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Gentrifying the African Landscape: The Performance and Powers of for-Profit Conservation on Southern Kenya's Conservancy Frontier

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Across eastern and southern Africa, conservation landscapes increasingly extend far beyond the boundaries of government-owned protected areas. Several countries have now granted full legal recognition to various types of private or otherwise nonstate conservation arrangements, thereby often seeking to create novel opportunities for ostensibly “green” capital investments in various for-profit conservation enterprises. Following the adoption of the 2013 Wildlife Conservation and Management Act in Kenya, for instance, nonstate conservancies now encompass 6.36 million hectares—or 11 percent of the country's land area—with at least a further 3 million hectares proposed or in the process of territorialization. Examining the consequences of this precipitous rise of conservancies in southern Kenya's Maasai Mara region, we suggest that—in addition to significant potential for considerable profit margins to be realized by individual firms—these investments retain a number of other unique powers or capacities to transform prevailing varieties of environmental governance. In this case, these capacities manifest in two interrelated forms: first, in the dissemination of environmental crisis narratives that stigmatize pastoralist communities and thus drive down land rents or values and, second, in the recapitalization of conservation territories and the reconfiguration of prevailing land uses in ways that enable novel forms of rural gentrification via the capture of heightened or differential ground rents. *Key Words:* conservation, gentrification, political ecology, property, rent gap.

非洲东部和南部各地的自然保护区面积不断扩大,已经远远超出了国有保护区。对于不同类型的私人保护区或其他形式的非国有保护区,目前囊括这些地区的几个国家已在法律上对它们予以正式承认,为打着“绿色”旗号投资盈利性保护企业的行为创造新机会。例如,肯尼亚在2013年通过了《野生动植物保护和管理法》,如今该国非国有保护区的占地面积已达到636万公顷,是该国总面积的11%,目前至少还有300万公顷的土地已提交申请或正在土地划分过程中。本文研究了肯尼亚南部马赛马拉地区激增的保护区可能产生的后果。我们认为只有个别的公司在此类投资中可能实现可观的利润,但这些投资在还具有其他特殊的力量或能力,将会彻底改变现行的各种环境治理方式。从这个角度而言,这些能力体现为两种相互关联的形式:第一,由于此类企业在环境危机方面的大肆宣传,将责任甩给了当地草原的农村社区,进而压低了土地租金或价值;第二,随着各保护区进行资本重组,主要土地用途发生变化,可能会提高地租或造成地租差异,进而催生出全新的农村高档化形式。关键词:保护,高档化,政治生态,财产,租金差距。

A través del África oriental y del sur, los paisajes de conservación crecientemente se extienden mucho más allá de los límites de las áreas protegidas de propiedad del gobierno. Varios países ahora han dado total reconocimiento legal a varios tipos de programas de conservación privados o de otro tipo no gubernamental, que con tal estatus buscan a menudo crear oportunidades novedosas de inversión de capital ostensiblemente “verde” en varias empresas lucrativas de conservación. Luego de la adopción de la ley de 2013 sobre Conservación y Manejo de la Vida Silvestre en Kenia, por ejemplo, las áreas de conservación no gubernamentales comprenden ahora 6.36 millones de hectáreas —o sea el 11 por ciento de la superficie del país— con por lo menos 3 millones de hectáreas más propuestas o en proceso de territorialización. Examinando las consecuencias de este ascenso tan pronunciado de los proyectos de conservación en la región Maasai Mara del sur de Kenia, proponemos que —además del potencial significativo de considerables

márgenes de ganancia que pueden obtener firmas individuales— estas inversiones retengan un número de otros poderes únicos o capacidades para transformar las dominantes variedades de gobernanza ambiental. En este caso, estas capacidades se manifiestan en dos formas interrelacionadas: primero, en la diseminación de narrativas sobre la crisis ambiental que estigmatizan las comunidades pastoralistas y por tanto hacen bajar las rentas o valores de la tierra, y, segundo, en la recapitalización de territorios de conservación y reconfiguración de usos dominantes de la tierra con modalidades que habilitan formas novedosas de gentrificación rural por medio de la captura de rentas aguzadas o diferenciales del terreno. *Palabras clave: conservación, ecología política, gentrificación, propiedad, vacío de renta.*

In *Misreading the African Landscape*, Fairhead and Leach (1996) famously highlighted how successive generations of West African colonial administrators, state forestry officials, and environmental professionals repeatedly misperceived dynamics underpinning forest cover fluctuations in Guinea. In turn, these flawed interpretations supported neo-Malthusian narratives of progressive deforestation caused by population growth and the ostensibly destructive land use practices of rural African populations. As a consequence, local understandings of environmental change were often occluded and authoritarian modes of environmental management were legitimated (Sullivan 2003). In short, these authors certainly made a compelling case for how colonial officials effectively misperceived or misread the African landscape in this regard and often projected their own prejudiced stereotypes on local populations and livelihoods in the process. Yet they also showed more implicitly how these same bureaucrats and administrators nonetheless still concretely remade the African landscape in response to prevailing narratives of environmental degradation. Not least, this was evident in the expansive territorialization of exclusionary, state-owned forest reserves, which frequently marginalized the very same rural populations who had often effectively stewarded agro-forest landscapes in the region over preceding generations.

Through engaging an ecologically distinct region and historical–geographical conjuncture, this article highlights the ways in which such conjoined processes of (mis)perceiving and remaking the landscape are once again recombinant in relation to an increasingly salient phenomenon in East Africa: rural gentrification via private investments in ecotourism and for-profit conservation. Indeed, as a growing number of scholars increasingly highlight, there is perhaps no necessary reason why studies of gentrification must be limited only to urban

environments (Phillips 1993). This is particularly so as prevailing forms of urbanization on an apparently “planetary” scale denote that the strategies of territorial stigmatization that often precede gentrifying patterns of capital investment might unfold across a much broader range of contexts (Slater 2017). Yet logics of gentrification are to some extent also far from new in East African conservation. As Neumann (1996) once notably argued, British conservationists often understood themselves to be reconstructing aristocratic landscapes of sport hunting and wildlife preservation in the emerging protected areas of twentieth-century African colonies, reflecting the views and interests of the literal gentry of the period. What is perhaps relatively novel today, we suggest, is the extent to which these past cultural logics of rural gentrification are seemingly now dialectically engaged with new economic justifications for investment in for-profit conservation, promising to transform prevailing relations of land and environmental governance on an unprecedented scale in the process.

Contributing to these latter debates, this article examines the ways in which dynamics of both stigmatization and rural gentrification unfold within Kenya’s rapidly expanding conservancy frontier. Certainly, conservation-related laws and regulations have been enforced in Kenya since the earliest days of British rule in the late nineteenth century. Likewise, diverse efforts toward establishing both “community” and “private” conservation areas have been underway at least since the late colonial period (Matheka 2005). Nonetheless, the Wildlife Conservation and Management Act of 2013 was unprecedented in its extension of full legal recognition for a new category of landholding: nonstate wildlife conservancies. Indeed, three broad types of nonstate conservancies can now be formed in Kenya: private conservancies on the landholdings of individuals or firms, group conservancies on private

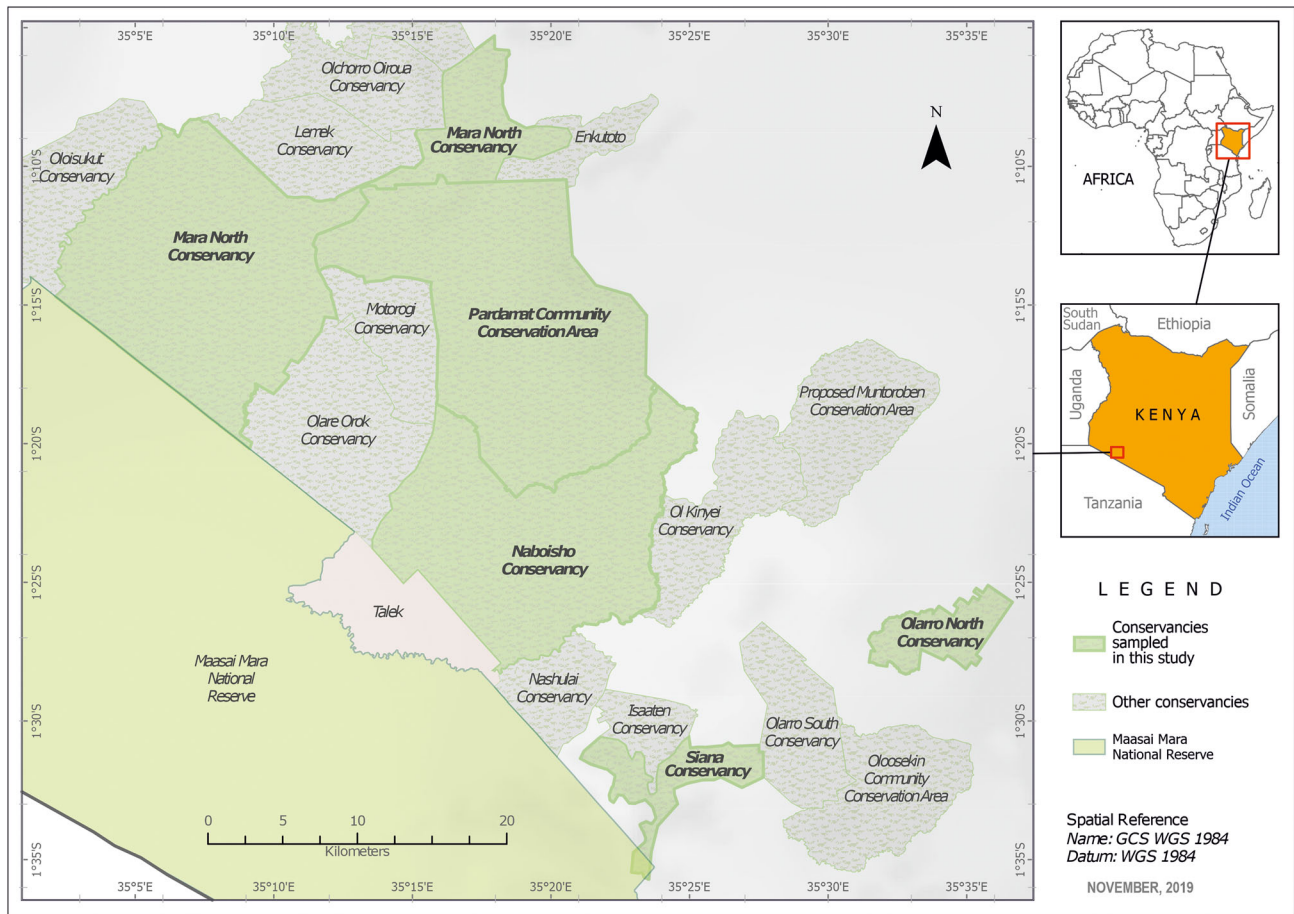


Figure 1. Map of the Maasai Mara National Reserve and surrounding nonstate conservancies. Conservancies sampled in this study are displayed in dark green. Cartographer: Michael Ogbé (Norwegian University of Science and Technology).

landholdings aggregated for conservation purposes, and community conservancies established on collectively owned lands.

The implications of these new laws for both the spatial extent and increasing institutional complexity of conservation in Kenya are difficult to overstate. At present, state-owned wildlife conservation areas—designated as national parks, reserves, sanctuaries, and so forth—cover 8 percent of the country's surface area (Kenya Wildlife Service 2018). Since the coming into force of the new Wildlife Act, however, the amount of land officially recognized as held under nonstate conservancy arrangements has grown exponentially. Indeed, these conservancies now encompass an additional 6.36 million hectares—or 11 percent of Kenya's land area—with at least a further 3 million hectares of conservancies proposed or in the process of formation (Kenya Wildlife Conservancies Association [KWCA] 2016).

In the Maasai Mara region of southern Kenya's Narok County, for example, conservancies have

proliferated to the extent that they are nearly equivalent in size to the Maasai Mara National Reserve, which was first established as a wildlife sanctuary in 1948 (see Figure 1). Currently encompassing more than 145,000 hectares, the Mara conservancies are projected to continue this expansion even further over the coming decade (Maasai Mara Wildlife Conservancies Association [MMWCA] 2018). Drawn by the promise of low operating costs and sizable profit margins from the region's increasingly exclusive, high-end ecotourism market, these nonstate conservation areas alone now host sixty ecotourism camps backed by competing Kenyan and international investors. At the time of writing, for instance, some lodges in the newly established conservancies are charging upward of US\$1,700 per night of accommodation.

Although widely marketed as a “triple win” approach to conservation for local communities, biodiversity, and a broader transition to a green economy (U.S. Agency for International Development

[USAID] 2017), the rise of similar private or non-state conservation areas has recently been critically examined by political ecologists and human geographers (Goldman 2003; Sullivan 2003; Igoe and Croucher 2007; Benjaminsen et al. 2013; Adams, Hodge, and Sandbrook 2014; Bersaglio and Cleaver 2018; Bluwstein 2018). In Kenya, much of the corresponding media and scholarly analysis has been preoccupied with alleged pastoralist “invasions” of European-managed conservancies in Laikipia County, as well as high-profile incidents such as the shooting of Kuki Gallman, a conservationist and long-standing member of Kenya’s European settler community (Fox 2018). Yet such cases have not been confined to Laikipia and other portions of the former White Highlands, which were reserved for European settlement under British rule (Okoth-Ogendo 1991). In the Maasai Mara region, similar controversies were exemplified on 12 October 2018 by an attack on the conservancy manager William Hofmeyr—who was reportedly shot through the mouth with an arrow following an altercation with local landowners (Kiplagat 2018)—as well as by recurring protests about low lease payment values and asymmetrical conservancy decision-making processes (Sayagie 2019). Not least, such incidents highlight the political ecology of Kenya’s emerging nonstate conservancy frontier, wherein novel institutional arrangements are indubitably reworking and recasting long-standing conflicts over the ownership and use of land, wildlife, and other natural resources.

In this article, we thus adopt an explicitly political-ecological perspective in exploring the consequences and effects of the rise of nonstate conservancies specifically in Kenya’s Maasai Mara region. The analysis is based on fieldwork jointly conducted by the authors in November 2018, as well as 2.5 months of earlier fieldwork by the second author over the course of 2017 and 2018 and an extensive review of conservancy lease agreements, management plans, business annual reports, and relevant institutional frameworks. Five conservancies were purposively sampled for analysis, with the intent of covering possible variations in performance and outcome and thus avoiding biases that might follow from an exclusive focus on either “best cases” or “worst cases” of conservancy performance. Indeed, two locations in particular—Olarro Conservancy and Naboisho Conservancy—were purposively selected because media and civil society coverage suggested

they were potentially representative of two extremes of conservancy outcomes in the Maasai Mara region.

On one hand, Olarro Conservancy has been subject to ongoing, well-documented conflicts between landowners and investors and seemed to constitute a possible worst case of conservancy–community relations. By contrast, Naboisho Conservancy has been widely promoted as an ostensible best case of one of the most successful conservancies in Kenya, having been declared the Overall Winner of the African Responsible Tourism Awards 2016 and recognized with the Gold Award for Wildlife Conservation from the same body on other occasions. The other three conservancies—Siana, Mara North, and Pardamat—were purposively selected because available information suggested that their performance to date has been less marked by either excessively negative or excessively positive outcomes. In relation to this sample, fieldwork consisted of in-depth interviews with fifty-three local residents and conservancy landowners and twenty key informant interviews with a diverse stakeholder population of ecotourism investors, civil society personnel, camp managers, and government officials, as well as observations and interviews rooted in the attendance of three conservancy landowners’ lease negotiation meetings.

In presenting the resulting findings, we suggest that—in addition to significant potential for considerable profit margins to be realized by individual firms—these investments retain a number of other unique powers or capacities to transform prevailing varieties of environmental governance. Indeed, as Holmes and Cavanagh (2016) observed, there are often subtly “extra-economic” dimensions of conservation’s neoliberalization to be considered, which “may be as much concerned with the inculcation of new subjectivities and forms of governance as they are with securing profits for individuals and institutions” (202). The latter might include, for instance, transformations of control over land and resources—whether via the transfer of property rights or other means of regulating access—or the substantive reform of livelihoods and production systems. Examples of the latter might include efforts to encourage the sedentarization of pastoralists or the adoption of reformed agricultural and land management practices. Hence, our corollary is that we might usefully remain attentive to contexts in which rural gentrification and for-profit conservation enterprises

might still counterintuitively enjoy support from a diverse range of actors—including, perhaps, private investors themselves—even if returns on investment at first fall well below the “market rate” (Dempsey and Suarez 2016) or fail to achieve returns equivalent to investments of the same value in more conventional sectors of the economy. As we explore later, these extraeconomic capacities manifest in this case in two interrelated forms: first, in the dissemination of environmental crisis narratives that stigmatize pastoralist communities and thus drive down land rents or values and, second, in the recapitalization of conservation territories and the reconfiguration of prevailing land uses in ways that enable novel forms of rural gentrification via the capture of heightened or differential ground rents.

In support of this argument, the article proceeds as follows. First, we discuss this new wave of private investment in Kenya’s conservancy frontier in relation to literatures on neoliberal conservation (Igoe and Brockington 2007) and rural gentrification or “greentrification” (D. P. Smith and Phillips 2001), highlighting the ways in which dynamics of rent capture and territorial control evident within these processes could both nuance and extend our understanding of East Africa’s contemporary land rush. Second, we present crucial historical background on the emergence of these conservancies in the Maasai Mara region, drawing particular attention to their institutional precursors in the form of colonial-era native reserves and postcolonial group ranches and situating these in relation to other forms of historically evolving “community-based” conservation in the region. Third, we examine donor- and investor-driven narratives of environmental crisis in southern Narok County, illuminating the ways in which such rhetoric is instrumental both in the “stigmatization” (Slater 2017) of pastoralist Maasai livelihoods and in potentially suppressing lease payment values in the former group ranches. Fourth, we present findings from a detailed analysis of lease agreements signed between local Maasai landowners and our sample of five nonstate conservancies, highlighting concerns related to lease payments, grazing rights, implementation procedures, and dispute resolution mechanisms. Finally, we conclude with a discussion of the implications of these findings for literatures in critical geography and political ecology on large-scale land acquisitions and rural gentrification in the context of global economic and environmental change.

For-Profit Conservation and the Gentrification of the African Landscape

In political ecology, critical human geography, and related fields, a vibrant literature engaging issues related to the neoliberalization of both conservation and other forms of environmental governance continues to expand and evolve (Igoe and Brockington 2007; Adams, Hodge, and Sandbrook 2014; Holmes and Cavanagh 2016). Here, the rise of attempts to link conservation with profit-generating enterprises of various kinds, as well as wider efforts to pursue the “greening” of economic growth more generally, have often been explained in relation to the identification of a socioecological fix for both the environmental and the overaccumulation crises of late capitalism (Büscher and Fletcher 2015). That is to say, political ecologists have often suggested that for-profit conservation and related means of economically internalizing the biophysical externalities of global production processes are being pursued as a means of simultaneously addressing the harmful ecological effects of industrial capitalism and identifying new investment opportunities for sustaining compounding processes of global economic growth (Cavanagh and Benjaminsen 2017).

Recently, Dempsey and Suarez (2016) intervened in this literature by framing the issue of for-profit conservation operating as a socioecological fix as an empirically open question or testable hypothesis, rather than as a theoretical explanation whose validity should ostensibly be accepted a priori. Taking stock of global investment data sets from Credit Suisse, WWF, and McKinsey & Company, these authors examine capital flows into what they term “for-profit biodiversity conservation,” noting that these investments to date are largely “small, illiquid, and geographically constrained,” and therefore usually achieve “little to no profit” in practice (Dempsey and Suarez 2016, 653). As a result, they concluded that critical theorizations of growth in for-profit conservation perhaps overestimate the current volume of actual capital flows in this domain and potentially thus overstate the likelihood for “market rate” or economically competitive returns to be realized within conservation relative to the returns that would accrue if the same amount of capital was invested in more conventional sectors of the global economy.

In short, Dempsey and Suarez’s (2016) contribution is valuable in its efforts to empirically discipline

ongoing debates about the nature of for-profit conservation. Conversely, we also note that investment patterns in a wide range of sectors often cannot be fully explained by economic incentives and opportunities for profit maximization alone. Indeed, despite its growing power over the last several decades, finance capital still operates within complex global, regional, and national matrices of power. Therein, the interests of investors intersect—but do not always align—with those of (often internally heterogeneous) states, transnational institutions, civil society organizations, and other powerful actors (Sassen 2014). Although profit seeking and profit maximization, of course, remain core motivations for ascertaining the direction of prevailing capital flows, one can frequently also note instances in which the rationale of specific investments—or even particular investment portfolios—might in practice be overdetermined by variable constellations of political, sociocultural, and perhaps even socioecological interests or logics. To take perhaps one of the most straightforward examples, one cannot fully understand the intensively global operations of Islamic finance institutions and investment patterns without considering the embeddedness of those dynamics within a deeper sociocultural or theological framework. Indeed, the latter framework is one in which the profit motive interacts with a variety of other deeply rooted values—such as the ethical–theological imperative to avoid usury or excessive financial rent seeking—that likewise guide investment decisions and practices (Pollard and Samers 2007).

Here, an enhanced degree of engagement between political ecology and geographical literatures on the political economy of both finance and gentrification more specifically is potentially useful. Although typically associated with uneven patterns of investment within capitalist forms of urban development, we follow N. Smith (1996) in conceptualizing gentrification in the first instance as enabled by the closure of a “rent gap [...] between the potential ground rent level and the actual ground rent capitalized under the present land use” (65). Differently put, a rent gap is fundamentally an opportunity for “high levels of profit to be made by those people or institutions that can revalorize these areas by investing capital in new use of these areas” (Phillips 2005, 478). As is well known to geographers, N. Smith’s classic theories of gentrification and the rent gap are drawn from urban examples and particularly from his

studies of North American cities such as Baltimore and New York. This early work is often remembered for its economic focus on the production of rent gaps and their closure via gentrifying patterns of investment (N. Smith 1979). Yet the development of N. Smith’s oeuvre over time usefully draws our attention to the relationship or interplay between investment patterns, capital accumulation, and the inherently more-than-economic forms of politics, governance, and geographical imaginaries that ultimately both enable and constrain these investments (Kallin and Slater 2014).

As scholars of rural gentrification have noted, many of the same dynamics present in gentrifying urban areas—such as the exploitation of rent gaps by developers, the displacement of low-income individuals and families via “class colonization” (Phillips 1993) by the wealthy, and the associated conversion of land and property uses—are frequently at work elsewhere as well. Processes of rural gentrification have often been justified, however, not only with logics of economic growth and capital accumulation but also with ambitions related to conservation, sustainability, and the facilitation of ecotourism initiatives. So prevalent are such motivations that D. P. Smith and Phillips (2001) proposed the term *greentrification* in reference to rural landscapes, emphasizing widespread “demand for, and perception of, ‘green’ residential space” (457) among rural gentrifiers. In a similar vein, Hines (2010) argued that recent processes of rural gentrification in the U.S. West effectively amount to a form of “permanent tourism,” given that “rural gentrifiers are enacting cultural projects that are akin to those of tourists but doing so with the intention of permanently writing them into the social and physical landscape.” Yet as Darling (2005) argued, these “green” dimensions of rural gentrification are not necessarily only a cultural or symbolic phenomenon, primarily motivating the movement of people rather than capital. Instead, as she demonstrated with reference to New York State’s Adirondack Park, Smith’s notion of the rent gap is potentially applicable in idiosyncratic form to instances of “wilderness gentrification” as well, wherein a new wave of investment in conservation and ecotourism promises considerable returns for “green” redevelopers.

In much the same way, today, narratives of environmental degradation, biodiversity loss, and intransigent local persistence with allegedly unsustainable land use practices stigmatize both rural African landscapes and those who reside in them. In turn, this

assists investors and project managers to exploit rent gaps for ostensibly more sustainable forms of capitalist (re)development. As Li (2014) observed in relation to the global investment rush for agricultural land following the 2007–2008 financial crisis, narratives of allegedly underproductive African lands and land users were said to present a “yield gap” that might be closed via the allocation of investment capital to acquire lands and resources, thereby enhancing productivity. Likewise, Geisler (2012) maintained that colonial *terra nullius* (unowned land) narratives are once again resurgent on the African continent, portraying customary lands in particular as chronically subject to tenure insecurity and low productivity, thus freeing up space for gentrification via capital investments for commercial agriculture or extractive industry. The crucial point here is that stories that stigmatize existing land use practices are integral to the mobilization of investment capital. In tandem with the emergence of a new wave of “green” capitalist development, investors are increasingly construed not only as boundedly rational market actors but also as a kind of “savior”—indeed, even as so-called “angel investors” in some instances—or potential harbingers of technical solutions to various environmental and development crises.

In relation to the case of nonstate conservancies in the Maasai Mara, we engage a set of processes in which such multiple or hybrid justifications for green gentrification are certainly observable empirically. These phenomena are hybrid in the literal sense, arising genealogically from evolutions or mutations of past efforts to extract lands, rents, and other resources from rural East African populations. Similarly, critical scholars have recently examined instances of “control grabbing” (Hall et al. 2015, 474) rather than land or resource grabbing as such, defined as a potentially coercive form of influence exerted over smallholders’ own prevailing land use practices. Yet we suggest that the formation and expansion of Kenya’s nonstate conservancy frontier provides insight into still comparatively novel processes and in ways that perhaps draw previously underexplored connections between the study of both land and resource appropriation within East Africa’s contemporary land rush. Indeed, as the case of the Maasai Mara conservancies illuminates, rent gaps can be leveraged via stigmatization and subsequent capital investment, yet in ways that nonetheless still precipitate a degree of financial

incorporation for local communities as landowning stakeholders. In turn, it is precisely this degree of incorporation—which can be more or less “adverse” (Hall et al. 2015, 475), depending on the exact terms of lease agreements—that continues to influence rural populations’ agency within Kenya’s non-state conservancy frontier, the historically evolving context of which we address next.

Dispossession via Text: The Legal Evolution of Conservancy Leases

Southern Kenya is characterized by long histories of dispossession facilitated by asymmetric negotiation processes and the recurring deployment of fraudulent or otherwise disingenuous treaties and contracts. This has been the case since at least the late nineteenth century, when various African representatives signed—or simply marked with their thumbprints—treaties drafted by employees of the Imperial British East Africa Company (IBEAC). Given that these treaties were drafted solely in English, even the IBEAC official in charge of treaty signing, Frederick D. Lugard, questioned the validity of these agreements at the time. This was so given that—as Lugard (1893) himself wrote in a retrospective account of his IBEAC activities—“the cession of all rights of rule in his country was, in my opinion, asking for more than was fair from a native chief” (329).

These patterns of disingenuous treaty signing between the British and the Maasai continued in the early twentieth century. The first of these was signed in 1904, dividing the Maasai into two sections: one inhabiting the Laikipia plateau on the northern border of the emerging White Highlands populated by European settlers and a southern section inhabiting the rangelands of the contemporary Narok and Kajiado counties near the border with German East Africa (now Tanzania; Waller 1976). In 1911, however, the administration reneged on the 1904 treaty to expand the land area available for European settlement, forcing the northern section of the Maasai in Laikipia to relocate to an enlarged southern reserve. Hughes (2006) argued that the implications of this relocation were disastrous for the Maasai, dispossessing them of highly productive lands in Laikipia and drastically increasing population densities in the lower productivity and tsetse fly-infested southern rangelands.

This dispossessory precedent notwithstanding, Matheka (2005) noted that there is also a somewhat paradoxically long history of ostensibly “community-based” wildlife conservation in these southern Kenyan rangelands. Such tendencies toward an early form of community conservation are evident in the initial structure of the expansive northern and southern game reserves. The latter alone encompassed nearly 26,000 km² of what was then the East Africa Protectorate by 1910 and did not at first distinguish between territories designated as native reserves and those designated as game reserves. Indeed, the two land use categories were initially overlapping. Here, the early, paternalistic colonial assumption—reflecting a type of social Darwinist or “ecologically noble savage” ideology (Cavanagh 2019)—was that, as “pastoralists with no tradition of hunting, neither the Maasai [in the southern game reserve] or the Samburu [in the northern game reserve] were ... a threat to wildlife in their areas” (Matheka 2005, 241).

This perception rapidly began to fade after the relocation of the Maasai from Laikipia to an expanded Southern Maasai Native Reserve after 1911, however, within which British administrators soon became increasingly preoccupied with the twin problems of human overpopulation and cattle overstocking (Tignor 1976). By the 1920s, boundaries between the Maasai native reserve and various portions of the southern game reserve began to be demarcated more firmly, not least due to growing anxieties about the potential for zoonotic diseases to spread from wildlife to uninoculated livestock populations and the presumed inability of the Maasai to protect themselves and their livestock from tsetse fly-infested areas (Lindsay 1987). From this juncture onward, the enforcement of wildlife regulations thus began to more closely resemble the types of fortress conservation that are more typical of colonial protected area management across eastern and southern Africa (Brockington 2002), once again reneging on British assurances to the Maasai that incipient conservation practices would not negatively affect their livelihoods (Homewood and Rodgers 1991). Even here, however, a certain variety of community logic persisted throughout the late colonial period, as the newly established reserves—such as Amboseli and Maasai Mara, gazetted in 1948—were officially instructed to share the economic proceeds of tourism with local communities (Matheka 2005). The nature

of this late colonial compromise resulted in Maasai Mara remaining a national reserve under the control of the local county council after independence, rather than a national park under the centralized control of the colonial and later the republican state (Collett 1987). Indeed, this is a compromise that persists into the present in the form of the contemporary Maasai Mara National Reserve, which is formally owned and managed by the local government of Narok County, rather than the central government and the Kenya Wildlife Service (MMWCA 2018).

After independence, Kenya’s former native reserves were converted to a new category of trust lands, formally owned by local district governments on behalf of resident populations of rural land users (Okoth-Ogendo 1991). For some emerging development experts, these trust lands would ideally be privatized, thereby enabling individuals and private firms to use land as collateral for accessing credit and catalyzing further investment. Such privatization initiatives had in fact already been implemented unevenly within Kenya’s native reserves prior to independence—under the auspices of the Swynnerton Plan—but were confined largely to agricultural areas in the central and western highlands (Haugerud 1989). Conversely, certain development agencies, such as the World Bank and USAID, argued that privatization schemes were not well suited to land reforms in the more arid sections of the former native reserves. In these areas, transhumant pastoralism remained the dominant mode of livelihood, necessitating mobility across expansive landscapes to harness seasonally variable grazing, foraging, and livestock watering opportunities.

By the late 1960s, an alternative model of land reform had thus emerged for application in Kenya’s arid and semiarid rangelands: the group ranch (Kimani and Pickard 1998). In short, group ranches provided an alternative to both privatization and public ownership in the form of trust lands, enabling a registered body of land users to collectively own a legally gazetted and demarcated rangeland for their common use, with decision-making processes guided by an elected body of executive board members or trustees. The study of these group ranches in Kenya has yielded a considerable literature, particularly given that their establishment quickly yielded what was to many an unexpected empirical outcome: widespread subdivision and privatization. As Galaty

(1994) noted, internal conflicts quickly emerged within the newly established group ranches, particularly as ranch trustees sought to position themselves favorably at the expense of their constituents. In turn, this sparked processes of—first, informal—subdivision, in which local political and economic elites used their relative power and influence to accumulate larger or more economically valuable landholdings and in some instances selling these to outsiders (Mwangi 2007). The result was a subsequent rush toward formal subdivision and privatization, in which group ranch members sought to protect their individual lands from dispossession by both local elites and outside speculators via the assertion of private property rights (Homewood, Coast, and Thompson 2004).

Crucially, it is this context of formally subdivided group ranches that investors and other ecotourism brokers have recently engaged to establish nonstate conservancies in the Maasai Mara region. From a conservation perspective, group ranches in the immediate vicinity of the state-owned Maasai Mara National Reserve and other protected areas in the region serve as important wildlife corridors and dispersal zones, ones that have become increasingly fragmented via the proliferation of private landholdings and the subsequent fencing of these (Boone and Hobbs 2004). In this regard, the formation of group conservancies—in which investors lease land from associations of private landholders, removing fences or preventing their erection in exchange for regular lease payments—initially struck many as a relatively sophisticated solution to the challenge of increasingly fragmented wildlife dispersal areas (Blackburn et al. 2016).

Although these conservancies are “new”—in the sense that they only obtained full legal recognition after 2013—they are unavoidably also layered on earlier forms of “community” conservation from the late colonial period onward (see also Igoe and Croucher 2007). As Western (1994) noted, the rise of community-based conservation rhetoric in Kenya after independence mirrors the emergence of “integrated conservation and development” policy in the transnational conservation sphere more broadly. This is evidenced both by the Kenya Wildlife Service’s commitment in the late 1980s to share 25 percent of gate receipts from national parks with local communities and—in the case of southern Kenya’s rangelands—to experiment with private forms of conservation and ecotourism in the former group ranches.

These early experiments were limited, however, both by the tumultuous context of ongoing group ranch subdivision from the 1980s onward and by relatively tepid engagement from both investors and a broad constituency of local landowners. Although these experiments in the former group ranches clearly prefigure the dynamics of the new nonstate conservancies, they at first generally lacked full legal recognition—and thus, crucially, legal certainty for investors. As such, early attempts at community conservation in the group ranches were occasionally perceived as a “top-down approach ‘invented’ at the KWS headquarters” (Rutten 2002, 22) with limited resonance on the ground in local communities.

In what follows, we examine the ways in which the precipitous rise of nonstate conservancies after 2013 has begun to reshape the contours of this evolving historical context of “community” conservation from the late colonial period to date. Connecting the emergence of these conservancies to processes of rural gentrification, the following section outlines how donors, consultants, and actors within Kenya’s nonstate conservancy industry have played critical roles in stigmatizing prevailing human–environment relations in the Maasai Mara region, often in ways reminiscent of the colonial environmental narratives of the past. As we will see, the ensuing production of an environmental crisis narrative in the region thus creates a highly asymmetrical context for the negotiation of conservancy lease agreements. This is particularly so as one party (the investor) is positioned as an environmental savior and another party (the landowner) is framed largely as a threat to wildlife conservation or an obstacle to sustainable development more broadly.

Stigmatizing the Commons: Narratives of Environmental Crisis and Green Gentrification

Over the course of the last century, there has been remarkable consistency within state and other exogenous characterizations of Maasai livelihoods, as well as their environmental implications. Overpopulation, overstocking, and the consequences of both for the conservation of wildlife constitute recurring themes (Homewood and Rodgers 1991). Moreover, such justifications are of increasingly pressing relevance, as the area framed as necessary for protection from Maasai

pastoralism is rapidly growing alongside the ongoing expansion of nonstate conservancies.

Here, investors, environmental professionals, and other brokers of the ecotourism industry have frequently resorted to a minimally revised version of colonial environmental narratives to justify this growth. For instance, the KWCA frames the overall predicament as follows, clearly evoking colonial tropes of pastoralists' "cattle complex" (Collett 1987) or alleged tendency to accumulate "irrationally" large numbers of livestock for reasons of cultural prestige:

Most of the wildlife rich counties are inhabited by pastoralists whose culture defines wealth in terms of livestock herds. Recurrent droughts and poor land use practice leads to overgrazing, soil erosion and ultimately land degradation. ... Pasture and water scarcity drive pastoral livestock to protected areas and conservancies. (KWCA 2016, 75)

In turn, the KWCA's account largely parallels the Kenyan Ministry of Environment's own perspective. As a recent "state of the art" report from the latter would have it, the "most likely causes of wildlife declines" in Kenya's southern rangelands are primarily attributable to

Rapid human population growth and its ramifying effects on the rangeland ecosystems. ... Habitat degradation, fragmentation and loss are attributed to land-use and cover changes associated with unregulated expansion of agriculture along rainfall gradients and settlements, land-use intensification, over-stocking and over-grazing, unsustainable range management, [and] unregulated wood harvesting for firewood. (Republic of Kenya 2017, 5)

In such characterizations, it is primarily pastoralists' own "irrational" or "suboptimal" livestock and land management practices that constitute the most salient drivers of land degradation. Not least, this recalls Kallin and Slater's (2014) observation that the "state's role in creating the very stigma it then insists on scrubbing" (1351) is a key more-than-economic feature of gentrification processes. Moreover, so apparently extensive are the deleterious consequences of these practices that such degradation is said to be occurring not only on community or privately owned rangelands but also within existing protected areas due to encroachment for illegal grazing (e.g., Veldhuis et al. 2019).

In a similar vein, one of the major investors in Naboisho Conservancy, Svein Wilhelmsen—CEO and owner of the celebrated Norwegian ecotourism company Basecamp Explorer—phrased his own appraisal rather starkly: "We have huge issues, let me only mention two for you—too many livestock leading to over-grazing and too fast population growth" (Wilhelmsen 2017). Reiterating this position in an interview with the second author, Wilhelmsen emphasized the apparent "crisis" of Maasai population growth in particular:

It is a huge urgency and what is propelling the urgency is first and foremost the fact of population growth. It is absolutely not sustainable and so we [investors] are fighting against time because of the very high population growth. (Interview 2017)

Other investors and conservation managers insist that their efforts are essential as well due to the Kenyan state's own apparent unwillingness or inability to expand public conservation activities. As the Olarro Conservancy manager William Hofmeyr put it:

Without us here, it would be a catastrophe. ... When we got here, there was very little, almost no grass on the ground. The elephants were actually getting killed because no one was really here [conserving] per se. ... Now you can see for yourself, the animals are relaxed, because they know they are in a safe place. ... There are boots on the ground and lives on the line over here to ensure that any guests coming over can sit in their vehicle and enjoy and just thoroughly relax. (Olarro Conservancy 2018)

In short, such narratives position investors and conservationists such as Wilhelmsen and Hofmeyr, as Gardner (2017) recently put it, in a long tradition of European interventions oriented toward "saving African wildlife while also saving Africans from themselves" (348). Without external capital and expertise, in other words, investors imply that Maasai communities are likely condemned to carry out the supposed environmental ruination of their own lands and resources. As we discuss in the following section, such forms of stigmatization can exacerbate the marginalization of rural populations both literally and figuratively, most recently by constraining local capacity to effectively negotiate agreements for conservancy leases and other forms of resource governance.

Contractual Political Ecologies: Institutionalizing Marginality in Conservancy Lease Agreements

Indeed, our empirical fieldwork in southern Narok suggests that negotiation processes for the formulation of conservancy lease agreements have been highly asymmetrical. In Narok County as a whole, for instance, the overall literacy rate is 67 percent, with substantially lower levels in the most rural and pastoralist-dominated areas of the county (Narok County 2018, xvii). As such, it is notable that lease agreements for most conservancies in the region were drafted in English and in the form of lengthy documents characterized by complex legal jargon. Not wholly unlike the first treaties signed between Maasai leaders and the IBEAC, then, literacy is still today not a legal requirement for entering into a contractually binding lease agreement. In contexts where landowners are illiterate, conservancy investors have secured lease agreements “signed” with either a thumbprint or another apparently distinctive mark, witnessed by a third party or notary. In some instances, landowners were reportedly allowed only one hour to consider the terms of lease agreements described to them verbally and were offered a signing bonus for immediate acceptance (interview 2018). After signing, some landowners alleged that they were not even provided with a copy of their lease agreement, apparently on the presumption that their illiteracy rendered this irrelevant. As one respondent put it, “If you have a problem, you just have to go to court and find your lease agreement there” (interview 2018).

In what follows, we outline findings from an analysis of lease agreements on three thematic areas to further illuminate why the formation of conservancies might have exacerbated tensions between landowners and investors in this context: (1) grazing and resource access rights, (2) lease payment values, and (3) dispute resolution mechanisms (Table 1).

Grazing and Resource Access Rights

In general, conservancy lease agreements extinguish landowners’ preexisting grazing and other resource access rights for the duration of the lease period (usually fifteen years). For instance, the Naboisho Conservancy (n.d.) lease agreement states that landowners agree to “not use or permit the Premises [of the conservancy] or any part thereof to be used to graze livestock save in periods of extreme drought save with the Tenant’s prior and written approval” (7). Although such restrictions are common across each of the conservancies examined, the exact wording of specific agreements can be restrictive to a greater or lesser degree. Olarro Conservancy’s (n.d.) lease agreement, for instance, prohibits not only grazing but “any activities such as (but not limited to) farming, the grazing of livestock, grassland management (mowing, re-seeding, burning, weeding, or fertilizing) and amenity woodland management ... except as may have been previously agreed with the lessee and then only on the terms and conditions as may have been agreed with the lessee” (9). Hence, although grazing could still take place within the conservancy under certain

Table 1. Conservancy socioeconomic indicators

Conservancy	Size (ha)	No. of landowners	Grazing rights	Lease values (2018, US\$ per ha)	Dispute resolution protocol
Naboisho	21,628	609	None; privileges granted at tenant’s discretion	43.70	Place, Nairobi; language, English; appeal process, none; costs, private
Olarro (North and South)	9,914	2,200	None; privileges granted at tenant’s discretion	28.17	Place, Nairobi; language, English; appeal process, none; costs, private
Mara North	26,129	696	None; privileges granted at tenant’s discretion (via land management plan)	48.55	Place, Nairobi; language, English; appeal process, none; costs, private
Pardamat	26,069	850	None; privileges granted at tenant’s discretion (via land management plan)	30.65	Place, Nairobi; language, English; appeal process, none; costs, private
Siana	4,451	1,484	None; privileges negotiated via land management plan	27.03	Place, Nairobi; language, English; appeal process, none; costs, private

Source: Maasai Mara Wildlife Conservancies Association (2019) and respective lease agreements.

circumstances, this is essentially a privilege extended at the discretion of investors and conservancy managers rather than a right held by landowners.

Moreover, lease agreements are often explicit that the revocation of grazing rights also entails the loss of residence or habitation rights for both landowners and livestock. As Olarro Conservancy's (n.d.) agreement stipulates, "All the Maasai homesteads ... and all other third party occupiers within the Conservancy are vacated and removed ... at the sole cost of the lessors. Furthermore ... no new Maasai homesteads are established within the Conservancy during the entire lease period" (9). Consequently, although donors and investors alike construe the formation of these conservancies as a form of "community-based conservation" (e.g., USAID 2017), this remains a form of conservation that requires the absolute separation of rural land users and wildlife within the same landscape. Moreover, the costs of separating humans and livestock from the landscape—such as the removal of dwellings or other structures—are incurred by the landowners themselves.

In relation to the preceding stipulations, lease agreements reviewed for the Mara North, Pardamat, and Siana conservancies are relatively lenient, explicitly allowing for grazing subject to the formulation of conservancy land management plans (LMPs) rather than purely at the discretion of conservancy managers. Yet the exact nature of these plans can also vary according to the precise terms of existing lease agreements. Here, for instance, the lease for Siana Conservancy (n.d.) is somewhat unique, stipulating that its LMP will be negotiated with landowners—specifically, that it "will be *developed by mutual agreement* between the Lessee and the Lessor soon after the signing of this Agreement to Lease" (34, emphasis added). By contrast, the agreements for Mara North and Pardamat conservancies note that a certain amount of grazing access will be permitted under their respective LMPs but do not explicitly state that these plans are open to negotiation with landowners. Pardamat Conservancy (n.d.), for instance, simply notes that a relevant plan will be developed in "consultation" with landowners and that "the initial rules and regulations to be promulgated as aforesaid will be made available to the Tenant as soon as practicable following execution of this Lease" (7). Likewise, the Mara North Conservancy (n.d.) is forthright that its management

plan "will be developed by the Tenant" rather than the landowners and that it alone will be responsible for determining the management of "the grazing of livestock, if any, within the Conservancy" (6).

In short, these lease agreements denote that control over territory and natural resources within newly formed conservancies is effectively captured by investors and conservationists, even though ownership rights remain vested in local Maasai pastoralists. In relation to resource access and land use practices, conservancy agreements provide for a disproportionate allocation of decision-making power to investors and conservation personnel, largely extinguishing landowners' grazing rights and other customary forms of natural resource management. Notably, such arrangements are somewhat unique in the field of property lease law, in which such decision-making rights and powers typically remain vested in land or asset owners, rather than in tenants who simply rent access to the properties or assets in question. Moreover, the significance of these grazing and other resource access restrictions becomes particularly salient when considered in relation to the value of lease payments, as we discuss next.

Lease Payment Values

According to lease agreements in force, 2018 payments to landowners in the five conservancies reviewed were, on average, US\$35.62 per hectare per year. There is also quite considerable variation among these, with payments ranging from US\$27.03 per hectare at Siana Conservancy to US\$48.55 per hectare per year at Mara North. Although these lease payments provide a stable source of regular income—unlike agriculture or pastoralism, which can vary seasonally and in response to various kinds of economic or ecological shocks—most of our respondents maintain that they still do not raise equivalent incomes (see also Bedelian and Ogutu 2017). In other words, landowners have effectively accepted a form of conservation-induced displacement in exchange for incomes that are reliable, yet reportedly often lower than the prevailing economic baseline or preconservancy scenario, suggesting that the lease payments do not adequately compensate for opportunity costs.

As one landowner from Naboisho Conservancy described the underlying predicament:

If I keep fifty bulls in that parcel, I think I will make more than the 6,000 [Kenya shillings, approximately US\$60] I am receiving every month. ... I calculated that it is less than 100,000 a year. (Interview 2017)

In such instances, information asymmetries and inequalities of bargaining power between landowners and investors are brought to the fore. Indeed, poverty and the need for an immediate cash infusion to cover basic household necessities can often persuade landowners to sign these agreements despite concerns about economic losses accruing over a longer term. Moreover, the internal dynamics of the former group ranches denote that once conservancies convince several landowners to sign lease agreements it becomes increasingly difficult for others to refrain from doing so. In our sample of local landowners, for instance, land ownership ranged from 10 to 400 hectares per household (interviews 2017). In the context of such inequality, smaller landowners who choose to keep their land use rights and who decline to sign lease agreements can effectively be denied productive access to their parcels by implication. Indeed, their neighbors and conservationists may legally prevent grazing and the migration of livestock to and from the parcel in question, a context that can ultimately force reluctant landowners' acquiescence to conservancy lease agreements (interview 2018). For instance, Butt (2016) also documented instances where landowners who have not leased their land to conservancies have been fined up to approximately US\$100 for "trespassing" to access water and grazing on nearby properties. Many landowners are faced with few alternatives to such trespassing if they wish to maintain access to their lands, however, given the region's semiarid landscape and the necessity of migration for accessing water or other resources to sustain pastoral productivity.

Within the framework of an established conservancy, the question of whether these lease payments are excessively low depends on their relation to the rent gap leveraged by conservancy investors and the returns that they subsequently receive. According to MMWCA staff, conservancy lodges in the Maasai Mara region are considered profitable if they exceed an occupancy rate of approximately 30 percent per year. Moreover, it is currently estimated that at least 95 percent of lodges achieve this target in any given year (interview 2018).

Prices per night of accommodation also vary widely between lodges, however. In some cases—

such as the Mahali Mzuri lodge owned by Richard Branson's Virgin Airlines in Olare-Motorogi Conservancy—rates at the time of fieldwork were in excess of US\$1,700 per night. In this regard, investors are explicit that they wish to target only the most upmarket segment of the global ecotourism industry, overtly conceding that this price point is, in fact, attractive to some clients, because it "ensures exclusivity and privacy" (interview 2018). Yet regardless of whether a given tourist lodge charges US\$500, US\$1,000, or US\$1,500 per unit of accommodation, lease payments to conservancy landowners largely remain constant rather than variable in accordance with investor returns.

At the only two lodges within Olarro Conservancy, for instance, room rates are approximately US\$1,000 per night, with premium accommodation options attracting even higher rates. Moreover, this figure excludes additional conservancy fees levied on visiting tourists of US\$100 per night, which are used to cover operational expenses. At this price point, we estimate that Olarro Conservancy would be able to cover its entire annual lease payment with approximately only twenty-five nights at full capacity from the flagship Olarro Lodge property alone. Similarly, the larger Naboisho Conservancy hosts eight ecotourism camps backed by several different investors, each of which charge fees in the approximate range of US\$500 to US\$1,500 per night. These investors share the lease payments among themselves, thereby distributing risk arising from fluctuations in tourism demand. One of these investors, the Norwegian company Basecamp Explorer, which is 40 percent owned by the Norwegian Investment Fund for Developing Countries (Norfund), reported a surplus of approximately US\$167,000 in 2017. This is despite significantly growing its operations and investing further capital in the establishment and construction of additional ecotourism camps (Basecamp Explorer 2018).

Accordingly, the profit margins potentially enabled by these agreements raise questions about how lease payment values were initially determined. As one conservation professional put it:

When the [first] conservancies were set up ... the tourism partners are the ones who decided, with a few people, that this is what your land is worth. Right now, the land value has gone up and I think the land owners know that. So, I think when the lease is run out, during the negotiations there are going to be a lot

of fights because the land owners will say, “Our land is worth this much,” and of course the tourism partners would want to pay less. (interview 2017)

Given the liberal nature of land markets in Kenya, land leases are generally determined on a “willing buyer, willing seller” basis. As such, lease payment values are largely influenced by prevailing dynamics of supply and demand without significant mediation by pricing regulations. Like all liberal market transactions, however, such agreements are nonetheless subject to the possibility of information asymmetries between negotiating parties, particularly regarding knowledge about average prices and price trends in local land markets. As the preceding respondent alludes, land prices in Narok County—as well as elsewhere in Kenya—have been rising steadily, on average up 7.37 percent overall in 2017 despite widespread election-related tensions and recurring protests in parts of the country (HassConsult 2018). Yet such detailed information about rising land values remains largely inaccessible to rural populations. As a result, information asymmetries at baseline point to the salience of dispute resolution mechanisms built into lease agreements, which are likely to be increasingly activated as landowners gain more information about their legal and financial position in relation to both land markets and external investors.

Dispute Resolution Mechanisms

If disputes arise about existing conservancy lease agreements, contracts currently in force have stipulated a preexisting arbitration protocol. Although this is generally positive, the nature of these protocols might actually compound existing inequalities, because they demand the investment of considerable volumes of time and expenditures on behalf of all parties. Both landowners and investors are privately responsible for incurring these expenses, despite the vastly unequal resources at their respective disposal.

The mundane practicalities or machinations of these arbitration processes are also of concern. For example, each of the five lease agreements in the preceding analysis stipulate that arbitration procedures must take place exclusively in Nairobi and that the proceedings must be in English. As noted in the Pardamat Conservancy (n.d.) lease agreement, for instance, “[w]here a Party does not understand the English language or is unable to fluently follow proceedings in English language, the such party shall

appoint an interpreter at their sole cost, risk and expense” (17). Such costs accrue in addition to other legal expenses that might be incurred in the arbitration process, as well as any travel and opportunity costs of attending arbitration proceedings in Nairobi. Given that more than 22 percent of Narok County’s population lives below the official “poverty headcount ratio” of US\$1.90 per day (Narok County 2018), the fact that proceedings are held in Nairobi might itself denote that participation in arbitration proceedings is beyond the means of many landowners. Indeed, this is particularly the case as several landowners have lamented the travel and other costs incurred to attend conservancy negotiation processes only within Narok County itself (interviews 2017).

Despite the costly and distant nature of these arbitration proceedings, existing agreements are also clear that the result of these dispute resolution mechanisms cannot be appealed. As the Mara North Conservancy (n.d.) agreement states, “The determination of the Arbitrator shall be final and binding upon the parties and shall not be subject to any appeal” (21). The fact that such weight is attributed to the conclusion of arbitration proceedings is significant given the highly unequal resources at the disposal of the various parties: from illiterate, relatively impoverished landowners to well-capitalized international investors and the Kenyan legal experts at their disposal. In the absence of effective legal representation for an aggrieved party, therefore, arbitration processes can potentially exacerbate or compound existing asymmetries of power and wealth, rather than ameliorate them.

Finally, an indirect means through which disputes over lease agreements can be resolved is through the incorporation of review provisions into conservancy contracts. When present, such provisions allow for the renegotiation of certain lease conditions at pre-determined intervals, should one or both parties desire this (interview 2018). Yet even when present, the usefulness of such procedures depends on the quantity and quality of information available to all concerned. As one conservation professional put it:

Now, it becomes very messy trying to fight [lease agreements]. ... There is no awareness within members so that you know that this is how much the conservancy is earning and this is how much you are supposed to earn. Because before it was the tourism partners saying this land is worth this much and this is

what we are willing to give you, take it or leave it. But now the community is getting more aware. (Interview 2017)

Given that investors are under no legal obligation to disclose information about their profit margins or other indicators of economic performance to either landowners or the MMWCA, both often lack accurate data about the significance of lease payments relative to the returns accruing to investors. If such awareness increases via the receipt of new information via informal or formal channels, the activation of contract review provisions might allow landowners to renegotiate their position relative to investors in comparatively favorable ways. If the activation of such review clauses proves impossible, however, landowners are faced with the prospect of either disputing their agreements through lengthy and expensive arbitration processes or finding more informal and clandestine ways of communicating their grievances to investors and conservation managers.

In some cases, landowners undertake precisely such clandestine measures to resist conservancy managers or to coerce reforms of existing management practices. Such measures include fencing remaining community lands adjacent to conservancies, which blocks wildlife migration routes and effectively isolates conservancies from the broader Mara ecosystem (Weldemichel and Lein 2019). As one landowner from Mara North put it, “I would rather fence ... than getting that 3,200 shillings payment every month” (interview 2017). Similarly, in Olarro Conservancy alone, five elephants have died “mysteriously” since the beginning of 2019, with conservation managers alleging that they were poisoned by disaffected conservancy landowners (Kiplagat 2019). As documented elsewhere in eastern Africa, such elephant killings appear to serve as a common means of protesting the perceived injustices of conservation in the region, rather than simply being instances of “poaching” or hunting for economic gain (Mariki, Svarstad, and Benjaminsen 2015). More overtly, large protests erupted at Naboisho and Mara North conservancies in September 2019, wherein a group of more than 400 disenchanted landowners blocked roads, prevented normal ecotourism operations, and demanded reforms as a result of grievances about low lease payment values and inequitable conservancy decision-making processes (Sayagie 2019).

Understandably, such unrest among landowners also influences discussions about whether to renew lease contracts if lease payment values do not increase. In Mara North, for instance, fourteen of the twenty landowners who formally contributed to a 2017 meeting mentioned concerns about the value of lease payments, threatening to withdraw when the current contract period ends. As one of the participants put it, lamenting the insignificance of lease payments relative to conservancy profits, “I am never going to sign my parcel in again. I am waiting for this agreement to end” (interview 2017). Hence, despite ongoing processes of marginalization, these and other similar deliberations point to the ways in which landowners continue to exercise both formal and informal varieties of agency, which might eventually force investors to renegotiate lease payment values or prevailing means of governing access to land and resources in the Maasai Mara region.

Conclusion

Engaging geographical literatures on rural gentrification and for-profit conservation, this article has examined political–ecological dynamics underpinning the rapid expansion of southern Kenya’s nonstate conservancy frontier. As Dempsey and Suarez (2016) usefully cautioned, empirical data to date on the performance of large-scale investment portfolios oriented toward “for-profit biodiversity conservation” suggest that critical theorizations of these phenomena might at times overestimate the current volume of actual capital flows in this domain and could thus risk overstating the likelihood for “market rate” returns to be realized within conservation as opposed to more conventional sectors of the global economy. Examining the rapid growth in geographical coverage of Kenya’s nonstate conservancies following the extension of full legal recognition in 2013, however, we have suggested that the speed and scale of this ongoing expansion cannot be fully explained by the profit motive and investors’ return-seeking behavior alone. Investigating the “extra-economic” (Holmes and Cavanagh 2016) dimensions of rural gentrification in the region, we have explored the ways in which for-profit conservation might still counterintuitively enjoy support from a diverse range of actors even when returns on investment at first fall below the market rate. Indeed, such support could result from the other unique powers or capacities of for-

profit conservation to transform prevailing varieties of environmental governance; for instance, by transferring control over lands and resources even in contexts where the existing mosaic or distribution of *de jure* property rights remains unaltered.

Our empirical analysis of these phenomena in southern Kenya offers to enrich our understanding of for-profit conservation and rural gentrification in three primary ways. First—as alluded to earlier—the case of nonstate conservancies in Kenya’s Maasai Mara underscores that it is not only or necessarily ownership rights that are being acquired via processes of large-scale land and resource grabbing or appropriation in the region. Under existing forms of group conservancy lease arrangements in Narok County, for instance, more than 14,000 private landowners have pooled their properties together, transferring usufruct rights to outside investors and managers under certain prescribed conditions. For some, this model denotes that the Maasai Mara region lies at the forefront of a new wave of community-owned rather than merely community-based conservation initiatives, wherein pastoralist landowners are well positioned to benefit rather than to be excluded from the establishment of nonstate conservancies (USAID 2017). As such, these processes perhaps nuance accounts of global land grabbing that emphasize the ways in which acquisitions are enabled by states’ long-standing refusal to recognize rural communities’ customary or other property rights (see, especially, Geisler 2012). Rather, legacies of group ranch subdivision and formal privatization have yielded a context in the Maasai Mara in which pastoralists retain both clear and secure rights to land. Yet this fact appears to have facilitated rather than inhibited the displacement of existing land use practices for conservation. Moreover, these transfers have occurred collectively, in some instances entailing nearly the entirety of former group ranches, rather than a piecemeal or gradual “dispossession via the market” that has been identified in other empirical settings (Fairhead, Leach, and Scoones 2012).

Second, our article contributes to a heightened understanding of why a growing number of private investors are increasingly prepared to enter into such lease agreements for the formation of private or otherwise nonstate conservancies. Engaging literatures on rural gentrification or “greentrification” (D. P. Smith and Phillips 2001), we have sought to illuminate the ways in which the ongoing land rush in

Kenya’s nonstate conservancy frontier is often structured around the exploitation or leveraging of differential rent gaps between actually capitalized and potential ground rents. As a number of critical geographers have recently noted, the leveraging of rent gaps typically entails two interrelated processes: initially, the “territorial stigmatization” of particular locales, communities, and associated land uses in ways that drive down land rents or values and, second, the facilitation of investments that recapitalize particular territories and reconfigure prevailing land uses in ways that allow the capture of heightened or differential ground rents (Slater 2017). In the Maasai Mara region, such rent gaps appear to be increasingly produced and harnessed by investors through an environmental crisis narrative that stigmatizes Maasai pastoralists and portrays investors as “saviors” or harbingers of crucial environmental interventions. Moreover, both government and donor support for these arrangements helps investors to realize this rent gap in practice, precipitating the conservancies’ rapid expansion despite the possibility that more competitive returns on investment might be attainable in more conventional sectors of the economy.

Finally, however, our analysis of existing conservancy agreements in the Mara region also yields a detailed understanding of the ways in which the negotiation processes and precise terms of these agreements remain critically important in transforming material forms of control over land and resources. Indeed, these more-than-economic powers or capacities are perhaps just as important as investor returns in explaining the rapid expansion of nonstate conservancies in Kenya. Existing lease agreements vary considerably, both in the values of lease payments transferred to landowners, and in the minutiae of provisions governing grazing and resource access rights, dispute resolution mechanisms, and other conservancy regulations. As the case of Maasai Mara’s nonstate conservancies demonstrates, the mere fact that ostensibly “green” investors have not acquired such ownership rights does not necessarily denote that outcomes for rural land users will be substantially less maligned than those entailed by more clearly deleterious instances of land grabbing or accumulation by dispossession. As our analysis of these lease agreements makes clear, the devil remains firmly in the details, because the potential beneficence of these contracts for local populations depends almost entirely on the (in)equitable nature of the processes through which

they are negotiated and implemented. Recent developments in the Maasai Mara suggest that landowners are certainly capable of exercising their agency in ways that disrupt ecotourism operations if they perceive their grievances as remaining unaddressed, indicating that the ongoing expansion of conservancies retains the potential to exacerbate rather than to ameliorate these conflict dynamics (Weldemichel et al. 2019). As such, the contestation and reformulation of such agreements and the institutional matrices in which they are enacted will doubtlessly feature in political ecologies to come of the rapidly expanding nonstate conservancy frontier, whether in Kenya, eastern Africa, or far beyond.

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