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Abstract

Wildlife is the backbone of tourism in Kenya, one of the leading foreign exchange earners for the country. Although wildlife is declining, poverty among communities hosting this wildlife remains endemic. Using field data and secondary literature, this article examines the extent to which the existing wildlife conservation regime must be considered responsible for the associated issues of wildlife decline and community poverty. The author contends that the interests of landowners (both community and private) must be meaningfully incorporated into wildlife conservation planning in order for both impacted communities and wildlife management to be sustainable. The article proposes a rethinking of the wildlife governance philosophy in this respect and sets out pragmatic policy suggestions on how to reform wildlife management for conservation in Kenya built on securing more benefits for the communities that shoulder the burden of conservation.

Keywords

resource curse, communities, landowners, wildlife conservation, wildlife decline, wildlife costs and benefits, wildlife policy, Kenya

Introduction

Scientific knowledge and expertise will form the cornerstone of wildlife conservation and management planning, implementation and decision-making processes

(Republic of Kenya [RoK], 2007b).

Wildlife governance in Kenya so far seems to have considered economic and scientific concerns largely in isolation from each other. Wildlife is continuing to decline even in national parks, whereas poverty in the communities hosting it is endemic.

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This suggests that a rethinking of wildlife governance that recognizes the interlinkage between economic and scientific conservation objectives and leads to policies and programs that address them in tandem is overdue. This is contrary to the current position of the government of Kenya (cited above).

This article asks why, in spite of the significant contribution of wildlife tourism to Kenya's economy, many landowners hosting wildlife are impoverished and do not benefit economically from this tourism.¹ It argues that the interests of landowners need to be integrated into wildlife conservation planning by allowing for some private usage of resources. This requires rejecting a conservation regime that produces well-fed animals but undernourished babies (Prozesky, n.d.). The author suggests that it is more socially and ecologically responsible to craft a conservation regime that benefits both people and animals. This approach runs counter to arguments that an equilibrium between environment and development, or competing actors cannot be achieved (Murphree, 2000; Wells, 1994/1995). The author maintains that win-win solutions must be pursued, because without landholder support and given extremely limited management enforcement capabilities, wildlife decline will continue.

This article was motivated by complaints from communities bordering the Amboseli National Park and the Maasai Mara Game Reserve. Residents in these communities cited unbearable costs imposed on them by wildlife. The prevalence and degree of poverty in the rangelands is inconsistent with the economic benefits associated with wildlife in other parts of the country. This suggests a paradox; the wildlife resource may actually be contributing to poverty in these regions. Consequently, the resource curse argument (discussed below) was used as a template to analyze the interplay between the presence of wildlife and the poverty of the residents in the rangelands. This analysis was also motivated by the fact that wildlife tourism is a lead export sector, and it would thus be expected that those concerned with it should pay special attention to the resource base. This inquiry sought to understand how this paradox plays itself out. Such an inquiry is important in advancing new strategies to confront some of the environmental crises Africa is facing (see, for example, Bush, 1997). The rest of this article is organized accordingly. The following two sections lay out the method and the conceptual framework used. This is followed by an examination of how landowners see their predicament when they are expected to shoulder the burden of conservation and the key policy questions that arise from this. The issue is discussed in the context of competing notions of sustainability. The article ends with a section on the need for institutional engineering to accommodate landowners' desire to participate in the conservation project. The conclusion suggests several policy reforms designed to create more incentives for private land owners to manage wildlife for their own and public benefits.

The data used here are based on field research conducted in Kenya between 2003 and 2004. Primary and secondary literature are also utilized. Field data consist of interviews with individuals and group respondents using semistructured questionnaires. The respondents who were interviewed live in the group ranches around the Amboseli National Park and the Maasai Mara Game Reserve. Although the majority of villagers

who were interviewed were picked randomly, a purposeful attempt was made to interview opinion leaders. Data were also drawn from proceedings of seminars, meetings, and workshops on wildlife issues, the author attended. Primary documents such as seminar and workshop papers and reports, minutes of meetings, and government publications were also used. Although the data reveal a number of common concerns among the community members (such as marginalization and neglect by the state), they single out the wildlife conservation regime as the main factor influencing the disjuncture between the local wildlife resource and the poverty of the communities. Thus, the study contributes to the discussion on the paradox between natural resource accessibility and poverty. We examine how the current wildlife conservation regime in Kenya is a key factor in the generation of this paradox, and consequently at least partially responsible for wildlife decline.

Wildlife Natural Resource Wealth: Blessing or Curse?

Popular opinion on natural resources wealth and economic development takes it for granted that the former will spur the latter. The Gulf States are considered rich because of their oil, and in Africa, Botswana and South Africa are some of the richest countries because of their mineral stores. However, there are ways in which natural wealth can contribute to a country's or community's underdevelopment (i.e., resource endowment becomes a liability rather than an asset). There is a literature supporting this argument. This literature, propounding the resource curse thesis, suggests that natural wealth can be a liability rather than an asset in economic development. Research has shown that there are countries with abundant resource wealth that have achieved less economic development than more resource poor countries (Karl, 1997; Ross, 1999; Sachs & Warner, 2001).

In explaining this apparent contradiction, it is argued that the poor performance of many resource rich countries actually stems from their abundant natural resource endowments. Explanations for this range from those that can be said to be beyond the control of the country (e.g., decline in demand for primary commodities and instability of international commodity markets) to those that have to do with choices made by state actors (e.g., the way resource booms can weaken state institutions or produce short-sightedness among policymakers; Karl, 1997; Ross, 1999). Ross (1999) also noted other possible explanations that are particularly relevant to the situation surrounding wildlife resource wealth in Africa. These explanations relate to the management inefficiency of parastatals and the common inability of states to enforce property rights. Critics of Kenya Wildlife Service (KWS), the national agency overseeing the wildlife estate, accuse it of mismanagement and failure to respect and respond to the interests of the local communities in the face of wildlife hazards, despite the fact that these communities are central to the survival of wildlife. In light of these issues, it becomes clearer how natural resources can become a liability, rather than an asset, for local communities.

The presence of natural resources wealth has in many instances fueled conflict, sometimes exacerbating or prolonging a conflict originating from other factors, such as civil strife (Fairhead, 2001; Richards, 2001; Ross, 2003). This reinforces the resource curse, for as Ross observed, "It may seem paradoxical that a 'gift' from nature of abundant gemstone, gold or oil tends to cause economic distress" (Ross, 2003, p. 20). The confrontation between Shell Oil and the Ogoni people in Nigeria, and the civil war in the Democratic Republic of Congo are cases in point. The socioeconomic situation in Kenya's rangelands, home to an abundance of wildlife, similarly supports the resource curse thesis. Kenyan communities hosting wildlife bear the costs of resource extraction (e.g., see quote below) although enjoying too few benefits from these resources (in a way similar to that stated by Ross, 2003, p. 28). This has led some observers to state that:

The growth of the tourist industry in connection with the establishment of protected natural areas has created additional problems for these communities. In Maasai Mara, the construction of a private tourist resort reportedly associated with top government officials has involved fencing off an area traditionally belonging to the Sekenani village, leading to the *loss of access to one of the only three sources of water for everyday human and cattle consumption* (Stavnhagen, 2006, article 52; emphasis added).

Although wildlife as a resource curse here assumes a slightly different sense than the conventional one discussed by Karl (1997), it has similar negative economic ramifications. Rather than spurring economic growth, it actually breeds poverty (see below on shouldering burden of wildlife production and also Kipuri and Sorensen (2008) on similar resource-based predicaments of the Maasai of Ngorongoro). Wildlife, commodified as an export good, creates incentives for control and exploitation by different parties. The successful ones are the urban-based economic and political elite who work in concert with international conservation organizations that provide capital and ideological support to the conservation and tourism sectors. These players don't have to bear the costs of living with wildlife and are instead able to force wildlife externalities onto local communities.

Although Kenya's rangelands are the foundation of one of the country's lead export sectors, wildlife tourism, these lands are some of the least economically developed in the country (see Table 1).

Obviously, it cannot be argued that poverty in rangeland communities is due to the unavailability of resources. It is an open secret that the hotel and tour operators in the tourism sector are some of Kenya's most affluent citizens. This affluence, however, does not tend to trickle down to other individuals working at the interface of wildlife and tourism.

Among the stakeholders most severely impacted are communities hosting wildlife in their lands.² These communities are characterized by poor education facilities (and by extension, low educational standards), deteriorating health infrastructure, high infant

Table 1. Sample of Sector Contribution to GDP (%)

Sector	2000	2001	2002	2003	2006
Agriculture	24.1	24.1	24.0	23.9	
Manufacturing	13.1	13.0	13.0	13.0	
Trade, restaurants, and hotels	12.6	12.6	12.7	12.6	25?
Business	10.6	10.6	10.5	10.5	
Transport	6.1	6.2	6.3	6.3	
Ownership of dwellings	5.7	5.7	5.7	5.7	
Forestry	1.3	1.3	1.3	1.3	
Fishing	0.3	0.3	0.3	0.3	

Note. Interpreting this data is, however, problematic. Although the sector under discussion can be located within the third cluster, it is not clear what the contribution of wildlife tourism within this cluster is. The reason for assigning wildlife tourism within this cluster is because in the Statistical Abstract, tourism data are presented in terms of hotel rooms available, occupancy rate, and visitors to parks and game reserves, thereby implying that tourism revenue is collapsed under hotels and restaurants. There are, however, some claims that the actual contribution of tourism to Kenya's GDP is really not known (e.g., Kariuki, 2004). A closer look at the claims made in the draft Wildlife Policy 2007 (RoK, 2007b) on the contribution of tourism to the GDP in 2006 confirms Kariuki's fears that how these figures are computed is not clear—hence the question mark in the table.

Source: RoK (2003a, 2004, 2007b).

mortality rates, and poor communication networks. The Narok District, home to the world famous Maasai Mara Game Reserve, is a striking example. Here, 64% of the population lives below the poverty line. In the administrative division housing the Maasai Mara Game Reserve, the population below the poverty line is 78% while the national average is 53% (Narok District, 2003; RoK, 2003b). One governmental official observed that,

Division such as Mara which house the famous and the internationally recognized Maasai Mara Game Reserve has nothing to show of it in terms (sic) improved living standards of the local communities as indicated by the high level of poverty prevailing in the district (Narok District, 2003).

Indicators of socioeconomic development serve only to provide evidence of an absence of development. The question then is how a concentration of wildlife can defy economic expectations and fail to benefit local communities, who actually perceive wildlife as the catalyst for their poverty.³

Divorcing Wildlife Conservation From Economics

It is the opinion of some landowners that their predicament is caused by a wildlife conservation regime that divorces landowners' well-being from conservation planning (Kenya Wildlife Working Group [KWWG], 2003-2004; RoK, 1985). The conservation regime is largely informed by preservationist principles: a biologically rich

environment benefits from the reduction and control of human activity (Brooks, 2005; Neumann, 1998). This mentality of separating people from nature was introduced in Kenya through colonialism. The postcolonial state, unable to divest itself completely from the policies of its predecessor, inherited and sustained this perspective on the management of nature. Hence, in the preamble to Kenya's Wildlife Conservation Act (RoK, 1985), conservation for the purpose of economic gain was explicitly denied. The Act states that economic uses can only be "incidental" to the achievement of conservation goals.

Following the enactment of the Wildlife Conservation Act, the 1975 Sessional Paper that outlined the economic value of wildlife was annulled (RoK, 1975). However, this mandate is selective; some actors in the wildlife sector clearly reap economic benefits from wildlife. This element of the Act ultimately pertains to local communities more than anybody else. Though the proposed Wildlife Policy of 2007 (RoK, 2007b) attempts to moderate the restrictions of the Wildlife Conservation Act (of 1977) and shift the agenda more toward the promise entailed in the Sessional Paper (of 1975), the preservationist spirit of the 1977 Act is still more dominant than that of the 1975 Sessional Paper. The draft Wildlife Policy (2007) and the draft Wildlife (Conservation and Management) Bill (2007) proscribed consumptive wildlife use, even though they are crafted in a way that suggests they will facilitate landowner investment in wildlife conservation and management (RoK, 2007a: sec. 61(1); RoK, 2007b: sec. 6). However, the preservationist approach per se is not really the problem. The real problem is the imposition of a private externality cost for the selective exploitation of a public good. To preserve and protect the national wildlife heritage (a public good), as envisaged by the Wildlife Conservation Act, implies costs. But who pays to maintain the public good that is wildlife, and who benefits?

Shouldering the Burden of Wildlife Conservation

Most people believe that these costs are borne by the State and its international financiers. This would constitute the public cost of a public good. However, it is often overlooked that there is a private externality cost to the production of this public good. To understand who really bears the cost of Kenya's wildlife heritage, a heritage in which economic benefits are described as being only "incidental" (RoK, 1985), there is need to examine who, in addition to the state, bears the costs of wildlife conservation.

Kenya's wildlife lands are split between protected areas and nonprotected areas. The protected areas harbor an estimated 10-30% of Kenya's wildlife. The nonprotected areas absorb the rest, estimated at between 70% and 90% (Department of Resource Surveys Remote Sensing, Kenya [DRSRS], 2004; Western, Russell, & Mutu, 2006). Nonprotected areas are typically private lands, and wildlife often travels across this private property. This leads to the reality that there is often public property on private land. It is against this background that the private cost of preserving this public good (wildlife) should be considered.⁴ The clearest illustration of the uneven burden of wildlife conservation can be found in communities, or on private lands, located at the

interface between protected areas and nonprotected areas. Although landowners host wildlife, their livestock is banned from protected areas, with fines for intentional or unintentional incursion into protected areas. Protected area managers aggressively enforce this exclusionary system. One district environmental officer stated, "It is high time herders kept manageable herds. The park should remain a protected area for wildlife only" (Standard 1, 2009). Such officers, however, do not address the question of reverse movement of wildlife into community lands.

The invasion of community lands while simultaneously denying abutting communities and landowners the use of protected areas has attracted the attention of human rights actors who have concluded that "Wildlife conservation has also had direct negative impacts on neighboring communities" (Stavenhagen 2006: article 1; see also Peluso, 1994; Shetler, 2007). Ali Kaka (Kaka, 2004) evokes the life of a landowner, and his family, who has to internalize wildlife migration costs:

That small-scale farmer who stays up all night, then has his family take the day shift to keep his one crop safe, that school child who has to stay home and go to school late and leave school early, that fisherman who cannot fish anymore, that woman who has lost her husband or child . . . people who go hungry and become destitute beggars (sic) because of the wildlife that we enjoy and protect (Kaka, 2004; see also Loeffler, 2007).

It is clear that private landowners often bear significant costs for the maintenance of the national wildlife estate in Kenya. This raises the question of whether the costs borne by landowners are offset by the accrual of benefits.

Do Landowners Benefit From Hosting Wildlife?

Although wildlife is an asset at the national level (Table 1), creating a windfall for many tourism and conservation elite (see, for example, "The gravy train," 1997), most local landowners do not see it as an asset (KWWG, 2003-2004). Instead, they count losses in terms of opportunity costs of hosting wildlife and direct costs of wildlife damage (Table 2; Loeffler, 2007). Landowners could be reimbursed and/or benefited from wildlife at two levels: compensation for wildlife damages, and generating returns on wildlife investments. As of now, neither of these opportunities is generally available to them.

Landowners in the past had legal rights to compensation for wildlife damages. In practice, they were largely denied this right by bureaucratic bottlenecks or corruption. Since 1989, the law has given landowners no legal recourse to collect compensation (other than extreme cases where there is a loss of life; Kabiri, 2010; RoK, 1985). Although certain aspects of this compensation question have been addressed, others are still being debated. The state has, for example, increased compensation for loss of life, but the amount and payment processes still do not meet community expectations (see, for example, Kenya Human Wildlife Conflict Management Network [KHWCMN], 2004). Moreover, landowners continue to request compensation for property damage

Table 2. Cost Imposed on Communities (Kajiado District) by Wildlife: 2003-2004 (May)

Cost/damage	Number of incidences	Extent of damage
Threat	17	Opportunity cost of defense?
Predation	79	Sheep and goats injured/killed: 208 Cows injured/killed: 18
Crops	179	In most cases: extensive
Disease	3	Enormous death of livestock
Property	1	Not specified

Note. These figures suffer from the problem of under/none-reporting. Most people do not bother reporting wildlife damage because there is no compensation for it. It would, therefore, be futile to visit the wildlife service authorities. Nevertheless, the enormity of these damages can be inferred from the government's own admission. When it abrogated the legal right to compensation for wildlife damage, the rationale was that the claims were too many that the state cannot afford to pay (RoK, 1985). Of course, these claims included the weight of corruption.

Source: Compiled by the author from KWS (Community Wildlife Service dept.) field returns 2003-2004 (May).

but have been repeatedly rebuffed though this may become a reality if the new legislation is adopted (RoK, 2007a, 2007b).

With respect to wildlife investments, two observations are clear. First, with the exception of a few landowners, nonlocals dominate wildlife investments and the tourism trade. Second, of the significant income that accrues from wildlife investments, only a small fraction (some studies say 5%) trickles down to the locals (see, for example, Emerton, 2001; Norton-Griffiths, 2007). These minimal profits accrue to locals through various avenues: employment, gate fees, selling crafts, or conservancies. Of particular significance is that an even smaller proportion of this income is ultimately dispersed across community households. The bulk is appropriated by local political elites (Homewood, 2009, pp. 358-360; Homewood, Kristjanson, & Chenevix Trench, 2009, pp. 32-33; Thompson, Serneels, Kaelo, & Chenevix Trench, 2009). What Thompson et al. (2009) described below, regarding one landowner's wildlife association that broke up, is almost standard narrative:

“The rump association, despite receiving significant income from tourism, failed to give dividends for 3 years from 2001, while the assets of former Koiyaki-Lemek Wildlife Association were run down and lost” (p. 103).

BurnSilver (2009, pp. 184, 200) related a similar experience in Amboseli and concluded that

“the household-level results presented here show that proportionally very few households are benefiting directly from tourism-related activities” (p. 200).

This further reinforces the argument that many communities that host wildlife incur private costs without any concomitant benefits. This reflects poorly on current

conservation practices and raises critical policy questions related to the declining wildlife estate.

Key Policy Questions

The key policy questions have to be framed in terms of the landowners, because they bear the burden of the current conservation regime. Among these, the first question is whether wildlife on public land should be an economic asset (or a liability) to the landowners. The second question concerns who should pay for the costs of sustaining a wildlife sector in Kenya. The third question, an extension of the second, is whether the burden referred to above should be associated with decision-making power for wildlife conservation in Kenya.

Wildlife on Private Land: Should It Be an Asset to Landowners?

In light of the foregoing discussion, and given the indisputable centrality of local communities to the survival of wildlife, the answer must be in the affirmative. Policymakers must abandon the perspective established in the 1977 Wildlife Act that the potential economic gains associated with wildlife should be incidental to conservation. This position has been restated in a subtle way in the draft Wildlife Policy of 2007, despite its provisions to the contrary (RoK 2007b (6)). Wildlife conservation power brokers should instead concern themselves more with the question of how to make wildlife a competitive asset (relative to livestock and farming).

The failure of wildlife to be economically competitive can be easily mitigated in two ways. The cost of maintaining wildlife can be treated as a social service (in the spirit of the preamble to the Wildlife Conservation Act of 1977) and be funded by the national treasury. Landowners would be compensated at market rates (see, for example, KHWC MN, 2004), and consequently they would no longer nurse grievances against the conservation estate.⁵ Alternatively, methods of wildlife use such as consumptive utilization could be adopted to raise the economic profile of wildlife among communities unable to invest in nonconsumptive wildlife ventures. Though both the draft Wildlife Policy and Bill provide for wildlife utilization by landowners, it is not yet clear if this will now make wildlife a competitive form of land use (RoK, 2007a, 2007b). By maintaining the proscription of sport hunting in the parent Act, the draft Bill does not substantially alter the current utilization regime. Whatever the case, wildlife on private lands should pay its way; hence, the second policy question.

Who Should Pay for Wildlife on Private Land?

Given that wildlife is part of Kenya's national heritage, the cost of preserving this asset should certainly be a State responsibility. But the State response has been mixed. Although at times it has accepted responsibility, it has also implemented policies that

reject government responsibility for wildlife damage on private property, though an Appellant Court declared this legislation invalid (Court of Appeal, 1998; RoK, 1985, 2007a, 2007b). The government's failure to assume responsibility for damages amounts to a direct attack on the institution of private property. The State is violating a central tenet of its social contract with its people, namely, to defend life and property. Locke, for example, asserted,

“The great and chief end, therefore, of men's uniting into commonwealths and putting themselves under government, is the preservation of their property.”
(Locke, 1690/1980)

In liberal democratic theory, the breach of this contract delegitimizes claims of State authority over landowners. The State's perpetuation of this claim has only succeeded in causing communities to attack wildlife (see note 11), which they perceive as the source of their misfortunes. It can be argued, however, that the State's rejection of responsibility for wildlife damage was never intended to extend as far as it has; the state is constrained by the fiscal predicaments. The question then becomes whether the current system can be reformed, to accommodate the State's inability to adequately compensate landowners, while increasing community investment in the conservation project. This will require including landowners as substantive (not superficial) comanagers in wildlife conservation (see Dzingirai, 2003 for an example of an inauthentic partnership). This new system would internalize the current wildlife externalities impacting local communities, providing an incentive to landowners to help maintain wildlife, and redressing their perception of wildlife as a resource curse. This possibility leads to policy question three.

Paying the Costs of Conservation— Does This Imply Management Authority?

It is a simple truism that outside a feudal economy, but particularly in a democracy, property rights are linked to land management authority and responsibility for the costs of production. In the case of Kenya's wildlife, landowners who “house” more than 75% of a protected species' habitat have every legitimate claim to influence its management. During field interviews, villagers were unanimous that landowners have greater claim to the ownership of wildlife than the government. They live with the wildlife, protect it, and incur costs from it, although the government refuses to cover these costs or compensate them for their contribution to the preservation of wildlife. At a minimum, the communities expect to be involved in wildlife management.

Nevertheless, the failure to incorporate landowners into wildlife management is itself not the principal failing of conservation in Kenya. The primary problem is the present conservation regime. Landowners would not be as concerned about their exclusion from wildlife conservation administration if the government pursued more landowner-friendly policies. The question of landowner representation dominates,

however, because the current conservation regime is hostile to his or her interests. This impasse could be overcome if landowners were given the chance to help craft the wildlife conservation regime. Current decision-making, landowners contend, is dominated by interests (such as conservation nongovernmental organizations and tourism industry) that suffer no real consequences from the migration and maintenance of wildlife, and are resistant to landowner's involvement in wildlife governance. What then is at stake in crafting Kenya's wildlife management regime?

Wildlife Conservation and Competing Notions of Sustainability

The question of how to remodel the current wildlife management regime to address the economic plight of landowners and improve wildlife conservation is complicated by the existence of two competing schools of thought in Kenya's conservation circles. This is the preservation versus consumptive use divide. Preservationists conceptualize human activity in nature as motivated by commercialization that is likely to result in overexploitation and species decline. In their view, wildlife can be observed and photographed but should not be touched. Only then can sustainability⁶ be achieved. Although this approach to conservation (photo-tourism) fuels a billion-dollar industry in Kenya, most landowners are not in the financial position to participate in these ventures.⁷ Consequently, landowners are marginalized (see, for example, Garland, 2008). The exclusion of the majority of landowners explains, in part, why preservationism fails to appeal to them. There are also other uses of wildlife that could provide them with economic benefits (e.g., sport hunting). This is where the question of conservation as wise use, and the motivation for consumptive wildlife utilization, comes in.

The school of thought opposed to preservationism argued that sustainability does not preclude consumptive utilization of wildlife (Kabiri, 2007; see also Standard 1, 2009; Loeffler 2007; Norton-Griffiths, 2007; Parker 2006). From this perspective, preserving natural resources for future generations should not compromise the needs of the present generation. One community representative at a wildlife workshop argued that the preservationists' approach can be compared to caring for an unborn child at the expense of the mother, yet, if the mother dies, so will the child. The current conservation regime, landowners argue, has this same effect on their communities. Moreover, it is a double tragedy because this system does not actually improve the sustainability of wildlife. Landowners point out that since the 1970s the Kenyan wildlife sector has actually been a study in wildlife decline and extinction (see wildlife censuses: DRSRS, 2004; Narok District, 2003; Reid et al., 2002; Western et al., 2006). This is the only observation that both sides of the debate seem to be in agreement on. However, they differ in their explanations of the cause(s) of this decline (Kabiri, 2007).

Preservationists attribute the decimation of wildlife to consumptive use, pointing to officially sanctioned wildlife cropping (to supply game meat to upmarket restaurants) and illegal hunting (bush meat trade) as the primary causes. Critics of cropping claim that licensed landowners harvested more than the allocated quota. The proconsumptive

camp, however, disputes this analysis. They contend that wildlife cropping has only been permitted on an experimental basis and thus is not widespread in wildlife habitat outside protected areas. Moreover, they argue, if preservationists were correct there would have been a sharper decline in numbers outside of the protected areas where wildlife cropping took place, but the reverse is the case. Although wildlife has declined in the protected areas, it has increased on private lands⁸ (Western et al., 2006; KWWG [KWS-BOT], 2003; Barnett, 2000). Therefore, those opposed to the preservationist perspective argue that the root cause of wildlife decline must be located elsewhere.

The decline can be explained ecologically. Animal decline often goes hand in hand with changes in their habitat. It is hypothesized that agricultural conversion of lands previously relied on by herbivores has undermined their food base (Loefer, 2007; RoK, 2009; see also Bassett, 2005 for similar trends elsewhere in Africa). In the Maasai Mara Game Reserve, for example, expanding agrarian practices are correlated with the decline of almost half of the wildlife in the past two decades. In 1975, farms were approximately 52 km away from the wildlife reserve boundary. But by 1996, this distance had been reduced to 17 km (Reid et al., 2002; Narok District, 2003). Commentators on the wildlife sector are increasingly observing that in game parks such as Tsavo National Park, one is bound to see more livestock than wildlife, a phenomenon conservationists view as bad for both wildlife and the tourism industry (see, for example, Standard 1, 2009).⁹ This demonstrates the centrality of habitat wildlife management. Why are habitat-eroding processes taking place?

Landowners turning to agrarian practices that threaten wildlife do so because they are disillusioned by the lack of viable returns from wildlife (Homewood et al., 2009; Nkedianye, Radeny, Kristjanson, 2009; Norton-Griffiths, 2007; Thompson et al., 2009; Suzuki, 2001 on Zimbabwe for a reverse turn). However, Thompson et al. (2009) suggested that for a number of reasons cultivation may be declining, which could be good for wildlife. The pursuit of harmful agrarian practices is not inevitable. There is evidence that agreements can be reached to preserve privately owned habitat, provided a landowner-friendly conservation regime is in place.

Evidence That Landowners Are Willing to Secure Wildlife Habitat

If between 70% and 90% of wildlife is found on private land, then there is a clear inseparability between the management of private land and wildlife conservation. This inseparability is especially significant given that the wildlife administration (KWS) has no control over private landowners' choice of land use strategies. Though it may encourage certain strategies, it cannot effectively impose them.¹⁰ To secure the wildlife habitat then, wildlife authorities should see the benefit in partnering with the landowners. However, given the history of wildlife management, there is a question of whether landowners are even interested at this point in forming partnerships (see, for example, Songorwa, 1999, but also Kabiri, 2007).

Despite the frosty relations between landowners and the wildlife authorities, landowners have not given up on the conservation project. The increase in wildlife numbers

on private lands referred to earlier (barring the controversy over this increase referred to above) has not been an accident. The reasons for this increase reveal a window of opportunity for wildlife authorities to engage landowners in conservation. First, many landowners have continued to tolerate wildlife on their lands despite the challenges. Second, other landowners are now setting up wildlife conservancies. This is in spite of the fact that there are legal opportunities they could invoke (such as fatal retaliation; Loeffler, 2007) to limit wildlife costs, which could have adverse consequences for conservation.

The Wildlife Conservation Act provides landowners with an opportunity to remove wildlife from private lands. Landowners are entitled to defend their life and property (RoK, 1985, sec. 30-31). And landowners, either aware of this fact or simply out of desperation occasionally profess to being prepared to retaliate against wildlife that strays onto their farms (Nation, 1999; Standard 3, 2009). During field interviews, villagers have said that they understand the habits of wildlife so well that if they wanted to eliminate them they could do so without difficulty. Some warriors, for example, say that they know how to hit an elephant with an arrow and kill it instantly. In many instances, they have chosen not to make good on these threats.¹¹

That the landowners have not gone this far suggests that they nurse qualified grievances against the wildlife sector, hence, they rarely take aggressive action. This is evidence that they may be willing to sign up for the conservation project. Many have tolerated wildlife on their lands, and some have established wildlife conservancies, hiring game scouts, and implementing antipoaching mechanisms at their own cost. The wildlife authorities (KWS) train the game scouts for conservancies and use (free of charge) these wildlife sanctuaries as safe havens for endangered species such as rhinos or as reservoirs for replenishing parks depleted of wildlife by poachers (Dublin & Niskanen, 2003; KWWG [KWS-BOT], 2003; Standard 2, 2009). Several of these conservancies have won international awards for their contribution to wildlife conservation. This success is clear evidence that many landowners are still amenable to becoming partners in conservation. Landowners have, in several forums, argued that they need more incentives to invest in wildlife.¹² If they benefit from wildlife, they will conserve it, but if they don't, wildlife will continue to decline (because there will be motivation for practices hostile to conservation). This calls for institutional adaptations that inspire confidence among landowners that wildlife resource abundance can be an asset rather than a resource curse.

Institutional Engineering for Sustainable Conservation

There is a need for a legally mandated conservation partnership between State conservation authorities and landowners. The current practice where such partnerships are instituted at the pleasure of conservation bureaucrats, does not constitute a reliable incentive for landowners to invest in conservation. This was proven in the fiasco of the Game Birds Committee of KWS (KWWG-minutes July/September, 2003).¹³ This committee was created by KWS after negotiations with a range of stakeholders to

regularize the hunting of birds for tourism operations. The committee had representation from KWS and landowners. KWS suddenly disbanded the committee, alleging, among other reasons, that the agreement was illegitimate. The bird-hunting project was terminated. This was done without any regard to the fact that clients had already been booked based on committee authorizations granted to the proprietors of bird-shooting ventures. What landowners are calling for is a fair playing field where they can exercise their skills within the confines of the law, like any other private entrepreneur, without facing unpredictable administrative reversals and reprisals.

This may imply the need for either compensation or devolution of wildlife management rights, where landowners exercise some authority in concert with the State. The landowners can then work out economic opportunities available to them given their property rights. The experiment with private conservancies in Namibia and (at certain points) Zimbabwe has demonstrated the power of landowner-government partnerships in wildlife conservation (de Alessi, 2000; Jones, 2010; Mapedza & Ivan, 2006; Rihoy, Chirozva, & Anstey, 2010; Suzuki 2001). These examples showed that although there may be no silver bullets to address the challenge of conservation (Roger & Bhaskar, 2001), enhanced conservation is possible if hosting and preserving wildlife becomes a paying enterprise for landowners. Tanzania's planned devolution of wildlife property rights to landowners through the establishment of wildlife management areas is founded on the same logic (MNRT, 1998, 2002).¹⁴ The government is helping communities to reconceptualize the wildlife resource as a source of wealth rather than a curse.

Kenyan landowners have demonstrated resilience in wildlife conservation against bureaucratic odds. State policymakers and managers need to learn from the lessons in Namibia and Zimbabwe. The current system in Kenya — whereby wildlife property rights can be extended to landowners, but the landowners are constrained on how to use these rights — is ecologically and economically ineffective, as wildlife cropping demonstrated.¹⁵ Wildlife cropping posed a simple question: if an animal is to die, why shouldn't the landowner generate the best possible price from it, even if it is from sports hunting? There are clearly large disparities between the rents from cropping and those from sports-hunting (Table 3). The latter would certainly be the choice of any wildlife entrepreneur if given liberal user rights, as in Namibia (Jones, 2010; see also Lesirma, 2004). It would increase economic returns from wildlife and thus raise the profile of conservation.

Landowners thus feel there is a clear case for devolution of property rights. Unfortunately, the draft Wildlife Bill (of 2007) seeks to further control the few liberal initiatives that have been put in place for nonconsumptive utilization in private lands and even tightens the control on consumptive uses. If this Bill passes, then effective representation of landowners in KWS will be even more critical.

The Composition of the KWS Bureaucracy

The KWS is managed by a board of 15 trustees. Nine are direct and indirect appointees of the President. The other six are ministerial appointees. There is, therefore,

Table 3. Comparative Returns From Wildlife Consumptive Utilization Based on Cropping and Sports-Hunting^a (US\$ in Brackets)

Animal	Value per animal in Kenya shillings from	
	Cropping	Sports-hunting
Buffalo	25,000 (347)	Up to 800,000 (11,111)
Zebra	15,000 (208)	60,000 (832)
Thompson Gazelle	15,000 (208)	30,000 (416)
Grants Gazelle	15,000 (208)	35,000 (486)
Eland	30,000 (416)	120,000 (1,667)
Warthog	1,500 (21)	20,000 (278)
Wildebeest	10,000 (139)	50,000 (694)

a. Figures provided by Mr. Barry Gaymer, Nakuru Wildlife Conservancy, and a KWS Honorary Warden.

no established representation of landowners on the board. The draft Wildlife Bill has made efforts to include landowners on the KWS Board of Directors. However, with a proposed ratio of one landowner representative for every six board members (RoK, 2007a), it is not clear how meaningful this representation would be. Although this would be an improvement, there is still an obvious reluctance to concede that landowners ought to be critical actors in the wildlife governance regime. Perhaps intersectoral learning here could be of help; the agricultural sector has done this with some success.¹⁶ The incorporation of landowners in the management of wildlife and a legal regime that bestows clear parameters of authority and wildlife property rights will achieve better results for wildlife conservation than the current system. This reorganization would help landowners see wildlife as a method of socioeconomic advancement rather than an agent of poverty. It would give them a reliable incentive for wildlife conservation and prevent further wildlife decline.

Conclusion

This article has argued that for private property owners in Kenya, the presence of wildlife can be a resource or a curse, and to move toward the former the conservation system needs to be overhauled. Although the conservation bureaucracy promotes wildlife as a blessing, landowners have come to see wildlife on their lands as a burden because its presence is often damaging and maintenance costly; landowners see wildlife as a resource curse. This is partly because of the State's abdication of its contractual responsibility to landowners as subjects of the state. In broader terms, the current system, in which landowners are forced to take on government responsibilities, undermines the legitimacy of the State. The alternative is to make conservation appealing to landowners so that they have an incentive to treat wildlife as an asset

worthy of sustainability, not elimination. The question of wildlife conservation in Kenya is one of property rights, not science as conventionally understood (see opening quote). Three key policy innovations are proposed.

First, preservationists and conservationists need to be guided by a pragmatic search for mutually beneficial solutions to the issues raised above, to help improve wildlife management and conservation, even if this may seem ideologically unappealing from a strictly conservation scientific point of view. It should by now be clear that the way authorities and managers approach conservation policy will guide community interactions with wildlife. The idea then is to positively influence wildlife management decisions on the ground by including incentives to private land owners.

Second, there is need for State intervention to ensure that communities currently burdened by wildlife are able to participate in and benefit from the lucrative tourism sector now too much captured by nonlocal investors. The government should provide incentives to private entrepreneurs willing to partner with local actors and encourage partnerships where local landowners will ultimately become major shareholders in these enterprises. The State has used a similar approach in Export Processing Zones (where manufacturers producing for export markets only are given tax exemptions on imported raw materials).

Third, in support of the second policy proposal, mechanisms need to be put in place to prevent local and nonlocal elites from dominating the wildlife tourism sector and reaping the majority of the rewards. Just as the state helps fund political parties, it can provide resources to civil society organizations so they can help broaden the umbrella of wildlife benefits. Subsidies for such groups should be linked to clearly defined performance standards related to strengthening local capacities in this respect.

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Notes

1. When I was doing fieldwork in 2003-2004 in Tanzania, I visited a village chairman and when I asked him about the benefits his people get from hosting wildlife, he instructed his aide to take me to a wheat farm that had been utterly ravaged by browsers the previous

night. When I went back, he asked me to tell him what I saw. After I told him, he told me that is the “benefit” they get for hosting wildlife.

2. This excludes some big ranch owners who use land primarily for wildlife business. They, too, do not get value for their land even though they may not experience the deprivation of their counterparts who use lands in ways other than wildlife enterprises (Norton-Griffiths, 2007; Parker, 2006; see Table 3).
3. In case of cash crops, see, for example, Isaacman (1995) on how peasants in Mozambique explained their economic predicament from the point of view of forced cotton production.
4. Because of the compensation predicaments (see note to Table 2), one landowner referred to this scenario as the tragedy of the commons in private land.
5. In some areas where conservation easements have been tried, reports suggest that communities are espousing a favorable attitude toward wildlife (Nkedianye et al., 2009)
6. This is defined as the use of resources by the present generation without compromising the opportunity of future generations to use the same resources.
7. The emerging conservancy model, where tourism investors are partnering with local communities in setting up tourism investments on community land, is beginning to moderate this dispensation.
8. There is, however, controversy surrounding this claim. During a wildlife stakeholder workshop, the acting minister for tourism and wildlife challenged a proponent of this view on whether they had factored in “rumors in town” that the increase is because the conservancies are fenced, and the owners open them and then lock them up once the wildlife is in. The proponent countered that wildlife prefer conservancies because they provide safety from poachers. However, when the minister asked the audience whether it was convinced by that, some replied in the negative. (EAWLS’ Wildlife Stakeholders workshop held at the Kenya Commercial Bank Training Center, Karen, Nairobi, Kenya; December 2004.)
9. It should not be assumed that livestock has to out-compete wildlife because the locals are welded to a livestock culture (ref. environmental officer quote above). If wildlife has been replacing livestock in countries such as Zimbabwe (de Alessi, 2000; Suzuki, 2001), that shows that there is more than a bovine mania at play in Kenya. It is the failure of the present wildlife regime to demonstrate that wildlife is a greater asset than livestock.
10. Although zoning laws could be invoked, it would still be difficult to manipulate land use to an extent that farmers are forced to do the binding of the wildlife service. Moreover, regulatory measures could backfire if communities adopted retaliatory tendencies as they did recently in Maasai Mara where lions were poisoned using lethal chemicals (Scott, 1985; Standard 3, 2009).
11. Save, for the Maasai protest-spearing witnessed at Kitengela (KWS, 2003), in Amboseli in the past (Western, 1994), and the recent poisoning of predators in Maasai Mara (Standard 3, 2009).
12. Francis ole Kaparo, then Speaker of the National Assembly, a former Laikipia East MP, and member of the landowning communities in Laikipia District, is a leading proponent of this school of thought.
13. It was later reinstated.

14. The process has, however, been controversial. Some communities have rejected the wildlife management area saying it is more a strategy of extending the protected areas regime than devolving wildlife rights to them (Kabiri, 2007).
15. Consequent to the ban on wildlife hunting in 1977, KWS introduced in 1990 a pilot wildlife-cropping scheme. The landowners claim that they could hardly make ends meet through cropping. They were, for example, only allowed to sell meat but not to process and market the trophies (hides and skins). These were exported to Tanzania for processing and then resold to Kenya at a higher price. One landowner claimed that his expenditure on cropping was higher than the income (KWWG, 2003).
16. Tea and coffee farmers elect their representatives right from the grassroots to the national level.

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Bio

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