

UNIVERSITY OF NAIROBI

FACULTY OF ARTS

DEPARTMENT OF HISTORY AND ARCHAEOLOGY

**ARMED CONFLICTS IN KENYA: A CASE STUDY OF MAAI-MAHIU
DIVISION, NAIVASHA DISTRICT, RIFT VALLEY PROVINCE, 1991-
2008.**

BY

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DECLARATION

This is my original work and has not been presented for the award of degree in any other University.

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04 Nov 2010
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This project has been submitted for examination with our approval as the university supervisors.

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Vincent G. Simiyu
PROF. VINCENT G. SIMIYU

4th Nov. 2010
DATE

DEDICATION

I dedicate this research project to my beloved wife Njoki, my children Waiguru, Wairimu and Mutungi - who I profoundly love.

ACKNOWLEDGEMENTS

I wish to express my sincere gratitude to my family members for their moral support throughout this Masters programme.

My appreciation also goes to the lecturers in the Department of History and Archaeology for their commitment and guidance. My special thanks go to my supervisors, Dr. Mary C. Mwiandi and Prof. V. G. Simiyu, who professionally guided me in this project.

I also thank my research assistant and all those who were interviewed for their willingness to give information.

To all those who enabled this research in any way - many thanks and God bless!

ABSTRACT

When the Europeans arrived in Kenya, they set laws and practices that alienated the African communities from their land that they had ‘traditionally’ inhabited or utilized. While the issue of land fuelled the struggle for independence, the end of colonialism in Kenya did not result in the return of land that had been taken by the European settlers to those whom they had dispossessed. Instead, the newly independent Kenyan government used various methods, some legal, others irregular, to dispose off the land that was owned by the European settlers. This, in addition to other factors, led to the migration of communities into areas that were not their ‘traditional lands’. In particular, a significant Kikuyu community moved into land that was ‘traditionally’ held by the Maasai and Kalenjin communities. In Maai-Mahiu, located in the Rift Valley Province, this clash of interests played out between the Maasai and Kikuyu communities. During the periods of 1991 and 2005, there was recurring conflict that defied the pattern of election-based conflict seen in other parts of Kenya. Even during the 2007 post-election Violence that raged in many parts of Kenya, Maai-Mahiu remained peaceful. These unique conflict cycles in Maai-Mahiu warranted further examination.

This study, while acknowledging that the communities in Maai-Mahiu have demonstrated long periods in which they have peacefully co-existed, focused on the years in which violent conflict erupted. To understand the nature of conflict in Maai-Mahiu, the study sought to answer the following questions: What are the underlying causes of conflict in Maai-Mahiu? Why does the conflict keep recurring? What has been the impact of violent conflict on the communities in Maai-Mahiu? Why has conflict in Maai-Mahiu not recurred since 2005? This study offers a scholarly approach to examining the Maai-Mahiu conflict through a historical perspective.

The study sought to achieve three main objectives: to investigate the underlying factors that have caused the recurrence of violent conflict in Maai-Mahiu, to determine the level of

violence between 1991 and 2005, and to assess the impact of the conflict in Maai-Mahiu on the Maasai and Kikuyu communities. The study sought to test three hypotheses, namely: the conflict in Maai-Mahiu is fuelled mainly by economic factors such as land, the conflict in Maai-Mahiu has negatively affected the Maasai and Kikuyu communities; and that the impact of violence in Maai-Mahiu between 1991 and 2005 resulted in the communities' aversion to conflict since then. The study utilizes both secondary and primary data for its analysis. The secondary data consisting of books, articles and reports that provide the historical context of Maai-Mahiu, its people and their interactions. The primary data consists mostly of informant interviews with elders from the Maasai and Kikuyu communities of Maai-Mahiu, provincial personnel, traders, and other community members. The respondents were selected using the guided sampling method in which one respondent recommends another for the interview. The study used the qualitative method of analysis to analyze the causes of conflict in Maai-Mahiu.

This study, using the Instrumentalist Theory of Identity, argues that the elite members of Maai-Mahiu and neighbouring areas, exploit the real grievances over land that have persisted since the colonial period to mobilize their community along ethnic lines for the purposes of protecting or maintaining their narrow interests. Yet, it is often the non-elite community members of both communities in Maai-Mahiu that bear the costs of violent conflict.

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LIST OF ABBREVIATIONS

IDP	– Internally Displaced Person
KADU	– Kenya African Democratic Union
KAMATUSA	– Kalenjin, Maasai, Turkana and Samburu
KANU	– Kenya African National Union
KHRC	– Kenya Human Rights Commission
KNA	– Kenya National Archives
KNHRC	– Kenya National Human Rights Commission
MP	– Member of Parliament
NARC	– National Alliance of the Rainbow Coalition
NGO	– Non-governmental Organization
ODM	– Orange Democratic Movement
PNU	– Party of National Unity
UNHCR	- United Nations High Commission for Refugees

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WORKING DEFINITIONS

Conflict: Conflict is actual or perceived opposition of needs, values and interests. A conflict can be perceived as a disagreement through which the parties involved perceive a threat to their needs, interests or concerns.

Majimboism: Kiswahili word for federalism, which is a system of government based on regions or corporate states.

Ethnicity: It is a social identity formation that may be based on culture, a common history, and a sense of belonging particularly in relation to 'others'.

Positive Peace: It is a concept developed by Johan Galtung, a conflict resolution theorist, that is defined as the resolution of not only violent conflict but the resolution of the structural and cultural violence such that the conflict in the society is addressed constructively and in consideration of the needs and interests of all the parties.¹ This concept refers to the establishment of non-violent conflict management systems that address the causes of conflict in addition to the cessation of direct violence.

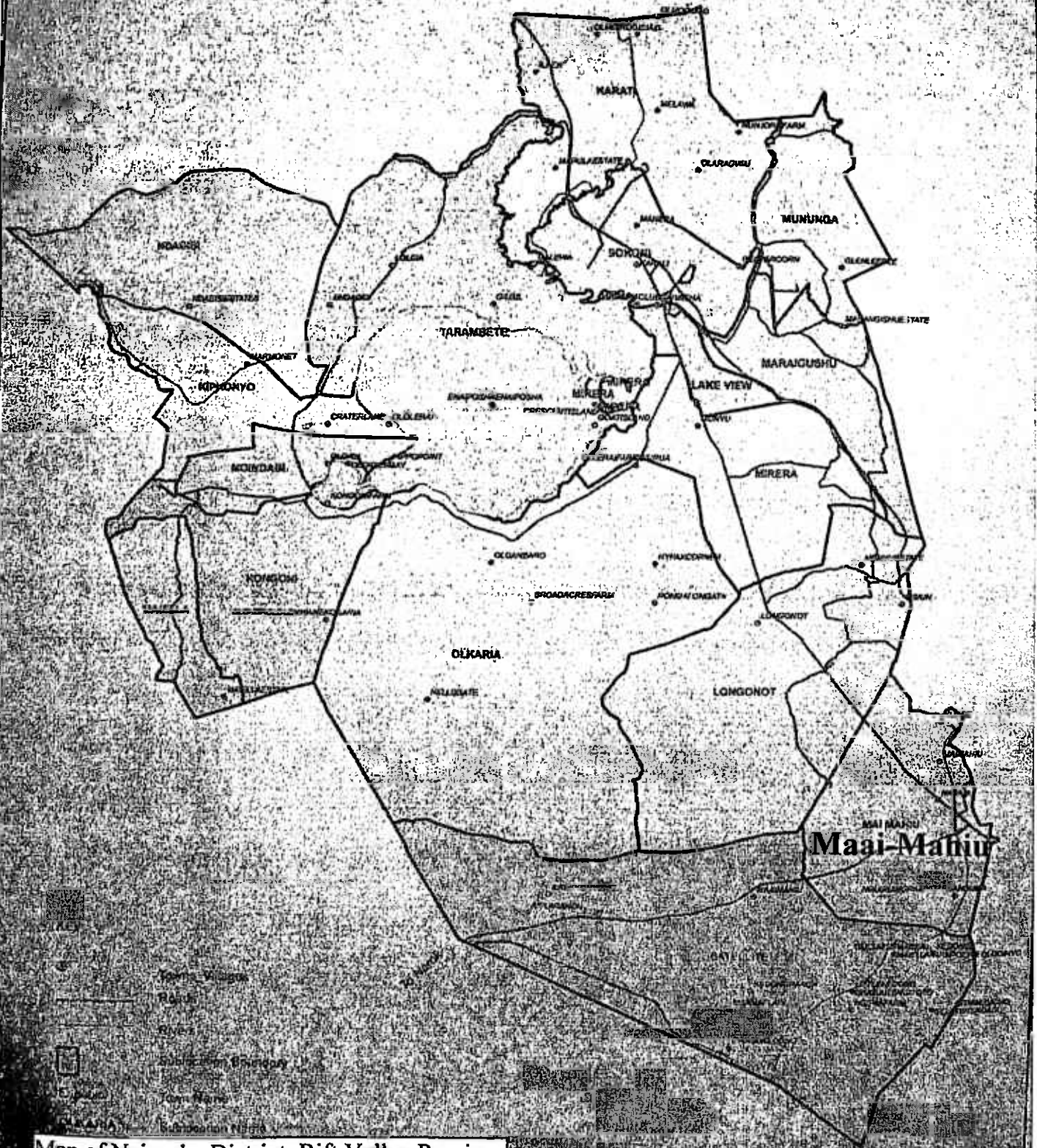
Negative Peace: It is a concept developed by Johan Galtung, a conflict resolution theorist that is defined as the absence of direct violent conflict.² This concept refers to the end of violence within a community without addressing the causes of conflict thus increasing the likelihood that violent conflict may erupt again.

Ukabi Guild: It is a Kikuyu guild whose name derives from the Kikuyu word for 'Maasai'. The members of the guild while belonging to the Kikuyu ethnic group shared some cultural practices and norms with the Maasai.

¹ Oliver Ramsbotham, Tom Woodhouse and Hugh Miall, (eds), *Contemporary Conflict Resolution*, Cambridge: Polity Press, 2005, pp 41-2.

² Ibid.

MAP OF NAIVASHA



Map of Naivasha District, Rift Valley Province

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SOURCE: Map Data © 2010 Google, Track A Africa

CHAPTER ONE

INTRODUCTION

1.0 Introduction

Before the 1990s, Kenya was hailed as an island of peace in a region incessantly engulfed in political turmoil. The country's political leaders glorified themselves for steering the country along the path of political stability, social peace and economic prosperity even as neighbouring countries in the East African region wallowed in a quagmire of civil strife. Although Kenya enjoyed tremendous tranquility compared to the kind of political conflicts that had characterized countries such as Sudan, Somalia, and Ethiopia, it was not fully at peace. The advent of multi-party politics in 1990s marked the beginning of armed conflicts that were often dubbed 'land' and 'ethnic' clashes.¹ These conflicts mainly affected multi-ethnic parts of the Coast, Western and Rift Valley Provinces during election periods.² These recurring conflicts, limited during elections period, prevented the country from taking appropriate measures to ensure peaceful transitions of executive power. The tipping point proved to be the post-election violence of 2007-2008. The extent and the magnitude of the violence witnessed served as an indicator that there were many unresolved socio-economic and political issues within Kenya. In particular, the Rift Valley Province, compared to other parts of the country, bore the brunt of the conflict that resulted in loss of lives, the destruction of property, and massive population displacement.

It is in view of the above that this project seeks to investigate the conflict in Kenya's Rift Valley Province. in general, and the Maai-Mahiu armed conflict, in particular. The Maai-Mahiu conflict has pitted the Maasai and Kikuyu communities against each other. Since early 1990s

¹Bertha K. Amisi, "Conflict in the Rift Valley and Western Kenya: Towards an Early Warning Indicator Identification," USAID, Nairobi. 2006 p15.

² Ibid

until 2008, the conflict has been recurring, defying the various interventions made by the government and other agencies. The conflict in Maai-Mahiu also defies the commonly understood pattern of ethnic conflict occurring during election periods in Kenya. For these unique qualities, Maai-Mahiu will be the focus of this study.

1.1 Historical Background to Conflict in Maai-Mahiu

Maai-Mahiu Division is situated in Naivasha District in the Rift Valley Province.³ Its name is derived from the Kikuyu word for 'hot water'. It is 90 km North West of Nairobi. It borders Kiambu District to the East, Naivasha Central Division to the North, Narok and Kajiado Districts to the West and South respectively. The Maai-Mahiu Division occupies an area of approximately 534 km²; thirty percent (30%) is arable, sixty percent (60%) is semi-arid and ten percent (10%) is marginal land. The region receives an annual rainfall of between 760 and 1015 mm. Its main features include Mt. Longonot and Kenton Kijabe hill, both rising to a height of 2600m above the sea level. The Ewaso Kedong River runs through the area.

The inhabitants of the Maai-Mahiu Division mainly comprise of the Maasai (pastoralists) and the Kikuyu (agriculturalists). The Kikuyu that reside in Maai-Mahiu Division came into the area during the colonial period, while others bought land from the outgoing European settlers mainly at independence. This has resulted in the co-habitation of the two main communities within the area for a prolonged period of time. The Maai-Mahiu Division had an approximate population of 11,000 people according to the 1999 census.⁴ The majority of the people's livelihood is dependent mostly on agriculture and pastoralism. Other than the Maasai and Kikuyu

³ Please refer to the Map of Naivasha.

⁴ GOK, "Kenya Population Census, 1999" *Ministry of Economic Planning & Development Report*, Vol. 1, 1999, p 231, Government Press, Nairobi.

communities, the area is also home to some European families and communities from all over the country who work and live in Maai-Mahiu.

The coming of the Europeans in Kenya drastically transformed the use and ownership of land. European settlement in Kenya dates back to 1890's.⁵ Europeans first settled in the southern Rift Valley. They also took part of the land that is present-day Central Province of Kenya, a process that rendered several thousand Kikuyu landless. As a result, in early 1910s some Kikuyu moved to the Rift Valley to search for land. With time, the white settlers started to move to the Rift Valley due to scarcity of land within Kikuyu land. In Rift Valley, they found vast tracts of land that were mostly inhabited by nomadic pastoralist groups. The pastoral groups neither interfered with the appropriation of land by the whites nor offered them the required labour.⁶

In order to force Africans to work on white farms, the colonial government imposed taxes, created reserves, disrupted local economies and barred Africans from growing major commercial crops. As a consequence, there was a phenomenal migration of Kikuyu peasants into the Rift Valley Province as workers on settler farms. By 1918 there was a population of 9,116 Africans in the Naivasha District, of which 6,600 were exclusively from Kikuyu squatter families.⁷

The Kikuyu migrated to the Rift Valley as squatters in search of land that they could till and probably ultimately buy.⁸ Hence their migration to the Rift Valley was driven by a search for a future and they had an eye on the highlands when independence was achieved. Before

⁵ P. M. Syagga, "Land Ownership and Use in Kenya: Policy Prescriptions From an Inequality Perspective," in *Inequality in Kenya: Sectoral Dynamics and Perspectives*, Society for International Development, 2007, Nairobi, p295.

⁶ T. Kanogo, *Squatter and the Roots of Mau Mau 1905-1963*. Nairobi: East African Educational Publishers, 1993, p 10.

⁷ Ibid.

⁸ M. Ngunyi, "Resuscitating the Majimbo Project: The Politics of Deconstructing the Unitary State in Kenya," *Africa Today*, no. 47, 2001, Nairobi, p 192.

1954, one out of every two squatters in the Rift Valley was a Kikuyu.⁹ It is these migratory processes that marked the beginning of rivalry between the “indigenous” communities of the Rift Valley and the Kikuyu.

After independence, the Kenya government was forced to resettle some landless people on the former European farms. The government adopted a willing-buyer-willing seller policy, which enabled individuals, partnerships, companies and Cooperatives to buy large chunks of land.¹⁰ The Kikuyu took advantage of the policy and situation to form land-buying companies. One such company, *Ngwataniro Mutukanio* is reported to have settled their kin on 51,539 acres of land in Laikipia, 21,050 acres in Njoro, 1,200 acres in Molo, more than 4,000 acres in Bahati area of Nakuru and 1,400 acres in Mau Narok. Many people in Central Province simply disposed off their ancestral land or assigned it to relatives in order to buy cheaper and comparatively larger settlement plots in the Rift Valley.¹¹ These settlements continued in spite of the opposition by the ‘indigenous’ ethnic groups, who felt that they had been cheated out of their land. In fact, in 1969 the Nandi protested bitterly over what they termed as invasion of their ancestral land by ‘outsiders’, in what came to be known as the Nandi Declaration.¹² As a result, the ‘indigenous’ ethnic groups vowed to recapture their lost land.¹³

In Maai-Mahiu, the area under study, the predominant inhabitants are the Maasai and Kikuyu communities. History has pointed out that the Kikuyu and the Maasai have had cordial relations, including long standing and extensive trade relations, intermarriages, according each other refuge in times of catastrophe, as well as occasional military alliances against their

⁹R.M.A. Zwanenberg. *Colonial Capitalism and Labour in Kenya, 1919-1933*, Nairobi: East African Literature Bureau, 1975, p 235.

¹⁰W. Oyugi, *Conflict in Kenya: A Periodic Phenomenon*, Addis Ababa, 2002. p 7.

¹¹ Partner News, “Land Ownership, Access and Use,” *The Development Journal of MS Kenya*. No. 3. 2004, p 14.

¹² Ibid p 16.

¹³ J. Oucho, “Undercurrents of Ethnic Conflict in Kenya,” *African Social Studies Series*, Volume 3, 2002, Nairobi, p167.

common enemies.¹⁴ However, this situation began to gradually change due to land alienation. Given their different land utilization, Maasai being pastoralists and the Kikuyu being agriculturalists, the two have had to compete for the remaining available land. On one hand, the Kikuyu cultivators embarked on fencing their cultivated land while on the other hand the Maasai wanted more grazing land for their livestock.¹⁵ This conflict of interest created tensions but there was restraint by both parties. However, this was to change in 1990s when multiparty politics was re-introduced.

Politicians, especially from the Rift Valley Province, vehemently opposed the move to have Kenya embrace multi-party politics. In 1991 and after 1992 general elections, the country was engulfed in ethnic conflicts. This ethnic conflict in the Rift Valley took place against a backdrop of an impending general election. This was because KANU, the ruling party at the time, was seriously threatened with the possibility of being removed from power by the combined political opposition comprising mainly the Kikuyu, Luhya and the Luo communities. These communities had mobilized public opinion that ultimately forced the government to change the constitution.¹⁶

Cases of ethnic clashes erupted towards the end of 1991 directed practically against all Rift Valley inhabitants that were Kikuyu, Luhya and Luo. There were killings as well as the destruction of homes and property of the victims in the hope that they would flee to their "ancestral lands". Those who sought refuge in churches became targets of ruthless attacks. In some areas, whole communities were dislocated on flimsy grounds. A case in point is in Maai-Mahiu settlement scheme around Ewaso Kedong River, where the Kikuyu community residents

¹⁴ GOK, *PC/RVP/2/3/1: Annual Report, Naivasha District – 1943*, p 17.

¹⁵ GOK, *Kenya Population Census 1989*.

¹⁶ Bertha K. Amisi, "Conflict in the Rift Valley and Western Kenya: *Towards an Early Warning Indicator Identification*," USAID. 2006.

were chased away by the Maasai community residents who claimed that the area was a water catchment area. This was intended to weaken the voting power of 'outsiders' in such areas who were perceived as supporting the opposition. During the 1992 and 1997 general elections, KANU won. However, in 2002, NARC won the general elections with Mwai Kibaki as the new president.¹⁷ Despite this shift in power, the conflict in the Maai-Mahiu area did not cease while most other parts in the country were peaceful. Conflict in Maai-Mahiu remained persistent during the NARC era until 2005; a situation that confounded Kenyans. Furthermore, during the post-election violence of 2007 that threatened to tear Kenya apart, the inhabitants of Maai-Mahiu enjoyed relative peace.

It is against this background that the study seeks to examine the underlying factors to this persistent armed conflict in the Rift valley and specifically between the Maasai and the Kikuyu living in Maai-Mahiu area between the 1991–2008 period.

1.2 Statement of the Research Problem

Many reports on ethnic conflicts in the Rift Valley Province are made of hearsay and unsubstantiated claims with ulterior motives to either take advantage of the conflict victims or for political gains.¹⁸ It is often claimed that the communities engaged in the conflict have fundamental and long-standing differences that continue to fuel the conflict. What is most often passed over is the long history of peaceful co-existence between these communities. While it is outside the scope of this study to elaborate further on the many years of peace, it is fully recognizable that these communities have extensive experience of sharing and cooperating

¹⁷ GOK. *Report of the Parliamentary Select Committee to Investigate Ethnic Clashes in Western and Other Parts of Kenya*, Nairobi: Government Printer, 1992.

¹⁸ B. A. Ogot. "Transition From Single Party to Multiparty Political System 1989-1993," Bethwel A. Ogot and William Ochieng' (eds.), in *Decolonization in Kenya 1940-1993*, Nairobi: East African Educational Publishers Limited, 2000, p 250.

between themselves. This relationship took a different turn with the rise of multi-party elections. The elections of 1991 brought with them violent conflict between communities that resulted in the loss of lives and massive displacement of people.

The violent conflict in the Maai-Mahiu area persisted during the period of 1991-2005. The nature of the conflict in this area presents a wide-range of questions. Is the conflict between the Maasai and the Kikuyu in the area driven by long-standing hidden ethnic hatred? What may be other underlying factors for the conflict in the Maai-Mahiu area? Why did the conflict continue to recur? Why didn't the conflict subside in 2002 when NARC won the general elections? What has been the impact of the conflict on the Maai-Mahiu community? What caused the conflict to cease in 2005? Why has the Maai-Mahiu area remained stable since then? In Maai-Mahiu, why was there no evidence of the kind of violence and displacement seen in the rest of the Rift Valley Province and other parts of the country following the 2007 general elections? The answers to these questions, due to the lack of the relevant literature, will require an independent study into the ethnic conflict of Maai-Mahiu area.

1.3 Objectives

The broad objective of the study is to investigate the underlying historical factors that have culminated in the Maasai and Kikuyu conflict in Maai-Mahiu.

Therefore the aims of the study are:

1. To investigate the underlying factors that have caused the recurrence of the armed conflict in Maai-Mahiu.
2. To determine the level of the violence between 1991 -2008.

3. To assess the impact of the conflict in Maai-Mahiu on the Maasai and Kikuyu communities.

1.4 Scope and Limitations of the Study

This study is limited to investigating the Maai-Mahiu violent conflict, pitting the Maasai and Kikuyu communities against each other. The emphasis is between these two communities for they are the main settlers in the area as well as the protagonists.

Due to limited resources, the study examined the Maai-Mahiu area during the period of 1991 to 2008. The study focused on the recurrent violent ethnic conflict period within this area that was first experienced in 1991 and continued until 2005. The conflict in Maai-Mahiu area kept recurring within the period, unlike other regions of the country where relative calm resumed for most of the stated period. However, in assessing the impact of the conflict on the communities, the study will examine Maai-Mahiu until 2008.

Beyond the limitations of time and resources, this study faced other limitations. One of the limitations was suspicion among the interview subjects on the purposes of the questions. Many respondents initially thought the interviewer was either a journalist or a member of the intelligence service. Even when respondents were assured that this study was for academic purposes, they were reluctant to supply their names. As such, some respondents were assigned false names or coded-identity as a means of assuring anonymity.

Another limitation was language barrier. In some situations, both the limitations of language and suspicion came to play. On one occasion, the interviewer attempted to request an

interview from randomly selected individuals that were standing near a shopping center.¹⁹ These individuals appeared to all belong to the Maasai community. The introduction of the study and its questions drew suspicion and a debate among the group ensued in Maa, a language that the interviewer could not understand. After debating for some time, the group turned away indicating that they did not wish to participate. The language barrier prevented the interviewer from addressing any of the concerns they may have voiced, but it was clear that the group did not perceive the intent of the study as solely academic. Only when a research assistant, who spoke their language returned to the area with the interviewer, were the Maasai community members willing to answer the questions. Even then, there was the sense and the admission by one of those who declined to be interviewed that, “We do not like to speak about those things.” Thus, this study, despite much effort, was unable to include an equal number of Maasai respondents as Kikuyu respondents. While this study attempted to overcome this barrier through the use of a research assistant, who spoke the *Maa* language, it was difficult to convince the respondents that the study was academic in nature.

As the interviews were carried out, it also became clear that when the battle lines were drawn, most reports tended to depict the Maasai as the aggressors, and the Kikuyu as the victims despite their participation. As such, the Kikuyu were more willing to discuss the events of the conflict, as the ‘victims’ detailing their suffering. As the researcher revealed that he sought information from all sides involved in the events and the causes of the conflict, the potential Maasai interviewees became alert to the likelihood that Kikuyu respondents may have already depicted them in a less-than-favourable light. Despite the attempts by the researcher and the research assistant to get more details on the events, causes and impact of the violent conflict in

¹⁹ Please refer to Image 8 in Appendix 3 showing the shopping centre by the main road outside of Maai-Mahiu town where the incident outlined occurred.

Maai-Mahiu, the Maasai respondents were unwilling to discuss the topic of the past conflict in as much detail as the Kikuyu respondents. The imbalance in information and detail is noted as a limitation of this study that despite many efforts could not be corrected.

Furthermore, as the study took place in a more remote part of the country, it was difficult to access female respondents particularly from the Maasai community. This was difficult as the research assistant and the researcher were male. The study attempted to address this limitation while still being respectful of the community. One Maasai female was interviewed for the study. This interview subject was accessible as she was the only female Maasai teacher in the primary school that was visited. This limitation explains why the number of male respondents is larger than that of the female respondents. While the study attempted to overcome this limitation, it was constrained by being respectful of the communities in which the study was taking place.

1.5 Justification of the Study

Compared to other regions of conflicts in the Rift Valley Province, Maai-Mahiu conflict has not been given much scholarly attention. Much research has been directed towards conflicts experienced between the Kikuyu and Kalenjin in Molo, Kisii and the Maasai in Transmara, and the Bukusu and the Sabaot in Mt.Elgon District.²⁰ The need for scholarly examination of this conflict is compounded by the fact that most of the literature on ethnic conflict in Kenya is not scholarly but rather undertaken by or on behalf of non-governmental organizations. The absence of extensive literature examining ethnic conflict in the Maai-Mahiu region has resulted in a large gap in our knowledge, particularly in demonstrating the historical perspective of the conflict's

²⁰B.K. Nyakuri. "The Impact of Past and Potential Ethnic Conflicts in Kenya's Stability and Development," *a paper prepared for USAID Conference on Conflict Resolution in the Greater Horn of Africa, 1997, Nairobi.*

genesis and recurrence. It is, therefore, imperative that a historical view be sought to understand the conflict.

The unique quality of the Maai-Mahiu conflict provides further justification for the necessity of this study. The cycle of the conflict in the Maai-Mahiu area is distinct from the conflict in other regions of conflict. While conflict in Maai-Mahiu and other parts of the country came with the advent of multi-party elections, they have followed a different trajectory. The conflict in Maai-Mahiu persisted during times when other parts of the country enjoyed relative stability, and yet it was peaceful when Kenya experienced its worst post-election violence in 2007. This deviation challenges the commonly accepted explanations regarding the sources of conflict and the factors that influenced its persistence. This distinct conflict cycle of the Maai-Mahiu area necessitates further study. There is a need for scholarly research with a historical perspective to examine the underlying factors of this ethnic conflict and explain its persistence. This study hopes to make a contribution to the building body of work that seeks to understand ethnic conflict in Kenya.

1.6 Literature Review

Many studies of ethnic-based conflicts in Africa, in general, and Kenya, in particular seem to acknowledge that a multiplicity of factors underlie the conflicts. Most scholarly work on conflict have mainly dealt with the exposition of such conflicts while others have looked on its impact.

Some scholars have blamed ethnic based conflicts on colonial demarcations that forcefully brought communities together into one region or area, yet the communities involved had no prior coexistence. Hence the colonialists are blamed for having created rivalry and

animosity between communities that previously enjoyed cordial relations. Both of these moves were aimed at aiding the colonialists to exploit the resources within African territories. Others have argued that competition between communities for fast dwindling resources in the face of rising population is the source of ethnic conflicts. Yet others give primacy to political machinations of the post-independence African political elite. These elite use the ethnic identities of their communities against other ethnic groups to help in either protecting their privileged economic and political power bases or in trying to capture the instruments of state power.

Though these perspectives are not wrong in their own right, taken in isolation they may not offer a full picture of the complexity of the conflict. This may also erroneously inform the resolution process. Such an approach may also be used selectively to manipulate the representation and interpretation of the causes of the conflict. As Bethwel Ogot argues, the underlying causes of the ethnic conflicts in Kenya have not been explained. He asserts that many people have put forward claims and counter-claims in order to take advantage of the communities affected by the conflict. Ogot further explains that many reports on ethnic conflicts are made of hearsay and unsubstantiated claims with ulterior motives, especially for political gains. He strongly recommends that there is a need for scholarly research to explain the occurrence of the ethnic conflicts and explain its persistence.²¹ It is in cognizance of these gaps that this research attempts to ascertain the underlying causes of Maai-Mahiu conflict and why the conflict kept on recurring inspite of the efforts to address it.

Alisha Ryu points to water as the cause of ethnic conflict in Maai-Mahiu. However, she points out that the underlying cause is how land was redistributed in the area after Kenya's independence. She blames the late President Jomo Kenyatta for having given Maasai land to his ethnic group, the Kikuyu. The Maasai blame the Kikuyu, who are farmers, for diverting water

²¹ Ogot. op.cit.,p250.

for irrigation purposes and thereby denying the Maasai, who are pastoralists, water for their animals. However, on the other hand, the Kikuyu blame the Maasai for not respecting land boundaries and for destruction of their property, especially grazing of cattle on the crops of the farmers.²² The reports blame distribution of the land in the area as the underlying cause; However, this does not explain why the conflict took place in 1991 considering that the two communities had co-existed peacefully for almost three decades.

Bertha K. Amisi argues that ethnic conflict in Kenya was based on ethnic hostility, land ownership, democratization and institutional legitimacy. On land, the attackers (the 'Indigenous' in Rift Valley) claimed that the ethnic groups they were attacking (Luo, Luhya and Kikuyu) had encroached on traditional Maasai and Kalenjin lands. This work focuses on the conflict between the Kalenjin more so than the Maasai. Land belonging to those fleeing tribes was either bought at throw away prices or just occupied by the Kalenjin. At the same time, politicians fuelled ethnic hostility in order to heighten the level of violence. The Kalenjin politicians argued that according to democratic concept of majority rule, the ethnic group with the largest number of people would rule and, therefore, the large numbers of the Kikuyu and others in the Rift Valley Province were undesirable, hence the evictions. This ethnicized view of multi-party elections was used to ensure that non- 'natives' of Rift Valley never registered as voters while those who had registered were displaced to prevent them from voting.²³ However, these reasons do not explain why ethnic conflict continued after the elections of 1992. These explanations also fail to comment on the conflict occurring between the Maasai community and the "non-natives" of the Rift Valley.

²² A. Ryu, "Water Rights Dispute Sparks Clashes in Kenya's Rift Valley," *VOA News*, March 21, 2006, retrieved from <http://www.voanews.com>.

²³ Amisi.op.cit.,p15.

Cathy Majtenyi posits that scarcity of water was the cause of Mai-Mahiu conflict in January, 2005. She asserts that the Maasai herdsmen attacked the Kikuyu farmers for diverting water from Ewaso Kedong River and in retaliation the Kikuyu attacked the herdsmen, thereby sparking the killings. However, in the same report William Ole Ntimama, the Member of Parliament for Narok North, was quoted as having blamed the ethnic conflict to alleged unfair land ownership during the colonial period, a situation that has never been corrected by post-independence governments.²⁴ Hence, there is need for a scholarly exploration to determine the causes of the recurrent conflict.

Hannington Ochwada posits that conflicts within the Great Lakes Region are as a result of colonial institutions and abuse of power by the colonialists. The author avers that Europeans made themselves the citizens while Africans were the subjects, thereby creating a class division. The Whites put a class of people in charge of others in order to safeguard their interests, a situation which brewed hatred and tension between some ethnic groups whenever their interests collided, thereby leading to conflicts.²⁵ However, Ochwada does not explain what has caused the conflict or specified any hatred, if any.

Barasa Kundu Nyukuri argues that both the Colonial legacy and land issue are the main causes of ethnic conflict. He further argues that the indirect rule adopted by the British divided Kenyans along ethnic groups and the division has prevented the emergence of a nation-state in Kenya. He further postulates that grabbing of fertile land by the colonial government has been a problem and the problem has never been resolved since then to date. This problem has been a

²⁴C. Majtenyi, "Clashes over water access resume in Kenya," *VOA News*, January 31, 2005, <http://www.voanews.com>.

²⁵H. Ochwada, "Women and conflict resolution in the Great Lakes," Bethwell A. Ogot and P. Godfrey Okoth (eds) in *Conflict in Contemporary Africa*, Nairobi: Jomo Kenyatta Foundation Publishers. 2000.

source of tension that eventually resulted in ethnic conflict.²⁶ However, Nyukuri does not explain why ethnic groups that had co-existed since 1963 suddenly started killing each other in 1990s.

Jacqueline M. Klopp argues that ethnic conflict was caused by political leaders who were keen to counter political change (multipartyism) in 1992. To her, the violence meted out was part of resistance by those who were in power and were afraid of losing out in the transition. She further argues that the violence was calculated to be a tool, either to forcefully remain in power or induce fear among the opposition politicians, whom they would force to bargain with them.²⁷ However, the paper deals with Kenya in general and does not explain why ethnic conflicts continued even after those who were in power had won the 1992 elections.

Mutahi Ngunyi points out that both the unitary system adopted at independence and ethnicization of state resources are to blame for ethnic conflicts in Kenya. To him, the said system bestowed all the power on the President, who in turn favors his ethnic group with these resources in exclusion of others.²⁸ However, this assertion does not explain the absence of ethnic conflicts since 1960s, when Kenya's Constitution was amended from federal (*Majimbo*) system to unitary system.

Carey F. Onyango argues that lack of a constitutional mechanism to regulate competition for power and resources is to blame for ethnic conflicts in the country. To him, ancestral land rights claims were used as challenges to democratization that was initiated by the opposition, especially where opposing political parties were from different ethnic groups. He further posits that the claims of ancestral land and *Majimboism* were part of blackmail against the agitators of

²⁶K. Nyukuri, "The Impact of Past and Potential Ethnic Conflicts in Kenya's Stability and Development", a paper prepared for *USAID conference on Conflict Resolution in the Greater Horn of Africa*, 1997.

²⁷J.M. Klopp, "Ethnic Clashes and Winning Elections: The Case of Kenya's Electoral Despotism," *The Canadian Journal of African Studies*, Volume 35 Number 1, 2001.

²⁸M. Ngunyi, "Resuscitating the Majimbo Project: The Politics of Deconstructing the Unitary State in Kenya," Adebayo O.Olukoshi and Lisa Laakso (eds), in *Challenges to the Nation-State in Africa*, Uppsala: Nordiska African Institute, Motala Grafiska, 2001.

multipartyism.²⁹ This, however, does not explain why only particular ethnic groups were involved in the conflict and not others.

Edward Mogire avers that since Kenya's independence ethnicity has been used for political legitimization and domination by the country's leadership. According to him, political leaders use their ethnic groups to build networks that dominate the social, political and economic power of the state. As a result, it leads to exclusion of the other ethnic communities, a situation that elicits discontent by the excluded group. This deprivation strengthens ethnic identities, which in turn becomes the mobilizing focal point for rebellion, leading to ethnic conflicts. He blames Mzee Jomo Kenyatta for promoting Kikuyu interests, a situation that was repeated by Daniel Toroitich Arap Moi who favoured his Kalenjin community. He states that ethnic conflicts were meant to punish opposition supporters residing in the Rift Valley Province. He singles out the campaigns for *Majimbo* constitution as a strategy to evict non-Kalenjin and declare Rift Valley Province as a KANU zone. Hence to him, ethnicity was used as a resource for mobilization by the state to instigate violence against those who were in the opposition.³⁰ However, this article does not say why the ethnic conflict continued even after Moi handed over power to a new government.

Stephen Brown explains that ethnic conflicts in Kenya were caused by prominent leaders in KANU. According to him, leaders in the country used state resources to benefit their own ethnic group and allies. This was, however, challenged through multi-partyism, a situation that was countered by KANU party elite group who were not ready to lose power through competitive politics. As a result, the Rift Valley elite propagated *majimbiosm* as a means to ensure they retained control in regions that the party had significant power and thereby protect

²⁹ C.F. Onyango, "Law Could Ease Land Rows" *The East African Standard*, Nairobi, Kenya November 23, 2002.

³⁰ E. Mogire, "State and Political Conflicts in Africa: The Case Study of Kenya," Godfrey Okoth and Bethwel Ogot (eds) in *Conflict in Contemporary Africa*, Nairobi: Jomo Kenyatta Foundation. 2000.

the elite group and their supporters, even if they lost power nationally. The symbiotic relationship that existed prior to 1991 between the pastoralists and agriculturists was poisoned and ethnic conflicts erupted. Brown avers that ethnic conflict in Kenya is a manifestation of political conflict while ethnicity is the medium of political violence.³¹ Yet Brown's point of view does not explain why the conflicts have continued in the present day Kenya where multi-party politics have been accepted.

1.7 Theoretical Framework

This study examines the Maai-Mahiu conflict as an ethnic conflict. The conflict is defined as an ethnic conflict as it played out between two different ethnic groups. As such, two important concepts – ethnicity and conflict – need to be elaborated and their interconnection demonstrated. There are several theories that speak to the nature of ethnicity with particular concern to their emergence and sustenance. The theories tend to fall within three main schools of thought: primordialism, constructivism, and instrumentalism. The three adopt different emphasis on the question of the nature of ethnicity: ethnic identification, ethnic solidarity and ethnic mobilization. While this study will use the instrumentalism framework, it is useful to define the other schools of thought as a point of comparison.

The primordial theory asserts that ethnicity is ascribed or assigned status, something inherited from one's ancestors. The ascribed identity has a fixed boundary and, therefore, ethnicity is static. It derives its root from the common ancestry; all the members of the group share common biological and cultural origins. Therefore, this theory asserts that it is the common

³¹ S. Brown, "Quiet Diplomacy and Recurring Ethnic clashes in Kenya" *VOA News*, January 31, 2005, from <http://www.voanews.com>.

bonds that give rise to and sustain ethnicity.³² Due to this theory's emphasis on the biological and cultural commonalities of ethnic groups, it is unable to explain the changeability of ethnic boundaries and emergence of new ethnic blocs among previously different ethnicities. It also does not account for larger historical, political and economic conditions and interests that construct reinforce and undermine ethnic loyalties. However, it provides a strong argument on the basis of the emergence and persistence of ethnic affiliation

The construction theory avers that ethnicity is socially created, its boundaries are changeable or flexible and it is dynamic. This creation is determined or constructed by the society as a reaction to changing social environment. This theory downplays the effect of cultural heritage and views ethnicity as an emergent phenomenon made necessary by structural conditions within a society. The structural conditions could be either internal or external and it forces an ethnic group to constantly change, hence making it dynamic. Therefore, history and structural forces create and sustain ethnicity.³³ The constructivist view, in its downplaying of ancestry, is often seen as unable to explain the powerful blood bonds that characterize some forms of identification. This theory remains strong in its ability to explain the flexibility of ethnic boundaries, as well as the influence of historical socio-politico-economic forces in shaping and sustaining ethnicity.

While the primordial and constructivist theories offer explanations on an ethnic groups' sense of identification and the level of group solidarity within them, it offers little explanation in terms of mobilization – a fundamental consideration in the understanding of ethnic conflict in Maai-Mahiu. The study will thus not utilize the primordial or constructivist theories, despite their ability to address the nature of ethnicity. It is their fundamental limitation of not addressing

³² P. Yang. *Ethnic Studies. Issues and Approaches*, New York: State University of New York Press, 2000, pp 40-2.

³³ Ibid

ethnic mobilization that makes the instrumental theory the most relevant in the understanding the sources and impact of ethnic conflict.

The instrumental theory, in its strictest sense, views ethnicity as a strategic tool for gaining resources. In more broad terms, instrumentalists view ethnicity as a type of identity that is organized as a means to a particular end. This theory opines that people become and remain ethnic when their ethnicity either yields significant returns to them or if it defends their interests. Ethnicity is a means of political mobilization for advancing group interests. Therefore, ethnic groups are viewed as interest groups.³⁴ The instrumentalist school is sometimes criticized for reducing ethnicity to an ephemeral phenomenon conjured up at will as an exploitable strategy.³⁵ The instrumental theory does not suggest that ethnicity is always exploited. Instead, the instrumental theory asserts that ethnicity is at times exploited to achieve a particular end.

The instrumental theory is not necessarily in contradiction with the other schools of thought on ethnicity. Instrumentalists do not consider it crucial whether or not these ethnic identities are a fixed perception – a main argument between the constructivists and the primordialists. However, the instrumentalists are concerned with the utilization of ethnic identities to achieve a certain objective. In the examination of ethnic conflict, it is critical to move beyond identification and solidarity within ethnic groups due to the act of armed violence. This act of armed violence requires ethnic mobilization. This necessary factor makes the instrumental theory particularly useful in understanding how ethnic groups that have existed peacefully together also engage in ethnic conflict. The instrumental theory does not oppose the idea that ethnic differences are a part of the conflict nor do they oppose the fact that those engaged in the conflict believe they are fighting over ethnic differences. The primary assertion of

³⁴ Ibid

³⁵ A. Claude, *The Feasibility of Democracy in Africa*, Dakar: Gender Institute, 2000, p 94.

the instrumental theory is that these ethnic differences alone are not sufficient to explain conflicts.³⁶

This theory will be useful to this study as it deconstructs the claims that the conflict in Maai-Mahiu is due to long-standing ethnic hatred between the Kikuyu and the Maasai. The theory will implore the study to examine the ways in which ethnicity has been exploited to perpetuate conflict between these two ethnic communities in Maai-Mahiu. Furthermore, the theory will permit for additional explanations beyond that of ethnic hatred as to the persistent nature of conflict in the Maai-Mahiu area.

1.8 Hypotheses

1. The Maai-Mahiu conflict is fuelled mainly by economic factors, land in particular.
2. The conflict in Maai-Mahiu has negatively affected the Maasai and Kikuyu communities.
2. The impact of the violence between 1991 and 2008 on the Maai-Mahiu communities prevented the outbreak of post-election violence in 2007/2008 in Maai-Mahiu area.

1.9 Research Methodology

This study utilized both secondary and primary data. Secondary data included books, articles, and reports. These secondary sources came from various libraries and databases. Among them are: Jomo Kenyatta Memorial Library of University of Nairobi, Nation Media Library housed in Nation Centre, Nairobi. Egerton University Conflict Centre Library, Kenya National Human Rights Commission (KNHCR) Library in CVS Building, Nairobi, MacMillan Library in Nairobi and Kenya Human Rights Commission library along Gitanga Road, Nairobi. The study

³⁶ D. Smith. "Trends and Causes of Armed Conflict" *Berghof Center for Constructive Conflict Management*, 2003, pp 10-13.

also made use of online journal databases such as JSTOR, Google Scholar, and AllAcademic to find articles. The study also made use of the reports posted on the websites of agencies and organizations such as the United States Agency for International Development (USAID), KNHCR, UNHCR and other organizations. This study mainly covers the historical perspective of the area and its people. It covers how land has changed ownership as time went by up to the 1990s. Reports and newspapers bring out the issues or events culminating into the conflict. The information from secondary data provides the foundation of the study. Gaps in the data from secondary sources have been filled by data from primary sources.

Primary data includes archival records, and informant interviews. The archival records were derived from official records from the Kenya National Archives, Nairobi, to establish the historical interrelation between the Maasai and Kikuyu communities during the colonial period in the Rift Valley.

Oral interviews also informed the study. While in the field, the researcher first introduced himself and built a rapport with the local administration. This was necessary to establish the purposes of the visits in a transparent way and to avoid suspicion amongst the people of the area. This initial meeting also provided an opportunity to interview a member of the community that was well informed on the area and its dynamics.

The researcher then conducted oral interviews that filled in gaps and clarified the secondary data. Considering the nature of the area of study, whose main focus is on the feelings of the different communities with regard to interacting amidst the recurrent armed conflict, a wide range of people were interviewed. In total, the study used the interview of twelve respondents. Of these twelve, eight were from the Kikuyu community and four were from the Maasai community. Due to limitations, the study was only able to use the interviews of two

women from the two ethnic communities. The interview subjects selected were chosen on the basis that they may have some insight into the overall conflict, some of the ways in which the population has been mobilized for particular ends, and the impact of the conflict. The community members selected for interviews attempted to capture the ethnic, race and gender diversity of the community. However, as the research sought to speak with informants who may have been present in the area during the time frame selected for this study, all informants were above the age of eighteen and able to provide their consent. As there is no existing list of people that would serve as informants, the researcher used the guided sampling method in which one informant will make suggestions for others that provided valuable information for the study. In order to mitigate against a selection bias, the researcher sought out some informants through random selection such as speaking with people who were not recommended by existing informants.

The informants were informed that participation in any interview was voluntary and that it could be terminated at any point. They were also alerted of their choice to maintain anonymity. During the interview, the researcher was guided by a questionnaire and the use of open-ended questions.³⁷ This choice allowed the interviewee to give more information and the researcher to ask pertinent questions. A research assistant was also used to assist the researcher in the field. The research assistant served mainly to mitigate any language barriers that could exist. This proved important when speaking with members of the Maasai community, who were reluctant to talk to an interviewer who did not speak their language. The community appeared very suspicious of the motives of an interviewer who did not speak their language. It appeared that they presumed it was part of an investigation by the government. Only a research assistant who spoke the Maa language assured a few who agreed to speak with the researcher that the study was for academic purposes. The interviews were not tape recorded to minimize the suspicion that

³⁷ Please refer to appendix 1 for further information.

the objective of the questions was political or for investigative purposes. The researcher instead relied on taking notes. This method also assured the informants that chose the option that their responses would be anonymous. The interviewer offered further protection by allowing respondents to provide false names in order to protect their identity.

The study has mainly utilized qualitative methods of analysis. This allowed the researcher to place the information obtained through secondary and primary sources within historical context. Qualitative methods also allowed for the researcher to examine a variety of explanations offered in the data to illuminate the nature of ethnic conflict in the Maai-Mahiu area.

CHAPTER TWO

CONFLICT AND ETHNICITY IN KENYA

2.0 Introduction

Kenya is home to more than forty-two ethnic groups that have historically co-existed, traded and intermarried. However, one of the legacies left behind by its British colonizers was a system of divide and rule that pitted one ethnic group against another. This legacy played a large role in the large-scale inter-ethnic violence that Kenya experienced since the early 1990s, almost three decades after independence. The ethnic violence within Kenya has been intrinsically linked with the process of democratization with its patterns following the election cycle. The impact of this conflict has been the death of thousands and the displacement of hundreds of thousands over the years.

This chapter attempts to establish a historical background to the conflict dynamics in Kenya by examining the influence of the colonial administrative laws and practices on the Kenyan landscape and peoples with special emphasis on the Central Rift Valley Area. It then explores the transition to independence and post-independence Kenya to uncover the changes that occurred in terms of land and power in the country. The impact of these changes is analyzed, especially with regard to the Central Rift Valley region. The chapter finally looks at the rise of multi-party electoral system in Kenya and the ethnic clashes that have become characteristic of the Kenyan political system.

2.1 Colonialism and the Alienation of Land

Kenya was never part of the grand design of the British Empire. Rather, Kenya provided a throughway to Uganda, the source of the Nile River. The objective was to secure the

headwaters of the Nile before any other imperial power in order to control Egypt. The Suez Canal provided a prime trade route to India and other British colonial territories. With this in mind, the British declared a Protectorate over its East African zone of influence, replacing the Imperial British East African Company in 1885. By December 1885, construction of the railway that would connect the Indian Ocean to Lake Victoria began. In the end, the construction of the railways proved to be quite costly to Britain. The final cost amounted to about 5.5 million pounds to be paid by the British taxpayer. This high cost caused uproar in the House of Commons and it fell to the Protectorate to recoup the cost. In order to do so, British settlement was encouraged to develop the East African hinterland.³⁸ Europeans saw in Kenya the potential for high agricultural outputs and substantial high yields in livestock breeding especially in the highlands of Kenya, which had a temperate climate.³⁹

Despite encouraging European settlement in Kenya, the Foreign Office had to create legislation that would regulate the settlement. The British Government, acting under the Foreign Jurisdiction Act of 1890, promulgated the East Africa Crowns Lands Order of 1897. Among other things, the Act empowered the Commissioner (administrator) in charge of the protectorate to give land to white settlers on leases first of 33 years then up to 99 years so long as that land was neither occupied nor cultivated by the “natives”.⁴⁰ The East African Lands Order of 1897 was an extension of the Indian Land Acquisition Act of 1894 that was introduced to expropriate land for the railway from the Indians and Europeans. The East African Lands Order stated, “...for public purposes, subject to any rights of ownership which may be proved to his satisfaction, all lands on the mainland beyond Mombasa situated within one mile on either side

³⁸ Parselelo Kantai “In the Grip of the Vampire State: Maasai Land Struggles in Kenyan Politics” *Journal of East African Studies* Vol 1, No. 1 March 2001, p 108.

³⁹ M.P.K Sorrenson *Origins of European Settlement in Kenya*, Nairobi: Oxford University Press, 1967, p 4.

⁴⁰ P.M. Syagga, “Land Ownership and Use in Kenya: Policy Prescriptions From an Inequality Perspective,” in *Inequality in Kenya: Sectoral Dynamics and Perspectives*, Society for International Development, 2007, p 295.

of the Uganda railway wherever finally constructed, the land was treated as ownerless".⁴¹ Thereafter, subsequent legislations in 1897, 1899, 1908 and 1915 effectively made land in Kenya "Crown land" and the Africans became "tenants at will" even on the land they occupied.⁴² As a result of these ordinances, the white settlers had by independence taken away a total of 43,000 km² or half of Kenya's agricultural land, particularly from the Kikuyu, Nandi and Maasai communities.⁴³ While European settlement alienated many of Kenya's communities from their 'traditional' lands, this study examines the Kikuyu and Maasai communities in particular. The following sections will examine the experience of these two communities as it related to land alienation.

Maasai Land Alienation

In order to develop the Kenyan hinterland, there were quite a number of obstacles to overcome. Among them were the Maasai who carried the reputation of being a ferocious and bloodthirsty people. Yet, to create a British settlement, it was necessary to confront the Maasai who controlled a vast territory starting in central and southern Kenya and stretched into Northern Tanzania. Perhaps more importantly, these lands bordered the areas that were most desired for European settlement that would become known as the White Highlands. The feared Maasai proved to be less of a resistance than the Europeans anticipated during the British penetration. This was due to the weakening of the Maasai by a combination of civil wars, human and livestock epidemics, and drought. As their power in the region was weakened and their livestock depleted, some Maasai resorted to hiring themselves out as soldiers for other people's wars.

⁴¹O. Ogendo. *Tenants of the Crown: Evolution of Agrarian Law and Institutions in Kenya*, African Centre for Technology Studies, Nairobi, 1991, p 11.

⁴² Ibid

⁴³ V.G. Simiyu. *Land and Politics in Ukambani, 1895-1937*, M.A. Dissertation, University of Toulouse. France, 1971.

Rather than a resistance, the British enlisted some of the Maasai units as auxiliaries during their punitive expeditions upcountry such as during Meinertzhagen expedition against the Nandi in 1905.⁴⁴ The payments from their participation in government campaigns against the Kikuyu and other tribes allowed them to rebuild their herds and influence over time. Due to the decline of Maasai power and population, large areas in the highlands were unoccupied or partially occupied in the early 1900s. However, this ‘unoccupied’ land held less interest for the European settlers compared to the land that the Maasai occupied. The pastoral land already occupied by the Maasai signalled to the European settlers that the land and climate conditions were suitable for ranching. In the end, the Foreign Office, despite being tasked with the protection of Maasai rights, had to put the interests of the European settlers before those of the Maasai. As such, land that had been inhabited by the Maasai came under the possession of the settlers. While some of the settlers allowed the Maasai to continue to graze on the land, the land did not belong to the Maasai.⁴⁵

The process of land alienation, especially the appropriation and securing by treaty of Maasai land for European settlement, was a long one. In the first stages of British colonialism, the Maasai ceded a large part of the Central Rift Valley in the 1904 Treaty.⁴⁶ Under the 1904 Treaty, the Maasai agreed to ‘willingly’ cede their territory and to move to two reserves, one to the north of the newly constructed Kenya-Uganda Railway and the other south of it. The Maasai were assured that the agreement would be honoured for “as long as the Maasai shall exist as a race.”⁴⁷ Seven years later, another agreement was made in which the Maasai ceded Laikipia for white settlement. This new agreement left the Maasai to settle on an expanded Southern Reserve.

⁴⁴ Kantai. op.cit.. p 108.

⁴⁵ M.P.K Sorrenson *Origins of European Settlement in Kenya*, Nairobi: Oxford University Press, 1967, pp 191-3.

⁴⁶ John G. Galanty. “Double-voiced Violence in Kenya,” Vigdis Broch-Due (Ed) in *Violence and Belonging: The Quest for Identity in Post-colonial Africa*, New York: Routledge, 2005, p 186.

⁴⁷ Parselelo Kantai, “In the Grip of the Vampire State: Maasai Land Struggles in Kenyan Politics,” *Journal of East African Studies* Vol 1, No. 1, March 2001 pp 107-8.

The Maasai saw this new agreement as reneging on the earlier agreement and so they went to court in 1913 to challenge the legality of the second treaty. This case was dismissed on a technicality and upheld by a higher court when it went to appeal.⁴⁸ Despite this, the British held up the second treaty until independence when treaty responsibilities were devolved to the Kenyan Ministry of Local Government.⁴⁹ The Maasai had lost much of the land that they had inhabited for centuries prior to the European settlement.

Kikuyu Land Alienation

European settlement of the highlands started in the southern districts of Kikuyu lands with the establishment of Fort Smith on the southern edge of Kikuyu cultivations by the Imperial British East African Company in the middle of Kiambu District from which Europeans sought land. However, it was when the railway arrived in Nairobi with settlers in tow in 1899 that Kikuyu land was more aggressively sought out by the settlers that travelled inland. Despite the impression that Kenya had plenty of unoccupied land that was available for settlement by the Europeans, the settlers did not want land that Africans had avoided for it was deemed dry or *infested*. As such, they sought out land already occupied by Africans and they bought Kikuyu land for commercial or agricultural purposes. This 'buying' of land failed to take into account the *githaka* system of land tenure that the Kikuyu followed in which each lineage had a distinct form of ownership over a defined portion of land. The boundaries of each *githaka* were known and recognized within the community. In addition, there was a system of tenancy in which *ahoi*⁵⁰, tenants from outside, were permitted to cultivate the land after providing the elders with gifts. However, the colonial administration dismissed any evidence of this land tenure system for the

⁴⁸ Ibid.

⁴⁹ Galanty, op.cit., p 186.

⁵⁰ This Kikuyu terms refers to tenants or those who are landless.

inland Africans, who had a concept of land ownership than those of the Coast region who only understood land in terms of the crops growing on them.

The movement of European settlers into Kikuyu lands even with some amounts of compensation did not diminish the tension that arose over land grievances. This discontent was recognized and in April 1914 G.A.A. Northcote warned, "the dispossession of their [Kikuyu] lands is by far the greatest grievance that the Kikuyu have and it behooves us to beware of the matter."⁵¹ These warnings were ignored even when a Kikuyu, Mbiu Koinange, threatened to take legal action to recover land that had been alienated to settlers. In 1915, the Crown Lands Ordinance was passed and it defined Crown land as, "all lands occupied by the native tribes of the Protectorate and all lands reserved for the use of any members of any native tribe."⁵² Effectively, all Africans had become tenants of the crown without the ability to hold land title. European settlers, who had come into the Kikuyu lands as *ahoi*, were now the landlords who sometimes charged the Kikuyu rent. The Kikuyu had to adhere to the conditions over cultivations, timber and stock of the settler landowners. Some people moved into the forests that had also become Crown Land and had to abide by the conditions set by forestry officials. Others became squatters on settler farms in the Rift Valley and elsewhere.⁵³ The Crown Lands Ordinance in addition to allowing settlers the ability to exercise influence over local affairs of government enabled the Governor to create reserves for use and occupation by the natives.⁵⁴ The squatter system, a patchwork of varying labour and land-use arrangements between the Europeans and African squatters, assured European farmers a supply of cheap African labour while maintaining their claim over the highlands. In this system, an African in the Highlands had

⁵¹ M.P.K Sorrenson. *Origins of European Settlement in Kenya*, Nairobi: Oxford University Press, 1967, pp 176-189.

⁵² Ibid.

⁵³ Ibid p 282.

⁵⁴ O. Ogendo. *Tenants of the Crown: Evolution of Agrarian Law and Institutions in Kenya*, African Centre for Technology Studies, Nairobi, 1991, p 44.

the status of a squatter who agreed to work for a specified numbers of days per year in return for the settler allowing him and his family to live on the farm and cultivate a plot of their own.⁵⁵ As a consequence, there was a phenomenal migration of Kikuyu peasants into the Rift Valley Province as casual labourers on settler farms. By 1918, there was a population of 9,116 Africans in the Naivasha District, of which 6,600 were exclusively from Kikuyu squatter families.⁵⁶

In addition to their relatively low numbers, large-scale agriculture was still developing, meaning there was a relative degree of space and freedom on European farms for the squatters. In some ways, life as a squatter was preferable to living in the reserves as there were cash wages and relief from taxation, land shortages and increasing administrative restrictions. This began to change as early as 1933 when the development of European agriculture could no longer accommodate the squatters as it had before. In 1937, the Resident Natives Ordinance was repealed allowing authorities to limit the squatters stock, the size of their cultivation plots, to increase their work loads, and to even evict some of them. In addition to these new restrictions that saw them moved to landless labourers, with cash wages that were insufficient without their own means of sustenance.⁵⁷ The intensification of economic pressures on squatters caused growing discontent that escalated to demonstrations in 1946. By 1948, the name Mau Mau received its first mention when a Nakuru District administrator reported the existence of a politico-religious sect rising from the Kikuyu reserve.⁵⁸ By 1952, the Mau Mau rebellion had begun as the struggle for independence and perhaps more prominent, the reclaiming of land lost to the colonialists.⁵⁹ The Mau Mau and the events surrounding the period of Emergency are

⁵⁵ Christopher Leo, *Land and Class in Kenya*, Harare: Nehanda Publishers Ltd, 1989, pp 42-3.

⁵⁶ T. Kanogo, *Squatter and the Roots of Mau Mau 1905-1963*, Nairobi: East African Educational Publishers, 1993, p 10.

⁵⁷ Christopher Leo, *Land and Class in Kenya*, Harare: Nehanda Publishers Ltd, 1989, pp 46-8.

⁵⁸ Ibid p 58.

⁵⁹ "Ballots to Bullets: Organized Political Violence and Kenya's Crisis of Governance," *Human Rights Watch*. Volume 20 Issue 1, March 2008.

beyond the scope of this paper. However, it is important to note that land was identified as a major grievance in the struggle for independence.

2.2 Transition to Independence

By the late 1950s, the colonial authorities accepted that the prevailing arrangement within Kenya was untenable. The conflicts that had been raging in the fields, forests and towns over British rule moved to the bargaining table as African political representatives sought to assume the powers held by the colonialists.⁶⁰ Between 1959 and 1960, two African political parties formed in preparation for independence. The Kenya African National Union (hereafter KANU) party was an alliance between Kenya's two largest ethnic groups, the Kikuyu and the Luo. The Kenya African Democratic Union (hereafter KADU) party on the other hand was a coalition of the smaller ethnic groups such as the Mijikenda, Luyha, Kalenjin and Maasai. These two parties participated in the Lancaster House Constitutional Conferences that preceded independence.⁶¹

KADU members feared the domination by the larger ethnic groups within a one party state. In particular, the Kalenjin and Maasai of the Rift Valley feared that their historical claims to their land could be superseded by Kikuyu claims that had appeared to gain prominence during and after the Mau Mau emergency. In an attempt to ensure that the interests of the smaller ethnic groups would be protected, they supported the decentralization of state power in a bicameral parliament and through the creation of strong regional authorities – the *Majimbo* system. KANU, on the other hand, was already composed of communities that during the colonial period had already moved out of their 'traditional home lands' and so the party sought to establish the right of citizens to live, work and own land in any part of the country. These positions reflected the

⁶⁰ Christopher Leo, *Land and Class in Kenya*, Harare: Nehanda Publishers Ltd, 1989.

⁶¹ John G. Galanty, "Double-voiced Violence in Kenya," Vigdis Broch-Due (Ed), *Violence and Belonging: The Quest for Identity in Post-colonial Africa*, New York: Routledge, January 7, 2005, pp 180-1.

interests of their major constituencies. The Kikuyu sought to legitimize their presence and acquisition of land rights outside their home districts and in particular their settlement in farms and ranches in the Rift Valley where as squatters they had provided labour to the colonialists. The Kalenjin and Maasai, on the other hand, sought to ensure the return and retention of land that had been held in 'trust' by the colonial government as indicated in their treaties.⁶²

In the transition to independence, KADU in coalition with European and Asian members formed the first African-led government in 1961 when KANU refused to assume power despite its electoral victory in protest at the continued detention of Jomo Kenyatta. In 1963, KANU won a strong electoral victory with Jomo Kenyatta at its head. The strong nationalistic rhetoric of KANU and the fact that KADU was aligned with much of KANU's policy positions led to the dissolution of KADU in 1964.⁶³ Without an opposition party, Kenya became a *de-facto* one-party state. With KANU at the lead and the president hailing from the Kikuyu community, the smaller ethnic communities feared that their interests would be sidelined.

2.3 Land and Power in Post-Independent Kenya: Rift Valley Province

One of the key points of the transition to independence was the Kenya Land Settlement Programme that began in 1962- a compromise between the negotiating parties, the European and African leadership. Under the programme, Africans would pay for the land that they would receive and much of the land transfers would occur prior to independence to ensure that settlers got their returns prior to the transition of power. Among the schemes in the Kenyan land settlement programme is the Million Acre Scheme and the Squatter Settlement Scheme.⁶⁴

⁶² Ibid p 180.

⁶³ Ibid p 181.

⁶⁴ Oucho, J., Undercurrents of Ethnic Conflict in Kenya. *African Social Studies Series, Volume 3*, Boston: Brill, 2002, pp 138-145.

Upon independence, some of the land taken was given back to the new government and government officials as per the colonial laws. Under the colonial laws, there was no recognition of collective land rights and the general sense was that 'natives' were incapable of holding direct land title so land was held 'on trust' by the government. Rather than give back the land to those dispossessed, the new government under Jomo Kenyatta instituted the willing-seller willing-buyer policy leaving out many of the displaced landless or squatters.⁶⁵ In an attempt to address the issue of land, the government initiated the Squatter Settlement Scheme in 1965 whereby land obtained through government expropriation, confiscated mismanaged lands, and donated lands were to go to the landless. This process was sabotaged by patronage whereby political supporters of Kenyatta and members of his Kikuyu ethnic group were rewarded with land in exchange for their support.⁶⁶ However, there was no doubt that the state continued to function as a protector of the large landholder export sector, as only 20% of the large estates previously occupied by European settlers were divided and made available to small landowners. The rest were sold intact to wealthy Kenyans in a scheme that clearly favoured wealthy Kikuyu.⁶⁷ Kenyans soon realized that they had exchanged one land-owning class for another.

In the early 1960s, the Maasai were weakened after a severe drought had killed off two-thirds of their stock and left many receiving relief. Those that had suffered the worst of the drought were those that had been forced out of Laikipia – a fact that was not missed by the Maasai. The Maasai delegation sought to point this fact to the Colonial Secretary in the run-up to the second Kenyan Constitutional Conference in 1962 hoping that the departing British would

⁶⁵ "Ballots to Bullets: Organized Political Violence and Kenya's Crisis of Governance," *Human Rights Watch*, Volume 20 Issue 1, March 2008.

⁶⁶ Timothy Gachanga. "Kenya: "The Land is Ours," *Africafiles.org*, June-October 2006, <http://www.aficaspeaks.com>.

⁶⁷ F. Holmquist, F. Weaver and M. Ford, "The Structural Development of Kenya's Political Economy," *African Studies Review* Volume 37 Issue 1, 1994, p 76.

make assurances that the property that had been taken by 'treaty' would be returned to its rightful owners – the Maasai. The British response was that any obligations that they may have had to the Maasai were moral rather than legal and so there would be no assurances.⁶⁸ The land that had been held in 'trust' by the British was transferred into the hands of the independent Kenyan government.

When Kenya gained its independence, it continued to use the colonial laws drafted by the British regarding land ownership and use. These laws did not recognize the collective land rights of communities. Furthermore, the introduction of the concept of private property ran contrary to the arrangements of many indigenous groups that determined land occupation and use on collective practices, such as pastoralism.⁶⁹ The willing-buyer willing-seller policy, in addition to the settlement schemes, gave rise to a large number of "outsiders" acquiring land in the Rift Valley. It is held that economic and political advantages gained by the Kikuyu, Meru and Embu (also referred as the Mount Kenya group) during the Kenyatta regime allowed them to form land-buying companies. These companies facilitated the settlement of hundreds of thousands of Kikuyu in the Rift Valley throughout the 1960s and 1970s. They settled mostly in the districts with arable land - notably Nakuru, Uasin Gishu, Nandi, Trans Nzoia and Narok.⁷⁰ As wealthy African middle class and Kikuyu smallholders moved into the Rift Valley, the Maasai and Kalenjin fears, that Kikuyu interests would surpass their claims for the return and retention of their traditional land, became realized.⁷¹

⁶⁸ Parselelo Kantai, "In the Grip of the Vampire State: Maasai Land Struggles in Kenyan Politics," *Journal of East African Studies* Vol 1 No. 1, March 2001, p 109.

⁶⁹ "Ballots to Bullets: Organized Political Violence and Kenya's Crisis of Governance," *Human Rights Watch*, March 2008, Vol 20 No. 1, p 12.

⁷⁰ Walter O. Oyugi. "Politicised Ethnic Conflict in Kenya: A Periodic Phenomenon." Addis Ababa 2000.

⁷¹ John G. Galanty. "Double-voiced violence in Kenya," Vigdis Broch-Due (Ed), *Violence and Belonging: The Quest for Identity in Post-colonial Africa*, New York: Routledge, January 7, 2005, p 182.

During the colonial period, a drama had played out between the Maasai, colonial administration, and the landless Kikuyu who wished to settle in the Maasai Reserves. As indicated in the Kenya Land Commission Report of 1934, the colonial administration tried to prevent illegal 'infiltration' of Kikuyu by discouraging new Kikuyu settlers and expelling the old. The Maasai response to this 'infiltration' varied over time. In the beginning, Maasai assimilated Kikuyu settlers and accepted the agricultural settlements they formed. Over time, they began to resist the migration and eventually supported the expulsion of Kikuyu settlers from their reserve areas. Despite the long history of interaction as neighbours, the Maasai felt besieged by the Kikuyu as the integrity of their land base and the continued control over the districts was threatened. Furthermore, the settlement of Kikuyu and the issue of land titles tended to occur along rivers, in forests, highlands and towns where agriculture and trade could be pursued. This further exacerbated the vulnerability of the Maasai who relied on those areas for seasonal pastures, water and emergency grazing during times of drought.⁷²

At independence, the portions of land that had been reserved as trust land were adjudicated as either individual or group ranch holdings. These group ranch holdings fit more closely with the Maasai system of land tenure. The group ranches concept borrowed from the African Land Development Board's (ALDEV) the concept of grazing schemes. Under a group ranch, pastoralists would accept a quota on livestock numbers on an allotted tract of land in exchange for inputs such as fencing, water, dips and subsidized veterinary services. The legal framework for the group ranch was established in the Group Representative Act of 1968. Group ranches sought to prevent large tracts of land being allocated to individual ranchers, to prevent environmental degradation, and to establish a livestock production system. The pastoralists, the Maasai in particular, accepted this concept as they saw the benefits of access to valuable ranch

⁷² Ibid, p 186.

inputs and perhaps, more importantly, the assurance of land tenure; the Maasai lands would not be allocated to a few elite Maasai or 'outside' communities.⁷³ By the mid-1970s, it was clear that group ranches had failed to commercialize beef production through reforming pastoral systems. However, they had been exceedingly successful at acquiring land title deeds for the Maasai. Group ranches also managed to make pastoral people and their livestock more sedentary which limited their adaptation methods of moving and splitting their stock. As a result, these pastoralists became increasingly vulnerable during times of drought. Mismanagement of group ranches and their inability to meet their objectives contributed to the close of the project in 1982.⁷⁴ By then, there had been increasing pressure to sub-divide the group ranches from within by members who saw their holdings diminished by population increase. Pressure also came from outside as President Moi issued a decree that all Kenyans had the right to own land individually, and by a strong lobby of potential land buyers who sought to acquire the land for investment.⁷⁵

By the 1990s, Maasai land was threatened in several ways. In the process of sub-division of group ranches, registration lists were corruptly altered to include outsiders; allotments were disproportionately sized to the benefit of more 'influential' members; and less informed members were pressured, or bribed, to sell their shares or pieces of land. Some of the sales occurred under the influence of alcohol and some Maasai, to their lasting shame, sold large tracts of land at prices far below their market value. All this took place even as Maasai were experiencing grazing land shortages. The irregularities in this process and their perception that they had little influence in the Ministry of Lands during the 1970s led many Maasai to view titles

⁷³ J. C. Ngethe. "Group Ranch Concept and Practice in Kenya: With Special Emphasis on Kajiodo District," Proceedings on an FAO Workshop titled *Future of Livestock Industries in East and Southern Africa*, FAO Corporate Document Repository. 1993 pp 3-6.

⁷⁴ Ibid p 12.

⁷⁵ John G. Galanty, "Double-voiced violence in Kenya," Vigdis Broch-Due (Ed), *Violence and Belonging: The Quest for Identity in Post-colonial Africa*, New York: Routledge, January 7, 2005, p 186.

acquired during that period as largely illegitimate.⁷⁶ It was thus in this climate of impending crisis that the Maasai saw the incumbent political coalition face the threat of defeat and thus perhaps the loss of their advocate in the government with the advent of multi-party elections.

2.4 Rise of Multi-Party Politics and ‘Ethnic Clashes’

In 1991, opposition to the one-party state gained momentum. By August 1991, the Forum for the Restoration of Democracy (hereafter FORD) party was formed and sought to repeal Section 2A of Kenya’s Constitution that would make Kenya a multi-party state and thus provide the opportunity to remove the KANU regime from power.⁷⁷ This effort was bolstered by donor support that collectively decided to halt any new development assistance to Kenya until the political system was liberalized.⁷⁸ As this pressure increased, some KANU politicians advocated for the return of the *Majimbo* system of government that would give regions greater autonomy. This idea was not new and had been advocated by KADU during the constitutional conferences prior to independence. However, when KANU came into power it instituted changes that strengthened the executive at the expense of any decentralized system of rule. The return of *Majimboism* would allow KANU to retain control over areas in which it had a significant power base even though it may lose the national race.⁷⁹ This would protect the interests of the elite and their supporters. In the end, Section 2A was repealed ushering in the first multi-party election in 1992. In addition to this new change, the constitution was changed to limit a president to two

⁷⁶ Ibid pp 186-7.

⁷⁷ L. Chweya, *Electoral Politics in Kenya*, Nairobi: Claripress, 2002. p 35.

⁷⁸ Ibid.

⁷⁹ Maina wa Kinyatti, *History of Resistance in Kenya. 1884-2002*. Nairobi: Mau Mau Research Centre, 2008, pp 355-356.

terms in office. The groups that felt they had been neglected in the political era of the Moi regime formed the opposition.⁸⁰ These were the Kikuyu and Luo communities amongst others.

As new political parties emerged, a pattern of ethno-regional interests appeared. The ruling party KANU sought to solidify its support base in the Rift Valley among the Kalenjin as well as allied Nilotic groups – the Maasai, the Turkana and the Samburu (hereafter KAMATUSA). These groups were seen as the ‘indigenous’ ethnic groups of the Rift Valley.⁸¹ KANU portrayed the emerging opposition movement as Kikuyu dominated and anti-Kalenjin. In the Rift Valley, members of the Kalenjin and sometimes the Maasai communities, who as a whole supported the ruling party, attacked members of ethnic groups associated with the opposition, such as the Kikuyu, Luo, Luhya and Kisii.⁸²

The KAMATUSA coalition expecting KANU to suffer defeat in the 1992 elections decided to teach the ‘betraying’ ethnic groups a lesson that included their expulsion from Kalenjin-Maasai lands in the Rift Valley. The amended constitution at the time required that a presidential candidate not only obtain a plurality of the presidential votes, but also carry a minimum of 25% of the presidential votes cast in at least five of the eight provinces. If KAMATUSA cleared the Rift Valley of non-KAMATUSA, they would also be ridding the province of non-Moi voters to prevent the opposition from attaining the 25% requirement. In addition to the killing, there was widespread destruction of property and homes with the intent of forcing people to flee prior to the 1992 elections.⁸³ *Majimboism* became an euphemism for ethnic cleansing. According to Human Rights Watch, by early 1993 1,500 people were dead and an estimated 300,000 people displaced. Clashes erupted again in 1997, prior to the general elections

⁸⁰ Walter O. Oyugi, “Politicized Ethnic Conflict in Kenya: A Periodic Phenomenon.” Addis Ababa, 2000, p 7.

⁸¹ *Ibid* p 8.

⁸² NCCK. *The Cursed Arrow*, Vol. 1, 1992, pp 1-25.

⁸³ *Ibid*.

causing further displacement. During this year, President Moi ran against Mwai Kibaki and Raila Odinga in a widely criticized election.⁸⁴ President Moi's ability to create cleavages within the opposition parties assured that they were unable to remove him from power. These cleavages did not remain within the confines of political parties. Kenya faced periodic ethnic violence and ethnic cleansing.

2.5 Conclusion

This chapter has attempted to establish a historical background on the conflict dynamics in Kenya. With an emphasis on the Central Rift Valley area and the Central Province, it outlines the process by which the Kikuyu and Maasai communities were alienated from their lands by European settlers. Upon independence, land that had been wrongfully taken from the 'natives' was not returned to its owners. Instead, Kenya made a compromise with the departing colonial power agreeing to a willing-buyer willing-seller policy on land. Under this policy, the Kikuyu formed land buying companies and bought land from the departing Europeans in many instances in areas that they had not 'traditionally' occupied. Under the group ranches concept, Maasai gained land tenure first as groups, then as individuals. However, their lack of representation in the Ministry of Lands in this formative period, as well as the other challenges in the subdivision process, led the Maasai to question the legitimacy of the land tenure system in Kenya deemed it as favouring the Kikuyu above all other communities. With the divide-and-rule tactics employed by politicians at the emergence of multi-party politics in the early 1990s, Kenya began to experience cycles of ethnic conflict. Communities tended to be mobilized around unresolved

⁸⁴ "Ballots to Bullets: Organized Political Violence and Kenya's Crisis of Governance," *Human Rights Watch* Volume 20 Issue 1, March 2008.

grievances around land, and with the promise of political goodies to be delivered by one's kinsman.

CHAPTER THREE

ETHNIC CONFLICT IN MAAI-MAHIU

3.0 Introduction

The Maai-Mahiu conflict has been between the Maasai and Kikuyu communities of the area. It has been described as a conflict between pastoralists and farmers; between nomadic grazing and agriculture; and between the 'traditional' inhabitants and the 'newcomers'. This conflict is noted in the Akiwumi Report of the Judicial Commission that inquired into the tribal clashes in Kenya. The Akiwumi Report notes that the violence that occurred between the Maasai and Kikuyu communities did not fit within the larger discussion of violence and displacement as a means of disenfranchising voters.⁸⁵ This means that the conflict in Maai-Mahiu does not fit neatly within the concept of election-based ethnic violence that gripped much of the Rift Valley during the election cycles. This is evidenced by the irregular timing of the conflict in this area, which occurred between the 1991 and 2005. Furthermore, Maai-Mahiu enjoyed relative peace during the most recent post-election violence of 2007/8. Maai-Mahiu conflicts deviated from the pattern of electoral-based ethnic violence, therefore this chapter seeks to examine the conflict in Maai-Mahiu in detail. It will introduce Maai-Mahiu Division and the communities that reside within it as well as look into the events around the conflict, the impact of the conflict on the communities, and the efforts taken toward restoring peace in the area.

⁸⁵ Hon. Mr. Justice A.M. Akiwumi "Report of the Judicial Commission appointed to Inquire into Tribal Clashes in Kenya: Rift Valley Province" also known as The Akiwumi Report *The Daily Nation*, Nairobi, Kenya. 1999 pp 51-2.

3.1 Maai-Mahiu Division

The name of the area – Maai-Mahiu originated from some hot springs that are found in the Kijabe area.⁸⁶ Maai-Mahiu Division is situated in Naivasha District in the Rift Valley Province. The Division and District Administrative Headquarters are located in Maai-Mahiu town.⁸⁷ The main river in within the area is the Ewaso Kedong River that was formed due to the tectonic split in the earth's crust that created the Rift Valley. Volcanic activity determined its course, but it has been climatic change and soil erosion that have caused it to dwindle. These changes have been caused by man-made activity, such as deforestation on the escarpments and unsustainable diversion, and wells and boreholes. As one observer noted, "When the rains are good, everyone is happy and Kedong almost deserves to be called a river. When there is drought, it becomes a mere trickle and tempers run high and the potential for conflict is great."⁸⁸

Settlement in Maai-Mahiu Division

In the early twentieth century, Cyril and Hazel Mayers, were pioneers in the establishment of sugar and coffee plantations in Kenya. They later established a cattle ranch that grew to almost one hundred thousand acres. In 1947, the Mayers bought six thousand *choice* [emphasis mine] acres in the Kedong Valley. The land they purchased was fed by a natural spring that provided fresh water in the otherwise semi-arid environment of the Rift Valley. According to the Mayers, the colonial government encouraged British and European farmers and ranchers to settle in the Kedong Valley. Their presence was deemed necessary, as they would act as a wedge between the upland Kikuyu community and the Maasai community of the Rift Valley who were

⁸⁶ Oral Interview, Zacharia K. Igeria, Division and District Administrative Headquarters, Maai-Mahiu Location, 11th January, 2010.

⁸⁷ This study focuses on Maai-Mahiu Division in its totality. The study will specify when it refers to Maai-Mahiu Town in particular. Unless otherwise noted, Maai-Mahiu refers to the Division.

⁸⁸ Imre Loeffler, "Potential for Conflict over Water Great," *Daily Nation*, Nairobi, August 9, 2005. p 9.

at war with each other.⁸⁹ This is collaborated by the efforts of the colonial administration as outlined in its 1934 report in which it tried to prevent the ‘infiltration’ of Kikuyu into Maasai reserves.

In the early 1960s, at the eve of Kenya’s independence, the Mayers decided to sell off most of their land. According to the Mayers, the problem was not the post-independence squatters as they had maintained a working relationship, but rather the “walk-ons”. These “walk-ons” were Kenyan families who expropriated the settlers’ land on the not unreasonable basis that the land had been formerly appropriated from them by the British. Upon independence, many of the other Europeans settlers left the Kedong Valley but the Mayers chose to remain – reluctant to sell their homestead. The Mayers kept 250 of the six thousand acres in the Kedong Valley, including the house and the natural spring.⁹⁰ The European settlers from the Kedong Valley sold their land to black Kenyans under the willing-buyer willing- seller policy negotiated by the outgoing colonial government.

The settlement in the area has gone through some changes over the years. In the colonial period, European settlers, like the Mayers, owned the land. Black Kenyans bought the Mayer farm and other settler farms upon independence. The Mayer farm, and about five others such as Kedong and Satellite comprise the area known as Maai-Mahiu today. When the Europeans owned the land, Africans worked on the ranch. They looked after the cattle on behalf of the Europeans or were farm labourers. Over time, these workers settled on the land. When the Europeans left, land buying companies were formed with the encouragement of political leaders like Fred Kubai, to buy the land from the departing Europeans. Between 1967 and 1974, land buying companies bought land in Maai-Mahiu. Under these companies, individuals or families

⁸⁹ Edward M. Bruner, *Culture on Tour: Ethnographies of Travel*, Chicago, Illinois; University of Chicago Press, 2004. pp 39-40.

⁹⁰ Ibid p 40.

organized themselves typically in terms of the villages they originated from. As a result, the farms in Maai-Mahiu got names that corresponded to other places in Kenya, for example, the Utheri wa Lari Farm is named from the Lari area in Kiambu, Central Province. The prospective land buyers paid in bits for their pieces of land, and it was only when they completed their payments that they received allotment letters. The bulk of the Kikuyu community in Maai-Mahiu was mostly farm labourers on European ranches who became members of land buying companies. The Maasai community in Maai-Mahiu comprised of the herders that had worked on European farms, as well as Maasai that had come into the area from Narok or Kajiado in search of pasture.⁹¹

The Mayers continue to live in the Kedong Valley. To supplement the income derived from the farm they own, Hazel Mayers opened up their home to tourists and visitors in 1968. In addition to an English garden tour, the Mayers homestead is also home to a Maasai and Samburu homestead that tourists visit to see the communities dance for them. Such a venture and the growth of Maai-Mahiu town have drawn people from other ethnic communities who are in search of economic opportunities in the area.

Since the 1970s, the population within the plains between the Kijabe Escarpment, the Longonot Mountain and Suswa has increased due to natural growth and migration. In the colonial era, the area was inhabited by the Maasai and their livestock, wild game, and European ranches. However, as time went on and the Rift Valley Escarpment in the north became overpopulated, its inhabitants [Kikuyu] looked to the “empty-looking” plains below and decided to move into the area. Those who had been members of land buying companies had also by this time completed the payments for their plots, allowing them to move in after receiving their allotment letters. Similarly, the Maasai also increased in numbers and moved southwards with a

⁹¹ Joshua Onyango Aridi. “Mai Mahiu: A Report on Conflict,” Peacenet-Kenya, November 2006, pp 15-7.

large number of animals in search of pasture, which further degraded the land. All those in the area rely on the Kedong River, its catchments and subterranean sources.⁹² As such, migration and population increases have led to Maai-Mahiu inhabitants coming mostly from the Maasai and Kikuyu communities. These increases, combined with other factors, have put great strain on the area's natural resources.

3.2 Ethnic conflict in Maai-Mahiu, 1991-2005

Maai-Mahiu Division has experienced recurrent conflict between the years 1991 to 2005. According to Zacharia K. Igeria, the current Chief of Maai-Mahiu, was born and raised in the area, the conflict in the area has been between the pastoralists and the farmers. These two groupings are synonymous with the Maasai and Kikuyu communities, respectively.⁹³ The following section will, therefore, describe the conflicts during the years: 1992/3, 1995, 1997, and 2005. Finally it will examine the situation in Maai-Mahiu during 2007/2008, when much of Kenya was in the midst of the post-election violence.

According to Zacharia Ingeria, the Maasai who had come from Narok settled in the area and they have grown in numbers over time. This resulted in a shortage of pasture and water that resulted in conflict. In 1992, there were about 10 casualties due to the conflict. According to the Chief, the conflict was not political but rather brought about due to the scarcity of resources, such as water and land for pasture. To resolve that conflict, the elders came together along with the politicians and church elders and agreed that the pastoralists should not graze near the farmers' areas. When the Maasai noted that they had difficulty ascertaining which lands were occupied, the elders encouraged farmers not to leave land uncultivated, if someone owned it.

⁹² Imre Loeffler. "Potential for Conflict over Water Great," *Daily Nation*, Nairobi, Kenya, August 9, 2005. p 9.

⁹³ Oral Interview, Zacharia K. Igeria, Division Admin. Headquarters, Maai-Mahiu Location. 11th January, 2010.

These measures were meant to avoid conflict by indicating clearly which areas were owned for the purposes of cultivation and those that may still be available for pasture.⁹⁴ John K., a Maasai teacher at Satellite Primary School, was also born and raised in Maai-Mahiu.⁹⁵ He remembers that in 1992 there was drought and some Maasai had moved closer to the escarpment in search of pasture and water.⁹⁶ One Maasai was killed while looking for pasture at Longonot, near Oasis. This spurred the Maasai to start fighting to avenge the killing of their kinsman. The fighting began near Milima Panya [section of Mt. Longonot]. The cause of the fighting was said to be water. However, there are other problems. He noted that in the mind of the Maasai, there is an area called Nyakinyua and another called Longonot. While the Maasai see them as two different areas, the Kikuyu insist that it is all part of Nyakinyua over which they lay claim – an indication of conflict over land.⁹⁷

In 1993, conflict broke out in Maai-Mahiu again. A shopkeeper in Maai-Mahiu Division remembered the clashes as caused by Maasai claiming that the farms were theirs. These claims were supported by their elders and leaders, which fueled the conflict. He dismissed those claims noting that people had come and bought the land from the Europeans as a group. In fact, his father was part of the Lari Land Buying Company. Having bought the land, it had become theirs and no longer belonged to the Maasai. That conflict cost the lives of three people, but did not result in the burning of any homes.⁹⁸ The recollection of two Maasai elders over the 1993 conflict was that there were no deaths, although the conflict left some people with cuts and bruises.⁹⁹

⁹⁴ Oral Interview, Zacharia K. Igeria, Division Admin. Headquarters, Maai-Mahiu Location, 11th January, 2010.

⁹⁵ Please refer to Image 1 in Appendix 3 that shows Satellite Primary School in 2009.

⁹⁶ John K. is a false name provided by the respondent to protect his identity.

⁹⁷ Oral Interview, John K., Satellite Primary School, Maai-Mahiu Location, 14th January, 2010.

⁹⁸ Oral Interview, SHKA, Shopping Centre outside of Maai-Mahiu Town, Maai-Mahiu Location, 12th January, 2010.

⁹⁹ Oral Interview, MAM1, Homestead near Satellite Primary School, Maai-Mahiu Location, 14th January, 2010.

The conflict in 1995 was more severe and thus caught the attention of the national media. Maasai elders claimed that conflict began because the Kikuyu farmers had denied their herds access to pasture that they had used over years. Even more, the Maasai claimed that the Kikuyu farmers by fencing off their plots had closed the paths they had used to access water from the Ewaso Kedong River, thus endangering the survival of their herds.¹⁰⁰ *The Nation* reported that on Tuesday January 10, 1995, Maasai youth attacked civilians on Utheri wa Lari farm in the Maai-Mahiu area. On the following night, a second attack on two homes on the same farm brought the number of those killed to ten. Some of the residents of the Utheri wa Lari farm had moved to a Kenya Wildlife Service post near Ewaso Kedong for safety. Others had moved their belongings and livestock to Maai-Mahiu town to flee from the violence. A third attack was repulsed by patrolling policemen. Those who had left their farms indicated that they were not eager to return to their homes as they did not have anyone from their community in the local administration that might be able to afford them protection.¹⁰¹ The Kijabe Regional Church Council of the Africa Inland Church (hereafter AIC) blamed a minister, Hon. William Ole Ntimama, for the death of 10 people that were killed in Maai-Mahiu. They claimed that the minister had been inciting the Maasai against the Kikuyu to reclaim land from the Kikuyu. Members of Parliament (MPs) from Kikuyu, Kiambaa, Githunguri, Limuru and Lari constituencies attended the funeral service for the ten members of the Kikuyu community who had died in the conflict. Nakuru police indicated that they had intercepted two mini-lorries with 80 Maasai youths headed to the church armed with rungas, simis, bows, arrows and axes.¹⁰² Without the interception of Nakuru police and other security forces, the death toll of the conflict would have surely risen significantly.

¹⁰⁰ Oral Interview, MAM2, Homestead near Satellite Primary School, Maai-Mahiu Location, 14th January, 2010.

¹⁰¹ Nation Team "Teacher hurt in fresh attack," *Daily Nation*, Nairobi, Kenya January 13, 1995, p 1.

¹⁰² "Maai Mahiu victims buried," *Daily Nation*, Nairobi, Kenya, January 24, 1995.

For the residents of Maai-Mahiu, the conflict in 1995 was worse than that of 1993.¹⁰³ One of the respondents has been a farmer in Maai-Mahiu since 1992. The farm that he owns in Maai-Mahiu belonged to his father who was part of a land buying company. When he came of age, he moved from Kiambu, Central Province to Maai-Mahiu to farm. When he arrived, he experienced a peaceful existence in Maai-Mahiu until 1995. According to him, the Maasai were told a lie by their leaders who told them that the area was once theirs and is still theirs. They were told that, if they managed to chase the Kikuyu away, the land would be theirs to graze and build on. The leaders said all this to the Maasai of Maai-Mahiu. At that time, the government presence in the area was not well established and so the Maasai came in killing, burning houses and looting. He estimates that about five people he knew died during that conflict. At that time, his house was not affected and he continued to stay in his home with his family. When the respondent was asked to identify those who were fighting in the conflict he interjected:

There was no fighting! They [Maasai] came in the morning and beat the people that were there. Those people [Kikuyu] were not aware of what was going on so that is not fighting! Those who were affected left when all their things were burned and others stayed with the problems.¹⁰⁴

He notes that since the conflict in 1995 the farmers in the area have experienced cattle rustling and the continued invasion of their farms by Maasai herds, upto 2005. However, there was no outright violent conflict like that which had been seen in Maai-Mahiu in 1995.¹⁰⁵ His recollection was that leaders were responsible for the mobilization of some Maasai members who resorted to violence in an attempt to reclaim what they considered their land. For this Kikuyu respondent, the Maasai are identified as the aggressors in the 1995 conflict.

¹⁰³ Oral Interview, SHKA, Shopping Centre outside of Maai-Mahiu Town, Maai-Mahiu Location, 12th January, 2010.

¹⁰⁴ Ibid.

¹⁰⁵ Oral Interview, PNSCH, Karima Secondary School, Maai-Mahiu Location, 12th January, 2010.

Chief Zacharia Igeria noted that the next conflict in Maai-Mahiu occurred in 1997. During that conflict, property was destroyed but there were no casualties. The earlier conflicts were still fresh in the minds of people and the memory of those conflicts added to the hostile environment between the Maasai and Kikuyu communities in Maai-Mahiu. Many houses were burned in the Nyakinyua area and even now there are very few people who live there. The houses that were burned belonged to the Kikuyu farmers.¹⁰⁶ In this conflict, the events of the previous conflicts played a large role, indicating that the expressed grievances of 1992 and 1993 had not been resolved and were still relevant in the community. Furthermore, the nature of the conflict appears to have effectively displaced a large number of residents from their homes.

According to police reports, the 2005 conflict began when a Limuru Councilor was allowed to divert water from Ewaso Kedong River to irrigate his farm.¹⁰⁷ This angered the pastoralists who rely on the waters from this river for their animals and domestic use. Despite the local administration's efforts to mediate the conflict, violence broke out when Councilor Ndungu installed an electric water pump on the river.¹⁰⁸ When Longonot, Chief Lasiti ole Kipelekenya, questioned the diversion of the water, he was beaten up and injured by Kikuyu youth. Upon hearing of this incident, the Maasai destroyed the electric posts and wires leading to the water pump and killed one Kikuyu. In retaliation, four Maasai were pulled out of *matatus* (public transportation vehicles) heading to Narok from Nairobi and killed by the Kikuyu. Following this, a number of houses were burned down, animals were stolen and property was destroyed.¹⁰⁹ According to Chief Igeria, the cause of this conflict was the shortage of water due to drought. The confrontation over this resource escalated and brought in other people. During this conflict

¹⁰⁶ Oral Interview. Zacharia K. Igeria, Division Admin. Headquarters, Maai-Mahiu Location, 11th January, 2010.

¹⁰⁷ Tony Kago, "Clash Killers will face the law, vows Kibaki," *Daily Nation*, Nairobi, Kenya, Jan 25, 2005, pp 1, 4.

¹⁰⁸ Please refer to Appendix 2 for more detailed testimonies on the conflict in 2005.

¹⁰⁹ Tony Kago, "Clash Killers will face the law, vows Kibaki," *Daily Nation*, Nairobi, Kenya, Jan 25, 2005, pp 1, 4.

the government, under the direction of Dr. Chris Murungaru, Minister of Internal Security, sent a helicopter and security personnel to Maai-Mahiu to restore peace. The security personnel stayed in Maai-Mahiu for about a month to ensure that the conflict did not recur.¹¹⁰ In this case a more, powerful individual than the smallholder farmers attempted to divert water from a source that was deemed critical to the survival of the Maasai herds. While this issue was still in the process of mediation, the Councilor installed an electric pump to divert even more water from this critical source – an apparent disregard for the process that was underway as well as the welfare of those who depend on the water from the river. The confrontation over the diversion of water escalated into violence in which additional parties became engaged, transforming the conflict to one between the Maasai and Kikuyu communities. Some of the casualties, like the four Maasai men that were pulled from public transportation vehicles in the midst of their journeys, had no interests or connection with the matter.

A shopkeeper from Kigecha Shopping Centre, outside of Maai-Mahiu town, spoke of the 2005 conflict as one in which earlier peace efforts were not done in good faith, particularly on the part of the Maasai communities. And so when the government representatives did not take any measures, the Maasai took the opportunity to escalate the violent conflict. It was only through a violent response by the government in which a helicopter killed some Maasai that the conflict ceased. By then, there had been significant losses in life and property for both communities.¹¹¹ Evaline, a female Maasai teacher at Satellite Primary School,¹¹² was not physically present in Maai-Mahiu in 2005 but she has heard about how people fought and about how the helicopter came to Maai-Mahiu.¹¹³ She noted that she has seen the burial place of the

¹¹⁰ Oral Interview, Zacharia K. Igeria, Division Admin. Headquarters, Maai-Mahiu Location, 11th January, 2010.

¹¹¹ Oral Interview, SHKA, Shopping Center outside of town, Maai-Mahiu Location, 12th January, 2010.

¹¹² Please refer to Image 1 in Appendix 3 that shows Satellite Primary School.

¹¹³ Oral Interview, Evaline L., Satellite Primary School, Maai-Mahiu Location, 14th January, 2010.

two Maasai men that were killed during that time as their burial ground is close to the school.¹¹⁴ The researcher was granted a chance to view the burial ground. The gravestones upon which the two Maasai men lay bore the following message: “Here lies a hero of the Maasai community gunned down by government helicopter.”

3.3 Maai-Mahiu in 2007

At the end of 2007, many parts of Kenya were embroiled in post-election violence. Although Maai-Mahiu had experienced conflict in previous years, Maai-Mahiu was calm. Different explanations were offered for the situation. Chief Igeria suggested that the reason for peace was due to the extensive and continued peace efforts from 2005 that had impressed upon people that there was very little to be gained by fighting. He noted that peace in the area was demonstrated by the influx of clash victims from other areas into Maai-Mahiu. In 2009, Maai-Mahiu had about 4000 Internally Displaced Persons (IDPs); some of whom have been integrated into the communities while about 3000 remain in IDP camps.¹¹⁵ Many of these clash victims came from Molo, Eldoret, Narok, and other areas.¹¹⁶ Yet another respondent suggested that the cause for peace lay in the realization of the people of Maai-Mahiu that their leaders had mobilized them to fight for issues that were not in their interests. This realization meant that in 2007, the leaders could not lie to them that there was something to be gained by violent conflict. The intent to maintain peace was even communicated among the communities.¹¹⁷ Other respondents saw the continuation of peace as by the grace of God.¹¹⁸ Yet, others were convinced

¹¹⁴ Please refer to Image 4 in Appendix 3 that shows the grave site of the two Maasai killed by the helicopter.

¹¹⁵ Please refer to Image 5 and Image 6 in Appendix 3 depicting both tents and stone structures at the IDP camp in Maai-Mahiu.

¹¹⁶ Oral Interview, Zacharia K. Igeria, Division Admin. Headquarters, Maai-Mahiu Location, 11th January, 2010.

¹¹⁷ Oral Interview, PNSCH, Karima Secondary School, Maai-Mahiu Location, 12th January, 2010.

¹¹⁸ Oral Interview, John K., Satellite Primary School, Maai-Mahiu Location, 14th January, 2010.

that reconciliation had firmly entrenched itself in the hearts of the people, and hence, conflict was no longer a viable option. A respondent captured this sentiment by exclaiming, “*Amani imeingia kabisa!*” (Loose translation: Peace has been firmly established!). For this respondent, the people of Maai-Mahiu were now concerned with how to move forward as a nation.¹¹⁹

Some of the explanations offered by the respondents gave the impression that peace was actually tentative. One respondent said bitterly, “People did not fight in 2007 because they [Kikuyu] were all in Maai-Mahiu town. There was no one left here to fight!”¹²⁰ Others pointed to the ‘defeat’ of the Maasai by the Kenyan security forces as the cause of the peace. They noted that the Maasai feared the response of the government that had inflicted losses on their community in 2005.^{121/122} But Maasai elders noted that in 2007, the context differed from that of 2005. They noted that in 2007 there was no drought and so the Maasai did not leave to go looking for water in areas that are inhabited by the Kikuyu community. Even when Maasai came from other areas, such as Narok, with talk of conflict, the Maasai from Maai-Mahiu turned them away.¹²³ While the explanations over the lack of conflict in Maai-Mahiu in 2007 vary, all the respondents showed the awareness of conflict occurring in other parts of the country, including in the nearby regions. The majority of respondents attributed the peace to conscious peace efforts between all community members of Maai-Mahiu.

3.4 Impact of Ethnic Conflict in Maai-Mahiu

The ethnic-based conflict in Maai-Mahiu during the years 1991-2005 is estimated to have led to the loss of about 44 lives, the injuries of many of its residents, the displacement of

¹¹⁹ Oral Interview, John K., Satellite Primary School, Maai-Mahiu Location, 14th January, 2010.

¹²⁰ Oral Interview, SHKA, Shopping Center outside of town, Maai-Mahiu Location, 12th January, 2010.

¹²¹ Oral Interview, SHKA, Shopping Center outside of town, Maai-Mahiu Location, 12th January, 2010.

¹²² Oral Interview, Samuel Waititu, Karima Secondary School, Maai-Mahiu Location, 12th January, 2010.

¹²³ Oral Interview, MAM2, Homestead near Satellite Primary School, Maai-Mahiu Location, 14th January, 2010.

thousands of residents, and the loss of millions of shillings worth of property.¹²⁴ Just from the conflict in 2005, the Nakuru court charged about 75 suspects, including a pastor, for their engagement in the violent conflict.¹²⁵ Some of the negative impacts of the conflict in Maai-Mahiu are difficult to capture quantitatively. The following section recounts the experience of some of the respondents noting, in particular, the impact of the conflict on their lives and communities.

Joseph Muhia Kariuki was born in Naivasha where his father worked. He moved to Maai-Mahiu when he completed his studies in 1980. In 2005, he remembers that there was fighting and there was a helicopter that came to Maai-Mahiu. The fighting was between the Maasai and Kikuyu. People were burning houses, beating people and destroying property. He was a victim of this violence. He was severely beaten and was admitted to hospital for three days where he received treatment for his injuries. He sustained deep cuts from a machete and still bears the scars. His house was destroyed in the violence. The security forces came and things calmed down. By then, people's property had been destroyed or looted. People lost their cows, their goats and everything. He has recently been given a two-roomed stone house as part of the efforts to aid those who were victims of the violence. Although he and his family were displaced from their farm during the conflict, he was able to reclaim the land. While his wife and children have resumed living on that land, he has been unwilling to return to it. He does not want to return there because he was the one who was assaulted and injured in the conflict. The experience has scarred him deeply and he described his feelings stating, "I try to go back to the farm but I feel like my heart refuses."¹²⁶

¹²⁴ Tony Kago, "Clash Killers will face the law, vows Kibaki," *Daily Nation*, Nairobi, Kenya, Jan 25, 2005, pp 1, 4.

¹²⁵ Martin Mutua and Beatrice Obwocha, "Mai Mahiu: Maasai leaders protest at killings," *East African Standard*, Nairobi, Kenya, February 25, 2005.

¹²⁶ Oral Interview, Joseph Muhia Kariuki, Maai-Mahiu Town, Maai-Mahiu Location, 11th January, 2010.

A shopkeeper outside of Maai-Mahiu was born in Limuru.¹²⁷ His father was part of a land-buying group that acquired land in Maai-Mahiu. He remembers coming to the area in 1975. In those early years, most of the people who owned land only came to Maai-Mahiu to cultivate the land but they would return to Limuru. His family finally moved to Maai-Mahiu in 1978. During the clashes, his family moved to Naivasha. They now live in Naivasha but he has moved back to Maai-Mahiu because that is where he has his farm and business. Like his family, many people who used to live in the area moved to Maai-Mahiu town and other urban centres. While some time has passed since the violent conflict, many of his former neighbours have not returned which has been difficult for his business. He used to have cattle but they were “looted” in the 2005 conflict.¹²⁸

Samuel Waititu has lived in Maai-Mahiu for the past ten years. He was posted to Karima Secondary School in 1999 at which point he moved to the area with his family. Prior to living in Maai-Mahiu, he was posted to Kericho but left in 1997/1998 due to ethnic-based violence in Kericho. He decided that he would not return to Kericho, so he went to Nairobi to look for work. Despite his experience with ethnic-violence in Maai-Mahiu, his opinion is that he is in a much better situation than when he lived in Kericho, where he could have been the only Kikuyu in a remote village. In Maai-Mahiu there is a significant Kikuyu population and the Maasai live somewhat separately. In Kericho, lack of a significant Kikuyu community made him feel in danger. It is rumored that the 2005 conflict started when a Maasai chief was beaten by some people who alleged that their stolen goats and sheep had been led to his homestead. The people are said to have followed the footsteps of the alleged thief which led them to the Maasai’s chief’s *boma*. They beat him, for the Maasai wanted to avenge the assault of their leader by the Kikuyu

¹²⁷ This shopkeeper like other respondents declined to have their real names used in this study.

¹²⁸ Oral Interview, SHKA. Shopping Centre outside of Maai-Mahiu Town. Maai-Mahiu Location, 12th January, 2010.

farmers. During that conflict, many community members of Maai-Mahiu lost their lives. For those belonging to the Kikuyu community, there was a burial ceremony at St. Peter Church, next to Karima Secondary School.¹²⁹ A monument with about fifteen names was erected to commemorate the lives of those who were killed.¹³⁰ One of those who died was a Karima Secondary School student. One parent was killed at the Karima Primary School compound that is nearby. All in all, two parents of the school's pupils were killed. The killings at and near the school were during a weekend so not many students were present. The school was closed for only two days. However, the conflict resumed within a week causing the school to close for a longer duration. Samuel Waititu, a teacher at Karima Secondary School, was on the school's premises when he got word that armed Maasai were coming in his direction. He walked to the roadside and climbed one of the many lorries that were headed to Maai-Mahiu town. These lorries were those that had gone to get soil and sand for construction and when they realized that the situation was deteriorating they started their journey back to town and along the way they collected other people that were fleeing. Some Maasai were killed by the police and security forces that came to Maai-Mahiu. They are buried further down near their school. Most people that used to live in this area have refused to come back – especially young people. It is very difficult to find a young person that is not a student in this area today.¹³¹

A shopkeeper in Maai-Mahiu town moved to the area from Limuru with her husband many years before. She and her husband are among the congregation of the Catholic Church in the town. She remembers that in 2005, there was fighting between the Maasai and the Kikuyu. During the conflict, the people who were beaten out there in the farms came to town. Others

¹²⁹ Please refer to Image 2 in Appendix 2 showing St. Peter's Catholic Church next to Karima Secondary School.

¹³⁰ Please refer to Image 3 in Appendix 2 showing the missing placard on the monument erected to commemorate the lives lost in the 2005 conflict in Maai-Mahiu.

¹³¹ Oral Interview, Samuel Waititu, Karima Secondary School, Maai-Mahiu Location, 12th January, 2010.

came during the night with the few things they could salvage. A friend of hers came to stay with her after all their property was destroyed. The friend's family from Nairobi had to come to help find her a place to live in Maai-Mahiu town. She was one of the victims from the conflict in 1995. During the conflict in 2005, her husband was killed in the conflict. This loss took a huge toll on her - "*ilikuwa kama kichwa yake iliruka*" (Loose translation: It was like she went crazy). When she arrived in Maai-Mahiu town she had no clothes... nothing! She had to be given every article of clothing. After the conflict of 2005, when her family tried to help her restart her life, she chose not to remain in Maai-Mahiu. It was in this place that she had lost her husband and everything she owned and now that she was much older, she could neither return to the farm nor survive in the town on her own. Her friend ended up moving her to Nairobi for care. In those times, there were many people who moved to Maai-Mahiu town fleeing from their farms. Families in the town took in as many people as they could. In her home, she had five other families living with her during that time. Some of the people who came to Maai-Mahiu town have never left. Others waited as long as six months and then slowly started returning to their homes.¹³²

Michael M. Githinji, of the Curriculum Officer at the David Njenga Memorial Academy in Maai-Mahiu, has worked at the school for the past 28 years. The school currently has about 160 students from Standard One to Standard Eight. Currently, the school has only Kikuyu students with all the Maasai going to their 'own' school called Namuncha. He wishes that his school would have at least one Maasai child who would come and teach the other students that it is possible to live in peace with each other. To achieve this, the school will be taking more

¹³² Oral Interview, IMIF, Maai-Mahiu Town, Maai-Mahiu Location, 13th January, 2010.

aggressive action to recruit students and teachers from within the Maasai community.¹³³ Samuel Waititu of Karima Secondary School confirmed this trend of segregation within the schools that were previously integrated.¹³⁴ John Wanaina is the headmaster of Satellite Primary School that caters for Maasai students. He notes that the Kikuyu who used to live in the area moved to areas in Central Province, Nairobi and elsewhere to work and live. He noted that it is not only the Kikuyu who moved as some Maasai also left due to the 2005 conflict. Many of these people have not returned and Maai-Mahiu has seen its population decrease significantly. Schools that may have catered for over 500 students currently have less than 200 students and many of the school buildings stand empty.¹³⁵ The departure of the population has not only had an effect on the schools because many of those who left transferred their capital and investments to other places. Those who have returned are still hesitant to invest in the development of the area for they fear that it will be taken or destroyed.¹³⁶

The Maasai elders noted that the conflict resulted in the loss of some of the members of their community.¹³⁷ These members were also the heads of several households and so it has added a burden on the rest of the community to cater for the needs of the families who lost their fathers and husbands. During these times, huge numbers of livestock died due to the drought. During the conflict, some of their herds were stolen with some being returned upon reconciliation.¹³⁸

Despite the attempts at reconciliation between the Maasai and Kikuyu communities of Maai-Mahiu, the conflict has created cleavages that are difficult to mend. For instance, a Maasai

¹³³ Oral Interview, Michael M. Githinji, David Njenga Memorial Academy in Maai-Mahiu Town, Maai-Mahiu Location, 13th January, 2010.

¹³⁴ Oral Interview, Samuel Waititu, Karima Secondary School, Maai-Mahiu Location, 12th January, 2010.

¹³⁵ Oral Interview, John Wanaina, Satellite Primary School, Maai-Mahiu Location, 14th January, 2010.

¹³⁶ Oral Interview, PNSCH, Karima Secondary School, Maai-Mahiu Location, 12th January, 2010.

¹³⁷ Respondents referred to as Maasai elders in the study chose not to use their real names in the study as a precondition to their participation.

¹³⁸ Oral Interview, MAMI, Homestead near Satellite Primary School, Maai-Mahiu Location, 14th January, 2010.

elder noted that at some point the Maasai community had noticed an influx in the migration of Kikuyu from other places into Maai-Mahiu, which put them in a state of unease. The Maasai suspected that the Kikuyu were mobilizing to engage the Maasai in conflict but when time passed without any incident, the Maasai saw that maybe this influx did not indicate a change in relations.¹³⁹ In addition to the state of distrust within the two communities, their interaction is still limited. While both communities acknowledge that trade has resumed between the communities, there appears to be little other opportunity to interact, with children being educated in segregated schools. When the researcher inquired on the state of inter-marriages between the Maasai and Kikuyu communities in Maai-Mahiu, it elicited a roar of laughter among a group of Maasai elders. When asked why that suggestion seemed so incredulous, one of the elders explained:

The ones (Kikuyu) here are not friendly. They greet you from far but they don't get together in a meaningful way. The Kikuyu all live together, they talk to you from far. We buy and sell from each other without any trouble, but we don't invite each other to each other's homes to even drink tea the way we are doing now.¹⁴⁰

While the resumption of trade is certainly a step in the right direction, the segregation of these communities is an indication that much work remains to be done.

3.5 Peace-building in Maai-Mahiu

Following the outbreak of conflict in 1995, the Nakuru DC, Mr. Aden Noor Aden, attempted to reconcile the Kikuyu and Maasai communities of Maai Mahiu area that had been in conflict with each other. He first met with the elders of the Kikuyu community at Karima Primary School, then he met with the Maasai community elders at Satellite Nursery School, and

¹³⁹ Oral Interview, John K., Satellite Primary School, Maai-Mahiu Location, 14th January, 2010.

¹⁴⁰ Oral Interview, MAM2, Homestead near Satellite Primary School, Maai-Mahiu Location, 14th January, 2010.

finally with both groups together. The meetings resulted in five resolutions that the communities would self-administer in the effort to end hostilities. Mr. Aden Noor Aden commented on the results of the meetings noting:

It is now up to the members of the two communities living in the area to observe the terms of the agreement. That they were well represented in the talks makes it easy for them to do this and they should realize that it is for their mutual benefit. It is their lives, that of the members of their families, and their livestock that will be saved.¹⁴¹

These peaceful efforts took only one day after which the communities were left to enforce and implement the agreements made during this meeting. The recurrence of conflict in the area in which the causes were similar indicates that this effort at peace building was insufficient to secure positive peace in Maai-Mahiu.

In 2005, the conflict in Maai-Mahiu proved even more devastating than that of 1995. In 2005, the government responded by sending security forces to the area to secure the peace. A task force composed of local police, regular administrative police, General Service Unit officers, and a special Rapid Response Unit from Nairobi led the operation in Maai-Mahiu. Using force and other methods, they restored the calm between the Maasai and Kikuyu communities in the area.¹⁴² To address long-term security concerns, two administrative police posts and an anti-stock theft unit of 42 officers were brought into the Nyakinyua area where much of the conflict took place.¹⁴³

In addition to the use of force to restore stability, there was also the use of peace meetings that sought to reconcile the communities. Non-Governmental Organizations (hereafter NGOs) and the provincial administration came together through *barazas* (community meetings) and inter-district initiatives. The participants of these peace meetings were church leaders, provincial

¹⁴¹ "Good work Mr. DC," *East African Standard*, Nairobi, Kenya, January 15, 1995, p 8.

¹⁴² Tony Kago, "Clash Killers will face the law, vows Kibaki," *Daily Nation*, Nairobi, Kenya, Jan 25, 2005, pp 1, 4.

¹⁴³ Oral Interview, Zacharia K. Igeria, Division Admin. Headquarters, Maai-Mahiu Location, 11th January, 2010.

administration personnel, youth representatives, elders, members of the business community, and NGOs. During these peace meetings they talked about the future interaction between the two communities and how to move forward. The main topics of these peace meetings were security and peace making. The outcome of the meetings was a common agreement among the participants that they did not want conflict to return to Maai-Mahiu. Those organizing the peace meetings represented the diversity of Maai-Mahiu and they demonstrated their willingness to work together and play the role of ambassadors of peace.¹⁴⁴ Kariuki was among the Maai-Mahiu residents that attended the peace meetings in which they talked about co-existing peacefully. In his opinion, the results of such meetings are limited because the youth that do not have work are the most vulnerable because they will do anything for money – including participating in the violence.¹⁴⁵ These meetings seemed to vocalize the desire for peace in the area amongst its residents. However, the efforts did little in the way of addressing the factors that made the community vulnerable to the mobilization by those who had money and power.

Several initiatives were taken to assist the victims of the conflict. Among them was an initiative by Naivasha's former MP, Jane Kihara, whose project aimed to build homes for those who were in need. The project identified about 100 candidates that needed housing, but she was only able to build houses for 30 people before she lost her seat in parliament.¹⁴⁶ The houses are built of stone with corrugated sheeting roofs and have two rooms. Joseph Kariuki, one of the respondents, is a recipient of such a house.¹⁴⁷ Yet another initiative was the digging of two boreholes by a religious NGO that was aimed at resolving some of the issues of water in 'Maasai

¹⁴⁴ Oral Interview. Zacharia K. Igeria, Division Admin. Headquarters, Maai-Mahiu Location, 11th January, 2010.

¹⁴⁵ Oral Interview, Joseph Muuhia Kariuki, Maai-Mahiu Town, Maai-Mahiu Location, 11th January, 2010.

¹⁴⁶ Oral Interview, Zacharia K. Igeria, Division Admin. Headquarters, Maai-Mahiu Location, 11th January, 2010.

¹⁴⁷ Oral Interview, Joseph Muuhia Kariuki, Maai-Mahiu Town, Maai-Mahiu Location, 11th January, 2010.

land'.¹⁴⁸ As Michael Githinji put it, "The fight was good because someone dug two boreholes and since then there has been no problem. It is very cordial in this area now."¹⁴⁹ There were initiatives taken in Maai-Mahiu that sought to address some of the underlying causes of conflict, and others that sought to address the needs of the victims in the conflict. As Kariuki notes, the conflict may have had some positive implications by moving along actions that may restore stability and maintain peace.

The effectiveness of the peace-building efforts in Maai-Mahiu were judged differently by different respondents. There were some that saw the peace efforts taken merely as a method to enrich the supposed peacemakers.¹⁵⁰ Others doubted the longevity of the peace as the efforts had ignored the more complex causes of the conflict. The Maasai elders noted that the peace is pending in Maai-Mahiu until more concrete actions are taken in regard to the problems of land. For them, the water issue is seasonal as there are times when rain is plenty, but they were sure that the next drought would cause Maasai to go toward the Kikuyu area again seeking water and pasture.¹⁵¹ Others doubted that the initiatives would maintain the peace because it was the politicians and leaders that were the ones mobilizing people to protect their own interests. As long as these leaders took on such approaches, the efforts were only effective until the next leaders who wanted to stir things came along.¹⁵²

Other members of Maai-Mahiu community were more optimistic about the gains that had been made and the prospects of peace, perhaps with some reservations. One respondent, a female Kikuyu shopkeeper in Maai-Mahiu Town who chose anonymity, noted that because in all the

¹⁴⁸ Oral Interview, MAM1, Homestead near Satellite Primary School, Maai-Mahiu Location, 14th January, 2010.

¹⁴⁹ Oral Interview, Michael M. Githinji, David Njenga Memorial Academy in Maai-Mahiu Town, Maai-Mahiu Location, 13th January, 2010.

¹⁵⁰ Oral Interview, Samuel Waititu, Karima Secondary School, Maai-Mahiu Location, 12th January, 2010.

¹⁵¹ Oral Interview, MAM1, Homestead near Satellite Primary School, Maai-Mahiu Location, 14th January, 2010.

¹⁵² Oral Interview, John Wanaina, Satellite Primary School, Maai-Mahiu Location, 14th January, 2010.

cases the aggressors in the conflict were Maasai, she could not be entirely sure that conflict would not recur. However, she noted that there was a significant change in the mindset of the Maasai after the 2005 conflict.¹⁵³ According to a farmer in Maai-Mahiu, “It is like there was something in their heads that left them so now even though the Chief is Kikuyu, they have no problem.¹⁵⁴” Another interviews showed confidence that the conflict seen in 2005 would not return to Maai-Mahiu, although there may continue to be misunderstanding and distrust among the communities. He gave the following example, “The other day a thief went to their [Maasai] place and stole some cash with AK-47s. When asked, they will say it is Kikuyu – but it is just a thief like any other place.¹⁵⁵” One interviewee responded to the question of whether conflict has ended in Maai-Mahiu by saying:

People will not know for sure that the fighting is really over... all they know is that now there is time for peace. Just like when a woman is beaten by the husband - he doesn't beat her all the time. When he is not beating her, she knows peace until he does it again. But what can she do? She stays hoping the times of peace will continue.¹⁵⁶

While there are differing views on the effectiveness of the peace building efforts toward bringing about true reconciliation amongst the Maasai and Kikuyu communities, it appears that the measures taken by the community, government authorities, civil society organizations, and security forces in 2005 contributed to a situation of negative peace in Maai-Mahiu in which there was no longer overt violent conflict despite not addressing the causes of violence. This is shown by the fact that, while the rest of the country was rocked by conflict following the elections of 2007, Maai-Mahiu was in some ways an oasis of peace where even some of those displaced by violence in the nearby areas could seek refuge. Even today, there is a significant IDP population

¹⁵³ Oral Interview, IMIF, Maai-Mahiu Town, Maai-Mahiu Location, 13th January, 2010.

¹⁵⁴ Oral Interview, PNSCH, Karima Secondary School, Maai-Mahiu Location, 12th January, 2010.

¹⁵⁵ Oral Interview, Samuel Waititu, Karima Secondary School, Maai-Mahiu Location, 12th January, 2010.

¹⁵⁶ Oral Interview, Joseph Muuhia Kariuki, Maai-Mahiu Town, Maai-Mahiu Location, 11th January, 2010.

in Maai-Mahiu. The inability to achieve a positive peace in Maai-Mahiu is due to the reluctance to address the very complex grievances around land, politics, and equitable access to the area's natural resources to support variant livelihoods.

3.6 Conclusion

In examining the conflict between the Maasai and Kikuyu communities in Maai-Mahiu, it is clear that water and land for pasture tended to be the proximate triggers that escalated into the violent conflicts seen in 1992, 1993, 1995, 1997 and 2005. The Maasai community tended to be depicted as the aggressors in the conflict following incitement by political leaders. These political leaders made promises that the Maasai community, through violent conflict and the displacement of the Kikuyu community, would be able to reclaim their 'traditional' lands or ensure the removal of threats against their livelihoods. The conflict in Maai-Mahiu has negatively impacted the communities. The immediate impact has been the loss of life and property in both Kikuyu and Maasai communities. There have been some long-lasting impacts from the conflict, such as the reluctance of people to return to their places of habitual residence, and the continued segregation in schools. In some sense, the outbreak of conflict has brought attention to Maai-Mahiu and thus the intervention of other parties seeking to ameliorate the situation. An NGO dug bore holes to address the issue of access to water for the Maasai community, and additional administrative police posts were established to respond more efficiently to situations that may act as triggers to conflict. While these interventions have been a part of other efforts toward peace-building in Maai-Mahiu, none have comprehensively addressed the underlying issues that the communities have identified as grievances. This has meant that while Maai-Mahiu did not have conflict in 2007, those in the community acknowledge the possibility of more conflict in the future if the complex issues around land,

politics, and natural resources are not addressed. Having elaborated on the narrative of the Maai-Mahiu conflict, understanding the actors, actions and impact, the analytical process of determining which of the factors identified did have a causal impact on the conflict is possible.

CHAPTER FOUR

CAUSES OF ETHNIC CONFLICT IN MAAI-MAHIU

4.0 Introduction

The Akiwumi Report that inquired into the tribal clashes in Kenya notes the conflict that occurred in Naivasha districts between the Maasai and Kikuyu communities. According to the Akiwumi Report, the conflict erupted in a climate of rampant stock thefts in the area in which the Kikuyu and not the Maasai were victims. In this climate, a Maasai who was suspected of being a stock thief was killed. Three Kikuyu men suspected to be the killers of the Maasai man were arrested, arraigned in court for murder, but were eventually acquitted. According to the report, this result was displeasing to the Maasai who, in retaliation, attacked and killed three Kikuyu in broad daylight at Kigecha farm. Those involved in this attack and murder were never identified nor arrested. Three days after this incident the Maasai invaded Kigecha village again; they burned several houses and grain stores, killed at least ten people and injured several others, all Kikuyu. It is noted in the Akiwumi report that, despite the area being inhabited by other communities such as the Kisii and Luo, only the Kikuyu were affected, which seemed to indicate a political motive.¹⁵⁷ The report focused mostly on the conflict between the Kalenjin, Luo and Kikuyu communities. While it examines the conflict in Naivasha, it notes that the Maai-Mahiu conflict does not fit within the larger discussion of violence and displacement as a means of disenfranchising voters. Yet, it is unable to come to any conclusion on the causes of conflict. The research into this conflict has established some of the probable causes of conflict as rising from water and natural resource management issues, land, ethnic hatreds and politics. The following

¹⁵⁷ Hon. Mr. Justice A.M. Akiwumi "Report of the Judicial Commission appointed to inquire into tribal clashes in Kenya: Rift Valley Province" also known as The Akiwumi Report, *The Daily Nation*, 1999, pp 51-2.

sections analyses each of these causes to determine which of them contributed to the recurrence of violent conflict in Maai-Mahiu.

4.1 Water and Natural Resource Management

The Maasai elders interviewed noted that the Maai-Mahiu area is suitable to herding, but suffered from periods of drought from time to time. As such, water is a scarce resource during the dry season. For them, the conflict in Maai-Mahiu has been about water – in particular, access to water. Over the years, the Maasai of Maai-Mahiu have seen the population in the plains grow as the Kikuyu, who inhabited the escarpment, moved to the plains in search of land. With the increasing population, the existing water points faced increasing pressure and conflicting claims by both communities that the water points belonged to them.¹⁵⁸ The veracity of water as the underlying factor is supported by the fact that the major conflicts in Maai-Mahiu are not directly related to the election period, but rather when the area is facing drought. During these times, the Maasai move from their regular areas in search of water that is close to the base of the mountain – an area that the Kikuyu inhabit. This journey is often taken with large herds of cattle and they are difficult to control and so they sometimes move into the farms of the Kikuyu and eat the crops growing there. The Kikuyu become displeased with this and, in turn, deny the Maasai water and thus there is conflict.¹⁵⁹

Some have argued that it is the Kenyan Government's inability to effectively manage the country's fast-dwindling natural resources that is the root cause of the land and water-related conflicts as seen in the Maai Mahiu area of the Rift Valley Province.¹⁶⁰ Experts note that the common thread in many of the 'water wars' of the world is that the traditions, conventions,

¹⁵⁸ Oral Interview, MAM2, Homestead near Satellite Primary School, Maai-Mahiu Location, 14th January, 2010.

¹⁵⁹ Oral Interview, MAM1, Homestead near Satellite Primary School, Maai-Mahiu Location, 14th January, 2010.

¹⁶⁰ John Mbaria, "Clashes Blames on Poor Resource Management," *East African Standard*, Nairobi, Jan 31, 2005.

rights, treaties, and administrative regulations are often outdated, or contradictory, which makes the conflicts difficult to manage or resolve.¹⁶¹ Even with effective management, the task is made all the more difficult by the dwindling of water as a resource in many areas. In Kenya, catchment degradation due to factors, such as poor farming methods, population pressure and deforestation have increased the scarcity of water in real terms.¹⁶² Nonetheless, experts agree that water is never the major cause of conflict.¹⁶³

While the Kenyan government had initially attributed the conflict in the Maai-Mahiu area to increased competition over the waters of the Ewaso Kedong river, it later emerged that the conflict may have had more to do with competition over land and the theft of livestock.¹⁶⁴ The so-called 'water war' in Maai-Mahiu is more likely triggered by changes in land-use that may have coincided with changes in land ownership.¹⁶⁵ The conflict in Maai-Mahiu in 2005 appears to follow the same pattern as the conflict that rocked the same region in 1995, save for the triggers. The conflict in 1995 started over the death of a Maasai herdsman responding to the alarm by a Kikuyu farmer. The conflict in 2005 began due to the alleged blocking of the Ewaso Kedong River by a Kikuyu Councillor whose farm is on the boundary of Kiambu, Nakuru and Kajiado districts. The farms affected in 2005 are the same as those of 1995 – Karima, Kigecha, Satellite, Kamathatha, Utheri wa Lari, Nyakinyua, Eleri and Gitumba. The Nakuru Catholic Diocesan Justice and Peace Commissioner, Ernest Murimi, claims that, although the Ewaso Kedong River was cited as the cause of the clashes, the affected farms were far from the disputed

¹⁶¹ Imre Loeffler, "Potential for Conflict over Water Great," *Daily Nation*, Nairobi, August 9, 2005, p 9.

¹⁶² Daniel Kimani and Damaris Mungai, "Isn't IWRM the answer to conflict resolution: A case study of water conflict at Ewaso Kedong River catchment. Kenya," *Water Net*, p 6.

¹⁶³ *Ibid* p 2

¹⁶⁴ John Mbaria, "Clashes Blames on Poor Resource Management," *East African Standard* Nairobi, January 31, 2005.

¹⁶⁵ Imre Loeffler, "Potential for Conflict over Water Great," *Daily Nation*, Nairobi, August 9, 2005, p 9.

intake point.¹⁶⁶ This means that the farmers and herdsmen, living around Nyakinyua farm that became the victims of the conflict, were not among the parties competing for increased access to the water of Ewaso Kedong.

Another way to verify the importance of water as a cause of conflict in Maai-Mahiu is to determine if a causal relationship exists between drought and conflict. In March 1999, the vast Longonot-Maai Mahiu area of Nakuru District was facing a prolonged dry spell that resulted in acute shortage of food and water. Hundreds of residents from the area flocked to various water points in hope of getting water for their consumption and use, as well as water for their animals. The number of people seeking water increased due to the arrival of Maasai herdsmen from Kajiado and Narok in search of pasture. Some of the areas worst hit by this drought are Nyakinyua, Karima, Munengi, Kigecha, Larea, Kiambogo, Mirera and Haraka farms. There are many times when even some of the people who are queuing here [Longonot trading centre water point] go home without water and their animals have nothing to drink.¹⁶⁷ The drought during this time did not cause the communities to engage in violent conflict with each other, indicating the non-existence of a causal relationship between drought and conflict. As such, expert opinion holds that water is not the major cause of conflict in Maai-Mahiu. According to the research conducted by Kimani and Mungai, the conflict surrounding the Ewaso Kedong River may have been partially about water, but other factors such as politics, institutional frameworks, policy issues, environmental degradation and land ownership contributed greatly. Hence, efforts, such as those in 2005 in which President Mwai Kibaki in conjunction with an NGO called Living

¹⁶⁶ Michael Njuguna. "Battles Echo 1995 Killings over Pasture," *Daily Nation*, Nairobi, January 25, 2005, p 5.

¹⁶⁷ Watoro Kamau, "Nakuru District Fails to Escape Impact of Drought," *Daily Nation*, Nairobi, March 18, 1999, p 22.

Water International provided two wells that were named “peace wells” are rather shortsighted as they do not address the causes of the conflict.¹⁶⁸

Analysts argue that the conflict in Maai-Mahiu is an indication that Kenya may be beginning to reap the bitter fruits of misuse of natural resources, especially the unequal apportioning of commonly held resources. The existing situation lends itself to decreased social cohesion and clashes in places where Kenya’s five main water towers – Cherangani Hills, Mau Forest Complex, Mt. Kenya, the Aberdares and Mt. Elgon – continue to lose the ability to sustain the year-long flow of rivers and streams. Increasingly, Kenya is becoming a water stressed country and that is threatening the survival of millions of Kenyans. In Naivasha, for example, the public has very little access to the waters of Lake Naivasha due to the activities of large-scale ranchers and horticulturists.¹⁶⁹ With the scarcity of water as a natural resource, politics have played a central role in water rights and allocation. When one looks at those who rely on the Ewaso Kedong River, one can see a sharp distinction between those with power and the majority of the residents, with the former maintaining the lion’s share of the water available.¹⁷⁰ During dry spells, the ‘have-nots’ are not only left without water, but they also bear the brunt of the conflict that ensues. In the 2005, conflict for instance, the trigger for the violence was an attempt by a Councillor who owned a farm spanning into almost four Districts to divert water into his farm for irrigation. When members of the Maasai community acted to prevent his actions, the Kikuyu Councillor mobilized members of his ethnic community to act against members of the

¹⁶⁸ Daniel Kimani and Damaris Mungai, “Isn’t IWRM the answer to conflict resolution: A case study of water conflict at Ewaso Kedong River catchment, Kenya,” *Water Net*, p 12.

¹⁶⁹ John Mbaria, “Clashes Blames on Poor Resource Management,” *East African Standard*, Nairobi, January 31, 2005.

¹⁷⁰ Daniel Kimani and Damaris Mungai, “Isn’t IWRM the answer to conflict resolution: A case study of water conflict at Ewaso Kedong River catchment, Kenya,” *Water Net*, p 11.

Maasai community. In the end, it was smallholder farmers, like Joseph Kariuki, a respondent in the study, who was cut with machetes, and displaced from his home.

4.2 Land

For many in Maai-Mahiu, the claims that water was the cause of the conflict are discredited, but they note the conflicting claims over land in the area. The Maasai say the land is their birth-right.¹⁷¹ During times of conflict, the rhetoric is often that the Maasai want to reclaim the land that is 'theirs'. The Kikuyu of the area dispute this claim noting that they are the rightful owners of the land and have the land titles to prove it. Further, they note that the Maasai were never denied the opportunity to buy the land and could have done so just as the Kikuyu did. However, the Kikuyu are accused of taking from the whites land that had been stolen.¹⁷² The more regular complaints are by Kikuyu who see the Maasai as taking undue liberties with their property. As one interviewee notes:

When Maasai let the animals on the shamba (farm), there is conflict. They [Maasai] bring the animals during the night and in the morning you find there is nothing on the shamba after about 1000 cows have been eating. They know they are doing wrong that is why they come at night. This happens when the animals have little grass. That is when they do that.¹⁷³

The interviews indicated that there are competing notions over the ownership of land in which the Maasai feel that the land is historically theirs and taken from them unjustly, while the Kikuyu feel that they legitimately and lawfully own the land for which they have titles. This complicated issue is seen as the core grievance in the Maai-Mahiu community.

¹⁷¹ Oral Interview, MAM2, Homestead near Satellite Primary School, Maai-Mahiu Location, 14th January, 2010.

¹⁷² Oral Interview, SHKA, Shopping Center outside of Maai-Mahiu Town, Maai-Mahiu Location, 12th January, 2010.

¹⁷³ Oral Interview, Samuel Waititu, Karima Secondary School, Maai-Mahiu Location, 12th January, 2010.

According to Chief Igeria, the land in the Maai-Mahiu area was bought by a land-buying society from the European settlers. Most of these societies in the area have since sub-divided the land into parcels, so all the members could get a title for their piece. The exception is Nyakinyua farm in which much of the conflict erupts. The problem of that society has been with the leadership. The directors formed three different splinter groups and in the disorganization, people started to grab land, to trespass and squat on the land. Some of these squatters established permanent homesteads and it became increasingly difficult to determine to whom the title deeds would be granted. As such, few people in that farm have title deeds.¹⁷⁴

Like Nyakinyua farm, much of the land in which the Kikuyu community inhabits was purchased in the '70s through land buying companies; however, they remained largely inhabited for many years due to the area's arid climate. As a result, the herdsmen of the areas, who are largely Maasai, continued to use the area as a corridor, through which they drive their animals in search of water and pasture, to Naivasha and other parts of Nakuru and Nyandarua Districts. The farmers, claiming the animals destroy their crops and fences, have raised objections to the use of the area as a corridor. The farmers' claims are based on the legitimacy of land titles and tenure. The pastoralists make the claim that this land was once theirs and they have an entitlement to land, water and other resources necessary for their livelihoods. This situation is further exacerbated by the advanced agricultural enterprises in the Narok and Kajiado districts. In those areas, landowners have leased their land to companies that grow commercial grain. As a result, the pastoralists of that area have diminished available land for grazing their animals. Consequently, the pastoralists from those districts have to rely on the nearby districts for pasture. For example, in Narok the number of hectares used to grow wheat increased from 50,000 in 2001

¹⁷⁴ Oral Interview, Zacharia K. Igeria, Division and District Administrative Headquarters, Maai-Mahiu Location, 11th January, 2010.

to 52,750 in 2002. Similarly, the number of hectares used to grow barley grew from 11,000 in 2000 to 22,000 in 2002. Furthermore, some of the herdsmen are employees of politicians and other influential persons in Narok and Kajiado who see the blockage of the animal corridors to Nakuru as a threat to their economic interests.¹⁷⁵

Land is an issue that fuels conflicts in Maai-Mahiu as there are competing claims over the use of land, ownership of land, legitimacy of land tenure systems. In terms of use, the Kikuyu's sedentary agricultural practices have reduced the reserve pasture lands that the Maasai have long relied upon during dry seasons. In terms of ownership and legitimacy of land tenure systems, the Maasai claim that they have occupied the land in Maai-Mahiu for hundreds of years; that European settlers wrongly stripped them of their ownership; and that subsequent Kenyan administrations have neglected to correct the situation, but rather established land tenure systems that disadvantage the Maasai. On the other hand, the Kikuyu claim that they, too, suffered the consequences of the colonial experience and were alienated from the land they 'traditionally' occupied; that even when Independence came they did not get their land back; and that it is through hard work that they have bought land in Maai-Mahiu with title deeds as evidence of their ownership. The elite from both communities seeking to expand or maintain their influence or wealth have exploited these grievances. These issues place land as a probable cause of conflict in Maai-Mahiu.

4.3 Ethnic Hatred

During the conflict, the rhetoric of belonging is also at play in which 'outsiders' of the Rift Valley are asked to return to their 'homes'. In an analysis done by Horance Gisemba that

¹⁷⁵ Michael Njuguna, "Battles Echo 1995 Killings over Pasture," *Daily Nation*, Nairobi, January 25, 2005. p 5.

maps the settlement of these 'outsiders' as having arrived in four waves. he argues that this long-standing presence in the area is proof that these 'outsiders' have had a place in the Rift Valley and that the prevailing opinion of 'traditional lands' should acknowledge the reality of this historical process.¹⁷⁶ Osamba addresses this argument noting:

It would appear that whether a group of Kikuyu had stayed in a non-traditional Kikuyu area for successive generations is irrelevant to the de jure claimants of such land. It is the Kikuyu's expansionist tendency, inherent in their land tenure system, that has landed them in problems with other Kenyans: the warlike peoples of Rift Valley and the relatively peaceful but silently complaining peoples of Coast Province.¹⁷⁷

This argument suggests that relations between the communities in Maai-Mahiu have been strained by the actions that appear to be inherent practice of the Kikuyu to move outside of their 'traditional' areas. Furthermore, it notes that the populations in the areas in which they moved have a predilection for war. This may be an indication that perhaps the causes of the conflict are inherent in the ethnic identity of the groups involved.

Osamba categorizes the Kikuyu as an enterprising community whose geographical proximity to the colonial settlers exposed them to the money economy, and provided them the opportunity to receive formal education earlier than other Kenyan communities. This same proximity to the settlers also meant that they lost a large portion of their productive land in the formation of what became the White Highlands. This displacement compelled the Kikuyu to either move to the urban areas in search of new livelihoods, or to become squatters in settler farms in the Central and Rift Valley Provinces. In combination, these factors have contributed to the outward looking quality of the Kikuyu who are prepared to venture out of their "traditionally

¹⁷⁶ Horance Njuguna Gisemba. "Kenya: A Short History of Land Settlements in the Rift Valley" *AllAfrica Global Media*. May 15, 2008. <http://allafrica.com>.

¹⁷⁷ Oucho, J (2002). "Undercurrents of Ethnic Conflict in Kenya." *African Social Studies Series volume 3*, Boston: Brill. p 136.

ethnic territory". The success of the Kikuyu, agues Osamba, is a cause of much chagrin by the other "indigenous" groups in the areas in which they have ventured.¹⁷⁸

For some of the Kikuyu, this animosity is confounding. This sentiment is expressed by one of the residents of Maai-Mahiu:

When you go ask the Kikuyu, they say the Maasai don't like them but then you wonder how the conflict got so big because the Kikuyu and Maasai are one... they even intermarry. We knew they were friends. Maasai are herders. Kikuyu are farmers. The Maasai wanted the Kikuyu to stay in the area of farming and not herding. But you know Kikuyu, they want to be in all businesses but Maasai wanted herding to stay their work.¹⁷⁹

This response captures that enterprising spirit that Osamba attributes to the Kikuyu, which may have caused tensions. The response also invokes another reality – that the Kikuyu and Maasai have co-existed and even had good relations for many years.

The close relationship between the Maasai and Kikuyu is captured in an extensive article in the East African Magazine. The Kikuyu, as written by Louis Leakey in *The Southern Kikuyu before 1903*, were a matrilineal society in which descent, identity, and inheritance was derived from the mother's line. Women in this society played a significant role in governance as well. The strongest evidence for this societal arrangement is in the traditional belief that Kikuyu are the descendants of Mumbi who took a husband, Gikuyu, and produced nine daughters (Wanjiru, Wambui, Njeri, Wanjiku, Nyambura, Wairimu, Waithira, and Wangui). *Ngai* (the Kikuyu term for God) provided nine men as mates for Gikuyu's and Mumbi's nine daughters under the stipulation that they would live under a matriarchal system. Yet, at some point, this system changed to a patrilineal system in which descent, inheritance and governance was determined by the father's line. Some speculate that this change in Kikuyu society occurred due to the close

¹⁷⁸ Joshia Osamba, "The Dynamics of Ethnopolitical Conflict and Violence in the Rift Valley Province of Kenya," *Nationalism and Ethnic Politics* vol 7 no. 4 Winter 2001. p 100.

¹⁷⁹ Oral Interview. IMIF. Maai-Mahiu Town. Maai-Mahiu Location. 13th January. 2010.

interaction they had with the Maasai, a patriarchal and pastoralist society. This influence is seen by the existence of two “guilds”, a term coined by Leakey, that followed two different ceremonial systems: the *Gikuyu* guild and the *Ukabi* guild. The *Ukabi* guild is of particular interest because the term for Maasai is *Mukabi* (plural *Akabi*). This seems to refute claims that these communities have been enemies for all of their existence. Rather, history seems to indicate that there were plenty of positive and mutually beneficial interactions some of which included trade, adoption of children during times of drought, marriage, and peace treaties that were respected for decades. Yet, this did not mean that the communities did not engage in conflict with one another. However, during times of conflict there were commonly accepted rules of engagement that were strictly adhered to by both sides. For example, it was strictly taboo for any warrior to have sexual relations with a Maasai female captive as he had to behave toward her like a sister. Furthermore, as raiding was integral to both Kikuyu and Maasai cultures, Kikuyu were as likely to raid other Kikuyu as they were to raid Maasai, and vice versa. Periods of peace in which communities visited each other were common. However, these communities resumed raiding when one, or both of the sides, saw that their interests might be served.¹⁸⁰ The Maasai and Kikuyu relationship was neither as full-time enemies, nor as full-time allies. They had conflict as well as peace with each other. What is clear is that they have had a long-standing relationship and have lived with each other as separate and distinct communities.¹⁸¹ This refutes any argument that the conflict in Maai-Mahiu is due to some ancient ethnic hatred that has persisted to modern-day Kenya.

¹⁸⁰ “The Kikuyu and the Maasai: Strange Misunderstood Relationship,” *East African Magazine*, Nairobi, January 5-11 2009.

¹⁸¹ Godfrey Muriuki. *A History of Kikuyu 1500-1900*, Nairobi: Oxford University Press, 1974, pp 86-88.

4.4 Role of Politics in the conflict

In the examination of the factors that may have contributed to the conflict in Maai-Mahiu, the political factor emerged as a prominent cause of conflict. According to one of the residents of Maai-Mahiu:

The conflict in 1995 and 2005 is because of kikabila¹⁸². Before, when I was young, we [Maasai and Kikuyu] were good friends. Lakini kikabila iliingia! (Loose translation: But tribalism came into play) Kikabila is when a person comes and separates the tribes. They come and say, 'this person is bad... this person is taking advantage of you' and such things. Before, it was not like that.¹⁸³

Another resident of Maai-Mahiu supported this argument noting:

The problem is not from the people of here. It is incitement. You are told, 'If we win, that shop... that land... will be yours!' The people of politics coming from Narok, Kajiado and other places are the ones doing this. The Maasai who come from far to graze, because they keep moving around searching for pasture for their animals, incite the ones living here to have larger grazing areas.¹⁸⁴

A respondent even named Hon. William Ntimama as one of these leaders who are purportedly involved in the incitement of Maasai to violent action.¹⁸⁵

Jackie Klopp seeks to illustrate the ways in which leaders have used and ethnicized land disputes in Kenya. She cites the example of the conflict between Maasai and Kikuyu in Narok North Constituency in which there was competition between agriculturalists purchasing land and pastoralists who needed it for grazing. In 1992, as new parties emerged, the incumbent mp and a member of the KANU government ole Ntimama, utilized the real tension about land in his constituency for political mileage. Despite being a large-scale farmer himself and his encouragement of land sales in the area, he presented himself as a champion of the pastoralist

¹⁸² Kikabila is the Swahili word for 'Tribalism'. It is a derogatory term for the behaviors and attitudes that stem from one's loyalty to one's own tribe in relation to 'other' tribes.

¹⁸³ Oral Interview. Joseph Muuhia Kariuki. Maai-Mahiu Town, Maai-Mahiu Location. 11th January, 2010.

¹⁸⁴ Oral Interview. PNSCH. Karima Secondary School, Maai-Mahiu Location, 12th January, 2010.

¹⁸⁵ Oral Interview. SHKA. Shopping Center outside of Maai-Mahiu Town, Maai-Mahiu Location, 12th January, 2010.

Maasai. His main opponents, Lempaka and Tiampata, were Maasai as well, but both sought to build alliances with the Kikuyu community within the constituency. Ntimama's campaign sought to define the small-scale Kikuyu farming community in Narok as foreigners and troublemakers who were the cause of the Maasai community's problems. He argued that should a Kikuyu-led opposition party come to power, all Maasai land would be taken by 'others'. Irrespective of whether or not Ntimama directly led the violence that followed, "by cleverly ethnicizing competition for land, Ntimama helped raise the stakes of the election and gave its outcome a particular local meaning. A KANU win meant preserving land in the hands of Maasai; a loss, more land alienation....the fear of retribution by those locals involved in the violence, as well as Ntimama's new reputation as a "strong leader,"

helped create a cohesive local constituency around him. The ability to "deliver Maasai votes" increased Ntimama's bargaining strength [at the national level]."¹⁸⁶ Klopp's analysis describes the gains that a politician may make by exploiting grievances over issues, such as land and other resources in order to gain political mileage. The exploitation of these grievances takes a dangerous turn when leaders mobilize their followers to engage in violence.

This process of mobilizing residents by politicians is well recognized by those who live in Maai-Mahiu. As one resident explained:

The leaders are the ones coming in with such talk. The leaders get together and make their arrangements to pay youth to engage in these activities. Just the way we are sitting here today in this café discussing our things; that is how they come. It is poverty that brings the youth to participate. The people who want to make a little something will continue to take money and be mobilized.¹⁸⁷

Yet, even this vulnerable section of population has its limits. One resident credits the timing of the conflict to the amount of time that is needed to pass in order for politicians to successfully

¹⁸⁶ Jacqueline M. Klopp and Elke Zuern. "The Politics of Violence in Democratization: Lessons from Kenya and South Africa." *Comparative Politics*, January 2007, pp 138-9

¹⁸⁷ Oral Interview, Joseph Muuhia Kariuki, Maai-Mahiu Town, Maai-Mahiu Location. 11th January, 2010.

incite people to engage in violence. According to this resident, if the politicians and elites try to mobilize people soon after a conflict, they will meet resistance from those who have suffered huge losses from the violence and are unable to equate the risk with the gains being offered.¹⁸⁸ It is clear that the politicians and elites exploit the grievances of the common man with promises of an improvement in their situation. The fact is that the grievances of the common man existed even as the communities co-existed, and will likely continue to exist after many of the promises of the politicians and elites go unfulfilled. As such, the existence of grievances is a necessary but insufficient explanation for the conflict between the Maasai and Kikuyu communities of Maai-Mahiu. Therefore, it has required the 'ethnicization' of grievances about land and water to move the people to take up arms against each other. This leads to the conclusion that the major factor behind the conflict in Maai-Mahiu is the exploitation of grievances about land and water by politicians and the elites.

4.5 Conclusion

The conflict in Maai-Mahiu diverges from the pattern of violence and displacement as a means of disenfranchising voters that is seen in Kenya. In examining the likely causes of conflict, evidence of long periods of peaceful coexistence between the Maasai and Kikuyu communities in Maai-Mahiu discredits the claim that 'ancient ethnic hatreds' caused the conflict. It was demonstrated that there is a correlation between drought and increased likelihood of conflict in Maai-Mahiu. However, water as a natural resource on its own is unable to cause conflict. This is seen by the periods of drought in which the Maasai and Kikuyu communities continued to live peacefully. Rather, it is likely that changes in land use that coincided with

¹⁸⁸ Oral Interview, PNSCH, Karima Secondary School, Maai-Mahiu Location, 12th January, 2010.

changes in land ownership are even more important factors in the conflict in Maai-Mahiu than water. Respondents from both communities repeatedly identified issues about land as the cause of conflict in the area. However, as the issues over land have never been resolved, it stands that 2007 presented another opportunity for conflict to recur. Yet, the peace in Maai-Mahiu points to the issue of mobilization as an important factor in understanding the cause of violent conflict. Politics, in combination with grievances over land and water, offered the most probable cause of ethnic violence in Maai-Mahiu. The mere existence of grievances constitutes a necessary, but insufficient, factor in the understanding of ethnic conflict in Maai-Mahiu. Politicians exploited the continued existence of grievances over land and water among the Maasai and Kikuyu communities in Maai-Mahiu. These grievances were used to mobilize ethnic communities into violence. Conflict escalated to levels of only when mobilization of ethnic communities around these salient grievances occurred causing significant losses in life and property among the people of Maai-Mahiu.

CHAPTER FIVE

CONCLUSION

There has been recurrent conflict in the Maai-Mahiu area between the Maasai and Kikuyu communities from 1991-2005. This conflict does not fit within the larger pattern of ethnic-based conflict in Kenya in which violence takes place in the election periods with the aim of displacement as a means of disenfranchising voters. Rather, the conflict in Maai-Mahiu broke out in the years 1992/3, 1995, 1997, and 2005. These years do not directly correspond with the election periods in Kenya. Furthermore, when many parts of Kenya were engaged in the post-election violence of 2007 that claimed the lives of 1,500 people and the displacement of hundreds of thousands, Maai-Mahiu was an oasis of peace in the turbulent Rift Valley Province. It was this phenomenon that led to thousands of internally displaced peoples from other areas to seek refuge in Maai-Mahiu. Indeed the Akiwumi Report could not come to any conclusion on the causes of conflict in the Maai-Mahiu. This study through qualitative analysis of data, derived from both secondary and primary sources sought to fill that gap in our knowledge.

The research into the Maai-Mahiu conflict has established some of the probable causes of conflict as rising from water and natural resource management issues, land, ethnic hatred and politics. Reports, particularly in the news, characterized the Maai-Mahiu conflict as a water conflict. During the dry spells, the Maasai and their herds move toward the location of their 'traditional' emergency water points that are now located in the settlement areas of the Kikuyu community. The herds in their large numbers cause damage to the Kikuyu farms and, in retaliation, the Kikuyu deny the Maasai access to the water leading to violent conflict. Whereas some cases of conflict in Maai-Mahiu can be attributed to competing claims to water, water was determined not to be the major cause of conflicts in the area. This is because the communities

most involved and affected by the conflict, such as the herders and farmers at Nyakinyua farm, were far from the disputed water points. Furthermore, there have been other periods of drought that have not led to the outbreak of violence, thus indicating that there is no causal relationship between drought and violence in Maai-Mahiu.

The residents of Maai-Mahiu, particularly from the Kikuyu community, saw the conflict as arising due to the Maasai community's claim that the land in Maai-Mahiu is 'traditionally' theirs and that the Kikuyu do not have any legitimate right to it. The Kikuyu community, on the other hand, feel that they lawfully and legitimately own the land for which they have titles. The study has shown that historical processes have resulted in competing claims over the land in Maai-Mahiu which forms the core grievance between the two communities in Maai-Mahiu. However, the existence of the grievance is necessary, but insufficient, to explain the outbreak of violent conflict within this area. After all, the competing claims over land have existed from the colonial period until today, yet the area of Maai-Mahiu is not in a perpetual state of violent conflict. This indicates that perhaps another factor may be at play.

Another probable cause of ethnic conflict in Maai-Mahiu may be that the Kikuyu and the Maasai communities harbor an ancient ethnic hatred for each other that prevents them from co-existing peacefully together. However, the study has shown that the relationship between the Maasai and Kikuyu in Kenya is a long-standing one in which the periods of peaceful co-existence have been more than the times of conflict. Furthermore, the ethnic boundaries of the Maasai and Kikuyu are not as rigid as one would presume as is evident by the existence of the Ukabi guild within the Kikuyu community. Thus, the study does not consider ethnic hatred as the major cause of conflict in Maai-Mahiu.

The final probable cause of conflict in Maai-Mahiu was politics – broadly defined as the struggle for power. This was the cause determined to be the main factor in the conflict between the Maasai and Kikuyu communities of Maai-Mahiu. In the pursuit of political and economic power, the elite have effectively used and ethnicized the grievances of the people in Mai Mahiu. For example, as the owners of the large herds from neighboring Kajiado face drought, they encourage the Maasai herders under their employment to seek water from the escarpment area of the Rift Valley as much of the land that may have been reserved for grazing in their areas has been increasingly transformed to commercial farms. Yet, these owners employ the rhetoric that it is only the presence of Kikuyu in the Rift Valley that is threatening the survival of their herds, their livelihood, and their people. Another example is the attempt by a Kikuyu Councillor to divert water for the purposes of irrigation on a piece of land that is so expansive that it borders three districts. When this action was disputed by a Maasai Chief, it is those under his patronage that resorted to violent conflict that spread to the general population who own pieces of land that are miniscule compared to that of the Councillor. The study has shown that the Maai-Mahiu conflict is caused mainly by the exploitation of grievances about land among the people of Maai-Mahiu by the elite. It is the elite, in their struggle for power, that stand to gain from the violence while at the same time being immune from the consequences of the violence.

The study employed the instrumentalist theory of identity as the theoretical framework. This theory views ethnicity as a strategic tool toward a particular end. In this theory, conflict cannot be explained simply by the existence of two distinct ethnic groups. This does not mean that there may not be an ethnic dimension to the conflict, but rather ethnicity on its own is not the major source of conflict as has been seen in the Maai-Mahiu case. Rather, ethnicity can be exploited for various gains as the elites in Maai-Mahiu have done. The theory has allowed this

study to discount the idea that ethnic hatred between the Maasai and Kikuyu are the cause of violence in Maai-Mahiu. The theory has also allowed this study to identify land as the prevailing grievance amongst the people of Maai-Mahiu that has been repeatedly exploited by the elite using ethnicity as a means of mobilizing people to engage in violent conflict.

The violence that has taken place during the conflict has negatively affected the Maasai and Kikuyu communities in Maai-Mahiu. As a result of these conflicts, both communities have suffered loss of life and property. In addition, the conflict has negatively affected their relationship with lasting impact. For instance, there is the segregation of schools in the Maai-Mahiu area in which Kikuyu children go to one school, while the Maasai children attend another. Despite the fact that the last outbreak of violent conflict was in 2005, this situation continues to persist in 2010. The negative impact and high costs of the violent conflict appear to have struck a chord amongst the communities. In 2007, when Kenya was ravaged by post-election violence, the residents of Maai-Mahiu reportedly resisted any calls to violence by powerful figures. They claim to have realized that the promises that the elite made to them, with regard to the gains of violent conflict, were false. As a result, they were not willing to sacrifice their lives and property in 2007 for illusive gains. However, there was no claim by any respondent that the problems of land in Maai-Mahiu have been addressed, or resolved, by any of the peace initiatives in the area. For now, Maai-Mahiu enjoys a negative peace in which violent conflict has ceased. However, the grievances around the issue of land must be resolved before its inhabitants experience a positive peace.

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APPENDIX 1

Maai Mahiu Field Research

This questionnaire will be used in the field research in the Maai Mahiu region. Respondents will be alerted that participation is voluntary and that anonymity can be provided.

Demographic Information

- Name:
- Title/Position:
- Gender:
- Age:
- Marital status:
- Ethnic background:

- 1) How long have you lived in Maai Mahiu? How would you describe living in Maai Mahiu?
- 2) Have you ever lived elsewhere other than Maai Mahiu?
- 3) What is your occupation, position or role in the community?
- 4) Who are recognized in Maai Mahiu as leaders?
- 5) Has there been conflict in the Maai Mahiu area?
- 6) Who have been involved in the conflict?
- 7) What has been the cause of the conflict?
- 8) What has happened because of the conflict?
- 9) What happened during the 1992 elections?
- 10) What happened after the elections?
- 11) What happened during the 1997 elections?
- 12) What happened after the elections?

- 13) What happened during the 2002 elections?
- 14) What happened after the elections?
- 15) What happened during the 2005 referendum?
- 16) What happened after the referendum results came out?
- 17) What happened during/after the 2007 elections
- 18) What happened after the elections?
- 19) What has been done in Maai Mahiu to promote peace? Who has been involved?
- 20) What is the current situation in Maai Mahiu as it relates to conflict and peace?
- 21) What/who has been important in what has happened in Maai Mahiu recently?
- 22) Would you like to add anything else?

APPENDIX 2

TESTIMONIES OF RESPONDENTS ON EVENTS OF THE CONFLICT

These testimonies from two respondents are included in the appendix for the detailed account of their experience in the 2005 conflict. These testimonies are also partially reflected in the study.

A shopkeeper from Kigecha Shopping Center, outside of Maai-Mahiu town recounted his experience in the 2005 conflict noting:

It was in 2005. The fighting came and the government was not involved at all. In 2005, Murungaru, the Minister of Security, did not come to Maai-Mahiu. They held a meeting at the nearby school with a Minister and Ntimama. The Maasai came with guns, sticks and knives. And they still were saying that they want to hold up together. The Maasai were standing there with their weapons when us we had come without anything to fight with. How could we talk about peace? This was around January 22, 2005. It seemed that they left the meeting and went to plan themselves. They planned themselves and after two weeks, we saw vans and buses coming from Narok, Kajiado and those places. They [leaders and peace committee] talked and then they just went back to Nairobi. A month after the meeting, they saw that the minister had not said anything so they came back to Maai-Mahiu now to chase us. It is Michuki who saved us. A plane/helicopter came and beat them. It was there, near the mountain. They had dug a big hole to hide in to fight when the helicopter found them there. The problem at that time was security. Security was the main issue. We were told to bring all the livestock in one area for security. When they were all brought together, there were more than 5000 cows and many many goats but it all went. Not even a single kid (offspring of a goat) was found. That is why people don't come back. This place, you see the way it is dry, it is only good for keeping cows and goats. That is what keeps you here because there is land to graze. But now people can't keep animals because they will be taken. We live here just struggling because people have left and we cannot do the work that the area is best for¹⁸⁹

A farmer who has resided in Maai-Mahiu since 1992 recounts his experience of the 2005 conflict noting:

In 2005, the politics of land all that got hot again. They didn't come in the night like before, they came to people homes at noon in the day. The people in the nearby area fled to the school compound. The Maasai came into the school and the Kikuyu from Maai-Mahiu came down. They fought each other trying to occupy the school. It was very bad here. The Maasai killed someone. The person

¹⁸⁹ Oral Interview. SHKA, Shopping Center outside of town, Maai-Mahiu Location. 12th January, 2010.

who got killed was taken to Maai-Mahiu town. The youth of the area saw this and started taking Maasai travelers out of the cars passing the town and killing them. He personally saw the Kikuyu kill 4 Maasai taken from the Nissans travelling from the road. So, all the Kikuyu left and went to Maai-Mahiu town. 11 Kikuyu who remained were killed and they burned about 100 homes and the cattle and goats were all taken. In January 2005, the D.O. had told people to take all the cattle and goats to the tank over there which was fenced saying he will bring security but it did not come and the Maasai took them. He personally lost 5 cows and about 20 goats during this time. In February 2005, the Maasai came back and some of the Kikuyu that had gone to Maai-Mahiu town had returned. They [Maasai] called people from Narok and other places to help them. They came at around 11 am. By that time, the GSU had left after they had been in Maai-Mahiu for a week and nothing was happening. They [Maasai] brought their cattle to drink water and the Kikuyu refused and told the Maasai to go back. Fighting started again and they started to burn houses and kill people. The government sent a plane that day. The plane tried to calm things but it couldn't so it went back to Nairobi. And the next day, it came back and surveyed the place to see the damage. That night they had burned about 100 more houses. GSU came back and they caught the Maasai who had collected together. They started burning houses in the day. This made GSU angry and they went to beat them up there. The Maasai ran away. The Kikuyu left and went to build in the Maai-Mahiu town area. About 5 people were left in the area. The GSU stayed for 2 more months and then left when things were calm."¹⁹⁰

¹⁹⁰ Oral Interview. PNSCH, Karima Secondary School, Maai-Mahiu Location, 12th January, 2010.

APPENDIX 3

PICTURES¹⁹¹

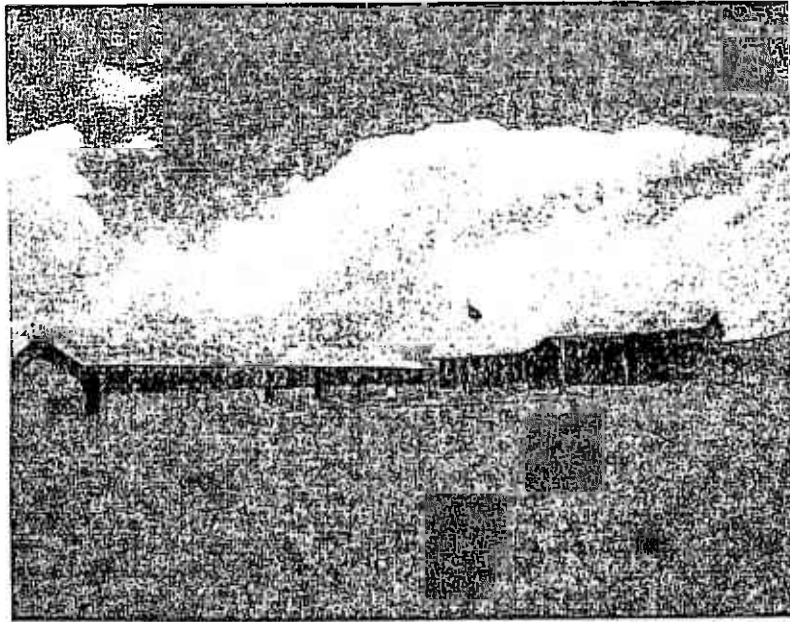


Image 1: Satellite Primary School, Maai-Mahiu Division

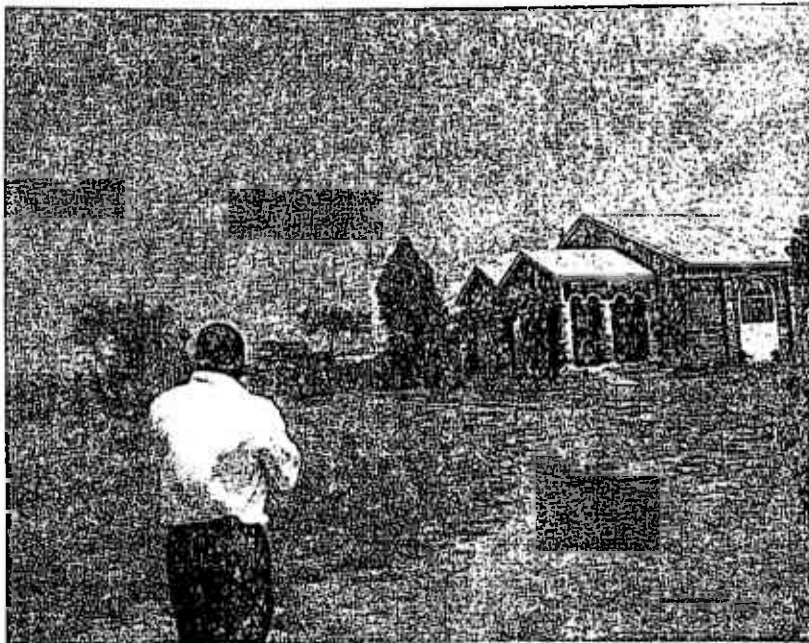


Image 2: St. Peter's Catholic Church next to Karima Secondary School

¹⁹¹ All pictures used in this project were taken by the researcher.

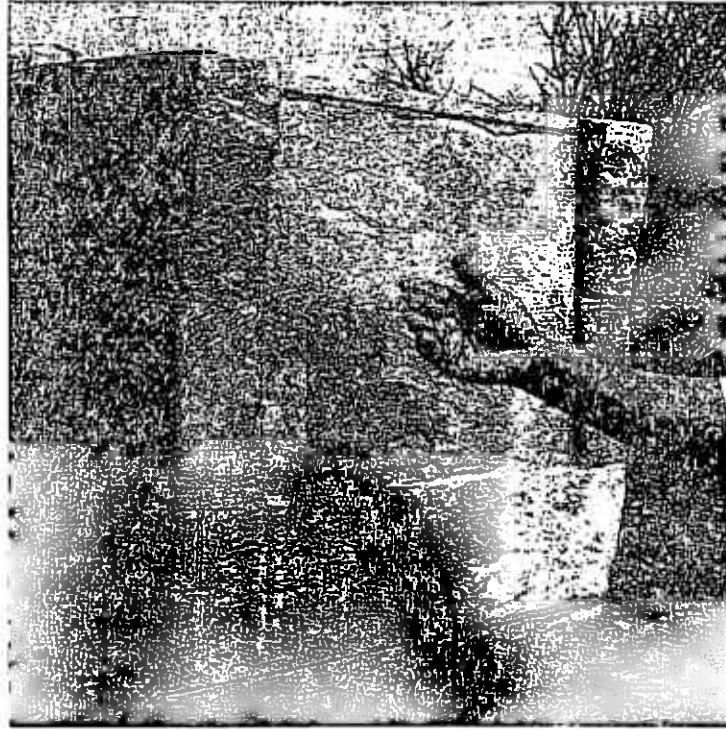


Image 3: The monument at St. Peter's Catholic Church upon which there is a missing placard that bore the names of fifteen people who died during the 2005 conflict in Maai-Mahiu.

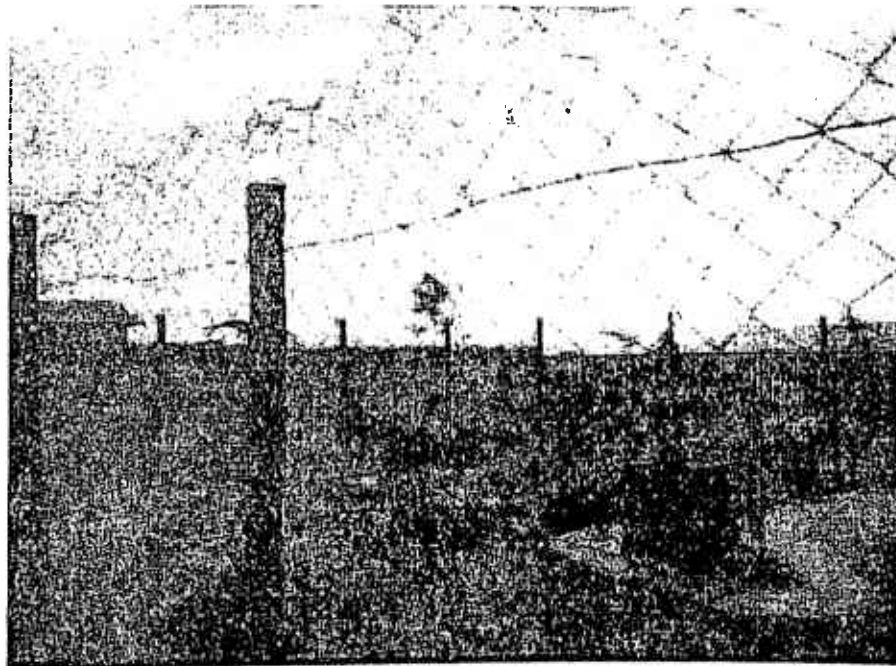


Image 4: The gravesite of the two Maasai men killed by the helicopter responding to the 2005 conflict in Maai-Mahiu

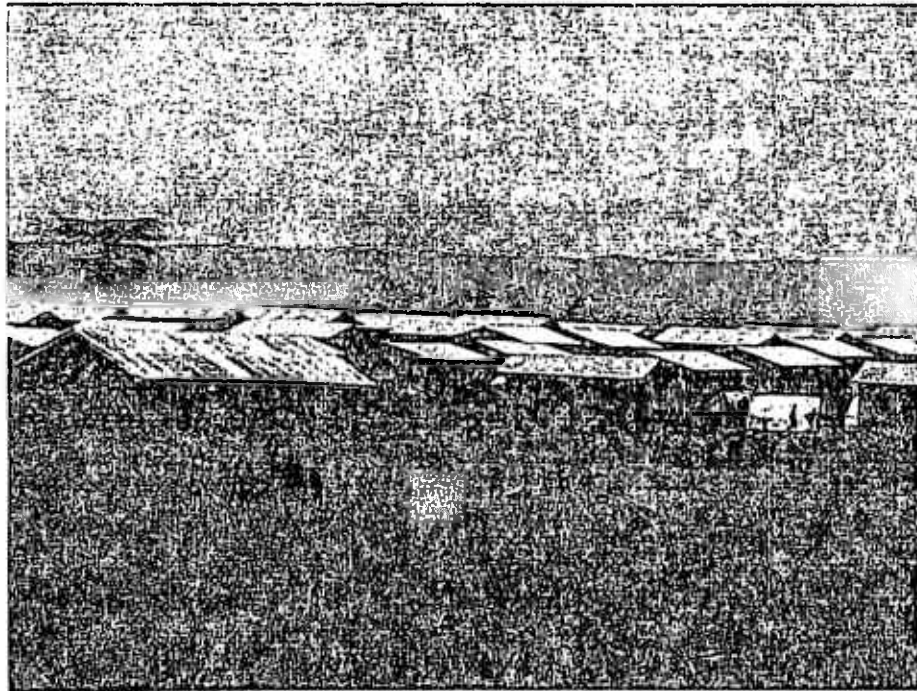


Image 5: Stone houses near the location of the IDP camps



Image 6: Tents at the IDP camp in Maai-Mahiu Division

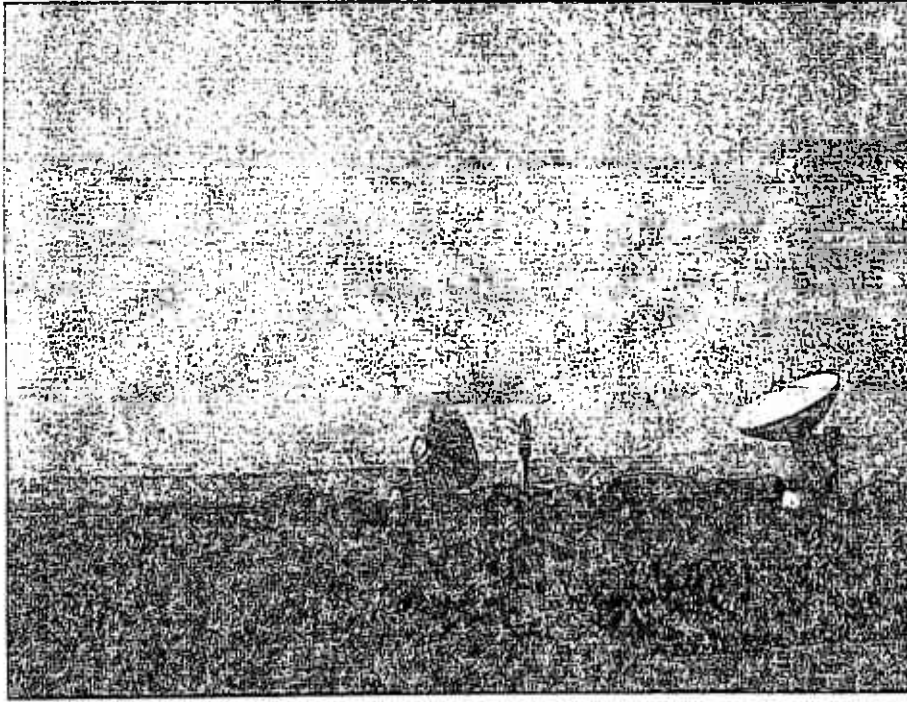


Image 7: Satellites from which the area gets its name

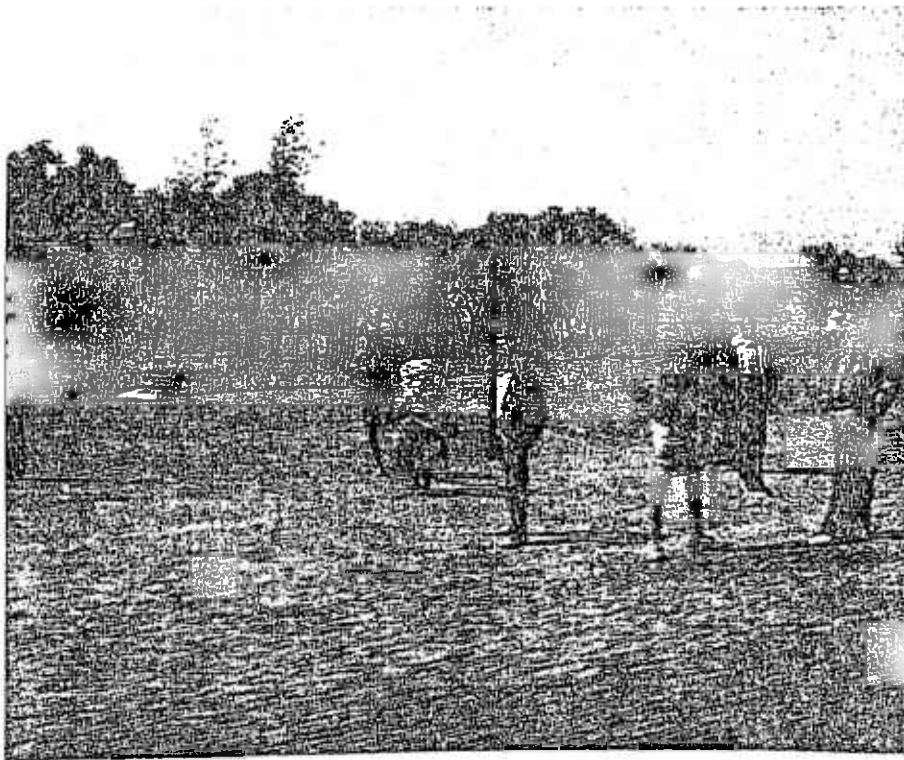


Image 8: A shopping center by the main road outside of Maai-Mahiu town