

After Independence, Whose Land?

Settler Colonialism, Conservation, and the Protection of Citizens in Laikipia, Kenya

Wambui Mumbi

Wambui Research, Nairobi, Kenya

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Abstract

Kenya's independence in 1963 ended British colonial rule, but political independence did not automatically dismantle the land relations, territorial inequalities, and institutional arrangements produced through colonial settlement. Laikipia County provides an important case through which to examine this unresolved relationship between colonial history and contemporary conservation. Once profoundly transformed through the displacement of Maasai communities and the establishment of large settler ranches, Laikipia is today characterized by private ranches, wildlife conservancies, pastoralist territories, smallholder farms, research institutions, and competing claims to land and environmental authority.

This paper asks how colonial histories of land dispossession continue to shape contemporary conservation arrangements and what responsibilities the postcolonial Kenyan state has to protect citizens and communities affected by those arrangements. Drawing on scholarship on settler colonialism, political ecology, racial capitalism and the postcolonial state, the paper brings together historical research on Laikipia, critical conservation scholarship, Kenyan constitutional and land law, human-rights documentation, institutional material produced by conservation organizations, and contemporary public testimony concerning alleged violence within conservation landscapes.

The paper does not argue that contemporary conservation is identical to colonial rule, nor does it treat allegations contained in media interviews as independently established facts. Instead, it examines how historical structures can be transformed and reproduced through new institutional forms. It argues that conservation must be understood not only as environmental governance but also as a form of territorial and social governance in which land, mobility, knowledge, security and citizenship are negotiated.

The paper ultimately asks what independence requires of a state whose citizens continue to experience contested relationships with historically unequal landscapes. It argues for a model of conservation in which ecological protection is compatible with substantive citizenship, community authority, historical land justice, meaningful participation, and accountable regulation of both public and private power.

Keywords: *settler colonialism; Laikipia; conservation; land dispossession; community rights; political ecology; racial capitalism; postcolonial state; Kenya; citizenship.*

1. Introduction: Independence as a Promise

Before Kenya's struggle for independence became a subject of academic research for me, it was a family story. The first person who told me about the fight for Kenyan independence was my great-grandfather, Mr. Makembu Muriithi. He was a participant in the Mau Mau freedom struggle and was imprisoned for years during the colonial period. I learned about Kenya's independence not only as a date in a history textbook, but as something that had happened to an actual person in my own family: a man who had experienced the cost of opposing colonial rule and who survived to see the country become independent.

He later passed away and was buried at Mwicwiri, in Naromoru, Kenya. I return to that memory because it changes the way I encounter the question at the centre of this paper. For my great-grandfather's generation, independence was not an abstract constitutional arrangement. It was a demand that Africans should govern themselves, possess dignity in their own country, and no longer live under a political and economic order imposed by a foreign colonial power. The meaning of independence was therefore inseparable from land, freedom, dignity and belonging.

I often think that he would be proud to see a great-grandchild writing about the very struggle that shaped his life. That intergenerational connection is not presented here as evidence about Laikipia. It is instead the point from which I approach a broader sociological question: what happens when a country achieves political independence, but some of the structures through which land, authority, exclusion and belonging were historically organized continue to shape the lives of its citizens?

Kenya became independent from British colonial rule on 12 December 1963. Yet independence did not automatically erase the land regimes and spatial inequalities produced during colonialism. In areas such as Laikipia, European settlement transformed land ownership and patterns of access, while communities with longstanding relationships to the territory experienced displacement and the restructuring of their livelihoods (Hughes, 2006; Gravesen, 2020). The problem is therefore not simply that colonialism happened. The problem is that the institutional consequences of colonialism can outlive the colonial administration that created them.

1.1 From Settler Land to Conservation Landscape

Laikipia's contemporary landscape contains large private properties, ranches, conservancies, research institutions and community territories. Conservation is frequently represented as an environmental good: the protection of wildlife, biodiversity and ecosystems. There is, however, nothing inherently apolitical about deciding which land will be protected, who may enter it, who may live on it, who may graze animals on it, who may conduct research on it, and which forms of knowledge are treated as authoritative.

This is particularly important in a county with a history of colonial land alienation. Research on contemporary Laikipia has demonstrated that some white settler descendants continue to defend their claims to land through arguments that draw upon colonial-era ideas concerning pastoralism, ecology and the appropriate use of land (McIntosh, 2017). Research on the Mpala landscape has likewise shown how contemporary conservation and research can reproduce colonial relations through land enclosure, racialized organization of space and labour, and unequal knowledge production (see Enns & Bersaglio, 2024).

These findings complicate the assumption that the end of colonial government necessarily produced the end of colonial spatial relations. They raise another possibility: that colonial relations can be reconfigured, acquiring new institutional languages and new forms of legitimacy.

1.2 Conservation, Community and the Right to Belong

The Kenyan state has not left these questions entirely unaddressed. The 2010 Constitution imposes affirmative obligations on the State and every State organ to observe, respect, protect, promote and fulfil rights and fundamental freedoms. It protects human dignity and freedom and security of the person, including protection from violence and torture. It also recognizes community land as a distinct constitutional category (Constitution of Kenya, 2010).

Article 63 recognizes community land as including ancestral lands, grazing areas and lands traditionally occupied by particular communities. The Community Land Act, 2016, was enacted to operationalize these constitutional protections (Community Land Act, 2016). Kenya has also established the National Land Commission with a mandate to investigate and recommend redress for historical land injustices, including grievances associated with colonial occupation and displacement (National Land Commission Act, 2012).

These constitutional and legal provisions matter because they establish that the Kenyan state recognizes both historical land injustice and the rights of communities whose relationships to land cannot be reduced to individualized property title. Yet formal recognition does not establish that rights are always realized in practice.

1.3 The Postcolonial State and the Research Questions

The central question of this paper is therefore not whether conservation is good or bad, nor whether every contemporary white landowner is responsible for colonial dispossession. The question is how historical relations of land, race and power interact with contemporary conservation arrangements, and what obligations the postcolonial Kenyan state has when communities experience displacement, restricted access, insecurity or alleged violence within those arrangements.

The paper asks five questions: (1) How do colonial histories of land alienation continue to shape contemporary land and conservation arrangements in Laikipia? (2) In what ways can contemporary conservation institutions reproduce, transform, or challenge historical relations of land, race and power? (3) What can community testimony concerning displacement, restricted access, alleged violence and exclusion tell us about the lived experience of conservation governance? (4) What responsibilities does the Kenyan state have to protect citizens and communities when conflicts emerge between conservation institutions, landholding arrangements and community rights? and (5) What does the contemporary conservation landscape reveal about the unfinished social meaning of Kenyan independence?

2. Literature Review

The literature on land, conservation and community rights in Kenya is extensive, but it is also divided across several intellectual traditions. Historians have documented colonial land alienation and the displacement of Indigenous communities; anthropologists and political ecologists have examined changing land claims, property regimes and pastoralist livelihoods; critical conservation scholars have interrogated the politics of wildlife protection and the emergence of private and community conservancies; and decolonial scholarship has examined the racialized production of knowledge, territory and environmental authority. Bringing these strands together is important because the contemporary conservation landscape of Laikipia cannot be understood through any one of them alone.

2.1 Colonial Land Alienation and the Historical Production of Laikipia

Any analysis of contemporary land relations in Laikipia must begin with the colonial reorganization of territory. Lotte Hughes's *Moving the Maasai: A Colonial Misadventure* (2006) documents the forced Maasai moves of 1904 and 1911 and the colonial process through which Laikipia was opened to European settlement. The historical record demonstrates that the reorganization of the plateau was not a neutral redistribution of unused land, but a contested process involving colonial coercion, territorial agreements, resistance and competing understandings of land and authority (Hughes, 2006).

Marie Ladekjær Gravesen's *The Contested Lands of Laikipia* situates contemporary land disputes within a longer history in which pastoralists, ranchers of European descent, conservationists, smallholders and politically connected land investors make competing claims to territory. Her analysis describes Laikipia as a fragmented frontier in which private property, histories of presence, fences, conservation and political influence intersect (Gravesen, 2020).

2.2 From Colonialism to Settler Colonialism

The concept of settler colonialism provides a further framework for understanding why the end of formal colonial government does not necessarily mark the end of colonial relations. Patrick Wolfe's formulation treats settler colonialism not simply as a historical event but as a structure organized around the displacement and elimination of Indigenous societies in order to establish durable settler control over land (Wolfe, 2006).

This distinction is particularly useful for Kenya. Rather than asking only whether colonial government ended in 1963, the structural perspective asks how colonial dispossession altered the distribution of land and institutional power in ways that could survive the formal end of colonial rule. Enns and Bersaglio's *Settler Ecologies: The Enduring Nature of Settler Colonialism in Kenya* (2024) applies this problem directly to Kenya and shows how former settler landscapes can be repurposed as conservation spaces while historical relations of land and ecological authority remain contested.

2.3 Whiteness, Landholding and Belonging

Janet McIntosh's study of contemporary white Kenyans in Laikipia examines how settler descendants defend land claims when challenged by Maasai activists. She finds that some arguments draw upon colonial-era discourses concerning pastoralist ecology, productivity and appropriate land use, thereby minimizing the historical moral problem of colonial land seizure (McIntosh, 2017).

McIntosh's work demonstrates that land conflict operates not only through legal title but through competing narratives of belonging and legitimate land use. Contemporary ownership claims can therefore be legally recognizable while remaining historically contested. This distinction is important to a study of postcolonial land governance because it reveals how historical relations can remain embedded in contemporary discourse even when the institutions themselves have changed.

2.4 Conservation, Enclosure and Green Grabbing

Political ecology has challenged the assumption that conservation is simply the protection of nature from human interference. Fairhead, Leach and Scoones (2012) describe green grabbing as the appropriation of land and resources for environmental ends and show that environmental agendas can restructure rules and authority over access, use and management of resources. The concept is useful for Laikipia because conservation can both protect biodiversity and reorganize who controls territory and who may use it.

Pas and Cavanagh (2022) demonstrate that the rapid expansion of non-state conservancies in Laikipia has generated heightened tensions and that grazing arrangements can be used to spatially fix pastoralist communities. Their work shows that conservation governance can actively reshape pastoral mobility rather than simply operating on pre-existing land arrangements.

2.5 Conservation, Knowledge and Power

Recent scholarship further demonstrates that contemporary conservation may engage with Indigenous and pastoralist knowledge without necessarily transferring control. York (2026), examining private conservancies in northern Kenya, finds that conservation actors may engage with culture for biodiversity conservation without necessarily supporting pastoralist rights or sovereignty. This is particularly important for the present study because it distinguishes recognition of knowledge from redistribution of institutional authority.

Mbaria and Ogada's *The Big Conservation Lie* (2016) similarly challenges dominant narratives surrounding Kenya's conservation industry and calls attention to the marginalization of Indigenous Africans within natural-resource decision-making. The book's significance for this study is not that it settles the conservation debate, but that it places power, disenfranchisement and the politics of environmental management at the centre of the discussion.

2.6 Conservation, Security and Non-State Power

The relationship between conservation and security also requires attention. Schetter, Mkutu and Müller-Koné (2022), in their study of the Northern Rangelands Trust, show how conservancy organizations can acquire security functions and substantial territorial influence in northern Kenya. Their findings concern the Northern Rangelands Trust rather than Ol Pejeta and are therefore not evidence that all conservancies exercise power in the same way. They are nevertheless important for the broader proposition that conservation organizations can become significant actors in the organization of security and coercive authority.

2.7 Community Rights and the Kenyan State

The legal and human-rights literature provides the institutional dimension of the problem. The Constitution of Kenya recognizes community land, establishes a state duty to protect rights, and recognizes freedom and security of the person. The National Land Commission Act provides a mechanism for addressing historical land injustices, while the Wildlife Conservation and Management Act, 2013 recognizes wildlife conservation on public, community and private land and provides for community participation in wildlife governance.

The Kenya National Commission on Human Rights' inquiry into business operations and Indigenous peoples is especially important because it documents concerns arising from land, conservation, access to resources and consultation in multiple counties, including Laikipia. The inquiry demonstrates that disputes concerning land and conservation are not merely academic debates but matters that have entered Kenya's formal human-rights institutions (KNCHR, 2026).

2.8 Literature Gap

The existing literature establishes that Laikipia's contemporary land relations cannot be separated from colonial dispossession; that colonial relations can persist through transformed institutions; that conservation can reorganize access to land and resources; and that community knowledge may be incorporated without corresponding gains in territorial sovereignty. What is less often brought together in one analytical frame is the relationship between these dynamics and the responsibilities of the postcolonial state.

This paper therefore connects four questions that are often studied separately: historical dispossession, contemporary conservation, community experience, and state responsibility. Its contribution is not to claim that the conflicts of Laikipia are previously undocumented. Rather, it asks what those conflicts reveal about the meaning of citizenship in a country whose independence was itself bound up with struggles over land, freedom and political authority.

3. Theoretical Framework

This paper draws on four interconnected theoretical perspectives: settler colonialism, political ecology and green grabbing, racial capitalism, and the postcolonial state. These concepts are not treated as interchangeable explanations. Each illuminates a different dimension of the problem.

3.1 Settler Colonialism: Land as an Enduring Structure

Settler colonialism provides the historical lens through which land dispossession and the reorganization of territory are understood. Wolfe (2006) conceptualizes settler colonialism as a structure whose objective is the establishment of durable settler control over Indigenous land. Applied to Kenya, this perspective directs attention to the ways in which colonial dispossession can structure the present even after colonial administration has ended.

The framework does not mean that every contemporary landowner is personally responsible for colonial dispossession, nor that every institution operating on historically contested land is itself colonial. It instead asks how a present distribution of property became possible and which historical relationships are embedded within it. Enns and Bersaglio (2024) show how former settler landscapes in Kenya can be transformed into conservation spaces without necessarily eliminating the underlying contestation over land and authority.

3.2 Political Ecology and Green Grabbing

Political ecology treats environmental questions as questions of power, access and inequality. Fairhead et al. (2012) show that environmental agendas can involve the appropriation of land and resources and the restructuring of rules governing access and management. In Laikipia, this lens allows conservation to be studied not only as ecological protection but as a process that can redistribute territorial authority and reshape pastoral mobility.

3.3 Racial Capitalism: Race, Land and Value

Cedric Robinson's concept of racial capitalism emphasizes the historical interrelationship between racial differentiation and accumulation (Robinson, 1983). For this study, racial capitalism provides a way to examine how land can acquire different forms of value depending upon whose relationship to that land is recognized as legitimate and economically valuable. A landscape can be ancestral territory to a community, private property to a landholder, a tourism asset to an investor, habitat to a conservationist, and a research site to scientists. These values are not necessarily distributed equally.

The framework therefore helps explain why land and conservation cannot be treated merely as environmental matters. They are also questions about race, property, economic value, labour and institutional power.

3.4 The Postcolonial State: From Land Conflict to Citizenship

Mamdani's *Citizen and Subject* (1996) provides a framework for considering how colonial institutions can continue to shape post-independence African states. For this paper, the concept is used cautiously. Contemporary Kenya cannot simply be equated with the colonial state. Instead, the framework directs attention to the institutional consequences of historical power and to the distinction between formal sovereignty and substantive citizenship.

This leads to the paper's central theoretical question: what does the state owe its citizens when private property, conservation interests, community claims and historical land grievances collide? The state need not own every conservation property to possess responsibilities concerning the regulation of power, human-rights protection, investigation and remedy.

3.5 Integrating the Frameworks

The four perspectives operate as complementary lenses. Settler colonialism asks how historical territorial dispossession continues to structure the present. Political ecology asks how contemporary conservation reorganizes access, resources and authority. Racial capitalism asks how race and value interact in land and conservation. The postcolonial-state perspective asks what the independent Kenyan state does, or should do, when citizens bear the consequences of historically unequal arrangements.

Together, the frameworks produce a sequence of questions: how was the land transformed; how is it governed now; whose relationship to the land is valued; who bears the costs of governance; and what is the responsibility of the state toward those who bear them?

4. Methodology and Sources

This study adopts a qualitative, interpretive case-study approach to examine the relationship between historical land dispossession, contemporary conservation, community experience and state responsibility in Laikipia County. Laikipia is selected because it brings together colonial land alienation, large-scale private landholding, wildlife conservancies, pastoralist communities, conservation research, and contested relationships between communities and institutions.

4.1 Documentary and Interpretive Research

The study is primarily documentary. It draws on scholarly literature, Kenyan constitutional and statutory materials, institutional human-rights documentation, critical conservation scholarship, conservation-organization publications, and public journalism and testimony. The paper does not claim to provide an ethnographic account based on original field interviews in Laikipia.

Academic scholarship is used to establish historical and theoretical context. Legal texts are used to establish formal rights and state obligations. Institutional reports provide evidence of documented concerns and official findings. Organizational sources are used only to establish what conservation organizations themselves say they do, not as neutral confirmation of those claims. Public interviews are used as testimony concerning lived experience and public discourse.

4.2 Public Testimony and Attribution

A key contemporary source is a January 30, 2025 Lynn Ngugi interview with two Laikipia residents, Washington and Stephen, published under the title *We were tortured and almost killed in the name of conservancies and no one bothered*. The programme's description attributes to the interviewees accounts involving people and institutions they associated with Ol Pejeta and local authorities (Lynn Ngugi, 2025). These are serious allegations. They are treated in this paper as public testimony rather than as independently adjudicated findings.

Where the original broadcast associates these allegations with a specific named individual, that name is deliberately omitted from this paper. The underlying claims remain uncorroborated and unadjudicated, and this paper's purpose is to examine the structural and institutional questions the testimony raises, not to republish a serious, unadjudicated allegation against a named person. Readers seeking the primary source may consult the cited broadcast directly.

The methodological approach is deliberately cautious. The paper does not state that a named institution or individual committed torture unless independently established evidence supports that conclusion. Instead, it asks what the existence and circulation of these testimonies reveal about perceived access to justice, institutional credibility, and the responsibilities of the state when citizens report serious harm.

4.3 Triangulation

Because the subject is contested, the analysis uses source triangulation. Historical claims are anchored in historical scholarship; contemporary conservation claims are checked against peer-reviewed research; legal claims are grounded in Kenyan law; community grievances are contextualized through KNCHR material; organizational claims are attributed to organizational sources; and media testimony is identified as testimony rather than treated as independently verified fact.

4.4 Positionality

The author's family history is incorporated as positionality rather than as empirical evidence about Laikipia. Mr. Makembu Muriithi, the author's great-grandfather, was a Mau Mau freedom fighter who was imprisoned for years during Kenya's anti-colonial struggle. He was the first person to tell the author about the fight for independence and is buried at Mwicwiri in Naromoru. This history explains why the question of independence, land and state protection has particular personal significance. It does not substitute for evidence about communities in Laikipia.

4.5 Limitations

The principal limitation is that the study is not based on original community interviews. Public media testimony is also selective and can never represent the experiences of every resident. Some contemporary allegations have not been independently adjudicated. In particular, Research Question 3, concerning community testimony, is explored illustratively through a single public interview rather than through a systematic survey of community experience, and its findings should be read accordingly. The paper therefore distinguishes carefully among documented findings, scholarly interpretations, organizational claims, and allegations made by individuals. Finally, Laikipia should not be assumed to represent every conservation landscape in Kenya.

5. Historical Context: From Colonial Land Alienation to the Contemporary Conservation Landscape

The contemporary conservation landscape of Laikipia emerged through a succession of territorial transformations in which land was reclassified, enclosed, transferred, subdivided and reimagined. Understanding the present therefore requires tracing the history from the displacement of Maasai communities under British rule to settler ranching, independence-era land transfer, group-ranch formation and the later transformation of some ranches into conservation spaces.

5.1 Colonial Land Alienation

The 1904 Maasai Agreement and the subsequent 1911 relocation were central to the transformation of Laikipia under colonial rule. Hughes (2006) documents the colonial removal of Maasai communities from Laikipia and the opening of the plateau to European settlement. The process was not a simple transfer of empty land, but a coercive reorganization of territory and authority.

5.2 The Settler Ranching Economy

Following the displacement of Maasai communities, European settlers established large properties and commercial ranches in Laikipia. Land increasingly came to be organized through colonial categories of title, private ownership and commercial production. The racial character of this transformation was inseparable from its economic character: access to land and political authority was structured through a colonial system that differentiated Europeans and Africans.

The significance of this history is that contemporary legal ownership cannot, by itself, answer how the distribution of ownership came into being. Historical processes matter even when present titles are formally valid.

5.3 Independence and the Million-Acre Settlement Scheme

Independence created expectations of Africanization and land redistribution. The Million-Acre Settlement Scheme transferred approximately 1.2 million acres of formerly European-owned farms and ranches during the 1960s. Christopher Leo's class analysis demonstrated that the benefits of land transfer were unevenly distributed and that the scheme did not simply return land to all those who had lost it (Leo, 1981).

In Laikipia, some former settler properties were sold into settlement schemes and land-buying arrangements and subdivided for smallholder settlement, while other large properties remained under extensive ranching or other forms of large-scale ownership (Gravesen, 2020). Independence therefore reconfigured the landscape without eliminating contestation over land.

5.4 Group Ranches and Pastoralist Land

The independent state also created group ranches in pastoralist areas. These structures provided formal recognition to collective landholding while simultaneously translating mobile pastoral relationships into increasingly fixed administrative forms. This produced a persistent tension: formal recognition of communal land could coexist with institutional pressures toward subdivision, enclosure and fixed boundaries.

5.5 From Ranching to Conservation

One of the most consequential later transformations was the movement from ranching toward wildlife conservation and tourism. Ol Pejeta's own historical account describes the property as having begun as a cattle ranch in the 1940s and later developing the Sweetwaters Game Reserve before becoming the contemporary Ol Pejeta Conservancy (Ol Pejeta Conservancy, n.d.-b). More broadly, Enns and Bersaglio (2024) show that former settler landscapes could be repurposed as conservation spaces after independence, creating a new institutional basis for territorial control.

This transformation is important because conservation changes the language through which land is justified. A ranch can become a biodiversity landscape; territorial control can be reframed as ecological stewardship; and private land can gain global conservation legitimacy. The institutional form changes, but the history of the land does not disappear.

5.6 The Contemporary Fragmented Landscape

Laikipia is today a fragmented landscape of smallholder farms, large ranches, private conservancies, community areas and other territorial categories. Pastoralists may need to move across these boundaries, while conservation and private-property regimes increasingly rely on fencing, controlled access and other mechanisms of territorial regulation (Gravesen, 2020; Pas & Cavanagh, 2022). The contemporary landscape should therefore be understood as a historical palimpsest rather than a clean break from colonial geography.

6. Community Experience, Conservation Conflict, and the Question of Protection

The historical transformation of Laikipia becomes most consequential when examined from the standpoint of communities living within and around contemporary conservation landscapes. Land alienation, privatization and conservation are experienced not only as changes in property categories or environmental policy but as changes in where people can move, where livestock can graze, where resources can be accessed, and who possesses authority over territory.

6.1 Conservation Benefits and Unequal Experience

It would be analytically inadequate to portray Laikipia's conservancies only as institutions of exclusion. Conservation organizations document programmes involving water provision, agricultural support, education, markets, employment and other forms of community engagement. Ol Pejeta, for example, publicly describes community initiatives (Ol Pejeta Conservancy, n.d.-a) and livestock-market interventions (Ol Pejeta Conservancy, 2026). These programmes demonstrate that conservation can create real benefits.

The harder question is how benefits and costs are distributed. One household may experience conservation through employment or a scholarship while another may experience it through restrictions on grazing or access. Community benefit and political authority are therefore not the same thing.

6.2 Pastoral Mobility and the Regulation of Space

Pastoral livelihoods depend on movement across landscapes in response to rainfall, pasture and water. Pas and Cavanagh (2022) show that non-state conservancies and associated grazing arrangements can regulate that mobility and effectively spatially fix pastoralist communities. This creates a conflict between fixed administrative boundaries and mobile livelihood systems.

When a pastoralist moves livestock into an area classified as private or conserved territory, the same movement can be interpreted institutionally as trespass while being understood by the pastoralist as a livelihood response. The conflict is therefore also a conflict between different territorial logics.

6.3 Drought, Scarcity and Conflict

Environmental pressures can intensify these tensions. Periods of drought increase pressure on pasture and water and can lead to incursions into privately managed or conserved spaces. The history of violent conflict in Laikipia shows that land fragmentation and environmental scarcity can become mutually reinforcing political pressures (Gravesen, 2020).

When pasture disappears, a fence can become more than a boundary; it can become a question of survival. Political ecology therefore asks not simply whether a boundary exists, but who is empowered to cross it, under what circumstances and with what institutional consequences.

6.4 Community Testimony and Alleged Violence

The most serious dimension of the contemporary debate concerns allegations of violence. On January 30, 2025, Lynn Ngugi published an interview with Washington and Stephen under the title *We were tortured and almost killed in the name of conservancies and no one bothered*. The programme description says the men recounted what they described as experiences involving people and institutions associated with Ol Pejeta and local authorities (Lynn Ngugi, 2025).

These allegations cannot, without further independent evidence, be treated as judicially established facts. Their analytical importance lies elsewhere: they raise the question of what happens when citizens publicly report severe harm and perceive that institutions responsible for their protection have failed to respond. The paper therefore treats the interview as testimony that requires corroboration, rather than as a substitute for investigation.

6.5 The Significance of Being Heard

The KNCHR's 2026 inquiry into business operations and Indigenous peoples provides important institutional context. The inquiry included Laikipia among the counties examined and created a formal process through which communities could present concerns relating to land, resources, business activity and conservation (KNCHR, 2026). The existence of such an inquiry demonstrates that grievances about land and conservation have entered Kenya's formal human-rights machinery.

This matters because substantive citizenship depends not only on formal rights but on access to institutions capable of hearing, investigating and remedying claims. A citizen can possess a constitutional right and nevertheless have limited practical power to enforce it.

6.6 Private Power and Public Responsibility

Private conservancies may operate security functions, establish fences, regulate access, manage wildlife and collaborate with state agencies. These functions can be legitimate parts of conservation. They can also create opportunities for the exercise of significant coercive authority. Schetter et al. (2022) demonstrate this broader pattern in northern Kenya through the case of the Northern Rangelands Trust, though their findings should not be transferred uncritically to every Laikipia conservancy.

The state therefore cannot simply treat private conservation institutions as autonomous spaces outside constitutional accountability. Nor should private institutions be assumed to have unlimited authority merely because the land is privately held.

7. The Kenyan State, Constitutional Protection, and the Politics of Accountability

7.1 Constitutional Citizenship After 2010

Article 21 of the Constitution establishes a duty of the State and every State organ to observe, respect, protect, promote and fulfil the rights and fundamental freedoms in the Bill of Rights. Article 29 protects freedom and security of the person and prohibits violence by public or private sources, torture, and cruel, inhuman or degrading treatment (Constitution of Kenya, 2010). The legal significance is that the state's responsibility is not exhausted by refraining from direct abuse; it includes protection and institutional enforcement.

7.2 Community Land and Historical Relationship

Article 63 recognizes community land and includes ancestral lands, grazing areas and land traditionally occupied by communities. The Community Land Act, 2016 establishes a statutory framework for the recognition and administration of community land. These provisions represent a significant departure from colonial conceptions of land because they give formal legal recognition to communal and ancestral relationships with territory.

Yet legal recognition does not automatically confer equal bargaining power. A community can possess rights formally while still struggling to enforce them against actors with greater financial, legal or political capacity.

7.3 Historical Land Injustice and the National Land Commission

Article 67 of the Constitution establishes the National Land Commission, while the National Land Commission Act provides a mechanism for addressing historical land injustice. The statutory framework recognizes grievances involving colonial occupation, displacement and other historically rooted violations of land rights (National Land Commission Act, 2012).

This is important because it means that the Kenyan legal order itself recognizes that present land disputes can have historical causes. Contemporary land governance therefore cannot always treat the latest title or transaction as the beginning of the story.

7.4 Wildlife Law and the Paradox of Conservation Rights

The Wildlife Conservation and Management Act, 2013 recognizes wildlife conservation on public, community and private land and provides for community participation and wildlife conservancies (Wildlife Conservation and Management Act, 2013). The legal framework therefore does not establish conservation as inherently opposed to community rights. The tension lies in whether formal participation is translated into substantive decision-making power.

7.5 Participation and Asymmetrical Power

Participation is meaningful only when affected populations have enough institutional capacity to influence outcomes. A community may be consulted without being able to reject or modify a proposal, provide knowledge without controlling its use, or receive benefits without gaining authority over land. The KNCHR inquiry documents concerns about inadequate consultation and access to land and resources in contexts involving business and conservation activities (KNCHR, 2026).

7.6 The State as Regulator of Private Power

The constitutional framework requires the state to regulate private power where it affects protected rights. This is particularly important for private conservation security. The issue is not whether conservation personnel can protect wildlife, but whether their authority is clearly bounded by law and subject to independent oversight and investigation when allegations of abuse arise.

7.7 The Gap Between Legal Promise and Institutional Experience

The Kenyan legal framework is extensive: it protects security of the person, recognizes community land, recognizes historical land injustice, and provides for community participation in wildlife governance. Yet community grievances concerning access, consultation and insecurity continue to reach public and human-rights institutions. The central problem is therefore not absence of law alone. It is the gap between formal rights and institutional implementation.

7.8 What Does the State Owe the Citizen?

The state owes the citizen protection of dignity and security, equal protection under law, meaningful access to justice, and lawful administration. Where historical land grievances exist, the state must have mechanisms through which those grievances can be investigated. Where private actors exercise significant power, the state must ensure that the exercise of that power remains subject to law.

8. Discussion: Conservation, Settler Colonial Continuities, and the Unfinished Promise of Independence

The evidence does not support a simple conclusion that contemporary conservation in Laikipia is merely a continuation of colonial rule. Nor does it support the opposite proposition that independence completely transformed the territorial and institutional relationships created during colonialism. The evidence points instead to a process in which historical arrangements have been reorganized, legitimized, challenged and, in some instances, reproduced through new institutions.

8.1 Colonial Structures Do Not Require Colonial Governors

The actors governing Laikipia today are not colonial governors. They include private landowners, conservancy organizations, tourism companies, researchers, county and national government institutions, pastoralists and community organizations. Yet institutions can change while inequalities in the distribution of land and authority remain. A present ownership arrangement can be legally valid while its history remains contested.

8.2 Conservation as Transformation and Continuity

Conservation represents genuine transformation: former ranches can become wildlife landscapes, new international institutions can emerge, and economic models can change. But transformation does not necessarily erase historical inequalities. Enns and Bersaglio (2024) show how former settler landscapes can be repurposed as conservation spaces. York (2026) demonstrates that a contemporary “biocultural” orientation can still fall short of supporting pastoralist rights or sovereignty. The issue is therefore institutional adaptation, not simple institutional continuity.

8.3 Conservation Legitimacy

A conservation project can generate ecological and social benefits while still facing legitimate questions about land, access and participation. Legitimacy should therefore be assessed relationally: not only through relationships with donors, tourists, regulators or wildlife, but through the experiences and rights of communities living around conservation spaces.

8.4 The Unequal Distribution of Conservation Costs

Conservation benefits and costs are not necessarily distributed across the same populations. Benefits may include employment, education, markets and environmental services. Costs may include restrictions on grazing, movement or resource access. Community development does not automatically resolve historical land grievances, and employment does not establish political authority. The central issue is distribution of power.

8.5 The State Cannot Be Replaced by Corporate Social Responsibility

Private conservation organizations may build schools, support water access, establish markets, create employment or fund community programmes. These initiatives can be socially valuable. But they cannot substitute for constitutional accountability. The state remains responsible for law enforcement, rights protection, regulation and accessible remedies where harm is alleged.

8.6 Community Testimony and the Politics of Credibility

The Lynn Ngugi interview is significant because it reveals a contest over who is heard and believed. The appropriate scholarly response to such testimony is neither automatic acceptance nor dismissal. It is to place the testimony alongside institutional documents and ask what is corroborated, what remains contested, what mechanisms investigated the claims, and what happened afterward.

8.7 The State as a Site of Possibility

The paper does not end in institutional pessimism. Kenya's constitutional framework provides important tools for transformation: community-land recognition, historical-injustice procedures, human-rights institutions, public participation and wildlife legislation that recognizes community involvement. The key issue is whether these tools are accessible, independent, transparent, timely and capable of producing meaningful remedies.

8.8 Toward Transformative Conservation Governance

Participatory conservation asks whether communities were consulted. A rights-based approach asks whether their rights were protected. A transformative approach asks whether the institutional arrangement changed the distribution of power between communities and conservation authorities. Transformation therefore requires attention to authority, not merely participation.

A more transformative model would include meaningful community authority over community land; transparent conservation agreements; effective grazing and access dispute-resolution mechanisms; recognition of Indigenous and pastoralist knowledge; independent oversight of private security operations; accessible complaint and investigation mechanisms; transparent benefit-sharing; meaningful state supervision; and mechanisms capable of addressing both historical and contemporary land grievances.

8.9 Building Communities for Radical Change

The paper's argument speaks directly to the intellectual challenge posed by SSSP's 2027 theme, Building Communities for Radical Change. Sociology can contribute not by speaking for communities but by making institutional relationships visible. A sociological analysis can connect colonial dispossession, contemporary conservation, unequal environmental value, community testimony, constitutional rights and the responsibilities of the postcolonial state.

These connections allow questions that go beyond whether a conservation project is financially successful or whether wildlife populations have increased. They ask who has the power to define conservation, who has the power to define legitimate land use, who controls territorial boundaries, and who can demand accountability when that authority causes harm.

9. Conclusion and Recommendations

This paper began with a question rooted in Kenya's history: what did independence change for communities whose relationships with land continued to be shaped by structures created before independence?

Kenya's independence ended British colonial rule and transformed the formal political authority of the state. Yet the transition did not erase the landholding structures, territorial inequalities and property relations established during colonialism. Laikipia demonstrates this particularly clearly. The displacement of Maasai communities, the emergence of large settler ranches, the uneven redistribution of land after independence, the creation and transformation of pastoralist land institutions, and the later development of conservation spaces constitute successive stages in the production of the contemporary landscape.

The central argument is not that contemporary conservation is simply colonialism under another name. It is that historical relations of power can survive through institutional transformation. A ranch can become a conservancy. A colonial property arrangement can acquire postcolonial legal recognition. Conservation can create genuine benefits while also generating restrictions and conflicts over access, authority and belonging.

9.1 Recommendations

Contemporary conservation policy should be more explicitly connected to Kenya's historical-land-injustice framework; conservation planning should not treat current land ownership as the beginning of the story where historical dispossession is relevant. Community participation should move beyond consultation: communities should have meaningful influence over conservation boundaries, grazing arrangements, land-use decisions, benefit-sharing, management plans and dispute-resolution mechanisms.

Indigenous and pastoralist knowledge should be recognized as a source of authority rather than merely information to be extracted, since recognition without decision-making power risks becoming symbolic inclusion. Private conservation security should be subject to effective public oversight, and allegations of violence should be investigated independently and on evidence, without presuming guilt or innocence because of the reputation of the institution or the social status of the complainant.

Complaint mechanisms must be accessible, transparent, timely, independent and capable of producing meaningful remedies, since the ability to be heard is part of substantive citizenship. Community benefits should complement rather than substitute for rights: scholarships, markets, employment and water projects do not erase questions of land, participation or accountability. Finally, conservation policy should recognize that environmental governance is also governance of people. Where conservation determines who can move, graze, enter, build, harvest or live in a space, it exercises social and territorial authority and should be evaluated through the principles of constitutional citizenship.

9.2 Future Research

Future research should include original community interviews; deeper examination of women, youth and workers in conservation landscapes; analysis of the relationship between private security and public policing; longitudinal research into whether participation produces actual redistribution of power; and comparative work across Laikipia, Amboseli and northern Kenya.

9.3 Returning to Independence

The paper ultimately returns to the story of independence. My great-grandfather, Mr. Makembu Muriithi, was a Mau Mau freedom fighter who spent years imprisoned during Kenya's struggle against colonial rule. He was the first person who taught me about the fight for independence. He is buried at Mwicwiri in Naromoru.

I cannot know what he would say about the contemporary conservation conflicts examined in this paper. But I know that he would have understood why questions of land, power and protection matter. Remembering the independence struggle is not to suggest that post-independence Kenya has achieved nothing. Kenya's constitutional order represents a substantial transformation from colonial rule. The point is rather that independence should remain an unfinished democratic promise rather than a completed story.

A country honours those who fought for independence not only by remembering them, but by asking whether its institutions protect the people for whom independence was won. That means asking whether land governance is just, whether community rights are meaningful, whether private power is accountable, whether Indigenous knowledge has authority, whether participation is substantive, and whether citizens who allege abuse can obtain a genuine investigation.

The contemporary conservation landscape of Laikipia is therefore neither simply colonial nor completely detached from colonial history. It is a product of historical dispossession, postcolonial transformation, conservation innovation and continuing struggles over land and authority. Kenya needs a conservation model in which ecological protection does not depend upon the political marginalization of communities; in which historical land grievances are not rendered invisible by contemporary property categories; in which private conservation authority remains subject to public law; and in which citizens are not required to choose between their livelihoods and the protection of nature.

Independence changed the legal and political identity of the Kenyan state. It did not, by itself, resolve every structure through which land, power and belonging had been organized under colonialism. The task of the present generation is not to repeat the independence struggle. It is to complete its democratic promise by ensuring that conservation, citizenship, land and human dignity can coexist.

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Editorial Note

This version corrects an internal date inconsistency in the citation of the Kenya National Commission on Human Rights inquiry (now consistently cited as KNCHR, 2026 throughout). It also omits a specific named individual whom the cited broadcast associates with unadjudicated allegations of serious violence (Section 4.2, Section 6.4): the allegations themselves remain part of the record under discussion, but the name of that individual has been withheld here given that the claims are uncorroborated and unadjudicated. Before this paper is circulated, submitted, or presented publicly, the author is strongly encouraged to have the sections discussing these allegations reviewed by counsel familiar with Kenyan and international defamation standards, given that they concern serious, named criminal-type allegations drawn from a secondary media source rather than an independently adjudicated finding.