

Expectations of Progress on an Indigenous Frontier

Waiting for individual tenure and a wildlife conservancy in the Maasai
commons of Olderkesi, southern Kenya

KARIUKI KIRIGIA

DEPARTMENT OF ANTHROPOLOGY
MCGILL UNIVERSITY
MONTREAL, QUEBEC, CANADA

23 OCTOBER 2021

A THESIS SUBMITTED TO MCGILL UNIVERSITY IN PARTIAL FULFILMENT OF
THE REQUIREMENTS OF THE DEGREE OF DOCTOR OF PHILOSOPHY

© KARIUKI KIRIGIA, 2021

Abstract

This dissertation examines the processes and politics of dismantling the Maasai pastoral commons of Olderkesi to confer titled parcels to households whilst establishing a community wildlife conservancy for purposes of biodiversity conservation. As a wave of land privatization swept across the Maasai rangelands of southern Kenya, the Olderkesi area remained one of the few unsubdivided pastoral commons. Within an Olderkesi community sutured by a shared history of tribulations and triumphs, dismantling the pastoral commons did not obtain public appeal. Over the years, however, the challenges of operating as commons in an area surrounded by individual landholdings coupled with endogenous demands for individual tenure impelled Olderkesi to embark on subdivision.

While past research has examined the motivations and outcomes of subdivision, there is scanty research on the lengthy, complex processes of subdivision and establishing wildlife conservancies in the Maasai rangelands. These processes are not only long, often exceeding a decade, but also laden with complex negotiations involving entities in varied levels of authority. Building on a year of ethnographic fieldwork in Kenya, this dissertation discusses how the Maasai of Olderkesi, through locally inclusive negotiations, have indigenized foreign concepts and technologies through processes of meaning-making to create a platform for defining an Indigenous futurity. At the same time, subdivision and the wildlife conservancy continue to be challenged from within Olderkesi, underlining the complexity, heterogeneity, and nature of local politics. I locate these on-going changes in land governance and wildlife conservation within theories of private property and collective action, and the expectations of progress, in my investigation of the nature of the expansion of capitalist relations on an Indigenous African frontier.

Résumé

Cette thèse examine les processus et les enjeux politiques liés au démantèlement des terres collectives pastorales maasaï d'Olderkesi qui a été initié pour attribuer des parcelles titrées aux ménages et établir une réserve faunique communautaire visant à protéger la biodiversité. Alors qu'une vague de privatisation des terres déferlait sur les pâturages maasai du sud du Kenya, la région d'Olderkesi demeurait l'une des rares terres collectives pastorales non divisée. Au sein d'une communauté Olderkesi marquée par une même histoire de tribulations et de triomphes, le démantèlement des terres collectives pastorales offrait peu d'attrait. Toutefois, au fil des ans, les défis que représente le fonctionnement d'une terre commune dans une zone entourée de propriétés foncières individuelles ainsi que les demandes endogènes pour des propriétés individuelles, ont poussé les Olderkesi à se lancer dans la fragmentation des terres.

Alors que certaines recherches antérieures ont examiné les motivations et les résultats de ces subdivisions, peu se sont penchées sur les longs et complexes processus de division des terres et d'établissement de réserves fauniques dans les pâturages Maasai. Ces processus sont non seulement longs, dépassant souvent une décennie, mais également entravés de négociations complexes impliquant des instances de différents niveaux d'autorité. S'appuyant sur une année de terrain ethnographique au Kenya, cette thèse examine comment les Maasai d'Olderkesi, par le biais de négociations intégrant les perspectives locales, ont indigénisé des technologies et concepts étrangers à travers des démarches d'attribution de sens, afin de créer une plate-forme permettant de définir un avenir autochtone. Parallèlement, la fragmentation des terres collectives et les réserves de protection de la faune continuent d'être remises en question au sein des communautés Olderkesi, soulignant de ce fait la complexité, l'hétérogénéité et la teneur de la politique

locale. Je situe ces changements en cours dans la gouvernance foncière et la conservation de la faune dans le cadre des théories sur la propriété privée et l'action collective. J'analyse également les aspirations au progrès à la lumière de mon étude sur la nature du développement des relations capitalistes dans une zone frontalière africaine autochtone.

Acknowledgments

For the incredible journey that my doctoral studies have been, I am indebted to everyone who has been involved either directly or indirectly. As the list is too long to set down here, I hope to be able to thank you in person or, virtually, a not so peculiar way of checking up on each other since the onset of the COVID-19 global pandemic.

In many ways, this dissertation is an outcome of encounters. I'll try to note down the key encounters that have greatly influenced its evolution over the last few years. First, I would like to express my deep gratitude to my doctoral committee for enriching my doctoral journey in life-changing ways. You have not only read this dissertation several times and overseen its growth from the proposal stage to the current monograph, but also offered me remarkable guidance and support at every stage.

I owe debts of gratitude to my supervisor, Professor John Galaty, for his intellectual guidance and support, availability, guardianship, facilitating networking, and for always being there to provide letters of support! Your knowledge of anthropology, East Africa, especially Kenya, meant that we never had a brief meeting because there was always important knowledge being imparted. Through Prof. Galaty, I have observed the impactful nature of engaged anthropology on marginalized groups in the world which fills me with hope for the future. Asante!

Dr. Robert Fletcher has been an exceptional supervisor on my committee throughout this doctoral journey. I have felt extremely privileged to benefit from Rob's intellectual guidance, encouragement, availability, accessibility, and belief in me that together held me up when, at times, the road became bumpy. The summer schools in Wageningen and the introduction to the POLLEN network have immensely enriched my doctoral research and experience. As they say in Dutch, *dank je wel!*

I have been favoured to have Professor Colin Scott in my committee. I learned so much about environmental anthropology from working as Colin's teaching assistant, translating theory into practice, and about anthropology in different geographies including North America, Australia, and Latin America. You pushed me to reflect on my work from different vantage points, and this has truly enriched my dissertation. Our discussions about multi-species relations have been engraved in my view of a shared world. Thank you!

I am indebted to the people of Olderkesi without whose support, accommodation, cooperation, and willingness to share knowledge, this dissertation would not have been possible. I am especially thankful to my research companion and now friend David ole Kipees, for the extraordinary research work he carried out to make this project a success. You welcomed me to your family, taught me the Maa way of life and history, and translated and reflected on important themes pertinent to Olderkesi. The contributions and support of many others who spent hours sharing their knowledge and perspectives made me feel at home in Olderkesi. A few names I should mention: Twala, Nicholas, Ntaiya, Jairus, Charles, James, John, Kima, Timothy, Josephine, Evalyne, Kaigil, Solomon, Washon, Nathan, Titus, and Michael. Much appreciation to Calvin for offering us accommodation at the Cottars 1920's Camp to be able to do research in the villages bordering the MMNR where sometimes it was difficult to access even by motorbike.

The Department of Anthropology at McGill University has been a home away from home, and I am thankful to Prof. Setrag Manoukian and Prof. Ronald Niezen for outstanding anthropological training. I appreciate Professors Ismael Vaccaro and Kristin Norget for their interest in my work and support. I cannot overstate how having a generous and simply rad cohort and colleagues has made my experience at McGill

University truly rewarding: Jonathan, Rine, Samantha, Naim, Alonso, Saman, Perry, Debbie, Ferrran, Fern, Dr. Camilo Gomez, Adam, Dr. Anne-Elise Keen, Julia, Dr. Catherine Larouche, Federico, Dr. Qiuyu Jiang, Dr. Graham Fox, Justin, Caroline, Vanessa, Cris, Kyle, Carmen, Dr. Steven Schnoor, Dr. Karen McAllister, Dr. Junko Maruyama, Lisa, Namunyak, Kathleen, Dr. Lara R. Gauvin, Dr. V. Corey Wright, Jennie, and Nick. The Racial Justice Working Group has been a breath of fresh air and encouragement for their quest for diversity and inclusion: Alejandra, Rhian, Kit, Jennifer, and Adam. I have enjoyed and learned a great deal from the STANDD talks over the years, and my appreciation goes to all who have been involved in doing all the work in the background, especially Nic who ensured the talks continued even during the pandemic. I am grateful to the administrative staff for their outstanding assistance and facilitation over the years: Olga Harmazy, Connie Di Giuseppe, Franca Cianci, Joanne Terrasi, Shameem Mooradun, Heidi Cheung, and Cynthia Romanyk. Finally, it has been an honour teaching ANTH 322 “Social Change in Modern Africa” and AFRI 401 “Swahili Language & Culture” courses where the curiosity and interest of students in my research whether through their questions or invitations to conferences and talks has spurred me on. A few students I should recognize are Felicia, Anja, and Ornella, for their important work as research assistants within the I-CAN project which I have benefitted from.

Outside of the Anthropology Department, Professor Khalid Medani has been a perfect sounding board and our discussions about Africa and African Studies helped me to critically reflect on my work. I should acknowledge the following for their stimulating discussions and collaboration over the years: Vincent Yagayandi, Shanna Strauss, Alice Ishimwe, Barbara Muthee, Milka Nyariro, Hone Mandefro, Antwi Bediako, and Simon Gagnon.

The opportunity to pursue this PhD is the outcome of work done by members of the I-CAN Project from around the world. I would like to especially express my gratitude to the following with whom I have worked and learned a lot: Dr. Jacques Pollini, Kimaren ole Riamit, Dr. Klerkson Lugusa, Stephen Moiko, Mali ole Kaunga, Jacque Macharia, Alvin Oduor, Lucy Waruingi, Dr. Mordecai Ogada, Emmanuel Kileli, Alicia Mori, Dr. Salau Rogei, Beverlyne Nyamemba, Arvind Eyunni, and Dr. Ryan Unks.

During my fieldwork in Kenya, I am thankful for the great support from James Twala, Simon Tong'oyo, Easter, and Esther at ILEPA. Dickson Kaelo at the Kenya Wildlife Conservancies Association gave me an in-depth introduction to wildlife conservancies in Kenya, including a field trip to the Maasai Mara.

I have benefited immensely from the POLLEN summer school at Wageningen University. I should mention a few who have become friends and colleagues, even from afar: Professor Bram Büscher, Dr. Connor Cavanagh, Dr. Alberto Morales, Jenni Perdomo, Lourdes Alonso, Dr. Devin Holterman, Lerato Thakori, and Dr. Josie Chambers.

To pursue my doctoral research and write this dissertation, I have benefitted from the generous funding from the Sasakawa Young Leaders Foundation (SYLFF), the I-CAN project (SSHRC and IDRC), a Wolfe Graduate Fellowship, and the Graduate Mobility Fund (McGill University).

My interest in social science research was cultivated prior to my joining university and during my undergraduate studies at the University College of Utrecht especially through the UCU in Africa programme. I am thankful to the following for their lasting impact on my scholarly journey: Dr. Joost de Laat, Professor Matthieu Chemin, Dr.

Caroline Archambault, Dr. Longina Jakubowska, James Wangu, Antony Wainaina, and Antony Karanja.

My family has been the ever-steady rock which has provided a fine abode where I was reminded why the work I do matters. To my sisters and brothers, thank you for always being there for me and reminding me that, east or west, home is the best. To Gachagua and Joyce, you have always made sure that I was supported in my educational endeavours since my days at Mang'u High School. To mom and dad, you have seen it all. The nights I stayed up and you wondered whether my work never ends. Well, you were right. Your love and prayers have held everything together. I can never thank you enough so, may God continue blessing you abundantly!

Asanteni sana! Ashe oleng!

Table of Contents

ABSTRACT	I
RÉSUMÉ	II
ACKNOWLEDGMENTS	IV
LIST OF TABLES	XI
LIST OF FIGURES	XI
ACRONYMS	XI
INTRODUCTION	1
ON WAITING AND EXPECTATIONS	1
1. GETTING THERE	1
2. CONDUCTING ETHNOGRAPHY AT HOME	6
3. WAITING FOR SUBDIVISION	12
4. SUBDIVISION AS A PATCHY EXPERIENCE	14
5. THE POSTCOLONY	16
6. OUTLINE OF THE DISSERTATION	20
1. PRIVATIZATION AS PROGRESSIVE DYSTOPIA?	22
1.1 PRIVATE PROPERTY AS PROGRESSIVE DYSTOPIA	22
1.2 THE COMMONS AND COLLECTIVE ACTION IN THEORY	24
1.3 COMMUNITY-BASED CONSERVATION	29
1.4 JOHN LOCKE IN THE MAASAILAND STATE OF NATURE	35
1.5 AN ECONOMY OF EXPECTATIONS	42
1.6 CAPITALIST RELATIONS ALONG A FRONTIER	47
2. MAKING OLDERKESI	54
2.1 THE CASE FOR PLACE	54
2.2 CROSSING RIVERS	55
2.3 A BRIEF HISTORY	60
2.4 THE SOCIAL-CULTURAL MILIEU	65
2.5 ECONOMIC ACTIVITIES	70
2.6 A PLACE OF BORDERS	73
2.7 GOVERNING OLDERKESI	79
2.7.1 Customary Leadership	79
2.7.2 Administrative Leadership	82
2.8 DEVOLUTION IN OLDERKESI	83
2.9 'MAENDELEO'	86
3. LAND	90
A MAASAI EXPERIENCE OF CHANGING TENURE, LIFE, AND MEANING	90
3.1 LIVING HISTORY	90
3.2 MAASAI COLONIAL LAND STRUGGLES	92
3.3 MAKE WAY! EXPROPRIATION BY EXPULSION	101
3.4 DISMANTLING THE COMMONS IN KENYA'S RANGELANDS	114
3.5 MAKING SENSE OF THE UNCANNY	120
4. THE UNYIELDING COMMONS	125
4.1 LAND SUBDIVISION COMES OF AGE IN OLDERKESI	125
4.2 MAKING SENSE OF SUBDIVISION	130

4.3 BELONGING, ACCOMMODATION, AND ALLOCATION	139
4.4 ON THE POLITICS OF LAND SUBDIVISION	142
4.5 A DAY WITH THE SURVEYORS	150
4.6 INDIGENIZING PRIVATE INDIVIDUAL TENURE.....	157
4.7 CONTESTING LAND SUBDIVISION.....	160
5. TOWARDS A GRAMMAR OF CONSERVANCIES	171
UNPACKING THE DIVERSE MEANINGS OF WILDLIFE CONSERVANCIES IN KENYA	171
5.1 A GENEALOGY OF WILDLIFE CONSERVANCIES IN KENYA	171
5.2 A TYPOLOGY OF WILDLIFE CONSERVANCIES IN KENYA.....	178
5.2.1 <i>A KWCA Perspective</i>	178
5.2.2 <i>Going Beyond the KWCA Typology</i>	180
5.2.3 <i>Multi-Actor Institutional Complexity in Wildlife Conservancies</i>	184
5.3 TOWARDS A CONCISE CRITIQUE OF WILDLIFE CONSERVANCIES IN KENYA.....	194
5.3.1 <i>Historical Land Injustices</i>	195
5.3.2 <i>Accumulation Through Wildlife Conservancies</i>	199
5.3.3 CRIMINALIZING PASTORAL LIVELIHOODS	204
5.3.4 <i>Appropriating Pastoral-Wildlife Co-existence</i>	206
5.6 CONCLUSION	206
6. CIRCUMSCRIBING OLDERKESI.....	211
THE PROCESS AND POLITICS OF ESTABLISHING THE OLDERKESI WILDLIFE CONSERVANCY	211
6.1 SITUATING OLDERKESI.....	211
6.2 THE HISTORY OF AN IDEA	215
6.3 GOVERNANCE OF THE OWC	220
6.4 PERFORMING REFUSAL.....	227
6.5 WHAT IS CONSERVANCY LAND?.....	237
6.6 COMMUNITY PERSPECTIVES ON AND EXPECTATIONS OF THE OWC	240
6.7 TOWARDS A POINTED CRITIQUE OF THE OWC.....	251
CONCLUSION	257
POSSIBLE FUTURES	257
REFERENCES	274

List of Tables

Table 1: The Maasai bio-cultural calendar.....	63
Table 2: Typology and features of wildlife conservancies in Kenya.....	180

List of Figures

Figure 1: A section of the farm at the AGC project in Olderkesi.....	5
Figure 2: Sheep graze on either side of the newly erected Kenya-Tanzania border.....	76
Figure 3: An article on the Kenyan Nation Newspaper on the continuing grievances by Maasai leaders against colonial land dispossession (Habil, 2019).	90
Figure 4: Trees planted at the AGC Project compound, with cattle feeding on vegetables cultivated on the AGC project's land.....	138
Figure 5: Demarcation plan of the Olderkesi adjudication section.....	156
Figure 6: Locating the Olderkesi Wildlife Conservancy (OWC) within the Maasai Mara ecosystem and Kenya. Source: (KWCA, 2017b; MMWCA, 2017).	213
Figure 7: Olderkesi Wildlife Conservancy Zonation. Source: Olderkesi Wildlife Conservancy Management Plan 2018-2013 (OWC, 2018).....	222
Figure 8: A Maasai man looks at his mobile phone in Olderkesi. The mobile phone has revolutionized communication and money transfer in Kenya. Photo by author.	241
Figure 9: A Maasai woman in Olderkesi holds the head of a bull killed by lions near the Olderkesi Wildlife Conservancy area. Photo by author.....	244

Acronyms

AGC – Africa Gospel Church

ALDEV – African Land Development Board

BINGOS – Big International Non-Governmental Organizations

CAMPFIRE – Communal Areas Management Programme for Indigenous Resources

CBC – Community-Based Conservation

CBI – Conservation Basic Income

CBO – Community-Based Organization

CBNRM – Community-Based Natural Resource Management

CEO – Chief Executive Officer

CI – Conservation International

CMP – Capitalist Mode of Production

COBRA – Conservation of Biodiverse Resource Areas

CPR – Common Pool Resource

CWCT – Cottars Wildlife Conservation Trust

CWS – Community Wildlife Service

GPS – Global Position System
GRs – Group Ranches
I-CAN – Institutional Canopy of Conservation
ILEPA – Indigenous Livelihoods Enhancement Partners
ILO – International Labour Organization
IMF – International Monetary Fund
KNBS – Kenya National Bureau of Statistics
KWCA – Kenya Wildlife Conservancies Association
KWS – Kenya Wildlife Service
MCA – Member of County Assembly
MMNR – Maasai Mara National Reserve
MMWCA – Maasai Mara Wildlife Conservancies Association
MP – Member of Parliament
NGO – Non-Governmental Organization
NRT – Northern Rangelands Trust
OCWT – Olderkesi Community Wildlife Trust
OWC – Olderkesi Wildlife Conservancy
RoK – Republic of Kenya
SSA – Sub-Saharan Africa
TNC – The Nature Conservancy
TNCs – Transnational Corporations
USA – United States of America
USAID – United States Agency for International Development
WCMA – Wildlife Conservation and Management Act
WWF – World Wildlife Fund

Introduction

On Waiting and Expectations

1. GETTING THERE

The midday November sun is shining brightly in Narok town. An armada of vehicles ranging from lorries and safari Landcruisers to matatus¹ and bodabodas² have filled the Narok-Nairobi highway. The traffic is snail-paced, almost coming to a halt as the two-way road, adorned with small mobile phone kiosks, clothing and fruit vendors, is overburdened with a load of vehicles it cannot bear anymore. The air teems with dark brown dust with every howl of the gale, a poignant reminder that it has not rained in a long time. I have just completed a phone call with Tong'oyo, who is based in Olderkesi, in the south of Narok County. I obtained his contacts from a colleague at the Indigenous Livelihoods Enhancement Partners (ILEPA), a local non-governmental organization focussed on Indigenous Peoples' rights and livelihoods in Kenya, to plan my trip to Olderkesi. Tong'oyo had instructed me to drive towards the Maasai Mara National Reserve (MMNR) and, upon reaching the small town of Ng'oswani, to turn left towards Naikarra. As I imagined my journey to Olderkesi, I constantly pondered the underlying objectives and questions of my research study: to identify the nature of the spread of ideas of how to improve the quality of life of a people in a postcolonial setting even in seemingly geographically remote places like Olderkesi; how contradictions inherent in such ideas are addressed, smoothened out, made logical, or even dismissed; how the promissory

¹ Local public service vehicles.

² Motorcycles used as means of public transport especially over short distances.

nature of developmental ideas creates expectations within the public and how those expectations are sustained; the implications of dismantling the commons for pastoral livelihoods and wildlife conservation; and how the Olderkesi commons held intact even as many other areas in the Maasai rangelands of southern Kenya pursued subdivision several decades before.

I chose Olderkesi as the site for my doctoral research for its promise as a productive site for learning about the processes and politics of dissolving the Maasai pastoral commons and establishing wildlife conservancies. While the concept of the commons has been used widely in literature and the digital world in a manner that diffuses its meaning, I use the commons to refer to collective private property, or common property (Vaccaro & Beltran, 2019). Although Olderkesi was one of the last Maasai communities to subdivide its commonly held land in Narok County, it constituted a site where I could observe early first-hand encounters with the individualization of tenure among the Maasai. The creation of private property, especially individual private property, is often viewed as a catalyst for the expansion of capitalist relations (De Soto, 2000; Li, 2014a; Manji, 2006; Mansfield, 2009). Olderkesi in this regard presented a fitting indigenous frontier for observing and learning how changes in social relations are negotiated within such a context, and how expectations are created and sustained given the lengthy time it takes to carry out subdivision and establish a wildlife conservancy. The Maasai Mara area, where Olderkesi is situated, is synonymous with wildlife conservation, and the recent emergence of numerous wildlife conservancies in the area only underpins its status as a hub of wildlife conservation in Kenya. As conservation continues to capture global attention, the creation of a wildlife conservancy in Olderkesi makes it a site where interests from near and far, local and global, are converging. Olderkesi, as a locale that is

situated at the margins of capital flows into the MMNR and marginalized from the Kenyan state in terms of public services, constitutes an indigenous frontier, which according to Li (2014a) is an area characterised by economic, social, and geographical isolation. The convergence of the constellation of subdivision and conservation forces promises to illuminate the penetration, negotiation, and adoption or even dismissal of ideas and practices in the quest for improved quality of life.

After leaving Narok for Olderkesi, I soon arrive at Ng'oswani town where the tarmac road from Narok ends. I turn left as had been instructed by Tong'oyo, and this marks the beginning of a wide, dusty all-weather road that shows traces of having been levelled a few months back. The dust signalling the height of the dry season is accentuated by the almost, if not entirely, dry rivers on the way to Olderkesi. While some attention has been paid to the weathered road, almost all the bridges are on the cusp of falling apart if not already swept away by the last heavy rains, leaving the riverbeds as the only viable passage on the Maasai terra. I pass through the Olarro Wildlife Conservancy where zebras, wildebeests and giraffes traverse the road at will from one side of the conservancy to the other. This conservancy is established on land that has been leased from the former Maji Moto and Siana Group Ranches (GRs). Warning signs have been erected along the way prohibiting any form of diversion from the main road, an indication that the conservancy is a protected area where unauthorised access is prohibited. Wildlife-based tourism is the primary avenue for revenue generation for wildlife conservancies and, often, strict regulations govern any other form of access outside of tourism. When it comes to resource governance and management, posit Ribot and Peluso (2003), access, and not ownership, is fundamental to obtaining value from a resource. By studying the processes, politics, and poetics of land subdivision and leasing land for conservation in Olderkesi,

this dissertation illuminates the complexities of resource governance and the implications for access by pastoralists, tourists, and conservation agencies in the rangelands of Kenya.

Several kilometres after passing the Olarro Wildlife Conservancy, the road bifurcates with each fork branching off at a forty-five-degree angle. I cannot decipher which road leads to Olderkesi. Tong'oyo is now unreachable due to, as I would later learn, intermittent network access in Olderkesi. I turn to Google Maps for reference, but the only geographical point visible is the Olderkesi Primary School. For a moment, I am dubious about the coordinates appearing on my smartphone screen as I had read about other potentially more prominent points in Olderkesi. But I have no other choice but to follow Google Maps' guidance. After a short distance, a Maasai man on foot requests transport to Naikarra. He had been travelling on foot from Maji Moto where he had been working on a road construction project. We chat along the way as I tell him about my research, and as he told me stories about the Maasai and walking long distances especially in this area where alternative means of transport are limited. For such a long trip on foot, the man had left Maji Moto at six o'clock in the morning and would have arrived in Naikarra early in the evening. After the man alights at Naikarra, he directs me how to get to Olderkesi. I arrive at a shopping centre which, given its adjacency to the Olderkesi Primary School on Google Maps, I surmise should be the Olderkesi shopping centre. I ask for directions to Tong'oyo's place. A young gentleman comes to my assistance and tells me that the place I am looking for should be the 'project'. He looks ahead, and then raises his right hand to point to the direction I should take. Between the shopping centre and the project, circa a kilometre, is largely an open plain covered with dry brown grass signalling the continued wait for the rains in Olderkesi.

The 'project' is the name used to refer to the Africa Gospel Church (AGC) project in Olderkesi, which was set up by missionaries from the USA in the 1980s to provide public services to the Olderkesi community. The project is an oasis of lushness in an otherwise dry Olderkesi, defying the effects of the drought in several ways. First, there are around two acres of green vegetables including cabbages, kales, and spinach. Next to the vegetables farm is a high-propped water tank into which water is pumped from a borehole at the river using a solar powered pump. Once in the tank, the water flows through gravitational force into plastic pipes that have been laid on the ground around the farm for cultivation using drip irrigation, a method that ensures minimal water loss through evaporation. For a semi-arid area like Olderkesi, this mode of irrigation is critical, and at the AGC farm, mulching has been done to further limit water loss through evaporation whilst enriching the soil and keeping down weeds. It appears that the tenets of sustainable agriculture have already arrived in Olderkesi despite it being a primarily pastoral area less known for crop cultivation.



Figure 1: A section of the farm at the AGC project in Olderkesi.

Adjacent to the water tank is a massive structure made of sturdy, silver metal walls and a concrete floor, which functions as the garage, store, and carpentry shop. Next to this building lies an array of machinery: a bulldozer, backhoe, tractor and loader. I gather that the owner of the equipment had been contracted by the Narok County Government to level the Olderkesi-Olpusimoru road which leads to the border between Kenya and Tanzania. However, when payments for the work done were not forthcoming, the contractor requested permission to leave the machinery at the AGC project. The equipment had then been lying there for more than a year and the effects of weathering from daily exposure to the sun and rain were beginning to show clearly as the yellow paint gradually gave way to brown rot while the tyres went flat. It soon began to dawn on me that the exercise of devolved governance following the promulgation of Kenya's New Constitution in 2010 was filled with promises yet to be fulfilled and, consequently, transport remained one of the glaring challenges in Olderkesi and the areas I had traversed on the way from Narok town. After a long wait filled with varied images and expectations about Olderkesi, I had finally arrived at a place where my curiosities would be addressed. However, just as the Olderkesi community was in a state of hopeful waiting for the promises of development through devolved governance as exemplified by the road construction equipment lying at the AGC compound, I remained cognizant that my curiosities would only be addressed gradually through an ethnographic approach of observing and uncovering the imponderabilia of everyday life in Olderkesi.

2. CONDUCTING ETHNOGRAPHY AT HOME

As I developed my doctoral project, I studied the varied Maasai group ranches undergoing subdivision as well as approaches to, and politics of, conservation. I was intrigued by

wildlife conservancies emerging in the rangelands of Kenya, and the seemingly novel but complex conservation arrangements that appeared to address the conundrum of conservation and human livelihoods goals simultaneously. Many GRs in Narok County had already undergone subdivision culminating in what has often been termed the ‘collapse of the group ranch model’ or the ‘dissolution of the commons’ (Galaty, 1994, 2013a; Mwangi, 2007b; Riamit, 2014; Rutten, 1992). While multiple studies had been conducted on the subdivision of the GRs, fewer studies focussed on wildlife conservancies in the face of tenurial change, devastating impacts of climate change, and the entry of external investors into conservation (Bedelian, 2014; Butt, 2016; Homewood, 2009; Thompson et al., 2009). The Olderkesi area was fascinating in that, despite the subdivision wave sweeping through the southern rangelands of Kenya, it had not been subdivided yet discussions to establish a wildlife conservancy in the area were underway. At the same time, little information was available about Olderkesi, making it an unknown area in a wider geographical setting that has attracted broad research interest over the years especially regarding wildlife conservation and pastoralism. In addition, Olderkesi had not even captured the attention of the Maasai Mara Wildlife Conservation Association (MMWCA) and the Kenya Wildlife Conservancies Association (KWCA), the regional and the national umbrella bodies for wildlife conservancies in the country, respectively. Given the proximity of Olderkesi to Kenya’s MMNR and Tanzania’s Serengeti National Park, and its concomitant absence in scholarship, my anthropological curiosity deepened, and I chose Olderkesi as my field site.

I arrived in Kenya in July 2017, a month away from the general elections in the country. I had anticipated that this period would provide me with insights into the Olderkesi political environment if I could arrive there before the elections. As it turned

out, the general elections in Kenya, as has been the case in almost every election year since 1992, generated a unique atmosphere of excitement and apprehension at the same time. The violence that has characterised past general elections in Kenya means that the electioneering period is usually one of hope and relief, on the one hand, and apprehension and distress, on the other³. Nonetheless, I went to Narok to work with our partners in the Institutional Canopy of Conservation (I-CAN) Project, ILEPA, whose work especially on land tenure issues and adaptation to the impacts of climate change among the Maasai closely related to my research. It was during this period that I would embark on para-ethnographic research (Deeb & Marcus, 2011; Holmes & Marcus, 2006) as I worked with ILEPA and interacted with other organizations in Narok and Kenya generally.

An organization I closely interacted with was the KWCA. I conducted an in-depth interview with the chairperson, who generously invited me to a field trip to the Maasai Mara conservancies where they engaged the public in discussions about the national wildlife management policy being developed by the Kenyan government at the time. Multiple actors in Kenya's wildlife conservation were involved in these discussions as part of public participation in conservation governance in the country. In retrospect, this was an invaluable introduction to wildlife conservancies and their operations in the Maasai Mara and Kenya at large. We spent productive time at the Olare-Motorogi conservancies with the KWCA team, leaders of other wildlife conservancies from around the Maasai Mara, state officials from the Ministry of Environment and Kenya Wildlife Service (KWS), and NGOs funding conservation work around the Maasai Mara. While in Aitong, a small

³ The general elections present a period of hope in that the citizenry can elect promising and trusted leaders, and of relief in that they can vote out incompetent ones. It is also a period of apprehension and distress for local migrant groups considered non-indigenous in that, in the event of political violence, they are the most vulnerable as has been the case throughout Kenya's young democratic journey.

town neighbouring the conservancies, it was interesting to see the town exhibit recent developments, such as restaurants and lodgings, supposedly in response to the growing tourism activity in the area.

While in Narok, I interviewed members of some of the organizations such as the MMWCA, attended meetings organized by MMWCA and ILEPA, and observed the dynamics around pastoral livelihoods, tourism business, and urbanization trends as manifested in Narok town, which has expanded significantly since its delineation as the county headquarters. It is during this time in Narok that I learned how the people I conversed with had little information, if any, about Olderkesi. The few who had some knowledge about Olderkesi often exclaimed at how far away Olderkesi was from Narok town and, paradoxically, Kenya. These early responses positioned Olderkesi as a place not only distant in space but also in time. I quickly learned that I could not plan a day or even a two-day trip to Olderkesi.

My cautious approach would later be confirmed upon arriving in Olderkesi, where it was critical that I establish good rapport with the local community by going through the communally recognized channels, which include the area chief and sub-chief, local committee members, conservancy representatives, the Cottar's camp, the AGC project, and the local police. Matters of security are high in importance in Olderkesi and, in a community where almost everyone knows each other, a new face in the community attracts great attention. Through ILEPA, I identified contacts in Olderkesi and eventually arranged the means of travel and a place to stay before embarking on the long-awaited journey. While the unknown excites the anthropologist, it can also become the Achilles heel of an ethnographic pursuit.

Once in Olderkesi, I set out to understand the complex of issues concerning land governance and tenure, pastoral livelihoods, wildlife conservation, and people's expectations about the future. I interviewed key interlocutors and conversed with different community members, both formally and informally. Based on these discussions and my observations of everyday life, I designed a semi-structured household questionnaire covering topics on household structure, pastoral practices, environment, land subdivision, wildlife and wildlife conservation, and local politics and development, which I conducted in different villages in Olderkesi. The everyday informal interactions I had with members of the Olderkesi community provided invaluable insights into the nuances of daily life, and I gained further entry into Olderkesi life by participating in varied activities ranging from fetching water, going to the market, watching football, especially the English Premier League, and attending important cultural and family events, and community meetings.

I carried out fieldwork in Olderkesi with the assistance of Lemayian, a young man from the area, who became a friend and with whom I spent the majority of time upon embarking on conducting household interviews in Olderkesi. Lemayian had learned a lot about the history of Olderkesi from his late father, and his involvement and deep interest in local cultural, political and development affairs made him an invaluable source of information about Olderkesi's past and present. During interviews, Lemayian often picked up on what was left unsaid, and the silences and gestures, and was well positioned to discuss my observations. We usually spoke in Kiswahili and Sheng, the latter a Kenyan slang which draws from multiple languages, especially Kiswahili, English, and popular indigenous languages. Sheng often involves creative word play to reveal or conceal meaning, and in so doing creates and delimits its audience. Further, Lemayian, his

nephews and friends, and employees at the AGC project taught me some Maa language to the extent that I could engage in a basic conversation and at times glean meanings from words and phrases that emerged during interviews.

A key challenge during fieldwork was the difficulty of traversing the Olderkesi terrain after the rains. The chairman of the AGC project had advised me to avoid certain places during the rainy season, advice which came in handy as I saw many vehicles getting stuck in mud and people spending hours trying to get them out. The villages of Olderkesi are far apart, which makes travelling on foot impractical when visiting different villages. To access some villages, such as Noonchuta near the MMNR, we had to use motorcycles. The danger that always lurked when walking or in the event of a motorcycle breakdown was wildlife, as Olderkesi is populated with elephants and buffaloes. I managed to interview leaders from the areas to which we were not able to travel, however, when they attended meetings on land subdivision or the wildlife conservancy, which provided me with key information about those areas. As Chambers (1983) notes, geographical factors often influence the conduct of research yet quite often such dimensions are left out of research discussion. With Lemayian having been directly involved in land subdivision and wildlife conservancy discussions, he was familiar with all the villages in Olderkesi and their respective leaders, if not families and relatives. As such, my knowledge of life in Olderkesi was gained through a triangulated approach involving different members of the community through both formal and informal discussions, and through ethnographic observation of life as it unfolded before my eyes and ears.

3. WAITING FOR SUBDIVISION

As I prepared to travel to Olderkesi, I anticipated that I would find a community on the move: community members vacating the wildlife conservancy area, subdivision of the Olderkesi commons in progress to eventually allocate individuals parcels of land, and an operational wildlife conservancy impacting both humans and wildlife. However, upon arrival I quickly learned that, while discussions about land subdivision and creating a wildlife conservancy were rife, people's movement was limited, and a general feeling of waiting engulfed Olderkesi. The subdivision process had begun, but it was more protracted and complex than had been captured in various media. Important communal areas and resources were being identified and set aside through demarcation by land surveyors, and negotiations were still on-going to have some households move out of the wildlife conservancy area. The processes of subdivision and establishing a wildlife conservancy were anticipated to engender numerous long-term sociocultural, environmental, economic, and political changes there.

In both scenarios, it was a case of having to wait for land subdivision to be completed before individuals and households could be on the move. A quintessential example that captured the condition of waiting involved the surveyors who had left Olderkesi for several months after the rains had started and were scheduled to return at the end of the rainy season. When it rains in Olderkesi, the few weather roads become impassable and traversing the landscape becomes a gargantuan task. As the rains immobilized the surveyors forcing the demarcation exercise to be halted, this juncture translated into a period of waiting for the subdivision process to resume before any Olderkesi residents could be allocated individual parcels of land. Overall, given the magnitude of how the land subdivision process and the establishment of a community

wildlife conservancy were anticipated to affect local livelihoods, the sense of waiting was quite palpable in Olderkesi, whether through the numerous communal meetings that were held, or the acts of positioning (Li, 2014a) that individuals engaged in, such as constructing permanent houses to assert claims over a particular area of the landscape. García (2015, p. 202) refers to these acts of positioning in anticipation of subdivision among the Loita Maasai as “grounding claims”, which occur when individuals “inscribe or alter the landscape with visible markers that are socially understood” within the community. As such, these acts of positioning or grounding claims are not only actions that are complete by themselves, but, instead, must gain approval from others as legible social-cultural codes. The social-cultural grounding of these acts of waiting for subdivision render them what Searle (2010) terms status function declarations that have negative deontic powers for they oblige others to recognize them, which reveals how individual landownership is imagined in areas where land is owned collectively.

In this regard, waiting is not the passive state of letting life transpire devoid of human agency, a passing of time in a linear way, but rather it is a period between active interventions to change the nature of a situation and the moment when the desired outcome is achieved, or not. As such, it is not a moment of doing nothing until the future unfolds, but rather it is engaging actively with multiple facets of life as the future continues to unfold itself in the present. At the same time, these acts of waiting can be understood as collective in that they require approval from other community members for their deontic powers to manifest. One such moment of waiting that I observed and participated in several times in Olderkesi was waiting for river currents to subside before crossing a river was considered safe. The various acts of waiting during these moments entailed people checking water levels using sticks, sharing stories, lighting fires,

attempting to cross the river using motorcycles, making phone calls, and attempting to guide livestock across the river. The success or failure of these acts of waiting would determine whether others would follow suit or continue to wait. For subdivision, however, the opportunity to wait and learn from others about life on individual plots of land will not be possible as the Olderkesi community will have to test the depths of the waters of dismantled commons with both feet everyone at the same time. It is this aspect of experiencing subdivision collectively that makes the current waiting period even more significant for Olderkesi residents.

4. SUBDIVISION AS A PATCHY EXPERIENCE

The Olderkesi area has historically functioned as a minimally regulated pastoral commons, accessible even to pastoralists from outside Olderkesi, even as other neighbouring pastoral commons were dismantled to create individual parcels of land. Upon subdivision, the new landowners neighbouring Olderkesi created enclosures that restricted access by outsiders, including Olderkesi residents. As these exogenous transitions in resource governance ensued, discussions to subdivide the Olderkesi commons began to take root.

Olderkesi is one of the last pastoral commons in Narok County to undergo subdivision. This relatively late pursuit has meant that while subdivision may be new in practice, it is not new in theory as Olderkesi residents have indirectly experienced subdivision by way of their neighbours who dismantled the commons. Research has illuminated key patterns emerging in areas that have subdivided land to provide an informed basis for characterizing the transition from collective to individual landholdings (Lesorogol, 2008; Mwangi, 2007b; Riamit, 2014; Rutten, 1992). A salient observation has

been that many subdividing areas have been riddled with corruption at various stages of the subdivision process. During land allocation - the stage at which individuals are apportioned parcels of land - for example, non-members were illegitimately allocated land and local elites were allocated larger parcels in the landscape, located in areas of higher agricultural potential and biodiversity richness, than regular members (Riamit, 2014). As a result, subdivision has often resulted in inequitable distribution of land and resources where a cadre of local elites enriches itself while others become impoverished. Attempts to challenge these injustices have often been nipped in the bud by the GR leadership and other powerful profiteers (Galaty, 1994; Mwangi, 2007c; Riamit, 2014). As Galaty (1994, p. 111) aptly notes:

Group Ranch failure was less the reason for subdivision than its result, an outcome of the seemingly inexorable process of enclosing and individuating parcels of the group's holdings that in fact in many cases began even before these holdings were adjudicated under group title. Government agencies and officials have been deeply involved in encouraging and benefitting from subdivision, to the extent that we must doubt the good faith of the Kenyan state regarding the implementation of the ambitious and costly Group Ranch program.

While key patterns emerge from subdividing the former GRs, various studies carried out in the Maasai rangelands reveal that subdivision has been a patchy undertaking experienced differently in different places. For instance, land allocation injustices that encumbered the former Maji Moto GR have been challenged in the court of law, and despite significant attempts by the GR leaders and other powerful figures to

impede the court process, the hearings are still ongoing⁴ (Riamit, 2014). In the former Naboisho GR, the wildlife conservancy functions as the dry season pasture area for landowners, in addition to providing employment and income through land lease fees by the conservation investors. In Naikarra, a former GR that borders Olderkesi, land subdivision was conducted by government surveyors, as opposed to private surveyors, after the Kenyan government provided the funds to finance the subdivision process. In the former Siana GR, there were more plots of land demarcated than the number of theoretical recipients to be allocated parcels, granting the leadership additional land to allocate to themselves and their comrades. These varied experiences in the Maasai rangelands have filtered into Olderkesi and are manifested not only in how subdivision is being conducted, but also through shaping the expectations that Olderkesi residents attach to the individualization of tenure and the creation of a wildlife conservancy. The exogenous experiences thus influence subdivision in Olderkesi, highlighting how exogenous realities permeate social boundaries to interact with endogenous perspectives (Appadurai, 1996, 2013), in the end producing a uniquely Olderkesi experience that this dissertation sets out to document.

5. THE POSTCOLONY

While I have oriented my research as part of the discussions that pertain to the Global South, it is imperative to underline the unique setting of postcolonial Africa, where Olderkesi in Kenya is geographically and politically situated. According to Mbembe (2001, p. 1):

⁴ I attended one of the hearings, and, through communication with those who are participating in the case, I have information that the case is still on-going.

Africa is never seen as possessing things and attributes properly part of “human nature.” Or, when it is, its things and attributes are generally of lesser value, little importance, and poor quality. It is this elementariness and primitiveness that makes Africa the world par excellence of all that is incomplete, mutilated, and unfinished, its history reduced to a series of setbacks of nature in its quest for humankind.

This view of Africa as described by Mbembe can be discerned from the historical record of early anthropology and Western philosophy, the colonization of the continent, and the continued characterization of the continent as different from the rest of the world, even at a time when the world has been termed a global village. As Ferguson (2006, p. 29) notes:

Where recent globalization theorists have addressed Africa, it has typically been as a negative case: an example of the price of the failure to globalize, as the IMF would have it; a “global ghetto” abandoned by capitalism, as the geographer Neil Smith (1997) would insist; a continent of “wasted lives” of no use to the capitalist world economy, as Zygmunt Bauman (2004) has recently suggested; or “the black hole of the information society,” as Manuel Castells (2000) would have it.

While these negative assertions and narratives of Africa seem to be unaffected by the passing of time, Ferguson (2006, p. 29) challenges such perspectives as being ignorant of the African context and constituting a reinvention of Africa as a “twenty-first-century ‘dark continent’”. According to Mbembe (2017, pp. 7-8), many assertions that have been made about sub-Saharan Africa are not based on rich ethnographic fieldwork, but rather constitute “off-the-cuff representations possessed and accumulated without anyone’s knowing how, notions that everyone uses but of origin quite unknown – in Kant’s well-

known formulation, ‘groundless assertions, against which others equally specious can always be set’”. Mbembe (2017, p. 9) further adds that:

Ethnographic description, distinguishing between causes and effects, asking the subjective meaning of actions, determining the genesis of practices and their interconnections: all this is abandoned for instant judgment, often factually wrong, always encumbered with off-the-cuff representations.

If Mbembe underlines not simply the role of research but the significance of in-depth ethnographic research in producing knowledge about Africa, Mamdani (1996) in “Citizen and Subject” critically observes that the story of Africa has been told as an analogy, and that the task ahead is thus for us to tell the African story that is cognizant of Africa’s history.

These concerns about the widespread misunderstanding and misrepresentation of Africa underline the significance of drawing from African history to understand the present and carrying out in-depth ethnographic research. Further, I add, this mission should entail engaging with Africans as informed interlocutors possessing critically important knowledge built on intergenerational resilience and resistance to rapacious forms of exploitation such as colonialism and racial capitalism, located in the black radical tradition (Al-Bulushi, 2020; Robinson, 2000). Heeding this call, this dissertation engages with the history of land governance and conservation in Kenya in general, and in Maasailand specifically, to delineate the historical unfolding of the institutions of resource governance since the colonial period. As Mwangi (2006) argues, land and conservation institutions in Kenya have their genesis in the colonial period and the nature of their continuities and discontinuities is critical in deciphering current institutional

dynamics. What is quite unique, postulates Mbembe (2001, pp. 102-103), is the African postcolonial state, where the postcolony:

identifies specifically a given historical trajectory – that of societies recently emerging from the experience of colonization and the violence which the colonial relationship involves. To be sure, the postcolony is chaotically pluralistic; it has nonetheless an internal coherence. [...]. The postcolony is characterized by a distinctive style of political improvisation, by a tendency to excess and lack of proportion, as well as by distinctive ways identities are multiplied, transformed, and put into circulation. But the postcolony is also made up of a series of corporate institutions and a political machinery that, once in place, constitute a distinctive regime of violence. In this sense, the postcolony is a particularly revealing, and rather dramatic, stage on which are played out the wider problems of subjection and its corollary, discipline.

The postcolony as such encompasses not simply the period after colonization, where time is imagined linearly as onward flowing, constituting a before and after, but rather a period of complexity imbued with a colonial past and postcolonial moment whose interactions have produced a chaotically pluralistic present. Rather than dismissing the postcolony as a state of chaos and disorder, Mbembe (2001) notes that there is internal coherence to the order of things. A particularly distinctive feature of the postcolony is the private indirect mode of governance that has rendered the bureaucracy a platform where public servants engage in rent-seeking rather than public service provision. Rather than signifying a weak state, however, the postcolonial African state has become embedded in the global capitalist system and retains its legitimacy by functioning as the gatekeeper and gateway to the African people and resources. The postcolonial African state consequently

experiences indirect governance (Ferguson, 2006) which means that transnational agencies in pursuit of profit through exploitation of African resources and cheap labour do so without bearing any responsibility to the African citizenry. As Madeley (2008, p. 22) notes, transnational corporations (TNCs) “have power without ownership” and therefore govern without responsibilities to the citizenry. In the context of Kenya’s Maasailand, these dynamics can be gleaned from land governance and conservation initiatives that bring the state and international investors to the centre of the debate on on-going privatization of land and the establishment of wildlife conservancies.

6. OUTLINE OF THE DISSERTATION

Grounded in the constellation of themes previously outlined, the rest of this dissertation is organized into six chapters and a conclusion. The first chapter provides a theoretical background of the dissertation, while the second chapter welcomes the reader to Olderkesi by detailing its geographical, social-economic, cultural, and political realities. The main function of this chapter is, in Geertz’s (1988) terms, to get the reader there by creating a perceptible image of the field site. Chapter three presents the history of the Maasai land struggles since the British colonial period and introduces key aspects of land governance in Kenya. The fourth chapter is an ethnographic study of the process of transitioning from pastoral commons to individual tenure. I elaborate on the history, motivations, and contradictions of the intricate process of creating individual parcels in the rangelands. The fifth chapter discusses wildlife conservancies in Kenya by way of a critical reflection on the concept of a ‘wildlife conservancy,’ and the typologies of conservancies found in the country. The sixth chapter is an ethnographic account of the process and politics of establishing the Olderkesi Wildlife Conservancy in an area that is

on the leeward side of tourism activities in the Maasai Mara, and the expectations that this pursuit engenders among the Olderkesi residents. The conclusion underlines the key findings of this study, its implications for pastoral commons and indigenous frontiers in transition, and the theoretical and practical contributions of this study to the scholarly world engaged with the questions of land and conservation governance in the African context in the 21st century.

1. Privatization as Progressive Dystopia?

1.1 PRIVATE PROPERTY AS PROGRESSIVE DYSTOPIA

It has been strongly suggested that the solution to the putative challenges posed by the commons and customary modes of tenure is privatization anchored in individual ownership of resources (De Soto, 2000; Hardin, 1968). Following this line of thought, the on-going subdivision of the commons in Olderkesi and the Maasai rangelands writ large is depicted as a step in the right direction for both conservation and social wellbeing. For conservation, private individual tenure ostensibly ensures that the now age-old concerns underscored by Hardin (1968) about overstocking will be addressed in the pastoral commons as landowners will have to adhere to the carrying capacity of their plots, which should in turn curtail ecological degradation. For individual landowners, having a title deed will open the doors of financial access while closing those of tenure insecurity (Mwangi, 2007b; Ng'ethe, 1993; Rutten, 1992). However, the broad push for the private individual tenure through widespread dismantling of the Maasai pastoral commons has come under poignant criticism as this shift in land and resource governance is seen to have negative implications for pastoral livelihoods and biodiversity conservation (Galaty, 2013a; Groom & Western, 2013; Meinzen-Dick & Mwangi, 2008; Rutten, 1992). To reflect upon and examine the documented contradictions contained within the dismantling of the pastoral commons, I employ Savanna Shange's (2019) framework of thought to the Maasai rangelands of southern Kenya.

“Who loses when ‘we’ win?” asks Savanna Shange (2019, p. 3) in attending to the antagonistic nature of what is deemed remarkable progress in arresting racial bias by

establishing a multi-racial, community-based high school in San Francisco. However, the school goes on to record the highest suspension rates of Black students in the district despite having been established to address the plight of Black and other marginalized groups. This unfortunate turn of events points to the co-optation of these multiracial efforts such that a “lethal distance” is established between Black and other racialized lives, thus rendering Black life disposable within a framework that should have protected Black life (Shange, 2019, p. 4). Shange’s question, encapsulated in what the scholar terms ‘progressive dystopia’, challenges the discourse of progress for the way that, to invoke Ferguson (1990), it functions as an ‘anti-politics machine’ that forecloses questions about contradictions and impossibilities. Thinking with Shange, it is perceptible that pastoralism has been on the receiving end of the colonial and post-independence state high modernism (Scott, 1998) approach to development, where pastoralism has been wrongly perceived as a backward mode of livelihood contrary to the push for modernity (Kiamba, 1989; Mwangi, 2007b; Okoth-Ogendo, 1991), and as a result has been marginalized by the Kenyan state in its resource allocation in the country such that pastoral areas have received fewer resources (Ensminger, 2017). It is thus to be questioned whether framing the private individual tenure as the panacea for pastoral challenges and the key to local development while foreclosing the debate about the social and environmental challenges that often have followed subdivision (Galaty, 2013a; Groom & Western, 2013; Rutten, 1992) indeed entrenches privatization as progressive dystopia.

1.2 THE COMMONS AND COLLECTIVE ACTION IN THEORY

The dismantling of the Maasai pastoral commons constitutes largely a shift from commonly held land and resources to private individual ownership, and a concomitant shift from chiefly Maasai customary institutions to other forms of governance that involve closer engagement with other key actors such as the state (Mwangi, 2006) and conservation organizations in areas where wildlife conservancies have been established (Bedelian, 2012; Cavanagh et al., 2020). As I discuss further in chapter 3, the Maasai pastoral communities in southern Kenya have historically been organized around territorial sections (plural=*iloshon*, singular=*olosh*) (Mwangi, 2006), which were then incorporated within the two districts of the Maasai Reserve. The creation of group ranches after Kenya's independence in 1963, and the broad collapse of these ranches has provided a fertile ground for studying changes in resource governance in the rangelands, pastoralism in the 21st century, tenure security in the face of expanding land markets in SSA, wildlife conservation, and the postcolonial state and human rights (Bedelian, 2012; Bedelian & Ogutu, 2017; Galaty, 2013a, 2013b; Groom & Western, 2013; Homewood et al., 2012; Manji, 2006; Mwangi, 2007b; Riamit, 2014; Rutten, 1992).

While the subdivision of the Maasai commons appears to have followed an urban to rural script, which suggests that the pressure and incentives to subdivide land were originally felt in the locales closer to urban areas, this fact of distance is arguably only part of the unfolding subdivision story. This is particularly the case for Olderkesi wherein a hodgepodge of factors are at play, including being surrounded by communities that have dismantled the commons, two globally popular touristic destinations in the MMNR and the Serengeti National Park, and serving as the national border area with Tanzania. Taking into account these factors, it could easily be argued that Olderkesi should have

subdivided land earlier, but that the area has remained intact as Trust land (under County Council jurisdiction) then suggests that Olderkesi potentially holds key lessons about the Maasai pastoral commons and, in Ostromian thinking, collective action as well. To prepare the ground for this exploration in this dissertation, I provide a theoretical discussion of community and collective action.

As complex and dynamic organizational units, communities have functioned as essential platforms for addressing complex societal challenges, including natural resource management (Ostrom, 1990). It is following recognition of the resourcefulness of communities that the collapse of the Maasai commons is both fascinating and concerning especially among scholars and conservationists. Vaccaro and Beltran (2019, p. 336) write that the “commons, by definition, define a community, the communards, who are allowed to interact with a resource.” The concept of ‘community’ has been the subject of anthropological critique (Agrawal & Gibson, 1999) over time and its adoption as panacea for conservation challenges demands caution (Vaccaro & Beltran, 2019). Within modernist perspectives, ‘community’ represents a stage that should evolve from the “idiocy of rural life” on its way to liberation “from the coercive and limiting world of the past” (Agrawal & Gibson, 1999, p. 631). On the other hand, scholars with less sanguine and teleological views about evolution and progress, such as Durkheim in his later work, adopted the view that over time the ties among human relations would be diffused and dissolved leaving individuals to develop senses of “selfhood and belonging” (Ibid., p. 631). Despite their efforts to understand social change, Agrawal and Gibson (1999) observe that these scholars could not find the quintessential communities that fit their models. It is therefore unsurprising that the term community has been revised in line with the dominant views of the day in conservation discourse. For example, from the perspectives

of the ‘noble savage’, local communities were viewed as living in harmony with pristine nature. Upon the entry of the state and the market, however, the sanguine view of communities yielded to “views of despoiling communities out of balance with nature” (Agrawal & Gibson, 1999, p. 631). This separatist outlook suggested that effective conservation was only attainable either through the “heavy hand of the state or through the equally heavy, if less visible, hand of the market and private property rights” (Ibid., p.631). With the collapse of the Maasai commons in favour of private individual property, this observation appears to reflect the resource governance changes on-going in the Maasai rangelands which Rutten (1992) has described as “Selling Wealth to Buy Poverty.”

That the Olderkesi pastoral commons remained intact despite these exogenous pressures to subdivide land ought to be contextualized, and the lessons garnered to provide insights into collective action in the rangelands of postcolonial Africa. The geographical and the colonial invocations here are intentional for they depict the uniqueness of this geographical and socio-political context, which I have previously described in the introduction under the ‘postcolony’ subheading. The underlying idea of a community as comprising a group of people who pursue objectives built on shared interests and goals is expounded by Olson (1965, p. 1) within collective action thinking as follows:

The idea that groups tend to act in support of their group interests is supposed to follow logically from this widely accepted premise of rational, self-interested behaviour. In other words, if the members of some group have a common interest or object, and if they would all be better off if that objective were achieved, it has been thought to follow logically that the individuals in that group would, if they were rational and self-interested, act to achieve that objective.

Individual interests as the basis for acting collectively means that it is only when individuals view their efforts as contributing to their own objectives that they engage in collective action. Olson (1965), however, challenges this view as being too positivistic and myopic in the face of the numerous challenges that burden rational and self-interested individuals working together. The key obstacles that Olson (1965) underlines include the difficulties of excluding non-contributing members of a group who would nonetheless benefit from the collective efforts, and how to ensure that non-excludable members still remain motivated to engage in collective action, challenges identified by Hardin (1968) in his polemical piece “The Tragedy of the Commons”. It can be added that the premise of rationality and self-interest within a community as the basis for participation is additionally complex due to the diversity of individual interests that change over time, and these changes could complement or undermine collective action (Appadurai, 2013).

Ostrom (1990) notes that similar to the tragedy of the commons and the prisoner’s dilemma, whereby what appear to be rational individual choices do not generate favourable outcomes for the collective, the logic of collective action developed by Olson (1965) identifies free-riding as the overriding problem that inhibits collective action. This concern can be seen in the wildlife conservancies around the Maasai Mara, such as in Olderkesi, where some members fail to move out of the areas earmarked for conservation, which in turn results in the investor not paying the agreed land lease fees, a burden that is borne by all the landowners. Those who graze in the conservancy area therefore free ride on others who moved out by having access to significant pasture without competition from other livestock but at the cost of land lease payments not being to the entire community. While differences in uncertainties and complexities in varied settings globally can be inhibiting, it is the shared elements that are of importance in the

development of principles for collective action (Ostrom, 1990). The communities studied by Ostrom (1990) exhibit shared characteristics that could be attributed to homogeneity, such as having relatively similar “assets, skills, knowledge, ethnicity, race...” (p. 89). Further, the bonds among members of these communities are fortified by shared pasts and future expectations, and the inheritance systems offer the assurance that the benefits of present investments will be reaped by future generations. Ostrom (1990, p. 90) further explains that the design principles she carves out constitute fundamental elements that “account for the success of these institutions in sustaining the CPRs⁵ and gaining the compliance of generation after generation of appropriators to the rules in use.”

There are, however, some caveats to these findings. First, the “specific rules in these cases differ markedly from one another. Thus, they cannot be the basis for an explanation across settings” (p. 89). Second, these principles remain speculative in nature and further empirical work is requisite prior to their qualification as ‘necessary conditions’. Additionally, such seemingly broad resonance and applicability of the principles of collective action also mean that key principles associated with the commons can easily be adopted by policymakers and employed metaphorically without considering context-specific realities. The constraints identified in such models are taken as given, thereby ruling out possibilities of the actors behaving differently from the predictions made by the models. To invoke Li (2007), these models tend to render human challenges and scenarios as requiring technical solutions. These principles of and concerns about collective action resonate with the Olderkesi area in the efforts of the community to collectively agree on key decisions such as land subdivision and the creation of a wildlife

⁵ Common pool resources

conservancy. It is a fascinating paradox that, even though the Olderkesi commons are being dismantled in favour of private individual tenure, such a decision has had to be made collectively, thus underscoring the existence rather than absence of the spirit of collective action. As I discuss later, the Olderkesi approach to subdivision and conservation reflects the influence of collective action even in the face of the capitalist forces pushing towards individualized ownership of land and resources.

1.3 COMMUNITY-BASED CONSERVATION

The Olderkesi Wildlife Conservancy (OWC) has been modelled as a community conservancy by having all the registered landowners as de jure owners of the conservancy. Galvin et al. (2019:no page) define community-based conservation as “an institution that simultaneously enhances human development—especially for people living directly with nature—and conserves biodiversity.” The OWC, through its key aims to conserve wildlife and improve the livelihoods of the Olderkesi community, in addition to being established on land that is collectively owned by members of the community, constitutes a community-based institution. The CBC approach gained ascendancy in the 1980s as part of the rolling back of the state wherein the governance and management of natural resources were increasingly devolved to local communities (Büscher & Fletcher, 2015; Galvin et al., 2019). As previous state-driven approaches to conservation, especially coercive measures, failed to achieve adequate protection of biodiversity, CBC emerged as a promising corrective approach (Agrawal & Gibson, 1999; Western & Wright, 1994). According to Roe et al. (2000), the biodiversity conservation ideology built on the human-nature dichotomy that led to the creation of national parks in the 19th century was an historical anomaly, and so is the prevailing notion that wildlife resources are under state

ownership. Brockington (2002), building on the case study of the transformation of the former Mkomazi Game Reserve in Tanzania into a national park in 2006, highlights the inefficiencies of fortress conservation, especially the coercive exclusion of local communities (most notably Maasai and Parakuiyo pastoralists) who are wrongly perceived as despoiling of the environment. The failure of fortress conservation to foster sustainable biodiversity conservation and improve local livelihoods has compelled policymakers and scholars to rethink the role of local and Indigenous communities in environmental conservation in a way that resonates with the push for decentralization and participation in development projects where aspects of participation, ownership, and indigenous knowledge systems are underscored (Chambers, 1983). It is in line with this view of local and Indigenous communities as key actors in conservation that wildlife conservancies in Kenya have been established and become a recognized form of land use by the Kenyan state under the The Wildlife Conservation and Management Act (WCMA) of 2013 (KWCA, 2017a).

Despite its ascendancy, the CBC approach has faced resistance at multiple levels over the years. In a pithy critique of what Larsen and Brockington (2018) call the big international nongovernmental organisations (BINGOs), Chapin (2004) observes that following growing support for Indigenous Peoples in conservation in the 1990s by conservation organizations and foundations, there was significant retreat led by three main BINGOs: the World Wildlife Fund (WWF), The Nature Conservancy (TNC), and Conservation International (CI). What were deemed conservation alliances with Indigenous groups were displaced by “talk of changed priorities, with a new focus on large-scale conservation strategies and the importance of science, rather than social realities, in determining their agendas” (Chapin, 2004, p. 18). As such, the epistemology

of conservation and depending on whose reality counted presented barriers to conservation organizations working with Indigenous Peoples. Further, sometimes these conservation organizations labelled Indigenous Peoples as un-cooperative, violent, and self-interested (Chapin, 2004). Contemporaneous with the impugnement of people-centred conservation have been calls for the creation and expansion of protected areas through such scholarly works as “Parks in Peril” (Brandon et al., 1998) and “Protecting the Wild” (Wuerthner et al., 2015).

Alongside scepticism about people-centred conservation is scholarship on common property which has underscored CBC as a more effective approach to sustainable use of resources than state- or privately-led strategies, thus adding impetus to the adoption of CBC (Agrawal & Gibson, 1999; Ostrom, 1990). According to this school of thought, the ideological underpinnings of CBC are strongly informed by the view of Indigenous and local people as having close connections to and relations with the resources that are to be conserved (Armitage, 2005; Western & Wright, 1994). Western and Wright (1994) term this the ‘needs and knowledge’ tenet, which is built on the view that local people need the resources that exist around them in the long term and, by virtue of having co-existed with this ‘nature’, they possess the requisite knowledge to ensure sustainable use of the resources. This view aligns closely with the ILO Convention No. 169 on Indigenous and tribal peoples, adopted in 1989, which seeks to ensure governments protect the rights of Indigenous Peoples on the basis of culture, ways of life, land and resource rights, and self-determination of their development priorities through consultation and participation in decision-making processes (ILO, 2013).

In the African context, Leach and Mearns (1996) have described the reality of biodiversity conservation as a case of “challenging received wisdom,” as they criticize

long-held tropes of local African communities having adverse relationships with the environment, which in turn has impelled many fortress conservation projects (Brockington, 2002; Mbaria & Ogada, 2016; Sinclair, 2015). Nelson (2002) adds that some conservation organisations have deliberately failed to broadcast cases of biodiversity conservation occurring in areas inhabited by African local communities. In addition to these scholarly arguments, a prescriptive narrative further advances the thesis that local communities ought to be involved in policy formulation to ensure that the benefits emerging from conservation accrue to them, which should in turn act as incentives for sustaining further conservation efforts. In Kenya, the KWCA has assumed the role of driving citizen participation in conservation and wildlife policy formulation, primarily through the wildlife conservancies, an exercise I observed during participant fieldwork.

The optimism surrounding CBC has meant that it comes woven with expectations. In the past three decades, CBC has been pursued in SSA under the mandate that it should address the twin challenges of achieving both biodiversity conservation and improvement of local livelihoods (Berkes, 2007; Galvin et al., 2019). Following a systematic review of CBC initiatives across SSA, Galvin et al. (2019) find that while CBC institutions have generated positive ecological outcomes, the social outcomes, primarily in the form of financial and human capital, have often been negative or mixed. Interestingly, the authors note that in the event that CBC initiatives generate positive social outcomes, these do not often flow to local communities chiefly due to elites capturing these benefits at various levels. Potential corrective measures to elite capture, such as strong leadership and institutions, participative decision-making processes, and diversification of partnerships have been absent in many cases studied. Even then, CBC projects are relatively more

successful than other approaches, and the authors underline culturally attuned institutions as a critical factor for success. While these findings may emphasize the need to focus on enhancing governance within CBC, Galvin et al. (2019) invoke Cumming et al. (2015) to caution that interventions to improve CBC initiatives have to focus on multiple factors that span multiple spatial and social scales to take into account endogenous and exogenous factors, especially at a time when conservation funding is increasingly global in nature (Brockington & Scholfield, 2010; Holmes, 2011; Redford et al., 2013).

A contrary view underlines that the dualistic ambition of CBC to improve ecological and social conditions, rather than being a strength, constitutes its Achilles heel (Berkes, 2007; Kellert et al., 2000). Berkes (2007) observes that, on the one hand, conservation-minded projects usually engage local communities as a way to prevent local resistance. On the other hand, ‘development’-oriented projects with a conservation component have as their main goal the improvement of local livelihoods through maximization of returns from natural resources. As such, focusing on local development and conservation simultaneously is a conflictual undertaking, and a major drawback for such ambitious projects is the lack of diverse approaches to address the multiple objectives they set out to accomplish. Therefore, the promotion of CBC as a panacea to conservation and livelihood challenges is as much a fallacy as seeing government-based conservation alone as such, which essentially ignores “the necessity of managing commons at multiple levels, with vertical and horizontal interplay among institutions” (Berkes, 2007, p. 15188).

According to Kellert et al. (2000), it is the inaccurate assumptions about CBC that have hampered social and ecological achievements. For example, conflicts have been assumed to be a rarity rather than the norm in CBC, and the homogeneous optics have often overlooked heterogeneity of interests and in demographic features that often prevail

(also see Appadurai, 2013). And, while institutions are central to CBC, it has wrongly been assumed that strong institutions naturally exist instead of underlining the need for lengthy time to develop robust institutions (Ostrom, 1990). Further, the need for education to foster understanding of the socioeconomic and environmental benefits of conservation has not received adequate attention (also see Fletcher et al., 2016). For Sinclair (2015), CBC is often presented in a positive light yet the benefits arising from CBC are often captured by elites without ever reaching members of local communities, the decline of benefits over time due to population growth in turn leads to further encroachment of the conserved areas, and conservation is only focussed on species that are deemed to have utility for humans, rendering CBC anthropocentric at the core. In light of these critiques, it becomes curious how CBC gains such traction in the belief that it will foster socioeconomic and environmental improvement.

An underlying challenge for CBC initiatives is that they tend to elide the complexities found within communities and the exogenous relations communities have with other actors (Agrawal & Gibson, 1999). In this regard, Agrawal and Gibson (1999, p. 637) advance three key aspects that should enhance our understanding of CBC. First, communities comprise multiple actors with varied and changing interests culminating in “patterns of difference within communities”. A second aspect concerns local-level processes that are influenced by local structures and power dynamics, as well as other external factors and actors such as the state and NGOs, who engage in exogenous relations with local communities and often alter or reinforce existing power dynamics within communities. A third aspect involves institutions that structure exchanges among community members, the environment, and external agents. Within a community, the institutional set of rules act as an organizational force that creates “stability of

expectations *ex ante*, and consistency in actions, *ex post*". Invoking Foucault (1983), Agrawal and Gibson (1999, p. 637) note that institutions inform us about power relations within the community and how the "relations that take place around resources" are structured, and thus about the subtractibility and accessibility of resources, and the exercise of authority needed when rules are broken. Institutions at the community level differ from state institutions in that community members are involved in design of the former, resulting in conversance that lowers implementation costs. A focus on institutions forces policymakers to grapple with not simply whether to include local communities in conservation or not, but the complexity of local politics and institutions. Understanding the multi-layered composition of social systems encourages "pluralism in perspectives", which is in turn reflected in "pluralism in knowledge" (Berkes, 2007, p. 15188). As Berkes (2007, p. 15188) notes, it is often the case that "differences in knowledge and understanding of a resource system have to do with differences in the level at which information is obtained." The plurality of perspectives and knowledge is especially apposite for wildlife conservancies given the multiple stakeholders that are involved.

1.4 JOHN LOCKE IN THE MAASAILAND STATE OF NATURE

To historically locate the on-going tenurial changes in the Maasai rangelands, a theoretical exposition of private property is necessary. John Locke's "State of Nature", which predicates the ownership of property upon the mixing of one's labour with nature, is informative of the historical logics of land claims and land governance strategies in pastoral areas. Once labour has been expended on nature, contends Locke, labourers can lay claims to the outcomes of their labour. Bringing this notion to land ownership, Moulds (1964, p. 180) states that Locke "makes it clear that it is not the one who sits on land, but

the one who tills it, pastures it, mines it or in some way works it who acquires a property claim.” Pastoralists, following this line of thought, arguably gained claims over land in history by pasturing their livestock on it. Locke’s ideas on property have been used in the quest to recognize Indigenous Peoples land rights in different parts of the world. In the case of Kenya where land is sought by any means possible (Manji, 2012), Locke’s ideas provide an apt theoretical departure point for thinking about land as property.

Maasai “customary claims to land are based on long occupation, continuous use, traditional rights, colonial treaty, and the Group Representatives’ Land Act, passed in the early independence period” (Galaty, 1999, p. 57). The Maasai, however, suffered significant expropriation of their land at the hands of the British colonial government to carve out space for White settler ranching, creation of protected areas for wildlife in the form of national parks and reserves, and later, internally during life in the GRs and during the dissolution of the GRs, with the inclusion of outsiders as members (Hughes, 2006; Mwangi, 2006; Riamit, 2014). Following this extensive expropriation, Galaty (1999, p. 57) writes that as the Maasai “drive cattle across land they see as theirs, they (Maasai herders) now stand on ground that, they have only recently become aware, legally belongs to others”. This predicament faced by the Maasai illustrates that Locke’s ideas, of creating private property through expending labour on the land by pasturing it, are inadequate by themselves in cases where such claims do not have a legal backing.

Locke identifies the key moment that facilitates excessive accumulation of property by individuals as the invention and creation of money. According to Locke, money gave humans the ability to accumulate infinitely and, unlike the earlier violation of the law of nature if people accumulated more than they could consume, with money they are not deemed to be violating the law of nature since the very pursuit of further accumulation is

for the person's future preservation (Moulds, 1964). The possibility of unlimited accumulation today threatens the land rights of pastoralists following the adoption of individual private tenure which grants individuals the right to not only own land, but also to be able to dispose of it as one sees appropriate (Galaty, 2013a; Riamit, 2014). In fact, this is one of the concerns raised by some leaders in Olderkesi who are wary of potential land sales after the conferral of titles to land. While Locke maintained that it remained the duty of those who acquired excessively to cater for the less fortunate in society, neoliberal capitalism encourages individuals to accumulate capital by engaging in supposedly fair competition with others so that success and failure become outcomes of sagacious comportment and shrewd operation (Li, 2014a).

Locke's labour theory of property has been criticised on several fronts. By having the mixing of labour with nature as a condition for private ownership, it leaves hunter-gatherer communities at risk of being dispossessed of their land for their activities do not align with the theoretical presuppositions of private ownership. Such occurrence has been observed by Little (2016) among the Il Chamus of Baringo County in Kenya, who have been coerced to negotiate their belonging and indigeneity following forceful eviction and loss of their land to other groups. Secondly, Locke's ideas have been used to justify the expropriation of land from groups of people who have been deemed to use land in unproductive ways, a justificatory argument that was used by the British colonial officials against native groups, including the Maasai (Hughes, 2006; Li, 2014b). In Kenya's post-independence period, the pastoral areas were marginalized during resource allocation by the national government, which continued to employ the colonial logic that held that pastoralism was unproductive and therefore undeserving of substantial government resource allocation (Ensminger, 2017). This trend of expropriating resources from groups

deemed undeserving owners has been further exemplified in the cases of large-scale land grabbing in the Global South and among Indigenous Peoples in North America, where, through state machinery, lands occupied by these groups have been labelled unused, underused, or even unoccupied (Borras Jr & Franco, 2012; Cotula, 2013; De Schutter, 2011; Galaty, 2013b; Li, 2014b).

The entry of the British colonial government in Kenya upset this Lockean understanding of property as many natives who were settled on the land were pushed out to create space for White settler farming and ranching. In what can be viewed as a Hobbesian use of brute force by more powerful entities, the British colonial officials violently and deceitfully expropriated native lands, such as through what Cavanagh et al. (2020) have termed 'dispossession through text'. Following dispossession, land is subsequently privatized and represented by a title deed, a representation that renders land a commodity that can be traded in the market through modes of exchange that are based on the value of money and not primarily on the mixing of labour with the land, as Locke had advanced. This means that land, despite the materiality that makes it geographically fixed such that it cannot be rolled up like a mat and taken away (Damodaran, 2002; Li, 2014b), can be traded in geographically distant places (Manji, 2006). Citing Alchian and Demsetz (1973), Mwangi (2007b, p. 10) expands on the logic of privatization by writing that:

The ability to exclude encourages individuals to invest in the quality of the resource because the person who bears the costs also reaps the rewards. Also, the transferability of rights under private property arrangements is supposed to ensure that resources end up with the most productive users. Privatization is thus

expected to increase land or agricultural productivity and the wise use and conservation of resources.

This justificatory logic of privatization is built on the idea of the individual as the key unit in society, where pursuit of individual success is the *ne plus ultra*. Mansfield (2007, p. 396), however, cautions that privatization “is not merely one of several shifts promoted under neoliberalism, but instead is the central assumption and precursor to other market-based reforms. The premise of the “free market” seems to be deregulation, but underlying this are private property relations, and in particular a privatized nature-society relation.”

With privatization thus critical for capitalist expansion, Kiamba (1989) traces the history of capitalist development in Kenya to the period after 1895 when the British Foreign Office assumed the administration of the East African Protectorate⁶ from the Imperial British East Africa Company (IBEAC), by drawing from among others, Ghai and McAuslan (1970), Leys (1925), and Mungeam (1966). The British had high interest in Uganda as a key source of raw materials and as a geographic strategic point for controlling the source of the waters of the River Nile. However, the nature of Uganda being landlocked made it necessary to construct the Kenya-Uganda railway, which proved to be such a costly undertaking that it induced the British to find ways of generating revenues. It is here that the decision to invest in the Kenyan highlands through European farmers arose, setting the course for multiple future events and, in particular, the forceful acquisition of land from native Africans which not only provided fertile land but also freed up African labour. At this point, the conditions had been laid for capitalist agricultural

⁶ The East African Protectorate was created in 1895, managed under the British Foreign Office, but transformed into Kenya Colony in 1920, administered by the Colonial Office.

development led by European settler farmers (Huxley, 1935; Kiamba, 1989; Sorrenson, 1968)⁷. This forceful expropriation of land from native Africans arguably amounts to primitive accumulation, which Marx (1999, p. 364) defined as follows:

The so-called primitive accumulation, therefore, is nothing else than the historical process of divorcing the producer from the means of production. It appears as primitive, because it forms the pre-historic stage of capital and of the mode of production corresponding with it.

While Marx here postulates primitive accumulation as a historical phase of capitalist development, Glassman (2006) underscores the ontological nature of primitive accumulation to bring to attention the persistent nature of this aspect of capitalism over time. The perceptive work of David Harvey (2003) on accumulation by dispossession in the Global North, for example, reveals this ontological nature of primitive accumulation by underscoring its continuity even in what are considered to be developed economies. In the case of Kenya, the ontological nature of primitive accumulation robustly manifests in the realm of land governance where the creation of private landed property in history entailed broad dissolution of African customary modes of tenure (Kiamba, 1989). These tenurial changes were socially necessary for capitalist production, as Kiamba (1989, p. 122) explains, invoking Marx:

Landed property is a pre-requisite condition of capitalist production since it is a pre-requisite and condition of expropriation of the labourer from the means of production...[it] appears as the personification of the most essential condition of production (Marx, 1967, Vol. 3: 82).

⁷ I expand on these processes of resource governance and politics during the British colonial period in Kenya in chapter 2.

Following the logic of primitive accumulation, which Harvey (2003) notes is now increasingly operationalized as accumulation by dispossession, the continuing push to create private landed property in the Maasai rangelands can thus be understood as expansion of capitalist development in indigenous frontiers in SSA. As Glassman (2006) notes, “The geography of global capitalism embraces all scales and spaces, in complex ways, and this inherently makes both understanding and struggling to overcome capitalist alienation deeply complicated.” This complexity is compounded by the incorporation of social labour that is necessary for capitalist development but usually is not paid for by capital, such as infrastructure and research and development that are publicly funded (Glassman, 2006). In the Maasai rangelands, what might be deemed socially reproductive activities include the demarcation of the commons carried out by public surveyors. The state is a key actor in the provision of social labour, so Harvey (2003, p. 145) asserts that the state was and continues to play a central role in the expansion of capitalism within its territory by “keeping the territorial and capitalistic logics of power always intertwined though not necessarily concordant.”

Focussing on what can be understood as social labour enacted by the state, Mwangi (2007b, p. 10) focuses on the regimes of resource governance in Kenya, underscoring the need to focus on distributional aspects to better elucidate the evolution of property rights, noting that “institutions are not always created to be socially efficient; they may sometimes be created to serve specialized interests, particularly of those who have the power to devise new rules. Thus, a more complete theory of property rights must address politics.” Knight and Jack (1992) underline the significance of distributional aspects by asserting that different institutions designed to allocate benefits are distinguished based not on whether they are beneficial, but on how the perceived benefits are distributed. In

the face of numerous property regimes beyond privatized rights, insights into the politics of distribution can be gleaned by comprehending the origins and evolution of property rights in different contexts, the nature of conflicts over rights, and their subsequent resolution (Mwangi, 2007b). Among the Maasai, customary pastoral land tenure reveals distinctions between the historical pastoral boundaries and the current boundaries engendered by privatization, since the former often appeared as zones rather than lines of demarcation, but still served the purposes of exclusion and separation. For instance, during the dry seasons, external Maasai sections often sought permission to access water points and pasture on pastoral territories belonging to fellow Maasai sections. However, rather than basing access rights on 'boundedness' and 'fixity', it was participation in communal activities that was instrumental in 'building up' rights of access (Fratkin, 1997; Galaty, 1999, p. 57). These aspects differ markedly from private individual tenure, which seeks to impel the productivity of the individual at the expense of others who are deemed less economically productive (Li, 2014a). Given the promises of individual progress that are woven within privatization discourse such as the ability to obtain financial capital through loans from banks by using land as collateral, while the underside of individual tenure remains uncovered, especially the fact that only a few benefit at the expense of the many in an economy dominated by capitalist relations (Li, 2014a), it has to be critically examined whether this tenure amounts to progressive dystopia in the Maasai rangelands.

1.5 AN ECONOMY OF EXPECTATIONS

Past research carried out on the subdivision of the commons has largely focussed on the impacts of tenure transition on pastoral livelihoods and biodiversity conservation (Galaty, 2013a; Groom & Western, 2013; Mwangi, 2007b; Rutten, 1992). However, there is scant

research on what local communities anticipate from subdivision and, at a time when conservation in the rangelands has generated national and global attention, wildlife conservancies. In this regard, Olderkesi constitutes a productive site for exploring the dynamics of expectations, which in turn should illuminate not only the forces and motivations behind subdivision and conservation, but also possible futures that are promised or even presaged. Taking into account the congeries of factors at play during subdivision in Olderkesi, which include the reification of the national border and the boundaries with the Olderkesi Wildlife Conservancy, the MMNR and neighbouring former GRs, and opportunities for revenue generation, expectations in Olderkesi are to be understood as occurring in a context that lies at the locus of the local and extra-local. And, with the increasing involvement of local and global actors within conservation, it engenders an economy of expectations which means that “local level processes, realities and visions for the future are altered through involvement with global, market-based conservation programs” (Dressler, 2017; Fletcher et al., 2016). Following Appadurai (2004, p. 61), then, studying expectations is to examine not simply the physical boundaries, but also the sociocultural transmissions since “the boundaries of culture systems are leaky, and that traffic and osmosis are the norm, not the exception.”

An examination of local and extra-local factors that affect local livelihoods can be informed by Tania Li’s (2014a) work in Sulawesi, Indonesia, where the Lauje highlanders transitioned from a customary system of governing land to individualized landholdings. As Li (2014a) cautions, speculation about the future is as uncertain as the future itself. At the time of moving away from the customary system, the Lauje highlanders envisioned a future informed by “modernization narratives” (Li, 2014a, p. 2). Inherent in the modernist scheme of thought is a continually progressive path, but for Lauje highlanders,

this path only led to a dead end (Li, 2014a). A further exposition of how extra-local factors influence expectations is the study by Massarella et al. (2018) in Tanzania on the dynamics of local expectations of international conservation and development programmes during pilot stages of the projects. The authors note that these programmes are met with high expectations of success, only for them to fail in meeting these expectations. Various terms as “conservation fads” (Fletcher et al., 2016; Lund et al., 2017), Redford et al. (2013, p. 437) define such programmes as “approaches that are embraced enthusiastically and then abandoned.” In an Olderkesi setting where part of the subdivision process is establishing a wildlife conservancy, it poses the question about the nature of the expectations that the community has invested in the project and the potential for the conservancy to meet those expectations in the coming years.

A study of expectations within anthropology poses a challenge in that “anthropology has had surprisingly little to say about the future as a cultural fact, except in fragments and by ethnographic accident,” and this is largely because “the infrastructure of anthropology, and of the culture concept itself, remains substantially shaped by the lens of pastness” (Appadurai, 2013, p. 285). To overcome this epistemological challenge, Appadurai asserts that anthropology has to critically examine the interactions between imagination, anticipation, and aspiration, and to think of the future not simply as a “technical or neutral space,” but as a horizon that is “shot through with affect and with sensation” (Appadurai, 2013, pp. 286-287). The realization of this undertaking does not entail a complete innovation of new intellectual tools within anthropology. Rather, it involves building upon what has been the hallmark of the discipline in the study of culture primarily through ethnography since “it is in culture that the ideas of the future, as much as of those about the past, are embedded and nurtured” (Appadurai, 2004, p. 59).

The study of expectations within the social sciences has been pursued relatively more within the disciplines of economics, sociology, science and technology studies, and development studies. Couched within science and technology studies, Konrad (2006, p. 276) defines expectations as “imagined ideas about the future that circulate through social interaction,” and Borup et al. (2006, p. 286) refer to expectations as “wishful enactments of a desired future.” Expectations differ in scale and sociality in that they can be individual or collective, and positive or negative (Konrad, 2006). Expectations are characterized as generative in that “they guide activities, provide structure and legitimation, attract interest and foster investment. They give definition to roles, clarify duties, offer some shared shape of what and how to prepare for opportunities and risks” (Borup et al., 2006, pp. 285-286). In Olderkesi, the generative feature of expectations can be seen in the way subdivision and the establishment of a wildlife conservancy have been organized and structured such that various members of the community, chiefly following the customary system, have been assigned tasks geared towards the accomplishment of these two projects. Further, expectations are performative in that “they are fundamental to producing the incentives and obligations that will be necessary to mobilise necessary resources for a particular aspiration to be realised” (Brown, 2003, p. 11). This mobilization work often creates what Brown (2003:5) calls “communities of promise” that pull together individuals whose certainties and uncertainties span a broad spectrum, but who are commonly united in the quest to not be left behind (Konrad, 2006; Massarella et al., 2018). This seemingly ‘safety first’ approach can be observed in localities such as Olderkesi where some community members are in support of the subdivision and conservation processes despite having limited knowledge and reservations about either of the undertaking.

A common observation is that expectations are woven within a fetishized futurity of promise where the past is rendered absent as an object of analysis. On technological innovations, Brown (2003:376) notes that “early stages of new innovation or technological development both drive and are driven by hyper expectations, or hype, which can be defined as unreasonable and unachievable expectations of what the new innovation can deliver.” Such unreasonableness can be explained through what Massarella et al. (2018) advance as the intentional raising of expectations by implementing actors in order to attain the buy-in of local communities. Further, expectations can be intentionally raised by actors who, in competing for limited resources, engage in a game of selling future success both to the donors and local communities where the programs are to be implemented (Dressler, 2017; Mosse, 2005). These false promises are made possible in part by the nature of the development world having an “intense focus on the future, on new beginnings, [which] is rarely moderated by an analysis of the past” (Mosse, 2004, p. 650). At the same time, the nature of expectations differs depending on one’s positioning within a particular spectrum of knowledge production and dissemination, such that “the further we travel from the source of knowledge production, the more colourful and flamboyant become the promissory properties of knowledge” (Brown, 2003, p. 16). While such high expectations often catalyse resentment, resistance, and loss of legitimacy for actors such as NGOs, (Dressler, 2017; Fletcher et al., 2016; Leach & Scoones, 2015; Massarella et al., 2018), Redford et al. (2013, p. 437) caution that “fads never seem to die of their own weight but rather are replaced by or incorporated in a new approach.”

Drawing from these studies, it can be discerned that the processes of subdivision and conservation underway in Olderkesi provide a fertile ground for examining the

complex nature of expectations in an indigenous frontier. Given the significant amount of time and resources that have been invested in both processes, it can be questioned whether subdivision and the establishment of a wildlife conservancy constitute ‘neoliberal fads’, borrowing from Redford et al. (2013) in their articulation of ‘conservation fads’. At the same time, however, Lesorogol (2008, p. 310) contends that “privatization of pastoral land is not necessarily the disaster feared by some scholars studying pastoral societies, nor is it the absolute boon predicted by mainstream economic theory.” If, indeed, the individualization of private tenure is not simply a dualistic telos of either disaster or economic triumph, the auspicious or inauspicious outlook that may characterize such transitional moments necessitates a critical analysis of the complex of elements that shape social relations along an indigenous frontier. Following Appadurai’s (2013) call to look critically into culture for people’s preoccupations with imagination, anticipation, and aspiration, I look into the sociocultural, economic and political arena of Olderkesi to explore the complexity of thinking about the future in the context of a pastoral commons in transition.

1.6 CAPITALIST RELATIONS ALONG A FRONTIER

Indigenous Peoples and local communities organized around customary institutions are often viewed as living at the margins of capitalist relations. These sentiments have prompted scholars such as De Soto (2000) to claim that the majority of the Global South are poor due to dearth of established capitalist relations underpinned by formal property rights and robust legal institutions. In relation to land, it is suggested that the solution lies in conferring formal titles on community members in order to facilitate access to credit and use of land as collateral, and to galvanize landowners into investing in land so

as to attain greater economic productivity overall (Musembi, 2007). In sum, it is about rendering the possessions of these imagined poor groups' commodities that can be traded in a capitalist market. While De Soto's proposal appears straightforward, Li (2014a, p. 5) argues that "we seldom stop to examine precisely what is distinctive about these (capitalist) relations, nor to consider how they are formed." Li (2014a, p. 8) defines capitalist relations as:

...the ensemble of relations characterized by private and unequal ownership of the means of production (land, capital), a group of nonowners compelled to sell their labour, and the use of capital to generate profit under competitive conditions. Competition means that the owners of capital must seek profit to generate more capital to invest simply to reproduce themselves as they are, that is, as owners. To the extent they succeed, their accumulation squeezes others out, entrenching and sometimes deepening the unequal ownership with which the cycle began.

Drawing from Li here, capitalist relations are realized through primitive accumulation as described by Karl Marx, but rather than securing ownership rights as often postulated within private property discourse, it engenders inequalities that force those with limited property to sell their labour. Over time, the chasm between the propertied and the non-propertied grows such that whilst generating opportunities for some to prosper, capitalist relations concomitantly abandon others to slide into poverty. This is a paradox that Polanyi (2001) observes, noting how pauperism increases in tandem with plenty. Capitalist relations in this regard, advances Li (2014a), create compulsion rather than expand the range of choices for individuals. The way these realities are produced adhere to the Marxist perspective that prosperity is attained through destitution such that a larger proletariat is created (Marx, 1999). Among the

Lauje highlanders studied by Li, the progress of some was dependent on others being forced to fail, and failure came in the form of being coerced to sell their land. At the same time, however, Li (2014a, pp. 115-116) writes that:

...the emergence of land and labor as commodities isn't enough to instil the element of compulsion that distinguishes capitalist relations and makes them competitive. Only when a person is obliged to sell crops as a condition of survival is he or she obliged to sell them at a competitive price – the price set by more efficient producers. Only when people are compelled to sell their labor is the price they can obtain for a day of work governed by competition with other workers, who are equally desperate. Only when land cannot be accessed except through rent or purchase is its price fixed by the sum the most competitive farmers can afford to pay.

Li (2014a, p. 116) further notes that the penetration by capitalist relations of a frontier does not simply occur when land and labour are rendered commodities that can be freely transacted, but rather when such occurrence depends upon the “erosion of non-commoditized relations through which people may previously have been able to access food, labor, land, and help to weather crises.” As such, changing relations are to be observed in the everyday, often mundane, social relations that could escape an eye solely focussed on dynamics around the primary means of production in land, labour, and capital.

Li's (2014b) observations diverge from the optimism palpable among Maasai communities that are subdividing the commons for whom subdivision signifies the onset of autonomous decision-making and investment in land to generate individual or household revenue (Mwangi, 2007b). The perspective that the private individual tenure

functions as the basis for pursuit of progress in the rangelands becomes more complex when biodiversity conservation is factored into the equation. Under the aegis of fortress conservation, protected areas in the form of national parks and reserves, many of which are found in the Maasai rangelands, have represented the primary approach taken to biodiversity conservation. However, it is now well recognized that most of the wildlife in Kenya, more than 65 per cent (KWCA, 2021), is found outside of these protected areas. The fragmentation of the rangelands through subdivision portends grave challenges to wildlife being able to access spaces outside of the protected areas, especially due to the erection of fences to delimit individual enclosures. These landscape changes restrict pastoral and wildlife mobility and aggravate environmental degradation (Groom & Western, 2013). It is in the face of these pastoral and wildlife challenges that wildlife conservancies have emerged as innovative conservation structures that promise to attend to both wildlife and pastoral wellbeing.

Wildlife conservancies are underpinned by an entrepreneurial logic of conservation, usually involving an investor leasing land from local landowners to operate a conservation enterprise. As wildlife on private lands becomes commodified primarily through tourism, and individuals are conferred with titles to land, capitalist relations as described by Li (2014a) are engendered, arguably denoting a neoliberal turn in the Maasai rangelands. According to Holmes and Cavanagh (2016, p. 201), neoliberalism constitutes “a complex and variable assemblage of ideologies, institutions, discourses, actors, and related practices that seek to broaden and deepen processes of financialisation, privatization, marketisation, decentralisation, and/or commodification in society.” As neoliberalism changes from location to location such that it becomes chameleonic (Holmes & Cavanagh, 2016), Igoe and Brockington (2007) advocate a concept of

neoliberalisation as a way to conceptualize it as a 'bundle of processes' as opposed to a 'thing'. Within conservation debates, the neoliberal turn is understood as the quest to 'save' nature by establishing long-term modes of capital accumulation that entail pricing or financialization of nature so that nature can pay for itself (Büscher & Fletcher, 2015; Igoe & Brockington, 2007). Designating neoliberal conservation as a 'third wave' conservation strategy preceded by, but complementary to, fortress and community-based conservation, Fletcher (2020) defines neoliberal conservation as "a dynamic wherein prominent organizations around the world concerned with biodiversity conservation have increasingly adopted strategies and mechanisms that seek to reconcile conservation with economic development by harnessing economic markets as putative mechanisms for financing nature conservation."

This 'neoliberal turn' in conservation has occurred following a period when neoliberalism was seldom mentioned or discussed in relation to conservation, and even then only limited discussions were focussed on how to counter the global spread of capitalism that was seen as endangering the future of the planet (Igoe & Brockington, 2007). The force of global capitalism, however, was such that advocates of CBC resorted to 'hybrid environmental governance' that would involve multiple actors, including the state, NGOs, businesses and local communities. The hybridisation processes were seen not only to bring together multiple actors, but also to agree with the virtues of democracy through devolution and participation, and, ultimately, sustainable development (Ibid.). Within a neoliberal conservation framework, Indigenous and local peoples have to be made 'eco-rational' subjects to better serve the conservation project. As Goldman (2001) explains, 'eco-' refers to both the economic and ecological logics. The process involved in the creation and governance of eco-rational subjects entails further processes such as the

acquisition of private property rights and business ventures, all of which point to the underlying mechanics of neoliberalisation zoomed in at the individual level (Igoe & Brockington, 2007).

The Olderkesi area constitutes a quintessential indigenous frontier in which to examine the dynamics of the neoliberal turn in a postcolonial setting in sub-Saharan Africa. According to Li (2014a), an indigenous frontier is characterized by relative isolation in economic, political, and geographical terms. The Maasai rangelands have been marginalized by the Kenyan state for a long time, dating back to the colonial period when Maasai lands were expropriated and pastoralism was viewed as a backward, unproductive activity (Hughes, 2006). There were significantly fewer investments directed to the rangelands, whose economic and institutional marginalization continued in the post-independence period and was rubberstamped by the issuing of the Sessional Paper Number 10 of 1965 which categorized the rangelands as less productive areas, requiring less economic investment by the state (Ensminger, 2017).

The marginalization of the Maasai rangelands through state underinvestment is starkly reflected in the limited public services found in Olderkesi. There are only a few primary schools, and a high school for girls and boys has only recently been established. The requisite infrastructure is gradually being put in place to be able to meet the needs of the students over time. In Nkoireroi village, a single healthcare centre with limited capacity and little medical equipment caters to the Olderkesi population, with some other clinics having been recently established in a few villages as part of donor-led local development projects. In an area as dry as Olderkesi, water access is difficult; the only water source established there was erected with the support of the AGC mission, where

local households access tap water for a monthly fee of 300 Kenyan shillings⁸. Olderkesi is further isolated by a limited weather road network, which becomes extremely difficult to navigate during the rainy seasons. Despite constituting the border between Kenya and Tanzania, Olderkesi has suffered from limited security until recently when a few police officers were added to the police post at Olpusimoru centre, the town at the Kenya-Tanzania border.

The subdivision wave that swept across many Maasai areas has only just arrived in Olderkesi, one of the last areas to subdivide the commons in the Maasai rangelands of southern Kenya. The dismantling of the Olderkesi commons and the establishment of a community wildlife conservancy constitute the two key processes that frame my examination of the penetration of neoliberal capitalist relations in the area. The pursuit of individual tenure and commercialization of wildlife has been laden with narratives of progress and development despite various studies highlighting the complexity that characterizes subdivision and conservation. By paying attention to the often-veiled underside of privatization and neoliberalisation writ large, I examine these two key dynamics underway in Olderkesi by questioning whether they constitute progressive dystopia. The following chapter conducts this examination by tracing the history of the Olderkesi community, the making of Olderkesi as a place, to the present-day politics of subdivision and conservation. This genealogical approach illuminates the making of Olderkesi over the past decades and makes the case for place and culture in understanding the present.

⁸ Around 3USD

2. Making Olderkesi

“...history is a sine qua non for human existence precisely because it serves as a mirror through which we look to discover and acquire knowledge of ourselves and our future possibilities” (More, 2018, p. 15).

2.1 THE CASE FOR PLACE

A home to the pastoral Maasai community, an Indigenous frontier undergoing subdivision of the pastoral commons to confer private individual tenure, a border area in southern Kenya adjacent to two major national wildlife areas in Kenya and Tanzania, Olderkesi is quintessentially the rangeland in transition in 21st century East Africa. While the Maasai pastoral rangelands have for a long time been described as areas where cattle are the primary source of livelihood (Galaty, 1982), a terrain characterised by vast grasslands and woodlands (Doherty, 1987), a rich habitat for wildlife (Reid et al., 2014), and a prime tourist destination, there is emerging awareness of the changing rangelands landscape, especially in southern Kenya (Said et al., 2016). Rather than subscribe to the traditional view of place as “static, bounded and having an essence,” such that places come to be seen as “containers,” I set out to understand Olderkesi through a “dynamic, relational and anti-essentialist” view of place (Kabachnik, 2012, p. 213). Further, I follow Roseberry (1998, p. 81), who, employing an anthropological political economy approach in the analysis of the local, writes that, “The social field places the local within larger networks and therefore requires a knowledge of those networks. But the networks themselves are uniquely configured, socially and historically, in particular places at particular times. The local is global, in this view, but the global can only be understood as always and necessarily local.”

This chapter aims to familiarize the reader with Olderkesi, the primary context of this research study, using a point of entry that attends to its geographical, political, historical, economic, and social-cultural aspects. This cartographic entry intends to take the reader to Olderkesi by invoking Geertz's (1988) ethnographic inspiration to use authorial methods to provide the reader with the sense of "being there". At the same time, while "being there" is suggestive of a particular moment in time, I aim to locate Olderkesi not only in its present, but also in its past and future through the storylines of varied interlocutors from both within and without, in order to understand how "external" forces are "internalized" (Roseberry, 1998, p. 75) and, in turn, articulate with existing internal forces to comprehensively shape life in Olderkesi.

2.2 CROSSING RIVERS

Olderkesi is one of the southernmost locations in Narok County, and borders Kenya's globally renowned Maasai Mara National Reserve (MMNR) and Tanzania's Serengeti National Park to the west, shares its entire southern border with the Republic of Tanzania, borders the Loita plains to the east, and Naikarra Location to the north. The many neighbours make Olderkesi a place of borders, a feature that is only likely to rise in prominence following the establishment of a wildlife conservancy and the on-going subdivision of the commons.

Located 98 kilometres from Narok town, Olderkesi is not very distant from the Narok County headquarters, the new proximal centres of state power and political resources following the devolution of the Kenyan national government with the promulgation of Kenya's New Constitution in 2010 (Burugu, 2010). The seemingly modest 98-kilometre distance, from a spatial perspective, is confounded by the more than

three hours it takes for a one-way journey between Narok town and Olderkesi. A narrow, dilapidated tarmacked road branches off the Narok-Bomet highway to head towards Olderkesi and the MMNR. For many years, this road only covered a short distance of around 40 kilometres. After many years of public outcry that the road leading to the iconic MMNR, a national wildlife reserve that is the symbol of Kenya's touristic appeal, and which is the destination of thousands of safari tourists from around the world, was in a derelict state that did not reflect the millions of dollars of revenue emanating from the MMNR, it was only in 2017 that construction of a broad, tarmacked road began.

In September 2017, I accompanied the ILEPA team on a trip to Maji Moto, a former group ranch close to Narok town. At the time, the Narok-MMNR road was under construction by a Chinese company. The road was laced with an array of signposts-cum-advertisements in Chinese, even though Chinese is neither an official Kenyan language nor a widely spoken language in Kenya. While the message contained therein may not be directed at the Kenyan drivers plying the route, the function of the Chinese language clearly transcends intelligibility. China's presence has become synonymous with infrastructural development in Kenya, and arguably in sub-Saharan Africa writ large. While these road construction sites track the route leading to the Sekenani Gate of the MMNR, the road to Olderkesi from Ng'oswani, a small town at the confluence of roads leading to Sekenani, Olderkesi, and Narok, has remained a dirt road that is only ploughed on an annual basis. It is from Ng'oswani that this dirt road heading towards Olderkesi becomes extremely rocky, and where what appeared as a short distance spatially suddenly becomes an extremely long distance from a temporal perspective. It is this time-space compression that the road leading to Sekenani gate, the main entry point to the MMNR, intends to accomplish. The route to the MMNR has evidently been prioritised in the

current infrastructural development in Narok with the primary aim of fostering the lucrative tourism sector, which has earned the country annual revenues exceeding 1.5 billion USD for the past decade⁹ (*International tourism, receipts (current US\$)*, 2021). This observation is consistent with Ferguson's (1990, p. 14) argument that neoliberal capital in Africa 'hops over' rather than 'flows through' territories, where territories that promise returns to investments by virtue of having resources amenable to capitalistic exploitation attracting capital investments. The MMNR can thus be viewed as a site to which neoliberal capital flows while hopping over other localities such as Olderkesi .

A journey from Ng'oswani to Olderkesi during the dry season constantly provides evidence of the effects of aridity in the Maasai rangelands; clouds of dust following each motor vehicle's trail, dry riverbeds, bridges at the cusp of collapse or damaged by the last heavy rains, leaving the riverbed as the only crossing point. The absence of bridges is especially felt during the rainy season when rivers become impassable. One day after a heavy downpour in Olderkesi, Mr. Tong'oyo told me that Olderkesi used to receive much more rainfall in the past decades to the extent that the people of Olderkesi were not able to move out of the area for several weeks as it was too risky to cross the rivers. If heavy rains poured while one was outside of Olderkesi, then one had to wait for the water levels in the rivers to subside before making a return to the village. During fieldwork, I experienced several moments of 'waiting for the river' to subside and, one particular experience illuminates well the infrastructural challenges facing Olderkesi:

We had travelled to Narok early in the morning to follow a land case involving one of the former group ranches in Narok County. On our way back to Olderkesi, we

⁹ The tourism industry is one of the leading national revenue earners for Kenya. According to The World Bank, the sector has averaged more than 1.5 billion USD in revenues in the last decade, and 1.784 in 2018.

had to cross the Orkejesuru River, which one approaches after passing Naikarra town. A bridge that had collapsed several years back had never been repaired despite promises from the Narok County government that it would be repaired. The river had broken its banks and become impassable. Usually, people in Olderkesi wait for the water level to subside until it is possible to cross the river. We waited from early evening to the latter hours of the night, and the moon shone ever more brightly as if to alleviate the bind of the moment. Despite the growing numbers of people who had to wait for the river and the chit chatting while at it, the river still remained the most audible, a sign we had to wait even longer. However, impatience gradually crept in and, at some point, two men attempted to cross the river with their motorbikes. In both cases and in quick succession, they were overpowered by the water currents and only with the help of other people were able to save their motorbikes from the strong currents of the river. Others who had livestock on the other side of the river felt the water levels had subsided enough for livestock to cross. As a flock of shoats¹⁰ was guided across the river, two sheep were immediately swept away and the owners were caught in a dilemma between leaving the entire flock to save the two sheep and concentrating on the rest of the flock to prevent further loss to the raging currents of the Orkejesuru River.

These hours of waiting evinced challenges for pastoralists that are not just drought-related but rather, with the arrival of the rains, challenges of a different nature. Pastoral

¹⁰ Shoats is a contraction of sheep and goats, a term that is used to refer to both categories.

life in Kenya's Maasai rangelands is thus one of challenges and opportunities that are significantly influenced by climatic conditions, an aspect I address in this chapter.

Olderkesi is topographically diverse with many hills and valleys covered with varied tree species and numerous bushes, forests, woodlands, and intermittent open grasslands, which together combine to provide a peaceable abode for many wildlife species and pasture for livestock. An arid to semi-arid area, Olderkesi receives annual rainfall of around 650 mm, a much more modest amount of annual rainfall compared to other parts of Narok County, such as the northwest parts of the MMNR which receive up to 1300 mm annually (Bartzke et al., 2018). Barring rainwater, there are limited sources of water in the area, and the challenge of water access only heightens during the dry seasons. While limited water access constrains activities such as agriculture, Olderkesi has fertile soils on which rain-fed agriculture flourishes especially in the areas near the MMNR. The main crops cultivated are maize and beans, produce used to meet household food needs next to the primary livelihood activity of livestock keeping. Outside the arable lands of Olderkesi, there are expansive areas covered in gigantic rocks of different hues that provide breath-taking sceneries, which have inspired toponymic names for places such as the Esoit Sub-Location, named in reference to the enormous bright-coloured rocks found there. As Olderkesi undergoes land subdivision and individuals are allocated private plots of land, these environmental factors will greatly influence how landowners will use the land. For example, what appear to be beautiful sceneries of hued rocks could be associated with difficulties of access to pasture, as has been the case in other former GRs where individuals were allocated rocky plots of land that could neither serve as pasture for livestock nor arable land for crop cultivation.

2.3 A BRIEF HISTORY

In history, the Maasai pastoral livelihoods have relied on herders having extensive knowledge of the environmental conditions of their locales and the rangelands writ large. While such knowledge is fundamental, especially for nomadic pastoralism, the environment is essentially constitutive of the social-cultural, economic, and political aspects of the Maasai everyday life. Prior to the occupation of present-day Kenya by the British, the Maasai occupied larger areas of land that often permitted more unrestricted movements in search of pasture. Following two major land agreements with the British in the early 20th century, the Maasai were consolidated in the southern rangelands of Kenya, where the majority of Maasai are found today. This history of the Maasai movement from northern Kenya, in Laikipia, to present day Olderkesi during the early colonial period is well situated in the annals of the Olderkesi elders. Lemayian, my research assistant, and I set out to unearth the particular history of the Maasai of Olderkesi from a village elder who, according to Lemayian, was the most informed given his old age and understanding of the Olderkesi context. Lemayian picked his ever-at-hand mobile phone¹¹ and called the mzee¹² to book an appointment several days prior to our visit. A day before our appointment, Lemayian called the village elder again to confirm our appointment. Upon our arrival at our interlocutor's homestead, with the sun shining as brightly as ever, we were given chairs by the *mama*¹³ of the house, tea was served, and after exchanging greetings and providing updates about the research study, another old

¹¹ Lemayian's mobile phone was always at hand and, in the few instances that it ran out of charge, he was restless.

¹² Mzee is a Kiswahili word which means an old man, but it is also used to refer to the household head.

¹³ This is a respectful word used to refer to a woman, and it comes from Kiswahili where 'mama' means 'mother'.

man joined us unbidden, and soon our conversations about the history of Olderkesi got underway.

At the time when the Maasai were still moving into the present-day Maasai rangelands, Olderkesi stood out as a “very good place for cattle,” the elders informed us, and the place thus attracted livestock-keepers. Coming all the way from Laikipia, the Purko Maasai ventured beyond the Ewaso Ng’iro, and along the way they displaced other Maasai groups until they finally settled in Olderkesi. Prior to their occupation of Olderkesi, most of the Purko Maasai were settled on the Loita plains. Olderkesi at the time was occupied by the Ilaitaiok Maasai, who were forced out of Olderkesi and into Tanzania by the Purko. Tanzania, however, did not provide an amicable abode as the Ilaitaiok Maasai were forced back to Kenya by frequent cattle raids visited upon them by the Sukuma and Kuria peoples of Tanzania. The national border between Kenya and Tanzania, which was drawn between 1902 and 1906 by a joint Anglo-German Commission after an agreement had been reached between the British and the Germans in 1990 (Galaty, 2020), had already been established at this time. The Maasai living on the Tanzanian side were called the ‘Orpolosie’ Maasai, which means the ‘border’ Maasai. As such, the Purko of Olderkesi were not actually divided by the establishment of the national border by the colonial powers, a process carried out in 1884-1885 in Berlin, Germany. Rather, as some groups such as the Purko forced out other groups such as the Ilaitaiok Maasai, and, as territorial battles continued, the Maasai groups eventually settled in whatever areas where they were able to establish themselves. All the while, cattle rustling continued around Olderkesi over the years, and it was only in the 1990s that the raiding was halted after the Kenyan government intervened militarily.

At the time of Purko's occupation of Olderkesi, Kenya was under the British colonial rule. Olderkesi, however, did not experience colonial violence by the British as had been the case in many other parts of the country such as Central Kenya, as detailed by Elkins (2005). Rather, Olderkesi functioned as a transitional area for the British colonial government, who from 1914 were fighting the Germans in Tanganyika (present-day Tanzania). On the Tanganyika side, however, the German colonial government was highly restrictive. When the Kenyan Maasai would move into Tanganyika in search of pasture, the Tanganyikans would entreat the German colonial government to force the Kenyan Maasai out of Tanganyika. These dynamics of restricted access to Tanganyika were reflective of the reality that, while colonial violence was absent, local territorial battles over the rangelands occurred as each group sought to gain control over areas with rich pasture and water for livestock. Having managed to occupy Olderkesi and keep it from other pastoral groups, the Purko Maasai of Olderkesi remained intact with 22 families who are now considered as the Indigenous Peoples of Olderkesi, an indication that even indigeneity is negotiated, and sometimes violently. Today, there is an estimated population of 11,000 people settled in the 25 villages that constitute Olderkesi. With the advent of land subdivision, these villages function as the clusters through which Olderkesi residents are identified and locally governed, rendering them local administrative units.

After settling on the Olderkesi terrain, a place that the elders referred to as being "very good for cattle," the Maasai continued to follow an annual calendar of events informed by Maasai culture. The 12-month calendar constitutes six wet months, and six dry months, and outlines what was to be done and when during the year as shown in the table below (while it is agreed that there are twelve months in a Maasai calendar year, the names and order of the months differ across the Maasai sections (Sankan, 1965, p. 64)):

Table 1: The Maasai bio-cultural calendar

Month		Activities
1	Oladalu	This month is called Oladalu because the sun shines so much that the grass that grows in December after the short rains eventually dry up completely. There are no major cultural events during Oladalu, except for Christmas, which is a recent tradition. This month was associated with bad luck and, therefore, even raids were not conducted in this period.
2	Arat	This is the first month that cattle start to get enough grass, and the first calving season. Circumcision is the main cultural event that takes place in this month.
3	Ooeni-oring'ok	This month derives its name from the abundance of grass available when 'oring'ok' (bulls) become very energetic from feeding well. Cows calve during this season, and there is plenty of milk. Many traditional ceremonies take place during this month, such as marriage, because cattle are well fed and have good meat.
4	Olodoyieri-Nkokua	This is the only season, until the sixth one, when no circumcision takes place. Nkokua is the constellation that has a lot of stars. This constellation disappears during this period and its disappearance is associated with bad omens. Therefore, there are no feasts held during this period. Cows continue to calve during this season, but many calves die because the milk is too much to digest.
5	Olooilepunyie-Nkokua	This is the season when cattle mate for calving to happen nine months later, in the Arat season. The Nkokua constellation returns during this period and many feasts are held. Olooilepunyie means to appear – the Maasai understanding is that the stars are continually moving and so they 'appear' during this period. The cows continue to calve, and milk is plentiful.
6	Kuju-Orok	This season is when most feasts are held, and there are families that carry out certain ceremonies. Circumcision, for example, is carried out only during this season. Sheep are bred during this period so that they can lamb in the eleventh month, Olosirr-Enkop. The dry season begins in this season.
7	Orgisan	The feasts reduce significantly in this period, and the cold season sets in. People start to move around to look for grass. Grass is burned during this season. The sheep continue to be bred during this period.
8	Pushuka - Oloorore Nkatampo	This season is also called the 'Oloorore Nkatampo', which means that the clouds become separated; there are not many clouds during this season as the sky starts to clear up. It is called Pushuka because the 'osuguroi' (aloe vera) starts to flower. People start to chew on these flowers because they are sweet. It becomes very dry, and grass is burned during this season.

9	Ntungus	There are some rain showers, and the sheep are taken to the lush grass that is sprouting after being burned in the past months.
10	Karobo	There is no rain as it continues to get drier this season. If the rains have not been adequate during the year, cattle start to die, and people start to cut twigs and leaves for the livestock. People move around during this period in search of pasture.
11	Olosirr-Enkop	There are few showers, or short rains, in this season. If it has not rained in an area, people in those areas move to areas that have received rainfall. Sheep start lambing in this season.
12	Oloitushul-Indapan	There is green grass everywhere after the rain showers. Cattle start to grow strong, and sheep continue lambing. Since schooling was introduced, nowadays there is Christmas in addition to other events.

Olderkesi has been faced with what may be termed a second wave of migration. Due to violence on the bordering Tanzanian side, many Maasai that had been settled there came to settle in Olderkesi and did not return. As such, members of Olderkesi constitute not only the Maasai groups who have stayed in Olderkesi for a long time, but also those who came to settle in Olderkesi much later. At the same time, there are groups who moved out of Olderkesi in the 1980s when there were many battles over the Olderkesi land. These groups moved to different places in the Maasai rangelands such as Aitong, Talek, and even as far as Ewaso Ng'iro. The settlement of Olderkesi, until the 1980s, went only as far as Oltulelei and across Parmolile, Oldisare, and upwards across the landscape through Esoit all the way to the final village of Lesenkekei on the Loita border. The movement towards the agricultural areas of Telegut, Kuyana, Kipayapaya, Ositeti, Noonchota and Orng'ayenet, only started in the 1990s when there was relative security after the establishment of various groups of rangers to halt cattle raiding. It was only after it was peaceable in Olderkesi and, importantly, with the advent of land subdivision in other parts of Maasailand, that some of those who had moved out of Olderkesi began to return

as they had not been recognized as bona fide landowners in the areas where land subdivision was taking place. Subdivision therefore served to separate bona fide landowners from the rest of the settlers thereby forcing unrecognized groups to return to their places of origin.

2.4 THE SOCIAL-CULTURAL MILIEU

Together with a historical understanding of the Maasai of Olderkesi, a coverage of the social-cultural milieu is necessary in order to gain entry into the evolution of human relations, especially at a time when Olderkesi is undergoing significant changes in institutions of property, with property understood as an expression of social relations (Blomley, 2007; Scott & Mulrennan, 1999). Lemayian, who has immense interest in Maasai culture and well-being, and had spent a lot of time with his late father, became an invaluable source of knowledge about the social-cultural history of the Maasai. After our many conversations about the history of Olderkesi, exchanges that sometimes were sparked by the sight of a landmark relic, a tree, or an event that occurred at a certain place, it was time to converse with another elder who had experienced and seen the history of Olderkesi unfold: the chairman of the Olderkesi Land Adjudication Committee. Upon arriving at the chairman's home, we were welcomed inside a cool blue roofed stone house away from the scorching midday sun. Lemayian and I took seats on one side of the living room and waited for the chairman. In our exchange of greetings, we gave news about where we had come from before commencing our discussion. Greetings among the Maasai are not simply about how one is faring on a given day or in life, but rather about providing updates about the well-being of people and livestock of where one is coming from, the weather conditions, and finally one's self. It is a practice that decentres the self

by underscoring that the self belongs to a collective, and underlines the Maasai as a ‘people of cattle’ (Galaty, 1982) by seeking knowledge about the weather and livestock. It was after this ritualized exchange of greetings that the chairman began to fondly remember when he was growing up as a child in Olderkesi:

When I was growing up, Olderkesi had a very small population. There were no hospitals and no immunization of new-born children. Child mortality was therefore very high. Even for adults, when they would fall sick, it was very difficult to get treatment. Later on, **development**¹⁴ came and it helped women and children a lot. As the mortality rate went down, the population started to grow.

As the population grew, the Olderkesi community became more established, with the 22 families indigenous to Olderkesi settling in four linearly organized villages namely Enasoretet, Ntarakwa, Lemisigio, and Nkoiswash. The villages were strategically located on one side of Olderkesi, and the rest of the Olderkesi area was reserved for grazing. A committee of elders which operated within a centralised system of command under Kuntai ole Sankale, a member of the ‘Iterito’ age-set who became a paramount chief during the British colonial regime (Riamit, 2014) and was bestowed with the powers to elect the head of every village, made grazing arrangements for the Olderkesi community. The word of the grazing committee was final, and this ensured harmonious living in the community. Each *boma*¹⁵ had its own *olookeri*¹⁶ set aside for calves as they should not graze far away from the *boma* if they are to be safe. Grazing of cattle was done either individually or collectively, depending on whether there was danger of attacks on cattle

¹⁴ Emphasis mine.

¹⁵ A Maasai homestead

¹⁶ A small, open grazing area close to the homestead.

by wildlife or raiders, as was often the case when grazing in Tanzania; in these circumstances, grazing was done collectively. The Maasai of Olderkesi at the time had a lot of cattle, and livestock was not sold except during droughts when livestock would be sold to buy food. As maize flour was unavailable in Olderkesi, the residents had to get flour either from Naroosura, a neighbouring town, or from Tanzania. At times when there was no flour or milk available at all, people would feed by drawing blood from cattle. Usually, only two meals were served at home a day; there was no lunch at the time, and people would gather fruits and honey from the forest. Water was only accessed from Sand River, which today flows to the MMNR, using metallic jerrycans that would be tied on donkeys' backs for transport home.

On occasions when livestock succumbed to sickness, a quarantine method was used whereby the affected livestock was separated from the rest, after which they would access pasture and water from separate areas. The abundance of grass was such that it was not necessary to graze in the MMNR, bar during some dry seasons when the reserve would serve as a refuge area. Grazing in the reserve, when it occurred, was only for sheep and this was after grass had been burned because sheep savour the grass that sprouts after an episode of burning. While access to the MMNR was not restricted to the Maasai at the time, it has become highly restricted in recent years following complaints by tourists that they do not want to see livestock but only wildlife; the Maasai livestock in the MMNR spoils the touristic view of this imagined 'wilderness'. The Narok County government has taken heed of these demands, and it is now not only illegal for the Maasai pastoralists to graze their livestock in the MMNR, but the reserve enforces restriction more diligently. As such, through efforts by the government to respond affirmatively to touristic demands

for a pure wilderness experience unspoiled by the Maasai cattle, the MMNR has been rendered a wildlife conservation fortress proper.

The Olderkesi community has established the OWC with the main aim of conserving wildlife while benefitting from these conservation efforts mainly through land lease revenues, local employment, and maintenance of a dry season grazing area. Given the creation of the conservancy by and on the land of the Olderkesi people, it is yet to be seen how the imagined 'wilderness' tailored for the touristic economy will be articulated when tourism occurs within a wildlife conservancy that, in addition to functioning as a destination for wildlife-based tourism, is meant to serve as the dry-season refuge area for the Olderkesi community. The presence of livestock in the conservancy area could either challenge tourists' imagination of wilderness, or it could influence grazing arrangements within the conservancy should the current imagination of wilderness as one devoid of livestock persist. It is these dynamics that raise critical questions about whether indeed wildlife conservancies are community-based structures or conservation enterprises which happen to be established on communities' lands.

While restricted access to the MMNR has limited pasture areas for the Olderkesi Maasai, climatic changes have further added to the challenges of availability and access of pasture in Olderkesi. Over the years Olderkesi has been faced with reduced and erratic rainfall and frequent droughts. As a result, there has been continued loss of livestock, especially cattle, and it has been extremely difficult to replace lost livestock owing to the continued droughts and depletion of financial capital. In response to these environmental and financial challenges, members of the community have adapted their livestock composition such that sheep are now the dominant livestock, relative to cattle and goats. Requiring much less pasture than cattle, and being more resilient in the face of droughts,

sheep have become the favoured species. It is now common in Olderkesi that when talking about people's livestock wealth sheep are the measure rather than cattle, the traditional metric for pastoral wealth (Galaty, 1992). Also, when talking about pasture in present day Olderkesi, the livestock in consideration are sheep, an indication that sheep have not only become the dominant species in numbers, but also the primary one in everyday discourse.

The reduction in cattle wealth has had wide ranging social-cultural impacts on Olderkesi. For example, some cultural practices originally centred on cattle have diminished. The *Orkiteng-Loorbaa*, translated as a 'cleaning ceremony,' which entailed cementing social ties between friends and establishing strong social bonds between their respective families, is rarely conducted today. These instances where cultural practices are affected by the absence or reduction of cattle are indicative of the centrality of cattle in the life of the Maasai people. The absence of various cultural practices is not simply because people have adopted ways of living that are inconsistent with past ways of life, but rather that the conditions that enabled certain practices to exist have changed. As livestock composition in Olderkesi has changed, it has in turn served catalysed other social-cultural changes that are archived in the annals of Olderkesi people's history.

An example of a significant change that could easily go unnoticed without past knowledge of Olderkesi is the absence of donkeys in recent years, yet donkeys were once plentiful. Over the years, demand for donkey meat in other parts of Kenya, where donkey meat was passed off as beef, reached Olderkesi. While the Maasai gave meticulous attention to cattle and shoats during grazing, donkeys were usually left to graze on their own. This made donkeys easy to steal and sell off to buyers. Today there are almost no donkeys left in Olderkesi and, as donkeys used to carry out important work such as fetching water, their disappearance has made human labour requisite to carry out those

tasks, thereby engendering new forms of labour allocation. The ramifications for the disappearance of donkeys on labour allocation, and the reduction in cattle numbers resulting in the erasure of cultural functions, illustrate how the social-cultural milieu is entwined with other realms of life, and underline the significance of history for understanding the present.

2.5 ECONOMIC ACTIVITIES

The main economic activities of the people of Olderkesi comprise pastoralism, tourism, and crop cultivation. Livestock keeping, which has gradually gravitated from cattle towards shoats, is the primary source of livelihood and store of wealth. A few households do poultry farming, a practice that is still unpopular in Olderkesi since many Olderkesi Maasai do not consume chicken. It is commonly said among the Maasai that a bird, the category under which chicken is placed, is not for consumption by humans. Within households rearing poultry, women were often considered the owners while livestock was the property of the husbands. During our discussions about poultry farming, the male respondents would often smile and laugh about rearing and consuming chicken, while some who admitted that they could consume chicken said they did not know how to slaughter and prepare it.

As these changes to the Olderkesi economy are occurring, the area remains without financial banking services (barring *M-Pesa* banking, a mobile based platform operated by the Safaricom telecom company). As such, livestock is reinforced as the primary store and metric of wealth in Olderkesi and is largely exchanged at the local markets. Livestock is the primary commodity produced by the people of Olderkesi, and the market serves as the setting where the value of the livestock commodity is converted into a financial value.

This process sees people acquire cash that through its ease of portability and putative commensurability enables them to buy foodstuff, clothing, electronics, and other goods and services. The market also serves as the place where friends meet, and retailers with small shops in the village come to refill their stock. There are usually two market days every week in Olderkesi: Monday is the market day at Olpusimoru shopping centre, which is the border town with Tanzania, and which attracts Kenyans and Tanzanians. On Fridays, it is market day in Naikarra, a small shopping centre in the former group ranch of Naikarra which borders Olderkesi to the north. By having two market days in a week, it enables households to buy enough goods that can last for at least half a week, and in an area without electricity and preservation utilities such as refrigerators, it becomes extremely important to be able to access perishable goods bi-weekly.

A growing economic activity in Olderkesi is crop cultivation. The main crops cultivated are maize and beans. Once harvested, the maize is dried and taken to a *posho*¹⁷ mill where it is ground into maize flour that is in turn used for preparing ugali, a Kenyan staple food. Olderkesi as a semi-arid area with bimodal rainfall, and therefore crop cultivation is usually rain-fed. The crops cultivated are primarily used for domestic consumption, and in the event of a surplus harvest, foodstuff is sold in the market or shared with friends. As I found out during fieldwork, food crops were treated differently from livestock in that following a harvest, the yields were easily and freely shared with other members of the community, while livestock exchanges largely occur through a monetary transaction or through the formally established cultural systems of exchange such as in the payment of dowry or during cultural functions. Food cultivation in

¹⁷ Posho is a Kiswahili word meaning rations of food such as maize, and it is used to refer to the product of mills used to grind maize into flour.

Olderkesi is mainly practised in the areas adjacent to the MMNR, areas which have high numbers of wildlife. Accordingly, crop cultivation often pits farmers against wildlife, especially zebras, elephants, antelopes, and baboons. To protect against crop destruction by wildlife, the farms are fenced using wooden branches, while sometimes farmers use fire to keep wildlife away at night.

The location of Olderkesi next to the MMNR, and as a habitat for high numbers of wildlife, makes it apt for tourism. Several tourist camps and camp sites have been established in Olderkesi, mainly by external investors who have leased land from various members of the Olderkesi community. The primary tourism investor in the area is the Cottars 1920's Safari Camp which was established in Olderkesi in the 1990s. By leasing parts of Olderkesi to tour operators, certain members of Olderkesi receive land rents. The camp stands out as the most significant tourism enterprise in Olderkesi, not only through the touristic revenues generated and the land leases paid to the Olderkesi community, but also by providing employment mainly to youths who work as rangers, tour guides, and drivers at the camp. The camp is also a major source of funding for community projects through its investor seeking funding from, and partnerships with, donors from around the world to finance projects ranging from the construction of schools and bridges to transport in cases of emergency. The Cottars 1920's Safari Camp is the primary investor leasing land from the Olderkesi community on which the Olderkesi Wildlife Conservancy will be established, significantly adding to the area currently occupied by the camp. Land for the conservancy will be communally owned, with each participating member of the Olderkesi community obtaining an equal share in the conservancy by contributing an equal amount of land to the conservancy. As a source of income and employment, the wildlife conservancy is anticipated to diversify the Olderkesi economy, and many

Olderkesi residents have high economic expectations regarding the conservancy in addition to its function as a dry season pasture refuge area.

2.6 A PLACE OF BORDERS

Olderkesi borders two major national wildlife protected areas: the MMNR and the Serengeti National Park in Tanzania, in the west and south-west respectively. Olderkesi further borders Tanzania to the south, and Naikarra and Loita communities to the north and the east, respectively. The multiple neighbours influence life in Olderkesi in various ways. On the one hand, bordering the MMNR and the Serengeti National Park places Olderkesi in an area that has high potential for global wildlife-based tourism, and bordering Tanzania suggests cross-border relations that could translate to diversified economies of exchange. On the other hand, Olderkesi's location could also translate to dealing with grave human-wildlife conflicts and being in the midst of international politics especially if the bordering nations are not on peaceable terms. The experience of Olderkesi sheds light on the politics of borders, and how pastoral groups experience more complex and shifting borders over time.

From being an area that was unpopular among the Maasai due to its infestation with tsetse flies, the MMNR then became a dry season grazing refuge area, and now it has become an area that is out of bounds for Maasai pastoralists. The MMNR constitutes one of the key areas that belonged to the Maasai prior to its designation as a national protected area for purposes of wildlife conservation. Over the decades, the MMNR became a global destination for safari tours, and its commercial success over the years has also brought with it challenges for the Maasai pastoralists. After years of enormous tourism revenue generation, the Maasai communities around the reserve are yet to fully reap the benefits

of not only living with wildlife adjacent to the reserve, but also for being the Indigenous landowners of the reserve. The dearth of trickle-down in revenues from the MMNR could not be more evident than in Olderkesi. Located on what could be termed the leeward side of the MMNR's tourism economy, Olderkesi receives such meagre touristic business and revenues that it is difficult to imagine Olderkesi as situated adjacent to two of the leading safari destinations in East Africa. The main tourism activities for the MMNR occur through the Sekenani and Talek gates where fleets of tour vehicles, usually four-wheeled, mint Landcruiser trucks, blow clouds of dust or splash mud as they tear through the black cotton soil of the Masai Mara region. Without a major entry gate on the Olderkesi side, and served with the least developed road network, key factors have worked against Olderkesi becoming a major touristic location. However, with the presence of the Cottars 1920's camp, and the on-going work on establishing the Olderkesi Wildlife Conservancy, there is growing optimism that the factors that have limited touristic activities in Olderkesi will be overcome and fade into oblivion.

While tourism has not flourished in Olderkesi, wildlife has found a fine abode in an area that until now has remained an unfragmented pastoral commons and therefore less restrictive to wildlife movement. Whether it is the seasonal presence of elephants, hyenas' nocturnal laughs, antelopes and zebras grazing with livestock, or a dangerous encounter with a buffalo, Olderkesi is a place where wildlife is part and parcel of everyday life. At a time when most of the wildlife in Kenya lives outside the protected areas, Olderkesi is one of the areas which harbours wildlife populations outside the protected areas of the MMNR and the Serengeti National Park, among others. Living with wildlife, however, brings its own set of challenges. There have been many cases of Olderkesi residents who have either been injured by wildlife or lost their precious livestock to

wildlife. What is appalling is that these difficulties of living with wildlife have not been addressed sympathetically by the state, which, together with myriad tourism investments, continues to benefit from tourism revenues accruing from the very existence of wildlife in the Maasai rangelands. For many Olderkesi residents who have been victims of what is often termed human-wildlife conflict, and who have tried to reach out to the Kenya Wildlife Services (KWS) for a solution or compensation, theirs have been fruitless efforts to the point that many people feel it is a wild goose chase to seek assistance or redress from the KWS. At the same time, however, in the event that there is news of wildlife having been injured or attacked, the KWS responds promptly, leaving many with the sentiment that the state values wildlife more than the lives of Maasai pastoralists. These sentiments position the Kenyan state as one that exercises biopower in Foucauldian terms (Foucault, 1978), by making wildlife live while letting Maasai pastoralists die.

Constituting Kenya's southern border with the Republic of Tanzania, Olderkesi experiences the dynamics not only of a relatively marginalized locale within Kenya, but also Tanzanian state relations with Kenya. Bordering Tanzania was often deemed as a matter of relations between communities who resided on the 'other side', so there would be mutual exchanges, especially involving access to pasture, trading at the local markets, and intermarriage. However, the Tanzanian state has in the past years adopted tough border enforcement policies that restrict the movement of Kenyans into Tanzania. In one case, Kenyan pastoralists were arrested by Tanzanian police officers while grazing in Tanzania, while others were shot at by the officers. A young boy who was looking after the cattle of one of the Olderkesi residents got shot, and the community had to conduct a

harambee¹⁸ ceremony to cover hospital bills at a hospital in Nairobi. In what appears as further territorialisation of the Tanzanian state, the Tanzanian government embarked on a border-marking activity in early 2018. This process entailed clearing the area at the border up to around ten feet on both sides of Kenya and Tanzania and erection of broad white beacons that clearly marked the national border. The beacons are conspicuous even from afar, with the exercise being carried out along the entire southern border between Kenya and Tanzania. As the Tanzanian state engages in territorialisation, the Maasai of Olderkesi face further restrictions on both informal movements and exchanges between the two state territories.



Figure 2: Sheep graze on either side of the newly erected Kenya-Tanzania border.

While the border reads as a stop sign for many residents of Olderkesi, the same cannot be said of the frequent cases of robbery carried out by individuals claimed to originate from Tanzania who have for long harassed Olderkesi residents. Some of the said robbers have been caught, while others have fled safely in the knowledge that once on the Tanzanian territory, they are immune from the Kenyan police force. Armed with AK-47,

¹⁸ Harambee is a Kiswahili word which means pulling together. In this case, the people pulled their resources together to enable the injured herder to acquire medical services in Nairobi, Kenya.

the robbers have in various instances ambushed people coming from the markets in Naikarra and Olpusimoru. Often, the robbers hide in the bushes of Olderkesi near bridges where vehicles usually have to slow down. Lemayian was a victim of such an ambush, and he narrated his ordeal:

We just saw guys coming from the bush waving guns at the vehicle. The driver stopped, and the robbers entered into the public bus in which we were travelling. They wore masks, and they asked everyone to empty their monies and other valuables, and then to step outside and lie facing down. No one was allowed to raise their head or else they risked being shot. At the same time, they started harassing some people on suspicion that some had not handed them all their valuables. As they continued to harass people and appeared ready to shoot some people, I took a chance and negotiated with them asking that they leave them since they had already taken all the valuables the passengers had. It was then that they disappeared into the forest with all the money and valuables.

As Lemayian recounted, he was fortunate because according to him, the robbers are usually ready to shoot should the situation escalate. In another case, a surveyor who was working in Olderkesi was fatally shot by robbers on the wrongful assumption that the surveyor's vehicle was actually a police vehicle. The areas where these incidents have occurred in Olderkesi are well known to the residents. It is for this reason that a police station has been established at Olpusimoru town at the border with Tanzania, as it is the main entry point between Kenya and Tanzania. As the chief of Olderkesi informed me, he had to make demands to the Kenyan state for security to be increased in Olderkesi. Once there were more and better equipped police officers stationed at Olpusimoru, the cases of robberies at gunpoint diminished. However, it is still feared that such violent attacks

could occur sporadically and, with this apprehension, members of the Olderkesi community have been encouraged to report to the authorities any new or suspicious persons that come to Olderkesi. At this point, I partly understood some of the suspicious gazes that I attracted from some residents during my early days in Olderkesi.

On the Kenyan side, Olderkesi borders Naikarra to the north and Loita to the east, both areas being occupied by Maasai. The former Naikarra GR subdivided its land before Olderkesi, while the Loita area remains unsubdivided. As an area that was frequented by Olderkesi pastoralists for grazing, land subdivision in Naikarra marked a new era for Olderkesi residents. Unlike before, it was in principle no longer possible to traverse the Naikarra GR for grazing. Instead, individuals started to limit access to their land, essentially creating proper enclosures in the rangelands. At the same time, however, the Naikarra residents continued to access pasture in the Olderkesi commons thereby rendering Olderkesi a wet season grazing area for many Naikarra residents, while Naikarra remained inaccessible to the Olderkesi Maasai during the dry season. In search of ways to regulate access to the Olderkesi commons in the face of these new non-reciprocal pasture access, the movement to pursue land subdivision gained further momentum. Anticipating subdivision and individual tenure, many Olderkesi residents felt that having individual plots of land would provide better mechanisms of not only regulating pasture access, but also enhancing pasture availability through methods such as rotational grazing, and rearing breeds of cattle that produce more milk and beef. Life in Olderkesi has therefore been influenced not only by internal dynamics but also what transpires beyond the boundaries of Olderkesi.

2.7 GOVERNING OLDERKESI

The political organization of Olderkesi is central to the ordering of everyday life in the community. Customary leadership exists alongside state-based administration to create complex dynamics of political power in the community. While political power is often more conspicuous in terms of the leadership positions conferred by the two systems of administration and governance, power and leadership in Olderkesi transcends these defined positions to ramify throughout the community. How these ramified power relations order everyday life in and how they continue to change over time provide essential insights into the on-going changes in property relations in the area. First, I describe the customary forms of leadership, followed by the state-based administrative governance in Olderkesi, to illuminate various discourses on power manifested in the processes of land subdivision and the establishment of a wildlife conservancy.

2.7.1 Customary Leadership

Among the Maasai, there are culturally structured ways to prepare young generations for adulthood and leadership. Leadership among the Maasai is built from within the age-set, and the age-sets are given names following a process which the chairman explained as follows:

When people who are born around the same time are circumcised, they are separated from the rest of the community. They kill a bird and make hats with feathers, their heads are clean-shaven, and they join ‘moranism’¹⁹. A temporary settlement, a manyatta, is selected and the *moran* are taken there. The area within which this manyatta can be selected stretches from Tanzania all the way to the

¹⁹ Moranism refers to the stage of life when young men become warriors.

Mau, in the north of Narok County. The *moran* settle in the manyatta temporarily for a period of around six months, and they bring along their mothers. Rituals are conducted during this period and, afterwards, the older generation visits the manyatta to select a chief from within the age-set that is camped in the manyatta. The process of selecting a chief of a particular age-set entails going to Endonyo Ormoruo (the hill of the man). At the mountain, consultations among a selected group of wise men are done on the name that will be accorded the corresponding age group. The name given has to indicate that these *moran* will be highly favoured in life, strong, and successful in battle. For example, the *Ilmirisho*, the name of the chairman's age-group, means they will never be defeated by anyone, while the *Ilmeshuki* means that nobody can fight back against them. The age-group is comprised of a right and a left-hand side, and the former have the overall king. In reality, the process of choosing the name of an age-group is not different from the process of choosing the name of a new-born child.

The organization of customary leadership therefore entails forms of collective experiences which cultivate collective intentionality within the community. This is not to say disagreements are absent within or between age-sets, but rather that the leadership roles and obligations emergent from these structures are commonly understood in the community. At the same time, there are forms of leadership which are based more on understanding cultural codes than their conferral as positions or roles through existing structures. Often, these leadership codes can be understood through an analysis of symbols and symbolic functions common in everyday life in Olderkesi.

An example of such a common symbol is the Maasai stick among Maasai men. The stick symbolizes not only adulthood but also responsibility, which in turn should be

reciprocated with respect. An apt scenario that illustrated the significance of the Maasai stick involved Lemayian, who always carried the stick with him during our household visits. One day Lemayian forgot his Maasai stick in the vehicle and later it was nowhere to be found. Under the assumption that someone else had appropriated his Maasai stick, he was devastated that he had to move around without a stick. He worried whether he could appear as a responsible Maasai man without the stick, and if he could get any cultural respect in the households we were to visit. All this concern was despite the fact that Lemayian was well known in many of these households. As such, the stick constituted a formal object of attire that was not only the property of Lemayian, but also an embodiment of his very being in the eyes of fellow Maasai people. Without the stick, Lemayian had lost part of his being which rendered him culturally incomplete. On the significance of symbols, Welsing (1990, p. xi) writes, "Symbols are specific to people and their experiences, their evolved cultures and circumstances. As such, symbols are the entities that carry highly compacted messages pertaining to the origin, identity and survival of individuals and collective peoples." Welsing (1990, p. xi) further writes that a "shared symbol speaks volumes, although contained in a relatively small visual auditory package. A symbol speaks loudly, or even shouts its meaning without uttering a sound." For Lemayian, these compacted messages were contained in the small Maasai stick which, through having shared public meaning, greatly affected his identity and relations with others from a Maasai cultural perspective. Without the Maasai stick, the silent communication that occurs among members of the community was absent, and this absence disturbed the cultural order of things. As such, the codes of customary leadership that create order and suture relationships in a community can often operate in ways that create an 'in-group' and 'out-group', hence the significance to ensure meaningful

participation of community members in decision-making processes that affect their lives and livelihoods.

2.7.2 Administrative Leadership

The Olderkesi Location was established in 1997 after the Naikarra Location was deemed too large to serve as a single location; it is comprised of two sub-locations: Olderkesi and Esoit, each under a sub-chief. Olderkesi is within the Narok West Constituency, which is one of the six constituencies in Narok County. The Naikarra Ward is the most recent unit having been constituted after the promulgation of Kenya's New Constitution in 2010, through which Kenya's devolved government was introduced. Formerly operating as a group ranch (although never registered as such), Olderkesi has a community leadership which became the land adjudication committee, and which is responsible for community-level decision-making.

As a border area, the Olderkesi experience is influenced by two different states: the Kenyan and Tanzanian states. The decisions made in Olderkesi therefore not only consider how the Kenyan state operates, but also how the Tanzanian state operates. What is illustrated in Olderkesi is that the presence of the state is not only manifested through the act of doing, but also by 'not doing,' that is, by restricting what can be done. In this regard, while the Kenyan state is mainly felt through the provision of public services such as security, Tanzanian state presence is mainly felt through restrictions on what the residents of Olderkesi can do in Tanzania. The Kenyan state is thus viewed as a potential enabler, while the Tanzanian state is viewed as a potential disabler. Governing Olderkesi therefore calls for consideration of dual state influences; an act of balancing two sides of a governance equation thereby rendering life at the border a form of double existence.

2.8 DEVOLUTION IN OLDERKESI

A cornerstone of Kenya's New Constitution was devolved government. It was the first time that Kenya would be governed by democratically elected leaders at the county level. The change in the operation of the state vis a vis the citizenry was always going to be significant in that since the country's independence in 1963, Kenya had operated through a centralized system of government. To many Kenyans, the ineffectiveness of the postcolonial state was rooted in ethnic bias, and the introduction of a multi-party democratic system in 1991 was viewed as a major triumph towards addressing the autocracy that had characterised past regimes. By becoming a multiparty state, and with the possibility of democratically electing the country's president, it was anticipated that there should be fair representation at the national level, and that equal 'development' around the country would follow. This hope can be understood through Sen (1999) "Development as Freedom," where Sen argues that it is imperative for democratic states to be accountable to their citizenry in order to maintain political power determined by an enfranchised citizenry. In such states, Sen postulates, disastrous occurrences such as famine are non-existent as it is not only the duty but also the means through which an elected government can claim its legitimacy.

While Sen's work was instrumental in understanding political process in many democracies in the world, it seems that Kenya became one of the outliers among those states that Sen (1999) had envisioned. The Kenyan multiparty state, rather than gaining legitimacy by providing services to the citizenry, instead embarked on wanton corruption as the means of consolidating political power among a few individuals and key representatives of other ethnic groups. Rather than political power flowing through the ballot, as Sen had postulated, in Kenya political power was flowing through the Kenyan

shilling. Ethnic groups that were opposed to President Moi's regime were neglected by the state as the consequence of not supporting the regime. These practices created a political environment whereby the political leaders of the day used political power to appropriate national resources, reminiscent of what Michela Wrong (2009) terms "It's our turn to eat." In a word, Kenyans did not receive the fruits of the tree of democracy that the citizens thought they had planted. Instead, it proved to be a tumultuous endeavour. It is in this context that devolved governance was anticipated to be a key solution to local-level and ethnically selective neglect by the national government against sections of the citizenry.

The devolved Kenyan government comprises 47 counties. Narok County is currently 19th by county GDP (KNBS, 2019), with agriculture and tourism functioning as major contributors to the county's economy . Hosting the MMNR, and congeries of wildlife conservancies and reserves, tourist camps and attractive sites in addition to an established wheat farming sector, as well as being rich in minerals such as gold, Narok County is relatively wealthy on average, though wealth distribution is highly unequal. Under the devolved system of governance, fourteen functions have been devolved to the county government. Among these are agriculture and infrastructure (roads of Class D, E and unclassified roads) (Burugu, 2010). While the county government has become a level of governance close to the people on the ground, in Olderkesi it is the seat of the Member of the County Assembly (MCA) that has become extremely important in the efforts to bridge the distance between the state and the citizenry. The MCA is an elected representative of a ward, the smallest electoral unit under the devolved government, whose duties within the County Assembly entail representing the constituents of their respective wards, legislating, and providing oversight of the county government's

activities and public service delivery. The MCA is tasked with maintaining close contact with the citizens in order to represent their voices in the County Assembly.

With the history of Olderkesi as a remote and marginalized area in Kenya, the MCA has assumed a highly important political status that bears both positive and negative deontic powers. Following decades of state absence in Olderkesi, the MCA filled this huge void with the public expectations that he or she would undertake responsibilities beyond those which have been outlined for an MCA in the New Constitution. In addition to being a public servant, the MCA is the go-to person in case of emergencies and contributions in village harambees and other significant events. During my time in Olderkesi and the various times I met the MCA, it was evident that wherever the MCA went there were people seeking his attention near and far as manifested by the numbers that gather in his presence or through the endless phone calls he receives. Other than being a symbol of political power in Olderkesi, the demands and expectations directed at the MCA are evidence of how the Kenyan state is viewed as an enabler in matters of local development, and the need for the public to have a close tangible link to state power and its affordances. As I shall discuss later, it is this gap in terms of public services that opens the door for NGOs and other non-state actors to engage in projects that seek to deliver various public services to the people of Olderkesi.

In the on-going process of land subdivision and the establishment of a wildlife conservancy, the MCA's influence has been quite evident. By virtue of representing the public's ear, the MCA becomes the public's voice. The word of the MCA in turn becomes that of the people, and it is in the interest of leaders with interest in Olderkesi to listen. In fact, as Lemayian informed me, the MCA is the most important seat in Olderkesi, not only for the constituents but also for political leaders seeking the votes of the Olderkesi

electorate, which renders the MCA the fulcrum of local and national politics in the area. As Lemayian opined:

The MCA is like the epicentre of politics in these areas because they are very close to the people and, because they know almost everyone in the ward or at least 70% of the people, unlike for the other leaders. The MCA therefore becomes the one who can mobilize the community for various activities including political projects. In fact, the most popular MCA in the area usually influences which Member of Parliament, who is the head of the constituency, is elected. This is what happened in the last general elections whereby the MP who garnered the most votes here originates from a place further from here than his competitor from Naikarra, a place which is just adjacent to Olderkesi.

2.9 ‘MAENDELEO’

While the distribution of the Olderkesi community on the Olderkesi terra is critically influenced by the accessibility of pasture and water, and the general auspiciousness for livestock keeping, important public goods and services have not followed settlement patterns in the area. The education sector exemplifies the infrastructural limitations facing Olderkesi residents. There are a few primary schools and only one secondary school. Many primary schools teach only the first four years of primary school, referred to as the lower primary school. The two main primary schools, Olderkesi and Olapalagilagi, have boarding facilities to facilitate school attendance by children in an area where attending school on a daily basis would be impossible for many of the children due to the dispersed nature of the settlements. Even then, the primary schools have limited teachers, classrooms, food, dining halls, dormitories, and electricity. As primary

school education ought to be free in Kenya, it indicates the level to which Olderkesi has remained marginalized from what are deemed national public services.

What has been limited in terms of accessing education in Olderkesi has been even more limited in terms of accessing healthcare services. There are only two health clinics in Olderkesi with limited services on offer for a population of around 11,000 people. For many residents, even these limited healthcare services are difficult to access, especially due to the dire state of the road network in the area. The entry of the motorcycles, locally known as *bodaboda*, in recent years has been critical in reducing the amount of time to access the health centres. Thanks to the increased mobile phone access, a patient can now call a motorcycle to be transported from their home to the health centre. While this time lag in terms of access to healthcare has been partially addressed, it is noteworthy that the motorcycles are not only extremely expensive in the area but also suffer a high rate of road accidents. I encountered many stories of people having been involved in a motorcycle accident. In one such case, my host received a distressed call informing him that the wife of the area chairman had just broken her leg in a motorcycle accident. A request was made to pick her up by car, which my host promptly obliged. Upon taking the lady to the Olderkesi clinic, it was determined that she needed more attention to her broken leg, and this meant she had to be taken to Narok County Hospital. As the accident had happened in the evening, the lady was only taken to the Narok County Hospital the following day early in the morning. In an area where the community lives with wildlife, and where more severe injuries can occur in encounters with wildlife, the absence of more reliable healthcare centre(s) renders any form of medical emergency an extremely daunting experience.

Water access is another profound challenge with far-reaching ramifications for the lives of humans, livestock and wildlife. The majority of Olderkesi residents access water from rivers, springs, and taps (for those living near the AGC project). Fetching water is usually carried out by women and children, and sources of domestic water consumption are often different from those used to water livestock. The challenge of water access becomes acute in the dry season when many water points dry up, meaning people have to travel longer distances to fetch water. Among households adjacent to the AGC project, where water is pumped through a solar power system from a borehole dug by AGC missionaries many years back on the banks of River Orng'ayenet, water access is assured throughout the year at a monthly fee of 300 Kenyan shillings. The fees are essential in the maintenance of the water system and salaries for the guards who are stationed at the water station where solar panels and other machinery have been installed. Despite its importance, only the villages near the AGC project directly benefit from this water source, meaning water access remains a critical challenge for many villages around Olderkesi.

The availability of water at the AGC project has impacted livelihoods in various ways including dietary diversity. Vegetables are cultivated throughout the year using drip irrigation, and it was envisioned that the project would carry out community-based initiatives, including agriculture, transport, vocational training, and accommodation services. Of these, only vocational training is not being undertaken. According to the chairman, the AGC project introduced irrigation agriculture in the area as well as the consumption of vegetables. Olderkesi residents apparently did not consume vegetables prior to his arrival: "They thought we were crazy to eat greens". Today, residents of the Enkoireroi village, where the project is situated, are on the site every day to buy vegetables. The chairman aims to impel local development in Olderkesi by conducting

pilot projects which can be scaled up within the community. However, additional infrastructure is required for the pilot projects to be realized.

The story of Olderkesi highlights the complexity of social change over time. Overall, there is an underlying quest to improve the quality of life over time, which the Olderkesi community chairman referred to as ‘development’ in reference to curbing child and maternal mortality rates. Locally termed as ‘maendeleo,’ which is the Kiswahili term for progress, the residents of Olderkesi feel there are important areas of life that need to be improved especially in comparison to places beyond the borders of Olderkesi. Accordingly, this requires, in the view of many of the respondents, accountability from political leadership both at the local and the national levels. Beyond the state bureaucratic apparatus, significant hope has been placed in the wildlife conservancy, which many feel can be an important avenue through which community-based *maendeleo* can be realized. In the following chapters, I discuss the processes and politics of land subdivision and the establishment of the Olderkesi Wildlife Conservancy, and how Olderkesi residents envision the future in light of the on-going changes in land governance and wildlife conservation.

3. Land

A Maasai Experience of Changing Tenure, Life, and Meaning

Maasai leaders want land taken by colonialists returned

SUNDAY JUNE 2 2019

🐦 f in 📄 ✉



Kajiado Governor Joseph ole Lenku (centre) who has said that the fight for the return of community land belonging to the Maasai people is not yet over. PHOTO | EVANS HABIL | NATION MEDIA GROUP

Figure 3: An article on the Kenyan Nation Newspaper on the continuing grievances by Maasai leaders against colonial land dispossession (Habil, 2019).

3.1 LIVING HISTORY

During my childhood days growing up on the slopes of Mt. Kenya in Central Kenya, storytelling in the evenings was as anticipated as the entry of darkness soon after the sunset. Often, after listening to the 7 p.m. news in the evening, a brief fifteen minutes when everyone would be in silence, a moment of holy quietude whose breach would attract a “Shh!” followed by a stern look from my father, we would have supper and then

the stories from the old days when my father was a young man would begin. The stories would roll so mellifluously that we were left awed by the old man's masterly story-telling finesse, an artful prowess we often associated with our grandparents. The stories ranged from life in *iberi* (village reserves) to crossing paths with the Mau Mau in river valleys, but quite often the stories would touch on the colonial experience, and how a close relative or a friend had had a close shave with the British colonial officers outside of the *iberi*. The sheer brutality of the British colonial officers is well outlined in Caroline Elkins' (2005) *Imperial reckoning: the untold story of Britain's Gulag in Kenya*. The forays of the Mau Mau movement and their determined quest to get back the land and achieve self-rule free of the British colonialists would then come into the picture. It was unimaginable that this, indeed, was my father's childhood experience. Yet, here we were comfortably, peacefully and safely seated inside an iron-sheet roofed, wooden house with a cement floor on a plot of land that we called our own. Indeed, the history of land in Kenya is deeply embedded within the colonial discourse not only to pay homage to the anti-colonial struggles that finally led to Kenya's independence in 1963, but also for the symbolic significance of land in the postcolonial period as a "locus of resistance to the form of rule that has been practised in Kenya" (Riamit, 2014, p. xi), and as a site of memory and trauma originating from the colonial experience.

Kenya's independence from the British colonial rule in 1963 was anticipated to usher in a new dawn that would, among other important things, ensure age-old land grievances that had impelled resistance against the colonial rule were settled. Since then, however, land conflicts have stimulated political violence, especially during general elections, as was the case in 1992, 1997 and 2007 general elections, which underlines the gravity of the underlying land questions in the country (Manji, 2014). While these

moments of brutal violence have served as the ultimate reminder of the exigency of land questions in Kenya, the will to address these questions remains exceedingly moot judging by the land governance policies that have been adopted in the country (Manji, 2001, 2014). In a manner reminiscent of Fanon's (1963, p. 152) critique of the national bourgeoisie in the former colonies, a cadre of political elites that occupied the higher echelons of political power at independence, the dearth of the will to address critical challenges in the postcolony is rooted in the national bourgeoisie mentality, which Fanon avers: "Seen through its (national bourgeoisie) eyes, its mission has nothing to do with transforming the nation; it consists, prosaically, of being the transmission line between the nation and a capitalism, rampant though camouflaged, which today puts on the mask of neo-colonialism". To a great extent, one could be forgiven for thinking that Fanon was Kenya's prophet for the marked exactitude with which his concerns articulate with the Kenyan postcolonial state. In this chapter, I focus on the institutional continuity within land governance reforms spanning the colonial and the post-independence periods to locate the genesis of the ideas that fed the establishment of the GRs and, the subsequent evolution of the GRs in the Maasai rangelands of southern Kenya.

3.2 MAASAI COLONIAL LAND STRUGGLES

As I embarked on my doctoral research in Olderkesi I remained attentive to the idea of land as a locus and symbol of anti-colonial struggles in Kenya. However, given the varied history and experiences of colonialism in Kenya, socioeconomic and cultural orientations, I wondered: what did land mean to different communities in the country? What are the roots of community-driven change in land governance systems? These questions fed my curiosity about the living history of Olderkesi community and their land, given that the

community had elected to subdivide the pastoral commons after years of holding the land communally. Having been one of the few unsubdivided pastoral commons in the Maasai rangelands of southern Kenya, Olderkesi now joins the long list of the many former GRs and trust lands that dismantled the commons in favour of individual landownership. While the decision to subdivide land is ostensibly made by the members of the commons, a pattern that characterizes subdivision in the Maasai rangelands of southern Kenya is that the subdivision wave began in areas adjacent to urban areas such as Nairobi and spread to areas further away (Mwangi, 2006). Lying at the southernmost border of Narok County with Tanzania, it appears that Olderkesi has closely followed the subdivision script that adheres to the fact of distance from urban locales.

While the urban to rural land subdivision pattern is quite evident, I examine the history of land governance in Kenya to unpack and locate the dynamics of the changing land governance scene to develop a comprehensive framework that can explicate tenurial changes over time to the point where the pastoral Maasai adopt modes of landownership that hitherto appeared tailored for the agrarian highlands of Kenya. With land viewed as a resource whose value lies in its exploitation by humans, in the Lockean understanding that humans must expend their labour on land to establish ownership claims (Moulds, 1964), this perspective of land is reflected in the British colonial perception of the Maasai as a people whose claims to land were not established, if not expendable:

To untrained eyes, unfamiliar with the Masai system of grazing, there were few signs of Masai occupation once they had moved their stock and *manyattas*, or encampments, from one grazing ground to another. It was assumed that pastoralist tribes like the Masai possessed no rights to land, had no more than a temporary right to grazing. Thus they could be moved from one grazing area to

another to make way for European settlers and to suit the convenience of the administration (Sorrenson, 1968, p. 190).

What can be deduced from Sorrenson's (1968) observation above is that the nomadic pastoralism mode of livelihood among the Maasai, based on mobility and often temporary encampments, was misinterpreted by the British colonial officials as a system whose temporality meant transient access rights to pasture and water. While incongruous with the Lockean view of pasturing as labour, the British maintained that the Maasai were a rootless people without established claims on place. This selective reading of pasturing as non-labour consequently vindicated moving the Maasai to establish European settlement areas. A Plains Nilotic and historically pastoral people whose livelihoods have for long been built around livestock as the primary economic pursuit and the basis for sociocultural and political organization (Kituyi, 1990), the Maasai found themselves on the undesirable end of the colonial government's project to establish "political control, revenue generation, and economic development" in the East Africa Protectorate (Mwangi, 2007b, p. 59). But how did this all happen? I sketch out a brief history of land governance in Kenya dating from the colonial period to highlight land expropriation, chiefly against the Maasai, in order to illuminate the significance and continuity of colonial institutions of land governance in the process.

Following the official abolition of slavery in 1834, what appeared a "humanitarian impulse" was soon faced with "cotton famine," which made it imperative for European colonial economies to find alternative sources of cheap labour and raw materials to feed the "Satanic mills" of industrial Europe (Mamdani, 1996, p. 37). This alternative became the exploitative colonial extraction of Africa, which was the last continent to be colonized by Europeans. The East African experience is quite instructive on colonization in that the

region's colonization was more circumstantial than premeditated. As Sorrenson (1968, p. 9) writes, "British policy in East Africa until 1898 was based on strategic considerations that had very little direct connection with the territories themselves. During the partition of East Africa, the main object of British policy was to protect the Suez route to India". The East Africa region was not considered favourable for commerce or Christianity at the outset of British entry, bar among the Buganda of present-day Uganda where the Christian mission had some positive experiences. Without a connecting route from the Coast, East Africa's interior became a difficult terrain for potential investors to traverse and set up shop. While connecting the Coast to the interior could be addressed, as eventually occurred, the climatic conditions of the tropics raised further concerns for European settlement. It was considered that what had become the East Africa Protectorate would be better developed by settling Indians in the highlands. Later, there was the unsettling prospect of the Protectorate becoming a "Jewish colonization scheme" (Sorrenson, 1968, p. 31).

The arrival of Europeans in the East African Coast in the late 19th century marked the onset of a long period of domination with far-reaching and lasting consequences in present day Kenya. The need to link the East African Coast with the Buganda Kingdom, present-day Uganda, precipitated the construction of the Kenya-Uganda railway. As the British ventured into the interior of the East African Protectorate, they encountered many native communities. The principal goal was to carve out land for the construction of the railway line, but questions lingered over what would constitute legitimate ways of acquiring land from the many native but acephalous communities. These land-centric questions would, in the following years, constitute the basis for the establishment of

multiple land policies aimed at acquiring native land not only for the construction of the Kenya-Uganda railway line, but also for European settler agriculture.

It was during this early period following the incorporation of Kenya into the British Colonial Empire that capitalist development in the Protectorate started to earnestly take shape (Kiamba, 1989). For such development to take place, the means of production, principally land, had to be organized in a fashion amenable to the capitalist mode of production: “The private ownership of land has been regarded as that form of land ownership that is socially necessary for CMP (the capitalist mode of production); hence the argument that where the CMP does not find private landed property, it creates it” (Kiamba, 1989, p. 122). As Kiamba (1989, p. 126) further notes,

Between 1886 and 1900 there was no firm land policy formulation for Kenya. There was, at that stage, no interference with the customary land relations despite the encouragement of European settlement. The period 1900 to 1959, by contrast, was the most important period in the development of land policies. During this period the European farmer-settlers were the power block in the country, and the land policy formulation is clearly seen as corresponding to social and economic (including racial) interests of this group.”

As I discuss below, the Maasai lost most of their land during this period, both as a part of colonial expropriation of fertile lands for white settlement and for wildlife conservation purposes. Private individual tenure was often hailed as the most advanced form of tenure, and the tenurial interventions were directed towards eventually resulting in this mode of tenure (Kiamba, 1989; Mwangi, 2006; Okoth-Ogendo, 1991).

In 1901, Sir Charles Eliot was appointed the Commissioner of the East Africa Protectorate and soon it was made the primary goal to render the highlands of the

Protectorate purely White highlands. The Kenya-Uganda railway which had been designed to link the East African Coast and the interior became the logical implement for tying Eliot's project together. Beyond facilitating communication between the Coast and Uganda, the railway would spur economic development in the Protectorate. The next task was to establish a favourable environment for European settlers and Indian traders who would be instrumental in advancing economic development in the Protectorate. Native groups such as the Gikuyu, Nandi and Gusii became targeted for suppression to diminish potential frontier wars once the White highlands had been established. The quest by the British colonial officials to make the East Africa Protectorate a white man's country like Australia and New Zealand was gradually solidifying:

The highlands of the former Eastern Province were found to be suitable for European settlement. It was the railway that made European settlement possible in the highlands; and European settlement was deliberately encouraged, particularly by Sir Charles Eliot, to make the railway pay. From 1903 the highlands of the East Africa Protectorate became the scene of the last attempt to found a new British Dominion, to create a white man's country (Sorrenson, 1968, p. 27).

The shift from having consequential interest in the East Africa Protectorate to its consideration as a potential white man's country was indicative not only of the encouraging experiences of earlier settlers in the colony, but also that the colonial project was an evolving process continually shaped and reshaped by experiences in the colonies (Mamdani, 1996). The construction of the Kenya-Uganda railway line significantly increased the value of the Protectorate to the extent that it was now deemed a project that warranted funding by the British taxpayers' money (Sorrenson, 1968). In addition to the administration of the colony, the construction of the railway line was extremely costly for

the colonial government. To offset the costs incurred, the colonial officials encouraged white settlers from Britain and South Africa to engage in agricultural production through cash crop cultivation and ranching (Hughes, 2006; Sorrenson, 1968). Among the areas that had caught the curious European eye and were earmarked for Kenya's white highlands were the fecund landscapes of the Rift Valley that were principally occupied by the Maasai (Hughes, 2006; Mungeam, 1966).

The process of carving out space for white settlers in the high potential lands of the Protectorate would prove to be a complex undertaking. Native African groups, with their motley of organizational structures but characterised by a legal lacuna in land governance, confounded a British takeover. As Sorrenson (1968) notes, the colonial government in the early 1900s was faced with the challenge of how to develop land policy and legislation due to lack of clarity on what would be a legally sound procedure for the Crown, finding agreement between the Foreign Office and the Treasury and the Colonial office, and the lack of knowledge about the local territory, among others. In addition, the legal language and instruments that were common within the colonial government were non-existent in the interior of East Africa: "There were no established sovereign authorities, in most cases not even recognized chiefs, capable of signing treaties valid in international law" (Sorrenson, 1968, p. 46). Away from East Africa, another challenge stemmed from the fact that:

...the Crown was the source of all title in land. Thus, unless the Crown established an original title to land, normally a consequence of sovereignty, it was legally impossible to make grants in fee simple or under any other form of tenure recognized in British law. As Protectorates were technically foreign territories it was difficult for lawyers to see how the Crown could assert a title to land or grant

titles to British subjects. It was possible to obtain rights to deal with land by treaties with the existing sovereign authority of a Protectorate; but then, the Crown acted by delegation of authority, according to terms of the treaty (Sorrenson, 1968, p. 45).

Following multiple exchanges between the Foreign Office, the Colonial Office, and the Treasury, the Crown Lands Ordinance came into force in 1902. The ordinance²⁰ gave the Commissioner significant powers over land in the Protectorate, and it was instrumental in the acquisition of most of the land in the Kenyan highlands for white settlers from 1902 to 1915 (Sorrenson, 1968, pp. 55-57). Once European settlement in the Kenyan highlands had been secured, the European settler community began to raise concerns about the security of tenure and rights, including the rights to dispose of the land as contained in freehold title deed common in Britain already at the time. In other words, the European settler community sought to apply British property rights in colonial Kenya. This quest was realized through the Crown Lands Ordinance 1915 which, among other provisions, declared all land in the Protectorate as Crown Land, underpinned racially discriminatory landholding stipulations, and gave settlers 999-year leases in place of licences. The long leases were viewed as a compromise between the demands by settlers for perpetual leases and the Secretary of the State's proposal of 99-year leases. Under this new stipulation, settlers who held occupation licences under the 1902 Ordinance could be granted the new long-term leases in exchange for their licences. The final piece of the puzzle in the quest for settlers' security of tenure came in 1919 upon the introduction of

²⁰ The 1902 Land Ordinance spelled out the following: (a) it prohibited grants of land in the actual occupation of the Africans; (b) provided that where any grants happened to include native settlement, the settlement areas were deemed to be excluded from the grant until vacated; (c) every lessee covenanted that together with his servants and agents, he would not interfere with settlements of villages of the natives and would avoid all quarrels with the natives in or near the land leased (Okoth-Ogendo, 1991).

the Registration of Titles Ordinance which superseded all previously existing registration laws whenever it was applied (Okoth-Ogendo, 1991).

Further privatization of tenure was attained through the Kenyan Land Commission report of 1933, which was also key in securing African labour force for the European farmer-settlers. For the colonial government, African customary land tenure constituted an impediment to establishing a productive agricultural economy, and the way to address this hindrance was to gradually introduce private tenure among groups, families, and ultimately to individual holding (Kiamba, 1989, p. 131). By the late 1940s, however, land scarcity in the African reserves had become too critical to be ignored by the colonial administration. The Swynnerton Plan, written by R.J.M Swynnerton and published in 1954, held that the challenge of land access rested on two key aspects: land tenure and technology of production. On the question of land tenure, the plan agreed with many other colonial government documents at the time; it crystallized and concretized the directive to replace African customary tenure by private land tenure (Okoth-Ogendo, 1991). This directive was advanced despite the realization within the colonial government that private individual tenure would extensively disrupt native African societies and result in landlessness. Instead, it was argued that such eventualities were inevitable in the process of development. While this claim justified the price to be paid for development in the colony, it was only native Africans who would pay the price (Kiamba, 1989). According to Leys (1975, p. 72),

The 'inner secret' of the drive towards complete individual freehold tenure was thus not so much its particular merits or its general merits: it flowed logically from the critical decision to accept the structure of the colonial economy. That structure rested on individual property, and the main capital asset of the Africans in Kenya

was land. For it to be held ultimately on the basis of some other principle was simply inconsistent with the effective incorporation of the African economy into the wider capitalist structure....”

The logic of the colonial economy was therefore to be incorporated in the global capitalist economy, and to facilitate such incorporation then meant changing the social organization of property in favour of individual property, which in turn translated to the erasure of African customary forms of tenure. In the following section I look at how the colonial land policies impacted the Maasai as the prodigious quest for high potential land for Europeans continued unabated.

3.3 MAKE WAY! EXPROPRIATION BY EXPULSION

There can be no doubt that the Masai and many other tribes must go under. It is a prospect which I view with equanimity and a clear conscience...I have no desire to protect Masaidom. It is a beastly, bloody system, founded on raiding and immorality, disastrous to both the Masai and their neighbours. The sooner it disappears and is unknown, except in books of anthropology, the better (Sir Charles Eliot in Sorrenson (1968, p. 76).

While Eliot’s proclamations may come across as unsettling and belligerent, the horrors of the colonial experiences in Kenya as narrated by the older generations, and as covered by Elkins (2005), based on extensive research in Central Kenya, underline not only determination to pursue the colonial project by hook or crook, but also the devaluation of native Africans by the British colonial officials. Eliot’s proclamations, however, can be more clearly read as a misreading of the pastoral way of life in line with what Wilderson III (2015) terms the “anthropological void” in his articulation of the

British encounter with the Khoisan. According to Wilderson (2003), the Khoisan presented the British with an ontologically unreadable and incomprehensible category in light of preconceived colonial discourse, an occasion that threatened the coherence of the semiotic articulation of the British colonial project. Hughes (2006, p. 16) adopts a class perspective to note that “the Maasai did not fit the overlord-peasant model that characterised relations between colonial capitalism and Africans, simply because they were not poor peasant cultivators.” The semiotic void that the Maasai presented the British in turn engendered the view of the Maasai as a people wasteful of natural wealth (Mungeam, 1966), thereby underpinning colonial efforts to ostensibly make the Maasai rangelands economically productive in line with the dictates of colonial capitalism.

The grand outcome was land expropriation from the Maasai through two major agreements in 1904 and 1911. The first agreement saw various sections of the Maasai moved from key grazing areas in the Rift Valley into two geographically separated reserves, a southern reserve totalling to around 4,770 square miles, roughly in today’s Kajiado, and a northern reserve in Laikipia circa 4,350 square miles, to clear the way for white settlement in the central Rift Valley (Sorrenson, 1968). In the second Maasai move in 1913, the Maasai were forced into a single reserve, an extended southern reserve, covering today’s Kajiado and Narok Counties, effectively establishing “fenced pastoralism out of the best grazing in the Rift while fencing capitalist ranching in” (Hughes, 2006, p. 17). The manner in which the two Maasai agreements were conducted, which I discuss below, manifested the Machiavellian manoeuvres of colonial officials in expropriating land from native communities in the East Africa Protectorate.

At the time when European settlement in the Protectorate kicked off in 1903 following the Crown Lands Ordinance of 1902, the Maasai constituted not only a relatively

modest population, but they were also distributed in the highlands in numerous sub-tribes. With their livestock and their own population decimated by various illnesses and famine, the Maasai were short of the military strength that had made them a force to be reckoned with (Waller, 1976). Eliot's push for control of land in the Protectorate, which led to the establishment of the Crown Lands Ordinance of 1902, neither mentioned the occupation of the highlands by native groups nor the admission that the populations had been decimated by famine and illnesses. These omissions undergirded the view that the highlands were open for white settlement. While some Maasai occupied the Athi plains, Uasin Gishu and the Laikipia plateau, it was their pastures in the central Rift Valley that first had attracted European attention. After years of occupying the Rift Valley, the Maasai livestock had made the pasture so attractive that the settlers immediately felt the lands would be apt for ranching (Hughes, 2006; Sorrenson, 1968, p. 191). The Maasai's ecological labour that had been instrumental in making the Rift Valley suitable for habitation and exploitation was not only rendered illegible by the British, but also had become a poisoned chalice for attracting land expropriation.

Having succeeded in having legal and administrative instruments in place for the takeover of the Protectorate's high potential lands, Sir Charles Eliot opined that European settlers should not engage in a total takeover of the highlands but, rather, they should interpenetrate with the Indigenous groups. However, some European settlers held the view that the Maasai should be "blotted out" (Sorrenson, 1968, p. 192) of the areas that the settlers sought to gain access to. After continued disagreements on how to introduce white settlement in the Protectorate and, in particular, after the Foreign Office found out that Eliot had promised to lease land to two British South Africans to a tune of 32 000 acres each – far exceeding the 1000 acres which was the official limit on freehold grants

– Eliot was forced to resign (Hughes, 2006). Stewart took over Eliot’s position and, as Sorrenson (1968, p. 193) notes, every important official in the Protectorate and the Foreign Office held the view that the Maasai should make way for European settlement: “no official in the Protectorate or the Foreign Office was prepared to put the interests of the Masai before those of the settlers.”

Prior to Stewart’s arrival, colonial officials in the East Africa Protectorate had reported that the Laikipia plateau was suitable for the establishment of a Maasai reserve, and a proposal was crafted to settle the Maasai in the Rift Valley and Ngong²¹ (Sorrenson, 1968). The coming of the railway was critical in the exercise of the first Maasai move. As Hughes (2006, p. 27) writes, “It was the coming of the railway that sealed the fate of the Maasai. It sliced their territory into two, made the highlands accessible and their settlement and economic development by Europeans possible.” Maasai leaders, including Lenana (Olonana) in Ngong, Masikonde in Laikipia, and 18 representatives from eight Maasai sections, acceded to the proposal, although others wanted to remain in Ngong, south of the railway, with the request to have an access route to the northern reserve in Laikipia (Hughes, 2006; Sorrenson, 1968). What remained then was for Stewart, who arrived in the Protectorate in August of 1904, to sign off on the treaty. Stewart duly signed the treaty within only two weeks, and he reported that “all the chiefs readily assented to these proposals which were really their own wishes” (Sorrenson, 1968, p. 194). Following the signing of the treaty, two reserves were established: one in Laikipia and the other one in Ngong. However, the promises contained therein were only partly fulfilled. For

²¹ Hobley had reported that the Laikipia plateau was suitable for the establishment of a Maasai reserve, upon which, together with Ainsworth, they developed a proposal to settle the Maasai in the Rift Valley and Ngong.

example, while a route connecting the two reserves had been promised, it was never created. During the drought season of 1908, the Maasai were not allowed to move their livestock between the two reserves, a prohibition based on the ostensible need for quarantine measures (Hughes, 2006; Sorrenson, 1968).

Further demands for land for European settlement led to the signing of a second treaty that would see the Maasai moved into a single reserve. The southern reserve in Ngong would be extended, and the Maasai in the northern reserve in Laikipia would be relocated to an extended southern reserve administered from Ngong. Girouard, Stewart's successor, inveigled Lenana with the argument that it would be desirable for Lenana's leadership, and for administrative control, if the Maasai moved into a single settlement. Invested in moving the Maasai from Laikipia, Girouard did not wait for the Colonial Office's approval to sanction the move, but rather used the *E Unoto* Maasai ceremony, one in which "Masai warriors passed to the status of elders" (Sorrenson, 1968, p. 198), to incentivize Maasai movement by providing an area for the ceremony to be held in Kinangop. This strategy by Girouard indicates how important it was for the colonial officials to understand native cultures and their ways of life for them to craftily pursue the colonial mission. As such, the colonial project, while dismissive of the native peoples and their ways of life, relied on sufficiently understanding these ways of life to successfully manipulate and dominate the natives to further colonial interests (Waller, 1976). Interestingly, only the Maasai from Laikipia were allowed to travel to Kinangop with their livestock, while those in the southern reserve were prevented from moving to Kinangop, yet again, on the alleged grounds of quarantine measures. Lenana objected to holding such an important event in Kinangop, an area outside his control. He maintained that the

ceremony had to be held in the southern reserve where he was based and where all the Maasai groups would be present (Sorrenson, 1968).

The two Maasai leaders in the northern reserve, Masikonde and Legalishu, however, repudiated the idea of holding the ceremony in the southern reserve in Ngong. Girouard privately propitiated Lenana with promises of recognizing him as the paramount chief of the Maasai, a foreign concept and position among the Maasai - a common strategy of inventing traditional positions used by the British in colonial Africa (Mamdani, 1996) -, and to communicate only with Lenana on behalf of all the Maasai. Girouard's strategy worked. The opposing leaders in Laikipia finally assented to the Maasai move to the southern reserve in Ngong. Rather than the Maasai who had originally headed to Kinangop subsequently moving to the Ngong reserve, however, they moved to the Loita plains so the *E Unoto* ceremony had to be put off. Girouard then further convinced Lenana that the Maasai groups that had remained in Laikipia were better off moving to the southern reserve where they would be safer. It would therefore be, Girouard argued, for the best interests of the Maasai to move to the south (Sorrenson, 1968).

When Girouard reported to the Colonial Office, he indicated that the Maasai leaders had pushed for the moves themselves without any external influence, yet he had himself orchestrated the entire Maasai move out of interest to open up Laikipia land for European settlers, to whom he had already committed land. This scenario exemplifies how what could have been viewed as 'participatory governance' under indirect colonial rule was a façade for colonial trickery, deception and coercion. Before the Maasai move could take place, however, it was covertly communicated to the Colonial Office by a sympathetic administrator, Norman Leys, that the Maasai had not pushed for the moves themselves, but that the colonial officials in Kenya had coerced the Maasai into agreeing

to the move. The move was consequently put on hold and further information was requested before the Colonial Office could grant approval. Further coercion was directed at the Maasai leaders who had demurred and Legalishu, in particular, was threatened with imprisonment in Britain and confiscation of his livestock in the event of continued objection. Pushed to the wall, Legalishu caved in. Girouard could now proceed with moving the Maasai (Sorrenson, 1968). The move from Laikipia took off in June 1911. It appeared to be going according to plan until, upon reaching the Mau in August, which was cold, rainy, and with limited grass, three of the four different streams into which the Maasai had been divided converged. As a state of confusion ensued, it became difficult for the colonial officers to control the Maasai. The Maasai experienced loss of both humans and livestock and, as a result, refused to continue with the move. Instead, they broke out into the settler farms in the Rift before finally returning to Laikipia. The second move was consequently cancelled (Hughes, 2006).

Faced with questions regarding the failure of the move, Girouard countered that the move had been conducted too hastily and it was imperative to pursue further planning if the move was to be successful. The move was suspended and a supposedly independent team was sent to assess potential extension of the consolidated reserve to include the Trans Mara area in southern Kenya for the relocation of the Maasai from the northern reserve in Laikipia. The assessment team reported that the Trans-Mara area constituted a wonderful area for livestock keeping, with some even claiming that it was unfortunate that such wonderful land was going to be given to the Maasai and not to white settlers. However, the overly positive reports were repudiated by the Colonial Office, and it was found that the Maasai felt the area was unsuitable for livestock keeping due to water shortage and infestation of tsetse flies. Having already frustrated earlier commissioners

in the Protectorate, with Eliot's resignation in particular, the Colonial Office was determined to consent to Girouard's demands. Once the move was approved, a notice of an impending court action was brought forth to the Colonial Office by a barrister in Mombasa named A. Morrison, who called for the Maasai move to be halted as the case was heard. However, the Colonial Office gave it the cold shoulder as the Maasai proceeded to completion (Sorrenson, 1968). Legal attempts to annul the move were dismissed on technicalities; it was contended that the case did not fall under the jurisdiction of the Crown and therefore issues regarding the treaty could not be addressed in court. Moreover, given that the Maasai constituted 'protected foreigners' rather than subjects of the Crown, they owed obedience to the Crown in return for the 'protection' provided (Sorrenson, 1968). What was crystallizing into a grave fight for native land rights became subsumed within the legal sphere, rendering the Maasai illegible subjects under the courts of the Crown. However, in May 1912, Girouard was forced to resign by the Colonial Office for having lied that he had not promised land on Laikipia to European settlers (Sorrenson, 1968). On 26 March 1913, the second move was resumed after the Maasai who had returned to Laikipia were informed that the colonial government was to enforce the 1911 treaty. To avoid the pitfalls that led to the collapse of the first attempted second move, this time the Maasai were broken up into smaller groups of around 10,000 cattle per group and Legalishu, who was strongly opposed to the Maasai being moved, was sent off with the first group. The move was eventually completed in April 1913.

Within the confines of the Maasai reserve, environmental degradation was conspicuous. The quest to address environmental degradation by the colonial government metamorphosed into blaming the "irrationality" (Mwangi, 2007b, p. 68) of the Maasai for their purported failure to observe the carrying capacity of the rangelands.

Interestingly, there were no attempts to link the ecological deterioration in the reserve to the limited space that the Maasai had been coerced to operate within. The Kenya Land Commission (Carter Commission) of 1932 was tasked with finding answers to the environmental challenge occasioned by the ‘irrational pastoralist’. The commission prescribed culling of the Maasai stock to adhere to “the limits of grazing capacities,” and for land reforms to be rolled out with the ultimate goal of establishing individual landownership through a gradual process that would commence with group and family landholdings (Mwangi, 2007b, p. 69). At the same time, the colonial government set out to advance wildlife conservation and the tourism industry, passing the National Parks Ordinance in 1945 which left the Maasai on another adverse end of land alienation by the colonial state (Mwangi, 2007b).

Two decades after the Carter Commission of 1932, the Dow Commission was appointed in 1952 to follow up on the progress that had been attained until then. This commission criticized the adoption of grazing schemes as prescribed by its predecessor, and instead proposed group ranches as a step towards individualized landholdings, in addition to better breeding practices and improved access to livestock markets as the way forward to address the “pastoral problem” (Mwangi, 2007b, p. 75). On 1st April 1954, the Swynnerton Plan was established to accelerate the search for solutions to land problems in the colony, especially the extensive land pressures in areas such as Central Kenya. Individual landholdings were advanced as the solution to land troubles, but experience had demonstrated to the colonial government that in Central Kenya where individual landholdings had been established, landlessness and political unrest had been the outcome. A different approach thus had to be adopted in the Maasai rangelands; the colonial government directed resources towards supporting group ranches that would

ostensibly be guided by scientific principles in livestock production and environmental conservation (Mwangi, 2007b).

Following the evolution of land policies in Kenya during the colonial period, and with land being, on the one hand, the central asset for the European settler community and, on the other hand, the bane of colonial struggles, it was going to be interesting what the fate of colonial institutions would be at Kenya's independence. While African independence has widely been perceived as the moment of usurping colonial rule and institutions, the continuity of colonial land institutions in the post-independence period challenge such a radical break. The realization by the colonial officials that it was not a matter of if, but when, independence would be granted to Kenya prompted critical planning by the colonial officials to secure colonial wealth in the colony. As Kiamba (1989, p. 134) writes:

In 1960, statutes were promulgated, on the eve of the indigenous Africans' nationalist elite emergence as the power bloc, removing all racial barriers regarding ownership of the land in the Kenya highlands, but allowing the Europeans (who hitherto had the Highlands as their exclusive enclave) to convert their 999-year leaseholds into freeholds. The 1963 independence constitution, *inter alia*, carried out the above strategy and, in the case of land, confirmed and guaranteed all land rights that had been acquired under any colonial laws, or otherwise.

The coming to power of an African nationalist elite therefore cemented rather than disrupted colonial institutions governing land, thereby ensuring that the European colonial settlers continued to hold land indefinitely. Kiamba (1989, p. 140) views this

occurrence as characteristic of the post-colonial state-making, where the state becomes the implement that sutures continuity of colonial institutions in the post-colonial period:

The land reform undertaken in Kenya thus appears as a part of the wider role of the state in Kenya in managing the social or class contradictions in order to secure a cohesion that was to ensure successful transition from a colonial to a post-colonial social formation. In securing this cohesion it maintained the social conditions that were necessary for, and facilitative of, the reproduction of the dominant mode of production.

In light of this observation, the emergence of the postcolonial state entailed continuity rather than a complete disruption, in a Fanonian sense (Fanon, 1963), of colonial institutions that preceded state independence. It is for this reason, among others, that Wasserman (1973, p. 100) notes that in the case of Kenya “Independence, then, can be viewed as a deal; a bargain struck between various colonial interests and a nationalist party.” The Kenyan state upheld colonial institutions and, in so doing, gave these institutions a new lease on life in the post-independence period. Of significance in this regard was the continued upholding of private landed property in Kenya which had been advanced in earnest by the implementation of the Swynnerton Plan from 1954 to 1959. The embrace of privatization as a way of ordering property in postcolonial Kenya reflects James Scott’s (1998) analysis of “Seeing like a State” wherein the Kenyan postcolonial state organizes and orders the country along the dictates of the colonial state chiefly built on the capitalist mode of production. In so doing, the Kenyan postcolonial state became both the advocate and guarantor of private landed property as the holy grail for landownership in the country. The establishment of the group ranches in 1968, therefore, was inspired by the view that private landed property held the promise for Kenya’s

development. As such, the birth of the group ranches and their eventual collapse in favour of private individual tenure can be traced back to the colonial period and colonial land institutions, underpinned by the view that private landed property was fundamental for capitalist development in the country (Kiamba, 1989; Mwangi, 2006; Rutten, 1992).

The group ranches were officially established in 1968 under the Land (Group Representatives) Act of that year. Prior to the 20th century, many pastoral groups in Kenya had developed extensive livelihood systems informed by climatic and environmental conditions, livestock and human health, conflicts, and socio-cultural activities. These organizational strategies facilitated the creation of stable ecological systems on which robust pastoral economies were founded (Ng'ethe, 1993). However, the British colonial government was keen to develop and commercialize livestock production in the colony. In 1945, the African Land Development Board (ALDEV) was established to organize and develop livestock production, and pastoral communities were to be organized around grazing schemes which would be equipped with dips and water facilities.

The adoption of the Swynnerton Plan from 1954 to 1959 catalysed the establishment of many grazing schemes countrywide to function as templates for 'proper' land use both in terms of resource use and livestock production. Underlying the grazing schemes were the objectives to curtail livestock numbers among the Maasai and, consequently, preserve vegetation while preventing land degradation, and ensure annual off-takes of livestock (Ng'ethe, 1993). The grazing schemes faced numerous challenges: understaffing, pastoralists' distrust of the colonial government's intentions, refusal by pastoralists with large herds to participate, and movement out of the schemes by pastoralists during droughts, leading to the schemes' eventual collapse. While the schemes did not provide lasting solutions as such, they provided important ideas and

experiences which shaped future approaches to governing Kenya's pastoral rangelands. As Ng'ethe (1993, p. 190) writes:

Grazing schemes under ALDEV helped in the accumulation of experiences and ideas which could be moulded or modified to conceive other types of systems more suitable to the pastoral traditions, culture and economy. The group ranch concept and practice is one system which has borrowed heavily from exposure to grazing schemes.

In line with Ng'ethe's observation, Davis (1970, p. 13 in Rutten, 1992, p. 269) notes that "the birth of the group ranch concept should be placed in time between the East African Royal Commission of 1955 favouring individual tenure in the whole of Kenya and the Lawrance Mission in 1965-66 preferring the establishment and registration of group ranches in the semi-arid regions." Moving on from the grazing schemes, the Lawrance (1966) Mission Report advanced the adoption of group land registration as opposed to individual land registration in the pastoral rangelands. The group ranch, it was envisaged, would ensure that small livestock owners without individual means to acquire costly inputs in the form of dips and watering facilities would be able to do so as a collective under the group ranch. The Lawrance report would then provide the legal framework for the eventual enactment of the Land (Group Representative) Act of 1968, which "legalised ownership and occupation of land by a group of people and enabled participants to acquire funds for development and operation from local financial institutions" (Ng'ethe, 1993, p. 190). The Group Ranch was then defined by the Ministry of Agriculture as:

a livestock production system or enterprise where a group of people jointly own freehold title to land, maintain agreed stocking levels and herd their livestock collectively which they own individually (Ng'ethe, 1993, p. 190).

The government employed a participatory approach in designing the group ranches by involving representatives of the pastoral communities as well as the financiers of the process. A number of key objectives underpinned the establishment of the group ranches: increasing off-take from pastoral lands to enhance their productivity, especially given the view that overstocking was a major hindrance among pastoralists; to increase economic earnings by pastoralists through market intervention; curb and prevent environmental degradation that was attributed to pastoral overstocking; prevent landlessness among pastoralists that could result from individual ranchers acquiring excessive land; and encourage modernization of livestock husbandry whilst preserving important pastoral ways of life (Ng'ethe, 1993, p. 190).

While the full implications of adopting the group ranch model remained unknown to many Maasai pastoralists, the desire for security of tenure and funding opportunities to develop the ranches, which would provide the basis for increasing livestock wealth, made it appealing for the Maasai (Galaty, 1980; Ng'ethe, 1993). For Goldschmidt (1980), the acceptance of the group ranches was out of apprehension of alternative strategies of governing land by the state.

3.4 DISMANTLING THE COMMONS IN KENYA'S RANGELANDS

Once established, the group ranches were operationalized from both within and without. Locally elected committees were in charge of running the group ranch, which included holding annual general meetings (AGMs) with ranch members and managing resources and finances accruing through the ranch. The state and international organizations, such as the World Bank and the IMF, provided the group ranches with extensive support in their operationalization. It was envisaged that the GRs would address pastoral challenges

including land insecurity, mismanagement of resources (especially pasture and water), and environmental degradation, while ensuring progress through high livestock production, environmental conservation and rehabilitation, and access to financial capital, among others (Mwangi, 2007b). Held under a private collective title, the group ranch appeared an ingenious way of overcoming indigenous communal forms of landownership which were historically viewed as impeding the marketization of land (Kiamba, 1989; Mwangi, 2006; Okoth-Ogendo, 1991). However, what appeared to be policy ingenuity was fast becoming a manifestation of what Li (2007, p. 7) terms “rendering technical” in that the Maasai rangelands had been rendered an “intelligible field” of problems for which “non-political” solutions had been identified, solutions that the state had the capacity to deliver.

Although viewed as a participatory process through the presence of Maasai representatives, the creation of the group ranches suppressed politics in that the decisions on how to organize the Maasai were made top-down, based on international experiences, a reflection of the view that the Maasai had to be managed exogenously in ways that would make them economically productive and ecologically friendly. A sense of the exogenous nature of the ranches was arguably masked by the installation of locally-elected committees (Mwangi, 2007b). While having local leadership illustrated the spirit of localized democracy and devolution, it also manifested what would be the expected role of a newly independent state: the creation of favourable conditions for economic development while individualizing responsibility – a clear manifestation of the rolling back of the state. At this juncture, it could be asked whether the group ranches indeed failed or whether by dint of their supposed failure they ended up serving the underlying neoliberal motives spearheaded by global institutions by way of the postcolonial state: to

privatize pastoral commons and thereby open up the Maasai rangelands to the land market. As Mansfield (2009) contends, privatization is the glue that holds neoliberalism together and, according to Manji (2006), significant efforts have been made to liberalize land markets in Sub-Saharan Africa. A question that emerges, then, is whether the eventual collapse of the ranches highlighted a characteristic of neoliberalisation processes as piecemeal (Li, 2014a) but largely inevitable? While recognizing the occasionally slow nature of neoliberal processes, this dissertation makes an effort to trace the mundane interventions that are pieced together over time for neoliberal projects to be realized.

The broad collapse of the group ranch model is attributed to varied factors including poor management, the desire for autonomous decision-making by individuals, and the perceived opportunities to use land titles as collateral to borrow loans and pursue land-based investments. Based on research in Kajiado District in southern Kenya, Mwangi (2007b) finds a host of reasons that make subdivision of the ranches a judicious choice for pastoralists. Among the key inducements were perceived opportunities for income generation that could not have been realized within the group ranch, such as selling and leasing pasture, and using one's title deed as collateral for borrowing money from financial institutions. For those with less livestock, individual tenure promised less competition for pasture, and thereby new opportunities to expand one's herd size. In addition, growth in population portended grave land shortage that in future would make it more difficult to not only regulate but also access resources. On the flip side, future resource constraints meant the value of resources would rise and the benefits would be best accrued under private landownership (Mwangi, 2007b). The pull forces for land subdivision were therefore strong, and, at a time when the group ranch leadership reprehensibly mismanaged the ranches, subdivision appealed even more.

Upon agreement that all ranch members would be allocated equal parcels²² upon subdivision, there were no complaints from the wealthier herders, who stood to be more negatively impacted as their access to pasture would be reduced with the fragmentation of the commons. As Mwangi (2007b) asserts, the wealthy herders backed land subdivision only for it to emerge that these herders were in cahoots with the group ranch leadership to ensure they were allocated larger and higher potential parcels. The process of subdividing the ranches in many areas was thus marred by extensive corrupt practices: allocation of multiple and larger parcels to elites; allocation of smaller and sometimes non-allocation of land to some members; allocation of land to non-members; appropriation of finances earmarked for subdivision; denial of inheritance to heirs of deceased members; and threatening of members to muzzle complaints against subdivision (Galaty, 1994, 2013a; Mwangi, 2007b; Riamit, 2014; Rutten, 1992). As gathered during exchange with key interlocutors during fieldwork, and as detailed by Mwangi (2007b) and Riamit (2014), efforts to challenge these injustices were met with resistance by the locally powerful elites who threatened to reduce the amounts of land allocated to the complainants, or even utterly dispossess them of whatever land they had been allocated. Further, group ranch leadership colluded with state officials to ensure that the state apparatuses were not used to reverse subdivision, which essentially ensured that any contestations were nipped in the bud and, if they persisted, they were eventually repressed. The state, thus, rather than employing its power to confer justice, used its “coercive power to terminate conflict” (Mwangi, 2007b, p. 147).

²² Except in the cases where, for example, a household had many youths that were not yet registered as group members, in which case larger parcels would be allocated (Mwangi, 2007).

The irregularities of the land subdivision processes in the Maasai ranches led to court cases, but it was only in a few instances such as the former Maji Moto GR where substantial progress has been made on litigation. In Maji Moto, a new committee was installed to oversee and carry out the complex work of uncovering, gathering information, and establishing cases of land injustices through a court process which is still on-going. To put together the Maji Moto case entailed working with multiple agencies, governmental and non-governmental, to navigate the complex labyrinth that is the Kenyan land governance and administrative system. In cases where such resistance was thwarted, many ranch members have had to endure the plight of unjust land allocations while a few individuals reap the largesse acquired through expropriation from the collective. As such, while the subdivision process failed to deliver on the expectations of many of the pastoral peoples, it has been an opportunity for wealth accumulation by others, especially local elites, making the process Janus-faced (Bedelian, 2012; Mwangi, 2007b). The paradox of subdivision being viewed as the logical and pragmatic solution to challenges experienced within the ranches only for the process to be captured by elites through local primitive accumulation, followed by the muzzling of potential complainants and conspiracy with state officials, resonates with Li's (2007, p. 7) assertion that once "questions that are rendered technical are simultaneously rendered non-political," there is little attention paid to how "one social group impoverishes the other".

The land struggles in the Maasai rangelands largely mirror the rush for land which has continued in postcolonial Kenya, a land rush that has culminated in widespread dispossession of the weak. As land is pursued by hook or by crook, to many, the end justifies the means (Galaty, 2013a; Riamit, 2014). As the genesis of current land injustices dates back to the colonial period (Mungeam, 1966; Mwangi, 2007b; Rutten, 1992) it

becomes curious why, despite the country's independence in 1963, land challenges have only increased. If indeed the Kenyan state has been working towards the individualization of tenure among the Maasai, even when it appears that this mode of tenure stands in opposition to pastoral ways of life, the source of this motive is of import. According to Okoth-Ogendo (1986), the lure of land privatisation in SSA is entrenched in the contested belief that this type of land tenure provides the foundations for successful agrarian development on the continent. As noted earlier, the British colonial administration in Kenya, to which the push for land privatisation in Maasailand is traced, viewed pastoralism as an inefficient mode of agricultural production to the extent of labelling the Maasai wasteful (Mungeam, 1966; Sorrenson, 1968). Mwangi (2007b) argues that the subsequent governmental push for privatized individual tenure in the Maasai rangelands in postcolonial Kenya was greatly intensified by the then popular perspective on the commons postulated by Hardin's (1968) polemical 'Tragedy of the Commons'. Hardin's work, Mwangi (2007b) maintains, has had immense influence on land privatization in SSA, and the creation of enclosures in Maasailand is a fitting exemplar. Coupled with De Soto's (2000) work, which Manji (2006) asserts has dictated global land policy and land law reforms in SSA, the Maasai experience manifests how global ideas indeed shape local relations and ultimately local livelihoods. In the case of the Maasai, the assumption that privatization would curb overstocking as pastoralists would be coerced to adhere to the carrying capacity of their parcels has been widely confounded. In fact, land subdivision has been found to have not only constricted pastoral livelihoods, but also aggravated environmental degradation (Groom & Western, 2013).

Following the substantial negative impacts that the private individual tenure has engendered in the Maasai rangelands, the push for land subdivision has been rendered

even more mysterious from an etic perspective. A prime feature of pastoral livelihoods over the years is their evolution and adaptation to varying climatic conditions and resources, and pastoral mobility has been central to these processes (Kituyi, 1990; Mwangi, 2007b). In this regard, land subdivision, which among other effects restricts pastoral mobility, appears a startling choice for a property and resource allocation system among pastoralists. Embracing land subdivision *ex ante*, in retrospect, seems to have downplayed the need for vigilance against potential shortcomings of the land subdivision process and the individualization of tenure. The next section engages in a theoretical exercise to gain insights into the dynamics of land governance reforms in Sub-Saharan Africa and, ultimately, the pull factors of the seemingly irresistible privatized individual tenure even when it appears, from an outsider's viewpoint, that dismantling the commons is often a poisoned chalice.

3.5 MAKING SENSE OF THE UNCANNY

“The concept of owning land among the Maasai is an invented one. In the history of the Maasai, one owned livestock, but land was always used communally. Land was always there. The idea that you can now own land is really foreign!” This observation from William, a middle-aged, highly educated Maasai leader who is vastly informed in matters of land governance among Indigenous communities in Kenya, reflected his theoretical and practical engagement with what has become the pastoral land question in Kenya.

Matters of land governance and tenure continue to generate complex questions in SSA. Writing on the politics of land reform in Africa, Manji (2006, p. 1) states that the past two decades characterise a period that “has been the age not just of land reform but of land law reform,” and that “the main thrust of the new legislation is to liberalize land

tenure and to facilitate the creation of markets in land.” According to Manji (2006), one of the key influential works for the neoliberal land agenda which has caught the attention of financial institutions and donors has been Hernando De Soto’s (2000) *The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else*. Manji (2006, p. 2) expounds that at the core of De Soto’s work is the postulation that “it is the lack of formalized property rights which explains the failure of non-western countries to develop. It is not that the poor do not have assets”, but rather that they hold assets in forms that are inaccessible to the market. De Soto prescribes a legal remedy for this malady by advocating for registration of assets within the legal system, which in turn would enable registered assets to be represented by documents. Existing both in the real and representative form, assets can then be traded in domains far beyond their geographical localities. An example of how such forms of existence manifest is the use of land as collateral by the mere presentation of a title deed when borrowing loans from financial institutions (Manji, 2006) .

A critical function of representing assets in documents is easing the flow of commodities. Cutler (2002) terms this form of facilitation the “juridical link”, a link that paves the way for globalization of capitalism. In this regard, Manji (2006) notes that land law reforms should thus not be viewed in isolation, but rather as part and parcel of a grand neoliberal project that suggests specific diagnoses that in turn recommend specific solutions. The dynamics of land markets in the past decade underpin Manji’s (2006) argument that the neoliberal project underlies global and now local land policy. International land acquisitions by finance-rich states and corporations in land-endowed countries have been a predominant theme in land debates during the past decade (Zoomers, 2010). Attempts to come to terms with these global land dynamics have

engendered land-centric phraseologies such as “land grabbing”, “land grabs”, “land thefts” and “global land rush” (Alden Wily, 2012; Borras Jr & Franco, 2012; Zoomers, 2010). Concurrently, sympathetic locutions such as “land acquisitions” (German et al., 2013) have been proffered, to arguably assuage the notion of accumulation by dispossession (Harvey, 2003) with regard to transactions in less financially rich countries and, instead, to describe what are deemed legitimate, consensual land deals.

While coverage of land ‘acquisitions’ has largely focussed on large-scale, illegitimate land dispossessions and acquisitions, market-led land dispossession has received less attention arguably due to the deceptive way it operates in the background or as an outcome rather than being the perceptible driving force of land policies. The subtlety of dispossession through the land market reflects Marx’s assertions on capitalism, as noted by Glassman (2006, p. 611), that once the separation between the producer and the means of production has been achieved, overt violence and expropriation by “the dull compulsion of economic relations” are masked or sent to the background, a process which “completes the subjection of the labourer to the capitalist” (Marx, 1967, p. 737 in Glassman, 2006). In the case of the Maasai rangelands in Kenya, the individualization of tenure can be viewed as the critical moment when the separation of pastoralists from their means of livelihoods is occasioned as precious land resources become commodities that can be traded on the market. In fact, one of the biggest concerns in Olderkesi regarding the on-going land subdivision is the potential sale of land once individuals acquire title deeds, a reality that has been observed elsewhere in Maasailand following subdivision (Galaty, 2013a). Considering the likelihood of this grim reality, I discuss later how the local leaders of Olderkesi are embarking on strategies that can protect members of the community from losing their land to the increasingly vibrant Kenyan land market.

As the push for the formalization of land relations in SSA continues undeterred, Manji (2006) launches a sobering critique of this ‘one size fits all’ remedy perpetuated by, among others, De Soto (2000). When formalized land relations are taken as the sole approach to pave the way for economic development, other modes of land relations are coincidentally disregarded, deemed extra-legal, and dismissed as being characteristic of pre-capitalist societies (Manji, 2006). Invoking Latour’s work on network theory, Manji (2006, p. 16) underlines the sheer emphasis given to land law reform by likening it to an “obligatory rite of passage” for African countries. Such a rite of passage is only reminiscent of modernization theory, which postulates that societies follow a known path constitutive of various stages of “development” on their way to becoming “modern”. Privatization of land, thus viewed, is operationalized as a means to a known telos for sub-Saharan African countries. Manji (2006, p. 18) further invokes Cutler (2002) to posit that “the diagnosis that the problems of economic development lie in non-formalized land relations can only take place in an era of neo-liberalism, and the solution – that land relations must be formalized – likewise has its political and economic context.”

At the national level, the ordering of land relations requires a form of sustenance that is provided by what Cutler (2002, p. 231) refers to as “organic intellectuals for the globalisation of capitalism”. Manji (2006) suggests that using Cutler’s analytical framework, it becomes vital to understand who the powerful “organic intellectuals” at different levels in national land reform processes are. In other words, rather than viewing land law reforms as independent ideologies that are advanced solely by the state and implemented as purely technocratic interventions, the interpretation, embrace, and operationalization of land privatization by the state’s land governance institutions and the landowners, such as the pastoral Maasai in pursuit of subdivision, warrant critical

analysis. I heed this call in the next chapter by examining the process and politics of land subdivision in Olderkesi from the genesis of the idea to subdivide the Olderkesi commons, the dialectical nature of the discourse of subdivision, and the complex of experiences of working towards private individual tenure.

4. The Unyielding Commons

4.1 LAND SUBDIVISION COMES OF AGE IN OLDERKESI

A tall, broad-branched, thick-trunked acacia tree stands stolidly in the middle of the open field facing the adjacent Nkoireroi shopping centre in Olderkesi. Conspicuous from a distance, the acacia tree provides not only a soothing shade on many a sunny day but also the calm disposition apt for community meetings. It is under this tree that many Olderkesi community meetings took place to disseminate information, discuss ideas, and gather views from community members about the process of subdividing the Olderkesi pastoral commons. On the days when no meetings are held, this open field functions as a grazing area for shoats, which have maintained the grass at short length perfect for a community meeting place. A hundred metres north of the acacia tree on one side stands the Olderkesi shopping centre, constituting a line of newly built concrete stores interspersed with old mud-walled shops housing a butchery, an agrovet, two bars, and two restaurants. To the northwest, around three hundred metres away, are the Olderkesi primary and secondary schools. Households encircle the rest of the area positioning the acacia tree at the centre of life in Olderkesi.

While the acacia tree exudes tranquillity and the short grass assures the comfort of terra firma, a storm has been brewing in Olderkesi for several years that is likely to change life in the area significantly in the years to come. After operating as pastoral commons for decades since the first Maasai families settled in Olderkesi, there were calls in the late 1990s to subdivide the Olderkesi commons and apportion individual plots of land to residents under private title. The wave of subdividing the pastoral commons, which

originated in areas closer to cities and towns to the north of Olderkesi, had finally found its way to Olderkesi, one of the furthest areas from Narok town. In this chapter I examine the process and politics of land subdivision in Olderkesi by tracing the birth of the idea of subdivision and its evolution over time, its eventual uptake by the Olderkesi community, and efforts made to implement it. I document views of the members of the Olderkesi community and discuss areas of contention and deliberation. In doing so, this chapter will flesh out the steps taken in land subdivision to uncover what lies beyond our understanding of subdivision as a process of breaking down the commons to apportion plots of land to individuals. Among the dynamics observed include how people expecting subdivision of land position and reposition themselves, engage in acts of reciprocity, the emergence of a discourse that re-centres land rather than livestock, and the imagination of a life based on entrepreneurship as part of the expectations of a neoliberal future.

Olderkesi operated as pastoral commons for decades before this tried and tested model of a shared communal land with individually owned livestock entered the realm of reconsideration in 2010, when official discussions of subdividing the Olderkesi commons began. Community meetings were held all around Olderkesi to inform the public about growing interest in dismantling the commons and apportioning eligible members plots of land under private tenure. The official pronouncement of the subdivision idea had been the outcome of prolonged discussions among various members of the Olderkesi community since the late 1990s, a time when many group ranches in the Maasai rangelands had either been subdivided or had agreed to pursue subdivision. Olderkesi is one of the last pastoral commons that has remained unsubdivided in the Maasai rangelands in Narok County. According to the area chief and other key informants, land subdivision in Olderkesi is occurring so much later than elsewhere because the Olderkesi

leadership never saw the need to dismantle the commons. After all, the Olderkesi commons had operated peaceably for a long time, and the leadership opined that if it was not broken, there was no need to fix it. However, the segments of the community who were pro-subdivision felt that the leadership should have pursued subdivision much earlier because other pastoral commons in the Maasai rangelands were now being dismantled, and it was inevitable that subdivision would occur in Olderkesi. Rather than delaying a known eventuality, this group therefore felt steps should have been taken earlier to steer the Olderkesi community towards what was a known future.

Subdivision inched ever closer to Olderkesi as neighbouring group ranches subdivided their land and granted titles to individual landowners, making palpable to the Olderkesi residents that it was just a matter of time before the Olderkesi commons went through a similar process. Olderkesi, lying at the border between Kenya and Tanzania, is one of the furthest areas from Narok town, the headquarters of Narok County. While it could be postulated that land markets have been more dynamic in areas closer to towns and cities, where demand for land has grown alarmingly over the years, the situation in Olderkesi suggests that there are other influential factors behind the subdivision of pastoral commons.

Formal discussions about land subdivision in Olderkesi were conducted through community meetings held by the Olderkesi land adjudication committee²³ in different villages. The meetings were primarily attended by men and women were not allowed to attend. As one woman, a primary school teacher, put it, “those who attended the community meetings on land were the *wazee* and other men; women are not counted

²³ The locally elected committee leadership morphed into the land adjudication committee following the community-wide agreement to subdivide the Olderkesi commons.

(involved) in land matters.” The exceptions to this cultural rule were widowed women, who were to attend the meetings as household heads of their families, and as standing in for their sons. As it emerged during fieldwork, however, many widows did not have information and so did not attend community meetings on land subdivision, resulting in what Agarwal (2001) calls ‘participatory exclusions’. Rather than feeling completely left out of such a critical process, however, some widows felt that their committee member representatives, who would allocate them land after subdivision, duly represented them and their interests in the meetings. As one of the widows said about subdivision in Olderkesi, “I’ve heard about subdivision, but I don’t know anything about it.” And, upon inquiring whether her name was on the land register, she responded that she did not know, and neither did she know the steps to undertake to ensure that she would be allocated land. She was “just waiting to be allocated land.” While this assertion may suggest unadulterated trust in the committee leadership, research findings reveal the complexity of trust-based relations in Olderkesi as discussed later in this chapter.

The land adjudication committee members therefore bear immense responsibility to the local people in the villages of Olderkesi, who all anticipate not merely fair and just allocation of land, but also information transmission and representation in community matters. At the same time, the scantiness of information about subdivision among women, including widows who theoretically ought to be more informed, suggests that attending community meetings entails much more than being allowed to do so. As two widows, on different occasions, informed me: “I did not attend community meetings on land subdivision because women were not invited for reasons that I do not know,” and, “I did not attend community meetings because they are usually for men.”

On the question about who attended community meetings on land subdivision in his village, a man who is a teacher in Olderkesi said:

Several meetings, around five, on land subdivision were held in this village. These meetings were attended by men from the village and based on cultural codes, only *wazee* can attend meetings about land issues: women, including widows, are not invited. However, widows will be allocated land.

Consequently, for widows to attend community meetings depends on their having adequate information about the meetings, being able to travel, especially given the challenges of transport in Olderkesi, and having the ability and fortitude to challenge existing cultural norms since, even if a social category such as widows qualifies one to attend community meetings, it does not in practice imply that a woman is thereby accustomed to attending meetings that are historically only attended by men. In this regard, what appears as a strategy for inclusion of women in community affairs may fail to attend to multiple other factors that may hamper their meaningful inclusion. In literature that critiques participation as a sure strategy for enhancing the success of community projects, one of the criticisms is that participation as a criterion for the success of community projects is inadequate since the extremely marginalized members of a group often do not have the resources and time to participate in community projects due to pressures to attend to immediate human needs to ensure their bare survival. Similarly, the guidelines for when women can participate in community meetings, which traditionally have been attended only by men, ought to account for the complexities of the positionality of women within the community in order to overcome various forms of exclusions including 'participatory exclusions' (Agarwal, 2001).

4.2 MAKING SENSE OF SUBDIVISION

Although the Olderkesi commons have been maintained for much longer relative to others in the southern rangelands of Kenya, ideas to subdivide the commons have also been around Olderkesi for a much longer time. Already in the 1990s, when many group ranches around the Maasai rangelands were undergoing or taking steps towards subdivision, some members of Olderkesi wanted land subdivision carried out. During this period, Olderkesi members residing in areas undergoing subdivision found themselves excluded from land allocation. Following this experience, they felt Olderkesi should follow suit and apportion bona fide members of Olderkesi individual plots of land. Within Olderkesi, there were those who felt that the commons had run its course, and that it was time for a new regime of land tenure. One *mzee* who was also part of the community leadership said, “from early on Ntimama²⁴ had advised the Maasai to subdivide land,” underlining the varied sources of pressure to subdivide. As Okoth-Ogendo (1991) notes, out of the numerous forms of land governance systems, the privatization of land, in its multiple forms, is often held as a more advanced and propitious mode of land governance for the realization of agrarian development and environmental conservation pursuits.

However, older men refused to heed this call as they felt that the number of livestock would diminish in Olderkesi. As various studies in many pastoral areas where subdivision was carried out has found, land subdivision not only negatively impacted Maasai livelihoods, but also failed to enhance environmental conservation (Groom & Western, 2013; Mwangi, 2007b). These findings challenge the core underpinning of the idea of private individual tenure. Having operated within the commons for a long time, Olderkesi leaders were averse to the change of a land governance system that had worked

²⁴ A popular politician of Maa origin.

and kept the community peaceable and intact. What had changed was that the politics of land subdivision in Olderkesi had started gaining influence due to dynamics occurring both within and outside of Olderkesi. As such, even seemingly intact communities have porous boundaries that are permeated by both exogenous and endogenous forces that together determine change within a given locale (Agrawal & Gibson, 1999; Appadurai, 2013).

As the group ranches around the Maasai Mara and those neighbouring Olderkesi embraced subdivision, access to those areas by the Olderkesi community became restricted. At the same time, Olderkesi continued to function mainly as open-access commons that could be easily and freely accessed by Maasai pastoralists from other areas. The Olderkesi land inevitably became the wet season grazing area for many pastoralists from outside of Olderkesi. With most of the pasture consumed during the wet season, this meant there was much less pasture for Olderkesi residents during the dry season. Those who came from other areas would retreat to their individual plots during the dry season and then restrict access to outsiders, including Olderkesi residents, thereby using their own plots as grass banks for the dry season. Faced with this external pressure for pasture, Olderkesi residents felt the only way they could regulate access to Olderkesi pastures was through subdivision and individualization of tenure, where responsibility for denying or allowing access would be individualized. Within Olderkesi commons, the conditions of exclusivity and non-subtractibility that are critical for the sustainable use of the commons were not observed. As one key respondent said, “You cannot keep on being the only nice guy.” This push towards individualized tenure echoes Tania Li’s (2014b, p. 591) argument that “to turn it (land) to productive use requires regimes of exclusion that distinguish legitimate from illegitimate land users, and the inscribing of boundaries through devices

such as fences, title deeds, laws, zones, regulations, landmarks and story-lines”. In this regard, individual tenure became a tool not only to render Olderkesi residents legitimate, but also to render non-Olderkesi residents illegitimate land users within Olderkesi.

Access to pasture remained the underlying point of contestation in subdivision politics within Olderkesi. While walling out non-Olderkesi residents arguably addresses exogenous pasture access, the walled in Olderkesi residents had to engage with the endogenous dynamics to ensure they secured optimal conditions for catering to local livelihoods. Human livelihoods are still primarily centred on livestock, and there are varied views on how individual tenure enhances livestock keeping in Olderkesi. A popular view is that those with less livestock will be able to manage their pasture effectively without having to compete with the herd-rich members. And, in the event that the herd-poor have pasture in abundance, they will be able to sell pasture to the herd-rich members, thereby turning a current disadvantage into an income opportunity. As one woman, a community leader within the Olderkesi Wildlife Conservancy, suggested, following land subdivision “those with larger herds will suffer because there will not be much space to maintain all their livestock, and those with less livestock will be able to do business such as selling grass.” This assertion insinuates that one of the factors that will determine one’s ability to benefit from subdivision will be one’s herd size, whereby big herds will be maintained and sustained by the labour of those with smaller herds. If herd size is such a critical determining factor in the politics of land subdivision, and given the differences in herd sizes within Olderkesi, what makes subdivision attractive across different groups in Olderkesi?

Individual landownership has been widely embraced in Olderkesi for it will enable individuals to plan land use, manage livestock profitably, and prepare for droughts secure

in the knowledge that one's plans will not be disrupted by others as has been the case in the past. These expectations have spurred the imagination of a peaceable post-subdivision futurity for many Olderkesi residents as exemplified by the following responses:

A woman, who is also a conservancy committee member: "In the current set up of communal landholding livestock is suffering from droughts, but in areas where land subdivision has taken place, there is better pasture."

A young male respondent planning to create a corridor for wildlife to pass through his land: "People will be able to adapt their livestock to limited land. There will be peaceful co-existence since there will be order, unlike today when you may not put up a *boma* somewhere because some people are against it."

A primary school teacher: "It will be possible to carry out personal development once one gets rightful ownership to land, and one can therefore even take a loan using the title deed as collateral."

A local adjudication committee member: "One will be able to rear quality cattle in line with individual planning since there will be no external intrusion."

A young male respondent: "One will be able to control breeding of livestock unlike when livestock mix freely while grazing altogether."

A local adjudication committee member: "Communal land is deceptive because one feels there is always land. But, with a given amount of land, one can face reality more clearly."

Individualized tenure, as can be deduced from the above assertions, is expected to address various challenges experienced within the Olderkesi commons. Some of these challenges include competition over land use, disruption of individual land use and livestock keeping plans owing to the mainly open access nature of the Olderkesi commons, difficulties in investing in certain breeds of livestock as livestock mix freely on the commons, and the seemingly deceptive nature of the commons as a site of abundance, in which “there is always land,” which forecloses calculated strategies for stocking. These challenges are compounded by the functioning of Olderkesi as a wet season grazing area which results in droughts being more severely felt in Olderkesi. In addition to walling out non-Olderkesi residents to ensure pasture retention to survive the dry season or even drought periods, some residents intend to introduce breeds of cattle with higher potential for milk production or beef that are adapted to the arid and semi-arid areas. Experimentation with different cattle breeds has already begun in Olderkesi, with one of the leaders introducing the Sahiwal breed which some respondents indicated is the breed they intend to adopt after subdivision.

With the impending transition to individual enclosures, the emphasis is shifting from numbers of livestock being a sign of wealth to an emphasis on the potential for livestock to generate financial revenues through dairy and beef production. This shift in the valuing of livestock is interesting in that livestock in Olderkesi has for long been valued not solely in financial terms but, rather, in varied ways including storage of wealth, their use for cultural events such as customary ceremonies, provision of food for household subsistence, as a symbol of life for the livestock owner and their households, and as a way of identifying others through unique notching and branding which are specific to a family or a sub-clan. Cattle generates a complex set of relations among the

Maasai and, as Lemayian put it, “livestock is the closest thing to a Maasai, sometimes closer than humans.” While the on-going shift toward emphasis on dairy and beef as the factors influencing approaches to livestock keeping underscores a form of valuing that is inherently financial, this value transition arguably did not simply occur with the entry of individual tenure, but rather as a reflection of the changing dynamics where social exchanges and systems of valuing increasingly revolve around financial capital. At the same time, the cultural forms of exchange within Olderkesi point to the existence of a melange of types of exchange rather than an overall superimposition of financial value over life, which means financial exchange is an additional and growing mode of exchange. The mechanics of penetration by this mode of valuing and exchange within Olderkesi constitute an important focus of this dissertation.

Discussions over land subdivision in Olderkesi have largely been a men’s affair, with women, supposedly having less knowledge about politics and the process of subdivision, hardly attending any community meetings. Despite their exclusion from land matters, women in Olderkesi shared concrete ideas of how the land to be allocated should be used post-subdivision, as the following story of Hannah illustrates. We visited Hannah one late afternoon when the sun was gradually setting and our shadows growing longer by the minute as we made our way to her home. The children had come home from school and were playing outside the house. Hannah was busy preparing some dried grains which she would later use to prepare supper for her family. Lemayian had informed Hannah that we would be visiting her in the late afternoon and, expecting our visit, she welcomed us with a cup of hot Kenyan tea. She ushered us into the house and gave me a comfortable chair from which I would be able to take notes during our discussion. From my position as an ethnographer, Hannah had provided a platform for me to ‘write culture’ (Clifford &

Marcus, 1986) in the field. Her two sons, aged around four and eight years old, joined us. They sat quietly as we conversed with their mother and, occasionally, the younger one would come to have a look at my note-taking practice. In this moment, the observer became the observed during an intimate part of anthropological fieldwork: crafting fieldnotes. I continued to pay close attention to my interlocutor, Hannah, while she talked about life in Olderkesi past and present. A teacher by profession, Hannah told us about her work at school and her life at home. On land subdivision, Hannah had only heard about it; she did not have detailed knowledge about subdivision in Olderkesi and she had not attended any community meeting on the same. As she said, “women are not counted [involved] in land matters.” This lack of involvement in land matters, however, did not halt Hannah from pondering and planning how her household’s land would be used after subdivision as she asserted, “I shall fence the land, set aside space for livestock grazing and create paddocks, practise farming, and grow grass on my sons’ plots of land.”

On land subdivision, Hannah expressed emphatic support:

I support land subdivision because I shall get my own place and be able to do development. One cannot do much right now because you might not be allocated the same plot of land you are currently occupying. Land subdivision is inevitable. It’s better to get one’s plot now. It will be possible to plan future investment once you have your own land.

Hannah’s situation is paradigmatic of many women in Olderkesi who, despite not being considered the official landowners, chart clear and concrete plans about land use in the post-subdivision period. To a great extent, the situation underlines the *de facto* ownership and decision-making power that women feel they possess over land. While it may appear that women are left out of all land matters in Olderkesi, such an absence only

occurs in the representational form. However, in the everyday running of household affairs women are influential and involved in decision making. As one of the Maasai proverb goes, “a man makes a decision after sleeping on a cowhide,” it is culturally recognized that whatever comes forth as the decision of the husband, it often occurs after consulting with the wife, literally after sleeping on the Maasai bed made of a cowhide.

The feasibility of supporting life on individual parcels in a semi-arid and arid area such as Olderkesi is a source of ongoing debate. For a long time, pastoralism among the Maasai has been feasible even in times of drought due to mobility that makes it possible to access pastures near and far. According to Kituyi (1990), mobility among pastoralists is not only a strategy to access sparse pasture, but is also part of a social-cultural reproduction process that spurs accumulation and investment in livestock and overall pastoral wealth. In the face of limited mobility that is engendered by the fragmentation of the rangelands, especially in the context of the impacts of climate change, questions emerge about the practice of livestock keeping that is primarily dependent on pasture and water on individual plots of land. The chief of Olderkesi sees the apportioning of individual plots of land as an opportune moment to rehabilitate the Olderkesi landscape through afforestation, especially at a time when charcoal burning has decimated forests in many parts of the Maasai rangelands and beyond. The AGC project in Nkoireroi, an area now covered by trees that were planted and cultivated over time, serves as an apt example of how to practise afforestation in Olderkesi. According to the chief, such practices of environmental restoration will bolster growth of pasture adequate to cater for livestock within individualized plots. The chief is optimistic that the accumulation of micro-behaviours will produce a desired macro-environmental state of Olderkesi.



Figure 4: Trees planted at the AGC Project compound, with cattle feeding on vegetables cultivated on the AGC project's land.

A critical look at these dynamics suggests that the individualization of tenure in Olderkesi, which was originally driven by competition over pasture and a desire to restrict the area against external access, has evolved in its utility as a form of tenure that not only addresses these earlier challenges, but also addresses emerging challenges in managing the commons. For instance, the view that scarcity of grass necessitates individual intervention to reduce stocking levels, and the perceived need to invest in cattle breeds that are more attuned to the dairy and beef market, are perspectives that have grown in prominence recently as opposed to the earlier arguments for land subdivision. The subdivision of land is thus not a process frozen in its meaning but one whose meaning is continually fashioned and refashioned over time to reflect the changing life dynamics of a people. To this end, the process of tenure transition emerges as a social construction characterised by plasticity in meaning, as the Olderkesi community engages subdivision in ways that are *sui generis* to the life of the Olderkesi people today.

4.3 BELONGING, ACCOMMODATION, AND ALLOCATION

The community-wide agreement to subdivide the Olderkesi commons was followed by the identification of the bona fide members of the Olderkesi adjudication section. A register of all the members was created, and the names therein are to be included in the eventual land adjudication register, which is the principal reference document that contains the names of the landowners, parcel numbers, and the size of the parcels. To be allocated land, one's name should be on the land adjudication register. The criterion used in Olderkesi identified the bona-fide members as males, and each household could register a maximum of three male children born by the year 2015. The registration process came to a close in 2016. In the event that the household head had passed on, the spouse (widow) would be registered as the household head. Olderkesi comprises 25 villages. The subdivision and allocation of land in Olderkesi will be organised around these villages, which for purposes of land subdivision, have been referred to as the clusters of subdivision. The villages follow familial relationships, but relatives are often spread out in different villages, often following the polygamous system common in Olderkesi. By settling members in different villages, a household ensures it can access the affordances of the Olderkesi landscape in different localities, thereby rendering the settlements more fluid but complex for the subdivision exercise.

During one of the many conversations with the Olderkesi chief, he informed me that while the clusters had been in existence for a long time, they were quite diverse, which made it complex to establish the clusters based on people's settlement. Once the clusters had been established for purposes of land subdivision, individuals could then know the cluster in which they would be allocated land. The clusters, therefore, function as the map guiding land allocation in Olderkesi. Each cluster has a representative member on the

land adjudication committee who is expected to know everyone within the cluster. The land adjudication committee morphed from the earlier Olderkesi commons committee leadership once Olderkesi became an adjudication section in 2012. Each of the 25 village leaders was tasked with verifying that the persons registered from a given village were indeed bona fide members of Olderkesi, identifying public utilities to be set aside during subdivision, and allocating individuals land in their respective clusters after the land subdivision process was completed.

While the qualification for one to be considered a bona fide member of Olderkesi was history and belonging to one of the founding families of Olderkesi, some residents did not fit into this categorical framing as they had settled and later assimilated within the Olderkesi community. For such individuals to be included in the land adjudication register, they were required to have Kenyan citizenship. According to the area chief, while some of the assimilated members were Kenyans from other parts of the country, others had immigrated from Tanzania, settled in Olderkesi for a long time, and eventually obtained Kenyan citizenship. These acts of individuals and groups positioning themselves during subdivision have been observed across Maasailand, usually bringing to the fore both the statutory land law and customary claims. For example, during the subdivision of the Mosiro GR, which was marred with cases of corruption, Galaty (1997, p. 114) writes that:

... legally registered members and outsiders alike position themselves to make claims on parcels of its (Mosiro GR) land. Land law hovers over the region like an unavoidable cloud, but it meets a second, irrepressible mist rising from the land, that of customary claims. In the confusion of claims, the force of law seems often pitted against the perceived legitimacy of local rights.

The coming together of statutory law and customary claims can be seen in Olderkesi during the determination of who counts as a bona fide member of the Olderkesi adjudication section. Those who were known to have originated from Tanzania were able to lay claims over the Olderkesi land by virtue of their lengthy settlement and acquisition of Kenyan citizenship, which was buttressed by the possession of a national identity card. As such, there are varied factors that influence the negotiations and politics of being and belonging in an indigenous frontier that is couched within the territory of the state. Ultimately, what are underlined are the plasticity of identity and recognition even in a modestly diverse place as Olderkesi.

That only males are registered as landowners means that land allocation will only happen to fathers and sons. Consequently, households with few or no sons will be allocated much less land. It was due to this potential source of inequality in the amounts of land allocated that it was agreed that a single household could only register a maximum of three sons who had been born by the year 2015. But why are women not being allocated land parcels at a time when the Kenyan constitution recognizes both women and men to be legitimate claimants of resources? I raised and discussed this issue with several individuals in Olderkesi, mostly men, and a consistent and convincing response was not forthcoming. Instead, the question was often met with surprise, followed by brief laughter, and then a moment of reflection. To my interlocutors, the question cast doubt on a seemingly natural order of things. As one of the leaders asserted, it was agreed that traditionally land belonged to men because they fought for it. And it does not matter that land is allocated only to men because, after all, almost all the women in Olderkesi end up being married within Olderkesi. In this regard, land is *de jure* owned by men, but it is *de facto* a resource that belongs to everyone, and marriage is an institution that ensures that

such internal redistribution of land occurs over time. This view of land redistribution in Olderkesi is interesting in that, as one of the key respondents fighting for Maa land rights indicated, individual landownership is a foreign idea among the Maasai. Therefore, the responses gathered in Olderkesi point to the concept of individual landownership as one that is continually being negotiated, challenged, and accorded meaning among the Maasai who have for long held land in common.

One of the consequences for subdividing the Olderkesi land much later than other Maasai areas, such as Naboisho and Siana, is that the acreage to be allocated per person in Olderkesi will be significantly less as the number of members is higher than in other areas. This occurred because the later deadline for registration in 2016 allowed for additional cohorts of youth to be included. The allocation of land to minors who are still dependent on their parents means the household heads will hold land in trust until their sons have reached an age when they can cater for themselves and their land. Such households will have more land available than those with fewer or no sons eligible for land allocation. At a time when livelihood strategies are occurring with changes in land tenure, it will be interesting to see whether land redistribution will occur in the future through marriage, as postulated by some respondents, a form of land and resource redistribution through belonging, or whether subdivision will herald divergent patterns of wealth accumulation in Olderkesi, which could herald new ways of accommodation or even exclusion.

4.4 ON THE POLITICS OF LAND SUBDIVISION

The process of land adjudication constitutes the “final and authoritative determination of the existing land rights and claims of people to land” (Ciparisse, 2003). As such, the

process of subdividing the commons becomes critical in that one's existing claims and rights to land have to be confirmed, and the absence of such confirmation can become the basis of exclusion from land allocation. The land adjudication register, which bears the record of landowners and the demarcation map, functions as the critical document whereby one's legitimacy as a landowner becomes legible. One of the key actors in operationalizing this registry is the land surveyor. Once the adjudication record for the Olderkesi community was completed in 2016, the land adjudication committee sent it to the District Land Registrar's Office in Ololulung'a in Narok. The chairman of Olderkesi then requested public surveyors to delimit the boundaries between the Olderkesi adjudication section and the neighbouring areas of Naikarra and Loita, the MMNR, and the national border with Tanzania. After providing data from the demarcation exercise, the surveyors embarked on identifying public utilities such as water points, town centres, hospitals, schools, and other amenities for use by the Olderkesi public. The land adjudication committee ensured land was set aside around Olderkesi for installing important public utilities, such as schools and hospitals, within a radius of seven kilometres. At this point, all was set to parcel out the Olderkesi land, a process that would be financed by the state through the Ministry of Lands and Physical Planning.

The push for the privatization of tenure has been on the agenda of successive Kenyan governments since the British colonial administration. The current government under the Jubilee political party has in its manifesto the goal to privatize tenure throughout the country. When the Olderkesi land adjudication committee contacted the Ministry of Lands and Physical Planning to initiate the parcelling out of the Olderkesi land, it came as a shock to the committee when the ministry communicated that they did not have the resources to finance land subdivision in Olderkesi. Consequently, the

ministry directed the Olderkesi leaders to hire private surveyors to carry out the subdivision process. A list of nine private surveyors was given to the Olderkesi land adjudication committee from which they could interview the surveyors and finally choose one to carry out the subdivision on the ground. Given this unexpected turn of events, the committee found themselves confronted with high expectations to subdivide land among the Olderkesi residents, but now the terms of subdivision had changed. How were they going to address the community given that employing a private surveyor meant that the members had to pay for the land subdivision process themselves? This turn of events would be a significant test of how much the Olderkesi community wanted the commons subdivided, given that subdivision is an extremely expensive process. Consultations were held within Olderkesi to obtain clearance to employ a private surveyor. Once this was accomplished, the next step was to interview the surveyors. However, as I discuss later, this moment would come back to render subdivision in Olderkesi a heated political affair.

The nine surveyors whose names had been provided by the National Lands Office made their way to Olderkesi for interviews by the Olderkesi land adjudication committee. The committee conducted the interviews and assessed the surveyors based on three major aspects: past experience, technology and machinery, and the socio-political state of the areas where the surveyors had carried out subdivision. As one of the last areas to subdivide land in the Maasai rangelands of southern Kenya, Olderkesi was well positioned to evaluate the surveyors based on their track records in other areas where they had already conducted subdivision. The experiences of the other areas would therefore serve as a key metric on the choice of the surveyor, especially given the challenges that have encumbered many areas during and after subdivision (Mwangi, 2007c; Riamit, 2014). After the interviews, the land adjudication committee settled on one surveyor who was

invited to start work soon after. The private surveyor started off by conducting a satellite survey of the Olderkesi land to generate a map of the area, and this entailed redoing the initial work that the public surveyors had accomplished during the initial land adjudication process. It was found that the total acreage the public surveyors had generated for Olderkesi was much lower than that generated by the private surveyor. Public utilities were then identified with the help of the local leaders and demarcated, and this was to be followed by the delimitation of individual parcels.

After several phone calls trying to arrange a meeting with the surveyor in charge of subdividing the Olderkesi land, we scheduled a meeting for a Saturday late afternoon in Narok town. The surveyor told me he was quite occupied during the week, and that he usually attends to his livestock and domestic chores on weekends. This response is quite fitting for many Kenyans who often have a main occupation but at the same time engage in additional socio-economic pursuits. On the Saturday of the meeting, the town was relatively quiet, but teeming with dust after a long spell without rain. I arrived at the surveyor's office and found a few people waiting for him. I sat on the bench as he completed the meetings with the others. The surveyor ushered me in with a smile and showed me to my seat on one side of the table while he sat on the other side so that he faced the door, having a complete view not just of me, but also of the entire room which was relatively small. The room had started growing dark with the setting of the sun. The surveyor switched on the lights which illuminated the numerous files and mapping tools in the room. A drawing table occupied the main table, and several maps folded into rolls lay by the side of the drawing table. I introduced myself and my work, as I had done on the phone, and after he apprised me of his busy schedule over the past days and earlier

on that day, we started our discussions about land subdivision in the Maasai rangelands in general, and Narok County in particular.

Following the promulgation of Kenya's New Constitution in 2010, many duties were devolved to the county governments, but land governance was one of the duties that had remained under the mandate of the national government. This meant that on occasions of tenure transition, such as in Olderkesi, the landowners have to provide the Commissioner of Lands in the Ministry of Lands and Physical Planning with a formal written petition for their land to be earmarked for adjudication. Once the petition is approved by the Land Adjudication Board in the ministry, the maps of the adjudication areas are generated in collaboration with the landowners of the given area. During this phase, the members of the area earmarked for subdivision elect local officials who constitute the land adjudication committee. In Olderkesi, the land adjudication committee constituted the community leadership that was in place prior to the onset of the land subdivision process. The committee seeks approval to carry out land subdivision from the Land Control Board, which is an organ established under the Land Control Act of 1967 to regulate land transactions. In Narok County, the heads of the Land Control Boards are the District Commissioners and District Officers, formerly in charge of Districts and Divisions respectively. Olderkesi is within the Narok West constituency, and a District Officer heads the Land Control Board of this constituency.

For the surveyor, the demarcation process is neither a straightforward nor an iterative process that depends only on years of precedent work experience. Every context presents different realities, both spatially and over time. For instance, the official maps which are generated by public surveyors, usually through aerial photographs, can be affected by changes in the physical features on the ground. A private surveyor, while

demarcating an adjudication section, has to take into account such emergent differences, yet it is the state that is the custodian of the official cadastral information. In other words, the state is the official lens through which reality on the ground becomes legible.

After years of subdividing land in the Maasai rangelands, the surveyor had observed fascinating ways in which different local landowners position themselves during land subdivision. One of the ways of advantaging oneself involves setting up a permanent structure: “When there are permanent houses, the land is usually allocated to the owner of the house.” As I observed in Olderkesi, there were a few individuals who had put up permanent housing recently, and even held house opening ceremonies, inviting the rest of the community members to partake in the celebration. Whether celebrating the feat of putting up a permanent house helps to buy acceptance by fellow community members remains to be seen during land allocation. Another positioning entails multiple allocation of plots of land: “Many people have managed to get multiple plots in different group ranches. Usually, when one grazes in one area and gets to know the people, they get their names on the register and are consequently allocated land, even though they are not originally from there.” This has been evident in Olderkesi as well, where identification with the founding families has not been the only criterion to be considered a legitimate landowner in the area.

These speculative tendencies observed during land subdivision have become a tool for outsiders to gain access to and ownership of land in areas undergoing subdivision. Often, “land is bought even before titles are given. Once the title is granted, the value of the land rises.” The surveyor confirmed the fears expressed by the chief of Olderkesi that land sales were a big threat in the process of individualizing tenure. The increase in the value of the land after title is conferred means that someone who sells land prior to

gaining the title deed would not be able to afford the same land in the post-subdivision period. Thus understood, these dynamics of the land market help to explain how landlessness is occasioned by land sales in the rangelands.

As a process that gives rise to land markets in Africa and elsewhere, the individualization of tenure in pastoral rangelands of Kenya has tremendously influenced the shape and form of conservation enterprises. In many cases, conservation has involved the leasing of land from local landowners by wealthy persons, often white or of foreign origin. In what usually appears as a case of a willing investor and a willing lessor, in fact the process starts much earlier. The private surveyor told me that “investors usually approach the surveyors to find out which areas are most conducive for wildlife, and that have a lot of water.” Surveyors are therefore sources of important knowledge about a given landscape, and investors in conservation draw from this knowledge to strategically position themselves during land subdivision. For example, such knowledge can be used by potential investors to influence land allocation so that those who are allocated desirable parcels are those who are willing to lease their land to investors.

A surveyor’s work can have lasting impacts in an adjudication section based on decisions taken during critical moments of the subdivision process. One such scenario entails what the surveyor called a “no man’s land”:

Sometimes, when subdivision is completed, there are lands that end up lying between two established boundaries. What happens is that these lands are either given new title deeds, or the persons that have been allocated land at the boundary have their land extended to cover these “no man’s lands”.

In other cases, there are “overlapping lands”, which occur when:

One group ranch's boundary extends into the other, and the other way around. In these cases, a middle point is established, and the boundary is established there. In light of these complexities that arise during subdivision, I inquired about differences between subdivision carried out by the public land surveyors and private land surveyors. The surveyor's response was emphatic:

The private surveyors usually do a better job than public surveyors. The public surveyors do it as business as usual, and they have less tools and technologies to do land subdivision. Also, government surveyors can get transferred which leaves a new surveyor having to take over a process that was being carried out by someone else.

To underscore this assertion, the surveyor drew out a series of maps from the rolls that lay on the table and showed me the ones that had been generated by public surveyors, and the ones that had been developed by private surveyors. On the maps by public surveyors, he highlighted various instances where the content on the map did not reflect reality on the ground. In addition, he pointed out that some of the areas that had been subdivided by public surveyors in Narok County had resulted in disputes and conflicts, some of which were still ongoing.

In Olderkesi, the debate between commissioning the public or private surveyors centred not on the quality of the work conducted, but on the costs involved. The land subdivision process is an expensive undertaking, and every member who was registered to be allocated land in Olderkesi had to pay a fee of Ksh23,500 (approximately 235 USD), termed as the surveyor fee, which was exclusive of the payment for the title deed. To ease the burden of the Olderkesi members paying these fees, a negotiation was made with the investor leasing land for the wildlife conservancy to have the investor pay Ksh5,000 for

every landowner, leaving the community members to pay Ksh18,500. This meant that rather than the investor paying land lease fees directly to the community, the finances would be directed towards land subdivision. There are around 6,000 landowners, which amounts to around 30 million Kenyan shillings (approximately USD300,000) to be paid by the investor, and a total of 111 million Kenyan shillings (approximately USD1,110,000) to be paid by the Olderkesi landowners, for a combined total of 141 million Kenyan shillings (approximately USD1,410,000). With such hefty sums of money involved, land subdivision becomes not only a process of dismantling the commons and allocating parcels but also involves a prolonged period of engaging with state organs, private entities such as surveyors and conservation investors, and financial distress on the part of many landowners.

4.5 A DAY WITH THE SURVEYORS

To gain insights into the work of surveyors carrying out subdivision in the Maasai rangelands, I spent time and engaged in insightful discussions with those who were demarcating Olderkesi lands. My knowledge of the surveyors began with stories from residents of Olderkesi while the surveyors had temporarily left Olderkesi for, as I learned, heavy rains in the area made it extremely difficult for them to traverse the Olderkesi terrain. Upon their return, I met and introduced myself to the surveyors and we scheduled a day for me to accompany them in the field.

Saturday, 10th February 2018. I am deeply asleep when, suddenly, I hear my phone vibrating. I cannot immediately find my phone next to my bed where I normally put it. I recall I had left it next to the door for it to download Evernote software during the night, the only spot where I could sometimes access internet. I quickly pick up the phone. It's

Marcus telling me they would be leaving for the field in half an hour. I quickly take a heavy breakfast, as one should in preparation for a day in the field, and after I pack my notebook, water bottle, and a small Canon camera, I head towards their house which is less than five minutes from the AGC project. After brief morning greetings, I hop onto their green Toyota Land Cruiser where Muthii and Morgan, the other surveyors, are seated. They have been accompanied by the Olderkesi chairman's son. We are squeezed at the back as Marcus takes the front seat together with Alex, the driver.

We take off and Alex is driving fast. We feel every bump of the weathered road and we have to hold tight onto the metal bars of the vehicle. We pass the small town of Nkoireroi, and soon after there are acres of green maize farms that not only reflect the rainy season, but also the uptake of crop cultivation in Olderkesi. We stop at the home of one of Olderkesi's committee members where two men join us in the vehicle. We are headed towards Leshota, an area which borders Loita and Naikarra. The main activity for the day will be the demarcation of a salt lick, a public utility that will comprise five acres. Each of the four surveyors has his role clearly outlined as can be seen by the way they all assume their duties without deliberation: Marcus is carrying his black laptop bag, Morgan carries the receiver and the GPS, Muthii takes a bucket of cement, and Alex follows with a bucket of sand. We head down the valley towards the salt lick area. As we arrive at the site, we are awed by a big herd of cattle arriving from the opposite direction. One of the Maasai men in our company tells us that the entire herd belongs to a wealthy individual from the area and that the site is one of the few water points in the village. We observe, mesmerized, as the cows throng the water points and then exuberantly partake in salt-licking.

A few other men from the area, who are members of Olderkesi, have joined us and they are showing Marcus around the salt lick area. Marcus indicates where they will start the demarcation. The older Maasai men go past that point as if to suggest the salt lick area surpasses the point that Marcus has indicated. However, there are no questions posed to Marcus by any of the men. His word is final. Sitting under the shade of a tree on one of the roots that has rhizomed to form a comfortable seat, Marcus opens up his computer and charts the salt lick area. I sit next to Muthii and Alex, who are both busy placing their Sportpesa bets, and discussing which teams in the English premier league have the best odds for the day. They reach agreement that the Tottenham versus Arsenal game will be a GG, which is a bet that each team will score. A discussion ensues about the people who have won Sportpesa mega bets, with the latest winner in Kenya having scooped Ksh230 million (approximately \$2,300,000). They say that the guy was very lucky to have won since the Liverpool versus Tottenham match ended in a draw after it had seemed that Liverpool had won it in the dying minutes of the match. It was quite interesting that even though Muthii and Alex had not registered any wins for some time, they still continued to place the bets in the hope that they would be successful at some point. Their fortitude and perseverance are reminiscent of Li's (2007, p. 1) "*The Will to Improve*," which, the author writes "draws attention to the inevitable gap between what is attempted and what is accomplished. It also highlights the persistence of this will – its parasitic relationship to its own shortcomings and failures. The will is stubborn, but it is no mystical *geist* or teleology." Indeed, the will to improve is stubborn and parasitic as this scenario illustrates how Kenyan youth often seek to make income from multiple fronts in order to improve their livelihoods, even when the returns are far from guaranteed and engaging in an activity involves spending the limited capital that one possesses.

Morgan then walks with the receiver and the GPS to identify the points that will be marked with beacons. Once the point has been established, the chairman's son digs out a hole about half a metre deep. Muthii mixes sand with cement which he uses to fill in the hole and, just like that, a beacon is installed.

This process is repeated several times until six beacons have been erected. The demarcation work for this site is now complete. The whole process took slightly more than an hour since we arrived. Marcus discusses with the Maasai men the next area for demarcation and the best route to get there. It turns out that we are heading to the caves in Leshota. We take a short drive up to a point where Alex, the driver, says it is impractical to keep driving since the vehicle will be scratched by the thorny acacia bushes that have populated the area. It is going to take an hour to walk to the next site. I grab my water bottle as we embark on a fast walk inside the forest which according to the local Maasai men, has a lot of wildlife. They assure us that the route is safe and that it is used by members of the community, especially women who collect firewood from the forest.

We arrive at Sand River, a seasonal river which is now more rocks than water; there is barely any water flowing. In obeisance to its name, the riverbed is full of sand. We walk along the river into a huge, extremely dark cave that is full of bats. At the entrance there is a fireplace, beside which lies a carpet of dry leaves where men sit as they feast on roasted meat. At the extreme end of the cave there is a tiny opening through which water enters when Sand River floods, and which now looks like a dim light. The surveyors refuse to go inside out of fear of the unknown. One of the Maasai men encourages me to go inside, and I follow him. It's extremely dark and even our smart phones cannot muster enough light to be able to see what lies in front of us. We continue moving towards the tiny lit opening that signifies the end of a long dark tunnel. The roof of the cave is covered with countless

bats hanging face-down toward us. We reach the end of the tunnel and soon after the rest of the group joins us. It is extremely warm inside the cave. This is the first time I have ever been inside such a massive cave. We take several photos using a torch to illuminate our faces which are now lit with the excitement of accomplishment. The cave provides one of the places where men come to bond and build social ties sutured by roasted meat and soup spiced up with Indigenous Maasai herbs which, as I have learned from various Maasai men in Olderkesi, are meant to keep one healthy by boosting one's immunity. As it occurs, surveying the land means becoming familiar with the landscape under the guidance of supremely experienced local people with knowledge accumulated not only from living there, but also passed from one generation to the next.

We make our way to the next site of demarcation under the scorching afternoon sun and hot sand below our feet. There are scattered puddles which serve as water points for animals inhabiting the area. We arrive at what one of the Maasai men calls the 'birthing stone', a stone delicately dangling off a rock. He tells us the name originated from his white guests whom he was guiding around Olderkesi who likened the rock to someone giving birth. Soon after we arrive at the springs, which is another public utility earmarked for demarcation. The local people fetch water here, and given the scantiness of water in Olderkesi, it is critical that the springs remain publicly accessible in the post-subdivision period. I inquire about the name of the place, and one of the Maasai men tells me it is *Oonchota*. He says water flows throughout the year from the springs making it a highly dependable source of water for the local community. The interplay between indigenous knowledge of the landscape and the technological knowhow of the surveyor provides for interesting dynamics. Once the beacon points have been established, the entire team, together with the Maasai men who have accompanied us, sets off to explore

the area. I am left with Marcus under a big tree which provides cool shade for the rock on which we are seated. I ask Marcus how the demarcation points are identified, and he responds:

The public utilities are allocated a given amount of land, say five acres. The locals know where these places are, and we go with them so that they can show us the exact locations. Once we've assessed the location, we determine where the allocated area will fit accordingly.

I follow up with a question about his experience in subdividing the Olderkesi land, to which he responds:

This is the first one I am doing here, but our company has undertaken subdivision in other group ranches around the Maasai Mara. Right now there is another team in Siana. In Olderkesi, the process has involved identifying the public places first, and allocating a given amount of land for each. The land adjudication committee is the one that decides on all the allocations. One good thing about Olderkesi is that they have followed a model whereby families will be allocated land in their areas of settlement. This means people will not have to move from one corner to the other. And since these settlements are family-based, the subdivision approach ensures that families are settled in the same area and this largely maintains the original composition of the villages.

The figure below shows the demarcation plan for the Olderkesi adjudication section developed by the surveyors outlining the phases of subdivision, the area where beacons had already been placed, and the designated conservancy area.

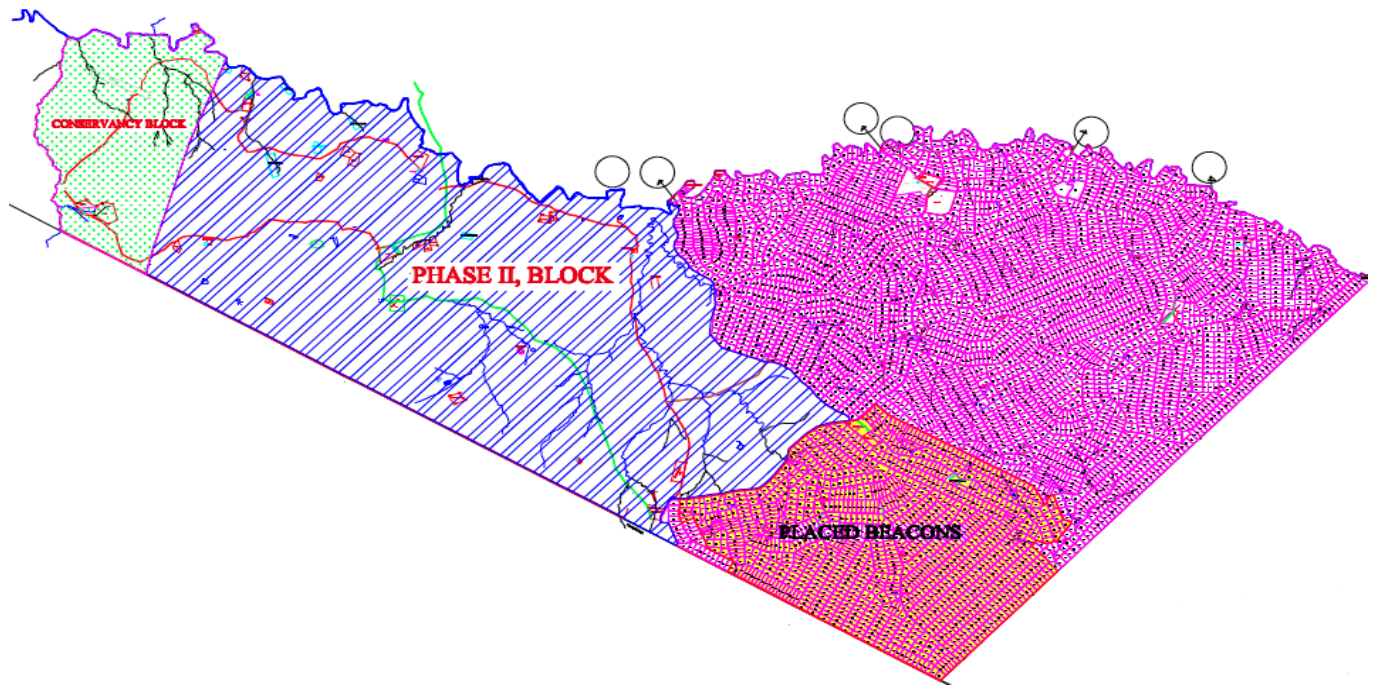


Figure 5: Demarcation plan of the Olderkesi adjudication section.

I inquire about his engagement, as head of the surveyors on the ground, with the Olderkesi public, especially following questions about the amount of land allocated to different entities I had heard raised by the primary school head teacher and Tong'oi, the AGC project manager. In his calm voice and with pensive disposition, he replied:

We operate as the technicians that we are. It is not possible to answer people's questions and still be able to do your work. Also, if you start answering people's questions, they will start objecting to some of the things that you have come to do. For instance, there is a man who lives near a primary school and the amount of land that has been allocated the school can only be expanded towards his current place of dwelling. He said that he is not moving from the place, yet the school borders the river on the other side. I told him he will have to talk to his land adjudication committee member, but the school will be occupying his current dwelling place. When all is said and done, we are also human beings, and we cannot

completely ignore the local people. What we therefore do is to first complete our work, and then hold a session to explain to the community what we have done and the way forward. If there are any questions, we try to respond to them, but mostly we refer the people to their committee members.

The work of demarcating the Olderkesi land thus builds not only on the technocratic ideas of the surveyor, but also the ideas of the local people which are transmitted through the local adjudication committee. At the same time, when the two worlds of ideas clash, the land adjudication committee members serve as the mediating actors. One of the ways in which such mediation work has been manifested in Olderkesi is through the indigenization of the subdivision process, which I discuss next.

4.6 INDIGENIZING PRIVATE INDIVIDUAL TENURE

The Maasai have historically owned land communally and livestock individually. In this regard, the on-going land subdivision and individualization of tenure in Olderkesi constitutes a theoretically exogenous process. What is evident, however, is that the Olderkesi community is indigenizing subdivision to account for local realities, resulting in a hybrid of landownership and governance strategies that both uphold and challenge the idea of individual tenure.

Often, privatization entails the creation and enforcement of enclosures (Blomley, 2007; Li, 2014b). For Olderkesi, a semi-arid area that receives low annual rainfall and where rainfall patterns have shifted over the past years, local life is being disrupted in numerous ways. In light of these environmental challenges, it was vital that key resources collectively used by Olderkesi residents were set aside to ensure their accessibility by the Olderkesi public post-subdivision. By setting aside public utilities, the Olderkesi

community challenges De Soto's (2000) ideas of land privatization as the panacea for life challenges in the global south and, instead, underlines the significance of indigenous knowledge and local interpretation of seemingly global processes in improving local livelihoods. The public utilities that have been set aside in Olderkesi include water sources, schools, hospitals, salt licks, and the wildlife conservancy.

What becomes evident in Olderkesi is that communal accessibility is at least as critical as individual ownership of resources for efforts to ameliorate people's quality of life. Ribot and Peluso (2003, p. 153) underline the significance of access in discussions about property, wherein they define access as "the ability to derive benefits from things", a broader conceptualization of the concept as opposed to the mainstream view of access in property discourse as "the right to benefit from things". In Olderkesi, setting aside public utilities is built on the recognition of the exclusionary nature of privatization, which the community has sought to address by prioritizing the ability for Olderkesi public to access and derive benefits from vital community resources as opposed to prioritizing individual rights claims. In this regard, privatization has become indigenized in that its exclusionary nature is applied against the non-Olderkesi public, while internally the shortcomings inherent in exclusionary property have been addressed by rendering certain resources publicly accessible to members of the Olderkesi community. Within the commons discourse, public utilities among Olderkesi residents become non-excludable rival or common pool resources, but to the non-Olderkesi residents these utilities are rendered club resources by their nature of being both congestible and rivalrous.

Olderkesi thereby charts a different path than that of many other former group ranches whereby land subdivision became the moment when, in addition to individual titles over parcels being conferred, previously communal resources were also

individualized, often through elite capture, thereby limiting access to them by the rest of the community members. By setting aside critical public resources, Olderkesi demonstrates an art of community or collective governance that could be adopted by others who may transition from the commons to private individual tenure in the future. Also, the Olderkesi approach could establish a firm basis for challenging earlier subdivision processes where public utilities were appropriated by a few. The organization of land subdivision and allocation processes around the 25 villages that constitute Olderkesi differs from the approach adopted for many other former Maasai commons, where subdivision amounted to disruption and dislocation as households were allocated parcels of land far away from their former places of settlement. Allocating individuals land in their areas of settlement in Olderkesi will ensure that their skills and mastery of the terrain, what Scott (1998) terms *metis*, and their social networks are not disrupted. Such an approach underscores the significance of place and belonging for households and communities, even among groups of people long deemed to be semi-nomadic pastoralists.

As the dismantling of the pastoral commons proceeds in Olderkesi, there are also efforts to preserve the commons through the establishment of a wildlife conservancy. This is an area that is set aside primarily for purposes of wildlife conservation, and for which the Olderkesi members will be paid land lease fees by the investor²⁵, in addition to other potential uses such as providing pasture refuge during the dry seasons. As the property of all Olderkesi landowners, the wildlife conservancy will not be fragmented into individual plots. Instead, the conservancy land will remain undivided with each landowner having an equal share in the conservancy. As the area chief and the conservancy committee

²⁵ It was as part of these land lease fees that the investor paid KSh 5,000 (50 USD) out of the Ksh23,500 (235 USD) land subdivision fee for every landowner.

asserted, maintaining the wildlife conservancy intact will prevent fragmentation and land sales. Thus established, the value of the conservancy represents what Büscher and Fletcher (2015) have termed “locking in”, and is therefore amenable to commodification in situ, a distinctive feature of conservation in efforts to commodify natural capital. For the Olderkesi community members, the wildlife conservancy represents another strategy for fostering communal benefits, which many anticipate will come not only in the form of land lease fees, but also through local employment and business opportunities. In these several measures for land governance, Olderkesi commons holders are refusing to yield utterly to the spirit of privatization and individualization engendered by neoliberal tenure reforms (Manji, 2006).

4.7 CONTESTING LAND SUBDIVISION

The Olderkesi community has invested tremendous resources and time to make land subdivision and individualization of tenure become a reality. However, these efforts have not utterly insulated Olderkesi from the challenges of transitioning from the pastoral commons to individual tenure, both in the present and the future. I now discuss the challenges that have been experienced in Olderkesi already, and then speculate on further difficulties that could be encountered in Olderkesi during the tenure transition process.

The politics of land subdivision in Olderkesi have shifted back and forth, with changes in personnel over time. Prior to land subdivision, the challenge was that the community leaders were not in support of parcelling out the Olderkesi commons. Those in support at the time had to push hard to initiate this debate and prompt the leadership to come to the discussion table. Following community-wide agreement to undertake subdivision of the commons, opposition emerged not only to the process of subdivision

itself, but also to the way it was to be conducted, and to the land adjudication committee that would oversee the process. The opposition politics emerged at a time when the country was heading into the 2013 general elections, the first time when electoral positions within the devolved government would be vied for around the country. Among the major political changes that the elections would bring about were the positions of the governor as the electoral representative of the County, and the Member of the County Assembly (MCA) as the representative of the Ward. The devolved government was widely viewed as the moment when governance in Kenya would be finally brought closer to the people. In particular, the MCA electoral position promised a representative who would be easily and readily accessible to people on the ground. For a place like Olderkesi which had for long been marginalized by the centralized system of national governance, a devolved government provides an opportunity to gain access to the state and enact the social contract in the Rousseauian sense. It is in this context that land, a highly emotive subject in Kenya (Riamit, 2014), became the principal political focus in Olderkesi. As various respondents in Olderkesi recounted, one of the persons vying for the MCA seat claimed that the land subdivision process was riddled with plans by local elites to grab land. He persuaded the public that he would be best positioned to halt such malpractices while ensuring that youths and widows were included in the subdivision process.

The issue of land as a political currency is not new among the Maasai. Former political leaders such as Ntimama rallied the Maa vote by raising critical questions about land grabbing at the expense of the Maasai, with demands that lands be returned that had been grabbed in the process of creating, for example, the MMNR. On this, a key respondent emphatically asserted that:

Ole Ntimama, in the 1980s, asked the national authorities to revert some of the MMNR land to local communities. That was why there was Block A in the Mara, and Block B in the disputed Ol-Kiyombo section. The Block A in the Mara has now been grabbed by the sitting governor to the tune of 26,000 acres, and then there was Block B which was 4,000 acres that they have been fighting over, and which has now been grabbed by Livingstone ole Ntutu in Ol-Kiyombo. Then there was Block C, which was Olderkesi, and that is the one that we were fighting over with Siana. It was about 5,000 acres. It has not been sold off, and it is part of the land that the conservancy currently sits on. There was an arbitration over this land through traditional means and it was agreed that the land belonged to Olderkesi since the Sand River was always the permanent boundary between Olderkesi and Siana, and the land was on the Olderkesi side.

In light of this recent history and the general history of land appropriation at the expense of the Maasai, the use of land as a political tool and the traction it exercises are unsurprising. In demonstrating his refusal, the leader of the camp opposed to subdivision in Olderkesi built a permanent house in what had been designated a conservancy area, despite the community having reached an agreement that everyone should move out of the conservancy area. Putting up a permanent structure, such as a house, serves as a statement of both the intent to stay put on the land and the refusal to move out of the land. As the surveyor indicated, this strategy is often used during subdivision to ensure that one is allocated the specific parcel where the permanent structure is established. These practices of engraving one's presence and permanence on the land extend Locke's labour theory of property, whereby sitting on land in this manner is recognized as having exerted one's labour as opposed to simply benefiting from nature's bounty without

breaking a sweat. I made effort to contact and meet the leader but, in Kenya, politicians are often difficult to reach and conduct interviews with due to many commitments and demands on their time. Eventually, a meeting was arranged, at which I was keen to learn about the politics of land governance and conservation in Olderkesi from someone who had served as the MCA of the Ward for five years.

We drove to the former MCA's home with Lemayian, arriving early in the afternoon. It was a beautiful day: the sun shone brightly yet not too hot for an early afternoon, just enough to dry up the weather roads but not too much to leave them dusty. The former MCA was outside his compound giving instructions to a young man, who, as I later learned from Lemayian, was his relative. The young man was being reprimanded for not taking seriously the work he had been given. The home compound, fully covered with green grass, was huge and fully fenced with barbed wire, and fortified with sturdy wooden posts. We were welcomed into the stone house which by the look of the freshly minted stones, shiny corrugated roof, unfinished ceiling, a make-up television shelf, and new sofa sets hinted at a recently built house whose furnishing continued in tandem with settling in. A framed photo of the former MCA hung high on the wall, capturing the moment of his swearing in as the MCA of the Naikarra Ward in 2013. The living room was spacious, and the former MCA took the seat farthest from the door which placed him in a perfect position to observe everything that transpired in the room, while simultaneously obtaining a view of the world outside of the house. His purview was without liminal obstruction betwixt interior and exterior domains. In adherence to the Maa welcome ritual, we were served food and tea which nourished us for a lively discussion on the critical topics of land subdivision and conservation in Olderkesi.

After the introduction, we discussed his tenure as the first MCA of Olderkesi. He highlighted his many contributions to the Olderkesi community, including the construction of a primary school, now offering the first three years of school, in a village near the MMNR where previously there were no schools. On land subdivision and the wildlife conservancy, he declared that it was indeed time for land subdivision in Olderkesi. However, he had not been content with the composition of the leadership in Olderkesi, which he felt had not fully represented the diversity of the area. He gave the example of the Kenyan government, noting that it cannot, for instance, comprise only Kikuyus, but rather must represent all ethnic groups in the country. He explained that “Kikuyu” is the name used by the Maasai for anyone who is not Maasai, and not only in reference to the Kikuyu ethnic group. This reference follows years of exchange between the Maasai and Kikuyu communities through social forms such as intermarriage, war, and trade (Spear & Waller, 1993). In Olderkesi, asserted the former MCA, what is required is broad representation of all the diverse groups inhabiting the locale. Further, he objected to the idea of having Olderkesi employ a private surveyor to subdivide the Olderkesi commons. He felt that the government should have the funds for subdivision, rather than having the community pay dearly for subdivision in an area where many people are financially poor.

Opposition to the employment of a private surveyor in Olderkesi reached its climax in July 2018, when the surveyors were attacked at Nkoireroi town centre by individuals opposed to the demarcation of land by the private surveyor. As one of the surveyors narrated the ordeal, it was on a quiet Sunday morning when many people in the centre had left for church. He had gone to clean the vehicle at a nearby pond where rainwater collects. All of a sudden, he saw one of his colleagues running towards him with a group of people at his heels. He quickly started the vehicle, and as soon as his colleague boarded,

they speedily drove off. They then picked up the rest of his colleagues at the Nkoireroi centre and headed towards Naikarra town. The mob was now chasing them on foot and by motorcycle. After the surveyors managed to escape from Olderkesi, the police were called to restore order at Nkoireroi. One of the harassed surveyors, the only one found at the rental houses where they were staying in Nkoireroi, had been badly injured by attackers. The police restored order and assured the surveyors that they would be safe in Nkoireroi. The police would spend the night there to ensure their safety in case violence erupted again. During my conversations with some respondents in Nkoireroi, they said that the group that had come to attack the surveyors did not hail from there, but from another area in Olderkesi. It was suspected that the attack was politically organized to scare off the surveyors and stop them from carrying out subdivision in Olderkesi.

The attack on the surveyors marked their last engagement in the subdivision of the Olderkesi land. Following deliberation among the different groups in Olderkesi, an agreement was reached to use public surveyors, a move that was facilitated by government officials, and one that saw the deputy president visiting the Naikarra Ward. After leaving Olderkesi at the end of my fieldwork in August 2018, I later learned from my friends there that the subdivision was underway under the auspices of public surveyors. The shift from employing private to public surveyors has left many questions unanswered in Olderkesi. For instance, since the private surveyor had already embarked on subdividing the Olderkesi commons, how he was going to be compensated for his work? Further, the figures on the acreage for the Olderkesi commons and the wildlife conservancy that had been presented by public surveyors at the start of the subdivision process differed from those of the private surveyor, with the figures presented by the private surveyor being adopted as the correct ones. At a time when it had seemed that the

politics of land in Olderkesi were becoming less heated, it turned out not to be the case, at least not yet.

The Olderkesi commons, while undivided – and currently held as a section under adjudication – are not entirely communally accessible. Several areas have been delimited as investment sites, with their rights secured by a few individuals. These sites are leased to investors from outside of Olderkesi, with the proceeds accruing to the few registered members. As I learnt from one of the Olderkesi community leaders who is well versed in the status of campsites in the area, the sites differ in size and typology: campsites, tented camps, and lodges. The maximum area for a campsite is 15 acres, 25 acres for a tented camp, and 40 acres for a lodge. To establish a site, one would identify an area of interest, and an application for registration would be made to the now defunct county council. The maximum number of registered members for any given site was set at 33. Prior to the approval by the Narok County Council, the application had to be approved by the area chief, chairman of the county council, and the game warden. After the designation of Olderkesi as an adjudication section in 2012, such an application would be made to the land adjudication committee, with the approval sealed by signatures from the chairman of the adjudication section, secretary, treasurer, and the area chief. As one of the key respondents said, the registered members of such sites were “the people that saw ahead,” meaning that they were aware of the possibilities of generating revenue from the commons, unlike many others in the commons. These areas will continue to be in the possession of the registered members in the post-subdivision period. The respondents who are in possession of such campsites indicated that the acreage to be allocated as parcels to the registered members under the subdivision process would be less the acreage of these sites. However, the private surveyor told me that all the parcels arising from the

subdivision of the commons were to be of equal size throughout Olderkesi. The size of land allocation following the subdivision of the commons, therefore, will not be equal among all the members of Olderkesi since those who “saw ahead” are already in possession of other parcels of land within Olderkesi. The individualization of tenure is thus not a moment of creating equity in the commons but, rather, of instituting individual property whilst fortifying already existing inequalities.

While the Olderkesi community has made efforts to avoid various shortcomings that come with the transition from the pastoral commons to private individual tenure, several challenges remain. A major concern regards land allocation to individuals. The land adjudication committee will allocate land to all the registered community members in each of the 25 villages in Olderkesi. These community leaders have been vested with adjudicative powers over land allocation, and Olderkesi residents confirm that it is only the land adjudication committee who shall determine where one will be allocated land. The concerns over land allocation echo the experiences from other group ranches in the Maasai rangelands, where individuals who did not have strong social networks in the community were allocated low quality plots of land that could hardly support livestock keeping or crop cultivation. This was the case of Tong’oi, who now resides in Olderkesi but hails from a different group ranch. Tong’oi told me:

They gave me a piece of land that is on a hill full of rocks. You cannot graze or do anything with that piece of land. It is as if I am landless because I cannot use the land for any meaningful purpose.

Upon inquiring from Tong’oi why he thought that he had been allocated such a low-quality piece of land, he responded, “Maybe it is because I have been spending most

of my time in Olderkesi, and not in that group ranch. Also, you need to know people for you to get a good plot.”

Tong’oi’s experience exemplifies many of the tragic experiences that have imbued the individualization process in the Maasai rangelands. In the group ranch that Tong’oi hails from, there has been an on-going court case in which locally informed people have challenged the subdivision and allocation of land. Among the major grievances were that the local leaders had not only allocated themselves the largest and highest potential plots of land but, also, that they had allocated themselves multiple plots and included their friends from other group ranches in the register. In what appears to have been anticipated pushback by irate community members, the ranch leadership in Tong’oi’s area had allocated potentially powerful critics high quality land as a way of muzzling public resistance against local land injustices. Given the uneven quality of land in Olderkesi, land allocation is one of the critical moments that could generate dissatisfaction despite attempts to render land subdivision a fair and just process.

The discourse on land subdivision in Olderkesi evinces the multiplicity of views, perceptions, and claims regarding a process that is often accorded a singular narrative. While many members of the Olderkesi community anticipate owning land individually following the subdivision of the commons, details of the subdivision process are not only varied, but also at times contradictory. For instance, the wildlife conservancy is a community establishment where everyone is expected to have an equal share. Yet, it has been argued even by some leaders that membership in the conservancy is optional, and thus, if one chooses not to be a member of the conservancy, then they will be allocated additional acreage commensurate with the amount foregone in the conservancy. Further, it remains unknown how much acreage an individual is going to be allocated, with the

numbers given by respondents varying from 20 acres to 35 acres. Land subdivision is an on-going process, and there are varied expectations as to when people will be able to move onto their individual plots. While some expected to do so in 2019, others admitted they had no idea when they would relocate to their parcels and that they would just wait since the process of land subdivision is complex and unpredictable and, therefore, its completion unknown.

The land subdivision process has been ongoing in Olderkesi for many years now. Nonetheless, the process is understood differently in the community, thus portending divergent futurities and presenting challenges that have not yet gained public attention. Viewed as a way of simplifying the complexity of Olderkesi and the Maasai pastoral rangelands writ large, in the manner elucidated by Scott (1998), subdivision augments the legibility of these areas by the state. The individualization of tenure entails the recording and custodianship of information by the Kenyan state, which in turn legitimates individual ownership of land through the conferral of the title deed. Within a modern state, the mechanisms of legibility and simplification constitute instruments that are “vital to the maintenance of our welfare and freedom as they are to the designs of a would-be despot” (Scott, 1998, p. 4). Following Mbembe’s (2001) analysis of the African state, land privatization arguably facilitates the functioning of the Kenyan state as a private indirect government with privatization understood as “not merely one of several shifts promoted under neoliberalism, but instead is the central assumption and precursor to other market-based reforms” (Mansfield, 2008a, p. 396). Rather than engaging in the selling of would-be public services to the public by bureaucrats following the deregulation of markets, as Mbembe (2001) describes, the Kenyan state individualizes responsibility through the conferral of the title deed to the landowner wherein the security of tenure and

ability to seek loans from banks are underlined as the principal benefits to be drawn from the document. The penetration of the neoliberal land market and how it renders poorer individuals vulnerable to land loss remains unmentioned, despite findings that in areas where individualization of tenure has occurred there has been rampant land loss (Galaty, 2013a). At the same time, critical public services such as health centres, schools, bridges, roads, and electricity remain in scant supply in Olderkesi, and without any tangible plans by the state to provide these services, it can only be surmised that the simplification and legibility engendered by individualization of tenure are not for purposes of crafting state-led strategies to address the supposed needs of the Olderkesi residents. Efforts by the Olderkesi community to indigenize the subdivision process to secure communal resources and ensure their access, however, point to the unyielding nature of the Olderkesi commons and thereby promise hope against the background of the individualization of tenure that Rutten (1992) terms “selling wealth to buy poverty,” and Leeson and Harris (2018) have referred to as “wealth-destroying private property rights.”

5. Towards a Grammar of Conservancies

Unpacking the diverse meanings of wildlife conservancies in Kenya

5.1 A GENEALOGY OF WILDLIFE CONSERVANCIES IN KENYA

After a gradual onset of conservation in non-state protected areas in Kenya in the 1970s, conservation on private and community land through what have come to be called wildlife conservancies has tremendously grown over the past two decades (Damania et al., 2019; King et al., 2015). This growth has especially been experienced on current and former communal lands such that upon their mention, wildlife conservancies now evoke the imagination of a ‘bottom-up revolution in conservation’. Conservation expectations regarding wildlife conservancies are underpinned by the promise of local communities taking the lead in conservation through control of resources, investment arrangements, and benefits emerging from conservancies (KWCA, 2020a). With a total of 167 conservancies covering 6.35 million hectares, circa 11 per cent of Kenya’s terrain, established in 28 out of 47 counties in the country, where 65 per cent of wildlife is found outside of national parks and reserves (KWCA, 2020a), the decentralization of wildlife conservation through conservancies appears to be incontrovertible. For conservationists and developmentalists alike, conservancies are engaging with the never-ebbing question about whether biodiversity conservation can go hand in hand with local development (Berkes, 2007; Homewood et al., 2012; Igoe & Brockington, 2007; Kellert et al., 2000; Terborgh & van Schaik, 1997).

The involvement of local communities in conservation was largely inspired by the bottom-up development turn in the 1980s (Chambers, 1983; Dressler et al., 2010; Friedmann, 1992). In particular, recognizing the failure of the fortress conservation model to attain the twin goal of enhancing biodiversity conservation and local livelihoods (Fletcher, 2012), whilst also impelling the alienation of Indigenous and local peoples from conservation projects (Brockington, 2002), bringing in local communities was both timely and necessary. The emergence of community-based natural resource management (CBNRM) in the 1980s in southern African countries, such as in Zimbabwe which pursued the Communal Areas Management Programme for Indigenous Resources (CAMPFIRE) project, have been influential in the expansion of devolved management of natural resources, including wildlife, in other parts of sub-Saharan Africa (King et al., 2015). In Kenya, although wildlife conservancies started in the 1970s, their proliferation has only occurred since the 1990s (*ibid.*), largely in response to the push for bottom-up development built on the virtues of local participation, ownership, and demand-driven approaches, as well as establishment of regional conservation groups of which KWCA has become the national umbrella body (Damania et al., 2019).

This chapter builds primarily on multiple interactions with key interlocutors working with and within wildlife conservancies, community members, and leaders of wildlife conservancies, in the course of my ethnographic fieldwork in the Maasai Mara region in southern Kenya. In particular, a research expedition carried out with some members of the Institutional Canopy of Conservation (I-CAN) project at McGill University facilitated conversations with several leaders and members of conservancies around the Maasai Mara. Further, my exchanges and a field visit with the KWCA team to the Maasai Mara conservancies enabled me to engage in rich discussions with several

members of wildlife conservancies around the Maasai Mara, as well as participate in meetings held by the Ministry of Environment, the USAID, KWCA, KWS, Maasai Mara Wildlife Conservancies Association (MMWCA), and wildlife conservancies around the Maasai Mara at the Olare-Motorogi Conservancy. The presence of representatives of different wildlife conservancies provided an apt platform for discussions about the varied strategies the conservancies were using to enhance human-wildlife relations, such as the compensation scheme in the Mara North Conservancy, which they referred to as a consolation programme to underline both the non-commensurate nature of the programme, and that pastoral losses incurred while living with wildlife cannot be adequately compensated. The site of the meeting, the Olare-Motorogi Conservancy, is an amalgamation of two conservancies, the Olare Orok Conservancy and Motorogi Conservancy (Bedelian, 2014; Courtney, 2016), which underlines the nature of conservancies as continually evolving entities. As they trace different evolutionary paths, conservancies also have varied histories and institutional structures, and ways of engaging with landowners and local communities (King et al., 2015). Recognition of this variegated nature of conservancies in the face of their pervasively generalized treatment in scholarly and public discussions in Kenya inspires this chapter to illuminate how complex, diverse, and distinct wildlife conservancies are in the country.

The Kenya Wildlife Conservation and Management Act (WCMA) 2013 defines a wildlife conservancy as “land set aside by an individual landowner, body corporate, group of owners or a community for purposes of wildlife conservation” (RoK, 2014). The KWCA (2020a) defines a wildlife conservancy as “land managed by an individual landowner, a body or corporate, group of owners or a community for purposes of wildlife conservation and other compatible land uses to better livelihoods.” The KWCA definition appends “and

other compatible land uses to better livelihoods” to factor in local communities, wherein the association notes that “by placing local communities at the centre of wildlife conservation and improving conservation incentives, conservancies in Kenya are securing livelihoods while reversing wildlife decline, resulting in the protection of Kenya’s iconic wildlife for future generations” (KWCA, 2020a). In my interview with the CEO of KWCA in 2017, Dickson Kaelo (2017) he noted that the definition of a wildlife conservancy as contained in the WCMA 2013 is incomplete, and further explained that in the Act:

There is a phrase ‘set aside’. The definition was written from a wildlife precinct, but a conservancy does much more than just wildlife. So, when you use the terms ‘set aside’ you imply what a national park would be, because a park is an area that is set aside for wildlife. But people do not actually set the land aside, but rather they continue to manage the land in a way that conserves wildlife. The current definition in the Wildlife Act (WCMA) of 2013 is therefore good from a wildlife perspective, but it is inadequate if you look at the totality of a conservancy.

The official definition of a wildlife conservancy by the Kenyan State therefore simplifies what a conservancy is and, in this regard, highlights how ‘seeing like a state’, as Scott (1998) asserts, entails simplification in order to render things legible. As the umbrella body that represents conservancies in Kenya, KWCA’s added emphasis on local communities compared to that of the Kenyan state underlines how bringing in local communities in conservation continues to be a negotiated affair.

The proliferation of wildlife conservancies in Kenya can therefore be understood as a form of bottom-up, participatory, community-based conservation, which has been chiefly driven by local communities and groups, with the Kenyan state responding by creating a supportive policy environment. As such, rather than the state simply enlisting

local communities in conservation, it is the significance of communities' work in conservation that has drawn the state to local communities. Efforts towards community based conservation, often following varied devolution models and processes, have transpired elsewhere in Eastern and Southern Africa in countries such as Tanzania, Botswana, Namibia, and Zimbabwe (King et al., 2015). Notwithstanding their variegation, these efforts have in turn influenced the growth and conduct of wildlife conservancies in Kenya. Among the key events preceding the establishment of the KWCA were consultative meetings held in Namibia where a Kenyan conservation delegation sought to learn from the 'Namibian conservancy model' about various topics including the "legal recognition of conservancies, streamlining coordination within the sector, and building a national constituency for non-state actors in conservation" (Kaelo, 2017; KWCA, 2020b). The main investor in Olderkesi, who operates the Cottar's 1920s Safari Camp, identified Botswana and Namibia as countries that Kenya can learn from about community-based wildlife conservation. The trips made to Namibia proved informative of how advocacy of wildlife conservancies in Kenya could be conducted through the KWCA to the extent that wildlife conservancies have become recognized by the state as legitimate forms of land use.

The precursors for wildlife conservancies in Kenya were the efforts by the KWS to create outreach programmes targeting local communities with wildlife populations on their lands. In particular, the Zebra Book programme within which the Community Wildlife Service (CWS) was established with the main aim of creating partnerships with local communities in wildlife-rich areas and for communities to gain direct cash benefits from wildlife on their lands, and the Conservation of Biodiverse Resource Areas (COBRA) project funded by the USAID, constituted key institutions that provided favourable

conditions for the development of wildlife conservancies (King et al., 2015; Mburu, 2004; Mburu & Birner, 2007). Overall, the key aim of these programmes was to implore local communities to cater for wildlife by apprising them of the significant value of wildlife. The establishment of wildlife conservancies in Kenya, however, has been spurred by a host of reasons, some of which are specific to the local contexts. In a Kenyan environment where the state was centrally governed for a long time, which in turn limited access to state resources, the creation of wildlife conservancies has been driven by the need to create an institution that provides a platform for local communities to access and engage with the state apparatus and other powerful actors such as NGOs. The function of wildlife conservancies as institutions responsive to local needs has been paramount in former pastoral group ranches where land has been subdivided in recent years. The group ranches, beyond being institutions for land ownership, governed life within the ranch through, for instance, developing regulations of access and use of resources. Upon their collapse following land subdivision, an institutional vacuum emerged which the wildlife conservancies have filled by governing relations among members, and with outsiders including NGOs, investors, and the Kenyan state (Kaelo, 2017).

Many wildlife conservancies in Kenya are established in the pastoral rangelands, such as in Kajiado and Narok Counties, currently ranked first and third, respectively, based on the number of conservancies they host (KWCA, 2020a). With livestock being integral to pastoral livelihoods, access to pasture and water becomes an imperative in the establishment and operationalization of wildlife conservancies. In history, pastoral access to pasture and water was organized, regulated, and coordinated by community elders to ensure access, especially during the dry seasons. Over time, however, many of these structures have become less powerful and, in areas where land subdivision has occurred,

individuals cater for their own access to pasture and water thus rendering communal institutions for these affordances less relevant (Kaelo, 2017; Riamit, 2014). These social changes have been especially pronounced in southern Kenya, where the establishment of wildlife conservancies has coincided with changes in land tenure. Landownership has increasingly become individualized, and access to private land by wildlife has been curtailed by the extensive fragmentation and fencing of the rangelands (Groom & Western, 2013; Ogutu et al., 2016). Following recognition that wildlife occupies private lands and yet revenues from wildlife-based tourism rarely trickle down to the landowners, wildlife conservancies are now viewed as important vehicles for delivering wildlife-based revenues and benefits to local communities.

While the push for the individualization of tenure in the rangelands emphasized the importance of unlocking the potential of land as capital (De Soto, 2000), it is the fragmentation of the rangelands and its subsequent effect of curtailing wildlife mobility and access to non-protected conservation areas that appears to have eluded the calculus of the proponents for subdivision (Galvin et al., 2008). If such an omission was due to lack of appreciation of the costs of wildlife conservation for pastoral communities, the individualization of tenure brought forth this reality. Wildlife conservancies are anticipated to offset the costs of living with wildlife in the rangelands of Kenya, which in turn is anticipated to facilitate harmonious human-wildlife relations. Interestingly, the entrepreneurial acumen often associated with the unlocking of the potential of land as capital through individual titling (De Soto, 2000) appears to be anchored to the establishment of wildlife conservancies. In the areas where wildlife conservation was pursued as a community enterprise through wildlife associations, which were legal entities with a board of representatives, the individualization of tenure has led to the

demand for individual benefits as opposed to the flow of benefits to the community that occurred under wildlife associations (Kaelo, 2017). According to Bedelian (2014), however, wildlife associations were co-opted by local leaders such that what were in theory meant to be communal benefits only accrued to a few elites, thus challenging the expectation that community institutions that ought to work in theory necessarily work in practice. It is therefore interesting to examine what wildlife conservancies are doing to ensure that they not only work for local communities in theory, but also in practice. As such, shifts in land tenure have inspired concomitant changes in wildlife conservation than were imagined by the proponents of land privatization, including international organizations such as the World Bank, the IMF, and the Kenyan state, whose key motive was to open up and expand land markets in Kenya and sub-Saharan Africa in general (Lesorogol, 2010; Manji, 2006; Mwangi, 2007b).

5.2 A TYPOLOGY OF WILDLIFE CONSERVANCIES IN KENYA

5.2.1 A KWCA Perspective

Wildlife conservancies in Kenya have largely been treated as singular rather than plural structures of conservation in many public and scholarly discussions. However, conservancies vary in many aspects including their genesis and establishment, operation, resources, and challenges faced (King et al., 2015). The KWCA (2020a) identifies three key types of conservancies: community conservancies, group conservancies, and private conservancies. Community conservancies are usually established by a community on land that is held communally and, in Kenya, these have mainly been the former group ranches and trust lands, and, in a few cases, public land (King et al., 2015). These conservancies

are the most prevalent in the country, accounting for 48 per cent of the KWCA's membership (KWCA, 2020a). While the local community becomes the principal decision-making body, a representative board is usually democratically elected by the members of the local community, with additional seats in the board for ex officio members from KWS, conservation and tourism partner. Several committees are established to oversee important activities within the conservancy, such as finance, grazing, and tourism (Kaelo, 2017; King et al., 2015). The Olderkesi Wildlife Conservancy, my principal research site, is categorised as a community conservancy, which is unique in the Maasai Mara region where the majority are group conservancies, which I discuss next.

Group conservancies are established when private landowners amalgamate their adjacent plots of land to create expansive conservation spaces. The landowners usually form and register a private landholding body such as a landholding company which, in turn, may form a partnership with a tourism investor or contract a management company to manage the conservancy. Within a partnership there are representatives from each entity, and a trust is often established through which the revenues accruing to the conservancy flow. Group conservancies constitute 16 per cent of KWCA's membership (Kaelo, 2017; King et al., 2015; KWCA, 2020a). Many group conservancies are found in the Maasai Mara region, an area where land subdivision of former group ranches has widely been carried out. The three largest group conservancies - Mara North, Pardamat Conservation Area, and Mara Naboisho - are all in the Maasai Mara region (KWCA, 2020a).

The third category is private conservancies. These conservancies are established through lease of privately held land to an individual or a body corporate. When they are not operated by the landowners themselves, the governance of private conservancies in

Kenya often involves NGOs, non-profit and for-profit private companies, who lease land from private landowners (Kaelo, 2017; King et al., 2015). Private conservancies, which are the second most popular in Kenya, constituting 36 per cent of KWCA's membership, are mainly found in Laikipia, Nakuru, and Taita Taveta Counties. According to King et al. (2015), the mode of landownership is the primary determining factor of the type of wildlife conservancy, and this indeed informs the categorization of wildlife conservancies adopted by the KWCA. An additional determining factor that can be deduced from the categories used by the KWCA is the number of landowners included when land is privately owned, wherein group conservancies are created when many private landowners amalgamate their individual plots of land. The table below outlines the typology and features of wildlife conservancies as delineated by KWCA:

Table 2: Typology and features of wildlife conservancies in Kenya.

Typology Features	Private Conservancy	Group Conservancy	Community Conservancy
Landownership	Individual	Amalgamated individual parcels	Community land: trust land, group ranch
Decision-making	Landowner	Institutional structure e.g., cooperative, company, or trust	Group ranch committee, council of elders, or land trustees
Beneficiaries	Landowner	Landowner*acreage contributed	Community, often through community development projects

In the following sections, I extend this discussion on the typology of wildlife conservancies based on fieldwork carried out in Kenya in 2017 and 2018.

5.2.2 Going Beyond the KWCA Typology

The framing of wildlife conservancies in Kenya by many studies as either community or private conservancies (Cavanagh et al., 2020; Courtney, 2016; Mbaria & Ogada, 2016;

Osano et al., 2013) meant that the particularities of the conservancies are often left unexplored and the nature of their diversity unattended to. Building on the categorization delineated by KWCA and the discussion above, I draw on my doctoral fieldwork and existing literature to tease out the typologies of wildlife conservancies in Kenya and, in so doing, carve out pathways for nuanced understanding of the different types of wildlife conservancies in the country. At a time when land privatization and individualization of tenure have been occurring at a fast rate in the Maasai rangelands, private and group conservancies in particular demand critical attention to comprehend how shifting land tenure dynamics interact with wildlife conservation.

Decision-making power and control of revenue streams, according to Kaelo (2017), are instrumental in the functioning of private conservancies. While these two key responsibilities rest with the owner of the conservancy, the wildlife conserved therein is not strictly enclosed within the boundaries of the conservancy, but rather traverses the boundaries onto adjacent plots. In recognition of this extra-spatial reach, private conservancies often put in place outreach programmes focussed on neighbouring local communities. These programmes are run not only to recompense communities for their land functioning as dispersal areas for wildlife from the private conservancies, but also to ameliorate human-wildlife relations at a time when wildlife conservation costs are exceedingly and unfairly shouldered by local communities who seldom benefit directly from the revenues accrued from wildlife conservation. At worst, local communities are criminalized as activities within and access to conservation areas are restricted and rendered illegal, often attracting hefty fines (Bedelian, 2014; Mbaria & Ogada, 2016).

In areas where land subdivision has already occurred, especially in the former group ranches, individuals have amalgamated their plots of land to create group

conservancies. The decision-making processes and revenue streams within group conservancies differ from private and community conservancies in that the landowners establish an institutional structure; this can be a cooperative, trust, or company, and it is to this entity that land is leased (King et al., 2015). Many wildlife conservancies in the Maasai Mara region fall under this category, with the Olare-Motorogi, Naboisho, and Mara North Conservancies as fitting examples (Bedelian, 2012; Courtney, 2016). The entity in turn enters into agreement with potential investors to whom it leases land for establishing a wildlife conservancy, and thereby functions as an independent body while in fact playing a mediating role between the landowners and the investor. As such, there is often limited or no direct engagement between the investor and the real landowners, and it is the representatives in this institution who are vested with decision-making power, or a third party that is contracted to carry out management duties. The revenue flowing to the landowners occurs in accordance with the amount of land contributed to the conservancy, meaning one's acreage functions as shares invested within the landholding company. As some studies have found, it is within group conservancies where influential individuals allocated themselves larger and higher potential parcels of land during the subdivision of the former group ranches that the capture of wildlife conservation revenues and wealth inequality occur (Bedelian, 2012; Thompson et al., 2009; Weldemichel & Lein, 2019).

The majority of land in Kenya is owned communally, and community conservancies are prominent in the parts of the country where extensive community lands are found, such as in Laikipia and Samburu counties in northern Kenya. As Kaelo (2017) explains, depending on the local cultural set-up, the decision-making power within community conservancies is vested in the council of elders, the group ranch committee,

or the board of trustees. The revenues accruing to the conservancy are shared communally and, often, the revenues are directed towards community development programmes. Community conservancies arguably constitute the quintessential entities envisioned in development thinking that champions community-based development where benefits accrue not to an individual but to the collective, and often as a response to the needs identified by the community. For example, in Olderkesi, the main focus has been to implement community development projects using finances emanating from conservation and donors, before eventually channelling land lease fees to individual landowners.

The creation of wildlife conservancies, following the definition contained in the WCMA 2013, can be understood as being primarily driven by the need to conserve wildlife by setting aside an area for wildlife conservation, which is a core aspect for an entity to qualify as a wildlife conservancy. However, in my discussion with Kaelo (2017) and landowners around Narok County who are members of or leaders within conservancies, the reasons behind the establishment of wildlife conservancies are quite varied, both in form and significance. The need for local communities and individuals to generate financial revenues is a key factor, and the commercialization of wildlife-based enterprises, especially through safari tourism, has made possible revenue generation through the creation of wildlife conservancies. Further, the existence of endangered species such as rhinos, wild dogs, or the Hirola antelope, among others, and the need to conserve these species, has led to the creation of wildlife conservancies. In areas endowed with resources that can facilitate the establishment of tourism enterprises, an external investor in the form of a private company, individual, or a conservation NGO, can indicate to the landowners their interest in investing in such an area, leading to the establishment of a

wildlife conservancy. This was the case in the establishment of the Olderkesi Wildlife Conservancy, which I will discuss in detail in the next chapter. In some parts of Kenya that have been faced with conflict, especially around access to and use of resources such as pasture and water, conservancies have been established to mitigate the conflict by managing such resources in ways that address the needs of the warring parties (KWCA, 2020a; Lugusa, 2020). Further, the establishment of wildlife conservancies in various parts of Kenya has stimulated interest in creating conservancies where such ideas had not yet taken root, thereby functioning as a positive externality through the flow of ideas and knowledge within the country. Often, those wanting to establish a conservancy embark on educational trips to learn about the functioning and running of conservancies, as was the case among the Olderkesi leaders who visited different wildlife conservancies around Kenya. In light of the varied motivations that could spur the establishment of a wildlife conservancy, with interest emerging either endogenously or exogenously, or both, the form of land tenure, resources to be conserved, and the existing organization of groups of people greatly influence the type of a conservancy that is created (King et al., 2015).

5.2.3 Multi-Actor Institutional Complexity in Wildlife Conservancies

As entities that inspire the view of local ownership and participation in conservation, wildlife conservancies vary based on how local communities, who are often the landowners, participate in conservation. The involvement of local communities is largely dependent on the institutional arrangements in place within conservancies, which in turn may influence the degree of engagement in wildlife conservation (Kaelo, 2017). Among the key factors that determine the institutional arrangements is the mode of land tenure, with current conservancies occurring on either community or private land (King et al.,

2015). It is from the landowners that the land is leased, and the lease agreement can be made directly with the landowners, or from a mediating entity such as a landholding company established by the landowners. As is the case around many group conservancies around the Mara, tourism partners create a company that enters into an agreement to manage the conservancy with the entity representing and holding the land leases from the individual landowners. As many investors are not Kenyan and therefore cannot legally own or lease agricultural land, such an arrangement enables foreign investors to carry out conservation and tourism activities on the land that they cannot directly own or lease from local landowners (Bedelian, 2014). Examples of such arrangements have been documented in Olare Motorogi and Naboisho Conservancies by Courtney (2016), and in the Olare Orok Conservancy by Bedelian (2014), the latter being the pioneer of such landowner-investor arrangement and whose template many other conservancies around the Mara have borrowed and adapted.

5.2.3.1 Single Investor

Once a structure for a conservancy is established such that there are two key bodies representing the landowners, on the one hand, and the investor, on the other hand, the number of tourism operators can vary just as the number of landowners varies across different conservancies. Drawing from in-depth discussions with key informants and observations from the field, I delineate some of these arrangements and their emergent patterns to highlight the institutional complexity that characterises wildlife conservancies and the nature of participation of local communities. In the first scenario when landowners amalgamate their land and establish a landholding company to which they lease their land, the landholding company can in turn enter into an agreement with a

single investor, thereby creating a group conservancy. The relations in such an arrangement, said Kaelo (2017), are often shaped by the social capital held by the representatives within the landholding company. The social capital could be in the form of the levels of education and exposure to the conservation, legal, and business worlds, which influences the shape and content of the negotiations undertaken with tourism investors. A landholding company draws confidence from the knowledge that they are backed up by the landowners and, therefore, can engage in tough negotiations with potential investors and “stand their ground” (Kaelo, 2017). As such, it is critical that the representatives of the landowners have significant capital and, importantly, interests of, and accountability to the landowners.

The number of investors entering into an agreement with a landholding company influences their negotiation power vis a vis the company. Often, a single investor is more powerful in negotiations because there is higher business risk for the landholding company or the landowners. Without the luxury to choose from a host of potential investors, the landholding company is keener to enter into an agreement with the investor. With the understanding that they are the sole source of revenue for the community, the investor in turn assumes a dominant position in demanding concessions from the community. Citing two examples in the Maasai Mara in Ol Kinyei and Olarro Conservancies, Kaelo (2017) noted that the participation and negotiation power of the local communities is relatively lower in these conservancies. However, the amount of wildlife in these areas is high given that the primary interest of the investor is wildlife conservation, to which, as a result, more resources are allocated.

As I carried out fieldwork in 2018 in Siana area where the Olarro Conservancy is situated, I learned from the members of the conservancy about the significant power the

investor held over the people and the land. For example, the landowners were not allowed to share the land lease agreement with anyone, yet many were not literate enough to engage with the content of the document, which was in English. As Riamit (2014) notes, the high illiteracy rates in Maasailand have exposed Maasai communities to exploitation through language and text. Yet, to muster resistance against such textual agreements sealed by the law, what Cavanagh et al. (2020, p. 7) call “dispossession via text,” it would be imperative to be conversant especially in the English language in which the documents are written. Further, the conservancy has extremely strict livestock grazing and conservancy access rules, including hefty fines for any infractions committed, all of which the community members complained were overly harsh. The interlocutors said they felt powerless since these rules and regulations were contained in the land lease agreement which could not be negotiated until the end of the lease period. The document, the ostensible land lease agreement between the local community in Siana and the Olarro Conservancy, Kirigia and Riamit (2018) argue, constituted a coercive mode of dispossession given that it wielded power based on its legal standing and its framing as an agreed upon pact involving two equally informed parties.

5.2.3.2 Multiple Investors

A second scenario is when landowners enter into an agreement with many investors. These arrangements often occur in areas where there are big conservancies that sometimes enlist several local communities, such as the Mara North Conservancy, which is the largest group conservancy in Kenya (Bedelian, 2012, 2014). While it is common for conservancies around the Maasai Mara to have multiple tourism operators, the Mara North Conservancy has thirteen investors, a much larger number compared to for

instance Motorogi Conservancy (1), Olare Orok Conservancy (5), and Naboisho Conservancy (6) (Bedelian, 2014), Olarro Conservancy (1), and Olderkesi Wildlife Conservancy (1). According to Kaelo (2017), the multiple investors usually function in a coordinated way to realize a common wildlife conservation goal. In the event that a single tour operator contravenes the collective quest for wildlife conservation, such as failure to foster amicable relations with local communities, other investors step in to address the errant investor, meaning the costs of monitoring are borne by investors. However, if the number of investors becomes too large, such as in the Mara North Conservancy, it becomes difficult for the community to manage them. On the one hand, tourism operators can function independently and in ways that greatly vary, making it difficult for the community to satisfy the needs of each investor. On the other hand, multiple operators can collaborate and thereby become too dominant over the local communities, in this way compromising the participation of the local communities, including adopting strict rules and regulations for accessing the conservancy especially by livestock. Further, some investors can seek to free ride on the input of other investors, which often leads to poor wildlife conservation outcomes and dissatisfaction on the part of the investors. As such, while multiple investors may bring in more revenue to the landowners, the wildlife conservancy can become too complex an entity to manage, and at times a source of disempowerment for the local communities and for wildlife conservation.

5.2.3.3 Mediate Organizations

A third scenario is when a conservation NGO functions as the mediate entity between the local landowners and the investor(s). Bersaglio and Cleaver (2018, p. 474) describe how the Northern Rangelands Trust (NRT) in northern Kenya has adopted the role of

brokering “community-private sector partnerships in community conservancies” that has seen the establishment of, among others, tourist lodges and livestock investments. While investors are often interested in wildlife conservation outcomes, even when sometimes implementing community development programmes, the landowners are keen, among other things, on seeing the revenue generated from the conservancy (Kaelo, 2017). The NGO, such as NRT, becomes the balancing agent that focuses on biodiversity conservation whilst investing in improving the quality of life of the local communities (Kaelo, 2017; King et al., 2015). By bringing important resources to the community, the NGO ensures that the investor or the tour operator does not have complete dominance over the local community by being the sole source of revenue to the community. This form of arrangement provides the conditions for a relatively balanced relationship between the community and the investor and, ultimately, the local community becomes more participative with favourable wildlife conservation outcomes being attained as a result (Kaelo, 2017). In this regard, this institutional arrangement appears to provide a critical response to the age-old question of how the twin goals of conservation and local development can simultaneously be achieved within wildlife conservancies in Kenya. The provision of further resources to communities through NGOs, in addition to what is garnered from tourism investors, underscores the view that resources to support communities in conservation ought to emanate not only from conservation activities, but rather beyond the conservation sphere. This perspective challenges neoliberal conservation arguments that conservation can pay for itself through intensive marketisation (Büscher & Fletcher, 2015), and underlines the need for radical ideas in conservation that transcend the market (Büscher & Fletcher, 2020; Fletcher & Büscher, 2020).

5.2.3.4 No Investor

In a less common scenario, a wildlife conservancy can operate without an investor at all. These conservancies conduct conservation business by having tourism operators pay a fee to access the conservancy area. While the overriding interest of these conservancies is revenue generation, for tourism operators it is chiefly about providing a satisfying safari drive where tourists can view wildlife. The tourism operators demand that the safari experience they offer is fulfilled through presence of wildlife, the failure of which makes operators reluctant to engage in business with a conservancy. As Kaelo (2017) put it, tourism operators will often say “If my guests don’t see a lion they won’t pay me, and I won’t be able to pay you in turn.” Tourism operators therefore put pressure on the conservancy to bolster wildlife conservation. In this form of arrangement, the local community is greatly empowered as it oversees decision-making and management of the conservancy. Citing the example of the Lemek Conservancy, Kaelo (2017) noted that wildlife conservation gains there are lower compared to other wildlife conservancies, and suggested the reason could be that there is less external pressure to allocate significant resources to wildlife conservation.

At the same time, it could be asked whether alternative revenue streams among landowners have diminished focus on wildlife conservation as the paramount source of revenue. Løvschal et al. (2017, p. 2) found that there has been extensive fencing around Lemek Conservancy, and they postulate that with the individualization of tenure, Maasai landowners around the Maasai Mara ecosystem have embarked on creating grass banks and cultivation fields on their plots, and “claiming and marking private ownership of land with fences.” With increased fencing, the mobility of both livestock and wildlife has been

curtailed, and the authors suggest a shift by the Maasai towards a more sedentary lifestyle. Following this observation, it can be postulated that the changing ways of life among local Maasai communities that entail increased fragmentation, have curtailed the mobility and access of the landscape by wildlife resulting in overall lower gains in wildlife conservation (Groom & Western, 2013; Ogutu et al., 2016). This occurrence challenges the view that conservation can pay its way in the Maasai rangelands and, importantly, highlights the limits of solely focusing on financial revenues to foster conservation since the emergence of more attractive sources of revenue generation could steer communities away from wildlife conservation.

5.2.3.5 Recentring Local Communities in the Labyrinth of Wildlife Conservancies

These dynamics of the relationship between local communities and conservation investors and NGOs indicate that while local empowerment is critical, by itself it does not translate into enhanced wildlife conservation. On the one hand, this view could be read as a suggestion that local communities are antagonistic to wildlife conservation, hence the need for exogenous interventions while, on the other hand, it could mean that the revenues generated from wildlife conservation are inadequate to fully cater for local livelihoods and, by extension, wildlife conservation. The former view could inspire interventions meant to pressure local communities to practice wildlife conservation including what Agrawal (2005) calls the 'heavy hand of the state' where laws are enforced to coerce desired behaviour. The latter view could impel interventions to improve the quality of life of local communities in recognition that improved local livelihoods are necessary for wildlife conservation. Wildlife conservancies in Kenya, led by the KWCA, appear to suggest the latter approach as the way forward in wildlife conservation, in

recognition that pastoral communities in particular have lived with wildlife for centuries. At the same time, the findings by Løvschal et al. (2017) point to the schism between wildlife conservation and livelihood strategies, whereby fencing is viewed not only as a symbol that delimits individual property, but also as a means of facilitating alternate livelihood strategies by ‘walling out’ potential invaders, whether livestock or wildlife. The proliferation of fencing and consequent restriction of wildlife mobility effectively consigns wildlife to the wildlife conservancy area, which impedes wildlife numbers in the rangelands (Groom & Western, 2013; Ogutu et al., 2016; Weldemichel & Lein, 2019).

Local communities living adjacent to the wildlife conservation areas greatly determine conservation outcomes, and the findings by Løvschal et al. (2017) only underline this phenomenon. However, the term “community,” which often is meant to refer to the owners of the land where a wildlife conservancy is established, is often laden with the assumptions that it refers to a harmoniously homogenous group of people in cultural, economic and social-political terms (Ostrom, 1990). Agrawal and Gibson (1999) provide a pithy critique of such assumptions of homogeneity in community, and, as I raised this concern, Kaelo (2017) quickly interjected, “I’m yet to see where that occurs” to challenge the idea of an actually existing homogenous community. He further observed that within a given conservancy there are many different types of actors that include, but are not limited to, landowners who may possess varying acreage, land users who may have access but not ownership rights, as also observed by Ribot and Peluso (2003) and Bedelian (2014), livestock owners with disparate livestock numbers or none at all (Mwangi, 2007b), business operators, residents of different ethnicities (as observed in Olderkesi), and temporary and permanent employees in different sectors such as education, health, and security. Yet, all these various groups interact with the immediate

landscape in numerous ways that are driven by diverse interests, needs and wants. Further, interests among conservancy members vary, and this has been evidenced in the form of internal politics whereby existing leadership is challenged and at times overthrown (Riamit, 2014). For some conservancies yet to be established, there often exist camps of those who are either in support of or in opposition to the conservancy establishment, or proposed governance structure. An example is the case of the Olderkesi Wildlife Conservancy, which I discuss in the next chapter. As such, the term ‘community’ in reference to wildlife conservancies ought to be understood as characterised by complexity and heterogeneity rather than homogeneity, and the factors that inform such diversity are not frozen in time but rather are continually changing and shifting (Appadurai, 2004). For wildlife conservancies seeking to work with and foster community-based conservation, such complex heterogeneity that characterizes local communities ought to be taken into account as opposed to only focussing on the aspect of a shared geography as the basis for identifying a community.

The varied factors discussed above illustrate the complexity that underlies the concept of wildlife conservancy. While the Kenyan state has delineated in the WCMA 2013 what a wildlife conservancy is, a definition that is limited in scope for its over-emphasis on wildlife and the notable absence of local communities and livelihoods, structures and operationalization of wildlife conservancies expose and challenge this limited, non-encompassing understanding of wildlife conservancies. The non-critical embrace of wildlife conservancies has led to the generalized approach that appears to suggest the existence of a “wildlife conservancy model”, which in turn has influenced how conservancies have been studied thus far. For instance, many studies have focussed on the contributions by, and challenges of, wildlife conservancies in addressing the twin-goal

of improving local livelihoods and enhancing wildlife conservation (Butt, 2016; Homewood et al., 2012). Others have set out to look at the institutions governing wildlife conservancies and the roles of different actors in community-led wildlife conservation, often in an attempt to develop a stable characterization of a wildlife conservancy (Courtney, 2016). While the significance of these studies should not be understated, it is critical that the diversity of wildlife conservancies is emphasized to underline complexities and stimulate innovation within the broader goal of pursuing biodiversity conservation in a fast-changing Kenyan environment.

5.3 TOWARDS A CONCISE CRITIQUE OF WILDLIFE CONSERVANCIES IN KENYA

The proliferation of wildlife conservancies in Kenya suggests their embrace as the tools to demolish the master's fortress (Fletcher, 2012) by devolving conservation benefits to local communities. However, the glaring reality of the poverty that has afflicted many pastoral communities as the tourism sector largely conducted in the pastoral rangelands has flourished (Homewood et al., 2012), points to the dissonance between tourism-based wildlife conservation and pastoral livelihoods. While the dearth of tourism revenues trickling down to the pastoral communities is one of the challenges that wildlife conservancies must address, it is also critical to examine whether the treatment of wildlife conservancies as purely conservation enterprises can actually address pastoral and wildlife conservation challenges, or whether, as Fletcher (2012) suggests, the contradictions lie within the approach itself. One observation is that given wildlife conservancies can provide a platform on which to do more than just wildlife conservation, it is imperative that conservancies expand their agenda beyond only leasing land from the

Maasai landowners, with emphasis being added to comprehension and engagement with pastoral challenges of the 21st century.

5.3.1 Historical Land Injustices

Areas around the Maasai Mara ecosystem have transitioned from mainly common landholdings to individual landholdings. As a result, the Maasai rangelands have become fragmented and wildlife access to individual lands has been limited as pastoralists seek to secure pasture and, at times, cultivation on their plots (Løvschal et al., 2017; Weldemichel & Lein, 2019). Among conservationists, the growth of wildlife conservancies in these areas is thus critical to the sustenance of wildlife. At the same time, wildlife conservation has become a lucrative undertaking with the emergence of wildlife conservancies and, according to Thompson et al. (2009), this source of income is only second to earnings from livestock. However, most of the revenue from wildlife conservation ends up in the pockets of local elites, and this exclusive mode of revenue generation has significantly increased inequality gaps in Maasailand (Bedelian, 2012, 2014; Homewood, 2009; Riamit, 2014). As subdivision and allocation of land has occurred, local elites have positioned themselves as the owners of resources critical to the conservation enterprise, an industry that now also involves both local and global entities (Bedelian, 2012; Homewood, 2009). The rise in the number of wildlife conservancies and conservation partnerships with NGOs and investors, according to Homewood (2009, p. 359), “has the potential to distort development priorities, potentially over-emphasizing both the role of wildlife in relation to other sources of livelihoods, and the benefits from wildlife as opposed to the associated costs, in ways that have muddled working partnerships between conservationists, communities and individual landowners.” As benefits from

conservation mainly accrue to already wealthy groups, negative externalities like human-wildlife conflicts and loss of grazing lands are increasingly borne by the poorer groups. There is strong evidence that these dynamics of appropriating wealth that were shaped through illegitimate acquisition of high-potential land during the subdivision and privatization of the Maasai commons opened the door to “land grabbing at every level with corrupt committees, Maasai elites, political leaders and outsiders expropriating the largest and best-placed Maasai lands” (Bedelian, 2012, p. 3).

With land-related injustices in the former Maasai group ranches being tightly interwoven with the yarn that has been used to knit together wildlife conservancies, this raises the question about what the role of wildlife conservancies should or could be, in order to address historical land injustices. A great deal of these injustices stems from the fact that many committee members enriched themselves and their families and friends at the expense of the rest of the ranch members through corrupt land allocation, including multiple land allocation to individuals, capturing high quality land, and allocation of land to non-members, sometimes as a form of reciprocity (Bedelian, 2014; Galaty, 1994, 2013a; Mwangi, 2007b; Riamit, 2014). The emergence of wildlife conservancies in these areas, argued Kaelo (2017), is a more recent phenomenon, and the criticism levied against the conservancies therefore fails to address the root causes of land injustices. On this, Kaelo (2017) asserted that:

I think the crafters of the Group Ranch Act had business in mind, and so they provided a framework that could become a business entity. If they (group ranches) were implemented accordingly they would look like wildlife conservancies today, but they were not. That should not be blamed to the conservancies because if I come in as a conservancy and I am interested to manage this land, and I find that

the group ranch has allocated you this catchment area, and that turns out to be the best site for the lodge, what mechanism do I have as a conservancy to correct that? It's very little. So I just cement an anomaly that was created by somebody else, and some people who do not appreciate the history tend to think that the conservancy actually creates these disempowering systems.

Following Kaelo, many of what appear as recent land injustices in the Maasai rangelands date back to the establishment of the group ranches in the 1970s, following the Group Ranch Representatives Act of 1968. As many scholars have argued (Galaty, 1997; Mwangi, 2007b; Rutten, 1992), the push for the subdivision of the GRs largely emanated from dissatisfaction with how they were governed and managed, including illicit land allocation to non-Maasai groups, and unfair capture of collective resources for the benefit of a few elites. While such historical interpretations could suggest that wildlife conservancies should be absolved from criticism regarding land injustices that transpired during the subdivision of the former Maasai ranches, it is imperative that emergent institutions, such as wildlife conservancies, foster mechanisms to address these misdeeds. In the event that these historical anomalies are pushed into the background by the ostensibly more promising conservation investments, doing so will largely result in the rewarding of the transgressors that captured important resources, principally in the form of natural capital, at the expense of other ranch members.

In some cases, such as the former Maji Moto Group Ranch, unfair land allocation occurred with the potential of the land to facilitate conservation enterprises in mind. In my discussions with the members of ILEPA, the NGO in Narok leading the fight against the malpractices experienced during land subdivision in Maji Moto, I learned that the former leadership had employed varied strategies to unjustly benefit themselves during

the subdivision process. To allocate themselves larger portions of the Maji Moto community land, the leaders created multiple entries on the land registry for a single individual, at times by simply inverting the last name and the first name so that it appeared as if those were different individuals. Further, they allocated themselves plots that were situated along the Maji Moto springs stream, where irrigation agriculture is most feasible and the land was highly suitable for wildlife conservation enterprises. In other areas such as Lemek, where Kaelo (2017) hails from, the ranch committee muzzled potential resistance from community members by threatening that if they complained, they would either lose part of the land they had been allocated, or they would be reallocated poor quality land, meaning land on which practising livestock keeping or crop cultivation would be extremely difficult. In what has been a rare occurrence, the land subdivision process in Maji Moto has been challenged in a court of law by a group of local activists led by ILEPA, and the case is currently awaiting verdict. In light of such local activism, wildlife conservancies can in fact contribute to the fight against land injustices through, among other approaches, providing necessary resources in the form of financial and social capital. Otherwise, as Kirigia and Riamit (2018) caution, wildlife conservancies established on land that is imbued with historical land injustices, such as in the Olarro North Conservancy on the former Maji Moto Group Ranch, could be “resting on thin ice” when the requisite pressure is applied to address the underlying anomalies.

The individualization of tenure and the concentration of highly productive land and, thus, revenues generated from various investments in land in the hands of a few, raises questions about the legitimacy and viability of conservation as a project that aims to improve livelihoods while greening the world (Death, 2016). How can an undertaking that supposedly benefits the world at the same time be imbued with a turbulent history

that is left unaddressed? In other words, who stands to benefit when local communities lose land and resources that are in turn protected to foster conservation through wildlife conservancies? The conservation dynamics occurring in parts of Maasailand, where land that was appropriated in the former group ranches by corrupt leaders was later leased for wildlife conservation, amounts to primitive accumulation described by Marx (1999), and what Harvey (2003) terms ‘accumulation by dispossession’, whereby those in positions of power appropriate land from the less powerful in the community, and use it as a form of natural capital that can be used for, among other pursuits, wildlife conservation. The establishment of wildlife conservancies around the Maasai Mara on land that has been acquired in this manner implicates them in what Fairhead et al. (2012) refer to as “green grabbing,” whereby resources are appropriated with environmental conservation as the ostensible telos, but in which the environmental component is often employed as justification for dispossession. What is different in the case of land appropriation in the former Maasai ranches in the Mara is that expropriation is localized, and wildlife conservation has been used to rubber-stamp land grabbing.

5.3.2 Accumulation Through Wildlife Conservancies

The entry of wildlife conservation enterprises in the Mara region through wildlife conservancies, where landowners get lease payments for their land to be used for tourism-based conservation, amounts to what Büscher and Fletcher (2015, p. 293) have referred to as “accumulation by conservation.” However, rather than taking negative environmental contradictions as their departure point, whereby conservation endeavours would speciously correct for those contradictions and provide a sustainable capital investment strategy, as the authors advance, wildlife conservancies are deemed innovative tools that seek to fill a wildlife conservation gap whilst improving local

livelihoods. As Cavanagh et al. (2020, p. 10) write about the supposed primacy of conservation investors in Kenya's Maasai Mara wildlife conservancies, "Without external capital and expertise, in other words, investors imply that Maasai communities are likely condemned to carry out the supposed environmental ruination of their own lands and resources." As such, the challenges for conservation are framed as local and the solutions exogenous.

Within group conservancies, many of which are found around the Maasai Mara region, the argument that wildlife conservancies will significantly improve local livelihoods is challenged by the fact that the revenues accrue to the already wealthier members of the community. As such, these revenues increase inequalities in these areas, whilst leaving poorer individuals vulnerable to being bought out and ultimately being rendered resource-poor (Bedelian, 2012; Butt, 2016; Galaty, 2013a; Homewood et al., 2012; Thompson & Homewood, 2002). This dynamic became apparent while conducting research in the former Siana Group Ranch in 2018, where I learned that the members who had leased their land for conservation would relocate from their plots of land and then buy or lease land from other members whose land was outside the conservancy area. Interestingly, those who had leased their land could also get loans from the investors to acquire land outside of the conservancy area, thus empowering them financially to buy their way into the areas outside of the conservancy, which in turn culminated in extensive externality effects whose costs are greatly borne by those who do not directly receive conservation revenues. With this arrangement, wildlife conservancies can accumulate further conservation land by financially empowering conservation subjects who can more easily and flexibly acquire land in areas outside the reach of the conservation investors.

These complex land and conservation dynamics experienced mainly within group conservancies in Narok County reflect the on-going marketization of land and conservation in Kenya. The subdivision of the group ranches and the conferral of individual title deeds accords individuals the autonomy to dispose of their land as they see fit (Lesorogol, 2010), and wildlife conservancies have become a compelling land market through land leasing arrangements. Given the local primitive accumulation that occurred during land subdivision, as in the case of the former Maji Moto Group Ranch, wildlife conservation has become a spectacular avenue for rubber-stamping such accumulation, wherein the land lease agreements represent an exchange involving a willing lessor and a willing lessee. It is this entanglement of land privatization, individual titling, and wildlife conservation, which functions on the premise of capturing value in nature, wildlife in this case, that enables conservation enterprises to pay for nature by way of land lease payments. Wildlife conservancies thus understood enter the realm of neoliberal conservation, which is characterised by dynamic processes that include the creation and advancement of new capitalist markets for 'nature', privatization, commodification, financialization, and decentralization of resource governance and management (Büscher & Fletcher, 2015; Fletcher, 2010; Holmes & Cavanagh, 2016). As Igoe and Brockington (2007) succinctly note, to advance the neoliberal project, what is required is the restructuring of global processes in order to intensify the spread of 'free markets' in society rather than seeking to achieve particular preconceived outcomes.

In attending to what appears as the ambiguous nature of neoliberal conservation, Holmes and Cavanagh (2016, p. 202) caution that "neoliberal and non-neoliberal forms of conservation do not exist in binary opposition, but rather constitute opposite ends of a messy and complex spectrum." This articulation of neoliberal conservation thus demands

vigilance about the ways that neoliberal conservation is “chameleonic” in nature and adaptive to varied contexts, which ultimately results in highly context-specific impacts (Holmes & Cavanagh, 2016, p. 207). One of the ways that this chameleonic nature of neoliberalism can be teased out is noted by Mansfield (2008b, pp. 4-5), who writes that privatization is the glue that holds together neoliberalism in that “it is not merely one of several shifts promoted under neoliberalism, but instead is the central assumption and precursor to other market-based reforms” and, in the case of enclosures, privatization “is the premise on which commodification, marketization, and deregulation are built.” Given this background, and following Castree’s (2011) contention that neoliberalism’s entanglement with the biophysical environment is integral rather than incidental to the neoliberal project, the Maasai rangelands of Kenya, which are key repositories for East Africa’s biodiversity, in many ways manifest how global processes have been restructured to govern the biophysical environment in order to facilitate the spread of capitalist markets in land and conservation.

These neoliberal processes at work in the Maasai rangelands, principally in the former group ranches, through the privatization of land and tourism-based wildlife conservation enterprises, demonstrate that it is capital allocation rather than labour allocation that is integral to the functioning of wildlife conservancies. Capital, understood in a Marxian sense, is value in motion. In the past decade, following the 2008-9 global financial crises, among the novel ways of allocating capital were large-scale land acquisitions mainly in the global south where many countries were viewed as being land-rich but financially poor (Cotula, 2013; Li, 2014b; Zoomers, 2010). In the conservation world, these land acquisitions have often been referred to as green grabbing (Fairhead et al., 2012). These forms of land acquisition have entailed putting huge swathes of land

under conservation, often following the fortress model of conservation, where human inhabitants in such lands are pushed out for 'nature' to exist by itself without the ostensibly destructive and despoiling human presence. As such, the dynamics that are manifested are not about allocating labour to work the land in the Lockean sense of human labour mixing with 'nature' (Moulds, 1964), but rather allocating capital and pushing out human labour and, in pastoral areas, livestock labour. This departure from the Marxian treatment of labour as the source of value is consistent with the current turn towards capitalist conservation which, according to Büscher (2013, p. 12), is built on the idea that "humans should be paid to forego the creative appropriation of nature." As one of the investors in the Maasai Mara said, this capital allocation constitutes the opportunity cost fee, which takes the form of a land lease payment to the pastoral landowner for vacating the land which is in turn used for conservation. Therefore, rather than land privatization being about labour allocation, where it is assumed dead capital already exists, and that labour input will turn this 'dead capital' (De Soto, 2000) into motion, such labour is being pushed out to pave the way for capital allocation to take place.

This mode of capital allocation facilitates accumulation of land through conservation and, principally, it has been enabled by the marketization of land which renders land a commodity that can be exchanged on the market, whether through land sales or leaseholds. Following Polanyi (2001), land is a fictitious commodity in that it is not produced by human labour with the goal of exchanging it as a commodity on the market. By qualifying land as natural capital, an important step is made towards capitalist conservation. The production of this natural capital, as Büscher (2013) expounds, entails foregoing its physical exploitation and, instead, leaving it untouched in situ. In many wildlife conservancies around the Mara, conservancy land has been leased from local

communities, an ingenious strategy in that by leasing land, instead of owning it as in the case of purchase, the costs of monitoring a wildlife conservancy become not the responsibility of the investor alone, but also that of the members of the local community who are required to self-monitor akin to the Foucauldian disciplinary governmentality (Fletcher, 2010). The infraction of accessing a wildlife conservancy attracts a hefty fine of, on average, KSh. 5,000 (50 USD), yet the average annual lease payment per hectare amounts to 35 USD (Bedelian, 2014; Cavanagh et al., 2020; Courtney, 2016). Investors usually have the negotiating power due to the fact that they pay the landowners on the condition that the terms of the lease agreement are met. As one investor noted, it would be unwise to buy land as this would render local people landless, and the investor would then have to deal with the challenges that arise with landlessness. As such, it is in the interest of the investor that the community members are not pushed into utter landlessness as that would create a difficult environment wherein to conduct conservation business. As Glassman (2006) notes, invoking Wallerstein (1979), full proletarianization is not always the desired telos for capitalists who, in some contexts, prefer non-proletarianization and semi-proletarianization instead so that they do not have to incur the entirety of the costs of production.

5.3.3 Criminalizing Pastoral Livelihoods

Within wildlife conservancies, the processes of preventing the exploitation of nature entail establishing institutions that enforce human absence and thereby eliminate potential interaction with nature. While this has often entailed keeping livestock out among pastoral communities where most of the wildlife conservancies are found, it has also meant that other forms of interacting with the land are halted including cultural and

spiritual practices, extracting herbal medicine, among others. According to Büscher (2013, p. 30), such control mechanisms that aim to narrow down the valuation of nature to “completely erase any local, qualitative, spiritual properties and contexts around an ‘environmental service’ through their subjection to utterly abstract numbers on marketized value indices.” Thus enclosed, the conserved area becomes an important arena for creating new values in nature that are exchanged on the market through avenues that include safari tourism, PES schemes, international conservation finance, among others. While this approach may ensure that some nature is conserved, as Büscher (2013) observes, it also displaces and stalls other values related to the landscape, including pastoral knowledge transmission across generations which especially occurs around livestock keeping and care. As some Maasai pastoralists in Olderkesi opined, and as Weldemichel and Lein (2019) observe, the separation between pastoralists and wildlife had changed relations between the two so much that the Maasai felt the lions and other predators did not respect livestock as they used to since the terms of their mutual co-existence had been diminished. For Maasai pastoralists, wildlife therefore is not a passive agent whose existence is solely dependent on human action, but instead has agency in determining the kind of relationship that is established with the pastoralist. It is when the space for exchange and interaction between Maasai pastoralists and wildlife is effaced through fortress-like conservation approaches that what are often deemed human-wildlife conflicts are exacerbated. As such, the increased valuation of wildlife and other forms of life solely in monetary terms only severs modes of co-existence that have been cultivated for centuries and across generations (Courtney, 2016).

5.3.4 Appropriating Pastoral-Wildlife Co-existence

While pastoralists and livestock have been effectively excluded for their supposed role as despoiling agents of what should be pristine nature, over time conservation investors have come to appreciate the role of livestock labour in creating favourable habitat for wildlife and have thus been finding ways to reintroduce livestock labour. This recognition demonstrates the symbiotic nature of the co-existence between pastoralists and wildlife which, arguably, has enhanced the continued existence of wildlife in the Maasai rangelands. As some members of the former Siana GR said about the grazing arrangements in place within several wildlife conservancies in the area, only cattle are allowed in designated areas within the conservancies at specific periods of the year. Other livestock, such as sheep, are not allowed since they graze intensively rather than leaving grass at lengths that are favourable for wildlife, both herbivores and carnivores, where the former are attracted by pasture of such nature while the latter can more easily hunt the prey. Cattle, as such, creates a win-win situation for the wildlife conservancy in that both predator and prey wildlife remain within the conservancy area (Reid, 2012). However, such arrangements of incorporating livestock labour have still been framed as perks of wildlife conservancies to local communities. The labour provider, the pastoralist, through livestock grazing, becomes not a service provider, but a beneficiary of a wildlife conservancy. Such locutions carry out the work of ensuring local communities buy into wildlife conservation as currently practised while significant revenues from wildlife conservancies remain under the control of the investors.

5.6 CONCLUSION

Wildlife conservancies are widely viewed as radical entities for devolving conservation in Kenya. It is anticipated that within a devolved framework, local communities on and adjacent to conservation areas become economically empowered as revenues trickle down from conservation enterprises. However, the expectation that conservation will pay its way primarily through revenues from tourism constitutes the Achilles heel for conservancies. While various scholars have delineated the limitations of neoliberal conservation (Büscher & Fletcher, 2015; Fletcher, 2020; Igoe & Brockington, 2007), it is the COVID-19 global pandemic and its devastation of the tourism industry in Kenya and beyond that has illustrated how neoliberal approaches to conservation are rendered vulnerable by forces near and far.

The dominant *modus operandi* of the tourism sector in Kenya such that revenues are to be generated largely from tourists from abroad, which in turn means that conservation enterprises must have rich and far-reaching social networks overseas, underlines the difficulties that local landowners would encounter upon entering the tourism business. As Bedelian (2014) notes, when a group of local landowners who had leased their plots of land to the Olare Orok Conservancy chose to establish a tourist camp in lieu of extending the land lease to the conservancy, their enterprise collapsed following the 2007-2008 post-election violence in Kenya which severely affected the tourism industry leaving the local entrepreneurs without any other means of income. Further, the fact that wildlife conservancies often depend on funding from donors who are also in foreign countries, especially in the West – “Conservation’s friends in high places” Holmes (2011) – does not augur positively for pastoral landowners looking to transition from being only landowners to becoming entrepreneurs in conservation.

As the Maasai rangelands continue to be a lucrative site for wildlife conservancies in Kenya, with the Maasai leasing land on which conservancies are established, this chapter illuminates the complex ways in which the typology of conservancies influences the positioning of the Maasai within these conservation arrangements. While private and group conservancies can appropriate the benefits accruing from conservation whilst externalising the costs of wildlife conservation to adjacent groups that do not necessarily have direct or indirect access to these benefits, community conservancies have to ensure that the leadership in place does not accumulate the benefits in the hands of the few while leaving out the rest of the community members. Within community conservancies, as it has been shown that community members, such as in Olderkesi, can challenge the leadership of the day in the event of perceived alienation from benefits or decision-making processes. However, the trust bestowed upon community representatives in group and community conservancies can limit scrutiny of the leadership and inadvertently result in exclusion of local communities in key decision-making processes, such as in the case of the Siana community where members did not have knowledge of the contents of the land lease agreement with the Olarro Conservancy, which was in English, only for them to be fined when found in contravention of the agreement.

Focusing especially on the group conservancies which are prevalent in the Maasai Mara region, where multiple landowners amalgamate plots of land to create a wildlife conservancy, it becomes clear that there are numerous factors at play when establishing a conservancy. Depending on how various components are organized within a given institutional structure of a conservancy - such as the social capital of the community representative committee, the number of investors or tourism operators, consultation in drafting the lease agreement including fines for infractions committed, and participation

in decision-making processes, involvement of a mediate entity such as an NGO -, the negotiation power of and the benefits accruing to local communities can differ significantly even when operating within a similar institutional structure such as a group conservancy. As such, while the categorization of wildlife conservancies into private, group and community conservancies to some extent is informative about the operationalization of a conservancy and positioning of local communities within the conservation sphere, it is the intricate components within these larger structures where details about the conservation arrangement in place lie.

In addition to looking into the institutional details of conservation arrangements, the history of land subdivision in the former Maasai GRs constitutes a major underbelly for many group conservancies in the Mara region. The historical injustices that transpired during subdivision, once unveiled, reveal patterns of distribution of conservation revenue that indicate capture by local elites who appropriated the high potential areas of the Maasai rangelands that are most favourable for wildlife conservation enterprises (Bedelian, 2014). In such scenarios, the poorer groups have had to shoulder the costs of wildlife conservation without guaranteed access to direct or indirect benefits from wildlife conservancies. The approach adopted by the Olderkesi community, which I discuss in the next chapter, to establish a conservancy that incorporates all landowners in the community as opposed to subdivision occurring prior to the creation of a wildlife conservancy arguably addresses some of the challenges inherent in many other conservancies around the Maasai Mara. In the group conservancies built on the frangible history of subdivision injustices, wildlife conservancies could, instead of cementing such history, provide the resources for creating a new history by empowering local groups

fighting for land rights, as exemplified in the former Maji Moto GR by those Riamit and Kirigia (Forthcoming) refer to as Indigenous intellectuals.

6. Circumscribing Olderkesi

The process and politics of establishing the Olderkesi Wildlife Conservancy

6.1 SITUATING OLDERKESI

Traversing the Olderkesi landscape in the dry season paints a picture of a place that has limited resources to support life. On the dry weather roads, the occasional motorcycle, the AGC Land cruiser pick-up, and the bus ferrying passengers towards Olpusimoru, the town on the border with Tanzania, leave clouds of dust illustrating the extent to which the scorching sun has hit Olderkesi. The scattered human settlements, dry rivers, and wilting trees add hue and accent to the scene. The anthropological approach, through ethnography, however, entails a quest to move beyond first impressions, to peel away layers in space and time to reveal the webs of interconnection that define a place. As James Clifford (1986) puts it, “Ethnography decodes and recodes, telling the grounds of collective order and diversity, inclusion and exclusion.”

When the rains arrive, the entire Olderkesi landscape, as if by magic, conjures up a picture of idealized lush East African rangelands, supporting a magnificent biodiversity of local and global significance that has not only supported pastoral life for centuries, but also attracted millions of people from around the world, chiefly through safari tourism. The numbers of livestock not far from the Maasai homesteads, and wildlife ranging from impalas, to zebras, wildebeests, the roaring of lions and the nightly chattering and howling of hyenas, become everyday experience in Olderkesi. Olderkesi’s dark green landscape, rich with varied vegetation following the rains, is the obverse of the brown dry

season landscape. Having grown up and spent many years in the countryside of the Kenyan highlands, the tranquillity and freshness of Olderkesi was not new to me, but it was still ethereally different in its patterns of life that were now on display to my anthropological gaze. Olderkesi made me feel not just in the world but of the world. As the Olderkesi environment blossomed and made visible the diversity of life on the landscape, it concomitantly revealed the interconnected webs of life, from the tree where the birds nested, to the grass on which the shoats grazed, the impala grazing near the manyatta, and the elephants' trails of felled trees and broken branches. In Olderkesi, the human became decentred and accessory. It left me pondering: if Olderkesi is 'less developed' through economic marginalization, what exactly does development measure, and fail to measure? What would a 'development intervention' look like in Olderkesi? By focusing on the process and politics of establishing the Olderkesi Wildlife Conservancy (OWC), a project that is locally perceived by many as a harbinger of "development" for Olderkesi chiefly through tourism and land rents, this debate comes alive and raises questions for deliberation in and outside Olderkesi.

Having co-existed with wildlife and other forms of biodiversity in Olderkesi since first setting foot in the area, the Olderkesi community has more recently experienced continued exclusion from wildlife-related management programmes through, for example, fortress conservation in the Maasai Mara National Reserve (MMNR). Olderkesi thus finds itself on the leeward side of safari tourism, notwithstanding its geographical location adjacent to the lucrative MMNR and Serengeti National Park in Tanzania. These economic exclusions occur despite Olderkesi serving as a critical dispersal area for wildlife outside of these protected areas. As the KWCA notes, around 65% of wildlife in Kenya resides in areas outside of the state protected areas (KWCA, 2020a). In the past decade,

a wildlife conservancy has been in the making in Olderkesi and there are hopes that it will help to address some of these exclusionary challenges. I draw on my fieldwork in Olderkesi, carried out between 2017 and 2018, to discuss what the process of establishing the wildlife conservancy entailed, and the politics it engendered, in order to reflect on the position of local communities in wildlife conservancies in Kenya, pastoral livelihoods, and biodiversity conservation writ large.

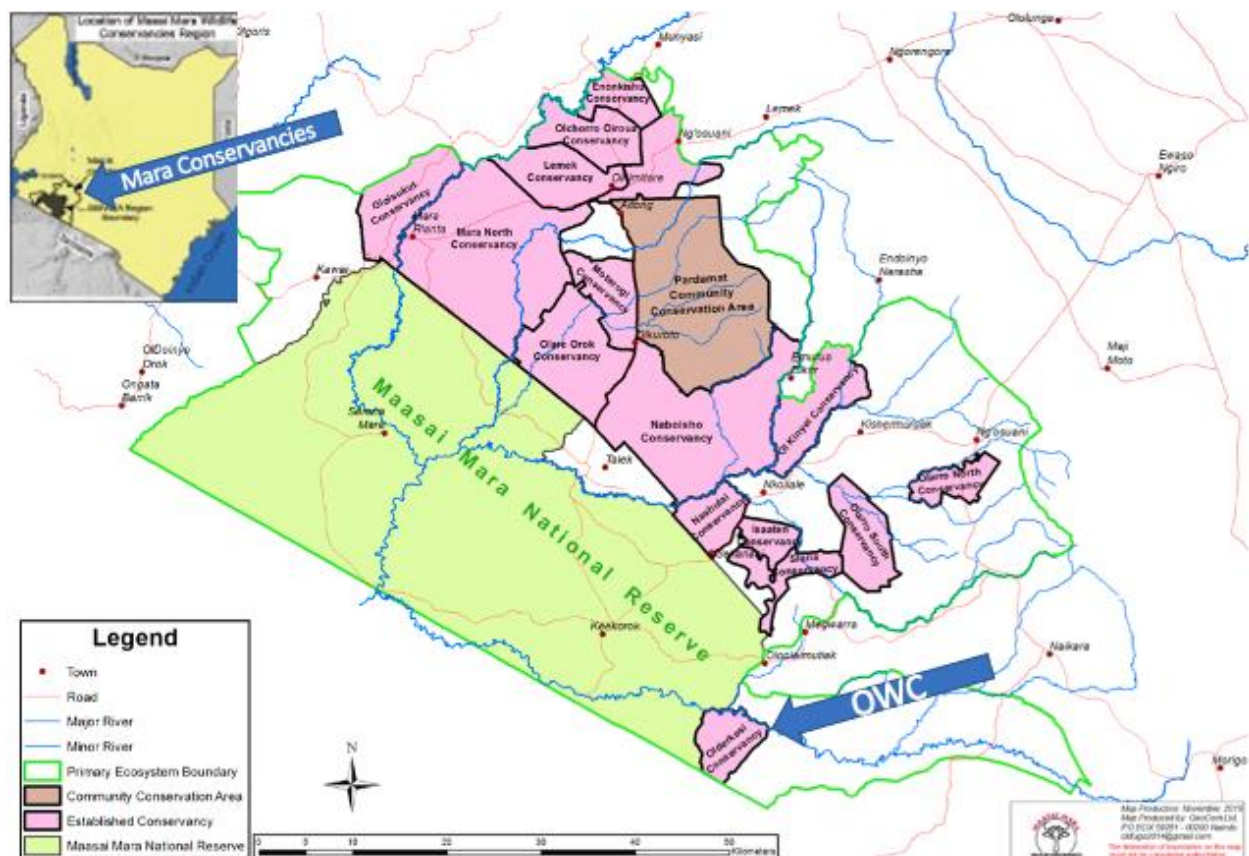


Figure 6: Locating the Olderkesi Wildlife Conservancy (OWC) within the Maasai Mara ecosystem and Kenya. Source: (KWCA, 2017b; MMWCA, 2017).

Situated at the border with the MMNR and the Serengeti National Park, Olderkesi is nested in East Africa's tourism hub. However, unlike the other areas adjacent to the MMNR such as Talek and Sekenani, which serve as entry points to the MMNR, Olderkesi

does not receive major revenues from tourism and, therefore, operates as the leeward side of the tourism traffic. The limited significance of Olderkesi in relation to the tourism flows into the MMNR has been evidenced by the dearth of attention to the infrastructure that connects Olderkesi to the MMNR and the outside world. In the current infrastructure projects taking place to make the MMNR easily accessible via road, the roads that have been tarmacked first are those that are leading to the Sekenani and Talek gates. The lack of transport infrastructure leading towards Olderkesi has made Olderkesi difficult to access, to the extent that some Maasai people in Narok town admitted not having ever gone to Olderkesi as it was “very far away”. As one person commented upon learning that I was going to be conducting research in Olderkesi, “There you will now find the real traditional Maasai people who have stuck to the traditions and have not attended school. How will you even get there?” As I would come to find out during my research, Olderkesi represents a known unknown, in that many people I encountered knew there was a place called Olderkesi, had an imagined picture of the place, but had neither set foot in nor had much knowledge about the place.

As the experiential distance based on the physical difficulty of access rather than the Euclidian spatial distance has generated a particular discourse around Olderkesi, so have the limited tourism flows to Olderkesi shaped the discourse around tourism in that, rather than tourism being a fast and dynamic economic undertaking, it is instead seen as an economy that entails strategic positioning in order to capture revenues and economic opportunities. As such, the adjacency of Olderkesi to the MMNR paints a different picture of what it means to neighbour such a globally iconic touristic site. Further, the fact that Olderkesi borders the Serengeti National Park in Tanzania, which is a much bigger area than the MMNR, and which is another globally iconic tourist destination, means that

Olderkesi is positioned at a strategic intersection of significant flows of global tourism revenues. However, Olderkesi remains on the margins of tourism revenues, arguably exemplifying Ferguson's (2006) postulation that global capital hops into selected places rather spreading a wide net covering all areas touched by the forces of globalization. Olderkesi can thus be viewed as the apple that falls far from the tree, and the work of establishing the OWC illustrates efforts to make the apple fall closer to the tree by putting in place mechanisms to make capital hop into Olderkesi.

6.2 THE HISTORY OF AN IDEA

The evolution of the OWC has been characterised by adaptation to changing social and political contexts. A first attempt at community-based wildlife conservation was the creation of a community-based organization (CBO) by the Cottar's 1920s Safari Camp (henceforth referred to as the Cottar's Camp) in Olderkesi, which in turn became the basis of the idea of establishing a wildlife conservancy in Olderkesi. As Calvin, the owner and director of the Cottar's Camp, told me, the CBO did not accomplish the wildlife conservation goals that they had envisioned despite pouring significant financial resources into the organization. The dearth of progress in wildlife conservation underlined the need to adopt a different approach, and this became impetus for establishing a wildlife conservancy. For Calvin, the idea of a wildlife conservancy had long been in consideration even before he set up base in Olderkesi. Prior to establishing the Cottar's 1920s Safari Camp in Olderkesi in 1998, the Cottars had established other camps such as in Siana Springs, also in the Maasai Mara area. The Cottar's family has a long history with wildlife in Kenya, dating back to 1915 when the family moved to Kenya from the USA, concentrating on wildlife hunting initially, and then filming and photographic

tourism, as opposed to the colonial mission of empire building, as Calvin puts it. During field research in Siana, the respondents indeed noted that it was the Cottars who had come to Siana as the first tourism investors. In light of this history, the Cottar's family identifies with the tourism sector in Kenya not as mere participants, but as pioneers.

The path to establishing a wildlife conservancy in Olderkesi involved many meetings among different actors, expending numerous resources, and conducting many visits to various conservation areas over several years. Calvin introduced the idea of a conservancy to the Olderkesi community leaders and facilitated discussions about establishing a wildlife conservancy in the area. He proposed to lease land from the Olderkesi community and pay annual fees for the land. The Olderkesi land was held in common at the beginning of these discussions, but plans were underway to carry out land subdivision in the area. A conservancy committee, mainly comprised of the Olderkesi land adjudication committee, was formed. Unique among other committees in Olderkesi, the conservancy committee included women, and this followed advocacy work by the Maasai Mara Wildlife Conservancies Association (MMWCA) encouraging conservancies to include women leaders. The emphasis on gender inclusion in conservancy leadership underlines the importance of inclusivity in cognizance of the heterogeneity that characterizes communities and, importantly, the understanding of conservation as an endeavour that recognizes the importance of women in conservation around the Maasai Mara and Kenya in general. As Agarwal (2001, p. 1623) notes, institutions that seem participatory and inclusive of local communities can at the same time exclude certain groups such as women, resulting in "participatory exclusions." The conservancy leaders held many meetings around Olderkesi to apprise the public of the plans to establish a wildlife conservancy in the area. As women rarely attended land and conservancy

meetings in Olderkesi, women leaders took it upon themselves to work with and disseminate information among women, often underscoring entrepreneurship opportunities for women and the need to conserve wildlife in the area. As such, it has mainly been upon women leaders to address participatory exclusions in Olderkesi.

In efforts to familiarize the Olderkesi leadership with the establishment and running of wildlife conservancies, the investor took the Olderkesi leaders on educational tours to different conservancies around Kenya. Among the sites visited included wildlife conservancies in northern Kenya in Laikipia and Samburu Counties, and southern Kenya in Amboseli. While there were other conservancies already functional around the Maasai Mara ecosystem, the investor felt it was important for the Olderkesi leadership to have varied exposure to wildlife conservancies, given that some of the areas, such as Samburu, had less favourable climatic conditions than Olderkesi and yet had functional conservancies. During my interactions with the conservancy committee members of Olderkesi concerning the trips to other wildlife conservancies, they observed that wildlife conservancies had contributed to the development of communities where they had been established. A female committee member admitted that she was surprised at how communities in the much drier areas of northern Kenya had been able to establish functioning wildlife conservancies. For her, that a wildlife conservancy could function in an area that was drier than Olderkesi made her optimistic that a wildlife conservancy would succeed in realizing wildlife conservation and community development in Olderkesi. These views were echoed by the vice-chairman, who said that:

We saw the different ways the conservancies were being run, such as in Olchorro Oirouwa where land had been subdivided and everyone was contributing and in Samburu it was community land that was being given to the conservancy. We saw

it was a good idea that they could include everyone so that each person was a member of the conservancy. This was the way they were doing it in Samburu and it seemed to be a better idea.

Following the meetings aimed at awareness creation around Olderkesi, a decision still had to be made on whether the Olderkesi community was willing to lease land to the Cottar's Wildlife Conservation Trust (CWCT) for the establishment of the wildlife conservancy. A majority of the community members were in support of establishing the conservancy, while a few groups stood in opposition to this proposal. The OWC was framed as a community project that would benefit the Olderkesi community in its entirety by investing in community development projects in the first phase, a period of five years, and the payment of land lease fees to individuals afterwards. This positive framing notwithstanding, some community members opined that the wildlife conservancy was a strategy by the community leadership to grab community land in the guise of leasing land to an investor. This view, averred Calvin, was underpinned by the widespread internal land grabbing by community leaders and elites around the Maasai Mara during land subdivision that the Olderkesi community felt they were not immune to. For others, the local leadership was not representative of all the diverse groups in Olderkesi, and this undermined the transparency of the revenue flows that would accrue from the conservancy. Among those who were settled near the MMNR, the site earmarked for the wildlife conservancy, many felt that they would benefit much more if land were subdivided and allocated first, and then the wildlife conservancy established based on a willing lessor and a willing lessee. This view was, however, challenged in that such an approach would benefit only the groups that were settled in the proposed conservancy area without directly benefitting the rest of the community members. The proposed

conservancy area was also settled by groups from outside Olderkesi for its abundant grass and, for them, establishing a wildlife conservancy would mean loss of access to a rich pasture area which has operated as open-access commons for Olderkesi members and non-members. Given the majority support for the establishment of a conservancy, the OWC was established but with caveats from the investor.

According to the investor, while the land lease agreement with the OWC had been agreed upon, the land lease payment could not be paid in full until everyone had moved out of the conservancy area. Those who remained settled in the conservancy area were therefore seen to do so at the cost of the rest of the Olderkesi community members. The investor challenged the community leadership to ensure that resettlement of households from the conservancy area would occur; failure to do so required the leadership committee to inform the community why only partial lease payments were made. The investor offered to pay a resettlement compensation of KSh. 30,000 (approximately 300 USD)²⁶ and provide a vehicle and/or tractor to transport the belongings of the households that would be moving out of the conservancy area. The local leadership embarked on a campaign to mobilise Olderkesi members settled in the conservancy area to relocate and resettle elsewhere within Olderkesi, and for the non-Olderkesi members to move out of the area. Many individuals heeded the call and moved out of the area, and moving assistance was provided as well as the resettlement compensation. Calvin indeed confirmed that: “The leaders and chiefs have put in effort to make things work, and we have managed to move people out of the conservancy. We pay for it, and we provide tractors for the moving.”

²⁶ I use a conversion rate of 1 USD = 100 Kenyan shillings, which is closer to the real exchange rate, rather than the nominal exchange rate, where the latter currently stands at 1 USD = 106 Kenyan shillings.

6.3 GOVERNANCE OF THE OWC

The Olderkesi Wildlife Conservancy (OWC) is comprised of two key entities: the Olderkesi Community Wildlife Trust (OCWT), and the Cottars Wildlife Conservation Trust (CWCT). The OCWT owns the OWC, and it is constituted by the landowners of Olderkesi who are recognized as the bona fide members whose names are on the land registry, and who shall be allocated land following the land subdivision process. The CWCT, having leased the OWC land from the OCWT, will oversee the management of the OWC, and is designated as the official “Manager” of the OWC. OCWT has contracted the Cottar’s 1920s Safari Camp Limited and the Royal Africa, who pay 120,000 USD and 40,000 USD annually, respectively for management services. This amount, however, the investor contends, is not enough to pay for the land leased and the management of the OWC. The investor thus solicits donations from clients and funding from donors. A major condition for this funding is that the clients and the donors usually want evidence showing how their contributions have been utilized.

The approach employed by the Olderkesi community, maintains the investor, is to manage the OWC as a communal entity as opposed to every landowner entering into a lease agreement individually with the investor. This arrangement will facilitate effective engagement in community development and therefore provide an attractive project for future donor funding. The costs incurred in the conception of the OWC, however, are to be shared equally between the OCWT and CWCT. The investor told me that he has paid for the costs of the OWC thus far, and the amounts owed by the OCWT will be deducted from future payments, an aspect of the retroactive payment arrangement in place. Among the significant fees that have been paid by the investor include the land subdivision fees, where the investor paid KSh. 30 million (300,000 USD), an amount that translates into

around KSh 5,000 (50 USD) per landowner. Further, the investor paid the legal fees incurred in drawing up the agreement between the two parties, and this amounted to KSh 800,000 (8,000 USD). What can be deduced from these costs alone is that establishing a wildlife conservancy is a costly undertaking, both in terms of finances and time.

The OWC is organized into a core area and a dual use area. The core area, amounting to 6116.50 acres, is to be used exclusively for wildlife management, meaning that people or livestock will not be allowed access into this area of OWC at any point in time. The dual-use area, totalling 1,503 acres, which is around a quarter of the core area and a fifth of the entire conservancy area in size, will be accessible to both livestock and wildlife, and shall follow the grazing patterns set by the management committee. According to the land lease agreement, the payment for the land lease is KSh 1,500 (15 USD) per hectare per year within the dual-use area, and KSh 4,000 (40 USD) per hectare per year within the core area, for the first three years of the lease agreement. The payment will be made on a quarterly basis into the bank account of the OCWT, and a representative of the CWCT will serve as the signatory. In the fourth year of the lease term, the land lease rates will be increased to KSh 1,605 (16.05 USD) per hectare per annum within the dual-use area, and KSh 4,500 (45 USD) per hectare per annum within the core area. Starting from the fifth year of the lease term, the payments for both the dual-use and core areas will have a compound 7 per cent annual increment. A management fee amounting to 5 per cent of the land lease payment will be held by the CWCT. All the revenues accruing to the OWC will be collected by the CWCT, and the CWCT and OCWT shall maintain detailed records of the amounts incurred in financing direct investments and community infrastructure, and these entities will publish public statements on a quarterly basis, and annual accounts of the OWC within half a year following the conclusion of the financial

year. After five years of working together, which is half of the 10-year length of the land lease agreement, the CWCT and OCWT will have a comprehensive review of their working relationship.

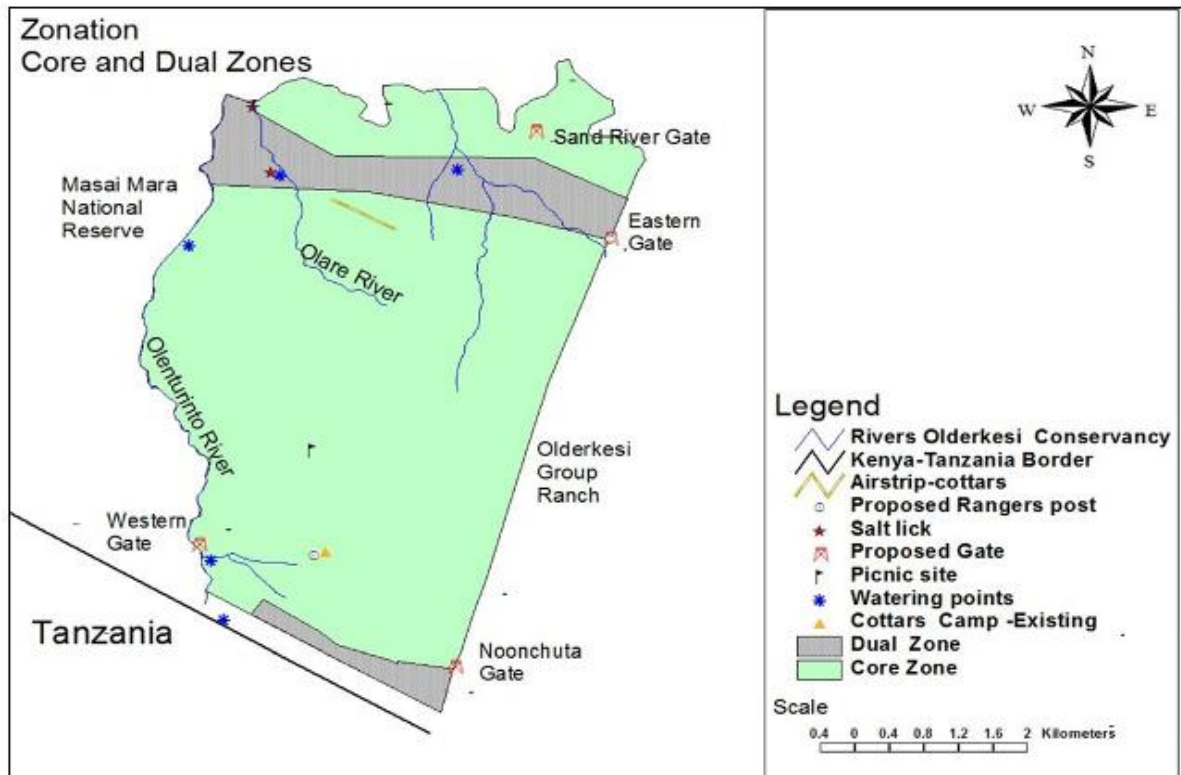


Figure 7: Olderkesi Wildlife Conservancy Zonation. Source: Olderkesi Wildlife Conservancy Management Plan 2018-2013 (OWC, 2018).

The investor will make retroactive payments to OCWT, which means that CWCT will have the right to deduct the amount accruing from infractions committed against the OWC, such as livestock grazing in the core area, or increase the amount, as agreed in the by-laws contained in the land lease agreement. As gathered from other areas around the Maasai Mara such as in Siana, grazing fines are frequent and some respondents in Siana felt that the grazing fines sometimes exceeded the amounts that the affected landowners were paid for leasing land. In Olderkesi, as in many other wildlife conservancies around

the Maasai Mara, the grazing fine for a single herd is set at Ksh 5,000 (50 USD), which is an amount that exceeds the annual payment per hectare. In a place like Olderkesi where the amount of acreage contributed to the conservancy per person is significantly lower relative to many other areas around the Mara, a single grazing fine will in fact translate into total loss of income from the land leased for that period. While such high fines are meant to deter breach of conservancy area access rules, it is often the case that the need for pastoralists to access pasture results in multiple fines being issued by a wildlife conservancy. As many respondents admitted, besides going to graze livestock in the forests during the dry season, they venture into the MMNR, usually at night, taking grave risks with both predators and the rangers in the national reserve. These risks underline the extent to which pastoralists are willing to go to ensure livestock survive the droughts. As such, pastoralists' quest for pasture could translate to numerous grazing fines, especially given that the OWC stands adjacent to the MMNR, an area that has for long functioned as the dry season grazing area for Olderkesi residents, albeit an illegal undertaking according to the rules of the MMNR. To avoid such an outcome, it will be imperative that elaborate grazing measures be put in place to coordinate grazing and access to grass in the OWC.

In theory, the conservancy lease agreement should have come into force in 2012, but there were still people settled in the conservancy area then. It was only in 2016 that the OWC began, although only partial payment was made because of the continued settlement in the conservancy. According to the investor, the OWC contract has not yet begun because there are still households settled in the conservancy area. The contract cannot be enforced under those conditions since, as the investor put it, he would be paying for "a car with three wheels." For this reason, the past years have been spent on "building

bridges” with the Olderkesi community largely through implementing community projects that have included the construction of primary schools and clinics, running a food programme for one of the primary schools, providing bursaries, building bridges – one of which I witnessed during fieldwork – and investing in better understanding of the functioning of a wildlife conservancy among the community leaders and, by extension, the Olderkesi community at large.

The OWC landownership arrangement in Olderkesi, where each member contributes an equal amount of land to the wildlife conservancy, makes the OWC unique in its approach relative to many other wildlife conservancies around the Maasai Mara. The all-member equal land contribution arrangement means that all registered members of Olderkesi equally own and therefore equally benefit (or lose in case of costs attributed to the conservancy) from the wildlife conservancy. The uniqueness of the OWC therefore lies in the total inclusivity of the Olderkesi landowners in a setting where land will be individually owned. A key contrast between Olderkesi and many other areas of the Maasai Mara where wildlife conservancies have been established is that land subdivision and allocation of individual plots in other areas occurred prior to the creation of the wildlife conservancies, and this resulted in only a few individuals becoming the owners of a conservancy. The benefits flowing through such group conservancies are often appropriated by the few, while the external costs of the conservancy, mainly through wildlife access to private land, are borne by the rest of the landowners outside the conservancy area. Further, in many cases, corrupt group ranch committee members allocated themselves and their peers the high potential land suitable for establishing conservancies, an undertaking that was done in anticipation of conducting conservancy business with investors (Bedelian, 2014; Homewood et al., 2012). By avoiding such an

approach, the Olderkesi community has potentially addressed a major loophole allowing for corrupt land allocations. According to Calvin, it is anticipated that the collective responsibility of OWC members will lower the oft-high costs of monitoring as the members will police their neighbours and, following collective action concerns, free riding will be diminished (Ostrom, 1990). Another distinction is that by subdividing the land much later, the acreage allocated to each individual in Olderkesi is much smaller than in the areas where subdivision occurred earlier. This is because by including the youth and children in the land registry, there were more individuals to be allocated land.

Looking at the present and into the future, the investor remarks that the tourism enterprise will continue to run through the family over generations, and that he is simply “running the race and will pass the baton one day.” As such, the focus is not simply on exploiting immediate, short-term revenues made possible by Olderkesi land, but rather building a sustainable model of business that will last for generations. It is this long-term view that influences CWCT perspective on how to operate a sustainable wildlife conservancy. The investor ranks the Cottar’s 1920s Safari Camp as a high-end small camp, with their rates in the top ten around the Maasai Mara, where there are around 250 lodges, which means the camp attracts high-end clientele from around the world. The camp has favourable occupancy throughout the year, and as the investor says:

The average occupancy in the Mara is around 23 per cent and we are averaging 45 to 50 per cent. The cyclical nature of tourism is such that everyone wants to be here when the wildebeest migration happens. So the lodges are built big for that time, but the rest of the time there is literally no one here. We are small enough to maintain the numbers more than most.

The main camp at the Cottar's 1920s Safari Camp has eleven rooms, with five additional rooms in the villa, for a total of 38 beds, which puts it on the threshold of being a medium-sized facility within the Maasai Mara ecosystem.

While the business approach of the CWCT places sustainability at its core, the investor is critical in his reflection on the current conduct of many tourism enterprises around the Maasai Mara. In what he terms "extractive tourism," he criticizes enterprises that set up tourist lodges within and around the MMNR, attending to tourists who come to enjoy the magical biodiversity of the Maasai Mara, all the while functioning as enclaves in a setting that is populated by pastoralists who, through their pastoral way of life, have facilitated the creation of favourable conditions for wildlife that is the primary tourist attraction. While land in the national parks and reserves, as well as other protected conservation areas, is already secure, argues the investor, the reality is that the majority of wildlife in Kenya, 65 per cent according to KWCA (2020a), lives outside of the protected areas. Calvin thus opines that wildlife conservation efforts ought to focus on conservation areas outside of the protected conservation areas, which are increasingly becoming fragmented with the continued subdivision of the pastoral areas.

Around the Maasai Mara, Calvin observes, invoking Ogutu et al. (2016), the biggest challenge for wildlife conservation is land use change over time, which has accelerated human-wildlife conflict and decline in wildlife numbers, especially in areas where crop cultivation has spread. The wildlife conservancies help to deal with the dynamics of land use change by leasing land from communities and paying land lease fees, which serve as payments for the opportunity costs foregone in order to conserve wildlife. The enterprises that pastoral communities around conservation areas are engaged in, but which do not invest in such measures supporting communities, thus free ride on the work that both

pastoralists and entities such as wildlife conservancies undertake to make both wildlife and pastoralists thrive. That many of the tourist lodges in the Maasai Mara are owned by elites amounts to “elite capture” within the tourism business.

Additionally, while there are significant revenues flowing into the country through tourism, the investor feels that depending on tourism alone to fund wildlife conservation in the country will not succeed. Efforts to conserve wildlife in Kenya should address challenges that are both endogenous and exogenous to the tourism sector, such as abolishing “extractive tourism” enterprises inside the national reserve, and allocating government revenues to the wildlife conservation sector, which includes local communities living around conservation areas. It is interesting to note that during the COVID-19 global pandemic, the Kenyan government allocated one billion Kenyan shillings to wildlife conservancies in the country in response to the decimation of tourism by the international travel ban, which meant foreign tourists could not fly into Kenya. Elsewhere, Fletcher and Büscher (2020) advocate for a conservation basic income (CBI) as a radical way to enhance biodiversity conservation around the world. While the scale, mechanisms and design of such contributions towards conservation continue to be debated, these events point to the view of conservation as a global rather than context-specific endeavour, and the recognition of the planet as a global commons where local actions have global ramifications and vice versa (Vries, 2013).

6.4 PERFORMING REFUSAL

As some of the members moved out of the conservancy area, others refused to do so. The refusal to resettle outside the conservancy area took varied forms of both public and private performances. One of the prominent local leaders, who became the first Member

of County Assembly (MCA) for Olderkesi, rallied his campaign for the MCA seat around the conservancy land by telling the public that he would ensure that their land was not grabbed by the community leaders and investors. As I learned from various key respondents, the former MCA used the land grab rhetoric as his political vehicle leading up to the general elections of 2013, the maiden general elections in Kenya held under the devolved system of governance following the promulgation of the New Constitution in August 2010. With the ability of land to instigate volatile politics in Kenya (Leo, 1984; Manji, 2014; Riamit, 2014), and especially in Maasailand following the advent of land subdivision in the former group ranches, a political campaign woven around land politics was almost guaranteed to capture the interest and imagination of the Olderkesi public. To many opposed to the rhetoric, the MCA's campaign amounted to lies that bind, to borrow from Appiah's (2018) conceptualization of identity in a shared world. The discussions about the wildlife conservancy were still in the early stages, but the subdivision of the Olderkesi commons had been deliberated on for a longer period. It was arguably the case that the Olderkesi public was concerned and occupied with the subdivision of the commons and the eventual allocation of land as opposed to the establishment of a wildlife conservancy. In this regard, presenting the wildlife conservancy as a deterrent to the main project of subdividing the Olderkesi commons had the tangible potential to capture the imagination of the Olderkesi public. When the general elections were conducted, the former MCA emerged the winner, an indication of the extent to which he had built confidence among many Olderkesi residents that he would insure their security of land tenure. In the following years during his political term, the promise to nip the wildlife conservancy in the bud was not fulfilled. Instead, progress was made towards its establishment. In a bold public performance, the MCA challenged the progress made

towards creating a wildlife conservancy by constructing a big, concrete, permanent house on conservancy land as a symbol of concretizing his opposition stance. At the time of conducting this research study, the house had been completely built and a barbed wire perimeter fence installed.

On one of the days when I was conducting research in the area adjacent to the OWC, I got information that there would be researchers carrying out a study of conservancies around the Maasai Mara. They would be in Olderkesi for three days, hosted by the Cottar's 1920s Safari Camp. The rains had poured, and without a bridge in sight, the rivers had become impassable. The researchers' journey to Olderkesi came to a halt on the other side of Sand River. People were crossing the river on foot, and some had to be assisted by those who were well versed with the contours of the river to make sure they were not swept away by the strong currents. We drove towards the river to pick up the researchers, after which they would embark on their work in Olderkesi. As we were nearing Sand River, we made a stop at one of the villages adjacent to the OWC and Sand River. The manager of the conservancy alighted from the vehicle to talk to a small group of men at the village. As the conversation ensued, a crowd of men gathered, and it quickly became heated as the men started to complain that they had not been given the promised compensation after moving from the conservancy area. The men felt that they had been lied to by the conservancy leadership, and that they should be compensated, otherwise they would not adhere to any agreements made with the conservancy. The conservancy manager was working hard to alleviate the situation by engaging in a warm conversation while affording a smile as if to tell the men that things were not as grave as they had perceived them, and that everything would be settled. At this moment, Lemayian, my research assistant, stepped outside of the vehicle holding his phone, and no sooner had

he alighted than he got involved in the discussion. One of the men accused Lemayian of video-recording them using his mobile phone and demanded Lemayian erase the recording. Infuriated by the false accusation, Lemayian asked the man why he would think that he would record them, and quipped that the men did not have sweet enough voices to be worth recording and could check for themselves if there was a video recording on his phone. As temperatures quickly escalated to the brink of pushing and shoving, the conservancy manager and another gentleman calmed everyone down and agreed it was time to leave.

Given this palpable resistance, I sought to uncover the motives behind support for or resistance to the conservancy. I interviewed groups who were in support of the conservancy and those who were against the idea. Opposition to the OWC at the time of this research study, according to many respondents in Olderkesi, emanated from only a few members. The bone of contention was not whether the conservancy should be established, but rather whether the leadership was fully representative of the diversity of the people of Olderkesi. In fact, both camps that supported and opposed the OWC held that dissatisfaction with the leadership of the OWC was the principal source of discontent. For the supporters of the OWC, the dissatisfaction exhibited by some members was borne out of greed for power by those who were not in leadership positions. The opposition group, they said, was simply engaging in 'siasa', the Kiswahili word for politics, insinuating that there were other considerations than the issues underpinning criticism of the conservancy. In conversation with one of the leaders in Olderkesi who was opposed to the current leadership of the OWC, he gave an example of the Kenyan Parliament, noting that while the parliament is representative of the Kenyan state, there are Members of Parliament (MPs) from certain regions of the country who wield much more power

than others due to their majority status, and are therefore able to dictate how the government is run. Coming to Olderkesi, this implied that the current leadership strongly represented certain segments of the community to the disadvantage of other members. To ensure that the OWC project equally benefitted all and sundry in Olderkesi, asserted the former MCA, it was imperative to reconstitute the current leadership in order to include groups that had been marginalized. In this regard, the OWC has been largely accepted as a good idea for the Olderkesi people, but the institutional framework remains to be addressed in order to attain greater inclusivity and, as a result, for a wider sense of ownership to be realized.

In addition to the many responses by those opposing the Olderkesi conservancy, one key interlocutor discussed the nature of opposition to the OWC in depth:

The village representative for that area where there is opposition to the conservancy is Mzee ole Tanui²⁷. He has been the leader of the area for a long time, and he says that the opposing minority comprises the groups that only moved into the area recently, and the rest are from other places such as Siana where they have already been allocated plots of land. In fact, one of the opposition leaders is from Siana, where he has already been allocated land. This person has been involved in a court case filed in 2014 by ole Kuntai, who is the treasurer of the Siana conservancy. He has several plots of land registered under his name in Siana, and their whole family of Kuntai have parcels of land there in Siana, but they have settled in Orng'ayenet for quite some time because Orng'ayenet had been a free access area due to the raids that used to occur. This area borders Siana and the

²⁷ This leader has since passed on after this research study was conducted.

Sand River constitutes the boundary with Olderkesi. They had only crossed Sand River and settled there around 10 years ago, but now are demanding recognition as members of Olderkesi. However, even after they had gone through a long process of trying to be recognized as members of Olderkesi, they failed because the process included vetting by the Olderkesi Group Ranch Committee. The refusal to include them in the Olderkesi register generated legal cases that were heard by the arbitration committee, all of which they lost. Now what they are trying is to use the court process, under which they had already lost one case, for which they were ordered to pay damages amounting to Ksh. 445,000 (4450 USD). In order for one to be recognized as a member of Olderkesi and to have their name entered on the land registry, by-laws were developed by the Olderkesi Land Adjudication Committee in consultation with the community members. One of the by-laws was that an individual cannot be a member of another group ranch, and this by-law essentially ruled them out as members of Olderkesi. They are registered as members of the former Siana Group Ranch, and they have been around here for about only 10 years. The other by-law is that one has to meet the traditional threshold of having made 15 bomas across various areas in Olderkesi over time. This requirement is meant to show that one has been in Olderkesi for a long time, because a boma would normally last at least five years, and even if it was built by one's father or grandfather, they must have been in Olderkesi for over 50 years. There are some people who have been adopted here in Olderkesi and have had their names on the registry. The adoption process follows the nature of the Maasai pastoralists being transhumant, whereby some Maasai groups came to Olderkesi and the areas from which they came, such as Ololulung'a, had been subdivided

around 20 to 30 years ago. These people therefore missed out on land allocation, and without their adoption in Olderkesi they would have ended up landless. The form of settlement in Olderkesi has influenced local politics. Olderkesi can be said to be comprised of three groups: the people from Tanzania who were pushed out by violence, the ones from Siana and others from Naikarra who had settled in Olderkesi because it had not yet been subdivided yet, and then there were the bona-fide members of Olderkesi. The latter group constitutes those people who have been in Olderkesi for a very long time, and who have withstood violence emanating from the Tanzanian side, Loita, and even from Siana, with the one with Siana having been a court case whereby the Siana people argued that the current conservancy area should be in Siana. A court case followed this dispute, and Olderkesi won.

This in-depth account of the nature of opposition to the OWC closely articulates with Li's (2014a, p. 30) concept of 'positions' as observed among the Lauje highlanders, where the author writes that the concept "flags the way in which identities were formed relationally, as highlanders and coastal folk developed distinct habits and structures of feeling. Position also signals the spatial element of these relations, and the entanglement of topography with identities, practices, and powers." Different from Li's account of two distinct groups in the highlanders and coastal folks, which relate but do not interpenetrate, the Olderkesi scenario presents us with two groups wherein one group, the Olderkesi folk, operates as a closed but permeable group, and the non-Olderkesi group seeks acceptance for the promise of land that such recognition brings forth. Recognition and, therefore, belonging in Olderkesi, is rewarded through land allocation and membership in the wildlife conservancy during subdivision. Additionally, topography is

instrumental in identity formation in the case of the Olderkesi and Siana people in that the Sand River, a permanent boundary, solidified land claims by the Olderkesi community. By fostering resistance against competing groups from Siana, Loita, and Tanzania in different times, the Olderkesi land signifies an immense communal triumph amongst members of the Olderkesi community. What is fascinating is how the fight for the Olderkesi land, as can be surmised from the acceptance of originally non-Olderkesi members, has not engendered hard and impenetrable social boundaries but, instead, has borne socially permeable boundaries of belonging.

The resultant diversity of Olderkesi has engendered a vibrant political scene, part of which has been manifested through opposition to the establishment of the OWC. That the majority of the dissenting group borders the OWC underlines the need to have this group in support of the conservancy project in order, among other things, to establish an amicable neighbourhood. Adjacent to the OWC, resistance could increase monitoring costs incurred in running the conservancy. As has been demonstrated around the Maasai Mara, the functioning of wildlife conservancies depends much on their relationship with the neighbouring communities. Further, the Olderkesi situation illustrates that the establishment of a wildlife conservancy does not simply depend on having a simple majority in support of a decision, but rather that the costs of dissenters to a community project could be extremely high. While the Olderkesi leadership opted to encourage the dissenting group to resettle outside of the OWC, as opposed to having the court fines levied, the investor told me that the dissenting group had not yet moved out and there were no evident signs that they were willing to do so.

For those who already moved out of the wildlife conservancy area, a return, even temporary, is met with the force of the policing arm of the OWC. It was after the rains in

May 2018 when the rangers gathered information that some individuals had moved into the conservancy area and set up temporary settlements, known as *ronjo*, to graze livestock in the area. Two Land cruisers ferrying OWC rangers and a Kenyan government policeman set off to the area. A structure made of wood and plastic bags functioning as a temporary settlement and a modest *boma* for the livestock, both of which appeared to have been put up in the past few days, stood stolidly in the conservancy area. Inside the settlement were utensils and sleeping mats, where two young girls sat. A few minutes later, a young man came and said that he was a member of the household. After a conversation with the conservancy rangers, who warned them that the settlement was illegal, the rangers got to work; they removed all the belongings from inside the shack and packed them into one of the Land cruisers. The young girls were helped onto the vehicle which drove them away back to their home. The shack was quickly torn down and everything was set on fire. As thick, dark smoke steadily rose high into the sky, a clear message was concomitantly sent that the conservancy area was out of bounds for settlement, temporary or otherwise. All this while the police officer, dressed in his green fatigues, watched from close range with his gun held close to his body on a sling hanging not too tightly from around his neck. This occurrence revealed that the rangers and, if necessary, the police were on stand-by and equipped to ensure the expulsion of anyone violating conservancy access regulations.

What was interesting in this entire encounter was that while the security team appeared ‘armed to the teeth’ as if ready for a violent encounter, they engaged with the household in a relatively peaceable way. As such, it was not a situation that was reminiscent of what Foucault (1995, p. 7) terms “torture as a public spectacle.” Rather, it was an action against the human labour expended in putting up the settlements, and not

the human body as the site of the infraction. As such, the body was treated with care as the individuals were safely relocated from the conservancy area while simultaneously their labour output was diminished through the act of setting the temporary structures on fire. While this public performance functioned to dramatize the gravity of settling within the OWC, with the main aim of deterring such an infraction, the relocation of the household did not necessarily challenge the integrity of Olderkesi lives and livelihoods, provided that they be exercised outside of the conservancy. This event parallels the decision by the Olderkesi leaders to avoid adopting punitive measures by levying fines on the individuals settled on the OWC but instead to have the individuals resettle elsewhere. The objective among the Olderkesi leadership therefore appears to have been to establish the conservancy while harbouring harmonious relations with the community.

At the same time, the incident underscores that coercion in conservation does not need to be direct and post-haste perceptible. Instead, coercion can be implicit and suggestive, but the ultimate end usually being to ensure that the coerced party's actions are congruent with conservation interests. For local people who have accessed the breadth of their landscape for decades, regulations against accessing a wildlife conservancy present an imperative for behavioural change. While for the conservationist such a boundary between the conservancy area and the rest of the landscape is so clear that it is non-negotiable, for local people such access regulations are often interpreted differently and this is manifested through actions that may be deemed in contravention of the conservancy access rules. As such, part of the process of establishing the OWC ought to be increasing public awareness in recognition of the age-old interactions people have had with the land, to ensure that fair and humane rather than punitive measures are put in place to ensure harmonious co-existence in Olderkesi.

6.5 WHAT IS CONSERVANCY LAND?

One of the less discussed aspects of wildlife conservancies is the identification of the types of land that qualify as a conservancy area. For Calvin, the current setting for the Cottar's 1920s Safari Camp in Olderkesi is the best tourist site in the country. Tucked in between the MMNR, the Serengeti, and now the Olderkesi Wildlife Conservancy, and midway up a high steep hill with natural watering springs, the camp provides the quietude, tranquillity, and privacy that can be afforded only by high-end tourists. The camp provides an unrivalled view of the savanna adorned with soothing morning sunrises and brown-red evening sunsets. This setting is not only adored by tourists, but also by wildlife ranging from buffaloes to elephants, and even rhinos. Bordering the MMNR, and with a private airstrip at the conservancy, tourists are guaranteed to enjoy "wild Africa" without the hassle of the dusty bumpy roads that lead to the iconic reserve. Instead, it is the early morning and late evening safari drives that ensure the outstanding sceneries of "wild Africa" are captured. To establish a wildlife conservancy in Olderkesi, which will operate next door, is therefore a 'no-brainer' for Calvin, as the conservancy can ensure that an exclusive area for wildlife is set aside that can facilitate memorable safari drives for all the clients.

The landscape qualities of the conservancy site reveal that a wildlife conservancy is not usually established on any available landscape, but rather on scenic land that provides favourable habitat for wildlife, ergo functioning as a key dispersal area for wildlife in major protected areas. Further, the setting must have the aesthetic qualities valued by tourists such as views of distant landscapes and, if possible, a set of rolling hills that provide the feeling of being in but, yet, away from the world. In the event that, and as it is often the case, the landscape lacks certain aesthetic attributes constitutive of the

imagined spectacle of nature, experts familiar with the expectations of tourists are consulted to provide the cultural capital necessary to convert the landscape into a compelling tourist site (Fletcher, 2014; Igoe, 2010). The imagined tourist thus greatly influences the image that a conservancy as a tourist site strives to construct, entering the mind of the landscape planner and the tourist investor, and affecting how local behaviours and attitudes are governed. Mbaria and Ogada (2016, p. 5), writing about the deliberation on and construction of a tourist site in an attempt to provide a breath-taking image, narrate how a Tortilis Camp manager in Kenya responded to the question of why a community school and market had been located far away behind the hill. To this, the Camp Manager responded that “it was necessary to move the Maasai community behind the hill so that their manyattas wouldn’t sully tourists’ view of Kilimanjaro.” This instance is not a once-off event but, rather, a common occurrence in the politics of local African communities and the tourism sector.

In Olderkesi, a key Maasai interlocutor, in reference to Maasai pastoralists grazing in the MMNR, noted that “the locals are not allowed to graze in the national reserve, and one is fined if their animals are found grazing there. This is mainly because tourists do not want to see cattle during their game drives. There is therefore an unspoken rule that those who want to graze in the reserve do so at night and leave before tourists get in the reserve.” In this response, the respondent informed us about a known hierarchy of infractions in Olderkesi, the most egregious being that which is committed against the wishes of the tourist and taking chances with the predators and rangers being the lesser wrong. According to Fletcher (2014, p. 150), the practice of fashioning local spaces into sites that are appealing to tourists is paradoxical in that it underlines the significance of local values while at the same time introducing “alien ideas and values” which results in

“substantial transformation of local landscapes.” The imagined view of the tourist therefore has significant influence on the conduct and governance of pastoral lives and, following Li (2014b), it can be observed that land and landscapes inspire different meanings to different people and, therefore, governing land in a particular way subsequently results in silencing certain voices and views on land (Igoe, 2010).

The location of the OWC contributes to our thinking about what makes a given space, an area of land, suitable for establishing a wildlife conservancy. In the areas around the MMNR, high potential land often translates to space that is home to numerous species of wildlife, and is endowed with water, salt licks, and vegetation cover to sustain wildlife. In brief, it is land that has the resources that can support abundant wildlife and livestock. The quality of land that is feasible for a wildlife conservancy is critical in the case of the Maasai rangelands, areas that are arid and semi-arid in nature, owing to the significance for grazing that such lands hold for pastoralists. The high potential areas have often constituted dry season grazing areas, functioning as grass banks in times of drought. For instance, many interlocutors in Olderkesi said that they usually go to graze their livestock in the area adjacent to the MMNR during the dry seasons. Establishing a wildlife conservancy, therefore, entails enclosing such land from access by pastoralists and, in some cases, putting in place mechanisms and institutions for regulating human and livestock access. These dynamics point to the importance of looking at not only the acreage that has been leased for wildlife conservation, but also to assess the value of that particular piece of land to the landowners in a given locality. It is about engaging with Li’s (2014b) question, “What is land?” The size of a wildlife conservancy in acreage, therefore, is an aspect that ought to be critically unpacked to comprehend the nature and architecture of a given conservancy area.

6.6 COMMUNITY PERSPECTIVES ON AND EXPECTATIONS OF THE OWC

The OWC has been designed and implemented in the form of a community conservancy. Its future existence had been deliberated on at a period when the Olderkesi commons was held intact, and its official recognition in 2016 pre-dated the subdivision of the Olderkesi commons. In 2016, however, discussions to subdivide the Olderkesi commons were at a more advanced stage. The inclusion of all landowners of Olderkesi in the OWC under a single title deed, such that an individual landowner could not claim a particular plot of land within the whole, has in effect amalgamated multiple plots without having subdivided them in the first place. By ensuring the preservation of communal ownership, OWC challenges the notion that the subdivision of the commons signals the end of the commons as we knew them. According to the chief of the Olderkesi Location, by not subdividing the conservancy land, it forecloses opportunities for people to sell land especially in an area of the Olderkesi landscape that has high conservation and agricultural potential. Given the ease with which transactions can be made nowadays in Olderkesi following the adoption of mobile phone money transfer services, usually through the M-Pesa service operated by the Safaricom company, the fear of land loss through land sales is palpable. As Galaty (2013a) has shown, the subdivision of land in Maasailand has often been followed by land sales, rendering many from formerly land-rich Maasai communities landless. The OWC, therefore, functions as an interesting example of initiative on how to not only manage a communal resource equitably, but also in keeping with the need to protect communities against debilitating land market forces within which modern technologies are intricately woven.



Figure 8: A Maasai man looks at his mobile phone in Olderkesi. The mobile phone has revolutionized communication and money transfer in Kenya. Photo by author.

The OWC is established on a landscape the Olderkesi community has interacted with in numerous ways for a long time. Those forms of interactions include grazing livestock, collecting firewood, water, and indigenous herbs, harvesting honey, performing cultural rituals, and sourcing construction materials. Further, by fending off violent attacks by other groups, it is on the Olderkesi land that significant history of the Olderkesi community is engraved. The work of environmental conservation in Olderkesi therefore entails making possible and preserving varied ways of living on the land. The current emphasis on wildlife conservation, therefore, appears too narrow to capture the reality of life in Olderkesi. In a more critical stance, it can be argued that the framing “wildlife conservation” creates a foreign concept that is built on the separation between humans and nature, rather than adopting a specific analysis of pastoral peoples and their interactions with other than human life. Appreciation of the numerous ways that Olderkesi residents, and pastoral communities in general interact with their environment can thus inform negotiations over accessing wildlife conservancies and other protected

areas underpinned by the view of humans not as despoiling agents but rather as interdependent, inter-relational, and enabling agents on a terra firma shared with other-than-human forms of life.

The nature of Olderkesi as a shared terra firma is exemplified by its richness in wildlife, with some species having a permanent habitat while others increase in numbers seasonally. The most prevalent wildlife in Olderkesi include hyenas, antelopes, impalas, buffaloes, zebras, and elephants. Beyond their presence in Olderkesi, the area also functions as a calving site for elephants. However, the presence of wildlife has also caused numerous human-wildlife interactions, some of which have resulted in conflict. For instance, many interlocutors decried the attacks on their livestock mainly by hyenas, leopards and lions. A lady respondent, mimicking the laughing of hyenas, said the following about hyenas in the Olderkesi area: “They attack sheep and goats during the day and night. The point where the tributaries meet is a no-go zone because there are too many hyenas.”

The interlocutors who practised crop cultivation regretted the damage to their crops, especially by zebras, impalas, and wildebeests. Some respondents went on to single out zebras as the most destructive of the wildlife. As crop cultivation continues to expand in Olderkesi, cases of wildlife destroying crops are on the rise. The destruction of crops by wildlife, however, remains largely unaddressed by the Kenya Wildlife Service. While human injury by wildlife remains a grave occurrence, there is slow response by the KWS, and the response process remains a tediously protracted one. On the question of compensation regarding wildlife related challenges, many interlocutors, including a local committee member and a primary school teacher, asserted the following:

“There is no compensation. When KWS officers come, they only take photos and there is no compensation after that.”

“No. They say they will compensate you, but they never do it. You follow up until you are tired.”

“No compensation. I don't know why; but KWS officers come, take photos, assess damage, and promise to bring compensation but they never do” (A committee member).

“None. KWS takes photos, asks you to fill out forms, and then they never respond.”

“No. KWS come and take photos especially when cattle are involved, and they lie they'll come back to pay.”

“No. No one cares; they only care about wildlife.”

“No action is taken; they take photos, but nothing happens (A primary school teacher).

“Sometimes KWS comes and takes photos and leaves, but nothing happens. Other times they don't even show up.”

“No compensation. Even when my sheep were eaten by hyenas, the KWS only took photos and we never saw them again.”

“KWS just comes and takes photos, but nothing happens. Even now I’m following up on the case of my mother who was hit by a buffalo.”



Figure 9: A Maasai woman in Olderkesi holds the head of a bull killed by lions near the Olderkesi Wildlife Conservancy area. Photo by author.

These varied responses highlight the challenges faced by Olderkesi residents from living with wildlife at a time when accessing the MMNR has become more restricted, and the neglect by a public institution that should in theory ensure harmonious relations between humans and wildlife. However, the experience of the Olderkesi community paints a picture of a people who are anticipated to shoulder the costs of living with wildlife

and, as a result, KWS's continued neglect leads individuals to devise their own safety and coping mechanisms. Among such mechanisms are the construction of tall wooden pens for livestock which are too high for predators to breach. Those practicing crop cultivation often install fences around the cultivated areas and light up fires around the farm at night to keep wildlife away. Interestingly, despite the established pattern of neglect by KWS, the Olderkesi residents still present their woes to the institution. It can therefore be postulated that even when state institutions are not effective in their dissemination of public services, they are still viewed as the legitimate agencies for public service delivery. Following Mamdani (1996), the postcolonial state is always present even in territories where its tentacles are faintly spread out and, Mbembe (2001), adopting a Weberian view of the state, reminds us that it is the state's control of the means of violence that buttresses its reach. In Olderkesi, while human welfare is neglected by the KWS, the welfare of wildlife is safeguarded, and some interlocutors indeed felt that the KWS attached more value to wildlife than to humans.

At the same time, the interlocutors pointed out various challenges faced by wildlife in the area including the retaliatory snaring and poisoning of predators, destruction of wildlife breeding places by the creation of new settlements, and the erection of fencing which has closed down wildlife corridors. Drought was said to be a natural challenge that afflicts especially buffaloes, which according to one interlocutor, "die off just like cattle" from drought. The presence of wildlife in Olderkesi and the resultant human interactions with wildlife suggest that the OWC must, beyond fostering wildlife conservation through securing conservancy land, address and enhance human-wildlife relations. At a time when the individualization of tenure is on-going in Olderkesi, and as many interlocutors indicate their intentions to fence their land to protect pasture from wildlife, working with

landowners will be imperative to ensure that wildlife can still access land outside the OWC and the MMNR. As such, the separation of wildlife and humans, where conservation efforts focus on the welfare of wildlife whilst neglecting human livelihoods, eventually works against the project of conserving wildlife, as has been evident through many fortress conservation efforts.

Wildlife conservancies around the Maasai Mara ecosystem have mainly been founded on land leased by local landowners to tourism investors. One of the primary aspects of wildlife conservancies, as is the case with OWC, is the acreage. In Olderkesi, many respondents did not know the amount of acreage that has been set aside for the conservancy. Even among the committee members, who are the representatives of the local community, the figures given varied widely. As the acreage of the conservancy constitutes the primary variable of the lease agreement in that it determines, among many other things, the amount that is paid to the local landowners for leasing the land, the dearth of this information within different ranks in the Olderkesi community was surprising. What resonated among the interlocutors was that the OWC is an area that has been set aside for purposes of wildlife conservation, and that through tourism, it would attract “wazungus” and the revenues generated would trickle down to the Olderkesi community. A few interlocutors, all women, indicated that they did not have knowledge about the conservancy:

“I just heard about the conservancy from the people, but I do not know where it will be.”

“I just heard that we have a conservancy, but I have never seen it, and other people have opposed its establishment.”

The OWC is broadly understood in Olderkesi as an initiative that was conceived to primarily conserve wildlife for purposes of conducting tourism business to generate revenue for the local community by leasing land to the tourism investors. While it was the investor, Calvin, who brought the idea to the leadership of Olderkesi, it was the community leaders, after long deliberations with the investor, who disseminated the ideas of establishing a wildlife conservancy to the community. As one of the respondents who was part of the steering committee for the conservancy told me, the main message that was communicated to the community members was that the OWC was an avenue for generating revenue for the community by rendering the ample wildlife in the area an economic resource: “The conservancy was initiated by the land adjudication committee members as a way of tapping into tourism revenues. Meetings were held around Olderkesi to educate people about the conservancy, and the main message was that we have a lot of wildlife in Olderkesi and therefore we need to make it an income-generating resource for the community.”

In addition to the land lease fees anticipated to be paid to the community by the investor, the expectations from the OWC are multiple, and these expectations together constitute a robust framework underpinning the creation of the conservancy. Besides the land lease payments, two expectations stand out amongst the members of the OWC: education and grass banking. The Olderkesi area has for long been underserved in public services ranging from education, health, security, roads, to bridges. As attending formal schooling became embraced over time, there have not been enough schools to cater to the demand for formal education. In an area where villages are far apart, and without reliable bridges to ensure the safe crossing of rivers during the rainy seasons, coupled with the

presence of wildlife, access to the few schools is a daunting task. The Olderkesi Boarding Primary School cannot accommodate all the children from the area. This glaring challenge has made access to education a major priority for the community. To date, the CWCT has helped to address this challenge through the construction of the Olpalagilagi Boarding Primary School, where they operate a meal programme for the pupils. In addition, the CWCT has provided bursaries for children to attend school. With the CWCT as the primary tourism investor in Olderkesi, these experiences have arguably influenced the community to view the OWC as an avenue for furthering access to education in the area and other forms of local development.

The Olderkesi community remains chiefly pastoral, so access to pasture thus remains critical for the survival of livestock. With the OWC located in the area that has for long been used as a dry season grazing area, it is anticipated that the conservancy will provide a secure grass bank for the community especially since Olderkesi has been functioning as an open access commons for other groups whose land was subdivided. For some interlocutors, stories from other conservancies have elevated expectations regarding the OWC. As one woman said: “I heard on the radio that there is a conservancy in Naboisho which has helped people with land for grazing. All members of Olderkesi will benefit just like in Naboisho.”

The OWC is further anticipated to generate economic opportunities for women and youth, two groups that have been economically marginalized in Olderkesi. With the growth of tourism in the area, some interlocutors anticipate the expansion of market opportunities so that women will be able to make Maasai beadwork to sell to tourists, as well as to operate Maasai cultural villages. Of all groups, youths are anticipated to benefit

the most through employment opportunities including working as tour guides and conservancy rangers in the tourist camps and lodges.

Given the geographical location of the OWC, ongoing subdivision of the Olderkesi land, and the diversity of the Olderkesi community, it was interesting to learn which group or groups were anticipated receiving the most benefits from the conservancy, and the ones that could lose out in significant ways. While the responses varied, it was largely felt that those residing adjacent to the conservancy would benefit much more from ease of access to schools and grass from the conservancy, and the possibility to lease more land to the OWC in the future. Such positioning, however, could be Janus-faced in that, as one interlocutor put it, “the epicentre for human-wildlife conflicts will be near the conservancy.” Additionally, the individuals settled near the conservancy could face grazing fines since their livestock could easily stray into the conservancy thus attracting fines for trespassing. A few others held that the investor would benefit the most since there would be a lot of revenue accruing from tourism. For others, the conservancy committee members would reap the most benefits since they would have access to and control over the revenues flowing through the OWC. This view suggests that individuals in positions of leadership have the power to dictate how benefits flow to the rest of society, and therefore stand to benefit personally from being in positions of influence and control. It is this view of controlling the revenues that raised concerns about the representation of different groups in the current Olderkesi leadership from the opponents of the conservancy efforts, while those who were in support argued that the opponents only wanted to be in positions of leadership themselves to control and influence benefit flows.

It also occurred that the fate of some groups had already been decided. Given that land allocation will be primarily to males, one of the interlocutors observed that families

with fewer male children will receive less revenue, and this will mean the distribution of benefits from the OWC will be skewed in favour of those with many household members on the land registry. Another group that is expected to lose out comprises the individuals who stood opposed to the establishment of the conservancy, who many respondents noted would receive fewer benefits, including lack of consideration for employment and sponsorship in education as retribution for the “trouble” they have caused. Such retribution, for some interlocutors, would be an outcome of the opponents of the OWC not being members of the conservancy, an illustration of the varied understanding of how the conservancy has been constituted, that is, to include all landowners in Olderkesi.

With expectations of the OWC being high, numerous, and varied, I sought to find out how the interlocutors anticipated they would benefit individually. While many cited the land lease payments and grazing in the conservancy during the dry seasons, others said they would position themselves for employment by pursuing relevant educational training such as in tourism. For others, they would use their land lease payments to educate their children with the hope that, once they completed school, they would be employed within the conservancy. Others felt they had already benefited since their children had received bursaries to pursue education. Those with less knowledge about the conservancy admitted that they did not know how they would benefit. At the same time, various challenges are expected to emanate from the establishment of the OWC since, given its location in a pasture-rich and well-watered area, access to water will be more difficult and there will be much less grazing area for everyone.

The potential success of the OWC in conserving wildlife generated concerns that there could be increased human-wildlife conflicts in the area. For some, the main concern could be poor management of the conservancy which in turn could amplify unrest

throughout the community. As such, while many members have supported the creation of the OWC, it is not because there are no challenges anticipated, but because there are multiple opportunities that the initiative might bring to the Olderkesi community. Further, while the conservancy is understood to be an undertaking primarily for wildlife conservation, in-depth discussions generate the view of OWC as an avenue for numerous possibilities that transcend wildlife to encompass humans as well. Overall, the realization of the multiple and varied expectations regarding the OWC, and its ability to deal with the challenges that arise, will critically determine the long-term success and sustainability of the conservancy.

6.7 TOWARDS A POINTED CRITIQUE OF THE OWC

The OWC project has come a long way in its establishment, and has undergone significant challenges, changes and adaptation over the years. Despite being perceived and received differently by the members of Olderkesi, a reality that mirrors the heterogeneity of the community, the conservancy has made great strides as it moves towards its official establishment. I now develop a critique of the OWC to highlight areas that generate tension within the project in light of the varied expectations of the community, palpable resistance against various elements such as the perceived lack of inclusivity in leadership, scepticism about transparency and accountability, and limited knowledge and varied perspectives about the project.

There are high expectations among Olderkesi members that the conservancy will provide grazing opportunities especially during the dry season, effectively functioning as a dry season grass bank for the community. In the past, the OWC area and the MMNR, despite increased restrictions against accessing the latter, have served this purpose.

However, the area that has been set aside for the conservancy borders the reserve, essentially functioning as an extension of the MMNR. The OWC therefore blocks access to the reserve, and it has yet to be seen how the people of Olderkesi who resort to the MMNR as the dry season grazing area will be able to access the reserve without breaching access rules of the conservancy.

While the appropriation of local resources in Maasailand of the kind described by Homewood (2009), Bedelian (2012), and Butt (2016) has mainly occurred in areas where land subdivision had taken place before the establishment of wildlife conservancies, so that local elites had captured the high potential areas, related dynamics of elite capture could also be observed in Olderkesi. One of the major concerns is that the conservancy committee, which represents the rest of the community in the OWC, could conspire to benefit unequally from the revenues accruing from the conservancy. As the investor told me, the elite capture that has occurred around the Maasai Mara region has greatly impacted the Olderkesi public by sowing distrust and doubt in the establishment of the wildlife conservancy, with some groups afraid that it is a scheme to grab Olderkesi land from the community. The oversight of the CWCT could therefore be critical in enhancing transparency in the flow and use of revenues accrued through the OWC.

At the same time, many residents anticipate that the wildlife conservancy will create employment and income-generating opportunities that will especially benefit the youth and women in the community. However, given the low number of employee positions that can be generated through the wildlife conservancy, it is questionable what proportion of the Olderkesi residents will secure employment. Further, given power differentials within the community, there are fears that employment opportunities could be appropriated by those with strong social networks. And, since Olderkesi lies on the

'leeward' side of the tourism industry in the Maasai Mara, significant effort will be required if Olderkesi is going to become a major tourist destination from which multiple income-generating opportunities arise and, thereby, alleviate potential discontent with limited employment opportunities.

The patterns of land allocation could be a source of further concern in Olderkesi. The less powerful with weaker social ties in the community could be allocated land with lower potential for livestock keeping and crop cultivation. Under such circumstances, these landowners will be forced to seek alternative sources of pasture and, given that they might have less capital with which to purchase pasture or pay to access pasture, they could resort to unenviable and riskier options such as grazing in the OWC and the national reserve. As has occurred in other former group ranches around the Maasai Mara, such as in Maji Moto and Siana, poorer groups with less social capital could face further pressure through the grazing fines imposed on those found trespassing on the conservancy. And, with the conservancy rangers hailing from the community, it is more likely that the less powerful will be punished while the more powerful livestock owners find ways to avoid the penalties set out in the OWC by-laws. In the end, a cycle of oppression of the poorer groups could be created eventually pushing them even further away from climbing up the "development ladder". Bearing in mind these concerns, there is a risk of OWC consigning vulnerable groups in Olderkesi into deeper traps of poverty whilst upholding the mantra of improved local livelihoods as its underlying mission, which could amount to progressive dystopia in conservation.

The establishment of a wildlife conservancy, as clearly demonstrated in the case of the OWC, is a long, protracted and complicated process. From introducing the idea of a wildlife conservancy in Olderkesi and discussing it with the community leadership, to the

attempt to practise wildlife conservation through a CBO, followed by the eventual deliberation on establishing the OWC which entailed holding communal meetings to apprise the Olderkesi members of the conservancy initiative, the OWC has been in the making for around two decades. Notwithstanding the length of the project's development, many members of the Olderkesi community still do not have extensive knowledge about the conservancy, with those who are informed about the conservancy referring to it simply as a land area set aside to conserve wildlife, essentially leaving out the core institutional framework that dictates the form and shape of the OWC, and thus narrowing the focus of the conservancy to only wildlife. As such, the OWC has remained an esoteric subject deliberated on in detail chiefly by the investor and the conservancy leadership. This can be in part understood by what Li (2007) terms "rendering technical." Many discussions about the wildlife conservancy have entailed the development of a complex institutional framework described in documents that has had to involve experts for its realization. For instance, the land lease document is in English with complex legal details, yet a significant population of the older generation in Olderkesi has had little if any formal education or training in English. As the investor told me, the process of developing the land lease agreements was not only extensively time-consuming, but also financially exacting with the lawyer fees amounting to around KSh 800,000 (8,000 USD). This "rendering technical" of the OWC presents challenges for its operationalization since cooperation will be required not only from the conservancy leadership, but also from other members of the community who interact with the Olderkesi landscape in myriad ways such as grazing livestock, harvesting fruits and honey, procuring herbal medicine, collecting firewood, and conducting cultural rituals.

Echoing Homewood's (2009) observation that conservation has the potential to stifle other activities that stray beyond or outside the focus on wildlife, the ways in which wildlife conservancies crowd out other life and livelihood-improving pursuits need further examination. As the CEO of KWCA pointed out, the definition of a wildlife conservancy that has been postulated by the Kenyan government is limited as it prioritizes wildlife conservation above all, yet, from a community perspective, a wildlife conservancy is a platform on which to do much more than simply conserve wildlife. In our discussion about the OWC, the investor indicated that one of his tasks is to ensure that the community recognizes the potential of the OWC to transcend wildlife conservation and to serve as a platform for addressing numerous life challenges in Olderkesi. The perspective that wildlife conservancies focus solely on wildlife can be attributed to the spectacle nature of conservation which emphasizes certain species that capture the imagination of safari tourists (Igoe, 2010). As Mbaria and Ogada (2016) assert, the tragedy of conservation is that tourism has become the primary goal rather than the product of conservation.

As conservation becomes a profit-driven endeavour (Thompson & Homewood, 2002), and as the 'undeserved bounty of the gift' (Tsing, 2012) is given a monetary value, an exchange value, it becomes a commodity that is tradable in situ (Buscher and Fletcher, 2015). This quantification and subsequent monetary valuation of 'natural capital' is underpinned by linkage to economic development, such that conservation becomes the source of much needed financial capital not only to conserve nature, but also to address the economic needs of local communities living with wildlife and owning the land on which conservation is practised (Bedelian, 2014). As a result, integral actors such as local communities become not agents but rather subjects of conservation (Agrawal, 2005)

whose livelihoods can only be enhanced through conservation revenues. At the same time, conservation is narrowed down to wildlife rather than biodiversity conservation and, more broadly, bio-cultural productivity, thereby foreclosing avenues for holistic conservation that encompasses human and other than human life. It is therefore the challenge of wildlife conservancies to not only decentre tourism in conservation, but also to bring in local communities as key agents of conservation. This challenge, to meaningfully incorporate pastoral communities in wildlife conservation, is one that the OWC will have to address.

Conclusion

Possible Futures

In the foreword, Thomas Gibson describes Ferguson's book, *Give a Man a Fish*, as follows: "Just as previous studies by anthropologists of actually existing forms rather than of ideal models of capitalism and socialism provoked political economists to think about the role of markets and planning in a new way, Ferguson's study of the actually existing forms of mutuality that are emerging across the global South should provoke political activists to think about social justice in a new way" (Ferguson, 2015, p. ix).

"From the time of its birth, a key imperative for capitalism has been to drive people into labor, and any plans to directly distribute resources to those who lack them have been met by powerful worries about undermining what is politely called 'the incentive to work'" (Ferguson, 2015, p. xi).

The story of Olderkesi as a place experiencing tremendous transitions impelled largely by the on-going processes of land subdivision and the creation of a wildlife conservancy has occupied the majority of this dissertation. An in-depth coverage of Olderkesi through ethnographic research has underlined the significance of a place where culture sits (Escobar, 2001), providing a robust basis for examining sociocultural, economic, political, and environmental relations in Olderkesi, as well as expectations for the future at a time when community members are actively waiting for titled parcels and the establishment of a wildlife conservancy. While looking within Olderkesi has helped to locate endogenous factors in the on-going subdivision and conservation processes, it was by transcending Olderkesi that it was possible to contextualize the local in relation to the national, regional, and global scales. As Appadurai (1996, 2013) notes, the local and the global are in constant and increased interpenetration as an outcome of more extensive and intensive globalization flows, hence the need to underscore both endogenous and exogenous forces in the study of culture and place.

Having approached and treated Olderkesi as unique and contextually specific, the anthropological aim has been, however, to generate knowledge and meaning that are also of extra-local significance. By not confining research insights to Olderkesi but, instead, extrapolating them to the rest of the world, I have attempted to underscore the porosity of place and disrupt singular stories of an otherwise complex, interconnected, and diversely endowed world (Basurto & Ostrom, 2009; Tsing et al., 2019). As an indigenous frontier that has been marginalized both spatially and socio-economically, Olderkesi serves as the quintessential locale for investigating and understanding the nature of changing social and environmental relations in postcolonial Africa in the 21st century. I have attempted to accomplish this task by studying the history of Olderkesi, the long-term negotiations entailed in dismantling the commons, the eventual approach taken to subdivide Olderkesi land and establish a wildlife conservancy, and how the Olderkesi residents imagine the future in the face of these multiple shifts. In doing so, this dissertation demonstrates that what might otherwise appear as seclusion from the world in space and time, and as passively waiting for the future to unfold can, through ethnographic research, be instead understood as how communities build mechanisms for protecting local life from the precarity of exogenous and global neoliberal capitalist forces. This is precisely the story of Olderkesi as the community eventually chose to subdivide the pastoral commons to apportion individual households with parcels of land and title deeds whilst setting aside an area for the establishment of the Olderkesi Wildlife Conservancy. In sum, the Olderkesi story is about the complexities and contradictions of attempting to improve the quality of life of both humans and wildlife in an indigenous frontier where everyday life is increasingly having to contend with not only endogenous realities, but also exogenous dynamics largely shaped by capitalist market relations.

My research in Olderkesi reveals the strengths, limits, and uncertainties that prior planning for fieldwork while doing research at home often have to contend with and, in this regard, underlines the nature of ethnographic research as a truly field experience. Having initially set out to examine the impacts of subdivision and the creation of a wildlife conservancy on pastoral livelihoods in Olderkesi, I discovered that neither of the two processes had been completed. When I left Olderkesi in 2018, individual households still had not been allocated parcels and neither had title deeds been conferred nor the OWC been officially operationalized. What portended in my research to be a potentially drastic change, in the end turned out to be an opportunity to study closely processes that have received less attention in past research focusing on the subdivision of the Maasai commons and wildlife conservancies in Kenya. While many past studies had addressed how pastoral livelihoods were impacted by shifts from the commons to private individual parcels, and the contributions of wildlife conservancies, or lack thereof, little attention had been given to the long and complex processes that preceded these monumental changes. Yet, it was during these protracted negotiations that key decisions were made that defined how resource allocation would occur, which in turn greatly determined the futures of the members of a given group ranch. The discussion of the politics and processes of subdivision and establishing a wildlife conservancy constitutes a significant contribution of this dissertation to scholarly knowledge about land governance and conservation as not simply ends but, rather, lengthy pursuits that considerably impact the organization and future of communities.

Focussing on the impacts of processes, such as those of the transition of tenure and its impacts on local livelihoods, arguably illustrates the drawbacks of undue preoccupation with results and outcomes, and ends rather than the means, a tendency

often exhibited in the development world where interventions are assessed based on timelines and targets attained. For example, a key component of development projects that are funded by donors is usually an impact assessment to examine their effectiveness as a way of demonstrating the value of the funding provided (Escobar, 1997). This approach to development projects, where an intervention has clearly defined goals and a timeline depicting the different stages of the project and the duration for each stage envisioned, is underpinned by a view of life as constitutive of known conditions which can be altered to improve the wellbeing of a people. Land subdivision appears to follow a similar assumption that there are clearly defined reasons underpinning subdivision and there are imagined futures that landowners anticipate will emerge following the dismantling of the commons and the conferral of title deeds. With such a teleological view attached to land subdivision, the question would become what an anthropological investigation of subdivision should include in order to illuminate aspects that hitherto have been seldom examined.

A methodological response in this study has been unsettling what appeared to be concrete ideas that defined and organized the past, present, and future in a linear manner. Thus linearly organized subdivision and conservation processes appeared to be nothing more than vehicles for delivering to the Maasai the dream of living within enclosures. Disturbing these ideas, then, entailed enacting a pause on a journey imagined not to have stops or meanderings. It was to disturb and destabilize an ostensibly known destination by looking at the here and now, the waiting, and the mundane occurrences that might appear not to have direct bearing on subdivision and conservation processes. It was also to listen to the voices, such as those of women, that were often muted in public and, therefore, absent in key meetings and around decision-making tables. Further unsettling

focussed on widely accepted categories of meaning such as land. Contextualizing the meaning of land in a pastoral setting where land embodies the history of a people, including past and continuing struggles, and their resilience and triumphs, the view of land as not just a resource but as place imbued with meaning, translated into an understanding of land subdivision as a process that transcended the physical aspects of demarcation, allocation of parcels to individuals, and conferral of individual title deeds. It meant engaging with the politics of belonging and how decisions were made about who would and would not be allocated land. It also meant drawing from history that was not recorded in books or other modern media of storing information, and instead tapping into the shared history that lives among the people through their memories, experiences, and storytelling.

A further methodological consideration that I underline in this study is the position of the researcher as an insider-outsider. Being Kenyan, I represented an insider entering Olderkesi as a territory within the Kenyan state, but I remained an outsider by hailing from a different part of the country. My entry into Olderkesi therefore entailed passing through different levels of local authority and creating a good rapport with the community. It also meant having to depend on others, and especially my research assistant, to translate what was said in the Maa language. While being Kenyan opened various doors such as the ease of engaging in conversations in Kiswahili and Sheng, it also meant having to negotiate other entries that were exclusive to the Olderkesi community, such as cultural ceremonies and events. Other times it meant being an observer who was also being observed by my interlocutors. Overall, doing research at home entailed developing a critique of notions of nationhood as both an imagined community (Anderson, 2016) and its limits, affordances, and demerits, especially when the research

area concerned is a frontier that is necessarily characterised by crafty and fugitive ways of escaping legibility by the state, as discussed by Scott (1985), but rather is an area historically marginalized on numerous socioeconomic and political fronts and currently in the quest for recognition by the nation-state.

In practice, the work of unsettling ideas and concepts illuminated the criteria used to define bona fide members of Olderkesi and the plurality of ways in which people could become members of the Olderkesi community, such as through assimilation by the community or naturalization of foreigners as Kenyan citizens, a belonging that in turn was rewarded with land allocation. Community thus became a collective with porous boundaries whose porosity allowed the permeation of the collective by different groups. Further, demarcating Olderkesi land entailed recognizing the limits of individualized tenure so that key resources unevenly distributed on the Olderkesi terrain remained accessible to the Olderkesi public even after individuals were allocated parcels. These interventions that refuse utter individualization of resources manifest both that the spirit of collective action is alive in Olderkesi as is the indigenization of foreign concepts such as 'private' or 'individual tenure'. These dynamics underline the significance of what Galaty (2016) terms the dynamic theory of property, which recognizes the flexibility with which property claims can shift depending on the changing conditions of transaction and exclusion costs, especially in pastoral settings, such that a given tenure form does not fully dictate social relations but rather the obverse. This form of cultural solidarity enacted through collective action and indigenization of foreign epistemologies demonstrates the significance of what Robinson (2000) calls the Black radical tradition which, when confronted by exogenous forces that could jeopardize life, becomes a source of important cultural mechanisms of thwarting such threats.

In addition, my study of subdivision in Olderkesi meant gaining comprehension of the varied ways in which the Olderkesi people relate to the land since, as Li (2014b) and Damodaran (2002) note, land means different things to different people. What were considered valuable resources and spaces by, for example, conservation investors, had a cultural bearing on the Olderkesi community that often differed and transcended the conservationists' lenses. Interactions with the different groups that comprise the Olderkesi community, including children, youth, and women, further revealed how the topics of subdivision and conservation were understood differently and, in the process, exposed the contours of power and differential access to information within Olderkesi. For instance, while most men had information about land subdivision and conservation, women had extremely limited information. But, even among men there existed not a single narrative but rather multiple narratives about subdivision and conservation. These variegated understandings of seemingly public topics of subdivision and conservation meant that while subdivision is often presented as a communal undertaking in the Maasai rangelands, it often means different things to different members of the community. This finding has implications for what is deemed consensus to subdivide land, to establish a wildlife conservancy, or undertake a community-based project. Such consensus is usually sutured by a complex of reasons, motivations, and expectations that are contained within 'communities of promise' (Brown, 2003). This study has demonstrated how such complexity can be studied not only through anthropological observation of on-going projects, but also through an ethnography of expectations about the future.

Land subdivision in Olderkesi is woven within the far-reaching wave of subdivision of the Maasai rangelands of southern Kenya, which began in the areas near urban settings and continually spread to areas further away (Galaty, 2013a). The push to dismantle the

former group ranches was largely attributed to poor management, incorporation of non-members onto the land registry, growing insecurity over land following excisions of ranch land and diminishing land over time with growth in population, and the desire among members for autonomous decision-making over land use (Galaty, 1994; Mwangi, 2005, 2007a; Riamit, 2014). In the post-independence period, the Kenyan postcolonial state, with the support of international organizations such as the World Bank, pushed for the privatization of tenure in pastoral areas (Mwangi, 2007b). However, a look into the ‘footprints of history’ reveals that the roots of private property date back to the colonial period when, as the British colonial government sought to maximise economic exploitation of the Kenyan colony, it was felt that native forms of tenure hindered the operationalization of a capitalist economy organized around the exploitation of native labour and resources. Therefore, private property favouring land acquisition by White settlers was established to foster a capitalist mode of production in the colony (Kiamba, 1989; Mwangi, 2006). As I have discussed in chapter 1, these colonial acquisitions of native land and labour by White settlers constituted a form of primitive accumulation that was socially necessary for the establishment of a capitalist mode of production (Glassman, 2006; Kiamba, 1989).

Private property is key to the expansion of capitalist relations (Kiamba, 1989; Mansfield, 2009), and Manji (2006) observes that in recent decades there has been a strong push towards privatization to impel the development of a neoliberal land market in sub-Saharan Africa. In recent years, this push has manifested in the form of global land acquisitions that have often been accompanied by undermining of local modes of landownership, use, and access, to render land available for investment (Cotula, 2013; Galaty, 2013a; Manji, 2006). Within the rangelands and other areas earmarked for

biodiversity conservation, land grabbing has taken a more insidious and coercive form such as landowners being forced to lease their land to wildlife conservancies after their plots become inscribed within areas earmarked for conservation (Butt, 2016). These latter-day acquisitions of land and resources for capitalistic ends amount to what Harvey (2003) has termed 'accumulation by dispossession', and Fairhead et al. (2012) have referred to as 'green grabbing' in cases where land dispossession has putatively occurred for conservation purposes. In light of these land-centric dynamics, it is noteworthy how Olderkesi continued to function as pastoral commons for so long, even as many other Maasai commons were dismantled. While this occurrence underlines the resilience of the Olderkesi commons, it also underscores the need to maintain contiguity of the commons across the Maasai rangelands, as opposed to establishing a single GR or trust land. In the case of Olderkesi, among the critical sources of pressure to subdivide was the limitation on pasture access as neighbouring subdivided areas became inaccessible to the Olderkesi residents. At the same time, the Olderkesi commons has continued to function as a source of pasture for many other groups from outside Olderkesi at a time when the frequency of droughts has increased and pasture diminished, significantly limiting alternative sources of pasture and water outside Olderkesi. Without any regulations in place to control access to pasture and water in Olderkesi in a way that ensured that the pastoral needs of the Olderkesi residents were met, individual parcels became an ever more appealing option. For others, having seen subdivision occur in many other areas, it seemed that it was only a matter of time before Olderkesi would undergo subdivision as well. These internal and external forces converged to impel subdivision in Olderkesi.

The history of Olderkesi, in the context of British colonial rule and displacement of native communities in Kenya, has been one of place-making and making claims over

land. Following their forceful eviction from northern Kenya, the majority of the Maasai remained in or moved to the south of the country, in the area designated as the 'Masai Reserve' (Hughes, 2006). In the case of Olderkesi, settling in and retaining claims over land meant fighting off other Maasai and non-Maasai groups that sought to reassert their own claims over the land. Olderkesi can thus be understood as a place that, historically, has been in continued negotiations over land, where on-going land subdivision process constitutes a continuation of place-making and cementing of claims over Olderkesi land. Further, place-making in Olderkesi demonstrates that indigeneity in postcolonial Africa is engraved not simply by being first on the land, but rather through ways of relating with the landscape and the nation-state, in ways that echo the "constructivist" and "structural" ways of becoming underlined by Hodgson (2011).

What is unique about the current processes of subdivision and conservation, however, is their dismantling of a way of life that has for long defined and supported Maasai pastoral livelihood in the rangelands. It is a shift that poses the question of whether the Maasai will continue being the people of cattle (Galaty, 1982). A shift from the commons to individual enclosures means that individuals theoretically will have limited but defined areas of access, a transition to a system of autonomous control over land ownership and use, and arguably security of tenure, whilst curtailing overall mobility. Given that the Maasai pastoral livelihoods have historically depended on mobility to access pasture and water throughout the year (Archambault et al., 2014; Galaty, 1982, 1994), it remains a huge conundrum of how Maasai livelihoods will adapt to life within enclosures and, indeed, whither pastoralism more generally. Further, considering the smaller parcels that Olderkesi households will be allocated relative to many other former GRs in around the Mara, it raises the question whether the lofty

expectations of progress from this tenurial change are underpinned by the logic of progressive dystopia (Shange, 2019).

While the decision to subdivide the Maasai commons often has to garner a majority support from the members of a given community, studying the processes of negotiating land subdivision and the creation of a wildlife conservancy in Olderkesi revealed the complexity and lengthy nature of such processes. Discussions about subdividing the Olderkesi commons began in the late 1990s, and it was not until 2010 that the Olderkesi community agreed to proceed with subdivision. As a discourse, subdivision evolved over time as new challenges such as limited access to pasture in neighbouring areas and the increased frequency of droughts made it more difficult for most to keep big herds of livestock. The shift from a pastoral emphasis on cattle to sheep has been one of the coping strategies adopted by the Maasai of Olderkesi in recent years, commonly used in the event of droughts and limited access to pasture and water. At the same time, many household needs now have to be met through the market while communal activities and events have been on the wane in part due to fewer livestock held by community members. The convergence of these forces has pressured individuals to search for autonomous ways of generating household revenue, and individual tenure has emerged as a prudent option. These occurrences mirror what Li (2014a) describes as the piecemeal changes occasioned by the gradual and almost impalpable expansion of capitalist relations in a frontier, such that it is not possible to identify the exact moment when capitalist relations began.

Establishing the OWC, like subdivision, revealed the demanding nature of this process given the vast resources and the lengthy time it takes to put in place a wildlife conservancy in Kenya. While private and group conservancies have been established in areas where subdivision occurred prior to the establishment of a conservancy, the

Olderkesi area has sought to establish a community conservancy whilst subdividing land, an approach that ensures every landowner in Olderkesi will have an ownership share and can therefore claim benefits from the conservancy. Although the primary agreement in place is to lease land to an investor for establishing a conservancy and for the Olderkesi landowners to receive lease payments, the community expects more than just lease fees from the OWC: employment opportunities, dry season grazing arrangements, and increased tourism activity that will provide new markets for the community are also envisioned. As such, there have been significant promises from the OWC, which have created optimism and broadening support from the Olderkesi community. And, while expectations and optimism are critical for their performative and generative work in garnering support and providing a robust basis for implementing conservation projects in the beginning (Borup et al., 2006; Brown, 2003; Konrad, 2006; Massarella et al., 2018), it will be the realization of these promises that will ensure continued support for the conservancy in the years to come as failure to do so could render the OWC a ‘conservation fad’ (Redford et al., 2013). One of the concerns to be addressed is the apprehension among the community members that the benefits arising from the OWC could be captured by the local leadership rather than shared more widely. To arrest such doubts, one of the interventions that the investor aims to foster is financial transparency of the OWC for all the stakeholders.

The creation of the OWC is not an isolated occurrence but, rather, is part of the larger rise of wildlife conservancies in Kenya that is impelled by the recognition that most of Kenya’s wildlife is found outside of the state protected areas and that, therefore, it is imperative to devolve wildlife conservation to local communities in areas with abundant wildlife. Depending on the mode of land tenure in place, the conservancies have been

categorised as private, group, or community conservancies. The OWC is being established on land that is collectively owned by the members of Olderkesi, thus rendering it a community conservancy. The inclusive nature of a community conservancy is anticipated to benefit all the community members as opposed to benefits accruing only to a few individuals as has occurred in other areas around the Mara (Bedelian, 2014). The manner in which conservation revenues are anticipated to flow to Olderkesi challenges Locke's labour theory of property and Marxist labour-centred understanding of capitalism in that, rather than expending human labour on the land, the Olderkesi members are required to vacate the conservancy area in order to create an imagined African wilderness. While this dynamic of revenue generation renders conservation a fascinating field of study from a neoliberal capitalist perspective as I have discussed in chapter 5, it also underscores Ferguson's (2015) call to challenge capitalism's primary imperative of waged labour and, instead, to reflect on other ways of distributing revenues and resources.

At the same time, there is a growing concern around the Maasai Mara about the hefty fines that have been imposed on those who have committed infractions such as accessing the conservancy areas in contravention of the established access rules. These access infractions, and the consequent fines, increase significantly during the dry seasons when there is limited pasture and water in the rangelands. To the point that these fines exceed the lease payments that landowners would normally get from leasing land to the conservancies, it has been questioned whether the current costs of violating conservancy access rules are excessive. Further, the emphasis on separating pastoralists and wildlife is akin to the tenets of fortress conservation, a model which has been criticised for its failure to effectively secure biodiversity conservation and local livelihoods (Brockington, 2002; Lunstrum, 2018). These dynamics of curtailing human-wildlife co-existence

arguably not only fail to harness pastoral knowledge gained over the centuries from co-existing with wildlife in the rangelands, but also stifle symbiotic relationships built on bio-cultural relationality that improves the quality of life for the Maasai, wildlife, and nature in general (Hodgson, 2011; Homewood et al., 2012). It is in light of these current and future challenges that it has to be questioned whether indeed wildlife conservation in its current arrangement in Olderkesi and the Maasai Mara amounts to progressive dystopia (Shange, 2019), as discussed in chapter 1, whereby promissory futures become co-opted by other entities such that would-be beneficiaries in fact end up being dispossessed.

Discussions and negotiations over land subdivision and the establishment of a wildlife conservancy in Olderkesi were primarily conducted through community meetings that ensured participation of community members. This approach provided a platform for different voices in the community to be heard, including those who were not in support of subdivision or the wildlife conservancy. While participative processes ensure inclusivity, they also take much longer, as evidenced by the lengthy time it has taken the Olderkesi community to subdivide land and establish a wildlife conservancy. The communal meetings in Olderkesi, however, were also characterised by what Agarwal (2001) terms participatory exclusions in that women's participation was not allowed. The exception to this rule in Olderkesi were widows, who were in theory allowed to attend the meetings. Even then, widows did not actually attend or contribute to these community meetings, revealing how rules and norms in theory differ from practice. Active participation of women has, however, been attained within the OWC governance where women are part of the conservancy leadership committee. This participatory inclusion of women was undergirded by the requirement by the MMWCA that wildlife conservancies incorporate women in leadership positions. The intervention by the MMWCA in

Olderkesi reveals how interaction with entities outside Olderkesi impels social change internally, and thus how social change can be driven exogenously. At the same time, it shows that while wildlife conservancies have been popularized as local, bottom-up entities, they have been designed based on ideas originating in other than local settings. The meetings that were held about the OWC, however, remained dominated by men even with women leaders in attendance. With resource governance in Olderkesi largely characterized by gendered exclusions, it is highly likely that these exclusions will be experienced in the realms of employment and other opportunities arising from the conservancy.

There is, however, optimism in Olderkesi that life within their individualized enclosures will bring forth many opportunities for thriving within a capitalist market economy. A key strategy for many residents will be continuing with livestock keeping but substituting the current breeds of cattle for dairy ones, while reducing the number of herds to adapt to curtailed mobility and access to pasture on the Olderkesi landscape. Although these future proclamations have been emphatically articulated, the challenges that come with transitioning to enclosures, such as identified in “Land’s End” by Tania Li (2014a), whereby the expansion of capitalist relations in frontiers often benefits the few with access to capital at the expense of the many, and competition determines who wins or loses, have not been critically and widely discussed within Olderkesi. The glaring absence of reflections on the underside of progress and development in a place like Olderkesi, where access to markets is limited by the dearth of reliable infrastructure, with only two market days a week, in addition to the arid and semi-arid nature of the area, highlights the power of expectations and, as Igoe and Brockington (2007) caution, the nature of neoliberal capitalism to promise everyone that they will benefit from the

largesse of an ever-growing pie. However, the reality turns out to be less rosy once the 'discursive blur' (Büscher & Dressler, 2007) is unmasked. For Olderkesi residents, it will be informative to see whether the current shifts occasioned by subdivision and the conservancy will provide a platform for attaining the promises of progress built on a revamped livestock and pasture production system, or whether they will amount to 'neoliberal fads' (Redford et al., 2013) that are promising in theory but often fail in practice.

The on-going changes in land and conservation governance in Olderkesi have been widely perceived as integral to enhancing the quality of life in the area. It is anticipated that these changes will chiefly emerge from the expansion of, and orientation of life towards, a neoliberal capitalist market based on competition and production of commodities in the form of livestock and pasture. However, these futuristic maps appear to poorly accommodate potential challenges that could arise from a life based on competition with not only people from Olderkesi, but also those from further away. In part, the setting aside of land for public utilities and establishing a community conservancy are key interventions that are being put in place to address potential threats that could arise from the individualization of life responsibilities and expansion of capitalist relations in a frontier. Further challenges, such as the fragmentation of the landscape and the stifling of livestock mobility, have remained unaddressed despite the increasing frequency of droughts over the past years that have had far-reaching life impacts in Olderkesi. As Igoe and Brockington (2007) caution about the rosy promises of neoliberalisation, it appears that the neoliberal dream has gained much traction from the promise of individual progress to be attained through autonomous enterprise, but it remains to be seen how the imagined neoliberal futurities will transpire in the face of

individualized tenure and a wildlife conservancy. Following Ferguson (2006), it has yet to be seen whether resource governance changes will attract capital to Olderkesi, or if Olderkesi will arrive at a 'land's end' where a few people benefit while foreclosing possibilities for a large-scale expansion in a frontier (Li, 2014a).

While a dualistic telos could inform eventualities at the extreme ends of a broad spectrum of possibilities, what eventually transpires in Olderkesi could fall outside the realities observed elsewhere in line with what Mbembe (2001) terms as the potentially new futurity realized from a unique postcolonial African experience. Operating in the background of local and global forces, in particular, under private indirect governance exercised by NGOs in areas with less state presence (Ferguson, 2006) such as Olderkesi, this outcome may ultimately be one that reflects the resilience of the African people (Mbembe, 2017) by tapping into the Indigenous African experience as underscored by Cedric Robinson (2000). Olderkesi stands to generate lessons that have the potential to reverberate far and wide in SSA for indigenous frontiers that are, on the one hand, socio-economically marginalized and, on the other hand, rich in biodiversity. Until now, Olderkesi has taught us to appreciate the lengthy and complex processes of community-based projects focused on improving the quality of life for humans and wildlife. In line with Thomas Gibson's commentary on Ferguson's (2015) work highlighted in the beginning of this chapter, this study implores us to appreciate protracted processes informed by African democratic traditions in the quest for social justice, and how to actively wait for uncertain futurities in a postcolonial frontier interwoven with yarns of colonial history and a neoliberal present.

REFERENCES

- Agarwal, B. (2001). Participatory Exclusions, Community Forestry, and Gender: An Analysis for South Asia and a Conceptual Framework. *World Development*, 29(10), 1623-1648.
- Agrawal, A. (2005). *Environmentality: technologies of government and the making of subjects*. Duke University Press Durham, NC.
- Agrawal, A., & Gibson, C. C. (1999). Enchantment and disenchantment: the role of community in natural resource conservation. *World Development*, 27(4), 629-649.
- Al-Bulushi, Y. (2020, 2020/01/31/). Thinking racial capitalism and black radicalism from Africa: An intellectual geography of Cedric Robinson's world-system. *Geoforum*. <https://doi.org/https://doi.org/10.1016/j.geoforum.2020.01.018>
- Alchian, A. A., & Demsetz, H. (1973). The property right paradigm. *The journal of economic history*, 16-27.
- Alden Wily, L. (2012). Looking back to see forward: the legal niceties of land theft in land rushes. *The Journal of Peasant Studies*, 39(3-4), 751-775.
- Anderson, B. R. O. G. (2016). *Imagined communities : reflections on the origin and spread of nationalism* (Revised edition. ed.). Verso.
- Appadurai, A. (1996). *Modernity at large : cultural dimensions of globalization*. University of Minnesota Press. <http://hdl.handle.net/2027/heb.06472>
- Appadurai, A. (2004). The Capacity to Aspire: Culture and the Terms of Recognition In V. Rao & M. Walton (Eds.), *Culture and public action*. Stanford University Press.
- Appadurai, A. (2013). *The future as cultural fact : essays on the global condition*. New York. <http://catdir.loc.gov/catdir/enhancements/fy1312/2012289834-b.html>
- Appiah, A. (2018). *The lies that bind : rethinking identity, creed, country, color, class, culture* (First edition. ed.). Liveright Publishing Corporation, a division of W.W. Norton & Company.
- Archambault, C., Matter, S., Riमित, S. K., & Galaty, J. (2014). Maasai livelihood pathways in Kenya: Macro-level factors in diversifying diversification. In D. Sick (Ed.), *Rural Livelihoods, Regional Economies and Processes of Change* (pp. 58-84). Routledge.
- Armitage, D. (2005, Jun). Adaptive capacity and community-based natural resource management. *Environ Manage*, 35(6), 703-715. <https://doi.org/10.1007/s00267-004-0076-z>

- Bartzke, G. S., Ogutu, J. O., Mukhopadhyay, S., Mtui, D., Dublin, H. T., & Piepho, H.-P. (2018). Rainfall trends and variation in the Maasai Mara ecosystem and their implications for animal population and biodiversity dynamics. *PLoS One*, 13(9), e0202814-e0202814. <https://doi.org/10.1371/journal.pone.0202814>
- Basurto, X., & Ostrom, E. (2009). The core challenges of moving beyond Garrett Hardin. *Journal of Natural Resources Policy Research*, 1(3), 255-259.
- Bauman, Z. (2004). *Wasted lives : modernity and its outcasts*. Polity. <http://lib.leeds.ac.uk/record=b2373728>
- Bedelian, C. (2012). Conservation and ecotourism on privatised land in the Mara, Kenya: The case of conservancy land leases.
- Bedelian, C. (2014). *Conservation, tourism and pastoral livelihoods: wildlife conservancies in the Maasai Mara, Kenya* [University College London].
- Bedelian, C., & Ogutu, J. O. (2017). Trade-offs for climate-resilient pastoral livelihoods in wildlife conservancies in the Mara ecosystem, Kenya. *Pastoralism*, 7(1), 1-22.
- Berkes, F. (2007). Community-based conservation in a globalized world. *PNAS*, 104(39), 15188-15193. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2000555/pdf/zpq15188.pdf>
- Bersaglio, B., & Cleaver, F. (2018). Green Grab by Bricolage - The Institutional Workings of Community Conservancies in Kenya. *Conservation and Society*, 16(4), 467-480.
- Blomley, N. (2007). Making Private Property: Enclosure, Common Right and the Work of Hedges. *Rural History*, 18(1), 1-21.
- Borras Jr, S. M., & Franco, J. C. (2012). Global land grabbing and trajectories of agrarian change: A preliminary analysis. *Journal of agrarian change*, 12(1), 34-59.
- Borup, M., Brown, N., Konrad, K., & Van Lente, H. (2006, 2006/07/01). The sociology of expectations in science and technology. *Technology Analysis & Strategic Management*, 18(3-4), 285-298. <https://doi.org/10.1080/09537320600777002>
- Brandon, K., Redford, K. H., Sanderson, S. E., & Nature, C. (1998). *Parks in peril : people, politics, and protected areas*. Island Press. <http://catdir.loc.gov/catdir/enhancements/fy0666/98023680-d.html>
- Brockington, D. (2002). *Fortress conservation: the preservation of the Mkomazi Game Reserve, Tanzania*. Indiana University Press.

- Brockington, D., & Scholfield, K. (2010). The Conservationist Mode of Production and Conservation NGOs in sub-Saharan Africa. *Antipode*, 42(3), 551-575.
<https://doi.org/10.1111/j.1467-8330.2010.00763.x>
- Brown, N. (2003). Hope against hype-accountability in biopasts, presents and futures. *Science & Technology Studies*, 16(2), 3-21.
- Burugu, J. N. (2010). *The County: Understanding Devolution and Governance in Kenya*. CLEAD International
- Büscher, B. (2013). Nature on the Move: The Value and Circulation of Liquid Nature and the Emergence of Fictitious Conservation. *New Proposals: Journal of Marxism and Interdisciplinary Inquiry*, 6(1-2), 20-36.
- Büscher, B., & Dressler, W. (2007). Linking Neoprotectionism and Environmental Governance: On the Rapidly Increasing Tensions between Actors in the Environment-Development Nexus. *Conservation and Society*, 5(4), 586-611.
- Büscher, B., & Fletcher, R. (2015). Accumulation by Conservation. *New Political Economy*, 20(2), 273-298. <https://doi.org/10.1080/13563467.2014.923824>
- Büscher, B., & Fletcher, R. (2020). *The conservation revolution: radical ideas for saving nature beyond the Anthropocene*. Verso Trade.
- Butt, B. (2016). Conservation, Neoliberalism, and Human Rights in Kenya's Arid Lands. *Humanity: An International Journal of Human Rights, Humanitarianism, and Development*, 7(1), 91-110.
- Castells, M. (2000). *End of millennium* (2nd ed. ed.). Blackwell Publishers.
<http://catdir.loc.gov/catdir/toc/fy035/00037873.html>
- Castree, N. (2011). Neoliberalism and the biophysical environment 3: putting theory into practice. *Geography Compass*, 5(1), 35-49.
- Cavanagh, C. J., Weldemichel, T., & Benjaminsen, T. A. (2020). Gentrifying the African Landscape: The Performance and Powers of for-Profit Conservation on Southern Kenya's Conservancy Frontier. *Annals of the American Association of Geographers*, 110(5), 1594-1612.
- Chambers, R. (1983). *Rural Development : Putting the Last First*. Longman.
- Chapin, M. (2004). A Challenge to Conservationists.
- Ciparisse, G. r. (2003). *Multilingual thesaurus on land tenure* (English version. ed.). Food and Agriculture Organization of the United Nations.
<http://www.fao.org/docrep/005/X2038E/X2038E00.HTM>

- Clifford, J., & Marcus, G. E. (1986). *Writing culture: the poetics and politics of ethnography: a School of American Research advanced seminar*. Univ of California Press.
- Cotula, L. (2013). *The great African land grab? : agricultural investments and the global food system*. Zed Books. <http://site.ebrary.com/id/10732073>
- Courtney, C. H. A. (2016). *Sustainable Africapitalism?: Grassroots perceptions of Maasai Mara conservancies and their relationship with development* [Doctoral Dissertation, University of Edinburgh].
- Cumming, G. S., Allen, C. R., Ban, N. C., Biggs, D., Biggs, H. C., Cumming, D. H. M., De Vos, A., Epstein, G., Etienne, M., Maciejewski, K., Mathevet, R. I., Moore, C., Nenadovic, M., & Schoon, M. (2015). Understanding protected area resilience: a multi-scale, social-ecological approach. *Ecological Applications*, 25(2), 299-319.
- Cutler, A. C. (2002). Historical materialism, globalization, and law. Competing conceptions of property. . In M. Rupert & H. Smith (Eds.), *Historical Materialism and Globalisation: Essays on Continuity and Change*. Routledge.
- Damania, R., Desbureaux, S., Scandizzo, P. L., Mikou, M., Gohil, D., & Said, M. (2019). *When Good Conservation Becomes Good Economics: Kenya's Vanishing Herds*.
- Damodaran, V. (2002). History, landscape, and indigeneity in Chotanagpur, 1850a–1980. *South Asia: Journal of South Asian Studies*, 25(2), 77-110. <https://doi.org/10.1080/00856400208723476>
- Davis, R. (1970). Some issues in the evolution, organization and operation of group ranches in Kenya.
- De Schutter, O. (2011). How not to think of land-grabbing: three critiques of large-scale investments in farmland. *The Journal of Peasant Studies*, 38(2), 249-279.
- De Soto, H. (2000). *The mystery of capital: Why capitalism triumphs in the West and fails everywhere else*. Basic books.
- Death, C. (2016). Green states in Africa: beyond the usual suspects. *Environmental Politics*, 25(1), 116-135.
- Deeb, H. N., & Marcus, G. E. (2011). In the green room: An experiment in ethnographic method at the WTO. *PoLAR: Political and Legal Anthropology Review*, 34(1), 51-76.
- Doherty, D. A. (1987). *Maasai pastoral potential : a study of ranching and Narok District, Kenya* [McGill University Libraries]. [Montreal].

- Dressler, W. (2017). Contesting Moral Capital in the Economy of Expectations of an Extractive Frontier. *Annals of the American Association of Geographers*, 107(3), 647-665. <https://doi.org/10.1080/24694452.2016.1261684>
- Dressler, W., BÜscher, B., Schoon, M., Brockington, D. A. N., Hayes, T., Kull, C. A., McCarthy, J., & Shrestha, K. (2010). From hope to crisis and back again? A critical history of the global CBNRM narrative. *Environmental Conservation*, 37(01), 5-15. <https://doi.org/10.1017/s0376892910000044>
- Elkins, C. (2005). *Imperial reckoning : the untold story of Britain's Gulag in Kenya* (1st ed. ed.). Henry Holt and Co. <http://catdir.loc.gov/catdir/samples/ho1051/2004053961.html>
- Ensminger, J. (2017). Corruption in community-driven development. A Kenyan case study with insights from Indonesia. *U4 Issue*.
- Escobar, A. (1997). Anthropology and development. *International Social Science Journal*, 49(154), 497-515. <https://doi.org/10.1111/j.1468-2451.1997.tb00040.x>
- Escobar, A. (2001). Culture sits in places: reflections on globalism and subaltern strategies of localization. *Political Geography*, 20(2), 139-174. [https://doi.org/10.1016/S0962-6298\(00\)00064-0](https://doi.org/10.1016/S0962-6298(00)00064-0)
- Fairhead, J., Leach, M., & Scoones, I. (2012). Green Grabbing: a new appropriation of nature? *Journal of Peasant Studies*, 39(2), 237-261. <https://doi.org/10.1080/03066150.2012.671770>
- Fanon, F. (1963). *The Wretched of the earth*. Grove Press.
- Ferguson, J. (1990). *The anti-politics machine: 'development', depoliticization and bureaucratic power in Lesotho*. CUP Archive.
- Ferguson, J. (2006). *Global shadows: Africa in the neoliberal world order*. Duke University Press.
- Ferguson, J. (2015). *Give a man a fish: Reflections on the new politics of distribution*. Duke University Press.
- Fletcher, R. (2010). Neoliberal environmentalism: towards a poststructuralist political ecology of the conservation debate. *Conservation and Society*, 8(3), 171.
- Fletcher, R. (2012). Using the Master's Tools? Neoliberal Conservation and the Evasion of Inequality. *DECH Development and Change*, 43(1), 295-317.
- Fletcher, R. (2014). *Romancing the Wild : Cultural dimensions of ecotourism*. Duke University Press.

- Fletcher, R. (2020). Neoliberal Conservation.
<https://oxfordre.com/anthropology/view/10.1093/acrefore/9780190854584.001.0001/acrefore-9780190854584-e-300>
- Fletcher, R., & Büscher, B. (2020). Conservation basic income: A non-market mechanism to support convivial conservation. *Biological Conservation*, 244.
<https://doi.org/https://doi.org/10.1016/j.biocon.2020.108520>
- Fletcher, R., Dressler, W., Büscher, B., & Anderson, Z. R. (2016). Questioning REDD+ and the future of market-based conservation. *Conservation Biology*, 30(3), 673-675.
- Foucault, M. (1978). *The history of sexuality* (First American edition. ed.). Pantheon Books.
- Foucault, M. (1983). The subject and power. In H. L. Dreyfus & P. Rabinow (Eds.), *Michel Foucault: Beyond Structuralism and Hermeneutics* (pp. 208-226). University of Chicago Press.
- Foucault, M. (1995). Discipline and Punish: the Birth of the Prison. 1975. *Trans. Alan Sheridan. New York: Vintage*, 1, 977.
- Fratkin, E. (1997). Pastoralism: governance and development issues. *Annual Review of Anthropology*, 26(1), 235-261.
- Friedmann, J. (1992). *Empowerment: the politics of alternative development*. Blackwell.
- Galaty, J. (2020). Frontier Energetics: The Value of Pastoralist Border Crossings in Eastern Africa. In J. Levin (Ed.), *Nomad-state relationships in international relations : before and after borders*. Palgrave Macmillan.
<http://public.eblib.com/choice/PublicFullRecord.aspx?p=6162721>
- Galaty, J. G. (1980). The Maasai Group Ranch: Politics and Development in an African Pastoral Society. In P. Salzan (Ed.), *When Nomads Settle* (pp. 157-172). Praeger.
- Galaty, J. G. (1982). Being "Maasai"; Being "People-of-Cattle": Ethnic Shifters in East Africa. *American Ethnologist*, 9(1), 1-20. <http://www.jstor.org/stable/644309>
- Galaty, J. G. (1992). "The land is yours": social and economic factors in the privatization, sub-division and sale of Maasai ranches. *Nomadic Peoples*, 26-40.
- Galaty, J. G. (1994). Ha (1) ving land in common: The subdivision of Maasai group ranches in Kenya. *Nomadic Peoples*, 109-122.
- Galaty, J. G. (1997). Grounds for Appeal: Maasai Customary Claims and Conflicts. *Anthropologica*, 39(1-2), 113-118.

- Galaty, J. G. (1999). Grounding Pastoralists: Law, Politics, and Dispossession in East Africa. *Nomadic Peoples*, 3(2), 56-73.
- Galaty, J. G. (2013a). The Collapsing Platform for Pastoralism: Land Sales and Land Loss in Kajiado County, Kenya. *Nomadic Peoples*, 17(2), 20-39.
- Galaty, J. G. (2013b). Land Grabbing in the Eastern African Rangelands. In A. Catley, J. Lind, & I. Scoones (Eds.), *Development at the Margins: Pathways of Change in the Horn of Africa* (pp. 143-153). Earthscan, at Routledge.
- Galaty, J. G. (2016). Reasserting the commons: Pastoral Contestations of Private and State Lands in East Africa. *International Journal of the Commons*, 10(2), 709-727.
<https://doi.org/10.18352/ijc.720>
- Galvin, K. A., Beeton, T. A., & Luizza, M. W. (2019). African community-based conservation: a systematic review of social and ecological outcomes. *Ecology and Society*, 3, 39.
- Galvin, K. A., Hobbs, N. T., Jr, R. H. B., & Reid, R. S. (2008). *Fragmentation in Semi-Arid and Arid Landscapes : Consequences for Human and Natural Systems*. Springer.
<http://public.eblib.com/choice/publicfullrecord.aspx?p=337891>
- García, A. K. (2015). *Contesting control: Land and forest in the struggle for Loita Maasai self-government in Kenya*. Wageningen University.
- Geertz, C. (1988). *Works and lives: The anthropologist as author*. Stanford University Press.
- German, L., Schoneveld, G., & Mwangi, E. (2013). Contemporary processes of large-scale land acquisition in Sub-Saharan Africa: legal deficiency or elite capture of the rule of law? *World Development*, 48, 1-18.
- Ghai, Y. P., & McAuslan, P. (1970). *Public law and political change in Kenya : a study of the legal framework of government from colonial times to the present*. Oxford University Press.
- Glassman, J. (2006). Primitive accumulation, accumulation by dispossession, accumulation by 'extra-economic' means. *Progress in human geography*, 30(5), 608-625.
- Goldman, M. (2001). Constructing an Environmental State: Eco-governmentality and other Transnational Practices of a 'Green' World Bank. *Social Problems*, 48(4), 499-523.
<https://doi.org/10.1525/sp.2001.48.4.499>
- Goldschmidt, W. (1980). Failure of pastoral economic development programs in Africa. Future of pastoral peoples: research priorities for the 1980s; proceedings of a conference held in Nairobi, Kenya, 4-8 Aug. 1980,

- Groom, R. J., & Western, D. (2013). Impact of Land Subdivision and Sedentarization on Wildlife in Kenya's Southern Rangelands. *Rangeland Ecology & Management*, 66(1), 1-9. <https://doi.org/10.2111/rem-d-11-00021.1>
- Habil, E. (2019). Maasai leaders want land taken by colonialists returned. *Nation*. <https://nation.africa/kenya/counties/narok/maasai-leaders-want-land-taken-by-colonialists-returned-173416>
- Hardin, G. (1968). The Tragedy of the Commons. *Science*, 162(3859), 1243-1248. <https://doi.org/10.1126/science.162.3859.1243>
- Harvey, D. (2003). *The new imperialism*. Oxford University Press. <http://catdir.loc.gov/catdir/toc/fy043/2004296081.html>
- Hodgson, D. L. (2011). *Being Maasai, becoming indigenous : postcolonial politics in a neoliberal world*. Indiana University Press. <http://site.ebrary.com/id/10481738>
- Holmes, D. R., & Marcus, G. E. (2006). Para-ethnography and the rise of the symbolic analyst. *Frontiers of capital: ethnographic reflections on the new economy*, 33-57.
- Holmes, G. (2011, November 2011). Conservation's Friends in High Places: Neoliberalism,, Networks, and the Transnational Conservation Elite. *Global Environmental Politics*, 11(4), 1-21.
- Holmes, G., & Cavanagh, C. J. (2016). A review of the social impacts of neoliberal conservation: Formations, inequalities, contestations. *Geoforum*, 75, 199-209.
- Homewood, K. M. (2009). Policy and practice in Kenya rangelands: Impacts on livelihoods and wildlife. In *Staying Maasai?* (pp. 335-367). Springer.
- Homewood, K. M., Trench, P. C., & Brockington, D. (2012). Pastoralist livelihoods and wildlife revenues in East Africa: a case for coexistence? *Pastoralism : Pastoralism: Research, Policy and Practice*, 2(1), 1-23. <https://doi.org/10.1186/2041-7136-2-19>
- Hughes, L. (2006). *Moving the Maasai: a colonial misadventure*. Springer.
- Huxley, E. (1935). *White man's country : Lord Delamere and the making of Kenya*. Macmillan and Co., Limited.
- Igoe, J. (2010). The spectacle of nature in the global economy of appearances: Anthropological engagements with the spectacular mediations of transnational conservation. *Critique of Anthropology*, 30(4), 375-397. <https://doi.org/10.1177/0308275X10372468>
- Igoe, J., & Brockington, D. (2007, October 1, 2007). Neoliberal Conservation: A Brief Introduction [Special Issues]. *Conservation and Society*, 5(4), 432-449.

- <http://www.conservationandsociety.org/article.asp?issn=0972-4923;year=2007;volume=5;issue=4;spage=432;epage=449;aulast=Igoe>
- ILO. (2013). *Understanding the Indigenous and Tribal people Convention, 1989 (No. 169): Handbook for ILO tripartite constituents*. International Labour Office.
- International tourism, receipts (current US\$)*. (2021).
<https://data.worldbank.org/indicator/ST.INT.RCPT.CD?locations=KE>
- Kabachnik, P. (2012). Nomads and mobile places: disentangling place, space and mobility. *Identities*, 19(2), 210-228. <https://dx.doi.org/10.1080/1070289X.2012.672855>
- Kaelo, D. (2017). *Wildlife Conservancies in Kenya* [Interview].
- Kellert, S. R., Mehta, J. N., Ebbin, S. A., & Lichtenfeld, L. L. (2000, 2000/12/01). Community Natural Resource Management: Promise, Rhetoric, and Reality. *Society & Natural Resources*, 13(8), 705-715. <https://doi.org/10.1080/089419200750035575>
- Kiamba, M. (1989). The introduction and evolution of private landed property in Kenya. *Development and Change*, 20(1), 121-147.
- King, J., Kaelo, D., Buzzard, B., & Warigia, G. (2015). *Establishing a Wildlife Conservancy in Kenya: a guide for Private Land-owners and Communities*.
<https://kwcakenya.com/download/kwca-wildlife-conservancy-guide/>
- Kirigia, K., & Riamit, K. (2018, October 9, 2018). Land Injustices in Kenya's Wildlife Conservancies. *Global-E*, 11(50). <https://www.21global.ucsb.edu/global-e/october-2018/land-injustices-kenya-s-wildlife-conservancies>
- Kituyi, M. (1990). *Becoming Kenyans: socio-economic transformation of the pastoral Maasai*. African Centre for Technology Studies.
- KNBS. (2019). *Gross County Product 2019*. <https://www.knbs.or.ke/?p=5150>
- Knight, J., & Jack, K. (1992). *Institutions and social conflict*. Cambridge University Press.
- Konrad, K. (2006). The social dynamics of expectations: The interaction of collective and actor-specific expectations on electronic commerce and interactive television. *Technology Analysis & Strategic Management*, 18(3), 429-444.
- KWCA. (2017a). *ABOUT CONSERVANCIES*. Retrieved April 28 from
<http://kwcakenya.com/primary/what-is>
- KWCA. (2017b). *State of Wildlife Conservancies in Kenya Report 2016*.
<https://kwcakenya.com/download/state-of-wildlife-conservancies-in-kenya-report/>

- KWCA. (2020a). *Kenya Wildlife Conservancies Association*. Retrieved 1 June from <https://kwcakenya.com/conservancies/>
- KWCA. (2020b). *Strategic Plan 2019-2023*. <https://kwcakenya.com/download/kwca-strategic-plan-2019-2023/?wpdmdl=11959&refresh=60b0df4e4739d1622204238>
- KWCA. (2021). *Status of Conservancies in Kenya*. Retrieved 24 February from <https://kwcakenya.com/>
- Larsen, P. B., & Brockington, D. (2018). *The anthropology of conservation NGOs : rethinking the boundaries*. Palgrave Macmillan. <https://doi.org/10.1007/978-3-319-60579-1>
- Lawrence, J., Humphries, G., Simpson, S., Gaitta, G., Nottidge, C., & MacArthur, J. (1966). Report of the mission on land consolidation and registration in Kenya. London, UK: University of London.
- Leach, M., & Mearns, R. (1996). *The Lie of the Land: Challenging Received Wisdom on the African Environment*. International African Institute in association with James Currey. <http://www.h-net.org/reviews/showrev.php?id=2675>
- Leach, M., & Scoones, I. (2015). *Carbon conflicts and forest landscapes in Africa*. Routledge.
- Leeson, P. T., & Harris, C. (2018). Wealth-destroying private property rights. *World Development*, 107, 1-9. <https://doi.org/10.1016/j.worlddev.2018.02.013>
- Leo, C. (1984). Land and class in Kenya.
- Lesorogol, C. K. (2008). Land Privatization and Pastoralist Well-being in Kenya. *Development and Change*, 39(2), 309-331. <https://doi.org/10.1111/j.1467-7660.2007.00481.x>
- Lesorogol, C. K. (2010). The Impact of Privatization on Land Inheritance among Samburu Pastoralists in Kenya. *Development and Change*, 41(6), 1091-1116. <https://doi.org/10.1111/j.1467-7660.2010.01668.x>
- Leys, C. (1975). *Underdevelopment in Kenya : the political economy of neo-colonialism, 1964-1971*. University of California Press.
- Leys, N. M. (1925). *Kenya* (2nd ed. ed.). Hogarth Press.
- Li, T. (2007). *The will to improve: Governmentality, development, and the practice of politics*. Duke University Press.
- Li, T. (2014a). *Land's End : Capitalist relations on an indigenous frontier*. Duke University Press.

- Li, T. (2014b). What is land? Assembling a resource for global investment. *Transactions of the Institute of British Geographers*, 39(4), 589-602.
- Little, P. D. (2016). A victory in theory, loss in practice: struggles for political representation in the Lake Baringo-Bogoria Basin, Kenya. *Journal of Eastern African Studies*, 10(1), 189-207.
- Løvschal, M., Bøcher, P. K., Pilgaard, J., Amoke, I., Odingo, A., Thuo, A., & Svenning, J.-C. (2017). Fencing bodes a rapid collapse of the unique Greater Mara ecosystem. *Scientific Reports*, 7(1), 1-7.
- Lugusa, K. (2020). *Institutions in public-private partnerships for natural resources conservation, management and use : a case study of the northern rangelands of Kenya* McGill University Libraries]. WorldCat.org. [Montreal].
<https://escholarship.mcgill.ca/concern/theses/xs55mh394>
- Lund, J. F., Sungusia, E., Mabele, M. B., & Scheba, A. (2017). Promising change, delivering continuity: REDD+ as conservation fad. *World Development*, 89, 124-139.
- Lunstrum, E. (2018). Capitalism, wealth, and conservation in the age of security: the vitalization of the state. *Annals of the American Association of Geographers*, 108(4), 1022-1037.
- Madeley, J. (2008). *Big business, poor peoples : How transnational corporations damage the world's poor*. Zed Books.
- Mamdani, M. (1996). Citizen and subject: Contemporary Africa and the legacy of late colonialism.
- Manji, A. (2001). Land Reform in the Shadow of the State: The Implementation of New Land Laws in Sub-Saharan Africa. *Third world quarterly*, 22(3), 327-342.
- Manji, A. (2006). *The politics of land reform in Africa : from communal tenure to free markets*. Zed.
<http://catdir.loc.gov/catdir/enhancements/fy0659/2006045280-t.html>
- Manji, A. (2012). The grabbed state: lawyers, politics and public land in Kenya. *The Journal of Modern African Studies*, 467-492.
- Manji, A. (2014). The politics of land reform in Kenya 2012. *African Studies Review*, 57(01), 115-130.
- Mansfield, B. (2007). Privatization: Property and the Remaking of Nature–Society Relations Introduction to the Special Issue. *Antipode*, 39, 393-405.
<https://doi.org/10.1111/j.1467-8330.2007.00532.x>

- Mansfield, B. (2008a). Introduction: property and the remaking of nature–society relations. *Privatization: property and the remaking of nature–society relations*, 1-13.
- Mansfield, B. (2008b). *Privatization : property and the remaking of nature-society relations*. Blackwell Pub. <https://doi.org/10.1002/9781444306750>
- Mansfield, B. (2009). *Privatization: Property and the remaking of nature-society relations*. John Wiley & Sons.
- Marx, K. (1967). *Capital: A Critique of Political Economy*. Vol. 1. Edited by F. Engels. *Trans. S. Moore and E. Aveling*. New York: International Publishers.
- Marx, K. (1999). *Capital: An abridged edition*. OUP Oxford.
- Massarella, K., Sallu, S. M., Ensor, J. E., & Marchant, R. (2018). REDD+, hype, hope and disappointment: The dynamics of expectations in conservation and development pilot projects. *World Development*, 109, 375-385. <https://doi.org/10.1016/j.worlddev.2018.05.006>
- Mbaria, J., & Ogada, M. (2016). *The big conservation lie : the untold story of wildlife conservation in Kenya*. Lens & Pens Publishing.
- Mbembe, A. (2001). *On the postcolony*. University of California Press.
- Mbembe, A. (2017). *Critique of black reason*. Duke University Press.
- Mburu, J. (2004). Wildlife conservation and management in Kenya: Towards a co-management approach.
- Mburu, J., & Birner, R. (2007). Emergence, adoption, and implementation of collaborative wildlife management or wildlife partnerships in Kenya: A look at conditions for success. *Society and Natural Resources*, 20(5), 379-395.
- Meinzen-Dick, R., & Mwangi, E. (2008). Cutting the web of interests: Pitfalls of formalizing property rights. *Land Use Policy*, 26(1), 36-43. <https://doi.org/10.1016/j.landusepol.2007.06.003>
- MMWCA. (2017). *Strategic Plan 2017-2020*. https://maraconservancies.org/wp-content/uploads/2017/05/MMWCA_Strategy_2017_FINAL1.pdf
- More, M. P. (2018). *Looking through philosophy in black : memoirs*. Rowman & Littlefield International. <https://search.ebscohost.com/login.aspx?direct=true&scope=site&db=nlebk&db=nlabk&AN=1949419>

- Mosse, D. (2004). Is Good Policy Unimplementable? Reflections on the Ethnography of Aid Policy and Practice. *Development and Change*, 35(4), 639-671. <https://doi.org/10.1111/j.0012-155X.2004.00374.x>
- Mosse, D. (2005). *Cultivating development : an ethnography of aid policy and practice*. Pluto Press. <http://catdir.loc.gov/catdir/toc/ecip0415/2004004512.html>
- Moulds, H. (1964). Private property in John Locke's state of nature. *The American Journal of Economics and Sociology*, 23(2), 179-188.
- Mungeam, G. H. (1966). *British rule in Kenya, 1895-1912: the establishment of administration in the East Africa Protectorate*. Clarendon P.
- Musembi, C. N. (2007). De Soto and land relations in rural Africa: breathing life into dead theories about property rights. *Third world quarterly*, 28(8), 1457-1478.
- Mwangi, E. (2005). The Transformation of Property Rights in Kenya's Maasailand: Triggers and Motivations.
- Mwangi, E. (2006). The footprints of history: path dependence in the transformation of property rights in Kenya's Maasailand. *Journal of Institutional Economics*, 2(02), 157-180. <https://doi.org/10.1017/s1744137406000324>
- Mwangi, E. (2007a). The Puzzle of Group Ranch Subdivision in Kenya's Maasailand. *Development and Change*, 38(5), 889-910.
- Mwangi, E. (2007b). *SOCIOECONOMIC CHANGE AND LAND USE IN AFRICA: The Transformation of Property Rights in Maaasailand*. Palgrave Macmillan.
- Mwangi, E. (2007c). Subdividing the Commons: Distributional Conflict in the Transition from Collective to Individual Property Rights in Kenya's Maasailand. *World Development*, 35(5), 815-834. <https://doi.org/10.1016/j.worlddev.2006.09.012>
- Nelson, J. (2002). Melissa Leach and Robin Mearns (Eds), *The Lie of the Land. International African Institute in association with James Currey*, 72(Part 2), 337.
- Ng'ethe, J. C. (1993). Group ranch concept and practice in Kenya with special emphasis on Kajiado District. Workshop on the Future of Livestock Industries in East and Southern Africa, Kadoma (Zimbabwe), 20-23 Jul 1992,
- Ogotu, J. O., Piepho, H.-P., Said, M. Y., Ojwang, G. O., Njino, L. W., Kifugo, S. C., Wargute, P. W., & Paiva, S. R. (2016). Extreme Wildlife Declines and Concurrent Increase in Livestock Numbers in Kenya: What Are the Causes? *PLoS One*, 11(9), e0163249. <https://doi.org/10.1371/journal.pone.0163249>

- Okoth-Ogendo, H. W. O. (1986). The perils of land tenure reform: the case of Kenya. *Land policy and agriculture in Eastern and Southern Africa*, 79-89.
- Okoth-Ogendo, H. W. O. (1991). *Tenants of the crown : evolution of agrarian law and institutions in Kenya*. ACTS Press, African Centre for Technology Studies.
- Olson, M. (1965). *The Logic of Collective Action: Public Goods and the Theory of Groups*. Harvard University Press.
- Osano, P. M., Said, M. Y., de Leeuw, J., Ndiwa, N., Kaelo, D., Schomers, S., Birner, R., & Ogutu, J. O. (2013). Why keep lions instead of livestock? Assessing wildlife tourism-based payment for ecosystem services involving herders in the Maasai Mara, Kenya. *Natural Resources Forum*, 37(4), 242-256. <https://doi.org/10.1111/1477-8947.12027>
- Ostrom, E. (1990). *Governing The Commons: The evolution of institutions for collective action*. Cambridge University Press.
- OWC. (2018). *Olderkesi Wildlife Conservancy Management Plan 2018-2023*.
- Polanyi, K. (2001). *The great transformation : the political and economic origins of our time* (2nd Beacon paperback ed. ed.). Beacon Press.
- Redford, K. H., Padoch, C., & Sunderland, T. (2013). Fads, Funding, and Forgetting in Three Decades of Conservation. *Conservation Biology*, 27(3), 437-438. <https://www.jstor.org/stable/23525320>
- Reid, R. (2012). *Savannas of Our Birth*. University of California Press. <https://doi.org/doi:10.1525/9780520954076>
- Reid, R. S., Kaelo, D., Nkedianye, D., Kristjanson, P. M., Said, M. Y., Galvin, K., & Gambill, I. (2014). The Mara-Serengeti ecosystem and greater Maasailand: Building the role of local leaders, Institutions, and Communities. In. Lincoln Institute of Land Policy.
- Riamit, S. (2014). *Dissolving the Pastoral Commons, Enhancing Enclosures: Commercialization, Corruption and Colonial Continuities amongst Maasai Pastoralists of Southern Kenya* [McGill University Libraries]. WorldCat.org. [Montreal]. <https://central.bac-lac.gc.ca/.item?id=TC-QMM-123174&op=pdf&app=Library>
- Riamit, S., & Kirigia, K. (Forthcoming). On Indigenous Intellectuals in the Postcolony: Struggles against pastoral land dispossession in the Maasai commons in southern Kenya. In T. MEGURO, C. ITO, & K. KIRIGIA (Eds.), *'African Potentials' for Wildlife Conservation and Natural Resource Management: Against the Image of 'Deficiency' and Tyranny of 'Fortress'*. Langaa.
- Ribot, J. C., & Peluso, N. L. (2003). A theory of access. *Rural sociology*, 68(2), 153-181.

- Robinson, C. J. (2000). *Black Marxism : the making of the Black radical tradition*. University of North Carolina Press. <http://site.ebrary.com/id/10351498>
- Roe, D., Mayers, J., Grieg-Gran, M., Kothari, A., Fabricius, C., & Hughes, R. (2000). *Evaluating Eden: Exploring the myths and realities of community-based wildlife management* (Evaluating Eden Series, Issue. IIED).
- The Wildlife Conservation and Management Act 2013, Kenya Gazette Supplement No. 181 (Acts No. 47) (2014). kenyalaw.org/lex//index.xml.
- Roseberry, W. (1998). Political Economy and Social Fields. *Building a New Biocultural Synthesis: Political-Economic Perspectives on Human Biology*, 75.
- Rutten, M. (1992). Selling wealth to buy poverty. *The Process of the Individualisation of Land Ownership among the Maasai pastoralists of Kajiado District, Kenya, 1890–1990*.
- Said, M. Y., Ogutu, J. O., Kifugo, S. C., Makui, O., Reid, R. S., & de Leeuw, J. (2016). Effects of extreme land fragmentation on wildlife and livestock population abundance and distribution. *Journal for Nature Conservation*, 34, 151-164.
- Sankan, S. S. O. (1965). *The Maasai*. East African Literature Bureau.
- Scott, C., & Mulrennan, M. (1999). Land and Sea Tenure at Erub, Torres Strait: Property, Sovereignty and the Adjudication of Cultural Continuity. *Oceania*, 70(2), 146-176.
- Scott, J. C. (1985). *Weapons of the weak : everyday forms of peasant resistance*. Yale University Press. <http://hdl.handle.net/2027/heb.02471>
- Scott, J. C. (1998). *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*. Yale University Press. <https://books.google.ca/books?id=PqcPCgsr2u0C>
- Searle, J. (2010). *Making the social world: The structure of human civilization*. Oxford University Press.
- Sen, A. (1999). *Development as freedom* (1st ed. ed.). Knopf. <http://site.ebrary.com/id/2002145>
- Shange, S. (2019). *Progressive dystopia : abolition, antiblackness, + schooling in San Francisco*. Duke University Press. <https://doi.org/10.1515/9781478007401>
- Sinclair, A. R. (2015). Protected areas are necessary for conservation. In *Protecting the Wild* (pp. 72-79). Springer.

- Smith, N. (1997). The Satanic Geographies of Globalization: Uneven Development in the 1990s. *Public culture : bulletin of the Project for Transnational Cultural Studies.*, 10(1), 169.
- Sorrenson, M. P. K. (1968). Origins of European settlement in Kenya.
- Soto, H. d. (2000). *The mystery of capital : why capitalism triumphs in the West and fails everywhere else*. Basic Books.
<http://catdir.loc.gov/catdir/enhancements/fy0830/00034301-d.html>
- Spear, T., & Waller, R. (1993). *Being Maasai: ethnicity and identity in East Africa*. Ohio University Press.
- Terborgh, J., & van Schaik, C. P. (1997). The Imperative of Protection. *Last stand: Protected areas and the defense of tropical biodiversity*, 15.
- Thompson, M., & Homewood, K. (2002). Entrepreneurs, elites, and exclusion in Maasailand: Trends in wildlife conservation and pastoralist development. *Human Ecology*, 30(1), 107-138.
- Thompson, M., Serneels, S., Kaelo, D. O., & Trench, P. C. (2009). Maasai Mara–land privatization and wildlife decline: Can conservation pay its way? In *Staying Maasai?* (pp. 77-114). Springer.
- Tsing, A. L. (2012). Unruly Edges: Mushrooms as Companion Species For Donna Haraway. *Environmental humanities*, 1(1), 141-154.
- Tsing, A. L., Mathews, A. S., & Bubandt, N. (2019). Patchy Anthropocene: Landscape Structure, Multispecies History, and the Retooling of Anthropology An Introduction to Supplement 20. *Current Anthropology*, 60(20), S186-S197.
- Vaccaro, I., & Beltran, O. (2019). What Do We Mean by “the Commons?” An Examination of Conceptual Blurring Over Time. *Human Ecology*, 47(3), 331-340.
- Vries, B. d. (2013). *Sustainability science* (1st ed. ed.). Cambridge University Press.
- Waller, R. (1976). The Maasai and the British 1895-1905. the Origins of an Alliance. *The Journal of African History*, 17(4), 529-553.
- Wallerstein, I. M. (1979). *The capitalist world-economy : essays*. Cambridge University Press.
<https://bac-lac.on.worldcat.org/oclc/300935740>
- Wasserman, G. (1973). The independence bargain: Kenya Europeans and the land issue 1960–1962. *Journal of Commonwealth & Comparative Politics*, 11(2), 99-120.
- Weldemichel, T., & Lein, H. (2019). Land division, conservancies, fencing and its implications in the Maasai Mara, Kenya.

- Welsing, F. C. (1990). *The Isis Papers: The Keys to the Colors*.
- Western, D., & Wright, R. M. (1994). The Background to Community-based Conservation. In D. Western, R. M. Wright, & S. C. Strum (Eds.), *Natural Connections: perspectives in community-based conservation*. Island Press.
- Wilderson, F. (2003). Gramsci's Black Marx: Whither the Slave in Civil Society? *Social Identities*, 9(2), 225-240.
- Wilderson III, F. B. (2015). *Incognegro: A memoir of exile and apartheid*. Duke University Press.
- Wrong, M. (2009). *It's our turn to eat : the story of a Kenyan whistleblower*. Fourth Estate.
http://library.aubg.bg/LibOnline/RM/bookjackets/51PrvFZwPTL_SS500.jpg
- Wuerthner, G., Crist, E., & Butler, T. (2015). *Protecting the wild : parks and wilderness, the foundation for conservation*. Island Press. <https://doi.org/10.5822/978-1-61091-551-9>
- Zoomers, A. (2010). Globalisation and the foreignisation of space: seven processes driving the current global land grab. *The Journal of Peasant Studies*, 37(2), 429-447.