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Citizenship and Partitioned People in East Africa: The Case of the Wamaasai*

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Abstract

This paper focuses on the issues of globalization and citizenship. It takes to task the various ways in which the issue of African integration has been conceptualized, by bringing in the question of the partitioned communities. It examines the situation of a partitioned people in East Africa, the Wamaasai, as social actors capable of making interventions and reconstructing other organizational capacities, including states, which can effectively deal with the global economy for their mutual survival. Moreover, it deals with the differentials in access to land and natural resources in the context of gender, class, race, age, ethnic, national, and other forms of imbalances, while at the same time problematizing citizenship in the African and global context. The Wamaasai people, cut nearly in half by the Kenya–Tanzania border live in a situation whereby boundaries were drawn across well established lines of communication including, in every sense, an active sense of community based on traditions, common ancestry, kinship ties, shared socio-political institutions and economic resources. These pastoralist groups, in both countries, have been facing harsh conditions because of being deprived of their lands and resources by their respective states, which have alienated them for agriculture and tourism. They have also been persecuted because of their resistance to 'modernity'. The paper is historical in its focus and analysis, with the aim to find ways of dealing with the problems facing the border/partitioned people through Pan-Africanist solutions.

Résumé

Cet article porte sur les questions de mondialisation et de citoyenneté. Il aborde les diverses manières dont la question de l'intégration africaine a été conceptualisée, en soulevant la question des communautés divisées. Il étudie la situation d'un peuple divisé, situé en Afrique de l'Est, les WaMaasai, en leur qualité d'acteurs sociaux capables de mener certaines interventions et de reconstituer d'autres capacités organisationnelles, telles que la constitution d'État qui peuvent effectivement traiter avec les acteurs de l'économie mondiale, afin

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d'assurer leur survie. Cet article examine également les différentiels au niveau de l'accès à la terre, ainsi qu'aux ressources naturelles, dans un contexte caractérisé par le genre, la classe, la race, l'âge, l'ethnie, l'appartenance nationale et autres formes de déséquilibres, tout en problématisant la question de la citoyenneté dans un contexte africain et mondial. Le peuple WaMaasai, pratiquement coupé en deux par la frontière kenyane-tanzanienne, a vu cette frontière tracée par-dessus des éléments de communication bien établis, tels qu'un large sens communautaire basé sur des traditions, des ancêtres communs, de forts liens de parenté, des institutions socio-politiques et des ressources communes. Ces groupes de pasteurs des deux pays ont vécu dans de rudes conditions, car étant privés de leurs terres par leurs États respectifs, qui les ont aliénés de leurs biens, pour pouvoir pratiquer l'agriculture et le tourisme. Ils ont également été persécutés, à cause de leur résistance à la «modernité». La problématique de cet article est historique du point de vue du thème et de l'analyse, et son but est de chercher des solutions panafricanistes aux problèmes que vivent les peuples divisés.

The Problem and Its Context

Literature on regional and African economic integration, over the years, has become ubiquitous in Africa. Numerous documents have been produced in the continent—from the Monrovia Strategy, the Lagos Plan of Action, and the Final Act of Lagos to the more recent document of 2002-New Partnership for Africa's Development (NEPAD). There has also been a proliferation of organizations for economic cooperation, such as the Southern Africa Development Community (SADC), Economic Community of West African States (ECOWAS), Common Market for Eastern and Southern Africa (COMESA) and the East African Cooperation (EAC), in the continent.[1] These new forms of regional integration schemes, on the whole, mainly focusing on the market-led strategy of development, have been conceived as complementary to Structural Adjustment Programmes (SAPs)—a shift from state-led strategies of the 1960s and 1970s to liberalization and support to private sector initiatives. In other words, economic goals have been at the centre in both theory and practice.

Fundamentally, the focus has been on markets and financial and economic development. Such forms of cooperation in Africa aim at dealing with 'problems' arising from the so-called operation of the 'informal sector' and 'informal cross-border trading activities', which, it is alleged, have succeeded in integrating markets where state-led initiatives failed. It is studies that examined these activities since early 1980s that more or less laid the ground for the acceptance of the World Bank/International Monetary Fund (IMF) led SAPs. These studies claimed to account for the way poor people coped with the economic crisis facing most countries in

Africa. According to them, there were a host of activities outside official circuits in which people were engaged, which provided them with survival mechanisms as entrepreneurs or low-income earners given the failure of the official economy to provide sufficient commodities and income-earning opportunities (see Bagachwa 1981; Malyamkono and Bagachwa 1990).

Some authors claimed that the 'informal sector' constituted individual strategies for survival and pressure 'from below through parallel marketing system.' That is, it was this sector that 'laid the basis for many of the liberalization measures that the state adopted later'. Therefore the 'informal economy' was a catalyst for change, as it forced an involuntary 'redefinition of the boundaries of state control.' Activities in the 'second economy' were conceptualised as 'adaptations to social or market forces working towards societal harmony or equilibrium' (Tripp 1989: 33, 45-6). In these studies, liberalization measures were viewed positively and governments were advised to support those 'legal' activities, which were supposed to be playing a supportive role in the private sector. This was in line with some other studies around these issues, which attempted at the reconceptualization of state/market relations in terms of existence of 'second economy', 'informal sector', 'parallel markets', etc., and aimed at demonstrating that policy reforms which could overcome the crisis needed to take into account the entire spectrum of economic activities rather than simply the figures provided by the national accounts which excluded all non-official activities. Most of these studies claimed an essentially political nature for the 'second economy' and its role in class formation in African societies (MacGaffey 1983, 1987, 1991; Bates 1983; Kasfir 1983; Rothchild and Chazan 1988).

These studies suggested the introduction of policy reforms that would rehabilitate all those activities which were hitherto considered 'illicit', since they were an 'initiative from below', 'autonomous forms of accumulation', which provided means of survival and accumulation of wealth for investment in productive enterprises. In MacGaffey's formulation, studies that included the 'second economy' had 'important implications for international aid donors, for potential investors, both foreign and national, and for government planners' (MacGaffey 1991: 23). What was being suggested was the 'officialization' of the 'second economy', and its linking to foreign direct investment through a removal of state controls, in the hope that this would lead to spontaneous and harmonious growth.

Despite the liberalization measures in most African countries and attempts to establish regional trading blocks, it is clear that the 'informal

sector' and 'informal cross-border activities' have been flourishing unhindered. Official reports in Tanzania show that the country supplies various agricultural goods and natural and mineral goods to Kenya, Uganda, Malawi, Zambia, Burundi, Rwanda, Mozambique and the Democratic Republic of Congo (DRC). A report compiled by the Ministry of Agriculture, Livestock Keeping and Cooperatives for the year 2000 on Livestock Border Markets and Inter-Regional Trade in Tanzania, showed that 286,124 head of cattle worth USD 46.4 million were 'smuggled' out of Tanzania to neighbouring countries. At the same time, 11,408 head of cattle worth USD 1.85 million were 'smuggled' from across Tanzania's borders during the same year. The report further estimated that the country's 'informal cross border trade' annually was about USD 278 million (Tshs 273 billion). That is annual 'informal' imports and exports stood at USD 102 million and USD 176 million respectively. Meanwhile, studies on regional integration of Uganda, Kenya and Tanzania revealed that Kenya formally exported goods worth USD 72.5 million to Tanzania, while Tanzania officially exported to Kenya goods worth USD 18.2 million. On the other hand, Tanzania officially exported goods worth USD 5.6 million to Uganda and imported goods worth USD 4.8 million.[2]

From being popularized as 'informal cross-border trade', it is currently labelled 'corruption in cross-border trade' since, somehow, it is seemingly operating against the very predictions of the architects of SAPS and the liberalization policies in general. The fact is, despite all the rhetoric about liberalization, measures to affect such policies are premised on increased state intervention in economic affairs in terms of adjustments to cope with inflation, trade policies, land and natural resources policies and laws, labour laws, tax incentives, export subsidies, privatization, sectoral policies (in terms of planning and integration of activities), research policies, regulations and controls. Boundaries between sovereign states are not annulled by 'formal' or 'informal' cross-border trade, when states still exercise their distinct jurisdictions. These states, whose basis is the arbitrary division of territories in Africa since 1884, involve the application of formally enacted laws and regulations to screen cross-border flows of unauthorised people and goods. They involve entrenchment of legal definitions of 'citizens' and 'aliens' in the constitution and statute books.

A lot is known about cross-border trade, formal economic linkages, diplomacy, law and politics that govern state relations across the boundaries, but there is a dearth of literature on the border populations in terms of the social, cultural and economic relations they continually generate

across the frontiers. This research took as its starting point the fact that the socio-cultural dimensions of the partitioned people in Africa–which defy the absolute boundary maintenance, given those homelands of some of these communities straddle the borders–is the real challenge in contemporary Africa if one has to transcend the contemporary conceptualization of citizenship, as simply formal citizenship. Achievement of regional and African unity will finally depend on unity at grassroots level, which is in reality based on logical rejection of the boundaries as lines of demarcation, given the kinship and other socio-cultural relations, as well as economic relations activities.

The aim of this study is to demonstrate the fact that the nation-state type of political boundaries in Africa are an obstacle to the resolution of problems currently facing Africa, since they lead to exclusivist, discriminatory and oppressive politics. The nation-states in their current forms as successors to the colonial and neo-colonial entities cannot guarantee welfare and rights to the people, given that most often the boundary communities are often viewed as 'problem' communities. In most cases, these are the areas affected by refugee problems, and nation-states are usually reluctant to invest in their development on the pretext that they might attract people from across the boundary. East African countries are at the threshold of coming out with a new East African Community after the demise of the former one in 1977. A Framework Treaty that formally created the East African Cooperation was signed by the presidents of the three East African nations in 1999. It is for this matter that they are an interesting test case.

This study focuses on the situation of the Wamaasai of East Africa. The Wamaasai people, cut nearly in half by the Kenya–Tanzania border live in a situation whereby boundaries were drawn across well-established lines of communication by the colonial powers in 1884 including, in every sense, an active sense of community based on traditions, common ancestry, kinship ties, shared socio-political institutions and economic resources, and common customs and practices. These people protested, for example, in 1898 against the Anglo-German Boundary Commission which carried out the demarcation of the boundary, since the land belonged to the whole community. These pastoralist peoples, in both countries, have been deprived of their lands and resources by their respective states, which have alienated them for agriculture and tourism. This is separate from the fact that they have often been persecuted for their resistance to "modernity."

The study draws from documentary evidence and field research. Data was gathered from secondary sources like extant texts (in the archives and libraries), books, journals and other publications on the community in Tanzania. In addition, some primary data was sourced through field research among the Wamaasai living in border areas. Initially, the aim was to collect data at Namanga (a township at the border between Tanzania and Kenya). The idea was dropped on the way, because this is a township, which has all the state administrative controls on both sides of the border and it would not necessarily generate new insights, apart from those already current in those studies dealing with cross-border trade. Instead Lerangw'a village (in Rombo District, Kilimanjaro Region), a village situated 8 km from the border between Tanzania and Kenya, lying between Kilimajaro Forest Reserve (KFR) on the side of Tanzania and Amboseli National Park on the side of Kenya, was visited.

The significance of this village, together with some others around the area is the fact that it borders the Kilimanjaro-Amboseli wildlife corridor. This is a protected migratory route of animals on both sides of the international border to other favourable areas for breeding sites, food, water and other seasonal requirements. The same happens to be the case with Mkomazi Game Reserve in the eastern part of the Kilimajaro Mountains stretching up to Tanga Region on the part of Tanzania, which borders Tsavo National Park in Kenya; and also Serengeti National Park in Tanzania, which extends to Maasai Mara National Park in Kenya. In all these areas, animals move across the international border seasonally. The same routes have been and are still used traditionally as migratory routes for the WaMaasai pastoralists. Another place that was visited very briefly is Oldonyo Muruwak in Hai District (Kilimanjaro Region). This is a small hill, which is a sacred place for the WaMaasai from all over East Africa. They converge here every ten years or so to perform ritual ceremonies, when people change from one age group to another.

Conceptualizing 'Citizenship'

This is not the first time that Kenya, Uganda and Tanzania have formed an economic cooperation among themselves. Tanzania (then Tanganyika) a formerly German colony between 1884 and 1917, had no tariffs on the Tanganyika/Kenya border from 1923 to 1967. Tanganyika formally joined the customs union which already operated between Kenya and Uganda in 1927 (Leubuscher 1944: 103-4). The East African Common Market and the East African Common Services (railways, airline, tax collection, etc.) was established in 1948, with headquarters in Nairobi. In 1961, the British

government set up the Raisman Commission of Inquiry and charged it with the task of looking into the inequalities existing in the East African cooperation. It was the report of this Commission which was to form the basis of the establishment of the East African Common Services Organisation (EACSO). The envisaged policies by then were orthodox by nature. The expectations were, these countries would be run by civil servants and the economy would be driven by foreign private companies, 'responding to suitable incentives' (Coulson 1982: 121-2).

Alongside the operation of the common services and common market, there was also the East African Currency Board, which operated the currency and monetary policies of the three countries. There was a common currency, and the Board invested foreign exchange earnings in United Kingdom securities as backing for the East African shilling. Effectively, the colonies were lending money to Britain for investments, since it was Britain which controlled the foreign exchange earnings. Within this context, Tanzania announced the establishment of its own central bank in 1965, and introduced its own currency in the same year to replace the common East African shilling. Other member states followed suit. In the same year, Tanzania imposed quotas on Kenyan made goods. The EACSO arrangements collapsed in this year. By 1966, the Phillip Commission was formed to try and contain the crisis in the East African cooperation. It was on the basis of the recommendations of this Commission that the East African Community, with its headquarters in Arusha, came into being. The presidents of the three countries signed a treaty that created the East African Community in 1967.

The EAC had an East African Council then made up of three East African presidents and five councils responsible for common market, communications, economics and planning, finance and research and social affairs (Hazlewood 1975). The 1967 Treaty for the EAC had attempted to redress the historical economic imbalances that existed between the three countries by allowing for 'tax transfers' to be imposed on the Kenyan borders with Uganda and Tanzania for eight years for any product, in order to protect the infant industries in the two countries. Over and above, it moved the headquarters of the Posts and Telecommunications to Uganda, the harbours to Dar es Salaam, and the headquarters of the community, including the tax collection services to Arusha. Relations between Tanzania and Kenya began to sour in 1975. A Commission (the Demas Commission) was set up in the same year to try to save the East African Community. But the border between Kenya and Tanzania was closed in 1976.

In the case of Uganda, relations with Tanzania went badly with the ascendancy of Idi Amin to power through a coup in 1971. Tanzania opposed the move. It harboured political refugees from Uganda who opposed the Amin regime. In late 1978, Ugandan forces invaded and annexed a small land area in north-west Tanzania, on the pretext that the part formerly belonged to Uganda. The two countries went into a war which lasted for eight months. Idi Amin was kicked out of Uganda by the Tanzanian forces. The East African Community collapsed in 1977 amid political and economic disagreements between the partner states. By 1978, the three states appointed Valter Umbricht to look into possibilities of dividing the assets of the defunct EAC. Umbricht apportioned their shares of assets and liabilities, with Kenya getting 42 per cent, Uganda 26 per cent and Tanzania 32 per cent. Meanwhile, while relations between Tanzania and Uganda had improved with the overthrowing of Idd Amin, relations between Tanzania and Kenya continued to be tense. The border remained closed, and by 1982, both countries were harbouring political dissidents from the other.

Relations between Tanzania and Kenya improved in 1984. With these changed circumstances, the two countries exchanged political dissidents as a sign of good will. In the same year, the three East African countries signed the East African Mediation agreement on the division of assets and liabilities of the former EAC. This agreement also sought to seek new areas of East African Cooperation. It was in 1993 that the three presidents—Ali Hassan Mwinyi of Tanzania, Arap Moi of Kenya and Yoweri Museveni of Uganda—signed anew the Treaty for East African Cooperation in Arusha. The Secretariat of the East African Cooperation was launched in 1996 and Presidents Benjamin Mkapa (Tanzania), Arap Moi (Kenya) and Yoweri Museveni (Uganda) signed a Framework Treaty that formally created the East African Cooperation in 1999.

The EAC, among other things, aimed at promoting sustainable utilization of the region's natural resources and put in place measures for effective protection of the environment. It aims at the promotion of economic integration, and is basically private sector-led. The underlying assumption of the whole initiative was, the cooperation will bring together nearly 80 million people (28 million from Kenya, 20 million from Uganda and 32 million from Tanzania) who are potentially a market for goods and services produced by the private sector and also ease trade barriers among the countries as a means to check the flow of unofficial trade. It would also improve prospects for investments in agriculture, tourism and transport infrastructure.

What is apparent from the above is the fact that the historically social, cultural and political goals of African peoples are not central to these considerations. Even the fact that the current African states are successors to the colonial entities created in consequence of the European partition of Africa in 1884 is not posed as an issue. In fact, what is completely forgotten by those who are concerned with 'cross-border activities', is the fact that the drawing of the boundaries (a political and social act) was a surgery which more often than not split communities based on same traditions as far as common ancestry, kinship ties, social political institutions, economic relations and customs and practices are concerned, and subjected them to different colonial powers or imposed states. More than 100 communities of such characteristics in Africa were arbitrarily vivisected by the colonial powers with little reference to their history, culture, economy, political organization and general modes of life. The Nyamwanga of Zambia, for example, still have their chief appointed by the Nyamwanga of Tanzania, where chieftainship was done away in 1963! Table 1 is an illustration of some of these communities as far as the East African countries are concerned.

There is ample evidence that before and even after colonial occupation, African people were moving freely around their respective regions (west, east, central, southern and north) in large numbers. 'Mozambicans have moved to Malawi, Malawians to Zimbabwe, everyone to South Africa and so it goes on. Many families contain at least a member with direct experience of another country...' (Davidson and Munslow 1990: 11). It is this unity of the people at grassroots level that is not reflected in most literature on cross-border activities. There is hardly any reflection of the achievements of unity at grassroots which was the hallmark of the politics of struggles for independence in Africa in the current theories and practices of integration/unity in Africa. The fact that African masses' forms of resistance to European domination up to the 1940s tended to take place within the context of *Pan-African identity* and not distinctions that are 'tribal', 'ethnic', 'territorial' or 'national' is completely forgotten. When Italy invaded Ethiopia in the mid-1930s, Africans from the continent, Europe and the United States volunteered to fight in Emperor Haile Selassie's army. Kenneth Kaunda and Franz Fanon are among many examples of people who were to be part of independence movements away from their countries of birth. The workers strikes in the late 1940s in many African countries were pan-territorial, and not simply country-based. Sembene Ousmane's (1986) *Gods Bits of Wood*, for example, is one of the most beautiful testaments of struggles of people, who did not

stop at being Bambara or Wolof, Malian or Senegalese. The All-African Trade Union Federation Charter (Casablanca) is a testimony to this. The Charter spoke about all the workers and peasants of Africa and their struggles against all forms of human exploitation.

Table 1: Partitioned Communities in the Great Lakes Region

Boundaries	Partitioned Communities
Kenya–Ethiopia	Somali
Kenya–Somalia	Somali
Kenya–Sudan	Turkana, Danyiro
Kenya–Tanzania	Maasai, Luo, Kurya, Jaluo, Coastal Communities
Kenya–Uganda	Teso, Luya, Luo, Karopakot, Turkana, Marukwet, Samia, Hesu Seuei, Bagisu
Tanzania–Mozambique	Makonde, Yao, Ngoni, Matengo Makua, Ngonde, Nyasa
Tanzania–Malawi	Ngonde, Nyasa
Tanzania–Zambia	Mambwe, Nyamwanga
Tanzania–Democratic Rep. of Congo	Boyo
Tanzania–Burundi	Burundi
Tanzania–Rwanda	Ha, Haya, Zinza, Hangaza, Banyarwanda
Tanzania–Uganda	Haya
Uganda–Democratic Rep. of Congo	Alur, Batoro
Uganda–Rwanda	Banyarwanda
Uganda–Sudan	Acholi, Kakwa, Jiya, Alur, Jiya, Lango, Dongatona

In many ways, most anti-colonial struggles, even when localised, tended to emphasise race as opposed to place or territory. More often than not, movements for the liberation of the various countries worked together and supported each other. The fact that the colonization and condemnation of Africa to its current state of affairs was continental and that Africans in the past worked for a continental liberation and rehabilitation is hardly taken into account.

> The efforts of the native to rehabilitate himself and to escape from the claws of colonialism are logically inscribed from the same point of view as that of colonialism. The native intellectual who has gone far beyond the domains of Western culture and who has got it into his head to proclaim the existence of another culture never does so in the name of Angola or Dahomey. The culture which is affirmed is African culture...Colonialism did not dream of wasting time in denying the existence of one national culture after another. Therefore the reply of the colonized people was continental in its breadth. In Africa, the native literature of the last twenty years is not a national literature but a Negro literature...Because the New Guinean or Kenyan intellectuals found themselves above all up against a general ostracism and delivered to the combined contempt of their overlords, their reaction was to sing praises in admiration of each other. The poets of Negro-ism will not stop at the limits of the continent. From America, black voices will take up the hymn with fuller unison. The 'black world' will see the light of Busia from Ghana, Birago Diop from Senegal, Hampaté Ba from Sudan and Saint-Clair Drake from Chicago will not hesitate to assert the existence of common ties and a motive power that is identical. (Fanon 1967: 171)

The All-African People's Conference held in December 1958 in Accra, Ghana, resolved that Africa must unite. In its resolutions, it categorically stated that "the bulk of the African continent has been carved out arbitrarily to the detriment of the indigenous peoples of Africa by European Imperialists'; that 'the great masses of the African peoples are animated by a desire for unity'; the latter would be 'vital to the independence of its component units and essential to the security and the general well-being of African peoples'. The resolution further stated that 'the existence of separate states in Africa is fraught with dangers of exposure to imperialist intrigues and of the resurgence of colonialism even after their attainment of independence, unless there is unity among them'. It endorsed the Pan-Africanist desires for unity and called upon independent African states to work towards the evolution and attainment of an African Commonwealth.[3]

Kwame Nkrumah was of the view that there was not much that African states could achieve individually for their people, even if some were potentially rich, unless mutual help and economic development for the whole continent was planned and pursued. In a very profound and prophetic manner he stated: 'A loose confederation designed only for economic co-operation would not provide the necessary unity of the purpose. Only a strong political union can bring about full and effective development of our natural resources for the benefit of our people' (Nkrumah 1971: xi). The struggles for independence were at the same

time struggles for the rehabilitation of the African personality, which depended on the unity of Africa, 'not only in sentiment but in fact'. According to Julius Nyerere, 'We know that a balkanised Africa however loudly it might proclaim its independence and all that, will in fact be an easy prey to the forces of neo-imperialism [neo-colonialism].'"[4] In 1962, Mwalimu Julius K. Nyerere had ridiculed African borders as 'ethnographical and geographical nonsense'; 'It is impossible to draw a line anywhere on the map of Africa which does not violate the history or the future needs of the people'. He even regarded the retention of the colonial boundaries a 'second scramble' of Africa (Smith 1974: 88).

Kwame Nkrumah and several other leaders, propelled by the vision of Pan-Africanism, placed emphasis on political unification of Africa and the abolition of colonial boundaries dividing African people. When the OAU came into existence in 1963, it was hoped that that would be the first step towards the total unification of Africa. But in the OAU Summit held in Cairo in 1964, the overwhelming majority of African states supported the adoption of a resolution which pledged to respect the borders existing on their achievement of national independence. By then, self-determination had acquired an interpretation to mean a right applicable to the colonial territory within inherited boundaries. In this way, states were increasingly defining themselves according to colonial boundaries and working towards self-preservation and that of the status quo. Except for Tanganyika-Zanzibar union, which still survives, other attempts at uniting countries (e.g. Ghana-Guinea-Mali union of 1960) had collapsed.

The self-preservation of the states was increasingly being combined with an obsession with application of western legal definitions of concepts such as citizenship, refugees, aliens, etc., and hence creating more difficulties and even crises for the people in various countries. A Citizenship Bill was passed in Tanganyika in 1961, for example. It stipulated that citizenship be granted automatically to any adult person who was born in Tanganyika, and anyone born of one or both parents, neither of whom was born in Tanganyika, to be given two years to decide if he or she wished to become a Tanganyikan citizen. Dual citizenship was to be ended, and duties and rights of citizens were to be based on loyalty to the country.[5] In this regard, people from former German East Africa (including Rwanda and Burundi), which had been re-divided after World War I into Belgian and British territories, and other people residing in the country from other territories were being directly affected. This was besides the fact that people living in the borders with neighbouring countries, such as the Wamasaai, Wajaluo, Wamakonde, Wanyasa, Wahaya,

Wahangaza Wanyamwanga, etc. who had relatives and friends across the borders were also being affected.

This, in fact was contrary to the past history of the country. Historically, the concept of refugee began to be applied in Tanganyika for the first time in 1920s. The reference then was only to persons of European origin, mainly Germans (whether prisoners of war or missionaries). This was also the period that saw a variety of African people coming from the neighbouring countries (in many instances running away from brutal conditions or for economic reasons), but these were not regarded as refugees. Legislations which had direct bearing on refugee and war were actually passed during World War II, when the Colonial government had to arrest and intern in camps or isolate in a quarantined island more than 3,000 Germans and Italians who were thought to be dangerous to British interests. It was in this context that laws that sought to establish refugee camps, to control the movement of refugees and give provision for their removal or deportation were introduced.

From only Europeans being refugees, independent Tanzania was to redefine that status so that it included Africans. It gave a refugee status to some political groups, some of who were to stay as liberation fighters (South Africans, Mozambicans, Zimbabweans, etc), as a reflection of their anti-colonial stance. The headquarters of the Liberation Committee of the OAU was to be stationed in Dar es Salaam in 1963, and many liberation movements opened their offices in the country. Their political activities were hardly questioned, since these were considered legitimate political struggles against oppressive colonial regimes. While those from the colonial countries were accorded such a status, those who came from the newly independent countries faced a different situation. With the independence of Rwanda in 1962, for example, the political support previously accorded to the Watutsi was to be reduced and completely disappeared in the subsequent years. With the independent government, the influx of people from neighbouring countries was not merely that of 'migrant labourers' as in the previous times, but refugees. It was within this context of elevating 'alien' Africans from migrants to refugees that the Tanzanian government passed a law in 1966 (The Refugee (Control) Act). The Act more or less reproduced the provisions of the colonial legislations, and it gave excessive powers to the state organs to exercise powers over the refugees. This law was supplemented by such as those that dealt with extradition matters and the Fugitive Offenders (Pursuit) Act of 1969.

It was with the opening of a branch of the United Nations High Commission for Refugees in Dar es Salaam in 1967 that concern began to be voiced on the nature of the refugee laws in Tanzania. The concern was over the issues of human rights, methods of determination of refugees and the whole question of the presence of international institutions and their role. No changes were made as such on the law despite the proposals and counter proposals.[6] This reluctance to change the legislations on refugees was also to find its expression in the manner that Tanzania acceded to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide in 1984. Even with this having taken place, the country failed to comply with the essence of the Convention which required her to adopt implementing legislations, the result of which persons and government agencies did not have the possibility of acting legally when such matters arose, such as in the 1994 Rwanda events. It was this aspect that made Tanzania fail abysmally to deal with people who committed acts of genocide and were residing in Tanzania. The 1966 law was repealed by the 1998 Refugee Act, and assented by the President in 1999, the year when a new Citizenship Bill was passed.

Like elsewhere in Africa, citizenship in Tanzania has acquired the connotation of formal citizenship, defined as membership of a nation-state and loyalty to the state and its policies as prescribed by the donor and international community, rather than an attempt to restructure the relations between the people and the state. Citizenship in Africa means politics of exclusion and denial or granting of rights to some groups including the disempowerment of the majority of the people. It is fundamentally different from the conception of Eastern European countries, where opposition movements that brought about the collapse of these regimes emphasized very strongly the idea of citizenship as embodying basic rights, and also the related conception of the independence of the institutions of the 'civil society' from the state. The problem as far as these movements were concerned was that of how to establish a democracy whereby there would be a sense of widespread and evenly shared opportunities to influence public opinion and government decision-making through plurality of organized interest groups. In this regard, citizenship appeared to depend for its exercise on active participation in non-state institutions, as the necessary basis for participation in formal political institutions. It is these conceptions that the rest of the world seems eager to take to heart and introduce, even in Africa, within the process of restructuring of the economies.

With the introduction of multiparty system in the country in 1992, the vocabulary of 'nationalism' and 'patriotism" was increasingly being replaced by that of 'citizenship'. In this year, one of the former independence cabinet ministers and a long serving member of the nationalist party, Mr. Oscar Kambona, had come back from self-exile and formed a party—Tanzania Democratic Alliance (TADEA). The state claimed that he was not a citizen of Tanzania but a Malawian! Citizenship in Tanzania had acquired the connotation of formal citizenship, defined as membership of a nation-state and loyalty to the state and its policies.

Even outright racist and xenophobic views are on the increase among the people of Tanzania. During the parliamentary budget session of 2001 there were suggestions from some honourable members of the house to the effect that Tanzanians should avoid marrying women of Rwandan and Burundian origin, lest they produce offspring who are 'naturally violent'! In early 2001, four prominent people (two of them of high ranking in the ruling party and the others having previously held various positions including representing the country internationally) were declared stateless. In October 2001, the government kicked out about 3,000 people of Ugandan origin who had settled in the country, some of them for a generation or so, because they are not citizens. They were being sent back to Uganda with their 80,000 herds of cattle. The government announced that the exercise of hunting and kicking out 'foreigners' would continue.

The Pastoralist Wamaasai and Related People

There is a lot of literature on the Wamaasai people of East Africa in the world. Most of it focuses on the ecology and management of the conservation areas in which they inhabit and that relationship with wildlife in the region. The classic study is that of Bernhard and Michael Grzimek (1965)—*Serengeti Shall Not Die*. This book catalogued the threats that Tanzania's Maasai herders, poachers and farmers posed to the greatest wildlife spectacle on earth. It was this book which brought Hollywood to produce a film on Serengeti which shook the Western preservationists. The book was completely oblivious of the threat and hardships that these people had suffered and continued to suffer. It simply upheld the beauty and the value of those plains for white hunters and white tourists.

The other type of literature is the typically coffee table type, which merely regards these people as part of the exotic fauna and flora of the landscape. This type of literature, besides the colonial type which portrayed them as warrior people who were constantly on the necks of other 'tribes', fighting them and looting their cattle, merely regard them as 'no-

ble savages' for tourist attraction. The view is they are obstinate conservative nomads, who, like dinosaurs, are survivors from the past age with a dying set of values, aristocratic, manly and doomed. Thus, for example, book writes:

> The tribes holding the greatest attraction for visitors are undoubtedly those belonging to the Nilo-Hamitic peoples, rich in ceremonials and spectacular in dress....[The] famous Maasai, who still occupy a great area of Kenya and extend south into Tanzania. Even more picturesque are the nomadic Samburu, who roam about in the tumbling, volcanic country between Lake Turkana and northwest Mount Kenya. Appropriately, Samburu means butterfly (Casimati 1986: 11).

Reality is, of course, different from the above views. Without going into the details of their origins (Spear & Waller 1993),[7] people called the Wamaasai have lived in the vast plains of the Rift Valley in southern Kenya and northern Tanzania, and also in certain areas immediately east and west of the Rift Valley. That is from the north of Mount Kenya to the plains south of Mount Kilimanjaro, and from the shores of Lake Victoria to the coast of the Indian Ocean. This country, which has historically been referred to as Maasai-land, has always been shared with people who share a common language with the Wamaasai, and in many aspects at least share a common culture with them although generally not the name Maasai. Their own legends tell of a beginning when they came from Kerio, a kind of paradise (Loitokitok). They are said to have initially come from somewhere around Lake Rudolf and moved southwards some six hundred years ago. At the same time, there is one of the mountains in north Tanzania, which the Wamaasai call Oldonyo Lengai—the place where God resides and the western summit of the Kilimanjaro is referred by them as Ngaje Ngai—the House of God.

Those who share attributes with the Wamaasai are people living north and South of Lake Baringo—the Iltimus and the Samburu. Others are the hunter-gatherers Wandorobo and Watatoga. Others are the agricultural Waarusha (sometimes called the agricultural WaMaasai). In Kenya, they are bordered by Kalenjin agro-pastoralists to the west and agricultural Bantu communities in most other directions, such as Kikuyu and Luo to the north and Abugasi to the south and southwest. In fact, there are some aspects which indicate that the Wamaasai and the Wakalenjin, together with the Rendille, Galla and Boran, may be closely related. In Tanzania, they are bordered by Bantu agriculturalists such as the Wameru, Wachagga, Wapare. Some of these are also agro-pastoralists. Relations between

Maasai and agricultural communities were mostly peaceful and trade-oriented. This is particularly so with Kikuyu, with whom the Maasai share a deity and sometimes exchange wives. They have also lived in peace and harmony historically with the Nandi and Kipsigis.

The relations between the pastoralist Maasai and other agricultural communities (for example, the Wakikuyu) were based on complementary economic relations, with the former accessing to food supplies, such as vegetables and cereals and extra herding labor whenever there was shortage and the latter accessing to small stock. There were intermarriages taking place between these communities. Networks between the Wamaasai and Wakikuyu were quite intense by late nineteenth century, and characteristic of the Wamaasai concept *osotu* (bond friendship) which referred to the ties between these people. Learning the language of each other was a common practice within these relations. It was mainly women who were at the centre of these exchanges, since they were the ones who controlled the household's food supplies. Within this context, women were the porters in the trade and there were some who emerged as entrepreneurs and investors in food supplies. For these communities, food was ultimately friendship. They even helped each other during hard times. (Waller 1993: 228-9).

In Tanzania, the Wamaasai have traditionally reached out towards the east almost as far as the coast, from Tanga region to Morogoro and the Coast regions. From the Southwest, they spread into the north-eastern part of Mbeya region (this region borders Zambia in the west). While those who spread to the Coast and Morogoro region are sometimes derogatively referred to as Wakwavi, those who spread to the tip of Mbeya region are sometimes referred to as the Wabaraguyu. In sum, what it amounts to is the fact that the reference to Maa-speaking people specifies the geographical and historical context of an identity which exists within divergent modes of livelihood and forms of exchange. The communities crucial to the history of the WaMaasai are the Kikuyu, Kalenjin, and to a lesser extent other Bantu groups. Thomas Spear noted the following:

> Pure pastoralists cannot survive in the long run without access to grains to supplement the pastoral diet, to food reserves during droughts, or to refuge in times of trouble. Social relations between pastoral and agricultural societies were thus intense, and were facilitated by shared cultural norms. Most of the farmers with whom Maasai interacted were Bantu or Kalenjin-speakers who farmed the fertile highlands surrounding the plains—Kikuyu, Chagga, Sonjo, Nandi, and others. Women conducted frequent trade between pastoral and agricultural homesteads; bilingualism and intermarriage were common; farmers were often affiliated with Maasai clans or

> age-sets; herding duties and stock were often reciprocated; and pastoralists frequently sought refuge among farmers when drought or disease devastated their herds. Other farmers—Arusha, Nkuruman, and Chamus—were, however, culturally Maasai, defining themselves as such, speaking Maa, participating in Maasai clans and age-sets, intermarrying with Maasai pastoralists, and conducting frequent exchanges of food, labour, and stock with them. While Kikiyu and others could cross cultural boundaries and become Maasai, only relative status separated agricultural and cultural Maasai (Spear 1993).

The Wamaasai themselves use the word *Olosho* to apply to all Maa-speaking people. And this word cannot be readily translated by the word 'tribe' or 'ethnic' group—whether one defines it in terms of origins of the community, political autonomy or cultural elements such as language and religious beliefs. It refers to all those groupings above (Samburu, Iltiamus, Waarusha, Wabaraguyu, Wakwavi, Ndorobo) and their territorial occupation (geographical) in the form of landownership. These are groupings which are geographically cut-off from the main body of the Maa-speaking people, but there is still a great degree of unity and a sense of feeling united—sameness of culture, economy, and other aspects. The Iltiamus and the Samburu, for example, were completely cut-off from the Wamaasai main community by a Wamaasai migration ordered by the British government in 1904 and 1911. The Wamaasai were being displaced for European settlers in the highlands. With the forcible move of 1911, the Wamaasai went to live in the western part of the country known by the Wamaasai as Olorokoti loo Siria—west of the Mara River. This is the area that also borders the Serengeti (meaning, an endless plain in Kimaasai) in Tanzania.

The pastoralists and farmers or hunter-gathers traditionally usually came together as a single mode of production. Here, the aspects which brought these people together are more important than those that have usually been exaggerated by imperial and colonial historiography, and which sought to differentiate the pastoralists from the farmers and other communities by insisting that war reigned among the people of East Africa in pre-colonial times. Since 1970s, popular historiography in Africa has demonstrated that it was the colonials who were pre-occupied with the 'invention of tribes', following the studies by Ranger (1983) and Iliffe (1979). These studies revealed that particular ethnic identities have come into existence in the relatively recent past as a colonial creation and that these ethnic categories are constructs, which have been changing over time given the nature of the state. It was further demonstrated that ac-

counts (by ethnologists, travelers and missionaries) on nineteenth century pre-colonial Africa rife with 'tribal wars'; descriptions of whole populations perpetually at each other's throats was an imperial creation to justify the intervention and colonization of Africa (Kjekshus 1977). All this was constructed by the so-called 'humanitarian movements', advocating for colonization as a means to bring 'civilization' to Africa (in the name of spreading Christianity). It was what the imperial writer Kipling termed,'white man's burden'—to 'civilize' those 'half-devil, half-child' peoples of Africa (Wright 1976: 113).

The Wamaasai have historically maintained common relations with all their neighbouring groups. The basis of their common social relations was grounded on the fact that pastoralists sought to maintain wide circles of exchange and marriage partners by incorporating their agricultural and hunting and gathering neighbours within their age-sets. At the same time, farmers married pastoral women and adopted pastoral men into their lineages. 'Each set of social relations was thus historically specific to a single means of production but ultimately came to embrace those with different means of production in order to mediate relations among them within a common mode of production' (Spear 1996: 6). These groupings, seemingly different on the basis of their means of production and means of subsistence, have been projected as opposed to each other in most stereotyped literature. This is because in the legends of the various communities, pastoralists sought to protect their access to animals and grazing lands by regarding hunters who destroyed animals or farmers who monopolized potential grazing lands as consumers of valuable resources. The creation myth of the Maasai goes that a single God (*Engai*) created three people who were assigned different roles on earth.[8]

The Wamaasai (herein refers to all Maa-speaking and related communities) have historically lived in small settlements, or kraal camps (*manyatta*) set up by the *moran* (the warrior age-set) to protect the locality. Basically, all these people are defined by three co-existing but separate structures which combine to produce a highly complex social system, namely, the territorial system, the clan system and the age-set system. The pastoral Maasai are sub-divided into a number of territorially based sections called *iloshon*—such as the Kisongo, the Sale, the Loita and Serenget in Tanzania or the Purko in Kenya and parts of Tanzania. Traditionally, each section is a land owning unit in the sense that people belonging to a certain section have rights in the territorial land occupied by that section as against people of other sections. Within this context, it is

the outer boundaries of the section that constitute the limits of the livestock movements as far as grazing and pursuit for water is concerned. Each *iloshin* is in turn divided into *enkutoto* (a number of smaller localities), each with its own permanent water sources for dry season grazing. In each of these small localities, there are defined boundaries for wet season grazing. Depending on the environmental conditions, each locality varies in size, but the average may be about 1,000 people or 125 *bomas* (kraal) in possession of an average of 20,000 livestock units (cattle and small stocks).

The *boma*[9] is the basic unit of settlement and the principle unit of livestock management as well as the centre of domestic life. It is composed of several independent homesteads which have joined together on the basis of congeniality and common interests in the economic exploitation of the immediate vicinity. The homesteads (singular *nkang*, plural *nkangitie*) consist of a number of houses built around central holding corrals for livestock. Traditionally, a *boma* had 50 to 80 persons and as many as 1,200 to 1,500 livestock units, of which a large number were cattle. It was a flexible unit in terms of composition and organization. There were no formal leaders, although elders were usually considered to be the informal leaders. Beyond that, there were no overall kinship structures in which political authority resided, although some households could be related to one another by various ties of kinship. For them, it was not necessary for a boma to have predominantly members of one descent group, and settlement of disputes and enforcement of norms and values mainly rested with the local council of elders.

In practice, the *enkutoto* was a self-contained economic and sociopolitical unit in which leaders—a council of elders under the leadership of local age-set leaders—managed the resources and public affairs. Although the *enkutoto* was not a land owning unit in the same sense as *iloshon*, individual homesteads secured their rights to communal resources (grazing land and water) only through common residence within the same locality over a period of time. Homesteads, thus tended to remain in one locality rather than move between localities because of the rights and obligations attached to local loyalties. Over and above these sections and localities are the clans. These were divided into patrilineal clans, referred to as *inkishomin*. The *inkishomin* were in turn divided into sub-clans, called *olilata*. The clans were dispersed throughout the Maasai land and among different *iloshin* and *enkutoto*. In other words, each of these was likely to contain a number of clans. Clans are identified by shared names and histories, and they are structured by kinship relations. Clans could

trace their lineage to three generations or more, back to the father of the oldest living man, 'and clanship membership embodies the ides of common origins further back in the father's line....'. Marriages generally take place between members of different clans. Furthermore:

> Members of individual clans are dispersed throughout Maasailand, and thus provide a potential network of influence and social obligation alternative to the section system....Perhaps its most important expression among the Maasai, apart from its constraints on marriage, is that new immigrants to a locality rely on clansmen already living there to help them settle in (Homewood and Rogers 1991: 45).

Beyond the above, the Maasai are stratified by way of male age-sets. These include all men within a given age span over a large area. These age sets pass through four stages. The same age-sets exist even among the Waarusha and other groups related to the pastoralist Wamaasai. The first one is called *ngiaray/layon* (boyhood). This is a set of those boys who have not been circumcised. The role of this group is to herd cattle wherever pasture is available. The *moran* (middle age-set—the warriors) is the second set. These are considered to be the army of the society. They are divided into two groups—the *ilkurianga* (young moran) and the *landisi* (elder moran). Although both groups have the same roles in society, the young obeys orders from the elder *moran*. The *landisi* are the fathers of the *layons*. The morans are led by the *leigwanani* (the age set spokesmen—these are in the middle age-set and are adults). These are responsible for security of the people and the livestock. They are also responsible for socializing young boys in the general societal values and rules and also directions of good pastures.

The last age set is the *orupaiyani* (the elder age-set). This age-set has the responsibility of advising *morans* on land-use plans, circumcision and ritual matters. Within this age-set, the ritual and age-set leaders are called *laiboni* (priests/prophet/ritual expert). There is another group of elders within this age-set that deals with political matters. Even in this group, there are sub-sets, starting from the young ones to the elders. The most significant aspect is the fact that:

> Collectively the local elders of an age-set, of a clan or a community at large assume responsibility to resolve relevant issues...Any recent immigrant from another part of [the section] has the right to participate in this decision-making...migration between localities...keeps alive the sense that in their decisions they all represent the interests and unity of [the section] as whole (quoted in Spencer 1996: 45)

Among the Maasai, only men belong to age-sets and they are the ones who control the age system. Women do not have their own age-sets. Instead, they follow the men's age-sets. Thus, young girls are called *ngiaraya* or *ndito*. They have a responsibility of helping their mothers in domestic chores—including milking cows, washing calabashes, cooking and working in family farms. The wives of ilkurianga and landisi are called *sangiki*. The wives of *leigwanani* and *orupaiyani* are called *mamakoko* and *mamayeyo* respectively. These are mothers and grandmothers of *morans* respectively. Their responsibility is to take care of children and their husbands. They also cook, wash and work on family farms.

The Plight of the Pastoralist Wamaasai

The history of the past 150 years of the East African pastoralists has been a history of catastrophe, land loss and marginalization. This history more or less started with the great rinderpest which hit East Africa in 1890, drought which followed after that and the outbreak of smallpox on 1892. Rinderpest and drought almost obliterated their herds. Consequently there was famine of an unprecedented scale. It forced the Maasai to flee and seek refuge among other communities. Smallpox, which followed soon after that, ravaged human populations. It is estimated that half of the Maasai population could have died as a result of these calamities. These diseases, which were newly introduced to East Africa along the trade-routes, were followed by German and British wars of colonial occupation (Kjekshus 1977). As if this was not enough, the great Masaai leader, Mbatyany, who led them in the protest of 1898 against the Anglo-German Boundary Commission given that the land belonged to the whole community, died in 1890.

With the establishment of colonial rule, the Wamaasai communities which had previously shared economic interests and, in part, common culture and ideology were separated by divergent patterns of development and different experiences of colonial rule, resulting in identities that had once been complementary becoming divergent and even alien. The two colonial powers had drawn imprecise boundaries, which became policed borders. With colonization, four policies of attempting to control, change and earn revenues from the subjects came into the scene. These concerned the inter and intra ethnic communities, land alienation, development of pastoralism and game preservation (Brockington 2002: 30). The colonial policies in Kenya and Tanzania favored settler agriculture and small holder farming for export crops. In both countries, the colonial powers saw the Wamaasai as a barrier to progress. In the case of Kenya,

white settlers occupied 60,000 acres of Kikuyu land between 1903 and 1906 (Rutten 1992).

Between 1904 and 1911, the colonial government in Kenya had manipulated and removed the Wamaasai to give land to settlers. Through the dubious 1904 and 1911 treaties, the Wamaasai were settled in the Northern Reserve in the Laikipia area and finally the Southern Reserve where the Wamaasai live today. With the second so-called treaty, the Northern Reserve was given to Europeans for settlement. The Wamaasai attempted to sue the colonial government, but they lost the case. The Maasai lost their best dry-season rangeland to European encroachment, to gain only small amounts of marginal land in southern Kenya. After their being displaced by the colonial settlers, many of them moved into the wetter northern regions north of present day Narok and Kajiado (Rutten 1992). During these 'moves', even the Wakikuyu who regarded themselves as assimilated Wamaasai were also removed together with them. The frontiers created by the colonial government with the introduction of the reserves effectively prevented the development of non-Maasai enclaves within Maasailand. At the same time, with land alienation among the Wakikuyu, many of them were being compelled to flow into Maasailand, at first using the old ties and old forms of assimilation, but by 1940s, as settlers. The late comers came with the new notions of land ownership through clearing and cultivation. This was despite the fact that these settlers often passed themselves as Maasais and married their daughters, and their sons joined or imitated the morans. It was in this way that some Wamaasai began to take cultivation on a very small scale, given the pressure of the new relations.

By 1930s, there were some colonial officials who were encouraging the Wamaasai to become mixed farmers as a result of these developments in the reserves. With these colonial policies which worked hard against the previously established relations between the communities through promoting agriculture to a more elevated level, identities between the pastoralist Wamaasai and agricultural communities began increasingly to take shape. The land losses were causing the pastoralist Wamaasai to identify themselves as a particular community as opposed to the others who settled among them or bordered their lands that were increasingly being regarded as aliens. In this way, a Maasai Association was formed in 1930 as a platform to defend their lands (Waller 1993: 242-3). By this time, the Wamaasai had become synonymous with 'backwardness'. The colonial state had completely altered the manner in which the Wamaasai inter-

acted with other communities, even though many of their old linkages and networks remained.

Beyond the problems faced by the Wamaasai as a result of the creation of the reserves and the encroachment of their lands by agricultural communities, the international boundary that was introduced during the partition of Africa increasingly denied them opportunities that could have alleviated their problems. In the face of this situation, the Wamaasai of Kenya tried to maintain their relations with those of Tanganyika, and at times redefined those relations. 'Cross border trade, for instance became smuggling and 'black-marketeering'. The 'tribalism' of colonial officials, attempting to distinguish between the indistinguishable, threatened to split apart the old solidarities of the frontier, but their subjects knitted them together again and the frontier was never quite closed' (246) The colonial governments in both Kenya and Tanganyika tended to regard ethnic groups and their territories as distinct. They had even restricted the earlier flexibility of the communities which had characterized the earlier times. But then, even these attempts did not prevent people from changing identities. For example, when Colonel Grogan (one of Kenya's aggressive settlers) expanded his sisal estates at Taveta towards Lake Jipe and encouraged the exclusion of the Wamaasai who watered there, the tendency for the pastoralists was to cross the international border seasonally to solve the problem of watering.

In the case of Tanzania, Germans attempted to confine the Wamaasai to a reserve in the dry Maasai-steppe. This attempt failed, but they successfully evicted them from the rich grazing areas around the base of the Kilimanjaro and Meru mountains, opening them for white settlers and indigenous farmers. At the same time, they introduced game sanctuaries in some of the lands that belonged to the Wamaasai. Germans were already accelerating conservation measures in the form of 'game preserves' and 'sanctuaries' by 1890s. They were introduced by Governor Hermann Von Wissmann first in Moshi and Kilimanjaro districts in 1891, and finally extended to cover the whole colony by 1896. Among the areas that were declared as game reserves in 1896 was the west of Kilimanjaro.

Conservation measures in the colonies took the form of creation of forest and game reserves and later national parks. A conference of African colonial powers signed a non-operational Convention for the Preservation of Animals, Birds and Fish in Africa in 1900. An International Union of the Protection of Nature was to be launched in 1949. It changed its name to become the International Union of the Conservation of Nature in 1956. This Organization was very instrumental in the declaration of

several national parks in the 1940s and 1950s in Africa, including Nairobi and Tsavo National Parks in Kenya (1948); Serengeti National Park in Tanganyika (1951); and Muchison Falls in Uganda (1951). Tsavo National Park, Amboseli National Park and the Masai Mara Game Reserve were situated in the heart of Maasailands. Since their creation, national parks have always been closed to Maasai, with the occasional exception of access to watering holes and forage in times of severe drought.

There were about eight reserves in Tanzania, which were demarcated by 1908 as reserves. Their number reached 11 by the end of World War I. Germans had introduced licences for Africans and Europeans and prohibited certain types of hunting technology (nets, fire and other forms of driving game), as a way of excluding hunter-gatherers Maasai related people from their traditional areas. Regulations were introduced in 1898, which excluded African hunters, since Europeans were blaming Africans for the destruction of game. In Kenya, the British colonial power had also brought conservation early. This was besides the fact that land alienation for agriculture was taking place. Hunting without a license became illegal shortly after the turn of the century, as a result of the rules created by the Society for the Preservation of the Fauna of the Empire. Most of the lands that were being affected were those that belonged to the Wamaasai. Most land now protected was designated between 1945 and 1960. These were areas that belonged to the Wamaasai and other related groups—in areas deemed low in economic potential. National Parks came under the authority of the National Parks Service. The National Parks Ordinance of Kenya was passed in 1945 and the National Parks Ordinance of Tanganyika was passed in 1948.With such policies, the Waliangulu people of around the Tsavo National Park, who were dependent on elephant hunting, were almost destroyed through jailing and killing, since they were now considered to be poachers, given the new laws. It was the 1945 Ordinance that resulted in the establishment of Nairobi National Park in 1947.

Tanganyika (Tanzania after the 1964 union with Zanzibar) had fallen under British rule in 1917 as a protectorate. The British took over the reserves that were established by the Germans and extended them to 13 (16,300 sq. miles) in early 1920s. It was during the British colonial period that land alienation in the centre of Tanganyika Maasailand intensified. This land was being taken by settlers and indigenous cash crops farmers. Within this context, traditional Maasaai lands were being turned into beef ranches, wheat schemes and smallholder farmers (Århem 1986: 242). At the same time, game reserves such as Ngorongoro, Serengeti and others were to be confirmed under the Game Preservation Ordinance of

1921. Serengeti and Ngorongoro were to be further extended in 1936. In the 1920s, the Tanganyika government decided to place all the Wamaasai in the Maasai Reserve, west of the Ruvu River, with temporary concessions for grazing east of the river during hard times.

The measures were a result of the influence of the Colonial Office (Shivji and Kapinga 1998). They were also a response to the pressures of the Society for the Preservation of the Wild Fauna of the Empire. There were already intense debates on the question of Wild Life Policy in the East African territories by 1930s. There were some Europeans who were not in favour of game reserves since these were in conflict with the settler interests as far as land issues were concerned. Such opposition also came from Africans whose land and natural resources rights were being infringed upon. Some of the European sections voiced the view that such policies merely served the wealthy and privileged. Accordingly, they introduced vindictive sentences and repressive measures on poachers, while granting land use for sport to a few, instead of allowing land to be employed usefully or for the pleasure and health for all (meaning all whites) (Huxley 1932: 226).

These debates had coincided with the new developments in tourism, whereby game viewing was increasingly becoming an important aspect. The government was making some money out of game licences, and private firms and individual hunters were making even greater sums of money by outfitting game safaris and advising and guiding sportsmen. This was the government's view. But according to it, these sums were trifling in comparison to what the countries 'could make by exploiting [...] humanity's interest in living wild animals, in grand and strange scenery, and in unfamiliar and exciting holidays, instead of merely capitalizing its atavistic hunting propensities. East Africa is unique in the variety of large animals which can be easily seen there' (ibid.: 231). It was in the 1930s that regulations for setting up national parks were introduced. It had become clear that game-viewing tourism promised more revenue for the East African governments than sport hunting.

Although the fauna and flora of the East African countries were not yet adequately protected in the 1920s, there were already holidaying visitors by this time. There were also scientific expeditions, but game-hunting expeditions remained the most dominant. These were years when the hunting and safari industry was mainly concentrated in Nairobi with a few in Tanganyika and Kampala, as the industry grew as an East African one. Some of the companies (all European) which existed by then were genuine, but there were also impostors, with no experience, who simply

cashed in because of the profits of the industry. While white hunters in Rhodesia charged STG 50 per month to lead six or twelve month safaris, 'in East Africa "white hunters" not fit to be gun bearers extorted STG 200-300 per month to secure trophies...' (MacKenzie 1988: 161).

It was noted that in the East African British territories, besides the professional hunters, game wardens were responsible in the destruction of most animals under the pretext of 'control operations' ('good farming and safety of human life') Poaching started in this way. Colonial officials and the hunters were doing it themselves, although it was mostly Africans who were blamed for it. Taxes and licences, instead of slowing down the rate to kill, had simply made ivory and other trophies a more important source of revenue of the colonial government and its officials. The rangers had become hunters rather than keepers. The Game Department in Tanganyika shot 602 elephants in 1932, 2,000 in 1933 and 2,594 in 1935 officially. The latter figure was to be maintained as the average throughout the later 1930s. According to MacKenzie, 'The ivory resulting from these kills produced a great deal of revenue. Between 1926 and 1935 government sales of ivory in the three East African colonies (...) raised £665,400, while expenditure on game departments totalled £292,290. The surplus of £ 373,000 was no mean sum for struggling colonial economies" (253). In these years:

> ...the sale of ivory by East African administrators had become a not inconsiderable part of their exiguous income. In the 1930s, when culling had become necessary, ivory sales helped to tide colonial revenues, particularly those of Uganda and Tanganyika, through the difficulties of the depression period. Thus the ivory subsidy was important to chartered companies, the campaigns of 'pacification', the personal finances of the *conquistadores* who became imperial officials, and the revenues of relatively impecunious colonies (152).

The 1930s was the period when the hunting elite was expanding into a tourist elite. The concept of national parks became even more popular in the post World War II period. Although the 1940 Tanganyika Game Reserve Ordinance provided a provision for the proclamation of national parks, moves towards this direction started in Kenya, which already had a National Parks Ordinance by 1945. There were plans by 1947 to turn Serengeti National Park (including Ngorongoro Crater) into a national park. The boundaries for this national park were not agreed upon until 1950, and it was in 1951 that Serengeti National Park and Mkomazi Game Reserve were proclaimed. This was after the passing of the 1951 Fauna Preservation Ordinance.

Serengeti was to remain the only national park at the time of independence in 1961. The number of national parks increased to 7 by 1970. Up to the time of independence, game hunting was unfettered, although game viewing was also on the offer. By this time, game reserves and controlled areas covered 70,000 sq. miles or 19.6 per cent of Tanganyika's total land area. The creation of more national parks after independence was in response to 1960 U.N. Visiting Mission which recommended development and maintenance of extensive game reserves and national parks. The same mission had also recommended further development of tourist facilities so as to develop the industry as one of the possible big foreign exchange earners in the future. Extension of the conservation policies was to gain momentum after independence. Four new national parks were proclaimed immediately after independence, namely, Lake Manyara, Ngurdoto Crater (now called Arusha National Park), Ruaha and Mikumi. The number of national parks rose to 12 by 1995. By this time, there were 69 game conservation areas (12 national parks, 17 game reserves and 40 game controlled areas). The total area under game conservation was 239,065 sq. km or 26 per cent of the total area of the country—945,166 sq. km. In Kenya, there were 24 National Parks, 27 National Reserves and three Game Sanctuaries by mid-1990s. There were a total of 3,504,000 hectares or 6.0 per cent of Kenya's land area under protection. At the same time, an estimated 80 per cent of Kenya's wildlife requires area outside the parks for dispersal and migration (Western 1969).

The Wamaasai who had lived with wildlife for their entire history without threatening the existence of wildlife species, increasingly found themselves in conflicts with the colonial and post-colonial governments, whose conservation policies were based on European models. For the European colonialist, the value of wildlife could only be preserved if human rights were excluded from the protected areas. This despite the fact that the Wamaasai had maintained these areas because their mode of life excluded hunting activities or conversion of land to agriculture. With changing socio-economic conditions, Wamaasai increasingly came into direct conflict with wildlife and with western institutions designed to preserve wildlife and their ecosystems. Despite the existence of an international boundary between Kenya and Tanganyika, the Wamaasai continued to cross the border. Brockington (2002) noted, for example, during the inter-war period:

> The annual transhumance of the Toloha herders crossed the international boundary because the only access point to Lake Jipe was on the Kenyan side, at the place called Vilima Viwili....Herders took this opportunity to make extensive use of Kenyan grazing. In the wet season they would move

> east, watering in temporary pools along the border with Kenya and its areas that were to become Tsavo National Park and Mkomazi Game Reserve. Some went as far north as the Taita Reserve.

Officials found the presence of the 'Toloha Maasai' increasingly troublesome after the Second World War. There were some concern that the stock would bring livestock diseases out of the Maasai steppe....Kenyan officials frequently complained that the Toloha Maasai really wanted grazing, not just water, and would be found miles to the north of the lake, encroaching Kenyan soil. To their chagrin they found that Maasai and Chagga herders were moving as far north as Bura in the Taita Reserve, where they established links with resident herders and gained access to grazin.The government wanted to preserve the land for Kenyan subjects, Africans and settlers, and prevent encroachment on the newly formed Tsavo National Park. To this end they resolved to withdraw permission for Tanganyikan herders to use Lake Jipe (Brockington 2002: 34).

Colonel Grogan, mentioned above, tried to keep out the herders who were moving across the border, and with the creation of the Tsavo National Park, game rangers patrolled the border. Thus by 1951, the border was effectively closed. But then the herders found other means of coping with changes that were bringing more pressure on their grazing, by seeking pastures and water elsewhere. With the 1951 drought in northern Tanganyika, the herders resisted to move from Katamboi and Mnazi areas of Tsavo National Park between 1952 and 1954. They had pleaded to be 'allowed to remain, hired lawyers, tried to bribe officials, and fled the attentions of the veterinary guards sent to supervise the moves' (ibid.: 36). The drought of 1960-61 almost resulted in the collapse of the Maasai livestock sector. This was because they had no access to their former dry-season rangelands, with the further tightening of the border regulations as a result of the creation of the national parks and game reserves. Another severe drought, the worst in East Africa, occurred in 1974. The Wamaasai lost a lot of cattle on both sides of the border. The major factor behind this was the loss of their best pasture lands.

In the case of Tanganyika, while classification and distribution of gazetted national parks and game reserves started during German colonial period and were to be intensified during British colonial period, it was from 1959 that human rights were excluded from the national parks. It was different in the game reserves where classification, which had been introduced since 1948, had allowed human rights to exist only in the form of grazing rights. Such was initially the case with the Masaai area. It is reported that conflicts between people and game in the Serengeti plains

started in the 1920s. With the 1951 Ordinance, which also created Serengeti National Park, the conflicts escalated:

> For whereas both in 1941 and 1951 the presence of the Masai and the Arusha-Masai within the national park was not deemed 'incompatible with the purposes of the park', whereas the said legislations had preserved the rights of these people to graze and water their domestic stock within the Park, and whereas those legislations categorically outlawed all cultivation, controversies reached a new peak in 1953. Arusha-Masai cultivators were now fast infiltrating the park and diverting streams for irrigated cultivation; Masai and Asian traders complained about eviction; pastoral Masai advanced a cogent and laudable case on traditional transhumance... (Ouma 1970:45).

There were major conflicts in northern Tanzania areas in 1941–51, 1953, 1955–57, 1959 and 1969 to the present (sporadically). These have extended to other areas such as the Mkomazi game reserve which boulders Arusha, Tanga and Kilimanjaro regions along the border with Kenya.

Many of the game reserves and sanctuaries in Tanganyika were often built on human tragedy. In the process of proclaiming even the other reserves in the country, more or less the same methods were used. The Maasai had populated the Ngorongoro crater for more than two centuries by the time the area was being turned into a reserve. When the Maasai had to move out of the crater temporarily due to rinderpest, a German planter took almost half of the crater before World War I. After the War, a European established a hunting lodge and a hunting estate and by the time the Maasai were making efforts to return, a reserve was created in 1928. This community suffered a similar fate in Serengeti, where their area was reduced to less than one-sixth of their former land area (Århem 1986).

The wildlife preservation measures, as stated above, were premised on the development of tourism industry. This remains the case until today. Tanzania's tourist industry was smaller than that of Kenya because up to the time of independence, all tourist facilities had been concentrated in Kenya. Tourism in general in Tanzania after 1920s had developed as part of East African industry. Even when touring began to develop in the 1940s, it was mainly facilitated from Nairobi and Mombasa, which had a more highly developed tourist infrastructure than Tanganyika. Tourism business interests were quite developed in Kenya by the 1930s, the result of which became the headquarters of the East African Publicity Association, formed in 1938. It was later succeeded by the East African Tourist Travel Association (EATTA) in 1948. As it turned

out, most tour and hunting companies were to be stationed in Nairobi and Mombasa. The majority of tourists visiting East Africa were to stay mostly in Kenya for its facilities, then finally come to Tanganyika. Seventy per cent of international tourists in East Africa entered through Kenya by 1956. It is estimated that by the same year, 79 per cent of tourist time and 75 per cent of tourist earnings were spent in Kenya (Ouma 1970: 11). Tanzania abandoned the East African base of tourism in the 1960s. EATTA was disbanded in 1965 and overseas promotion of tourism was to be fully organized on a national basis. Even during the formation of the East African Community in 1967, tourism was never part of the agreement.

The post-colonial policies in Kenya and Tanzania, as far as these communities were concerned, took different directions. In Kenya, there were attempts to continue with colonial land policies, which by 1950s were geared towards the privatization of land (Rutten 1992). These policies had entered the Maasai areas through a few educated 'progressive' Maasai, who were looking for a way to secure tenure against continual agricultural encroachment in the 1940s and 1950s. The colonial government had initially granted land as individual ranches, but quickly opted for a system of group ranches over individual ownership. This was in order to ensure that those who were being granted rights were not land speculators. For the colonial government, this system was aimed at dealing with those people whom it had had trouble with in the process of enforcing laws that prohibited settlement by non-Maasai in Maasai lands and the encroachment of the herders in protected areas or those that had been alienated for the settlers and farmers. The claim was, privatize, improve rangeland conditions and join the market economy through beef production.

Group ranching, through setting aside a certain piece of land which would be communally owned by a group of people who are recorded and registered as the legal owners, as far as the colonial officials were concerned, would restrict livestock movements within the group ranch boundaries, and non-members would be forbidden to bring and graze their animals. With group ranching, it was thought that it would be possible to provide the herders with loans for infrastructural development and radically transform the nomadic subsistence-oriented production of the Maasai pastoralists into a more commercial system. This market-oriented production was to de-stock the Maasai pastures while simultaneously providing meat for the national and international market. The World Bank encouraged titling of land as a basis for development credit. After independence, the Kenyan government opted for free market access to Maasai land. Thus, from the 1950's through 1960's, rapid expansion ranching left all Maasai

land designated into group or individual parcels. Later on, many Maasai who had land titles ended up selling land to Kikuyu agriculturists, when times were hard. By mid-1980s, with a sudden demand for wheat and barley by Kenya's new middle class, more Maasai land was converted to agriculture, making Narok District Kenya's leading producer of both wheat and barley by the mid-1980s (Rutten 1992).

By this time, the World Bank and international development agencies were pursuing privatization of Maasai land, with the aim to make the Maasai produce cattle for a market economy. Although some had taken up titles with the view that it was a more secure, given that the agricultural policies pursued by the government were pushing them further into the margins, many considered that it was not sufficient to support them. Among the common practices that emerged was the tendency for the younger Maasai to receive land title, sell the land and move to Nairobi, finding employment in low level jobs, particularly as night watchmen. Other options became self-employment through the tourist trade. Meanwhile, conflict as a result of increased grazing pressure on the immediate border of parks and reserves increased, since the system of ranching was aggravating soil erosion and environmental damage in general (Rutten 1992).

With Tanzania, the restrictions on resource use and the increasing dependence on external markets rather than older networks were the consequences of the policies after independence. The idea of introducing ranches was debated in the early days of independence, but never took off. Instead the policies pursued were geared towards the provision of infrastructure, such as cattle-dips, and attempt to settle them into villages. At the same time, the government continued to pursue policies of excluding them from protected areas. In 1975, village governments were introduced and empowered to control and distribute village lands. This meant it was the village council which took control of land matters. This consisted of young fellows, some of whom had attended school. But even then, any land allocation required the blessing from the village elders (*orupaiyani*).

However, difficulties as far as this system of land administration was concerned began to emerge in the mid-1980s. This was a direct consequence of the liberalization measures, as a result of the introduction of SAPs. Increasingly, it was becoming difficult to resolve land conflicts because the powers of the elders had been eroded further. While the youths who were wielding power in the village governments preferred disputes

to be resolved under statutory law, elders preferred to resolve disputes under 'customary' law. Meanwhile, tourism (hunting and viewing) was on the increase since the late 1980s. Consequently, there were more restrictions for the herders and hunter-gathers as far as the use of natural resources was concerned. By 1980, several large scale land leases had been granted at Oljoro, Loksale and Makuyuni areas. There was already pressure from agriculturalists from the neighboring areas.

Land pressures were increasing every where. The Wahadzabe, who inhabit the area near Lake Eyasi in the Arusha, Shinyanga and Singida regions, and who are primarily a hunting and gathering community whose livelihood depends on wildlife and other forest products, were at the verge of extinction by mid-1990s, because of denial of rights to own and use land in the area they occupy (*Majira* June 18, 1995). Their land had been divided into three blocks and granted to hunting companies. The government had displaced them and granted a hunting licence to Tanzania Game trackers (a company formerly owned by Mr Robin Hurt, a Kenyan British, with about twenty hunting blocks in various parts of the country under three companies). According to the 1974 Wildlife Conservation Act, the Wahadzabe, like all other people, could only hunt after obtaining a hunting permit and being allocated their quota. Therefore, for a fee of USD 7,500 per block (and trophy fees) per year to the government, a whole community was being sacrificed. Twenty people had been tortured, beaten persecuted and harassed by the company owners for trespassing or hunting in the area. There were others who had been jailed under the pressure of the company owners, and allegedly two had died in jail. Others were able to get out of jail after being assisted by an NGO. Under the same Act, other communities, which were being affected, were Wandorobo, Wabahi, Wasianzu and Wakimbu.

Ngorongoro Crater is a homeland of the Wamaasai as well as Watatoga and Wahadzabe. When the Ngorongoro Conservation Area (NCA) Ordinance (cap 413) came into effect in 1959, struggles (which continue to date) started between the Conservation Authority (NCAA) and the Wamaasai, who had been moved to this area from Serengeti National Park a decade after its formation in 1940. As a Conservation Area, the Wamaasai were allowed to remain in the area as pastoralists. While being moved from Serengeti, the government had promised them that they would be allowed to cultivate, since their diet (meat, blood and milk) had been greatly altered. About 70 per cent of the Wamaasai food requirements come from cereals. Cultivation was prohibited completely in the area with the amendment in The Game Parks Laws No 14 of 1975, which set the

area for conservation and pastoralism purposes only and NCA became NCAA (a parastatal body with autonomous administrative powers). The NCAA moved all those who were cultivating to Loliondo. At the same time it promised to provide cheap foodstuffs to the inhabitants, but this was only possible for a short while.

The Wamaasai in the Ngorongoro area had started taking up cultivation on a small scale because their purchasing power of foodstuffs from other communities had diminished due to loss of cattle over the past few years of drought, and also their inability to sell off their stock (for the few who still possess cows). This drought had even made some of the Maasai in Kenya start cultivating (Western 1997). The Wamaasai areas in general, including Ngorongoro itself (with its 43,000 inhabitants), had become starvation/ famine areas. It had become difficult for the Wamaasai to depend on livestock for survival. They demanded that the areas of NCA to be surveyed and demarcated together with residents be registered so that migrations are avoided. They wanted only hand-hoe cultivation to be allowed; and in case of steep hills, then terracing cultivation be introduced. The Land Commission Report (Tanzania, United Republic 1994) noted that, when 1987 the NCAA launched an 'anti-cultivation' operation (39). In August 1987, 666 people were arrested, of whom 9 were jailed for three months and 549 fined a total of Tshs 515,600. These were convicted on a non-existent offence.

While the indigenous people were not allowed to engage in agricultural cultivation, the Legislation gave NCAA the mandate (among others, such as conservation, etc.) to: construct roads, bridges, aerodromes, buildings, fences, provide water, and carry out any such work which may be considered necessary by the Board of Directors for purposes of development or conservation. It was also empowered to do anything and enter into any transactions which were deemed by the Board to be aimed at facilitating the proper and efficient exercise by the authority (including acquisition of interests in companies and firms engaged in the activities in which NCAA is engaged). By early 1990s, there was often overcrowding in the Crater, as there were 16 campsites in the area, a host of murram, unmaintained tracks and off-road driving, which had become quite common (although prohibited officially since 1992). Moreover, there was also overcrowding on the crater rim, given that there were six luxurious lodges operating on the rim. There was even a camp near the Olduvai Gorge, within the 5 km exclusion zone around the gorge despite the fact that the 1964 Antiquities Act (No 10 of 1964) prohibited this. National Environmental Management Council (NEMC 1994) noted that there were clear

signs of air and water pollution and the disposal of solid wastes from the lodges and the motor vehicles. There were also clear signs of soil erosion in some areas, mainly because of off-road driving.

There are numerous examples of resources deprivation as a result of the liberalization policies. Some are such as the 1992 granting of a lease of over 4,000 sq. km of Loliondo game reserve (Arusha) secretly to an Arab Sheikh, Brigadier Mohammed Adulrahim Al-Ally of United Arab Emirates, for hunting purposes through Ortello (a Kenyan based hunting company—presumably with secret powerful interests locally). There was a public outcry against this action, the result of which the government was forced to defend the legitimacy of its action to no avail. In this case, 25 Wamaasai villages were being affected. Two years later (1994), the government attempted to grant 381,000 acres of land in Monduli and Kiteto Districts (Arusha) to a foreign investor, Mr. Hermanus Philip Steyn, who had been formerly declared a persona non grata in 1983. This land was being taken from the pastoralists and other communities. The land, which was being granted also, covered Simanjiro Game Controlled Area and Tarangire National Park wildlife migration routes. One would have expected that since a major part of the area falls within the Wildlife Department, the area should not have been granted. The investor was informed by the government that it expected him to abide by the Wildlife Conservation Act, but he could, of course, kill animals within the land under protection of life and property; surrender trophies to the government and expel any animal which would be found in or entering the land under the Right.

Mkomazi Game Reserve with its 3,736 sq km is in Kilimanjaro region. To the north, it shares a 100-km boundary with Kenya's Tsavo National Park into which herds of elephant, zebra, buffalo, onyx and lions migrate in some seasons. It borders over 30 villages in the western side, which are inhabited by the Wapare and Wamaasai. Some part of Mkomazi is also in Tanga Region. There has been a dispute over the boundary between these villages and the Wildlife Department, especially since 1990. The Reserve was established in 1951, when most of the villagers were already living there. There was no problem in the area until 1988, when the government embarked on a project to reclaim and protect wildlife and re-introduce the depleted species, mainly the rhinoceros and the African wild dogs (Brockington 1992).

The initial decision to pay attention to the Game Reserve was made in 1986. The Wamasai were permitted to continue using the land for pasturing. This agreement was rescinded in 1988, with the commencement of the

project. People who were within the reserve were directed to move out. The government had begun to demarcate the boundaries for purposes of control. This action angered the people who had settlements of long duration in the area. The villagers claimed that what was being done was to even incorporate in the reserve an open area which had previously been outside the reserve.[10] The government invited Tony Ftzjohn from the London based George Adamson Wildlife Preservation Trust to run the project. The Foundation was able to establish four airstrips in the area, for patrol purposes against smugglers and poachers.[11] While the Adamson Foundation project continued and efforts were made to start community assistance to the villages bordering the reserve in the form of schools, dispensaries and other services, Royal Frontiers Tanzania Ltd. was allocated two hunting blocks in Mkomazi. Among the company's directors were the brother of the former Minister of Natural Resources, Tourism and Environment Juma Hamad Omar and former Director of Wildlife Muhiddin Ndolanga's son.[12] There were convoys of hunters by 1994 hunting mainly lions, leopards, oryx and several other endangered species.

The removal of the Wamaasai has had an impact on their lives, since the reserve harbours the best grazing grounds, and the rest of the land is already settled by the Wapare agriculturists. The result was many of the Wamaasai moved to neighbouring Kenya and those who remained have become impoverished. There were some Wamaasai families with up to 1,500 heads of cattle in mid-1980s. Today, the richest among them has less than seventy. There are those who have been completely ruined. Some of these are moving to the urban areas to join the army of Wamaasai watchmen. Even the weekly markets, which used to flourish in the various villages around the reserve have become dull because of the absence of the Wamaasai who used to purchase agricultural products and sell their livestock products. Even the non-pastoralist communities feel the impact of the action.

The villagers have continued to protest against their removal. They have even filed a case in the court of law to demand for their rights, with the assistance of the Legal Aid Committee of the University of Dar es Salaam. But the government authorities (district, regional and national) involved in the decision-making have remained silent. Their simple view is the Wamaasai are the cause of poaching. The villagers are extremely bitter. They claim that they do not understand why they should be prevented from grazing their cattle in the reserve when some foreigners are allowed to indulge in hunting sprees in the area. What makes them even more furious is the fact that they are often arrested by the game wardens and

fined exorbitantly for trespassing in the reserve. When the game personnel impound cattle, the owner is compelled to pay Tshs 10,000.00 to view whether the cattle are his or not. If the cattle belong to him, then the fine is Tshs 100,000.00. The Wamaasai are threatened at times by use of guns.

The spirit of a unified East Africa in the early days of independence was very welcome by the Wamaasai on both sides of the international border. It was this spirit which made them abandon the idea of demanding for a separate Maasailand which would unify the people on both sides of the border. Even when the two countries were pursuing different ideologies (capitalist Kenya and socialist Tanzania), the Wamaasai tended to ignore these differences. They continued maintaining kinship relations and common rituals with their brothers across the Tanzania-Kenya border. Oldonyo Muruwak in Hai district (Kilimanjaro region), remained a sacred place for the Wamaasai of both sides across the border. At the same time, while some of them have taken up agriculture to some extent, because of the fact that most land is being taken by large scale farmers (foreign and indigenous), this new activity, rather than eroding their relations, has made them acquire a new meaning. When some of the Maasai of Amboseli took to farming in the 1970s, their tendency was to welcome the Waarusha from Tanzania to assist them as workers or share-croppers.

For example, in Lerangw'a (the village that was visited), where the Wamaasai have taken to farming—some of them now becoming large scale farmers—there are some of the Maasai members who hire land in Kenya. It is reported that about 7 per cent of the villagers hire land in Kenya and Rongai Forest (within Tanzania in the slopes of Mount Kilimanjaro). They pay rent in cash or in kind, by providing a certain amount of crops after harvest. Part of the reason for taking to agriculture is the fact that areas for grazing and watering are very limited. Thus, in this village, about 48 per cent of the land is natural forest, while 21 per cent is farmland and residential. Only 27 per cent of the land is demarcated as grazing area (Noe 2002: 61). Those who farm within the village lands use ploughs and hand-hoes. There are a few who hire tractors. The average acreage for a household—for those who farm in the village—is 5 hectares. They mainly grow wheat, maize, potatoes and beans for food and as cash crops. Land shortage is due to the fact that their village borders Kilimanjaro National Park and also the Kilimajaro-Amboseli wildlife corridor.

The people of this village have relatives across the border, and they do not consider the border something desirable. In fact, they wonder, 'Why is it that animals are allowed to move freely across the border while ef-

forts are being made to prevent people from doing so?' Currently, they are living in a difficult present and uncertain future. The most difficult time for them was when the border between Tanzania and Kenya was closed in 1977. This was just three years after the 1974 drought. But even then, they defied the official policies despite government threats. For them, the reunion with their kinsmen is more important than the pursuit of so-called national politics within identities that were created by colonialism. One of their adages goes: 'If a thing is truly yours, no one has the right to take it from you'.

These harsh conditions for the Wamaasai are not confined to border areas alone. In 2000, violence erupted between the Wamaasai pastoralists and farmers due to land pressure in Kilosa district (Morogoro region). The land pressure had been intensified as a result of the urbanites and the rich appropriating land in the areas. Thirty people died, many were injured and about 400 were reported to have fled from the clashes. This was besides the fact that a total of 77 houses of both pastoralists and farmers were burnt (*Daily News*, December 20, 2000). Over the years, there has been numerous reports in the press about such conflicts in other areas.

Besides these intercommunity conflicts, the Wamaasai have very often found themselves at loggerhead with the government. In a recent event, it was reported that the Wamaasai of Saunye plains, Handeni District, announced that they were not going to pay cattle levy until further details are given to them about the importance of levy. They said that they refuse to pay the levy because they do not get any services from the government. They even gave a warning that they would not deal with anyone approaching them to collect tax (*Business Times*, November 15–21, 2002). In another dramatic event, a Maasai woman, Harriet Lemoriet, from an NGO network in Arusha who was attending the Consultative Group meeting of the international financial institutions in Dar es Salaam refused to speak in Kiswahili or English. She insisted that she wanted to speak in Kimaasai, and therefore wanted someone else to translate. She had the following words to say: 'My understanding of this meeting is that it is supposed to discuss issues affecting peasants and livestock keepers, most of whom live in the rural areas, but how can we understand what is going on while we don't even understand the language used in discussing these issues?' (*The Guardian*, December 4, 2002).

According to her, in her own understanding the meeting was supposed to be participatory, but she was doubtful if the meeting was going to achieve the goals because the meeting did not involve the majority of the people—the poor peasants and livestock keepers 'who are in the fields unaware of what is

going on in this hall'. What was happening in the meeting, as far as she was concerned was quite unfair to the majority of poor Tanzanians in the rural areas. 'We have been hearing about good governance and participatory approaches in solving the poverty problem, but, she reiterated 'how can we understand what is going on while we don't even understand the language used in discussing these issues?' (*The Guardian*, December 4, 2002)) She knew that this was the fourth consultative meeting since the initiative was launched, and wondered why these meetings were taking place in areas so far away from those most affected. She argued that in the future, these meetings should take place in the rural areas. Moreover, she blamed the government policies as far as agriculture was concerned. In her opinion, there was no need for the government to import food when peasants were producing enough and a lot of it was rotting because of lack of markets. The Minister of Finance, Mr. Basil Mramba, responded that in the past, such meetings used to take place in Paris, but now there was an improvement, since they were taking place in Dar es Salaam (*The Guardian*, December 4, 2002)!

By Way of Conclusion

Simply, the Wamaasai have been involved in practical criticism of the whole question of citizenship by rejecting the colonial territorial identities and at the same time taking the question of rights and entitlements seriously. It is these aspects that need to be taken seriously in Africa today. In fact, it is the border communities, and especially those that were partitioned which form the actual basis of a meaningful unity, regionally and continentally. The so-called economic and financial links are false, and they are easily broken, as it has happened in the past. This is because these involve state-state relations, rather than those concerning the people themselves. With the people, what are involved are kinship and other social relations. In this regard, the concept of citizenship cannot be confined to the legal identity within a nation-state.

Clearly, in Africa, it is the historical contradiction of the nation-state and its attendant notion of citizenship–even when the latter is couched in terms of social citizenship (capitalism with a 'human face')–which is clearly manifesting itself in Africa. Welfare for certain members (whether at the local or territorial level) as it has been the case historically in Europe, translates itself into the politics of 'us' and 'them' on the ground. Social citizenship, now being popularized in both Europe and Africa, is an ideology that works hard to delegitimize and denigrate liberation and emancipation politics. It takes away the right of the exploited and op-

pressed people to wage their own struggles through their self-organizations and mass movements.

In other words, to stand against the destruction of the ideals associated with public services, equality of rights, rights to education, health, culture, social justice as well as access to land and resources, and in order to rehabilitate human emancipatory tendencies in the context of Africa, it seems necessary to reconceptualize the state beyond the 1884 territorial boundaries and hence be in a position to be more responsive to human needs.[13] A United States of Africa may be the answer, even to those refugee problems, problems of exclusion, and an integrated economic system that is responsive to ordinary and poor people's real needs.

Citizenship, religious and 'ethnic' issues in contemporary times are more politicised than ever before, and in the process, some people or communities are made scapegoats while real oppressors are left to go scot-free with impunity. The result is reinforcement of discriminatory tendencies. Wamba dia Wamba made the following observation in the early 1990s:

> The absence of democratic politics inside the people themselves—a consequence of the statization of society—has made people become unable to restrain the state in its exclusivist or symmetrized treatment of difference (whether of nationality, gender, intellectual/manual labour, levels of education, etc.). In the face of maltreatment of refugees, women and national minorities, for example, people have been made to watch this passively. Political refugees seeking asylum have been forcibly returned to their own state's butchers....Societies have been divided into two: those with guaranteed interest—no matter how insignificant—and those without interest or even rights. Any state treatment of differences (citizens/non-citizens, male/female, etc.) has been made socially acceptable and in quality has become accepted as a natural element: the right of the fittest. Even accountability has been redefined as a technical matter, as performance rather than a democratic issue. (Wamba dia Wamba 1994: 253)

While the state is ideally supposed to be an arbiter in resolving contradictions in a society, in its current situation it tends to identify itself with certain groups vis–a–vis others, thus representing sectional interests—those of the powerful and wealthy. In our countries, these states were born out of military conquest and occupation after 1884, and therefore, they had no room for prescriptions from the people since they were based on discriminatory and oppressive practices.

Notes

1. Others are: Communauté Economique des Etats de l'Afrique Centrale (CEEAC), Communauté Economique et Monétaire d'Afrique Centrale (CEMAC), Communauté Economique des Pays des Grands Lacs (CEPLG), Intergovernmental Authority for Development (IGAD), Indian Ocean Commission (IOC), Mano River Union (MRU), Southern African Customs Union (SACU), Union Economique et Monétaire Quest-Africaine (UEMOA) and Union de Maghreb Arab (UMA).
2. For all the above, see *Business Times*, November 8-14, 2002.
3. See Appendices in Colin Legum (1962).
4. Statement by Julius Nyerere to the Second Conference of Independent African States, 1961, quoted by Legum (1962), p.111.
5. See *Tanganyika Assembly Debates* (Hansard), thirty-sixth session, fifth meeting, September 17-18.
6. Somehow, the government took the position of integrating and supporting those who had run away from Uganda during the reign of Idd Amin. At the same time as the thawing of the relations between Tanzania and Kenya, the government handed to the government of Kenya some people who had run away from Kenya because thy were being persecuted in 1984!
7. Thomas Spear and Richard Waller's (eds) *Being a Maasai*, has valuable articles which have documented on the historical aspects of the Maasai. These articles have even countered those Hamitic myths replete in most colonial and racist literature. The best example of such racist literature is E. Huxley (1948: 89), who refers to the Wamaasai as the 'lost tribe of Israel', the 'lost legion of Romans'.
8. The Wamaasai's attitude is that all people in the world are one. Thus, even Ernest Hemingway (1935: 221), during his expedition in the early 1930s noted (although in a very patronizing manner) of the Maasai: 'They certainly were our friends though. They had that attitude that makes brothers, that unexpressed but instant acceptance that you must be Masai wherever it is you come from. That attitude you get from the best of the English; the best of the Hungarians and the very best of the Spaniards; the thing that used to be the most clear distinction of nobility when there was nobility. It is an ignorant attitude and the people who have it do not survive, but very few pleasanter things ever happen to you than the encountering it'.
9. This is a Swahili word used to describe the homesteads. A *boma* may have one or two openings through which stock enter and leave.
10. Villagers allege that the 'grabbing' of the open area or the complete removal of pastoralists was not for purposes of conservation, but for other purposes. They claim that Mkomazi Game Reserve, including the open area, which has been included, is rich with green and blue garnet and silicon, and that those in the project are engaged in mining.

11. The Wamasai and other villagers in Gonja, Ndungu, Kisiwani, etc. claim that the plane from the Reserve has often been seen crossing the border to Kenya without passing through Kilimanjaro International Airport, as per aviation requirements. This is what has reinforced their belief that beyond conservation, there are some other activities being conducted secretly.
12. *The Express* of March 12–15, 1995 reported the following: 'An American law firm has threatened President Ali Hassan Mwinyi that it will spill the beans in court of law if alleged injustice within the wildlife division continues'. The law firm stated, 'I know each of you will agree...that government officials in high places who can influence such things have...an interest in some companies that are for no good reason allocated the best blocks, or such officials have been paid to allocate the best blocks to certain companies'.
13. 'State building' and 'nation building', in their current form lead to balkanisation as witnessed currently in the form of attempts to come with a concept of citizenship which includes or excludes certain categories of people in attempts to please capital and concerted defeats in attempts to control and govern economies.

References

Århem, K., 1986, 'Pastoralism Under Pressure: The Ngorongoro Maasai,' In J. Boesen, K.J. Havnevik, J. Koponen and R. Odgaard, eds., *Tanzania: Crisis and Struggle for Survival*, Uppsala: Scandinavian Institute of African Studies.

Bagachwa, M.S.D., 1981, 'The Urban Informal Enterprise Sectors: The Case of Arusha Town', University of Dar es Salaam: Economic Research Bureau, Paper No 81.4.

Bates, R.H., 1983, *Essays on Political Economy of Rural Africa*, Cambridge: Cambridge University Press.

Brockington, D., 2002, *Fortress Conservation: The Preservation of the Mkomazi Game Reserve, Tanzania*, London: James Currey.

Casimati, N., 1986, *Guide to East Africa: Kenya, Tanzania and Seychelles*, London: Michael Haag.

Coulson, A., 1982, *Tanzania: A Political Economy*, Oxford: Clarendon Press.

Davidson, B. & Munslow, B., 1990, 'The Crisis of the Nation-state in Africa', *Review of African Political Economy*, 49.

Fanon, F., 1967, *The Wretched of the Earth*, Harmmondsworth: Penguin.

Grzimek, B. and Michael, 1965, Serengeti Shall not Die, London: Hamish Hamilton Ltd.

Hazlewood, A., 1975, *Economic Integration: The East African Experience*, London: Heinemann.

Hemingway, E, 1935, *The Green Hills of Africa*, New York: Charles Scribner and Sons.

Homewood, K.M. and Rodgers W.A., 1991, *Maasailand Ecology: Pastoralist Development and Wildlife Conservation in Ngorongoro*, Tanzania, Cambridge:

Cambridge University Press.
Huxley, E., 1948, *The Sorcerer's Apprentice*, London: Chattos and Windus.
Iliffe, J., 1979, *A Modern History of Tanganyika*, Cambridge: Cambridge University Press.
Huxley, J., 1932, *African View*, London: Chatto & Windus.
Kasfir, N., 1983, 'State, Magendo, and Urban Class Formation in Uganda,'In N. Kasfir, *State and Class in Africa*, London: Frank Cass.
Kjekshus, K., 1977, *Ecological Control and Economic Development in East African History*, London: Heinemann.
Legum, C., 1962, *Pan Africanism: A Short Political Guide,* New York: Frederick A. Praeger.
Leubuscher, C, 1944, *Tanganyika Territory: A Study of Economic Policy Under Mandate*, Oxford: Oxford University Press.
MacGaffey, J., 1983, 'How to Survive and Become Rich Amidst Devastation:
MacGaffey, J., 1983, 'How to Survive and Become Rich Amidst Devastation: The Second Economy in Zaire,' *Africa Affairs*, 82.
MacGaffey, J., 1987, *Entrepreneurs and Parasites: The Struggle for Indigenous Capitalism in Zaire*, Cambridge: Cambridge University Press.
MacGaffey, J., 1991, 'Initiative From Below: Zaire's "Other Path" to Social and Economic Restructuring,' In G. Hyden and M. Bratton, eds., *Governance and Politics in Africa: Perestroika without Glasnost*, Colorado: Lynne Rienner.
MacKenzie, J., 1988, *The Empire of Nature: Hunting, Conservation and British Imperialism*, Manchester: Manchester University Press.
Malyamkono, T.I.M. and Bagachwa, S.M.D., 1990, *The Second Economy in Tanzania*, London: James Currey.
NEMC, 1994, 'Environmental Evaluation of Lodges within Ngorongoro Conservation Area', report for NCAA, Dar es Salaam.
Noe, C., 2002, 'Impacts of Land Use Changes on Wildlife: A Case of Kilimanjaro-Amboseli Wildlife Corridor', Tanzania.
Nkrumah, K., 1971, *I Speak of Freedom*, London: PANAF Books.
Ouma, J.P.B.M., 1970, *Evolution of Tourism in East Africa 1900-2000*, Nairobi: East African Literature Bureau.
Ousmane, S., 1986, *Gods Bits of Wood,* Oxford: Heinemann.
Ranger, T.O., 1983, 'The Invention of Tradition in Colonial Africa', T.O. Ranger and E. Hobsbawm, eds., *The Invention of Tradition*, Cambridge: Cambridge University Press.
Rutten, M. M. E. M., 1992, *Selling Wealth to buy Poverty: The Process of the Individualization of Landownership Among the Maasai Pastoralists of Kajiado District, Kenya, 1890–1990*, Saarbrücken: Verlag Breitenbach Publishers.
Rothchild, D. and Chazan, N., 1988, The Precarious Balance: State and Civil Society in Africa, Boulder: Western Press.
Shivji, I.G. and Kapinga, W.B., 1998, *Maasai Rights in Ngorongoro, Tanzania*, London: International Institute for Environment and Development/ HAKIARDHI.

Smith, W.E., 1974, *Nyerere of Tanzania*, Nairobi: Trans Africa Publishers.

Spear, T., 1993, 'Introduction,' In T. Spear and R. Waller, eds., *Being a Maasai*, London: James Currey.

Spear, T. and Waller, R., eds, 1993, *Being a Maasai*, London: James Currey.

Tripp, A.M., 1989, 'Defending the Right to Subsist: The State versus the Urban Informal Economy in Tanzania', Helsinki: WIDER Working Paper, No 59.

United Republic of Tansania, 1994, *Report of the Presidential Commission of Enquiry into Land Matters*, Vol II, Ministry of Lands, Housing and Urban Development, Uppsala: SIAS.

Walker, R., 1993, 'Acceptees and Aliens,'In T. Spears and R. Waller, eds, *Being a Maasai*, London: James Currey.

Wamba dia Wamba, E., 1994, 'Africa in Search of New Modes of Politics', in U. Himmelstrand et al., eds., *African Perspectives on Development*, London: James Currey.

Western, D., 1997, *In the Dust of Kilimanjaro*, Washington D.C.: Shearwater.

Western, D., 1969, *Land Use in Maasai Amboseli Game Reserve: A Case Study for Interdisciplinary Cooperation, Institute for Development Studies Research Bulletin*, No. 40, Nairobi: University of Nairobi, Institute for Development Studies.

Wright, H.M., ed., 1976, *The 'New Imperialism', Analysis of Late Nineteenth Expansion*, Lexington: Heath and Company.