



# Conservation and ecotourism on privatised land in the Mara, Kenya

*The case of conservancy land leases*

Claire Bedelian

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by Claire Bedelian

*Published by:*

**The Land Deal Politics Initiative**

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*Published with support from the UK Department for International Development (DfID), Atlantic Philanthropies, Inter-Church Organization for Development Cooperation (ICCO), Ford Foundation and Miserior.*

## Abstract

This paper investigates private sector investment in conservation and ecotourism through conservancy land leases in the Mara region of Kenya. In a recent and growing tourism development, groups of Maasai landowners are leasing their parcels of land to tourism investors and forming wildlife conservancies. The paper examines this new conservation and ecotourism model and the implications it has for Maasai livelihoods and the environment. The subdivision of Kenya's rangelands has tended to benefit elites, and as a consequence this trend is reinforced in land-based schemes such as these. Given the large extent and recent change in ownership in these areas, land leases do however keep the lands they cover together and are potentially an optimistic outlook for such open rangeland areas. Consideration however must be given to adjacent areas and communities that may face the negative knock on effects of such schemes. The Mara is a unique area in terms of its tourism and wildlife, so land leases may not be able to offer as much to landowners in other areas, or be financially sustainable across vast areas. However, within the Mara, land leases have been rapidly expanded upon, implying that similar schemes might be of interest to both investors and communities alike in other wildlife areas.

## About the author

**Claire Bedelian** is a PhD student in Anthropology at University College London. She holds a Masters in Resource Management from the University of Edinburgh. Her research interests include the integration of conservation and development, community-based conservation, access and rights to land and resources, and people, livestock and wildlife interactions in pastoral rangelands. Her PhD research focuses on evaluating the social and ecological outcomes of privately-owned wildlife conservancies in the Mara in Kenya, and the role of conservancies in supporting local livelihoods and rangeland ecosystems. She is also affiliated to the International Livestock Research Institute, based in Nairobi, on projects aimed at reducing the vulnerability of pastoral systems through livelihood diversification, natural resource management and payments for ecosystem services.

## Acronyms

APF	African Parks Foundation
APN	African Parks Network
AWF	African Wildlife Foundation
FEMACT	Feminist Activist Coalition
KII	Key Informant Interview
MMNR	Maasai Mara National Reserve
MNC	Mara North Conservancy
NCC	Narok County Council
NCLR	National Council for Law Reporting
NEMA	National Environmental Management Authority
NGO	Non-Governmental Organisation
NLP	National Land Policy
OBC	Ortello Building Corporation
OOC	Olare-Orok Conservancy
OOWC	Olare-Orok Wildlife Conservancy
USA	United States of America
USAID	US Agency for International Development

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## 1. Introduction

Conservation and ecotourism developments have been identified as one of seven processes driving global 'land grabs' (Zoomers 2010). Although most 'land grabs' result from large scale land acquisitions in developing countries by finance-rich, resource-poor countries to satisfy their food and fuel requirements (Cotula *et al* 2009; Zoomers 2010), increasingly private individuals and international organisations are investing in large areas of land for nature conservation, triggering a 'great green land grab' (Vidal 2008). Echoing land appropriation under European colonialism, this trend might simply be portrayed as a reinvention of a phenomenon that has occurred for centuries. For example, in colonial Africa in the first half of the 20<sup>th</sup> century, British colonial conservationists alienated African land to create game reserves, influenced by western ideals for 'wilderness' and 'pristine' habitats free of people and human habitation (Adams & Hutton 2007).

Private individuals, trusts, conservation NGOs, and for-profit businesses are all purchasing or leasing conservation land or resource rights from governments and local communities. The largest conservation NGOs in the USA have extensive networks of protected areas worldwide. Privately owned and managed, protected areas can make significant contributions to conservation real estate and be important in achieving biodiversity conservation goals. This is all the more important as much biodiversity falls outside of formally protected areas (Western *et al* 2009). Private sector conservation action is increasingly recognised as an important form of governance for protected areas (World Conservation Union 2005:177) and is continuing to attract donor support (e.g. The Global Environment Facility's funding for private sector initiatives (GEF 2011)). Despite the proliferation of growth and interest in private sector investment in conservation, this has not always translated into positive impacts for local communities. Serious human rights issues were raised in 2004 when the African Parks Foundation (APF), a private Dutch-based organisation, who aim to run parks as businesses, was contracted by the Ethiopian government to manage Nechasar National Park. Just months after signing the agreement 500 people were removed from the park and 463 houses burned down to try to force them to leave (Pearce 2005). In Tanzania, the African Wildlife Foundation's (AWF) involvement in Manyara Ranch, a livestock ranch now managed as a protected area, also led to the displacement of local people, who lost access to land for their livelihoods (Igoe 2007; Igoe & Croucher 2007). As for other types of 'land grabbing' (Cotula *et al* 2009) such cases, justify displacing people on the grounds that the land appears 'empty', 'idle' or 'unoccupied'. In reality, these areas might be important dry season grazing reserves, shifting cultivation systems or sacred sites.

This paper investigates private sector investment in conservation and ecotourism through conservancy land leases in the Mara region, Kenya. In a recent and growing tourism development, groups of Maasai landowners are leasing their land parcels to tourism investors and forming wildlife conservancies. Landowners receive a direct monthly lease payment in return for setting aside their land for conservation. The paper examines this new conservation and ecotourism model and the implications for Maasai livelihoods and the environment. As in other parts of Maasailand, the Mara is an area that has witnessed great changes in land tenure from communal to individual ownership. Successive Kenyan government have pursued this policy with consistency, under the belief that economic growth depends on transforming customary land tenure to private land ownership based on the western model. In this paper I first introduce the Maasai and the history of land tenure change in Kenya's Maasailand, then the Mara study site and its subdivision process and history of conservation initiatives. I present a case study of tourism investment through conservancy land leases and investigate the partnership between the community and tourism investors, and the restrictions on livelihood activities that the land lease brings. Finally, I reflect on how the conservancy land leases impinge on Maasai land rights, pastoral livelihoods and on the environment.

## 2 Methods

Case study data were collected during field research in Koyiaki Group Ranch from January to November 2010. I conducted Key Informant Interviews (KIIs) with people in administrative and leadership positions in conservancies, previous wildlife associations, and the group ranch; and semi-structured interviews with individuals or groups from the community. Interviews targeted conservancy members and non-members, were held in all areas throughout the group ranch, and targeted men and women equally. Most KIIs were conducted in English; community interviews in *Maa* with the help of a translator. Data were supplemented by numerous informal conversations, participant observation and attending various community and conservancy meetings. The history of land tenure and conservation initiatives in Koyiaki and neighbouring group ranches was explored in the literature, government documents and KIIs. Interviews collected data on: the formation, management and partnership arrangements of land leases and the conservancies they form; land tenure and land use within the conservancies and wider group ranch; and the costs and benefits community members experience due to land leases and the conservancies they form.

### 3 Maasai pastoralism and land tenure change

The Maasai are predominantly a pastoral people, dependent on their cattle, sheep and goats. Livestock are of central economic and cultural importance to the Maasai, and remain the focus of social relationships. Cultivation however plays an important role in the livelihoods of many contemporary Maasai, and although Maasai communities remain primarily dependent on livestock for their livelihoods, the majority are also diversifying to agro-pastoralism, or away from natural resource based livelihoods to off-farm activities such as business and tourism (Homewood *et al* 2009).

Maasai pastoralism has traditionally centred on livestock mobility and the seasonal tracking of communal pasture and water resources to cope with the unpredictable physical environment. Herd movements within, and outside of, Maasai territories were negotiated and mediated by councils of elders. This however was disrupted when the colonial administration imposed new policies of rangeland management, and reallocated rights of access to land and water resources (Waller 1988). They promoted the sedentarisation of the Maasai, and alienated Maasai lands for use by white settlers. As privatisation and the ensuing expropriation of land continued, Maasai lost access to their former rangelands and traditional grazing sites, and livestock mobility became increasingly restricted.

#### 3.1 History of land policy and tenure in Kenya's Maasailand

##### *Colonial period*

At the end of the nineteenth century, incoming British colonists saw much of Maasailand as vast and unoccupied, partly as a result of the Maasai's seasonal use of the land, and partly because a series of disease epidemics left both the Maasai population and their cattle temporarily decimated (Campbell 1993; Waller 1988). Maasai land was given to European settlers whilst Maasai were relocated to native reserves. In 1906, the Northern and Southern Reserves were established, into which several sections of Maasai were concentrated (Hughes 2006). A few years later Maasai were again moved, from their Northern Reserve on the Laikipia Plateau, and became concentrated in the Southern Reserve in Narok and Kajiado Districts (Hughes 2006); they lost land to neighbouring agricultural groups, and also to wildlife conservation through the National Parks' formation, first by Europeans and then continuing post-independence.

##### *Post-independence and group ranches*

A series of land policies first laid-out by the colonial government, and then continued by the post-independence government, promoted the privatisation of land tenure in Kenya. This was based on the belief that indigenous systems of land management resulted in land degradation as they encouraged pastoralists to keep excessively large numbers of cattle. Privatisation was driven by economic incentives to intensify and commercialise livestock production and convert higher potential areas to cultivation.

In 1968, with help from USAID and the World Bank, Kenya promoted 'group ranches' in pastoral areas that gave groups of people formal and legal tenure over land. Group ranches were introduced in the expectation they would provide tenure security thus creating incentives for the Maasai to invest in range improvement and reduce the tendency to accumulate livestock. The 'Land Group Representatives and Land Adjudication Act' of 1968 enabled land to be demarcated into group ranches, which were owned and under private title by a group of registered members, and managed by an elected group ranch committee (Galaty 1992). The group ranch maintained agreed stocking levels and herded their livestock collectively, but owned them individually. The concept of group ranches was initially accepted by Maasai as a way to provide security of tenure and to prevent further land encroachment by the government, outside cultivators and Maasai elites (Bekure *et al* 1991; Galaty & Ole Munei 1999; Grandin 1986). However, the land adjudication process was associated with a number of problems. The group ranch committees failed to represent the interests of the wider community and large areas of land were allocated to individuals from both within and outside the Maasai community (Galaty 1992). The committees were able to allocate themselves, or individuals in positions of power and influence, titles to privately-owned areas excised from the rest of the group ranch (Galaty 1993; 1999; Galaty & Ole Munei 1999; Homewood *et al* 2004; Thompson & Homewood 2002). Much of this land was subsequently sold on to incoming cultivating groups.

##### *Subdivision of group ranches*

In Kajiado District pressure began to mount to subdivide the group ranches as early as the mid-1970s to 1980s (Mwangi 2007a). Unlike the previous division of land, this pressure emerged largely from the Maasai community itself (Kimani & Pickard 1998; Mwangi 2007a; Rutten 1992), although government and donor policies were widely supportive of it. In defence against land appropriation by the state or elites from both within and outside the Maasai community, the Maasai chose to formalise their individual rights to land by holding private title.



The subdivision process has been widely documented as being corrupt with cases of manipulation of land titling and illegal practices (Galaty 1999; Galaty & Ole Munei 1999; Mwangi 2007b; Thompson & Homewood 2002). Subdivision favoured the wealthy and the powerful group ranch committees who primarily catered for their own interests. Contrary to members' expectations, subdivision did not result in equal land parcels (Mwangi 2007b). Instead, committee members and other elites captured the largest and most fertile portions of land and those with the highest business potential (Galaty 1999; Mwangi 2007b). Wealthy individuals able to buy influence, and those with close ties to committee members were given large shares, whereas those that had disagreements with the committee were punished with smaller parcel sizes (Mwangi 2007b). Women, the youth, and other weak and marginalised groups and individuals were not included on the group ranch registers and so were dispossessed of land altogether (Talle 1988, 1999). Subdivision resulted in large tracts of land falling into the hands of non-Maasai due to the onward sale of plots and the corrupt registration of people outside of the group ranch who were given land titles (Galaty 1999; Kimani & Pickard 1998; Rutten 1992).

### 3.2 Land privatisation — land loss or opportunity for investment?

The privatisation process presented opportunities for land grabbing at every level with corrupt committees, Maasai elites, political leaders and outsiders expropriating the largest and best-placed Maasai lands. From colonisation, to the setting up of, and eventual subdivision of, group ranches, Maasai permanently lost rights of access to large parts of their former range. Maasai were in favour of the subdivision of group ranches to formalise their individual rights to land in defence against further land grabbing (Mwangi 2007a). Maasai were also motivated by the opportunities that individual title and control of land could bring, such as access to capital, loans and opportunities for investment (Mwangi 2007a). Influential economist, Hernando de Soto (2000), argues that because the poor lack legal ownership of their property they are unable to unlock the capital potential of the assets they hold, and so remain in poverty. By formalising their property rights, including formal titling of land, this increases investment opportunities and provides better access to credit and financial markets, ultimately improving their livelihoods. His idea has been taken on by many donor agencies, including the World Bank, who advocate for formalised land rights in their land reform programs. In the Mara, holding title to land can bring opportunities for investment and new income streams — such as leasing land for cultivation, selling land, and capturing returns from wildlife (Thompson & Homewood 2002). It also, importantly, allows for the direct capture of benefits at the household or individual level rather than at the community level (*ibid*).

However, as critics of de Soto point out, his ideas oversimplify what may be complex social settings where obstacles exist for the poor to enter the formal economy. For example, banks may be unwilling to lend to small-scale landowners, who in turn may be unwilling to use their land as collateral due to the risks of repossession (Nyamu-Musembi 2006; Cousins *et al* 2005). In fact, little evidence exists that land titling actually increases access to credit or investment (Nyamu-Musembi 2006; Cousins *et al* 2005). Moreover, land titling programmes, as the Kenya case has shown, run the risk of elite capture resulting in an inequality of land ownership. They also don't recognise customary forms of tenure and do little to protect the rights of land users depending on a commons resource.

In this paper, I investigate a new investment on privatised land, in the form of conservancy land leases, and ask to what extent are Maasai able to benefit from this investment on their land? Many Maasai now hold secure title to land, albeit through a largely inequitable process of subdivision and allocation, and have the option of leasing out their land for conservation and tourism. How secure are their land rights, and what rights are they required to give up? What is the nature of the partnership between the Maasai landowners and the tourism investors? Also, what do land leases mean for those people who don't own land but may live within, or border, a conservancy area?

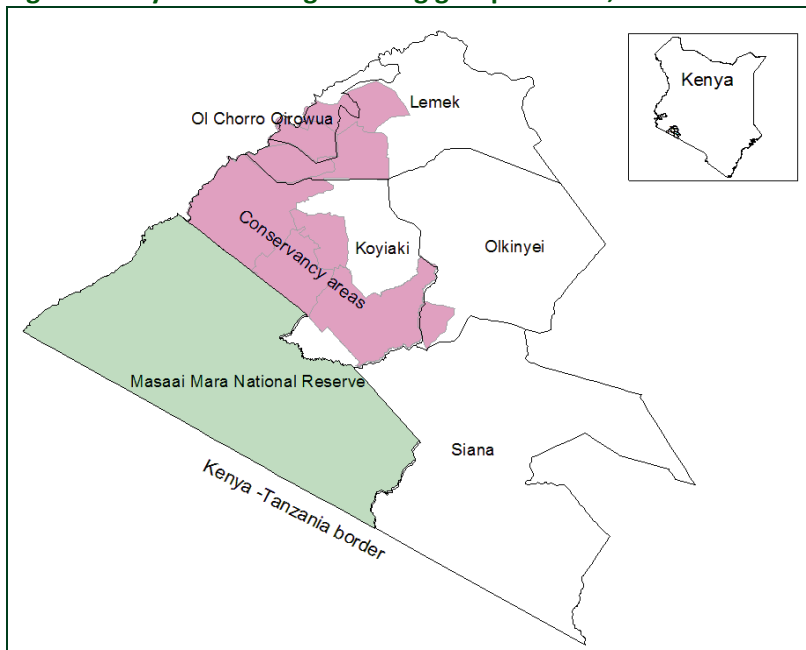
## 4 The Mara

The Mara in south-west Kenya is made up of the Maasai Mara National Reserve (MMNR) and the surrounding pastoral rangelands (*Figure 1*). The MMNR provides dry season grazing habitat and permanent water sources of critical importance to a number of migratory and non-migratory wildlife species that then disperse out of the MMNR during the wet season and graze on the neighbouring pastoral rangelands. The MMNR also provides critically dry season grazing to livestock from the neighbouring rangelands (Butt 2007), although this practice is illegal, and land use in the MMNR is officially restricted to wildlife tourism.

For centuries the Maasai have grazed their livestock largely in coexistence with wildlife. Today, land use pressures due to increasing human and livestock populations, commercial cultivation and land subdivision, mean that wildlife and

Maasai are competing for space. As a result of these pressures, wildlife populations in the Mara have declined by 70% in the last 30 years (Ogotu *et al* 2009, 2011; Ottichilo *et al* 2000, 2001).

**Figure 1: Koyiaki and neighbouring group ranches, Maasai Mara National Reserve and conservancy areas**



#### 4.1 Changing patterns of land tenure

The pastoral rangelands adjacent to the MMNR are made up of the former group ranches including Koyiaki, Lemek, Siana, and Olkinyei (Figure 1). All ranches, apart from Siana, have now been fully subdivided. Koyiaki Group Ranch, the focus of this study, completed its subdivision process by late 2009, and individual plots have been allocated to registered group ranch members. The ranch was divided in five separate blocks for the purposes of land surveys and subdivision, and subdivision occurred in at least three separate rounds over a period of 25 years. Land was allocated to men only as only adult men are included on the group ranch registers — in some cases children of the group ranch committee, or other well-connected members, got their names on the register, and were thus also allocated land.

Subdivision started in 1984 with the Talek area (block five) directly on the MMNR border when this area was excised from the MMNR and subdivided and allocated into 154 plots (Thompson *et al* 2009). Land in blocks one and two was then subdivided and allocated from 2001–2004 with each member due to receive 150 acres (Thompson *et al* 2009). By 2004, Thompson *et al* (2009), found that 88% of households sampled in Koyiaki and Lemek group ranches owned land. Land in the final two blocks, three and four, was delayed pending a court case contesting a number of land allocation irregularities and conflicts. Membership of the Koyiaki Group Ranch register has been a contentious issue; a number of households (allegedly 300 of an estimated 800 in Koyiaki in 1999) were not allocated land as the validity of their land claims were questioned (Lamprey & Reid 2004). Blocks three and four were finally subdivided and allocated in late 2009, and many of those people who didn't receive land in previous allocations, as well as the sons of members who were too young to receive land in the first and second rounds were able to secure a plot. The size of these plots has tended to fall short of the 150 acres allocated in previous rounds.

There are a number of people living within Koyiaki Group Ranch who were not allocated land. This in the majority of cases includes those people excluded from the group ranch register; for example the young and politically marginalised. Many people from neighbouring group ranches also live within Koyiaki. Some of these groups have secured land through buying it, whereas others are staying due to the good will of the landowners on whose land they reside.

#### 4.2 Tourism and wildlife revenues

The MMNR is a nationally protected area, established in 1961 and owned by the Government of Kenya, but managed by the Narok and Trans-Mara District County Councils. The Trans-Mara District incorporates the western portion of the MMNR, known as the 'Mara Triangle', and is managed by Trans-Mara County Council. The remainder of the

MMNR falls within Narok District and is managed by Narok County Council. In 2009 the MMNR was amongst the top three most visited National Parks or Reserves in Kenya (Ministry of Tourism 2010) bringing in valuable tourism revenue. Little of this revenue however tends to end up with the Reserve's neighbouring communities that host wildlife and tourists on their land. Maasai communities may capture as little as 5% of tourism revenues with the rest accruing to tourism operators and associated support services (Norton-Griffiths & Said 2010). A string of initiatives in the Mara have attempted to disperse tourism revenues to the local Maasai communities. These however have tended to fail as a result of poor accountability and corrupt management practices.

### *Previous structures administering wildlife revenues to the community*

In 1988, Narok County Council started to make payments of 19% of gate revenues collected from the MMNR to nine group ranches adjacent to the reserve (Thompson & Homewood 2002). These funds were used at the community level to finance community projects, school bursaries and medical bills. Ordinary group ranch members in reality received little of this, as money was diverted largely to county council and group ranch officials (Thompson & Homewood 2002). In an effort to capture wildlife revenues more directly, from 1994, wildlife associations were set up on group ranch land outside the MMNR by group ranch residents. The wildlife associations collected revenue from visitor entrance and bed night fees and were able to generate considerable revenues. Again, distributional issues meant that ordinary group ranch members saw very little of the income generated as the majority was diverted to association officials and staff. Each wildlife association tended to have several officials and staff each requiring their share of benefits and salaries. In 1997, staff of one association received 56% of the association's annual income, totalling more than half a million dollars, whereas members received just 16% (Thompson & Homewood 2002). In the late 1990s — and made apparent by the privatisation of land — wildlife associations began to fragment as the leadership excluded households on the basis that they could generate income from cultivation or had few tourist facilities or vehicles on their land. As a result, the remaining membership was able to benefit from larger payments (Thompson *et al* 2009). The Koyiaki-Lemek Wildlife Trust, initially congruent with Koyiaki and Lemek group ranches, by 2009 had split into 12 different associations due to political and economic competition; six in Lemek and six in Koyiaki (KII 22). Research investigating trends in returns from wildlife in the Mara over a similar time period showed that as a result, wildlife revenue became concentrated amongst fewer households, and those that did receive a payment saw a significant decline in their income (Thompson *et al* 2009).

## **5 The beginning of a new conservancy model**

The fragmenting, splitting and exclusive nature of wildlife associations following land subdivision and internal political-economic rivalry created opportunities for the establishment of new institutional models for wildlife conservation in the former Koyiaki Group Ranch. In May 2006 the Olare Orok Conservancy (OOC) was set up when it initiated conservation land lease payments to landowners on a prime piece of land adjacent to the MMNR (*Figure 2*). The OOC falls within block two of Koyiaki, an area that had previously been excluded from the larger Koyiaki-Lemek Wildlife Trust in 2003. There were few tourism camps in the area, and as a result landowners were receiving little money from tourism (KII 2). In just a couple of years 14 land parcels (of approximately 50 acres each) in the area which OOC now falls, were sold on to individuals and companies outside of the Maasai community as landowners saw little value to the land (KIIs 7 & 8). Incomers came in with the intention of putting up large houses or investing in new camps.

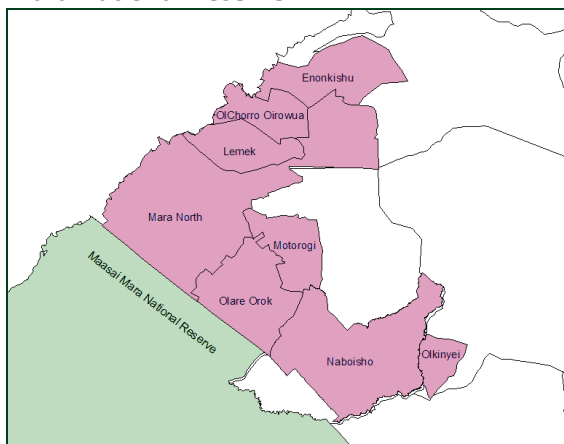
A former chief, with a large parcel of land in this area, bordering the MMNR and adjacent to a high-end tourist camp, was influential in the formation of this new conservation area. Porini Ecotourism, a tour operator with an eco-camp within the OOC area and experience of setting up conservation areas with Maasai communities elsewhere in the Mara<sup>1</sup> and Amboseli, also had an important stake in the area. The development of a nearby small trading-centre, accompanying bars, and the growth of pastoral settlements with livestock, had already caused the tour operator to begin to lease out neighbouring parcels of land to maintain an exclusive area for wildlife and tourism, and reduce vehicle, cattle and people movement in the area directly adjacent to the camp (KII 15). The former chief and the managing director of Porini Ecotourism, together with the help of two facilitators, introduced to the landowner community the idea of setting up a conservancy. One of the facilitators had recently bought a 300 acre plot in the area to retire on after many years in the ranching and tourism industries. The other facilitator was a resident from a neighbouring group ranch and a researcher/community facilitator with an international research institute and had worked with the former Koyiaki-Lemek Wildlife Trust.

<sup>1</sup> The Olkinyei Conservancy in neighbouring Olkinyei group ranch was set up at a similar time to OOC in partnership with Porini Ecotourism (*Figure 2*).

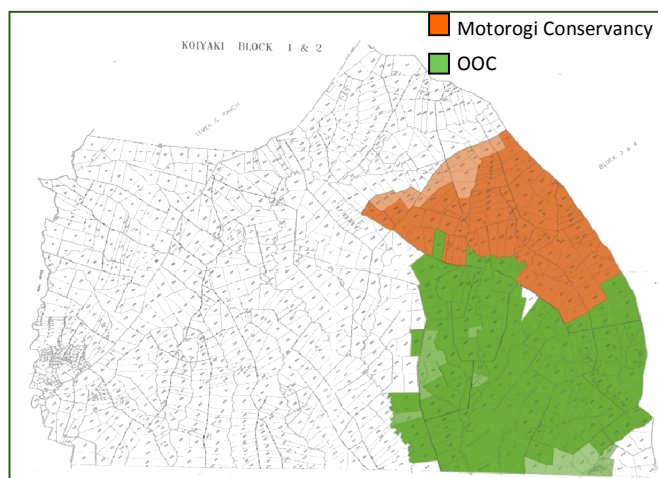
The conservancy land lease model introduced differed from any previous conservation model or wildlife association in the Mara. Landowners were offered a fixed monthly lease payment based on land size, in return for moving off their land and agreeing to certain restrictions on land use activities. The tourism partners would guarantee the payment regardless of visitor numbers, and their camps would have exclusive wildlife viewing access to the conservancy. A number of community meetings were held with local residents and landowners, many of who were sceptical about the intentions of the new conservancy and did not at the outset sign-up (KII 17). The small size of the conservancy was said to be important in helping to manage any disagreements and local politics within the community (KIIs 6 & 7). The two facilitators played key roles in putting forward the idea to landowners as they were respected members of the community with backgrounds in, and vital links to, the local community and tourism industry respectively. There was little objection to the conservancy from prominent people receiving large revenues from the wildlife associations and lodges in block one. They did not think a conservancy would work since there had been few camps and little tourism interest within the area (KII 7). The few tourism operators that did have camps within OOC, as a result didn't have any real competitors and were able to initiate the conservancy with little objection from the part of the tourist industry and its key beneficiaries (KII 2). The area was even viewed by some as little used and not suitable for cattle grazing due to the presence of tsetse fly (KII 6), despite there being some 450 pastoralist residents within the area.

Although the tourism partners preferred a longer lease contract, an initial contract was signed between the landowners and tourism partners in 2006 for 18 months, agreeing to lease the land at US\$20 ha<sup>-1</sup>/yr<sup>-1</sup>. The initial instalment was paid directly to landowners in cash, thereafter the payment being sent to newly set-up landowners' bank accounts. This has been a common trend with subsequent conservancies, as the cash payment acts as a large incentive encouraging landowners to sign on the day (KII 15). Following this initial period a 5-year lease contract was signed and in 2010 the tourism partners introduced a 15-year lease contract. In the OOC alone, the tourism partners finance US\$35 000 in lease fees per month. They therefore pushed for a longer lease period under which they could guarantee their investment in the longer-term. The new contract was backdated by a few months, creating a back-payment, again making a strong incentive for landowners to sign-up (KII 14).

**Figure 2: Conservancies adjacent to the Maasai Mara National Reserve**



**Figure 3: Blocks 1 & 2 of Koyiaki and conservancies**



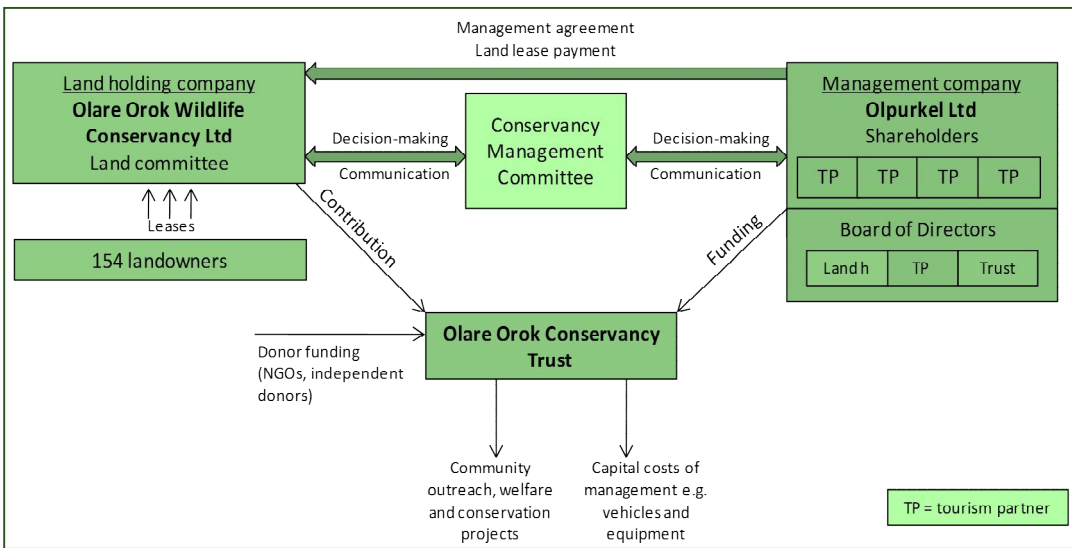
Source: Map courtesy of OOC 2010.

A few landowners refused to sign the 15-year contract due to concerns over the long length of the lease period, the current management, and the payment amount (KIIs 14 & 18). These landowners remain under the 5-year contract at a lower payment rent. Under the 15-year contract the payment is set to increase annually by 5% for the first five years and then by 8% per annum for the remaining ten years, and currently stands at US\$43 ha<sup>-1</sup>/yr<sup>-1</sup>. There are currently 154 members of OOC, whose land parcels make up an area of 9720ha (Figure 3).

## 6 The community-investor partnership

The land lease model comprises a new type of partnership in the Mara unlike any previous arrangements administering tourism revenues to communities. Here I use the OOC case study, being the pioneer and the most established land lease programme, to demonstrate the current partnership model in operation. A similar model has since been replicated in subsequent land lease programmes. Figure 4 illustrates the partnership schematically.

**Figure 4: Partnership model within the Olare Orok Conservancy (OOC) land lease programme**



The group of 154 landowners whose land falls within the OOC boundaries, and who opted to join the conservancy, formed their own landholding company, the Olare Orok Wildlife Conservancy (OOWC) Ltd. This non-profit company, under which each landowner’s lease is held, is registered with the local land control board, through which all agricultural land transactions must be approved. Ownership of each parcel is therefore retained within the landowners’ own company. Kenyan law under the Land Control Act does not permit any non-Kenyan citizens to own or lease agricultural land (NCLR 2010), and since the tourism investors are not all Kenyan citizens they are unable to hold the leases themselves (KII 14). This key aspect of the model retains land ownership with the landowners themselves, thus giving them a strong position within the partnership with the tourism investors.

An OOWC land committee has been formed whose members act as representatives of the wider group of landowners. Unlike previous wildlife associations, the committee is not involved in distributing lease payments and has minimal running costs, with only one paid member (KII 14). Committee members should be elected by the landowners and ensure representation of all sub-areas within Koyiaki group ranch (KII 17). However, as with the other conservancies, members reported they did not always know how their land committee was elected, or complained that the committee had just been appointed without any election process (Community interviews). Some prominent community members are in fact members of two or three conservancy land committees, most likely able to secure their positions through power and status. The committee must ensure landowners are well informed about the conservancy’s activities and pass on landowners’ views at regular meetings with conservancy management. Meetings with all the landowners are generally only held yearly due to the large numbers of dispersed members and practical difficulties of bringing everyone together (KII 17 & 20), except for meetings held to signing or renewing the lease contract. In certain conservancies these are the only meetings that some landowners have ever attended with landowners claiming they were not fully aware of the land lease details before signing (Community interviews).

In the OOC, the four tourism partners have also formed their own non-profit management company, Olpurkel Ltd, which has a conservancy management contract from OOWC. The four tourism partners are Olpurkel shareholders, who have underwritten the financial agreement to pay leases to landowners, financed through the daily tourist entrance fees into the OOC, which currently stand at US\$80 per person (the rate is tied to, and thus increases with, the visitor entrance fees of the MMNR). Marketed as a high-end low-impact safari destination, OOC policy restricts one tourist bed to every 300 acres allowing a total of 72 beds within the conservancy; at 35% occupancy the tourism partners are able to cover the cost of the guaranteed land rent. If occupancy goes above this, any profit is reportedly held for financial security in case of tourism downturns such as following the 2007 election, as well as for infrastructure and community welfare projects (KII 14). The Olpurkel board of directors consists of the tourism partners, but also has representatives from the landholding company. Olpurkel pays the lease fee to the landholding company through a conservancy management committee. The conservancy management committee has a joint management structure with representatives from both OOWC and Olpurkel, who meet monthly to discuss conservancy issues (KII 18). The management is also responsible for security, infrastructure and maintenance within the conservancy. In a different management arrangement, MNC have hired an independent management company, Seyia Ltd, to do their financial accounting, security and maintenance.

The OOC Trust is a charity that was set up to channel donor funding to the conservancy and run community welfare and conservation projects for the wider Mara area, not just to the OOC or its members. Through donations, the Trust finances the base management costs of the conservancy, such as equipment and vehicles. The Trust also finances and runs a community outreach programme to school children and women throughout Koyiaki, as it was recognised these groups were largely uninformed about the conservancy's activities (Courtney 2009; KII 23). Subsequent conservancies have set up similar trusts through which they manage donor funds that support community projects in nearby schools and health centres, and in improving access to clean water for people and livestock.

## 7 Conservancy replication

The land lease model described above has been subsequently replicated and a number of new conservancies set up in the former Koyiaki Group Ranch and the wider Mara area (*figure 5*). Shortly after the OOC was set up, an adjoining area, the Motorogi Conservancy, was formed as an expansion to the OOC (*Figure 3*). The Motorogi Conservancy does not yet have any tourism camps; the same tourism investors are financing the area as OOC, including Virgin Ltd. Virgin specifically came in with interest to expand OOC conservancy to the Motorogi area following visits to the area in 2007 and 2008. Richard Branson visited the area in early 2008 to open new facilities that Virgin had financed at a primary school in Sekenani town, on the border of the MMNR; this coincided with the launch of Virgin Atlantic's new air route from London to Nairobi. Virgin have delayed building their camp in Motorogi, partly due to 2007 post-election violence in Kenya and the ensuing drop in tourism, but construction is now underway (KII 4).

In 2009 and 2010, the two largest conservancies, both in terms of land size and membership, were set up — the Mara North Conservancy (MNC) and Naboisho Conservancy. The MNC was formed in the area that was once under the numerous Koyiaki-Lemek wildlife associations. As a result it took much discussion and negotiation within the community to bring the landowners back together, and between the community and investors to eventually come up with a new tourism initiative and partnership model<sup>2</sup>. Naboisho Conservancy was introduced and initially donor financed through Basecamp Foundation, whose commercial arm, Basecamp Explorer has a lodge in the conservancy, and one just outside of the conservancy. Naboisho Conservancy was formed in the area of Koyiaki only subdivided and allocated in late 2009, following delays due to land allocation irregularities and conflicts. As land leases require clear title to land, Basecamp had to wait till the allocation process was complete before being able to initiate the conservancy. This process was delayed by a court case where a number of people were contesting that they were not allocated land during subdivision of blocks one and two (KII 15). There were also delays following the irregular allocation of land proposed for new tourism camps to some community leaders, which were later reversed (KII 14). Following initial donor financing, five tourism investors are now putting camps in the Conservancy to take over financing the lease payments and management costs (KIIs 20 & 25). Naboisho Conservancy introduced a 15 year lease contract from the outset, which likely helped other conservancies to do the same.

**Figure 5: Conservancy and land leasing programme details**

Conservancy	Group Ranch	Year started	No. of members/landowners	No. of tourism investors paying for leases	Current monthly lease payment (US\$ per ha-1/ yr-1)		Size (ha)
					5 yr*	15 yr**	
OOC	Koyiaki	2006	154	4	33	43	9720
Motorogi Conservancy	Koyiaki	2007	120	4	33	43	5466
MNC	Koyiaki and Lemek	2009	900	10	33	40	30000
Naboisho Conservancy	Koyiaki	2010	451	Transition donor to investor financing	N/A	27	20628

\*Under the 5 year contract; \*\*Under the 15 year contract

<sup>2</sup> The MNC was formed from block one in Koyiaki Group Ranch and the Lemek Hills in Lemek Group Ranch. The rest of Lemek Group Ranch formed the Lemek Conservancy, based on visitor bed nights rather than land rent, as this is more profitable to its members (KIIs 19, 22).

## 8 Land use restrictions

In the conservancies described so far, landowners, by signing the land lease contract, agree to certain land use restrictions. These apply to settlements, livestock grazing, land sales, cultivation, fencing, any land development, or any collection of natural resources such as firewood or stones. In some cases walking through the conservancy is also forbidden and members or non-members can be fined for this (KII 22).

### 8.1 Settlements

On a number of occasions conservancies have moved people off their land in order to form people-free new conservation areas. This was most prominently seen in the case of OOC, when approximately 450 people and their livestock, making up some 25 independent settlements were moved before the conservancy was set up ( KII 19; Community interviews). The conservancy provided people with transport to move their belongings, but no financial compensation was given. In Motorogi Conservancy, a number of settlements were moved, but others were allowed to remain. Many of the people that were moved from OOC and Motorogi did not own land there, or in cases anywhere else. Many therefore moved to blocks three and four, just across a main road, where land at that time was still un-subdivided, with the hopes of eventually being allocated land there. This land was eventually subdivided and sections turned into Naboisho Conservancy, those who were not fortunate to receive land, were again asked to move on, and now deliberate as to where they are to move next (Community interviews).

In some cases, conservancies allow settlements to remain if they are not in the core conservation area of the conservancy or close to camps. For example in MNC, there are a number of settlements, distributed in three main areas on the boundaries of the conservancy. In the core area of Naboisho Conservancy there are also very few settlements, since historically this area has been heavily infested with tsetse fly.

### *Grazing*

All conservancies have set up certain rules and restrictions for livestock grazing inside their boundaries. These usually follow controlled grazing plans, which restrict the number of livestock allowed into the conservancy, and the areas where they can graze. This ranges from only allowing livestock grazing in the conservancy during the tourism low season, to more flexible grazing plans, limiting grazing in areas close to camps, but allowing rotational grazing in areas away from camps. Usually the herds neighbouring the conservancy are allowed access, on a rotational basis, as different parts of the conservancy are opened up at different times (KIIs 14, 17, 18, 25). The restriction of grazing in conservancies has been a very contentious issue, creating a lot of community conflict. Large areas of previous grazing land have been for the most part removed from pastoral use. When conservancies do allow livestock grazing, this is often agreed for conservancy members' livestock only (KIIs 16 and 26; Community interviews). Those who are not members of a conservancy may thus be excluded from grazing inside a conservancy area, and on top of which they will have to accommodate conservancy members' livestock on their land throughout the year (KIIs 6, 14 and 26; Community interviews).

Despite the grazing rules there is a lot of illegal grazing by both conservancy members and non-members. Conservancy rangers monitor and enforce grazing rules, and if herds are caught the owners are fined either US\$63 or US\$125 depending on the conservancy – similarly, the fine for illegal grazing in the MMNR is US\$125 or 10,000KSh<sup>3</sup>. Herds are usually impounded until the fine is paid, with many people reporting abuse by the rangers towards the herders. The rules for grazing are not necessarily relaxed during times of drought. During a severe drought in 2009, OOC rangers worked round the clock, and particularly at night, removing cattle from the conservancy. They collected around US\$3000 in grazing fines over a three-month period, which was subsequently spent on conservancy management and operational costs (KII 18).

### *Land sales*

In all conservancies landowners are restricted from selling on their land without the approval of the conservancy land committee. This has deterred land sales within the conservancies, and if land is sold on, the new buyer must take on the conditions of the lease contract (KIIs 14 and 26). Conservancies have therefore been important in preventing onward sales, particularly when compared to the land sales prevalent prior to the conservancy, such as in the OOC. The Mara Maasai have in recent years become more land savvy; peer pressure from within the community, people having seen the importance of land to their livelihoods, and the increasing realisation of the significance of being excluded from land owned by others, have gone a long way to stop people selling their land, particularly to outsiders.

<sup>3</sup> Using an exchange rate of US\$1 to KSh80.

Being a prime tourism spot land speculation in the Mara is high, especially in areas close to the MMNR. Here land is sought after by people looking for an idyllic spot to build a home or a tourist lodge. Cattle barons from other neighbouring group ranches also favour land close to the MMNR. They are attracted by the opportunity to access the better quality and quantity of grass available in the MMNR, especially in times of drought (KIIs 14 and 19). Conservancies, many situated directly adjacent to the MMNR, have helped deter land sales in by offering landowners a regular income from their land.

## 9 Conservancy land leases – livelihood opportunity or ‘green-grab’?

### 9.1 Land based payments

Conservancy land lease programmes in the Mara have been set up within a backdrop of a great land transformational change from communal to individual ownership following land subdivision. Dissatisfaction with previous wildlife approaches, and a change in land ownership, created an opening for a new conservation management model to be established. Land privatisation has been both an opportunity and threat to developing conservation and tourism initiatives in the Mara. An opportunity as individuals now own land on which they can independently choose to invest in, and benefit from, conservation; and a threat, as land subdivision fragments the rangelands and increases opportunities for development and fencing, adversely affecting wildlife numbers.

Once clear title to land was established after land subdivision, tourism investors, through community spokesmen, introduced a conservation land lease scheme to landowners in tourism-attractive areas. The land leases require clear and strong land tenure, a feature common of direct payments for conservation, or in the wider application of payments for ecosystem services (Pagiola *et al* 2005). In the Mara, tourism investors had to wait until the prolonged subdivision and allocation process was complete (e.g. in the case of Naboisho) before initiating a land lease scheme. Clear land title is important if investors are to guarantee long-term investments (Pagiola *et al* 2005). Eligibility to participate in the land lease scheme is therefore dependent on owning land, and owning land in the conservancy.

As a result, conservancies exclude the landless or those with land parcels outside of a conservancy area. Privatisation of land in the Mara led to an unequal distribution of land with some people losing out on land altogether (Thompson *et al* 2009). Those individuals with greater influence that were able to secure the largest and best placed lands are thus more likely to participate in, and benefit from, conservancy land leases. Such schemes may not be helping the poor as much as they are those already having large and well-positioned land parcels. These people are also more likely to also own land elsewhere, being able to secure further land through land subdivision or have the capital to buy land, and will thus have more options of grazing and settlement away from the restrictions of a conservancy. A common tendency of land-based payments such as these is that they often exclude those without land or those with the fewest initial land-use rights, or the ‘poorest of the poor’ (Grieg-Gran *et al* 2005; Wunder 2008). This questions the poverty alleviating ability of such schemes and challenges de Soto’s argument that formalising property rights is a means to increase the poor’s economic power.

Another consequence of such land-based payments is that marginalised groups — such as women and the youth — will be largely left out. Women were not entitled to allocation of land during group ranch subdivision, and consequently there are very few women owning land within a conservancy. Interviews with the managers of two conservancies revealed that less than 1% of its members are women (KIIs 14 & 18). Women as a result are largely uninformed about the conservancies around them, even those whose husbands are members, and they rely on their husbands and/or male relatives for both information and benefit sharing (Community interviews). Some conservancies have now recognised this and have started awareness raising initiatives with women and the youth.

#### *The benefits*

Nonetheless, many people do now own land in the subdivided group ranches (Thompson *et al* 2009), and a large number of people in these ranches have now joined a land lease scheme (*figure 5*). To participating households, conservancy land leases have the potential to distribute high revenues. The highest lease payments currently available from conservancies in Koyiaki match some of the highest returns available from wildlife in the rangelands in Kenya, and dependent on rainfall, can compete with revenues from livestock, and to a lesser extent, cropping (Norton-Griffiths & Said 2010). When the initial lease payment was set, efforts were made by the tourism investors to match these to the agricultural value of the land, although at the start they did fall below this (KIIs 3, 14, 15 & 19). With subsequent yearly increases, the lease payments are now becoming a competitive land use option.



Using the 150 acres (60ha) theoretically owing to each group ranch member at land subdivision as a possible land size of a participating member in a land lease scheme, and a US\$40 ha<sup>-1</sup>/yr<sup>-1</sup> payment amount, a conservancy member could earn US\$2 400 per year from land leases<sup>4</sup>. Thompson's *et al* (2009) study in 2004 encompassing the same area found a mean household annual income of US\$2 625 of which income from conservation contributed just US\$600. Incomes now available from conservation through land leases are likely to be considerably more than what was available from tourism and conservation before conservancy land leases came into operation. Added to this, conservancies have also set up Trusts that offer support and benefits to the wider community, and thus reach out further than the land-based payments. Such high payments however may not be a common feature of other rangeland areas, even with good wildlife and tourism potential in Kenya. Due to the high volume of tourists visiting the Mara, and its reputation as a world-class wildlife destination — the annual wildebeest migration in the Mara was rated as one of the new Seven Wonders of the World in 2006 — the revenues available from wildlife in the Mara are some of the highest in Kenya. In comparison, Kitengela Wildlife Lease Programme, next to Nairobi National Park, offers landowners' US\$10 ha<sup>-1</sup>/yr<sup>-1</sup> to leave their land unfenced and by 2004 covered 3 480ha and 118 landowners' parcels (Reid *et al* 2008). The Mara therefore probably represents the top end of potential wildlife revenues in Kenya.

### Land rights respected

Conservancy land leases respect existing rights to land as land ownership is retained with the landowners through a landowner-owned landholding company. Kenyan law puts tight control on the foreign ownership of agricultural land, under which land in the Mara falls, and as a result the largely foreign tourism investors are unable to hold the leases themselves. This has given the conservancy landowners stronger bargaining power in the partnership with the tourism investors.

Subdivision has provided many Maasai with secure tenure and strong rights to land. Those without secure property rights are often the first to lose their land in acquisitions by outsider investors (Zoomers 2010). In Tanzania, local land rights can be weak and are largely state-controlled. The Tanzanian government is able to grant large areas of land to foreign investors as tourism and hunting concessions, effectively appropriating land from local communities. For example, the Tanzania government granted as concession the whole of the Loliondo hunting block to a wealthy investor from the United Arab Emirates through the Ortello Business Corporation (OBC) (Nelson 2004; Nelson *et al* 2009). In another case, American financier and eco-philanthropist, Paul Tudor Jones, was granted 140 000ha to create Grumeti Reserves Ltd, an exclusive safari destination (Galaty 2011; Igoe 2007). Both these deals created a lot of controversy with local communities, threatening local land rights, displacing livestock grazing and in the case of OBC, resulting in the forced eviction and burning of homes (FEMACT 2009). The significant revenues the Tanzanian state receives from these highly centralised forms of investment might explain their interest in leasing land to foreign investors. Furthermore, the state is able to extend its power and control to community-based tourism initiatives in village areas by imposing considerable fees or even criminalising any locally-negotiated joint ventures between villages and tourism operators, which tend to provide much higher village-level benefits and a more assured form of local land rights (Nelson *et al* 2009).

Ownership, and strong rights to land, are important in creating incentives for landowners to protect something rather than exploit it, and can be closely correlated with conservation friendly behaviour (Barrow & Murphree 2001; Ostrom *et al* 1999). The value of ownership to landowners can perhaps be seen in the dismissal of a recent proposal by the African Parks Network (APN) to join the conservancies in the Mara under a single management and governance structure. The APN proposed to provide management expertise and financial support for the conservancies, on the basis that a private company would hold the leases where shares were held by all key stakeholders, rather than by the separate conservancy landowners' companies. The proposal was rejected by conservancy members who saw it as taking away too much of their current ownership rights to conservancy land (KILs 14 & 18).

## 9.2 Land grabbing by political elites in the Mara

The desire not to relinquish their rights to land might stem from a long history of politicians, leaders and other elites misusing their power to acquire the best tourism land or gain access to lucrative tourism deals (see *Box 1* for this wider trend in Kenya). The Mara is rife with examples of the powerful and politically-able misappropriating conservation land and tourism resources for their own personal benefit. For example, a former treasurer of the Narok County Council (NCC), Livingstone Ole Ntutu, allegedly grabbed 4 000 acres of land inside the MMNR during his time in office (Wikileaks 2011). The current MP for Narok North and a cabinet minister, and former chair of the NCC, William

<sup>4</sup> The calculated payment amount should however be treated with some caution as there is likely to be large fluctuation in members' parcel sizes as a result of land subdivision, with some people having much smaller or much larger land sizes than the 150 acres.

Ole Ntimama, owns the land on which two luxury lodges are built in the MMNR (Honey 1999; Hughes 2007). Another former chair of the NCC, Hassan Ole Kamwaro, owns the land on which a lodge was recently built in sensitive rhino habitat within the MMNR, despite widespread opposition on environmental grounds and a moratorium by the National Environment Management Authority (NEMA) on any new lodges in the reserve (Kemei & Limo 2010). These and other elites have used their positions within the county council to questionably allocate themselves land inside a national reserve, and thus theoretically held under public ownership. Outside of the reserve, elites manipulate the subdivision process to secure access to land with tourism lodges (Thompson & Homewood 2002). This is a trend also shown in this study (e.g. Naboisho), where leaders tried to grab land earmarked for camps in the run up to subdivision and conservancy formation. Ownership or a part-stake in a tourism lodge in the Mara is a very lucrative business option, providing returns many times higher than involvement in other tourism enterprises (Thompson & Homewood 2002). This might explain the desire of leaders and other elites to secure access to these sites.

### Box 1: Land grabbing in Kenya

Land in Kenya is an emotive issue, particularly in the context of stolen or grabbed land. The land grabbing phenomena in Kenya has a long history, touching most of its society. As Klopp (2000) puts it, 'land grabbing is as old as Kenya itself, if not older' with its origins in the colonial era when prime agricultural land was sold to white settlers. It is no secret that Kenya's former presidents used land as political patronage with illegal land allocations increasing during election times. The Ndung'u Report details thousands of cases of irregular and illegal allocations of public land (such as forests, roads, schools) to Kenya's political elite and well-connected (Southall 2005). Increased public mobilisation and resistance to the privatisation of prominent public sites (Klopp 2000) and the violence after the disputed presidential election in 2007, was in part driven by historical grievances over land, thus highlight the sensitive nature of land issues to Kenyans.

A new National Land Policy (NLP), adopted in 2009, and endorsed by the Kenyan Constitution in 2010 (Republic of Kenya 2009, 2010)<sup>5</sup>, identifies and plans to address the historical land injustices through a National Land Commission. The NLP potentially offers a more positive outlook for ordinary Kenyans as it decentralises land administration and takes away presidential powers to freely allocate land<sup>6</sup>. 'Trust land' is changed to 'community land' and therefore not 'held in trust' and sold off by local county councils, but instead administered by local communities. The policy gives special attention to pastoral land rights and tries to strengthen them, recognising the dispossession of pastoral land. Foreign ownership of land is also limited whereby land ownership by non-citizens is reduced from a 999-year freehold title to a 99-year lease. This will particularly target many foreign individuals and companies owning large lands granted by the colonial government under 999-year freehold titles. The NLP, however, lacks a strong implementation process so its actual impact is yet to be seen.

### Improved governance model

Although conservancies don't stop the monopoly leaders and elites have on prime tourism sites and areas with lodges — much of this was an outcome of the subdivision process before most conservancies were set up — conservancies enable each landowner to receive an equitable share of tourism revenues. Here it is important to differentiate between 'equitable' and 'equal' payments. Although each landowner does not receive an equal share of tourism revenue, since this is dependent on land-size owned, they do share payments equitably, based on a transparent land rent payment system. The transparency of the land lease payment system allows landowners to clearly know how much they, and others, should be receiving, and has thus stopped the considerable leakage of revenue away from ordinary members to those involved in leadership positions as commonly occurred under the previous governance of wildlife revenues. Greater transparency in conservancy operations is also facilitated by the joint management structure that allows landowner participation through representation of the land committee in the investor-owned management company and in general conservancy management. The importance of a joint effort and shared approach for conservancy management is symbolised in the naming of the 'Naboisho' Conservancy — meaning 'coming together' in the Maa language.

<sup>5</sup> The latest Sessional Paper (No. 3) of the National Land Policy was passed by the Kenya Parliament in December 2009 and the new constitution of Kenya was voted in by Kenyans and inaugurated in August 2010.

<sup>6</sup> Decentralisation of land administration has mobilised Kenyan civil society organisations as landowner and wildlife associations in rangeland communities have joined together to form the Kenya Rangelands Coalition. This umbrella organisation will collectively represent and coordinate interests of rangeland communities in the development of their lands.

However, the concept of the conservancy and land lease model has largely originated from outside, introduced to the landowners through community leaders. Participation of members is also largely restricted to indirect means through a supposedly democratically elected committee. Participation needs to go beyond that of elites, to the point where communities have good and informed information prior to making decisions to start investments (Vermeulem & Cotula 2010). Participation of communities in management decisions can be beneficial for conservation: local people have important local knowledge that can improve the management of resources; and participation brings a sense of local ownership and control that ultimately leads to an increased commitment for conservation. Goldman (2011) shows how the lack of participation of local Maasai in decision-making in a new conservation area in northern Tanzania led to a loss of local support for, and increased resentment towards, that conservation area.

Monthly land lease payments provide landowners with a guaranteed payment regardless of tourism numbers and thus do provide an important safety net in times of tourism downturns. This is in contrast to the previous system of governance, which placed the burden of risk of tourism directly on the landowners or members involved. Tourism is a risky and unpredictable livelihood option, susceptible to concerns over economic and political stability and violence. For example, the Kenyan post-election violence and subsequent global economic crisis in 2008 caused a 19% drop in tourism in Kenya (Lumiti 2009). Guaranteed fixed revenue may therefore help to buffer the stress and shocks common in the tourism industry. This is dependent however on the tourism investors' ability to guarantee the payment and ensure the sustainable financing of each land lease programme in the long term. The OOC investors survived the 2008 tourism drop in the Mara when virtually no tourists came to the conservancy continuing to honour the lease payments; they must be able to do this in the long-term to ensure that landowners participate.

Tourism investors must also give landowners a fair share of tourism revenues to maintain landowners' interest in participating. Some landowners have already demanded higher payments, and on top of the land rent payment they want a share of the business profits (KII 14). The tourism investors are able to cover the cost of the land lease payment at 35% occupancy. Landowners do not receive a share of the profits if occupancy goes above the minimum, nor do they receive a share of profits from the lodge. Although the tourism investors are exposed to the majority of risks of the business, and as a result should no doubt receive a larger share of the profits, greater transparency is needed in the system of revenue allocation between the tourism investors and the landowners. The pressure on the tourism investors to give landowners a greater share of the revenues is increased as land values in the area rise, and landowners have alternative options and offers for the use of their land.

### *Livelihood trade-offs*

Tourism is in direct competition against other livelihood activities such as livestock production where pastoral landowners have more experience and control. Land leasing largely excludes livestock grazing for all but a short period in the year, removing a large area of former grazing land. The lost opportunity cost of livestock production can therefore be great and leases may not be able to adequately compensate people who depend chiefly on livestock for their livelihoods. Those not participating in a land lease programme also face restrictions in where they graze their livestock or choose to live, but receive no payment in return. Pastoralists rarely view wildlife or tourism as a substitute to their usual livelihood activities, but rather as a possible way of supplementing them (DeLuca 2002; Homewood *et al* 2009). Any income derived may then be directed to other activities where people have more control, including land uses perhaps in conflict with wildlife and tourism. As with other outside investments (Cotula *et al* 2009), conservancy land leases bring risks and opportunities to participating and non-participating households. Risks exist due to displacement, loss of access to resources important for livelihoods, and the relinquishing of what may be a household's sole parcel of land for a long period of time. However, opportunities bring attractive financial benefits, new forms of employment, and access to markets and capital that might be hard to find otherwise. Households therefore experience large trade-offs in their livelihood choices and decision-making, which both Maasai and investors are as yet only just beginning to comprehend.

### 9.3 Wider landscape effects

Land leases slow the onward sale of land to outsiders, fencing and cultivation, all activities that threaten the rangelands for pastoralism or wildlife conservation. The re-aggregation of parcels, from individual, fragmented (and fenced<sup>7</sup>) plots into conservancies, leaves the rangelands intact and open for wildlife. If you exclude the limitations imposed on grazing, then this is also beneficial for livestock mobility.

<sup>7</sup> Fencing within conservancy boundaries is negligible but is steadily increasing outside of conservancy boundaries (personal observation).

However, land leases displace livestock grazing and settlement elsewhere on the landscape, creating secondary problems in areas where people and cattle must relocate. Little is known as yet regarding the knock on effects of land leases on wildlife or vegetation inside or outside of conservancy boundaries. Research shows that the buying or leasing of land for conservation displaces development pressure to neighbouring areas, and this can undermine conservation goals, especially if neighbouring areas are of similarly high conservation value (Armsworth *et al* 2006). This becomes an even greater issue if larger areas are set aside for conservation and the available land remaining becomes limited (Armsworth *et al* 2006). In the Mara, a number of independent conservancies have been progressively set up, without any landscape or ecosystem plan combining them, and they now take up a large part of the Mara ecosystem. In order to understand the effects conservancies might be having on the ecological dynamics of the Mara, it is important to look not only at the conservancies themselves, but also at the broader landscape scale. This highlights the need for adequate monitoring programmes of habitats and species inside and outside of conservancies, before and after conservancies are set up.

#### 9.4 Government involvement

Conservancies constitute a partnership between private sector tour operators and groups of landowners. So far there has been little government involvement in conservancies except through a regulatory role of issuing licences (e.g. in the registering of land leases through the Lands Office and licencing of lodges through NEMA). There is currently no national policy framework that recognises conservancies as a form of land use. A supportive national framework could be useful for subsequent conservancies to base themselves upon, and to help facilitate and promote these types of enterprises. Conservancy managers and landowners expressed desire for recognition of conservancies as a form of land use and tourism enterprise, and have now entered discussions with NEMA to formalise this.

## 10 Conclusions

Private sector investment in conservation is a growing trend across Africa. This paper has explored a new and innovative community-investor partnership between groups of Maasai landowners and the private sector in southern Kenya using land leases. Analysis of the partnership has shown that ownership of land under conservation is retained with Maasai landowners, respecting existing rights to land. The improved level of governance has also allowed participating members to receive attractive financial revenues, and is a large improvement to the previous governance of wildlife revenues in the Mara. However, as it is predominately a pastoral population, there are large trade-offs as land leases place serious restrictions on livestock grazing. Grazing management issues need to be seriously considered in these types of enterprises if they are to attract and maintain pastoral landowners' interest in such schemes.

Land privatisation in the Mara has opened up opportunities for conservation investment by tourism operators with local landowners. The subdivision of Kenya's rangelands has tended to predominately benefit elites, and as a consequence this trend is reinforced in land-based schemes such as these. Elite benefit is a common tendency of conservation initiatives in general (Leisher *et al* 2010). Given the large extent and recent change in ownership in these areas, land leases do however keep the lands they cover together and are potentially an optimistic outlook for such open rangeland areas. Consideration however must be given to adjacent areas and communities that may face the negative knock on effects of such schemes. Mara is a unique area in terms of its tourism and wildlife, so land leases may not be able to offer as much to landowners in other areas, or be financially sustainable across vast areas. However, within the Mara, land leases have been rapidly expanded upon, implying that similar schemes might be of interest to both investors and communities alike in other wildlife areas.

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## LDPI Working Paper Series

A convergence of factors has been driving a revaluation of land by powerful economic and political actors. This is occurring across the world, but especially in the global South. As a result, we see unfolding worldwide a dramatic rise in the extent of cross-border, transnational corporation-driven and, in some cases, foreign government-driven, large-scale land deals. The phrase 'global land grab' has become a catch-all phrase to describe this explosion of (trans)national commercial land transactions revolving around the production and sale of food and biofuels, conservation and mining activities.

The Land Deal Politics Initiative launched in 2010 as an 'engaged research' initiative, taking the side of the rural poor, but based on solid evidence and detailed, field-based research. The LDPI promotes in-depth and systematic enquiry to inform deeper, meaningful and productive debates about the global trends and local manifestations. The LDPI aims for a broad framework encompassing the political economy, political ecology and political sociology of land deals centred on food, biofuels, minerals and conservation. Working within the broad analytical lenses of these three fields, the LDPI uses as a general framework the four key questions in agrarian political economy: (i) who owns what? (ii) who does what? (iii) who gets what? and (iv) what do they do with the surplus wealth created? Two additional key questions highlight political dynamics between groups and social classes: 'what do they do to each other?', and 'how do changes in politics get shaped by dynamic ecologies, and vice versa?' The LDPI network explores a range of big picture questions through detailed in-depth case studies in several sites globally, focusing on the politics of land deals.

### Conservation and ecotourism on privatised land in the Mara, Kenya: The case of conservancy land leases

This paper investigates private sector investment in conservation and ecotourism through conservancy land leases in the Mara region of Kenya. In a recent and growing tourism development, groups of Maasai landowners are leasing their parcels of land to tourism investors and forming wildlife conservancies. The paper examines this new conservation and ecotourism model and the implications it has for Maasai livelihoods and the environment. The subdivision of Kenya's rangelands has tended to benefit elites, and as a consequence this trend is reinforced in landbased schemes such as these. Given the large extent and recent change in ownership in these areas, land leases do however keep the lands they cover together and are potentially an optimistic outlook for such open rangeland areas. Consideration however must be given to adjacent areas and communities that may face the negative knock on effects of such schemes. The Mara is a unique area in terms of its tourism and wildlife, so land leases may not be able to offer as much to landowners in other areas, or be financially sustainable across vast areas. However, within the Mara, land leases have been rapidly expanded upon, implying that similar schemes might be of interest to both investors and communities alike in other wildlife areas.



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