

When Parks and People Collide

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In much of Africa, efforts to safeguard wildlife have violated human rights.

In the nineteenth century, Maasailand—the traditional home of the Maasai people—stretched from northern Kenya to the savannah grasslands of the Serengeti plains in northern Tanzania. Since then governments, other ethnic groups, local elite, and businesses (local, national, and international) have used various legal and extra-legal means to gain control of large swathes of Maasailand. A considerable amount of this land has been set aside, especially in the last fifty years, under various categories of “protected areas,” including such recognized parks as Amboseli and Maasai Mara in Kenya, and Serengeti and Ngorongoro in Tanzania.

While protected areas safeguard wildlife and generate tourist revenue for governments and the private sector—notably, through game viewing and trophy hunting—they have been devastating to the Maasai. More than 100,000 Maasai have been displaced by the establishment of protected areas; the creation of the Serengeti National Park alone was responsible for the expulsion of 50,000 people. The pastoral livelihoods of the Maasai, like most rural Africans, are dependent on the land and natural resources, including water, wildlife, grasses, and trees. For the Maasai, the loss of access to natural goods and services has



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led to the degradation of their remaining grasslands, the decline of their life-sustaining herds, and ultimately to hunger and poverty.

The story of the Maasai is not unusual in Africa. Africa’s rural majority—70 percent of the population—has been hurt by the conservation policies of colonial powers and independent governments. In the name of promoting national development and public interest, national governments have created legislation declaring that most land and natural resources are state property or public resources to be held in trust by the government; and they have vested control and management of these properties in the government,

including the authority of eminent domain. Using these powers, governments have appropriated large tracts of land for protected areas.

Most protected areas in Africa were established and are managed under non-democratic political systems. Colonial authorities monopolized important decision-making processes, including issues of land use. Since independence, the continent has been dominated by regimes that have used their monopoly over nature to consolidate power and wealth among a small circle of elite. Even the recent transitions toward political liberalization that have swept Africa have been protracted, with fundamental democratic princi-

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ples—such as participation, representation, and accountability—neither codified in law or institutionalized in practice.

Encouraged by a powerful international lobby of conservation-first organizations, governments have made protected areas a major component of national biodiversity strategies. According to the

notes that “the poorer countries in Africa today have on average more land set aside for conservation than the continent’s more affluent nations.” All too often the displaced receive no compensation. When the Mkomazi Game Reserve in northern Tanzania was established in 1952, the law preserved preexisting customary land

democracy proponents and human rights advocates have called for the participation of affected people and their legitimate representatives in decisions regarding the use of wildlife and the establishment of protected areas. National dialogues are needed to reach broad agreement on the values of wildlife, on national responsibilities to global biodiversity instruments, and on how protected areas can support local development, national interests, and conservation. Strengthening Africa’s nascent democratic institutions and procedures will help promote wildlife policies that recognize majority positions and local needs.

Advocates maintain that regardless of whether wildlife and wild lands are state property, public resources, or private property, wildlife users must have secure rights over resources to make and benefit from their investments. While protecting against monopolies and excessive land speculation, private property should be titled, the rights of usufruct guaranteed, and eminent domain democratized. In some African nations, certain wildlife user rights have been devolved to rural communities with impressive results in terms of local income and development as well as wildlife populations and ecosystem management.

Finally, when people are alienated from their lands for legitimate public interests, they must be fairly compensated for their loss of land rights and value added. Those who suffer damages from

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United Nations, in 1940 there were fewer than 1,000 protected areas in the world; by 2003 there were 102,102 such areas, covering more than 17 million square kilometers—almost 12 percent of the earth’s land. In sub-Saharan Africa, more than 3 million square kilometers are protected. In East and Southern Africa, protected areas represent, on average, almost 15 percent of each nation’s total land area; in West and Central Africa almost 9 percent of each nation’s land is so classified. Nations vary widely in the amount of land designated as protected, the largest percentages being in Tanzania (almost 40 percent) and Zambia (more than 41 percent).

Many of the world’s species-rich areas are located in the tropics, where conservationists encourage governments to establish networks of protected areas that include all major ecosystems. Wildlife often flourishes on land managed by local people as common property, so these areas are particularly attractive. Many governments are taking measures to further restrict land and resource use in existing protected areas, extend park boundaries to encompass complete ecosystems, and establish new protected areas to capture underrepresented ecosystems (closed-canopy forests in West and Central Africa; mangrove forests and marine ecosystems in East and Southern Africa). With little vacant or idle land remaining in Africa, such measures usually increase the number of displaced people.

The number of people displaced by conservation is difficult to determine, but estimates number in the millions. Charles Geisler, who has written on such displacements, suggests that the number may exceed 14 million in Africa alone, and

rights, allowing the Maasai to graze their livestock in the reserve. In 1988 the government evicted several thousand Maasai and did not compensate or offer them alternative residential or grazing lands as the law required. Some affected Maasai sued the government, and in 1998 Tanzania’s High Court awarded each plaintiff who testified US\$450 and ordered the government to relocate them. Dissatisfied with the ruling, the Maasai appealed. In 1999 the Court of Appeal, citing “indisputable surrounding circumstances,” ruled that the Maasai had no customary land rights and were not entitled to any compensation.

Hunting and gathering are illegal in many protected areas, and a traditional hunter who violates these laws might pay for it with his life. Although executions are prohibited by the Tanzanian constitution, the local Legal and Human Rights Centre reports that between 1983 and 1998 game rangers in the Serengeti

National Park killed at least fifty-seven people. In one incident in 1997, nineteen traditional Kurya hunters were caught hunting in the park. Ten escaped, but the remaining nine were allegedly driven deep into the park, ordered to stand in a line, and shot by the rangers. Eight died and one survived his wounds.

It is clear that poor people pay a disproportionately high cost for conservation, while receiving few of its benefits. To ensure that the rights of citizens are not sidelined in the name of conservation,

wildlife and other factors associated with protected areas must also be compensated. The level of compensation should ensure that people adversely affected by a protected area do not experience a decline in their standard of living—which in most cases will need to include resettlement.

Too often, governments have created protected areas at the expense of their own citizens. Measures such as these will go a long way to finding solutions that will both support local populations and protect biodiversity. 

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