

How Many Wildebeest do You Need?

Mike Norton-Griffiths

Introduction

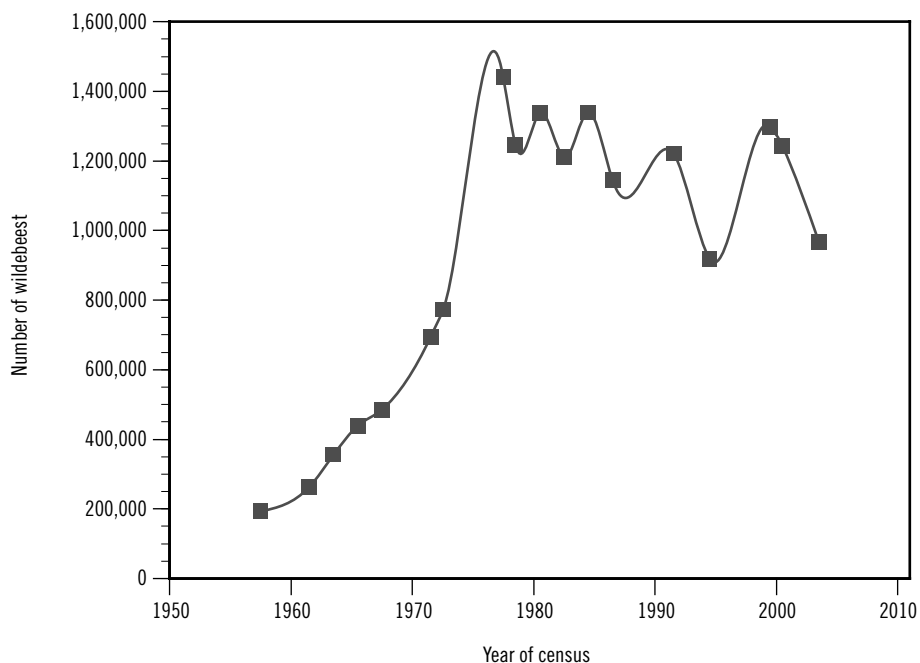
So, how many wildebeest *do* you need? How many elephants is enough? And what do you need them for? These are not trivial questions, for they focus attention on the need for some hard decisions. A conservation biologist will maintain that while the actual number of wildebeest at any particular time is irrelevant, what is important is to ensure adequate space and habitat so the population can vary as it must in response to environmental vicissitudes. In contrast, a free market environmentalist would approach this problem secure in the knowledge that there is indeed a market for wildebeest which will deliver a socially and economically efficient number of animals. Naturally, neither of these views is wrong—which is not the same as saying that either is right.

Consider as an example the Serengeti migratory wildebeest population which, despite 40 years of scientific monitoring and research, has effortlessly grown from around 250,000 individuals in the 1950s to some 1.5 million today, going up a bit in good (rainy) years and down a bit in drier years (Figure 1). That this extraordinary phenomenon still exists is due to the vast 30,000 km² area over which they are able to migrate, from the Serengeti National Park in Tanzania during the wet season up to the Maasai Mara Game Reserve in Kenya during the dry season.

While this would seem to support the view of the conservation biologist, it has now become clear that rapid changes around the Maasai Mara Game Reserve in Kenya are impacting the migration and will inevitably affect population size. These changes are from a mainly pastoral land use under communal tenure, in which wildlife can co-exist in the interstices, to an

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Figure 1: Growth of the Serengeti migratory wildebeest population



agro-pastoral or agricultural land use under private tenure, where wildlife find it more difficult to co-exist. If carried through to their full potential, one might expect a 20%–30% reduction in wildebeest numbers.

Here now is a problem to exercise both the conservation biologist and the free market environmentalist, for what is the optimal number of wildebeest given that tourists probably only need to see some 300,000 to experience the raw majesty of the migration? Kenya will balance the benefits to be gained from developing agriculture on what was previously pastoral land against any possible tourism losses, while Tanzania may still wish to have as many wildebeest as possible to enhance the international reputation of the Serengeti National Park. Difficult choices indeed.

Bad news from the rangelands

1977 was an important year for conservation in Kenya for it was then that sport hunting and all other consumptive uses of wildlife and attendant

value added activities were banned. It was also the year when the Kenya Rangeland Ecological Monitoring Unit (KREMU) began to monitor the numbers and distribution of livestock and wildlife throughout the 500,000 km² of Kenya's arid and semi-arid rangelands.

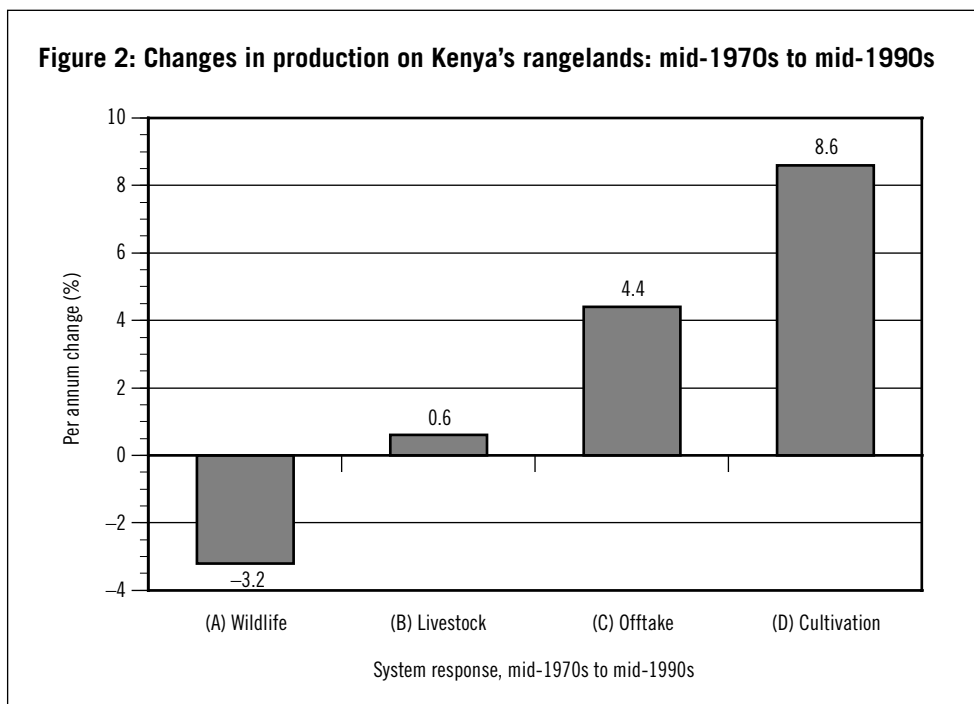
So, perhaps uniquely, a major change in conservation policy—a ban on all consumptive utilisation of wildlife—coincided with a new capacity to monitor its effect and impact.

The monitoring results have been deeply disturbing, and by the mid-1990s a number of warnings were issued about a major decline in wildlife right across Kenya's rangelands, even in the most heavily used tourist areas. The only good news was that loss rates seemed significantly less inside the Protected Areas than outside where some 70% of all Kenya's wildlife are to be found. More recent analyses eliminate even this ray of hope—rates of wildlife loss continue unchecked, and are now the same both inside and outside the Protected Areas. Since 1977, Kenya has lost 60%–70% of all its large wildlife.

While losses of such magnitude indicate a major institutional failure to protect wildlife, the pernicious spread of agriculture throughout the rangelands, even around important conservation and tourism areas like the Mara area of Narok and the Amboseli area in Kajiado, give clear signals of a policy failure. Indeed, the entire economic system of rangeland production in Kenya has undergone a radical transformation since the mid-1970s (Figure 2): the human population is growing at >3% per annum; cultivation is growing at >8% per annum; while livestock numbers remain stable, offtake is growing at >4% per annum; and wildlife is decreasing by >3% per annum.

From the perspective of the individual pastoral landowner, at the macro-economic scale domestic and international markets are expanding and there are real gains in producer prices. At the micro-economic scale, the pastoral landowner sees improved market and transport networks, improved market information networks (mobile telephone coverage is expanding across the rangelands), improved access to financial services, ever-increasing opportunities for off-farm jobs and investment,¹ and a wider availability and choice of goods and services. All of these create real

¹ Over the rangelands as a whole, recent studies demonstrate that livestock now represents at most only one half of income at the household level, and it is rare for pastoral landowners to rely on livestock as their sole source of wealth and savings. Where this is still found, it is indicative of a local deficiency in economic alternatives.



economic incentives for pastoral landowners to increase returns to land by investing in land development and production.

At the household scale, however, the major economic driving forces are the differential returns from agricultural, livestock and wildlife production, expressed here as net returns to land.² Net returns from both agricultural and livestock production are closely related to rainfall (Figure 3), and over the rangelands as a whole the land with higher potential is being preferentially converted to agricultural production (Figure 4): more than 50% of the higher potential land (>700mm annual rainfall) has already been converted. Conversion of land to agriculture displaces wildlife but not livestock, which are absorbed into the developing agro-pastoral land use complex (Figure 5).

In contrast, net returns to pastoral landowners from the wildlife on their land are meagre and average \$5 ha⁻¹y⁻¹. The best returns are for “concession fees”, where pastoral landowners rent a concession area and/or allow

² Net returns represent the difference between gross revenues and all direct and indirect costs, including equipment, labour and material inputs. Expressed as dollars per hectare per year, these net returns allow direct comparisons between alternative land use and production systems.

Figure 3: Differential net returns to landowners ($\$ \text{ha}^{-1}\text{y}^{-1}$) from agricultural, livestock and wildlife production

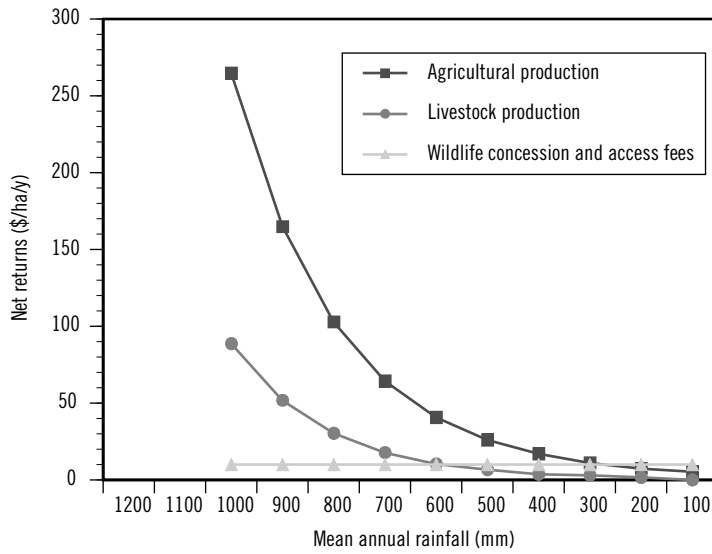


Figure 4: Spread of cultivation in Kenya's arid and semi-arid rangelands (the ASAL districts)

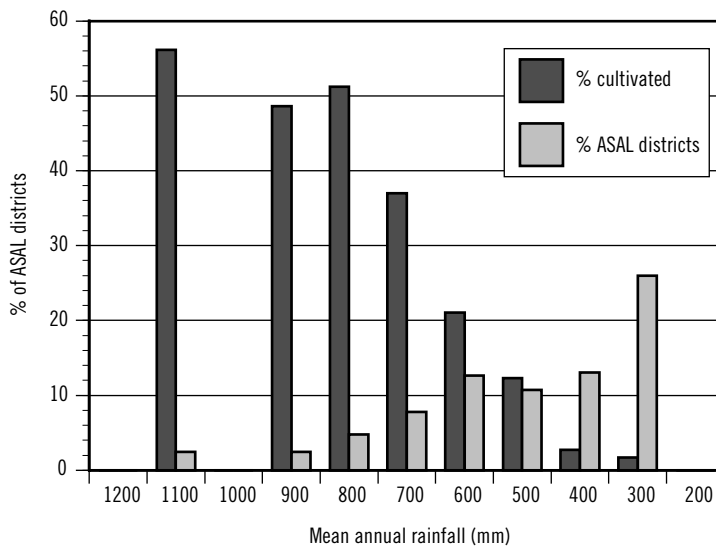
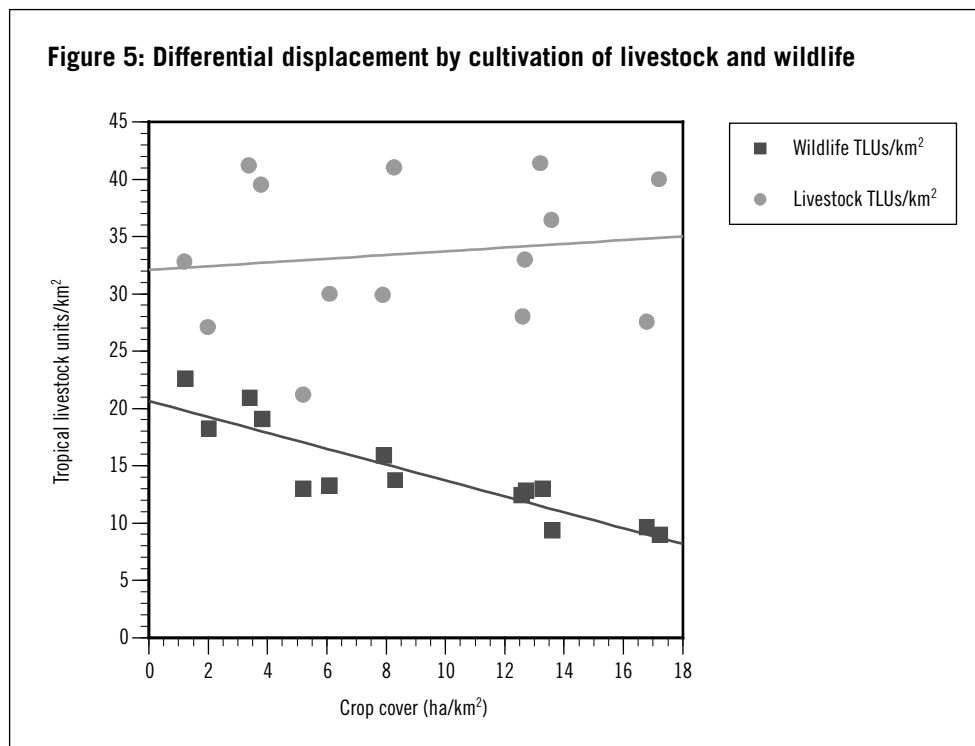


Figure 5: Differential displacement by cultivation of livestock and wildlife



sole access to such an area to an individual tour company. Here, the net returns average \$10 ha⁻¹y⁻¹, with the highest rents of \$50 ha⁻¹y⁻¹ being found very occasionally in the Mara area. These average returns to wildlife of \$10 ha⁻¹y⁻¹ are competitive with agriculture only in very dry areas of below 300mm of annual rainfall, and with livestock below 600mm annual rainfall.

To make matters worse, the net returns from livestock shown in Figure 3 are calculated “with wildlife”. The best data now becoming available from detailed studies in Loitokitok, Narok, Machakos and Laikipia suggest that, on average, wildlife cost the pastoral landowner approximately 48% of his net production (Table 1). In other words, net returns from livestock could be some 66% higher were wildlife to be eliminated.

Yet another important change, evident everywhere throughout the rangelands, is the rapid evolution of property rights from large parcels of land under group or communal ownership to small parcels of land under private ownership. This process of land sub-division is fuelled by three incentives. Security of tenure is paramount, from in-migration, and from

Table 1: Costs of wildlife on ranch production
Costs of wildlife on a single ranch in Machakos District, Kenya

	%	\$ ha ⁻¹ y ⁻¹
Gross ranch output		\$143.46
Costs of production		\$119.28
Additional costs of wildlife		\$7.87
Security (anti-poaching)	37	
Disease (losses and control)	33	
Predation (direct losses)	18	
Repairs to infrastructure	9	
Compliance costs (KWS)	3	
Net returns <i>with</i> wildlife		\$16.31
Net returns <i>without</i> wildlife		\$24.18
% cost of wildlife on net returns		48%

Note: average costs over eight years, 1996–2003

land alienation by political elites, the government or even conservation NGOs wishing to extend the area of conservation estate. Second is the clear dilution of the value of communal resources in the face of rapid population growth. Finally, sub-division allows the economic benefits of agricultural, livestock and wildlife production to be captured directly at the household level rather than through communal institutions or other agencies.

This process of land sub-division has far-reaching impacts.³ The smaller the physical size of the landholding the lower the density and diversity of wildlife (Figure 6); with sub-division comes an increased density of settlements which in turn displaces wildlife (Figure 7); and sub-division also imposes on the landowner a change from extensive to more intensive methods of production—again at the expense of wildlife. Finally, land values rise with sub-division, making it both easier to raise capital for land development and making the land more attractive to outside investors.

These differentials between the net returns to pastoral landowners from agricultural, livestock and wildlife production offer the clearest explanation

³ Land sub-division is almost complete in many rangeland Districts. In Narok District, for example, the original 33 group or communal landholdings around the Maasai Mara National Reserve, which were on average some 38,000 hectares in size, have been converted to about 33,000 privately-owned land parcels of, on average, 38 hectares in size. A similar pattern has been demonstrated in Kajiado District, on the peri-urban land surrounding Nairobi National Park, and in the Loitokitok Division surrounding the Amboseli National Park.

Figure 6: Loss of wildlife density and diversity with size of landholding

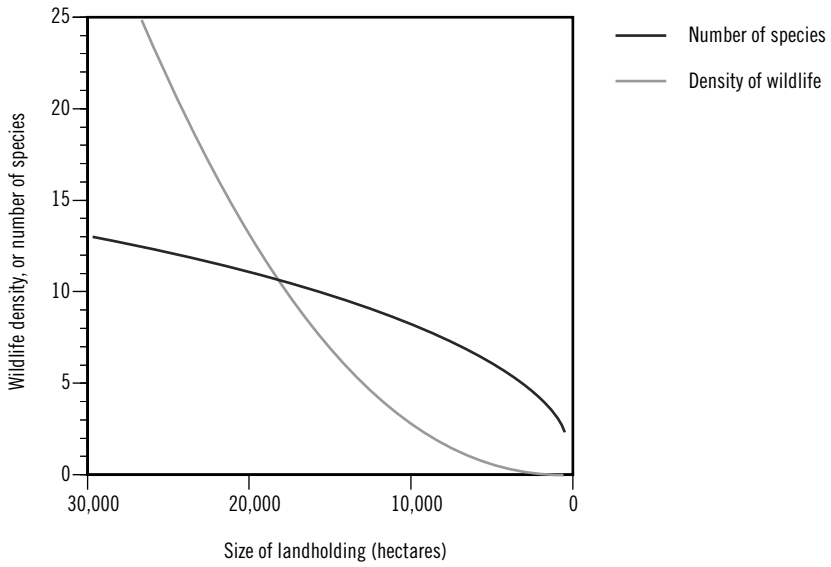
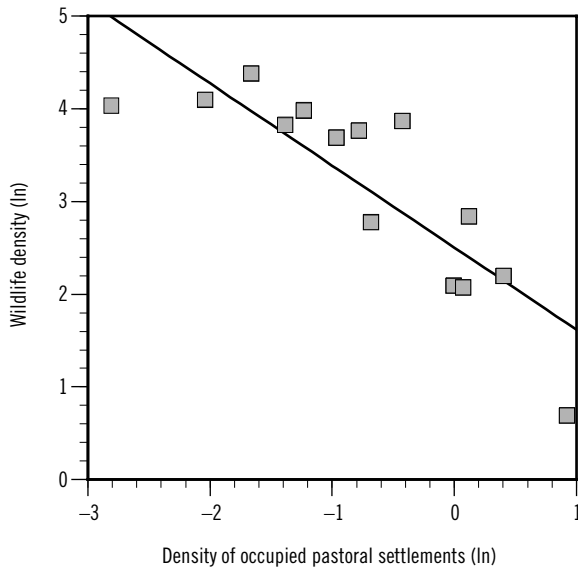


Figure 7: Displacement of wildlife by increasing density of pastoral settlements (log scales)



we have to date for the spread of cultivation throughout the rangelands, for the rapid evolution of property rights and for the concomitant widespread and comprehensive loss of wildlife throughout Kenya. The uncompetitive returns from wildlife compared with other production systems encapsulate the entire dynamics of change observed on the rangelands. They focus our attention on the fact that, under current conditions, wildlife simply cannot compete economically with livestock or agricultural production, and as a result pastoral landowners are disinvesting in their wildlife resource.⁴

Why are returns to wildlife so low?

In Kenya, wildlife returns to pastoral landowners are low and uncompetitive through a combination of policy failures, institutional failures and market failures. The most important of the *policy failures* is the continuing ban on all consumptive utilisation of large wildlife,⁵ which not only restricts the opportunities for pastoral landowners to generate revenues from their wildlife resources, but also largely disenfranchises 95% of the pastoral rangelands from any income-generating opportunities (tourist wildlife viewing is restricted to a mere 23,000 square kilometres (5%) of the rangelands where wildlife are found). Second is the continuing investment of wildlife ownership and user rights almost solely in the state, and the denial of compensation to landowners for the costs (destruction and damage to life and property) of raising wildlife.

Of the *institutional failures*, the most critical is that of the Kenya Wildlife Service (KWS), which acts solely as a regulatory and enforcement service rather than an enabling institution. KWS also lacks any technical expertise

⁴ There persists a romantic notion that pastoralists co-exist with wildlife in a harmonious relationship. Perhaps in the past, when population densities were lower and economic opportunities more restricted, pastoralists could indeed afford to ignore wildlife. But today, burgeoning human populations and ever increasing financial imperatives, economic expectations and opportunities for investment create the absolute necessity to raise productivity per unit area of land. Given the uncompetitive returns from wildlife, pastoralist landowners simply can no longer afford the extra costs of production associated with their presence.

⁵ The inconsistency in all this is simply astonishing. Some consumptive utilisation of wildlife is still permitted, but with quite restricted benefit streams. The companies ranching crocodiles (one), ostrich (one) and butterflies (two or three) create local benefits primarily through employment opportunities. In contrast, bird shooting (either pest control on rice schemes, or game birds on ranchland) creates significant revenues, between \$10,000 and \$20,000-a-year for some group ranches. Returns from bird shooting could be significantly higher if the landowners were more skilled in negotiating contracts with the shooting operators. Also, in a single recent example where culling of locally abundant populations has been permitted, the entire carcasses had to be fed to crocodiles—they could not be used in any other way! Furthermore, the state accepts wildlife from the private sector to restock Protected Areas—but without making any payment—and provides wildlife (typically rhinoceros) to the private sector—again without accepting any payment—even though it is fully recognised that the Private Sector makes profits from this same wildlife through tourism activities.

in wildlife production and management, and endlessly vacillates in applying regulations. This further reduces any incentives on the part of pastoral landowners to invest in wildlife. The conservation NGOs are also deeply at fault for they are too focused, obsessed even, on topical single issues which rarely concern the economics of producing wildlife. They seem largely unaware of the importance of market forces in determining land use and production decisions by pastoral landowners, and they are often too reticent in challenging the government over policy issues. This leads to inappropriate investment on the part of the NGO community into trendy “conservation initiatives” of one kind or another instead of supporting the development of free and unencumbered markets for wildlife goods and services.⁶

Finally, many communal institutions pander to locally powerful elites and fail to keep the interests of their ordinary members in mind when entering into development or tourism contracts, and when disbursing revenues from such contracts. This in turn fuels demands for sub-division so that economic benefits can be captured directly at the household level.

Equally glaring are the *market failures* for the provision of wildlife goods and services, which can be laid squarely at the door of the tourism cartels. These cartels divert the major portion of all wildlife generated revenues away from the producers of wildlife—the pastoral landowners—to the service side of the industry (agents, and the providers of transport and accommodation). In general terms, landowners (which here includes private landowners, the KWS and county councils) see perhaps 5% at most of the total revenues generated by wildlife. The cartels also maintain strict barriers that prevent landowners becoming more directly involved in the tourism business (e.g. by offering transport and accommodation) and thus capturing more of the potential revenues;⁷ and, to add insult to injury, they pass onto the landowners a disproportionate and unfair amount of the business risk involved in tourism.⁸

⁶ A useful definition of an “initiative” is to do something quite unnecessary with someone else’s money.

⁷ With the exception of guiding (to which there are now severe barriers in the form of “standards”), landowners find it difficult to engage in other income-generating opportunities. Few have yet the capital or management capacity to enter the transport or accommodation sectors (unless heavily subsidised).

⁸ An operator will typically pay a relatively small amount as a concession or access fee, but will load up the bed night fee. When business is slack, both the landowner’s and operator’s revenue falls—but the landowner, unlike the operator, cannot reduce his costs. Such arrangements should be replaced with a fixed lease—as with agricultural leases. After all, in one case an operator is renting land to grow wheat, and in the other he is renting land to grow wildebeest—so why should the terms of business be any different?

Faced with such conditions it is indeed a wonder there is any wildlife left at all.

A call for new policies

Clearly, at least three bundles of new policy instruments are called for with the overall policy objective of transforming wildlife from a liability for pastoral landowners into an asset that is worth investing in. The first is an economic bundle to improve the revenues that landowners receive from wildlife; next is a property rights bundle to settle issues of ownership and user rights to wildlife; and finally an institutional bundle to create the necessary enabling environment for what is, strictly speaking, private sector conservation.

The economic bundle

Consider the goat—and suppose you were not allowed to use it in any way at all (no marketing, no slaughter, no use of milk, meat or skin), and that if you were discovered to be using it you would at worst be shot dead, or at best imprisoned—indeed imagine that all you could do with your goat was hope a minibus of tourists would drive by and photograph it, from which you might obtain a meagre reward. How many goats do you imagine would remain in Kenya? This is the nub of the continued survival of wildlife on the rangelands of Kenya.

The objective of the economic bundle is to make the net returns from wildlife production economically competitive with other production systems (agriculture and livestock), especially in the 95% of the rangelands where tourists do not go, so that it becomes in the economic interest of landowners to invest in wildlife rather than get rid of it.

All sources of wildlife revenues, from both public and private sectors, must be re-examined and re-assessed, such as wider and more equitable sharing of protected area revenues with the neighbouring pastoral landowners who support the wildlife on their land; enhanced payments for ecosystem services (PES), perhaps through donor and NGO programmes; the implementation of fair and transparent compensation schemes for loss of life and property to wildlife; and the expansion of wildlife tourism into new areas but without harming the areas where they currently go.

Pastoral landowners must also acquire new skills in negotiating contracts so they capture a larger share of the total wildlife revenues and improve their capacity to establish and manage tourism ventures as individual firms.⁹

However, the most important item in the economic bundle is to relax the current restrictions on income-generating opportunities from wildlife and open up once again the full range of utilisation and value added activities to landowners. These include live sales of wildlife between landowners, and between landowners and the public sector; wildlife ranching for local or overseas trade, either in live sales or in wildlife products; culling locally abundant populations; value added activities of tanning and making trophies and curios; and, of course, sport hunting.

The reintroduction of consumptive utilisation to Kenya is a highly contentious issue, and much ill-informed debate has ensued, particularly as to whether Kenya would lose its “ethical” tourist base. Such fears seem unfounded, as there is no evidence from the 23 other African countries with hunting industries of any tourism boycott. Its neighbour Tanzania offers a striking example. Tanzania competes strongly and very successfully against Kenya in the market for wildlife viewing tourism—despite having a well-established hunting industry over many years. Indeed, the hunting industry in Tanzania is seen as an essential partner in conservation, especially in areas where tourists cannot and/or do not venture. Furthermore, there is no evidence that Kenya receives a tourism benefit from “ethical” tourists; neither does Kenya use the ban on hunting and other consumptive use to market its wildlife tourism. The current hunting ban seems to offer little comparative advantage to Kenya’s tourism.

Indeed, experience from elsewhere indicates that hunting, like any other form of consumptive utilisation, is not an alternative to eco-tourism, but is complementary. We can again turn to Tanzania for factual evidence of this. In Tanzania, the vast hunting areas in the Miombo woodlands in the west and south of the country are far removed from the tourist circuits and produce essential revenues for the government and communities alike to support conservation and wildlife management. In contrast, the Serengeti National Park—perhaps the most famous conservation destination

⁹ To be fair, a few tourism operators have finally seen the light and are paying fair rents for concession areas which largely match the agricultural potential of the land. Furthermore, they are starting to contract out the provision of services such as security, water, fuelwood and other supplies.

in the world—supports adjacent hunting blocks to the south-west (Maswa), the north-west (Grumeti and Ikorongo) and the north-east (Loliondo). These form critical buffer zones against encroachment from agricultural land use, and generate significant funds for government and local communities alike. There is simply no evidence whatsoever that there is any boycott of the Serengeti by “ethical” eco-tourists because of these neighbouring hunting areas.

The property rights bundle

While there are currently no property rights of any kind to wildlife in Kenya there are legally enforceable property rights to the land on which the wildlife are to be found. Through the proper enforcement of these property rights all landowners, which includes the government and its agents (the KWS and the county councils), can control access to wildlife and the nature of development on that land.

The government does, however, regulate the use to which wildlife can be put, both inside and outside the Protected Areas. Currently, the government allows only non-consumptive use of wildlife through “game viewing”, although it does license some consumptive use.

It is the weak and conflicting nature of the property rights to wildlife that lie at the heart of the general loss of wildlife from rangelands. Livestock are owned and have value, and their owners accordingly invest in and profit from their upkeep, maintenance and use. As a result, the agricultural areas and rangelands of Kenya are stuffed full of livestock. In contrast, wildlife are not owned by anyone, and accordingly have little or no value to those on whose land they are found. Any damage caused by wildlife is thus seen as a loss—unlike with livestock, where benefits in general outweigh costs. And since wildlife have no value they are being eradicated wholesale throughout the country. Indeed, the quite devastating scale of the bush meat trade in Kenya is a stark reminder of what happens to resources that are neither owned nor have value to the owners of the land where they are found. Wildlife are being treated as a non-renewable resource and are being mined rather than used on a sustainable and renewable basis.

Extraordinary as it may seem, not a single tourism company in Kenya invests in wildlife or habitat management even though their very economic future depends upon the resource; and neither do most landowners.

Both decisions stem from the lack of clear-cut property rights to wildlife: not only are the returns from wildlife meagre, but why invest in something that is not yours?

The only areas where wildlife rents (the profits from wildlife) are reinvested in wildlife and habitat management are on the few, large, privately-owned conservancies where fencing effectively gives ownership of wildlife to landowners. Furthermore, here the landowners are actively involved in most aspects of the tourism industry and accordingly capture a larger slice of the wildlife rents, making habitat and wildlife investment even more profitable. These are the only areas in Kenya where wildlife numbers and diversity are stable, or even increasing.

It is often claimed that ownership to wildlife is impossible in Kenya because it moves around between properties, but experience suggests this need not be the case. In Europe, for example, landowners invest in raising game birds for the shoot even though they move freely between properties. Losses are minimized by habitat management to keep the birds within defined boundaries and by neighbouring landowners pooling their access and hunting rights.

This is exactly what is now taking place on sub-divided land around the Maasai Mara National Reserve, where neighbouring landowners have pooled their access and user rights to wildlife by forming Wildlife Conservancies or Wildlife Associations to negotiate directly with individual tourism operators.

The institutional bundle

While it is clear that conservation “policy” now creates perverse incentives for landowners to get rid of wildlife, it is nonetheless too simple to say that it is just a matter of land use economics: there is undoubtedly more to it than that. We need a new mindset, one which reflects the realities of pastoral life today.

It is instructive here to compare the policies and approach of the agricultural and the conservation sectors in Kenya. The agricultural sector owns neither crops nor livestock, but harnesses market forces to create incentives for producers to produce. It promotes production through training and extension; by research and development of new germplasms and technologies; by subsidies and infrastructure support; by providing capital

and loans; and by creating and supporting both markets and producer prices.

In contrast, the conservation sector claims ownership to all wildlife and natural biodiversity, yet imposes a range of policy instruments which create disincentives to invest in conservation and make it economically sensible to eradicate wildlife. It supports no research or development into wildlife utilisation techniques; provides no subsidies, capital or loans or support to infrastructure; neither creates nor supports markets; and passively condones the diversion of revenues away from the producers and custodians of the wildlife resource to the central government, to county councils and to tourism cartels.

It is a curious fact that among the last of the state monopolies to survive in Africa are the state conservation monopolies. And it is the sad fact that the precarious condition of biodiversity and wildlife conservation in much of Africa is the direct consequence of hopelessly inefficient and bloated state conservation monopolies aided and abetted by international conservation organisations which, with their seemingly limitless resources, lack of accountability and hidden agendas, wield such power and influence over conservation policy. Together, they have created an unholy alliance that perpetuates on the one hand inefficiency and misuse of conservation resources, and on the other a perverse policy environment that creates disincentives for conservation.

All state monopolies are inefficient, effortlessly consuming resources while delivering few benefits, and state conservation monopolies are no different in this respect. Kenya affords a prime example for since 1977 the Kenya state conservation monopoly in its various guises (first the Wildlife Conservation and Management Department, and now the Kenya Wildlife Service) has received literally hundreds of millions of dollars in subsidies, revenues, grants and gifts. In the same period, it has lost over 60% of the wildlife which it was charged to conserve and protect. Very recently, the sheer impotence of the KWS to manage wildlife has been demonstrated by the spearing to death of most, if not all, of the remaining lions in the Nairobi National Park literally within sight of its headquarters, where some 500 bureaucrats sat paralysed at their desks. And even more recently its sheer incompetence was demonstrated by the death of eight rhinoceros translocated (for free) at the wrong time of year from the Nairobi National Park to a private ranch.

Need for new paradigms

Governments long ago realised the futility of coercing farmers into growing crops and instead adopted market forces, yet they still persist in attempting to coerce farmers into growing “conservation”. Outside the Protected Areas, conservation clearly can succeed only by offsetting one set of market forces and incentives against another. Indeed, the only effective instruments of conservation policy can be economic ones, and the only effective agents of conservation can be the landowners themselves. And if market forces can be harnessed to meet national agricultural production targets then they can be harnessed to meet national conservation goals. And if pastoral landowners will use or rent land to grow wheat then they will use or rent land to grow wildebeest—provided the returns are right.

It is the hundreds of thousands of landowners and land users in Kenya who are the real custodians of the wildlife resource, and they must be empowered to manage and benefit from these resources. And if it is accepted that Kenyan landowners can successfully herd tens of millions of livestock and can successfully cultivate hundreds of thousands of hectares of crops, then it is inconceivable to deny to them either their ability or their right to herd a few thousand head of wildlife.

Kenya needs a radical rethink of conservation policy and a completely new set of paradigms to match current economic realities. This means embracing private sector conservation (PSC)—for this is what we are talking about here. All conservation outside the Protected Areas can only be through the private sector—carried out by private individuals who own their land and who decide for themselves and in their own best interests what to do on it and what to do with it.

Worldwide, PSC is one of the fastest-growing sectors in conservation, and already in southern Africa (South Africa, Botswana, Namibia, Zimbabwe) data suggest that privately owned and managed conservation areas are roughly one-fifth (60,000 km²) of the size of state managed areas (some 300,000 km²). There are over 9,000 private game ranches, 1,100 privately managed nature reserves and over 400 conservancies. They provide a comprehensive range of services, including wildlife viewing, sport hunting, live game sales, and bush meat production, the mix of services on offer reflecting regional and local preferences. Many march with public sector reserves and are managed collaboratively, with the public sector reserves providing the wildlife resources utilised in the private areas.

And they do seem effective in conserving the wildlife resource: in Namibia, for example, wildlife numbers on private game ranches have increased by some 70%, diversity by 40%, and >80% of all large wildlife live on them. Typically, private sector conservation areas are highly profitable (60%–80% over operational costs) and are direct contributors to community wealth.

So it can be done given the right conditions—namely, an enabling policy environment; well defined property rights over land and wildlife resources; rights to use wildlife and trade in live game and wildlife products;¹⁰ and a strong international demand for wildlife viewing and sport hunting.

Nonetheless, barriers remain, including perverse economic incentives (subsidies to agriculture); lack of appropriate legal frameworks (in some countries, a “game ranch” lacks a legal definition); lack of genuine government support (land for wildlife is still viewed as unused); lack of comprehensive land policies recognising wildlife as simply another facet of production; overlaps in institutional responsibilities (e.g. between Ministries of Agriculture and Ministries of Tourism & Wildlife); compliance costs—especially with respect to wildlife use; international restrictions on trade in wildlife products (e.g. the CITES ban on the ivory trade which prevents the full capture of the economic benefits of elephants); and still insecure property rights (e.g. Zimbabwe).

In Kenya, despite the lack of incentives and Government support, the private sector is gradually becoming more involved in conservation. Perhaps the most important development has been the formation of Wildlife Forums throughout Kenya, which bring together private and group landowners to manage their natural resources and wildlife cooperatively, the start of local empowerment for resource management.

Another significant event has been the establishment of the Mara Conservancy, where a private company is managing a conservation area on behalf of a local district council. No one will pretend there have not been teething problems, but undoubtedly the benefit flows to local communities, and the investment in infrastructure, are far superior to what they were before.

¹⁰ In Botswana, wildlife is state owned but private land owners have been given custodial rights to use it (Fauna Conservation Act 1982); in Zimbabwe, the Wildlife Act of 1975 gave private farmers the right to utilise and derive the full benefit of their wildlife resources; and in Namibia, the Nature Conservation Ordinance from 1967 privatised the ownership of wildlife on privately owned land.

Elsewhere in Kenya, private concessions and reserves are springing up everywhere, offering a whole range of services from access for game viewing, bird shooting or camel trekking to camp sites and boutique lodges. These are being set up either as collaborative ventures between landowners and operators, or by landowners establishing their own conservation and tourism operations.

The private sector has also proved spectacularly successful in collaborating with communities to achieve conservation goals, wealth creation and poverty reduction. Collaboration implies a measure of equality and a free market approach: you've got something, I've got something; let's get together and party—and we'll all benefit. This is in stark contrast to most state- and NGO-sponsored community conservation projects which, being top-down, invariably fizzle out in a morass of committees, sub-committees, stakeholder meetings and unread reports.

There is even a growing role for the private sector within state owned Protected Areas—through what are known as Public–Private Partnerships (PPPs). The basis of a PPP is that a state conservation organisation enters into a long-term agreement to contract out the management, but not the ownership, of a protected area, under any one of a number of innovative licensing and leasing schemes, but while still retaining a firm regulatory and oversight role at board level. In Ethiopia, Malawi, Mozambique, South Africa, Swaziland and Zambia, PPPs are providing efficient protected area management and increased inward investment and diversified revenue flows.

Implementing new policy

It was never the policy of the government of Kenya to lose more than 50% of its wildlife in 30 years. No one actually set out to achieve this remarkable result, but in spite of all the effort, money and initiatives from the government, conservation NGOs and donors it has happened. Clearly there has been a massive failure on a truly massive scale by all concerned, and in the face of such failure one might expect policies to be submitted to microscopic examination, institutions to be overhauled and heads to roll. But not in Kenya: indeed, rather like a person who has been diagnosed with cancer, both the government and the conservation movement remain in total denial that anything has gone seriously wrong.

Nonetheless, the first attempt to improve matters in the face of such a manifestly catastrophic failure in conservation policy came on the initiative

of a group of Kenyan MPs mainly from the pastoral areas. In December 2004, the Kenyan Parliament passed an important amendment to the Wildlife Act¹¹ which sought to make the KWS answerable to its Board of Trustees rather than to the government, to provide for greater participation on the Board by the landowners who actually produce wildlife, and to address the issue of compensation for the loss of life and damage to property by wildlife. This amendment came from the floor of the house, it went through all the required procedures, debates and public consultations, including with the Attorney General's Office, and was properly voted on by the parliamentarians.

Yet, following some deliberately misleading lobbying of the President by two anti-hunting American NGOs, the Humane Society and the International Fund for Animal Welfare (IFAW), the President of Kenya refused to sign the amended Wildlife Act into law.¹² Clearly, these two hugely wealthy overseas NGOs have more influence on the President and on policy than do Kenya's own parliamentarians.

More recently, and after much prodding and badgering, the government at last instituted in September 2006 a national consultative review of wildlife policy which was to lead to a new Wildlife Act. A National Steering Committee was established, a policy drafting team was appointed, universities held workshops, and views were sought from one and all throughout the country in a series of two national and 22 regional seminars. But, once again foreign NGOs were able to hijack the entire consultative process. Action Aid (which supports extreme minority land rights issues and is vehemently anti-private landowners) literally shipped in paid, rent-a-mob crowds who reduced everything to an endlessly sterile shouting match about the reintroduction of sport hunting, while IFAW launched a massively well funded publicity campaign in newspapers and on TV, with posters in Nairobi city and the international airport.

But throughout the policy review process there was no serious engagement from the tourism sector, the very wellbeing of which so largely depends on the wildlife living on private land outside the Protected Areas. Also noticeable by their absence were the established international

¹¹ The Wildlife (Conservation and Management) (Amendment) Bill, 2004 published in the *Kenya Gazette* Supplement #38 (Bills #15) of 18th June, 2004.

¹² The President was deliberately misled by these NGOs, who claimed, incorrectly, that the amendment would allow hunting in Kenya's National Parks "within months". The amendment in fact made no mention whatsoever of the reintroduction of sport hunting.

conservation NGOs including the World Wildlife Fund (WWF), the African Wildlife Foundation (AWF) and the World Conservation Union (IUCN), all of which have regional offices in Kenya. Clearly they were frightened off by the IFAW publicity campaign, and by the threat of being labeled in favour of “killing animals for fun”. Only the East African Wildlife Society (EAWLS) become seriously involved.

So it was left largely to the Wildlife Forums to battle it out with the well-funded animal welfare and rights lobby. Most forums (there are 17 in Kenya) are solely made up of local people who live with wildlife and who struggled to articulate their concerns: if they must live with wildlife then it must benefit them. Sadly, the Nairobi-based animal welfare lobbyists had a louder voice and lots of hard cash to hand out.

Kenya shares with India the dubious distinction that all (well, most) wildlife hunting of any kind is banned. All IFAW and its ilk care about is that hunting and other consumptive utilisation of wildlife is not reintroduced to Kenya, and whether this leads to further losses of wildlife and to the perpetuation of rural poverty is completely irrelevant to them, because their underlying purpose is not to help Kenya but to be able to raise more money in North America and Europe on the basis of their “Kenya success”. IFAW simply ignores the stark economic realities behind the tragic loss of wildlife, and in turn offers no alternative suggestions of any kind as to how wildlife can be made more profitable to landowners so that it becomes in their best interest to conserve and invest in it.

No one has any objection to IFAW holding its opinions, but one can and must object to the lengths it is prepared to go to achieve its objectives. It is bad enough that the international conservation NGOs and their donors sat back supinely for years without ever challenging the government’s conservation policies, but IFAW and its ilk are taking things to altogether new and dangerous levels.

As Deepak Lal so elegantly puts it:

Foreign NGOs claim to speak on behalf of the world’s poor but in fact speak the language of the world’s rich and invariably seek their own agendas and purpose rather than those who they purport to help. Through their financial strength and access to political elites, especially in poor countries, they are able to subvert the representative democratic process and insinuate foreign minority views into what are supposedly parliamentary majority voting systems.

The exercise of such power without accountability, transparency or responsibility is a dangerous and heady mix. IFAW and Action Aid represent at the most a million members, mainly in North America and Europe. Why should they determine Kenyan wildlife policy, rather than Kenya's own elected parliamentarians?

Surprisingly, and despite all these distractions, the consultative process resulted in a Draft Wildlife Policy (dated April 17th, 2007) that went some of the way towards promoting wildlife conservation as a form of land use in Kenya, tackling the serious wildlife governance issues that currently persist and creating some genuine incentives for pastoral landowners to conserve and invest in wildlife, including a more relaxed policy towards consumptive utilisation.

But, in a final irony, the National Steering Committee sidelined its own drafting team and instead turned to a single IFAW consultant to produce the final version of the draft "Wildlife (Conservation and Management) Bill, 2007" (dated 10th May, 2007), a consultant who had not been involved in the consultative process, and who had little experience in either wildlife conservation or wildlife management.

This latest Draft Wildlife Bill, which the Minister should present to Cabinet for approval to send to Parliament in the next month or two, completely undermines the earlier Draft Wildlife Policy, and imposes a top-down, autocratic approach to wildlife conservation and management which does nothing to address the catastrophic decline of wildlife in Kenya and which effectively disenfranchises communities and landowners from wildlife management decisions. It even brings "wildlife tourism" and "recreation" under "wildlife user rights" which communities and landowners must now apply for through the Ministry and three levels of local and regional wildlife committees, along with management plans, monitoring schemes and financial plans, before they may be implemented; while at the same time offering no real incentives to pastoral landowners to conserve and invest in wildlife, and creating barriers that will prevent most community groups in the country from creating economically viable wildlife conservation areas. Furthermore, the Bill places such tight restrictions on any consumptive utilisation (game ranching and cropping) that it will never be permitted, while banning outright sport hunting, bird shooting and game fishing. In a final irony, the Bill creates the un-constitutional power to annex private land for conservation in that

conservation easements can be imposed on land against a landowner's wishes.

None of these draconian measures has anything remotely to do with conservation, or in enabling pastoral communities and landowners in marginal areas to benefit from their wildlife: instead, they pander solely to the vociferous and well funded animal welfare lobby. Game, set and match to IFAW and their ilk? Who can tell.

Postscript

So, as we were saying, how many wildebeest do you need? Well, the market should decide, but I somehow doubt if it will be given a chance to do so.

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