

The 1904 and 1911 Maa-British Land Agreements

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Overview

This essay provides a guide to key topics in relation to nineteenth-century European imperialism in Eastern Africa. Across several topics, the essay offers a general review and suggests texts for further reading. Collectively, the sections raise important issues in relation to both Eastern African perceptions of the land and the failure of British administrators and colonialists to respect and work with such indigenous knowledge.

Ethnic and Spiritual Connections to the Land

Summary: Discusses the means by which African myths of belonging emphasized supernatural links to the environment

Once upon a time, a long long time ago, there lived a rabbit. Her name was Sister Hare. All day Sister Hare would dance in the savannah, walk in the forests, eat shrubs, and bask in the sun. In the evening, as dusk approached, and the sun set, she would begin to fret.

She hated the chilly evenings, as much as she liked to stare up at the stars and the Milky Way. She lived like this for a long time: happy during the day, very chilly and uncomfortable at night.

St. Hare wondered what to do. She spent a long time thinking. Eventually, she decided to build a nice burrow. It took Sister Hare many days to complete the burrow, but in the end, all her hard work paid off. The burrow was nice and warm at night. She was no longer cold.

Then, one evening, lion came along. She spoke in a nice, gentle voice. "Hare, my sister," said Lion, "Please help me. I'm very cold at night. May I just rest my tail in your warm burrow? At least if my tail is warm, the rest of my body will be OK. Sister Hare, please help me." Sister Hare thought about this. She was afraid of lion's claws. But in the end, she said yes.

That first night, lion put her tail in Sister Hare's burrow. The second night, lion put in her tail and her hind legs. The third night, lion put in her tail, hind legs, and forearms. Meanwhile, Sister Hare's tail, hind legs, and forearms were progressively pushed out of the burrow. After five days, lion had fully occupied the burrow and Sister Hare had been fully pushed out.

The foregoing fable is fascinating for its recognition of nonhuman presence on African lands, specifically in Eastern Africa, before human migration. This prior presence is

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important for two reasons: it resonates deeply with indigenous notions of autochthony; and it sets up a custodial relationship whereby nonhuman others bequeath land to the living, who must then safeguard the ecosystem for future generations.

The argument that animals belonged in Eastern Africa before people arrived is replicated across African orature. Autochthonous notions of land ownership are deeply held beliefs that carry much currency even in contemporary conversations about belonging, identity, and title. Where an individual is from is a vital question. “Home” has layered meanings: present dwelling (possibly in an urban area), connections to kin and extended family (likely in rural spaces), etc.

Notions of home have been deployed to unify multi-lingual coalitions for political and cultural purposes. Home has also been used to divide national polities. Colonial administrations, including the British, pursued the policy of divide and rule. Labeling communities along “tribal” lines was a colonial tactic that fractured and delayed anti-colonial resistance.

Beyond autochthony, the above fable shows a strong link between the supernatural and the landscape. While animals are a more visible element of the nonhuman environment, ancestral spirits and variously defined deities were, and remain, an equally strong aspect of human intimacy with the land in Eastern Africa and elsewhere on the continent.

Indigenous communities regularly organized daily lives around spiritual notions regarding topographical features. The Maa, for instance, performed religious ceremonies on specific hills. Other communities arranged farming, fishing, and agricultural activities around their interactions with animal spirits; hence, for example, hunters avoided killing an animal which their relations consider a totem or spiritual kin.

Human connections to the supernatural serve as a basis for a custodial relationship to land. There is a tangible belief that the ancestors bequeathed the land and all its beauty to the living. In return, current inhabitants perform a caretaker role, preserving the ecosystem for the unborn. The living have two duties: to keep alive the memory of those who came before, and to safeguard the land for those who will come after. What the living do in the course of their daily lives is meant to manifest connections between the ancestors and the unborn.

Further Reading

Gathogo, Julius. 2020. “Settler-Missionary Alliance in Colonial Kenya and the Land Question.” *Studia Historiae Ecclesiasticae* 46 (2): 20.

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Musiyiwa, Mickias. 2016. "Shona as a Land-Based Nature-Culture: A Study of the (Re)Construction of Shona Land Mythology in Popular Songs." In *Natures of Africa: Ecocriticism and Animal Studies in Contemporary Cultural Forms*, edited by F. Fiona Moola, 49–76. Johannesburg, SA: Wits University Press.

A History of Migration into Eastern Africa

Summary: Examines historical migration by nomadic communities in Eastern Africa

There exists a long and rich history of migration in Eastern Africa. Population movements in the twenty-first century are founded upon traditions of migratory patterns. Sometimes these journeys are cyclical; sometimes they are unidirectional. The Maa are a diverse group. The population includes closely-cognate languages such as Samburu. The cultural spectrum from Il-Ndorobo, to Maa, to Samburu demonstrates fluidity as a key feature of Maa identity. This essay uses "Maa" in reference to the community. Although Maasai is the more-recognizable term, Maa is more accurate, as a description of peoples who speak the Maa language.

The Nilotic communities, of whom the Maa are a segment, migrated into present-day Sudan, South Sudan, Ethiopia, Kenya, Uganda, and Tanzania along the Nile River. Many, though not all, of the loosely-grouped Nilotic ethnicities practice nomadic pastoralism. The family unit and communal ways of living are arranged around periodic movements in search of greener pastures and watering spaces for livestock.

Colonial demarcations of land, and the advent of land management regimes centered upon private property, upended this heritage. Fences, borders, and boundaries balkanized topographies. Open grasslands were converted into settler dairy farms and cattle ranches. Watering spots located in newly-created colonial plantations were off-limits. Given the symbiotic relationships between humans and topographies, the African lands in question were viewed as an endowed birthright. In contrast, colonial legal regimes criminalized trespassing and vagrancy; such policies instrumentalized land – stripping landscapes of any cultural and spiritual attributes. Colonial instrumentalization of African lands could also not appreciate the strong links between human and spiritual beings residing on the same landscape.

Settler prejudice misread Maa patterns of movement as random journeys. In truth, nomadic migratory patterns were attuned to weather patterns, absence/presence of disease pathogens, and human-wildlife symbiosis. Anti-colonial resistance agitated for restored access to indigenous lands. Communities that practiced nomadic pastoralism and/or shift cultivation articulated decolonial desires for expansive rights to their natural resources.

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Further Reading

Hirbeck, I., ed. 1988. "The East African Interior." In *General History of Africa: (III) Africa from the Seventh to the Eleventh Century*, 297–306. Berkley: California University Press.

Who are the Maa?

Summary: Discusses Maa identity, and the fluidity of this identity

Public perceptions of Maa communities highlight their connections to livestock. Over the past half century, Maasai culture has increasingly been packaged as one of the last bastions of "true" Africa – uncivilized and pure. Both approaches are essentialist, and wrong. The status of *Il-ndorobo*, a Maa word meaning "those without cattle," signifies the central role that livestock plays in Maa lives. Cattle means food, sustenance, a retirement plan, emergency savings, and social prestige. Despite this, the diversity within Maa-speaking peoples allows for communities – such as those around Arusha in present-day Tanzania – who identify as indigenous Maa, yet eschew pastoralism and practice mixed-crop farming on the slopes of Mt. Kilimanjaro.

Alongside reductive views of Maa as synonymous with cattle, there also exists a colloquial analysis of Maa intermingling with other ethnicities especially the Gikuyu and the Kamba. There are paradoxical views of the Maa as both insular and cosmopolitan.

These opposing conclusions reflect the effects of movement and assimilation on ethnic formation across Eastern Africa. The status of Il-Ndorobo, not having cattle, recognizes the potential attrition of Maa identity. Maa-ness is ever in flux – never fixed. The community's indigenous ecology, especially the range of place names that have survived into present-day topographies, demonstrate embeddedness between the Maa and their environment. The migration of African communities created conditions for ethnic identities that were fluid and always in flux.

Further Reading

Chao, Tayiana Maina. 2023. "[Many Places in Nairobi and Wider Kenya Derive Their Origins from Maasai Words](#)." X. February 10, 2023.

Thompson, Leonard. 2000. *A History of South Africa*. 3rd ed. New Haven: Yale University Press.

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Foreign Extraction

Summary: Examines European imperialism and its hunger for African bodies and natural resources

The cyclical relationships described above, where the living intercede to the dead on behalf of the unborn, favor sustainable land uses as opposed to hyper-extraction. Foreign influence on African soils, including in Eastern Africa, has repeatedly privileged sourcing raw materials in processes that place undue burden on the environment. Historically, for example, the supply of ivory from Africa's savannas resulted in the steep decrease of elephant populations.

Additionally, in the eighteenth and nineteenth centuries, ivory supply lines depended upon, and were foundational to, enslavement of black bodies. Markets for enslaved Africans, in the Americas, the Gulf, and across what is now called the Middle East, incentivized the creation of dual trade routes: enslaved bodies – which could be sold for profit – ferrying ivory from the hinterland to the coast. Ivory and ivory products served as a secondary – yet highly lucrative – revenue stream.

The trade in ivory was itself a product of, and enhanced by, the creation of markets for European manufactured goods in Africa. European glass beads, American cloth, as well as guns and ammunition were dished out by both Arab and European expeditions. These items served as tax revenue to local communities and allowed Europeans unprohibited access into the interior of the African continent. In return, European travelers could expect security, food provisions, and porter labor. With time, the ensuing European competition for loyalty from African communities spiraled into a sort of bidding war. The European outfit best positioned to offer the largest cache of goods won influence and favor, to the detriment of all others.

Further Reading

Maughan-Brown, David. 1985. *Land, Freedom & Fiction: History & Ideology in Kenya*. London: Zed Books.

British Colonial Views of the Maa

Summary: Examines colonial vs. indigenous notions of governance

The British Crown was ever in search of a Maa “king.” Mapping European notions of power and governance onto indigenous African communities proved to be a failing

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enterprise. The role of collective governance – under the guidance of a council of elders – was contrary to European notions of monarchy.

Additionally, rather than undertake an open-ended evaluation of Maa practices for female versus male members of the community, the British imported a gender lens borrowed from other misperceptions of colonized women of color in the Indian subcontinent. Victorian-era British sentiment regarding gender norms established a fundamental misreading of women's roles in Maa culture.

Colonial bias for physical infrastructure and the semblance of urban life blinded European settlers to the kinds of home-making that Maa communities created. Occupation, per colonial policy, required fences, private property, and title deeds.

Further Reading

Dinesen, Isak. 1937. *Out of Africa*. New York: Modern Library.

Treaty Making

Summary: Studies how the colonial treaty served as an imperial tool for domination and land alienation

Indigenous African communities made political associations through trade, inter-marriage, and the “adoption” of children. These last two practices emphasized a kin-based approach to expanding political influence.

By contrast, colonial treaty making practices favored separate treaty agreements with individual African polities for a variety of reasons. For one, the expansion of empire was an arduous and unpredictable process. Whenever possible, colonial administrators claimed small gains – often rendered in the form of land treaties and agreements with specific indigenous communities.

Colonial praxis also favored separate treaties. It was advantageous to the British Crown that communities in Eastern Africa did not unite and resist imperialism. Treaties enacted with different indigenous peoples included concessions on a case-by-case basis, depending on a community's ability to negotiate. For example, the British recognized Swahili sovereignty along the Indian Ocean while denying the autonomy of those living further inland.

Finally, European competition for empire necessitated separate treaty making. In multiple instances, two European powers would enact treaties with different factions of

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the same ethnic group. This divisive approach further weakened local resistance against colonial encroachment.

Colonial land treaties and ordinances were premised on the allocation of land to European settlers because the Africans were not “using” it. This was a pretext to justify conquest. European notions of land use/occupation are inherently tied to capitalist motives i.e to prove that land is occupied one has to extract resources or make financial gain from it. So ironically, one colonial settler owning and speculating on tens of thousands of acres was proof of occupation while an entire community of people using land for purposes which were still tied to indigenous economies of trade and production was not.

As a result, Indigenous notions of land value were disregarded, while European views of land use were privileged. Treaties simultaneously hide and reveal these pretexts; more so in the context of the 1911 agreement where the British essentially took land “granted” to Maasai under their 1904 agreement (Lenana et al. 1914) because they suddenly realized its economic value. To date, the majority of this land remains under the control of British and wealthy European families under the pretext of wildlife conservation.

The [1913 legal dispute](<https://www.theelephant.info/analysis/2023/09/07/2023-marks-110-years-since-the-maasai-case-1913-does-it-still-matter/>) where the Maasai contested the treaties presents a compelling instance of indigenous populations employing Western legal mechanisms to oppose unlawful Western actions. Essentially, the Maasai could never have won a case rigged against them from the beginning. However, the legal battle speaks to indigenous agency, communal organization, varied forms of anti-colonial resistance, and enduring effects of colonialism in African post-independent institutions.

The aftermath of the treaties and the failed court cases was a period of forced migration. Lotte Hughes (2023) writes about piecing together oral history accounts which paint an extremely dire situation for Maa families: land evictions, disease, famine, loss of livestock, and death. These narratives provide a personal glimpse into the consequences of treaties. Treaties are much more than agreements signed by influential figures that alter history – they are tools that inflict profound and traumatic suffering, leaving enduring marks on the collective psyche and memory of a people.

Further Reading

Caulker, Tcho Mbaimba. 2009. *The African-British Long Eighteenth Century: An Analysis of African-British Treaties, Colonial Economics, and Anthropological Discourse*. Lanham, MD: Lexington Books.

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Hughes, Lotte. 2023. "[2023 Marks 110 Years Since the Maasai Case 1913: Does It Still Matter?](#)" *The Elephant* (blog). September 7, 2023.

Lenana, et al. (1914) 2023. "[\[Treaty/Agreement of 10 and 15 August 1904\]](#)." Edited by Ng'ang'a Wahu-Mũchiri and Adrian S. Wisnicki. In *One More Voice*, solidarity edition; *The Ardhi Initiative*.

Mugambwa, John. 1987. "Treaties or Scraps of Paper? A Second Look at the Legal Character of the Nineteenth Century British/African Colonial Agreements." *The Comparative & International Law Journal of Southern Africa* 20 (1): 79–93.

Segi, et al. (1914) 2023. "[\[Teaty/Agreement of 4 and 13 April 1911\]](#)." Edited by Ng'ang'a Wahu-Mũchiri and Adrian S. Wisnicki. In *One More Voice*, solidarity edition; *The Ardhi Initiative*.

Unresolved Questions

The history of treaty making in Eastern Africa is still largely unwritten and raises several questions: Given Britain's usurpation of territory in what is present-day Kenya, why was there any need to conclude a separate Maasai Agreement? In empire's slow unfolding, was the 1904 Maasai Agreement the first enacted treaty? If not, what other treaties are we unaware of? Also, given Maasai presence across both British East Africa and German East Africa, how did these two colonial powers deal differently with the Maa community? For instance, was the British agreement with the Maa replicated by the Germans or did the internal inconsistencies of European competition give birth to a discordant approach? Finally, how do we decolonize the wildlife conservation industry given its associations to historical land theft? In Kenya, a majority of *conservation* land (e.g. in the Laikipia area) was originally dispossessed from indigenous communities through the 1904 and 1911 Agreements. This essay suggests how scholars and public intellectuals might address these questions.