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and Sale of Maasai Ranches”

John G. Galaty

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# "The Land Is Yours": Social and Economic Factors in the Privatization, Sub-Division and Sale of Maasai Ranches

John G. Galaty

*Ilmeishooroyu Emurua oolayioni*  
"Sons and Land Cannot Be Given Out"  
A Maasai Proverb

This paper reviews the current process whereby Group Ranches under private title are being subdivided into unequal individual family holdings, and examines local political discourse through which protest is voiced. The factors behind the decisions of previous individual ranch holders to sell portions of their property on the open market are then analyzed. Many ranchers sold land to repay development loans taken out before serious herd losses resulted from drought (1979, 1984), but sales in one area were strongly correlated with lack of education and/or employment experience or opportunity; case studies are reviewed of those who used revenues profitably or squandered them. Over 40% of individualized land in the two Maasai samples studied have now been lost by sale to non-Maasai, the purchased land being used primarily for speculation and collateral rather than dryland development. The paper concludes by supporting the recent call by some Maasai to revoke the Kenyan Group Representatives legislation under which individuation of rangeland occurs, and proposes that public policies encouraging current ranch subdivision should be reconsidered.

## Land, Ranches and Communalism

We have yet to develop a vocabulary well-suited to describing the rights of members of a pastoral community to rangeland resources. Most Maasai pastoralists practice some degree of mobility, their herds and households moving in a deliberate but never entirely predictable pirouette around water and pasture. Did and do they recognize "boundaries" to their land?

*"(Boundaries) were brought by government, they were not here before. (Then)...people went all over the African country. People lived in different parts and those parts became theirs. But if you moved and went to another country, you left (those parts) to those who remained living in it. The country you moved to then became yours. So we never had boundaries to our land".<sup>1</sup>*

Such are the notions of fluid movement between areas and the nonexclusivity of domains that some theorists have used to argue that "common property" implies "open access".

Yet, despite pastoralist ideology, pastoral regions are not and were not subject to non-negotiated open access and the use of their resources is and was monitored and regulated by a given community. In the citation above, a revealing phrase is "those parts became theirs", and the country you moved to "became yours". Rights to the *non-exclusive* use of pasture, water, minerals and wood of a given area are held by members of a community<sup>2</sup>. Although Maasai pastoralists have historically been ready to assimilate those seeking local residence and affinity, readily incorporating them into the resource-using community, they have also defended resources against non-negotiated ingressions by other communities, Maasai or non-Maasai alike. During the most recent drought, Maasai from Ilodokilani and Ilmatapato sections negotiated the free movement of livestock across their common border, while Maasai from Ilkaputie clashed

with the Loitokitok Ilkisongo who sought access to their water sources.

The area adjacent to the Maasai homestead (*Olokeri*) was often reserved for the exclusive use of the calves, sick animals and small stock of a given family, but the sizes of *llookeri* were controlled by community members so that the movement of herds would not be obstructed. Apart from this individualized area, which was defined relationally rather than absolutely, pasture was open to free grazing by the Maasai community, and in this etymological sense these resources are "common".<sup>3</sup> But in the Maasai case, this "common" quality does not imply "unmanaged" but rather "managed with community (communal) sanctions". Within a constituted territorial group (*Olosho*), certain areas were seasonally closed, to allow grass to rejuvenate. And in given neighbourhoods, specific locales were designated for building homesteads, so that structures would not be randomly scattered across the countryside, and individual families would not appropriate the best areas of grazing for their settlements, the daily movement of their livestock thus spoiling the grazing for others. Through routine and negotiation, certain families gained acquired right-of-return to reside in certain dry-season grazing areas, or to exploit certain wet-season areas of good grass. But these rights were never exclusive ones, for in times of environmental pressure, herds were moved freely to any region within the *Olosho* with accessible pasture, if not across *Olosho* boundaries, to exploit available grazing elsewhere. The obverse is also true, that pastoralists might gain the right to use but not to dispose of the resources of a given area, or the land itself. The proverb cited above suggests that one could no more give away land than give away sons, one's descendants, one's own "blood".

Under Phase I of the Kenya Livestock Development Project, which began in the mid-1960s, the majority of the land in Narok and Kajiado Districts had, by the end of the 1970s, been demarcated into Group Ranches, owned and under private title to a

"group" of registered members and managed by an elected committee (Galaty, 1980).<sup>4</sup> Group Ranches ranged in size from up to 100–200,000 acres in the drier, more sparsely populated areas to only 10–20,000 acres in higher potential and more highly populated regions.<sup>5</sup> The policy on which the programme was based was predicated on quite different assumptions about pastoral rights in and use of rangeland resources than those just reviewed. Believing that common property led to overgrazing, inefficient use of resources and low levels of investment and herd offtake by pastoralists, policy makers assumed that change in the system of land tenure would precipitate a series of other social and economic changes, resulting in the development of a "modern" ranching sector. The aims of developing Group Ranches were both short- and long-term.<sup>6</sup>

In the short-term, one aim was to secure land rights for the Maasai community, for at the time of independence their districts held the anomalous status of "Crown Land". The mid-term aim was to provide an economically secure basis for local investment in ranch development, land titles providing a form of collateral with which development loans could be secured. The long-term aim, seldom stated and then only in low tones, was to take this relatively large portion of land adjacent to the Kenyan highlands and to the capital city of Nairobi out of "communal" hands and make it accessible for individual ownership through market mechanisms; this would theoretically put the land into the hands of those "most suited" to using it effectively, and would provide an outlet for the densely populated communities nearby, characterized by land scarcity. We will see to what extent these aims have been met.<sup>7</sup>

### Individuation and Subdivision of Group Ranches

In each location, Individual Ranches were created side-by-side with, or even prior to,

Group Ranches, for development by those considered "progressive"; the hope that individual ranchers would prove "models" for group ranchers has proven all too true. In the mid-1970s, when local efforts of group ranch members should have been dedicated to institutionalizing mechanisms of ranch management, those with seniority, influence, business acumen and/or education sought instead to demarcate individual portions of land within the group domain, and to acquire individualized private title. In the 1978-80 period, the new wave of individuation occurred, as those close to the heart of decision-making gained individual portions of land within the group structures, far larger in magnitude than would have been their "share" had the allocation been to all members of Group Ranches, or on equitable principles. By the mid-1980s, in response to the eroding integrity of the Group domain, ordinary members began discussing subdivision as a means of protecting their shares. The President of the Republic of Kenya entered the fray by decreeing—or merely stating and reiterating—that, since all Kenyans had a right to own their own land, Group Ranches should be subdivided among their members and abolished.<sup>8</sup> This quite extra-legal high-level intervention, outside the legal mechanisms of governance and decision-making within ranches, resulted in agitation by some for land allocation committees to be established and subdivision to begin.

Group Ranch (A) lies in a semi-arid region on the Rift Valley floor in Ilkeekonyokie location; with an area of about 700 km<sup>2</sup>, and a population of around 3,600, its population density is around 5 persons per square km<sup>9</sup> In 1978, around 26,500 acres, or 15% of the total area, was allocated to 33 members, who represented at that time around 5% out of approximately 730 households. These individual ranches, which included some of the most favoured regions in the area, averaged 800 acres, an area equivalent to slightly under 2 square kms. (or slightly over 1 square mile). This left less than 150,000 acres for the remaining households, the

number of which had risen to around 800 by 1990. This appropriation of a substantial portion of the Group Ranch by a small minority has led to a remarkable consensus, among rich and poor, progressive and traditionalist, supporting rapid subdivision of the remaining portion of the ranch. Several years ago, Grandin (1986:12) commented on the economically negative effects of insecurity in land tenure felt by Maasai, a condition which has only worsened. Although aware of the pitfalls of creating a patchwork of relatively small, economically non-viable holdings in a dry land of low potential, most respond with resignation:

*"It's no good but we still accept it as it has been done already....(As a result)...cattle numbers will decrease. There will be isolation...With demarcation, there will be limits (placed on movement). Well, it has been done and it's not good. Maybe in the highlands would have been better, but arid land, it's no good".<sup>10</sup>*

If this Group Ranch were subdivided equally among its remaining households, each would receive around 183 acres, an area of about 0.75 square km, equivalent to half a square mile, and less than a quarter of the area received by the individual ranchers. But in fact the land committee has not made equal allocations. One member faced with the allotments being recommended complained in an open meeting:

*"Today, let us speak truthfully without telling lies, and let us stop arguing. We had said that all of us be given equal pieces of land. But when I later saw what the committee did....led by the chairman of our group, they took bigger portions of land than all the other people. They also gave to the rich, the ones they like, and so the matter will never be solved. This is because I, who stand before you here, my piece is small, only 150 acres, while the chairman has 800 acres! Why then should we not complain? We have seen then what the committee has done".<sup>11</sup>*

The perception that land is being allocated unjustly at the local level is heightened by widespread awareness that names of outsiders have been added to the official register, people who are neither locally resident nor in many cases known to residents. In mid-1991, it was revealed that an area of 52,452 hectares (about 130,000 acres or 524 km<sup>2</sup>) in Mosiro, an area of Ilkeekonyokie south of Group Ranch A, had been demarcated by the Ministry of Lands and Hous-

ing without the knowledge of the local residents; title deeds were being issued to people on a list of 459 non-resident land recipients, many of whom had reportedly never even visited the area; this list included the names of high ministry and government officials. In response to application on behalf of the residents of the area, which asserted that the demarcation had not taken place as stipulated in the Land Adjudication Act, the adjudication was officially quashed and Ministry officials interdicted or transferred.<sup>12</sup>

In addition to their awareness of pressure from outsiders to acquire land, Group Ranch members have seen the increase in local population over the past 20 years, and feel that if subdivision is inevitable it should be done soon before everyone's portion has been diminished. However, the question of "shares" hinges in part on what principle is used for registering new members. As each age-set is created, and a new group of young men comes of age, they have become eligible for ranch membership. In this way, members of the *Ilkipali* ("those-who-write") age-set, created in 1983, were registered. But with the process of subdivision underway, the question of whether members of the *Ilmanjeshi* ("the army") age-set, created in 1990, should be registered, has been quite controversial.

At a recent meeting, it was noted that 409 members were added to the original 484 in 1984, "many of them children", that is, newly initiated boys. Members of families with few children, especially boys in the current age-set, resented that other families were doubling or tripling their "shares" in the ranch just before subdivision. A compromise was put forward in an open meeting:

*"We had suggested that Ilkipali should be registered because they are elders. But those Ilmanjeshi who are in the register should be removed; go back and remove (their names), except the ones who ought to be left there, as in the case of widows. Also in the case of an elder with many sons, there are young ones who should be left to share their father's land. As for the older ones, if there were six or seven of them, four of them should be given pieces of land while three could divide up their father's land... These are the issues we must agree upon".*

The question has been debated for a number of years in each Group Ranch whether the group register should continue to grow, as new members are recruited through initiation or assimilation, or whether the membership should be considered fixed, with young men or adoptees gaining shares through inheritance from their fathers or sponsors. In fact, there is a Maasai precedence for either solution: a Maasai boy gains political seniority, and in effect a voice in the section, by passing through the age-set initiation and promotion; however, a man progressively gains control of his portion of the herd, his inheritance, as his father ages and finally dies. In one Group Ranch, attempts to exclude the new age-set from membership has led to physical conflict between old and young, and the question has been taken to court in this highly charged period of land allocations.

Other Groups Ranches are in more arid areas than the one cited, with population densities lower and prospective portions larger, while some are in higher potential areas, with higher population densities and relatively smaller portions. Kaputi location lies on the plateau above the Rift Valley, a region in Kajiado District of somewhat higher potential for commercial ranching or even dryland agriculture. At over 6 per square km, the location has a higher population density than that on the Rift Valley floor, and, being the section where the Group Ranch programme was initiated in the late 1960s, is known for its number of "progressive" ranchers, antagonistic to traditional cultural practices. Group Ranch B was subdivided into equal portions of 350 acres per household member, in contrast to the inequitable division of Group Ranch A which was divided into portions which varied greatly in size.

By examining the responses of members to receiving individual portions of freehold land, we will be able to reflect on the extent to which the aims of policymakers who designed the Group Ranch programme have been achieved. We will compare the responses of the 33 members from

Ilkeekonyokie who in 1978 received individual land in Group Ranch A with those of the 33 members from Ilkaputie who received portions in Group Ranch B. We will ask, firstly, what were the profiles of the sample of members who received land, secondly, how did the background of those who sold land differ from those who maintained their individual ranches whole, and, thirdly, what social and economic factors are at work, stimulating the sale of Maasai land?

Several factors appear to have influenced the decision as to who would receive individual land portions in the two Group Ranches (Table 1).

Secondly, there was a tendency for members of certain major clans to benefit from individual land allocations, beyond their proportional strength in the region. In GR-A, the Ilukumai clan was represented in 52% of the sample, although its local incidence is closer to 35%, while in GR-B, the Ilaiser clan was represented in 65%, somewhat larger than its local presence.

Educational and employment profiles are essentially equivalent from the two sample areas. It should be observed, however, that figures for "ever" educated or "ever" employed do not represent average education or employment figures; rather, the classifi-

Table 1. Profile of recipients of individual land in two Maasai Group Ranches in Kajiado District

	Group Ranch A Ilkeekonyokie	Group Ranch B Ilkaputie
Sample Size	33	33
Average Age-Set <sup>1b</sup>	Seuri (3.3), ca. 40 years (1978)	Seuri LH (3.0), ca. 35 years (1978)
Predominant Clan	Ilukumai (52%)	Ilaiser (65%)
Ever Educated	9/33 (27%)	11/33 (33%)
Av. Education (of those educ.)	Primary 7.4 years	Primary 7.0 years
Ever Employed	10/33 (30%)	12/33 (36%)

The mean age of the Group Ranch B (GR-B) sample is significantly younger than that of Group Ranch A (GR-A); however, the median age set for GR-B is even more so. Twenty-one out of 33 members are from the *Ilpokonyek* (2.5) and *Ilmawani* (2.0) age-sets (together called *Ilkitoip* after 1989), the average being raised by the inclusion of nine men older than the *Iseuri* age-set. In GR-A, 23 out of 33 are from the *Iseuri* age-set, with only 5 from the younger *Ilkitoip*. Clearly, age-set networks strongly influence the allocation of individual ranches, with *Iseuri* controlling the allocation in GR-A, *Ilkitoip* the allocation in GR-B. It should be noted that the age-set senior to *Iseuri*, the *Ilnyangusi*, dominated the first wave of individual ranch acquisitions in the late 1960s.

education is used to identify individuals who have had any off-ranch experience in national sectors. Further, the measure of employment excludes three important areas of local enterprise, livestock trading, the local retail trade, and pastoralism/ranching. It is highly likely that the factors of age-set, clan, education and employment are more significant as markers of social networks than as influences in themselves.

### Sale of Individuated Land

By the late 1980s, 67% of the Group Ranch A sample and 48% of the Group Ranch B sample had sold portions of their individual ranches (Table 2).

Table 2. Comparison of land Sales in two Group Ranches

	Group Ranch A		Group Ranch B	
	No.	Percent	No.	Percent
Sellers/Total	22/33	67	16/33	48
Acreage Sold/Sellers Total	7,670/18,150	42	2,295/5,600	41
Acreage Sold/Sample Total	7,670/26,510	28	2,295/11,675	20

Sales took place almost entirely in the 1984-86 period, following the severe 1984 drought. Sales were often made secretly, usually to Kikuyu from land-scarce regions adjacent to the Maasai lands. Many individual ranch holders had taken advantage of their title-deeds to procure development loan, intended to finance investment in ranch infrastructure (fencing, drilling of boreholes), in upgrading the genetic quality of herds or in purchasing young stock for fattening and sale. Many individuals, however, had neglected or were unable to pay instalments on their loans for years. So in numerous cases, land was sold in lieu of taking a loan, to cash for ranch or business development. But often, the funds gained were used wastefully, for "leisure" (i.e. drinking) and consumer purchases.

Were the consistent sociological differences between those who sold land and those who did not, and between those who used loan funds or sale revenues in an economically shrewd or in a wasteful manner? We could pose two contrasting scenarios regarding the role of education and off-ranch employment in land sales: one, that those with off-ranch opportunities and more diverse interests acquired through education and/or employment would tend to value land as such less, and would tend to sell; the second, that those with off-ranch experience would realize the larger value of land in Kenya, and would conserve their land assets (Table 3).

Table 3. Land sales by education and employment: A comparison of two Group Ranches in Kajiado District (in number of individuals)

Land Sold?	Group Ranch A			Group Ranch B		
	Some Sold	None Sold	Total GR-A	Some Sold	None Sold	Total GP-B
Any Education	6	3	9	2	9	11
No Education	16	8	24	14	8	22
Any Employment	7	2	9	3	8	11
No Employment	15	9	24	13	9	22
TOTAL	22	11	33	16	17	33

If we contrast the percentages of those with or without any education, and those with or without employment, who either sold or did not sell any land, the results are readily apparent (Table 4).

On Group Ranch A, neither education nor employment seems to be associated with the sale of land. On Group Ranch B, however, education and employment are both correlated with the sale of land: those without any education were over three times as likely to sell land as those with some education (64% versus 18%), while those without any employment experience were twice as likely to sell land as those with such experience (59% versus 27%). Thus those with some education or employment were around twice as likely to refrain from selling land as their counterparts without any education or formal employment experience.

generation of individual ranchers, took fewer loans. Here, the acquisition of development loans from the Agricultural Finance Corporation (A.F.C.) was highly correlated with both education and employment, and land sales appear to have represented a secondary option used by those with fewer educational or employment opportunities to gain access to ready cash. In Ilkaputie location, where Group Ranch B is located, the process of rural differentiation and class formation is advanced in comparison with Ilkeekonyokie location, the site of Group Ranch A. In the former, a class of commercial ranchers has emerged, with family members educated and employed in the salaried or wage sector, locally or in Nairobi. Members of these families often own businesses, are often Christians, hold local and municipal political or institutional posts, and possess

Table 4. Land sales by education and employment: A comparison of two Group Ranches in Kajiado District (in percent)

Land Sold?	Group Ranch A			Group Ranch B		
	Some Sold	None Sold	Total GR-A	Some Sold	None Sold	Total GP-B
Any Education	67	33	100	18	82	100
No Education	67	33	100	64	36	100
Any Employment	78	22	100	27	73	100
No Employment	63	37	100	59	41	100
TOTAL	67	33	100	48	52	100

Due to severe herd loss in the 1984 drought, most individuals from Group Ranch A who had taken out development loans found it very difficult to maintain amortized rates of repayment, and it is likely that this economic pressure eliminated any selective influence of education or employment. Individuals from Group Ranch B, however, perhaps influenced by the experience of an earlier

automobiles, trucks or tractors. It is readily explained that for those without education or employment, the sale of land is the primary route to owning and displaying today's symbols of wealth and "modernity": cars, improved homes, shop-bought commodities, and food and drink purchased in local bars and hotels.

## Case Studies of Land Sellers and Non-sellers

Yet the revenues from land purchases have not been spent solely on consumer purchases and "leisure", nor have all those who have not sold land proven frugal. To uncover some of the human realities behind the general trends just reviewed, we will review a few case studies of those who seem to be pursuing either productive or economically wasteful strategies, among those who have sold or not sold land from Group Ranch B.<sup>14</sup>

### Sold Land, Used Money Wisely

Case 1. Ole Kisau (*Ilpokonyek* age-set), who has never been to school, sold 50 acres of land at a good price of KSh 7,000 per acre, gaining KSh 350,000 in the transaction. He used his money wisely, banking quite a good amount and beginning a business of cattle trading, buying and selling steers, in which he is now doing well. Like his father, he rarely drinks, is hard-working and ambitious; he is married with two children. His father has not sold any land from his ranch.

Case 2. Ole Onyokie (*Ilmawani* age-Set) sold 250 acres at KSh 6,000 per acre, for a return of KSh 1.5 million. He was forced to sell land in order to avoid foreclosure on a bank loan, as his entire ranch was about to be auctioned. He paid the loan off, bought some livestock, and purchased a business plot with a block house which was half-finished. He completed the building and opened a bar. He does not drink heavily and is married, with five children.

### Sold Land, Used Money Wastefully

Case 3. Ole Pertiet (*Ilpokonyek* age-set), who attended school up to Grade 4, worked with the armed forces for 3 years before leaving his job. He has sold a total of 200 acres at KSh 4,000 per acres, for a total of KSh 800,000. He purchased a used automobile for KSh 70,000, built a house with a corrugated iron roof (*mabati*), and bought furniture and a television set. He married, gave five cows in bridewealth, and now has two children. When the money was finished, he sold the

car for KSh 6,000 (after having it for 9 months), sold the television and some furniture, and now has nothing.

Case 4. Ole Kipeto (*Ilmawani* age-set) never attended school, but he worked for the armed forces for a while, before resigning. He sold land twice, the first time 100 acres at KSh 2,000 per acre, for a total of KSh 200,000, the second time 100 acres at KSh 3,000 per acre, for a total of KSh 300,000. "His funds were spent on leisure and nothing else. He has no house, no wife, no cows, he has nothing". He used to hire a car to take him from Nairobi to Mombasa, where he would spend weeks at the expensive beach hotels. He bought a used car for KSh 60,000 and later sold it for only KSh 12,000. He drinks very heavily.

### Did Not Sell Land, Frugal

Case 5. Ole Matampoi (*Ilpokonyek* age-set) attended school up to Form II at the Secondary level. He has not sold land, but has a loan of KSh 50,000 from the A.F.C. With the money, he purchased 30 steers, and after they are fattened he intends to sell them at a profit; he is repaying the loan in instalments. He is married to two wives and has four children.

Case 6. Ole Matingo did not attend school, but is currently employed at the East African Portland Cement Company in the nearest large town (Athi River). He has an A.F.C. loan of KSh 50,000, with which he purchased 30 steers which he is fattening for sale. He is married, with seven children, and does not drink much.

### Did Not Sell Land, Not Frugal

Case 7. Ole Sanjan (*Ilmyangusi* age-set) never attended school. With an A.F.C. loan of KSh 50,000, he bought 30 steers. But his fattening enterprise did not do well because he started to sell the steers and drank the money. Now all the steers are gone and he intends to sell a portion of his land to repay the loan. He is married to three wives and has ten children.

A number of individuals, who have neither sold land nor taken out loans, are educated

and employed in, for instance, a government laboratory in Kenyatta Hospital (Nairobi), at the East African Portland Cement Company, as a clerk with a District Officer, for the armed forces, and as a veterinary officer. Others are not employed, but are pursuing their own pastoral activities without loans or sale of land.

### Factors in Land Sales

These cases illustrate a number of significant factors in the sale of individuated rangeland in Ilkaputie. The first is the frequently pernicious role of credit in precipitating land sales, especially given the instability of the livestock economy in a region with a highly unpredictable semi-arid environment. The second is the value of education and/or wage or salaried employment, experiences that correlate with resistance to selling land. The third is the often observed tendency for those who drink heavily to sell land to gain ready cash that is then dissipated.

Access to credit has been considered of crucial importance for stimulating increases in agricultural productivity, and providing pastoralists with means of collateral for loans was a central justification in the adjudication and registration of Maasailand. However, in the Maasai case, there was neither the sustained follow-up by extension agents, who should have educated ranchers about the loan process and directed periodic sale of animals for the repayment of instalments, nor the increase in pastoral productivity that would have justified major capital inputs. In fact, given the severe droughts of 1974, 1979 and 1984 experienced in the region, which resulted in up to 60% herd losses, it is no wonder that few were able to repay their loans. Today, in Ilkeekonyokie location, where land sales were even more directly linked to the threat of foreclosure than in Ilkaputie, great cynicism is expressed about taking further loans that may jeopardize the economic security of an entire family. We might observe, however, that Maasai have been caught in the same swing of the pen-

dulum between internationally abundant and scarce capital and between rain and drought as farmers elsewhere. It was reported for the same period that one grain farmer (illustrative of a general trend) from Southern Saskatchewan, Tim James, was forced to sell 1,300 acres of land for only \$200,000 when drought destroyed his harvest and he was unable to make repayments on agricultural loans.<sup>15</sup>

There are probably several reasons why education and employment experience should have been so highly correlated with land sales (or non-sales) in Group Ranch B. Employment, in providing non-ranch sources of income, may allow individuals who wish to invest in their own livestock development to refrain from taking development loans or else make it possible to repay loan instalments on a regular basis. However, insofar as their economic preoccupations and interests are diversified, they are less subject to the need to invest directly in ranch development. Many who are employed outside the area simply allow family members to graze on their ranches. Further, through greater acquaintance with the value of land in general, as a virtual "land hunger" is prevalent throughout much of Kenya, they may realize that they can only gain by retaining the land they have been granted. Such individuals as a matter of course gain the symbols of mobility, modernization and "development" that drive others to sell land out of envy for these class accoutrements. Education and employment experience influences how individuals value land and assess their own life options, but also determines the degree of financial pressure a person or family will feel during a time of increasing rural poverty. A document prepared for the 1989 Conference on "The Future of Maasai Pastoralists in Kajiado District, Kenya" noted reasons why the subdivision of Group Ranches should be halted:

"The Maasai people, except a few people who have gone to school, do not understand the value of land. Land in their perspective is like air, something available and accessible to everybody, given by "God". Those group ranches which are

already subdivided have shown that Maasai people sell their land immediately, without realizing that the areas where they can go to for free are becoming more and more limited" (Conference 1989, Appendix 2).

The third factor, of self-discipline and lifestyle, is raised not as a question of morality but of cultural determination. Communal drinking by Maasai men, an old tradition, has been effectively commoditized through the nearly exclusive provision of bottled beer through retail bars and shops. Implied by the pleasure of imbibing communally is the obligation to receive drinks, and the obligation to give drinks; one does not "offer" a drink as a Westerner might (which seems to invite a refusal), one "gives" a bottle or even two. At a price of 12-20 shillings per bottle (about \$1), which approximates the international rate, the cost of a round is not insignificant for a Kenyan on salary, not to mention for a non-salaried peasant or pastoralist; but the "real" cost of world-rate drinking should be weighed against an annual per capita income in Kenya of \$340 (in 1987).

Mead, fermented with sugar or honey, was the Maasai home-produced drink. It took days to ferment and ripen before it was fit to drink. Drinking was a prerogative of elders, and primarily males, for whom the primary opportunity for communal drinking was offered at ceremonies, the sponsorship of which shifted between households, homesteads and neighbourhoods. Overindulgence has never been foreign to Maasai elders, but occasions on which it was possible were previously limited. Along with drinking has always gone the symbolic prerogative of leisure for the Maasai elder, who in theory directs rather than engages in the intensive domestic labour process associated with animal production. A certain prestige always went with generosity, wealth, leisure and girth.

Today, with bottled beer always available and male authority jurally encoded, a man's unconstrained expenditure of scarce domestic income on his own flagrant consumption of alcohol has become a major problem in many Maasai families. With the precedent of an apparent male elder mo-

nopoly on the holding of family wealth, land titles have been almost exclusively allocated to male household heads. It would appear that women are rarely involved in discussions of land sales, so there have been few voices to discourage or intimidate men intent on selling a portion of land; only recently has a statute been introduced to require a man to bring his wife or wives to the District Land Board, which is responsible for reviewing land transactions, to approve a proposed sale. But it is very difficult to prevent a man who wishes to dispose of a portion of his family estate to support indulgence in drink with friends from doing so. One case study, from a third Group Ranch, demonstrates in the extreme what has become a common experience in Maasai families.

Case 8. Ole Koros (*Iseuri* age-set), with some education, was named chairman of the land committee that allocated portions of land to a select number of individuals. He first sold a 16 acre portion of land near the Ngong Hills which had belonged to his father, and was paid cash. After the sale he rarely returned home; he stayed in the small towns just outside the Nairobi periphery without seeing his wife or children for months. After a time his wife fled to her father's home, leaving behind two children. He became loud and spoke abusively to everyone. Then he bought a four-wheel drive vehicle, and boasted because of the car that he was the richest man. He did no work but drank beer continuously. He and his counterparts, drinking all day long, boasted about being "rich men" and "men without problems" (*Ilotimira osina*). After about a year, the money ran out and he began coming home to his family.

I dwell on this question because "drunkenness" versus "sobriety" has become an important contrast in the Maasai culture of today, and express concerns regarding the trend towards the commoditization and sale of land. Unfortunately, "the drunkard" no longer simply represents a culturally constituted and limited preoccupation but, given the current structure of Maasai land

ownership, threatens at this particular historical conjuncture to liquidate his family's entire landed assets.

No more than 8 years after it had been registered, 20 to 30% of the total land allocated to individuals had been sold on two Group Ranches studied. It should be noted that these two Group Ranches are relatively close to Nairobi so may have experienced a higher demand for land than may be the case for areas further away or in drier, less hospitable regions. Nonetheless, it is inevitable that these figures have by now risen further and will continue to do so, given the pressure felt to subdivide Group Ranches. It is likely that this scenario is being and will be repeated across Maasailand. To what extent, then, are the aims of those who formulated the tenure policy for Kenya's semi-arid lands being realized?

### Privatizing the Commons: Have Its Aims Been Met?

The first aim, to provide clear land title for Maasai, was clearly achieved by the end of the 1980s, when freehold tenure had been established for Group and Individual Ranches throughout the Maasai districts, with the exception of the Loita section. The major outcome of this massive legal effort has been to enable Maasai to sell their land; what, after all, is a title deed for a piece of land good for except to sell it? Much effort went into ensuring that all Maasai were allocated some portion of land, and, despite widespread sales, most Maasai still retain some land; thus the nightmare of landless pastoralists, which may lie over the horizon, has not yet made its appearance. But if the aim of "entitling" Maasai was to secure their own land for the future, it has failed.

The second aim was to provide a structure of incentives to encourage Maasai pastoralists to invest in improving the quality of animal husbandry they practice, and to make it possible for them to gain access to credit through using land as collateral. The marginalist logic on which this

aim was based assumed that as long as the rangeland was held "in common", individuals would lack any incentive to invest in infrastructure or improved herding practices, since the return on their efforts and investments could not be realized, or would be realized by everyone alike. In the late 1970s and early 1980s, credit was made widely available, and a portion of it was indeed invested in fencing, borehole and dam construction, houses, improved livestock and veterinary services. But a climatically dismal decade has surely wiped out significant returns on these investments, and, in the absence of sustained provision of animal production services and the lack of a coherent "package" of technical interventions in the field, it is unlikely that the pastoral sector could have been, or perhaps even can be, "modernized" as such. However, the same period in which land tenure change has occurred has also seen a growing commoditization tendency in pastoral production, as herders buy steers for fattening, alongside with traditional milk production, and systematically cull to feed the growing regional demand for meat. It is unclear, however, that the growing Maasai perception of "cow as commodity" is a result of transformations in land or is rather a response to their own assimilation into a pervasive world of cash transactions, for which livestock represent their major asset.

The third and most long-term aim was to make rangeland responsive to market forces, in the last instance to remove it from those who are less productive and deliver it into the hands of those able to use it to the greatest effect. Here, credit plays a role similar to land taxes elsewhere, since it requires the realization of a significant return, without which land will ultimately be appropriated through foreclosure. It would appear that there has indeed been a significant transfer of land away from Maasai, who, perforce, seem to demonstrate their unwillingness or inability to use their land "productively", and into the hands of people whose financial merit is by definition demonstrated by their having cash to pay.

However, how do the new owners use the land acquired, and are they "better suited" to make productive use of these range areas?

Most of the areas discussed here do not have high agricultural potential, and thus should be distinguished from other Maasai areas, primarily in Narok District, where wheat, barley or vegetables can be grown. The land portions under question have been largely purchased by Kikuyu, whose primary interest is in agriculture, for which these regions are ill-suited. In fact, many farms in the Rift Valley which were created out of settler ranches at independence and allocated to Kikuyu smallholders have now been abandoned following a decade of climatic disappointment. Why, then, do Kikuyu, often acting in concert through land holding societies, seek to invest in the purchase of semi-arid lands, funds derived elsewhere from business or agriculture?

One should not underestimate the importance of land to a people, the Kikuyu, whose own historical sensibility was created out of the experience of colonial land loss. For the landless, or those who know of landlessness, to possess a title deed is a value in itself. However, they often seek land not for the terrain but for the title deed, which can be used as collateral for procuring loans that can then be invested elsewhere in productive enterprises. Up to now, it would appear that little of the land sold in Group Ranch A has been occupied, so Maasai ranchers often hold both cash and land. Why haven't Kikuyu occupied the land they have purchased?

*"From what we've seen, the Kikuyus buy these lands but never come to live here. Maybe...the aridity of the land and the lack of water and unreliable rainfall forces them not to come to the land they've already bought for themselves. Also the fear of the Maasai, young men raiding or stealing their livestock, could be another cause of why the Kikuyu have not yet come to live in the shambas they've bought. On the other hand, many other Kikuyus..buy land to trade with...Other Kikuyus maybe bought land because it was very cheap. After getting the land and the title, they take large amounts of money from banks and finance houses and leave the land as security. The banks and finance houses will in the end have to sell those shambas themselves and maybe to other Kikuyus".<sup>16</sup>*

So virtually none of the land sold in either ranch has been made the subject of investment in infrastructure or the development of intensified agricultural or pastoral production (with the exception of some irrigated agriculture in Ilkaputie). The question of whether land devolves to more or less efficient hands seems of little note if its sole use is in negotiating with banks and finance houses. For the time being, Maasai may "both have their cake and eat it too", but eventually they may be devoured, along with their land.

Even if none of the three aims set forward to justify the transformation of land tenure in Maasailand has been, or apparently will be, realized, nonetheless the process of rendering the rangeland a commodity inexorably proceeds, from privatization to individuation to subdivision to sale. Further, like a "pure" commodity, the land may in the end function only for exchange rather than use. In the regions considered here, it has become highly questionable whether agriculture is viable and even whether a more efficient form of ranching could be devised than the form of labour-intensive pastoralism currently practised but being systematically.

"Sons and land cannot be given away". With education, Maasai often feel they have given away their children. With subdivision and sale, they observe, they are now giving away the land.

*"..There were no braver people than the Maasai.... Now, things have so turned around that the Maasai appear the stupidest in the world! It is surprising because the Maasai were very cunning, like the bee".<sup>17</sup>*

Indeed, in selling their land some Maasai have been greedy, short-sighted, opportunistic and even fearful. And effective opposition to the land policy has been muted in part because, as they see it themselves, the land is not being taken from them, they are giving it away themselves. A prominent Maasai addresses a meeting thus,

*"The land is now yours; do with it what you will. If you fill it up with Kikuyu, do so because it is yours".<sup>18</sup>* But what has become a "land scramble", a "run" on land by those who fear there will

be none left, equivalent to a run on a failing bank, can still be countered while the vast majority of Maasai land is still, as it were, "in the bank". Following the scandal over the illegal Mosiro land demarcation, a local KANU official called for the review and even scrapping of the Group Representatives Act under which Group Ranches had been created and by which they are now being subdivided and dissolved.<sup>19</sup>

By blaming themselves, Maasai do not see that they are themselves subjected to the logical course of privatization, individuation and commoditization of common property. And those who developed a tenure policy for Kenya's semi-arid lands did not realize that the end point may be not more but less productive use of the range resources and fewer rather than more people sustained in an area made habitable up to now only by extensive pastoralism.

The choices are clear. Some Maasai want subdivision for the purpose of developing their "own" land; others want it, out of greed or desperation, to sell. But the vast majority seek subdivision out of insecurity, in order to get something now rather than have nothing later. This insecurity stems from previous allotments to individuals from the group domain, and from the fear of further disappearance of their group land, through political favouritism or outright corruption. Unrealized development aims cannot further justify the scandalous process by which Maasai rangeland is subjected to privatization, individualization and loss.

## Notes

<sup>1</sup> Interview with Ole Maasani Sekento, Euaso Kedong, Ilkeekonyokie location, 19 September 1983.

<sup>2</sup> The assumption that common property implies open access underlies Hardin's notion of the "tragedy of the commons" (1968). Criticism of this view has been developed in Sandford (1983), Bromley (1989), and Bromley and Cernea (1989), who hold that "common property" should be distinguished from regimes of "open access", since the former involves community management often more effective than individuated and private forms of tenure. In the pastoral case, Rigby (1985, Chapter 6, *en pas-*

*sim*) has discussed how the Western concept of "ownership" proves inappropriate for expressing Maasai rights in land and livestock. Talle similarly asserts the inappropriateness of the notion of "property", given its connotations of "exclusivity" of rights, and recommends with Rigby the concept of "inclusive rights" to describe forms of the complex rights in land and livestock shared by individuals and groups (1988:72-76).

<sup>3</sup> The notion of "olokeri" or "olopololi" has been extended, if not distorted, by some in order to claim areas of individuated land. Traditionally, the *olokeri* covered an area from a few acres to 30-70 acres, depending on the number of calves to be accommodated and the duration of the homestead's residence in the area; today, in Ilkeekonyokie, the notion is applied to individual ranch holdings of 500-800 acres. For recent application of the *olopololi* idea to individualized holdings in Ilkaputie, see Grandin (1986:11-12), and for further discussion, see Talle (1988:52-53). For discussion of pastoral notions of territoriality, and the effect of transforming "common" into "state" land in Tanzanian Maasailand, see Ndagala (1990).

<sup>4</sup> White and Meadows (1981:3) report that "by July 1981, 65% of (Kajiado) District was registered as group or individual ranches": 43 group ranches totalling 11,896 km<sup>2</sup> and 300 individual ranches, covering 1,917 km<sup>2</sup>. It should be noted that due to the patrilineal ideology at the root of Maasai inheritance and succession practices, registered members were almost exclusively male, although they were seen as representing their entire families. On the implications of this effective dispossession of females from landed property, see Talle (1988).

<sup>5</sup> For a discussion of the scale of Group Ranches, and the implication of size for collective management, see Galaty (1988).

<sup>6</sup> For description of the aims set forth in the initial stages of the Kenya Range and Livestock Project, and the difficulties experienced in establishing the first Individual and Group Ranches in Ilkaputie section, see Davis (1970), Hedlund (1971) and Halderman (1972). For references to later problems experienced by ranches due to unresolved questions of membership and subdivision, see Sperling and Galaty (1990). Hjort af Ornäs (1990), Fratkin (1991) and Kituyi (1991) provide useful discussions of the political dimensions of the management of dryland resources in the context of development programmes in the arid and semi-arid zone of Kenya, including Maasailand.

<sup>7</sup> The legal basis for privatization of land in the Kenyan "reserves", with roots in colonial agrarian policy, especially the aim of providing collateral for agricultural credit, has been developed by Okoth-Ogendo (1991). For discussion of changes in land tenure policy within a wider context of African pastoralism and transformations in the African arid zone, see Galaty and Bonte (1991).

8 The President advised Kajiado residents to have their group ranches subdivided and each member gets his title deed to avoid differences in the future" (*Kenya Times*, Saturday, April 15, 1989), cited in Conference (1989, Appendix 2).

9 In the 1979 census (Government of Kenya 1979:102), Ewuaso-Kedong was reported as having 701 km<sup>2</sup>, 3,292 people and 736 households, with a population density of 4 per km<sup>2</sup>. I have extrapolated to arrive at the figures for ten years later indicated in the text.

10 Interview, Lodariak, Ilkeekonyokie location, 6 April 1987.

11 Open meeting, Ewuaso Kedong', Ilkeekonyokie, 3 November 1989.

12 News items published in the *Daily Nation*, 15-16 May 1991. In fact, some of the allottees on the list were second parties who had bought land from the original allottees, a process that must have taken months. Yet local residents knew nothing about the demarcation and allocation process, and it was only discovered when non-residents—some of them unaware that the allocation was illegal—were seen appearing in the Land Adjudication Office in Kajiado to collect title deeds, which had been filled out in an irregular fashion in a secret location.

13 Maasai age-sets are formed approximately every 7 years, first a "right hand" (RH) group, then a "left hand" (LH) group. Each pair of age-sets are later joined into a single age-group. The table lists age-sets referred to in the text, along with their age code and the approximate span of their members ages in years; age-sets in brackets are alternative names used in Ilkaputie.

14 The identifying numbers assigned to the pseudonyms used are as follows: Ole Kisau (59), Ole Onyokie (70), Ole Kipeto (64), Ole Periet (44), Ole Matampoi (51), and Ole Matingo (58).

15 *Maclean's Magazine*, 4 May, 1987.

16 Comments on notions, attitudes and changes in land, by M. Ole Tumanka, 1989.

17 Interview, Ole Maasani Sekento, Ewuaso Kedong', Ilkeekonyokie location, 19 September 1983.

18 Meeting to discuss ranch subdivision, Ewuaso Kedong', Ilkeekonyokie location, 11 April 1989.

19 *Daily Nation*, 16 May, 1991.

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Table 5. Maasai age-sets

AGE-GROUP	AGE-SET	(CODE) AGES (1990)	FORMED
ILTERITO	RH, Ilkidotu	(5.5) 79-86	1926
	LH, Iltiyieki	(5.0) 72-79	1933
ILNYANGUSI	RH, Ilkalikal	(4.5) 65-72	1940
	LH, Ilkamaniki	(4.0) 57-64	1948
ISEURI	RH, Ilterekeyani	(3.5) 50-57	1955
	LH, Iltiyogoni	(3.0) 44-51	1961
ILKITOIP	RH, Irrampau (Ilpokonyek)	(2.5) 35-43	1970
	LH, Irrang'irrang' (Ilmawani)	(2.0) 29-36	1976
NEW SET	RH, Ilkipali	(1.5) 22-29	1983
	LH, Ilmanjeshi	(1.0) 15-22	1990

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John G. Galaty is an Associate Professor in the Department of Anthropology at McGill University, and Director of the Centre for Society, Technology and Development. He has carried out field research among the Maasai of Kenya and Tanzania, and is currently pursuing a project on law, discourse and pastoral land tenure in east Africa.