

Eco-Tourism: A spring of Livelihood to the Kenyan Marginalized Communities- An assessment

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Abstract - Discomfiture, social excluding and consequential expulsion from the society makes the marginalized communities in Kenya feel more timid in their own country. Wealth distribution also becomes a stigma to these communities. Due to isolating, the marginalized communities are short of and to an extent force them into inapt demeanor like commercial sex and other illegal activities. With the changing in times, some of the marginalized communities in Kenya like the Maasai have resorted to eco-tourism as a tool which has enabled them earn a clean and genuine living as well as preserving the environment. Eco-tourism which is defined as, conscientious travel to natural spot that safeguard the environment, prolong the well-being of the local populace as well as educating the local inhabitants and the guest too.¹In such a scenario, total member contribution is vital. Therefore, Community partaking in eco-tourism scheduling and expansion is consistently gazed at as cure-all for the social and environmental impacts attributed to mass tourism and also changing the welfare of the local community. Eco tourism, besides has demonstrated as the best way of resource sharing amongst the local populace. Therefore this paper tries to examine on how eco-tourism is a source of livelihood to the marginalized communities in Kenya. Besides, it further looks in to the legal challenges of land in the marginalized communities as one of the quandary of eco-tourism to the marginalized communities.

Key Words: Eco-tourism marginalized, Communities' Livelihood, Legal implications.

1. INTRODUCTION

Marginality is an incident that distress millions of populace throughout the globe. People who are sidelined have pretty diminutive control over their lives and the possessions accessible to them. This fallout in making them challenged in exploring input to society. A sadistic sphere is set up whereby there be short of affirmative and supportive interaction means that they are vetoed from partaking in local life which in turn front to further seclusion. This has a remarkable blow on the progress of human beings as well as on society at grand. As the idea of growth is to fashion an allowable environment for citizens to benefit from a prolific, healthy and resourceful life, it is imperative to tackle the concern of marginalization. In Kenya, the marginalized community suffers a great depression.

Majority resides in a very severe climates areas and so making it difficult for them to compete with other communities. Development is always commonly envisaged in terms of collective involvement. Marginalization divests an immense mass of populace transversely the world from play a part in the progress. However with the changing in times, some of the marginalized communities in Kenya have ventured into eco-tourism especially the north eastern and the Maasai communities. Through various projects they are capable of making a living out of eco-tourism as well as preserving the environment by restoring nature through tree planting programmes. Though the issues of marginalization are an intricate predicament, it has many factors as the root cause. This multifarious and staid quandary needs to be addressed at the policy level especial where land is one of the major worry for the marginalized populace to pave way easy accesses and use of environment and also proffer a permanent abode for those communities to flourish in eco-tourism.

1.1 Definition of eco-tourism

- a) According to the Cambridge dictionary delineate eco-tourism as the business holidays to spot of natural beauty which aid the local masses and does not impairment the milieu.²
- b) Eco-tourism according to (TIES 2015) is defined as "Accountable tours to natural places that safeguard the environment, support the cheerfulness of the local populace, and engage construal and education." Edification is destined to be inclusive of both staff and tourists.³

¹Definition of eco-tourism 'international eco-tourism society 2015" available <https://ecotourism.org/what-is-ecotourism>

² <https://dictionary.cambridge.org/dictionary/english/ecotourism>.

³International ecotourism society "uniting conservation community and sustainable travel" available <http://www.ecotourism.org/what-is-ecotourism>

1.2 Principles of eco-tourism

Eco-tourism is about conscientious voyage to natural vicinity that props up preservation, brings accord amid communities and upholds well being of local populace. People who execute and partake in eco-tourism activities should take up the following eco-tourism values:⁴

- i. Lessen bodily, social, behavioral, and mental blow;
- ii. Put up environmental and edifying attentiveness and reverence;
- iii. Provide affirmative familiarity for both visitors and local inhabitants;
- iv. Offer unswerving monetary reimbursement for environmental preservation;
- v. Engender fiscal reimbursement for both local natives and private business;
- vi. Deliver outstanding interpretative familiarity to tourist that help raise understanding to host nations' political, ecological, and community climates;
- vii. Intend, put up and function low-impact amenities.

2. Meaning of marginalized groups and marginalization.

In broad-spectrum, the phrase 'marginalization' depicts the evident actions or propensity of human societies, where people who they distinguish to objectionable or devoid of valuable purpose are debarred. These natives who are marginalized from a community for their fortification and incorporation and are known as 'marginalized groups'. This limits their prospect and means for endurance.

2.1 Definition of marginalization.

Marginality as, "being outside the conventional of prolific movement and/or social reproductive action".⁵

Marginalized groups as, "To be marginalized is to be positioned in the precincts, and thus excluded from the benefit and power establish at the core."⁶

2.2 Distinctiveness of marginalized groups:

Typically, a marginal group has the following distinctiveness:

- a) It endures from prejudice and subordination;
- b) They have substantial and civilizing persona that place them spaced out, and which are frown on of, by an overriding assemblage;
- c) They carve up a sense of communal distinctiveness and familiar encumber;
- d) They have communal social policy about who fit in, and who does not;
- e) They have a propensity to tie the knot within the group.

2.3 Contributions of the marginalized communities in eco-tourism in Kenya

Environmental scheduling is a basic part of socio-economic progress planning at all echelon from local to global. Development after all is the viaduct flanked by the optimism and dreams of citizens on the one hand and the certainty of the globe on the other. Due to pressure on allocation and distribution of resources in Kenya particularly on the marginalized communities, they have resorted to be self independent in earning a livelihood through eco-tourism which has less impact on the environment.

a) Environmental Preservation

As a result, these communities holds a support of priceless indigenous acquaintance concerning to the environment, climate, food, therapeutic plants and animals, social and cultural value systems, ethnic music and the arts. Such knowledge is

⁴ The international eco-tourism society" principles of eco-tourism " available <https://ecotourism.org/what-is-ecotourism/>

⁵Peter Leonard "definition of marginalization"

⁶The Encyclopedia of Public Health "definition of marginalization"

essentially locale specific which they have put in place and indeed it has earned a source of living. These communities besides, there is so much traditional wisdom amongst the marginalized communities that they are able to live in accord with nature. Nature and milieu are as much a component of their daily survival as food, haven and attire and they are incessantly in spiritual union with nature. Plan for forest management must, therefore, take into account the human beings who live in the forests and nothing should be done which would affect their daily existence or their means of subsistence

b) Perpetuation of local culture

The local acquaintance and administration of natural resources for cultural devout rationale is set within the intricate social framework of the marginalized areas that normally resides within the forest areas. Preservation of tree resources through proliferation of edifying and religious values can best be tacit in the perspective of control by the rural privileged the acquaintance gained by rural and aboriginal people through study and experience, has fundamentally been embodied in tradition and shared by expression of mouth for centuries and conceded down the generations.⁷

3. Legal position of marginalized communities and environmental fortification

A number of significant documents and provisions lay out the legal and guiding principle condition with hold to marginalized inhabitants in Kenya.

i. Constitution of Kenya 2010

The Kenyan constitution clearly emphasizes on the right to equality and freedom from prejudice.⁸ Besides, in Article 27(6) which give full upshot to the recognition of the rights certain under the said article. Hence State shall take lawmaking and other actions as well as assenting action programmes and guidelines premeditated to level out any disadvantage suffered by folks or faction because of precedent favoritism particularly the marginalized communities

Further in the article 56 uplifts the Minorities and marginalized groups. Through the state putting in place assenting accomplishment programmes intended to guarantee that minorities and marginalized groups -⁹

- (a) Partake and are represented in ascendancy and other field of life;
- (b) Are provided unique opportunities in didactic and fiscal fields;
- (c) Are provided exceptional prospect for way in to employment;
- (d) Build up their edifying ideals, languages and practices;
- (e) Have levelheaded admittance to water, health services and infrastructure.

Therefore with article 56 in place, it paves way to article 60¹⁰ which emphasize on the equitable use and access use of land. besides in article 60 (f) ,(g) (f) stresses on elimination of gender inequity in law, ethnicity and practices allied to land and property in land of which without land, eco-tourism cannot see the light. Equally it back-up of communities to resolve land row through reputable local community inventiveness unswerving within the Constitution.

ii. The Land Laws (Amendment) Act, 2016¹¹

Is an Act of legislature to improve the laws concerning to terrain to line up them with the Constitution, to give effect to Articles 68(c) (i)¹² and 67(2) (e)¹³ of the Constitution, to endow with for dealings on evictions from land, and for allied rationale. Majority of the marginalized communities in Kenya have suffered a lot when it comes to eviction without due process. Hence with the amendment of this Act, it brought light having the Environment and Land Court Act, 2011¹⁴ and other courts having jurisdiction on matters relating to land;

⁷ <http://alk.or.ke/community-empowerment/>

⁸ PLO Lumumba, M.K Mbondenyei, S.O Odero "the constitution of Kenya 2010" Article 24.

⁹ Article 56 Minorities and marginalized groups of the Kenyan constitution 2010

¹⁰ Kenya law review "the constitution of Kenya" 1st edition 2010 "Principles of land policy article 60

¹¹ The Land Laws (Amendment) Act, 2016 No. 28 of 2016

¹² Legislation on land (minimum land holding Kenyan constitution 2010

¹³ Functions of the national land commission Kenyan constitution 2010

¹⁴ Republic of Kenya "environment and land courts Act" laws of Kenya no 19 of 2011

iii. Community land Act no 27 of 2016.¹⁵

Is an Act of parliament to bestow upshot to article 63 (5) of the Kenyan constitution¹⁶. Section 12 of community land Act 2016, holds that land may be apprehended as a relations unit, store land, jointly or as a kin.¹⁷ For the thrust of society and standoffish land, the society can make utilize of it for the said incomparable proposal under section13 (3).¹⁸

- i. Community safeguarding;
- ii. Farming activities;
- iii. Settlement ;
- iv. Set up edifying and birthright spot;
- v. Other actions to persuade and promote public interest.

Therefore this Act has given a prospect to the local community and the marginalized society to endeavor on eco-tourism.

4. CONCLUSION

In the national progress course local values, globe views and perceptive of the marginalized communities need to be accepted, cherished, thrilled, and hold to by the expert and advisors who may be knowledgeable, industrially highly developed urban populace. The marginalized people suffer a lot in the hands of various governments. Majority being hardly educated, they are vulnerable to monetary, social, political, and scientific misuse by others. This together with other factors has resulted in their malfunction to obtain basic learning, health care relief, employment and other fiscal and social reimbursement. These dynamic alone and communally amplify the defenselessness of these communities and broaden the gaps between them and the privileged. Despite all these challenges, majority of the marginalized communities have resorted to eco-tourism to make a living as well as preserving of the environment. Therefore, the contribution of these marginalized communities is enormous in eco-tourism which is the suited tool for environment fortification and also improving their social well fare. For this reason, the government should work out towards insertion by setting a scheme and development process. The welfare of the marginalized populace and their terrain must be treasured and cosseted. Realm states and their local governments and schools must 'educate' the general public about the rights of the marginalized society and the call for duty to value those rights. By providing suitable information to the rural and aboriginal communities and fashion the required wakefulness among the public at huge will lessen the probability of interloper and even local populace stripping the native soil of the rural and aboriginal natives of their crucial possession they need for their health and endurance. It will curtail their being subjugated.

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¹⁵ kenyalaw.org > pdfdownloads > Acts > CommunityLandAct_27of2016

¹⁶Uraia "the Kenyan constitution" 1st edition Uraia house jakaranda avenue 2010 Parliament shall enact legislation to give effect to community land. Kenya constitution 2010

¹⁷Classes holding community land section 12of community land Act No. 27 OF 2016

¹⁸Uses of community land