

1 **NGOs and**  
2 **development**

3 **THE GROWING INVOLVEMENT**  
4 **OF FOREIGN NGOs IN**  
5 **SETTING POLICY AGENDAS**  
6 **AND POLITICAL**  
7 **DECISION-MAKING**  
8 **IN AFRICA**

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Mike Norton-Griffiths

*Two case studies from Kenya demonstrate the malign impact on policy-making and political decision-making of foreign NGOs with single issue agendas. They gain acceptance for their minority views by using financial strength and access to economic and political elites in order to subvert what should be representative democratic processes.*

**Keywords:** ••

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**Introduction**

Non-governmental organisations (NGOs) and civil society organisations (CSOs) are big business in Kenya (IDS, 2007), growing from some 840 organisations in 1997 to some 4,100 in 2005. Although statistics are a bit vague, the entire sector would appear to provide some 300,000 full-time jobs, equal to almost 50% of the entire public service workforce, and contributing some 3% of GDP. More than 80% of all NGO funding in Kenya is provided by multilateral and bilateral donors (IDS, 2007).

There has been a marked trend since the 1990s for NGOs and CSOs to evolve from primarily service delivery organisations to direct action, advocacy and involvement with setting government policy agendas and other political decision-making (Adair, 1999; AKDN, 2007a, 2007b; Gugerty, 2008). This gradual involvement of NGOs in the body politic rather than the body civic raises a raft of questions concerning representation and accountability (Lal, 2006) – especially when the NGOs and/or CSOs in question are foreign or are funded by foreign organisations.

Two contemporary case studies from Kenya illustrate the potential dangers that arise when foreign NGOs become too involved in the formulation and drafting of domestic policy and political decision-making.

The first deals with the recent review of current wildlife conservation policy, the drafting of a new wildlife conservation policy, and the drafting of a new wildlife conservation and management Bill. The second deals with the formulation and drafting of the Draft National Land Policy.

In both cases, the involvement of foreign NGOs has gone past what many would deem appropriate, especially in promoting their own special agendas rather than those of ordinary Kenyans. They also demonstrate how fine the line is that divides super-efficient political lobbying from malfeasance.

**Case Study 1: wildlife conservation and management policy**

Despite hundreds of millions of dollars of wildlife rents captured by the tourism industry and tens of millions of dollars pumped into conservation by donors and NGOs, Kenya today is facing a genuine conservation crisis. Eighty per cent of her wildlife has vanished over the last 30 years, indicative perhaps that all is not well with conservation policy (Norton-Griffiths *et al.*, 2008; Western *et al.*, 2009).

There is a strong economic component to this loss of wildlife. Loss rates are lower where

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1 tourists go than where they do not; lower on adjudicated  
2 compared with unadjudicated land; lower where there is  
3 transparent revenue-sharing between protected areas and  
4 surrounding communities; and there are no losses – indeed  
5 even increases in wildlife – where landowners manage their  
6 own tourism ventures rather than rely on outside agents  
7 (Norton-Griffiths, 1998).

8 The diversion of the great majority (certainly 95%) of  
9 wildlife rents away from the producer side to the service side  
10 of the industry undermines incentives to conserve wildlife.<sup>1</sup>  
11 The uncompetitive returns from wildlife compared with those  
12 from livestock or agriculture create incentives for landowners  
13 to convert any rangeland with agricultural potential to  
14 cultivation, with the elimination of wildlife (Norton-Griffiths  
15 and Said, 2010).

16 These perverse incentives are created, or at least  
17 exacerbated, by restrictions on landowners' ability to benefit  
18 from investments in conservation, especially by the ban on all  
19 consumptive uses of wildlife. Since 1977 it has been illegal to use  
20 wildlife for sport hunting, cropping, ranching, live capture and  
21 sale, or any of the value-added industries of taxidermy, trophies  
22 and souvenirs. Although the great majority of wildlife in Kenya  
23 is found outside the state-owned Protected Areas on the  
24 500,000 km<sup>2</sup> of land owned and used primarily by Kenyan  
25 pastoralists, the wildlife-based, photo-tourism sector is  
26 restricted to just 5% of this wildlife habitat. Outside this small  
27 area wildlife became purely a cost to landowners and users.  
28 These costs are high: wildlife add 17% to livestock operating  
29 costs and reduce operating profits by 50% (Norton-Griffiths  
30 *et al.*, 2008).

31 The first effort to improve matters came in December  
32 2004 when the national assembly passed the Wildlife  
33 (Conservation and Management) (Amendment) Bill (2004).<sup>2</sup>  
34 Key amendments to the existing 1976 Act<sup>3</sup> were that the  
35 Kenya Wildlife Service (KWS) should be answerable to its  
36 Board rather than to the government; that landowners and  
37 users should have Board representation and more influence  
38 in running the KWS; and that compensation for wildlife  
39 damage to life and property should be increased.

40 The response of the animal welfare lobby in Kenya was  
41 immediate: 'spontaneous' street demonstrations erupted and  
42 'million-signature petitions' were submitted to State House,  
43 supported (and funded) by the International Fund for  
44 Animal Welfare (IFAW), ActionAid and the Born Free  
45 Foundation along with a plethora of local, conservation  
46 NGOs.

47 The President was also subjected to intensive lobbying by  
48 IFAW and the US-based Humane Society. These groups argued  
49 that the Bill would lead to the reintroduction of sport hunting  
50 and they threatened to use their influence to dissuade tourists  
51 from visiting Kenya if that happened.

52 The lobbying was successful. The Bill was presented for  
53 Presidential assent on 31 December 2004, but assent was  
54 refused on 3 January 2005. Clearly, the overseas animal welfare  
55 lobby had more power in Kenya than did the Kenyan  
56 parliamentarians themselves.

57 In September 2006 the Government announced a major  
58 review of conservation policy with the objective of drafting a  
59 new policy and a new bill. A steering committee was  
60 established, the National Taskforce on Wildlife Policy, along

61 with a drafting team, and opinion was sought throughout the  
62 country in the course of two national seminars and 22 regional  
63 meetings.

64 From the outset it was clear that the animal welfare lobby  
65 was already well prepared. Not only did they achieve a strong  
66 over-representation on the National Taskforce but ActionAid  
67 (which in Kenya is vehemently anti private landowners and  
68 supports extreme minority land rights issues) literally  
69 shipped in paid that reduced each of the national seminars  
70 and most of the regional meetings to sterile shouting  
71 matches about the reintroduction of sport hunting.<sup>4</sup> IFAW  
72 also orchestrated a genuinely brilliant anti-sport hunting  
73 media campaign on television, radio and in the press, with  
74 anti-hunting posters in the streets and at Nairobi's  
75 international airport. Equally effectively, they were able to  
76 deny access to the media for mainstream conservation  
77 organisations to present their views (Norton-Griffiths,  
78 2007a).

79 Finally, there appeared as if from nowhere, a plethora of  
80 grassroot conservation NGOs all with strong anti-sport  
81 hunting agendas. For example, the Kenya Wildlife  
82 Conservation and Management Network and the Kenya  
83 Coalition for Wildlife Conservation and Management shared  
84 between them 70% of their NGO members, not one of which  
85 had been registered with the Kenyan NGO Co-ordination  
86 Board.<sup>5</sup> Bizarrely, neither had IFAW itself registered so it is  
87 technically operating illegally within Kenya.

88 Nonetheless, the still largely independent drafting team  
89 did produce a draft Wildlife (Conservation and Management)  
90 Policy (2007)<sup>6</sup> which recognised the need for economic  
91 incentives for landowners to husband and invest in wildlife  
92 conservation. The door was left open for the reintroduction  
93 of a whole range of consumptive uses, although sport  
94 hunting itself was specifically placed far away in the future.

95 The response of the animal welfare lobby to the new  
96 policy document was chilling. At a meeting of the Kenya  
97 Wildlife Conservation and Management Network held at the  
98 Nomad Hotel on the Kitengela on 13 March 2007, funded by  
99 ActionAid, it was resolved that were sport hunting to be  
100 reintroduced into Kenya then field militia would be armed  
101 to track down the hunters in the field and shoot them to  
102 death.

103 The response of the animal welfare lobby was also very  
104 practical. The drafting team of the Steering Committee, which  
105 was by then working on the draft Bill, was summarily  
106 dismissed and the Bill was drafted by a single IFAW  
107 consultant. The resulting draft Wildlife (Conservation and  
108 Management) Bill (2007) in no way expressed the spirit of the  
109 Policy, pandered solely to the interests of the animal welfare  
110 lobby and completely ignored the very real conservation issues  
111 facing Kenya.<sup>7</sup>

112 In discussions with the animal welfare lobby it was clear  
113 they had no real interest in wildlife conservation. If wildlife  
114 continues to disappear because of the lack of incentives to  
115 land users they are indifferent, just so long as consumptive use  
116 is not reintroduced. And if the Bill perpetuates rural poverty  
117 by denying wildlife revenue streams to marginalised, pastoral  
118 communities they are indifferent so long as sport hunting,  
119 bird shooting and sport fishing is not allowed  
120 (Norton-Griffiths, 2007b).

1 **Case Study 2: the national land policy**

2 The Draft National Land Policy (DNLP) started as Chapter 7,  
3 the 'land chapter', in the 'Bomas' draft constitution which was  
4 rejected in the national referendum in November 2005. There  
5 was strong cross-party rejection of Chapter 7 which was widely  
6 seen to represent an outright attack on private property and  
7 tenure rights by shifting the control over land from owners  
8 and users to central government.

9 An important actor in drafting the Land Chapter was  
10 ActionAid which was instrumental in creating and funding the  
11 Kenya Land Alliance (KLA), an umbrella group of NGOs all  
12 active in the field of poverty alleviation, land issues, gender  
13 issues, youth and HIV/AIDS. However, not only is the KLA  
14 itself not listed on the NGO Co-ordination Board database.<sup>8</sup>  
15 only 20 of the 60 NGO members listed on its website<sup>9</sup> are  
16 registered.

17 The Ministry of Lands established in 2005 a National Land  
18 Policy Secretariat, working through six thematic groups and  
19 sub-groups. These groups were technically open to wide  
20 participation by government agencies, NGOs and CSOs, but  
21 always with the Kenya Land Alliance playing a prominent,  
22 gatekeeper role. As a result, private sector interests were rarely  
23 represented (AKDN, 2007a, 2007b; INCL, 2007;  
24 Norton-Griffiths *et al.*, 2009).

25 In the course of 2005 and 2006 some 14 Regional  
26 Consultations on land issues were held around the country,  
27 the results of which were '... subject to extensive commentary  
28 from stakeholders and considerable publicity and broad public  
29 consultation ...' (KLA, 2008). A final draft on the DNLP  
30 received 'unanimous approval' at a stakeholder symposium in  
31 Nairobi in April 2007 and, despite the expression of significant  
32 reservations by a number of parties, the Draft National Land  
33 Policy (2007)<sup>10</sup> was approved by the Ministry of Lands in May  
34 2007.

35 In addition to this, the KLA held a further five regional  
36 workshops, and formulated for the Land Policy Secretariat a  
37 Civil Society Position Paper and five Policy Briefs on a range of  
38 issues including historical injustices, land management and  
39 administration, community and minority rights issues (KLA,  
40 2008).

41 The Ministry of Lands was clearly of the opinion that it  
42 had opened the policy formulation process as widely as  
43 possible to all stakeholders, that it had publicised the process  
44 both to the body politic and the body civic, and that it had run  
45 a genuinely participatory process. Yet despite the claimed wide  
46 consultative process, more than 87% of the population at large,  
47 especially those in the commercial agricultural, banking, legal  
48 and manufacturing sectors, remained completely unaware that  
49 any land policy formulation process was even under way  
50 (Norton-Griffiths *et al.*, 2009).

51 Many are now of the opinion that the over-reliance by the  
52 Ministry on a single organisation, the Kenya Land Alliance,  
53 created either by accident or by design a self-selecting group  
54 with a restricted and unbalanced agenda and which actively  
55 excluded the participation of those with different and  
56 conflicting views.

57 By concentrating primarily on minority rights, social issues  
58 and historical injustices, an imbalance has been created in the  
59 DNLP, especially with regards to the rights and expectations of

private leaseholders and freeholders in agricultural lands, and  
of customary, group and private land users in pastoral lands.  
Specific provisions of real threat to economic well-being and to  
the protection of property rights<sup>11</sup> include the confiscation  
(without compensation) of all pastoral land rights and their  
transfer to a centralised bureaucracy; the confiscation (without  
compensation) of 999-year leaseholds, and conversion to  
99-year leaseholds; the confiscation (without compensation) of  
all freeholds owned by non-citizens and conversion to 99-year  
leaseholds; the imposition of severe encumbrances on the  
transfer of freehold titles; and the repeal of the Registered  
Land Act (1963),<sup>12</sup> thus opening every land title to legal  
challenge.

The DNLP thus stands a good chance of alienating some  
nine million pastoralists and the 36 MPs making up the  
Pastoral Parliamentary Group, along with some 3.5 million  
holders of agricultural, commercial and domestic freehold  
titles (Norton-Griffiths *et al.*, 2009).

In a way, each of these provisions does address a real  
injustice or problem, but there is now a very real danger that,  
to redress the misfortunes and injustices of the few, the DNLP  
will create even greater misfortunes and injustices for the  
many.

A major consequence of many of the provisions in the  
DNLP will be to seriously weaken the property rights of  
landowners and landusers, whether pastoral, agricultural,  
commercial or domestic, and concentrate the ownership,  
management and control of land within a centralised  
government bureaucracy. Perversely, the DNLP will be  
creating the very conditions under which political and  
economic elites find it easiest to alienate and appropriate land  
(i.e. steal it) from their rightful owners and users.

**Lessons from the case studies**

We are dealing here at best with circumstantial evidence:  
smoke and mirrors rather than smoking guns. Each individual  
action of these NGOs is in a way above reproach, just the sort  
of thing NGOs should be doing. Yet when looked at as a  
strategy they present a more malign picture.

The same four key elements are present in both case  
studies: the foreign NGOs; the façade of local organisations to  
give a semblance of political legitimacy; embedding in the  
body politic; and controlling the policy formulation process by  
manipulating access to meetings and to the media.

*Foreign NGOs*

In both case studies the policy agendas were in reality being  
driven by well-funded and highly motivated foreign NGOs  
rather than by the hopes and aspirations of Kenyan citizens.

The draft Wildlife (Conservation and Management) Policy  
(2007) and the Wildlife (Conservation and Management) Bill  
(2007) were driven by the determination of the International  
Fund for Animal Welfare and their allies not to allow  
consumptive use of wildlife to be reintroduced into Kenya,  
whatever the consequences might be for wildlife conservation  
or rural poverty.

Similarly, the main provisions of the Draft National Land  
Policy (2007) were driven by ActionAid, working through the

1 façade of the KLA, which in Kenya campaigns viscerally  
2 against the private ownership of land while supporting  
3 extreme minority land rights issues through advocacy and  
4 direct action.<sup>13</sup>

### 5 6 *The façade of local NGOs and CSOs*

7 ‘Upper-case’ NGOs are assumed to represent the public  
8 interest. To create a semblance of political legitimacy for their  
9 policy agendas both IFAW and ActionAid established close  
10 networks with existing local NGOs: IFAW established them  
11 with Born Free, Youth for Conservation and the Sheldrick  
12 Trust; and ActionAid established them with the Kenya Land  
13 Alliance.

14 More controversially, both were instrumental in creating  
15 and funding a plethora of new local NGOs, all looking and  
16 sounding good and all promoting the same policy agendas.  
17 However, on closer inspection, many of these NGOs seem to  
18 exist on paper only and few appear to be registered with  
19 Kenya’s NGO Council or elsewhere. These unregistered NGOs,  
20 including IFAW and the KLA themselves, are accordingly  
21 acting illegally in Kenya.

22 The KLA also claimed widespread endorsement for the  
23 DNLP from ‘lower-case’ NGOs, a wide range of professional  
24 bodies, associations and trades unions. Too often, the  
25 endorsement of a professional body for the DNLP turned out  
26 to be that of an individual member speaking solely on his own  
27 behalf (Norton-Griffiths *et al.*, 2009). There was no evidence  
28 that the membership of any of these professional associations  
29 had in fact been polled.

### 30 31 *Embedding in the body politic*

32 Both IFAW and the KLA became deeply embedded within the  
33 body politic. IFAW did this within the Kenya Wildlife Service  
34 and the Ministry of Forestry and Wildlife by providing  
35 funding for projects and programmes, equipment and salary  
36 supplements; the KLA did so within the National Land Policy  
37 Secretariat of the Ministry of Lands by providing  
38 (donor-funded) logistical support for the 14 regional seminars  
39 and five regional workshops, and drafting a Civil Society  
40 Position Paper and five Policy Briefs (AKDN, 2007b; INCL,  
41 2007).

### 42 43 *Acquiring control over the policy formulation process*

44 From these privileged positions it proved straightforward to  
45 obtain control over the policy formulation process. In both  
46 cases, access to the body politic was closely controlled  
47 especially for groups with alternative ideas and agendas. There  
48 was over-representation on the policy Steering Committee  
49 (IFAW) and on the Policy Drafting Team (KLA); control of  
50 access to the policy and drafting meetings (KLA); disruption to  
51 national and regional seminars and meetings (both ActionAid  
52 and IFAW); and launching ‘on behalf of the government’ a  
53 strong media campaign while simultaneously denying media  
54 access to those holding contrary views. Finally, in the case of

IFAW, there was actual involvement in drafting the new  
Wildlife (Conservation and Management) Bill (2007).

### *The role of donors*

The National Land Policy Secretariat in the Ministry of Lands  
and Housing has received significant and consistent support  
from the donor community (Norton-Griffiths *et al.*, 2009). The  
position of the donors is very straightforward: they claim to be  
‘enabling’ the policy formulation process with financial and  
logistical support, all as part of agreed bilateral or multilateral  
support for the government of Kenya. What Kenya actually  
does with the funds and logistical support is up to them, and  
they (the donors) have no input at all into the policy itself, just  
to the formulation process.

In arguing this the donors are disingenuous in two  
respects. Firstly, when donors openly boast of their support  
and sponsorship for a policy formulation process, and when  
this process goes so disastrously wrong, as this one clearly has,  
then errors of commission and omission on their behalf are  
near certain, despite protestations to the contrary. Secondly, as  
the groundswell of opinion challenging a number of provisions  
in the DNLP developed and formalised, first through the  
somewhat unlikely vehicle of the Machakos and Makueni  
Ranchers’ Association<sup>14</sup> and later through the Kenya  
Landowners’ Association (KELA),<sup>15</sup> the response of the donor  
community, especially the UK government’s Department for  
International Development and also UN Habitat, was at first  
dismissive but rapidly became actively hostile, to the extent of  
denying admittance to representatives of the Kenya  
Landowners’ Association at key meetings and seminars, and  
actively lobbying against KELA within the body politic.

Despite protestations to the contrary, the donor  
community (with the notable exception of USAID) was in fact  
highly biased against and partisan with regard to any  
meaningful involvement by private sector interests in the  
policy formulation process.

### **Issues of NGO Governance in Kenya**

NGOs are regulated in Kenya under the Non Governmental  
Organizations Co-Ordination Act (No. 19 of 1990)<sup>16</sup> and the  
Non Governmental Organizations Co-Ordination Act  
Regulations of 1992 (Gitonga, 2010). Under Section 10 of this  
Act it became mandatory for all NGOs and CSOs to register  
with the Non Governmental Organizations Co-Ordination  
Board and illegal to operate an organisation that fell within the  
definition of an NGO or CSO unless it had been so registered.<sup>17</sup>  
After registration they must apply for membership of the NGO  
Council, a national umbrella organisation responsible for  
representing the interests of its members, for devising  
self-regulation policies and for enforcing compliance. To date,  
only 606 of the 4,100 NGOs are registered with a further 620  
in the process of registration.<sup>18</sup>

The 1995<sup>19</sup> Code of Conduct for NGOs issued by the NGO  
Council was very general stipulating, for example, that  
‘. . . every registered organisation shall observe the cardinal  
values of probity, self-regulation, justice, service, co-operation,  
prudence and respect . . .’. These were defined in such vague

1 terms as to be not very useful.<sup>20</sup> Further guidelines dealing  
2 primarily with the constitution and operation of NGO Boards  
3 were issued in 2001.<sup>21</sup>

4 The current Act, and its regulatory infrastructure, is by  
5 general agreement now seen to be badly outdated and simply  
6 unable to cater for the contemporary numbers, growth and  
7 diversity in the NGO sector (Gitonga, 2010; Jillo, 2009;  
8 Kameri-Mbote, 2000; Kisinga, 2009). Matters have been made  
9 worse by the endless wrangling for position within the NGO  
10 Council; by a marked decline in professional standards  
11 throughout Kenya; and by the continuing dependence in the  
12 NGO sector for finance from outside the country: as noted in  
13 the introduction, more than 80% of all NGO funding is  
14 provided by multilateral and bilateral donors (IDS, 2007).

15 In Sessional Paper No. 1 of 2006<sup>22,23</sup> the government  
16 created the legal basis for reviewing and replacing the current  
17 Act and the regulatory environment, and for harmonising the  
18 overlapping and often contradictory legislation under which  
19 different kinds of NGOs and CSOs can register and operate.  
20 The paper also recognises the need to significantly strengthen  
21 the abilities of the regulatory committee of the NGO Council  
22 both to set standards and to monitor and enforce compliance.

23 To this extent, the government of Kenya is in tune with  
24 worldwide trends in the regulation of NGOs and CSOs (One  
25 World Trust, 2010; Warren and Lloyd, 2009). However, while  
26 all these initiatives primarily address issues of accountability  
27 to beneficiaries and supporters, quality and effectiveness of  
28 programmes, financial management and governance, there  
29 seem to be no moves to address the problems of  
30 representation and accountability when NGOs and CSOs  
31 become involved with setting policy agendas and political  
32 decision-making.

33 There is little doubt that, in both case studies, these  
34 foreign NGOs have deliberately pushed through their  
35 single-issue agendas which will result in unbalanced policies  
36 and legislation that are not in the real interest of either Kenya  
37 or of its citizens.

38 This focuses on an important point concerning  
39 governance. These NGOs have power without accountability.  
40 This is a heady and dangerous mix. They fail the most basic  
41 test of good governance in that they are neither elected nor  
42 transparent, nor are they accountable to those whose interests  
43 they claim to represent.

44 It is this matter of representation that is so critical, for  
45 people who are not elected and who are not accountable to  
46 any duly elected and broadly representative legislature simply  
47 cannot claim any representative status. The notion that an  
48 NGO or CSO – whether international or national – have any  
49 rights to speak ‘on behalf of’ the people of a country has no  
50 basis, especially when that country has a democratically  
51 elected and responsible Government (Lal, 2006). The most  
52 they can claim is to speak on behalf of a special-interest group  
53 with all that implies.

54 By what right can the million or so members of IFAW in  
55 North America and Europe impose on Kenya their views on  
56 the consumptive use of wildlife, especially if wildlife then  
57 continues to decline from a lack of economic incentives to  
58 landowners and users? Similarly, by what right can ActionAid  
59 impose on Kenya their views on the socialisation of land,  
60 especially if weakened tenure and weakened property rights

lead to even more corrupt land deals by a centralised and  
unaccountable bureaucracy. What redress does Kenya have if  
these policies turn out to be ‘wrong’.

## Why did this happen in Kenya?

The impact of corruption is more than the mere diversion of  
public or donor funds to meet private ends. This is deeply  
trivial. The true legacy of the Kenyatta and Moi eras has been  
the gradual degradation of the body politic into a tight  
network of complicity, supported and shielded by lazy and  
compliant donors (Wrong, 2009); the gradual erosion of the  
legal system to create a culture of impunity; and the  
degradation of the body civic, primarily through the erosion of  
educational standards.

This legacy of corruption has had two major impacts on  
Kenya. Firstly, a massive Diaspora of more than a million of  
the best educated and most entrepreneurial of Kenyans.  
Secondly, a political and moral vacuum within Kenya into  
which foreign NGOs with their single-issue agendas find it  
easy to insinuate themselves.

## Acknowledgements

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Affairs and the International Policy Network where this work  
was carried out in 2009 as a visiting research fellow.

1. Primary producers always tend to get a raw deal, whether growing pak  
choi for supermarkets or wildebeest, buffalo and lions for tourism  
operators. 86
2. Published in the *Kenya Gazette* Supplement #38 (Bills #15) 18 June 2004. 87
3. Wildlife (Conservation and Management) Act (1976), www.kenyalaw.org  
(accessed 3 May 2010). 88
4. At the final national seminar, I personally observed and recorded ActionAid  
pay their participants KShs4,000/- (about US\$60) attendance fee, fair  
enough, and a bonus of KShs6,000/- (about US\$85) if they had been able  
to disrupt proceedings by making long, noisy (and largely irrelevant)  
interventions. 89
5. The database of registered and about-to-be registered NGOs can be  
downloaded from www.ngobureau.or.ke (accessed 4 May 2010). 90
6. Dated 17 April 2007, available from http://www.mng5.com, along with  
the most recent version dated October 2009 (accessed 28 April 2010). 91
7. The most recent version dated October 2009 may be found on http://  
www.mng5.com (accessed 28 April 2010). 92
8. www.ngobureau.or.ke (accessed 4 May 2010). 93
9. www.kenyalandalliance.or.ke (accessed 4 May 2010). 94
10. The most recent 2009 version is available at www.kenyalandalliance.or.ke  
(accessed 4 May 2010). 95
11. Submission to the National Land Policy Secretariat by the Kenya  
Landowners' Association, October 2008, available at http://  
www.mng5.com (accessed 3 May 2010). 96
12. Cap 300 of 16/03/63 available at www.kenyalaw.org (accessed 7 May  
2010). 97
13. In an e-mailed response to a major, private ‘ambassador’ donor  
withdrawing their support to ActionAid following ActionAid’s involvement  
in Kenya with financing illegal land invasions and with the DNLP, dated 16  
March 2007 (12.34pm), the then Head of UK Major Donors of ActionAid  
UK wrote ‘. . . You are not the first of our donors to feel uncomfortable  
about ActionAid’s political involvement but I am afraid this is the only real  
and sustainable way to fight poverty. Poverty is a political issue. Charity  
alone is only fire-fighting . . .’. 98
14. A membership association of some 120 small, medium and large-scale  
ranchers, MacMak presented a detailed critique of the DNLP to the  
National Land Policy Secretariat in the Ministry of Lands and Housing in  
January 2007 (available at http://www.mng5.com, accessed 6 May 2010). 99
15. An umbrella group of small, medium and large-scale agricultural and  
livestock producers, representing the interests of pastoral, agricultural,  
domestic and commercial landowners and users. 100
16. www.kenyalaw.org (accessed 3 May 2010). 101

- 1 17. Summary of Regulatory Systems for NGOs in Kenya <http://www.ngoregnet.org> (accessed 5 May 2010).  
2  
3 18. The database of registered and about to be registered NGOs can be  
4 downloaded from [www.ngobureau.or.ke](http://www.ngobureau.or.ke) (accessed 4 May 2010).  
5 19. Non-Governmental Organisations Council Code of Conduct 1995. Kenya  
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