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## **Pastoral community-based property rights: a case study: ecotourism in Kenya: benign community-based resource management or a new loss of land for Maasai pastoralists?**

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# Pastoral Community-Based Property Rights: A Case Study

**Ecotourism in Kenya: Benign  
Community-Based Resource  
Management or a New Loss of  
Land for Maasai Pastoralists? <sup>1</sup>**

**Marcel Rutten**

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## Introduction

For the last century, wildlife conservation groups have been pressing for the establishment of national parks throughout Africa. Large areas set aside for parks in Namibia, Zambia, Botswana, Tanzania, and Kenya, evidence that these lobby groups have been successful. As Norman Miller (1986:112) claims, "regardless of the 'purist' sentiments...tourist revenues provide the *raison d'être* for officially supported wildlife protection." Wildlife viewing and hunting are prime attractions for the tourist industry in the continent. Local people, however, hardly ever profit from the huge benefits that are earned in the wildlife-based

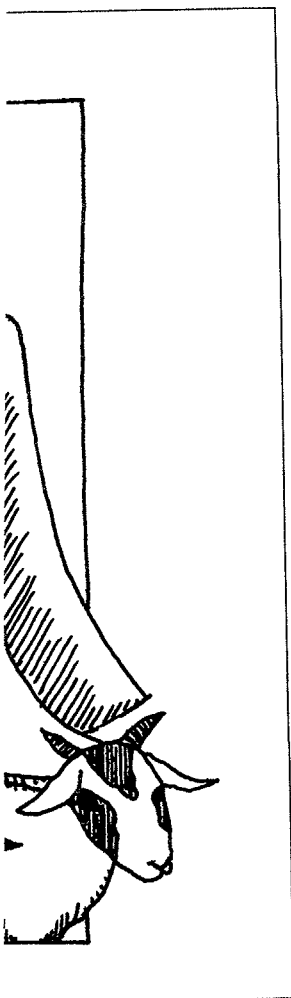


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tourism industry. Even worse, many local communities have lost access to land and other natural resources and seldom receive any real and sustainable compensation.

In their bid to bring the benefits of wildlife tourism closer to the people that bear those burdens, the Kenya Wildlife Services embarked on a "Parks beyond Parks" programme in 1996. Local people were allowed to start tented camps and other tourist activities in areas bordering national parks. International organisations like the World Conservation Union (IUCN) also now seem to realise that conservation needs a social component in order for it to be sustainable in the long run: "There is little doubt that dealing with social concerns, particularly those of local communities, is essential for the success of conservation initiatives" (Borrini-Feyerabend 1997:1-12). This new approach represents a win-win situation for both local people and wildlife.

The following paper presents in detail the development and effects of a new ecotourism initiative in the Selengei region bordering Amboseli National Park, Kajiado District. Community-based conservation, although neither perfect nor foolproof as Lynch and Talbott (1995:25) argue, indeed is the best strategy available. But certain conditions need to be fulfilled to make sure that the term "community-based" is not simply a fashionable phrase used to mislead interested donors while benefiting a small group of well-off individuals, tour operators, or conservationists. It should actually encompass full respect for the genuine interests of local people and ensure their benefits.

### Pastoral Community-Based Property Rights: A Case Study

## History of Wildlife Conservation and Tourism in Southern Kajiado District

In the past, wildlife was also an important resource for Africa. As Gibson (1999:4) states,

Almost all African societies hunted as part of their subsistence strategies; even those that did not normally eat game would consume it during times of famine or use it for other social practises. Animal products were part of tribute systems within and between different African communities. These products, especially ivory, were central to the centuries of trade that tied Africa to the rest of the world before European expansion. Later, ivory became closely connected to the slave trade. Ivory and meat subsidised early European explorers, fed colonial troops, and accounted for a significant portion of the household budget of early settlers and colonial administrators.

With these observations in mind, let us turn to the history of wildlife conservation and tourism in the Amboseli area in Kenyan Maasailand to the north of Mount Kilimanjaro.

### 1895-1945: Pioneering Wildlife Conservation

The arrival in East Africa of explorers, adventurers, and missionaries in the late nineteenth century brought with it an onslaught on wildlife. Hunters killed huge numbers of animals (see MacKenzie 1988; Steinhart 1989, 1994). Joseph Thomson, the first European to cross Maasailand, describes the marvellous and countless herds of wildlife

he came across north of Mt. Kilimanjaro. At that time, the numbers of game had already dwindled seriously.<sup>2</sup>

By contrast, the Maasai have lived with and tolerated game for many generations. Their livestock competes with wildlife over range resources. Predators hunt their herds, and diseases are spread by game. In spite of these problems, the Maasai rarely kill wildlife, except for lions and hyenas that attack their livestock. Also, in the past, young Maasai warriors would occasionally spear a buffalo or elephant as a demonstration of their courage.

By 1930, suggestions were made that the Southern Game Reserve should be reserved as a park and that water supplies should be offered to the Maasai as compensation for any damage or losses sustained as a result of the preservation of game (see KDAR 1930:9,10). Yet the ideas were not translated into practise during the 1930s, and the Maasai continued to coexist with wildlife on the 27,700 square kilometres large reserve. When game viewing became popular towards the Second World War, calls for protection of wildlife, including areas within Maasailand, grew louder.

#### ***1946-1980: Creation of a Wildlife Exclusive Amboseli National Park***

In 1948, the 3,260-square-kilometre Amboseli National Reserve was created. Boundaries were arbitrarily imposed but did not prohibit Maasai movements. By July 1950, the Maasai agreed to rent fifty acres of land at Amboseli to the Kenya National Parks for all safari parties visiting the area. By the end of that year, Kenya National Parks

had built a semi-permanent camp on the site where visitors could be accommodated for a few shillings per night.

The payment of an entrance fee for all vehicles coming into the Amboseli Reserve was introduced during 1951. A proportion was paid to the African District Council, as was a proportion of the accommodation charges at the camp, and the rent paid for the fifty acres. The authorities hoped that the Maasai would learn that the influx of visitors to Amboseli was financially to their benefit. However, according to David Lovatt Smith (1997:48), one of the wardens at that time, the park was actually losing money.<sup>3</sup>

During the 1950s, the number of visitors to Amboseli Game Reserve increased fivefold. From a very early stage hopes had been expressed by the Amboseli National Reserve administrators that the Maasai could be moved away from the Ol Tukai swamps of the Amboseli area. To this end, it was realised that an alternative water source had to be provided by the authorities.<sup>4</sup>

In spite of a feasibility study and the actual drilling of four boreholes, the colonial authorities stopped the project in March 1957. The government had decided that there was not enough money to preserve wildlife in the Amboseli area and opted to make the needs of the human population paramount. An outcry by national parks officials ensued, which was strongly supported by local and international press. International wildlife conservation organisations also protested loudly and placed foremost blame on the Maasai for keeping large herds of useless cattle that took away water and grazing areas intended for wildlife.

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In 1961, the Amboseli National Reserve was transferred from the Royal National Parks to the Kajiado County Council and renamed Maasai Amboseli Game Reserve. It was hoped that local responsibility would generate greater sympathy and support for the reserve. The Kajiado Council negotiated with the Maasai of Amboseli to set aside a 78-square-kilometres, stock-free area, which would protect the council's wildlife assets (see Western 1982a:304). In 1964, the Kajiado Council also proposed to set aside 200 square miles as a game sanctuary, but the Loitokitok Local Council rejected this. Local politicians supported the Loitokitok position, and the matter was left unsettled (KDAR 1964:8).

Tourism grew 22 percent per year between 1965 and 1969 (Mitchell 1969), raising income from Amboseli for the council to some 70 percent of its annual budget. This caught the interest of the Kenyan government, and international and national conservation lobby groups joined hands for setting aside exclusive wildlife sanctuaries.

By 1968, a plan was launched before the Kajiado County Council to carve out slightly over 500 square kilometres for the exclusive use of wildlife from the 3,260-square-kilometres Maasai Amboseli Game Reserve. The Maasai again protested, using every political force they could muster, but in vain. In 1972, the boundaries of the new wildlife sanctuary were demarcated and the area gazetted as government land. Talbot and Olindo (1990) claim that in protest and frustration the Maasai began to kill rhinos and other wildlife. In an attempt to meet some demands of the Maasai, the area was reduced from 518 square kilometres to 388 square kilometres, leaving 160 hectares

of land surrounding the Ol Tukai tourist lodge in the hands of the council and guaranteeing the council a portion of the gate receipts.<sup>5</sup>

Funds from the World Bank and Food and Agriculture Organisation (FAO) were used to conduct consultancy studies, strengthen the Ministry of Wildlife and Tourism, and start the Kenya Wildlife Management Project (KWMP). To win Maasai support, promises were made to develop water sources outside the park. The New York Zoological Society donated \$140,000 for the building of five new watering areas outside Amboseli National Park (*Daily Nation*, January 10, 1973).

The wildlife studies were an addition to a FAO/United Nations Development Programme (UNDP) Kenya livestock development project (KLDP). This project introduced the group ranch concept in the Maasai Reserve from the late 1960s onwards.<sup>6</sup> In short, the idea of a group ranch meant the setting aside of a certain piece of land to be communally owned by a group of people. Unlike in the past, livestock movement would be restricted within the group ranch's specific boundaries, and non-members would be forbidden to bring their animals to graze (Rutten 1992). As the group ranch concept only reached the Loitokitok area in the early 1980s, this instrument could not be used by the Kisongo Maasai to effectively stop lobbying by wildlife conservationists.

In October 1974, Amboseli National Park was officially gazetted. The infrastructure needed to provide alternative water sources for the Maasai cattle was only completed in 1977. It proved to be defective in design and deficient in

cost-effectiveness, frequently forcing the Maasai to re-enter the park for water (Western 1982a:308; Moss 1989:230).<sup>7</sup> Other more essential improvements made in order to gain local support quickly failed. Hunting fees were paid only until 1977, when a nationwide ban on hunting was issued. Wildlife cropping was never seriously conducted. Grazing fee compensation payments were stopped after 1979.

### *1981-2000: Threat of Land Subdivision and the Rise of Participatory Conservation Projects*

At the time of the creation of Amboseli National Park, the number of visitors stood at some 100,000, bringing in an estimated Kenyan shillings (Ksh) 3 million from gate earnings (Western 1994:27). These numbers rose sharply from the early 1980s onwards; by 1984, some 135,000 visitors brought in gate earnings of some Ksh 12 million.

In August 1984, the government launched the Wildlife Extension Project (WEP). The project recorded that wildlife problems were paramount on the group ranches bordering Amboseli National Park. The main problems included game damage, difficulties in getting compensation and collecting hunting fees, and disputes over grazing and watering in the park. The only benefit from wildlife conservation mentioned by the Maasai was tourism, although it was often perceived as changing people's values and exploiting the Maasai by taking advantage of their lack of modern business acumen (see Berger 1993:68).

By the late 1980s, Amboseli had turned into a dust bowl (Lovatt Smith 1997). Tourist numbers had reached 250,000, bringing in Ksh 9 million in entry fees only. Tourism became a threat to Amboseli Park.<sup>8</sup> Also, Amboseli was said to have too many elephants, zebras, and wildebeests, whose populations had recovered from the late 1970s onwards. At the same time the Amboseli ecosystem degraded due to a rise of water salinity levels that killed trees en masse, resulting in a reduction of tree-dependent species such as giraffe and kudu.

In 1989, the management of Kenya's wildlife heritage was transferred to the newly established independent Kenya Wildlife Service (KWS). Initially the KWS director, Richard Leakey, had announced plans to fence all parks in the interest of protecting people from wildlife attacks and wildlife from poachers (Western 1994:42). This option would likely have created a biological disaster. Leakey changed his mind in favour of local participation and announced that approximately 25 percent of KWS funds should go to neighbouring rural communities for schools, clinics, and water supplies.

By the late 1980s, Kajiado group ranches started a process of dissolution. KWS's major concern was the group ranches surrounding Amboseli National Park.<sup>9</sup> The subdivision of group ranches into individual holdings was considered to be a threat to wildlife conservation and a blow for the tourism industry, as it jeopardised access of wildlife to the dispersal areas.<sup>10</sup> Western (1982a: 304-06) states that permanent restriction of large herbivores to Amboseli Park would lead to a reduction of

some 40 to 50 percent of the dispersal areas was estimated. Potential revenues from wildlife

In March 1994, David Western was head of the KWS. Western's top partnerships with local communities had main objectives: formation of partnerships with local holders to overcome human impacts, implementation of incentives for stakeholders, and protection of people and property from poachers. Intentions of KWS were that wildlife management turned out to be

By September 1998, David Western was replaced by Leakey. A point of opposition to Charles Njonjo, a former chairman, came as a surprise. Motives, observers point out, were the two men's different views on and strong KWS. In addition, it was thought that donors would open doors to restore the organisation based tourism. The sector providing foreign exchange because of increased competition from Zimbabwe and South Africa and poor campaigns, as well as challenges, wildlife-based tourism remain a lucrative sector

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dispersal areas was estimated to lead to a reduction of  
potential revenues from wildlife of some Ksh 3.3 million.

In March 1994, David Western took over from Leakey  
as head of the KWS. Western stressed the need to devel-  
op partnerships with local communities based on three  
main objectives: formation of partnerships with stake-  
holders to overcome human-wildlife conflicts; develop-  
ment of incentives for stakeholders; and protection of  
people and property from wildlife damage. Though the  
intentions of KWS were said to be realistic, the imple-  
mentation turned out to be difficult.

By September 1998, David Western was sacked as direc-  
tor and replaced by Leakey, his predecessor.<sup>11</sup> The reap-  
pointment of opposition politician Leakey and of  
Charles Njonjo, a former attorney general, as KWS  
chairman came as a surprise. Besides possible political  
motives, observers pointed to proven managerial qualifi-  
cations of the two men that were needed to build a new  
and strong KWS (*Daily Nation* February 11, 1999). In  
addition, it was thought that Leakey's reputation among  
donors would open doors for much-needed funds to  
restore the organisation and promote Kenya's wildlife-  
based tourism. The sector had lost its leading position in  
providing foreign exchange earnings for the country  
because of increased competition (especially from  
Zimbabwe and South Africa), election-related violence,  
and poor campaigns, among other reasons. Despite these  
challenges, wildlife-based tourism in Kenya would  
remain a lucrative sector.

## **Eselenkei Conservation Area: Community- Based Wildlife Tourism?**

### *The Survey Area*

Selengei Group Ranch is located in what is officially  
referred to on Kenyan maps as the "Nyiri desert." This  
low-lying plain (around 1,100–1,300 metres above sea  
level) suffers from the effects of being located in the rain  
shadow area of Mt Kilimanjaro. Approximately 2,500–  
3,500 people, almost all Maasai, live on the ranch.<sup>12</sup>  
Land adjudication of Selengei Group Ranch was com-  
pleted in 1983, and the group ranch was officially incor-  
porated in 1988 as part of the third and last phase of  
group ranch formation in Kajiado District.

### *Selengei and Wildlife Conservation*

Especially during wet seasons, wildlife from Amboseli  
roam the eastern area of Selengei Group Ranch.  
Wildebeest trek and calf in the area. Other species found  
are eland, buffalo, zebra, gazelle, dik-dik, leopard, lion,  
jackal, and hyena. But the area is most known for birds.  
Since the 1920s, the Cheffings Company had brought  
ornithologists and hunters to watch and/or shoot these  
birds. In 1988, a new twenty-acre campsite was devel-  
oped for this purpose along the Selengei River. Some  
Ksh 50,000–100,000 are earned annually from camping  
fees and bird shooting, and this income is used to build  
schools and sponsor pupils for further education (SGR  
August 2, 1995). The Amboseli revenue-sharing scheme  
also assisted in paying school fees for both secondary and  
primary students.

In 1995, discussions commenced about setting aside some dry season grazing pastures of the Selengei Group Ranch as a wildlife sanctuary. According to David Lovatt Smith, "all they have to do is to set aside the land for wildlife, and sit and watch the money roll in" (*Swara* 1996:21). Familiar with the abundance of wildlife in the dispersal area north of Amboseli, he offered to look for a tour operator willing to invest in permanent lodging. In October 1995, he introduced Tropical Places Ltd., a British tour operator, as a potential investor if the group ranch would agree for the Selengei Sanctuary to be a minimum of 7,000 hectares, free of livestock, huts, and shooting activities. A 60-bed lodge at 60 percent occupancy would attract some 15,000 bed-nights per year. At \$110 per night, this would provide for a maximum turnover of \$1,650,000, or Ksh 85 million per year.

According to Tropical Places Ltd., an investment of \$2 million would be needed to arrive at this number of tourists within a maximum of five years. For the Selengei Group Ranch, this would mean a maximum income of Ksh 5,193,800, or some \$96,000 (at the exchange rate of 54 Kenyan shillings to a dollar) per year. Only the rent of the land (Ksh 200,000 or some \$4,000), however, was guaranteed. The main financial benefit (Ksh 4,993,200) depended on a sufficient number of tourists paying entrance and bed night fees of \$2.50 and \$5, respectively.

The group ranch asked for a number of clarifications and put forward a number of requests. This resulted in a revised offer by Tropical Places in February 1996. The tour operator would construct a tourist lodge, tented camp, waterhole, observation platforms, and game-view-

ing tracks. Five years after starting operations, around 10,000 visitor-nights were expected, a large reduction from the initial 15,000 estimate. The company wanted an exclusive twenty-year lease of an area of land within the Eselenkei Community Wildlife Sanctuary at a rate of Ksh 200,000 annually, increasing by 10 percent every year. Bed night fees stood at \$5 during the first three years, to be raised by \$2.50 thereafter. Selengei Group Ranch was given two weeks to indicate their willingness to continue the project.

On 16 February 1996, the group ranch members met to discuss the issue, but no united stand could be reached. In a bid to win support for the wildlife sanctuary idea, the Kenya Wildlife Service organised several trips to other small sanctuaries, such as the neighbouring Kimana Wildlife Sanctuary and Olchorro-Oirowua Wildlife Association in Narok District.<sup>13</sup> In a group ranch meeting of 15 April 1996, the members agreed to allocate forty acres to Tropical Places for a lodge, but they were not willing to lease 7,000 hectares for exclusive wildlife use. They argued that this area was needed as a dry season resort. This view was communicated to Tropical Places by 28 June. The committee announced that a special group ranch meeting was scheduled for 23 July to formally approve the project.

After the general group ranch meeting, four representatives of the Group Ranch Committee contacted Osmond lawyers on 12 August. They discussed the issue with S. Mwenesi, the same lawyer of the Amboseli Association contract.<sup>14</sup> In a written reply, he indicated his willingness to offer guidance to the group ranch on the matter. He

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noticed that while the group ranch had in principle agreed to allow Tropical Places to establish a lodge, the meeting had also resolved to subdivide the Selenge Group Ranch land. Mwenesi advised the committee to set up a company or cooperative to hold and manage the land set aside for wildlife that would not go to individuals when subdivision occurred.

One week after the meeting between Mwenesi and the group ranch representatives, Tropical Places sent a draft agreement. In a reply of 26 September, the Group Ranch Committee expressed willingness to sign a contract with Tropical Places due to a positive reply regarding amendments to their proposal, in particular employment of locals; the proposed limitation of cattle inside the conservancy; the development of tourist facilities inside the conservancy area; the bringing of non-paying visitors such as journalists; and compensation after the experimental fifteen-year lease.

In a letter dated 2 November 1996, Tropical Places announced that they had started a new company under the name of Porini Ecotourism. The new company would manage tourism activities and develop the water-hole and install facilities, while Tropical Places would bring the overseas visitors.<sup>15</sup> The requests of the group ranch were all accepted (employment; developing tourism in the conservation area only; cattle allowed in during dry season, but not to exceed present levels). Yet it was stressed that though the conservation area as mapped out by the committee would remain the sole property of the group ranch, the conservation area had to be registered before tourism could be developed. Tropical

Places stressed the exclusivity of the contract, meaning that they would exclusively operate all tourism activities on the group ranch territory. Finally, Tropical Places offered to pay for the legal fee needed by Mwenesi to draw up the agreement. The offer made to the group ranch was very attractive in comparison to similar arrangements with other group ranches.

On 4 April 1997, a lease agreement for the Eselenkei Conservation Area between the group ranch and Porini Ecotourism Limited—registered in Britain—was signed. The agreement would become effective 1 May 1997 for a period of fifteen years. It was agreed that a parcel of land measuring about 7,000 hectares would be set aside as a wildlife conservation area and leased to Porini. Within this area, forty acres would be leased to develop game lodges, campsites, game viewing points, and other facilities.

Payment to the group ranch was set at Ksh 350,000 per annum, subject to an annual increment of 10 percent. Each adult visitor would add Ksh 250 in entrance fees and another Ksh 250 in bed-night fees. Children younger than 13 paid only 50 percent of the cost. Each year these rates would increase by 10 percent. The agreement indicated that livestock was not permitted within one kilometre of any site where facilities had been constructed, but otherwise grazing was allowed within the conservation area in accordance with customary use. Homestead dwellings or cattle enclosures were forbidden. No wildlife-related tourism activities were allowed within a five-kilometre zone around the conservation area. Finally, the opening date of the lodges was

scheduled for not later than twelve months after the effective date of the lease.

The tour operator appeared eager to start. In a short period, hideouts were constructed, roads cleared, and two boreholes drilled. Ashley Helland, the Porini project manager, stayed in the area to supervise development of infrastructure. Local Maasai were employed to do the work. The company recruited one of the Selenge Group Ranch Committee members for the position of "Porini liaison officer." Besides acting as the Porini local representative in all dealings with the Group Ranch Committee and the community at large, his job was to coordinate communications with local authorities, suppliers, and other relevant persons; monitor wildlife in the area; and observe any activity taking place in the five-kilometre buffer zone.

Now on Porini's payroll—while still a member of the Group Ranch Committee—the "liaison officer" was foremost supposed to assist Helland, the Porini project manager. He also represented Porini in the Eselenkei Conservation Area workshop, held from 8-10 December 1998 in Kindu Hotel Emali. Here, representatives from the Ministry of Lands, and the Kenya Wildlife Service spoke on issues of setting aside group ranch land and the possible benefits from conservation-based tourism. An action plan for the development of the conservation area—spelling out the stakeholders, activities, responsibilities, and a time frame—were discussed.

An even more serious problem had yet to occur. Soon complaints arose over Helland's attitude towards the

local Maasai. He was said to be an unpleasant character, who often expressed his dislike of the Maasai and their cattle. He once indicated, "I do not like cattle in the conservation area — actually I hate cattle." He chased away the Maasai and warned them to stay out. Complaints and anger among the Maasai rose. The central issue in the grazing quarrel was the fact that the Group Ranch Committee, without consulting all members of the group ranch, had granted permission to Porini to subdivide the forty acres into four pieces of ten acres each. The tour operator thereupon chose to develop the four corners of the conservation area. Selenge members, not aware of this arrangement and not knowing that they were prohibited to build temporary makeshift structures, constructed huts for shelter during the very dry period of early 1999.<sup>16</sup> Helland was outraged and set the huts ablaze. The Maasai, in turn, were furious and chased the Porini manager. They stated, "somebody who hates cattle must also hate us." The local Maasai then removed the conservation area signboard at the northwest side of the sanctuary.

After the incident, the project was halted for four months. The owner of Tropical Places, James Grieves-Cook, came from England to cool tempers while a Greek tour guide replaced Helland. The Tropical Places director raised money for a primary school and said he wanted to assist the group ranch, even if the community decided to stop the project. He also indicated that so far Ksh 6.7 million had been invested in the drilling of boreholes, scooping of four waterholes, the construction of the hideout, and the clearing of fifty kilometres of game-viewing tracks. This investment had to be refunded by

the community should something they could African Conservation group of twenty-two members in Laikipia district.

As a result of the burning of the Maasai group ranch, the Group Ranch Committee was consulting all Selenge members. The Porini liaison officer was asked to replace Helland with national politics, and a new group was formed. The local Member of Parliament, Parpai, belonging to the Kenya, was invited to the area and would remain in the area.

On 9 September 1999, an agreement was signed between Porini and the Selenge members in the presence of an adjudication officer. The agreement included a number of conditions, including four core areas for development and facilities. Another condition was the appointment of a committee for distribution and expenditure. It was also reconfirmed that the conservation area was to be managed, but no overnight stays were allowed. The signboard was removed from the ranch. Another clause

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the community should they terminate the contract, something they could not do. To save the project, the African Conservation Centre sponsored new trips by a group of twenty-two members to several wildlife sanctuaries in Laikipia district.

As a result of the burning incident, quarrels among the Maasai group ranch members increased. The Group Ranch Committee was accused of not informing and not consulting all Selengei members. The position of the Porini liased officer was most questioned. Tropical Places was asked to replace him. Clan politics, in combination with national politics, played a crucial role in this strategy. The local Member of Parliament (MP), Geoffrey Parpai, belonging to the opposition Democratic Party of Kenya, was invited to mediate and explain that land would remain in the hands of the Maasai.

On 9 September 1999, a reconfirmation of the agreement was signed between Selengei Group Ranch and Porini in the presence of Parpai and the district land adjudication officer. It was agreed to re-instate the 1997 agreement with a number of amendments, in particular a reduction of the conservation area to 5,000 hectares, including four core areas of ten acres each for tourism facilities. Another novelty was the recognition of the appointment of a conservation committee to manage the distribution and expenditure of fees received from Porini. It was also reconfirmed that grazing of livestock within the conservation area was permitted during drought periods, but no overnight enclosures or dwellings were allowed. The signboard had to be replaced by the group ranch. Another clause provided that in the event of a

breach of contract by Porini, it must yield the conservation area to the group ranch without compensation. Finally, lease payments would commence again in full from 1 October 1999.

Prominent in the opposition to the current Group Ranch Committee was the Conservation Area Committee. This committee mainly consisted of former, allegedly corrupt Group Ranch Committee officials who had been voted out of their jobs some years before and now sought revenge. For this reason, they demanded the

Tropical Places payment to be split into two: half for the conservation committee and half for the Group Ranch Committee. By December 1999, Porini indicated that it was not willing to split the fee. This message angered the Conservation Area Committee, and Porini had to give in finally.

After these disputes, Porini concentrated once again on developing the facilities. A tented camp was constructed.



By February 2000, the Tropical Places brochure and Web site offered the possibility of booking the Eselenkei Road Safari for two or three nights at a rate of £249 and £299, respectively, including transport from Nairobi, game drives in a specially designed Toyota four-wheel drive Land Cruiser, full board, and park entry fee. The brochure stated that in May 1997 the local Maasai community agreed to set aside a wildlife reserve.<sup>17</sup>

This Eselenkei Conservation Area is well off the beaten track and has not been visited by tourists until now.... The number of tourist visitors is being limited to a maximum of 8 per day to retain the wild and unspoilt nature of the area and to minimise the impact on the environment.... The facilities include four brand-new spacious guest tents, comfortably furnished and with attached bathrooms including shower, wash basin and flush toilet. The camp is small and is on the lines of the traditional luxury safari camp but with more comfortable bathroom arrangements than were available to the big game hunters of earlier years!... And as Eselenkei Conservation Area is a private game reserve you will not see any other vehicles or minibuses.

The Porini Web site ([www.porini.com](http://www.porini.com)) elaborated on the Eselenkei Conservation area. A portrait is sketched of a company set up with the main purpose to enable local communities living alongside the protected areas to derive benefits in return for wildlife conservation. Porini explains that

[d]uring the last twenty years there has been increasing hostility towards wildlife by the community. Rhino have been exterminated while elephant were harassed to the point that they stopped migrating into Eselenkei. There was also wide scale snaring of wildlife for the "bush meat" trade and leopard, lion and cheetah have frequently been speared.... As a result of the establishment of the Conservation Area, the local community has already seen some benefits arising as they have been receiving a quarterly rental since May 1997 in addition to employment opportunities and assistance towards community projects. This has caused a change in attitude on the part of the community towards the concept of wildlife conservation. There is no longer any snaring or spearing of wild animals on the Group Ranch land and the community is enthusiastic about encouraging wildlife to move into their Conservation Area. For the first time in many years, elephants have been seen in Eselenkei.

From early February 2000 onwards, Tropical Places started to bring over journalists from the United Kingdom. Articles appeared in *The Observer*, *The Times*, *The Guardian*, and *The Independent*. *Travel News* published a story by Joe Cheffings, a Porini partner. Their safari experiences all centred on the good done to the Maasai by the Porini Company, and their reports were all flavoured with superlatives about "this unique adventurous experience." *The Independent* reported that

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[I]t is an experiment in eco-tourism dreamed up by Jake Grieves-Cook, a man who's spent a life-time shipping Brits out to Kenya to take a look at the lions, and who now says he wants to "put something back...." I often find that many people who want to make an environmental contribution are well intentioned but lack the knowledge or the money to make it happen. Exceptionally Jake Grieves-Cook's experiment promises to reverse the norm.... If Porini camp proves to be successful.... and Kenya's tourist chiefs are watching with close interest.... it promises to offer a fascinating alternative for the comfort-loving, wildlife watching eco-tourist. And just for once there might be some genuine benefits for the locals, whether they have four legs or two. (*The Independent*, Nov 5, 2000)

For some "four-legged" inhabitants the Porini experiment turned out to be fatal. Members of the neighbouring Mbuko Group Ranch had brought livestock into the conservation area during the drought of 1999-2000. Three lions killed some of their animals. The Mbuko Maasai asked to be compensated, but the Selengei Maasai refused on the ground that the Mbuko Maasai had entered the area without their permission. The Mbuko sought revenge by poisoning two lions. When tracing the origin of the killers, the Selengei Maasai discovered that the brother of the MP of Kajiado Central was responsible. Selengei Maasai claimed that the MP, who was also assistant minister in the Ministry of Tourism, Trade, and Industry, provided the poison.

As for people in Selengei Group Ranch, the benefits of ecotourism seem questionable, both in financial and social respects. The main financial benefits for Selengei Group Ranch depend on the coming of tourists. The development of the 60-bed lodge is crucial.<sup>18</sup>

It is often forgotten that the Selengei Maasai pay a cost as well. The benefits from bird hunting are lost. The Maasai have lost free access to the dry season grazing area. In times of stress they will need to rent land elsewhere, but sour relations with their neighbours will make this increasingly difficult. And with more game inside the group ranch, costs incurred because of predation, diseases, competition over water and grazing land, and the destruction of crops will rise. But according to local Selengei Maasai, the most important negative consequence of the sanctuary is the disturbances and infighting that have created mistrust among the group ranch members, once known as the most harmonious communities in Maasailand.

Profits for the tour operator, by contrast, are still high. First, the initial \$110 per bed-night has been changed to around \$200 per night. This is made in return to an investment of \$200,000 only, as opposed to the promised \$2 million. At full year occupancy, a daily total of eight tourists each staying two nights would bring in \$584,000 annually. After deduction of the Selengei payment (\$23,780), labour (about \$25,000) and other running costs such as food and fuel (some \$75,000), a potential profit of over \$460,000 remains. More likely, taking into account the lower number of actually occupied bed nights, this figure will be lower.

## Conclusion

The above narrative highlights the political and economic importance of wildlife. The development of wildlife sanctuaries is presented by the Kenya Wildlife Service (KWS) as a new form of "partnership" with the Maasai. Community-based conservation will, according to former KWS director David Western, change the top-down nature conservation policy by emphasising the position of those people who bear the costs (see Western and Wright 1994).<sup>19</sup> The KWS failed, however, to support the Maasai of Selengei at the most crucial moment, i.e., when they were negotiating a wildlife easement with a foreign tour operator.

The local people began negotiations from a weak position. They were not aware of all the potential benefits and pitfalls of the wildlife-based tourism industry. As a result, it is no surprise that the community was much divided about the wisdom of developing a sanctuary. The Maasai elders, especially, remembered the failure to comply with promises made to develop water facilities and other commitments. The tour operator, in spite of a long experience in Kenya, did not respect Maasai traditions for reaching decisions in a democratic and harmonious way. To force decisions, unrealistic deadlines were made, and insulting letters sent. To make matters worse, Maasai temporary huts constructed in the sanctuary were set on fire by a representative of the tour operator during the construction of the sanctuary.

At the same time, the group ranch is being praised in the local and international press for its initiative. It is said to

be the first to benefit financially from such a move. The contract, however, leaves doubt about the real profit that will be made by the Selengei Maasai. A maximum of \$5 per inhabitant (some \$30 per family) per year is likely. By contrast, an average herd size in the Selengei area is some 50 to 100 heads of cattle. By early 1997, some rich households lost over 400 heads of cattle, equivalent to some \$ 80,000. Thus, \$30 cannot fairly be seen to result in a "greatly enhanced standard of living" for the local Maasai. The Selengei case fits the argument by Gibson (1999:3) that "wildlife policies ... do not necessarily protect animals; in fact, many policies generated poor conservation results in Zambia, Kenya, and Zimbabwe. Rather, wildlife policies and their outcomes reflect attempts by individuals to gain private advantage."

For the Selengei Maasai, it might be worthwhile to carefully look at the provisions of article 2(s) of the contract. It stipulates that "the opening date of the Lodges and other facilities for business shall not be later than twelve (12) months after the effective date of this lease which period shall be extended by such number of days if construction of the facilities shall have been delayed by any cause outside the control of the Lessee." Article 4(e) and 5(c) indicate that a breach of contract by the Lessee "shall yield up to the lessor, the facilities and conservation area without compensation." Although the contract does not indicate the size of the game lodge, this facility is mentioned. In addition, correspondence between the parties can be presented to prove that Tropical Places intended to build a 60-bed lodge.

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The only fair outcome would be a new contract in which lease payments for the 5,000 hectares are substantially raised to reflect real market prices. For example, experts have estimated that pastoralists in neighbouring Nairobi National Park should receive \$10 per ha per year to allow wildlife to roam freely on their land.<sup>20</sup> This would mean a guaranteed income of \$50,000, far above the initial Ksh 350,000 (\$7,000) or current Ksh 465,850 (\$6,050). A guaranteed payment around that amount would make the group ranch less dependent on the coming of tourists and the building of the lodge.

What should be done to achieve real community-based eco-tourism in Kenya? Communities such as Selengei that have an interest in wildlife-based tourism should be advised and supported by independent organisations to facilitate negotiations and ensure more fair outcomes. Standard regulations should be enforced that take into account any wildlife easement signed between a community and a (foreign) tour operator. In addition to these model contracts, local communities should first be given opportunities to develop these facilities themselves. There is no need to invest heavily in expensive lodging when a few tents can do. Good camping areas and the development of water facilities could be a good start. Non-governmental and nature conservation organisations could play an important role in this. The big disadvantage of leaving the development of infrastructure to the private sector is that the tour operator becomes the de facto owner of the conservation area.

Finally, in industrialised countries, tourists should be better informed about the character of true ecotourism and

the way in which local communities are involved in the development and management of a tourist attraction. As of now, the eco-tourism activity in the Selengei Conservation Area is not an honest and sustainable enterprise.

## Notes

1. Not to be quoted without permission of the author.
2. On 14 December 1909, the British colonial powers officially declared the Southern Game Reserve created in 1906. In spite of these efforts, David Lovatt Smith (1997:52) states that still, "The Government looked upon wildlife in much the same way as bush land - something that had to be cleared from the land so that crops could be grown."
3. During a speech on 8 August 1958 at Ol Tukai, Governor Baring said to the Kisongo Maasai, "The first aim of government in the Amboseli Area is a controlled and organised water and grazing scheme for the benefit of the Maasai. The next aim of government is the preservation of game at Amboseli to the greatest extent possible and the integration of game preservation there with the water and grazing scheme. To achieve the first aim, government will provide additional water supplies so that Maasai cattle may water nearer their grazing and thereby reduce the numbers of stock which at present have to walk miles to Ol Tukai and other swamps in the Amboseli area." (KNA/DC/KJD/3/18/13).
4. The 1956 Game Policy Committee recommended the provision of alternative water sources for the Maasai. However, the British authorities, sensing a possible end to their rule in Kenya, stopped the drilling process that had started in November 1956. This decision evoked an outcry and the

government came under pressure in and outside the country. The world's wildlife preservation societies were all up in arms; the East African Wildlife Society (at that time named Kenya Wildlife Society) made very strong representations to governor Sir Evelyn Baring (see Lovatt Smith 1997:50).

5. According to David Western, the Amboseli Game Reserve was very lucrative for the Kajiado Council. In 1969, for example, some Ksh 2 million was earned in return to less than Ksh 50,000 to run the reserve (Western 1994:17).

6. By 1970, fourteen group ranches, covering over 10 percent of the district's area, were recorded in the Kaputiei area. KLDP II, which had started in late 1974 had added sixteen ranches comprising another 25 percent of the Kajiado District area. Finally, by 1980, twenty more ranches had been incorporated. These are often referred to as "phase three group ranches," but no World Bank funds were provided for them. This brought the total number of group ranches to fifty-one covering some 15,200 km<sup>2</sup> or some 75 percent of the Kajiado District area.

7. In 1976, it was estimated that the Kenyan Government and the Kajiado County Council jointly received revenues of approximately Ksh 69 million in 1976 from hunting, game photography, and motorized game viewing in the district (i.e., Amboseli and Nairobi National Parks). The costs were estimated at only Ksh 4 million. Direct revenues from wildlife viewing and hunting were estimated to be some 16.5 million. An estimated Ksh 400,000 from viewing and Ksh 950,000 from hunting (i.e., 8 percent of total direct revenues) went to the Kajiado County Council, while the central government earned 92 percent (see UNDP/FAO 1978:xvii/12).

8. In 1952, accommodation at Ol Tukai was available for 24 people (KDAR 1952). David Lovatt Smith reports that during the early 1950s some ten to twelve cars would crisscross the

area at one time. Most of these were VIPs from abroad (e.g., Princess Margaret, the King of Nepal) or well-off local people trying to escape the hustle of Nairobi for a time. Also the reserve would be closed for some three and a half months during the year to allow the area to recover. However, by the early 1990s the Amboseli Park had some 650 available beds with as many as fifty cars or mini-buses touring the area at one time (Lovatt Smith 1997:34-36).

9. By 1990, a total of forty group ranches had made the decision to dissolve their ranches. Seven had already gone through the procedure, and the members had obtained their private titles. Only the four Magadi Division group ranches opposed the idea of subdivision; another seven ranches, mostly from Loitokitok, had not yet decided. In other words, at that time the whole of Ngong and Central Division, which included 78 percent of the ranches, had ceased existing or were soon about to do so. Alongside this process, a whole range of other difficulties arose, including disputes over ranch boundaries, corruption in plot allocation, and conflicts between registered and non-registered group members.

10. The finances donated by international organisations as "soft loans" ultimately reached the group ranches at high interest rates. Channelling the money through the Kenyan Agricultural Finance Corporation (AFC) was said to have been the main reason for this. Repaying loans was frequently a problem. This was either the result of corrupt group ranch committees or of natural causes such as droughts or diseases killing the steers bought for fattening. For group members that had failed to benefit from these loans it was hard to understand and to accept the reasons for repaying them. In addition, the use of the group's pastures by herds belonging to neighbouring individual ranchers and the massive rise in the number of young Maasai calling for registration contributed to growing

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negative feelings toward the group ranch and fueled the ultimate call for subdivision. In general, those opposing subdivision claimed that the ultimate result would be the alienation of land to the non-Maasai, the creation of severe erosion in areas where cultivation was to start, the loss of Maasai culture, and the restriction of the movement of wildlife and livestock to the detriment of the meat-producing and tourist-attracting functions of the district. Supporters of group ranch subdivision said that it would help self advancement and raise standards of living, boost the ability to procure a loan using the freehold title deed as collateral, minimise the exploitation of the poor by rich households, promote Maasai engagement in agricultural and industrial enterprises, and facilitate better maintenance of the existing infrastructure.

11. According to Western, he lost his job because he resisted efforts by powerful people in government to allocate themselves parts of Nakuru and Tsavo national parks (*Daily Nation* 19/09/98). Others pointed to the weak leadership of and financial chaos in the organisation and the low morale and corruption among its personnel.

12. Other sources mention population figures of 8,000 and over for 1990. However, this is based on multiplying group ranch membership figures by six, the average household size. In my view, this leads to an overestimation of the Selengei population size because in 1990 Selengei allowed its members to register four family members as a maximum. In other words, the multiplier for Selengei Group Ranch should be in the order of 1, 2, or 5 at the most. This would mean that at a maximum, from 2,000 to 3,000 people lived on the ranch in 1990. This is even above the 1989 census figure of 1,813 people (389 households) for Lenkiseim sublocation, which covers Selengei and part of Olgulului group ranches. Unfortunately, this overestimation of the Selengei population has in the past led to

miscalculations for livestock availability, water requirements, etc.

13. Eight Maasai, owning large holdings in freehold tenure, formed Olchorro-Oirowua.

14. By late 1993, the six group ranches surrounding Amboseli gathered to discuss their problems. By 7 February 1994, it was resolved to form the Amboseli/Tsavo group ranches conservation association. The association was incorporated by lawyer S. Mwenesi and paid for by KWS on 20 July 1995. KWS's role in the relationship would be to provide a policy and legal framework in which negotiations could take place between the tourism industry and the group ranches.

15. Porini means "in the wilds" in Kiswahili; it is also said to be an acronym for "Protection Of Resources (Indigenous & Natural) for Income."

16. It is noteworthy to mention that even by May 2000, the Selengei Group Ranch chairman, in a proposal for funding the position of group ranch conservation liased officer, states that only forty acres were leased to Porini, as agreed in the special annual general meeting.

17. Whereas the Lease agreement speaks of a British-based company, Porini's Web site indicates that the company is registered in Kenya. See [www.porini.com](http://www.porini.com).

18. As of early 2001, Porini had not met its obligation to develop the lodge; only eight people could be camped instead of the sixty promised in the initial calculations. Porini even cited the low number of visitors as the most attractive aspect of a safari holiday in the Eselenkei Conservation Area. This likely means local incomes will remain low.

19. The Selengei case is proof that "community-based management" is a tricky concept. In this case, the initiative to develop the sanctuary actually came from a foreign tour operator. The company chose the location, size, and conditions (the

registration of the area, no dwellings and cattle in certain areas) that rule the use of the area.

20 Personal communication, Dr. Mizutani, October 6, 2000.

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