

**INDIGENOUS PEOPLES' CAPACITIES: BUILDING
COMMUNITY RESILIENCE AND STRONG
INDIGENOUS PEOPLES' INSTITUTIONS -
LESSONS FROM MAASAI LAND RIGHTS
STRUGGLES, KENYA**

Tebtebba and Elatia side event for UNPFII20 -
Achieving SDG 16: Enhancing Access to Justice

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MAASAI PASTORALISTS

- A People of Cattle
- IPs practicing Nomadic pastoralism on the rangelands of East Africa,
- Relatively sustained its indigenous identity and traditional pastoral livelihoods
- Intergenerational contestation over land claims is the foundation of our present predicament



The Precolonial Extent of Maasai territories

- 500miles from north to South and, 200miles West to East
- Approximately, 10million acres (Tignor 1976)
- Land/territorial control was vested on the **18 Territorial Sections (Iloshon)**
- The Maasai occupied Kenya's best pastoral lands, were Kenya's Wealthiest tribe (KLC, Morris Carter, 1932)
 - These lands were seen by the British colonists and explorers as "unoccupied" ... that the Maasai have more land than they needed (Mwangi 2007 p.64)



Outsider's Impression of the Maa Nation During the Colonial Encounter

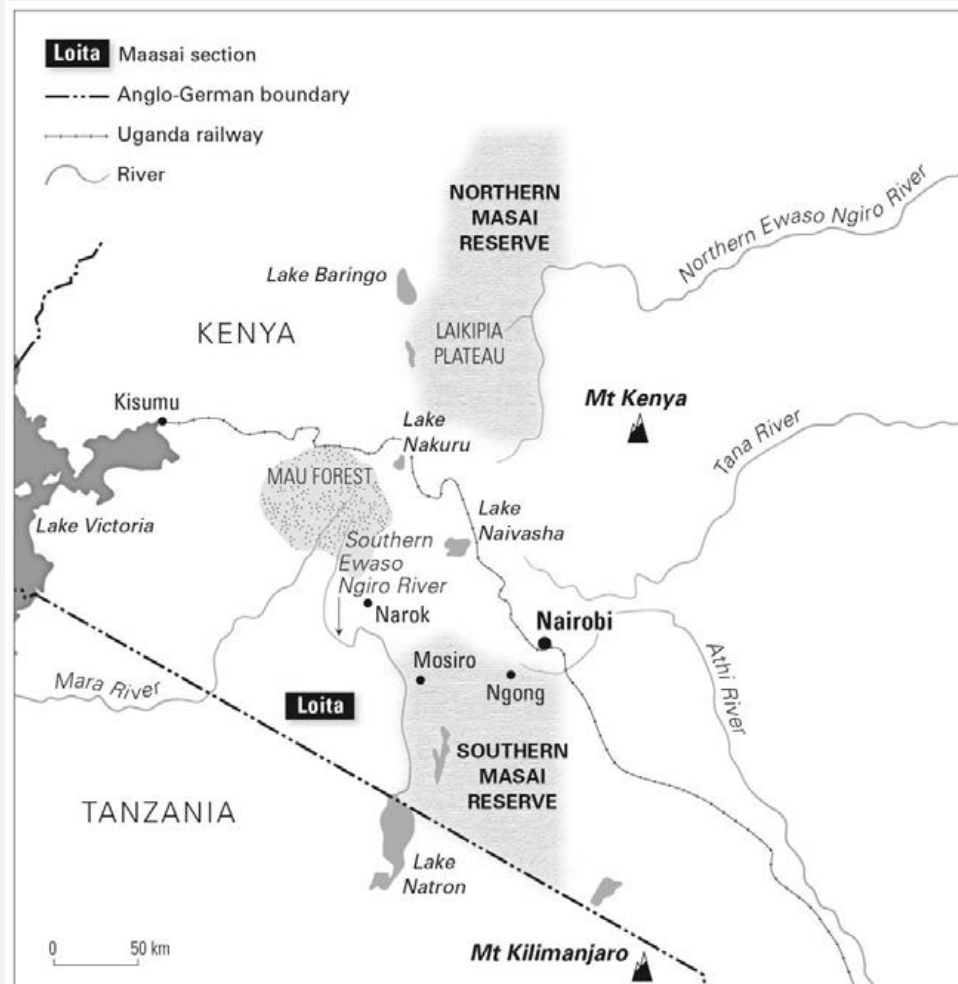
- **An independent, organized/disciplined Nation effectively defending its fort**

“Reputedly Fierce and Unruly Pastoralists ... and the Most blood thirsty People of the World “ (Joseph Thompson, 1887 BRGS)

“Their Reputation had seriously inhibited the European exploration of what become Kenya “



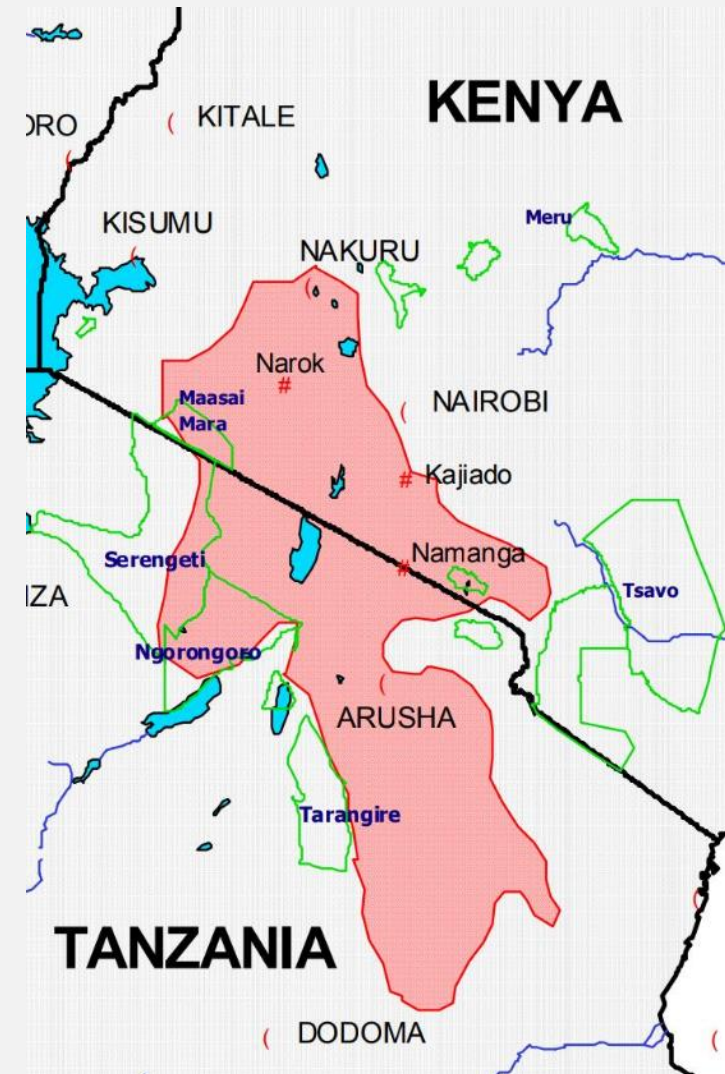
1ST WAVE - LAND ANNEXATION BY COLONIAL FORCES



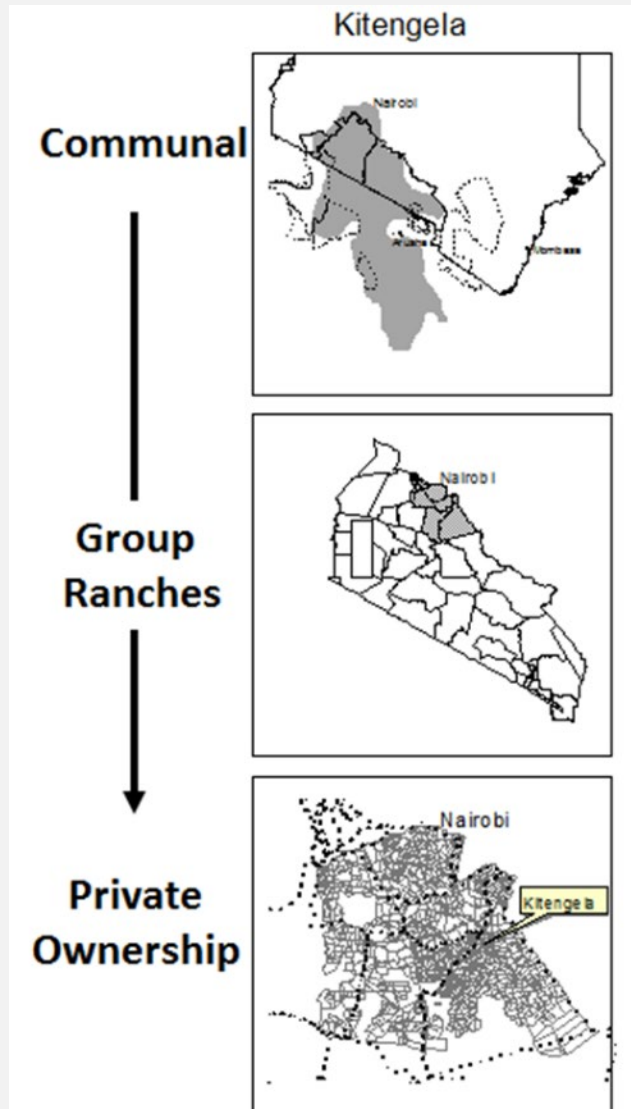
- The Anglo-Masai Treaties 1904/911
- Paper based(English law) ownership pushed Indigenous Customary ownership to the Periphery
- Out of the 31,000km Sq. of European Settled land, 18,000km Sq. were former Maasai land (Rutten 1995)
- **Indigenous institutions were ignored and colonial subservient ones imposed on land ownership**

2nd Wave – Fortress Conservation Areas

- ❖ Positive People-nature relations
- ❖ Highest concentration of biodiversity on their territories
- ❖ Parks, Game Reserves and Sanctuaries – 92% of protected areas fall within pastoral lands
- ❖ **Indigenous conservation morality founded on indigenous value systems, institutions and practices were devalued & condemned to the periphery**



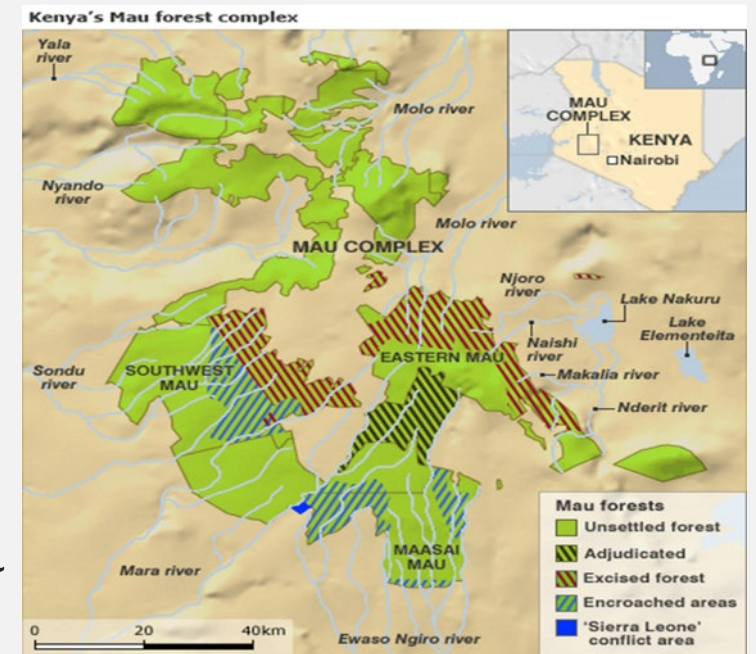
3rd Wave: Grazing Schemes & Group Ranches



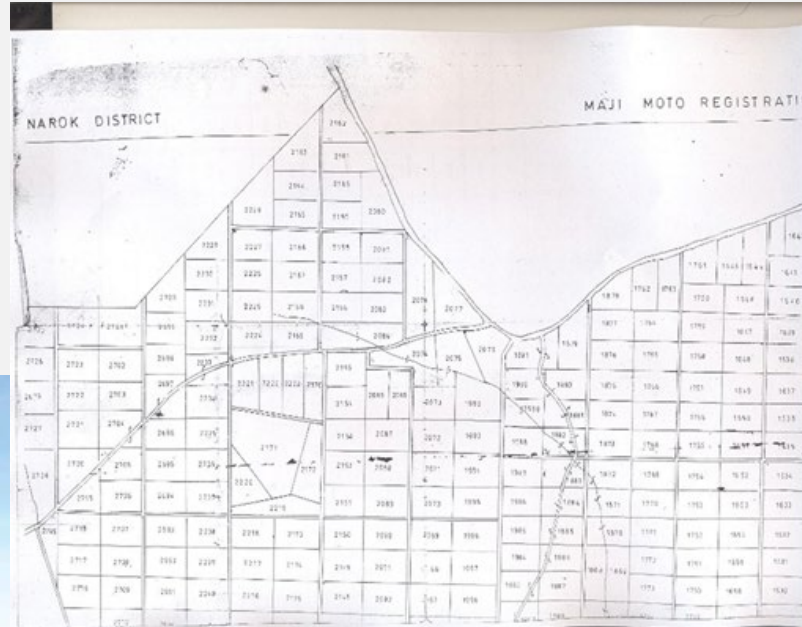
- From National and External Claims to Land dispossession from within and below
- Dissolving the Pastoral commons
- Introduction of governance arrangements founded on external values
- Accountability and justice system alien to the community
- Paper-based communication system against a highly illiterate community
- Individuation, commodification and sale of land
- Introduction of market oriented management of land, intensification Private Sector interest and ultimate land grabbing

5TH WAVE: ABUSE OF TRUSTESHIP

- Community lands that weren't registered under group ranches, were registered as Trust lands
- Held by Local Authorities (now County government) in Trust of local communities
- Maasai Mau Forest was reduced from 45,000ha to 28000 - losing close 20,000ha to individuals



6. Migration & Land Sales: From a shared Pastoral Commons to Isolated & Conflicted Visions of Space



Key Drivers:

- Willing Buyer – Willing Seller
- Diminishing farming land,
- raising population densities & human settlement
- Agricultural intensification
- Implication on political representation fueling ethnic tensions

INDIGENOUS CAPACITIES TO ENGAGE: AN ON GOING CRITICAL CONCERN

- From the colonial encounter to the present, Indigenous institutions and values were ignored and devalued
- Community's voice, perspective and consent in land and natural resources management was silenced
- IPs' Capacity to engage the state bureaucracy (policy, legal and institutional) and privilege knowledge holders in the market place has remained a challenge
- Little positive outcomes out of the State justice system
- Its self-determination and a resilience spirit that has kept both the Indigenous identities and remaining IPs lands



LESSONS FROM THE INDIGENOUS NAVIGATOR PROJECT - KENYA

- **Community initiated, designed, driven and owned approaches;** For sustainable development to be realized communities should be at the centre of both the discourses and practice
- **Sustaining IPs'-specific and own-generated data (including IPs' sensitive indicators)** from the ground, & dissemination across scales is empowering, & useful in triggering new partnership and speaking the language of the state bureaucracy
- **Mutually respectful partnerships & collaborating in good faith is critical:** For sustainable investment in land & delivery of SDGs aspirations of leaving No One Behind within diverse actors and across scales (local, subnational/county, national and international)
- **Supporting & facilitating IPs' engagement/participation from a point of information** across levels is essential in enabling them be directly present on the negotiation table
- **Enhancing IPs' access to resources** to help in the translation of the notable policy and legislation gains into livelihoods securities and respect for rights; and support for protection of IPs' rights, land & natural resource defender
- **Promoting locally appropriate sustainable technologies** - socially/culturally, environmentally and economically feasible and sustainable technology



Any comments/Questions

