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International Environmental Regimes: Environmental Protection as a Means of State Making?*

Abstract: The de-colonization process of the second half of the twentieth century has created states with ‘split sovereignty’. Their juridical and empirical sovereignties do not match. International environmental regimes constitute a means of strengthening a state’s juridical sovereignty, and, in certain cases, they may even become a means of state making, contributing to a state’s empirical sovereignty. This argument is developed and illustrated by analyzing Kenya’s involvement in international environmental regimes related to game protection.

Keywords: environmental regimes; juridical sovereignty; empirical sovereignty; game protection; Kenya

Introduction

The process of state making, historically, has encompassed the control, extraction and accumulation of resources within the territory under the state’s jurisdiction (Tilly, 1990). Consequently, the worldwide enclosure of land into states (and/or empires) implied the conquest of territory, the decimation or enslavement of peoples, and the usurpation and over-exploitation of natural resources. This process did not follow any specific norm, except for the institutionalization of the state as *the* legitimate organizational structure recognized by European powers.

The de-colonization process of the second half of the twentieth century created overnight dozens of new independent states, but under totally different circumstances. The means of war making, state making, internal protection and extraction had evolved and so had the international system into which these new states arrived. The recognition

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of these new states' sovereignty was not automatic, and they came to find that sovereignty was not a static attribute. Sovereignty recognition has actually become a process sustained by the normative evolution of the international system. Besides possessing the traditional attributes of statehood (territory, population, monopoly of the means of violence, and a bureaucracy), a member of the international system has currently to comply with a panoply of principles and norms in order to be considered a full member by its peers.¹

African states, which constitute the majority of states that gained independence after World War II, had their sovereignty restored as a consequence of the current norms of international relations and law, which were founded upon the principles of political autonomy and juridical equality among national entities (Grovoqui, 1996: 179). African states, however, were characterized by a pervasive lack of empirical sovereignty. They were 'empowered domestically' (Jackson, as cited in Grovoqui, 1996: 179).

This paper argues that states suffering from this divide between juridical and empirical sovereignty decide to participate in international regimes, in general, for two main reasons: first, as a means of conveying their willingness to fully participate in the international system and assimilate the international norms in force, therefore contributing to the recognition of their juridical sovereignty; and second, as a means of obtaining resources crucial for their development and state making process. On the other hand, states with this split sovereignty also participate in international environmental regimes, in particular, as a means of improving their control over territory, population and resources. Consequently, international environmental regimes have become a means of state making. Moreover, the application of this new 'legitimate' means of state making has actually led to the perversion of the international environmental regimes themselves, contributing, in fact, not only to a deterioration of the environmental conditions supposed to be improved or protected, but also to the displacement and marginalization of specific ethnic groups. The argument will be developed mainly through an analysis of Kenya's involvement in international environmental regimes related to game protection and the domestic repercussions of this involvement. The main

¹ Full membership implies rights and obligations recognized by the other members of the international system, such as the right to receive financial or even military aid in the case of a crisis or an attack, or the obligation to contribute to the stability of the financial, trade and power systems, according to the existing norms and principles.

purpose of this paper is to provide a basis for reflection on the ethics involving the implementation and imposition of international environmental regimes in states lacking empirical sovereignty. Other cases, such as Tanzania, Zimbabwe or Zambia, would provide the same evidence.

Appearances Can Be Deceiving

Kenya obtained its independence from British colonial rule in 1963. In that same year, it applied and was admitted as a full member to the United Nations Organization. Kenya had all the advantages and disadvantages of a latecomer state to the international system — *criteria* existed as to what a state should look and act like; international support was provided to help new states comply with those *criteria*; the basic ‘rules of the game’ had already been established (trade, finance, diplomacy, sciences); and certain means of state making were no longer admissible.

The international system’s organization and order is rooted on the concept of statehood. The contemporary international order encompasses “a highly diverse array of entities claiming to be states, and recognized as such” (McNeely, 1995: 37). The newly independent states, such as Kenya (1963), were latecomers to the international system. And, by that time, statehood had become a product of external “recognition only and exclusively” (Oppenheim cited by Strang, 1991: 150-151). Although the international system recognized the right to self-determination, as enshrined in the Charter of the United Nations, the recognition of statehood was/is not automatic. Membership of the international system is usually obtained through the application to the main international organizations, essentially, to the United Nations Organization and its affiliated bodies. The candidate “must demonstrate appropriately formulated assertions about sovereignty and control over population and territory, along with appropriate aims and purpose” (Meyer *et al*, 1997: 158)².

Kenya became a constitutional republic and, as a ‘pro-western’ country in the midst of the Cold War, political stability³ and economic growth made Kenya a favorite

² “To be admitted to membership in the United Nations, an applicant must (1) be a *state*; (2) be peace-loving; (3) accept the obligations of the Charter; (4) be able to carry out these obligations; and (5) be willing to do so.” (McNeely, 1995: 43)

³ Political stability was assured through a *de facto* one-party system from 1969 until 1982, when the ruling Kenya African National Union made itself the sole legal party in Kenya.

recipient of foreign aid. This environment led Kenya to join, between 1963 and 1965, some of the most important international agreements in force.⁴ These different organizations, treaties and agreements, not only assured Kenya of its recognition as a state by its peers, but they also facilitated the transfer of financial, scientific and technical resources in order to pursue developmental policies (according to the conditions prescribed). Kenya's juridical sovereignty has never been questioned. The Kenyan government understood quickly that if it disregarded the existing internationally agreed financial and economic rules, or humanitarian principles, or environmental norms, it would be strongly encouraged to change its conduct. The ban on all game hunting in 1977 is an excellent example of that understanding. Kenya's President was pressured to act by the World Bank, which used its leverage in association to a tourism development program it was implementing in the country (Gibson, 1999: 74). States which refuse to interact according to the normative framework in force⁵ have not seen their sovereign statehood removed, but have experienced difficulties in acceding to certain resources or organizations, or, in extreme cases, have been labeled as pariah states.⁶

As mentioned above in the example of the Kenyan ban on all game hunting, it should be noted that the expansion of this normative framework has not been imposed by states and inter-governmental organizations alone. Several other international forces — non-governmental organizations, multinational corporations, development banks, social movements, epistemic communities and individuals — have become crucial elements in the construction and diffusion of this normative cloak. For instances, most of the national parks and game reserves in the former British colonies have their roots in reports and

⁴ Some of those agreements included the United Nations Organization, the International Monetary Fund, the General Agreement on Tariffs and Trade, the World Health Organization, the International Labor Organization, the International Bank for Reconstruction and Development, the African Development Bank, the Food and Agriculture Organization, the International Development Association, the United Nations Educational, Scientific and Cultural Organization, and the International Atomic Energy Agency.

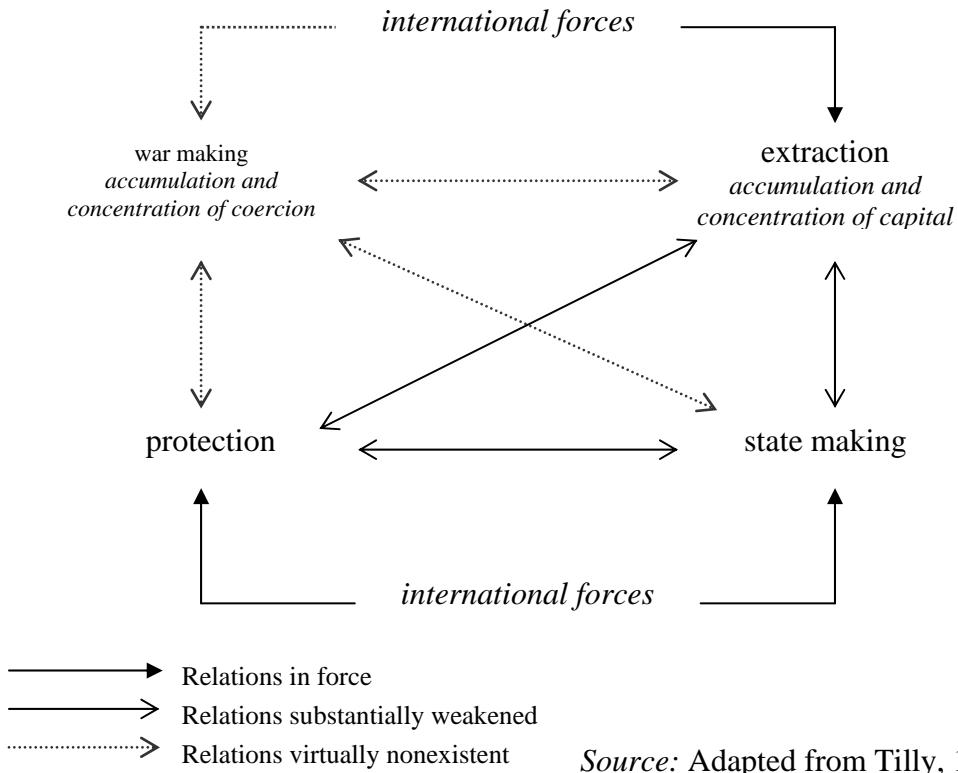
⁵ This evolution of the attributes which define an acceptable conduct of state's actions has also been shaped by the international system's nature at different moments in time. During the Cold War, certain *criteria* were prioritized in order to 'save the world from communism'. Therefore, environmental and social consequences were, almost always, disregarded. The end of the Cold War determined the end of the ideological bi-polarization of the world, allowing other concerns to surface and become priorities – economic and political conditions began to be assessed in conjunction with other *criteria*, such as environmental and humanitarian issues. This normative framework has been, and is, intrinsically a Western developed states' framework. This dominance has become unquestionable with the Soviet Union's disintegration, since currently almost all international tied aid is provided by Western states and Western centered inter-governmental organizations.

⁶ Pariah states, although still states, are sanctioned by the international community (composed of states and other actors), preventing them from exercising their rights in the international system.

lobbying done by the Society for the Preservation of the Fauna of the Empire, which was created at the turn of the twentieth century “to bring together colonial officials, hunters, naturalists, and the gentry to pressure the British government” (Princen, 1995: 233). These states’ empirical sovereignty, including Kenya’s, has been a side detail overlooked by international actors. The main issue concerning international regimes is that the regimes themselves (and their promoters) “assume that each nation-state, including those which have only recently emerged from colonialism, has the capacity, the internal legitimacy, and the will to manage all resources falling within its territorial boundaries” (Peluso, 1993: 46). In other words, they (regimes and their promoters) assume the newly independent states have empirical sovereignty.

Reality, however, has no consideration for assumptions. One of the main differences between the European state making process and the twentieth century state making dynamic resides in the fact that, with extremely few exceptions, these new states did not have to fight wars to define their borders. In fact, these new states were born inside borders, and conquest of territory was no longer an internationally accepted means of state making. The newly independent states inherited their borders and were strongly encouraged to keep them unchanged. This crucial difference determined that, domestically, the capacity and authority necessary for the state to control its territory (borders included), population and resources, although formally recognized (and assumed), were substantially diminished. The fact is that these newly independent states have no incentive to accumulate and concentrate means of coercion at the same scale as in the past (since international war making is not accepted as a means of state making). In addition, the second main difference between the postcolonial state creation and the European one is that the former states also lack the means to accumulate and concentrate capital, a crucial component of the European state formation process, in order to create effective administrative structures, to finance internal protection, and to create an *élan* between the people and the actual state.

If one analyzes Tilly’s state formation scheme, one easily realizes that some links have either been destroyed or substantially weakened.



On the one hand, international forces promote and encourage extraction, state making and the facilitation of internal protection, while sanctioning war making as a means of state making. The extraction and exploitation of natural resources is highly encouraged, and aid and loans, in general, substantially support the accumulation and concentration of capital. However, the small size of these countries' skilled labor force, the lack of know-how and technology, and the fact that the international system already exists and is characterized by a high level of integration, undermine the potential pace and scale of capital accumulation and concentration. The colonial administrative heritage had been thought to provide these new states with the means to create a state. But the fact that these bureaucratic structures were created detached from society implied "the absence of a strong popular identity with the state" (Herbst, 1990: 127). Moreover, the lack of financial resources further debilitates the state making process. In fact, this same lack of financial resources, aggravated by the weakened structures, also contributes to the low level of domestic security in most of these countries. Once again, international forces not only put pressure on these states to create and maintain governmental structures similar to the ones developed countries have, but also, in

extreme cases, physically participated in the assurance of their domestic protection (e.g. UN trusteeships, peace keeping and peace building forces).

On the other hand, the disappearance of war making activities is very important, since in war times, extraction not only demands an effective administrative structure, but is also more tolerated by people. Internal security is strengthened by the threat of war, and a larger share of the resources extracted is allocated for this activity. Also, the relation between state and society is closer and grows stronger as a result of a direct participation of the people in war (through both extraction and conscription). Hence, the lack of that major element — war making — totally alters the dynamic of state formation applied to developing countries, especially de-colonized African countries. In other words, these new states are not finished ‘products’ — externally, war making is no longer necessary nor accepted; but internally, state making, protection and extraction are still crucial activities to create the internal conditions to sustain the ‘container-state’ they have been provided with. Hence, vast parts of the world find themselves still in need of finishing the state making process initiated with the ‘gift’ of independence.

Kenya, like many other African new states, inherited its borders, a bureaucratic structure, and its population. It is independent to pursue its external relations and it has the legitimacy to have the monopoly of the means of violence. Hence, as stated before, Kenya’s engagement in the international system assumed and assumes that the state is able to exercise its power internally. But a careful analysis of the domestic impact of international environmental conservationist agreements, conventions, and treaties that Kenya has signed, provides evidence of the difficulties Kenya has faced in actually implementing them.⁷ The discrepancy between Kenya’s juridical and empirical sovereignty has not only undermined the objectives for which these instruments were established, but has also supported unexpected dynamics, which are at odds with both the international normative framework of action and the specific environmental goals being promoted.

At the time of its independence, Kenya already had a long history of implementation of conservationist policies. As early as 1904, the British colonial power had created two game reserves, as a response to conservationist concerns from different European authorities. Although increasing numbers of white settlers and displaced

⁷ For an account of the evolution of conservationist policies in Kenya see Gibson, 1999; Princen, 1995; Peluso, 1993; Bonner, 1993; Talbot and Olindo, 1990.

Africans constituted an obstacle to these policies, four national parks, where hunting was outlawed, were created immediately after World War II. By the end of the 1950s, Kenya had a valuable tourism industry as a result of both domestic pro-conservationist groups and international alliances with the new international wildlife organizations (Gibson, 1999: 41). The vast majority of Kenyans, however, “resisted and resented game laws, especially because colonial-style policies meant [Kenyans’] exclusion from land or constraints on its use” (Gibson, 1999: 42).

Nevertheless, after independence, colonialist conservationist philosophies and practices were not abandoned. Kenya’s wildlife tourism industry was an important source of financial resources to both private and public agents. Therefore, “Kenyatta^[8] and his party were not searching for ways to give up the centralized powers over such sectors as wildlife that they had so recently received from the British” (Gibson, 1999: 43). During this period, besides any initial genuine conservationist concerns during British rule, these policies were maintained for other reasons — on the one hand, wildlife tourism provided foreign exchange, and, on the other hand, the centralized bureaucracy that managed the game reserves and national parks seemed like an effective means of controlling territory.

Kenyatta faced the same challenges and reality most African rulers did after independence. First, de-colonization was understood not only as a means to recover the control over their own political destiny, but also as a way to acquire and enjoy a Western standard of living (Jackson and Rosberg, 1994: 301). Second, the individuals in power were intimately connected to their society by ties of kinship, clan and ethnic affiliation, which put pressure on the system for expectations and demands to be met (Jackson and Rosberg, 1994: 302). Both Kenyatta, and later Moi (after 1978), elevated the role of the president as unifier and symbol of stability. This situation determined an expansion of the state. Kenyatta patrimonialized the administrative structure, creating a ‘shadow state’,⁹ where a system of personal rule was constructed behind the *façade* of formal statehood (Clapham, 1996: 250). In such a political and social environment, the governing system depended vitally on resources for distribution between patrons and supporters.

⁸ Kenyatta was the first President of independent Kenya.

⁹ For a discussion on ‘shadow state’ see Reno, 1995, 1998.

As for the conservationist bureaucracy and policies, “colonialist conservationists [were] replaced by white expatriate conservationists and their international conservation organizations” (Bonner, 1993: 180), which emphasized animals over people. Although Kenya signed the ‘African Convention on the Conservation of Nature and Natural Resources’ (1968) and participated in the negotiations and resulting ‘Convention on International Trade in Endangered Species of Wild Fauna and Flora’ (1973), its main incentive to promote these norms relied on the wildlife tourism industry — the number of tourists increased from 100,000 in 1955 to 360,000 in 1980; and the foreign exchange increased from \$20 million in 1980 to \$350 million in 1988 (Gibson, 1999: 42, 74). Nevertheless, during the 1970s the numbers of certain protected species diminished abruptly — between 1973 and 1977, Kenya’s elephant population fell from 167,000 to 59,000; whereas, during this decade, the rhino population crashed from 20,000 to fewer than 1,000 (Bonner, 1993: 51, 135).

This paper is not arguing that the foreign exchange provided by the wildlife tourism industry replaced the role war making had in the European state formation process. However, the financial and human resources provided by conservationist international environmental regimes, along with the international legitimization given to Kenya’s actions within the implementation of those regimes, have given the state an alternative source of state making founded on the control over territory and over population. Moreover, “there is little reason to believe that war would have exactly the same domestic effects in Africa today as it did in Europe several centuries ago” (Herbst, 1990: 118) and this paper does not intend to identify war making as the vital factor in state making. The important question is not, as Herbst asks, ‘if’ “developing countries can accomplish in times of peace what war enabled European countries to do” (1990: 118), but ‘how’ can developing countries consolidate their domestic power and authority without resorting to war making.

Environmental Protection or State Making?

This paper argues that some international environmental regimes have been transfigured as a new means of state making, providing alternative resources and, in the process, determining contradictory results to those initially defined.

Several factors have contributed to this dissociation between purpose and results in Kenya. First, the people most affected with the implementation of conservationist policies were the Maasai, who even under British rule were regularly settled and resettled in order to create game reserves and national parks. The British initially believed in the coexistence of the Maasai livelihood and the protection of wildlife, but soon conservationist pressures rose in order to insulate the parks from any human contact. The Maasai practice transhumance and the creation of the parks and reserves not only disrupted their ways of living, but also pushed them into dryer lands. “In much of the Maasailand area, a history of conflict developed between the interests of the Maasai and the wildlife authorities over access to water and grazing” (Talbot and Olindo, 1990: 68).¹⁰ As during the colonial era, the Maasai expressed their discontent through poaching¹¹ (Gibson, 1999: 48). However, some consider Maasai’s hunting as a mere “return to traditional practices necessitated by the failure of the central government to meet their needs” (Princen, 1995: 237). Second, the central government’s failure to meet Kenyans’ needs, in general, and the Maasai’s needs, in particular, was aggravated by the economic downturn in Kenya in the 1970s and 1980s, which increased the demand for foreign exchange. “Given the lack of alternative resources and the increase in the value of certain wildlife products such as ivory and rhino horn, many Kenyan politicians turned to wildlife” (Gibson, 1999: 73).¹² By some accounts, over a third of the rhino population that was killed during the 1970s was done by members of the game department (Bonner, 1993: 134).

This situation, however, could not be sustained forever due to the international environmental normative framework. International conservationist forces started increasing the pressure for Kenya to change its policy implementation. Still under Kenyatta, as stated before, the World Bank used its leverage, in association with a tourism development program it was implementing, and pushed the President to proclaim a ban on all hunting in 1977. However, this decision, although dramatic, was more ‘cosmetic’ than effective, since

¹⁰ The Maasai were also resettled in Tanzania with the creation of the Serengeti National Park. For a detailed account of this process see Bonner, 1993: 163-203.

¹¹ “Richard Bell, a biologist born and raised in Africa, distinguishes poaching from hunting: ‘I don’t like the word ‘poacher’ when applied to someone from the local community; it has connotations of some faceless force of evil. In fact, the local poacher is usually a well-known, highly skilled man, admired for the way he beats what is seen as a repressive system... Professional poaching by outsiders is altogether different...’” (Princen, 1995: 237)

most wildlife resources were already obtained through *illegal* hunting. The issue was more about enforcement of the law, than about the laws themselves.

The main factor that disrupted this equilibrium was triggered through the international media. In September 1988, international newspapers published reports on Kenya's poaching problems, threatening Kenya's wildlife tourism. And although poaching had become an important source of resources, the country could not afford to see its tourism revenues decrease substantially. Hence, under President Moi, a parastatal structure was created, the Kenya Wildlife Service, and an expatriate was nominated to manage it, Richard Leakey (1989). "Leakey had no experience in wildlife management but possessed strong links to the international community" (Gibson, 1999: 74). Moi's action received tremendous media coverage and Leakey soon was able to obtain substantial resources in aid for wildlife management. Conservationists rejoiced and explained that this decision would not only be beneficial to wildlife, but also to the actual government, since "[t]here [was] a connection between good governance and good conservation" (Bonner, 1993: 137).

But among Kenyan politicians and bureaucrats, the perception was that poaching revenues were just being replaced by international aid. However, Leakey used Moi's political support¹³ to create a highly insulated public agency, curtailing these officials' expectations. Leakey combated poaching in two fronts: On the one side, he fought against corruption by firing civil servants, insulating the wildlife structure from the existing patrimonial system, and paying better salaries to his workers. On the other side, he fought against poaching by enforcing the law and also diminishing the incentives for his workers to participate in poaching (Gibson, 1999; Princen, 1995).

Soon, Leakey (and Moi) had to face fierce opposition from different sides. Politicians and bureaucrats resented not being included in the 'deal'. Leakey was rather vulnerable, since he never bothered to establish alliances with politicians other than Moi. Some of Moi's allies actually threatened to withdraw their support, if things were not 'set straight' (Gibson, 1999). And this statement did not have to do only with the international aid being allocated to conservation, but also with the fact that Leakey had

¹² Kenyatta was known to have asked for an export permit for fifteen tons of ivory for his daughter; and his fourth wife was one of the main ivory traders in the country (Gibson, 1999: 73).

¹³ Leakey had no ties to clan or ethnic groups, and was only directly accountable to the President.

created a paramilitary task force to patrol the parks and reserves, which was not subordinated to Kenya's police force structure. Moreover, millions of dollars were spent in guns and ammunition and vehicles and even helicopters (Bonner, 1993: 27), further increasing the resentment toward the insulation of the Kenya Wildlife Service.

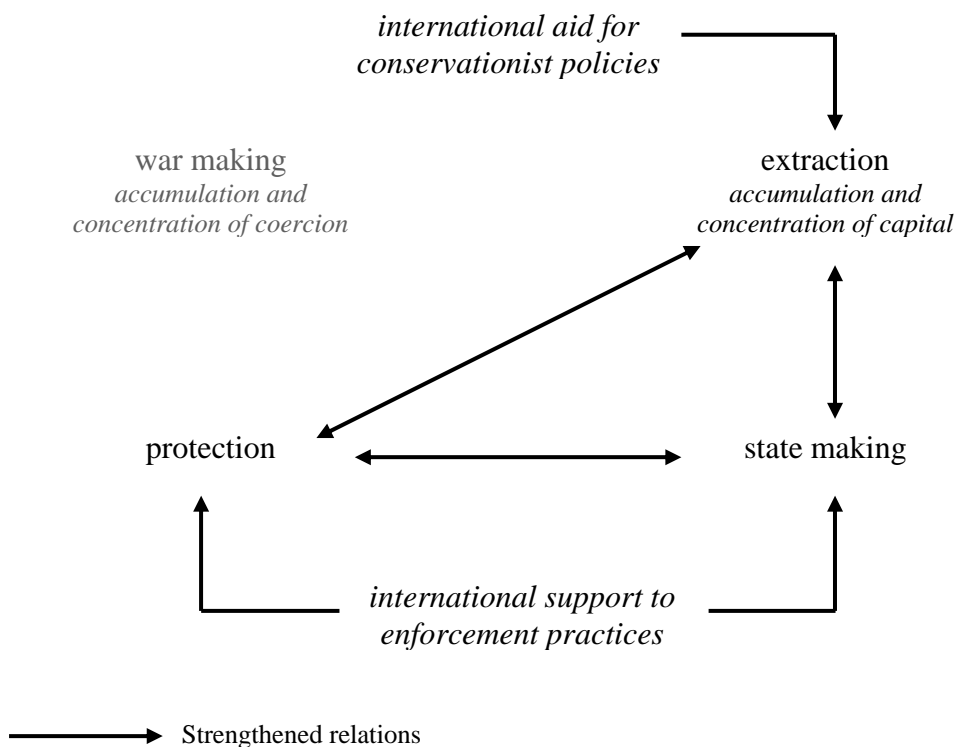
As for the results: First, the objectives do not seem to have been achieved. Second, even if they had been, one still needs to decide if the ends justify the means. In order to keep the funds coming in and the international community satisfied, Leakey had to provide evidence that the Kenya Wildlife Service was really committed to enforcing the law. The best way to achieve this goal was to link paramilitary forces to the implementation of Kenya's conservationist policies.¹⁴ This linkage led, unsurprisingly, to the application of paramilitary tactics in pursuing the conservation and protection of Kenya's wildlife. Destroying villages was only one of those tactics (Bonner, 1993). After the international press criticized Kenya's record on wildlife protection and conservation, President Moi ordered the poachers to be shot on sight (Princen, 1995). Before the end of 1988, 11 suspected poachers were dead. When Leakey took office in 1989, "he [actually] boasted to reporters: 'Soon the press will not be asking permission to film dead elephants but only to film dead poachers.' Thirty suspected poachers were killed in the next four months" (Bonner, 1993: 17). During Leakey's first year in office, suspected poachers kept being killed at an average of one every four days. The Washington, D.C. based African Wildlife Foundation applauded the shoot-to-kill approach (Bonner, 1993).

One of Moi's closest allies, the local government minister Ntimama "claimed that Leakey used his scouts as a private army, ignored the plight of the Maasai families (...), failed to give local councils their share of game park revenues, and discriminated against black Africans" (Gibson, 1999: 109-110). In the face of internal widespread contestation, Leakey resigned and Moi restructured the Kenya Wildlife Service, placing it under the existing bureaucratic structure, and putting an end to its insulation. However, the Kenya Wildlife Service continued pursuing the same conservationist policies and practices. Ntimama's statements, such as the accusation that Leakey had disregarded their human rights and upheld the rights of animals in order to kill Kenyans off, were soon forgotten by the government, in general, and Moi's closest allies, in particular (Gibson, 1999).

¹⁴ For a discussion against linking environmental issues and military means see Deudney, 1990.

In May 2001, the Kenya Wildlife Service constructed an electric fence around Aberdare Mountain Range (Nairobi KBC Television, 2001) to keep poachers (and mainly local people) away. Clashes involving the Maasai people are regularly reported for reasons ranging from access to interdicted areas, to tourist attacks, or reactions to new resettling programs (Nairobi KTN Television, 2001; Nairobi Kenya Broadcasting Corporation Radio, 2001). Wildlife conservationist policies have not only deprived the Maasai people of their land for access to water and grazing, pressured them to quit transhumance and become sedentary; but they have also transformed them into poachers and criminals (for invading the parks and reserves with their cattle). Kenyan conservationist policies seem to be at odds with humanitarian issues, since these people have been and continue to be forced out of their lands, dispossessed of their livelihoods, and treated as criminals for activities they had practiced for, at least, centuries.

On the other hand, wildlife conservationist policies have provided the Kenyan state with a means of consolidating its domestic power and authority, increasing its resources for patronage purposes, for protection, and even for state making. Tilly's state formation scheme illustrates how these policies can be related to state making.



Source: Adapted from Tilly, 1985: 183.

Accumulation and concentration of capital is a direct consequence of international financial transfers associated with conservationist policies (and arguably with the revenues from illegal hunting). As has been explained, these funds are crucial to sustain the patronage system, which provides the government some stability. The fact that the national parks and game reserves need to be protected contributes to the increase of protection forces and resources, at least to some parts of the population (the 'losers' consider this issue an obvious increase in their security threats). Finally, the whole dynamic allows certain parts of the population to actually engage with state activities, and, on the other hand, also allows the state to decentralize some of its authority throughout the country.

As for the actual conservationist aims and goals, the results are, at least, questionable. "Reductions in poaching appear attributable to increases in enforcement activities, rather than an acceptance by local communities of the goal of conserving wildlife" (Gibson, 1999: 143). This situation predicts that whenever the Maasai consider conservation as being too costly (due to drought or a decrease in state benefits) or suspect the government of being predatory, they simply go back to killing wildlife. Moreover, there seems to be evidence that 'effective' conservation is actually taking place *outside* Kenya's national parks and game reserves. "One of the largest populations of elephants in Kenya is not found in a park or a reserve but in Laikipia, an agricultural region north of Nairobi" (Bonner, 1993: 213). The enclosure of these wild species has been counterproductive, causing their numbers to continue dwindling due to lack of space. In fact, two of Kenya's most popular parks, the Mara and Amboseli, are "ecologically viable only because [the people living on the borders, the Maasai] tolerate the wildlife on their land" (Leaky *in* Bonner, 1993: 223). Contrary to the general perception, 80 percent of Kenya's wildlife lives *outside* parks.

Conclusion: Ethical Concerns

The conservationist apparatus in Kenya does not seem to be a machine for protecting and conserving wild fauna and flora that is incidentally involved with the state bureaucracy. It actually seems to be a machine for reinforcing and expanding the

exercise of bureaucratic state power, which incidentally uses ‘conservation’ as one of its main pillars.¹⁵

Having gained its independence after World War II, Kenya had to find other ways to maintain a certain level of domestic stability and engage in a development process expected by the world and Kenyan people. However, due to several dynamics unfolding within the domestic political and social structures — state structure inherited from British colonial power; pervasive patronage system; vital demand for foreign exchange; multi-ethnic population — Kenya’s international commitments, specifically the ones relating to conservationist policies, have been, intentionally or not, ‘twisted’ to provide unexpected results totally unrelated to wildlife protection and/or conservation.

The consequences of this dynamic are three-fold. First, developing countries have been induced to implement international conservationist norms by developed countries, non-governmental organizations and international financing organizations alike, without consideration of their internal political and social conditions. For some, like Bonner, Africans have been “ignored, overwhelmed, manipulated and outmaneuvered – by a conservationist crusade led, orchestrated and dominated by white Westerners” (1993: 35).¹⁶ Consequently, the results hardly ever match the initial purposes of the programs and projects.

Second, conservationist policies’ side effects seem to run against both environmental and humanitarian international norms. On the one hand, the environmental results obtained, through the conservationist policies discussed above, seem to fall short of the objectives established internationally, “[disrupting] the very ecosystem[s] they were supposed to be protecting” (Princen, 1995: 237). On the other hand, the Maasai people, both in Kenya and Tanzania, have been stripped from their basic rights to property and survival in the name of the preservation and conservation of a ‘greater environmental good’.

Finally, this perversion of international environmental regimes highlights the need for nontraditional alternatives for aid to these states (Herbst, 1990). It is morally

¹⁵ Paraphrasing Ferguson, 1990: 255.

¹⁶ Bonner argues that, in the nineteenth century, explorers and missionaries had gone to Africa to promote the three Cs — Christianity, commerce and civilization, and that nowadays a fourth has been added: conservation (1993).

unacceptable to pursue the environmental pressure that has been exercised without addressing these states' internal conditions. "[A] certain number of countries are locked in non-viable positions" (Herbst, 1990: 138). The insistence on assuming their empirical sovereignty or on "resuscitating" these states seems to be a mistake (Herbst, 1996). On the other hand it is also "morally unacceptable (...) to allow these countries to gradually slide from the world's view into a twilight of perpetual poverty because nature and history have been unkind to them" (Herbst, 1990: 138).

Several environmental areas, besides wildlife protection, are good candidates to support the argument put forth in this paper. The protection of forests, bio-diversity, endangered species, 'natural wonders' are all associated with territory and population – two essential attributes of statehood. Any means to better control both of those elements provides an alternative, or complementary, means of state making. Territory does not need to be conquered, just appropriated in the name of environmental protection. Oppositional and marginalized ethnic groups do not have to be decimated or enslaved or resettled illegitimately, but they can be shot, arrested and resettled for the protection of national parks and reserves. And, moreover, the (legal and illegal) revenues and access obtained from this dynamic can be shared among the ones in power, also in the name of environmental protection. Disregarding the weakness of these states' governments is not only a mistake, but due to the consequences, effective and potential, it is also seems to be ethically problematic.

References

- Bonner, Raymond (1993), *At the Hand of Man: Peril and Hope for Africa's Wildlife*. New York: Vintage Books.
- Clapham, Christopher (1996), *Africa and the International System: The Politics of Survival*. Cambridge, New York, Melbourne: Cambridge University Press.
- Deudney, Daniel (1990), "Case against linking environmental degradation and national security", *Millenium: Journal of International Studies*, 19(3), 461-476.
- Ferguson, James (1990), *The Anti-Politics Machine: 'Development', Depoliticization, and Bureaucratic Power in Lesotho*. Cambridge, New York, Port Chester, Melbourne: Cambridge University Press.
- Gibson, Clark C. (1999), *Politicians and Poachers: The Political Economy of Wildlife Policy in Africa*. Cambridge, New York, Melbourne: Cambridge University Press.
- Grovogui, Siba N'Zatioula (1996), *Sovereigns, Quasi Sovereigns and Africans*. Minneapolis, London: University of Minnesota Press.
- Herbst, Jeffrey (1996), "Responding to state failure in Africa", *International Security*, 21(3), Winter, 1996-1997, 120-144.
- Herbst, Jeffrey (1990), "War and the state in Africa", *International Security*, 14(4), Spring, 117-139.
- Jackson, Robert H.; Rosberg, Carl G. (1994), "The political economy of African personal rule", in David E. Apter; Carl G. Rosberg (ed.), *Political development and the new realism in Sub-Saharan Africa*. Charlottesville, London: University Press of Virginia.
- McNeely, Connie L. (1995), *Constructing the Nation-State: International Organization and Prescriptive Action*. Westport: Greenwood Press.
- Meyer, John W.; Boli, John; Thomas, George M.; Ramirez, Francisco O. (1997), "World Society and the Nation-State", *American Journal of Sociology*, 103(1), July, 144-181.
- Nairobi KBC Television (2001), "Programme summary of Kenya's KBC TV news 1900 gmt 9 May 01". Document number: FBIS-AFR-2001-0509. Publish date: 05/09/2001. (<http://wnc.fedworld.gov/cgi-bin/pincmd.cgi> accessed 18 March 2002).
- Nairobi Kenya Broadcasting Corporation Radio (2001), "Kenya: Three killed in renewed ethnic violence in southwest". Document number: FBIS-AFR-2001-0503. Publish date: 05/02/2001. (<http://wnc.fedworld.gov/cgi-bin/pincmd.cgi> accessed 18 March 2002).
- Nairobi KTN Television (2001), "Kenya: Tension reportedly high following ethnic clashed in southwest". Document number: FBIS-AFR-2001-0516. Publish date: 05/16/2001. (<http://wnc.fedworld.gov/cgi-bin/pincmd.cgi> accessed 18 March 2002).
- Peluso, Nancy Lee (1993), "Coercing conservation: the politics of state resource control", in Ronnie D. Lipschutz; Ken Conca (ed.), *The State and Social Power in Global Environmental Politics*. New York: Columbia UP, chpt.3, 46-70.

- Princen, Thomas (1995), "Ivory, conservation, and environmental transnational coalitions", in Thomas Risse-Kapen (ed.), *Bringing Transnational Relations Back In: Non-State Actors, Domestic Structures and International Institutions*. Cambridge, New York, Melbourne: Cambridge University Press, chpt.7, 227-253.
- Reno, William (1998), *Warlord Politics and African States*. Boulder, London: Rienner.
- Reno, William (1995), *Corruption and State Politics in Sierra Leone*. Cambridge: Cambridge University Press.
- Strang, David (1991), "Anomaly and commonplace in European political expansion: realist and institutional accounts", *International Organization*, 45(2), Spring, 143-162.
- Talbot, Lee; Olindo, Perez (1990), "Kenya: the Maasai Mara and Amboseli Reserves", in Agnes Kiss (ed.), *Living with wildlife: wildlife resource management with local participation in Africa*. Washington, D.C.: The World Bank.
- Tilly, Charles (1992), *Coercion, Capital, and European States, AD 990-1992*. Cambridge, Oxford: Blackwell [1990].
- Tilly, Charles (1985), "War making and state making as organized crime", in Peter Evans *et al* (ed.), *Bringing the State back in*. Cambridge, London, New York, New Rochelle, Melbourne, Sydney: Cambridge University Press, chpt.5, 169-191.