

THE EMERGENCE OF POST-WILDERNESS CONSERVATION:
EXAMINING THE CASE OF KENYA'S MAASAILAND

by

Christina Nicole Puzzolo

A THESIS

Submitted to The New School in partial fulfillment of the requirements for the degree of
MASTER OF ARTS in International Affairs

The Julien J. Studley Graduate Program in International Affairs

May 2017

First Reader: _____ Date Approved: _____

(print name) _____

Second Reader: _____ Date Approved: _____

(print name) _____

ABSTRACT

The arid and semi-arid rangelands of southern Kenya are world-famous for their picturesque beauty and abundance of big game wildlife. They are also home to the pastoral Maasai people who have long endured the social, political, and ecological impacts of top-down conservation policies since colonial times. These conservation efforts were rooted in the Western concept of wilderness as pristine nature and led to the dispossession of Maasai land through the establishment of national parks and reserves. Today, conservation in Kenya takes on a new life as community-based wildlife conservancies. With the majority of the country's wildlife living beyond the boundaries of government-protected areas, these privately-owned conservancies have become vital to contemporary conservation strategies. I critically examine the transformation of conservation in Maasailand from a state-building wilderness project into its current decentralized, "post-wilderness" form. I study this history from the late nineteenth century to the present day by following the material and administrative history of land—the ways in which it has been categorized, obtained, allocated, and regulated. In doing so, I make a methodological intervention regarding how histories of conservation should be written. I demonstrate how this approach allows for a deeper understanding of the predicaments of the Maasai people who have been caught in the crosscurrents of wildlife preservation and economic development policies.

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INTRODUCTION

A NEW BILL IN TOWN

On December 24, 2013, President Uhuru Kenyatta gave his assent to Kenya's highly anticipated Wildlife Conservation and Management Bill. Applauded for finally attending to the demands of many conservationists for harsher penalties for poachers and those involved in wildlife crime, the new bill was considered a call for celebration among major conservation organizations, such as the World Wildlife Fund and the African Wildlife Foundation (Margaryan, 2014; Save the Rhino, 2014; WWF, 2014). Less than twenty days after the bill was brought into force, the Kenyan court convicted its first offender under the new law. Tang Yong Jian was arrested while in transit in Nairobi after attempting to smuggle 3.4kg of ivory tusks to China (BBC News, 2014). Although the new law requires those caught in possession of illegal wildlife products to pay a minimum fine of KSH 1 million (~US\$ 11,600) or serve a minimum jail sentence of five years, Mr. Tang Yong Jian was ordered to pay KSH 20 million (~US\$ 230,000) or face seven years in prison. According to a spokesperson for the Kenya Wildlife Service, the strict ruling set a precedent for those involved in smuggling activities since punishment prior to the new legislation was merely a "slap on the wrist" (BBC News, 2014).

During this time, while many focused on the newly effective anti-poaching measures, mainstream media and international conservation organizations overlooked an important feature in the 2013 Wildlife Conservation and Management Bill. The concept of a "wildlife conservancy," as a decentralized approach to conservation, made its legal debut in the 2013 bill. Defined as "land set aside by an individual landowner, body corporate, group of owners or a community for purposes of wildlife conservation," over

the past twenty years, wildlife conservancies have transformed how conservation is understood and practiced in Kenya (Republic of Kenya, 2013, 1250). With the majority of the country's wildlife living beyond the boundaries of national parks and reserves, privately-owned lands have become vital to contemporary conservation strategies, as reflected in the inclusion of conservancies in this most recent wildlife legislation (Western et al., 2015). This is particularly true in the country's southern region—an area also known as Maasailand—where community-based conservancies have spread across its wildlife-rich landscape. These conservancies embody a new era of wildlife preservation within a much longer history of conservation in Kenya.

CONSERVATION IN MAASAILAND

The arid and semi-arid rangelands of southern Kenya are home to the world-renowned Masai Mara National Reserve, bordering Tanzania's Serengeti National Park, and Amboseli National Park, resting at the foothills of Mount Kilimanjaro (Figure 1). The area is famous for its breathtaking beauty and the African megafauna that live there, attracting thousands upon thousands of tourists each year to see and experience the wonders of the African savanna (KNBS, 2016; Figures 3-4). The region is also the home to the semi-nomadic Maasai people. Traditionally, the Maasai are pastoralists, meaning they gain a substantial portion of their livelihood from livestock (Catley et al., 2013, 2).¹ Yet, Western images of Kenya's southern rangelands rarely include the Maasai with their

¹ Although I use the terms "Maasai" and "Maasailand" in this thesis, it is important to acknowledge that these terms mask the heterogeneity of the region and its inhabitants. Hodgson (2001) examines the ways in which "the Maasai" and "Maasailand" were constructed as categories of control by European colonial administrators and presents a critical discussion on the gendered politics of becoming "Maasai."

cattle.² This is also true when taking a closer look at the language used to describe the region. On tourism-related websites, southern Kenya is rarely (if at all) referred to as “rangelands” and instead called “savanna,” further separating the prized landscape from the domestic livestock that inhabit it (e.g., Jackman, 2014). These representations reflect the decades of top-down conservation practices that sought to remove the Maasai and their livestock from this landscape.

For over a century, southern Kenya and its Maasai residents have long endured the social, political, and ecological impacts of conservation policies shaped by the Western idea of wilderness preservation. These conservation efforts aimed to protect wildlife and their habitats by establishing protected areas that prohibited human settlement and restricted (or excluded) access to much-needed natural resources. The creation of Kenya’s national parks and reserves in Maasailand was the result of such fortress, state-controlled conservation practices. These efforts brought a substantial amount of revenue into the country through international tourism (KNBS, 2016). However, in addition to being displaced from their customary lands, Maasai communities living near these parks and reserves receive little to no financial benefits from Kenya’s highly lucrative wildlife-based tourism industry (Rutten, 2002; Homewood et al., 2009a).

Consequently, beginning in the 1980s, the wilderness approach dominating conservation policy was widely critiqued by scholars and activists who demanded a more inclusive, people-oriented way to protect wildlife (Western and Wright, 1994; Rogers et al., 2003). They called attention to the relationship between wilderness conservation and the poverty that persisted in many Maasai communities and emphasized the need to

² A simple Google image search of “Kenyan landscape” will demonstrate just this. See Binyavanga Wainaina’s “How to Write About Africa” for an excellent essay on Western representations of Africa, found here <https://granta.com/how-to-write-about-africa/>

integrate livelihood and development goals into the conservation agenda. As wildlife populations continued to decline in the region and processes of land privatization limited the amount of public space available to set aside for wildlife purposes, conservationists began to rethink and redesign their efforts beyond building park fences in this changing landscape.

As a result, the notion of community-based conservation developed as a “win-win” solution to contemporary conservation and development challenges in Maasailand (Gadd, 2005; Kipkeu et al., 2014; Van Wijk et al., 2015; Wishitemi et al., 2015; Western et al., 2015). Community-based approaches problematize threats to wildlife and poverty in the region using a cost-benefit framework (Western and Wright, 1994). These new efforts aim to redress imbalances between the costs and benefits of living in wildlife-rich areas through economic incentives, such as benefit-based initiatives and ecotourism enterprises in Maasai communities (Meguro and Inoue, 2011; Ondicho, 2012; Lamers et al., 2015).

Promoted under the auspices of community-based conservation, the first community conservancy was introduced in Maasailand in the late 1990s as a business agreement between a safari tour operator and the Selengei Maasai community neighboring Amboseli National Park. In this agreement, Selengei landowners leased a portion of their land to Porini Ecosystem Ltd. to establish a private wildlife conservancy in order to access the financial benefits of wildlife-based tourism that they were not receiving from the national park system (Rutten, 2002). The intention of the conservancy was to expand the reach of protected land for wildlife while also creating economic opportunities for the participating Maasai community. In the following years, community

conservancies spread across Kenya's rangelands, particularly in the Maasai communities that border national parks and reserves. For example, there are now eight conservancies surrounding the Masai Mara National Reserve, adding a significant amount of protected space around the Reserve (Figure 2). From a decentralized approach to wildlife governance to its focus on making these efforts beneficial to local Maasai communities, it is clear that conservation has come a long way from its fortress beginnings.

THESIS OVERVIEW: FROM WILDERNESS TO POST-WILDERNESS

This thesis critically examines the transformation of conservation in southern Kenya from a centralized wilderness project materializing as national parks and reserves to a community-based endeavor taking shape as privately-owned conservancies. The new modality of conservation, one tightly bound to the processes of decentralization and privatization, is what I refer to as "post-wilderness." The purpose of this thesis then is to understand how post-wilderness conservation in Kenya's Maasailand came about. To do so, I examine the history of conservation in the region from the late nineteenth century to the present day by focusing on the administrative and legal policies pertaining to land during this time period.

In turn, my focus on land not only allows me to explore changes in conservation policies but also changes in regimes of governance in Kenya. By analyzing the different ways land has been understood and managed over several decades, I am able to interrogate particular imperatives of the postcolonial state. Therefore, this thesis is not only a study of the emergence of post-wilderness conservation in southern Kenya but also a study of the history of governance in postcolonial Kenya.

My story begins in British East Africa, where big game hunting was on the rise and Euro-American conservation philosophies were making their way into European colonies. I describe the establishment of Kenya's first national parks and other land-based policies introduced during the colonial era and the impacts these had on local Maasai communities and their pastoral way of life. I then explore the continuation of colonial conservation and development practices in the 1960s and 1970s in postcolonial Kenya. During this time, the newly independent Kenyan government introduced a private land tenure system into its southern rangelands as a means to modernize the region. I study how the privatization of Maasailand came into direct conflict with conventional wilderness conservation practices and explore the resulting post-wilderness approaches that emerged toward the end of the twentieth century. I end with a discussion on the challenges and opportunities of post-wilderness conservation and the uncertainty looking forward.

In writing this thesis, I offer three distinct contributions. First, I weave together a detailed history of conservation policy in Kenya up to the present moment that has, as of yet, been done. Second, I argue that the changes in these conservation policies were the result of the evolving development imperatives of a postcolonial state on one hand, and the influence of global, particularly American, ideas of conservation and ecology on the other. And last, as elaborated below, I make a methodological intervention regarding *how* the history of conservation should be written.

I adopt the term “post-wilderness” in this thesis for two reasons. The first has to do with the origins of “conservation” as a framework for thought and policy. Conservation is inextricably linked to the idea of wilderness as an uninhabited, pristine

nature. No matter how far conservation may come from its wilderness-constructing origins, it must always be situated within this history. Thus, adopting the term “post-wilderness” makes this relationship explicit when describing contemporary understandings of and approaches to conservation.

The second reason I use “post-wilderness” is based on the analytical framework I adopt to organize my narrative. I argue that to study the evolution of wildlife conservation in Kenya’s rangelands demands a close examination of the tangible and administrative history of land—the ways in which land has been categorized, obtained, allocated, and regulated. Following these material and bureaucratic arrangements for nature, for wildlife, and for humans creates an analytically rich space to explore changes in conservation in the Kenyan context. It allows for an understanding of the predicaments of the Maasai people who have been caught in the crosscurrents of wildlife preservation and economic development policies for decades.

However, such a methodological approach—of focusing on the legal and administrative arrangements pertaining to land—is rarely utilized in writing histories of conservation. Rather, scholars have typically written histories of conservation by focusing on ideas of what nature means. Their analyses have been guided by abstracted ideas of nature, and particularly the idea of wilderness. Although tracing the development, expansion, and materialization of the idea of wilderness is critical to understanding broader trends in conservation thought and practice, it falls short in capturing the on-the-ground realities of the Maasai people who have been subject to conservation policies for decades. Therefore, I consider post-wilderness to indicate the

focal shift away from the pristine and abstracted concept of wilderness and toward a more tangible framework that necessarily enmeshes the Maasai people, wildlife, and land.

THESIS STRUCTURE

This thesis is organized into three chapters. Chapter One reviews common approaches to understanding histories of conservation and explores the concept of wilderness that influenced the development of protected areas, in both the American and Kenyan contexts. Chapter Two presents an alternative framework to analyzing the history of conservation and follows the administrative story of land use in Maasailand during the colonial and post-independence periods. This chapter closely examines the introduction of a private land tenure regime during the mid-twentieth century through livestock grazing schemes and group ranches that aimed to modernize Kenya's southern rangelands. The subsequent privatization of Maasailand exemplified the influence Western economic and ecological thinking had on natural resource management in Kenya.

Finally, Chapter Three traces the rise of post-wilderness conservation efforts in this privatizing landscape. It investigates how changes in international development and human rights discourses shaped conservation practices in Maasailand and influenced the decentralization of conservation policy in Kenya. The chapter includes a detailed case study of an ongoing land dispute on a community conservancy to demonstrate contemporary challenges to the devolution of wildlife governance in a post-wilderness era. The thesis concludes with a discussion on the precarious nature of post-wilderness

conservation, how this new era of conservation shapes the role of the Maasai in Kenya's postcolonial democracy, and the uncertainty moving forward.

CHAPTER ONE:

WILDERNESS & HISTORIES OF CONSERVATION

1.1 IDEAS OF NATURE

Scholars examining the ways in which humans interact with their surrounding environments have commonly turned to abstractions of nature as a topic of exploration. Often, these investigations follow the history of certain conceptions of nature to analyze the cultural, social, political, and economic relations coalescing around environments. In his well-known essay “Ideas of Nature,” Raymond Williams (1980) explores the evolution of the concept of nature in Western thought and how it came to embody inherent and essential qualities of the world that are distinctly separate from humans. He argues that a conceptual alienation of nature was necessary before any questions of intervention or command over natural processes could be considered. He comments (1980, 76),

I think nature had to be seen as separate from man, for several purposes. Perhaps the first form of separation was the practical distinction between nature and God: that distinction which eventually made it possible to describe natural processes in their own terms; to examine them without any prior assumption of purpose or design, but simply as processes, or to use the historically earlier term, as machines. We could find out how nature ‘worked’; what made it, as some still say, ‘tick’...

Williams centers his analysis on how nature was separated into a singular entity in order to understand the ways we have intervened in and managed our surrounding environments in modern times. As a critique to capitalism’s domination and exploitation of nature, he concludes we must look beyond this separation and instead focus on how we have “mixed our labor with the earth” to develop a more varied and variable idea of nature (Williams, 1980, 83). In doing so, Williams invites us to address the social

inequalities and realities of laboring that the idea of an alienated nature simultaneously creates and obscures.

For a more contemporary example, in his book *After Nature*, Jedediah Purdy (2015) examines the history, challenges, and potential of the “Anthropocene” in the American context—a notion that acknowledges the limits of the conventional idea of an alienated nature (that Williams calls attention to) and instead sees humans as inextricably tied to the natural world. Purdy organizes his discussion around “environmental imaginations”—the ways of seeing, encountering, and valuing the world—which he argues are necessary to studying environmental politics and their material implications in the Anthropocene age.

In addition to these broader environmental discussions, understanding the different ways people have conceptualized nature has also been a popular approach to investigating a plethora of phenomena linked to conservation practices. West et al. (2006) review the violence, conflict, power relations, and governmentality associated with protected areas which resulted from the idea of an alienated nature. Berkes (2004) situates the emergence of community-based conservation within the context of a larger, historical conceptual shift in ecological thinking that embraces the inclusion of humans into ecosystems. In their critique of the neoliberalization of biodiversity conservation, Büscher et al. (2012) discuss the role perceived images of nature have in shaping human-environmental relationships through which neoliberal logic is mediated and maintained.

As this literature illustrates, focusing on the abstract—how it is theorized and how it materializes—provides a wealth of knowledge for understanding the ways people, particularly governments, have interacted with their surrounding environments through

conservation practices. This analytical focus stems from the centrality of abstraction to managing environments, as Williams (1980) suggests. Similarly, James C. Scott (1998) argues that abstractions and simplifications of complex relations and processes are necessary for modern states to govern. He describes how these simplifications, which are “far more static and schematic than the actual social phenomena they pressure to typify,” create standardized legibility through which a state can then effectively exercise its power (Scott, 1998, 46). Therefore, to translate the complex realities of the world into a legible form, a state narrows its field of vision through abstractions to achieve its objectives. As a form of governing, environmental conservation imagines a simplified version of nature that makes it possible for a state to intervene, preserve, and manage certain landscapes.

For early conservationists, the idea of wilderness—a nature untouched by humans—allowed particular environments to become legible to the state and thus governable. As such, scholars have been able to interrogate histories of conservation by examining the idea of nature-as-wilderness. These investigations emerged around the same time the United States—the pioneer of the modern-day conservation movement—passed the first legislation to legally define and preserve land designated as “wilderness.” Since then, wilderness thinking has become a strategic vantage point to analyze state-level conservation practices, specifically with regards to the creation of protected areas. This approach allows one to better understand the motivations behind and the administrative structures necessary for large-scale conservation projects, as the following section will demonstrate.

1.2 THINKING WILDERNESS

The Oxford English Dictionary defines *wilderness* as an “uncultivated, uninhabited, and inhospitable region,” with its origin from the Old English word *wildēornes*, meaning “land inhabited only by wild animals.”³ The defining features of wilderness are illustrated by what it is not: untouched, undisturbed, uncontaminated, and untamed. The “un” describes its opposition to human interaction or intervention, producing the dualism between nature and humanity that Williams (1980) describes. In 1964, the U.S. Congress passed The Wilderness Act, which is rooted in the idea that there is a nature separate from humans. It declares,

A wilderness, in contrast with those areas where man and his works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions (U.S. Congress, 1964).

As this definition emphasizes, wilderness is nature that has yet to be taken by the destructive hands of man. The contemporary attitude toward wilderness, as a primordial space in need of protection, is a relatively recent phenomenon according to Roderick Frazier Nash (1967), who was one of the first American thinkers to unpack the history of American conservation through this concept. Such an analytical approach allows Nash, and many other scholars, to explore the ways in which a centralized conservation agenda emerged at the national level. As the following discussion will exemplify, focusing on the

³ wilderness (n). *OED Online*. Oxford University Press, December 2015. Retrieved from <http://www.oed.com/view/Entry/229003?redirectedFrom=wilderness#eid>

idea of wilderness reveals conservation as a state-building project and sheds light on the specific governing frameworks necessary for its implementation.

A couple of years after The Wilderness Act was passed, Nash published his iconic 1967 book *Wilderness and the American Mind*, examining the various perceptions of wilderness throughout Western—and more specifically, American—history. His detailed account of the changing attitudes toward wilderness over time exposes the ways in which the concept has been constructed and challenges its primordial and essentialized characteristics. He finds that in biblical texts and early folklore of northern and central Europe, wilderness was conceived as a space associated with the wild beasts, the supernatural, and evil (Nash, 1967). Expanding on these early notions of wilderness, William Cronon (1996, 2) explains,

To be a wilderness then was to be “deserted,” “savage,” “desolate,” “barren”—in short, a “waste,” the word’s nearest synonym. Its connotations were anything but positive, and the emotion one was most likely to feel in its presence was “bewilderment” or terror.

Both Nash (1967) and Cronon (1996) frame their analyses around the concept of wilderness to examine the emergence of conservation thought and practice in the United States. They find that it was not until the mid-nineteenth century that wilderness was transformed from a negative, morally-confused, fear-filled space into a valued land of beauty, truth, and spirituality. The Romantic movement played an important role in cultivating an intellectual environment in which the concept of wilderness could be understood beyond its negative associations. Yet, according to Nash (1967) and Cronon (1996), it was the centrality of nature in the Transcendental movement that solidified the paradigm shift in wilderness thinking. This nineteenth-century philosophical movement facilitated the conceptual alienation of nature by placing spiritual and moral value on

environments that were believed to be outside of human civilization. This would lay the necessary foundations for managing such landscapes at the national level.

Transcendentalism, centered on the parallels between the higher realm of spiritual truth and the lower one of material objects, stressed the notion that individuals had the capacity for moral improvement and were thus able to discover a relationship to a higher spiritual essence. Nature and natural objects were believed to reflect universal spiritual truths and subsequently became symbols of the higher realms. For many Transcendentalist writers at the time, nature was a place that evoked religious and spiritual sentiment. In the America classic, *Walden*, Henry David Thoreau (1854) describes his journey of self-discovery and spirituality by living closely with nature and embracing its simplicity. The book features Thoreau's experiences over the two years he spent living in self-exile at Walden Pond near Concord, Massachusetts. From this experience he writes, "I went to the woods because I wished to live deliberately, to front only the essential facts of life, and see if I could not learn what it had to teach, and not, when I came to die, discover that I had not lived" (Thoreau 1854, 90). In escaping civilization and going "to the woods," he discovers spiritual truths, inspiration, serenity, and moral strength. For Transcendentalists like Thoreau, turning toward nature was associated with finding a sense of belonging—a place where one would gain a deeper and truer understanding of the world that had since been lost to the "ugly artificiality of modern civilization."⁴

Transcendentalism's contribution to the spiritual importance and appreciation for nature initiated an environmental conservation movement in the United States to protect

⁴ From Cronon (1996, 78) in his discussion on how nature became an alternative to the spiritual shortcomings of modern society for early American environmentalists.

what remained of this sacred space. As modernization and industrialization spread across the country during the second half of the nineteenth century, discussions began to emerge on the idea of leaving portions of the American landscape “untouched” and “undeveloped” in the form of national parks (Nash, 1967). On March 1, 1872, the world’s first national park was established after President Ulysses S. Grant signed the Yellowstone National Park Protection Act. The Act designated an area of land in the Wyoming and Montana territories to be

hereby reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as a public park or pleasuring-ground for the benefit and enjoyment of the people; and all persons who shall locate or settle upon or occupy the same, or any part thereof, except as hereinafter provided, shall be considered trespassers and removed therefrom (U.S. Congress, 1872).

In prohibiting human settlement in this “pleasuring-ground,” the conceptual foundation of wilderness took on a material life. It is clear that the contemporary understanding of nature-as-wilderness is anything but “natural.” Writing the handbook on “How to Make Wilderness” from their Yellowstone experience, the United States set a precedent in the materialization of the idea of pristine nature that would reach far beyond its “sea to shining sea.”

By making the Yellowstone landscape controllable, the idea of wilderness allowed the U.S. government to designate and manage the area. In their discussion on the establishment of national parks and other protected areas, Saberwal and Rangarajan (2003, 15) note that this process “reflects an assumption on the part of the government that it has the political capacity to enforce regulations that will either curtail long-standing rights over access to these areas, or effectively eliminate such rights.” As the Yellowstone model illustrates, preserving wilderness was a centralized project that

excluded local participation in the management of land and natural resources. Thus, wilderness conservation did much more than protect beauty and spirituality; it prescribed a specific administrative framework to the governance of nature.

As an exercise of centralized public power, constructing wilderness became a form of state building. This was true for the bulk of conservation activities at the time, not just for those protecting seemingly untouched natural landscapes. In his discussion on the institutionalization of conservation in the United States in the late nineteenth century, Vale (2005, 50) describes the “utilitarian impulse” that influenced the establishment of forest reserves and federal laws to regulate the use of natural resources within these newly designated spaces. He explains how conservation policies were developed from the top down by individuals holding positions of power—mainly scientists and politicians—who wanted to ensure resources were used effectively and remained available for human purposes. They emphasized the importance of expert, scientific knowledge in ensuring the objective public interest of efficient natural resource management. According to Purdy (2015, 153), this in turn contributed to a technocratic idea of governance: a government of administration. Whether technocratic conservation was securing the consumptive use of natural resources through regulatory policies or non-consumptive uses through national parks, the entire practice was an apparatus of the nation-state to exert control over nature and those dependent on it.

In the decades that followed the establishment of Yellowstone National Park, its instructions to wilderness creation circulated not only throughout the United States but also to Europe and its peripheries. With the encouragement from American and metropole conservationists, European colonialists would soon implement wilderness

projects in their African colonies. As such, because of its Western origins, scholars interested in the history of conservation in Africa have also focused on the idea of wilderness to understand the impacts of its governance.

In *Imposing Wilderness: Struggles over Livelihood and Nature Preservation in Africa*, Roderick Neumann (1998) centers his analysis on the symbolic importance of landscapes and the Anglo-American aesthetics of nature to examine the sociopolitical motivations behind the establishment of Arusha National Park in Tanzania. He examines the idea of wilderness in order to understand the ways in which former land use practices among the local Meru people were criminalized, as well as to explore the patterns of community resistance to resource dispossession in relation to the creation of the national park.

Similarly, Dan Brockington (2002) describes the powerful and persistent “vision” of history, environment, and society that has driven conservation in Africa in his investigation into the Mkomazi Game Reserve in Tanzania. His book, *Fortress Conservation*, explores the flaws and injustices of this conservation vision that is “powered by the emotive and mystical appeal of wilderness, stunning landscapes and the aura of extraordinary biodiversity” (Brockington, 2002, 2). Despite its flaws, he reveals the resilience of this vision—or myth as he later explains—and how its persistence poses serious challenges to community-based conservation efforts in the region. This wilderness myth was also introduced into Kenya’s southern rangelands.

1.3 WILDERNESS MEETS MAASAILAND

A few months after the end of his presidency, Theodore Roosevelt partnered with the Smithsonian Institution to embark on the Smithsonian-Roosevelt African Expedition in 1909 (Figure 5). Beginning in British East Africa, Roosevelt led the expedition to hunt big game and collect specimens for the new National Museum of Natural History in Washington D.C.⁵ Widely acclaimed as the “conservationist president,” Roosevelt established 150 national forests, four national game preserves, and five national parks—protecting roughly 230 million acres of public land during his tenure (US National Park Service, 2017). He brought his love for wild lands with him to East Africa. In his written account of this safari experience, Roosevelt remarks, “All civilized governments are now realizing that it is their duty here and there to preserve, unharmed, tracts of wild nature, with thereon the wild things the destruction of which means the destruction of half the charm of wild nature” (Roosevelt, 1909, 12). From his experiences in the construction of the American wilderness, Roosevelt reiterates the role of a “civilized,” central authority in protecting pristine lands. Cue in the British colonial administration, and the Kenyan wilderness would soon be realized.

In the years surrounding the arrival of Roosevelt and other Western elites seeking the thrill of big-game hunting in East Africa, the British colonial administration implemented game management policies to control wildlife crop-raiding on agricultural plots, regulate the trade of wildlife commodities (such as skins and ivory), and create game reserves (Waithaka, 2012). In 1899, the Southern Game Reserve was established in

⁵ According to the Smithsonian Museum, the Expedition collected a total of 23,151 specimens. 5,013 of these were mammals, including nine lions, thirteen rhinoceros, twenty zebras, eight warthogs, and four hyenas. It took an astounding eight years to catalogue all of this material. For more information, see https://naturalhistory.si.edu/onehundredyears/expeditions/SI-Roosevelt_Expedition.html

Kenya and prohibited all hunting of wildlife species within its boundaries. This reserve would eventually correspond with the Southern Maasai Reserve—an administrative area used to segregate the Maasai from white settlers, which will be discussed in Chapter Two. According to Lindsay (1987, 152), the British government regarded these two reserves as aiming to preserve primitive Africa. At the time, the Maasai were not seen as a threat to wildlife and thus were allowed to coexist in this nature.

By 1907, a game department was created to enforce the anti-hunting laws and manage the game reserves (Waithaka, 2012, 24). Although wildlife management institutions and policies had been in place since the start of the British colonization of Kenya, it is important to distinguish these laws from the emerging idea of wilderness preservation. At the beginning of the twentieth century, wildlife management in British Kenya was focused on the regulation of animals—often regarded as pests to colonial development—rather than on the need to preserve and protect wildlife and their habitats.⁶ While the construction of wilderness spread across North America and Europe at the turn of the century, the concept would not sink roots in colonial Kenya until the mid-1940s.

The wilderness preservation movement continued to gain significant ground throughout the Western world, as reflected in the formation of environmental organizations such as John Muir’s Sierra Club founded in 1892 and the National Trust for Place of Historic Interest or Natural Beauty founded in the United Kingdom in 1895.⁷

⁶ For more on the East African Game Department during this time, including accounts of the inexperience of game wardens who frequently killed wildlife rather than protected it, see Ian Parker and Stan Bleazard (2002) *An Impossible Dream: Some of Kenya’s Last Colonial Wardens Recall the Game Department in the Closing Years of the British Empire*. Forres: Librario Publishing.

⁷ The Sierra club is one of the largest grassroots environmental organizations in the United States with over 2.4 million members. For more, see <http://www.sierraclub.org/> Today, the National Trust is protecting much more than wild lands in the UK. The group purchased the childhood homes of Paul McCartney and John Lennon in Liverpool and are now giving regular “Beatles’ Childhood Home” tours. For more information (or to book your next visit), see

The first international conservation organization was the London-based Society of the Preservation of Wild Fauna of the Empire, founded in 1903 as a scientifically-minded advocacy group seeking to influence British colonial game policy in Africa (Prendergast and Adams, 2003). The Society and other conservation activists expressed their deep concerns for the excessive hunting and increased human population that threatened wildlife species in East Africa (Neumann, 1998; Prendergast and Adams, 2003). National parks and protected areas were regarded as the only way to prevent the extinction of wildlife and preserve wild lands. According to Neumann (1998, 128), such conservation groups wanted to “implement a mythical vision of Africa as an unspoiled wilderness, where nature existed undisturbed by destructive human intervention.” Conservationists’ wilderness vision would soon become reality with the establishment of national parks in Kenya.

In 1933, the Society held the Convention Relative to the Preservation of Fauna and Flora in their Natural State (also known as the London Convention) to extend wildlife policy in Africa beyond game regulation by institutionalizing the Yellowstone model in the colonies (SPWFE, 1933). The London Convention asserted a separation of humans from nature and emphasized the importance of strict boundaries enforced by a “competent legislative authority.” Following the Yellowstone handbook, Article 4 of the convention echoes the implementation of wilderness as a top-down, state-building endeavor and grants the “Contracting Government” with the responsibility to designate and manage wilderness in colonial Africa (SPWFE, 1933).

After much campaigning from the Society and with the increasing popularity of game-viewing in British Kenya, the colonial administration passed the National Parks

<https://www.nationaltrust.org.uk/beatles-childhood-homes>

Ordinance in 1945 and established Nairobi National Park the following year (Gibson, 1999; Waithaka, 2012). By 1950, three more parks were established in Kenya, including the massive Tsavo East and Tsavo West National Parks, which combined cover over 22,000 km² of land (Figure 1).⁸ In 1974, Amboseli National Park and the Masai Mara National Reserve were established in Maasailand (Table 1). However, the eviction and dispossession of the Maasai people from their traditional land took place long before these protected areas were established by the independent Kenyan government, as will be discussed in Chapter Two.

Today, approximately 8% of Kenya's land mass is designated as federal protected area (Republic of Kenya, 2015). This includes 23 national parks, 28 national reserves, and four national sanctuaries.⁹ Despite the expansion of these centralized conservation efforts during the second half of the twentieth century, establishing national parks and reserves is no longer the dominant approach to wildlife conservation in Kenya. Rather, conservationists have adopted a decentralized, post-wilderness framework to conserve Kenya's wildlife in its southern rangelands. Post-wilderness conservation aims to address the shortcomings of wilderness conservation by promoting the inclusion and participation of local Maasai community members, as exemplified by today's community conservancies.

In the remainder of this thesis, I examine how conservation transformed from a top-down wilderness project into its current post-wilderness form. To do so, I dive into the mundane, legal policies necessary to its realization. This conceptual shift allows me to better understand the messy, on-the-ground challenges of wilderness implementation

⁸ To learn more about Kenya's largest national parks, see: <http://www.tsavopark.com/>

⁹ "Parks Overview," Kenya Wildlife Service. Found at: <http://www.kws.go.ke/content/overview-0> . Also refer to Table 1 in Appendix.

in Kenya's rangelands that gave rise to its post-wilderness successor. Thus, my attention to administrative policy allows me to bring forth the local complexities of land management in Maasailand that can be glossed over when focusing on the abstract. Such an approach creates an analytically rich space to explore the context-specific realities of conservation practices in southern Kenya.

CHAPTER TWO:

THE REGULATION & PRIVATIZATION OF MAASAILAND

2.1 TURNING TO LAND

In this investigation into the emergence of post-wilderness conservation, I explore the history of conservation in Maasailand through the study of the administrative history of land. This is due to the centrality of land not only to the development of conservation practices but also to the British colonial agenda and the goals of Kenya's postcolonial government. As discussed in Chapter One, constructing wilderness was a part of state building. Wilderness conservation was made possible by exerting centralized control over certain landscapes. Similarly, in British Kenya, land was used to exercise colonial authority over native Kenyans. From creating native reserves to enforcing strict laws on land use that would eventually give rise to decolonization, subjectivity in British Kenya was inextricably linked to its land-based administrative policies. These exercises of power via land continued into the postcolonial era through efforts to modernize and privatize southern Kenya under the guise of rangeland development.

As such, it is important to contextualize conservation in Maasailand within the larger objectives of British colonialism, post-independent modernization endeavors, and the administrative policies necessary to their implementation. The history of conservation in Maasailand must be understood beyond the desire to remove the Maasai from the landscape. Therefore, I center my analysis on the regulation and privatization of Kenya's rangelands, which have drastically altered the landscape and the livelihoods of the Maasai living there. My focus on land allows me better understand the expansion of

conservation practices in the area and the processes facilitating its post-wilderness transformation.

2.2 CONFINEMENT AND DISPOSSESSION

Around the same time Kenya's game laws were brought into force at the beginning of the twentieth century, the British administration was working to consolidate the Maasai and other ethnic groups into native reserves. Reserves were used to govern and regulate indigenous populations. In 1904, the Northern and Southern Maasai Reserves were established in the Laikipia plateau and in present-day Narok and Kajiado counties (Grandin, 1991, 27). Reserves were also created for the Kikuyu, Ulu, Kikumbuli, and Kitui to remove these communities from areas of white settlement (Dilley, 1937, 251).

Since fertile Kenyan land was a valuable factor of production to the Empire's economy, its management was at the center of many policy debates, including those surrounding native reserves. Some colonial officials thought that letting the Maasai keep portions of their best grazing land in the Laikipia region would prevent any complaints against the administration (Hughes, 2006, 28). While supporters of the idea were also motivated by the desire to prevent the intermingling of the Maasai with white settlers, other officials did not view it that way. For example, the Governor of British East Africa, Sir Charles Eliot, believed that isolating natives from Europeans via reserves would preserve their barbarianism (Dilley, 1937, 250). Additionally, he opposed allocating high-potential land, such as the Laikipia plateau, to the Maasai rather than prioritizing the needs of settlers. In his 1904 report to the Secretary for Foreign Affairs, Lord Lansdowne, Eliot wrote,

No doubt on platforms and in reports we declare we have no intention of depriving natives of their lands, but this has never prevented us from taking whatever land we want for Government purposes, or from settling Europeans on land not actually occupied by natives. Apart from questions of expediency, justice does not in the least require us to reserve large tracts for the Masai; on the contrary, it would be an act of unjust partiality to treat them differently from other natives. It is true they are a pastoral people, and therefore require larger areas than agriculturalists and room to move their flocks, but it is perfectly certain that they take up a great deal more room than is necessary at present.¹⁰

Despite the opposition, the general consensus among British officials was in favor of separating the Maasai and other natives from Europeans via the creation of reserves. However, the amount of land set aside for natives remained a topic of debate, and many white settlers demanded much more land be allocated for European use. Settler discontent was especially strong in relation to the Northern Maasai Reserve, which was the Maasai's best grazing land. As such, not too long after its creation, the Northern Maasai Reserve was eliminated in 1911, and its inhabitants were relocated to a western extension of the Southern Maasai Reserve over a two-year period.¹¹ While the decision to move the Maasai out of the Laikipia region was made to create more space for European settlement, it was also logistically difficult for the colonial government to manage two separate reserves. As Hughes (2006, 40) notes, "Seen from a new administrator's perspective, the whole idea of two reserves had been quite mad in the first place." With the increasing demands for more land from white settlers and the governing challenges of two reserves, a final decision was made to resettle and confine the Maasai into one single area of approximately 38,000km², appropriating an estimated 50 to 70% of their

¹⁰ From *Parliamentary Papers: 1850-1908, Volume 62*, No. 25. Ann Arbor: ProQuest.

¹¹ See Hughes (2006) for a detailed history of this relocation and the events surrounding it. She describes a 1913 court case in which the Maasai joined forces with two British lawyers to bring the colonial government to the High Court in attempt to regain their land in Laikipia.

traditional land and seriously undermining their pastoral way of life (Lindsay, 1987, 152; Hughes, 2006, 6).

The Reserve confined the Maasai to a small area of land with limited resources. According to Rutten (1995, 2), the Maasai were presented “with the most inferior cigars from their own cigar box,” as they were dispossessed from some of their best grazing pastures near Lake Naivasha and restricted from access to adequate water sources. The Reserve also prevented the Maasai from engaging in their already-established trade relations with the northern Somali and Borana pastoralists (Mwangi, 2007, 67). Furthermore, as mentioned in Chapter One, the expanded Southern Maasai Reserve corresponded with the Southern Game Reserve: a product of the colonial administration’s game laws to regulate wildlife hunting. The intersection of these two reserves would eventually result in further dispossession of Maasai land as wilderness conservation gained precedence in the following decades, including the establishment of the Masai Mara National Reserve in 1974.

The large-scale appropriation of valuable grazing land in favor of European expansion and wildlife conservation had severe consequences on Maasai livelihoods and the rangeland ecosystem within the Southern Maasai Reserve. With the introduction of colonial veterinary services, livestock herds grew drastically. Add to this the confined space to graze, and soil erosion as well as land degradation soon ensued and became major concerns of the British government (Mwangi, 2007). To them, the challenges of overstocking and overgrazing were clearly the result of the inherent inefficiency and mismanagement of Maasai communal grazing systems (Homewood & Rogers, 1987). Moreover, blame was placed on Maasai’s “irrationality” and their attachment to cattle

with no regard to the role land expropriation and confinement played in rangeland degradation (Mwangi, 2007, 68).¹² Consequently, the Maasai quickly gained the reputation of acting uneconomically and habitually overstocking their lands. According to Homewood and Rogers (1987), this image has become conventional wisdom in the postcolonial era. The authors find a careless use in the application of overgrazing concepts in development planning, where all too often pastoralism has become synonymous with unproductivity and environmental degradation.

This perceived irrationality of the Maasai and their mismanagement of the land was the result of conflicting economic ideologies between British colonial officials and their subjects. Blewett (1995) discusses how the British failed to understand the ways in which pastoral economic and land-use strategies are intimately tied to a complex set of social relations that allowed the Maasai to sustainably utilize the land. He argues that it was the Western imposed economic rationalities linked to ideas of ownership and defined boundaries that led to environmental degradation in Kenya's Maasailand. He notes (1995, 483-484), "legal institutions like property rights that allow ownership and exclusion were not what enabled the productive use of land. Rather social institutions that controlled access and provided insurance made the land useful and therefore gave it economic value." Thus, the degradation within the Southern Maasai Reserve can be understood as a disruption to the intricate socioecological relations of the Maasai's pastoral economy.

The colonial concerns over overstocking and overgrazing quickly made their way into the conservation agenda. The idea that the Maasai could coexist with wildlife within

¹² American anthropologist Melville J. Herskovits (1926) describes the social, economic, and cultural significance cattle hold in the lives of East African pastoralists, including the Maasai, to be evidence of a psychological "cattle complex." According to Herskovits, the cattle complex causes the Maasai to value quantity over quality, resulting in herd proliferation and land degradation.

the Southern Maasai Reserve soon deteriorated as land degradation continued. In his book, *A Colony in the Making*, Lord Cranworth (1912, 326-327) argues that grazing competition between Maasai's enormous herds of livestock and wildlife would surely banish the existence of game. In this view, the uneconomic and irrational tendencies of the Maasai were a major threat to wildlife and the revenue-raising potential of the game reserve (Collett, 1987, 141). The growing popularity and profitability of the conservation movement of the mid-twentieth century coupled with the persistent ecological degradation in the Southern Maasai Reserve justified creating an exclusive space for wildlife. To conservationists and colonial officials, the perceived risks pastoralism created for wildlife could be resolved by establishing national parks where wildlife could freely roam without human interference. Thus, it was only when the Southern Maasai Reserve and its associated environmental challenges threatened wildlife that a motive to establish protected areas in Maasailand was found. While the vision of wilderness played an important role, the development of conservation practices in southern Kenya must be understood in relation to the colonial construction of Maasai Reserves and their beliefs about pastoralism.

2.3 RANGELAND DEVELOPMENT

During the late-1940s while the National Park Ordinance was creating protected areas, the British administration was also crafting ways to develop a system of crop cultivation in Kenya's rangeland. At the time, agriculture was viewed as a more productive and progressive use of the land, and the Maasai were encouraged to adopt such practices (Dilley, 1937; Homewood, 2009). Additionally, rangeland policies aimed

to destock Maasai herds and establish sedentary livestock production schemes. However, the Maasai strongly resisted these colonial attempts to modernize their rangelands and largely ignored any quotas set in place to limit their herd sizes. To the British officials, such actions reflected Maasai stubbornness and backwardness (Dilley, 1937; Collett, 1987). Furthermore, the Maasai's frequent protest and resistance caused significant frustration among the colonial administration in its attempts to civilize these "defiant" pastoralists (Rutten, 1995; Hughes, 2005). The disproportional value placed onto agriculture in combination with the Maasai's reluctance to abandon pastoralism translated to the Southern Maasai Reserve receiving comparatively less attention from the colonial administration. Moreover, the Reserve's poor access to adequate water sources, tsetse fly infestations, and limited arable land amplified Maasai opposition and suspicion toward their colonizers (Rutten, 1995). Pastoral marginalization became a major feature of the Kenyan colony, one that endures long after independence. Although marginalized in terms of access to much-needed resources, the Maasai continued to be subjected to both colonial and postcolonial policies that sought to modernize their alleged inefficient and destructive pastoral practices.

With the rise of the Mau Mau Rebellion in the 1950s, the British administration, realizing the implications of the unrest, was pressured to undergo political and economic reform in efforts to maintain control over the colony (Bradshaw, 1990; Ogot, 1995). The uprising, mainly a response to the exploitive colonial policies that alienated African Kenyans from their land, initiated land-use policy reforms that "intended to increase opportunities for Africans in the colonial society and to integrate them more effectively into the changing pattern of the economy" (Ogot, 1995, 49). In 1954, two years after

Governor Sir Evelyn Baring declared a state of emergency in Kenya, the Swynnerton Plan was adopted to reform land tenure in the colony. The Plan was the brainchild of Roger Swynnerton of the Department of Agriculture and aimed to modernize the poor land-use practices of indigenous Kenyans. According to Sharguhia (2015, 265) in his discussion on agricultural intensification and environmental control in colonial Kenya,

the plan was premised on the principle that sound agricultural development depended on individual land tenure, creation of economic farm units able to sustain a single family beyond the subsistence level, and security of tenure through an indefeasible title. Such security was essential to maximize household labor and return from the land, and it was an incentive to encourage soil conservation, cash crop production, and mixed farming.

It was believed that reconfiguring a land tenure system toward privatization would effectively address the problems of underdevelopment and environmental degradation. Although the Swynnerton Plan focused heavily on the development of Kenyan agriculture, it also established a new land management regime in the colony's pastoral rangelands (Grandin, 1991; Ng'ethe, 1992).

The new grazing system outlined in the Swynnerton Plan aimed to modernize livestock management in southern Kenya to increase its productivity and pragmatically reduce pressures on the land. Applying the ecological concept of "carrying capacity" to define problems of overstocking, the Plan set quotas to ensure stock remained within the resource limits of the ecosystem and required any excess stock to be sold off. Additionally, rotational grazing would be controlled and managed by a livestock officer within a designated area to prevent overgrazing and soil erosion (Swynnerton, 1954). Despite these efforts, the Plan's grazing schemes did not produce their envisioned outcomes. Pastoralists were unwilling to sell their excess livestock and instead decided to

move out of the grazing scheme when resources became scarce (Sindiga, 1984; Ng'ethe, 1992). Rangeland deterioration persisted in the following years, and Maasai pastoralists subsequently opted out of schemes in search for better grazing lands. Such trends continued across the Plan's schemes until the 1960-61 drought, which marked the end of this unsuccessful attempt at pastoral management. As a result, many grazing schemes broke up into individual ranches (Ng'ethe, 1992; Mwangi, 2007). The Swynnerton Plan had assumed land degradation was a problem of overstocking and ignored the ways in which land fragmentation and confinement impacted livestock husbandry in Maasailand. Despite its failures, the Plan's privatized approach to rangeland development and management would soon take on a new life.

In December 1963, after a long and violent struggle, Kenya gained its independence from British rule. With land rights and reform playing a central role in the decolonization process, the newly independent government immediately began to transfer land from white settlers to native Kenyans through the Land Adjudication Act of 1968 (Republic of Kenya, 1968a). Just as its colonial predecessors, the Act was based on the idea that tenure security would increase productivity and investment and aimed to establish freehold land titles to promote long-term investments (Mwangi, 2007, 76). However, in implementing the Act, priority was given to high-potential farming land. As Grandin (1991, 28) points out, "by 1970, about 1.2 million ha of land had been adjudicated in the high-potential areas, in contrast to only 0.21 million in the range areas, including individual farms, ranches, and [the eventual] group ranches." Although individual ranches were already established in pastoral regions (as the result of the failed Swynnerton grazing schemes) and were considered by some planners as an efficient

approach to commercialize livestock production, other policymakers expressed opposition. They thought individual ranches in Maasailand could be more susceptible to land grabs from powerful elites which would deepen insecurity since individual titles could be easily sold off to non-Maasai (Mwangi, 2007, 77). Thus, creating a system of collective ownership in Maasailand was understood as the best approach to rangeland development. This view was reflected in the 1965-1966 report “Land Consolidation and Registration in Kenya,” also known as the Lawrence Report, which supported group registration to land in pastoral regions (Republic of Kenya, 1966).

In 1968, the Land (Group Representative) Act was passed by the Kenyan government to grant land ownership to a group of registered members, codifying collective land rights. A group, in this case, was defined as “a tribe, clan, section, family or other group of persons whose land under recognized customary law belongs communally to the persons who are for the time being the members of the group, together with any person whose land the group is determined to be the owner” (Republic of Kenya, 1968b). Under the Act, title-owners each hold equal, undivided shares of the land and elect committee members to manage the collective land, which was known as a group ranch. Just as the grazing schemes and land reform strategies that came before them, group ranches aimed to increase tenure security and productivity for rangeland development.

The prominence of private land tenure in development policies reflected the dominant economic thinking at the time (Homewood, 2009, 337). One of the most influential theories was Garret Hardin’s “The Tragedy of the Commons.” Hardin (1968) argues that rivalrous and non-exclusive resources are doomed for depletion and

emphasizes the vital role privatization plays in sustainable resource management. While the ecological challenges associated with overstocking could, on the surface, appear to adhere to this theory and justify the need to privatize land in southern Kenya, taking a closer look reveals Hardin's argument does not necessarily hold true. Historically, the Maasai have communally-owned pasture as grazing ground for individually-owned livestock in an effective and sustainable manner—a system drastically altered with the introduction of reserves and grazing schemes during the colonial era (Galaty, 1992; Rutten, 1992; Homewood et al., 2009b). Thus, according to Galaty (1992, 27) the “‘common’ quality does not imply ‘unmanaged’ but rather ‘managed with community (communal) sanctions.’” Yet, such nuances remained unrecognized by the policymakers and planners supporting the group ranch system.

Throughout the 1970s, large portions of Maasailand were adjudicated as group ranches, which soon became the principal organizing framework to promote development in the area. In contrast to past systems, grazing movement would be restricted within the boundaries of a group ranch, excluding non-members from utilizing the space. Additionally, the group ranch approach was market-oriented and sought to reduce Maasai stock by providing meat for the national and international markets (Rutten, 1995, 10). Effectively, group ranches were an “attempt to radically transform a nomadic subsistence production system into a sedentary, commercially-oriented system” (Grandin, 1991, 30). A product of Western thought rather than actual knowledge of the socioecological realities of Maasailand, group ranches were the cure of a misdiagnosed disease. Rather than engaging with the consequences of land policies that prioritized agricultural

development and protected areas, planners had assumed the problem was simply overstocking and a lack of market access.

Not only did the group ranch concept echo the colonial rhetoric of rangeland management, but its implementation amplified the impacts of previous reserves and grazing schemes. In fragmenting the landscape into significantly smaller units, group ranches strengthened the processes of sedentarization and dispossession. Consequently, the challenges of overstocking and land degradation remained. With even more restricted space, livestock mobility was drastically reduced and added substantial pressure to the rangeland ecosystem.

Despite the ecological implications of fragmenting Maasailand into smaller holdings, group ranches began to subdivide into individually-owned plots not too long after their creation. Population increase, the desire of economic security, and the threat of land grabbing created a climate for group ranch subdivision, leaving very few ranches still intact today (Galaty, 1992; Rutten, 1992; Senso and Shaw, 2002; Mwangi, 2007; Homewood, 2009). In addition to these pressures, dysfunction and corruption within group ranch committees complicated the effectiveness of Maasai's traditional governing system and worsened insecurity. These imposed committees were frequently ineffective as governing bodies and rarely reached—let alone implemented—any decisions (Grandin, 1991, 33-34). Furthermore, powerful male group members (often with seniority, business acumen, or education) were able to allocate large portions of land within the group ranch to themselves under individual land titles (Galaty, 1992, 28). Acting in self-interest, these well-positioned individuals initiated a tragedy of the

commons scenario in several group ranches, with many members motivated to subdivide in the fear of losing out on their share of the land.

Additionally, the many successful experiences of the individual ranches provided group ranch members a preview of what life would be like with an individual title. As Mwangi (2007, 101) describes,

Using their land titles as collateral, individual ranchers had access to development loans from the Agricultural Finance Corporation. They also had access to extension services from relevant government departments such as the Ministry of Livestock and Water Development. With this kind of support many individual ranchers appeared successful...With time group ranch members, who were faced with increasing challenges to collective decision making, began to find the group concept unworkable and to see in individual ranching a reasonable and viable alternative.

Recognizing the advantages of obtaining an individual land title and experiencing an increase in insecurity within the group ranch, many residents viewed subdivision as the only way to prevent losing out altogether (Mwangi, 2007). Therefore, during the last two decades of the twentieth century, Kenya experienced widespread individualization and fragmentation of its southern rangelands through group ranch subdivision.

The introduction of a private land tenure regime and its subsequent changes to ideas of ownership in relation to economic security fundamentally challenged dominant conservation efforts in Maasailand. As discussed in Chapter One, the wilderness project was founded on state control over land and resource management, in contrast to a laissez-faire approach where market mechanisms dictate resource governance. However, the land market that was created through the privatization of Kenya's rangelands would soon shift the responsibility of wildlife conservation out of the hands of the state and into the hands of landowners.

CHAPTER THREE:

POST-WILDERNESS CONSERVATION IN KENYA

The subdivision of group ranches taking place across Kenya's southern rangelands radically transformed the landscape into a mosaic of individually-owned plots. This new terrain produced significant challenges to the conventional wildlife conservation practices developed long before privatization reached the region. Up until that point, conservation was primarily in the business of wilderness construction and depended on the input of public land to create parks and reserves. Not only was a lack of available land a major constraint on these conservation efforts, but the ongoing privatization and fragmentation of Maasailand posed serious threats to wildlife populations and their habitats. In this new post-wilderness landscape, it became clear that conservationists would have to rethink their approach to protecting Kenya's wildlife beyond building park fences.

3.1 WILDERNESS AND ITS DISCONTENTS

The introduction of a private land tenure system in Maasailand corresponded with the nation-wide continuation of conservation's wilderness project. Forty-seven national parks and reserves were established between the years of 1960 and 1990 (Table 1). The newly independent administration viewed wildlife conservation through the same wilderness lens as its colonial predecessor. In the Sessional Paper No. 3 of 1975, "A Statement on Future Wildlife Management," the Kenyan government reiterated the concept of nature-as-wilderness and stated that the main objective of a national park or

reserve is “to preserve in a reasonably natural state examples of the main types of habitat which are found in Kenya for aesthetic, scientific, and cultural purposes” (Republic of Kenya, 1975). The Paper also aimed to maintain centralized control over wildlife management by consolidating the Game Department and the National Park Administration into one governing agency: the Wildlife Conservation and Management Department (Republic of Kenya, 1975).

The new Department immediately enacted policies that catered to a Western idea of nature and its conservation. In response to the rise in wildlife poaching incidents in Kenya, conservationists and animal rights activists demanded stricter anti-poaching laws from the Kenyan government (Western, 1994; Gibson, 1999).¹³ In 1977, as an attempt to control such illicit activities, the government placed a ban on sport hunting. This ban was followed by additional legislation that prohibited the sale of all forms of wildlife products, marking the end of the consumptive utilization of wildlife in Kenya (Akama, 2008, 80).¹⁴ Kabiri (2010) argues that limiting wildlife to non-consumptive uses (i.e., tourism) has contributed to the ongoing struggle for local wildlife governance in Kenya. He notes,

The legacy of this ban has weighed down heavily on subsequent attempts to devolve authority over wildlife to local communities because it is often presented as a constraint the wildlife regulatory authority has in holding devolved levels accountable in their management of wildlife. Thus, a

¹³ The 1970s and 1980s witnessed an upward trend in poaching in Africa for ivory due to an increase in international demand for this high-status commodity, which particularly threatened the survival of the African elephant (Stiles, 2004). Subsequently, there was an international out-cry and a rise in anti-poaching campaigns demanding a widespread ban on the international trade of ivory. In a historic gesture to showcase its support for the ban, the Kenyan government set fire to 12 tonnes of its stockpile elephant tusks on July 19, 1989 (Perlez, 1989). In the following October, the Convention on International Trade of Endangered Species (CITES) relisted the African elephant to Appendix 1 and implemented an international ban on the commercial trade of ivory.

¹⁴ According to Western (1994, 37), the ban was implemented as an assurance to the World Bank that Kenya took poaching seriously and intended to put a stop to it. Consequently, it reduced potential wildlife-based income in non-tourist areas where hunting had been practiced as a complementary land-use activity.

narrative of regulatory failures shapes the debate on sport hunting and, by extension, devolution of wildlife to local actors (Kabiri, 2010, 128).

Unlike other wildlife-rich African countries—such as Tanzania, Zimbabwe, Botswana, and South Africa—that permit sport hunting, Kenya’s ban limits the ways in which the economic value of wildlife can be commodified.¹⁵ Through these policies, the Kenyan government maintained a stronghold over the conservation agenda. Yet, despite implementing strict bans and establishing new protected areas, Kenya’s centralized approach to conservation soon exposed its inadequacies in protecting wildlife as the impacts of human activity overran park boundaries.

The expansion of private land holdings across Kenya’s wildlife-rich rangelands produced a number of problems for the wilderness project. Most obviously, it limited the amount of public land available to set aside for conservation purposes. Additionally, major changes within these newly privatized parcels of land soon came in direct conflict with wildlife. As experienced over the previous decades, fragmented space hinders traditional pastoral activities by limiting livestock mobility and the amount of resources available within the smaller areas of land. These constraints are especially felt in times of drought. Thus, in Maasailand, land privatization and group ranch subdivision caused a decrease in livestock husbandry as a dominant livelihood approach and motivated the adoption of commercial cultivation, as encouraged by previous policies discussed in Chapter Two (Okello, 2005; Homewood et al., 2009b). Not only is this move toward agriculture-based livelihoods known to significantly alter wildlife habitats, but it also exacerbates human-wildlife conflict as crop-raiding from wildlife becomes a more

¹⁵ Lindsey et al. (2006) finds that the large revenue generated by trophy hunting provides economic justification for wildlife as a land use and has significant potential for conservation and community development efforts in many African countries, especially in areas where ecotourism is not a viable option.

considerable and frequent issue (Kenya Wildlife Service, 1995; Okello, 2005). For conservationists, such human-wildlife conflict not only threatens the survival of wildlife species, but it also undermines local communities' willingness to participate in conservation efforts (Dickman, 2010; Barua et al., 2012; Western et al., 2015). With the occurrence of wildlife on private lands creating more opportunities for human-wildlife conflict, conservation in this new context would require expanding beyond public wilderness to prevent turning privately-owned backyards into battlegrounds.¹⁶

Granting land ownership to Kenyans not only transformed the landscape from supposed pristine wilderness into private property but also pressured conservationists to rethink and redesign their approaches to wildlife conservation. Over time, it would become clear that state-led wilderness construction was an insufficient conservation approach following the birth of new and important stakeholder: Maasai landowners. Without land titles in hand, the Maasai were right-less and removable in the eyes of colonial officials and conservationists. Thus, the construction of a nature without humans was made possible through the establishment of national parks and reserves. However, with the subsequent introduction of a private land tenure regime, the Maasai were no longer irrelevant natives and instead became property owners with the ability to make decisions that could come in direct conflict with conservation efforts. Unfortunately for conservationists in Kenya, the Yellowstone handbook did not provide instructions on how to conserve wildlife in a privatizing landscape. Nevertheless, they were not left empty-handed for too long, as their realization of the shortcomings of wilderness coincided with an evolving development discourse and the rise of an indigenous and

¹⁶ For an interesting read on human-wildlife conflict in the eastern United States, see James P. Serba (2012) *Nature Wars: The Incredible Story of How Wildlife Comebacks Turned Backyards into Battlegrounds*. New York: Penguin Random House.

human rights movement that would offer a new set of instructions to conservation. This marked the beginning of the post-wilderness era in Kenya.

3.2 CONSTRUCTING A POST-WILDERNESS FRAMEWORK

Imposing the wilderness project onto Kenya's privatizing rangelands proved to be an inadequate strategy to wildlife conservation. Populations of nearly all wildlife species—both inside and outside protected areas—experienced alarming declines during the 1980s and 1990s (Norton-Griffiths, 1996; Ottichilo et al., 2000; Western et al., 2009; Norton-Griffiths et al., 2009; Ogutu et al., 2011).¹⁷ The driving forces to these declines were land-use changes (from group ranches subdivision, the expansion of large-scale cultivation, and the development of settlements) and the worsening human-wildlife conflict. Land-use changes led to loss, degradation, and fragmentation of habitats, as well as genetic isolation and interruptions in dispersal and migration routes for many wildlife species (Ottichilo et al., 2000; Homewood et al., 2001; Serneels et al., 2001; Lamprey and Reid, 2004; Western et al., 2009; Ogutu et al., 2011). As products of the introduction of a private land tenure system, these changes and subsequent conflicts created major challenges to the conservation agenda and exposed the shortcomings of protected areas in preserving wildlife habitats. It became clear to conservationists in Kenya that they would have to imagine the conservation of a nature beyond the boundaries of wilderness to prevent further declines in wildlife populations. Since these challenges were closely tied to Maasai livelihoods and changes on human-dominated lands, conservationists turned to

¹⁷ A 2000 study of the Masai Mara ecosystem found a 58% decline in all non-migratory wildlife species from 1977 to 1997, with no significant difference in population declines inside and outside of the Reserve (Ottichilo et al., 2000). Over the next decade, populations continued to decrease. A 2011 study over a 33-year period found declines in almost all wildlife species populations down to a third or less of their former abundance both inside and out of the Masai Mara (Ogutu et al., 2011).

the strengthening development and human rights discourses to construct their new framework.

Because the Western conceptual separation of humans from nature dominated natural resource management throughout the world, the Kenyan experience was networked into broader global challenges of development and environmental sustainability. Starting in the 1980s, the notion of sustainable development gained prominence among international policymakers as a means to rethink and approach economic development in a way that would be complimentary rather than destructive to Earth's ecosystems. In 1992, the United Nations held the Conference on Environment and Development (also known as the Earth or Rio Summit) to establish practical and effective strategies for implementing a sustainable development agenda. As such, the preamble of the Summit's plan of action states,

Humanity stands at a defining moment in history. We are confronted with a perpetuation of disparities between and within nations, a worsening of poverty, hunger, ill health and illiteracy, and the continuing deterioration of the ecosystems on which we depend for our well-being. However, integration of environment and development concerns and greater attention to them will lead to the fulfilment of basic needs, improved living standards for all, better protected and managed ecosystems and a safer, more prosperous future (United Nations, 1992, 3).

As this narrative was sinking roots within the international community, a transnational indigenous peoples' movement was also emerging that would push its own agenda for natural resource management. The movement provided a platform for historically marginalized communities to demand rights from their respective nation-states and the international community.¹⁸ In Africa, according to Hodgson (2011, 1), communities

¹⁸ In 1982, the United Nations established the Working Group on Indigenous Populations to "review events relating to the promotion and protection of human rights and fundamental freedoms of indigenous peoples" and to "give particular attention to changes in international standards relating to the human rights of

adopted the term “indigenous” as a tool for social and political mobilization to protest the “increased economic stratification, resource alienation, and social upheaval that resulted from the imposition of neoliberal political-economic regimes.” The 1980s and 1990s experienced an influx in demands for the recognition of indigenous rights at both the national and international levels. This movement directly impacted environmental and conservation efforts since it “put human rights and justice rather than ‘nature’ at the top of [conservation] agendas” (Rogers et al., 2003, 324). As a prominent assertion of the indigenous peoples’ movement, devolving natural resource management to the local level offered a new vocabulary to rethink wildlife conservation and management beyond the conventional top-down wilderness framework.

The progression of these intersecting international discussions in combination with the very real challenges to wildlife management in southern Kenya sparked a paradigm shift in conservation. In this changing theoretical, political, and physical landscape, conservationists could no longer utilize their idea of nature-as-wilderness as a means to protect wildlife. With the wilderness project losing its validity and usefulness, conservationists latched onto the emerging rhetoric of sustainable development and local-inclusion to navigate this new terrain. The resulting philosophies and practices that conservation has come to adopt embodies contemporary post-wilderness conservation.

indigenous peoples.” It took over two decades for the General Assembly to adopt the Declaration on the Rights of Indigenous Peoples because many states expressed concerns over the right to self-determination and the control over natural resources of traditional lands as proposed in the drafts submitted by the Working Group. The Declaration was adopted on September 13, 2007 with 144 states in favor, 4 states against (Australia, Canada, New Zealand, and the US), and 11 abstentions (including Kenya). For more information, see <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>

3.3 THE RISE OF COMMUNITY-BASED CONSERVATION

The inclusion of humans into the conservation agenda was guided by the strengthening platforms of sustainable development and the indigenous people's movement. In southern Kenya, the inclusion of the Maasai most commonly manifested through the notion of "community-based conservation." At the forefront of the development, implementation, and institutionalization of community-based conservation projects in Kenya is world-renowned ecologist David Western. Since the late 1960s, Western has focused his efforts on aligning wildlife conservation with the needs of local communities and has written a plethora of work on the topic in the Kenyan context and beyond. Presenting community-based conservation as a counter-narrative to centralized wildlife management rooted in the Yellowstone model, Western developed an alternative set of instructions for a more people-oriented approach. In *Natural Connections: Perspectives in Community-based Conservation*, Western and Wright (1994, 7) emphasize,

Community-based conservation reverses top-down, center-driven conservation by focusing on the people who bear the costs of conservation. In the broadest sense, then community-based conservation includes natural resources or biodiversity protection by, for, and with the local community. The deeper agenda, for most conservationists, is to make nature and natural products meaningful to rural communities. As far as local communities are concerned, the agenda is to regain control over natural resources and, through conservation practices, improve their economic well-being.

This excerpt provides insight into the ways conservation in this post-wilderness era is problematized. By (1) identifying "people who bear the costs of conservation" and (2) making "nature and natural products meaningful" to those people, community-based

conservation understands the contemporary socioecological challenges as a gap between costs and benefits, where wildlife needs to be transformed from a liability into an asset.

In this perspective, the costs of wilderness conservation carried by local communities far outweigh the benefits. In southern Kenya, Maasai bear the costs of land dispossession, resource alienation, and increased human-wildlife conflict, accruing very little to no benefits from conservation efforts. Therefore, the current trend of land privatization threatening wildlife populations and habitats is understood to be the result of high-cost conservation that can be mitigated through “benefit-based approaches.” In their review of case studies to examine the impacts of such approaches, Meguro and Inoue (2011, 31) find that the benefits (often in the form of monetary income or economic profits) have the *potential* to reduce hostility toward conservation among local communities. Yet, their review also shows that benefit-based approaches have the potential to be offset by a whole slew of factors including the undervaluation of benefits by local beneficiaries, unfair benefit distribution in local communities, and lack of understanding of the linkage between benefits from wildlife and the need to conserve them.¹⁹ Despite its potential setbacks, benefit-based approaches to post-wilderness conservation gained significant popularity in Kenya.

Since the consumptive utilization of wildlife is prohibited in Kenya, the potential benefits derived from wildlife resources are essentially limited to the non-consumptive use of tourism. Tourism in Kenya is a highly lucrative industry that has been inextricably tied to conservation efforts since the aristocratic big game hunting expeditions of the colonial era (Akama et al., 2011). Throughout the second half of the twentieth century,

¹⁹ Their review was not limited to case studies Kenya and included other community-based conservation projects in Uganda, Tanzania, and Botswana.

Kenya's national parks and reserves attracted large numbers of international tourists to see "pristine African wilderness." Thus, the tourism industry has continuously held a major stake in conservation efforts, since their revenue directly depends on the presence of big game species.²⁰ Interestingly, the growing popularity of safaris in Kenya chipped away at the ability of its supposed wilderness to cultivate inspiration and serenity among its visitors. For example, the Masai Mara National Reserve, Kenya's flagship protected area, has come to evoke much more than wonder and awe.²¹ According to a 2013 article in the *Telegraph UK*, the Reserve is now "a noisy, overcrowded, and often unedifying gathering of the human species at its worst" (Telegraph UK, 2013).

With visitors unsatisfied with the congestion within Kenya's designated wilderness, tour operators were in search for a way to provide their guests with a more "authentic safari experience on exclusive game-filled land, away from the crowds of tourists in the National Parks and Reserves."²² Yet, how were they going to create a true wilderness experience in a privatizing landscape? Unoccupied waste lands were no longer available since the Maasai now held land titles. While illegal land grabs were a possibility (as discussed below), many tour operators saw a profitable opportunity from the emerging concept of community-based conservation. Thus, starting in the early 1990s, benefit-sharing conservation projects developed in southern Kenya as partnerships between tour companies and Maasai communities to utilize their private land for

²⁰ Although tourism historically supported wilderness conservation, wilderness conservation did not always support tourism. As protected areas in Kenya became popular tourist destinations throughout the 1980s and 1990s, some conservationists expressed their concerns toward the impacts of tourist infrastructure and off-road driving on the grassland ecosystems (Gakahu, 1992; Bhandari, 1999).

²¹ The Masai Mara National Reserve is Kenya's high-earning protected area, bringing in \$15-25 million per year (Norton-Griffiths et al., 2009).

²² An experience promoted by Porini Camps, one of the first safari companies to develop partnerships with local Maasai communities by leasing their land for conservation purposes. For more, see <https://www.porini.com/about-us/responsible-tourism/>

exclusive wildlife purposes (Lamers et al., 2014). These partnerships—mainly taking shape as conservation enterprises and community conservancies—would become defining features of post-wilderness conservation.

3.4 ADMINISTRATIVE REARRANGEMENTS

The attractiveness of community-based conservation progressed as the Wildlife Conservation and Management Department was failing as a legitimate governing body. The rising human-wildlife conflict throughout Maasai communities neighboring protected areas and the dwindling wildlife populations were thought to be worsened by the dysfunctional Department plagued with corruption, nepotism, lack of accountability, and strong ties to the illicit poaching industry (Western, 1994). Thus, the administrative flaws of state-led conservation justified efforts to decentralize wildlife management in the form of community-based conservation.

In 1990, the Wildlife Conservation and Management Department was replaced by the semi-autonomous corporation Kenya Wildlife Service (KWS). This administrative rearrangement sought to better align national conservation policy with Kenya's post-wilderness challenges that the previous centralized system failed to address (Republic of Kenya, 1989). According to Western (1994, 42), the word “service” in KWS's name was purposefully included “to convey a sense of the contributions the new institution would be expected to make to the welfare of rural communities.” In contrast to its wilderness predecessors, the parastatal KWS adopted a decentralized approach to conservation that rests on the ideas of cooperation and collaboration rather than strict command-and-control. Reflecting the dominant international narrative of sustainable development that

helped redefine conservation and natural resource management, KWS aims “to sustainably conserve, manage, and enhance Kenya’s wildlife, its habitats, and provide a wide range of public uses in collaboration with stakeholders for posterity.” In order to achieve this goal, KWS embraced a community-based framework in attempt to incorporate the needs of landowners into the overall conservation agenda (Kenya Wildlife Service, 1990).

In addition to working with international conservation organizations to promote ecotourism and local participation within the national parks system, KWS extended its efforts beyond its parks to encourage community conservation initiatives in unprotected areas. In 1996, as a celebration and reflection of 50 years of national parks in Kenya, KWS launched its “Parks Beyond Parks” campaign to strengthen socially-responsible conservation enterprises on privately-owned lands (Kenya Wildlife Service, 1997). Funded by the European Union, the campaign encouraged landowners to form partnerships with tour operators and investors on a “voluntary collaborative basis” to develop “innovative conservation measures” (Western et al., 2015, 54). Rather than administering top-down conservation policies, this campaign embodies the ways in which KWS aims to *serve* rather than *govern* wildlife management in a post-wilderness era. Interestingly, such decentralization complimented the re-imagination of wilderness conservation in Kenya’s Maasailand.

3.5 THE CONSERVANCY CONCEPT

With the support of Kenya Wildlife Service to develop innovative community-inclusive initiatives, the tourism industry came up with the perfect solution to overcome

the challenges of post-wilderness conservation and tourism. The popularity of national parks and reserves among international visitors was making it increasingly difficult to sell the idea of pristine wilderness to high-paying customers. However, the adjacent privately-owned Maasai lands, which were rich with wildlife, did not have the same overcrowding problem, and thus became, in the eyes of tour operators, money-making real estate. Considering that tourism is one of the only ways economic value can be added to wildlife in Kenya and that there had been an expressed need to create benefit-based conservation projects with Maasai communities, tour operators saw an opportunity.

Jake Grieves-Cook, founder and managing director of Gamewatchers Safaris & Porini Safari Camps, has been involved in the tourism industry in Kenya since the early 1970s and is a leading figure in post-wilderness conservation. Over the years, he has served many high-level positions within Kenya's wildlife and tourism sectors, including as a board member of KWS and as the chairman of the Ecotourism Society of Kenya.²³ His company is the self-acclaimed pioneer of "the conservancy concept," through which land is leased from Maasai landowners for conservation purposes. The concept was first introduced in the mid-1990s to members of the Selengei group ranch near Amboseli National Park to set aside their dry season grazing pasture as a wildlife sanctuary. In 1997, group ranch members leased a 7,000 ha parcel of their land to Cook's company at the time, Porini Ecosystem Ltd., to establish the Eselenke Conservation Area. The 15-year agreement allowed livestock grazing in accordance to customary use but restricted grazing within a kilometer radius of any tourist facility and prohibited the establishment

²³ Presented on Jake Grieves-Cook's blog in the "About" section. Retrieved from <https://jakegrievescook.wordpress.com/about/>

of Maasai settlements within the conservancy (Rutten, 2002, 14).²⁴ In such an agreement, ownership of the conservancy remained with the landowners, but its management was placed in the hands of Porini. In an interview with the *Independent*, Cook explained why going into a partnership to create a conservancy is worthwhile to landowners. He emphasized,

The conservancy concept enables landowners to benefit from allowing their land to be set aside for wildlife and to earn a regular monthly income stream from rents paid per acre for their plots of land, as well as to have employment opportunities for their family members as rangers in the conservancies and through staffing the camps (Masters, 2015).

In addition to bringing financial benefits to Maasai landowners, Cook exclaimed that conservancies establish “an expanded area of protected habitat for the wildlife where tourist numbers are strictly controlled,” providing an enhanced, less-crowded safari experience for visitors (Masters, 2015). This win-win concept caught on quickly as it fit comfortably within the community-based conservation framework and presented an innovative solution to the persistent post-wilderness conservation challenge of land privatization. In subdivided group ranches, a conservancy could rejoin the fragmented landscape; while in still-intact group ranches, it could prevent future fragmentation.

Yet, a closer look into the implementation process of the conservancy concept’s first attempt does not present a successful “win” for the Selengei community. Rutten (2002) reveals the confusion, corruption, and conflict surrounding the creation of the Eselenke Conservation Area. Many community members were not fully aware of the grazing restrictions within the conservancy, which led to a series of incidents including a Porini project manager burning temporary Maasai huts within the conservation area.

²⁴ Eselenke Conservation Area is also referred to as the Selenkay Conservancy in Porini Camps promotional material. For more, see <https://www.porini.com/kenya/porini-camps/amboseli-porini-camps/>

Rutten (2002, 20) finds that the benefits of this first conservancy project were “questionable both in financial and social terms,” as it restricted the community’s ability to freely access their dry season grazing pasture and weakened trust among group ranch members. He concludes that this community-based “parks beyond parks” concept reinvents the conventional top-down approach to conservation as uneven power relations persisted in the new era (Rutten, 2002).

Despite a messy implementation process, the following years witnessed a proliferation of conservancy establishments in many group ranches in southern Kenya. Following the “success” of the Eselenke Conservation Area, Porini Safari Camps helped set up another two conservancies in group ranches bordering the Masai Mara National Reserve: the Ol Kinyei Conservancy in 2005 and the Olare Conservancy in 2006. The trend caught on quickly among other tour operators, and today the Masa Mara is surrounded by a network eight conservancies. According to the Basecamp Foundation Kenya, the organization managing the Mara Naboisho Conservancy, the network ensures “a suitable balance between communities, tourists, and wildlife [while] maintaining the glory and splendour of game viewing in relative privacy.” In this light, the Mara conservancies are a means to preserve the exclusive wilderness experience that has been deteriorating within the Reserve. This “splendid” experience is used to promote tourism in community conservancies, as reflected on the website for the Mara Naboisho Conservancy. Its homepage boasts pristine wilderness with “a high concentration of wildlife and a low concentration of tourists” to offer its visitors “the space and freedom to truly connect with the African savannah.”²⁵

²⁵ Presented on the home page of the Mara Naboisho Conservancy. Found at <http://www.maranaboisho.com/>. Apparently “inspired by their neighbors” in the Olare Conservancy, 500

Today, conservancies cover 7.5% of the country's land surface area, which is nearly equivalent to the 7.9% of federal protected areas. Furthermore, conservancies contain more wildlife than the national parks and reserves, accounting for roughly 40% of all Kenya's wildlife (Republic of Kenya, 2015). As such, conservationists see this model as the "only hope" for the future of Kenya's wildlife heritage and have provided support and technical guidance to their development and implementation in communities living in wildlife-rich areas.²⁶

Since conservancies were the product of innovative collaborations between multiple stakeholders rather than of Kenyan wildlife policy, there was no specific conservation law recognizing their existence. Instead, they were registered as a variety of legal statutes under different acts (e.g., as not-for-profit companies under the Companies Act, as trusts under the Trustee Act, and as associations under the Societies Act) (Didi, 2013, 54). Each status translates to a different set of governing systems. For example, Ol Kinyei Conservancy is leased to GameWatchers Safari & Porini Safari Camps and thus is centrally managed by the company. As a result of their agreement, livestock grazing is strictly regulated within the conservancy. This is drastically different from the adjoined Shompole and Olkiramatian Conservancy, which is not leased to a tour operator. Established with the support of the African Conservation Centre and managed by the two intact group ranches, the conservancy does not prohibit livestock grazing nor the

landowners of Koyaki-Lemek went to Basecamp Foundation Kenya, a non-profit tourism-based organization, to assist in the formation of a conservancy in their group ranch. In 2010, the 50,000 ha Mara Naboisho Conservancy was established in between Porini Camps' two conservancies in the Mara-ecosystem.

²⁶ The African Conservation Centre, a non-profit organization based founded by Dr. David Western, is a major supporter of the conservancy concept and has helped Maasai communities in southern Kenya develop and manage community conservancies in their group ranches. For more, see <http://www.accafrica.org/where-we-work/conservancies/>

establishment of human settlements. Rather, the area continues to be used as dry season grazing pasture for the two Maasai communities.

As a result of the diversity and complexity of conservancy governance, Kenya Wildlife Conservancy Association (KWCA) was established in April 2013 as an umbrella organization to bring together various stakeholders to share in best practices of conservancy design and management and to create a unified voice for landowners for conservation policy advocacy. Working within a benefit-based conservation framework, KWCA aims “to create an enabling environment for conservancies to deliver environmental and livelihoods benefits” to offset the “burgeoning cost of hosting the wildlife” that landowners and communities bear.²⁷ The establishment of this association occurred at the same time the Kenyan government was working to pass its new wildlife legislation to align national policy with the expanding post-wilderness conservation efforts.

In December 2013, the Wildlife Conservation and Management Act was passed and legally recognized conservancies as a legitimate conservation strategy in Kenya. Among those involved with conservancies, including KWCA, the Act was regarded as a major win for community-based initiatives. It also represented the legal mainstreaming of the conservancy model in conservation policy at the national level. Since then, major international donors have supported the work of KWCA and continue to strengthen the conservancy movement to ensure equitable access to and sharing of the benefits of conservancies throughout its implementing communities.²⁸ Yet, despite its expansion and

²⁷ Presented on the KWCA website. Retrieved from <http://kwcakenya.com/page/about>

²⁸ In 2015, USAID partnered with The Nature Conservancy and KWCA to implement a \$2 million project to work with landowners to establish and effectively manage conservancies, as well as to advocate for more

legal recognition, community conservancies still face significant challenges, mainly in relation to land insecurity.

3.6 LAND INSECURITY IN A POST-WILDERNESS ERA

Although a private land tenure regime was first introduced in the late 1960s through the group ranch system as a means to increase security and productivity in Maasailand, land insecurity has continued to persist in the region, creating considerable frustration and anxiety among Maasai landowners. Holding a land title has not necessarily translated into having control over one's land, and illegal dispossession and land disputes have become common features of this privatized landscape (Homewood et al., 2009b). One such case is the decades-old boundary dispute between two group ranches—Shompole and Olkiramatian—and the company Nguruman Ltd. over the ownership of the Nguruman Escarpment (Figure 6). Since these two communities own and manage a shared conservancy containing (or bordering, depending on which side of the court battle you are on) the land under question, this case exemplifies the realities of land insecurity in Maasailand and the challenges it poses to community-based conservation efforts.

The story of this ongoing land dispute is a complicated one—spanning decades, court rooms, and county lines. Consequently, a detailed account of the history of the dispute has yet to be documented outside of a short case study included in a chapter by John Galaty (2013) and a few local newspaper articles (Kantal et al., 2012; Syagaie and Ochieng, 2014; Njagi, 2014). For years, the details remained tucked away in the drawers

supportive national policies. For more, see
<http://kwakenya.com/resources/KWCA%20Fact%20Sheet%20revised%20030216%20copy.pdf>

of a land registrar office in Narok county and hidden from the members of Shompole and Olkiramatian group ranches. It was not until a trespassing complaint was filed against members of these group ranches that the realities of a land grab were revealed to the communities. Today, the story exists in stacks of legal paperwork and in the minds of the lawyers and community members involved. As such, upon request of the Olkiramatian group ranch chairman, in the summer of 2016 a colleague and I sifted through these court documents and interviewed a few elders to compile a comprehensive story of the land grab.²⁹ In retelling this story, my aim is to shed light on the complexities and challenges that these two Maasai communities face in ensuring rights to their land in a post-wilderness era.

As discussed in Chapter Two, the introduction of a land market through the group ranch system created opportunities for corruption and allowed members of group ranch committees to allocate large portions of land to themselves. However, in the case of the Nguruman Escarpment, the land grabbers were not members of either of Olkiramatian and Shompole group ranches and used skillful tactics to obtain the land. During the late 1960s/ early 1970s when the boundaries of these two group ranches were being drawn, a group of fourteen men from outside communities (many holding positions in both the local and district governments) illicitly fabricated their own land title to obtain 6,970 ha of the Nguruman Escarpment, which overlapped with the boundaries of Shompole and Olkiramatian. The Escarpment is used as grazing pasture by the two communities during

²⁹ From June to August 2016, I interned with the South Rift Association for Landowners (SORALO), working out of the Lale'enok Resource Center in the Olkiramatian group ranch. My colleague, Kathleen Godfrey (M.A. Anthropology candidate at McGill University), and I conducted interviews with a few male Olkiramatian elders with regards to their memories of and involvement in this ongoing boundary dispute. We also worked closely with the decades of legal archives (land acts, title deeds, court affidavits, court rulings, etc.) to document the land grab I present here.

certain dry seasons, which means the communities do not utilize it year-round. The Escarpment's supposed "idleness" created a window of opportunity for those interested in illegally obtaining the land.³⁰ The fourteen men registered their new piece of land as a group ranch under the Land (Group Representative) Act, undertaking in what Galaty (2013) calls "legal theft."

The second land certificate remained unknown to the Shompole and Olkiramatian communities for over 30 years because the fraudulent group ranch was registered in Narok County, while Shompole and Olkiramatian group ranches were registered in Kajiado County.³¹ This allowed for most of the legal theft taking place within the walls of the Narok land registrar office to remain unknown to those in Kajiado. For example, in November 1982, a new land certificate was issued to the fourteen men because they allegedly misplaced or lost their previous one. Interestingly, the area of land specified in the reissued certificate was no longer the original 6,970 ha but instead 26,993 ha (Galaty, 2013, 150). In 1986, the group of men transferred their newly enlarged parcel of land to the company Nguruman Ltd. This changed its legal status from a group ranch registered under the Land (Group Representative) Act of 1970 to an individually-held title, further disguising the fraudulent past of the land in question.³² The Shompole and Olkiramatian communities were completely unaware of these legal changes and continued to believe the land was within the boundaries of their group ranches, as indicated in their title deeds registered in Kajiado County. There were no actual changes made to the land during this

³⁰ Pastoral dry season pastures not only offered opportunities for contemporary land grabs but also for colonial land grabs, where large portions of Maasailand were viewed as unoccupied and ready for the taking (Mwangi, 2007, 64).

³¹ As a result of constitutional reform in 2010, districts for the most part were replaced by counties (Republic of Kenya, 2010). Therefore, pre-2010 documents and literature refer to districts rather than counties.

³² This is an amended version of the Land (Group Representative) Act of 1968 described in Chapter Two.

time, and so the communities continued to use the Escarpment as their dry season pasture. However, conflict began to arise with Nguruman Ltd. now in the picture.

In the years that followed, roads and infrastructure were constructed along the Escarpment by individuals from outside communities. As one Olkiramatian elder recalled, “When those people are employed, you would ask them ‘What is the business you are doing there?’ and they would say they are just making roads, and they don’t know to where.” During this time, the company built high-end tourist facilities that included “nature trails, swimming pools, exquisite cottages, modern bars in the jungle stocked with the choicest of imported drinks, and the like” (Njagi, 2014). According to *The African Report*, the company hosted elite, invitation-only visitors, including Bill Gates and Kofi Annan (Kantal et al., 2012). Guards were put in place to exclude members of Shompole and Olkiramatian from this highly-prized land.

In 1991, Nguruman Ltd. filed the first trespassing case against members of Shompole group ranch who brought their cattle to graze up on the Escarpment. Ten years later, members of Olkiramatian were also charged with trespassing on the property of Nguruman Ltd. To strengthen their resistance against the company and assert their rights over the Escarpment, the two group ranch communities joined forces and consolidated their cases. The years that follow have been characterized by never-ending court appeals and a consistent delay in information on the side of the two Maasai communities, who have continuously been at a significant disadvantage in this legal arena. In the midst of confusion and frustration, it took nearly thirteen years into the legal dispute for representatives of Shompole and Olkiramatian to uncover the illicit history of the

fourteen men's group ranch and its mysterious 20,023 ha increase in 1984. Despite these findings that supported their claim to the land, the communities' struggle continued.

In July 2010, upon reading a notice in the newspaper, members of Shompole and Olkiramatian discovered that both their group ranches were up for auction in order to collect their unpaid trespassing fines (Galaty, 2013, 150). The court ruling, which had taken place in a town 300 km away, was made in their absence and without their knowledge that the hearing had even been scheduled. Once again, the group ranch committees pushed back in the court room to appeal the ruling, and the auction was temporarily nullified.

Despite the communities' persistence and determination to ensure their rights over the Nguruman Escarpment over the years, this volatile boundary dispute was far from over after the auction incident. At one point, Nguruman Ltd. sued the Governor of Kajiado County for allegedly encouraging ethnic hate speech among members of Shompole and Olkiramatian toward the company's employees. More recently, in November 2014, community members from both group ranches burned down the company's abandoned infrastructure on the Escarpment as an act of resistance and expression of frustration.³³ As the court battles continue, one Olkiramatian elder described his bewilderment with regards to his community's ongoing struggle over their land. In an interview he exclaimed,

I am getting so annoyed because I know very well that this land belongs to us... These guys are coming from the middle of nowhere, and this causes a lot of frustration and curiosity. Sometimes during the night, I just wake up

³³ According to some Olkiramatian group ranch members, they warned everyone to clear out the premises before the setting fire, and no one was harmed in the process. One member involved in the event explained that the burning was a way to even out the playing field. If the land was still under dispute, he did not think it was fair that Nguruman Ltd. could continue to profit from it.

and wonder “Why are these guys disturbing us since this land belongs to us?”

The longstanding boundary dispute over the Nguruman Escarpment—entangled in fraudulent behavior, endless court trials, and Maasai indignation—exemplifies the realities of land insecurity on communally-held lands in southern Kenya. Such challenges hinder post-wilderness conservation efforts that assume landowners have substantial decision-making power over their land. This is reflected in concluding remarks of Galaty (2013) with regards to this Nguruman case. He explains,

Land grabbing in Maasailand is often justified by the economics of competing land use, but advantages given to outside investors merely undermine the local opportunities to combine livelihoods and forms of land use in optimum configurations. In Olkiramatian and Shompole today, households combine animal husbandry, cultivation and wildlife conservation and tourism. The aim of the [Nguruman] case is not just to eliminate trespassing on the [escarpment] but also to eliminate competition in the form of community pursuits of conservation and tourism (Galaty, 2013, 152).

The benefits of community conservancies are designed to provide incentives to landowners to choose conservation as a land-use option. However, this is only possible if the power to make land-use decisions lies with these landowners. A lack of security throughout Maasailand can considerably undermine this decentralized approach to conservation, as reflected in the Nguruman case. If the Shompole and Olkiramatian group ranches lose this legal battle, in addition to losing their customary land, they also miss out on the opportunity to benefit from the wildlife-based revenue generated via the Nguruman Escarpment within their conservancy.

Therefore, in recognizing the vital role that national legislation plays in securing rights over local resources, landowner associations like KWCA have actively contributed to the development of policies that would ensure communities have stronger decision-

making power over their communal lands. More recently, during negotiations and public participation hearings over a new community land bill, KWCA submitted 24 amendments to the National Assembly and Senate. The bill under discussion emerged out of frustration from landowners over ongoing land security issues that were not resolved through (and in the Nguruman case, worsened by) the group ranch system.

On August 31, 2016, the Community Land Act was enacted to address the shortcomings of the Land (Group Representative) Act of 1970. In this new legislation, twelve of KWCA's submissions were adopted (KWCA, 2016). Regarded as a major success for communities and their conservation efforts, the inclusion of these proposals represents the ways in which KWCA operates as an important platform for landowners in making claims to the national government over access to their resources. In this light, the conservancy model has created new opportunities for Maasai landowners to negotiate and engage with the state.

At this point, the heterogeneity of post-wilderness conservation in Maasailand makes itself clear. On one hand, the conservancy model can be used to rearticulate top-down wilderness conservation, as seen with the Eselenke Conservation Area (Rutten, 2002). While on the other hand, it can create space for citizen mobilization, as reflected in the latest Community Land Act of 2016. These local challenges and opportunities exist in relation to broader global processes of decentralization, privatization, and commodification that define contemporary neoliberalism. Yet, looking forward, it is unclear how post-wilderness conservation in Maasailand will continue to unfold, as discussed below.

CONCLUSION

The history of wildlife conservation in Maasailand reveals changes in the political, social, and ecological relations surrounding efforts to preserve East African megafauna. In tracing the administrative and legal history of land use, I examined the ways in which wildlife conservation in southern Kenya transformed from a top-down wilderness project into its contemporary post-wilderness form. In doing so, I was also able to explore the changing imperatives of a postcolonial state. From first maintaining the centralized administrative structures of its colonial predecessor in the years following independence to later embodying a decentralized, market-oriented system of government in the closing decades of the twentieth century, the shifts in Kenya's postcolonial regimes of governance mirror the transformations in its conservation practices. I discussed how these transformations were influenced and produced by global processes of state-building and economic development, as well as Western ecological discourses.

The Maasai have been caught at the intersection of these broader processes and subsequent policies since the British colonized their land. I focused my analysis on the material and bureaucratic arrangements of this land beginning in the late nineteenth century to better understand the ways in which the Maasai have experienced and engaged with the state. Through the introduction of a private land tenure regime and the process of administrative decentralization, post-wilderness conservation transformed Maasai relations with the state in very unique ways. Today, the increasingly popular community-based conservancy model has shown to both reinforce existing power relations that disadvantage Maasai communities and create opportunities for democratic processes to strengthen through citizen—and more specifically, landowner—mobilization. In the

midst of these transformations, both positive and negative, I argued that land insecurity continues to shape how post-wilderness conservation is practiced.

My case study of the Nguruman Escarpment exemplified the very real challenges of devolved conservation efforts in southern Kenya by illustrating how two Maasai communities navigate the predicaments they face in a post-wilderness era. The precarity that has emerged from land privatization can significantly undermine opportunities for Maasai communities to utilize their land in a sustainable manner, which may be the only hope for the conservation of wildlife species in the region.

Take, for instance, the African lion (*Panthera leo*), whose continent-wide population has declined an estimated 75% over the past 40 years (Bauer et al., 2008). In Kenya alone, the population decreased 30% between 2000 to 2010 (Kenya's National Large Carnivore Task Force, 2010), with about 65% of all lions living in unprotected areas of the country's southern rangelands (Chardonnet, 2002). While some ecologists emphasize the need for exclusive fenced areas (Packer et al., 2013), a 2013 study of lion populations in the unfenced group ranches of Shompole and Olkiramatian reveals a high density of lions that is comparable to densities in protected areas (Schuette et al., 2013). With post-wilderness conservation focused on protecting wildlife in human-dominated landscapes, the findings from the study offer valuable insight into how this can be done. The authors conclude,

A land use system based on temporary settlements and grazing areas allowed lions to co-occur with people and livestock at high density. These results suggest a general strategy for the conservation of apex carnivores outside of [government-protected areas], focusing on areas that exhibit spatiotemporal variation in human land use (Schuette et al., 2013, 148).

Effectively, the ways in which the Shompole and Olkiramatian communities move about their landscape create an environment where humans are able to coexist with wildlife. This is a major conservation success in a post-wilderness era plagued with human-wildlife conflict that continues to threaten the survival of many wildlife species (Western et al., 2015).

This study supports pastoral land-use practices as a conservation strategy in and of itself. As such, the creation of the conservation agenda that strengthens Maasai customary land rights and devolved resource management can offer a glimpse of hope for post-wilderness conservation. If the conservancy model can be used to strengthen the political voice and decision-making power of Maasai community members over their land, as seen with KWCA's contributions to the Community Land Act of 2016, then there may be a brighter future not only for Kenya's prized megafauna but also for the Maasai after decades of political struggle. In this light, post-wilderness conservation offers new opportunities for Maasai communities and expands the ways in which they are able to participate in Kenya's postcolonial democracy.

However, the persistence of land insecurity in this post-wilderness era suggests a very different future, as exemplified by the ongoing land dispute in Shompole and Olkiramatian group ranches. A private land tenure regime continues to create new challenges not only for conservation efforts but also for the rights of the Maasai. In the cases where community conservancies are not managed by their owners, the future is even more bleak. As seen with the Eselenke Conservation Area, the conservancy concept can be used as a tool to reinforce the same unequal power relations experienced during the wilderness era. Empirical research suggests many so-called "community-based"

conservation efforts are in fact bringing little political, social, and ecological change to Maasailand and its communities (Homewood et al., 2009a).

To a large extent, post-wilderness conservation efforts reflect the reregulation of nature that has been critiqued by many scholars examining the neoliberalization of conservation (Igoe and Brockington, 2007; Castree, 2008; Büscher et al., 2014). The conservancy concept and other benefit-based conservation enterprises are enmeshed in the liberal, free-market logic that has continued to demonstrate its inadequacy to effectively address the complexities of contemporary conservation problems (Büscher et al., 2014).

Yet, at this point in time, it is uncertain how post-wilderness conservation in southern Kenya will continue to unfold. Either as a reinvention of colonial wilderness thinking or as a platform for political mobilization of Maasai communities, it is clear post-wilderness conservation is reshaping the socioecological relations surrounding the Maasai, wildlife, and land in interesting ways. For this reason, looking ahead, it is important to closely study the ways in which this new era of conservation progresses in Maasailand. Not only will this be critical to developing effective strategies to protect Kenya's prized wildlife but also to understand how political and economic opportunities for the Maasai are taking shape.

APPENDIX

Table 1. Opening years for National Parks and Reserves in Kenya (all managed by Kenya Wildlife Service). Data collected from the World Database of Protected Areas (<https://www.protectedplanet.net/>).

Name	Year	Name	Year
Nairobi National Park	1946	South Kitui National Reserve	1979
Tsavo East National Park	1948	North Kitui National Reserve	1979
Tsavo West National Park	1948	Bisanadi National Reserve	1979
Aberdare National Park	1950	Nasolot National Reserve	1979
Meru National Park	1966	South Turkana National Reserve	1979
Ol Donyo Sabuk National Park	1967	Chyulu Hills National Park	1983
Shimba Hills National Reserve	1968	Mt. Longonot National Park	1983
Lake Nakuru National Park	1968	Ruma National Park	1983
Mt. Kenya National Park	1968	Kerio Valley National Reserve	1983
Mt. Elgon National Park	1968	Kamnarok National Reserve	1983
Lake Bogoria National Reserve	1970	Central Island National Park	1983
Sibiloi National Park	1973	South Island National Park	1983
Amboseli National Park	1974	Hell's Gate National Park	1984
Masai Mara National Reserve	1974	Kakamega National Reserve	1985
Shaba National Reserve	1974	Buffalo Springs National Reserve	1985
Arawale National Reserve	1974	Samburu National Reserve	1985
Saiwa Swamp National Park	1974	Ndere National Park	1986
Tana River Primate National Reserve	1976	Kora National Park	1989
Dodori National Reserve	1976	Malka Mari National Park	1989
Ngai Ndethya National Reserve	1976	Arabuko Sokoke National Park	1990
Boni National Reserve	1976	Laikipia National Reserve	1991
Mwea National Reserve	1976	Diani Chale National Reserve	1995
Rahole National Reserve	1976	Mt. Kenya National Reserve	2000
Losai National Reserve	1976	Nyambene National Reserve	2000
Kisite National Park	1978	Chepkitale National Reserve	2000
Mpunguti National Reserve	1978	Lake Kanyaboli National Reserve	2010
Kiunga National Reserve	1979		



Figure 1. Map of Kenya's national parks and reserves (Retrieved from <http://www.africa-adventure.com/safaris/Kenya>).



Figure 2. Map of the Masai Mara National Reserve in orange with its corresponding wildlife conservancies in green (Retrieved from <https://www.expertafrica.com/kenya/maasai-mara-conservancies/reference-map>).



Figure 3. Sunrise over a lone acacia tree in the Masai Mara National Reserve (Personal photograph).



Figure 4. Zebra in Amboseli National Park with Mount Kilimanjaro in the background (Personal photograph).



Figure 5. Theodore Roosevelt with his son Kermit showcasing their kill of an African buffalo while on the Smithsonian-Roosevelt African Expedition of 1909
(Retrieved from https://naturalhistory.si.edu/onehundredyears/expeditions/si-roosevelt_expedition.html).



Figure 6. Maasai cattle grazing in the Shompole/Olkiramatian community conservancy with the Nguruman Escarpment in the background (Personal photograph).

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