans-Mara due to failure by the Kuria to settle their debt to the Siria Maasai. The taskforce led by Mr. Collins and the District Officer seized 5,000 herds of cattle from the Kuria people. At a court sitting in Lolgorien in Narok, the 4000 herds of cattle were paid to the Maasai and the remaining returned to the Kuria People. The court resolved the dispute by giving back the land that legally belonged to the Kuria people. The gesture was said to have achieved the desired results. First, the Maasai had their payment and, second, the Kuria had their land. An amicable meeting was held at Ongata Baragoi on 31st August between the two communities. By the end of that year, the Kuria-Maasai land disputes were said to have been resolved and, according to the British view, the two communities were at best in their relations. However, this was not to be the case because the dispute over the same land persisted and took a different dimension.

In the post-colonial period (1963 and after), the scramble for ancestral land arose again, with communities laying claims and counter claims to own land that they once occupied. The issue of boundaries between communities and between newly formed states emerged. Interethnic wars were fought over the issues of boundaries which the British thought they had solved between the Kuria and the Maasai. To complicate the situation, the new weapon namely the gun was now common in these wars. The communities that took part in such wars were armed with small arms. Major events such as Idi Amin Dada's invasion of Tanzania in 1978 brought about changes among communities in the south western part of Kenya. To counter Idi Amin's threat on Tanzania, Nyerere, who was a Kuria, recruited mostly his tribesmen into the army. The Kuria made over 50% of the Tanzanian army. As a result, it influenced arms proliferation into the Kenyan Kuria side of the border. After 1979, the Kuria were armed with guns more than the Maasai and were therefore in a better position to carry out attacks on their neighbours and even among themselves.¹⁰⁷ They had well trained personnel and were armed with modern weapons.

¹⁰⁶ Kenya National Archives, PC/NKU/3/2/20, Task Force Operation and Debt Payment, District Commissioner Galton Fenzi, 29/6/1955.

¹⁰⁷Heald, Suzette. "State, Law, and Vigilantism in Northern Tanzania." *African Affairs* 105, no. 419 (2006): 265-83. <http://www.jstor.org/stable/3876789>. Accessed: 22-05-2018.

Their motivation to pursue raiding was on a different and advanced level as will be demonstrated in the chapter on conflict.¹⁰⁸

2.6 Conclusion

This chapter discussed the identities of the Kuria and Maasai communities and how they informed their relations. It provided a historical background which enabled the researcher to better understand the communities of study. It demonstrated how the binary of conflict and cooperation was sustained with unique livelihoods and shared cultural practices. Their identities distinguished how they viewed and stereotyped each other. The Kuria perceived the Maasai to be lazy people who could not grow their food while the Maasai felt that the Kuria were committing sacrilege by destroying pasture with their agricultural activities. In addition, the chapter also demonstrated that the Kuria-Maasai conflict occurred amidst cooperation with each other.¹⁰⁹ To supplement their diets, the Maasai depended on the agricultural produce from the Kuria, which were bartered with their animal products.

However, the state influenced the Kuria-Maasai relations through the imposition and implementation of colonial policies such as administrative boundaries and construction of tribes which was geared towards divide and rule policy. This generated land conflicts between the two communities and even inter-state wars, which further contributed to proliferation of small arms in the Southwestern Kenya.¹¹⁰ The next chapters discuss small arms proliferation and its impact to the Kuria-Maasai relations.

¹⁰⁸ Ibid, p 270.

¹⁰⁹ Heald, S. State, Law and Vigilantism in Northern Tanzania. African affairs, Vol. 104 No. 419. 2006 Pg. 268 Retrieved from: <http://www.jstor.org/stable/3876789> Accessed on: 11-12-2017.

¹¹⁰ Michael L, Fleisher. *Kuria Cattle Raiders: Violence and vigilantism on the Tanzania/Kenya Frontier*, (Michigan: University of Michigan Press, 1942), 269.

CHAPTER THREE

THE CHANGING NATURE OF THE KURIA MAASAI RELATIONS IN THE TRANSMARA BORDER, 1979-2010

3.1 Introduction

The correlation between culture and conflict in inter-community relation was a topic of debate among scholars for some time. However, there was a general agreement that, historically, there were instances in which differences in culture directly contributed to inter-community conflict. For example, Aberi in his work on the Kuria and Maasai conflicts argues that the relation between the two communities between 1920 and 1960 were characterized by retaliatory wars, mainly stemming from cultural attachment to land and cattle.¹¹¹ With time, however, the value of cattle and land invariably changed in the Kuria and Maasai cultural marketplace. What was previously communal land transited into private; cattle assumed a much more commercial significance than hitherto being a symbol of cultural superiority. Consequently, the trajectory of the Kuria-Maasai conflict changed in terms of scale and fatality following the commoditization of land and cattle, the most important factors of production in these two communities.

In the late 1970s, proliferation of small arms, guns in particular, led into a new dimension in the dynamics of the Kuria-Maasai conflict. The presence and use of guns not only intensified land disputes and cattle raids but highly commercialized conflict.¹¹² This chapter argues that whereas the root causes of Kuria-Maasai conflict remained the traditional disputes over land and cattle raids, their scale and significance changed following commoditization of land and cattle which was exacerbated by the introduction of guns in the region. In addition, this chapter discusses factors that contributed to small arms proliferation, and its impact on the Kuria-Maasai relations.

3.2 Arms Proliferation

Several unique factors contribute to small arms problem in Africa. Firstly, Africa is rich in natural resources but vast and harsh in climate and ecology, hindering development and the provision of security. While in the developed world small arms are chiefly an urban

¹¹¹Kosygin, Aberi. The Role of Culture in Cross-Border Conflict Between the Maasai and the Kuria of Western Kenya, 1920-1963, (M.A Dissertation, Kenyatta University, Department of History), November 2015. P.12.

¹¹²Fleisher, Michael L. "Kuria Cattle Raiding: Capitalist Transformation, Commoditization, and Crime Formation among an East African Agro-Pastoral People." *Comparative Studies in Society and History* 42, no. 4 (2000): 745-69. <http://www.jstor.org/stable/2696692>. Accessed: 01-04-2019.

phenomenon, Africa's history is different as arms predominantly spread to urban areas from rural people. The problem of vast porous borders and marginalized areas make regulation of arms flowing from regions in war zones extremely difficult. Secondly, resource-based conflicts often broke out between ethnic groups, while some developed to be intractable. Thirdly, Africa endured a long period of exploitation by European powers and a continued inequality with the developed world, despite successful struggles for independence.

The post-colonial legacy for most African states was unstable and poorly governed. It comprised of armed militias and sponsored insurgencies within and from neighbouring states. Like other regions of Africa, the Eastern region also provided a playground for the cold war antagonistic superpowers. North east African countries such as, Sudan, Ethiopia, Kenya and Uganda among others received large infusions of arms from the cold war superpowers who fought their battles of domination in the region. In a big way, this contributed to the collapse of different governments and civil wars in Sudan, Somalia, Ethiopia, and Uganda. The collapse of Somalia, for example, precipitated arms proliferation where it was estimated that over 60,000 arms made their way into Kenya alone.¹¹³

Access of arms by communities and non-state actors impacted on communities in various ways. In Kenya insecurity increased with the influx of arms that the government found it difficult to provide and maintain security to her citizens. Pastoral communities engaged in frequent mutual cattle raids and assaults especially among the *Ngoro* of the Turkana community.¹¹⁴ Large scale infiltration of the AK-47 in Karamoja undermined the authority of the elders and the young men commanded bargaining powers with the state.¹¹⁵ The gun culture along the Kenya-Ethiopia border greatly contributed to the porous nature of the boundary. The AK-47 influenced the Dassanetch community who undermined the hegemony of the State.¹¹⁶ Similarly, the Kuria-

¹¹³ Kenya Times, 22nd April, 2004.

¹¹⁴ Muthike Ndambuki. "The Impact of illicit arms on security: Case study of Cattle rustling in Northern Kenya. (Masters' Thesis of Diplomacy and International Relations, University of Nairobi. 2016) pp 1-44.

¹¹⁵ Mirzeler, Mustafa, and Crawford Young. "Pastoral Politics in the Northeast Periphery in Uganda: AK-47 as Change Agent." *The Journal of Modern African Studies* 38, no. 3 (2000): 407-29. <http://www.jstor.org/stable/161705>. Accessed: 29-07-2018. 407.

¹¹⁶ James Ndung'u, *Herders, Guns and the State: Historical Perspective of the Dassanetch Frontier Areas and the Politics of Arms in Northern Kenya, 1909-1997*. M.A Dissertation, University of Nairobi, Faculty of Arts, Department of History, 2009.

Maasai communities were involved in a localized arms race which resultantly impacted on their relations. Various factors and events made it possible for the two communities to access arms.

3.3 Factors Influencing Arms proliferation into the Trans-Mara border.

In the mid-1970s, a localized arms race was experienced in the East African region. In 1975, the Ugandan forces army was perceived superior to that of Tanzania. In 1975 and 1978, Uganda received arms from Libya, USSR, U.S.A, Iraq and Switzerland. As a result of power which came as a result of armament, the then President of Uganda Idi Amin claimed parts of Tanzanian, Kenyan and Sudanese territories. In 1978, Tanzania did not have a significant army but only People's militias. Interestingly, the Kuria community experienced a mass recruitment into the Tanzania military in which they formed over 50% of the army. Prior to the war, Tanzania received arms from China, UK, USSR and U.S.A¹¹⁷

Consequently, in October 1978, Amin invaded Kagera. A week after the invasion, regional commissioners all over Tanzania were given a mandate to recruit a given percentage of soldiers from their region in which they were only to accept those who had completed militia training. However, the region commissioner from Mara Region, where unemployment was high and soldiering had been a tradition since the First World War, announced that anyone who was interested to join the army was free to do so.¹¹⁸ It was only in the Mara where volunteers were unreservedly recruited into the army. Hence, most of the recruits who flooded the army were yet to receive military training. In all, about forty thousand militia were brought into the army, which grew to seventy-five thousand personnel. However, the Kuria dominated the army with forty-five personnel who crossed into Uganda. Although Tanzania is constituted of 120 named ethnic communities, the Kuria, who represented hardly 1 percent of the total population then, comprised about 50% of the Tanzanian army.¹¹⁹

Unemployment was the principal motivation for mobilization to joining the army. Just as most African countries, soldiering was a steady, well-paying job in Tanzania and many people were

¹¹⁷ Brzoska, M. and F. Pearson, *Arms and Warfare: Escalation, De-escalation and Negotiation* (Columbia, SC: South Carolina University Press, 1994), 205.

¹¹⁸ Fleisher, Michael L., Op. cit., p. 36.

¹¹⁹ Ibid, p.36.

anxious to go to Uganda with the hope of remaining in the army afterwards.¹²⁰ Military opportunities provided Kuria men with unique chances for prestige and advancement without necessarily acquiring formal education. President Nyerere recruited many Kuria men and greatly relied on them as fighters throughout his administration. In 1979, Nyerere attacked the Uganda National Liberation Front (UNLF) and captured their army barracks. Nearly from the beginning, Idi Amin's weak forces recklessly abandoned guns in large quantities such that the only challenge the Tanzanian army personnel faced was the means to confiscate the arms. Their involvement in the war equipped them with ample militaristic skills and tactics. Therefore, in the aftermath of the Kagera war, immense arms proliferation had been experienced in the Northern part of Tanzania and Southwestern part of Kenya on a larger scale than ever before.

Porous borders between the Tanzania and Kenya eased arms proliferation across the Kenya and Tanzania border. Guns were smuggled into the remote parts of the villages by the returning soldiers. Guns such as the AK-47, T-54 medium tanks, which were fitted with infra-red watching devices, were at the disposal of the returning soldiers.¹²¹ They were transported in coffins alleged to carry bodies of heroic dead soldiers and they would be cleared to cross the border with little restrictions not knowing that they contained guns. Sham burials, with concealed caskets, were conducted, supposedly to save relatives the sight of the gruesome remains alleged to be inside, but after a suitably safe interval of time passed, the arms in the caskets were exhumed for cattle business.¹²²

Similarly, the contacts made during the war were maintained and utilized to access more arms from the army. Guns were in demand in the region as a result of mutual cattle raids that had then acquired a commercial aspect and links with arms sources were vital to maintain. For example, one of the greatest warriors among the Kuria named Nyandanga was a major link to accessing arms, having established networks with some of the ex-soldiers.¹²³ He was referred to as *Omumura Omokare* (The brave warrior).

¹²⁰ Avirgan, Tony, and Martha Honey, 1982, *War in Uganda: The Legacy of Idi Amin* (Dar es Salaam: Tanzania Publishing House), 71-72.

¹²¹ Ibid, p, 72.

¹²² Fleisher, Michael L., Op. cit. p 37.

¹²³ Oral Interview, Mwita Mang'eng'I, Nyamagongwi, 12th/12/2018.

Proliferation took a pattern which developed into commonly used arms proliferation routes. These patterns were adequately distributed throughout the region from Northern to Southern Kenya. Routes leading to and from Sudan, Uganda, and as far as the Democratic Uganda were evident. For example, a common route led from Democratic Republic of Congo (DRC), through Mfangano Island, Kuria, Migori, all the way to western Kenya. Another route was traced from Tanzania, through Tarime town, to Isebania and finally to Migori. These networks were mainly associated with the presence of arms in the Trans-Mara region. They became mainly the reason for increased cattle raids and insecurity in the region.¹²⁴

Arms trade became an economic venture especially among the dealers. Persons involved in the trade ranged from criminals to vigilantes, from warriors to affluent businesspeople, from small traders to Uganda People's Defense Forces or Kenya Police Reserve (KPR) Personnel.¹²⁵ Interestingly, the law in both countries prohibited unlicensed arms sales. The racketeers became major players in the arms markets.¹²⁶ They assembled forces and issued AK-47 to gangs who raided cattle from *Kraals*. The cattle raiders employed more warriors whom they armed to look after their own cattle.¹²⁷ Racketeers became businessmen, traders, and substantial owners of cattle. Cows for example were used as a means of trade for guns. Furthermore, they acquired more cattle which were sold to acquire more guns. The arms market especially in the border areas were controlled by racketeers.

Consequently, arms were awash in the Trans-Mara region. In the late 1970s, increased supply reduced the price of arms. Several open markets existed in Karamoja where the Lord's Resistance Army (LRA) and Sudan People Liberation Army (SPLA) traded arms to buy food. Before 1979, when cattle barter was predominant, a gun fetched up to 70-150 cows. But with Amin's defeat, guns were stolen and sold at 20-60 cows. By the 1990s, the value dropped to 10-15 cows. Since 2001, guns in Trans-Mara region sold at 5-10 cows. The Russian AK-47 was

¹²⁴ Egesa, J and K. Mkutu (2000) The Role of Provincial Administration in the Management of Small Arms: The case of Kuria, Nairobi African Peace Forum.

¹²⁵ Kennedy Mkutu, (2000) Cattle Rustling and the Proliferation of Small arms: The case of Baragoi Division of Samburu District, Nairobi: African Peace Forum (APFO)/International Resource Group (IRG).

¹²⁶ Mirzeler, Mustafa, and Crawford Young. "Pastoral Politics in the Northeast Periphery in Uganda: AK-47 as Change Agent." *The Journal of Modern African Studies* 38, no. 3 (2000): 407-29. <http://www.jstor.org/stable/161705>. Accessed: 29-07-2018. 407.

¹²⁷ Ibid, p, 408.

valued at 3 bulls. However, disarmament further contributed to the less need to acquire even more guns as before and only a few individuals were daring to accumulate arms.¹²⁸

Acquisitions of automatic guns did not affect the manufacture of the locally made ones. Prior to the access of the AK-47, Kuria craftsmen had skills in designing and engineering homemade guns. The guns were locally known as *Mogobhore*.¹²⁹ The guns were made both for local use and also for sale to other communities as the Maasai, the Luo and even as far as the Kisii community.¹³⁰ They were common in the region and due to a higher demand, they were made in largescale that during any disarmament policy by the government, they were the most surrendered arms while individuals retained other types of automatic guns.¹³¹ With time, it became necessary to own homemade guns for purposes of securing the AK-47, in case of disarmament.¹³² However, due to their affordability in comparison with the manufactured arms, their production persisted in the remote villages.

Interestingly, most Maasai and Kuria warriors sourced their weapons from the same suppliers both locally and internationally — at the border of South Sudan with Uganda and Busia. The arms were mainly transported during the night to avoid suspicion or interception by security forces. In most cases, arms were bought in parts and assembled at their destination. This was also a way to ease transportation of the same. They were packaged inside potato sacks in what appeared to be sacks full of Irish potatoes. At checkpoints, the luggage was cleared as goods for sale. Moreover, warlords maintained connection with border patrol security personnel with whom they easily organized to ship arms from Uganda to Kenya. The networks from border security personnel to the local leaders of the Trans-Mara region, especially Councilors (Members of County Assembly) were evident.¹³³

For Example, in one instance a warlord was framed by his enemies at the Busia border allegedly transporting sacks of potatoes. On further inspection, parts of guns were recovered and he was arrested. However, with a few phone calls, he

¹²⁸ Oral Interview, Nyaite Kohera, Kugitimo, 12th/12/ 2018.

¹²⁹ Oral Interview, Marwa Kimwama, Kehancha, 16th/12/2018.

¹³⁰ Ibid, 16th /12/2018.

¹³¹ Oral Interview, Benson Nyahiri, Kurumangucha, 12th/12/2018.

¹³² Ibid, 16th /12/2018.

¹³³ Oral Interview, Marwa Kimwama, Kehancha, 16th/12/2018.

was released with his sacks of potatoes and embarked on his journey to the Trans-Mara border.’

Government security entities such as the police, GSU and Anti-stock personnel within the two communities played a part in arms proliferation and fuelling conflict between the two communities. Most of the bullets used during attacks were bought or hired from security officers. In most cases, cattle rustlers hired guns and bullets from rogue and corrupt officers who offered firearms at a fee. During such events where crimes were executed by use of such arms, little or no investigations were carried out by the security officers when such robberies were reported by community members. When the police discovered that their own bullets or firearms were used to commit murders, little attention was given to such cases. Residents complained of little police efforts to carry out investigations and counted heavy losses especially because the cattle were hardly recovered and major suspects were never arrested. In some occasions, police officers resigned from their jobs to join gangs as fulltime cattle raiders. This simplified the access of arms by raiders as they were joined by the security experts and individuals who had access to arms.¹³⁴

Some arms however were forcefully obtained by gangs from police officers in Transmara. The year 2009 was characterized by raiders uniting to form gangs in which members were automatically expected to own guns. This led to quick measures for them to accumulate more arms amongst themselves. They therefore embarked on spontaneous attacks on police officers who were deemed easy targets. Several incidences were experienced in which security entities lost their arms to raiders. In the first incident, raiders attacked a security post with police officers. In a second event, one raider attacked an officer with a machete and made away with his firearm. Other gang members attacked officers on patrol duty and acquired one Ak47 gun, a G3 and one M4 gun.¹³⁵ Lastly, some raiders attacked border patrol officers at the Kenya Tanzania border and acquired two guns. Owning a gun in this period was a requirement if individuals aspired to belong to a raiding gang.

¹³⁴Oral Interview, Gisiri R, Nairobi, 12th/1/2019.

¹³⁵ Ibid, 12th /1/2019.

Local leaders were equally embroiled in accumulation of arms among their communities. Clan feuds became a motivation to accumulation of arms. It unfolded into a competition as to who would acquire more guns to counter their rivals due to the persistent clan feuds mainly over cattle rustling. Consequently, warlords were considered more influential even in politics and one of their duties was to defend the interests of their respective clans and communities. Leaders such as the MCAs (Members of County Assemblies) were elected based on their networks and their ability to accumulate more sophisticated arms.¹³⁶ Networks of arms proliferations were developed and maintained to ensure a continuous flow of arms. Community justified to owning arms for their own security and for protection from cattle raiders and against wild animals, especially in the Masurura region close to the Mara game reserve. Nonetheless, their actual use was conspicuous in the violent commercial raids in the region and the deaths related to land conflict.

3.5 Markets of the Kuria-Maasai Conflict

3.5.1 Commercialization of Cattle's raiding

The reciprocal raiding of cattle between the Kuria and Maasai communities have a long history in East Africa. Their motivation for raiding included the desire for prestige, retaliation, loot, quest for brides and trophies; the desire of increasing herds, restoring stock losses and accumulating the stock needed for bride wealth.¹³⁷ However, Jacobs holds that raiding was held as an economic need deeply rooted in their pastoral livelihood even though most raiding also enhanced the wealth and prestige of a clan-cluster. When the herds were ravaged by rinderpest in the 1890s, raiding became crucial to the survival of their entire society. Herds were rapidly recovered, and in a decade the community struggled tirelessly to rebuild itself.¹³⁸ Rigby distinguished between two pastoral people for whom the herd was still largely conceived of as a means of production and not as a product and those for whom cattle had become fully a commodity. For the Maasai, raiding was carried out both by day and by night. This was not the case for the Kuria raids which occurred in broad daylight. Scholars have differed as to which

¹³⁶Oral Interview, Marwa Kimwama, Kehancha, 16th/12/2018.

¹³⁷Fleisher, Michael L. "Kuria Cattle Raiding: Capitalist Transformation, Commoditization, and Crime Formation among an East African Agro-Pastoral People." *Comparative Studies in Society and History* 42, no. 4 (2000): 745-69. <http://www.jstor.org/stable/2696692>. Accessed: 01-04-2019.

¹³⁸Waller, Richard. "Pastoral Production in Colonial Kenya: Lessons from the Past?" *African Studies Review* 55, no. 2 (2012): 1-27. <http://www.jstor.org/stable/43904819>. Accessed: 01-04-2019.

community raided in the night or evening. Kjerland describes the Maasai as the masters of daytime, and the Kuria experts at nighttime.¹³⁹

Traditionally, culture played a significant role in organizing raids. Various traditional leaders played different roles in cattle raiding or during conflict situations. For instance, seers gave advice during conflict. A special assembly comprising heads of families and some of the senior warriors was held to discuss matters pertaining to intercommunity war where seers gave advice. Secondly, they advised on raids that were organized by leaders of the warriors, which involved the youth of a locality or age-sets. Seers gave specific instructions about the experiences that the warriors would meet and their consequent remedies.¹⁴⁰ For instance, they were to come across a cow of given colour, which they should ignore, further they would find a herd of cattle grazing in particular circumstances and these were the ones to be seized. In some instances, the seer foretold cattle of special marks that were to be brought for community rituals. Similarly, they gave raiders confidence in their victory. Diviners too had the same capability. Occasionally, they were consulted to confirm what the seer had foreseen. The warriors were expected to bring back all the cattle to be divided by their leader. They seers disciplined warriors who acted selfishly by confiscating the cattle they had seized.¹⁴¹ This was a practice they borrowed from the Maasai to maintain discipline.

However, the penetration of a capitalist economy influenced the revolution of cattle raiding. It underwent transformation from its role of signifying the mettle of new warriors and enlarging herds to an unlawful violent cash-oriented enterprise interaction to the pressures wielded by the colonial economy, capitalist infiltration, and the policies of the postcolonial regime.¹⁴² It became an important agent of the capitalist penetration facilitating the monetization of the agro-pastoral economy; fostering links that articulated the rural heartlands to local, regional and inter-national markets and, therefore, played a vital role in the post-colonial state. Although in the pre-colonial era and early colonial period, Kuria raiding parties were made up of warriors of a single clan or age sets, in the 1920s the individualized pattern became well-established with the raiders' loyalty

¹³⁹ Kjerland, K. A. (1995). *Cattle Breed; Shillings Don't: The Belated Incorporation of the Kuria into Modern Kenya*. PhD dissertation, history, University of Bergen.

¹⁴⁰ Oral Interview, Mwita Mang'eng'I, Nyamagongwi, 12th/12/2018.

¹⁴¹ Michael Fleisher L. *Op. cit.* p. 12.

¹⁴² *Ibid*, p.12.

to their tribesmen being superseded by new loyalties to multi-clan and multi-ethnic gangs whose members were in business for individual gains. Kuria raiders, therefore, were in the activity for the money. This period foresaw the transformation of cattle raiding among pastoral communities.

The colonial administration strived to grow a livestock industry with the available pastoral resources. Although the process was hampered by the then inevitable challenges such as natural calamities the government persisted as they felt that herds were a major asset with a great commercial potential and challenges such as diseases and drought that caused wastage could be prevented.¹⁴³ This penetration of the capitalist colonial economy constituted a response by communities towards the implementation of colonial policies.¹⁴⁴ This was made possible through imposition of taxes, destocking and mandatory cattle sales. Cash earnings were made compulsory through the intentionally fostered dependency on factory-made goods from countries such as India, Japan, Italy, Britain and Germany. In response, cattle raids were inclined towards meeting the financial needs by the people. From 1918 to the late 1920s, cattle raiding boomed. However, it became a major administrative problem for the colonial rule. The food scarcities and the drought of 1931 further propelled cattle raids among the pastoral communities.

The colonial government introduced cattle markets in order to control pastoral resources. However, pastoralists' response to the introduced cattle markets was complex than it was perceived. Pastoralists were opportunistic and often buyers complained of their unreliability. They set high prices and declined to trade if the prices they demanded were not met. In some instances, pastoralists were not dependent on the market, but entered into it to improve their herds by exchanging cattle to compensate for deficits, or to acquire money for tax and consumer items. Interestingly, a livestock market emerged, dominated by grids of nomadic Somali traders who travelled long distances to take advantage of local disparities in supply and demand. They exchanged cheap cattle for higher value slaughter and breeding cattle. This system of trade persisted despite controls by the colonial state such as quarantine controls and licensing regulations. However, this trade benefited pastoral traders and butchers. They accrued profits and improved their assets and increased the supply of meat to the markets.

¹⁴³ Spencer, Ian. 1983. "Pastoralism and Colonial Policy in Kenya, 1895-1929." In *Imperialism, Colonialism and Hunger*, edited by Robert Rotberg, 113-40. New York: Lexington.

¹⁴⁴ *Op. cit.* p. 52.

Regulations imposed on cattle markets further intensified challenges faced by the colonial government. Official auctions were introduced from 1930s to convert surplus animals into cash.¹⁴⁵ Similarly, the imposition of quarantines reduced cattle sales which resulted to a creation of fabricated scarcities. Peak and recess phases, unsteady prices and the unpredictability of the formal market made pastoralists suspicious of committing themselves to the market. In good seasons, buyers competed for better cattle and prices rose; in bad times, the market was flooded with poor cattle breeds, the prices fluctuated and sellers pull out to avoid losses, and instead preferred to slaughter their cattle and sold their hides.

However, a parallel market developed with pastoral communities as major participants. Apart from the ongoing nomadic trade especially by the Somali, the rising demand for meat created an ‘underground’ market for slaughter cattle which extended into neighbouring regions. They did not necessarily have to sell at auctions when they could realize as much or even more by smuggling cattle across porous borders. However, the unregulated illicit trade which was mainly supplied by the thriving cattle raiding networks was presumed larger than the official market economy dominated by the British. This further affected the prices and supply in the formal sector.¹⁴⁶

Cattle raiding persisted as one of the major administrative problems. Interestingly, during the colonial period the Kuria cattle population remained high and Kuria bride wealth was equally inflated. This led to an increased the number of stock thefts and young men ready for marriage were encouraged by their parents to raid for that purpose. Consequently, the colonial government undertook efforts to restrict the size of bride wealth through legislation. Young men were allowed to obtain wives at the cost of three head of cattle, plus one additional to be slaughtered for the wedding ceremony.¹⁴⁷

In the late 1950s, raids in the context of warfare were carried out during the day. Newly initiated warriors and boys eager for adult status needed to demonstrate their courage and discipline to

¹⁴⁵ Spencer, Paul, *The Pastoral Continuum*, (Oxford: Oxford University Press, 1997).

¹⁴⁶Waller, Richard D. "Interaction and Identity on the Periphery: The Trans-Mara Maasai." *The International Journal of African Historical Studies* 17, no. 2 (1984): 243-84. <http://www.jstor.org.10.2307/218606>.

¹⁴⁷Michael Fleisher L. Op. cit., p. 59.

protect and defend their community. To achieve this, they were required to kill their enemies, seize their weapons and bring their cattle home. They validated their worth by attacking in the open not by stealth. The war horn (*irirongwe in Kuria*)/ (*Endule in Maasai*) was sounded and the raiding party began led by a brave youth (*umumura Omokare*) among the Kuria. Those who had shown greater courage were awarded the fattest animals. Captives were held prisoner in the homesteads of the men who had captured them until their kinsmen bought their release by paying a ransom of cattle.

Initially, the majority of cattle raids occurred at night. In most cases, once a theft had been discovered an evocative *ikuurate* (screams meant to alarm on cattle theft) went up from the women of the raided homesteads and was taken up by the women of neighbouring homesteads, friends and kinsfolk alike.¹⁴⁸ The nature of cries differed from one community to the other. Among the Kuria, it consisted of a keening *uuu-eee*, followed by the statement *Tatuturya iching'ombe!* (Help the cows). This cry acted as an alarm to inform community members that there was a raid in progress or that a raid had already occurred. Women made an effort to make sure as many people as possible were alarmed. In response, men gathered their weapons and embarked on a mission to recover their cattle. It was asserted that all young men in the community had the responsibility to offer solidarity.

Every strong man in the village has to join the group pursuing raiders. If not they are regarded as the accomplices of the raiders.¹⁴⁹

They began by following the tracks in the night. This exercise was in itself dangerous as both groups were armed and determined to keep the cattle. In most instances, the raiders were more armed and organized than the villagers.

Parties were determined to outdo each other through retaliatory raids. On 20th April 1945, as reported by the District Commissioner South Kavirondo, a party of 14 Maasai warriors ambushed a herd of Watende (Kuria) cattle on their way back from watering at the Kumagama, present-day Kuigama River (in Maasai). The herd was approximately about 200 head of cattle. Consequently, the Kuria, with the help of the Kenya Police followed the tracks till about midday

¹⁴⁸ Ibid P. 16.

¹⁴⁹ Oral Interview, Omahe Mwita, senta, 16th/2/2018.

the next day. Unfortunately, the tracks were lost at Tolgai due to obliteration by tracks of other Maasai cattle.¹⁵⁰ In response, on 21st the next day, three separate bands of Watende (Kuria) raided the Maasai. Efforts by the Police at Lolgorien managed to contain one party which was turned back to Kuria.

However, the second party got away with about 20 head of Maasai cattle; the third party attacked a moran Manyatta injuring one Maasai. In the process, one Kuria raider was hit by an arrow and later died on return to Kuria.¹⁵¹ The third day, 22nd of April, witnessed another raid by the Maasai. The Maasai Moran had raided the Kuria and recovered 8 head of their cattle. A report on stock theft between the Kuria and Maasai to the District Commissioner Narok from District Officer Kilgoris stated as below:

The incidents below occurred since the beginning of 1959 and which were reported to the Kenya Police.

42 head of cattle stolen from Mbere ole Kortom of Masurura area. Tracks led to Bukuria, and lost near the *boma* of Robi Muriimi, who was convicted of the theft by the Kilgoris African Court but later appealed successfully. 1 head so far been recovered.

30 Head of cattle stolen from Lepoo Ole Naiguta, tracks led into Bukuria. 10 head so far recovered.

27 Head of cattle stolen from Kitere Ole Kortom. Tracks led into Bukuria North of Kihancha.

14 Head of cattle stolen from Ostil Ole Mashurua. Tracks led into Bukuria. None so far recovered.¹⁵²

Raiders organized themselves in groups with different roles. In the 1960s and 1970s, cattle raiding groups increased in number and comprised of between twenty and thirty raiders. They depended on spies (*Ichirooti*) who ventured far from home, spying out distant cattle herds. Young men were sent to Maasai-land for weeks to spy and collect useful information in villages. They were tasked with identifying homesteads with most cattle, look for weak points in the homestead that could act as entrance or exit points during raids. Kuria Raiders depended heavily on the *ichirooti* to plan and execute their raids. Occasionally, they sprinkled traditional medicine on their bodies to protect themselves from the enemies. Some used the medicine as they believed

¹⁵⁰ KNA-DP/18/14, Office of the District Commissioner South Kavirondo, Kisii, Ref. L & O. 17/16/1/Vol.11, 14th May, 1945

¹⁵¹ Ibid, L & O. 17/161/Vol.11, 14th May, 1945.

¹⁵² KNA-DP/1/100, District Officer, Kilgoris, Sotik, Ref. TM/BOR/5/318., 26th June, 1959.

that they became invisible to their enemies. To them, raiding was an event planned and prepared for prior to the date it took place.

Occasionally, raids escalated into wars and provided favourable conditions to pursue more raids. As raiding intensified, it prompted more extreme retaliations between them. Intercommunity warfare fostered and sustained an atmosphere for inter-community animosity which sustained cattle raiding, which was prolonged as hostilities were sanctioned by the community elders. Also, it served as a training ground for novice raiders who were waiting to take up the responsibility of raiding.¹⁵³ During raids, it was not mandatory for the raiders to kill cattle owners. However, in the event where owners attempted to resist, deaths were experienced on either sides. In the 1970s, however, raiders deliberately killed in the circumstances of full-scale wars. On pursuing cattle, large groups of warriors accompanied cattle trackers for war, particularly while pursuing cattle into Maasai-land. On reaching the border, they were met by the Maasai warriors obstructing them from entering their territory. War broke out and lasted for days or even weeks. In rare events, warriors organized for periods of truce during the war:

Sometimes we are informed of war between our Morans and the Kuria warriors. Women prepare early lunch on those days and we leave the valley especially those living at the border. That afternoon the warriors met at the field and fought. In most cases there are casualties and some warriors die. In the evening the war ends and they meet again the next day. During this periods gunshots are very common during the day but we are used to their sounds, so we carry on with our activities as usual.¹⁵⁴

The aftermath of the Tanzania-Uganda war in 1979, contributed to the excessive availability of arms in the Trans Mara region.¹⁵⁵ Consequently the value of guns constantly dropped with time, which made it possible for most raiders to acquire. In the early 1970s, a gun fetched up to 70-150 cows; in the late 1970s, guns sold at 20-60 cows. By 1990s the value fluctuated to 10-15 cows. Conversely, since 2001, guns in Trans-Mara sold at 5-10 cows. The common guns in the region such as the Russian AK-47 was measured at the value of 3 bulls.

¹⁵³Fleisher, Michael L. "War Is Good for Thieving! the Symbiosis of Crime and Warfare among the Kuria of Tanzania." *Africa: Journal of the International African Institute* 72, no. 1 (2002): 131-49. <http://www.jstor.org/stable/3556802>.

¹⁵⁴ Oral interview, Emily Ncheiri, Getaita, 10th/12/2018.

¹⁵⁵ Egesa J and K. Mketu (2000) The Role of Provincial Administration in the Management of Small Arms: The case of Kuria, Nairobi African Peace Forum.

However, in the postcolonial era, the gun was the tool for undermining such traditional institutions. In effect, the presence of arms undermined the traditional institutions of leadership in the region,¹⁵⁶ and therefore provided a bargaining power for individuals. Raiders organized themselves in gangs and avoided the role of culture in raiding.

They do not listen or seek any directions from us. They steal cows anytime they feel like. They have become thugs and even threaten the older people when we try to stop them.¹⁵⁷

However, raiding rapidly gained a new facet which was further fueled by the illicit market in modern weapons. Stolen cattle ended up in markets sometimes butcher shops, and even towns hundreds of miles away. Their beef and hides nourished the demand on the international market. Gangs embarked on long distance expeditions, comprised of more than 50 men with an average of 15 guns. Once they captured the cattle, they split into groups to lead them home:

During raids we don't crowd in the same spot, we had those who raided; take them to a particular location, schools or at the riverbanks. At this location we had others who guarded the cattle until it accumulated to a certain number. Also there were spies who raised an alarm in case of any suspicions by the members of the community. In such instances those guarding cattle would take off immediately with the cattle. Another group remained behind to shield the first group.¹⁵⁸

The warriors who attempted to stop them were killed, and more guns collected in the process. The level of insecurity on the Trans-Mara border heightened and community members lived in fear.

Sometimes we went to bed early, but we were not sure if we would survive through the night. Gunshots were heard so close to our homes and we were terrified to even keep cattle. Most people began to reduce their herds of cattle they kept to avoid attracting raiders from the Kuria community. They took our cows.¹⁵⁹

Similarly, in Kuria land, people were forced to keep their cattle away from their homes and others moved from areas far from the border zones abandoning their homesteads and took refuge in their friends and relatives within the community.

¹⁵⁶Fleisher L Michael. *"Kuria cattle raiders: Violence and Vigilantism on the periphery of the Tanzania/Kenya frontier,"* (Michigan: University of Michigan 2000), 48.

¹⁵⁷ Oral Interview, Mwita Mang'eng'I, Nyamagongwi, 12th/12/2018.

¹⁵⁸ Oral Interview, Informant, Masurura, 11th/12/2018

¹⁵⁹ Oral Interview, Grace Musubi, Kugitimo, 17th/12/2018.

In 1984, the government intervened to promote relative peace. The then president Daniel Toroitich Arap Moi, sent a paramilitary General Service Unit to Nyabasi East at Chinato village (also known as Shirato by the Maasai). However, they were repulsed by cattle raiding gangs who frequently attacked their camps in the night, shot at them, and looted their guns. This highly contributed to the weakening of their operations in the region.

The period of 1980s experienced raids which were attached with titles and extra-ordinary reputations. Legendary raiders include Musubi, Wang'eng'i and Nyamokara Nyamaganya. In the mid-1980s, a cattle-raiding group commanded by Chacha Kangariani, an ex-soldier, and Nyamaganya expedited a raid against the Maasai. Nyamaganya and his followers seized cattle in broad daylight and drove them audaciously, not caring whether people saw them or not. On this particular raid, it was said that they had crafted their own homemade guns. Inter-intercommunity wars raged the Trans-Mara region. Nearly two hundred people including cattle raiders, victims of cattle raids, and policemen are estimated to have died in cattle-raiding related events.¹⁶⁰

3.5.2 Formation of *Sungusungu*.

Internal security is considered exceptionally a responsibility of the state. However, recent years witnessed an intensification of crime and corruption in Africa, both at the national and local levels. Occasionally, this is as a result of lack of capacity by states. States that exhibit such characteristics are categorized weak, fragile and in a crisis. Consequently, the development and spread of vigilantism in rural as well as urban settings is rampant.¹⁶¹ In most cases, they emerge as community policing units which are charged with the responsibility of providing security and maintaining law and order in community setups.

In the early 1980s, demobilization of the ex-soldiers of the Kagera war in Tanzania did not achieve its objective of promoting peace. The disbanded militias organized themselves along military lines and sort to unleashed widespread banditry. In rural areas, cattle raiding resulted to clan and inter-ethnic hostilities. However, the Sukuma and Nyamwezi responded to insecurity communally by organizing a collective force to counter cattle raiding. Due to the weak

¹⁶⁰Michael Fleisher. Op., cit. p. 48.

¹⁶¹Michael Fleisher. *ibid*, p. 50.

administrative presence of the Tanzanian government, it was not able to counter this development. Having come from a war, Tanzania had little resources to intervene in militia groups which served as an administrative adjunct in the rural areas. Consequently, the idea of *Sungusungu* was conceived. To President Julius Nyerere's dream of socialism, the movement was a vindication of his beliefs in community power and therefore he supported the view.¹⁶²

In Kenya, the problem of small arms and its impact was equally felt. The Trans-Mara region experienced wars between clans and communities, particularly among the Kuria and Maasai. A presidential amnesty on guns was issued in the region in 1985 in which many guns were collected. Nevertheless, guns continually fueled land disputes and cattle raids. In 1998, raiders consistently made daring attacks in broad daylight. In March that year, there was a raid by a Maasai gang armed with guns and was able to confiscate 59 heads of cattle and killed two people. It was during this period that members of the community adopted the idea of *Sungusungu* from their counterparts in Tanzania where it was deemed successful.¹⁶³

Aside from arms proliferation, national politics also contributed to the formation of the *Sungusungu*. Kenya's home guard policies generated a weapons imbalance between the Kuria and their Kalenjin neighbours in the Rift Valley. The government ethnic-centered policies of the 1980s and the 1990s gave rise to a Kalenjin group which was armed to defend the community against the invasion of Kuria people who had migrated into the Trans-Mara district in the 1980s. While some established settlement there, others leased land for seasonal cultivation. There was periodic antagonism between them and their Kalenjin neighbours. The Government added to the tension by forced evictions of Kuria settlers from Trans-Mara in 1987 onwards.¹⁶⁴ This further contributed to the formation of the *sungusungu* militia among the Kuria who felt aggrieved not only against their neighbours but also by the government.

Sungusungu was introduced as an offence and defense militia group. It represented the policing arm among the Kuria community members to discourage intra-community conflict and in return

¹⁶² Heald Suzette Making Law in Rural East Africa: Sungusungu in Kenya, Crisis State Research Centre, Working Paper no. 12, March 2007. P. 3.

¹⁶³ Ibid, Heald Suzette, p. 8.

¹⁶⁴ *Kenya Daily Nation*, 12 February, 1999.

encouraged external conflict. It was used to punish culprits who were of intra-community raids. While facing intercommunity attacks, *Sungusungu* from various clans was expected to work together to defend the community against external aggression.¹⁶⁵ The main objective of the group was to give more power to the members of the community to address their grievances which they felt the government had failed to particularly address the issue of land between them and the Maasai.¹⁶⁶

By 1994, the official structure for *Sungusungu* in Kuria was in place. A district *sungusungu* “commander” was elected to preside over its operations throughout Kuria. Next in the hierarchy was a division commander. Every village elected its own village commander, a clerk and ten men to assist the commander. Villages committed to cooperate in the apprehending of cattle raiders within the villages and in returning stolen cattle. All men between the ages of eighteen and fifty were required to perform *sungusungu* service. Thirty men who were armed with weapons were assigned to patrol the village each night. They were instructed to deal with intruders, cattle raiders, or raise an alarm when necessary.

In addition, they visited homesteads lobbying for accusations against anyone suspected of involvement in cattle raiding. Based on the information they collected, they compiled a list of suspects, their location, and the crimes they were accused of. The accused were summoned to attend a *baraza* attended by the village chairman, selected village elders, but excluded the accusers and their identity undisclosed. The culprits were confronted with the evidence against them, interrogated and sometimes beaten with a hippopotamus-hide whip to confess. Although torture was not supported legally, reports equally suggested that suspects in police custody underwent similar treatment.

Suspects who were proven guilty or caught red-handed with stolen or with guns, were handed over to the police to be detained while they waited for completion of investigation and possible trials. Those who confessed at the *baraza* were fined from three to four head of cattle or from

¹⁶⁵ David Mwangi, Risper Omari and Risper Kipsang, A Journey into the indigenous conflict management mechanisms among the Abakuria Community, Kenya: “The Beauty and the Beast,” *European Scientific Journal* Vol. 11, No. 16 (June 2015), 210.

¹⁶⁶Heald Suzette, Op., Cit, pp 265-83.

Kshs 2,000 to Kshs 5000 in cash, which were used to pay for the expenses of *sungusungu*.¹⁶⁷ These were released and reprimanded not to engage in cattle raiding again. For those who were unable to pay their fines, the *sungusungu* collected those fines from their kin, seizing their property—livestock, furniture, cooking utensils—and sold them to raise the penalty. This was only when the accused was guilty of either raiding within their community or against Kuria allies. This was more rampant in the 1990s when the Kuria never turned in their “sons” to the *sungusungu*, or to the police, for cattle raids, carried out against the Maasai.

The roles of *sungusungu* gradually changed from its initial purpose. The justification for its implementation was that local people were well-found to identify and bring to justice the cattle raiders in their midst than the police and other government entities, which had failed. Government entities were perceived to be corrupt, and undaunted with the concerns of the local people.¹⁶⁸ However, aside from maintaining security via patrols, *sungusungu* safe-guarded community members against police arrests, prosecution and relayed the illegal economic remunerations of law enforcement from the police officers to themselves. When cattle raids were reported to the *sungusungu* commander, his assistants took up the case, for a fee lower than what is normally demanded by the police. They used local information networks superior to those of the police to track cattle. If recovered, they extracted an additional fee from oxen’s owners, as a reward for their success. If the culprits were community members, and if the cattle stolen were no longer recoverable, the culprits paid compensation to the victim.

Sungusungu was also vulnerable to corruption and other challenges that plagued other efforts to protect the community. Commanders extorted payoffs from cattle raiders who took cattle from the Maasai community in exchange for their silence. Raiders were encouraged to raid from the Maasai more as opposed from the community members. Others accrued advance payments from community members in need but failed to perform their required duties. Others actively assisted cattle raiders in robbing their own people, capitalizing on their own knowledge from night patrols, on people’s sleeping habits.

¹⁶⁷Heald Suzette. Op., Cit, pp 265-83.

¹⁶⁸ Ibid, Heald Suzette, 265-83.

Their operations were engulfed with greed as opposed to grievances. Self-interest by few members of the *sungusungu* became accomplices to raiding activities. Raiders were highly discouraged from raiding within their communities but encouraged to raid from their neighbouring communities particularly the Maasai who kept hundreds of cattle. Cattle from Masurura were driven through Kegonga or Rumangucha to Migori and Sirare for slaughter or to Nairobi for sale to accrue more financial returns. Some buyers hired trucks, bought cattle and transported them to capital of Kenya. Cattle business boomed and increased with the rise in demand. In October 1994, for instance, calves fetched at least between Kshs1000-1500, which was good money at that time. However, in January 1996, the price tripled. A normal capacity of the trucks accommodated a maximum load of twenty-eight head of cattle and was transported to Nairobi at a fee of Ksh 28,000 per truck. Nevertheless, even when the *sungusungu* was operating with integrity at their most efficient performance, they were not as equipped with arms as the cattle raiders were.

Some of the *sungusungu* members joined raiders in the illicit trade of cattle.¹⁶⁹ With their support, raiders from both communities increased their raiding activities in Kilgoris and Kuria. For financial gains, gangs formed alliances with other gangs in Maasai land or vice versa. Kuria raiders identified homes with cattle, within their community and the Maasai executed the raids on their behalf. A share of the cattle was given to them for making the raid successful.¹⁷⁰ Such alliances between the two communities made it difficult for the conflict to be resolved.

Similarly, rogue police officers merged in the business to satisfy their self-interest. They frustrated community members and blackmailed raiders. They frequently hired out their rifles to raiders at an affordable fee. In some occasions, they accompanied raiders who paid them for protection and bought immunity from arrest. When faced with the arrest of their colleagues, cattle raiders delivered money in cash to negotiate the release of their comrades from police custody. The police also extracted a cut of all the illicit livestock traffic that moved through their

¹⁶⁹Oral Interview, Mwitā Mang'eng'i, Nyamagongwi, 20th12/2018.

¹⁷⁰ Oral Interview, Motongori, Nairobi, 5th/1/2019.

territory and extorted bribes by threatening them with arrest. In cases where the police captured the cattle and returned them to their owners, they asked for a share of the cattle.¹⁷¹

3.6 Conclusion

In an African setup, intercommunity relations are linked to cultural practices between communities. Abuso asserts that cattle raiding was among the cultural practices that characterized the Kuria-Maasai relations since they came into contact.¹⁷² However, such factors underwent rapid changes with pressures exerted by capitalist economic ideas as well as access to modern weapons with new technology. Proliferation of small arms not only changed the scale and significance of the Kuria-Maasai relations but also continued their relations that had roots in their past. Land conflict and cattle raiding underwent transformation with the presence of the guns. The nature of conflict transformed from a communal event to banditry, and therefore undermined the traditional institutions of the communities. Community policing unit, the *Sungusungu*, which was entrusted with the security of the communities instead exploited members of the communities. However, amidst their hostile relations, the two communities exhibited interdependence tendencies. The next chapter lays its emphasis on cooperation between the Kuria and Maasai. It further highlights factors such as trade, the ecological environment and how they maintained cooperation between the two communities.

¹⁷¹ Michael Fleisher L, Op, Cit., p. 12.

¹⁷² Paul Abuso, Op, Cit., p.7.

CHAPTER 4 KURIA-MAASAI COOPERATION UPTO 2010

4.1 Introduction

The human endeavour consisted of conflicts and cooperation that were historically constructed and maintained by economic and ecological resource interests.¹⁷³ The interests were sustained by traditional arenas and modern institutions which were socio-historically constructed. The binary conflict and cooperation were inevitable because much of communities' life was centered on them. For instance, communities such as the Kuria and Maasai, which are the focus of study, worked together to promote cooperation even after conflicts. Similarly, in the recent past, European intrusion through the colonial rule and missionary activities opened a new frontier for cooperation in use of resources which were preciously a source of conflict. Missionary activities brought the two communities to open up to cooperation. While research on the two communities substantially advanced our understanding of intercommunity dynamics over the past century, the complexity of conflict and cooperation remained less addressed. This chapter focused on the Kuria and Maasai cooperation amidst a protracted history of conflicts.

4.2 Framing Inter-Community Cooperation

Conflict and cooperation between the Kuria and the Maasai were closely interrelated and their interactions led to a more productive society.¹⁷⁴ Shana Levin contends that cooperation between any two communities like the Kuria and Maasai was maladaptive after inter-community conflict. Conflict and cooperation among these two communities was a complex process with the objective of promoting inter-community social and economic stability. Such aims were highly influenced by community interests as well as the relative status of group members which contributed to the emergence of both conflict and cooperation.

Cooperation between the Kuria and Maasai was explained through Vygotsky's theory of higher order psychological functioning, which posited that people perceive socio-cultural activity go through the process of internalizing the activity, and then reconstructed their version of the

¹⁷³Allan Schmid, *Conflict Ad Cooperation Institutional and Behavioral Economics*, 1st ed. Malden, MA: Blackwell Publishing, 2004.

¹⁷⁴ Shana Levin, Stacey Sinclair, Jim Sidanius and Colette Van Van Laar, Conflict and cooperation on the college campus: A common in group identity perspective. *Journal of Social Issues*, 65, (2009), 287–306. <https://ppw.kuleuven.be/cscp/documents/artikels>. Accessed on 12/08/2019.

activity in the same setting where the activity was to promote cooperation.¹⁷⁵ This happened when the two communities co-constructed solutions to the issues that affected them. Important institutions among the Kuria and Maasai exchanged symbols and gestures which played a role in helping in the achievement of a shared understanding of social situations and their roles within them. In Freire's argument, cooperation between the two communities was developed along the lines of collective action whereby people came together to promote unity. For instance, they cooperated to educate themselves.¹⁷⁶

Over the past decades, a variety of conceptual approaches were adopted which assisted in explaining conflict and cooperation among the Kuria and Maasai communities. Argyris used the social and organizational learning approach to explain the concept of cooperation.¹⁷⁷ Argyris emphasized on how human groups meeting in formal setups learnt to coexist. He used an example of children going to schools, playing together and parents meetings as a way of promoting cooperation. As argued later in this chapter, Maasai and Kuria children went to same schools, churches and health facilities which promoted cooperation. Wenger reinforced this view by arguing that social interaction through formal setups assisted to build a social fabric which was hard to break.¹⁷⁸

Human society was primarily a deliberative learning system constituted through communication and discursive practices.¹⁷⁹ Kuria and Maasai communities cooperated amidst conflict which was inclined towards shared interests.¹⁸⁰ As argued in this chapter, the policies encompassed natural resources management, learning processes which were recognized as an integral aspect of society. The next section used these approaches to explain how the Kuria and Maasai cooperated at local levels in sharing their ecological space and resources. Scholars such as Ejdemyr *et al* identified two types of institutions for cooperation. He termed them as those of a horizontal

¹⁷⁵ Levy Vygotsky, *Thought and language*, Cambridge, MA: MIT Press, 1962.

¹⁷⁶ Paulo Freire, *Pedagogy of the Oppressed*, New York: Herder and Herder, 1970.

¹⁷⁷ Chris Argyris, *On Organizational Learning*, Cambridge, MA, US: Blackwell Business/Blackwell Publishers, 1993.

¹⁷⁸ Etienne Wenger, "Communities of Practice: Learning, Meaning and Identity," in *Journal of Mathematics Teacher Education*, June 2003, Vol. 6, Issue 2, 2, pp. 185-194.

¹⁷⁹ John Dryzek, *Deliberative Democracy and Beyond: Liberals, Critics, Contestations*, Oxford: Oxford University Press, 2000).

¹⁸⁰ Hall, P. A. "Policy Paradigms, Social Learning, and the State: The Case of Economic Policy Making in Britain, in *Comparative Politics*, 25(3), 1993, 1993, pp. 275-296.

“peer” effect; and a vertical effect.¹⁸¹Horizontally, common institutions increased cooperation among members of different communities living in the same neighbourhood while vertically the institutions promoted cooperation among members of same community.

4.3 Shared Social Amenities

4.3.1 Religious Institutions

In the late 19th century and the early 20th century, European countries forcefully claimed and partitioned territories in Africa and established their administrations. Among these European powers was Britain which took over the East African region and made it its protectorate which later became the Kenya Colony. The expansion was partly as the result of new imperialism informed by their need to augment national prestige; access to raw materials; expand markets for their industrial goods, and to strategically control waterways.¹⁸²For the citizens of colonized territories, the colonial rule introduced a functional bureaucracy, a rudimentary educational system, albeit externally oriented, which was meant to cluster communities together into a forced cooperation and or offered prospects of uniting under the same government and Christian endeavour.

In order to effectively cluster different communities together, the colonial states relied on an array of coercive bodies, particularly armies and police services, but also on local administrators such as chiefs. These coercive bodies sometimes claimed autonomy and pursued their own selfish interests. For instance, in the British East Africa, the colonial army was an agent of chaos in the 1890s. The Kings African Rifles, which made up of British army personnel and African conscripts was charged with promoting security and stability in the British sphere of influence. These coercive instruments enabled the British to impose a government.

The British government existed because of one major reason, to impose regulations. In a Eurocentric point of view, the British government was imposed to civilize and protect Africans from each other particularly from ethnic conflicts and to provide law and order. Basil Davidson

¹⁸¹ Ejdemyr S, Kramon E and Robinson AL (Forthcoming) Segregation, ethnic favoritism, and the strategic targeting of local public goods, *Comparative Political Studies*. DOI: 10.1177/0010414017730079.

¹⁸² Heather J. Sharkey, African Colonial States, in Scholarly Commons, University of Pennsylvania, Departmental Papers (NELC) Department of Near Eastern Languages and Civilizations (NELC10-2013), https://repository.upenn.edu/cgi/viewcontent.cgi?article=1010&context=nelc_papers.

argued that although the main interest of the British imperialism was commerce, they concealed under the idea that Africans perished due to lack of civilization and therefore it was the British noble duty to rescue the Africans.¹⁸³ Europeans believed that civilization was determined by race, being associated with being Christian and being governed by their model of government.¹⁸⁴ Part of a government's function was to protect Africans from intercommunity attacks. The British government was therefore an institution mandated to not only protect its citizens from one another, but also to organize to prevent outside attack. During colonial rule, the British government responsibilities extended to the economy, public service and protection of missionary activities.

The so-called British civilization process was demonstrated majorly through mission activities such as educational programs, religion and the presence of a powerful centralized system of government. According to Whittlesey, the colonial administrations initiated deliberate moves to weaken traditional institutions by introducing a centralized administration.¹⁸⁵ The colonial state in Kenya was externally and forcefully imposed as an instrument of not only suppression but also clustering different communities together. It introduced autonomous government and the territorial boundaries which coerced Africans within the territories as subjects who were meant to obey the colonial state. Although it lacked legitimacy, it performed functions of suppressing a restive population of subjects and destroying their institutions and values and replacing them with the British.¹⁸⁶ The British government supported educational programs and ideas on how to educate the "natives." It was perceived that African values had to be replaced since irresistible social changes were gradually eliminating the long-existing traditions. Therefore, the best system of education in Africa was the application of European knowledge and skills. The British believed that the African students needed an educational program that prepared them to live with other communities as citizens of the same state.¹⁸⁷ This paved way for the pioneering

¹⁸³ Basil Davidson, "Modern Colonialism: The Jewel in the Crown' and The Dark Continent" (India, Africa in the 19th century), http://www.artsrn.ualberta.ca/amcdouga/Hist112/lectures/oct_15_17draft5.pdf, accessed on 29/08/2019.

¹⁸⁴ Ibid, Basil Davidson,

¹⁸⁵ Derwent Whittlesey, "British and French Colonial Technique in West Africa," *Foreign Affairs*, 1937, 15 (2), 362-373.

¹⁸⁶ Fonchingong Tangie, The State and Development in Africa," <https://www.codesria.org> accessed on 29/08/2019.

¹⁸⁷ George E. Urch, Education and Colonialism in Kenya, *History of Education Quarterly*, Cambridge University Press, Vol. 11, No. 3 Autumn, 1971 <https://www.jstor.org/stable/367292> Accessed: 27-02-2019.

missionaries to penetrate Kuria and Maasai land hoping to influence the local communities with their ideas.

Mission activities received mixed reactions from communities. In some instances, they were received well while in others they were met with resistance. Some tribal elders permitted the early missionaries to live among them, to preach on given days, and to offer health services by practicing medicine, but not to indoctrinate them into schools. They preferred to retain their own established educational structure designed to perpetuate African life as it was. However, the Africans were swiftly drawn towards learning more about the white man's world for the traditional way of life presumably offered few solutions to the problems created by the new socio-economic system. More mission centres were therefore established. In 1903, there were only a few mission centres in Nairobi but they established a network of branches in inland Kenya.¹⁸⁸ The mission's educational objective was not only to expose Africans to a superior culture, but also to instruct them in the word of God. A relatively high degree of literacy was necessary so that the scripture could be understood and disseminated to others. Forms of education which went beyond enabling converts to read the Bible were considered to be a threat to the colonial administration. Therefore, the colonial government dictated the kind of education that the missionaries offered to ensure that it was suitable for their rule.¹⁸⁹

4.3.2 The Impact of Mission activities in Different parts of Kenya

Religion was successful in uniting human societies from ancient to modern times. One factor in the success of religion was the promotion of inter-group cooperation. The theme of cooperation in groups and group beneficial behaviour appeared across a wide variety of discussions of the Christian religion. This section described how the attachment to Christianity provided a mechanism for cooperation between the Kuria and Maasai. The two communities had an attachment system based on the relationship as followers of the same religion. Borrowing from the work of Bowlby on the psychological effect of religion we held that there was persistent cooperative behaviour in groups that subscribed to the same religious beliefs.¹⁹⁰ He described how

¹⁸⁸ Ibid

¹⁸⁹ Ibid

¹⁹⁰ S. Bowles, and H. Gintis, "Origins of Human Cooperation," in *Genetic and Cultural Evolution of Cooperation*, by P. Hammerstein, ed. Cambridge, MA: MIT Press, 2003, pp. 357–388.

Christianity promoted emotionally valued relationship between members of different ethnic groups. The prominent social nature of Christian religion was promotion of cooperation. Carol Popp Weingarten and James Chisholm argued that one way through which Christianity promoted cooperation through costly signals of commitment. These scholars contended that it was hard to fake signs of commitment to Christian religion and therefore these signs could lead to inter-group cooperation. Christianity therefore promoted cooperative sharing.

Christianity introduced the western concept of modernity in the African society. Michael Armer's western induced modernity involved eminent changes at each point in a society where individuals gained certain social and cultural patterns. Such socio-economic patterns occurred concurrently with patterns in values, beliefs and behaviors of individuals.¹⁹¹ He asserts that some of the indicators of modernity were western culture such as Christianity which had not only promoted unity through faith but also cooperation of those who subscribed to that faith. They saw themselves as children of one God.¹⁹² By 1970s, Christianity became the dominant religious influence among many African societies. Richard Gray argued that the century 1870-1970 roughly coincided with immense missionary penetration and colonialism on the African continent. Therefore, Christianity rapidly advanced because its emissaries were closely linked to the colonial rule.¹⁹³ Their activities were supported by the colonial government due to their interest in instilling ideas on Africans that suited the colonial system of governance.

Mwendwa Ntaragwi analyzed the postcolonial conditions and their relations to Christianity, education and development in ways including promotion of cooperation between different communities. He argued that although colonialism ended in 1963, Kenya absorbed imperialist values such as Christianity and education that continued to condition the way Africans saw themselves. Both the colonial and post-colonial periods' educational systems were linked closely to the concept of Christianity and development and their influence on cooperation among African communities. Christianity and education meant being modern and dropping all

¹⁹¹ Michael Armer and Allan Schnaiberg, Measuring Modernity: A Near Myth, *Journal of American Sociological Review*, Vol. 37, No. 3 June., 1972, p. 301.

¹⁹² Nelson H., H. Graburn, "What is Tradition in Museum Anthropology", *Journal of Museum Anthropology Association*, 24. (2/3), 2001 Pp 6-11. <https://www.Law.Colombia.edu>.

¹⁹³ Richard Gray, Christianity, Colonialism and Communication in Sub-Saharan Africa, *Journal of Black Studies*, Vol. 13, No.1, Communication and Change in Sub-Saharan Africa (Sep., 1982), p. 59.

undeveloped and backward characters of conflict. However, Van Zwanenberg argued that some Christian and traditional cultures were merged in ways that they complemented each other in enhancing cooperation.¹⁹⁴

Among the Gusii, Kuria and Maasai communities, mission activities by the Seventh Day Adventist Church were met with resistance due to some of their practices. However, gradually, it attracted a large following due to its 'concern' for the general welfare of people through providing services in the education and health among others.¹⁹⁵ These services became a new front for different communities' cooperation. By 1920, for instance, the Gusii had reportedly exhibited a desire for education and were attending mission schools in great numbers. Soon, their neighbours started following the path that the Gusii had taken. Therefore, the SDA church made it part of their agenda to offer education. By 1929, the number of schools stood up at eighty-eight with 3286 students and teachers had the responsibility to play in conversion of the students into Christianity. Mission activities, therefore, partly, impacted positively on communities. They were the meeting point for communities who were fighting earlier. Similarly, they played a major role in promoting cooperation in inter-community relations. For instance, among the Kuria and Maasai communities Education, religion and health facilities provided a platform for the two to cooperate.

In confirming that education was a major agent of change, Sorobea Bogonko discussed the educational work of the Christian missionaries in Gusii, Western Kenya, from 1909 to 1963. He examined the nature of Gusii society in the pre-Christian period and how Christianity changed it. Christianity came with socio-economic and educational aspects that promoted unity between people.¹⁹⁶ Bogonko shows how mission education changed the pre-Christian Gusii traditions, commercial, social life and politics in Gusiiland. According to Bogonko, these changes were associated with education provided by the SDA, the main church of the area. The current study contended that these influences of SDA church were felt in the whole region by promoting

¹⁹⁴ R. M. A Van Zwazenberg with Anne King, *An Economic History of Kenya and Uganda 1800-1970*(London: Macmillan Press Ltd 1975), p 13.

¹⁹⁵ Mary N. S. Getui, "Adventist (SDA) Church among Abagusii of Western Kenya 1912-1985" Masters' Thesis, Department of Religious Studies, University of Nairobi, 1985.

¹⁹⁶ Sorobea Nyachieo Bogonko, "Christian Missionary Education and its Impact on the Abagusii of Western Kenya 1909-1963," Unpublished Ph. D. Thesis, University of Nairobi, 1977.

cooperation. Amayo supported Bogonko's view by documenting the educational activities of the SDA as a missionary group that carried out evangelical activities in Nyanza, the Western region and Maasai parts of Kilgoris of Kenya. According to Amayo, SDA took education as an effective tool for evangelization and changing people.¹⁹⁷ Amayo contended that the SDA schools became the main feeder of the Government African School in the region and therefore changed both boys and girls and teachers' through Kamagambo Training College. The boys who were going through Christian changes were mostly those who could engage in war. These positive changes did not only end conflicts but also promoted cooperation of young men and thereafter entire communities.

From the Latin *religio* (respect for what was sacred) and *religare* (to bind, in the sense of an obligation), the term religion describes various systems of belief and practice that bound people together in sacred or spiritual way. Throughout history, and in societies across the world, leaders used religious narratives, symbols, and traditions in an attempt to encourage unity and cooperation in life and hope of living together in the life after. Some form of religion was found in every known culture, and it was usually practiced in a public way by a group. The practice of religion included feasts and festivals, God, marriage and funeral services, music and art, meditation or initiation, sacrifice or service, and other aspects of culture that brought people together. Durkheim emphasized that religious beliefs and practices "united people from different backgrounds in one single community called a Church, all those who adhered to them," arguing that one of the key social functions of religion was to bring people together in a unified moral community.¹⁹⁸

4.3.3 Education, Religion and Health Facilities as a front of Cooperation

The main objective for mission activities was to formulate African minds to look up to and depend on the white rule. Modernity, hence, was a tool for control and rule. However, in the post-colonial era, the role of mission centres was transformed within and across the

¹⁹⁷ Garrishom Amayo, "A History of the Adventist Christian Education in Kenya: Illustrated in the Light of its Impact on the Africans' Social, Economic, Religious and Political Development, 1906 – 1963," Unpublished Ph. D. thesis, Howard University, 1973.

¹⁹⁸ Emile Durkheim, *The Elementary forms of Religious Life*, Translated by J. Swain, Glencoe, IL: Free Press. Retrieved Dec. 20, 2015, from <http://www.gutenberg.org/files/41360/41360-h/41360-h.htm> (original work published 1915), accessed on 16/08/2019.

administrative boundaries. The British ideology of divide and rule effectively met its dead end. Communities which had been divided in boundaries, ideologically, and in tribes discovered new platforms for cooperation between each other. Mission centres such as schools, hospitals and churches provided ground for cooperation. Community members no longer used these facilities for what they were meant initially but, instead, they became places for exhibiting tolerance, pursuing common goals and accessing common and equal services. Facilities for special children were developed and equipped by the missionaries. Equipment for people with disability provided especially for children who came from poor economic backgrounds. For instance, Komotobo Mission Centre among the Kuria provided such care to the children born with physical disability or visually impaired. This Centre brought the two communities together as they provided full accommodation for the children and shared educational facilities for children with special needs. Parents visited their children during from time to time and majorly, they were brought together especially during ceremonies as graduations for their children.

Mission colleges were also a fundamental part that contributed greatly to cooperation. The PEFA (Pentecostal Evangelistic Fellowship of Africa) mission had an established college of theology in Tarang'anya village within Kuria. Those who were interested in religious education advanced their studies in this college which was among the earliest and the fewest institutions of that category. Being one of the few centres in the region, the college was embraced by members from both Kuria and Maasai communities.¹⁹⁹ Some of the religious leaders in the Trans-Mara region were 'products' of this college. Such leaders participated in community efforts to boost cooperation between them. Having interacted with people from both communities while in college, they extended cooperation and tolerance back home. For example, some of the local churches that were present in both Masurura and Kugitimo, shared common preachers from both communities.²⁰⁰ Once in a while, especially during religious camps, in their respective churches, they invited each other to minister to their congregation. Also, during such religious seminars, members from Kuria were invited to attend the seminars for a full week in Masurura. Likewise, during a seminar of Zion church in Kuria East, a group of Maasai youth from Masurura and Getaita were invited to minister the word of God to believers.

¹⁹⁹ Oral Interview, Mwita Mang'eng'I, Kugitimo, 12th/12/2018.

²⁰⁰ Oral Interview, Bokobora Chacha, Nyamtiro, 13th/12/2018.

Last year, we hosted Maasai youth who came to preach in our church for a week. As Church members, some of us volunteered to host guests in our homes for the whole week. We ensured they were comfortable from the beginning of the seminar to the end.²⁰¹

Similarly, during conflict, religious leaders played a vital role in bringing the communities together in different ways. Firstly, religious leaders organized impromptu guests to their congregations. For example, pastors invited fellow pastors from Maasai-land to Kuria-land without informing their congregations. On the day of the event, a Maasai Pastor preached forgiveness and reconciliation during the sermon. This impacted positively on some members of the congregation who had antagonistic attitude against the Maasai. Similarly, Kuria pastors were occasionally invited to Masurura specifically to preach when the two communities experienced hostilities.

Sometimes we are having a normal sermon on a Sunday expecting no guest. Suddenly, a Maasai Pastor camouflaging in the congregation would be welcomed to preach. We get confused, because sometimes the Maasai have recently attacked us or vice versa, so there is tension between us. But we just welcome the pastor and life continued.²⁰²

Secondly, the pastors and reverends persisted on salvation especially directed to warriors from both communities. They were prayed for and persuaded to change their ways of life and follow Christ. Cattle's rustling was a common subject in sermons in which stealing was condemned. Interestingly, in some occasions, there were warriors who confessed and promised to change. Some we even absorbed by the church and mentored on becoming preachers of the word of God.

I was a raider long time ago. I was fond of untying cattle that had been left to graze without any supervision.²⁰³

Similarly, churches contributed occasionally in disarmament. Raiders who were certain about changing surrendered their arms to their respective religious leaders. It took quite an effort for the religious leaders to convince the warriors let go of their weapons. The religious leaders worked in tandem with the County Commissioner to ensure the guns were returned to the office of the Commissioner. In most cases, the warriors requested for their names to be withheld for the sake of their families. Religious leaders became symbols of unity and carried the message of

²⁰¹ Oral Interview, Bokobora Chacha, Nyamtiro, 13th/12/2018.

²⁰² Oral Interview, Mwita Mang'eng'I, Kugitimo, 12th/12/2018.

²⁰³ Ibid, 12th/12/2018.

peace and unity across the Trans-Mara border. Other mission platforms that brought both communities together were health facilities. A good example for such facilities was St. Joseph Mission Hospital. Aside from serving Migori town, it also served as a referral hospital for Kuria East people and parts of Trans-Mara especially Masurura and Lolgorien. Hospitals such as Kihancha Mission Hospital received patients from both communities. Kihancha being a commercial town where most Maasai women delivered milk to various homesteads, it provided different amenities such as health amenities to them as well.

Similarly, Schools within the town also welcomed students from Masurura and Enosain. For example, Namelok joined Hero primary school where she studied her standard five, six, and seven classes.²⁰⁴ She shifted to another school because her family moved to the interior of Maasai land. However, it should be noted that during severe hostilities, students from neighbouring communities did not attend school. Also shared facilities as medical centres brought members of both communities together. Communities produced doctors and nurses some of whom provided medical care to members of both communities. Shared spaces as wards in hospitals brought them together as well. The Kihancha hospital provided economic opportunities for the Maasai women who supplied milk to the hospitals.

4.4 Shared Ecological Zones

Natural resources played an important role in relationships between different communities, individuals and states. Natural resources were vital to the social, economic and political values that flew from any ecosystem.²⁰⁵ The flow of values to human society was conceptualized as a set of ecosystem services, bolstered by biodiversity, which included provision of forest products, cultural services or visual benefits and provision of water regulation. These resources and services cut across community borders. When these natural resources and services become scarce, there was that provoked disputes that caused armed conflict among ethnic groups.²⁰⁶

²⁰⁴ Oral Interview, Namelok Lemaiyan, Masurura, 13th/12/2018.

²⁰⁵ Leuan Griffiths, "African Boundaries and National Parks," in Gerald Blake, William Hillesley, Martin Pratt, Rebecca Ridley and Clive Schofield (eds) *The Peaceful Management of Tran boundary Resources*, London: Graham and Trotman/Martinus Nijhoff, 1995, pp. 357–370.

²⁰⁶ Renner, Michael, *The anatomy of resource wars*, World-watch paper 162. Washington, DC: World-watch, 2002.

The disputes worsened when mediated by social variables such as poverty and inequality. Competition for resources in the contexts of poverty and perceived distributional injustice amplified existing social fault-lines such as ethnic difference and different ethnic claimed and counter-claimed over the scarce resource.²⁰⁷ Homer-Dixon proposed that the utilization, allocation and degradation of land and water resources were among the sources of conflicts in various parts of the world.²⁰⁸ For instance, among the Kuria and Maasai of Trans-Mara, contested environmental resources were the main causes of conflict, trans-boundary grazing and farming land were often sites of conflict. This was because, firstly, conflicts often took place between neighbouring ethnic groups; secondly, the borders themselves were contested and, thirdly, lack of strong government presence made the sites to become sanctuaries for cattle raiders and extension of boundary lines. Weakness of government provided the resources that sustained and escalated existing inter-ethnic conflicts.²⁰⁹

Nyaisabeki Swamp, for instance, where the Kuria and Maasai converge in search for water was an area where cooperation was exhibited.²¹⁰ Just as natural resources were sites of everyday and extraordinary conflicts between the two communities, so too they were sites of cooperation. Also, the two communities shared water resources from rivers Sinandei (Maasai)/Irigama (Kuria) and Siteti (Maasai)/Isieta (Kuria). Through water sharing, the two communities engaged in dialogue, negotiation and reconciliation conflicting interests. Rivers and swamps were shared among the Kuria and Maasai members regardless of their clan or community.²¹¹ Minimal or no discrimination at all was experienced at water points especially during dry seasons. For example, in 1946, there was a prolonged drought in the Trans-Mara border region resulting to drying of most watering points. Fortunately, Nyaisabeki Swamp in Kuria didn't dry. Though far from Maasai-land, it was presumed to have adequate water enough to water as many cattle as possible from both communities. They therefore converged and watered their cattle without conflict.²¹²

²⁰⁷ Gunther Baechler, Environmental degradation and violent conflict: Hypotheses, research agendas and theory-building, in Mohamed Suliman (ed.) *Ecology, Politics and Violent Conflict*, London: Zed, 1999, pp. 76–112.

²⁰⁸ Thomas Homer-Dixon, *Environment, Scarcity and Violence*, Princeton, NJ: Princeton University Press, 1999.

²⁰⁹ Ian Bannon and Paul Collier, eds *Natural Resources and Violent Conflicts: Options and Actions*, Washington, DC: World Bank, 2003.

²¹⁰ Oral interview, Robi Matiko, Kurumangucha 20th/12/2018.

²¹¹ Oral Interview, Esther Nyahiri, Kurumangucha 20th/12/2018.

²¹² Ibid, Esther, 20th/12/2018.

Nyaisabeki Swamp therefore became a meeting point of cooperation between the two communities.

Similarly, grazing fields were points of cooperation between the two communities. Grass was considered as gift from God and therefore not owned by any individual, regardless of who attached ownership to the land. When need arose, both communities crossed the boundaries in search for pasture.²¹³ Although there were cases where the Maasai grazed on maize farms, they were not entirely forbidden to graze in Kuria-land and, likewise, the Kuria too grazed on Maasai-land.²¹⁴ Another shared ecological aspect was indigenous plants which had medicinal value for both communities. Medicine men utilized specific plants found in both communities.²¹⁵ Medicine men crossed to extract such herbs especially from Maasai-land which was known to have more indigenous trees as compared to Kuria land where land had been cleared for farming activities. The debate above clearly indicates that shared ecological sites provided a platform for cooperation between the Kuria and Maasai people. They shared rivers, grazing land and swampy areas.

4.5 Trade

Trade as an economic activity tended to be affected when trading parties were involved in conflict. The outbreak of war reduced trade activities in any society.²¹⁶ However, commercial activities and trade were perceived to reduce conflict between parties. Hegre observed that commerce promoted peace among human societies because violence is costly.²¹⁷ Dominic *et al* argue that inter-ethnic trade was the channel that linked the dynamics of trust and conflict. On one hand, conflict disrupted trade relationships among the parties involved. Therefore, a growing inter-ethnic trade, discouraged war by raising the opportunity cost of war. On the other hand, trade hinged on trust since inter-ethnic partnerships typically went beyond transactions.²¹⁸ In the

²¹³ Oral interview, Matiko Omahe, Kehancha 20th/12/2018.

²¹⁴ Oral interview, Peter Wang'eng'I, Kugitimo 20th/12/2018.

²¹⁵ Oral interview, Alice Kantai, Masurura 13th/12/2018.

²¹⁶ Barbieri, K., & Levy, J. (1999). Sleeping with the Enemy: The Impact of War on Trade. *Journal of Peace Research*, 36(4), 463-479. Retrieved from <http://www.jstor.org/stable/425299>.

²¹⁷ Hegre, H., Oneal, J., & Russett, B. (2010). Trade does promote peace: New simultaneous estimates of the reciprocal effects of trade and conflict. *Journal of Peace Research*, 47(6), 763-774. Retrieved from <http://www.jstor.org/stable/20798962>.

²¹⁸ Rohner, D., Thoenig, M., & Zilibotti, F. (2013). War Signals: A Theory of Trade, Trust, and Conflict. *The Review of Economic Studies*, 80(3 (284)), 1114-1147. <http://www.jstor.org/stable/43551458>.

African setting, inter-community trade was almost inevitable between neighbouring communities. For instance, among the people of Western Kenya, there were exchanges in objects of material culture through inter-ethnic trade.²¹⁹ There was local trade between neighbouring villages and people who lived under different ecological conditions and so specialized in certain forms of production. Some were agriculturalists while others were pastoralists.²²⁰

Paul Abuso acknowledged that there existed symbiotic relations between the Kuria and Maasai of South Western Kenya which was necessitated by trade. Trade connected the two communities whereby the Kuria sold iron weapons and ornaments made from iron ores mined locally from Tagoto (Lolgorien). The *Abhaturi* (blacksmiths) made blacksmith wares which they traded with the Maasai community. For instance, items such as the large bird feathers, large game skins, elephant tusks, lion claws, leopard skins, from the Maasai were battered in exchange for blacksmith wares. Among the Kuria community there existed folktales of the *abhaturi* blacksmiths who used water to sharpen their *Obhaturi* (the knife of the blacksmiths) against a stone. The *Obhaturi* were exchanged with millet to farmers who used it to harvest the millet.

Every community played a vital role in the survival of the other in different ways. Trade led to peaceful co-existence and to some extent promoted inter-marriages. Abuso observed that the interdependence between the Kuria and Maasai communities was clearly demonstrated through mutual economic activities. The Kuria kept cattle but mainly specialized in agriculture, while the Maasai mainly focused on pastoralism.²²¹ The two communities depended on each other, especially to supplement their diets and other ornaments. They traded in farm produce and animal products. The Kuria grew a wide range of crops such as cassava, maize, sorghum, millet, and different types of vegetables. Whereas the Maasai had plenty of milk, meat, animal herds and beards. The unique livelihoods therefore promoted an exchange of goods among themselves. Goods were exchanged between the two communities on specific days and locations. However,

²¹⁹ Odak, O. (1995). Inter-ethnic relations in Bantu-Nilotic ethnic boundaries of western Kenya. *Zeitschrift Für Ethnologie*, 120(2), Pg. 230. Retrieved from <http://www.jstor.org/stable/25842414b>.

²²⁰ Mary Adada. (2016). The Abakuria in the Pre-colonial Period, *International journal of Liberal and Social Science* 4(2) Pg. 25. Retrieved from <file:///C:/Users/user/Desktop/KURIA%20CULTURE.pdf>.

²²¹ Paul Abuso, *A Traditional History of the Abakuria: CAD 1400-1914*. (Nairobi: Kenya Literature Bureau, 1980), p 39.

off market transactions were also done by some of the two communities under convenient arrangements between parties.²²²

I buy my milk monthly from my Maasai lady who delivers every evening and I pay her at the end of the month. Locally we do not have enough milk for everyone to get a share. Also, we prefer Milk from Maasai because it is fresher and not dilute. My neighbors too buy milk from the Maasai.²²³

Similarly, common economic spaces were shared between the two communities. Specific days were set aside for specific trade activities. Certain markets were set aside involving more women in one event than men, and vice versa in another event. Organized market schedules were drawn and members from both communities enjoyed contact in which trading activities brought the two communities together.²²⁴ They hosted each other on different market days where the neighbouring communities carried their goods for sale in either of the neighbouring community.

In Maasai land, the common market for both communities was located in Lolgorien (Tagota Market/Lolgorien Market).²²⁵ On Saturdays, Kuria ladies move in Caravans to Tagota. In their huge baskets, a wide range of vegetables was packed ready for sale. At the market place, different sections were selected for specific goods. For example, a section of milk products was set aside where Maasai ladies displayed their milk in small drums targeting mainly customers from Kuria. Also, a section of tools and weapons was preserved, where men displayed their machetes, clubs, bows and poisonous arrows for sale. Interest in weapons among the two communities was as a result of shared militaristic traits which were borrowed from each other. For instance, during inter-clan wars among the Kuria community, clans would seek military assistance from the Maasai who intervened to quell another Kuria clan.²²⁶ A good example was when war erupted between the Abanyabasi and the Abakira, they called in the Maasai to assist fight the Abakira.

Other implements of trade that unified the two communities were beauty ornaments. The Maasai had an elaborate way of identifying themselves with body decoration. Dress, make-up, hair-style

²²² Oral interview, Joseph Ncheiri, Masurura 13th/12/2018.

²²³ Ibid

²²⁴ ibid

²²⁵ Oral Interview, Matiko Omahe, Kehancha 20th/Dec/2018

²²⁶ Paul Abuso. Op. cit., p. 53.

and ornamentation were signs of a person's sex and status. Therefore, ornaments were a significant part of the Maasai culture.²²⁷ For instance, young uncircumcised girls wear both white beads and white cowrie shells to protect them from evil eyes. Therefore, their beautiful ornaments attracted the attention of their Kuria neighbours. Maasai beads, bracelets and necklaces were displayed at marketplaces and attracted Kuria buyers. Interestingly, the practice of piercing of earlobes was borrowed from the Maasai by the Kuria. Such cultural influences extended from their social set-ups to their economic activities such as trading. In such occasions culture also played a unification role. Another example was seen through warrior attire. Both the Kuria and Maasai warriors smeared their faces with red ochre, a practice that was borrowed from the Maasai by the Kuria people.²²⁸

A common market in Kihancha, Kuria, happened on every Tuesday of the week where *Omonada* (cattle selling yard) was held. On this particular day, the market was mainly comprised of the men from both communities even though women also occupied a smaller percentage of the market composition. The major commodity of exchange was cattle (cows, goats and sheep). Buyers and sellers visited the cattle yard very early in the morning in order to secure the best cattle they could find or get best buyers. Young boys accompanied their fathers or big brothers to the market to sell or buy livestock. The livestock selling yards united the two communities.²²⁹ Women were active participants of commercial activities, unlike before when women had different roles ranging from construction of *Manyattas*, taking care of children and generally managing their homesteads. Trade between the two communities empowered women economically and fostered peace.

4.6 Conclusion

This chapter demonstrated that in an area where there was historical and contemporary tension and actual conflict, cooperation existed as a modicum of interaction between communities. The Kuria-Maasai inter-community relations underwent tremendous influence over time. There were not only conflicts between the two but also there were various activities that played a role in reducing conflict. This chapter attempted to demonstrate that in tension and actual conflict,

²²⁷Angela, A., & Kabiru, A. W. Beauty and the bead.

²²⁸Paul Abuso. Op. cit., p. 53.

²²⁹Oral Interview, Marwa Wambura, Senta 17th /Dec/2018.

cooperation was found. Cooperation between the Kuria and Maasai was pronounced through social institutions, shared global commons and economic activities. Occasionally their relations were enhanced with intercommunity traditional peace initiatives. In heightened conflict situations, the government intervened to promote cooperation. The next chapter focuses on Kuria-Maasai peace initiatives.

CHAPTER FIVE

KURIA-MAASAI PEACE INITIATIVES UP TO 2010

5.1 Introduction

The introduction of arms to the Kuria-Maasai relations in the late 1970s witnessed an escalation of conflict between them. Land conflict and cattle raids increased in scale and fatality which resulted to hostile intercommunity relations. Nevertheless, within their strained relations, various actors devised measures to promote and sustain peaceful coexistence between the two communities. This chapter discusses peace initiatives between the Kuria and Maasai. It brings out different mechanisms employed by actors to promote cooperation in the Trans-Mara border. For instance, the government occasionally imposed mechanisms to end conflict between them. Such measures as disarmament and forceful eviction were among the methods engaged. However, patrimonial institutions were used in collaboration with the government efforts in the pursuit to promote more lasting solutions. This chapter contends that peace initiatives which involved mechanisms well versed to parties in addressing root causes of their conflict were significant in the Kuria-Maasai relations. The focus of this chapter is peace initiatives such as patrimonial institutions, ritualistic, and government initiatives such as peace committees and legal procedures among others. It highlights a general understanding of peace initiatives, then analyzes intercommunity traditional peace initiatives such as rituals and demonstrates government interventions in promoting peace between the Kuria and Maasai.

5.2 Towards an understanding of Peace Initiatives

In the 20th century, many low-intensity and long-term conflicts in eastern Africa took place in isolated regions between various ethnic groups.²³⁰ These conflicts were perpetuated by a convergence of local, national, regional, and international factors which create an environment of economic scarcity and insecurity. Similarly, small arms flowing into the region from conflicts in countries such as Sudan, Uganda, Tanzania and Somalia negatively impacted on their Kuria-Maasai relations. The proliferation of small arms hampered peace initiatives as it made it possible for warriors to evade regulations imposed by patrimonial institutions.

²³⁰ Emily Frank, "A Participatory Approach for Local Peace Initiatives: The Lodwar Border Harmonization Meeting," in *Africa Today*, 49(4), 2002, pp. 69-87. Retrieved from <http://www.jstor.org/stable/4187531>.

Patrimony is a set of material or immaterial elements to which specific values and rights are linked to a social group and transmitted from one generation to another.²³¹ They are tangible processes of social, cultural, and political construction in which related individuals, in various contexts, local, national, international, select elements of their conjoint past and perceive them as essential for their collective future. In so doing, they form themselves into communities with specific sociopolitical objectives. Patrimonial institutions encouraged affected parties to consult and to participate freely in discussing issues that caused conflict.²³² Weber argued that patrimonial institutions had specific forms of authority and source of legitimacy which maintains peace in society. Traditional leaders had power within a social relationship which placed them in a position to carry out certain duties as dispute resolutions in a given society.²³³

Patrimonial institutions retained power and authority to which community members conformed. Weber's ideas described the cultural variations with which compliance with authority could be constructed. Peace builders were the directors and designers of a peace process.²³⁴ Successful peace initiatives were engaged in ways which allowed active participation of parties. For example, rituals dealt with issues in direct, rational and linear modes. The use of symbols in peace building assisted in solving complex, deep-rooted conflicts, and helped in confirming and transforming worldviews, identities and relationships. Similarly, Mary *et al* examined how the communities understood, participated, and celebrated their patrimonial institutions.²³⁵ Mystification of power could be culturally framed unlike in neo-patrimonial societies whose institutions were borrowed from outside Africa. The use of accepted and familiar institutions occasionally favoured patrimonial institutions as they provided a conversant platform for social

²³¹Michon, G., Romagny, B., Auclair, L., & Deconchat, M. (2012). Forests as Patrimonies? From Theory to Tangible Processes at Various Scales. *Ecology and Society*, 17(3). Retrieved from <http://www.jstor.org/stable/26269092>.

²³²Robert Chambers, Robert. (1985). Shortcut and Participatory Methods for Gaining Social Information for Projects, in *Putting People First: Sociological Variables in Rural Development*, edited by M. M. Cernea, New York.: Oxford University.

²³³Max Weber, (1947) *The Theory of Social and Economic Organization*, Translated by A. M. Henderson and Talcott Parsons, Edited by Talcott Parsons, New York: The Free Press, 1947, p. 152.

²³⁴Schirch, Lisa. (2004). *Ritual and Symbol in Peacebuilding*. Bloomfield, CT: Kumarian.

²³⁵Mary Pitcher, Mary Moran and Michael Johnson, "Rethinking Patrimonialism and Neopatrimonialism in Africa," in *African Studies Review*, Vol. 52, No. 1 (Apr., 2009), 125-156 Cambridge University Press, Stable URL: <https://www.jstor.org/stable/27667425>, Accessed: 18-08-2019 13:37 UTC.

change.²³⁶ In African societies such as the Kuria and Maasai communities significant legitimacy was derived from an aspect of patrimonialism.²³⁷

Patrimonial institutions among the Kuria and Maasai communities were less hierarchic, patriarchic and more egalitarian. They upheld community-evolved norms, values, customs and religious beliefs and a sense of belonging to the particular community which was essential to maintain cohesion of both communities. Through the institutions, they settled kinship, family and inter-community frictions which provided an environment of trust and a sense of community for durable peace. Resolution of inter-community conflict was based on customary laws, standards and values. These characteristics became products of peaceful negotiation and interaction of the communities. Creating a long-term peace process depended on the extent to which societies incorporated their norms, values and institutions through the mediation of their interests and values.

The emergence of participation in peace initiatives came from critiques of the traditional top down model which incorporated biases of eurocentrism and positivism. In their work, Nelson and Wright argue that participation may be an end in itself which can increase confidence of the local communities and make them feel empowered and part of the process.²³⁸ This conceptual argument holds that using local information can clarify problems and needs, enhance solutions, reduce the chances of misunderstandings, include more people, and increase their commitment, thus increasing the chances of sustainability and success of peace initiatives.²³⁹ Mikkelsen similarly contends that a higher level of participation in peace forums among community members led sustainable peace and better long-term results.²⁴⁰ A United Nations report of 1979 on conflict resolution defined participation as “sharing by people in the peace processes, active

²³⁶Mark Davidheiser, *Rituals and Conflict Transformation: An Anthropological Analysis of the Ceremonial Dimensions of Dispute Processing*, June 2006.

²³⁷ Laura Parrott, *Translating Participatory Theory into Practice: Insights from Honduras on Relationships between International Aid Organizations, Communities, and the Government within the Setting of Disaster Related Projects*, Lund University Lund University Master of International Development and Management, June 2011, <http://lup.lub.lu.se/luur/download?func>.

²³⁸Nici Nelson and Susan Wright, *Power and Participatory Development: Theory and Practice* Paperback, Washington DC. Practical Action, 1995, p. 183.

²³⁹John Hubley, *Community Participation Theory and Practice in Health*, <https://www.ircwash.org/sites/default/files/144-90C-8682.pdf>.

²⁴⁰Mikkelsen, B., *Methods for Development Work and Research: A Guide for Practitioners*, London, New Delhi: Sage Publications, Thousand Oaks, 1995.

contribution and their involvement in decision-making at all levels of society led to lasting peace.”²⁴¹

In the pre-colonial era, Village Councils organized discussions to mediate conflict between the Kuria and Maasai communities. Members of the councils took both perspectives of conflicting parties, constructed a solution and legitimized it with cultural activities which interlinked with their customs.²⁴² Correspondingly, the colonial regime utilized community elders to mediate Kuria-Maasai conflicts. They capitalized on ethnic views that often considered elders as a source of wisdom and implemented their directives. Traditional practices were institutionalized into public places for meeting and adjudicating disputes. Realizing the importance of patrimonial institutions, the British allowed the primacy of local customs in some places over the western code for the settlement of local conflicts. The application of the supplementary principles played a role in promoting peace and justice. This provided a bottom-up approach where the social code was grounded on peoples’ participation in the peace initiatives. The process emerged from the unique combination of cultural resources, political traditions and imaginative leadership of its context.

5.3 Traditional Kuria-Maasai Peace Initiatives

In an African context, conflict management was a collective action. The actors in the traditional process of conflict resolution were elders, clan chiefs, prominent leaders, acceptable and respected persons such as former great hunters, council of elders and people’s assemblies.²⁴³ Africans believed that the actors had the wisdom, knowledge and respect as trustworthy mediators. They collectively took part in promoting social cohesion, peace, harmony, and co-existence in resolving disputes. Similarly, they were a social capital with the capability to utilize social norms and customs to hold members of a group together by effectively setting and facilitating the terms of their relationship. They were part of a well-structured, time-proven

²⁴¹United Nations, “Realizing the Right to Development: Essays in Commemoration of 25 Years of the United Nations Declaration on the Right to Development,” New York and Geneva, 2013, HR/PUB/12/4United Nations Publication, No.E.12.XIV.1, https://www.ohchr.org/Documents/Publications/RightDevelopmentInteractive_EN.pdf.

²⁴² Oral interview, Marwa Rioba, Kugitimo, 11th/12/2018.

²⁴³ O. B. Nwosile O.B. *Traditional Models of Bargaining and Conflict Resolution in Africa: Perspective on Peace and Conflict in Africa*, Ibadan: John Archers Ltd., 2005.

social system geared towards reconciliation,²⁴⁴ maintenance and improvement of social relationships between the Kuria and Maasai as discussed below.

5.3.1 The Council of elders

In the Trans-Mara border, the institution of council of elders among the Kuria and Maasai people was tasked with promoting cooperation. The institution emphasized social harmony as the overriding ideology of social control and maintenance of peace. This was well-demonstrated in the conception and application of the philosophies of *palipo na wazee hapaharibiki neno*, (where elders are nothing goes wrong). This demonstrated trust in their ability to promote peace and unity the community. Moreover, the essence of conflict management in traditional Kuria-Maasai communities included removal of the root-causes of the conflict, reconciling the conflicting parties genuinely, to preserve and ensure harmony in order for societal development. For instance, the council of elders dealt with land disputes. Conflict over grazing fields was common between the pastoral and agro-pastoral communities of Trans-Mara. It was agreed between the two communities that all cultivated fields were to be fenced to avoid such incidences. In instances where cattle invaded fenced fields, the council of elders decided on the fines to impose depending on the scale of the destruction. However, where the cultivated fields were not fenced, no fines at all were administered.²⁴⁵The 19th Century traditional institutions proved to be relatively effective as opposed to Western structures of conflict resolution which faced challenges in its implementation.

In the early 20th Century the collaborative peace initiatives by the colonial government and the traditional institutions proved effective as opposed to imposed legal systems to resolve conflict between the Kuria and Maasai. The two parties occasionally reverted to traditional systems of peace initiatives to help overcome challenges of widespread conflicts. Two main approaches to conflict resolution dominated these efforts: Western and indigenous mechanisms of conflict resolution. Indigenous approaches were practiced based on the African cultural understanding of conflict and the need to end conflict between the Kuria and Maasai.

²⁴⁴ Fred-Mensah, B. (2005). "Nugormesese: An indigenous basis of Social Capital in a West African Community." IK Notes, No. 86, p. 1. November, World Bank, Retrieved from www.worldbank.org/afr/ik/default.htm.

²⁴⁵ S.S, Ole Sankan. *The Maasai* (Kenya Literature Bureau, Nairobi. 1995),11-14.

As discussed earlier, the Kuria-Maasai conflict was mainly triggered off by many factors among them cattle raiding. The Kuria and Maasai raided for various reasons among them prestige, to replenish their herds and for bride price.²⁴⁶ The study generally confirms the importance of livestock as an important element of the conflict among the two communities. Young men proved their readiness for marriage by bringing cattle. Marriage was a major transforming ceremony in African Religion. It was viewed as a community activity that involved all members, those who were currently physically living in the community, the ancestors and those yet to be born.²⁴⁷ Similarly, natural resources such as water and pastures informed their conflicts too. Despite all these conflicts, the two communities had intertwined livelihoods and therefore needed to initiate mechanisms that would ensure peace. It was the need for peace and harmony that influenced the two communities to employ indigenous conflict resolution methods. Traditional institution headed by council of elders and other religious leaders were the main agents of peace.

The council of elders were the highest socio-political institution whose membership depended on integrity, the ability to listen to the people, and selflessness. Among their significant roles was the resolution of disputes between the two communities. For instance, *iritongo* among the Kuria and *Il-Pyani* chaired by *Olaiguenani* among the Maasai listened to the causes of conflict and resolved them. The *Iritongo* and *Il-pyani* were community courts comprising of the council of elders and community members who met regularly every month.²⁴⁸ Every family of the community was required to send a representative to attend the public meetings. This was important to allow community members to share their views in matters that affected the community such as cattle raiding or land as a communal resource. Community members also acted as witnesses in the hearing of disputes and occasionally contributed to the judgement or punishments to minor offences. Fines were therefore administered to members of the community who were not represented at the public meetings or were absent without apology. This ensured participation and involvement of community members to matters affecting the communities.

²⁴⁶ Paul Abuso, Op. cit.,

²⁴⁷ J. S. Mbiti, *African Religions and Philosophy* (Nairobi: East African Educational Publishers, 1969), 133.

²⁴⁸ Oral Interview, MarwaRioba, Kugitimo, 11th/12/2018.

These council of elders took charge of the traditional court in determining the guilt of suspects through administering oaths; and excommunicating errant members of the society who were frequent participants in cattle raiding and any other crimes, including murders.²⁴⁹ Similarly, during and after conflict, they advocated for dialogue and reconciliation between warring parties after which they presided over rituals which symbolized forgiveness, reconciliation and unity.²⁵⁰

They worked in tandem with other members of the community to execute some of their tasks. As seen in the previous chapter, *Sungusungu* was formed as a community policing unit to combat cattle raiding. One of their tasks was to apprehend cattle raiding suspects and interrogating them for information. The council of elders worked in tandem with the *Sungusungu* and the *morans* in arresting major suspects in hostilities within the communities and across the Trans-Mara border.²⁵¹ They helped in apprehending raiders in their midst and in returning stolen cattle to the owners. The two groups were serious organizations bringing together all men who had passed through the raiding rite to adulthood. They were required to perform duties which included night patrols between the two communities' borders to watch over and stop cattle raids.²⁵² They also made several visits to different homesteads where members were suspected of involvement in cattle raiding and warned them. Lists of suspects were compiled, with their personal detailed information, and crimes of which they were accused.

The accused were then summoned before a council of elders for interrogation.²⁵³ They were confronted with evidence against them, they were punished sometimes by beating if they failed to cooperate in an effort to extract confessions. Suspects who were found in possession of stolen cattle, or with guns, were punished and occasionally turned over to the police for further investigation and subsequent court trials. Some of those who confessed at the council meetings were fined sometimes between three to four head of cattle or in form of money, some of which was used to cover the expenses of the *sungusungu* and *moran* services.²⁵⁴ In case the suspects

²⁴⁹ David Kungu, Risper Omari and Stanley Kipsang, Ajourney into the Indigenous Conflict Management Mechanisms among the Abakuria Community, Kenya: "The Beauty and the Beast", *EuropeanScientific Journal* (June 2015) Vol. 11, No. 16 p. 205.

²⁵⁰Ibi, David Kungu, Risper Omari and Stanley Kipsang, Ajourney, p. 209.

²⁵¹ Ibid, p. 210.

²⁵² Oral interview, Marwa Rioba, Kugitimo, 11th/12/2018.

²⁵³ Oral interview, Ntaiya Simon, Masurura, 16th/12/2018.

²⁵⁴ Oral interview, Makenge Mwita, 11th/12/2018.

were unable to pay their fines, fines were collected from their kins, by seizing their property-livestock or any belonging if need be and sold, to raise the money to offset the penalty.

However, conflict was equally influenced by traditional institutions.²⁵⁵ Cattle raids and war were organized and sanctioned by council of elders, seers, and medicine men. In the 1960s and 1970s when cattle raiding was rampant, elders sent spies who embarked on their journey into Maasai land. Their main role was to spy on cattle-herds and identify manyattas with most cattle. The elders depended on such information to plan for raids. When raiding parties were ready, medicine men sprinkled traditional medicine on their bodies which was meant to protect them from their enemies. They believed that the medicine rendered them invisible to their enemies. The seers gave them advice during conflict or raids by issuing specific instructions about the experiences that warriors met and their consequent remedies. For instance, they were to come across a cow of a given colour, which they ignored, further they would find a herd of cattle grazing in particular circumstances, and these were the ones they seized. Seers blessed and instilled confidence in raiders in their victory. This stirred up retaliatory raids between the two communities until the elders felt that it was a period for peaceful relations. The warrior were expected to bring back all the cattle, to be divided by their elders. Those who acted selfishly by driving cattle to their homes were punished by elders. Seers also foretold cattle of special markings that were brought for his sacrifices and ritualistic uses.

5.3.2 Rituals between the Kuria and Maasai

Rituals can be traced back to pre-colonial period where they formed part of a mechanism of building peace with their counterparts and establishing friendly relationships. The rituals continued during the colonial and post-colonial eras, and they attracted the support of the state. The Kuria and Maasai communities used rituals to resolve conflict and maintain peace. For instance, in the aftermath of conflicts, the two communities convened meetings along the border for peace initiatives. They placed weapons of war and poisonous trees along the border as symbols of surrendering. A black dog was killed and laid across the fence and nursing mothers

²⁵⁵ Frances Stewart, Root causes of Violent Conflict in Developing Countries, *British Medical Journal*, Vol. 324, No. 7333 (Feb. 9, 2002), P342 <https://www.jstor.org/stable/25227415> Accessed: 10-04-2019.

from both communities exchanged children and suckled them. The religious leaders concluded with prayers which were meant to seal and bless the covenant of peace.²⁵⁶

However, the two communities continually experienced inter-community conflicts in the colonial and post-colonial periods. Rituals remained part and parcel of their conflict resolution methods. *Ekehore*, *entaro* and *emuma* for instance were common methods of rituals used to construct peace between the Kuria and their neighbours.²⁵⁷ *Ekehore* was a traditional oath which subjected an individual to the objective of revealing hidden truths or beseeching the person to refrain from undertaking prohibited actions. It was administered to people who were suspected to have stolen cattle but denied the accusations. It was believed that if one agreed to take the *ekehore* when guilty, misfortune, possibly death, befell them. Therefore, oath taking made cattle rustlers to fear taking it. Fear to partake in an oath was enough prove to the council that the suspect was a criminal. Kinsmen to the suspects he was guilty accepted to pay compensation thereafter ending hostility.²⁵⁸

The *Ekehore* (a human skull) ritual of conflict resolution a mechanism used to curb cattle's raiding, by warning cattle raiders and to demand for compensation of the stolen cattle on behalf of the victims from both communities. The ritual subjected individuals to reveal hidden truths or to beseech the person to refrain from devious behaviours that would cause conflict.²⁵⁹ There were different ways in which the *ekehore* oath was administered. The first method involved the suspect stripping naked, before community members then followed by taking traditional medicine from a skull of a diseased of leper. The suspect was instructed to drink the medicine in seven gulps while swearing that the power of *ekehore* to either destroy him if he was guilty or the opponent if he was innocent. The skull signified death to those who drunk from it yet they were implicated.

²⁵⁶Kasomo, Daniel, the Position of African Traditional Religion in Conflict Prevention, *International Journal of Sociology and Anthropology*, Vol. 2(2), February, 2010.

²⁵⁷Iddy Ramadhani Magoti, "Compromising for Peace through Ritual Practices among the Kuria of Tanzania and Kenya," in *Utafiti*, Vol. 13, No. 2, 2018, pp. 67-82.

²⁵⁸ Oral interview, Marwa Rioba, Kugitimo, 11th/12/2018.

²⁵⁹ Oral interview, Makenge Mwita, Kugitimo, 11th/12/2018.

The second method was the use of the skin of a totemic animal of respective clans for instance a Zebra/*Inchage* for the Abanyabasi, elephant/*Inchugu* for the Abakira, and Leopard/*Ingwe* for Abairege clan. Treasured items such as weapons were placed on the skin, on which traditional medicine sprinkled and the suspect called upon to jump over (*literally known termed as etarambuke*) the weapons seven times while swearing that he was innocent.²⁶⁰

Alternatively, cattle rustlers undertook the *ekehore* by drinking the blood of a sacrificed bull. The blood was put in a deceased leper's skull, or a bone/horn from a buffalo or cow which was sculpted specifically for this practice. It was sanctified by the elders responsible for overseeing oaths and prayed to their ancestors to ensure that their mission was accomplished. Suspects to raiding then drank the blood as they swore never to repeat raiding. In 1940, the colonial officials in determination to end conflicts established border committees to resolve cattle and border disputes between the Kuria and Maasai adopted *ekehore* ritual.²⁶¹ In 1951, participants in the border committees adopted this method to determine false or true confessions given by the suspects and the witnesses to a cattle's raiding incidents. This enabled them to settle the conflict where the victims were compensated for their lost cattle.²⁶² Similarly, in the 1960s, the border committee at different times agreed to apply *ekehore* in their dispute resolution between the two communities and administered fines.²⁶³

The administration of fines was made under specific circumstances. For instance, murder incidents during raiding or during conflict. War was guided by strict regulations. While fighting it was recommended that parties avoided shedding blood.²⁶⁴ In cases of death, a council of elders then presided over the issue and compensated the aggrieved. The elders fined the murderer forty-nine oxen which were used to compensate the family of the deceased. In incidences where the victim was a Bantu (*I-meek*) and if known or was a friend of the Maasai, twenty-nine cattle were paid to his relatives.

²⁶⁰Iddy Ramadhani Magoti, "Compromising for Peace through Ritual Practices among the Kuria of Tanzania and Kenya," in *Utafiti*, Vol. 13, No. 2, 2018, pp. 67-82.

²⁶¹ KNA, DP/17/316- Kuria/Kuria- Maasai North-Mara Border Committee.

²⁶² KNA, DP/ 17/316 Kuria/Butende-Maasai North-Mara Border Committee-"Minute of Border Committee Meeting held at Migori on 28 June 1951."

²⁶³ KNA, DP 1/97 Kuria/Butende-Maasai Border Committee, "Minute of Border Committee Meeting held at Kilgoris on 23 March 1960."

²⁶⁴ Oral interview, Makenge Mwita, kugitimo, 11th/12/2018.

During murder trials, naming also played the role of self-cleansing role between the two communities. Commonly practiced among the Kuria, certain names were given to newly born children force behind it. During conflict, warriors were forbidden to kill young boys who appeared to be harmless when encountered in their manyattas. However, most incidents contradicted these regulations when warriors in war or raiders killed a young boy. Among the Kuria, this was an abomination and such a person a disgrace. In order to cleanse themselves from misfortunes, they were required to name their sons after the Maasai boy they killed.²⁶⁵As Jeremiah narrates, he was named after a Maasai his father had killed. The name *Mwikwabe* (meaning the Maasai) was commonly used to cleanse culprits from misfortunes of murder of the innocent. Otherwise, if they bore children and failed to cleanse themselves, they died mysteriously. Aside from promoting peace and justice, the practice promoted discipline to ensure rules of war were observed.

Entaro was another type of a ritual that was used as a peace initiative by elders from the two communities. This was a form of ritual in which individuals instituted a blood covenant or blood brotherhood. The covenant was used for purposes of cementing the already existing bonds of friendships between the members of the two communities.²⁶⁶It was a form of blood-brotherhood ritual which guaranteed security and friendship through the principles of respect and trustworthiness between the parties and their extended affiliates.²⁶⁷The parties to the covenant swore never to fight and steal property from each other or shed blood between them. *Entaro* was administered by respected elders and was preceded over by preliminary oral examination given to the parties. It involved issues pertaining to the significance of the pact and informed parties on the terms and conditions to ensure a lasting agreement. Once the participants consented to the terms of the ritual, they set a special date for the ritual. A skin from cattle was taken and set in an open place at the territory of either of the parties. The ceremony was done at a neutral point preferably at the border region.²⁶⁸

²⁶⁵ Oral interview, Jeremiah Mwikwabe, Kugitimo, 11th/12/2018.

²⁶⁶ Oral interview, Makenge Mwita, 11th/12/2018.

²⁶⁷ Oral interview, Mwita Mang'eng'I, Kugitimo, 11th/12/2018.

²⁶⁸ Oral interview, Makenge Mwita, 11th/12/2018.

The cattle skin which was used for the *Entaro* ritual was not to come from cattle that died of natural diseases. This was meant to signify purity. A small strip of (rope) made from the skin was used to create a temporary border around the skin. Some traditional concoction was spread around the area. Parties entered the area and sat on the skin facing each other. They were made to incise part of their bodies which resulted to blood oozing. They rubbed a piece of meat or *ubhukima* in their own blood which they exchanged, ate, as they swore to be allies, respect, trust, and never steal each other's property.²⁶⁹ The *entaro* ritual was commonly used to maintain friendship ties with neighbouring communities with whom they conflicted frequently over cattle raids. Exchange of each other's blood signified a bond never to be broken between two people. They were bound by the blood and became brothers through it.

The bond was significant in promoting peaceful relations between the two communities. The chosen parties faced each other while taking the oath of brotherhood to instill trust. *Entaro* was actively practiced up to the early 1980s, although signs of its decline were visible with the European intrusion at the beginning of the 20th century. They opposed the practice by favouring the Western modes of conflict resolution such as law courts. Additionally, the prevalence of HIV/AIDs, in recent years, promoted mistrust as people feared contracting the virus through exchanging blood.

While the *entaro* was used to cement relationships, the *emuma* ritual prevented the two communities from harming each other and to build peace after conflict. *Emuma* was sometimes referred to as the ritual of forgiveness and uniting. The rituals were performed differently dependent on the parties involved. However, the common method involved the 'exchanging of breasts' which was accompanied with *okurya omuraru*.²⁷⁰ After a prolonged conflict the Kuria and Maasai agreed to undertake this ritual to promote peace. Each appointed a nursing mother who brought their biological child. Elders from both communities performed the ritual by praying, then spread traditional medicine on the site, and performed a traditional sacrifice (*okomwensa*) which was recommended for the task. The mothers exchanged babies across the border. They nursed the children before the elders in a practice known as 'exchanging breasts'.

²⁶⁹ Oral interview, Mwita Mang'eng'I, Kugitimo, 12th/12/2018.

²⁷⁰ Oral interview, Nyaite Kohera, Kugitimo, 12th/12/2018.

This meant that they were brothers and sisters from the same mother. Thereafter the two mothers attended a special ceremony of *okurya* (eating) *omuraru* (a long piece of meat from a sheep, goat or cow that was slaughtered particularly for the ritual).²⁷¹

The *Omuraru* was a ceremony celebrated to consummate the *emuma* ritual. A representative from both communities were selected and requested to approach and face each other. Each of them instructed to bite one tip of the *omuraru* and waited until an elder cut the middle part of it. This responsibility was given to an elder whose first spouse and first-born child were alive to signify wholeness and continuity of the community. He cut the *omuraru* once using a knife after which each representative chewed and swallowed the piece of meat. The chewing (*okurya*) was accompanied by both representatives swearing to be friends on behalf of their communities and to refrain ever from harming, fighting with or stealing from each other. Community members present feasted together and departed to their respective homes shaking hands with each other and rejoicing in their newly borne relations. The process of the *emuma* ritual signified that both communities were henceforth sisters and brothers of one mother, tied not only by natural reproduction, but also by the spiritual powers confined in the ritual. These ritualistic initiatives were significant as they involved the participation of community members in the process of peace making. Participation of parties ensured peace and promoted accountability.

5.4 Government Peace Efforts

In the 20th century, scholars emphasized on the prevention and management of conflict in Africa. The assumption being that the western peace initiatives as government interventions were best for the African intercommunity conflicts. However, more is needed than just state efforts.²⁷² The disparities in culture not only shape different perceptions of conflicts but also determine techniques of their resolution. Nevertheless, in many cases, the integration of traditional approaches with modern government approaches proved achievable.²⁷³ For example, Ethiopia adopted a policy of integration of some traditional approaches and their techniques into

²⁷¹ Oral interview, Mwita Mang'eng'i, Kugitimo, 12th/12/2018.

²⁷² Osamba J (2001). *Peace Building and Transformation from Below: Indigenous Approaches to Conflict Resolution and Reconciliation among the Pastoral Societies in the Borderlands of Eastern Africa*.

²⁷³ Osaghae E (2000). *Applying Traditional Methods to Modern Conflict: Possibilities and Limits* in Zartman W *Traditional Cures for Modern Conflicts*, London, Lynne Rienner P

government institutions.²⁷⁴ Among the Afar people of Ethiopia, violent conflicts were best handled by their patrimonial institutions. Their norms and customs were well-known by the local people and their elders were bestowed with wisdom to tackle conflict in a responsive way as opposed to court procedures based on imposed rules unknown to the local community. Their participation in peace initiatives gave them a sense of accountability and they saw themselves as part of a national group.²⁷⁵ This section focuses on government interventions among the Kuria and Maasai of Kenya and how the government occasionally worked with the local people to promote peaceful relations between them.

In the colonial era, there was a growing recognition that an important part of the answer to the Kuria-Maasai conflict laid in their traditional peace initiatives. This affirmed the reason for the involvement of the chiefs or village elders while assisted by the Provincial administrators to intervene or respond to different levels of conflict between the two communities. The above committee and many others constituted were responsible for negotiating and implementing deals, including fixing boundaries as stated in the caption. If a deal or agreement involved the payment of fines or return of stolen cattle, it was the chief or elders who assisted with the government officials supervised the process.

The Kuria and Maasai binary of conflict and cooperation attracted government intervention. Conflict over land and pasture resulted to mistrust and tensions amongst the two communities. To quell the persistent conflict between the two communities the government frequently. They intervened by forming peace committees which were mandated to broker peace and return normalcy between the two communities. For instance, in 1946 the colonial government formed a committee comprising of Chief Malirangwe (Tanganyika), Clan Head ChachaMguee (Tanganyika), Chief Daniel Moronge (Tende Kenya), Clan Head Magige Gai (Tende Kenya), and Chief Ole Reguitera (Seria Maasai Kenya) and Clan Head Ole Gaga (Seria Maasai Kenya). The committee was tasked with resolving land and border conflict. The efforts by the committee yielded some peace as reported by the District Commissioner as follows:

²⁷⁴ Hagmann T, Mulugeta A (2008). Pastoral conflicts and state-building in the Ethiopian lowlands. *Africa Spectrum* 43(1):167

²⁷⁵ Kelemework Tafere Reda, Conflict and Alternative dispute resolution among the Afar Pastoralists of Ethiopia, *African Journal of History and Culture*, 2011 p, 39 Retrieved from: <http://www.academicjournals.org/AJHC> Accessed on: 8-26-2019.

Relationships with neighbouring district were reasonably good. On March 13th a second meeting was held at Lolgorian at which the district commissioners, Musoma, Tarime, Kericho, Kisii and Narok were present; together with various police and departmental officers. A number of leaders of various tribes were also present. The Seria Maasai and Watende set-up boundaries along the disputed land in the presence of the above mentioned officials. The officials and elders from both tribes resolved the demarcation and in union agreed that the marks are okay.²⁷⁶

However, in the events where conflict escalated beyond the capacity border committees, the government deployed security personnel as an effort to restore peace. Occasionally intelligence reports indicating that conflict was in the offing. The government ordered the deployment of General Service officers to be stationed strategically to prevent an all-out clash of the two groups. This effectively assisted to avert looming conflict. A reporter explained;

The two groups have repeatedly clashed over land and cattle theft over the last two years. The local security officials have responded by creating a five kilometers radius buffer zone in which neither community is allowed to engage in farming and grazing, but the tensions continue.²⁷⁷

Heavy security presence acted as a catalyst for the two communities to initiate negotiations, first on intra-community level then inter-community. Each group had separate meetings among themselves where they agreed on their positions before proceeding to inter-community negotiations. In such instances the two communities agreed to restore of peace and they announced instantaneous ceasefire. Elders were assisted with government officials to hold joint peace meetings within conflict prone areas.²⁷⁸ The elders spread peace messages and prevailed upon their group members to keep peace and allow cohesion and harmony amongst the two groups. They encouraged women to convince their sons and husbands to work for peace.

In solving intra-community disputes, the government empowered the traditional institutions to cases of cattle raiding and land disputes. It was noted in a meeting by government officials that the methods employed in Transmara West were more effective than those applied in Kuria East. This was because the Council court in Trans-Mara was empowered to inflict heavier penalties as

²⁷⁶ KNA/ DC/NAROK/13/3/1946- Solving Boundary and Tribal War, Colony and Protectorate of Kenya, 1946.

²⁷⁷ Free Press Correspondent, "Three Killed in new Clashes between Maasai, Kuria Tribes as Border Conflicts Rage," in Free Press Correspondentnewsdesk@kenyafreepress.com Monday, 21 Nov 2016 21:20 EAT.

²⁷⁸ Hiram MwangiKahiro, Territorial Groups Conflicts among the Maasai: Case of The Ilpurko, Ilkeekonyokie and Iloodokilani of Kajiado West Sub-County, 1996-2012, Research Project Paper Submitted in Partial Fulfilment of the Requirement for the Award of Master of Arts Degree in Armed Conflict and Peace Studies, November, 2014

opposed to council courts in Kuria East. Among the Maasai cattle raiders faced up to a fine of kshs.1000 and 18 months imprisonment. The maximum sentence was imposed as a rule rather than an exception. Similarly, measures were proposed in Kuria East where efforts by the government were made to get permission for the Kenya Police to take cattle raiding cases to the African courts which were empowered to instill maximum sentences.

Inter-community conflicts were also promoted through the formation of border committees. Border conflict between the Kuria and Maasai were a frequent occurrence. For instance, the Maasai in one occasion expressed their concern following the activities by the Kuria such as cultivation and building of houses in their land which they regarded as an invasion. Such instances attracted the attention of the government who worked with the local traditional institutions to promote peace. For instance, during the inspection the boundary between the two communities the presence of council leaders and community members was vital. In a report on boundary inspection, the District Officer Kilgoris reported:

I walked the Narok /South Nyanza inter-district boundary in company with Mr. J.A Miller, D.O Migori, approximately 11 Miles of boundary from Tanganyika Border to the junction of Kasumi and Migori River. I was accompanied by headman Ole Kaka and Chief Ole Ngoidilla and Court Elder Ole Kapiro as far as River Siteti. Mr. Miller was accompanied by Headmen Chacha Chegere, and a large number of local Watende (Kuria) followed us, and none of them gave trouble but the Siria (Maasai) did not turn up. I do not wish to have future complaints by the Maasai over the same issue.²⁷⁹

The government also applied retributive justice as an initiative to end conflict between the Kuria and Maasai. This is where the principle of punishment was instilled to promote accountability for cattle raiding conflict and disputes related to land conflict. The main intent was to dissuade the perpetrators or others from future wrongdoing. Punishment in practice is more about the satisfaction of victims and those who care about them. This dissuaded victims from the realm of revenge, which in many times was more severe if punishment was never mated. It was mandatory that punishment was administered on the premise that individuals responsible for perpetrating inter-communal disputes were held accountable. This included those who fomented

²⁷⁹ KNA, Office of the District Officer Masai, Trans Mara Kilgoris, Demarcation of Siria/Tende Border/ TM/BOR/5/221, 28th May 1956.

such violence, as well as those who participate directly in the violence and trespass as demonstrated by the caption below.²⁸⁰

On a recent safari I found large numbers of Watende cattle grazing in Masai land. I arrested some of the herds who were charged for trespassing and were dealt with as follows:

Borue Kemarua from Bukira, fined sh287/= or 4months Detention

Kimero Mwita from Nyabassi, fined sh278/= or 4 months Detention

Kioma Wembora from Nyabassi, Fined Sh150/= or 3 moths Detention

Maro Muhero from Nyabassi, Fined sh160/= or 3 months Detention

Mwagoga Kibalo from Nyabassi, Fined sh500/= or 4 months Detention

They all asked that their relatives be asked to assist with the fines. Some asked that some of their cattle be sold to meet these fines.

With the establishment of boundaries between the two communities, trespassing was considered an offence against one community. As demonstrated in Chapter 3, the Kuria and Maasai had a grazing concession to allow cattle from Kuria to graze in Maasai land and water in rivers Siteti and Sinandei. The Maasai intimated that this concession was on a basis of mutual friendship.²⁸¹ This was also on the condition that the Kuria to demolish the houses and settlements that they had established in the Trans-Mara border. However, the Kuria over time continued to occupy the Trans-Mara region and established permanent structures.

In the attempt to resolve the land disputes, the government intervened in the conflict. In a meeting between the government and the two communities, an agreement was made between the Maasai and the Kuria, in which, the Kuria were to pay for the land from September 1955 to May 1965. It was stipulated that a sum of seventy thousand, seven hundred and seventy-seven (70,777) heads of cattle was to be given to the Maasai. This was to solve the land rows and enable the Kuria to permanently acquire the land from 30th May 1963 at the clearance of the debt.²⁸²

However, the above agreement was not fulfilled as agreed in their meeting. Conflict between the two communities persisted and the government devised an alternative approach to resolve it. As the symbol of power, the government enforced authority to compel the two communities to settle

²⁸⁰ KNA DP/1/112, District Commissioner's Office, Ref. No. L&O. 17/7/2/1/40, 23rd December 1948.

²⁸¹ Ibid, 30th March, 1948

²⁸² KNA, Colony and Protectorate of Kenya, Agreement between Colony and Tende, C/O D.O, 9th May 1955.

their dispute. On June the 3rd 1955, a taskforce was sent to Trans-Mara to manage the conflict. The then Commander Mr. Collins and the District Officer seized 5,000 heads of cattle belonging to the Kuria and drove them to court.

Judicial processes were initiated between the two communities in which members of both communities were witnesses. 435 herds were confiscated in court cases which were taken by the first-class magistrate, Narok sitting at Lolgorien.²⁸³ Similarly, community values attached to clannism and land ownership were a key point of reference during the court proceedings. Among the Maasai, land was a communal property and therefore various clans which lived in the Trans-Mara region were party to its ownership. The judge, therefore, ensured division of cattle between the three clans in Trans-Mara border. Therefore, the herds were divided into three groups. 1188 heads of cattle were given to Ole Nguitera, a leader of the Siria Maasai, Ole Ntune leader to the Purko was given 1189 heads and 1188 herd was given to the Moitanik. The court then culminated the dispute by giving the land permanently to the Kuria as agreed in their previous meeting. This promoted relative peace between the two parties.

Being at the centre of the Kuria-Maasai livelihoods, and a communal property, land was not a commodity for sale. Therefore, the Maasai continued to attach ownership to 'their' land. Conflict over grazing fields and land for cultivation persisted between the two communities. It resulted to the two communities engaging in violent confrontations which continuously attracted government intervention. Furthermore, judicial processes were initiated to resolve the conflict. In their case filed in Narok in 1978, the Kuria representatives argued that the land was acquired through the colonial government having compensated the Maasai with seventy thousand seven hundred and seventy-seven heads of cattle.²⁸⁴ Therefore, the land was rightfully theirs.

However, self-interest by some government leaders became an obstacle to the Kuria-Maasai cooperation. Government officials occasionally blackmailed community members for their own benefit. On 27th March 1985, the District officer issued a three-day notice to the Kuria community persuading them to pay one hundred and seventy-five thousand shillings to his office

²⁸³ KNA, Colony and Protectorate of Kenya, Task Force Operation & Debt Payment, 3rd June 1955.

²⁸⁴ Oral interview, Mwita Mang'eng'l, Kugitimo, 11th/12/2018.

or face eviction. Similarly, the political elite among the Maasai led by Ole Ntimama considered the increase of the Kuria population undesirable. They argued that the influx could easily influence the appointment of a non-Maasai leader in the region if not resolved in time.²⁸⁵ Therefore, all the non-Maasai communities were to be evicted from Narok County.

Consequently, in February 1989, the government involved a contingent of regular police, Administration police, paramilitary among other forces, who forcefully evicted the Kuria from the land. The Kuria presented a petition in court claiming that they suffered great grievances during the forceful eviction: Their houses were set ablaze; their granaries destroyed; their women and children beaten, raped and some contracted Sexually Transmitted diseases; some women were taken as trophies to Trans-Mara; livestock was confiscated, schools, health facilities, church buildings were demolished and many people were killed especially men leaving their widows as squatters back in Kuria East.

However, government efforts further fuelled the conflict as opposed to promoting peace. The forceful eviction stirred up more judicial processes in which the Kuria community once more appealed the case in a court in Nakuru. They claimed that the previous court in Narok was biased and therefore justice was not served. Consequently, the court ordered the nullification of the title deeds of the contested land between the Narok west and Kuria east. Individuals who acquired land through corrupt means lost it and the rightful owner was to be determined by the court. In their replying affidavit, the Maasai argued that they lived on the suit area since time immemorial and that it rightfully belonged to them. However, no members of the community were allowed to occupy the land until the judicial process was concluded. Resultantly, both communities targeted those who grazed and cultivated on the land. This further fueled conflict and frequent attacks on farmers were experienced. As Nyahiri explained, recently my friend's son was grazing in *ekwabe re kuria* together with his friends.²⁸⁶ Two Maasai men attacked them and killed his son. The next day we crossed to Masurura and killed both murderers, cut off a hand from one body and carried it back to Kuria waiting for somebody to come and claim it.

²⁸⁵ Oral Interview, Sendeu Julius, Getaita, 10th /12/2018.

²⁸⁶ Oral interview, Makenge Mwita, kugitimo, 11th/12/2018.

In 2008, the government was held accountable for the Kuria-Maasai land conflict.²⁸⁷ The Minister for Heritage William Ole Ntimama claimed that conflict resolution between the communities began by formation of the TJRC to review of the Maasai land agreements of 1904 and 1911, whose 100-years lease expired in 2004. He argued that the Maasai were coerced into signing of treaties by the colonial government which resulted to displacement of members of his community. Similarly, he blamed the post-colonial regime for taking advantage of the Maasai illiteracy and nomadic lifestyle to alienate their land. Despite its mandate running from 1963 to 2008, Ole Ntimama wanted the commission to facilitate an apology from the British Government for mistreating the Maasai and all the land that was forcefully taken and given to other communities such as the Kuria to be returned to the community. However, the TJRC faced shortcomings in which members of the commission resigned.

Nonetheless, the government further pursued other ways by use of force. From the year 2007 the government deployed three forces to the Trans-Mara border. Firstly, *Operation Linda Nchi* was deployed at Masurura area in Maasai-land where they established a camp. It was mandated to curb conflict between the two communities in which charcoal business was thriving amidst cattle raids. The officers were meant to work closely with the Kenya Wildlife Officers (KWS) in the Mara reserve to protect the forest. The Maasai community complained of destruction of their forest by the Kuria people who cut down their trees to produce charcoal for sale. To solve the conflict the government declared that ecological zone a government property and was protected by the government forces. However, it did not solve the problem of forests destruction. Interestingly, the KWS officers contradicted their mandate by venturing in the charcoal business. They worked together with few individuals from the Kuria and Maasai communities who were granted right of entry to the forest. They engaged in cutting down of trees to produce charcoal from which they both benefitted. The charcoal business flourished in the small towns of Narok County and those of Kuria up to the towns along the Kenya and Tanzania border.

As a result of failure in their mandate, the KWS and the *Operation Linda Nchi* officers were viewed as the enemies.²⁸⁸ Therefore, the Kuria and Maasai viewed the officers as their common

²⁸⁷ Nderitu, Alive Wairimu (2018) Kenya, Bridging Ethnic Divide, Mdahalo Bridging Divides, Kenya p 152.

²⁸⁸ Oral interview, Kasaine, Masurura, 13th/12/2018.

enemy who failed to deal with cattle raiding and protection of the forest but instead focused on accumulating wealth at the expense of both communities. The senior Officer who hailed from Kuria had acquired the nickname *Marwa Mogemu* meaning Marwa of the game reserve. He was famous among the Kuria charcoal entrepreneurs and most people who had interest in the forest or Masurura. Consequently, both communities united in their determination to ensure the Non-Commissioned Officer in charge of the KWS in the Masurura was ousted.²⁸⁹ Firstly, he was demoted from his senior position after which he lost his job permanently and returned to Kuria. *The Operation Linda Nchi* was therefore deemed to have failed according to the Trans-Mara people who lost trust in security personnel.

Consequently, in 2009, due to plenty of arms, cattle raiding heightened between the two communities which triggered government intervention.²⁹⁰ The government deployed GSU on an operation coded Operation Surrender Weapons. However, due to their unfamiliarity with the terrain, they faced various challenges. The government deployed the Anti-stock unit to reinforce the operation. They, too, faced challenges in which they encountered attacks from cattle rustlers who were determined to keep their weapons. In one instance, two cattle raiders attacked and killed Anti-Stock Unit officers on patrol. The raiders got away with one Ak47, a G3 machine and an M4. Similarly, officers complained of poverty and poor living conditions in the camps. As a result of such challenges, they ventured into the business of cattle raiding in which they hired out their guns to raiders who in return paid for the services after successful raids. This became extremely difficult to protect the communities because raiders from both sides of the border had protection from the Anti-stock unit. In instances where they received reports from community members seeking for their help, little action was taken.

This period foresaw the formation and strengthening of gangs in which raiders from different clans united in raiding. Firstly, they all acquired the latest gun technology which was available locally through killing security personnel and looting the arms. Among the Kuria, a gang of 15 members with representatives from all clans was formed. The government deployed more Anti-stock Unit to promote security in the region to no avail. The Kuria people demanded that they

²⁸⁹ Oral Interview, Gisiri R, Nairobi, 12th/1/2019.

²⁹⁰ Oral Interview, Motongori, Nairobi, 5th/1/2019.

also needed security personnel. Within the same year, the government deployed the Rapid Deployment Unit (RDU) which established a camp in Maeta village and Kegonga town in Kuria, to work in tandem with the GSU, Anti-Stock Unit and KWS officers in the Masurura camps. However, the RDU was involved in instances in which they lost their arms in unclear circumstances. Some Officers in the Rapid Deployment Unit (RDU) lost their guns and failed to account for them due to their careless tendencies. This led to the withdrawal of the RDU forces who were accused of concentrating on leisure activities as opposed to their mandate. As Moraa and Esther narrated:

One day the officers came to drink as usual in *Kobhanto* bar where we work night shifts. Later in the night we both got an opportunity to work with them and spent in their camp that night in Maeta.²⁹¹ Unfortunately they did not pay us our dues not even *bodaboda* fare. We walked back to our work station. After a few days we schemed how to deal with the arrogant officers. We called them and pretended to had enjoyed our previous session and wanted to visit. We paid them a visit one evening and the next day we left the camp with two guns.²⁹²

Due to their failure, the RDU was withdrawn and more Anti-stock Unit personnel deployed. Members of the local communities frequently complained of violent treatment by the GSU forces and therefore viewed them as the enemies. The security forces however faced the challenges working in a terrain not conversant with them and which led to most of them losing their lives in attacks and ambushes by cattle raiders.

In response, the government deployed forces composed of Kuria Officers as they were deemed to be the most notorious in the Trans-Mara border.²⁹³ The GSU force was made up of personnel from the flying squad, cadet, and Kenya police and new recruits some of whom had little experience as long as they were of Kuria origin. It was presumed that they were the answer to the problem as they were conversant with the terrain and local languages. However some officers especially seniors, turned down the assignment as they could not fight against their own. Even so, the success of the operation was highly dependent on the Kuria security personnel who embarked on the mission. It was also justified that they were in the position to understand the

²⁹¹ Oral Interview, Motongori, Nairobi, 5th/1/2019.

²⁹² Oral Interview, Gisiri, Nairobi, 16th/1/2019.

²⁹³ Oral Interview, Gisiri R, Nairobi, 12th/1/2019.

local language during communal meetings, by elders, in which security entities were allowed to attend from time to time.

The year of 2010 experienced heightened cattle raiding incidents in which the Kuria were mainly accused as the perpetrators.²⁹⁴ In that year, a cattle raiding incident occurred in Masurura led by a gang of raiders reportedly from Kuria. The GSU pursued the cattle to Kuria East where they were unexpectedly surrounded and ambushed by the gang they were pursuing. The gang killed six GSU officers including their driver and set their vehicle on fire to prevent their escape. In retaliation, the GSU killed seven of the gang members, recovered seven guns and the twenty-six heads of cattle. The mission was partly deemed successful as some of ‘the notorious’ raiders were eliminated in that year. After this mission, the former GSU group was disbanded and withdrawn and another group was deployed to continue the operation.

To some of the community members, the death of the ‘heroes’ was deemed as a loss but to some a success.²⁹⁵ It stirred a conflict between members of the traditional council of elders and community members during a burial ceremony of one raider. On one hand the council of elders demanded for his body to be burned or thrown to the wild as he was a disgrace to the community, on the other had the community members in support of his family felt that he deserved a decent burial. On day of the burial, the council of elders disrupted the session leading to violence. However the wife to the raider stood firm and mobilized support to have her heroic husband given a befitting burial which was eventually granted. After all he was a ‘brave fighter’. However, the mission achieved in dealing with cattle raiders. The elimination of major cattle raiders was possible in during this year. Among them Omari, Bhanto who were pursued and killed in their homesteads. Others included the famous Marwa Giyabhe, Nyandanga, Kemaru, Mohere Onyamasaro, and Mwita Nyangaresia. The GSU was withdrawn in the mid-2010 and more forces were deployed to eradicate perpetrators of the Kuria-Maasai conflict. However, the Kuria complained of being targeted by the government which allegedly favoured and worked

²⁹⁴ Oral Interview, Motongori, Nairobi, 5th/1/2019.

²⁹⁵ Oral interview, Makenge Mwita, kugitimo, 11th/12/2018.

with the Maasai to commit atrocities in Kuria.²⁹⁶ The operation was said to have targeted mainly the Kuria cattle raiders.

5.5 Conclusion

Peace efforts between the Kuria and Maasai was a collective effort. Government actors such and patrimonial institutions participated in promoting peaceful relations between the two communities. In some instances, both parties worked together and initiated peace processes in which both parties had a role to play. Community members were present in most events as taking of oaths, performing of rituals, during peace meetings and border committees spearheaded by the government officials. Inclusion of community members promoted accountability and satisfactory by parties.

Nevertheless, the root causes of the conflict were not fully addressed as parties focused mainly on immediate peace. Court cases were prolonged for lengthy periods which took years consequently, conflict continued amidst judicial processes. Peace processes were tainted with other challenges such as self-interest by leaders and hence became an obstacle to peace and cooperation. Consequently, conflict in Trans-Mara persisted due to external processes beyond the control of community members. The longer it took to resolve conflict, the more hostile their relations grew and therefore conflict continued. Similarly, government attempts to promote peace were based on one size fits all ideology. The government ignored root causes of conflict and instead imposed violence which resulted to antagonism rather than unity.

²⁹⁶ Oral interview, Robi Matiko, Kurumangucha 20th/12/2018.

CHAPTER SIX

CONCLUSION

6.1 Introduction

This research set out to study the Kuria-Maasai relations which were occasionally influenced by external factors. Their relations were influenced by global forces which reshaped them and subsequently impacted on their intercommunity relations.²⁹⁷ The binary of conflict and cooperation which had roots in the precolonial era experienced transformation with the introduction of new dynamics brought about by the state and modern weapons. Cultural practices such as cattle's raiding and land tenure were revolutionized over time. They were exceedingly commercialized with the introduction of the capitalist ideas which were introduced by the colonial influence. Similarly, the introduction of arms to the Kuria-Maasai relations heightened commercial cattle raiding and land conflict. This chapter acknowledges that despite the heightened intercommunity relations between the Kuria and Maasai, small arms only continued the already existing binary of conflict and cooperation which was characterized by cattle raids and land disputes in their pre-gun era. The research mainly focused on fulfilling this argument by examining arms proliferation and its impact on the binary of conflict and cooperation.

To achieve the above goal, objectives were set to guide the researcher. They included: Analyzing Arms proliferation; analyzing conflict between the Kuria-Maasai communities; examining conflict and cooperation between the two communities; and finally, to assess mechanisms put in place by community members and the government to address the conflicts. The above objectives informed the hypothesis that small arms proliferation impacted on the Kuria-Maasai relations; that the two communities experienced conflict and cooperation between each other; and that they devised mechanisms based on their patrimonial institutions to cooperate with and promote peace.

Relations between the Kuria and Maasai was influenced by their identities, livelihoods and economic activities. The root causes of conflict between the two communities laid mainly on mutual cattle raids which precipitated into retaliatory wars between them. Both communities

²⁹⁷De Haan, Leo J., and Annelies Zoomers. "How to Research the Changing Outlines of African Livelihoods." *Africa Development* 31, no. 4 (2006): pp 121-50. <http://www.jstor.org/stable/24483879>.

attached unique economic significance on cattle which was a source of food as well as a way of acquiring wealth. To the Maasai cattle was a form of wealth while to the Kuria it was seen as a means to accumulate monetary wealth. The two factors increasingly gained a competitive dynamic stemming from both parties. The root causes of conflict were further heightened following the demarcation of boundaries by the colonial government which imposed a permanent aspect of division between them. Cattle and land were commoditized and privatized therefore it lost the communal aspect of sharing resources. Individuals attached ownership to it and raiding was practiced at an individual or group level which undermined the traditional institutions in which elders took part in planning, authorizing and executing raids through warriors.

Nonetheless, public institutions also positively impacted on the two communities. The introduction of schools and religious mission centres contributed positively to their relations especially in the post-colonial era. Education centres as primary schools, secondary schools and colleges of theology provided major platforms for cooperation. For example, market days were set among the two communities. In Lolgorien, the market day was scheduled for the weekends and another market was scheduled for a weekday in Kihancha town in Kuria.²⁹⁸ Similarly, the two communities, shared ecological sites as rivers, forests and swamps mainly for grazing and watering their animals and crops. However during armed conflict these avenues provided little opportunities for cooperation as intercommunity relations were minimal.²⁹⁹

The presence of arms precipitated hostile relations between the Kuria and Maasai and attracted government intervention. In 1989, government task force was sent to *ikwabhe re Kuria* (Maasailand of Kuria), to forcefully evict the Kuria people from Trans-Mara. However, it was perceived that the government intervened to subdue one community in favour of another. Conversely, the Kuria community faced brutality in the hands of the ‘soldiers’ during the forceful eviction. Houses were burnt down, cattle confiscated, men were killed while women and girls were commoditized. Young women were taken as trophies back to Maasai land where they became care givers and wives. Widows of the victims of the operation were chased out of their homes and became squatters in Kuria.

²⁹⁸ Oral interview, Benson Nyahiri, Kurumangucha, 12th/12/2018.

²⁹⁹ Ibid, Nyahiri, 12th 12/2018.

However, this stirred up animosity between the Kuria and Maasai which heightened insecurity between the two communities. As a retaliatory measure, the emergence of warlords among the Kuria was experienced to 'protect' the community. The rise of insecurity in both communities and of insufficiency of the government to successfully provide security to its citizens in the Trans Mara border created a conducive environment for community policing initiatives. This further provided a foundation for the formation of vigilante groups and criminal gangs, in the region which consequently increased death tolls in the region. Interestingly, the *Sungusungu* which was formed as a community policing unit, turned out to exploit the same people it was meant to protect. What was initially conceived as a grievance became an opportunity to express their greed for wealth. They partnered with criminal gangs and government security officers to expedite raids for monetary value.³⁰⁰

The study also observed that, despite the application of alternative peace initiatives which were spearheaded by the government and the patrimonial institutions; parties to the conflict were not entirely included in the negotiating table. In one instance, the peace committee from both communities had just finished their meeting for reconciliation, when their meeting was dispersed by gunshots experienced nearby. In this incident two Maasai warriors shot a member of the kuria community. Parties who were excluded from the process or who were not impressed with the outcome of the negotiations worked together to spoil and sabotage peace efforts. On one hand, some argued that they shall never stop bringing cattle from Maasai land until the Maasai returned their land, while on the other hand, some swore never to let go of the land as the Kuria had gathered enough cattle to compensate for the land. "We either have it or nobody will!"³⁰¹

³⁰⁰ Oral interview, Jeremiah Mwikwabe, Kugitimo, 11th/12/2018.

³⁰¹ Oral interview, Benson Nyahiri, Kurumangucha, 12th/12/2018.

6.2 Conclusion

The binary of conflict and cooperation between the Kuria and Maasai communities remain a complex phenomenon. The roots of antagonism between the Kuria and Maasai were closely entangled with their identities, culture and livelihoods. Similarly, it was inevitable for the two communities to isolate themselves from the external influences such as the introduction of the state, capitalist ideas and access to modern weapons, which impacted on their relations. Interestingly, peace initiatives mostly focused on achieving immediate peace as opposed to addressing and eradicating the roots of conflict. This made it difficult to provide a long lasting solution to their conflict. Moreover, aside from the well-established arms proliferation routes and networks, of hiring and leasing of arms developed to be a lucrative business within the security entities in the Transmara region. Porous borders between countries in the great lake region also remains a conspicuous concern in regards to arms proliferation and conflict. Aside from the Kuria-Maasai conflict, the research also discovered that the region also experiences intra-community conflicts which may be a field of concern in future.

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