

TRANSFORMATION OF MAASAI- ABAGUSII CO-EXISTENCE DURING SECOND WORLD WAR AND THE DECOLONIZATION PERIOD (1939-1963)

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<https://doi.org/10.37602/IJSSMR.2024.7110>

ABSTRACT

Most Kenyan districts are plagued by real or potential ethnic conflicts, which is a well-documented historical truth and ongoing situation. This phenomenon can be attributed to the tendency of many communities to deliberately or inadvertently exploit ethnicity as a means to maintain their power and control in an environment marked by limited resources, fear, and bias. The prevalence of ethnic conflicts in this country is so extensive that there is scarcely any region where the issue has not emerged: Western, Rift Valley, Nyanza, Coast, Central, North Eastern, Eastern, and even Nairobi. It is crucial to thoroughly examine the historical framework of inter-community interactions when addressing ethnic and boundary conflicts in the present time. This aspect should not be underestimated in this particular situation. This research presents historical empirical facts that can be utilized to effectively control future conflicts between the Maasai and the Abagusii communities in Kenya. The main aim of this study was to investigate the changes in the relationship between the Maasai and Abagusii communities throughout the Second World War and the period of decolonization from 1939 to 1963. The objective of this study was to gather relevant information regarding the consequences of previous and possible ethnic conflicts on peace and sustainable development, as well as to identify strategies for both mitigating and managing such conflicts. The findings from this study have the potential to significantly enhance other research efforts on conflicts in Kenya, Africa, and beyond. The data was acquired from oral interviews, archival sources, and papers about inter-ethnic violence, as well as boundary and resource conflicts in Kenya.

INTRODUCTION

Communities in Kenya have cordially interacted with one another in various ways both in the pre-colonial, colonial and post-independence period. These cordial relations are sometimes interrupted by inter-ethnic conflicts that are either latent or manifest in nature. Most of these conflicts in Kenya are perpetrated by small militia groups which are consistently most active in the last and first quarters of each year following raiding patterns that tend to increase at the beginning of each rainy season. Some of the conflicts also tend to take place during the electioneering period. However, some communities have age-long conflicts dating back to the pre-colonial period which re-emerged in the post-independence period.

These inter-ethnic conflicts may have many aspects including the economic, political, social, and cultural aspects. Although much has been written on inter-ethnic conflicts in the world and Kenya specifically, not much has been written on inter-ethnic co-existence and the transformation of relations over time between the Maasai and Abagusii. Scholars like Ochieng^o (1974) and Matampash (1993), Berntsen (1976) and Waller (1976) have written much on the history of the Abagusii and Maasai respectively, but, they have not written much on the transformation of conflicts between the two communities. A few of the studies carried out along the border in Kiligoris share the idea that, the conflicts between the Maasai and Abagusii have much to do with politics of the region. Other studies like the Kiliku Report (1992) point to economic resources especially land. However, conflict conditions have not been permanent but have transformed based on prevailing socio-economic and political developments. Thus the justification for this research on Transformation of Maasai- Abagusii Co-Existence during Second World War and the Decolonization Period (1939-1963)

The Outbreak of the Second World War and Gusii-Maasai Co-existence

The commencement of the Second World War took place in 1939 in Europe, but, its repercussions extended as far as Kenya. Looking at it from a positive perspective, a significant proportion of Gusii men actively engaged in military service while also being encouraged to enhance agricultural output, thereby providing the military with sustenance. Conversely, the Maasai, who often engage in herding, made a valuable contribution by selling animals. This was due to the heightened demand for cattle meat by the military forces during the Second World War II. The Maasai also benefited significantly from the War by selling a total of 2,384 sheep to the army (KNA, ACW/27/16 Rift Valley Province Security and intelligence reports).

It is crucial to highlight that the increase in military demand for beef led to a significant rise in cattle thefts. This, in turn, heightened tensions between various ethnic groups, particularly along the boundaries. For example, during this period, the Maasai attacks against the Gusii people became more frequent. This situation was worsened by the absence of efficient law enforcement in the region, as colonial officials, the police, and the army were all focused on the war (Maxon, 1989). Nevertheless, the impact of droughts had an influence on the dynamics of their relationships. For example, the occurrence of drought resulted in an increase in incidents of cow theft. The Maasai exploited the country's compromised security situation (resulting from the War) to carry out a succession of extensive cattle thefts targeting the Gusii community (KNA, ACW/27/42 Kisii District Intelligence Committee Minutes).

Mr. Hunter, who was acting as the Provincial Commissioner for Nyanza Province at the time, verified the incident in his correspondence to the Chief Secretary in Nairobi, providing an explanation:

In October 1943, despite the presence of police checkpoints and the recent collection of fines or compensation from the Maasai, the Kisii experienced two additional incursions by the Maasai. In light of the circumstances, I propose that their behavior can be interpreted as a bold display of defiance and confidence. During the early part of the month, the Maasai tribe carried out a raid in which they killed one Kisii individual and successfully stole 140 head of Kisii cattle. The second attack occurred during daylight on the 28th, when the Maasai tribe managed to drive away 4 head of cattle

from the grazing area near the border (KNA, DP/18/13 Administration, Minutes of law panel meetings 1938-61).

Nevertheless, the conventional commerce between the Gusii and Maasai was disrupted due to the conflict that ensued following extensive cattle theft by the Maasai from the Gusii. According to the head of Nyaribari, the Maasai have always relied on food assistance from the Gusii community during periods of famine (KNA, DP/1/13). The Ramasha market served as a conventional hub for the exchange of food products between the Maasai and the Abagusi communities. Amidst the battles, the Gusii community implemented a strategy of severing the food provision to the Maasai people as a retaliatory measure following the outbreak of hostilities between their respective settlements during the War. The District Commissioner of the Maasai community in Narok sought assistance from his Kisii counterpart in order to grant permission for the Gusii people to continue providing food to their Maasai neighbors (KNA, DP/1/13 Monthly reports by chiefs 1948-1949). The Chief of Nyaribari reported to the District Commissioner of South Nyanza about the disruption of friendly relations between the Gusii and Maasai communities in 1943.

The Maasai should recall their plea to the District Commissioner to request D.C. Kisii to permit the sale of crops to them and to reopen a market at Ramasha. Without food sourced from Kisii, the Maasai would face starvation during times of famine. Furthermore, they possess an inherent awareness that their sustenance is dependent on the Wakisii as their primary source of nourishment. They lack knowledge in agriculture and rely solely on meat and milk as their source of sustenance. Consequently, when their country has a severe drought, they promptly seek food assistance from the Kisii community (KNA, DP/1/13 Monthly reports by chiefs 1948-1949).

In response to the assistance provided by the Gusii and the potential dangers posed by Maasai raids, the colonial administration implemented significant measures to mitigate the frequency of Maasai attacks on the Gusii. The Maasai agreed to engage in trade with the Gusii and enhance their prosperity by acquiring additional animals. Any gang discovered to have engaged in cattle theft encountered significant consequences (FGDs 5. 3rd November, 2021). The colonial authority implemented rigorous measures to uphold law and order on the frontier by imposing severe penalties on anybody who violated the law (FGDs 4. 24th October, 2021). Ordinance No. 8 of 1913- Theft of Stock and Native Produce (East African Protectorate, 1913: 11-12), imposed harsh penalties for the act of stealing animals. Collective punishment, known as the practice of holding an entire community accountable for the conduct of a lone cattle rustler, occurs in specific instances. Hence, it is unsurprising that the Gusii ceased to be perceived as a menace by 1943, given their established notoriety as livestock thieves, even though this reputation had been prevalent since 1913. The Maasai may have pilfered animals due to the losses they incurred from their neighboring communities. In 1943, for instance, the District Commissioner stated that,

"Within the district, there has been a state of tranquility, and overall, the residents have responded exceptionally well to the numerous requirements placed upon them as a result of the war." At the beginning of the year, the Kisii-Maasai frontier has experienced ongoing conflict characterized by armed raids and incursions into Kisii

territory by the Maasai. Forty officers were dispatched to the border, where they would be stationed at outposts and carry out patrols for the following twelve months. However, in October, the Maasai conducted another raid, which resulted in significant retaliation from the Kisii. The Kisii individuals who were accountable were duly penalized, whereas the Maasai culprits are still evading capture ("KNA DP/18/13 Minutes of law panel meetings 1938-1961).

Cattle thefts were often perpetrated by a limited number of individuals. In order to address the issue of lawlessness resulting from stock thefts and murders, the colonial administration had the option to utilize the Stock and Native Produce Theft Ordinance No. 8 of 1913 (East African Protectorate, 1913: 11-12), along with many other resources at its disposal. Consequently, colonial officials in Narok and Kisii proceeded with prudence; lacking it, their endeavors could have been jeopardized. The subsequent section examines the measures undertaken by colonial officials during the War to enhance the rapport between the Gusii and the Maasai. The punitive measure imposed on the thieving community during colonial times entailed restitution of double the value of the stolen livestock to both the affected group and the government (FGDs 1. 17th October, 2021). The community responsible for the cow theft received a harsh punishment, being had to reimburse double the amount they had stolen (KII 12th October, 2021). The chiefs were entrusted with the power to adjudicate and resolve disputes that were presented to them (O.I. 12th October, 2021). The entire town faced severe repercussions for their participation in the cattle theft. Upon being apprehended, they would have been had to reimburse an amount equal to twice the sum they had appropriated (O.I 12th October, 2021).

Peace building measures by the colonial government and their impact on Maasai- Gusii relations during the Second World War

The District Commissioners of Narok and Kisii, in collaboration with law enforcement agencies such as the police and magistrates, made significant efforts to ensure the equitable and impartial application of the law in cases pertaining to stock theft and murder. Police were deployed along the border to mitigate incidents of theft involving the Maasai and Abagusii communities (FGDs 5, 3rd November 2021). The chiefs were granted authority to attentively address and resolve additional problems that have the potential to result in conflicts (FGDs 4. 24th October, 2021). The chiefs were granted authority to adjudicate disputes arising between the two communities, as discussed in FGDs 2 on 16th October, 2021. The Narok District Commissioner emphasized the necessity of conducting comprehensive investigations into allegations of stock theft prior to initiating any measures. In precolonial Kenya, the Maasai and Gusii communities employed their own investigative techniques to ascertain the truth and mete out appropriate punishment for crimes committed. Within the Gusii community, the okobutura ogoth was utilized to settle disputes related to the ownership of a live cattle, particularly if the animal in question had been stolen (KNA, DP/18/14 Raids, Native Unrests and riots 1939-1948).

In such circumstances, the plaintiff may request the resident of the hamlet where the animal was found to hold the horn while they use a spear to remove the animal's right ear (endobo). Upon the animal's ear shaking, blood was expelled onto the individuals engaged in the dispute, prompting both parties to issue a challenge in order to settle the quarrel. While awaiting the result of the oath, the plaintiff retains the ear fragment as proof, and the animal is thereafter

returned to its original society. During a subsequent ceremonial meal for purification (ogosonorana), if either participant encounters adversity or deaths within their family, they are required to present a fragment of an ear (KNA, DP/18/13 Administration, Minutes of law panel meetings 1938-61). The implementation of these investigations in the Gusii village led to a decrease in incidents of cattle theft. However, this did not deter the Gusii from pilfering Maasai livestock, nor did it dissuade the Maasai from reciprocating.

The establishment of justice and the imposition of punishment usually rely on thorough investigations into acts of illegality. The colonial authorities encountered a challenging endeavor in curbing cattle theft among diverse ethnic groups due to the limitations of customary law, which solely addressed thefts occurring within the same ethnic group. Colonial administrative officers recognized the importance of conducting comprehensive investigations in order to promote cooperative relationships between the Maasai and the Gusii. In 1943, the District Commissioner for Narok wrote to his counterpart, the District Commissioner for South Kavirondo, emphasizing the importance of conducting thorough investigations and providing impartial hearings to all parties involved in a reported matter.

An inquiry will be carried out to ascertain the number of animals that were seized and illicitly transported to this region. Given that the Maasai stock is being taken, I was expecting that you might be inclined to commence a comparable procedure. Rapid inquiries of this kind are vital, and the outcomes will predominantly hinge on the testimonies provided to the authorities at the location. In addition, it is imperative that the complainants in each case be summoned before the tribunal, and that the defendant tribe be given a chance to provide justification for why they should not be subjected to retaliation (KNA, DP/18/14 Raids, Native Unrests and riots 1939-1948).

Both the Maasai and the Gusii likely harbored their own biases while documenting and responding to incidents of cattle theft. The Kisii/South Kavirondo District Commissioner remarked that obtaining additional evidence may not be necessary, as Joseph's evidence already indicates prejudice from the Kisii and Maasai communities (KNA, DP/18/14 Raids, Native Unrests and riots 1939-1948). Therefore, validating the accuracy or falsity of accusations of illegal conduct was a crucial component of law enforcement. The District Commissioner for Narok, in a letter addressed to his counterpart in Kisii in 1944, urged for a thorough investigation into the alleged theft of 140 cattle, as claimed by the Kisii community (KNA, DP/18/14, 1944). Police camps were established along the border to maintain peace among the two communities (FGDs 16th October, 2021). Rules were placed to govern the people along the border (FGDs 1. 17th October, 2021).

Following thorough investigations, the involved parties took appropriate actions, including assessing the exact amount of compensation owed to the victims and promptly disbursing it. In cases of homicide, the victim's family would get financial restitution, but in cases of theft, the perpetrator would be compensated with livestock. In a correspondence from the Kisii police chief to the head of the city's public works department, it was indicated that the investigation into this homicide is still ongoing. Nevertheless, I can verify that the indigenous Maasai community has consented to provide restitution to the family of the dead individual in the form of 15 bovines (KNA, DP/18/15), as organized by the District commissioner in Narok.

Compensation was occasionally disbursed tardily, posing a hindrance to the principle of equity. Delaying justice results in the denial of justice, as the traditional saying suggests. The District Commissioners for Narok and South Kavirondo/Kisii were primarily concerned with ensuring equity in the punishment of offenses committed by the Gusii and the Maasai. The unequal application of legislation gives rise to the problem of discrimination, which hinders the development of positive relationships and neighborly interactions between the Maasai and the Kisii. In 1943, the District Commissioner for Narok filed a complaint with the District Commissioner for South Kavirondo/Kisii concerning the delayed payment of reparations by the Gusii to the Masai. He claimed that there was a clear case of prejudice against the Maasai in preference for the Gusii. In the written words he composed:

An inherent drawback in the current arrangement is the impracticability of seeking compensation from indigenous South Kavirondoans for the theft of livestock committed by them. The Maasai are cognizant of the breached agreement, and although it has not been explicitly mentioned, I anticipate a shift in their response if the tribe is requested to provide additional heifers. It may be challenging to persuade the Maasai that prejudice is not being exercised on their favor. Although I am confident that the difficulty can be overcome, I expect that it will necessitate meticulous management in order to obtain the necessary support from the elders. Specifically, do you have any superior suggestions for correcting the issue that has arisen on your side while we wait? (KNA, DP/18/14, 1945-1955).

The District Commissioner for Narok was committed to impartially implementing the colonial government's efforts to foster harmony and mutual understanding between the Maasai and the Gusii communities. The proposal was made to create a neutral territory between the Maasai and the Gusii communities. While initially seeming like a preventive measure, it would have actually imposed a penalty on the Maasai by prohibiting them from grazing on Gusii land. In periods of aridity, the Maasai historically explored the Gusii region in pursuit of grazing land and water sources for their livestock. He expressed his message in a letter addressed to his counterpart in South Kavirondo/Kisii:

Simultaneously, the District Commissioner for Narok expressed concerns regarding the fairness of colonial government initiatives aimed at promoting concord between the Maasai and the Gusii. It was proposed that the Maasai and Gusii establish a neutral territory between them. Although it may appear as a precautionary action, it would have actually served as a punitive measure for the Maasai, as it would have restricted their access to the Gusii's grazing ground. The Maasai pastoralists have a longstanding tradition of migrating into Gusii territory at times of extreme drought in order to ensure the well-being of their animals.

The appointed chiefs successfully mitigated conflicts and fostered new alliances by engaging in discussions and resolving minor issues that were the root cause of the conflicts (KII, 7th October, 2021). The District Commissioner for Narok expressed apprehension regarding the potential inability of the Maasai community to let their animals to graze in Gusii areas if a no man's land was designated. During periods of intense drought, the Maasai would typically relocate their livestock to the Gusii regions for grazing. This action achieved two aims. The primary objective was to safeguard the Maasai's livestock, so guaranteeing the well-being and

survival of the Maasai community. Furthermore, in the event that the Maasai had encountered livestock losses as a result of droughts, it is likely that the Gusii would have witnessed a surge in incidents of livestock theft, intensifying the already existing tensions between the two communities. The Maasai were instructed to refrain from allowing their livestock to graze in close proximity to the border, despite the abundance of grass, due to the potential facilitation of theft by bandits. Kenyan law enforcement proactively facilitated the improvement of relations between the Gusii and the Maasai, similar to the efforts made by the District Commissioners.

The Kenya Police peacebuilding initiative among the Gusii and Maasai during the Second World War

The colonial authorities employed ethnic-based land divisions as a strategy to uphold control and supremacy. Interactions among individuals from many ethnicities were limited to the border regions. These exchanges led to the strengthening of existing positive relationships between nearby ethnic communities or the establishment of new ones. Law enforcement encounters less difficulty when there is positive rapport between individuals of diverse ethnic backgrounds residing on opposite sides of an interethnic demarcation (Anderson, (2017). Regardless of the circumstances, the police performed a key role in upholding order amidst an imminent state of turmoil (Foran, W. R., & Catling, R. C. (1962). *The Kenya Police, 1887-1960*. (No Title).. During the establishment of the Kenya Police Force in 1944, there was a prohibition on accessing Native Reserves. The Native reserve police force consisted of tribe leaders and their subordinates, tasked with conducting searches, recovering stolen items, and interrogating offenders (Anderson, (2017). Prior to their authorization to work in Native Reserves in 1944, Kenyan police officers performed a vital role in overseeing interethnic boundaries. In reality, colonial authorities employed these boundaries as a measure of societal unity. An exemplary demonstration of this phenomenon can be observed in the interactions between the Maasai and Gusii communities (Throup, 2017).

Designated leaders were assigned the responsibility of deliberating and resolving small matters that caused friction between the two factions. Consequently, tensions diminished and fresh bonds of friendship were forged (O.I. 7th October, 2021). Due to the increasing complexity of stock theft, the management of this issue required the involvement of professional officers. As a result, the Kenya police were granted access to protected areas and provided with the necessary resources to handle these intricate situations. Foran (1962) suggests that, over time, cattle thieves in Kenya transitioned from being inexperienced individuals to becoming highly proficient experts, capable of stealing a significant number of animals across different ethnic lines. By 1945, the Lumbwa and Kipsigis cattle thieves were prevalent in the Gusii area, predominantly originating from the Maasai side. The purpose of this was to create the appearance that the Maasai were engaging in the act of pilfering animals from the Gusii community. This is logical when one takes into account the fact that law enforcement authorities frequently utilized cow paths to locate and apprehend wandering livestock (KNA, DP/18/14).

The Kenyan police, in conjunction with the District Commissioners, played a vital role in alleviating cattle theft, hence helping to the decrease in tensions between the Gusii and the Maasai communities. At times, cattle rustlers would seek shelter, despite the government's

ongoing endeavors to capture them through law enforcement. The District Commissioner for Narok wrote a letter in 1943 to the District Commissioner for South Kavirondo. The letter reported that two individuals, named Purko and Muran, who were previously linked to a stock-thief from the Purko Maasai tribe, were seen in Trans-Mara a few days before the murder of the stock-thief in Kisii village earlier that year (DP/18/14, 1943). The persistent effort to apprehend and then detain, convict, and imprison recognized wrongdoers proved to be a highly efficient means of discouraging individuals who constituted a risk to the harmonious cohabitation between the Maasai and the Gusii. The police enforced strict procedures to prevent any more trespassing across the Trans Mara border with stolen livestock, thus reducing the ongoing problem of cattle theft that had been a major cause of conflicts between the two communities. In addition, the police carried out border patrols with the aim of maintaining tranquility between the two villages (FGDs 4. 24th October, 2021).

In addition, the Kenya police force comprised persons from several ethnic backgrounds. Gusii law enforcement officers were strategically stationed within the Maasai community to efficiently discourage the act of stealing livestock by members of both the Gusii and Maasai tribes. The united efforts of a solitary Kenyan policeman from the Kisii tribe stationed in Lolgorien successfully prevented an attack led by Watende on Masai in 1945 (KNA, DP/18/14, 1945). Law enforcement agents from many ethnic backgrounds collaborated in the pursuit of stolen livestock. The objective of this action was to overcome linguistic barriers when carrying out investigations (KNA, DP/18/14, 1945). In addition to surmounting linguistic obstacles, the Gusii police officers fostered inter-ethnic cohabitation between the Maasai and the Gusii by working alongside the Maasai and thwarting cattle theft from neighboring ethnic groups or aiding in the retrieval of stolen cattle. In addition to addressing incidents of livestock theft, the police also interfered in other situations that posed a threat to the harmonious coexistence between the Masai and the Gusii. An incident is documented in which John Livingstone Noah, an African Assistant Inspector at Kamagambo Police Station, received high praise and a reward for successfully averting a potential clash between a group of approximately 2000 armed Kisii individuals and a group of armed Maasai individuals. This accomplishment was achieved with the assistance of only one Sergeant and 7 Constables (KNA, DP/27/5, Police Annual Report for the administration of Kisii Division for the year 1948).

Since the conclusion of World War II in 1945, it became evident that there was a pressing need to enhance radio and telephone communication among African Police Officers, both inside and between their ranks. In a letter dated May 12, 1945, Mr. S.D. McGoun, the Provincial Superintendent of Police at Nyanza Provincial Police Headquarters in Kisumu, communicated to the Commissioner of Police in Nairobi the necessity of establishing wireless telegraphy (W/T) sets to combat cattle thefts in South Nyanza/Kavirondo and Kericho. The recommended areas for setting up these W/T sets include Sotik, Kisii, Kipkemowa, Abossi (Chesonoi), Kihancha, and the Provincial police headquarters. The excerpt of the correspondence stated:

....With the present state of communications and slow transport, police cannot get accurate information quickly enough to act with any likelihood of preventive results... It is almost impossible to get a call to Kisii or Kericho under an hour... and when one has got through it is most difficult and often impossible to hear what is being said (KNA, DP/27/3).

In 1948, the Signals Branch of the Kenya Police started setting up multiple stations throughout the Colony in response to the Provincial Commissioner's request for enhanced radio communication among the Police. The African Police operated all of them under the supervision of the Signals Officer (Foran, 1962:137). By 1948, the Signals Branch had achieved significant advancements, establishing a network of 45 Signal Stations equipped with state-of-the-art technology. The Radio Section of the E.A. Post and Telegraphs Department was responsible for overseeing the network, with the Police Signals Officer in charge of its management. The Kenya Police's Signals Branch underwent reorganization in 1950. By the beginning of the 1960s, the Unit had more than 900 pieces of radio equipment in use. In 1959, Signals Operators managed a total of 762,648 messages across the Police network, averaging at 63,554 messages each month. They remained stationed at the border to conduct patrols and uphold peace between the two towns. (O.I. 07/10/2021).

The commendable efforts of the Kenya Police were insufficient to ensure harmonious cohabitation between two ethnic groups (the Gusii and the Maasai) with a longstanding history of sporadic conflicts. To ensure peaceful cohabitation between the Gusii and Maasai communities, it was necessary to move away from relying solely on tribal law and customs. It is also important to consider that both the Gusii and the Maasai ethnic communities have their own distinct customary law systems. The Gusii customary laws were incompatible with the resolution of disputes among the Maasai, and vice versa. Consequently, the colonial administration had to devise a mechanism to penalize offenses committed by the Gusii against the Maasai, and vice versa. Implications of implementing novel punitive measures for inter-ethnic offenses and their effects on the coexistence of the Gusii and Maasai communities. The relationship between the Gusii and the Maasai was strained as a result of occasional occurrences of one ethnic group perpetrating acts of homicide against the other. In light of this, the colonial authorities in Kisii and Narok established a compensation system in cooperation with Maasai and Gusii elders. This approach was implemented to mitigate the adverse effects of interethnic conflicts between the two populations. In 1944, the District Commissioner for Kisii noted that the Maasai should provide compensation of six hundred shillings for the Kisii individuals who were killed. The Maasai are obligated to provide restitution due to the arrest and conviction of the killer of the Kisii.

The implementation of this type of penalty was significant due to the inapplicability of Maasai customary law on murder recompense to the Gusii community, and vice versa. Consequently, despite the colonial government's endorsement of the rule of law rooted in customary norms, these laws were insufficient in addressing circumstances that encompassed two ethnic groupings. Customary rules were only applicable to and influenced solely by individuals belonging to the same ethnic group that adhered to those laws. For instance, in the Gusii community, if someone stole an animal or property from a relative, they were required to pay double the value of the stolen item. However, if a person attempted to steal from a location that was at war with their own and was caught but not killed, they would be held captive there. A message would be sent to their original location, demanding the payment of 12 cows as ransom. Once these animals were received, the captive would typically be released and escorted back to the border of their own location and the other one.

Nevertheless, if he pilfered livestock from individuals belonging to the identical ethnic group but lacking close kinship, he would be obligated to provide reparation. However, if he pilfered

livestock from a different ethnic group, he was commended. Consequently, the colonial authority implemented inter-ethnic methods to provide compensation for the theft of cattle. The Maasai saw the act of taking livestock from a different ethnic group as a cause for great celebration, as they firmly felt that all cattle rightfully belonged to them. The colonial government's management of inter-ethnic homicide altered the dynamics between the Gusii and the Maasai. Typically, instances of livestock theft resulted in being associated with homicides. During the precolonial era, acts of homicide resulting from cattle theft between the Maasai and the Gusii tribes were not subject to any kind of reparation, as customary laws of both the Gusii and the Maasai did not include such provisions. The Gusii customary rules solely offered reparation for homicides involving immediate family members or individuals belonging to the Gusii ethnic group.

In the pre-colonial period, the Gusii customary rules imposed severe penalties for the intentional killing of a person by a close kin, motivated by premeditated malice. In such instances, the perpetrator was compelled to provide restitution in the form of "four bovines and two caprines." However, if the victim belonged to a kinship group that had a legal tradition of intermarriage with the perpetrator's kinship group, the perpetrator was required to provide twelve bovines or an equivalent amount to cover the customary payment made by the groom's family, or alternatively, offer a female for marriage to a relative of the deceased. The reference code is KNA, DP/18/13. In the absence of measures for reparation, inter-ethnic killings between the Gusii and the Maasai were not penalized, but they resulted in lingering animosity between the parties involved. Nevertheless, the implementation of colonial governance among the Gusii and the Maasai altered the dynamics of justice concerning inter-ethnic homicides. The murders were meticulously examined and a portion of compensation was determined (KNA, DP/18/14). If the investigations uncovered the identity of the murderer, the culprit was incarcerated. This significantly contributed to ensuring justice for the relatives of the dead.

Gusii-Maasai relations during the Mau Mau uprising

The end of the Second World War ushered in yet another security-related problem. Moss (2015:64) has observed that the "end of the Second World War brought a boom in the Kenyan economy and a wave in political activity" including anti-colonial political activities such as Mau Mau violence. The uprising negatively affected government's post-War development plans. Kenyanjui (1992:118) has correctly observed that: -

The most outstanding characteristic feature in the phase 1945-1960 was agricultural planning. The settlers planned and built irrigation dams, roads, fences and buildings, and formed co-operatives. However, the Emergency of Mau Mau in 1952 interfered with the planned development.

The Mau Mau insurrection had a significant impact on the Kikuyu Province, but its consequences extended beyond that region. The Kikuyu were predominantly responsible for engaging in Mau Mau activities wherever they were observed. The Kikuyu people had extensively traveled throughout the entire territory of Kenya. By the 1920s, the Kikuyu reserves had become dangerously overcrowded due to an annual population growth rate of 2.5 percent and a population density exceeding 280 persons per square mile (Parsons, 2011). Consequently, driven by ambition or desperation, young men without land had to venture into less populated

areas of the colony in order to find success. The district commanders initially observed the leading group of this extensive Kikuyu movement in 1911, but the emigration from the reserves increased in pace following World War I. A significant number of individuals had relocated to the vast Rift Valley area, and after the disintegration of the Mau Mau movement, the Kikuyu migrants served as the conduit through which Mau Mau activities disseminated throughout Kenya. In Nakuru, the District Commissioner saw and monitored the activities of the Mau Mau, which he identified as originating from Kikuyu Province.

In his 1947 Annual Report, he noted that the organization known as Mau Mau, which originated from the Kikuyu reserve, created branches in Naivasha and Ol'Kalou but did not attain comparable levels of success. There is a high probability that this organization has a connection to the Kikuyu Central Association. The district hosts several branches of the Kenya African Union, however they attract limited interest and have a low subscriber count. The Kikuyu tribe appears to place a high importance on verbal communication and attentive listening when it comes to conveying their views, while harboring doubts about the significance of monetary donations. The majority of the other tribes have limited or no participation in political endeavors inside the District (KNA, DC/NKU/1/5 Nakuru District Annual report 1947, p. 1-3)

Not only had individuals of Kikuyu descent relocated to Nakuru. A portion of them had moved to Kisii and Narok, where they settled among the Maasai and Gusii populations respectively (KNA, DP/1/108; KNA, DP/1/110; KNA, DP/1/111). In his 1932 Annual Report, the District Commissioner of South Kavirondo District noted that members of the Kikuyu ethnic group had been inside the Gusii settlement for a considerable duration (KNA, DC/KSI/1/3 South Kavirondo District Annual report 1932, pages 26). The Mau adherents, who were being pursued by the colonial administration, found sanctuary among their kin in Kisii and Narok. As a result, both the Maasai and the Gusii populations were affected by the consequences of the Mau Mau and anti-Mau Mau battles. The Kikuyu settlers in Gusii started displaying symptoms of chaos and disdain for the law. The chief of Nyaribari Location formerly recorded the Mau Mau actions within his jurisdiction, expressing,

"I have obtained precise information concerning the Kikuyu Central Association..." Upon receiving this meal, a member must sign a solemn oath, vowing not to reveal the classified information of the Kikuyu Central Association to the government or any government official (KNA, DP/1/13, 1948).

The Mau Mau actions were prevalent among the Gusii people until 1954, when many of the Kikuyu were relocated from Kisii. In his 1954 Annual Report, the District Commissioner for South Nyanza highlighted the significant political development of the year, which was the relocation of all the Kikuyu people who had gradually settled in the Kisii highlands over many years. A group of men were incarcerated in 1953 due to their refusal to be photographed for identification purposes. Subsequently, the majority of the remaining individuals were issued with restraining orders and were compelled to reside at Kisii Detention Camp. In March, the entire group was expelled, and thereafter, the evacuation of women and children took place. "This intricate and challenging operation, involving the displacement and relocation of approximately 500 families, was successfully concluded in June (KNA, DC/KSI/1/16 South Kavirondo District Annual Report 1954".

The occurrence of Mau Mau operations inside the Gusii and Maasai communities had a significant impact on the interactions between the Gusii and Maasai, both directly and indirectly. The local administration and other security personnel, including chiefs, police, and local elders, were instructed to remain vigilant. The security situation was so grave at that time that chiefs were forbidden from engaging in commercial activities and were instead instructed to focus on administrative responsibilities. During a discussion between the District Commissioner and Gusii chiefs, it was observed that:

The District Commissioner told chiefs that he had a list of those who were trading in this district. He told them that as they were government servants they were not supposed to trade he would watch each chief who was a trader and if he was found not to be doing his full time to his government work he would be deprived of his Trade License or discharged from government service (KNA, DP/34/7).

Thus, the increased security surveillance not only monitored and prevented Mau Mau activities but also helped reduce other incidences of lawlessness, including cattle theft, which occasionally upset the peaceful coexistence between the Maasai and the Gusii. The Chief of Nyaribari never missed a chance to report on the activities of the Kikuyu and their clandestine activities (KNA, DP/1/13,1948). Given the heightened security alert among the Gusii and the Maasai, there were few incidences of cattle thefts which usually upset peaceful coexistence between the two communities. That peace had prevailed between the Maasai and the Gusii is attributed to the fact that the only serious large-scale war which had been fought between them was in 1943. No such war had been witnessed again until 1948 when signs pointed to the circumstances that led to the War of 1943. The chief of Nyaribari Location wrote to the District Commissioner of South Nyanza warning him about the possibilities of Gusii-Maasai war in the offing. He noted,

Also, may you please write to the D.C. Narok to warn the Morani of Maasai that unless they despair with thefts the Wakisii will stop selling them crop as it were in 1943. They should remember how they begged their DC to ask D.C. Kisii to allow crop to be sold to them and to reopen a market at Ramasha. If it was not food from Kisii the Maasai could starve in famine during 1948, and of course they inwardly know that they rely on the Wakisii as their store of food. They don't know cultivating only they depend on meat and milk, then when there is a sun drought in their country, they immediately run to get food from the Kisii (KNA, DP/1/13, 1948).

The Chief of Nyaribari and North Mugirango Locations was indeed determined to preach and achieve peace between the Maasai and the Gusii. He knew how much trade between the two communities contributed to wards peaceful co-existence. He was particularly keen at ensuring that trade flourishes between the two communities, one of the handicaps towards achieving this was the poor state of the road running from "Keroka to Ramasha" market (KNA, DP/1/13, 1949). Ramasha was the market which facilitated trade between the Gusi and the Maasai. For him, trade enabled his people (the Gusii) to earn money and pay their taxes while at the same time forging friendliness between the Gusii and the Maasai.

Writing about his location in the monthly report of February 1949, the chief of Nyaribari and North Migirango which bordered the Maasai of Narok District Location stated that "there has

been peace in both locations... and each person seems to be working harder in his usual work” (KNA, DP/1/13, 1949). The chief attributed this peaceful environment to his efforts to preach peace and tranquility. In his report to the District Commissioner for South Nyanza/Kisii, the chief noted”

Since I received your letter, I visited in most parts of each location holding barazas [Public meetings] to warn people not to make rots on the borders with the Kipsigis and with Maasai. Thefts decreased in considerable proportion during February and all people are very happy with the Kenya police for all efforts that they did to stop thefts and recover cattle stolen from Kisii (branded “K”) by the Kipsigis and Maasai (KNA, DP/1/13, 1949).

Indeed, it was during the Mau Mau period that chiefs were put on high alert to secure the peaceful co-existence between members of their respective ethnic groups and to prevent any inter-ethnic tensions from taking place. Some chiefs employed traditional conflicts resolution mechanisms to resolve the problem of cattle thefts which threatened peaceful co-existence between the Gusii and their neighbors, including the Maasai. In one incidence, the chief of Kitutu Location in Kisii resorted to oath taking ceremony. This method also led to decrease in cattle thefts and peace between the Gusii and their neighbors was promoted. In his report addressed to the District Commissioner for South Kavirondo/Kisii, the chief of Kitutu Location wrote:

Stock theft in the location was prevalent and increased remarkably from all angles of the location. This subject was discussed in barazas, and meetings with a view to stopping it. Also a very big baraza was held to discuss this subject only, and an oath was performed between the elders and well known thieves in May. Since then, thefts in the Location have decreased considerably (KNA, DP/1/13, 1949).

It is through the good work of chiefs, with regard to promoting peaceful coexistence, that incidences of cattle stealing decreased. In some cases, the chiefs ensured that “names of all well-known thieves in the location were recorded” (KNA, DP/1/13, 1949). This went along way into ensuring that thieves reformed. It is no wonder that) some thieves surrendered to keep good behavior as law-abiding citizens” (KNA, DP/1/13, 1949). In most cases, cattle thefts were not an everyday or every month occurrence. There were those days and months when the Gusii and the Maasai experienced a peaceful environment devoid of cattle theft incidences (see statistics of cattle thefts in Kitutu Location below).

Table 1.4: Number of livestock stolen in Kitutu location by month

Month	Number of livestock stolen
May	18
June	2
July	4

August	-
September	-
October	3
November	-
December	1

Source: KNA, DP/1/13, monthly report for February 1949 by Chief of Kitutu Location.

The table above illustrates that there were moments of calm during which no incidences of cattle thefts were recorded. But there were also moments when a location would be on alert and tension due to the large numbers of livestock being stolen. The table also shows that the month of May recorded the largest number of cattle thefts in Kitutu Location but due to the efforts of the chief and law-abiding members of the Gusii society, the numbers reduced (Amutabi, 1995). Thus, there were a few members of the Gusii society who threatened peaceful co-existence in society. Such was the situation that prevailed during the Mau Mau uprising. Otherwise, the general atmosphere of co-existence between the Maasai and the Gusii was one of harmony and tranquility throughout the period of Mau Mau uprising. Incidences which threatened peaceful coexistence between the two communities was dealt with promptly. For example, in 1954, resulting out of incidences of cattle thefts, Tribal Police posts had to be erected at border points which were considered as more deserving. In September a post was created at Anganga in attempt to put a stop to Maasai stock-raiding (KNA, DP/1/4 Monthly Intelligence Reports September/October 1954). Also, the number of African Police officers was increased in South Nyanza to effect maintenance of law and order along the Maasai border (KNA, DP/1/4 Monthly Intelligence Reports September/October 1954).

The colonial authority played a role in fostering peaceful cohabitation between the Maasai and the Gusii. Nevertheless, the colonial authority implemented laws that made pre-colonial economic practices illegal. These traditions had previously fostered peaceful cohabitation between the two populations across borders. Historically, the Maasai engaged in a nomadic lifestyle to find suitable grazing land and water sources. As a result, they inadvertently allowed their livestock to graze and drink water in the Gusii community's land. Similarly, the Gusii engaged in hunting, with the majority of the fauna being located within Maasai territory (KNA, DO/KSI/15/18/1A Administrative Report of Kilgoris for the year 1961). Historically, these travels facilitated engagement between the Maasai and the Gusii. Nevertheless, the imposition of colonial governance rendered wildlife-hunting illegal and imposed restrictions on the nomadic lifestyle. The colonial authority rigorously upheld ethnic boundaries, which appeared to cultivate a sense of "us" versus "them." Specifically, the colonial authority favored a sedentary lifestyle and discouraged unrestricted migration of human populations. The rationale behind this is that it was more convenient to govern sedentary communities compared to nomadic populations.

The establishment of cross-border committees was aimed at resolving inter-ethnic disputes across the Gusii-Maasai border, which in turn contributed to the restriction of people's movement. These communities convened to discuss strategies for mitigating incidents of cattle theft, as well as determining appropriate compensation in the event of such thefts. Their objective was to organize regular meetings in order to resolve problems quickly, as stated in the KNA, DP/1/6 Kisii District Quarterly report, July/September 1963, page 1. Upon the occurrence of livestock thefts, the committees would convene and determine the fines to be paid by the offending party to the victimized party. In 1963, Kisii and Maasai elders settled outstanding stock theft bills from 1960, with Kisii elders paying a total of 10,266 Kenyan shillings and Maasai elders paying 60,443 Kenyan shillings.

As the Mau Mau insurgency subsided and the nation progressed towards independence, there was a push to reassess territorial divisions. This action prompted certain ethnic populations to call for secession. Historically, one administrative authority has governed two or three ethnic groupings. This was especially true among the Gusii, Luo, and Kuria communities. The agitation for secession and independence was caused by the change of regional assembly boundaries, which would determine the election of regional delegates to the Senate. As a result of this effort, there were conflicts between different ethnic groups in various parts of the country. For instance, there were conflicts between the Gusii and the Kipsigis, but no conflicts were reported between the Gusii and the Maasai (KNA, DP/1/6 Kisi District half-yearly report, January-June 1963, p.2). During the period from 1955 to 1963, Africans started to gain representation in the Legislative Council through elections.

Politicians incited their people by exploiting the revision of regional boundaries and elections. The act of incitement was linked to assertions of ethnic autonomy. Various ethnic tribes that previously coexisted began asserting their ownership over specific territory. In 1955, a group from the Kabuoch portion of East Konyango site addressed their problems to the District Commissioner, advocating for the division of their site. The District Commissioner refused to comply with their demands and cautioned that severe measures, including police intervention, would be used against the main instigators if any further disturbances occurred. In 1961, Mr. Sagini, a Member of Parliament from the Kisii community, was accused by Mr. Ole Tipis, a Maasai Member of Parliament, of falsely informing the Gusii people that their territory stretched as far as the Mara River. This incident is documented in the Parliamentary discussions of the National Assembly of the Republic of Kenya on June 6th, 1961, 959.

In 1963, a comparable incident took place when the District Commissioner reported that the Bosamaro Luo, residing on the Luo/Kisii border, advocated for the relocation of their living area to South Nyanza. It sparked controversy. The Luo were informed that altering the boundary was deemed unfeasible. The individuals expressed dissatisfaction with the decision and persisted in advocating for withdrawal (KNA, DP/1/6 Kisii District Quarterly Report, July/September 1963, p.1). However, there were no reported instances of such assertions in the Maasi-Gusii border regions. The Gusii-Maasai line had been defined in such a way that there was no mingling of the two communities under one territorial administration. Politicians indeed gained advantages by inciting clan/ethnic conflicts. In the District Commissioner's report for the first half of 1963, it is mentioned that the voting was significantly affected by local clan loyalty. The upcoming chapter will explore the consequences of implementing elective boundaries on cross-border ethnic coexistence, among other topics.

CONCLUSION

This study analyzed the influence of the Second World War and decolonization on the coexistence between the Gusii and Maasai communities across borders. The study has determined that the war outbreak indeed had an effect by causing a void in the security structure of the colonial administration. A small group of individuals from the Maasai tribe took advantage of the lack of protection to engage in illegal activities, specifically stealing cattle from the Gusii community. At the onset of the Second World War, the Gusii's ability to protect themselves from the Maasai had diminished due to the enlistment of many Gusii men in the military and other sectors of the colonial authority. Furthermore, a significant number of the Gusii population have abandoned their customary livestock husbandry methods and have embraced agriculture. Consequently, their customary systems for protecting their livestock-based economy had been undermined.

In 1943, the Maasai livestock raiders exhibited a significant increase in lawlessness, posing a threat to the harmonious coexistence of the two groups. Although the Maasai possessed highly developed strategies for attacking neighboring communities and acquiring their livestock, the Gusii enjoyed the benefit of being the primary providers of food to the Maasai. The Gusii responded by withholding food provisions from the Maasai, particularly during severe drought episodes. The Maasai had to appeal to the Abagusi, via their administrators, in order for the Gusii to resume providing food to the Maasai.

The study has additionally confirmed that officials of the colonial administration assumed a prominent role in mediating conflicts that posed a risk to the harmonious cohabitation of the Maasai and the Gusii communities. The officers comprised the chiefs, the police, and their subordinates. The District Commissioners of the Maasai and Gusii regions, specifically the South Kavirondo/Kisii district and Narok district, maintained regular communication with incidents of cattle theft and homicides along the Gusii-Maasai boundary. Their prompt and compassionate response to these matters greatly contributed to the restoration of law and order. Chiefs also fulfilled their responsibility of exerting pressure on individuals within their own territories. Specifically, chiefs conducted public gatherings (barazas) with their constituents, and through these platforms, individuals in society who promoted disorder were effectively managed. The implementation of oath taking ceremonies by Gusii chiefs significantly reduced instances of cattle theft and the resulting hostility between the Gusii and their adjacent Maasai community.

The Kenya Police also fulfilled their duty in upholding the law. Specifically, their endeavors involve the retrieval of stolen livestock and conducting comprehensive inquiries into such incidents, as well as ensuring adherence to compensation protocols. These actions have significantly contributed to fostering harmonious relations between the Gusii and the Maasai communities. Gusii police officers collaborated with the Maasai people and facilitated the retrieval of their stolen livestock. This action fostered a feeling of amicable relations between the Maasai and the Gusii.

The colonial government provided intervention to the Gusii and the Maasai during times of tense inter-ethnic relations, which can be classified into two primary categories: preventive and curative/punitive. The curative aspect involved examining instances of lawlessness and

subsequently prescribing appropriate penalties. The incarceration of individuals found guilty, restitution in the form of livestock and monetary penalties. Nevertheless, the police promptly responded and successfully retrieved the stolen livestock, subsequently returning it to its rightful owners. These methods facilitated the development of a peaceful coexistence between the Maasai and the Gusii. Typically, there are a few individuals who have a tendency to violate the law and create tension between the two populations.

Preventive measures were implemented to ensure peaceful cohabitation between the Maasai and the Gusii, including anticipating potential risks and implementing appropriate actions to avert inter-ethnic conflicts. An instance of this is the imposition of a ban on the Maasai community from engaging in grazing activities in close proximity to the Gusii-Maasai border. In addition, the colonial authority strategically placed police outposts along the Gusii-Maasai frontier. This measure effectively deterred potential offenders within the community from engaging in illegal activities targeting individuals from a different ethnic group.

Although the colonial administration did encourage peaceful cohabitation between the Maasai and the Gusii, it also instigated confrontations between them. Maasai raids were mostly motivated by the occurrence of severe droughts. Following the loss of a significant portion of their livestock due to droughts, the Maasai resorted to engaging in cattle theft as a means of reclaiming their lost means of subsistence. Although the Maasai had a long tradition of this practice, it was expedited by the colonial authority. The majority of the grounds that the Maasai utilized for grazing and obtaining water during the dry season were confiscated from them. Consequently, in the face of droughts, the lack of alternative grazing and watering options resulted in the unfortunate demise of a significant portion of their livestock. The Maasai resorted to raiding Gusii territory and plundering their animals as a means of survival.

Moreover, the monetization of livestock transformed it become a highly profitable enterprise. Historically, the Maasai and the Gusii communities engaged in the rearing of livestock for both practical and cultural purposes. Colonial control in Kenya transformed animals into commodities. Individuals would trade animals in order to fulfill their tax obligations and cover additional expenses. The heightened monetary demand during the colonial era led to a greater appreciation for livestock, both as a means of generating profit and for personal wealth accumulation. Motivated by avarice, individuals began pilfering animals, and this pervasive criminal activity incited intercommunity conflict.

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