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Partnerships in Community-based Ecotourism Projects: Experiences from the Maasai Region, Kenya

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Abstract

'Partnership' is the new keyword in donor-community circles, and multilateral organisations and national departments responsible for development cooperation both seem to have embraced the concept of 'Public-Private Partnerships'. This paper is the first in a series that examines partnerships in eco-tourism initiatives in the Maasai region of Kenya; i.e. Kajiado, Narok and Trans Mara Districts. A discussion of the partnership concept is followed by a brief introduction to wildlife-based tourism in Kajiado District. Subsequently, two public-private partnerships – the Kimana and Selengei group ranches – are presented. A detailed analysis of the origins and development of these wildlife-based ecotourism projects tries to answer the main research question about the extent to which these partnerships are genuinely community-based and potentially successful alternatives for livestock-keeping communities.

Introduction

'Partnership' is the new keyword in donor-community circles, and multilateral organisations and national departments responsible for development cooperation both seem to have embraced the concept of 'Public-Private Partnerships'. This bond is supposed to be the panacea for spurring progress in a wide array of economic and utility sectors (especially water, electricity and telecommunications) in the developing world. It is envisaged that through the private sector more pro-poor activities will be implemented.[1] This is considered necessary if the world wants to meet the Millennium Development Goals of halving world poverty by 2015. Donors nowadays stress that aid agencies do not make money, businesses do. Partnerships are presented as the ultimate remedy for solving Africa's problems of hunger and poverty.

The tasks ahead are huge. About 200 million people in Africa are chronically hungry and nearly 30 million require emergency food and agricultural assistance in any one-year period. Each year some 8.7 million young people enter the job market in Africa but few find jobs and the number of poor people in Africa, estimated to be some 300 million, is still on the rise. When plummeting prices for basic agricultural commodities, severe droughts, political turmoil, the flouting of international trade rules through the subsidising and dumping of farm produce by the rich nations and reduced levels of overseas development aid are added to the equation, the pessimistic scenario that considers Africa to be the lost continent is evident. Although this picture offers a rather one-sided view and hardly does credit to Africa's achievements in the 20th century, especially in the fields of education and infrastructure, it is obvious to all that changes are urgently needed to make sure that Africa's population will benefit more extensively from developments in the 21st century.

Not only western donors but also African leaders have embraced the partnership paradigm in recent years. In an attempt to turn the tide, meetings were held in 2002 to put into action the New Partnership for African Development (NEPAD). Its overall vision is to set the stage for growth through regional integration, by putting in place sound macro-economic policies, improving trade policies, and attracting more foreign capital. These aims should be accomplished by pursuing sound economic policies, unleashing the private sector for poverty reduction and enhancing capacity-building for deeper integration into the global economy. North and South indeed seem to share the view that the 'partnership' vision is the best way to raise living standards in the South.

The 'partnership' slogan was also evident during the 2002 World Summit on Sustainable Development in Johannesburg, South Africa. Commitments made in Johannesburg were on energy, expanding access to water and sanitation, improving agricultural yields, managing toxic chemicals, protecting biodiversity and improving ecosystem management. Opinions differ on the outcome of the Summit, but in general it can be concluded that there was a realisation that practical steps were needed to address the world's most pressing problems. Hopes of achieving this have been encouraged by the launch of more than 300 voluntary partnerships, each of which will bring additional resources to support efforts to implement

[1] For example, the Netherlands Ministry of Foreign Affairs is calling for ideas for partnerships that support the Millennium Development Goals and the results of the World Summit on Sustainable Development, Johannesburg 2002. Apart from government-to-government cooperation, partnerships between governments, the private sector and preferably civil society and/or international organisations are considered important in working towards sustainable development.

sustainable development, not only by governments but also by NGOs, intergovernmental organisations and businesses.

The year 2002 was declared as the International Year of Ecotourism. The final declaration of the World Ecotourism Summit (held in Quebec, May 19-22) reads as follows: 'Tourism (…) can bring both benefits and costs to the environment and local communities (…) ecotourism should contribute to make the overall tourism industry more sustainable, by increasing economic and social benefits for host communities, actively contributing to the conservation of natural resources.'

As a follow-up, the Cairns Charter on Partnerships for Ecotourism was launched in Australia in October 2002. Based on the principles laid out in the Quebec Declaration and the objectives of the World Summit on Sustainable Development, the Charter focuses on the development of effective partnerships for ecotourism. 'Through partnerships it is envisaged that the natural, human and financial capital of the world's peoples can contribute to the conservation of natural and cultural heritage. The foundation for a partnership is the sharing of skills and resources in order to plan for and deliver successful ecotourism in practice.' To be successful, ecotourism partners should, according to the Cairns Charter:

- enter into partnerships voluntarily;
- respect each partner's aspirations and accommodate each partner's operational requirements, including respect for social and cultural values;
- work together to ensure partnerships benefit natural areas in which ecotourism occurs;
- commit to collaborate, share knowledge and adapt individual goals and objectives for the good of the partnership;
- actively participate in partnership activities and establish regular, clear and open communication strategies;
- establish equitable access for all parties to expertise and resources necessary to become full participants in the partnership;
- value each party's contributions to the partnership – acknowledging traditional inputs such as financial capital; and less tangible factors, such as intellectual property; and
- work together in a transparent planning process to define milestones, monitor performance and periodically re-evaluate goals and objectives, as a flexible response to the dynamic nature of partnerships.[2]

A preceding Regional Conference on Ecotourism in the East African Region, which was organised by the African Conservation Centre (ACC) in Nairobi in March 2002, discussed each partner's role in detail. It concluded that there was above all, 'the need for all partners to realise that communities would require a significant amount of time to understand, at a society level, the philosophy underpinning ecotourism'. And '… to be successful, all of the aspects above must be developed with the full involvement of the community. Adopting this "bottom-up" approach creates awareness, enhances skills and engenders a sense of ownership amongst the community toward ecotourism.'[3]

The underpinning of the important position of local communities is in sharp contrast with earlier opinions on ecotourism partnerships as expressed by international organisations such

[2] See 'Cairns Charter on Partnerships for Ecotourism and Action Plan' at http://www.uneptie.org/pc/tourism/ecotourism/cairns_charter.htm.
[3] E. Watkin, *The Evolution of Ecotourism in East Africa: From an Idea to an Industry – Summary of the Proceedings of the East African Regional Conference on Ecotourism Organised by the African Conservation Centre, 19-23 March 2002, Nairobi, Kenya,* IIED Wildlife and Development Series No. 15, 16-19, (June 2003).

as the World Travel & Tourism Council, the World Tourism Organization and the Earth Council in their collective response to Agenda 21 in the early 1990s. Partnerships to develop sustainable tourism were primarily considered to link government departments, national tourism authorities and the private sector to facilitate information exchange, to help the industry to adopt more sustainable procedures and to operate in an environmentally responsible manner, and to encourage responsible entrepreneurship. Communities were mostly ignored as active stakeholders in those days.

This situation has since changed drastically. Africa – notably Tanzania, Zimbabwe, Kenya, Botswana and Namibia – has witnessed a boom in community-based tourism enterprises since the late 1980s and early 1990s.[4] Initially community-based conservation in nature/wildlife tourism was restricted to a financial agreement between local or national authorities and the local population. The role of the private sector was either minimal or totally absent and often *ad hoc*, such as mobile bird-shooting safaris camping at irregular intervals on a group's land. For example, the Kenya Ecotourism Workshop, held in Nairobi from 13-17 September 1992, made recommendations concerning the marketing and promotion of community participation in ecotourism. The ideas launched mainly dealt with local communities and less with the guidelines the private sector should follow to become involved.[5] The government was invited to play a critical role in developing mechanisms of private-sector local-community collaboration. It was noted that lessons had to be learnt from private-sector community activities in the form of campsites and concessions in the Maasailand area. This new approach had to be added to, or even replace, the concept of revenue sharing.[6] The goals of traditional revenue-sharing, besides being mostly inadequate, were mentioned as an obstacle because the practice encouraged communities to participate in conservation but did not stress the need to improve their socio-economic welfare.[7]

The mismatch between the main objectives of conservationists – setting aside as much land as possible for wildlife – and attempts to promote socio-economic development for local communities – primarily through livestock keeping and increasingly by way of irrigated agriculture – resembles the discrepancy between the motives of the Maasai pastoralists and the FAO/UNDP-initiated group-ranch development programme in the late 1960s.[8] Whereas the latter opted to change the Maasai's livestock economy from milk subsistence to a meat

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[4] *See*, for example, SNV Netherlands Development Organisation, 'Cultural Tourism in Tanzania – Experiences of a Tourism Development Project', (1999); D. Hulme & M. Murphree (eds), 'African Wildlife & Livelihoods – The Promise & Performance of Community Conservation', (2001); D. Roe, M. Grieg-Can & W. Schalken, *Getting the Lion's Share from Tourism: Private Sector-Community Partnerships in Namibia, Volume II, Practical Action: Guidelines for the Development of Private Sector-Community Partnerships,* IIED Poverty, Inequality and Environment Series No. 1, (2001).

[5] C. Gakahu & B. Goode (eds), 'Ecotourism and Sustainable Development in Kenya, The Proceedings of the Kenya Ecotourism Workshop', held 13-17 September 1992, Wildlife Conservation International, Nairobi 179 (1992).

[6] Ted Cheeseman has characterised the revenue-sharing in the following way: 'In further attempts to compensate surrounding peoples, a system of revenue-sharing was enacted in the late seventies in several parks. Revenue-sharing has similarly fallen prey to a lack of accountability, leaving those whose grazing rights were taken with no compensation. Inefficiency in the system is reflective of more than a corrupt bureaucracy: just retribution has never been a priority for park management, with no clear feedback loop between uncompensated Maasai and loss of park revenue. In 1981, the simultaneous ceasing of payment for damages and lost grazing rights, along with lack of maintenance of the Amboseli water pipe left Maasai without option but to illegally retake grazing and watering rights lost to the park.' (*See* T. Cheeseman, 'Conservation and the Maasai in Kenya. Tradeoff or Lost Mutualism?' (no date) Available at http://www.environmentalaction.net/kenya/kenya_policy_failure.html.).

[7] C. Gakahu & B. Goode (eds), *supra* note 5, at 180.

[8] M. Rutten, *Selling Wealth to Buy Poverty – The Process of the Individualization of Landownership Among the Maasai Pastoralists of Kajiado District Kenya, 1890-1990* (1992).

market-orientation, the former accepted the idea because it promised to bring in veterinary services and water development, although group ranches would be the real tool to stopping individuals both within as well as outside Maasai society from taking over their communal grazing lands. This mismatch of ideas and intentions has been further strangled due to a distrustful relationship between the parties concerned as a result of – at least in the view of the Maasai – a long history of betrayal and false promises by both the central authorities and conservationists that resulted in them losing huge tracts of prime grazing land to the colonial settlers and national parks.

This is the background to the current situation in Kenya's Maasailand that is characterised by, first, the loss of roaming space for wildlife due to population growth, competition from other land-use opportunities and land-tenure changes, and second, attention shifting towards ecotourism as the best way of withstanding, in the words of former Minister for Tourism and Wildlife Katana Ngala, 'stiffer competition for the increasingly discriminating and more environmentally aware and conscious tourist'.[9] [10] Thus, private-community partnerships have emerged since the 1990s in the wake of the realisation that the future of national parks depends upon continued access of game to neighbouring dispersal areas.[11] As a result, the role of local communities has obtained a more pronounced position in the partnerships for sustainable tourism.

Partnership: A new concept?

For a long time the (wildlife-based) tourism sector in Africa has been dominated by collaborating partners, especially through a north-south link. For example, since the 1970s international wildlife and nature conservation organisations have repeatedly requested that African governments set aside large tracts of land for wild animals.[12] This followed a similar scenario during the colonial period when northern lobby groups for the preservation of wild fauna pressured the colonial authorities into creating national parks and game reserves.[13] International funds have been used to facilitate the creation and management of national parks in Africa.[14]

Of late, this kind of partnership seems to be leaning more strongly again on partners in the north. African governments are said to be either lacking the will or the finances to maintain their parks. Ecologists claim that, as a result, only some ten per cent of all parks in Africa are currently operating satisfactorily to safeguard biodiversity. Some African governments have opted to lease game-controlled areas exclusively to hunting businesses as in the case, for example, in the Loliondo Game Controlled Area that borders the world-famous Serengeti

[9] C. Gakahu & B. Goode (eds), *supra* note 5, at vii.
[10] The dispersal areas are increasingly becoming less accessible due to population growth, both natural and through newcomers settling in semi-arid zones and, besides livestock herding, practising new economic activities such as irrigated and rain-fed agriculture and, finally, changes in land tenure that have allowed the subdivision of communal group land into individual ownership whereby the expected erection of fences would hamper wildlife migration patterns.
[11] M. Rutten, *supra* note 8.
[12] *See,* for example, Ph. Bachmann, *Tourism in Kenya – A Basic Need for Whom?* (1988); R. Bonner, *At the Hand of Man – Peril and Hope for Africa's Wildlife* (1993).
[13] J.M. MacKenzie, *The Empire of Nature: hunting, conservation and British imperialism*, pp. 267-77 (1988).
[14] W.K. Lindsay, 'Integrating Parks and Pastoralists: Some Lessons from Amboseli', in D. Anderson & R. Grove (eds), *Conservation in Africa –People, Policies and Practice* 149, 157 (1987).

National Park.[15] This move is illustrative of the shift from state-controlled to market-driven policies in the field of trophy hunting in Tanzania.[16]

Also private partners, such as wealthy business tycoons mostly from the retail sector such as Walmart (Sam Walton) and Makro (Paul Fentener van Vlissingen), are now investing their private wealth in Africa's game parks. Their premise is that national reserves in Sub-Saharan Africa have floundered in the post-colonial era not just due to a lack of finance and political will but also because of a lack of management know-how. To counterbalance this deficit, a private company, African Parks Management and Finance Company Ltd, was registered in South Africa following a request by Nelson Mandela to Van Vlissingen for assistance in 1998. African parks aim to 'provide financial and management assistance to governments to ensure the long-term sustainability of game reserves that in many respects are little more than "paper parks"'.[17]

African Parks took over Marakele National Park in South Africa and has plans to expand to other countries (notably Zambia, Malawi, Mozambique, Ethiopia and Kenya among others).[18]

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[15] The Loliondo Game Reserve (LGCA) is among the most infamous examples. The Tanzanian administration granted the entire LGCA as a hunting concession to the Ortello Business Company Limited (OBC), a game-hunting firm based in the United Arab Emirates. The government, under suspicious circumstances, licensed OBC, owned by Brigadier Mohamed Abdul Rahim Al Ali, deputy minister of defence of the United Arab Emirates (UAE), for hunting activities and allocated it hunting blocks on 1 January 1993. Local residents of Loliondo were not party to this agreement and, in fact, were not meaningfully consulted. OBC promised to improve local people's access to revenue, to develop facilities and to create employment, while revenues would be generated for the central and district governments. Sheik Zayid bin Sultan al-Nahyan, President of the UAE, owns a bungalow on the top of a hill overlooking the Loliondo area. Luxury tents equipped with fridges for safari hunting guests are stocked from a nearby camp that has an enormous landing strip that is used for flying in materials and flying out live animals, apparently above the agreed quota. Opponents also claim that the local authorities will not stop this practise because the UAE royal family has given the Tanzanian army a passenger aircraft and has provided the Wildlife Division with vehicles. Indeed, over the years OBC has acquired a rather negative track record, leaving a trail of unfulfilled promises, undermining the region's biodiversity, and being involved in harassment and the sexual abuse of (very young) local Maasai. (See Maasai Environmental Resource Coalition (MERC), 'The Killing Fields of Loliondo, Hunting Operations of the Ortello Business Company and their Impact on Maasai Rights, Wildlife and the Environment', 2002 available at http://www.maasaierc.org/loliondo/loliondoset.html; K. Broere 'Arabieren kopen zich een weg door Tanzania', *De Volkskrant*, 9 November 2002, at 3T).

[16] Between 1965 and 1989, for instance, there were only an estimated 47 blocks set aside for hunting. However, between 1990 and 1997, the number increased to 140, nearly tripling in just seven years (MERC *supra* note 15)

[17] *Daily Nation*, 10 June 2003.

[18] The relationship that gave rise to African Parks started in 2001 when Van Vlissingen put up US$25 million to buy 16 derelict agricultural farms on the edge of Marakele National Park near Thabazimbi in Limpopo. In the following two years he returned the farms to the wilderness, stocked the area with game, put up the fences to Marakele and negotiated an ecotourism contract. African Parks's investment provides infrastructure like roads, professional management services such as anti-poaching, the restocking of wildlife and measures to attract tourists. The return on the investment will be provided by commercialising ecotourism, one of Sub-Saharan Africa's fastest-growing industries. 'Governments and surrounding communities benefit from the projects. The fact that parks are professionally managed will also encourage aid organisations to channel poverty relief into areas surrounding the parks,' Van Vlissingen says. 'National parks must become virtual companies. They must outsource business, manage contracts and commercialise services,' he says. 'This is the business model we have used to manage national museums in Holland.' African Parks's argument is that private-public partnerships will succeed where state-run conservation models have failed largely because of red tape, and where NGOs have struggled largely because of a lack of independence and accountability. 'Donor countries in the US and Europe are weary of pouring money into wildlife areas without measurable results,' Van Vlissingen adds. 'We are trying to set up acceptable funding mechanisms for them that will also help wildlife.' (*Daily Nation*, 10 June 2003). In June 2004, 22 South African farm workers demanded €400,000 from Marakele National Park and former farm owners as compensation for the loss of their dwellings during their – allegedly illegal – eviction from their land

In Kenya, this trend had already been set in motion in May 2001 by another group of businessmen. The management of the world famous Maasai Mara Game Reserve in Trans Mara District, Kenya was (allegedly illegally) transferred to a private company, Mara Conservancy that was made up of foreigners and the (former) local political elite.[19]

Actually, foreigners (second- or third-generation European settlers and Asian immigrants) have dominated the tourism sector in Africa from the start with hotels and touring companies. Only later did elite Africans, mainly politicians (either in partnership with a foreigner or alone) enter this lucrative business.[20] In most cases, ownership of top-class accommodation is in joint ventures between African parastatals, international hotel chains and elite Africans.

This paper concentrates on a particular kind of partnership: private sector – local community. Tourism partnerships between the private sector and local communities are becoming increasingly common, especially as communities are gaining freehold rights to land or to the resources (such as wildlife) on that land.[21] Sometimes other characteristics of local communities (e.g. cultural resources) are recognised as a valuable asset to the tourism product the private sector wants to offer to its clients. In the following we focus though on communal conservation as the main incentive for the private sector and local communities to engage in a tourism partnership. It is important to briefly point out that, as with a wide variety of partnership models, the same wide diversity should be recognised of the all-encompassing definition of community conservation. In fact, as Barrow and Murphree have stressed, one can sketch a continuum that at one end sees initiatives that aim for rural development through the use of natural resources (wildlife or other living creatures) in places unconnected with protected areas. In the middle lie projects that link the community with the state and/or the private sector in managing resources in a collaborative way (i.e. co-management).[22] Finally, at the other extreme are initiatives whose main aim is to safeguard the survival of long-established national parks by allowing local communities to receive direct benefits from resources in these spill-over areas. It is the latter type of primarily community-based conservation that we will discuss by considering a number of ecotourism initiatives in the wildlife-inhabited semi-arid lands of southern Kenya that are home to the Maasai pastoralists, and host to some of the most famous wildlife areas in the world, Amboseli National Park and the Maasai Mara Game Reserve.

In their bid to bring the benefits of this kind of tourism closer to the local people, the Kenya Wildlife Services embarked on a 'Parks beyond Parks' programme in 1996. The local people were allowed to start tented camps and other tourist activities in the areas bordering on national parks. This concept was expected to bring about a win-win situation for both man and game. Also international organisations, like the World Conservation Union (IUCN), nowadays seem to realise that conservation needs a social component in order to be

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neighbouring Marakele in September 2001 (See Y. Groenewald & F. Macleod, 'Park Plans Bring Grief', Mail & Guardian, 25 June 2004).

[19] See P. Kantai, 'A Deal in the Mara – How a Private Company Took Over a Public Game Reserve', 26, 1 *EcoForum*, 41-47 (2003); J. Kiyiapi *et al*. 'Maasai Mara National Game Reserve -The Mara Triangle; A Review of the Management Agreement between Transmara County Council and Mara Conservancy: The Way Forward, Final Mission Report, (2003).

[20] R. Jommo, 'Indigenous Enterprise In Kenya's Tourism Industry' (1987); Bachmann, *supra* note 12, at 143.

[21] Roe *et al*., *supra* note 4, at 1.

[22] E. Barrow & M. Murphree, 'Community Conservation – From Concept to Practice', in D. Hulme & M. Murphree (eds), *African Wildlife & Livelihoods – The Promise & Performance of Community Conservation* 24-38 (2001).

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.'[23]

A number of recent ecotourism developments in the dispersal areas of these gazetted areas are presented here and attention is paid to the wide variety of (economic) partnerships between local communities and the private sector. In the east of Maasailand, i.e. Kajiado District, at least fourteen group ranches are involved in ecotourism initiatives. Some are still in the planning stage, while others have been running for a considerable number of years. We will concentrate in particular on two community-based conservation projects in the Kimana-Tikondo and in the Selengei group ranches of Kajiado District. However first, some background information to the practice of wildlife conservation in southern Kenya is presented.

History of wildlife conservation in Kajiado District

The cohabitation of wildlife and man in ancient Egypt was characterised by the local population's respect for nature. The animals had their place in the Egyptian worldview, religion and art. Animal symbols were key in their mythology. The temples glorified the animals of the River Nile, transforming them into gods. Buffaloes and hawks were used to express the power of the pharaohs, the ibis exemplified their knowledge, but the lion was king and the king was lion. By contrast, wild animals in the Roman Empire, often imported from Egypt, were killed for fun, sometimes in their hundreds on a single day in the amphitheatres. The opening festivities of Rome's coliseum resulted in the deaths of some 5,000 animals. Climatic change and hunting depleted Egypt's wildlife. The Western onslaught of game continued at the end of the 19th century in tropical Africa when game hunters arrived in the wake of explorers, (ivory) traders and missionaries. Hunting by foreigners – notably for meat, hides and tusks in South Africa – was soon followed by a more professional kind of 'white' hunting in Somaliland and British East Africa.[24] As a result of this, the plains of Africa lost large numbers of big game animals.[25] Joseph Thomson, the first European to cross Maasailand, reported the wonderful and countless herds of wild animals he came across while trekking in the area north of Mount Kilimanjaro. Even by this time, the number of game had already dwindled seriously.

In Eastern Africa, the British colonial power realised the dangers and made hunting illegal without a licence. On 14 December 1909, the British colonial powers officially declared the Southern Game Reserve, which had been created in 1906. This allowed the Maasai to remain in the area and co-exist with wildlife on the 27,700 km^2 reserve as they had been doing for so long. However, when game-viewing became popular just before the Second World War, calls for the protection of wildlife grew louder. In 1948, the 3,260 km^2 Amboseli National Reserve was created but the boundaries were arbitrary and did not prohibit movement by the Maasai. In 1968 a plan was launched to carve out slightly over 500 km^2 from the Maasai Amboseli Game Reserve for the exclusive use of wildlife. The Maasai protested using every political

[23] G. Borrini-Feyerabend (ed.), *Beyond Fences – Seeking Social Sustainability in Conservation*, Vols 1 & 2, 1, 12, (1997).
[24] B. Herne, *White Hunters - the Golden Age of African Safaris*, 3 (1999).
[25] See MacKenzie, *supra* note 13; E. Steinhart, 'Hunters, Poachers and Gamekeepers: Towards a Social History of Hunting in Colonial Kenya', 30, 2 *The Journal of African History* 247-264 (1989); E. Steinhart, 'National Parks and Anti-Poaching in Kenya, 1947-1957', 27, 1 *The International Journal of African Historical Studies* 59-76 (1994).

tool they had, but in vain. In October 1974 Amboseli National Park was officially gazetted. The alternative water sources for the Maasai cattle were only completed by 1977, although they proved to be defective in design and not cost-effective, thus forcing the Maasai to frequently re-enter the park for water.[26] The most essential improvements made in order to gain local support failed. Hunting fees were only paid until 1977 when a nationwide ban on hunting was issued. Wildlife cropping was never seriously conducted. Grazing fee compensation payments were stopped after 1979.

In August 1984 the government launched the Wildlife Extension Project (WEP), which recorded that wildlife problems were paramount on the group ranches bordering Amboseli National Park. These included injuries to game, 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 as exploiting the Maasai by taking advantage of their lack of modern business acumen.[27]

In 1989 the management of Kenya's wildlife heritage was transferred to the newly established independent Kenya Wildlife Service (KWS). Initially KWS Director Richard Leakey had announced that all parks would be fenced in the interests of protecting people from wildlife and wildlife from poachers.[28] However, this option would probably have created a biological disaster and Leakey changed his mind in favour of local participation, announcing that approximately 25 per cent of KWS's funds should go to the neighbouring rural communities to improve schools, clinics and water supplies.

By the late 1980s Kajiado group ranches had started a process of dissolution. The KWS's major concern was the group ranches surrounding Amboseli National Park because the subdivision of group ranches into individual holdings was considered to be a threat to wildlife conservation and a blow for the tourism industry since such a move would threaten access of wildlife to the dispersal areas. David Western states that any permanent restriction of large herbivores to Amboseli Park would lead to a reduction in their numbers of about 40-50 per cent.[29]

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: the formation of partnerships with stakeholders to overcome the human-wildlife conflict; the development of incentives for these stakeholders; and the protection of people and property from damage by wildlife. Though the KWS's intentions were said to be realistic, implementation turned out to be difficult. By September 1998 David Western had been sacked as director and replaced by his predecessor Richard Leakey. The re-appointment of opposition politician Richard Leakey and of Charles Njonjo, a former attorney-general, as KWS chairman came as a surprise. Besides possible political motives, observers pointed at the two men's proven managerial qualifications, which were necessary to build a new and strong KWS.[30] In addition, Leakey's reputation among donors would open doors for much-

[26] C. Moss, *Onder Olifanten. Veertien jaar met een Afrikaanse olifanten-familie* 230 (1989).
[27] D. Berger, *Wildlife Extension – Participatory Conservation by the Maasai of Kenya* 68 (1993).
[28] D. Western, 'Ecosystem Conservation and Rural Development: The Case of Amboseli', in D. Western & R. Wright (eds), *Natural Connections – Perspectives in Community-based Conservation* 15, 42 (1994).
[29] D. Western, 'Amboseli National Park: Enlisting Landowners to Conserve Migratory Wildlife', 11, 5 *Ambio* 302, 304-306 (1982a).
[30] *See Daily Nation*, 11 February 1999.

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 due, among other reasons, to increased competition (especially from Zimbabwe and South Africa), election-related violence and poor campaigns. However, wildlife-based tourism still is and will remain a very lucrative sector, as is shown in the next section.

Kimana Community Wildlife Sanctuary

The Kimana-Tikondo Group Ranch (25,120 ha), incorporated in 1972, is located at the base of the northern foothills of Mount Kilimanjaro. The group ranch includes part of the Kimana swamp (shared with adjoining group ranches) and the Kimana and Tikondo streams which feed it.[31] The Kimana swamp is one of a number of wetlands in the arid Amboseli Plains fed by perennial springs from Kilimanjaro. Annual rainfall in these surrounding uplands is in the region of 800 mm, falling to 200 mm on the plains. Historically, the swamps were used by Maasai pastoralists for dry-season water and grazing.[32] They shared these resources with large numbers of wildlife. Since the 1980s, irrigated agriculture has increased near (perennial) rivers, springs and swamps. Cultivation (mainly tomatoes and onions) is done mostly by immigrant farmers, a few prominent community members and increasingly also by young and impoverished Maasai. Loitokitok Division has now become the third largest irrigation area in Kenya.[33]

The Kimana-Tikondo group ranch also hosts one of the best-known and oldest wildlife-based ecotourism initiatives: the Kimana Community Wildlife Sanctuary (KCWS). Located to the east of Amboseli National Park, the Kimana-Tikondo region acts as a spill-over area, especially during the wet season, and has been inhabited by game for a long time. The Kimana-Tikondo, like other group ranches, is also an important migration corridor for wildlife between Tsavo National Park and Amboseli National Park (especially elephants).[34] Being a swampy area well-endowed with natural springs, the Kimana group ranch offers opportunities for livestock keepers, agriculturalists and game animals. As a result, competition and sometimes human-wildlife conflicts erupt between these user-groups threatening their welfare and well being, and the area's biodiversity.

It is not clear where the initial idea for the KCWS came from and who pushed for its implementation. Some sources claim that the idea for the sanctuary originated in international circles and dates back to 1977 but that plans were rejected by local Maasai because they had lost access to their dry-season grazing area (the Amboseli National Park) only a few years

[31] In the 1970s individual land titles were adjudicated for the 'high-potential' foothills of Kilimanjaro, while group titles were adjudicated as 'group ranches' established to encourage better pasture management and more commercial output for Maasai pastoralists on the plain.
[32] Ph. Woodhouse, 'African Enclosures: A Default Mode of Development', 31, 10 *World Development* 1705-1720, (2003).
[33] ASAL Programme, *Kajiado District Atlas* 64 (1990).
[34] Some 200 elephants move through the Kimana corridor between Tsavo West National Park (80 km) and Amboseli National Park (40 km) from January-March and June-August. During the rest of the year movement is in the opposite direction towards Tsavo. In addition, some 26 different wildlife species including lion, leopard, buffalo, giraffe, zebra, gazelle, wildebeest, hippopotamus, etc. occupy Kimana regularly (L. Schadhauser, 'Das Kimana Private Game Sanctuary: Wildlife am Fusse des Kilimandjaro', *AFRIKA aktuell* 2004, at http://www.afrikaaktuell.de/Kenia/kimana.html.

earlier.[35] In June 1977 during a workshop on wildlife conservation and management held at Amboseli National Park, Philip Thresher, an FAO economist, addressed the Maasai landowners' costs and returns from wildlife and predicted that 'sooner or later some group ranches are going to earn money directly from tourists viewing wildlife on their land, or from bed-nights sold to tourists in a lodge or *banda* located on their ranch. The sooner group-ranch committees became involved in handling cash income generated from wildlife and distributed it amongst their members, the more quickly the respective ranches would become a productive unit in the national economy, and even a taxable entity.'[36] Actually, even in 1973 Western and Thresher had mentioned Kimana Group Ranch as a possible location for the establishment of a game lodge outside Amboseli National Park.[37] [38] They also urged a joint land-management venture between the park's administration and group ranchers 'in the context of making the best use of land, the proposed national park is not a viable management entity; the Amboseli ecosystem is'.[39] UNDP/FAO also felt that 'the potential earning capacity of the ranch from wildlife viewing was considerable. If a lodge were to be built in its area, the bed-night concession fees from this alone could exceed Ksh 1 million annually after ten years. In 1978 the Kimana (Safari) Lodge was opened, but without an area set aside specifically for game conservation.[40] Tourism though was not a new phenomenon for the Kimana Maasai. In the Kimana-Tikondo area small tented camps were already present, one of which – Cottar's – dates back to the days of big game hunting in the 1920s.[41] [42]

In identifying the KCWS's origins, others point to a former group-ranch chairman thought to be responsible for launching the idea. The KCWS was subsequently agreed upon by the Kimana group ranch committee after its members made a trip to the Maasai Mara region in

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[35] KWS, '*Parks Beyond Parks' – Celebrating Fifty Years of National Parks in Kenya 1946-1996,* Kenya Wildlife Service Annual Report 1996, (1997).

[36] The workshop was organised by the Department of Wildlife Conservation and Management with assistance from UNDP/FAO and brought together a large number of professionals and ditstrict representatives. Thresher detailed the status and opportunities for Lolarashi and Kimana group ranches, showing that in 1977 Kimana lost some Ksh 25,000 to wild herbivores and earned an estimated Ksh 30,000-50,000 although the money was distributed to individuals owning land around Kimana. For 1988 he foresaw costs of Ksh 70,000 and a potential income (at constant prices) of Ksh 850,000.

[37] D. Western & P. Thresher, *Development Plans for Amboseli: Mainly the Wildlife Viewing Activity in the Ecosystem* 60-61 (1973).

[38] In 1973, the original choice of Kimana for a lodge was based on the fact that the Kimana swamps were then protected from hunting and much of the ranch served as a sanctuary for wild animals. With the introduction of the Kajiado Hunt Mangement programme in January 1974, the area was opened up for legal hunting. However, heavy poaching decimated the populations of animals. Protecting the area hoped to restore these populations and the ranch attraction as a camping or safari camp site as well (*See* UNDP/FAO Wildlife Management, Kenya, 'Plans for Rural Income from Wildlife in Kajiado District, Technical Report 1', 88-93 (1978).

[39] Western & Thresher *supra* note 37 at 5.

[40] *See* UNDP/FAO *supra* note 38, at 89. In September 2002 Kimana Lodge went into receivership as a result of persistently defaulting in servicing its loan to Delphis Bank Ltd since 1995. In December 2002, KSC unsuccessfully tried to challenge the bank's decision (*Daily Nation*, 31 December 2002). The company owed the bank Ksh 41.8 million. In May 2000 Kilimanjaro Buffalo Lodge (formerly owned by S. Manji, Col. V. Cardozo and K. Njuguna) closed due to mismanagement, a lack of tourists and funds (*See* W. Buysrogge, 'Sustainable Safaris? Participation of Maasai in Tourism Development on Kimana Group Ranch, Adjacent Amboseli National Park, Kenya', MSc Thesis, University of Wageningen 21 (2001). The Kilimanjaro Safari Club was licensed in 1981 and owned by a Kenyan Asian R. Desai. For Kimana Lodge (1978) the late Hon. St. Oloitiptip is mentioned as the owner with KSC involved in management (Jommo *supra* note 21, at 178-79).

[41] *See* KWS *supra* note 35, at 15.

[42] Tree tented camps (e.g. Glen Cottars, Leopard and Chyullu) totalling 63 beds had earned the group ranch a total of Ksh 500,000 by 1996 (*See* M. Kanene, Comments to the side letter to the lease agreement with the African Safari Club, outlining requirements for a private operator to enter into a contractual agreement with the Kimana Sanctuary, African Wildlife Foundation, Nairobi (2000)).

1984.[43] Eight years later, two more trips were necessary to reopen the discussion. In 1992 the KWS arranged for members of the Kimana Tikondo to visit successful community conservation projects in Laikipia and Narok Districts. At a group-ranch meeting on 31 August 1994, the findings were reported and discussed. The fact that the development of the swampy area for agricultural purposes had been blocked by the government made it easier to accept the idea of a wildlife sanctuary. In addition, the group-ranch committee officials had been informed by the Amboseli National Park Community Warden about the availability of the Wildlife for Development Fund (WDF). This was established in 1994 under the Conservation of Biodiverse Resource Areas (COBRA) project with financial backing from USAID, the World Bank and other donors. This COBRA initiative, started in January 1993, was an offshoot of the Protected Areas and Wildlife Services Project (PAWS) run by the KWS since 1991 and funded by the World Bank and other international donors (e.g. the EU, ODA, USAID and the Netherlands). COBRA was the embodiment of one of the PAWS's Community Wildlife Programmes (CWP) that aimed to increase community benefits from conservation and the sustainable management of wildlife and natural resources. The AWF, as a subcontractor of COBRA, assisted the Kenya Wildlife Service in establishing the Community Wildlife Service (CWS) to promote successful partnerships in tourism and wildlife conservation with local communities. Eventually, the CWP and CWS amalgamated to form the KWS Partnership Department at the end of 1995.[44]

In October 1994, the Kimana-Tikondo Group Ranch, assisted by the KWS Community Warden, proposed establishing a wildlife sanctuary within their area.[45] [46] The proposal was accepted in 1995 when the elders were convinced that the KWS and the government had no designs on their land. The KWS conducted a Participatory Rural Appraisal (PRA) on the ranch in March 1995 that listed the underdevelopment of the wildlife sanctuary as the second most important problem to be solved. In July 1995 the KWS carried out an Environmental Impact Assessment to help decide whether the proposed sanctuary was the best land-use option. The report did not come up with a firm conclusion but stated that 'if the proposed sanctuary proves to be the most rewarding as opposed to cultivation, Maasais will no doubt discourage cultivation.'[47] However, it did foresee environmental degradation if the proposed size of the sanctuary of 2,750 ha (6,793 acres) allowed additional camps beyond the present three and one lodge (with a total of 142 beds) due to an increase in traffic. The drying-up of the swamp as a result of irrigation practices upstream was mentioned as a major threat to the future of the Kimana area. It also predicted competition for and even conflicts over resources between wildlife, livestock keeping and cultivation. Damage done by elephants in agricultural areas and the killing of humans were especially mentioned. The European Union donated money for a 61-km game-proof electric fence, which was put up in 1997.[48] However, the

[43] *See* Buysrogge *supra* note 40 at 56.
[44] The AWF conducted a huge training project for KWS staff on community-based conservation. AWF was also involved in the evolution of the WFD and had several staff members operating at KWS Headquarters. The AWF subcontract finished at the end of 1996 while COBRA ended on 31 December 1997. This put the Partnership Department in an awkward financial position to run its projects (*See* H.-P. Knegt, 'Whose (Wild)life? Local Participation in Wildlife-based Tourism Related Activities under the Kenya Wildlife Service's Partnership Programme – A Case-Study of the Four (Maasai) Group Ranches Surrounding the Amboseli National Park in Kenya', MA Thesis, Catholic University of Nijmegen, The Netherlands 58-65 (1998).
[45] *Id*. at 85-86.
[46] According to Knegt (*id*. at 90), the group-ranch committee discussed the idea of establishing a sanctuary initially with the Wildlife Conservation International (WCI) which was later renamed ACC.
[47] B. Irigia, 'Environmental Impact Assessment of the Proposed Kimana Wildlife Sanctuary', Community Wildlife Service, KWS, Nairobi 28 (1995).
[48] In September 2003 a cry for help was made by the AWF-funded Amboseli Elephant Research Project (AERP) to individual donors to assist in saving the oldest (64-year-old) and biggest bull (named Bad Bull) in possibly the

wildlife are now forced to take other migratory routes, trespassing on neighbouring group ranches. In addition, the fence blocks the movement of livestock, which adds to the problems and conflicts between group ranches as well as between cultivators and pastoralists.[49]

The KWS employed a manager for the first year and trained 17 game rangers to act as tour guides. Salaries for all these workers were paid by the KWS through a revenue-sharing agreement between it and the group ranch. Subsequently, the KWS helped the ranch to draw up a business plan and pledged half of the Ksh 9 million needed for infrastructure and capacity building; the remainder was to come from the sanctuary's profits.[50] The KWS contributed a road network, toilet block and staff housing. The sanctuary's seven Community Wildlife Scouts attended a three-week crash course organised by the KWS that included military drills and training in wildlife management, how to deal with tourists, business, communications and Maasai history before completing an attachment in Amboseli National Park.

Regardless of who was responsible for the original idea of the Kimana Sanctuary, a large group of stakeholders have played a role in its development. Besides the KWS and the AWF, mention should be made of the Friends of Conservation (FoC), a UK-based NGO which assisted in the administration of the sanctuary using a generous grant from Kuoni travel (UK) Ltd. The FoC worked closely with the sanctuary committee and helped it to plan, organise and construct the required infrastructure, such as gates.[51] The Amboseli Community Wildlife Tourism Project (ACWTP) claims to have been responsible for setting up most of the Kimana Wildlife Sanctuary's infrastructure, including the design and construction of the gate, the purchase of uniforms and the acquisition of entrance-ticket books. The ACWTP is also mentioned as the intermediary between the group ranch and hotel companies, and intervened in negotiations to build a lodge in the sanctuary.[52] [53] The ACWTP, a local NGO, has been using some meagre funds from a number of international charity organisations to convince the Maasai youngsters to change their land-use patterns by allowing wildlife-related tourism to use their land. The ACWPT has shown a 25-minute video to about forty primary schools in the region to inform the Maasai about the value of wildlife for the community and the potentially positive consequences of allowing tourists onto their land. The AWCPT states that by the year 2000 it had already brought 20,000 ha under conservation and tourism out of the 100,000 ha believed to be necessary to secure the Amboseli ecosystem for the future.[54] In 1995, a former Amboseli game warden, a Briton who had been around since the 1950s, became the driving force behind the ACWTP. However, according to Buysrogge:

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whole of the East African region. Bad Bull was causing serious problems by visiting the Kimana farms at night and eating the crops. During the day, the elephant stayed in the nearby Kimana Sanctuary. The farmers demanded permission to kill Bad Bull. Other elephants also enjoyed their suppers at night because the electric fence supposed to keep them out had not been maintained and was not working. Between US$ 8,000-10,000 was needed for repairs. Money came in and in October the fence was repaired.

[49] Buysrogge *supra* note 40, at 40.

[50] The KWS financed the project up to Ksh 4.2 million for infrastructure. This is below the original 6 million pledged (*See* E. Muthiani, 'Wildlife Utilization for Community Benefit: An Assessment of Ecological and Socio-economic Viability of Community Wildlife Utilization Enterprises in Laikipia and Kajiado Districts of Kenya', (2001); Knegt *supra* note 44).

[51] J. Gicharu, *Kimana;* 'A Success Story Turned Sour', 11 *Kajiado Focus* 12, 12 (1999).

[52] D. Lovatt Smith, 'The Amboseli Integrated Community Tourism Project – Project Proposal', KWS & ACWTP, Nairobi 3 (2000); Buysrogge *supra* note 40, at 32).

[53] Buysrogge also reports that ACWTP persuaded Kuoni Travel to donate £10,000 for the entrance gate and infrastructure (*See* Buysrogge *supra* note 40, at 32).

[54] Lovatt Smith *supra* note 52 at 7.

> ….the members of Kimana felt ACWTP was having their cake and eating it. They did not appreciate the way they were represented and felt ACWTP was only acting in its own interest and after money. Because of this ACWTP is not welcome in the sanctuary anymore. In the eyes of ACWTP they were pushed out because the GRC of Kimana did not want them interfering anymore as ACWTP criticised the functioning of the GRC.[55]

These problems did not block the successful start of the Kimana Community Wildlife Sanctuary. With only the basics in place, the sanctuary opened for business in February 1996 and hosted more than 800 visitors before the end of the year.[56] In 1996, the Kimana Ranch was awarded the Silver Otter Award from the British Guild of Travel Writers as its International Tourism Project of the year (the first time Kenya had ever received such an award) for its exemplary efforts in conservation at the community level.[57] A BBC documentary shot on the ranch provided additional overseas exposure. For the domestic market, Kimana entered into a commission agreement with Abercrombie & Kent. The lease agreement with the three tented camps (Glen Cottars, Leopard and Chyullu) with their total of 63 beds encompassed a fixed land-rent payment of Ksh 50,000 per campsite per year. The neighbouring lodges, Kilimanajaro Buffalo (200 beds) and Kimana (112 beds) that were both owned by the Kilimanjaro Safari Club group, would also market the sanctuary as part of their clients' itinerary.[58] [59]

Everything seemed to be set for a bright future for the KWS partnership programme, and for the inhabitants of Kimana in particular. However, problems soon cropped up, the success stories dried up and instead negative reports emerged about the sanctuary. According to Knegt, from the start the 'KWS strictly tried to control the establishment and development of the sanctuary. Therefore, it worked closely together with the group-ranch committee, leaving the rest of the community members largely outside the decision-making process.'[60] The group-ranch committee had come to power in 1993 and its treasurer and secretary, who were both literate, were very much in charge while the illiterate chairman and other ordinary members of the committee were mostly left out of the decision-making process.[61] Over all the intervening years, ordinary group-ranch members had only been consulted twice; during the Participatory Rural Appraisal (PRA) and at an Annual General Meeting when the decision to establish the sanctuary had already been taken. Muthiani, comparing community involvement in wildlife projects in Kajiado and Laikipia Districts, found that community participation seemed to be passive since the proportion of those actively involved in the project was on average 21 per cent in Kajiado and 28 per cent in Laikipia.[62] The problem of representation and accountability is an issue that is not uncommon in group-ranch projects and should have been taken into account by the KWS, all the more so because it also affects operational activities, such as transparency in financial matters and decision-making. A total of 69 per cent of the Kimana respondents indicated that they felt the project was poorly managed and only 34 per cent thought that it would be sustainable.[63]

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[55] Buysrogge *supra* note 40, at 32.
[56] KWS *supra* note 35.
[57] Muthiani *supra* note 50, at 26.
[58] Gicharu *supra* note 51, at 12.
[59] Buysrogge mentions an annual payment of Ksh 250,000 by Kimana Lodge to the Kimana group ranch for renting land. Payment by the Kilimanjaro Buffalo Lodge is not known (Buysrogge *supra* note 40, at 47).
[60] Knegt *supra* note 44, at 88.
[61] The secretary is related to a former minister and MP (for St. Oloitiptip) who was the owner of the Kimana Lodge.
[62] Muthiani *supra* note 50, at 27.
[63] *Id*. at 30.

However in its 1996 annual report, the KWS stressed that 'the group-ranch committee had to reassure its own members that by conserving the wildlife around the swamp and adopting a more competitive land use, they would enjoy a better living than from cattle ranching alone, both then and in the future. In any struggle for sustainability and community commitment, tangible benefits such as money for school fees or improved health care are likely to be the deciding factor.[64] [65] The Community Game Scouts collected entrance fees from visitors at the main entrance gate and handed these over to the treasurer of the Group Ranch Committee. Charges to enter the sanctuary were fixed at US$ 10 for non-Kenyans and Ksh 100 for residents.[66] This money is saved for a year and then distributed to different groups, minus the management costs. During the first year this amounted to almost Ksh 1 million (US$ 17,000).[67] [68] The money was supposed to be distributed among the 843 members of the group ranch and to be assigned to special community projects and emergency and compensation funds to be used by members as small soft loans.[69]

In 1998 the KWS handed over full responsibility for the management of the Kimana Sanctuary to a local management committee, the idea being that this committee would be independent and secure proper management and transparency of financial and employment matters. However, the Group Ranch Committee had full control of this committee as the group-ranch chairman was part of it, and eventually the sanctuary committee resigned. The sanctuary's performance started to decline after the KWS pulled out.[70] Kanene narrates that poor marketing of the sanctuary by the three campsite concession holders contributed to its decline.[71] In addition, the relationship between the sanctuary and the three concession holders was poor: the negotiated lease fees were low, given the value of the community contribution and in many cases these fees were overdue, or never paid. Moreover, there was no mechanism in place for joint management and conflict resolution, resulting in ongoing disagreements with regard to cattle-grazing areas, resource harvesting and so on. A Kimana ranger laments that the people were tired of waiting for the benefits from the sanctuary. After all, they had set aside their prime land, their dry-season refuge. Thus in 1999, a year of serious drought, Kimana members allowed their livestock to return to the sanctuary. This did not go down well with the tourists who wanted to see game not cattle while on a game drive.[72] The head of the Kimana game scouts explained that '... although there has been a lapse in tourism which has affected the entire country ... the situation in Kimana has been aggravated by poor roads

[64] KWS supra note 35.
[65] According to Muthiani, livestock keeping in Kimana brings in an annual return of US$ 21/ha, maize cultivation stands at US$ 50.6, while wildlife returns are only US$ 2.6 per ha. *See* Muthiani *supra* note 50, at 34.
[66] Gicharu *supra* note 51, at 12.
[67] Knegt *supra* note 44, at 92.
[68] Before the initiation of the KCWS, land-rental income for Kimana from the three tented camps in total ranged from Ksh 80,000-150,000.
[69] Kimana community revenue expenditure was used for the community (62.5%), individuals (7.9%) and administration (29.6%). The community expenditure included Ksh 3.1 million (59%) paid for survey fees to facilitate the subdivision of some 809 hectares of arable land (*See* Muthiani *supra* note 50, at 29). Each member would receive about one hectare. Buysrogge, however, mentions that, in the end, subdivision was opposed by a majority of the Kimana members (Buysrogge *supra* note 40, at 60).
[70] Muthiani *supra* note 50, at 26
[71] Kanene *supra* note 42, at 2.
[72] According to Gicharu, the fact that the sitting board was unwilling to give way to a new board through fresh elections could be an indicator of how lucrative being on the board can be. The issue of clanism during such elections was a bottleneck to the election of able people to sit on the sanctuary board (*See* Gicharu *supra* note 51, at 13).

leading to the sanctuary and a general low opinion of the community's ability to run the tourist resort, which to a certain extent was justifiable as those responsible did a poor job.'[73]

A decision was made to revive the erstwhile success story of the Kimana Sanctuary. Again, as at the start, conflicting stories exist as to who speared the new beginning. The KWS has been mentioned as the mediator in finding a new partner, although it went outside the community to negotiate the agreement. More likely, the GRC together with the ACWTP were responsible. Buysrogge reports that they did not advertise the partnership but approached various companies that had been around in the area one way or another for a long time (for example, Abercrombie & Kent, the Kilimanjaro Safari Club, and the African Safari Club).[74] The African Safari Club (ASC) offered approximately Ksh 6.5 million for a 10-year lease, while A&K's proposal stood at Ksh 5 million over a period of 15 years. Most Kimana members preferred A&K's offer because of its favourable management conditions, in particular the clause that allowed trespassing and the collecting of resources from the sanctuary. In contrast, the ASC prohibited this practice. However, the Group Ranch Committee decided to go ahead and signed a contract without proper consultations with all Kimana members in November 1999. Okello, Seno & Wishitemi found in a survey among members of the neighbouring Kuku group ranch that 'unfortunately, many community wildlife sanctuaries are based on the model of a National Park (IUCN category II) nested within a lived-in landscape with similar characteristics to a protected landscape (IUCN category V).[75] This 'imitation' of a national park does not conform to the realities and needs of the communities. The lack of consideration of alternative models that allow a landscape-level conservation of resources as well as retaining human presence and activities may lead to future failure and difficulties in establishing community wildlife sanctuaries.' Less than 2 per cent of the Kuku community members wanted their land leased to foreign investors, fearing they might not allow them access to natural resources.

Since March 2000, the ASC, a Swiss hotel chain, has run the sanctuary.[76] The final terms of the lease were: a monthly rent of Ksh 200,000 with an annual increment of 10 per cent; a Ksh 250 bed-night fee for each client and visitor landing at the Kimana airstrip; all locally available and qualified manpower to be hired from among the group-ranch members; and an agreement to purchase local produce.[77] Here it should be recalled that initially the size of the sanctuary was put at 2,750 ha (6,793 acres). After the Kimana members agreed to the idea of a sanctuary, the size was increased to 6,000 hectares (about 14,000 acres). The ASC leased the whole of the sanctuary (i.e. all the 6,000 ha). Buysrogge reports that at a general meeting before the negotiations with ASC even began, Kimana members were told by the Group Ranch Committee that the lease would be for 6,000 acres. 'On paper it was suddenly 14,000 acres. It was extended without the members knowing.'[78] [79]

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[73] *Id*. at 13.
[74] Buysrogge *supra* note 40 at 58.
[75] M. Okello, S. ole Seno & B. Wishitemi, 'Maasai Community Wildlife Sanctuaries in Tsavo-Amboseli, Kenya', 13, 1 *Parks* 62, 65-70, (2003).
[76] The African Safari Club (ASC) operates from Basel, Switzerland. It was founded and registered in Kenya in 1967. Today the ASC group has over 40 travel agencies internationally, an airline and shipping company. In Kenya it has 10 hotels with some 3,000 beds mostly at the coast and near game parks. It has a big fleet of safari vehicles, boats and aeroplanes, including maintenance workshops. About 40,000 tourists (especially those from Germany, Switzerland and UK) are brought to Kenya by the ASC annually.
[77] Muthiani reports that the Kimana committee has been claiming that there was a daily minimum of 18 bed nights agreed upon, which is not reflected in the final contract. See Muthiani *supra* note 50, at 32.
[78] Buysrogge *supra* note 40 at 60.
[79] It is not clear if indeed the ASC intended to lease only 40% of the sanctuary initially. More likely there has been confusion between acres and hectares.

Some observers have expressed their concerns about the lease agreement. Kanene, who commented for the AWF on the lease agreement, claims that the value of land is much more than the offer provides for.[80] In the current deal, the ASC will be paying Kimana around US$ 5.5 per acre per annum, which is far below the recommended US$ 15 per acre that reflects the value of the next best alternative land-use. Besides less favourable financial conditions compared to the initial offer of 6.5 million, the most crucial deficit concentrates on the omission of clear provisions for emergency dry-season grazing for both the Kimana and neighbouring groups. The fact that access to natural resources (salt licks, firewood and especially water) in this competitive wetland arena is not properly dealt with in the arrangement is considered to be an in-built mechanism for failure. Findings by Buysrogge underline this statement.[81] Both members of the Kimana and other group ranches stress that before the ASC's intervention, access to the sanctuary was still possible. Now the sanctuary is considered to be a complete loss and the good relations with neighbouring group ranches that used to make use of the resource are being undermined. The management of effluent and garbage disposal is also considered to be weakly addressed in the agreement. Furthermore, the contract provides little space for wider economic benefits, especially employment and training. Finally, the one-sidedness of the partnership is mentioned. The role of the Kimana is mainly one of landlord. This opinion is also stressed by Mburu, who claims that the type of partnership that emerged after the ASC lease 'is characterised by less involvement of the local landowners and increased integration of the private sector.'[82] The AWF has called for a complete overhaul of the agreement once it expires, to put in place terms to be mutually agreed upon.

After the signing of the contract, the ASC opened a lodge (Zebra Lodge was completed in September 2000) on the banks of the Kimana River and two campsites (Twiga Luxus Camp and Kilimanjaro Safari Camp), accommodating a maximum of 80 guests. Costs, including transport by air from the Kenyan Coast where the ASC exploits a number of other luxury hotels, meals at the lodge and game drives are put at £205 per person per night, excluding the entrance fee to the sanctuary that was set in January 2004 at £41 per person.[83] Annual visitor figures are in the range of 8,000-10,000 people for 2000-2002. This corresponds well with the average figure of 30 visitors per day recorded by local scouts.[84] The fact that other lodges in the area closed down because of financial problems (i.e. Kimana Lodge and Kilimanjaro Buffalo Lodge) might have contributed to the occupancy rate of the Zebra Lodge and other ASC campsites.[85]

In 2000, Kimana earned some Ksh 4 million from bed-night (Ksh 1.6m) and rental fees (Ksh 2.4m).[86] Mburu conducted a financial cost-benefit analysis of the Kimana Community

[80] Kanene *supra* note 42 at 8.
[81] Buysrogge *supra* note 40 at 36.
[82] J. Mburu, 'Performance of Partnerships in Tourism Projects: The Case of Kimana and Golini-Mwaluganje Sanctuaries in Kenya', paper presented at the Ecotourism and Nature Parks in East and Southern Africa Conference, 12 November 2002, African Studies Centre, Leiden.
[83] In June 2004, the ASC offered a special rate of £200 per person for a two-night safari to Tsavo East and Kimana, excluding park entrance fees (approx. £40).
[84] Mburu, personal communication.
[85] In early 2004, the ASC announced on its website (www.ascag.de) that it would soon open another lodge in the Kimana Sanctuary: Kimana Leopard Lodge. The accompanying pictures, however, show the former Kimana Lodge which is apparently just re-opening under new management and/or ownership. See also notes 38 and 40 for a brief history of Kimana Lodge.
[86] Muthiani *supra* note 50, at 32.

Wildlife Sanctuary from the perspective of the Maasai landowners. It concluded that the partnership was not profitable for the Kimana landowners, mainly due to the high production costs incurred in the setting up and operating activities of the tourism projects.[87] The net outcome was an annual loss of US$ 22,600.[88] Kimana would become financially viable only after a 20-per-cent increase in savings on crop losses. In spite of higher management costs, under the ASC lease agreement this loss was turned into a net profit of US$ 13,800 per annum mainly as a result of higher tourist revenues (US$ 53,100). However, Mburu stresses that with the exception of land-opportunity costs and costs of landowners' participation, a 25-per-cent increase or decrease of any of the other inflow and outflow categories would affect the profitability of the Kimana-ASC partnership arrangement. 'Thus, this financial analysis shows none of the partnership projects may be considered profitable from the landowners' perspective.'

This claim might not be true for those Kimana Maasai who are employed in the Sanctuary. Buysrogge mentions a total of 60-70 people who would be employed by the ASC once the lodges were fully operational.[89] Initially, the ASC's labour demand was primarily for game scouts and (temporary) construction workers. In addition, a few waiters, cleaners and gardeners were employed. Executive jobs and other qualified jobs such as drivers and construction workers were filled by ASC employees mostly originating from their Mombasa premises. Later, more local people were employed. By late 2002 some 90 people were on the payroll. However, members complain that because the Group Ranch Committee has a say in recruitment through a letter of recommendation, it is difficult for Kimana members opposing the group-ranch officials as well as those seeking employment from outside the Kimana area to get employment in the KCWS.

In spite of this, Buysrogge established that, overall, the Maasai do have a positive attitude towards tourism. Opinions are less favourable towards the main tourist attraction: wildlife. A poverty survey among the larger Kimana community established that wildlife was considered to be a menace and the biggest cause of poverty. 'The elephants are making us go to bed without food.' [and] 'If you cultivate, you become rich, but these wild animals have made us poor.'[90] The landowners still refer to the wildlife animals as 'KWS animals'.[91] Moreover, KWS officials, tented camp owners and individual members of the Kimana group ranch regularly expressed suspicions about the proper handling of the sanctuary revenues by the

[87] Production costs are land opportunity costs, direct management costs and fence maintenance. Also transaction costs, i.e. costs of participation (for example, search and information, bargaining, monitoring, enforcement and compliance costs) added to the outflow of capital. In contrast, the inflow of capital as a result of the partnership was made up of revenue (entrance fees from tourists), savings on security costs and those made due to reduced crop losses (see Mburu *supra* note 82; J. Mburu, R. Birner & M. Zeller, 'Relative Importance and Determinants of Landowners' Transaction Costs in Collaborative Wildlife Management in Kenya: An Empirical Analysis', 45, 1 *Ecological Economics* 59-73 (2003).

[88] Mburu did not take into account the land rent paid by the lodges that stood at some Ksh 150,000 (tented camps), an additional Ksh 250,000 from Kimana Lodge and possibly a similar amount from Kilimanjaro Buffalo Lodge. This would make a total of about US$ 9,000 reducing the loss to about US$ 13,000. However, it is good to realise that the distribution of the profits and losses was not evenly spread among the landowners.

[89] Buysrogge *supra* note 40, at 48.

[90] *See* AMREF, 'Kajiado District Participatory Poverty Assessment Report', 19 (1998).

[91] The following story demonstrates the mixed feelings of the Kimana community towards the KWS: Some Maasai warriors found an old man who had been killed by an elephant. They went to KWS to report the incident only to be told by the authorities that they did not have petrol for their Land Rover. Two days later, a baby elephant was badly bitten and mauled by a hyena. When the report reached the KWS authorities, four Land Rovers were mobilised, a helicopter was seen at the scene and a big aeroplane was brought to rescue the baby elephant and take it to the animal orphanage. *See Id*. at 25).

three key group-ranch officials. Muthiani established that for Kimana 13 per cent of the members claimed to have received cash benefits, 42 per cent of the members perceived the benefits as being low and only 29 per cent thought that benefits were fairly distributed.[92] The Group Ranch Committee is criticised for being secretive and corrupt, and running the sanctuary as a personal business venture.[93] Over the years, they had been able to stay in power through a mixture of power politics and buying votes, but this strategy was no longer an option after the KANU regime lost the December 2002 elections and, locally, formerly powerful people who had hoped to make a comeback with the opposition lost their seats. The Kimana group ranch officials were finally replaced.[94]

Mburu established that 56 per cent of his Kimana sample of landowners wanted to have the sanctuary, even in the long term.[95] Four main reasons were found to explain this position. First, the creation of the KCWS is felt to have prevented an enlargement of the Amboseli National Park, which would have implied an expropriation of their private land. Second, during times of severe stress the sanctuary is in principle still accessible to landowners.[96] Third, fencing not only helps minimise crop losses and saves time but also reduces human and livestock losses in areas outside the sanctuary. Fourth, the presence of the KCWS attracts donations from all over the world.

Eselenkei Conservation Area[97]

The Selengei Group Ranch, like the Kimana-Tikondo Group Ranch, borders Amboseli National Park. Lying at around 1,100-1,300 m above sea level in the north-western corner of the park it suffers from the effects of being in Mt Kilimanjaro's rain shadow. Approximately 2,500-3,500 people, almost all of them Maasai, live on the ranch. Especially during the wet season, wildlife from Amboseli roam the eastern area of the Selengei Group Ranch and wildebeest trek and calf in the area. Other species found include eland, buffalo, zebra, gazelle, dik-dik, leopard, lion, jackal and many hyenas. But the area is best known for its birds. Since the 1920s the Cheffings Company has brought ornithologists and hunters to watch or shoot the birds. In 1988, a new 20-acre campsite was developed for this purpose along the Selengei River.

In 1995 discussions started between the Selengei group ranch committee and the former Amboseli game warden about setting aside part of the Selengei dry-season grazing area as a wildlife sanctuary. Familiar with the abundance of wildlife in the dispersal area north of Amboseli, he had identified this specific area as a valuable addition to the ACWTP

[92] Muthiani *supra* note 50, at 29.
[93] Mburu *supra* note 82.
[94] A relative of the secretary who had tried his luck on a KANU ticket in 1997 but failed, this time failed again. Unconfirmed rumours said that Kimana Sanctuary money was used for his campaign. A comeback on an opposition ticket during a by-election in 2003 after the death of the NARC MP was also unsuccessful. The chairman of the Kimana group ranch had also passed away by that time.
[95] Mburu *supra* note 82.
[96] The contract reads that the sanctuary shall not be used by herdsmen or other persons, or by farm animals for any agricultural purposes including grazing. Any hardship exceptions to this paragraph must be negotiated between the Lessor and the Lessee beforehand. However, most Kimana members (because of a lack of information by the GRC) think that entering the sanctuary with cattle is – without exception – simply prohibited. Yet in 2000 one corner of the sanctuary was opened for grazing (see Buysrogge *supra* note 40, at 37, 41).
[97] This section is an updated summary of an earlier publication, i.e. M. Rutten, 'Parks beyond Parks: Genuine Community-Based Wildlife: Ecotourism or Just Another Loss of Land for Maasai Pastoralists in Kenya', IIED Drylands Programme, Issue paper No. 111, (2002).

commitment 'to save the Amboseli ecosystem by encouraging the Maasai landowners to use the wildlife they have on their doorsteps as a resource.'[98] The former game warden 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. Or in his own words, 'it was not the Maasai, you know who initiated it. I spent nearly *three years* trying to persuade [sic] that community to accept wildlife tourism in their areas, and had many rebuffs on the way'.[99] The Maasai claimed he had been the man who, as the game warden of the day, had 'sold out' Amboseli.[100] 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'.[101]

In October 1995, he introduced Tropical Places Ltd, a British tour operator, as a potential partner if the group ranch agreed to make available a wildlife sanctuary of a minimum of 7,000 ha that was free of livestock, huts and hunting activities. A 60-bed lodge at 60-per-cent occupancy would attract some 15,000 bed nights, allowing – at US$ 110 per night – for a maximum turnover of US$ 1,650,000 or Ksh 85 million per year. According to Tropical Places Ltd, it would take about five years and an initial investment of US$ 2 million to reach this number of tourists. However, if Selengei decided to become a partner in this project it would provide the Selengei Group Ranch with a maximum income of Ksh 5,193,800 or some US$ 96,000 (at the then rate of 54 shilling) per year. However, Tropical Places Ltd could only guarantee a small part of this potential income (i.e. the rent of the land) amounting to Ksh 200,000 or some US$ 4,000 per year. The main financial benefit (Ksh 4,993,200) depended on tourists paying entrance and bed-night fees of US$ 2.50 and US$ 5 respectively.

The group ranch asked for a number of clarifications and requests 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 reduced the original estimate of the maximum annual visitor nights from 15,000 to 10,000 per year within five years. The company wanted an exclusive 20-year lease of 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 for the first three years, to be raised by US$ 2.50 thereafter. The Selengei Group Ranch was given two weeks to indicate their willingness to continue with the project.

On 16 February 1996 the group-ranch members met to discuss the issue but agreement could not 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 Community Wildlife Sanctuary and Olchorro-Oirowua Wildlife Association in Narok District.[102] At a group-ranch meeting on 15 April 1996, the members agreed on the allocation of 40 acres to Tropical Places for a lodge, but were not willing to lease the 7,000 ha for wildlife use exclusively. This area would be much needed as a dry-season resort. This view was communicated to Tropical Places by 28 June. The Group Ranch Committee announced

[98] *See* www.amboseli.org
[99] Personal communication, Lovatt Smith.
[100] Other Maasai informants from neighbouring Olgulului/Lolarashi group ranch claim that an incident in 1993 in which the former game warden was detected trying to photograph a female circumcision ceremony in the Lalaker region might have soured relations and explain the problems he had in convincing the Selengei Maasai to collaborate with him. The case was reported to the police but the former game warden had already fled from the area where he used to camp (personal communication, former secretary Olgulului group ranch).
[101] D. Lovatt Smith, *Amboseli – AnotherMmiracle?,* 19, 2 *Swara* 18-21 (1996).
[102] Eight Maasai owning large holdings in freehold tenure formed Olchorro-Oirowua.

that a special meeting was scheduled for all members for 23 July at which the project would be formally approved.

On 12 August, four representatives of the Group Ranch Committee contacted the same lawyer that had handled the Amboseli Association's contract and discussed the conservation issue.[103] In a written reply, he indicated that he was willing to help the group ranch. He 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 Selengei Group Ranch's land. He advised the committee to set up a company to hold and manage the land set aside for wildlife that could not be allocated to individuals if the ranch were ever subdivided in the future.

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 some amendments to the proposed agreement. These included issues relating to the employment of local people, the proposed limitation of cattle inside the conservancy, the development of tourist facilities inside the conservancy area, the bringing-in of non-paying visitors such as journalists, and compensation after the expiry of the 15-year lease.

In a letter dated 2 November 1996, Tropical Places announced they had started a new company under the name of Porini Ecotourism, which would manage tourist activities, develop the waterhole and install the facilities. Tropical Places meanwhile would bring in overseas visitors.[104] The group ranch's requests were all accepted (employment, developing tourism in the conservation area only, cattle being allowed in during the dry season but not to exceed present levels). However, Tropical Places stressed that though 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 before tourism could be developed. Tropical Places stressed the exclusivity of the contract, meaning that they would have exclusive rights to manage all tourist activities over the whole of the group-ranch territory. Finally, Tropical Places offered to pay the legal fees incurred for drawing up the legal agreement, and explained that the offer made to the group ranch was very attractive in comparison with similar arrangements on other group ranches.

On 4 April 1997, a lease agreement was signed between the group ranch and Porini Ecotourism Ltd for the Eselenkei Conservation Area. The lease would become effective on 1 May 1997 and last 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 leased to develop game lodges, camp sites, 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 per cent. Each adult visitor would pay Ksh 250 entrance fee and another Ksh 250 bed-night fee. Children under 13 paid 50 per cent less. Each year these rates would be increased by 10 per cent. The agreement indicated that livestock was not permitted within a 1-km radius of any site where facilities had been constructed, but otherwise grazing

[103] In late 1993 the six group ranches surrounding Amboseli gathered to discuss their problems and by 7 February 1994 it was decided to form the Amboseli/Tsavo group ranches conservation association. The association was incorporated by a lawyer, paid for by the KWS, on 20 July 1995. The 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.

[104] Porini means 'in the wilds' in Kiswahili, while it is also said to be an acronym for 'Protection of Resources (Indigenous & Natural) for Income'.

was allowed within the conservation area in accordance with customary use. However, homestead dwellings or cattle enclosures were forbidden. Within a 5-km exclusion zone around the conservation area no wildlife-related tourism activities were allowed. Finally the opening date of the lodges would be no later than 12 months after the effective starting date of the lease.

The tour operator appeared eager to start and within a short period hide-outs were constructed, roads cleared, and two boreholes drilled. Porini contracted a white Kenyan 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 to coordinate communication with the local authorities, suppliers and other relevant persons, monitor wildlife in the area and observe any activity taking place within the 5-km buffer zone. Now on Porini's payroll but still a member of the Group Ranch Committee, he was primarily to assist the Porini supervisor. He also represented Porini in the Eselenkei Conservation Area workshop held from 8-10 December 1998 in the Kindu Hotel Emali. Here, representatives from the Ministry of Lands and the Kenya Wildlife Service spoke about setting aside group-ranch land and the possible benefits of 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 Selengei people created the post of 'community liaison officer' to act on behalf of the community in all issues concerning the wildlife sanctuary, and appointed the Group Ranch Treasurer to take up this newly created post. Porini agreed to cover the costs of his salary for one year, a sum equal to that of the Porini liaison officer's. This upset the latter, who protested and sought support from political allies within the Group Ranch Committee. Tension mounted when the Porini liaison officer appointed mostly family members and political supporters to clear roads and act as watchmen or game scouts. The Selengei community protested and, out of eighteen employees, it was finally agreed to employ seven people who were considered to be close to the treasurer.

An even more serious problem was yet to occur. Maasai complaints started emerge about the Porini supervisor's attitude towards the local Maasai. He was said to be an unfriendly character who often expressed his dislike of the Maasai and their cattle. He was once reported 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 away. 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 its members, had granted permission to Porini to subdivide the 40 acres (to be used for building the 60-bed lodge) into four tracts of land of 10 acres each. The tour operator then 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 in early 1999.[105] The Porini supervisor was outraged and set the huts on fire. The Maasai in turn became furious and warriors, mobilised by the Conservation Committee, invaded the sanctuary, threatening to set fire to the supervisor's camp. The threat was not implemented but they insisted the Porini supervisor leave the area. They stated that the burning of huts was to be

[105] It is noteworthy that even by May 2000 the Selengei Group Ranch Chairman states in a proposal for funding the position of Group Ranch Conservation Liased Officer that only 40 acres were leased to Porini, as agreed during the special annual general meeting.

expected from somebody who hated cattle; 'somebody who hates cattle must also hate us'. After the supervisor left, the local Maasai removed the Conservation Area signboard at the north-west side of the sanctuary.

This incident delayed the project for four months. The owner of Tropical Places arrived from England in an attempt to cool tempers while a new, European Porini representative-cum-tour-guide replaced the supervisor. The Tropical Places director had raised money for a primary school and said he wanted to help the group ranch financially 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 Ksh 6.7 million had so far been invested in the drilling of the boreholes, the digging of four waterholes, 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 contract, something they would clearly be unable to do. To save the project, the African Conservation Centre sponsored visits for a group of 22 members to several wildlife sanctuaries in Laikipia District to 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, and the position of the Porini liaison officer was questioned in particular. 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 who belonged to the opposition party Democratic Party of Kenya was invited to intervene and explain that all 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 local MP 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 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 Committee to manage the distribution and expenditure of fees received from Porini. Grazing of livestock within the Conservation Area was to be permitted during periods of drought but no overnight enclosures or dwellings were allowed. The cost of 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 would give up the Conservation Area to the group ranch without compensation. Finally, payment of the lease would commence in full as of 1 October 1999.

However, a number of internal problems still remained. Foremost among these was the Conservation Area Committee's strong opposition to the current Group Ranch Committee. This committee was largely made up of former Group Ranch Committee officials who had been voted out of office some years before due to non-functioning and corruption and who were now seeking revenge. They demanded that the revenue from Porini be split in two: half for the Conservation Committee and half for the Group Ranch Committee. Initially Porini refused to do this but eventually gave in to the Conservation Committee.

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 of booking the 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 entrance fees. 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.[106]

> 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 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. It describes a company set up with the main purpose of enabling the local communities to live 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.[107]

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

> It is an experiment in ecotourism 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 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 ecotourist. And just for once there might be some genuine benefits for the locals, whether they have four legs or two.[108]

For some of the four-legged inhabitants of the Selengei area the Porini experiment turned out to be fatal. Members of the neighbouring Mbuko Group Ranch had brought livestock into the conservation area during the 1999-2000 drought. Three leopards killed some of their animals. The Mbuko Maasai requested compensation but the Selengei Maasai refused on the grounds that the Mbuko had entered the area without their permission. The Mbuko took revenge by poisoning the leopards. While tracing the origin of the killers, the Selengei Maasai discovered

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[106] Whereas the lease agreement speaks of a British-based company, on their website Porini indicate they are registered in Kenya. See www.porini.com.
[107] See www.porini.com.
[108] See *The Independent*, 5 November 2000.

that the brother of the MP for Kajiado Central had been responsible. Selengei Maasai claimed that the MP, who at the time happened to be an assistant minister in the Ministry of Tourism, Trade and Industry, had provided the poison. In the past, the poaching of elephants was mainly done by outsiders (especially Somali, Kamba) and not by local Maasai. Now, as a result of poverty and in revenge for damage done by 'Selengei wildlife', neighbouring Mbuko Maasai and Kamba alike are snaring and poisoning wildlife.[109]

(Former) Chairman of Selengei Group Ranch near the northern entrance of the Eselenkei Conservation Area. Note the text underneath the sign board.

In July 2000 a consultant conducted a one-time visit to the Eselenkei Conservation Area at the request of the IFAW. He came to the conclusion that: 'The Eselenkei community conservation project has tremendous potential. As a genuine joint venture between a commercial ecotourism company [Porini Ecotourism] and the community in which both are strong and equal partners, it is unique in the Loitokitok Sub-District.'[110] Subsequently the IFAW provided Porini with US$ 100,000. According to Porini, this money was a loan to Porini that would have to be repaid to the IFAW, a claim that is contested by the Selengei Maasai who state that the money should actually be of direct benefit to them. The signboard text reading *Eselenkei Conservation Area is owned by the local community, managed by Porini Ecotourism Ltd and supported by IFAW, the International Fund for Animal Welfare*

[109] The snaring of bush meat using wires and traps is on the rise all over Kajiado District. Animals like elands and giraffes are especially favoured because they provide a lot of meat at a cheap price (the costs of killing and transport only). Stripped off the bone, the meat is roasted or turned into stew and sold in the canteens of local centres such as Emali, Bissel, Isenya and sometimes even ends up in Nairobi. Wildlife counts in Elangata Wuas Group Ranch confirmed the decline in game numbers (personal communication, T. Lemayian). Porini and Richard Bonham have organised a group of scouts to try to stop poachers in the Amboseli region. By mid-2003 the Kenyan government had imposed a ban on the erstwhile legal cropping of wildlife meat in an effort to stop the bush-meat trade.

[110] Personal communication, Roe-Reeve.

may have made the Selengei community draw this possibly mistaken conclusion. Unfortunately, it has not been possible to get the true facts on this issue. In a general comment, the IFAW indicated that it does not hand out loans, only grants. Repeated requests to IFAW-Kenya as well as IFAW-USA to bring transparency to the specific case of Selengei have elicited no response.

As for the people in Selengei Group Ranch, the benefits of this ecotourism initiative seem to be questionable both financially and socially. The main financial benefits for Selengei Group Ranch depend 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 its obligation to develop this lodge. In 2002 and five years after signing the agreement, a maximum of only eight people could be catered for, instead of the 60 promised in the initial calculations. Porini actually uses the low number of eight visitors as the most attractive aspect of a safari holiday in the Eselenkei Conservation Area. But this means that incomes will remain low. A maximum of eight bed nights/days @ Ksh 250 and eight gate fees/2 days @ Ksh 250 would result in Ksh 1,077,000. The additional Ksh 350,000 for the lease of the land would result in a maximum potential income of Ksh 1,427,000 or Ksh 475 (US$ 8) per Selengei inhabitant per year. This is far below the initial figure of Ksh 5,193,200 and 15,000 bed nights per year.

Moreover, in a personal interview with the Porini founder and managing director on 26 October 2002, he claimed that he had first heard about the issue of the 60-bed lodge only a few weeks earlier. Yet in the 'revised offer' to the Selengei community of 15 February 1996, it reads:

> Although Tropical Places would immediately start paying the rent from the commencement of the lease, there would be an initial period during which the tourism activity would be minimal as it would be necessary first to attract wildlife into the sanctuary in sufficient numbers before tourist visitors could be brought to the sanctuary. The first stage would be to establish a waterhole and vehicle tracks and, initially, mobile camping safari operators could be permitted to camp within the sanctuary with all booking arrangements and the collection of fees handled by Tropical Places. The second stage would be the construction of a 60-bed lodge and ancillary tourism facilities. Tourist visitors would be expected to grow to a figure of around 10,000 visitor nights within five years of starting operations.[111]

In our conversation, however, the Porini founder stuck to his claim that he had never intended to build a 60-bed lodge and had no intention to do so in the future. His ultimate aim, he said, would be a maximum of 1,000 visitors a year and for this purpose he was bringing in two more permanent tents and some mobile ones. Still, this will not raise the accommodation capacity to levels promised in the contract. He also mentioned that he had just started a campaign in the United States and was confident he would reach the 1,000-visitor level within a year. That would mean a maximum income of about Ksh 2 million for the community in addition to employment opportunities. That should be enough for them he said.[112]

[111] Tropical Places Ltd, 'Revised Offer Development of Tourism Facilities on Eselengei Group Ranch', mimeo February 15 1996.

[112] From the start, the number of bed nights was questionable given the situation in Amboseli National Park and increasing competition from other/new initiatives in the region. One wonders if Porini had the same view but declined to share this with the local Maasai, for obvious reasons. For the Selengei Maasai it might be worthwhile carefully looking at the provisions in article 2(s) of the contract that 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. Correspondence between the parties can be presented to prove Tropical Places intended to build a 60-bed lodge.

And like their Kimana brethren, the Selengei Maasai have paid a price as well: they have lost the guaranteed free access they used to enjoy to the dry-season grazing area. In times of stress, they will now need to rent land elsewhere, but soured relations with their neighbours will make this increasingly difficult. And with more game inside the group ranch, it is likely that costs incurred because of predation, disease, competition over water and grazing and the destruction of crops will increase. Elephants can be found in the sanctuary year-round and cases have been reported of human injuries as a result of attacks by elephants. Likewise, the increase of other species in the area such as lions, cheetahs and hyenas has resulted in increased numbers of cases of livestock being mauled. Especially in May/June after the main rainy season when vegetation is tall and dense and with game moving out of the sanctuary, the number of incidents is rising.

But according to the local Selengei Maasai, the most important negative consequence of the sanctuary is that the disturbances and infighting have created mistrust among the group ranch members, once known to be one of the most harmonious communities in Maasailand. As a result, in May 2001 the local Porini liaison officer had to quit his job when pressure from the local community for him to do so became too strong. He was replaced, albeit in a slightly different position, by his former opponent who had left his position of treasurer and gone to follow further studies in range management. By early 2003 he was on Porini's payroll.

By contrast, (potential) profits for the tour operator are still huge. First, the initial US$ 110 per bed-night has been increased to US$ 200-250 per night. This is in return for an investment of only US$ 200,000 as opposed to the promised US$ 2 million. Full-year occupancy with a daily total of 12 tourists, each staying two nights, would bring in a potential US$ 876,000 annually. After the deduction of the Selengei payment (US$ 25,000), labour (mostly for the expatriate Porini manager in Selengei), marketing and other running costs such as food and fuel (approx. US$ 100,000), a potential profit of over US$ 750,000 remains. More likely, taking into account the lower number of actual bed nights, this figure is around US$ 100,000. However, Porini claims it has been making a loss in Selengei due to the small number of tourists (e.g. 100 in 2002) who, according to Porini, have been visiting the place. This number seems to be a serious underestimate and certainly not representative. Also the Kenya general election was held in 2002 and Kenya had a negative travel advice in the UK and the US due to the Iraqi war and the fear of terrorist attacks. These naturally had a negative effect on tourist numbers in Kenya. The effects of 11 September and other reasons for a slump in the tourist business in Kenya will certainly be overcome.[113] Current numbers are more likely to be at least around 500-700 visitors per annum. The 500 figure is indicated by Porini as their break-even point.[114]

In my view, the bottom line for Selengei should be a new contract whereby the payment for the 5,000 ha is substantially raised to meet real market prices. 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.[115] This would mean a guaranteed income of US$ 50,000, far above the US$ 7,000-US$ 26,600 offered under the terms of the

[113] See *Daily Nation*, 4 February 2003.
[114] The situation is complicated by the fact that Porini is not in fact the sole player in this initiative. Another of the Porini manager's companies, Game Watchers, receives most of the money earned (some 75%). The remainder is split between marketing costs and Porini running costs.
[115] Personal communication, F. Mizutani.

15-year contract.[116] This should make the group ranch less dependent on tourists and the building of the lodge.

Conclusion

This study investigated public-private partnerships, in particular two cases of collaboration between a local community and a private company in the wildlife-based tourism sector in the Maasai area of Kenya. The evidence above has shown that wildlife is an important economic resource for the tourist industry all over Africa. Tour operators have started offering a 'once in a lifetime safari' to increasing numbers of overseas visitors and African governments have taken part in this by setting aside land for wildlife habitation only. As a result, local people have not only been excluded from the main profits from wildlife tourism but have also had to pay a price by 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 have a piece of the cake as well. One of the new developments is the creation of small community-based wildlife parks, which are being marketed under the popular umbrella of 'ecotourism'. Lately, calls for labelling and regulating the ecotourism industry, in particular with respect to genuine partnerships, have resulted in a number of recommendations that have been laid down in conference resolutions and international charters. However, a comparison of theory and practice, as presented in the cases of Kimana and Selengei group ranches, shows that these partnerships are a far cry from the criteria required if these enterprises are to be successful. Voluntary and genuine commitment in collaboration, transparency and good communication are qualifications that do not match practice.

There are a number of issues that can and should be more forcefully addressed if Kenya's efforts to incorporate the local population in the benefits of wildlife conservation and ecotourism are to succeed. The KWS and other organisations have put a great deal of effort into making the Kimana Community Wildlife Sanctuary a success story. However, the KWS organisational set-up that accompanied the development of Kimana as a sustainable tourist attraction benefiting all members of the community was seriously insufficient. In the case of the Eselenkei Conservation Area, the KWS's input was limited to organising some workshops and educational tours. The KWS failed to support the Maasai of Selengei at the crucial moment when it was negotiating a contract with a foreign tour operator. In these negotiations, 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 has led to many of the troubles both in Kimana and Selengei was that the tour operators involved were not genuinely motivated to develop the sanctuary for the benefit of the local people. To ensure long-term success, an ecotourism project must be commercially viable.[117] This calls for a clear product, good management and marketing strategies, and profitability among other factors. For the private partner, as in every business, the primary goal is to make a profit: investments have to be recovered. Yet in a partnership, costs, risks and profits need to be shared in a transparent and fair way. This is where problems

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[116] After 15 years, the final rent of almost US$ 26,600 will only be realised if the 10% annual increase is applied to the US dollar. If, however, the 10% annual increase is used against the Kenyan shilling (the currency mentioned in the contract), the actual cost for the tour operator will most likely be much lower given the history of devaluation of the Kenyan shilling against the American dollar.

[117] J. Grieves-Cook, 'The Business of Ecotourism'. Paper presented at the Walking the Ecopath Conference, 20-23 March 2002, Nairobi (2002).

arise. Some commercial partners invest their own capital, while many others, especially in wildlife-based tourism ventures, seek support capital from wildlife organisations or other donors to finance basic infrastructure. This means that the private partner often operates in a subsidised setting which minimises risk. This might be a necessary prerequisite for getting started but can also hamper a long-lasting and sustainable partnership. Also costs incurred by local communities are often not fully accounted for, as demonstrated in detail for Kimana. Moreover, the distribution of costs and returns within the community is often done in an unfair manner, resulting in some stakeholders enjoying huge returns (mostly the private partner and some elite persons within the community), whereas others hardly receive any financial benefit in return for the loss of their resources.

For the international wildlife community, the main interest is to safeguard the habitat and well-being of game. They are less interested in improving the economic situation of local people, and people and their economic activities are often perceived as a threat to wildlife due to their competitive demands for land, and through poaching. This also holds true for Kimana that in the last 30 years has seen a growth in small-scale farming, initially by non-Maasai immigrants along the slopes of Kilimanjaro to the south-east of Amboseli National Park and along the northern border of Loitokitok Division. In later years increasingly swampy areas and land along the Noolturesh pipeline have been ploughed by the local Maasai. A number of NGOs and parastatals have tried to safeguard the interests of migrating wild animals by establishing a corridor between Amboseli and Tsavo National Parks. From both an ethical and commercial point of view, this is valid as it runs the risk that a balanced situation which benefits all partners will not be reached simply because the interests of the local community and those of wildlife organisations cannot be matched. To say that the Maasai can still coexist with wildlife without making an impact is to perceive the Maasai as a static culture outside modern economic concerns. Therefore, conservation is not well served by digging in one's proverbial heels to insist on absolute segregation, but multiple uses are no longer entirely compatible.[118] In the centuries since the Romans played their wildlife killing-games, the world still expects African landowners to accept the costs of safeguarding this world heritage in a global economic setting that is denying a future to too many Africans. Safeguarding animal welfare at the expense of local human beings will in the long run be the road to extinction for these very same animals.

Over the years many local communities have experienced a loss of access to resources to safeguard their livelihoods. The idea of channelling some of the financial benefits gained from wildlife-based tourism in their direction is laudable. These ideas originate, as we have seen for both Kimana and Selengei, mostly from outside the local community and this should at least raise questions about the term 'community-based'. The Kimana and Selengei communities were deeply divided about the wisdom of developing a sanctuary. The Maasai elders in particular remember the creation of the Amboseli National Park in the 1970s and how the authorities then failed to abide by the commitments and promises they made to develop water facilities. For Kimana, the situation became even worse because the Group Ranch Committee officials had their own agenda, one which matched perfectly with that of their commercial partners. In Selengei, the group-ranch officials did consult their members in a more transparent way but the tour operator did not show much respect for the Selengei Maasai traditions of consensual and democratic decision-making processes by imposing unrealistic deadlines, and even burning huts.

[118] See T. Cheeseman, *supra* note 6.

By contrast, in the local and international press, the Selengei Maasai were praised for 'their' initiative that would finally bring them financial benefits. Even this claim can be challenged as the contract leaves doubts about the real profits to be made by the Selengei Maasai. A maximum of US$ 5 per inhabitant (US$ 30 per family) per year could be expected. It should be realised that an average herd size in the Selengei area is usually 50 to 100 head of cattle. By early 1997 some rich households had lost over 400 head of cattle, equivalent to about US$ 80,000. Therefore US$ 30 will hardly offer the local Maasai a 'greatly enhanced standard of living'. Likewise the Kimana Maasai, although less well-off in livestock numbers, are able to earn good money from irrigated agriculture.

Are Selengei and Kimana special cases and unrepresentative of other ecotourism initiatives in Maasailand? Perhaps, yet there are a number of other initiatives that have failed either from the start or after being operational for a period of time. In some cases, locals have protested against secret deals made between a foreign tour operator and group-ranch officials. In April 2003, Maasai warriors set fire to and destroyed construction work in Risa Camp on the Olgulului/Ololorashi group ranch. Problems have also been experienced in Elangata Wuas group ranch and in neighbouring Narok District in the Loita Division. Some slightly more successful ecotourism projects are ongoing on Mbirikani Group Ranch (Chyulu Hills-Ol Doinyo Wuas campsite) and Shompole Group Ranch (i.e. Maa O'Leng partnership). These endeavours are backed by strong commercial partners that seem to be taking a more genuine interest in the well-being of the wider community, although safeguarding the interests of wild animals and business profits clearly come first. This mixed approach has somehow resulted in a wider sharing of benefits from these initiatives through better financial arrangements, through community projects, and through better livestock-damage compensation schemes.

These apparently more successful partnerships must have been the aim of the Kenya Wildlife Service when it presented the development of wildlife sanctuaries as a new form of partnership with the Maasai. Community-based conservation would, according to a former KWS director, change the top-down nature-conservation policy by emphasising the position of those people who bear the costs.[119] [120] Unfortunately, the 'Parks beyond Parks' approach is a rather top-down approach 'invented' at KWS headquarters. Its reliance on the private sector for implementing wildlife-tourism contracts is particularly questionable, especially so when this sector invests money from nature-conservation organisations or operates mainly through donations from rich, individual, wildlife enthusiasts. The cases presented fit the argument by Gibson 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.'[121]

There are important lessons to be learned from the Kimana and Selengei case studies for the development of true and honest community-based ecotourism projects in Kenya and in other developing countries. Recognising that each and every situation has its own peculiarities, there are a number of 'generic' factors for 'success' and 'failure'.

- Communities that take an interest in wildlife-based tourism should preferably do so on their own initiative rather than having it imposed from outside. External organisations

[119] See Western & Wright *supra* note 28.
[120] 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.
[121] C. Gibson, *Politicians and Poachers: The Political Economy of Wildlife Policy in Africa* 3 (1999).

can promote this through the provision of issues involved rather than the provision of fixed models. First and foremost, communities should have the (hidden) costs and potential benefits of ecotourism explained to them. The (financial) benefits as well as the disadvantages for the whole community – for men and women – should be properly understood by everyone. Realistic expectations should be created.

- Communities should preferably finance and build basic facilities and infrastructure themselves. Starting small with one's own resources and slowly building up is preferable. Setting aside nicely located, safe camping areas and the development of water facilities would be a good starting point. The big disadvantage of leaving the development of infrastructure to the private sector is that the tour operator becomes the owner of the conservation area. An alternative approach is that communal money earned over the years from the partnership is re-invested and the group becomes the majority shareholder in the venture.

- Advice from an independent source with no personal stake or interest in the project is crucial. For this reason, nature-conservation organisations are not necessarily the best partners. A better option might be collaboration with development-oriented NGOs such as OXFAM or SNV that have gained experience in the field of tourism over the last decade. These organisations will preferably have an established link with a local network as developed in, for example, Botswana, Namibia and recently also in Kenya. The Kenya Community Based Tourism Network (KCBTNet) has brought together over fifty grass-roots organisations. Its objective is to create a forum for local communities involved in tourism, to mobilise their capacities, learn from each other, and make informed decisions about how to control activities that affect their lives and their own environment. In so doing, the communities should become actors rather than just passive subjects in the tourism industry.

- If there is a need to engage a commercial company, standard regulations should be adhered to. It is better to put the project out to tender than to stick to one commercial tour operator from the start. All the key elements in the contract, especially the question of continued access to natural resources, should be taken into account when the bids are being considered, instead of going for the highest bidder per se. The establishment of any agreement signed between a community and a tour operator should guarantee a fair deal for both parties and stipulate a number of crucial elements such as payments, terms, conflict resolution, and environmental and socio-economic aspects.[122] In particular, the leasing of land should be fixed according to market prices and not be dependent on tourist numbers.

- Communities that set aside land for ecotourism need to consult 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.

- Transparency may be the most important key to lasting success. Commercial partners have a role to play in this respect as well. They should not hide behind the

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[122] *See* also L. Johnston & E. Dannemaier 'Kenya's Wildlife Easements: A Review of Wildlife-Based Sustainable Use Agreements in Kenya's Samburu District', mimeo USAID (1997).

responsibility of group-ranch officials as the representatives of all the members of a community. Often members, especially those who are illiterate, have no way of verifying the financial figures presented at an annual general meeting. These meetings are sometimes endlessly postponed, or the voting out of a corrupt committee can be blocked by power politics. In addition, local traditions sometimes do not allow corrupt officials to be prosecuted. There is a risk that various groups are simply waiting to enjoy the fruits of the partnership when their turn comes. Members of local communities should address the concerns of tour companies, especially security problems and ill-defined institutional arrangements on group ranches, regarding such partnerships.

- Finally, 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.