

Parks beyond Parks:

Genuine community-based wildlife
eco-tourism or just another loss of land
for Maasai pastoralists in Kenya?

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1. Introduction

Wildlife is one of Africa's greatest natural assets. Yet western wildlife conservation organisations, in particular, claim it is in constant danger of extinction. For the last century wildlife conservation groups have been pressing for the establishment of national parks in Africa. The large areas of land set aside in Namibia, Zambia, Botswana, Tanzania and Kenya are witness to the fact that these lobby groups have been successful. However, 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 the main reasons why tourists visit Africa. Local people, however, receive very little of the profit generated by the wildlife-based tourism industry. Worse, many local communities have lost access to land and other natural resources, often without any long-term compensation.

In 1996, the Kenya Wildlife Services started the *Park beyond Parks* programme in response to this situation. Under this programme, local people were allowed to set up tented camps and other tourist activities in the areas bordering national parks. The concept was expected to bring about a win-win situation for both man and wildlife, and was supported by such international organisations as the World Conservation Union (IUCN) who recognise that sustainable conservation needs a social component (Borrini-Feyerabend, 1997).

This paper presents in detail the development and effects of such a new eco-tourism initiative in the Selengei region bordering Amboseli National Park, Kajiado District, Kenya (see map 1). Community-based conservation, although neither perfect nor foolproof as Lynch and Talbott (1995:25) argue, is indeed the best strategy available so long as certain conditions are met to ensure that the term "community-based" is not used to misguide interested donors for the benefit of a small group of well-off individuals, tour operators or conservationists (see e.g. IIED 1994: 45). It should guarantee the full and equal participation of local people in its design and implementation to ensure it responds to local needs and delivers tangible benefits to the community.

2. 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 practices. 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 subsidized early European explorers, fed colonial troops, and accounted for a significant portion of the household budget of early settlers and colonial administrators".

Let us turn to the history of wildlife conservation and tourism in the Amboseli area located in the Kenyan Maasailand to the north of Mount Kilimanjaro.

2.1 1895-1945: Pioneering wildlife conservation

The arrival in East Africa of explorers, adventurers and missionaries in late 19th century brought an onslaught on wildlife. Hunters killed huge numbers of animals (MacKenzie 1988; Steinhart 1989, 1994). Joseph Thomson, the first European to cross Maasailand, reports about the marvellous and countless herds of wildlife he came across during his trek in the area north of Mt Kilimanjaro. At this time the numbers of game had already dwindled seriously.¹

By contrast, the Maasai have lived with game and tolerated it for many years. Their livestock competes with wildlife over range resources, herds and flocks are hunted by predators and diseases are spread by game. In

1. 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.'

spite of these setbacks the Maasai hardly kill wildlife, except in defence of lion or hyena attacks on their livestock. Also, in the past, young Maasai warriors would occasionally spear a buffalo or elephant to show their braveness.

Already by 1930 suggestions were being made that the Southern Game Reserve should be classified as a park and water supplies offered to the Maasai as compensation for any damage or losses sustained as a result of the preservation of game (KDAR 1930:9/10). These ideas, however, were not implemented in the 1930s thus allowing the Maasai to remain and co-exist with wildlife on the 27,700 km² large reserve as they had been doing for many years. However, with the rise in popularity of game viewing in the 1940s calls for protection of wildlife grew louder.

2.2 1946-1980: the creation of a wildlife exclusive Amboseli National Park

In 1948 the Amboseli National Reserve was created (3,260 km²). The reserve, however, did not have any fixed boundaries enabling the Maasai to move freely with their animals. By July 1950 the Maasai agreed to rent 50 acres of land at Amboseli to the Kenya National Parks for all safari parties visiting the area. By the end of the year the National Parks had built a semi-permanent camp on the site where visitors were accommodated for a few shillings a night.

The payment of an entrance fee for all vehicles coming into the Amboseli Reserve was introduced in 1951. A proportion of this fee was paid to the African District Council who also received some of the accommodation charges at the camp as well as the rent for the 50 acres. The authorities hoped that the Maasai in receiving this income would see the influx of visitors to Amboseli to be of financial benefit to them. However, according to David Lovatt Smith (1997:48) who was one of the wardens at the time, the park was actually making a loss.²

2. During a speech on August 8th 1958 at OI 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 Masai. 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 Masai cattle may water nearer their grazing and thereby reduce the numbers of stock which at present have to walk miles to OI Tukai and other swamps in the Amboseli area.' (KNA/DC/KJD/3/18/13).

During the 1950s the number of visitors to Amboseli Game Reserve rose 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.³ 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 prioritise the needs of the human population. There then ensued an outcry from the National Parks officials, strongly supported by the local and international press. International wildlife conservation organisations protested too blaming the Maasai for keeping excessive numbers of useless cattle that deprived wildlife of water and grazing.

In 1961 responsibility for the management of the Amboseli National Reserve was transferred from the Royal National Parks to the Kajiado County Council and renamed Masai Amboseli Game Reserve. It was hoped that this transfer of responsibility would create greater sympathy for the reserve among the local people. The Kajiado Council negotiated with the Maasai of Amboseli to set aside a 78 km² stock-free area, which would protect the council's wildlife assets (Western 1982a:304). In 1964 the Kajiado Council also proposed to set aside 200 square miles as a game sanctuary but this was rejected by the Loitokitok Local Council. As the latter had the support of local politicians the matter was never resolved (KDAR 1964:8). Between 1965 and 1969 tourism increased by 22 per cent (Mitchell 1969) raising the contribution of the income from Amboseli to the Council's annual budget to some 70 per cent. This caught the interest of the Kenyan government, and international and national conservation lobby groups joined hands to argue for the setting aside of exclusive wildlife sanctuaries.

In 1968 the Kajiado County Council proposed a plan to carve out slightly more than 500 km² of land from the 3,260 km² Maasai Amboseli Game

3. 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, not the least the East African Wildlife Society (at that time named Kenya Wildlife Society) who made very strong representations to governor Sir Evelyn Baring (see Lovatt Smith 1997: 50).

Reserve for the exclusive use of wildlife. The Maasai again protested, using every political lever they had. But in vain, as 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. To appease the Maasai the area was subsequently reduced from 518 km² to 388 km², leaving 160 ha of land surrounding the Ol Tukai tourist lodge in the hands of the Council, and guaranteeing the Council a portion of the gate receipts.⁴

Funds from the World Bank and 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 US\$ 140,000 for the building of five new watering areas outside Amboseli National Park (*Daily Nation* 10/01/73).

In the late 1960s the concept of Group Ranches was introduced in the Maasai Reserve by a FAO/UNDP Kenya Livestock development project (KLDP).⁵ The Group Ranch concept involved the setting aside of a certain piece of land to be communally owned by a group of people within which livestock movements would be restricted to the ranches' boundaries, and into which non-members were forbidden to bring their animals to graze (Rutten 1992). As group ranches were only introduced in the Loitokitok area in the early 1980s, they could not be used by the Kisongo Maasai to stop the wildlife conservation lobby.

In October 1974 Amboseli National Park was officially gazetted. The alternative water sources for the Maasai cattle were only completed in 1977, although they proved to be costly and defective thus forcing the Maasai to re-enter the park for water on a regular basis (Western 1982a:308; Moss

4. 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).

5. By 1970, 14 group ranches, covering over 10 per cent of the district's area were recorded in the Kaputiei area. KLDP II, which had started in late 1974 had added 16 ranches comprising another 25 per cent of the Kajiado District area. Finally, by 1980, 20 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 51 covering some 15,200 km² or some 75 per cent of the Kajiado District area.

1989:230).⁶ The most important incentive to gain local support thus failed. Hunting fees were paid only until 1977 when a nation-wide ban on hunting was issued. Wildlife culling was never seriously conducted. Grazing fee compensation payments were stopped after 1979.

2.3 1981-2000: the land subdivision threat and the rise of participatory conservation projects

When the Amboseli National Park was created there were about 100,000 visitors a year bringing in an estimated income of Ksh.3 million from gate earnings (Western 1994:27). These numbers rose sharply from the early 1980s onwards, and by 1984 some 135,000 visitors brought in gate earnings of an estimated Ksh.12 million.

In August 1984, the government launched the Wildlife Extension Project (WEP). The project noted that most wildlife problems were to be found on those 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 rights 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 them due to 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 visitors a year bringing in an income of Ksh 9 million from entry fees alone. Tourism had become a threat to the Amboseli Park.⁷ It was also argued that Amboseli had too many elephant, zebra and wildebeest whose populations had recovered from the late 1970s onwards. At the same time the Amboseli ecosystem

6. 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 motorised 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 was estimated to be some 16.5 million. An estimated Ksh. 400,000 from viewing and Ksh.950,000 from hunting (i.e., 8 per cent of total direct revenues) went to the Kajiado County Council whilst the Central Government earned 92 per cent (see UNDP/FAO 1978:xvii/12).

7. In 1952 accommodation at OI Tukai was available for 24 people (KDAR 1952). David Lovatt Smith reports that during the early 1950s some 10 to 12 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 some 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 50 cars or mini-buses touring the area at one time (Lovatt Smith 1997:34-36).

was being degraded as salts in the rising water table were killing the 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, announced a policy segregation where all parks would be fenced off in order to protect local people from wildlife and the wildlife from poachers (Western 1994:42). Leakey later withdrew this policy, which would most likely have created a biological disaster, in favour of local participation and incentives. It was subsequently announced that approximately 25 per cent of KWS' funds should go to the neighbouring rural communities in terms of schools, clinics and water supplies.

By the late 1980s the group ranches in Kajiado began to break up into individual holdings. This raised serious concerns in KWS particularly in relation to those ranches surrounding Amboseli National Park.⁸ The subdivision of group ranches was considered to be a threat to wildlife conservation, and a blow to the tourism industry, as this threatened the ability of wildlife to move into wider dispersal areas.⁹ Western (1982a:304-06) states that the permanent restriction of large herbivores

8. By 1990 a total of 40 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 4 Magadi Division group ranches opposed the idea of subdivision, while another 7 ranches, mostly from Loitokitok, had not yet decided. In other words, at that time the whole of Ngong and Central Division, which included 78 per cent 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.

9. 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. It was frequently a problem to repay loans. This was either the result of corrupt group ranch committees or because 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 negative feelings towards the group ranch and fuelled 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, minimize the exploitation of the poor by rich households, promote Maasai engagement in agricultural and industrial enterprises and facilitate better maintenance of the existing infrastructure.

to the Amboseli Park will result in their population numbers dropping by 40-50 per cent. The loss of revenue from game viewing was estimated at Ksh.3.3 million.

In March 1994 David Western took over from Richard Leakey as head of the KWS. Western stressed the need to develop a partnership with the local communities based on three main objectives: development of partnerships with stakeholders to overcome the human-wildlife-conflict; creation of incentives for these stakeholders; and the protection of people and property from wildlife damage. Although these intentions were considered to be realistic, their implementation turned out to be far more difficult, and David Western was eventually sacked and replaced in 1998 by his predecessor Richard Leakey.¹⁰ The re-appointment of opposition politician Richard Leakey and of Charles Njonjo, a former attorney-general, as KWS chairman came as a surprise. However, above and beyond possible political motives, observers pointed to the proven managerial qualifications of the two men, much needed to build a new and strong KWS (*Daily Nation* 11/02/99). Leakey also had an excellent reputation with the donors which would open doors for much needed funds to restore the organisation and promote Kenya's wildlife-based tourism. The sector has lost its leading position in providing foreign exchange earning for the country for a number of reasons including increased competition (especially from South Africa and Zimbabwe) and political instability. However, as the next section will show, wildlife-based tourism has great potential to be a very lucrative sector in the future.

10. 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 at the weak leadership of and financial chaos in the organisation and the low moral and corruption among its personnel.

3. Eselenkei Conservation Area: community-based wildlife ecotourism?

3.1 The Selengei Maasai and wildlife conservation

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 m above sea level) suffers from the effects of Mt Kilimanjaro’s “rain shadow”. Approximately 2,500-3,500 people, almost all Maasai, live on the ranch.¹¹ Land adjudication of Selengei Group Ranch was completed in 1983 and the ranch was officially incorporated in 1988 into the third and last phase of group ranch formation in Kajiado District.

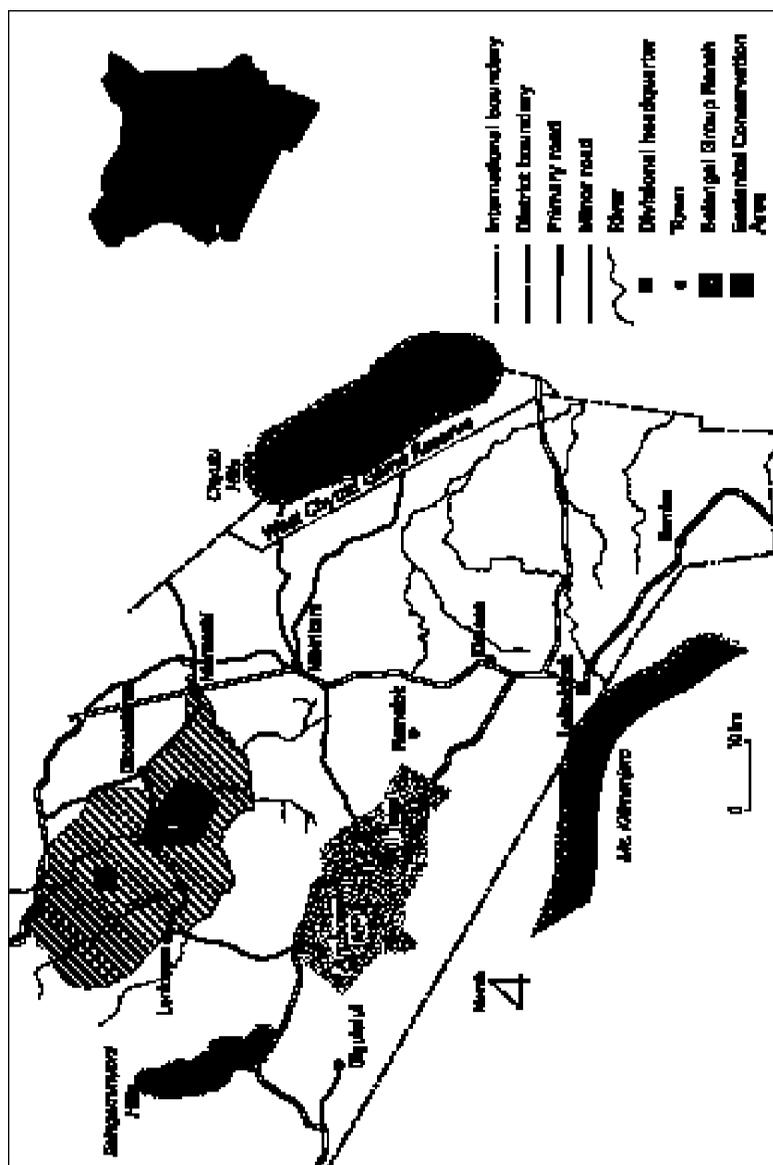
Especially during the wet seasons wildlife from Amboseli roam the eastern area of Selengei Group Ranch. Wildebeest trek and calf in the area. Other species found include eland, buffalo, zebra, gazelle, dik-dik, leopard, lion, jackal and many hyena. But the area is best known for its rich bird populations. The Cheffings Company has been bringing ornithologists and hunters to the area since 1920s. In 1988, a new 20-acre campsite was developed for this purpose along the Selengei River. Some Ksh.50-100,000/- from bird shooting and camping fees is earned annually by Selengei group ranch and is used by the members to build schools and sponsor pupils going for further education (SGR 02/08/95). The Amboseli Revenue-Sharing Scheme also assisted in paying school fees for both secondary and primary students.

3.2 The Eselenkei Conservation Area negotiation process

In 1995, discussions started between group ranch representatives and a former Amboseli Game Warden, about setting aside part of the Selengei

11. Other sources mention population figures of 8,000 and over for 1990. However, this is based on multiplying group ranch membership figures by 6, 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 4 family members as a maximum. In other words, the multiplier for Selengei Group Ranch should be in the order of 1,5 or 2 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 Lenkisem 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 (see MLD 1989).

Figure 1. The Eselenkei Conservation Area in South East Kajiado District, Kenya



Group Ranch dry season grazing pastures for a wildlife sanctuary. The game warden, who was British, was involved in the Selengei bird shooting tourism activities and familiar with the abundance of wildlife in the dispersal area north of Amboseli. He initially approached the local Maasai paramount chief to discuss the idea of a sanctuary but was verbally abused and chased away every time he tried to bring up the issue. The Maasai claimed he had been the man who, as the game warden of the day, had "sold out" Amboseli. However, according to the former game warden *"all they have to do is to set aside the land for wildlife, and sit and watch the money roll in"* (Swara 1996:21). He offered to look for a tour operator willing to invest in permanent lodging on behalf of the Selengei Group Ranch Committee.

In October 1995, he introduced them to Tropical Places Ltd., a British tour operator interested in investing in the area if the group ranch agreed to provide a sanctuary (the Eselenkei Conservation Area) of a minimum of 7,000 ha, free of livestock, huts and local hunting. It was estimated that annual turnover would be in the region of US\$ 1,650,000 or Ksh 85 million on the basis of a 60-bed lodge with a 60 per cent occupancy rate. According to Tropical Places Ltd it would take about five years and an initial investment of US\$ 2 million to generate this number of tourists. However, if they did, it would provide the Selengei Group Ranch with a maximum income of Ksh. 5,193,800 or some US\$ 96,000 per year. However, Tropical Places Ltd. could only guarantee a portion of this income (i.e. the rent they would pay for leasing the land) amounting to about US\$ 4,000 per year, since the greatest part of the income was dependent on the arrival of tourists paying entrance and bed night fees of US\$ 2.5 and US\$ 5 respectively.

The group ranch asked for a number of clarifications and put forward a number of wishes to be taken into account. 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 viewing tracks. They also reduced their estimate of annual visitor nights from 15,000 to 10,000 per year within five years. The company wanted an exclusive 20-year lease on an area of land within the Eselenkei Conservation Area, and were willing to pay an annual rent of Ksh. 200,000 with a 10 per cent increase per year. Bed night fees stood at US\$ 5 during the first three years to be raised by US\$ 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 for group ranch members to other small sanctuaries such as neighbouring Kimana Wildlife Sanctuary and Olchorro-Oirowua Wildlife Association in Narok District.¹² In a group ranch meeting on 15 April 1996, members agreed to allocate 16 hectares to Tropical Places to build a lodge, but were unwilling to lease 7,000 ha for exclusive wildlife use. This area would be much needed as a dry season refuge. Their decision was sent to Tropical Places on 28 June. The group ranch committee announced that a special meeting would be held for all members on the 23 July to formally approve the project.

After the general group ranch meeting, four representatives of the Group Ranch Committee contacted lawyers on 12 August. They discussed the issue with the same lawyer that handled the Amboseli Association contract.¹³ In a written reply he indicated to be willing to offer his guidance to the group ranch on the matter. He noticed that while the group ranch had in principal agreed to allow Tropical Places to establish a lodge, the meeting had also resolved to subdivide the Selengei Group Ranch land. He further advised the committee to set up a company or a co-operative to hold and manage the land set aside for wildlife that would not be allocated to individuals when subdivision took place.

One week after the meeting between the lawyer and the group ranch representatives, Tropical Places sent a draft agreement. In a reply on 26 September, the Group Ranch Committee expressed their willingness to sign a contract with Tropical Places subject to their acceptance of some amendments to the proposal. These amendments included issues relating to employment by the company of local people, the proposed limitation of cattle inside the conservation area, the development of tourist facilities inside the conservation area, the bringing of non-paying visitors such as journalists, and the question of compensation after the expiry of the 15 years lease.

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

13. 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, paid for by KWS, on 20th July 1995. KWS role in the relationship would be to provide a policy and legal framework in which negotiations can take place between the tourism industry and the group ranches.



Chairman and treasurer of Selengei group ranch near the northern entrance of the Eselenkei Conservation Area

In a letter dated 2 November 1996, Tropical Places Ltd. announced they had started a new company under the name of Porini Ecotourism which would manage the tourism activities, develop the waterhole and install the facilities. Tropical Places Ltd. meanwhile would bring the overseas visitors.¹⁴ 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). However, Tropical Places Ltd stressed that although the conservation area as mapped out by the group ranch committee would remain the property of the group ranch, the conservation area had to be registered as such before tourism could be developed. Tropical Places stressed the exclusivity of the contract meaning that they would have exclusive rights to manage all tourism activities on the whole of the group ranch territory. Finally, Tropical Places offered to pay for the legal fee needed to draw up the legal agreement, and explained that the offer they were making to the group ranch was very attractive in comparison to similar arrangements with other group ranches.

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

3.3 The agreement and the implementation process

On 4 April 1997 an agreement was signed between the group ranch and Porini Ecotourism Ltd. for the leasing of the Eselenkei Conservation Area. The lease would become effective from 1 May 1997 for a period of 15 years. It was agreed that a parcel of land measuring about 7,000 ha would be set aside as a wildlife conservation area and leased to Porini. Within this area, 40 acres would be used to develop game lodges, camp site, game viewing point and other facilities. Payment to the group ranch was set at Ksh. 350,000 per annum subject to an annual increment of 10 per cent. For each adult visitor the group ranch would receive Ksh. 500 (entrance fee and bed night fee). Children younger than 13 years paid half-price. Each year these rates would be increased by 10 per cent. 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. However, homestead dwellings or cattle enclosures were forbidden within the conservation area. A 5 km exclusion zone was agreed around the conservation area where no wildlife-related tourism activities were allowed. Finally the opening date of the lodges would not be later than 12 months after the effective date of the lease.

The tour operator proved to be eager to start and within a short time hide-outs had been constructed, roads cleared, and two boreholes drilled. The Porini project manager, a white Kenyan, stayed in the area to supervise the development of infrastructure. Local Maasai were employed to do this work.

The company recruited one of the Selengei 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 also to coordinate communications with the local authorities, suppliers and other relevant persons, monitor wildlife in the area and observe any activity taking place in the 5 km buffer zone. Although he was member of the Group Ranch Committee, he was on Porini's pay-roll and as such was expected primarily to assist 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 was also discussed.

In November 1998, the people of Selengei created the post of “community liaison officer” to act on their behalf in all dealings with the wildlife sanctuary, and appointed the Group Ranch Treasurer to take up the post. Porini covered the costs of this post for the first year and ensured that the salary equalled that paid to the Porini liaison officer. The latter, who felt this was unfair, protested and sought support from political allies within the Group Ranch Committee. Tension mounted when the Porini liaison officer then appointed his brother as the assistant programme manager and only contracted his political supporters to clear roads and act as watchmen or game scouts. The Selengei community complained and it was finally agreed to employ out of eighteen employees seven who were considered to be close to the treasurer.

An even more serious problem was yet to occur. Soon complaints arose over the Porini project manager’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 was once heard to have said “*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 quarrel over the use of the dry season grazing cum conservation area was the fact that the Group Ranch Committee, without consulting all the members of the group ranch, had granted permission to Porini to subdivide the 16 hectares (thought to be used for the building of the lodge) into four areas of 10 acres each. The tour operator thereupon chose to develop the four corners of the Conservation Area. Selengei members, not aware of this arrangement and not knowing they were prohibited from building temporary shelters, had constructed huts during the very dry period of early 1999.¹⁵ The project manager became outraged and set fire to these huts. The Maasai in turn became furious and some warriors, mobilised by the Conservation Committee, invaded the sanctuary and threatened to set fire to the manager’s camp. They did not implement this threat but insisted the manager had to leave the area. They stated that the burning of huts was to be

15. 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 40 acres were leased to Porini as agreed in the special annual general meeting.

expected from somebody who hated cattle. After the manager has been chased away they removed the Conservation Area signboard at the northwest side of the sanctuary.

This incident stalled the project for four months. The owner of Tropical Places came over from England to cool tempers while a new, European, Porini representative cum tour guide was hired. The Tropical Places director had 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 would hand over the money anyway as it was not earmarked for him but for the community. But he also indicated that so far Ksh. 6.7 million had been invested in the drilling of the boreholes, scooping of four water-holes, the construction of the hide-out and the clearing of 50 km of game viewing tracks. This investment had to be refunded by the community if they broke the terms of the contract something which clearly they could not do. To save the project the African Conservation Centre sponsored



**Maasai burned huts
within the
conservation area**



The luxurious tented camp and flush toilet

visits for a group of 22 group ranch members to several wildlife sanctuaries in Laikipia district in that they might see positive examples of community-based wildlife tourism.

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 consulting all Selengei members. The person holding the position of the Porini liaison officer was particularly contested. Tropical Places was requested to replace him. Clan politics in combination with national politics played a crucial role in this strategy. The local Member of Parliament, belonging to the opposition party Democratic Party of Kenya, was invited to intervene 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 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 ha and the location therein of four core areas of 10 acres for tourism facilities. Another novelty was the recognition of the appointment of a Conservation Area Committee to manage the distribution and expenditure of fees received from Porini. It was also recon-

firmed 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 repaid by the group ranch. Another clause read that in the event of a breach of contract by Porini it will yield up to the group ranch the Conservation Area without compensation. Finally the payment of the lease would commence again in full from 1 October 1999.

However, there still remained a number of internal problems. Foremost among these was the very strong opposition to the current Group Ranch Committee by the Conservation Area Committee. This Conservation Area Committee was largely made up of former, allegedly corrupt, Group Ranch Committee officials who had been voted out of office some years before and were now seeking revenge. For this reason they demanded that the revenue from Tropical Places be split into two: half for the Conservation Committee and half for the Group Ranch Committee. Initially Porini refused to do this, but eventually succumbed under pressure from the Conservation Committee.

3.4 Who are the beneficiaries?

After these disputes Porini concentrated once again on developing the facilities. A tented camp was constructed and in February 2000 the Tropical Places brochure and website offered the possibility to book an Eselenkei Road Safari for 2 or 3 nights at a rate of US\$ 375 and US\$ 450 respectively, including transport from Nairobi, game drives in a specially designed Toyota 4-wheel drive Land cruiser, full board and park entry fee. The brochure explains how in May 1997 the local Maasai community agreed with a Kenyan (sic) organisation called Porini Ecotourism to set aside a reserve for wildlife.¹⁶

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 4 brand new spacious guest tents, comfortably furnished and with en suite bathrooms including shower, wash basin and flush toilet. The camp is small and is on the

16. Whereas the Lease agreement speaks of a British based company Porini on their website indicate they are registered in Kenya. See www.porini.com.

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 website also elaborates on the Eselenkei Conservation area. A portrait is sketched of a company set up with the main purpose to enable the local communities living alongside the Protected Areas to derive benefits in return for wildlife conservation. Porini explains that:

...during 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 are enthusiastic about encouraging wildlife to move into their Conservation Area. For the first time in many years, elephants have been seen in Eselenkei (see www.porini.com).

From early February 2000 onwards, Tropical Places started to bring over journalists from the UK. Articles appeared in *The Observer*, *The Times*, *The Guardian* and *The Independent*. *Travel News* bought a story by a partner to Porini. Some of the UK journalists were hosted free of charge by Porini in the Eselenkei Conservation Area. Their safari experiences all centred on the good done to the Maasai by the Porini Company and were all flavoured with superlatives about "this unique adventurous experience". *The Independent* states that:

It is an experiment in eco-tourism dreamed up by Jake Grieves-Cook, a man who's spent a lifetime shipping Brits out to Kenya to take a look at the lions, and who now says he want to "put some

thing 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 5/11/00).

For some of these “four legged” inhabitants of the Selengei area the Porini experiment recently 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 leopards killed some of their animals. The Mbuko Maasai requested to be compensated but the Selengei Maasai refused on the ground that the Mbuko Maasai had entered the area without their permission. The Mbuko took their revenge by poisoning the leopards. In the trace for the killers the Selengei Maasai discovered that it was the brother to the MP of Kajiado Central who had been responsible. They also claim that it was the MP himself, who also happens to be an assistant minister in the Ministry of Tourism, Trade and Industry, who provided the poison.

As for the people in Selengei Group Ranch the benefits of this eco-tourism initiative seem to be questionable both in financial and social terms. The main financial benefits for Selengei Group Ranch depends on whether or not the tourists come and in this respect the development of the 60-bed lodge is crucial. So far, however, Porini has not met the obligation to develop this lodge. In early 2001 there were beds for only eight people instead of the sixty promised in the initial calculations. Porini actually uses the low number of visitors as the most attractive aspect of a safari holiday in the Eselenkei Conservation Area. This means that incomes will remain low. A maximum of eight bed nights/day @Ksh.250 and eight gate fees/2 days @Ksh.250 would result in Ksh. 1,077,000 per year. The additional Ksh. 350,000 for the lease of the land would contribute towards a maximum potential annual income of Ksh. 1,427,000 or some Ksh. 475 (US\$ 8) per Selengei inhabitant per year. This is far below the initial figures of Ksh. 5,193,200 or some Ksh. 1,730 (US\$ 29) per person per year.

There are other discrepancies too between the initial promises and the current situation. First, the original proposal to charge US\$ 5 entry fee has been changed to Ksh. 250, which by April 1997 was equivalent to US\$ 3.5. By contrast the Ksh. 250 (US\$ 3.5) rate for the visitor fee was one dollar above the initial US\$ 2.5. However, the entrance fee had been changed from a daily payment obligation to a one-time fee, reducing the potential revenue. Also the 10 per cent increase for the 15-year period does not keep pace with the devaluation of the Kenyan shilling over the last fifteen years (11.5 per cent annually).¹⁷ A 50 per cent rate for children was suddenly introduced. The above calculations are based on a theoretical occupancy rate of 100 per cent and not the more realistic rate of 60 percent.¹⁸

It is often forgotten that the Selengei Maasai pay a cost as well. They have given up the benefits they used to get from bird hunting. The Maasai have lost free access to the dry season grazing area. In times of stress they will need to rent land elsewhere, but poor relations with their neighbours will make this increasingly difficult. And with more game inside the group ranch, it is very likely they will incur rising costs with respect to losing animals to predators, disease, competition over water and grazing and the destruction of crops. However, the greatest cost is the loss of trust and harmony among group ranch members, once known one of the most harmonious communities in Maasailand. A recent development underlines this claim: by early 2002 group ranch members froze the group ranch account accusing the three senior position holders of the group ranch committee of stealing huge sums of conservation money.

By contrast, profits for the tour operator are still huge. First, the initial US\$ 110 per bed night has been changed to some US\$ 200 per night. This is made in return to an investment of US\$ 200,000 only as opposed to the promised US\$ 2 million. At full year occupancy, a daily total of 8 tourists, each staying two nights, would bring in a potential US\$ 584,000 annually. After deduction of the Selengei payment (US\$ 23,780), labour (about US\$ 25,000) and other running costs as food and fuel (some US\$ 75,000) a potential benefit of over US\$ 460,00 remains. More likely, taking into account the lower number of actually occupied bed nights, this figure is around US\$ 156,540 per year.

17. E.g. in 1986 1 US\$ = Ksh 16.0 and in 2000: 1 US\$ = Ksh 73.0.

18. Even this latter figure is too high as Porini does not offer trips to Selengei from mid-April to the end of June. Figures from neighbouring private camps suggest indeed that the 10,000 visitors are not that likely. For example, Tortilis camp hosted 800 visitors in 1996. If Selengei reaches a similar number of visitors, bed nights would be around 1,600-2,000 only.

4. Conclusion

The above narrative has shown that wildlife is an important economic resource, especially for the tourist industry. Tour operators have been offering a “once in a lifetime safari” to increasing numbers of overseas visitors. African governments took part in this by setting aside land for wildlife habitation only. As a result the local people have not only excluded from the main profits of wildlife tourism, but have also had to pay a price in losing access to crucial natural resources, such as water and land. In recent years, development planners and wildlife conservationists have come to realise that the local people should get a piece of the cake as well. One of the new developments is the creation of small ‘community-based’ wildlife parks. For example, the Kenya Wildlife Service presented the development of wildlife sanctuaries as a new form of “partnership” with the Maasai. Community-based conservation will, according to a former KWS director, change the top-down nature conservation policy by emphasizing the position of those people who bear the costs (Western and Wright 1994).¹⁹ Unfortunately, the *Parks beyond Parks* approach is a rather top-down approach “invented” at the KWS headquarters. Its reliance on the private sector in the implementation of wildlife easement contracts is questionable.

This preliminary review has shown that there are a number of issues that can and should be more forcefully addressed if Kenya’s effort to incorporate the local population in the benefits of wildlife conservation and eco-tourism are to succeed. The KWS failed to support the Maasai of Selengei at a most crucial moment – i.e. when negotiating a contract with a foreign tour operator during the creation of the Eselenkei Conservation Area. In this contract the local people started from a weak position, as they were not aware of all the potential benefits and pitfalls of the wildlife-based tourism industry.

The core of the problem that led to many of the troubles was that there was no genuine motivation by the tour operator to develop the sanctu-

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 choose the location, size and conditions (the registration of the area, no dwellings and cattle in certain areas) that rule the use of the area.

ary for the benefit of the local people. The community were divided from the outset over whether or not it was a good idea to develop a sanctuary on their land. The Maasai elders in particular remembered the creation of the Amboseli National Park in the seventies when the authorities failed to honour the commitments and promises made to develop water facilities. More trouble arose when the tour operator, in spite of their considerable experience of working in Kenya, failed to respect Maasai tradition for consensual and democratic decision making processes.

The claims by the tour operator that the project would bring financial benefits to the Selengei Maasai is highly questionable as the contract leaves doubt about who will really benefit from the activities. The Maasai of Selengei can expect little more than US\$ 5 per inhabitant (some US\$ 30 per family) per year. By contrast, average herd size in the Selengei area is 50 to 100 heads of cattle. In early 1997, some rich households lost over 400 heads of cattle which is equivalent to about US\$ 80,000. Thus the US\$ 30 can hardly be seen to be able to result in a "greatly enhanced standard of living" for the local Maasai. The Selengei case illustrates 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 look carefully at the provisions of some of the articles in the contract. Article 2 (s) 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 as such. The correspondence that took place between the two parties clearly demonstrates that Tropical Places were to have built a 60-bed lodge. A new contract should be negotiated to reflect the real market price of leasing land for wildlife tourism related activities. For example, experts have estimated that pastoralists neighbouring Nairobi National Park should receive US\$ 10 per ha per year to allow wildlife to roam freely on their land.²⁰

20. Personal communication Dr Mizutani 6/10/2000.

This would mean a guaranteed income of US\$ 50,000 which is far above the sums currently on offer to the Selengei Maasai. Receiving higher rent from leasing their land would make the group ranch less dependent on the coming of tourists and the building of the lodge.

There are lessons to be learnt from the Selengei case study for the development of true and honest community-based eco-tourism projects in Kenya and in other developing countries. Although each area has its specificities there are a number of “generic” factors of “success” and “failure”. These are summarised below.

- Initiatives for community-based tourism should originate from the community rather than from outside. External organisations can promote this through the provision of information of the issues involved rather than the proposal of fixed models. First and foremost, communities should be explained the available opportunities to develop the necessary facilities themselves.
- Broad-based discussion of the issues and whether or not to get involved in a particular project among all members of the community is essential.
- The provision of quality advice from an independent source that has no personal stake or too narrow an interest in the project is crucial. For this reason nature conservation organisations are not necessarily the best partners. A better option might be to collaborate with development-oriented NGOs such as OXFAM or SNV that over the last decade have gained some experience in this field.
- Starting small with one’s own resources and slowly building up is preferable. There is no need to invest heavily in expensive lodging where a few tents can do. Setting aside nicely located, safe camping areas and the development of water facilities therein will be a sufficient start. The big disadvantage of leaving the development of infrastructure to the private sector is that the tour operator *de facto* becomes the owner of the conservation area. Also if there is a lodge nearby, as in the Eselenkei case, use could be made of this venue for part of the stay. Attracting (a balanced number of) tourists could be done through these development groups or by listing the attraction in international travel guides.

- If there is a need to engage a commercial company standard regulations should be adhered to. It is better to tender the project than to stick to one commercial tour operator from the start. The establishment of any (wildlife) contract signed between a community and a (foreign) tour operator should guarantee a fair deal for both parties and should clarify a number of crucial elements such as payment, term, conflict resolution, environmental and socio-economic aspects (see also Johnston and Dannemaier 1997). In particular the lease of land should be according to market prices and guaranteed and not be made dependent on the coming of tourists.
- Communities who sign contracts need to consult with neighbouring groups that might be negatively affected by the new ecotourism project. Even better they should try to work out an overall tourist route that prevents competition between communities offering the same kind of tourist attraction. Instead they should develop complementary products.
- The (financial) benefits as well as the disadvantages for the community, for both men and women, should be well understood. Realistic expectations should be created. The utilisation of a small development fee included in the total tourist payment should benefit the community in large, not just specific individuals.
- Finally, in industrialised countries tourists should be better informed about the character of true eco-tourism and the way in which local communities are involved in the development and management of a tourist attraction. The eco-tourism activity in the Eselenkei Conservation Area as it currently exists is not an honest and sustainable enterprise.

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SGR: Selenge Group Ranch minutes.

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