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INNOVATIVE GOVERNANCE AND NATURAL RESOURCE MANAGEMENT
IN KENYA: PROCEDURAL AND SUBSTANTIVE OUTCOMES
OF CIVIL SOCIETY PARTICIPATION

by

Jane Omudho Okwako

A dissertation submitted to the Graduate College
in partial fulfillment of the requirements
for the degree of Doctor of Philosophy
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INNOVATIVE GOVERNANCE AND NATURAL RESOURCE MANAGEMENT IN KENYA: PROCEDURAL AND SUBSTANTIVE OUTCOMES OF CIVIL SOCIETY PARTICIPATION

Jane Omudho Okwako, Ph.D.

Western Michigan University, 2015

Kenya's environmental sector is embracing co-management to address major threats to wildlife. In the past two decades, the Municipal-Community-Private Sector Partnership (MCPSP) model evolved to address the threats. This dissertation seeks to explain variations in partnership outcomes. It evaluates whether the model as introduced empowers communities to be conservation stewards.

This study hypothesized the impact of five variables. These are decentralization of power, elite support, capacity of community organizations, partnership formalization, and resources expended. The findings confirm that three variables are indispensable and two minimally influence empowerment. More decentralized management structures are enabling and supportive of empowerment. However, empowerment is only facilitated when decision making is anchored on strong elite support. Elite interests determine opportunity and community agency.

Elites are profoundly influential in facilitating or inhibiting empowerment. Contrary to expectation, greater community capacity does not necessarily translate into empowerment. Additionally, rapid formalization matters while the resource types expended are necessary but not sufficient to enhance empowerment. The elite support variable interacts with the five variables as they influence empowerment. Elites are co-

opted or engage coercively to enhance or inhibit empowerment. Other unanticipated intervening variables are also identified.

The dissertation's central features are integration of within-case and cross-case comparative analysis and evaluation of path-dependent partnership trajectories. On this basis, I gather context-specific data to explore the experiences of three partnerships in major protected area complexes. These are Laikipia, Amboseli, and the Mara Triangle. I conducted interviews, observed ecosystems, and conducted intensive document and literature reviews. Snowball and purposive sampling guided data collection processes.

The lessons are three-fold. First, the institutional logic of MCPs is not separate from the existing historical, organizational, social, and ecological contexts. The model is not a panacea, yet it is innovative. In two of the three cases it has had little impact on community empowerment. Laikipia's decentralized management has enabled inclusiveness and has provided ideal conditions for rapid and proactive engagement of communities. The dispensation has reduced conflicts and hurdles for engagement. Amboseli's and Mara Triangle's exclusionary structures have created conflict and prevented community buy-in. Elite formations straddling bureaucratic, political, and local coalitions have prevented stable evolution and empowerment.

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LIST OF ACRONYMS

ABRMP	Amboseli Biosphere Reserve Management Partnership
ACC	African Conservation Center
ALRMP	Arid Lands Resource Management Program
ASAL	Arid and Semi-Arid Lands
ATGRA	Amboseli Tsavo Group Ranches Association
AU	African Union
AU-IBAR	African Union Interafrican Bureau for Animal Resources
AWF	African Wildlife Foundation
CBD	Convention on Biological Diversity
CBOs	Community-Based Organizations
CCTM	County Council of Trans Mara
CEEPa	Center for Environmental Economics and Policy in Africa
CEP	Community Enterprise Program
CETRAD	Center for Training and Integrated Research in ASAL
CFA	Community Forest Association
CGA	Collaborative Governance Approach
CIFOR	Center for International Forestry Research
CIKSAP	Center for Indigenous Knowledge Systems and Agricultural By-Products
CITES	Convention on International Trade in Endangered Species of wild flora and fauna
COBRA	Conservation of Biodiverse Resource Areas
CoE	Council of Elder
CORE	Conservation of Resources through Enterprise
CRES	Compensation and Rewards for Ecosystem Services
CSI	Civil Society Index
CSRd	Case Study Research Design
CWA	Community Wildlife Association
DANIDA	Danish International Development Agency
DDC	District Development Committee
DEC	District Environment Committee
DFID	Department for International Development (UK Development Agency)
DRSRS	Department of Resource Surveys and Remote Sensing
DSI	Designing Social Inquiry
EAC	East African Community
EAWS	East African Wildlife Society
ECOSOC	Economic and Social Council
EMCA	Environmental Management and Coordination Act
EPG	Empowered Participatory Governance
ERS	Economic Recovery Strategy
ESOK	Ecotourism Society of Kenya

List of Acronyms—Continued

FAO	Food and Agriculture Organization
FCC	Forest Conservation Committee
GDP	Gross Domestic Product
GEF	Global Environmental Facility
GTZ	<i>Deutsche Gesellschaft für Technische Zusammenarbeit</i> (German Development Agency)
HSRIB	Human Subjects Review and Institutional Board
IBRD	International Bank for Reconstruction and Development
ICCA/CCA	Indigenous and Community Conserved Area
ICD	Integrated Conservation and Development
ICESCR	International Convention on Economic, Social, and Cultural Rights
ICRAF	International Center for Research in Agroforestry
ICRISAT	International Crops Research Institute for the Semi-Arid Tropics
IDS	Institute for Development Studies
IFAD	International Fund for Agricultural Development
IFAW	International Fund for Animal Welfare
IIED	International Institute for Environment and Development
IFAW	International Federation for Animal Welfare
ILO	International Labor Organization
ILRI	International Livestock Research Institute
INGO	International Non-governmental Organization
IPAR	Institute for Policy Analysis and Research
IPBES	Intergovernmental Panel on Biodiversity and Ecosystem Services
IPCC	Intergovernmental Panel on Climate Change
ITDG	Intermediate Technology Development Group
ITTA	International Tropical Timber Agreement
IUCN	International Union for Conservation of Nature and Natural Resources
KANU	Kenya African National Union
KAPS	Kenya Airports Parking Services
KARI	Kenya Agricultural Research Institute
KATO	Kenya Association of Tour Operators
KEFRI	Kenya Forestry Research Institute
KEMFRI	Kenya Marine and Fisheries Research Institute
KFS	Kenya Forest Service
KKV	King Keohane and Verba
KTB	Kenya Tourist Board
KWS	Kenya Wildlife Service
KWSTI	Kenya Wildlife Service Training Institute
LA	Local Authority
LWF	Laikipia Wildlife Forum
MAB	Man and Biosphere Reserve
MAL	Ministries of Agriculture and Livestock

List of Acronyms—Continued

MC	Mara Conservancy
MCPP	Municipal Community Private sector Partnerships
MDG	Millennium Development Goals
MA/MEA	Millennium Ecosystem Assessment
MAB	Man and Biosphere Reserve
MEA	Millennium Ecosystem Assessment
MEMR	Ministry of Environment and Mineral Development
MENR	Ministry of Environment and Natural Resources
MFW	Ministry of Forestry and Wildlife
MoA	Ministry of Agriculture
MoT	Ministry of Tourism
MP	Member of Parliament
MPND	Ministry of National Planning and Development
MRC	Mpala Research Center
MSD-NKAL	Ministry of State Development for Northern Kenya and Arid Lands
MSSD	Most Similar Systems Design
NCC	Narok County Council
NEAP	National Environment Action Plan
NEC	National Environment Committee
NEMA	National Environmental Management Authority
NES	National Environment Secretariat
NGOs	Non-Governmental Organizations
NORAD	Norwegian Agency for Development Cooperation
NRM	Natural Resource Management
ODI	Overseas Development Institute
OECD	Organization for Economic Cooperation and Development
PA	Protected Area
PDC	Provincial Development Committee
PDRBA	Participatory Development and Rights-Based Approaches
PEC	Provincial Environmental Committee
PER	Public Expenditure Review
PES	Payments for Ecosystem Services
PFM	Participatory Forest Management
P(R)ES	Payments and Rewards for Ecosystem Services
PROFOR	Program on Forests
PWS	Payments for Wildlife Services
REDD	Reducing Emissions from Deforestation and Forest Degradation
RES	Rewards for Ecosystem Services
RMT	Resource Mobilization Theory
RoK	Republic of Kenya
RSI	Rethinking Social Inquiry
RUPES	Rewarding Upland Poor for Environmental Services

List of Acronyms—Continued

SD	Sustainable Development
SIDA	Swedish International Development Cooperation
SMME	Serengeti Maasai Mara Ecosystem
SNV	<i>Stichting Nederlandse Vrijwilligers</i> (Netherlands Development Agency)
TCI	Traditional Customary Institutions
TEEB	The Economics for Ecosystem and Biodiversity
TPAs	Transboundary Protected Areas
TUF	Tourism User Fees
UDHR	Universal Declaration on Human Rights
UN	United Nations
UNCCD	United Nations Convention to Combat Desertification
UNCDF	United Nations Capital Development Fund
UNCED	United Nations Conference on Environment and Development
UNCTAD	United Nations Conference on Trade and Development 1
UNDG	United Nations Development Group
UNDP	United Nations Development Programme
UNDP-PEI	United Nations Poverty and Environment Initiative
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFCCC	United Nations Framework Convention on Climate Change
USA	United States of America
USAID	United States Agency for International Development
VEC	Village Development Committee
VF	Village Forum
WAC	World Agro-forestry Center
WCC	Wildlife Conservation Committee
WCED	World Commission on Environment and Development
WCMD	Wildlife Conservation and Management Department
WDPA	World Database on Protected Areas
WILD	Wildlife Integration for Livelihood Diversification
WRI	World Resources Institute
WTP	Willingness to Pay
WUAs	Water User Associations
WWF	World Wildlife Fund

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CHAPTER 1

INTRODUCTION, THEORY, AND METHODOLOGY

1. Introduction and scope of the study

1.1: The basis for Municipal-Community-Private Sector Partnerships

The escalation of unregulated exploitation and destruction of Kenya's biodiversity is having a drastic impact on its rich wildlife ecosystems. Projections indicate an alarming reality of looming species extinction (Lawson and Vines 2014). Quantitative and qualitative metrics indicate that large mammal species and genetic biodiversity are declining in both distribution and abundance (NEMA 2010). For example, sedentarization, retaliatory persecution and illegal appropriation of wildlife resources have increased (CITES, IUCN and TRAFFIC 2013, IFAW 2013, Ministry of Environment, Water and Natural Resources and UN-REDD 2013). A boom in illicit trading and corruption erode the capacity of overwhelmed agencies and signal a weakening capacity in managing the intricate web of challenges (AWF 2012). These problems are causing further declines in ecosystem services and therefore worsening conditions for wildlife survival. Ineffective legislation and enforcement accentuate unregulated excision, degradation, and fragmentation of wildlife rangelands (Musyoki et al. 2012, Republic of Kenya and Giraffe Conservation Foundation 2012). The unfortunate fact is that the livelihoods of many vulnerable populations rely heavily on these resources.

A promising fact, however, is that despite these pessimistic trends, current efforts indicate a growing interest by disparate institutions in abating destruction and scaling up proactive stakeholder participation. A key resource is local resource-user and resource-

adjacent communities who are believed to have the capacity to protect a host of wildlife-based ecosystems. Concomitantly, institutionalizing the proactive participation of these communities as an entry point for securing both landscapes and livelihoods is gaining traction.

Optimists laud the progressive nature of these efforts as coordinated programs for inclusive management (Borrini-Feyerabend 2004, Ascher 2007, Bottazzi 2008, Borner et al. 2009). Proponents of participatory conservation argue that co-management is an inclusive pathway for local stakeholder engagement. Some of their research has provided promising evidence on what procedural elements of inclusive governance entail. In sharp contrast, a systematic analysis of the fundamentals of inclusion, that is, substantive democratic engagement is lacking. Partly, the source of this discrepancy is three-pronged: empirical, methodological, and analytical.

Empirically, the goal of this dissertation is to examine variation in the outcomes of participation of community-based organizations (hereafter, CBOs) in biodiversity management. Outcomes are evaluated in the context of biodiversity management in three of Kenya's focal wildlife protected area complexes; namely, Laikipia-Ewaso, the Amboseli, and Maasai Mara's Triangle sub-complex. Analytically, it complements research on commons management. It seeks to evaluate if partnership-mediated networks of Municipal-Community-Private Sector Partnerships (hereafter, MCPP) steer and create political opportunity for CBOs to nurture formal and informal elements of power. Overall, the broader aim of the study is to investigate procedural and substantive outcomes of community participation. Methodologically, a comparative case study strategy is adopted vis a vis the application of a most similar systems design variant. This

strategy provides context-specific data for exploring MCPP evolution, evaluating interactions, explaining variation in MCPP-mediated empowerment, and isolating new variables.

The key objective of this study is to explore the key factors behind the variation in empowerment of CBOs that lead to improvements in biodiversity management and livelihoods. Anecdotal evidence, case studies, and basic comparative research have consistently demonstrated variations in outcomes of ecosystem preservation and empowerment of local communities among Laikipia, Amboseli and Maasai Mara regions (see for example Western and Russell 2009, Sundaresan and Riginos 2010). However, there is yet to be a systematic comparative analysis of conservation regimes or sufficient explanation for the evident lacuna. Why are Laikipia's regime and its surrounding zones faring better at enforcing ecological conservation and incentivizing local management systems for community participation than its counterparts in the Maasai Mara and the Amboseli?

The dissertation poses the general research question; does the MCPP model facilitate the empowerment of CBOs in co-management partnerships for wildlife protected areas? Under what conditions is empowerment maximized or inhibited? In addition, it addresses gaps in co-management research by examining the operational context of resource management modeled on the MCPP framework. Based on these suppositions, it seeks to: 1) trace the evolution of CBO involvement within the platforms of the three key co-management structures; 2) situate the effect of attendant partnership structures on CBO outcomes; and 3) explore the impact of independent variables on empowerment outcomes.

This dissertation simultaneously applies a dual strategy for analyzing empowerment. It applies path-dependency¹ as the key approach and is specifically underpinned in the notion of initial conditions which is a heuristic for explaining why the different paths to partnership founding matters for variation in empowerment outcomes. Thus, a phased model of the trajectory of co-management is crucial in outlaying and testing propositions about MCPP-mediated empowerment, and more so, dissimilarities in the strategies and structures influencing empowerment. A complementing analytical strategy examines the preconditions for successful co-management outcomes. This situates a role for analytical traditions of participatory development, resource mobilization theory, and collaborative governance approaches. This dual strategy helps to demonstrate the definitive mechanisms that help and/or hinder the empowerment of community organizations.

Kenya's environmental sector is embracing co-management as a solution to tackling conservation challenges in a country famous for some of the world's biodiversity-rich complexes (Zeppel 2006, Honey 2008, Roe, Nelson and Sandbrook 2009, Republic of Kenya 2009a and 2009b).² In the past two decades, several organizations and institutions have been initiating, supporting and engaging partnerships in biodiversity management. Figure 1 illustrates examples of entities engaged in collaborative partnerships for wildlife-based biodiversity conservation in Kenya. By

¹ I particularly emphasize initial conditions as a notion of path-dependence in order to highlight the predominant factors that were fundamental in shaping empowerment outcomes. I utilize the tools of path creation (i.e., the varied strategies of introducing co-management) and junctures (i.e., the transition from centralized coercive to collaborative management). These features account for how origins of certain paths have a decisive influence on future events (see for example, Dobusch and Kapeller 2013).

² Interestingly, although Kenya's wildlife sector implemented one of the earliest collaborative models for state-community partnerships programs in Africa (Sindiga 1995; Honey 2008), challenges abound.

forging partnerships, the goal is to abate degradation of bio-diversity and empower local community organizations. It is worth noting that 70% of Kenya's wild mammalian species are inhabitants of land outside the major protected areas. In essence, these species immensely benefit from host environments in the vast private and communal lands adjacent to these protected area complexes that act as dispersal, migratory and foraging corridors, as well as corridors of connectivity (Graham 2006). As hubs where wildlife populations persist, these lands are valued as important conservation landscapes. However, landowners have long contested the costs that they accrue at the expense of wildlife protection and ecosystem conservation. The enforced protection of wildlife carries a high cost (Norton-Griffiths and Southey 1995, Elliott and Mwangi 1997, Ashley 2000, Norton-Griffiths 2000, Mizutani et al., nd, Cheung 2012). More specifically, the harmonious co-existence which was indicated by complex but beneficial interactions between wildlife and livestock in the grazing areas is changing due to competition for resources and declines in wildlife habitats (AU-IBAR 2012, 11, Butt and Turner 2012).³

In these contexts, an innovative organizational platform, the MCPP, evolved across Kenya's major biodiversity landscapes. Through these partnerships, stakeholders in Kenya's wildlife sector are forging networks to address conservation burdens, initiate and institutionalize benefits sharing mechanisms. Prior to the establishment of these partnerships, the destruction of wildlife ecosystems occurred at an alarming rate (Mburu 2004, Rutten 2004, Mutu 2005, Western and Russell 2009, Sundaresan and Riginos 2010, Leménager et al. 2014). More importantly, these three wildlife complexes were famous for over-exploitation of ecosystem goods and underutilization of ecosystem service

³ AU-IBAR is the African Union – Interafrican Bureau for Animal Resources

Table 1: Entities engaged in collaborative partnerships for biodiversity conservation in Kenya

Actor cluster	Examples
State-affiliated entities	Agencies such as the Department of Resource Surveys and Remote Sensing (DRSRS), Kenya Wildlife Service (KWS), National Environment Management Authority (NEMA), Kenya Forest Service (KFS), the Ministry of Environment, Water, and Natural Resources, local municipalities, and state agencies managing arid lands
The private sector	Local and global ecotourism corporate ventures, tour operators, the informal sector encompassing small vendors and artisans
Civil society organizations	Grassroots CBOs, local and global NGOs, community associations, and social and welfare movements
NGOs	The African Conservation Center (ACC), the African Wildlife Foundation (AWF), the East African Wildlife Society (EAWS), International Elephant Foundation, Tusk, Space for Giants, the International Fund for Animal Welfare (IFAW), and World Wildlife Fund – Kenya (WWF)
Global inter-governmental entities	AU-IBAR, the European Union, The United Nations Environment Program (UNEP), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Bank
International state-affiliate donors	The United States Agency for International Development (USAID), the US Fish and Wildlife Service (Division of International Conservation), Britain’s Department for International Development, the German Technical Cooperation Agency (GTZ), and the Swedish International Development Cooperation (SIDA)
Research institutions – local and international	The National Museums of Kenya, the International Livestock Research Institute (ILRI) in Nairobi, Panthera Corporation, TRAFFIC (The Wildlife Trade Monitoring Network), the Frankfurt Zoological Society and the New York Zoological Society (the Wildlife Conservation Society)

programs.⁴ Additionally, a significant hurdle was the ineffective harnessing of resources. Local governments and the private sector did not collaborate effectively for successful biodiversity management. With the initiation of MCPPs, stakeholder networks have implemented incentives-based payments models across various wildlife and forest complexes in Kenya. These projects are an avenue for empowerment and conflict resolution and are effective strategies for encouraging community stewardship (Rutten 2004, Bedelian 2012, Nelson 2012).

More noteworthy is the fact that Kenya's rangelands⁵ continue to be degraded amid competing land uses (Gadd 2005, FAO nd) and as wildlife populations continue to dwindle, the Payments for Ecosystem Services (PES) have assumed a critical role as a strategy for enhancing stewardship among landowners. Payments for Ecosystem Services (PES) have been initiated in order to enhance stewardship among landowners.⁶ In general, PES refers to a system of payments made to landowners in return for the

⁴ While ecosystem goods are the products of a well-maintained biodiversity such as water, food, firewood, forage, medicinal plants, among others, ecosystem services are the vast benefits derived from ecosystem processes and that support human well-being (Millennium Ecosystem Assessment, MEA 2005). Ecosystem services embody a classification system of four elements. According to The Economics for Ecosystem and Biodiversity (TEEB) OECD Office (2010), a taxonomic classification of Ecosystem Services, constitutes four elements. *Provisioning* services are "products obtained from ecosystems such as food, water, wood, fiber, genetic resources". *Regulating* services are "benefits such as regulation of ecosystem processes, climatic regulation, and water". *Habitat* services "highlight the importance of ecosystems to provide habitat for migratory species and maintain the viability of gene pools". *Cultural* are "the non-material benefits we obtain from ecosystems such as spiritual enrichment recreation, and aesthetic beauty". Otherwise, there are other models and typologies used in research studies and policy implementation across the globe. For a detailed analysis, see Wunder, Sven. "Payments for environmental services: Some nuts and bolts." *CIFOR Occasional Paper, no. 2*. CIFOR, Bogor (2005).

⁵ In this analysis, the rangelands constitute the private and communal lands such as group ranches, which are core ecological elements of protected area landscapes and dispersal areas that enhance ecosystem services. Conservancies are usually, though not always located within specific group ranches.

⁶ While an extensive analysis of PES schemes is beyond the scope of this dissertation, a brief description of its relevance, global status and institutionalization in Kenya deserves some mentioning.

conservation services rendered and aspired as biodiversity preserving activities. Technically,⁷ PES is a combination of payment approaches usually associated with the seminal works of CIFOR's (the Center for International Forestry Research) Sven Wunder (2005) and the Katoomba Group (2007). They are usually designed as "formal and informal contracts in which landowners are remunerated for managing their land to produce one or more ecosystem services..."(Ecosystem Marketplace, 2011). PES is based on the concept of ecosystem services which was first discussed among conservation researchers about a decade ago. However, its recent origins in common parlance was through United Nations' Convention on Biological Diversity (CBD) Millennium Ecosystem Assessment (MA/MEA) and institutionalization via the Intergovernmental Panel on Biodiversity and Ecosystem Services (Ingram et al. 2012, 1). The PES model identifies with the ecosystem-based management paradigm and the more recently pronounced CBD 2010 Aichi Targets. As a recent global innovation⁸ that encompasses a vast array of incentives-based strategies, the model seeks to address imbalances associated with conservation.⁹

Sellers such as private and communal landowners and buyers such as governments and the private sector manage these contractual transactions. The contracts are usually

⁷ The origin of PES is associated with the global biodiversity capacity findings of the CBD Millennium Ecosystem Assessment.

⁸ The United States is an exception. It is one of the few countries where payments to landowners in return for their conservation efforts have been a major practice for many decades. For a further review, see the Ecosystem Marketplace (2011).

⁹ Recent debates seek to replace the term payments with rewards, thus, Rewards for Ecosystem Services (RES) which proponents argue introduces co-responsibility as a feature of the co-management (Noorwodik and Leimona 2010; De Groot 2011). In some evaluations, researchers have recently used the terms Payments for Wildlife Services - PWS (Birner and Osano 2012), Compensation and Rewards for Ecosystem Services _ CRES (Swallow et al 2010), and Payments and Rewards for Ecosystem Services/Rewarding Upland Poor for Environmental Services P(R)ES /RUPES (Ninan 2009; FAO/IFAD). Other terminologies are laden in economic terms; for example, Markets for Ecosystem Services, Compensation for Conservation, Benefits Transfer for Conservation, and Benefit Sharing for Conservation.

voluntary, (Wunder 2005, 2007) but there are a group of mandatory schemes that are also widely used across the globe (Wunder et al. 2008). Additionally, they can be donor, government, or market financed mechanisms (Wunder 2005, 2006). Ideally, a PES scheme constitutes the following arrangement: “ 1) a voluntary transaction, 2) a well defined environmental service or a land use likely to secure its provision, 3) at least one buyer, 4) at least one provider effectively controlling service provision, and 5) if and only if the environmental service provider secures service provision (conditionality)” (Wunder 2005, 3). Ecosystem services are public goods that are apt to provide some incentives to landowners or the public in order to enhance conservation. MCPPs serve the purpose of restructuring incentive systems which motivate landowners to conserve biodiversity.

This dissertation enquires into the level of interface at which the mainstreaming tools for the payments strategies (at platform and project level) converge to define the outcomes for community organizations in MCPP-mediated arena. MCPPs innovatively provide platforms for initiating and implementing the PES model and addressing gaps in legal and institutional framework by linking landowners’ efforts with benefits streams for their services. The specific PES projects examined in this dissertation are all ecotourism and rangeland management projects requiring communities to demarcate and designate a section of their land and to establish conservation and buffer zones.

Specifics of PES features examined in the empirical chapters are: 1) the animate co-management features of partnership *platforms* that initiate, support and scale up implementation of payments and 2) project-level case studies in three partnerships of each biodiversity complex. In the context of wildlife conservation in Kenya, payments for ecosystem services are MCPP-mediated mechanisms that reward conservators to allow

them to derive optimum or near optimum returns from associated travail in conserving wildlife. This study applies the design school of payments model as the template on which to examine transformative potential of these projects through an analysis of how incentives are packaged and the craftsmanship defining the rewards system.¹⁰

MCPD partners in the three complexes under study agree that payments for ecosystem services can abate systemic decimation of wildlife, degradation of forests, and empower local landowners. The payment paradigm dwells on the maxim that incentives must be provided to landowners in order to encourage them to conserve nature. While considered a recent innovative paradigm in Kenya's conservation sector, propositions and experimentation on payment for ecosystem services model are budding phenomena.¹¹ Several projects are also underway with some already formally recognized nationally and internationally as formal PES schemes.¹²

The vast communal landscapes across the three ecosystems under study are significant for wildlife survival. Their ecological significance is also linked to their status as centers of genetic diversity for grasses (Reid et al., 2005). Community-managed activities and projects anchored on partnerships are regenerating and restoring rangelands for wildlife use (AU-IBAR 2012, 21-22, 34-37, Binot et al., 2009, 55-81). The projects

¹⁰ Recently, researchers are investigating the design and implementation aspects of PES schemes. Several works illustrate this trend (for example, Wunder et al., 2008; Engel et al., 2008; Clements et al., 2010; Noorwidjk and Leimona 2010; IBRD/World Bank 2012). However, PES project outcomes studies are customary (see for example, Echavaria et al., 2004; Noorwidjk et al., 2012 in press; Swallow et al., 2011; Kerr and Jindal 2012) and are usually complemented with inventories and /or feasibility reports (see for example Katoomba Group 2006; Mwangi 2005 and 2006).

¹¹ It is worth noting that Kenya's wildlife sector implemented some of Africa's earliest collaborative models for wildlife management in Africa (see Sindiga 1995, Honey 2008).

¹² For example, Kenya's Kasigau Corridor Project covering the landscape between Tsavo East and Tsavo West National Parks was the first REDD project across the globe to achieve Verified Carbon Standard validation and verification in February 2011 (Code REDD nd, 1, accessed on July 7, 2013 at <http://www.coderedd.org/redd-project-devs/wildlife-works-carbon-rukinga-redd-project/>

are emblematic of MCPP-mediated institutions operating as biodiversity markets that link buyers (MCPP members) and sellers (CBOs and their respective communities) of environmental goods such as restored rangeland, forage, and corridors of connectivity. A related element in MCPP-mediated institution building is through community capacity building. These platforms and projects have restructured the local interest in conservation and processes for engaging stakeholders. This has occurred through enhanced representation and some improvements in accountability and effectiveness of community-based institutions. The key tool for scaling up participation of CBOs and their representative communities is through the facilitation resource exchange and resource sharing across extensive networks of co-management.

1.2: Scope of the study

This dissertation is first and foremost designed as a critical analysis limited to the wildlife sector conservation and empowerment dynamics rather than broader environmental (or forest) issues on which the sector is anchored. Policy analysts in the country's environmental sector usually labor to integrate (or bisect) the interdependent forest and wildlife sub-sectors.¹³ Nonetheless, this study delves into the critical policy interconnections when necessary as these ecosystems are interconnected landscapes. Equally important is the fact that this analysis concentrates on indigenous wildlife rangelands predominantly inhabited by the Maasai who own most of the land that surrounds the wildlife PAs under study. Additionally, the dissertation focuses on governance issues only germane to upstream sectors of payments for ecosystem services

¹³ In fact, both the forest and wildlife sectors are under the umbrella of the Ministry of Environment, Water, and Natural Resources and have on few occasions been managed under different ministries.

operations as a core element though specific domains of downstream operations of the value chain are analyzed when relevant.

A second feature of this dissertation is that it principally focuses on innovative institutional design innovations and their related impacts within each partnership rather than conservation per se. The key unit of analysis is a partnership, which include the Laikipia Wildlife Forum (hereafter, the Forum), the Amboseli Biosphere Reserve Management Partnership (hereafter, the Amboseli Management Partnership), and the Mara Conservancy. However, because I evaluate outcomes at both platform and project level, I examine three levels of analysis. These are a partnership platform, a CBO partner, and a group ranch. Within group ranches I evaluate grassroots-driven governance through contractual conservation. The goal is to illuminate specific aspects of MCPP-bred institutional innovations. These ostensibly encompass the following features:

- Governability allows collaborators to facilitate collective action and resolve disputes over unrewarded conservation. Partnerships have their basis on laws that govern biodiversity management
- Nodality is enabled through inter-connected processes for decision-making and coordination. Networked activity nodes replaced the centralized coercive power centers that stifled collaboration
- Modularity is related to a system of coordinated governance in which MCPP units operate separately but are integrated administratively through inter-dependent management
- Efficiency is embraced as an organizing principle for improving CBO capacity for conservation and revenue appropriation. Rewards-based strategies are a favored strategy for enhancing positive outcomes
- Territoriality is an orientation that guides spatial planning of MCPP programs. On this basis, bioregional is applied to optimize rangeland management outcomes. All the MCPPs are pan-district models
- Diversity is a critical principle that guides strategies for scaling up the participation of previously marginalized groups and accommodating

partner interests. Multi-actor and multi-purpose networks work across each landscape

- Stability of each MCPP (i.e, evolution and development) is dependent on the organizational culture and structure, including the ability to manage conflict and adapt to social, political, ecological and demographic changes
- Capacity-building of community organizations is a key priority of partnership activities. As such, leaders direct interventions towards organization, institution, and skills building. Capacity-building outcomes have implications for project legitimacy, credibility, and efficiency

2. Literature review

Enhancing participatory governance of wildlife-based ecosystems has been a core element of dominant discourses on conservation at local, national and global forums (Stringer et al., 2007).¹⁴ An overarching consensus is that the successful abatement of destruction of biodiversity needs the concerted efforts of all relevant stakeholders (UNEP 2002, IBRD/World Bank 2004 and 2007, UNCBD 2005, FAO 2009).¹⁵ There is a consensus that proactive, inclusive and effective community structures are critical domains for enhancing stewardship ethos among resource-adjacent and resource-user communities. However, some studies offer a cautionary tale on participatory programs modeled on collaboration and decentralization (for example, Larson and Ribot 2005), arguing that democratized spaces may directly or indirectly reinforce and redirect power

¹⁴ Concurrently, it is now widely acknowledged that conservation and development efforts are intertwined, (see Pimbert and Ghimire 1997, UNCTAD 1997; WCED 2006) and the general trends show that many institutional initiatives are increasingly seeking to operationalize this linkage (Berkes 2004; Naughton-Treves 2005). Institutionalized support for these debates is evident in the growing audience among academics and practitioners who are leading the efforts to sensitize and mobilize forces for reforms in resource management as part of the broader efforts for democratic governance and multi-actor partnerships.

¹⁵ For example, Principle 10 of the Rio Declaration affirms the direction of this consensus.

to institutions that embrace and support systemic exclusion of community organizations (Nelson et al. 2005).

Various paradigms explain the critical enabling factors to enhancing empowering interventions. Polemics abound, mainstream approaches have progressively shifted from a binary classification of what successful intervention outcomes entail. Traditionally, they interpreted enabling structures as those leading to positive changes either in livelihoods or in landscapes. However, what are the interconnections between conservation of wildlife ecosystems and community empowerment? For example, in Kenya, community empowerment outcomes are a function of an array of various MCPP-mediated operations. This literature review section highlights the leading analytical approaches that provide tools that effectively bridge the gap between livelihood-centered and landscape-centered perspectives. This dissertation seeks to integrate lessons from three paradigmatic traditions: 1) participatory development and rights-based approach, 2) resource mobilization theory, and 3) collaborative governance approach.¹⁶

2.1: Participatory development and rights-based approach

Participatory approach¹⁷ overwhelmingly emphasizes definitive enablers and structural impediments to proactive participation in biodiversity management. In essence,

¹⁶ A closer look at these three intellectual traditions indicates that despite the varied conceptual undertones and conclusions, the three traditions embrace, more or less, a similar vision about why community organizations should be active partners in resource management. Besides empowerment, active participation is a healthy ingredient of local development because it nurtures the capacity of local organizations and enables strategic innovations in governance.

¹⁷ The rights-based approach complements participatory approach because it shares common themes about empowerment strategies. However, it conceptualizes participation as an element of citizenship rights, not merely a process for engaging and including participants. Key proponents of this approach include development ethicists such as Amartya Sen, Sabina Alkire, Des Gasper and Thomas Pogge, (McNeill and St. Clair 2007, 30). These experts discuss how lack of access to resources inhibits free agency and freedom. Accordingly, viewing participation as a human right helps to counter asymmetries in relational power (Riley 2009).

it argues that limited access and centralized control accentuate power asymmetries by limiting participation. Traditionally, biodiversity management in many developing countries was predominantly a top down and exclusionary system (Pimbert and Pretty 1995, Hackel 1999, Kapoor 200, Few 2002). The ownership of both coercive and non-coercive instruments of control by central and municipal governments fomented the centralized and fortress models. Studies indicate that despite the reluctance by states to fully divest the powers to communities (Agrawal and Gibson 1999, Nelson 2007, Ngeta 2007, Haller and Galvin 2008, Muttenger 2008), there is a growing trend indicating that programs are scaling up participatory systems in biodiversity management (Hulme and Murphy 2001, Borrini-Feyerabend 2004, Honey 2008).

By design, the overarching goal of co-management is to restructure existing power asymmetries. The logic is that co-management incentivizes coordination systems and nurtures a stewardship ethic on the part of local users by encouraging local proprietorship and regulated resource use (Pimbert and Pretty 1995, 1997). Access and voice are important themes on which empowerment outcomes rest. More recently, the focus is on balancing rights and roles of communities in co-management.

Notwithstanding, advocates in this tradition agree that the interconnection between rights and roles remains to be a daunting challenge for ensuring effective partnership-mediated results, (Chambers 2002, Agrawal and Gibson 1999, Mitchell 2005). Other advocates are more sanguine given that using appropriate participatory tools can be effective (Uphoff, Esman and Krishna 1998, Muller et al. 2008).

The effectiveness of co-management structures in achieving empowerment is exhibited in different dimensions such as political empowerment and increased capacity

for self organization (Bliss and Neumann 2009, Riley 2009). Effective co-management increases a given community's capacity for self reliance. Some notable empirical case studies have been done in Latin America (Ahmed and Sanchez Triana 2008), in Kerala, India (Heller and Isaac. 2001), and in Sri Lanka on Gal Oya (Uphoff 1996, 1998). Community participation is both a means to an end and end in itself. According to this approach, communities can negotiate new roles and make demands for rights to access and management. This can occur through collaboration or creation of alternative arenas for contestation, mobilization, and organization. Regardless of the strategy of participation, co-management offers innovative and expanded access to structures for decision-making.

Interestingly, substantive dimensions of empowerment are given minimal attention in co-management studies with a few exceptions (such as Singh and Titi 1995, Tandon 1995, Mitchell 2005, Bliss and Neumann 2008, Riley 2009). Changes in the degree of community representation are not enough without increases in the effectiveness of institutions' ability in managing economic and organizational processes. Additionally, a key prerequisite for effective empowerment is systemic institutionalization of co-management. For example, a study on a Nepalese Conservation Area by Muller and associates (2008) found that co-management ventures may look empowering and successful in some dimensions (by indicators such as improved forest conditions, increased wildlife populations, and enhanced livelihoods) but when carefully examined, they are marked by high levels of dependency and inefficiency. The departure of a supporting intermediary unit spells doom for these programs.

Co-management programs can equally facilitate the exclusion of some community groups in a bid to win external support. Citing tensions and divisions between locals and immigrants, Acciaoli's (2008) study on commons management in Indonesia's Central Sulawesi region found evidence supportive of a participatory paradigm occurring simultaneously with strategic and ideological manipulation by the local leadership. Community leaders utilized exclusionary discourses that fostered indigenous knowledge and institutions yet camouflaged as open and conservation-friendly regimes. This was a strategy used to increase the leadership's ability and control over lands used and owned by immigrant farmers (Acciaoli's 2008)

Because co-management of biodiversity aims at increasing green entrepreneurship, a good question to ask is, "for whose benefit?" While many proponents of participatory approaches portray community organizations as resource poor, some research findings suggest that community organizations can still make substantial resource contributions (Butterfield 2005). At times they rely on the support initiated by the local governments (Tendler 1997). Both tangible and intangible resources are critical factors for empowerment (Krishna and Uphoff 1999:209-210, Pretty and Ward 2001, Gujit 2009: 205). In other words, low levels of resource ownership exacerbate power asymmetries. This is a reason why proponents of this approach define success based on the evidence of change in power relations.

Among proponents of participation is the concurrence that formal and informal rules are at the heart of successful co-management programs. Thus, a more realistic view of empowerment is that in a co-management setting, it is a product of project structure and community organization. Ignoring the latter is prelude to failure. Studies show that in

many contexts, communities are less accustomed to contractual roles (Butterfield 2005, 14) though they can cope creatively through risk adjustment and innovative resource management (Patel et al. 1995, 117-122). In other contexts they are still able to mobilize despite higher costs of organization (Butterfield 2006). Rules that incentivize participation and constrain behavior define the role of institutional design in facilitating empowerment or accentuating exclusion. On the other hand, local communities have long established formal and informal mechanisms for planning and managing their biodiversity (Ostrom 1990, Rønningen 2008) which exist as property rights regimes for territorially bound public and private resources (Agrawal and Gibson 1999, Ostrom 1991, Acher 2007, Shahbaz, Gimbege and Haller 2008).

2.2: Resource mobilization theory

A second approach to examining empowerment is the resource mobilization theory. According to Carnel (1997), this theory includes of two sets of models: the political-interactive model (represented by Tilly and McAdam) and the organizational-entrepreneurial model (represented McCarthy and Zald).¹⁸ The political model emphasizes the structural factors in society that nurture social movements, including opportunities for collective action. The latter emphasizes resources as critical variables to explaining actions and outcomes. Both models are applicable to this study because they both prioritize internal material and non-material resources as important attributes for evaluating CBO capacity and conveniently allow for the application of the dimensions of

¹⁸ For a more detailed analysis, see Eduardo Carnel “New Social Movement Theory and Resource Mobilization Theory: The need for Integration,” in Michael Kaufman and Haroldo Dilla Alfonso, eds., *Community power and grassroots democracy: The transformation of social life* (Ottawa: IDRC/Zed, 1997, p.207).

the CIVICUS Index. The second model is useful in examining pertinent economic, organizational and leadership resources possessed by community organizations and how these resources shape participation outcomes.

An analysis of the political actors that facilitate or limit mobilization provides parameters on which to evaluate the features of political environment that nurtures, legitimates, or inhibits community mobilization and empowerment. Similarly, the advantage of analyzing empowerment outcomes on the premises of the second model is to help validate that the combination of the internal community capacity and dynamics of co-management structures are interconnected elements in the equation of empowerment. As will be seen in the empirical chapters, this interconnection is a crucial element in all phases of co-management evolution and, by design, empowerment. Mobilization and formal infrastructure of a given community entity provides two important indicators of community capacity.

The central theme that has dominated debates among proponents of this approach is, undeniably, the issue of what resources bear upon successful intervention by organizations. The key tenet is that there is a reliable link between the structure of a community organization in relation to resource possession and its achievements. An organization must possess, mobilize, and efficiently manage its resources in order to incentivize participation. These resources include the associative, material, and numerical capabilities, organization, and leadership (Ndegwa 1996, Tarrow 1988, McCarthy and Zald 1977, Jenkins 1983, McCarthy and Wolfson 1996, Butterfield 2006). These resources create incentives and mechanisms that facilitate recruitment and reduce the costs of mobilization (Tarrow 1978, 1988, Oliver 1989, Foweraker 1996, Carnel 1997).

Additionally, the entrepreneurial ability of an organization's leadership is paramount (Gamson 1987, McCarthy and Zald 1977, Tilly 1978, Jenkins 1981). For example, groups with organization and good leadership are more successful than those that are less organized. Thus, organizational resources are a necessary and a sufficient condition for a strong and empowered grassroots community organization.

In Kenya's environmental sector, exemplary cases have been cited in wildlife management (Honey 2008, LWF 2009), forestry, and livelihood diversification (Ndegwa 1996, Honey 2008) while the absence of resources has been blamed for the weak bargaining positions of CBOs and other civil society organizations (see for example Ngeta 2007, Nelson 2007, Muttenger 2008). Previous research has also demonstrated that the success of community organizations is a function of the tactics that its leadership provides (Ndegwa 2004). While resources can facilitate effective mobilization and activism, proponents of this approach generally reference community grievances and sustained mobilization as dominant dynamics in co-management. Accordingly, mobilization is "the process by which a group assembles (material and non-material resources) and places them under collective control for the explicit purpose of pursuing the group's interests through action" (Carnel 1997, 207).

The three cases under study are trouble spot biodiversity complexes where contentious politics is more of a norm than an exception. Recurrent contestations by indigenous communities making claims to usufruct rights in these protected areas are a familiar story. Thus, unlike the other two approaches, resource mobilization theory provides alternative interpretations which recognize that conflict is an inherent feature of co-management. In fact, conflict is a prominent rather than an ephemeral element in co-

management. This approach assumes that strengthening of organizations occurs via institutionalization at the meso-level; the argument being that it is the point where distribution of incentives occurs, and cooperation nurtures the antecedents of participation.¹⁹ Accordingly, institutionalization is an inherent logic of collective action (Tarrow 1988, Foweraker 1995: 70-147, Ndegwa 1996).

MCP platforms are providing innovative strategies for encompassing interests of aggrieved communities, though with varied levels of success. A key tenet of the political model suggests that it is strategic for community organizations to operate at institutional level (Tilly 1978, Cohen 1985). For example, co-management as a form of decentralized management can facilitate the empowerment of organizations by creating new opportunities for mobilization, formal organization, and interactions with new partners and alliances, (Baiocchi 2006, Cheema 2007). As will be described in the empirical chapters, an institutionalized environment is not necessarily amenable to the development of stronger community organizations. Formal platforms can constrain autonomy and inhibit empowerment of CBOs due to control by and disunity among elites and government interference. In specific governance contexts, successful interaction between dominant powerful institutions and community organizations requires that the latter mobilize countervailing “adversarial” power but must attune their tactics to meaningful forms of collaboration (Fung and Wright 2003, 260).

2.3: Collaborative governance approach

The third approach relevant to this research study is collaborative governance approach. Despite its recent prominence as a buzzword, collaboration as a management tool is not new (McGuire 2006). The earliest accounts examined collaboration in the

¹⁹ In particular, the processes of member recruitment and mobilization.

early 1970s.²⁰ Proponents of this approach agree that collaboration is a response to various drastic changes in social, cultural, economic, and political aspects that the society has undergone in the past decades. These changes have served as avenues for restructuring modes and institutions of participation while simultaneously influencing results that emerge from interactions between the state and other actors. The state was traditionally the sole regulator and guarantor of rights and controller of planning and management of provision of goods and services. The most important shift has been the reduction in the state's role and influence. Collaboration is a purposive multi-organizational system of inter-relationships designed to solve problems by creating or discovering a solution within a given set of constraints (Agranoff and McGuire 2003: 4, McGuire 2006, Lynn et al. 2001, O'Leary and Bingham 2009).²¹

Proponents of this approach maintain that successful collaboration entails effective sharing and exchange of resources and responsibilities based upon partner resource needs and contributions. In this literature, resources are categorized as financial, informational, political, and legal (Agranoff and McGuire 2003). This research paradigm has paid significant attention to analyzing antecedents and outcomes of collaboration. The resource exchange model of collaboration is a prominent explanatory perspective with a standing tenet that the need for resources by collaborators is the most critical determinant of collaboration. More recent research indicates that resource needs only shape the initial motivations of collaborators in joining networks, but this need is not a

²⁰ There is consensus that one of the earliest works on collaboration is the seminal work by Jeffrey Pressman and Aaron Wildavsky titled *Implementation: How Great Expectations in Washington Are Dashed in Oakland; Or, Why It's Amazing that Federal Programs Work at all*.

²¹ Despite having its roots in the discipline of Public Administration, this approach has applied extensively in other disciplines such as natural resource governance, rural, urban and infrastructural development and service provision. See additional definitions by Lynn et al. (2001).

factor in explaining increased subsequent engagement (Fleishman 2009, 47). The key implication for examining antecedents to collaboration, however, is in their importance as initial conditions and as opportunity structures that facilitate (or impede) empowerment of community organizations. Successful collaboration requires formalization, specialization, and effective coordination (McGuire 2006). Formalization and collective coordination empowers participants by facilitating engagement in system-wide linkages while specialization places upon partners the responsibility of being productive specialists within their mandated roles. Socialization of participants (Bertels and Vredenburg 2004) and the scope of consensus among partners (Leach 2002) are equally important results on which collaboration can be measured.

3: Key concepts and terms

3.1: Co-management

Co-management is as a continuum of arrangements for managing biodiversity that relies on various degrees of power and responsibility sharing between governments and local communities (Cash et al. 2006). Ordinarily, major stakeholders are proactively engaged in planning and decision-making in a partnership (Borrini-Feyerabend 1996, Conley and Moote 2003). In recent studies, its conceptualization focuses on elements such as continuous problem solving and learning processes through which partners share decision-making functions (Carlsson and Berkes 2005). Despite the fact that co-managed ventures operate as partnerships, in many setups, government-affiliated bodies normally retain a substantial role in management in comparison to other partners (Borrini-Feyerabend 1996:12, Mainz–Dick and Knox 2001:41, Carlsson and Berkes 2005). Generally, the broader goal of co-management is to integrate sustainable production,

conservation, and institution building. (Esmail 1997; World Bank 1997a). Co-managed systems establish procedures for rewards, sanctions, and for definition of rights to access and management of natural resources, (Hilhorst 2008: 13).

3.2: Collaborative governance

The term governance generally refers to the patterns of collaboration and coordinated management between state and non-state actors who have a stake in a given product, program or process that is critical to the production, allocation, distribution, and management of goods and services in a particular region or sector (see for example, Lemos and Agrawal 2006). Alternative conceptions focus on the quality of decision-making processes including the exercise of power and mechanisms of accountability (for example, Hilhorst 2008). Both formal and informal organizational structures encompass the infrastructure of collaboration (Pierre & Peters 2000).

Collaborative governance is a strategic, practical and effective strategy for realizing positive environmental and developmental outcomes. Its salient dimensions encompass the infrastructure for changing incentives, knowledge, institutions, decision-making, and behaviors (Lemos and Agrawal 2006). As a management principle, it signals a shift from top-down, centralized and exclusionary management which limited the participation of non-governmental units (Pierre and Peters 2000, Zaal and Ole Siloma 2006). Prominent governance experts share consensus on specific themes about governance structures:

1. Multiple stakeholders interact in a participatory process despite the variations in resource ownership
2. Effective interaction depends on the level of institutionalization

3. Resource sharing and exchange are key motivations for collaborative governance
4. Accountability is paramount to effective collaboration
5. Actors operate across multiple levels and across vertical and horizontal structures
6. Positions of power are based on the resources owned and shared

3.3: Empowerment

The complex multidimensional character of the concept of empowerment has bred definitional polemics around what qualitative features should be critical in defining it. As a social science construct, the concept constitutes a thematically rich research program. The most important contributions to its analysis are outside the field of Political Science. Paulo Freire's seminal works by in his *Pedagogy of the Oppressed* established a basis for analytical research that currently traverses several disciplines and traditions, including the development sector. Accordingly, Esman (1991, 6) defines empowerment as the "expanded opportunities for individuals and collectivities to participate and make their influence felt in economic and political transactions." A common denominator highlighted in mainstream definitions is political opportunity structure which is an indicative dimension of an enabling process (Stiles et al. 2000; Alsop and Heinshn 2005; Alsop et al., 2006). A second strand of scholarship focuses on choices, abilities and values as the key facets of empowerment, (for example Narayan-Parker et al., 2006, Alsop et al., 2006), including the ability to hold institutions accountable (Narayan-Parker 2002). In this tradition, empowerment must accompany qualitative and metric changes in specific resources, abilities, knowledge, relationships, and values in specified target groups or organizations, (Zimmerman and Rapapport 1988, Morgan 1999).

4: Municipal-Community-Private-Sector Partnership (MCP)

Mainstream research on biodiversity partnerships assumes various forms. Categorically, these cohorts constitute comparative case studies, (for example, Mitchell 2005), thematic-analytic studies (for example, Grimble and Wellard 1997, Wettenhall 2005 and Tucker 2010) and evaluations of partnership arrangements (for example, Cleren 2006, Fairhead and Leach 2006).²² In this tradition, there is an emerging consensus positing that decentralized management is better at engaging marginalized groups compared to centralized command (Borrini-Feyerabend 2004, Wettenhall 2005, World Bank 2010). In a collaborative setting, a partner is “a person or group who shares risks and gains” (Mitchell 2005, 125). The term partnership in this research will follow the definitions from the works of Ros-Tonen et al. (2007), who are leading experts in Latin American forest governance. It is a favored term because it is not couched in either of the dominant approaches to analysis of partnerships, that is, normative and technocratic approaches. Accordingly, a partnership is herein “a more or less formal arrangement between two or more parties from various sectors (government, civil society, and private sector) around (at least partly) shared goals in the expectation that each party will gain from the arrangement” (2007, 5). The adopted definition assumes that differences in power and changing incentive structures are crucial aspects that determine governance outcomes.

Research on partnerships for governance of biodiversity has surged in the recent years (Ros-Tonen et al. 2007 and 2008, IIED 2009, Tucker 2010) with a consensus that

²² The third group evaluates for example company-community partnerships (Vermeulen and Mayers 2006, Morsello and Adger 2006) municipal-community partnerships (Nortons-Griffiths 2005, Butterfield 2005) multi-sector partnerships (Rosendo 2006, Ros Tonen et al. 2008, Roe, Nelson, and Sandbrook 2009, Seixas and Berkes 2010).

decentralized approaches have positive ecological, economic, and socio-political benefits compared to centralized command and control types (Borrini-Feyerabend 2004, Wettenhall 2005, World Bank 2010). In traditional command and control structures, governments claimed sole authority in the management of these resources. However, this style of management failed to realize the expectations for ecological and livelihood sustainability.²³ The 1990s is the era that signaled a paradigm shift towards partnership approaches (Wily 2002). Local, national, and global socio political forces contributed to this shift. Countries with experience in co-management began institutionalizing reforms. This saw the advent of MCPs. From a partnership perspective, a Municipal-Community-Private sector Partnership is a system of governance modeled on a tripartite arrangement encompassing a municipality, the private sector and a representative body of community groups that organizes around the specific goal of ensuring mutual beneficial outcomes. Such an arrangement assumes that inclusive governance increases socio-economic and ecological benefits. Thus, the MCP model has five elements:

4.1: Resources as capabilities

Stakeholders join partnerships in order to exchange and expend resources or to enhance the achievement of mutually beneficial outcomes. Based on specific resources that a given stakeholder commands and contributes, MCPs can act as entry points for negotiation and consultation. Resources facilitate the implementation of goals. In a typical MCP financial, technical, leadership, physical assets, knowledge and skills are useful resources needed to organize input infrastructure. For the three cases examined in this dissertation, local CBOs provide indigenous ecological knowledge and skills, land

²³ Some of these expectations revolve around the use and management of biodiversity; improper valuation of contributions of user communities, unequal distribution of benefits and unequal participation in the design and implementation of programs.

and other assets for environmental preservation and restoration. Local governments provide legal instruments that facilitate institutionalization of partnerships. The private sector provides technical and financial capital.

4.2: Rules and norms

As a multi-actor platform, any given MCPP encompasses an assemblage of diverse interests and values which compete for attention (Mitchell 2005). A typical partnership seeks to institutionalize a process that regulates interactions and facilitates efficiency, predictability, and equity. Regulations stand as general agreements or ad hoc negotiations (Esman 1991, 81-82). Institutionalization is epitomized in an organizational structure (Wetland 2005) such as a board or a forum or via informal and ad hoc accommodations, (Esman 1991). Indeed, many partnerships work best when working arrangements are formalized (Butterfield 2005).

4.3: Roles/responsibilities

Ideally, a given MCPP operates as a collaboratively coordinated networked institution. In most multi-sector partnerships, formal agreements define the modes of participation and the respective inputs that each actor should contribute, their rights and responsibilities (Butterfield 2005). Power sharing is also central to the MCPP framework because it determines the design aspects of specialization and division of labor. Roles specifications are vertical and horizontal jurisdictions that specify the arenas of participation for shared governance. This element provides some of the most crucial evidence for demonstrative effects of system-wide participatory governance in MCPPs.

4.4: Results-based targets

Purposive actors design MCPPs in order to achieve specific targets and mutually beneficial outcomes. Operationally, an organizational philosophy stated in the mission of each partnership is the vital instrument that tabulates and establishes the outcome parameters. These outcomes are associated with specific targets related to each entity's goals. Organizational entrepreneurs access, organize, and coordinate the effective use of various resources that actors contribute to the collective forum. Ideally, success varies from one partnership structure to another. This depends on how entrepreneurs marshal and use collective capacity.

4.5: Route to consolidation²⁴

An ideal MCPP is a platform that evolves through continuous process of resource exchange, resource sharing and resource use. This nurtures a foundation, builds organization and strengthens the partnership on its course to consolidation. Initiation and formalization are conflict-ridden phases of MCPP management but in these phases, partnerships can evolve through strategic and collective management via the creation and institutionalization of organizational culture and identity. It is also in the interest of partners to have a structure that coordinates and formalizes collective action. Consolidation is a challenging process for MCPPs. Building stable structures that addresses conflict, continually reinforces the foundational values of the MCPP and improves collaboration are herculean tasks.

²⁴ This analysis of MCPP operations will be an adaptation of a format borrowed from Wandersman et al., (1996), which describes the processes of formation, implementation, and institutionalization of coalition of partnerships.

5: Research design

5.1: Hypotheses

Despite the marked similarities, empowerment outcomes for community organizations and conservation outcomes vary among the three MCPPs under study. A case study methodology provided tools for isolating contextual elements, actors' interests and the interactions influencing variations. Primary and secondary data provided evidence useful in building a framework for explaining empowerment outcomes. A framework indicating that empowerment outcomes (including environmental stewardship) was developed based on five hypotheses using this data. Figure 1 is a schematic presentation of MCPP model of empowerment.

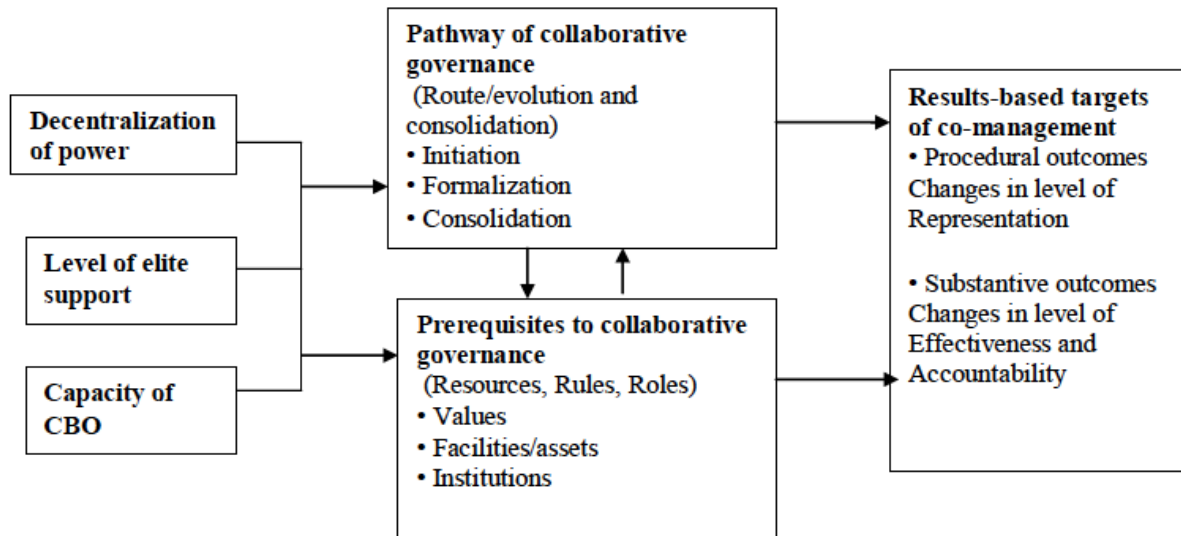
Thus, the key hypotheses developed for this research were:

HI: The more decentralized is power in co-management, the higher the likelihood of CBO empowerment.

Based on this premise, the assumption is that as the space for formal structures decentralizes, it more likely leads to a distribution of power with a simultaneous increase in inclusiveness and engagement of represented partners. Such a structure, unlike a hierarchical system has the potential to reorganize power arrangements and to enable participatory processes. Decentralization does not necessarily alter the status quo (Ribot 1999, 2002), but it can facilitate a power sharing system, (and if institutionalized) enable community agency. A related assumption is that a co-management structure with more decentralized authority structure creates a more *democratic process* of co-management and an opportunity structure that allows diverse and marginalized groups to negotiate their rights in a formal system. This, again, changes how actors interact and is a

convenient avenue for community organizations to make gains in representation and participation.

Figure 1: Theoretic framework: A schematic presentation of MCPP model of empowerment



H2: The more extensive is elite²⁵ support for co-management, the higher the likelihood of CBO empowerment.

Admittedly, it is difficult to distinguish whether elite support is a matter of rallying effort for “public” or collective partnership outcomes or if this support is an attempt by special interests to exploit resources from collaboration. Ordinarily, elites’ key interest is to fortify status quo structures in co-management. This, however, does not mean that elite support for co-management is non-existent. In fact, elites support some

²⁵ The term elite will be used to describe the fact this is a group of actors in possession of immense resources, which gives them the influence to strategically promote their interests. Elites are herein described as constituting local community leaders, wealthy landed ranchers, politicians, bureaucrats, and local government officials. Their education, leadership, and material resources such as land, businesses, bureaucratic roles or other property (Swartz 1968; Esherick and Rankin 1990), confer their social status. Some elites wield immense influence and power because of the close links they have with institutions that manage coercive and non-coercive instruments of control.

initiatives, especially if they are strategic to their interests. Elite support can determine partnership operations because they control what co-management issues count as salient or legitimate. Additionally, through their control of internal and external strategic resources important to partnership outcomes, elites control who participates and how much. Thus, a higher level of their support for co-management increases potential for inclusive and more participatory structures. For example, if elites support decentralizing more authority to community partners, it opens avenues for interest accommodation among actors. This in turn enhances consensus on how to manage natural resources and revenues, thus bringing more issues linked to community needs to bear upon co-management institutions. More importantly, community voice in planning, implementation, and community capacity increases.

H3: The higher the level of capacity of a participating CBO, the higher the likelihood of CBO empowerment.

This proposition anchors on the argument that a higher level of capacity enables a community organization to mobilize resources for effective and proactive participation in co-management. This feature facilitates collective action within the organization as well. Concomitantly, increases will occur in the levels of empowerment when partners expend, share, and exchange resources towards programs that further enhance capacity in the course of a partnership's evolution. A community organization's capacity is the total operative, technical, and resource ownership potential and competence possessed by a given organization. More specifically, it is reflected in the commitment, resources, and skills brought to bear on problem solving and asset building (The Aspen Institute 1996).

H4: Co-management reforms have a higher likelihood of increasing empowerment with higher levels of formal and rapid coordination at initiation and formalization.

This proposal relies on the assumption co-management programs derive their formality as “reforms from above”. But a given MCPP’s evolutionary path is significantly linked to existing local and national politics via elite-driven processes that begin at initiation and continue on course to consolidation. Thus, while the initiation phase is the period that brings out the greatest variations in the quality of empowerment, elite unity and consensus (and community buy-in) must anchor partnership agendas and structures. This is during formalization and consolidation phases. Whence a steady collaborative path presents promising institutional capabilities for empowerment and its absence is instability. The significance of evaluating pathways to MCPP evolution is to tease out the sources of specific operations and innovations, including the variations that explain empowerment. For example, variations are indicated in scaling up of programs and partnership orientations towards specific market-oriented institutions such as user fees, eco-tourism, eco-labeling and certification, and scaling up of mitigation support.

H5: The higher the number and more diverse the resource types exchanged, shared, and expended by partners, the greater the benefits for empowerment

This assumption relies on the argument that institutions, resources, and values are prerequisites to enhancing substantive change that allows empowerment. Accordingly, the more formal are the interactions, the greater the benefits for empowerment. Formality is emblematic of rules of the game and structures that constrain and reward actors in a partnership. Formal structures tend to enhance substantive changes more than informal

structures because the binding rules motivate partners to expend more resources needed to support co-management. Furthermore, formal procedures enable CBO actors to access resources and to organize effectively compared to informal strategies associated with protest and dissent.

5.2: Case study research design

5.2.1: Rationale for using a case study strategy

A case study was a preferred strategy due to its perceived advantages in the analysis of critical themes of this dissertation (following Ragin 1987, George and Bennett 1998, Yin 1994, George and Bennett 2005). From a methodological standpoint, a case study is suitable for understanding complex social phenomena, in answering “why” and “how” questions of a research context (Yin 1994, Marshall and Rossman 1993) and provides tools for examining variation in outcomes of these interactions (Marshall and Rossman 1993). Generally, the two main goals of case-oriented research are historical interpretive and causal analytic (Ragin 1987, 35). This research abides on the latter goal though interpretive data is useful as well. From the perspective of George and Bennett, the case study strategy enables a researcher to: 1) identify and test causal mechanisms, 2) specify and measure complex qualitative variables, 3) inductively identify new variables and hypotheses, and 4) to develop contingent generalizations and hypotheses. From contextual and thematic standpoints, a case study design was of critical import for this study.

- As the first research study on MCPs and equally the first study on MCP-mediated payment for ecosystem services, a key goal was gaining a deeper understanding of the operations within the three partnerships

- The initial parameter used to select the cases was the need for geographic representation of interesting cases with variable collaborative management outcomes. The three partnerships are all in the Rift Valley geo-complex but are spatially distinct regions
- The wildlife management sector is one of the most complex and conflict-ridden development arenas in Kenya. Such a context necessitates a holistic understanding of the processes used to diffuse the conflict. A case study provided an in-depth analysis of strategies, structures, and variations in the results associated with partnerships structures.
- The MCPP model is an innovative approach to collective management of biodiversity. These cases are pioneering partnerships. Thus, the aim was to focus on specific and interesting aspects of the model and to explore in depth the context, processes and products of collective environmental governance
- Finally, a case study provided opportunity for implementing triangulation. Thus, the intended rationale of gaining more breadth from the large amounts of data collected about each case was juxtaposed onto the goal of ensuring validity of the findings. Multiple sources of data build a strong case for these two goals.

5.2.2: Rationale for selecting cases

This research entails a comparative case study of MCPP-mediated outcomes in three reserves with distinct protected area statuses. They are pan-district collaborative initiatives stationed in some of the world's most renowned forest and wildlife reserves. These are the Laikipia, the Amboseli, and the Mara Triangle ecosystem complexes. Comparatively, Kenya's forest and wildlife ecosystems rate highly in terms of species diversity and in endemism (IUCN 2011). Several of its terrestrial and riparian ecosystems are international World Heritage Sites, RAMSAR sites, and Man and Biosphere Reserves. Additionally, the most contentious claims for and against reforms in biodiversity governance are linked to conflict in these three ecosystems. Progressively, the implementation of innovative reforms for inclusive management is occurring. This is

the main subject of this research. The key rationale for selecting the three cases was the noted variations exhibited in outcomes of collaboration despite exhibiting similarity in socio-ecological and economic features.

These partnerships play a significant role in nurturing and implementing payment for ecosystem services initiatives. Additionally, as pacesetters of Africa's first-generation pure co-management initiatives, they are leaders in institutionalized collaboration (Honey 2008). Similarly, these ecosystem complexes house the most important protected and dispersal areas in Kenya. Partnership activities are concentrated in critical ecosystems encompassing the Mara-Serengeti biodiversity arcs (or the Serengeti Maasai Mara ecosystem – SMME) and an emerging wildlife corridor in the Laikipia. The availability of existing secondary data was a motivation. These three complexes are the most studied in East and Southern Africa (Kideghesho et al. 2013), yet there is dearth of systematic comparative analysis on co-management efforts within the dispersal areas.

An additional motivation was the fact that these cases provided rich data for identifying and analyzing interesting thematic and policy questions because they are large ecosystem complexes undergoing dynamic social and ecological transformations. Of great importance is the fact that these MCPPs govern important sites of heavy networks of environmental NGOs and community organizations. This comparative advantage is a manifestation of useful data pools for gathering information about the ecological, social, political, and economic capital of these complexes. For example, as large revenue bases facing governance challenges, data from the case studies provided an opportunity to capture gaps in legal and institutional framework at national and local levels.

The ecosystem complexes house dispersal areas located in the richest counties of the country (Honey 2008, The Daily Nation 2010, The East African Standard 2010). Simultaneously, the three MCPs are innovative co-management structures addressing salient issues covering landscape conservation and securing pastoral livelihoods. Their operations are significant based on the links between human wildlife conflicts and trends in biodiversity loss. The three cases are a testimony to the successes and the challenges that countries experimenting with co-management programs face, what they do, and consequent outcomes. The three landscape management regimes provide appropriate test cases to examine these dynamics.

5.2.3: Application of a most similar systems design

The variation in the key independent variable was a basis for organizing and selecting cases. Thus, the overall design has a strong footing in most similar systems design. A most similar systems design is a type of a research design in which the selected cases are similar in all but the key independent variable (King et al.1994, Prezworski and Teune 1970, Lijphart 1975 and 1977). The cases selected have many significant similarities in demographic, social, political, and even economic contexts, which warrant application of a most similar systems design in order to explain why there is variation in empowerment (and conservation outcomes). It is a comparative design that explores the differences in order to ascertain the main explanatory elements that lead to these variations. A comparative design increases validity of measurements and analytical advantage. Apart from sharing status as partnerships managing Kenya's critical biodiversity arcs, the three MCPs similarly innovatively handle co-management platforms attempting to enhance

inclusive governance. The thematic descriptor below lists the similarities in social, cultural and political context in which these partnerships operate:

- They are co-management systems that derive their basis as reforms from above established to engage governmental and non-governmental organizations in co-management
- They operate in landscapes where the earliest experiments with co-management occurred in the country. These landscapes have the highest CBOs involved in wildlife and forest management
- They are pan-district collaborative initiatives stationed in some of the most renowned wildlife reserves with the most highly institutionalized and decentralized district-level resource management
- They are platforms engaging community entities who own vast private and group land in the wildlife dispersal areas. Community involvement largely encompass activities such as restoring and rehabilitating rangelands in the buffer and conservation zones
- They are structures operating in regions predominantly inhabited by the Maasai. The Maasai are one of the few remaining and most influential of the indigenous groups in Kenya. These ecosystems support the community's transhumant and agro-pastoralist livelihoods
- They are structures that engage communities with a large density of well-established group ranches and independent local trusts. In these regions, the common tenure regime is land ownership through group ranches and collective ownership of titles to land.²⁶
- They are networks that engage Kenya's top revenue-earning municipal governments. The major proceeds are from tourism, but wildlife predation has also led to chronic and unresolved human wildlife conflict
- The three partnerships are direct and indirect institutional beneficiaries of one of the leading biodiversity conservation funds in the country such as the two USAID funds from Conservation of Biodiverse Resource Areas (COBRA) and Conservation of Resources through Enterprise (CORE) programs. The key objectives of these programs were to help the Kenya Wildlife Service implement interventions that increase local community participation in conservation, management

²⁶ Recent studies indicate that there is a shift to individualized holdings due to poor governance (see for example, Mwangi 2009).

and utilization of natural resources, to build partnerships to conserve biodiversity, and to ensure that environmental custodians benefit, (USAID 1999, 2002).

In an attempt to select cases studies of interest, I followed the principles advanced by Collier and Mahoney (1996) who emphasize that it is important to select cases in which outcomes are not based on extreme values or on a narrow range of variations. The matrix in Table 2 below is a justification for case selection based on these two principles. It is a thematic description of the attributes of the selected cases of MCPPs.

5.2.4: Collection of data

5.2.4.1: Triangulation: definition, philosophy and application

In using a variety of data collection methods, this study has capitalized on the strengths of different techniques encompassing the strategy of triangulation. In essence, this approach is useful for extracting more meaning from data. Triangulation is an approach to data collection that utilizes two or more strategies of data collection, theoretical perspectives and sources of information and informants, to gather, compare, contrast, investigate, and to analyze related data or phenomena of interest (Denzin 1970 & 2009, Miles and Huberman 1994, Guion 2003, Thurmond 2003, Shenton 2004, Denzin 2009, Silverman 2010). It is highly favored because the researcher can obtain rich data while maintaining the contextual information and increasing availability of internally and externally valid and reliable data across methods and sources. A dominant view is that it offers researchers the opportunity to have confidence in their findings because they can corroborate and confirm their findings reliably. The philosophy behind triangulation is the need to offer a multidimensional perspective which enables the researcher to reduce

Table 2: A thematic description of attributes of the selected cases of MCPPs based on tenets on case selection from Collier and Mahoney (1996)

Institutional design at initiation	LWF – Laikipia Wildlife Forum	ABRMP – Amboseli Biosphere Reserve Partnership	MC – Mara Conservancy
Motivation for initiation	-Entitling program -Wildlife cropping experiment	-Gate keeping program -Biosphere reserve – ICD experiment	-Housekeeping program -Devolution/reform experiment
Institutional innovation (distinct)	-To enfranchise locals -Landscape approach -Diversity - Subsidiarity	-To enfranchise locals -Synergy in legal frames /pact - Subsidiarity	-To mainstream efficiency -PPP to MCPP -Subsidiarity
Organizational orientation at initiation	Pluralism “Coordinated” cooptation	Pluralism “Reciprocal” cooptation	Bureaucratic legalism “Coercive” cooptation
Organizational function at initiation	Compact -post-initiation, path of steady evolution	Consortium - path of unstable evolution, post-initiation	Compact -path of threatened evolution, post-initiation
Organizational culture at initiation	Apolitical arena Minimum partisan politics	Politicized arena -Strong informal institutions and partisan politics	Politicized arena --Strong informal institutions and partisan politics
Legal device for initiating co-management	KWS order -Quota law	UNESCO-MAB -Pact	Municipal order -Management Agreement
CBO activism at initiation	Proactive -anchor, associational platform	Proactive -anchor, advocacy platform	Reactive -anchor,
Design at inception	High modularity	Modest modularity	Low modularity
Impetus for initiation – elites or locals	From above -locals were catalysts of collaboration	From above -both locals and elites were catalysts	From above -bureaucratic and political elites

biases, confirm and discover which inferences are valid, and increases a more reliable interpretive potential (Thurmond 2003:253).

5.2.4.2: Interviewing

Semi-structured in-depth interviews are the key interviewing strategies that I applied to uncover respondents' opinions about governance and partnership outcomes. This entailed identifying interviewees in each region and selecting respondents from the three sectors (i.e., municipal, community, and the private sector) by utilizing snowball sampling. Snowball sampling technique enhanced efficiency in respondent identification, recruitment and participation. Following Neumannn (1997), descriptive, structural, and contrast questions were asked to respondents depending on the type of interview and the interviewee. In this technique, preset questions are modified or restructured as the probing process continues (Neumann 1997, Aberbach and Rockman 2002, Weingraff 2004). Accordingly, I used utilized open-ended questions as the main information elicitation tool. Three factors guided the choice of using open ended questions: 1) the degree of prior research on the subject was limited, 2) there was a great need to maximize response validity, and 3) there was a need to fully engage respondents who were more expressive and prone to articulate views in with greater detail (see Aberbach and Rockman 2002: 674). The technique is amenable to extensive processes of elaboration and clarification. Its strength is that details of a particular issue that was not anticipated can emerge during probing.

A second feature followed Neumann (1997, 373-374) specifications. Questions were asked concurrently, though the researcher recognized that a specific type of question would be appropriate and convenient only in specific stages during the

interview. In-depth interviewing entailed using open-ended questions. This enhanced the chances of gathering data on the connection of events and phenomena under study and respondents' perceptions (Marshall and Rossman, 1993). Additional information was gathered in cases where ambiguous responses were provided. It was a useful way to get large amounts of data. I applied a systematic process of face-to-face interviews. The questions were followed with probes (i.e scrutiny of responses by asking additional questions to the interviewee) when necessary. The third feature of this technique was the use of elite interviews. Elite interviewing provided various insights and an understanding of crucial partnership-driven outcomes. This group is generally well informed and comprised of influential members of the community, bureaucratic and private sector institutions.

5.2.4.2.1: Preparation and sampling

In terms of preparation and sampling, I developed the interview questions through an inductive review and content analysis of empirical and theoretical literature on co-management in Kenya and across the globe. At Western Michigan University, I went through HSRIB training; received clearance and authorization to conduct my fieldwork (see appendices). Upon arriving in Kenya, the initial phase of fieldwork focused on securing institutional affiliation, governmental and site research permits, establishing initial contacts and starting preliminary informal conversations with prospective interviewees and informants. Authorization was granted from the Government of Kenya at the Ministry of Education in Nairobi, from respective local government offices of Narok, Trans Mara, Ol Kejuado and Loitotok and Laikipia) and affiliation was secured with Strathmore Governance Center prior to embarking on any interviews (see the

appendices). I developed a work plan to guide my fieldwork program alongside a piloting strategy. This entailed using the questionnaire to conduct formal and informal interviews during the initial rapport building sessions at Nairobi offices.²⁷ I used “pilot informants” as a basis for familiarization and as an initial feedback process, which allowed me to discuss the key elements of the research and in the process secured interviews with key informants. With this strategy, I gained valuable initial knowledge, awareness, and understanding of the study sites and the socio-cultural context, which enhanced pragmatism in my approach to identifying and selecting potential interviewees and understanding of logistics and resources needed to conduct the research. With this initial data, I finalized an organized work plan for my field visits. I was also granted authorized access to use library facilities at all the key ministries related to wildlife conservation such as Ministry of Tourism, NEMA and KWS.

The research questions and goals of this study necessitated the use of non-probability sampling. Simultaneously, the research design sought to utilize a strategy that was flexible and effective. In the first phase of my field research, I relied heavily on non-probability sampling strategies and particularly snowball and purposive sampling. The rationale that guided data collection was to understand how particular features of partnerships enable or inhibit the empowerment of community organizations. I was looking for *very specific data* with the purpose of gaining a deeper understanding of MCPP structures and MCPP-mediated outcomes. I used purposive sampling as an initial strategy with the awareness about interactions within and variations in partnership-

²⁷ While the protected area complexes under study are all located in the Rift Valley, the central offices for key governmental agencies and core partnership activities are partly coordinated in ministry and state agency offices in Nairobi province. These exist across parastatals such as KWS, KFS, and NEMA, and ministries, including collaborative units from NGOs and INGOs such as AWF, ACC, USAID, UNEP and many other institutions.

mediated outcomes and the fact that a specific group of respondents would best help to ascertain the sources of these differences. I therefore was able to identify and categorize interviewees based on four elements; region (i.e. study site), representation (i.e. governmental, private sector, or community), and rationale (or the resources available from the interviewee, for example, data, contacts, and library) and resource persons contacted (in terms of cadre and rank). Later on, convenient sampling was a relevant strategy for targeting the readily available informants from public agencies who are formulators, coordinators, and administrators of state-affiliated programs at different ministries and at KWS, KFS, and NEMA. The input of these informants would provide data on the types of resources they expend, to whom, and what impact on it may present partnerships. I also applied snowball purposive sampling to identify potential respondents at the study sites.

Additionally, non-probability sampling strategies would increase efficiency of data collection and address time and resource constraints. However, the key factor was the opportunity to increase the number of potential informants, have convenient access to crucial informants and to crucial contacts from diverse institutions that are usually hard to access. I specifically benefitted from various informants who provided practical tools for interviewing Maasai communities and in approaching sensitive state-affiliated entities. The Maasai are a very welcoming and approachable community but there are important formal and informal rules that outsiders should be aware of prior to interacting with the community members. It is usually important to approach a Maasai elder, a local chief or a respected government officer with close connections to the community. Through snowball and purposive sampling, I received feedback that enabled me to target my work

to specific objectives, to engage the right specialists, informants, and sources, and to control, coordinate, and manage time more effectively.

The research questions dictated the sampling strategy for the selected project study sites as well. The three ecotourism projects are anchored on a payment model which is supported by partnerships institutions. The first step was the identification of several projects through a within-case analysis of each partnership. The goal was to sample projects designed to facilitate extensive participation of community group ranches in rehabilitating and restoring wildlife rangelands. Of critical importance was that the project must request community to demarcate their land into a landscape that separates a conservation area and buffer zone. This model has been a key entry point for community-based wildlife conservation where the input of CBOs has been extensive (although with variable benefits across cases). The second step was the selection of a project that encompasses ecotourism initiatives with group ranches and their affiliate community organizations. The rationale for this basis was because the group ranch is a common mode of land tenure that governs communities' organizational and operational efforts in these wildlife complexes. In fact, most conservation areas and buffer zones constitute or are located within or near the group ranches in Maasailand.

In the third step, I applied purposive sampling to confirm that the project was anchored on integrated conservation and development efforts rather than pure conservation programs. There are two reasons for this. First, many recent partnership initiatives are integrated conservation projects. This is a deliberate attempt for the study to capture aspects of substantive empowerment. As this study will show, these initiatives produce different outcomes in the each case, and therefore, gathering data that is specific

to each project was crucial. The final step entailed the use of convenience sampling. This helped to situate a rewards and a payments component of these projects. The selected projects qualified as models that are making significant attempts at reducing pastoralist vulnerability through livelihoods diversification, asset portfolio expansion, or strengthening the institutional capacity of group ranch institutions.

In essence, a deliberate decision was to evaluate partnership efforts in promoting participatory ecotourism ventures. Thus, for Laikipia, I selected the Il Ngwesi Eco-lodge, at the Amboseli the Eselenekei Eco-lodge, and at the Mara Triangle the Kichwa Tembo Eco-camp. Additionally, these projects manifest how livestock management (a dominant mode of production) and wildlife conservation (an alternative mode of production) compete as and/or co-exist as livelihood enhancement mechanisms. Wildlife competes with livestock for land such as grazing and water resources) and human resources (time and skills for pasture/land management and herding, revenues for stocking, restocking, health maintenance, and feeding). The three payments for ecosystem service projects justify an analysis of rangeland management as an act of balancing conservation with economic opportunities. Each case of ecotourism project entails efforts to conserve endemic and threatened species within the reserves and dispersal areas. For example, the project supported by Laikipia Wildlife Forum is a rangeland conservation program that improves pasture for herbivores (rhino, Gravy zebra, etc) while the projects supported by the Amboseli Partnership and by Mara Triangle target the conservation of carnivores (and particularly the big cats).

5.2.4.2.2: Implementation

I implemented the fieldwork through interviews and observation from August 2011 to August 2012. After securing the necessary authorization, which is a requirement by the government, I embarked on a site familiarization process of rapport building and then began my field research. This was a deliberate strategy to make the data collection feasible and efficient. I allotted each site a number of days and visits for the initial familiarization process. I re-organized the work plan when accessibility and resource challenges came forth. For example, the plan had to be overhauled when members of a given cohort became unavailable. Respondents from the private sector were initially hesitant or inaccessible, while I had to handle rules for engaging community informants and geographical challenges before accessing community respondents. It was also helpful that many officials in the wildlife and tourism sector made frequent visits to Nairobi for meetings, workshops, trainings, and seminars. I was therefore able to capitalize on meeting and interviewing a number of them then in Nairobi.

5.2.4.2.3: Administration

Preliminary field visits and observations in the study areas provided initial data (and evidence) for guiding further data collection. The second phase entailed intensive fieldwork and interviewing. The distribution of research questionnaires to potential respondents were carried out after a first rapport building/preliminary sessions or invitations that I sent out via email or phone. The other alternative was to conduct an immediate interview. However, these administrative processes depended entirely on the respondent's preference. Informants included private sector investors, wildlife and forest resources governance specialists, conservation scholars, consultants, experts on

devolution, senior Maasai elders, officers from district authorities/councils, state agencies and ministries, private entrepreneurs, officers from NGOs, and community members (of Maasai and non-Maasai descent).

I identified and interviewed a large number of contacts and informants via snowball sampling within and across institutions. Prior contacts helped in identifying potential informants. They notified additional informants and prospective interviewees about my work (i.e via snowball and purposive sampling). Convenience sampling (i.e. availability sampling) complemented the two strategies and the rationale was to identify and/or capitalize on readily available respondents and informants who were immediately available for interviewing. My attendance in sector trade fairs, conferences, county open deliberations, and budget days were opportunities to operationalize convenient and purposive sampling. I met a diverse pool of representatives of the three partner cohorts and conducted interviews or informal conversations. The assistants and I received the completed questionnaires through email.

I conducted both formal and informal interviews depending on the logistical dynamics at hand. I used semi-structured interviews with open-ended questions preferring it as a tool that would allow me to restructure and reword questions based on the type of interviewee and context. Operational and logistical challenges that arose included the complex interviewee preferences, regulated Maasai customs, access to bureaucratic offices, and sensitivity of the wildlife conservation issues at the time of fieldwork. When confronted with access and time limitations, I re-strategized my work plan and conducted interviews by relying on insightful strategies from Mugendi and Mugendi (2003), some of which include: 1) initiating the interview session with

interesting questions, 2) ordering questions to allow important questions first, and 3) logically itemizing related questions. For example, owing to the significant need to understand partnership outcomes, I reordered the questions in such a way that CBO-related questions were the first sections of the questionnaire. The specific information that I gathered included data on structure of partnerships, membership, and benefits for community organizations. Given the contentious nature of wildlife conservation topic (at this time), an efficient way was to sample members and non-members of the three partnerships.

5.2.4.2.4: Interpretation

In some instances, there was need for translation of interview questions and responses. A reassuring fact was that many Maasais speak reasonably good Swahili that can allow proper communication. Many interviews were in English or Swahili and were translated into Maa or Swahili when necessary. I hired three assistants to help me facilitate a more effective strategy. I was able to identify and hire them with assistance from state officers at one of the field sites. The roles of the assistants were interviewing, translation, and rapport building depending on the need and context of the interview. The three assistants had training in wildlife and forest management. Two were fluent in Maa as they are from the Maasai tribe while the third was a resident non-Maasai but with extensive familiarity on the region. The three spoke fluent Swahili and English. I trained them in skills for approaching interviewees and conducting interview sessions. The gathered data from interview sessions were hand-written manually or tape-recorded.

5.2.4.2.5: Complications

My familiarity and understanding of the study sites and their socio-cultural contexts helped me to approach potential informants with tact and respect. However, I arrived in Kenya to conduct my fieldwork at a volatile, emotionally charged, and a politicized policy environment for the wildlife sector. Besides a bureaucratized authorization process (and especially with state-affiliated agencies), there were times when I made frequent re-organization of the work plans for interviewing. During this time, conflict among wildlife sector stakeholders was at its peak and cross-coalitional contestations surged with squabbles over the contents and the continued delays in the passage of the wildlife bill. Additionally, at the Maasai Mara complex, a shift to electronic ticketing prompted Maasai to mobilize and protest the change, which they viewed as a ploy to deny those revenues that they felt they justly deserved. At the Mara, the Maasai also feared a potential corruption loophole was in the making as they claimed that the decision was made without consulting them. This was a sensitive time to interview the Maasai community and government bureaucrats as well. The predicament lay in the fact that the Maasai did not embrace the proposed rule. These predicaments steadily declined as the tensions lessened with shifts in the government's approach.

5.2.4.3: Review of documents and secondary data

This strategy encompassed identification, intensive reviewing, and interpretation of documents viewed as having useful data about the context, the actors and their interactions, and associated outcomes in a given partnership. Documents provided data for improving theoretic arguments, for thematic and content analysis, and complemented the data from interviews. Some of the most important documents reviewed include

thematic, empirical, and theoretic studies on co-management in Kenya and across the globe; MCPP organizational documents such as monthly and annual reports, director's reports, periodic newsletters and policy briefs; national and local legislative documents such as acts of parliament, orders and decrees, laws and by-laws on biodiversity sectors. Review summaries of statutes and formal policy statements (from central and municipal governments), financial allocation reports, among others were examined. Documents describing provisions of major international biodiversity regimes were also reviewed.

5.2.4.4: Observation

I sought more information through the technique of observing physical, ecological and geographic features of ecosystems and attended events on invitation, including meetings, forums, and trade fairs. Using a classification from Marshall and Rossman (1995), I assessed behaviors (interactions and discussions of actors), and artifacts (in the landscapes and dispersal areas). As a technique, observation served the purpose of providing additional confirmation of collected data. Observation was useful during both formative and final stages of the fieldwork. Marshall and Rossman's (1995) strategy of focused observation was applied at the final stages of research to illuminate the critical analytical themes of interest.

6: Description of cases

6.1: The Laikipia Wildlife Forum

Laikipia district is home to one of the most highly institutionalized and successful MCPPs in the country. The various community interests organize under an umbrella body, the Laikipia Wildlife Forum, which represents diverse constituencies from both governmental and non-governmental entities. Partnership entities have a key interest in

conserving the ecosystem complex along the Ewaso ecosystem. The partnership was established in 1992 with collaborating partners encompassing the municipal government of Nanyuki, interconnected community group ranches, and the private sector. The partnership's leadership is elected as representatives of the five regions of the district while others are nominated or selected. Originally, the MCCP was a structure that was interconnected along five thematic areas. These were community conservation and wildlife management, environmental education, tourism development, security, and finance. It has since expanded to more areas and currently constitutes eight departments. Compared to its peers in the Mara and Amboseli complexes, partnership activities have translated into relatively successful outcomes for conservation and the indigenous community organizations. This ecosystem complex now prides itself as the region supporting the largest amount of endangered mammals than anywhere in East Africa. This is largely due to the efforts of the Laikipia Wildlife Forum (LWF 2006, Honey 2008, Western et al. 2006). The partnership outcomes heralded in this conservation landscape is serving as a replicable paradigm across Kenya and Africa. However, it is not without challenges.

6.2: The Amboseli Biosphere Reserve Management Partnership

The Amboseli is the second largest and the second most visited protected area complex in Kenya after the Maasai Mara. It is located in the Olkejuado County in southern Kenya. The Amboseli is a UNESCO Man and Biosphere Reserve, with a large portion of the land belonging to the Maasai community. The interest in managing the Amboseli and surrounding ecosystem drew stakeholders to form an umbrella organization, which operates as a consortium, the Amboseli Biosphere Reserve

Management Partnership. The partnership is a network of interconnected community group ranches under ATGRA, the Amboseli Tsavo Group Ranches Association, two local governments of Ol Kejuado and Loitokitok, and the private sector. The partnership coordinates co-management activities in the core area of the park and in the dispersal areas in four main group ranches of Imbirikani, Kimana, Olgulului/Lorrashai and Eselenkei and across the complex. The key interest of the partners is enhancing provision of benefit sharing, facilitating effective collection of park revenues, infrastructural utilities, and promoting nature-based ecotourism enterprises. This partnership is an exemplary case of how promising co-management structures can siphon resources away from crucial empowerment outcomes. Intense coalitional competition diverted partnership agenda away from transformative change. In such a context, the partnership's evolution has been relatively unstable with constant pressure to adjust structures and to limit dependence and influence of external institutions.

6.3: The Mara Conservancy

The third MCPP of interest involves partners working to conserve Maasai Mara's Mara Triangle and the dispersal areas in the Greater Mara ecosystem. The Maasai Mara corridor is Kenya's top nature and tourism attraction and perhaps the chief attraction in Africa as well (Honey 2008). Mara's strategic importance to the environmental and development sector is because it accounts for 75% of the country's wildlife (Western et al. 2006). Like the other reserves of interest, it is located in land historically used by Maasai pastoralists. An important section of complex that is of interest to this research is the Mara Triangle. The umbrella partnership governing collaborative programs in the Mara Triangle sub-complex is an innovative devolution program titled the Mara

Conservancy. This collaborative venture is modeled on constituency representation from local governments of Trans Mara, local communities and the private sector. Like the Laikipia Wildlife Forum, the management and decision-making is under leadership comprised of both elected and selected members. The partnership was established to address inefficiency and corruption which had nearly stalled park operations. Corruption, land grabbing, elite capture, and minimal revenue returns to the community were common challenges (Honey 2008, Western et al. 2009). The inception of Mara Conservancy has seen achievements some reduction in poaching, development of infrastructure, facilitation and use of renewable energy, and an improved but not perfect benefit-sharing program. The key challenges for this partnership are institutional, operational and structural. As will be discussed in chapter 5, the Mara Conservancy provides an interesting case where tradeoff between effectiveness and representativeness can make a significant difference in partnership-mediated outcomes.

7: Operationalization of variables

This dissertation has its foundation in qualitative methodology. Qualitative methods are powerful tools for exploratory research, for providing strong explanations, and for assessing causality (King, Keohane and Verba 1994, 82-86; Miles and Huberman 1994, 147-148; Yin 1994, Eisenhardt 2002, 5-37; Glasner and Strauss 2009, 17-18). Researchers can derive testable explanatory propositions from a limited number of cases (Rueschemeyer 2003, 307). The debate over the legitimate scientific status of qualitative designs is well-known in the social sciences. These debates have assumed different thematic and philosophical positions. An important outcome has been the offshoot of opponents, apologists, agnostics, and defenders of the qualitative research movement.

Rigorous studies affirming the strengths of qualitative designs in dealing with some of the methodological, ontological, and epistemological issues have not reduced these contentious debates either. Counter-responses and evidence offer strong support of the view that qualitative methods can aid in testing hypotheses and explaining causal outcomes. More importantly, a qualitative design: 1) is a more efficient strategy for establishing the regularity of causal events 2) increases validity and reliability (Mays and Pope 1995: 1, Maxwell 2002, 37), 3) enhancing the level of precision of procedures for verification and generation of hypotheses and findings (King, Keohane & Verba 1994, 84-85; Glasner and Strauss 2009, 16-17, 18). Qualitative methods are crucial in addressing the etic-emic dilemma, (Guba and Lincoln 1994:106) and possess an advantage in estimating causal effects (King, Keohane & Verba 1994).

7.1: Measures of decentralization of power

The key measure of distribution of formal power is the extent of decentralization of formal power. Dimensions that specify the center of decision-making, fiscal authority and the institutionalization of rules for power sharing are key indicators of this variable. It is assumed that distributing power across partnership units enhances participation, deliberation and negotiation, therefore bringing more issues to bear upon institutions. I examine attributes of decision-making in MCPs along a centralization-decentralization continuum. This is based on demonstration in existing research that co-management is a continuum of power distribution encompassing different degrees of authority among partners (Carlsson and Berkes 2005 etc.). In terms of overall decision-making authority, it suffices to examine which partner wields more power, how much power, and with what resources. I used dimensions of decentralization from Ribot (2002). Thus, I assessed

indicators such as the presence and role of state-affiliated administrative bodies such as KWS, KFS, and NEMA and attributes of existing technical and tax codes for managing resources and revenues. It is obvious that even with successful co-management, local governments (as local trustees) and state-affiliated bodies command a more powerful presence in these partnerships but as cases will demonstrate, there are important variations at the platform and project level. Evidence that local governments and parastatals set the agenda, plan, and implement programs indicates a less decentralized system. By evaluating these features, I was able to identify and specify two critical centers of power. In Kenya, State-affiliated parastatals (operating within or under auspices of municipal offices) have control over technical administrative activities in wildlife forest services. This means that they command, expend, and control a reasonable amount of resources.

I assessed fiscal authority in order to identify which partner enjoys the most authority in organizing, expending, and distributing revenues from wildlife-based resources, including how benefit-sharing is structured and what projects are funded. Here again I use Ribot's indicators of decentralization. I evaluated technical and tax codes for managing resources and revenues from wildlife-related biodiversity and specifically the legal and institutional mechanisms and implementation context for managing 1) wildlife and rangeland resources and 2) proceeds from tourism and ecotourism. For this dimension, I gathered interview data and secondary literature on tenure and usufruct rights for protected and dispersal area use, participation and benefit sharing. I also examined multiple documents such as legal statutes on group ranches and group trusts, group ranch by-laws, wildlife and forest conservation laws and by-laws, the Kenyan

Constitution, and international protocols on protected areas management. This was complemented by an analysis of activities reports of MCPPs, strategic planning documents, community rewards and compensation reports, and literature on co-management. The third dimension that I evaluated was institutionalization via data on structures for selecting, electing and appointing leaders/managers of partnerships. In particular, I examined at both MCPP platform and project level how board and committee leadership assume power and their mandates, the existing tenure qualities, and constituents that they represent. By examining these features, it is convenient to differentiate de jure and de facto power among MCPP institutions –which are both important dimensions of institutionalization and evolution of partnerships platform and project-based processes.

7.2: Measures of elite support

In order to address the possibility of ambiguity in measuring the variable elite support, I use direct and proxy measures. The first direct measure is resource commitments by elites to co-management efforts at initiation and in the course of partnership evolution. When elites commit resources directly or indirectly, it clearly is indicative of some level of support for and commitment to inclusive governance because they own and wield significant tangible and intangible resources that they use for or against distributive governance. For this measure, I evaluate elites' roles as political and policy entrepreneurs in their leadership efforts in mobilization of (human, physical/land, informational, technical, financial, symbolic, and legal) resources used to enhance incentives structures for co-management. Elite entrepreneurship is as critical dimension of support that lowers the costs of mobilization, strengthens the collective identity, and

steers local mobilization for co-management. The data here include interview data and secondary literature on co-management in Kenya.

The second measure is a proxy indicator applied and adapted from Burton and Higley (1987). Here, I assess elite coalition dynamics by utilizing indicators such as elite differentiation along socio-structural types where I first differentiate them in groupings (such as local-bureaucratic, political, national-bureaucratic, landed elites, and traditional community leadership, etc.) and elite competition, which measures contests for control of MCPP agenda and activities. I then evaluate these two measures by assessing gathered interview data and secondary literature on elite cross-coalitional dynamics on contentious co-management issues. The assumption is that a powerful and united elite coalition with high stakes in co-management can reinforce and effectively enforce its interests – even when it means thwarting community empowerment or vice versa. Contested issues such as extension of usufruct rights, revenue sharing, and intense policy debates facilitate or hamper elite cohesiveness or increases divisiveness. These dynamics influence the structure of elite support for co-management in terms of emergence and destruction of policy alliances that are directly or indirectly critical to partnership operations. Some elite coalitions (especially those led by political elites) are prone to forestalling decentralization efforts. They can impede mobilization and nurture countervailing forces that hijack projects and resources earmarked for extending co-management benefits to communities.

7.3: Measures of capacity of a given community organization

In order to measure the CBO capacity, I utilized dimensions associated with the European Center for Development Policy Management.²⁸ CBO capacity is measured by attributes such as collective capabilities, assets and relationships that each of the three CBO entities possesses. Particularly, these dimensions allow for an evaluation of both material and organizational resources of community entities. For collective capabilities, I evaluated interview and secondary data on an entity's formal and informal institutions, depth of mobilization participation via formal and informal activism. For assets, I evaluated if and why one CBO possesses specific resources such as extensive membership, land, good leadership, offices, and values while another did not. Assessing these two elements helped to match them with the ability and capacity of an entity to participate in co-management. Assessing relationships entailed evaluating both internal and external context of CBO interactions and the interlocking factors that dominate in the political environment. A host of local socio-political and legal environments acted as support systems or bottlenecks vis a vis their linkages with the CBO units

7.4: Measure of partnership formalization

This measure builds on the assumption that a more rapidly initiated partnership platform operating on strong accommodative and consensus oriented process enhances participatory spaces earlier and more effectively on course to consolidation. I therefore evaluated each case of MCPP in their ability to nurture participatory spaces amenable to open and democratic governance and the speed with which MCPP inception and formalization were enabled. My argument concurs with three approaches that the

²⁸ The specific report is titled *Capacity, change and performance* and was prepared by Heather Baser and Peter Morgan in 2008.

achievement of effective participation must reposition local organizations within a proactive partnership strategy rather than one that sidelines them as alternative partners. I therefore examined data on collective constituency and consensus building at initiation and examined these processes in subsequent phases for each case. At initiation, I specifically assessed constituency building in terms of the ability of the co-management program to achieve community buy-in, and beyond initiating linkages. I evaluated formalization and consolidation capabilities of partnerships by assessing the scope of participatory space and the scale of linkages and networks that provide human, financial, technical and social capital that are all relevant factors that enable program implementation. Thus MCPP scaling up participation is a paramount dimension assessed in the course of MCPP evolution. I evaluated interview and secondary data on how each of the three phases unfolds vis a vis coalitional dynamics. I also evaluated data on innovations implemented in partnership platforms during each phase.

7.5: Measures of platform resources availed

For institutions, I evaluated the organizational structure of an MCPP by examining interview and secondary data describing constitutive boards, committees, sectoral departments (or level of modularity), and initiated markets for ecosystem services. An MCPP's possession of legal and organizational capacity is an important backbone of the implementation structure of program initiatives. These are critical avenues for active community participation as resources enhance community agency and complement entities' efforts in exploiting political opportunity, (Alsop et al. 2006).

I evaluated resources availed in an MCPP platform by assessing data on organizational structure and program and project scaling up efforts that increase financial,

technical, human, informational and infrastructural resources to a specific partnership operation. I also evaluated organizational values by assessing the principles that define organizational culture of an MCPP and the prominence level of a specific partnership value. Principles such as inclusivity, effectiveness and accountability are paramount indicators.

7.6: Measures of empowerment

The first measure of empowerment is representation. This dimension examines the design of the apparatuses of co-management, the communities' leadership roles, and programs for enfranchising them. Beyond these, it assesses if representation initiates and sustains meaningful input from the communities' leadership and allows them to be decisive in shaping the outcomes that affect their constituents. Although the representational capability of community organizations is predicated upon their internal capacity, over the long term, partnership operations should serve the purpose of harnessing and enhancing this capacity. I evaluate formal and informal representation of CBOs in partnership activities, in decision-making units (such as development, budgetary, planning and environmental) committees, task forces, monitoring and board management and engagement by assessing the organizational structure of each partnership. I also analyze the evolution of joint management in the three phases. Voting, nomination, and selection mechanisms are structures examined in each case. I also evaluate fluctuations in representation by examining the expansion and contraction of mandates of community organizations in the course of co-management evolution. I examine both platform and project level data for each case. The key sources of data were interviews and literature on co-management operations of the three MCPPs.

The second measure of empowerment is effectiveness. Effectiveness is two-pronged the performance of CBOs as representatives (with an interest in enhancing community livelihoods and benefits) and as co-managers (with a simultaneous interest in conserving wildlife landscapes). Following Lipset (1960) and Ostrom (1990), I evaluate community organizations' ability to satisfy the expectations of most of their constituents through enabling of 1) successful organization and interest articulation, 2) expanded livelihood portfolios, and 3) co-implementation of co-management goals under minimal conflict with powerful groups. I evaluated interview data, observed study sites, and undertook extensive literature review on community environmental stewardship and eco-entrepreneurship.

The third measure is accountability. I assess accountability from two standpoints-partnership accountability and project level accountability. I assessed the mechanisms by which CBO representatives monitor management structures for resources and revenues and if they can effectively sanction or question MCPP board leadership. Similarly, at the project level, I evaluate if group ranch members monitor community leaders. Additionally, I assess accountability by evaluating data on mechanisms for selecting and electing co-management and project leadership. I use organizational data from partnership plans and interview data gathered from fieldwork.

8: Analysis of data

8.1: Testing hypotheses and establishing causality

In order to test the proposed hypotheses in each case study, the study employed a variety of tools during and after collection and coding processes. This key strategy was an iterative process of going back and forth with the data by identifying, creating,

justifying, and interpreting data. The strategies recommended by Miles and Huberman (1994, 262-283) were the key tools applied to ascertain links between related data. I implemented triangulation by data sources, methods, and theory (following Miles and Huberman 1994, 206-207). The second tool used was to note and analyze relationships between variables. This process is the effort by the researcher to use progressively available data and organizing the data along themes and concepts of interest in order to establish linkages between variables (Eisenhardt 2002: 16). The recorded data availed different frames, which I used to implement a comparative case strategy. The specification/measures for the key variables were ready prior to the fieldwork, but I made adjustments because availability of new data from fieldwork led to improvements in theory, thus, new hypotheses emerged. Furthermore, the iterative process of building new evidence enabled improved hypothesis testing. Following Eisenhardt (2002, 17), the process of building and comparing evidence entailed constant comparison between data and the measured constructs.

The major strategies for analyzing relationships are strategies from Miles and Huberman (1994). I analyze instances when the dependent variable and a given independent variable of interest are both high and low at the same time, when the dependent variable and a given independent variable increase at the same time, and I also note if a given independent variable of interest increases first then leads to increases in the dependent variable.

An additional tool used to test and confirm hypotheses was the application of cross-case analysis. The basis for this strategy is methodological and theoretical. Methodologically, case studies are more effective and useful for validating and

connecting empirical reality with constructed measures. This increases the level of empirical validity of the resultant theory, (Eisenhardt 1989, 15). From a theoretical standpoint, Eisenhardt further reiterates that examining cases to test for hypotheses allows a researcher to develop effective constructs and enables falsification of hypotheses.

In this scenario, an additional basis is explanatory, where emerging patterns from one case can be tested in other cases. Cross-case comparison entails finding a pattern in a case and then across cases or comparing patterns. Both the recurrence and absence of patterns across cases are valuable in hypotheses testing and for partnership outcomes. A fourth tool entailed the investigation of intervening variables. The causal diagram displayed in the theoretic framework indicates the influence of intervening variables explanations for the variations in partnership-mediated outcomes.²⁹ Finally, a major endeavor of explanation in this dissertation is counting. Examining how much or how long a given phenomena or pattern exists identifies the important dimensions relevant for establishing the scope and strength of variables.

8.2: Thematic analysis

An equally important tool used for data analysis will utilize a technique developed by Maxwell and Loomis (2003, 364) complemented with the works of Fereday and Muir-Cochrane (2006). This involves the use of thematic analysis which is a procedure for searching for themes that emerge as being important to the description of phenomena under study. Themes development and implementation was before and during the fieldwork and the basis for theme selection were operational relevance, ontological and

²⁹ Examining assumptions about the role of intervening variable will help address some of the challenges (identified by Rueschemeyer 2003, 383) that arise when causal effects are not clearly stated or identified.

epistemological boundaries. Crucial themes emerged from interview transcripts, documents, narratives, and informal field discussions. Themes from interview data were identified, categorized and analyzed according to patterns and sequences following Miles and Huberman (1994, 61).

9: Significance of the study

This study is significant in multifarious ways. Beyond reconciling technocratic, instrumental and normative views on collaborative partnerships, it offers valuable insights on their interconnections to path analysis. The study underscores how time, space and resources define empowerment outcomes. This research stands relevant in three aspects that would generally define the key aspects of research contributions. These are: 1) contribution to the development of *theory*, through exploration and explanation of governance outcomes 2) contribution to discussions and examination of crucial *themes* of the paradigm of co-management, and 3) contribution to *policy ideas* and innovative policy alternatives in a given issue area. Theoretically, it seeks to uncover the linkages between three crucial independent variables and outcomes of participation by articulating different paths of partnership evolution. There is dearth of empirical and systematic comparative work on state-society partnerships in Kenya and Africa in general. The dissertation equally contributes to the debates on taxonomic categories and operational contexts of collaborative partnerships. This effort contributes to research in the sector of biodiversity management. By exploring and explaining how these programs define procedural gains and substantive outcomes for CBOs and their constituents, it contributes to both theoretical and policy tools that provide innovative alternatives.

As an embodiment of governance research, this dissertation examines the manifestations of interactions between the state and non-state actors. Thematically, it covers topics that are gaining currency in academic and policy quarters. It addresses institutional design aspects of governance systems, capacity building, and empowerment. The contributions of this dissertation to co-management research are based on the innovative aspects of the research study. This is the first extensively descriptive, evaluative, comparative and systematic analysis of MCPPs and MCPP-mediated payment models. Concomitantly, this study expands the theory of collaboration and provides a parsimonious model of collaboration, much so with simple and useful heuristics. It challenges policy makers to complement their intervention targets with tools that appropriately and effectively capture pathways and prerequisites for co-management. There is compelling evidence from this study that interventions can have meaningful impact if these factors are taken into consideration.

10: Organization of the study

Chapter 1 introduces and discusses the key themes and objectives, the scope of the study, the relevant literature, the research design, the scope and significance of the study. The specific features entail a description of the problem statement, theoretical model, methods, operationalization of key dependent and independent variables, and relevance of the study. It outlays the process and structure of this research and provides a descriptive summary of the methods used to collect, analyze and interpret data.

Chapter 2 discusses and analyzes the features of the legal framework for MCPPs and the attendant institutional structures governing MCPP operations in Kenya. The

section has two sub-sections; one section analyzing the key features while the second evaluates the attributive elements that are supportive or inhibitive for MCPs.

Chapters 3, 4, and 5 are empirical chapters that examine the case studies of MCPs; the Laikipia Wildlife Forum, the Amboseli Biosphere Reserve Management Partnership, and the Mara Conservancy. These chapters describe and evaluate the trajectory of partnership evolution in each case study and the factors that define co-management vis a vis their role in helping or hindering community empowerment. They describe the associated mainstreaming strategies for enhancing participation and strengthening community organizations' formal entry into the governance arena.

Chapter 6 presents a comparative analysis of three MCPs. It examined the hypothesized empirical relationships among variables. The articulation of comparative parameters is implemented through an evaluation of field data and in using various tools for organizing, developing, and interpreting themes and phrases from observation and secondary documents. The chapter presents the lessons learnt and implications of the study. It suggests further research needed to complete the agenda of the MCP framework in semi-liberal states such as Kenya and provides conclusions of the research study.

CHAPTER 2

THE LEGAL AND INSTITUTIONAL FRAMEWORK GOVERNING MCPPs

1: Introduction

This chapter examines the distinctive features of Kenya's legal framework on which MCPPs managing wildlife protected areas anchor. It delves into the key legal contents in order to elucidate the emblematic features of attendant institutional structures. The first section is organized around two major subjects: the fundamental principles on which enunciated statutes are underpinned and the policy provisions that prescribe action, proscribe activities and circumscribe boundaries of sector stakeholder action. The second section evaluates the supportive and inhibitive elements of the legal framework and the framework's role in facilitating mechanisms for institutions that 1) effectively promote participatory spaces and empowered communities; 2) ensure accountability in the internal operations of partnership entities and 3) secure representative and inclusive systems for community stakeholders.

The analysis specifies that there are only modest efforts at increasing effectiveness, accountability, and representativeness. Four mechanisms are at play in providing the parameters for evaluating statutes' implementation. Norming and scaling-up have emerged as supportive tools while gate-keeping and scoping strategies are exhibits of inhibitive tools of the legal framework.³⁰ Additionally, cross-sectoral differences exist with regards to implementation and uptake of ongoing reforms which began with the omnibus law of EMCA, the Environmental Management and

³⁰ An extensive review of these four attributes is described in the last section of this chapter.

Coordination Act.³¹ The forest sector has been relatively quick to adjust and transform while the wildlife sector has largely remained a lucrative laggard which has only slowly but sporadically accommodated the ongoing sectoral changes.

1.1: The distinctive features of Kenya's legal framework for MCPs

A legal framework is a set of codes constituted in formal and informal law which govern the operations of a given government sector. At best, it “establishes obligations through rules and mechanisms which are usually aimed at compliance” (Kibiwott, 2008, 4). While compliance is a major instrument that propels the regulative side of a sector's legal architecture (the stick component), there are equally various operational incentives (the carrot element) which are developed to foster compliance through, for example, protection granting of usufruct rights and expanded participatory modalities (for example, Baker and McKenzie 2009). The legal framework which guides MCPs and other collaborative operations in Kenya is a semblance of diverse laws and policies drawn from local, national, regional, and international institutional arenas. Kenya's protected area system is based on total protection of core areas, surrounded by buffer zones where limited human interaction and exploitation is allowed and transition zones (UNESCO 2005, Nelson 2012). This land consists of national parks, reserves, sanctuaries, and monuments located in various terrestrial, riparian, and marine ecosystems.³²

Many of Kenya's laws are statutory in nature and are generally codified using England's legal system of rules.³³ However, Kenya uses both formal and customary law as a basis for its legal framework. The formal sources are constituted in Section 3 of the

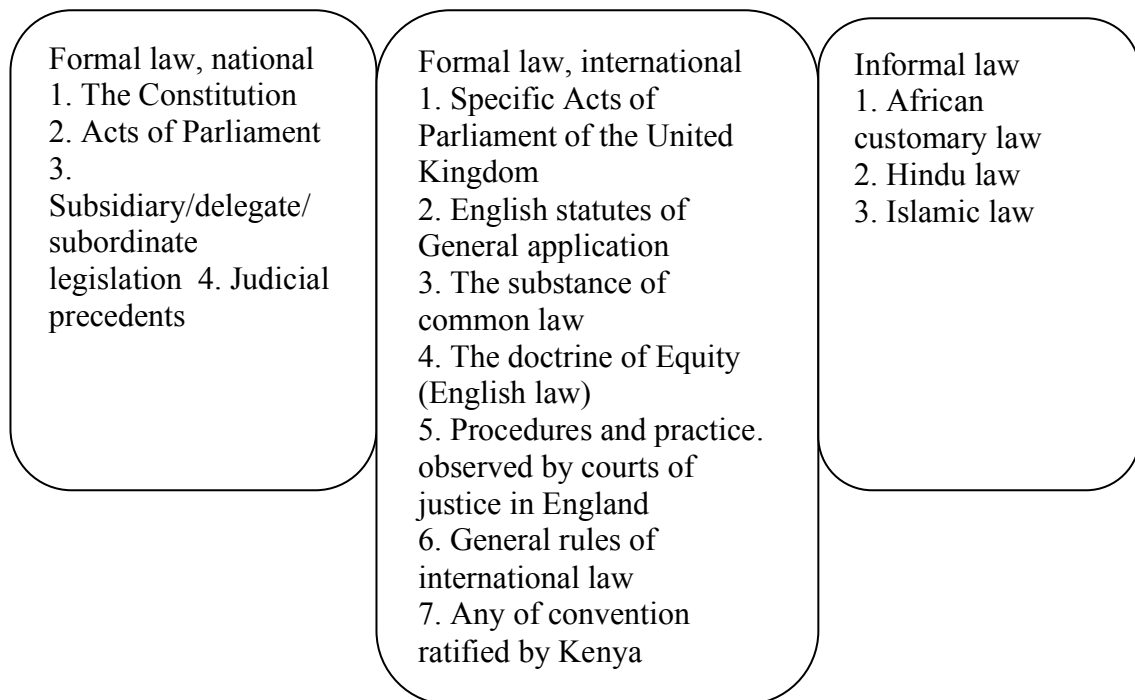
³¹ Kenya's legal architecture for wildlife and forest sectors is highly integrated with numerous functional and legal interfaces. As such, inter-agency operations, collaboration, resource mobilization, staffing, and coordination predominate in the implementation processes of major statutes.

³² For a more detailed analysis, see for example, Nelson (2012).

³³ Kenya Law Reports, nd. at <http://www.icnl.org/research/monitor/kenya.html>

Judicature Act, Cap 8 Laws of Kenya which provides authority to the Constitution, the court systems, the parliament, and written laws of England as basis for formal law and associated practice. Figure 2 below is a categorical listing of the various sources of law in Kenya.

Figure 2: Sources of law in Kenya



Source: Adapted from Kelly, Odiwuor and Kelly Eunice. Sources of law in Kenya, p.2.³⁴

After the enunciation of the Environmental Management Coordination Act (hereafter EMCA), the legal and institutional arena for natural resource management has been dynamic, as witnessed by an increase in the numbers of active stakeholders, cross-sectoral interactions , diversity of agendas, dominating debates, and the notable growth of sector-related institutions. The legal framework governing the operation of environmental partnerships is supportive, albeit with obvious shortcomings manifested in challenges at

³⁴ Accessed at <http://www.oakadvocates.co.ke>, on December 7, 2012.

implementation, regulation, and enforcement. A statement recently made by a legal expert in environmental law aptly portrays the extent of these challenges. He opines that “Kenyans are very good at creating drafts laws and policies but very poor at implementing.”³⁵

A second noteworthy feature of the system is that it is characterized by multiple laws, codes, and directives interspersed across multi-sector and multi-actor systems. This problem is seen as a major impediment to efficient coordination and a compromise to the efforts to enhancing partnerships at different levels of governance (Krassowska 2009). Finally, due to its very dynamic nature and as a sector dominated by the participation of powerful but diverse coalitions of stakeholders (from finance, tourism, environment, local governments, central government, pastoralist communities, and donors), the legal architecture governing activities in protected areas and their dispersal areas is constantly undergoing reforms and reviews, at least in the post-EMCA era.

Kenya’s conflict-ridden and occasionally dysfunctional wildlife policy arena is driven by stakeholders’ competing interests. This compromises and delay reforms and contributes to catastrophic outcomes for wildlife. Ergo, until the passing of the 2013 Wildlife Act partnerships in wildlife protected areas were confronting complex, outdated and conservative laws. More specifically, the legal framework failed to adequately provide incentives for crucial partners such as CBOs.³⁶ Compounding the challenges further is the long path to solving the longstanding unresolved issues of just benefit

³⁵ This point was echoed in an interview conducted by Professor Kimani in his article, ‘Participatory aspirations of environmental governance in East Africa’ prepared for the 2010 PADELIA project. See the Report in the *Law Environment and Development Journal*, Volume 6(2).

³⁶ The years 2011 and 2012 were attributively tension ridden times as the wildlife legislation was awaiting parliamentary approval and presidential assent. The bill had been locked in gridlock since 2007 because protagonists continually disrupted or forestalled enactment through strong counter- responses. The wildlife policy coalition is very fragile and more heterogeneous compared to it’s the forest and marine sector counterparts.

sharing and compensation of afflicted communities. Finally, Kenya's general approach to policymaking has been "piece-meal and fragmented" and it was only in the 1990s that integrated approaches were streamlined into the policy systems (Yatich et al., 2007). However, there are important changes occurring which are indicative of some commitment and willingness among stakeholders to provide solutions to the challenges faced by reserve adjacent and reserve user communities. A momentous occasion was witnessed in December 2013 when the Wildlife Act was enacted. It is hoped that it will lead to profound changes in the sector.

1.2: Why a legal framework for MCPs?

Although enormous challenges define Kenya's legal infrastructure for partnerships' role in managing protected areas, there have been simultaneous developments in the policy landscape. Stakeholders' perceptions are changing and providing both normative and instrumental justifications for a more enabling legal and institutional framework. This tenuous but emerging character of the policy arena signals some level of commitment by Kenya in upholding international principles on biodiversity conservation. It is indicative of the fact that the country is adopting legislations that promote sustainability and is a demonstration that sustainability is important in and of itself to Kenya. The legal framework thus, has given partnership programs and projects legal basis, identity, and force and has provided more impetus for mobilizing resources that are much needed to strengthen the nascent and weak partnerships regime.

2: Components of the legal framework for MCPPs

2.1: Principles guiding the framework for MCPPs

Characteristically, Kenya's legal framework is borne out of the interest to incorporate norms espoused in major global environmental regimes onto the national framework. Table 3 provides a descriptive matrix of selected multilateral environmental agreements (MEAs) that Kenya is a signatory to, including those that it has ratified.

Table 3: A listing of multilateral environmental agreements (MEAs) that Kenya is a signatory

	Year signed / adopted	Year Kenya became a signatory, ratified	Wildlife sector (applies) √ (Yes)	Forest sector (applies) √ (Yes)	Capacity building target partner /entity
Paris Declaration	2005	Signed 2005	√	√	Civil society; State organs through Kenya Joint Assistant strategy
Convention on Biological Diversity (CBD)	1992	Signed July 1994	√	√	Public
Rio Declaration UNCED Summit and Agenda 21	1992	1992	√	√	The public Local communities Local governments
Stockholm Declaration (United Nations Conference on Human Environment)	1972	Signed 2001 Ratified in 2004	√	√	The public Local communities Local governments

Table 3—Continued

	Year signed / adopted	Year Kenya became a signatory, ratified	Wildlife sector (applies) √ (Yes)	Forest sector (applies) √ (Yes)	Capacity building target partner /entity
United Nations Convention to Combat Desertification (UNCCD)	1994	Signed June 1997	√	√	State agencies
Kyoto Protocol to the United Nations Framework on Climate Change (UNFCCC)	1997	1997, 2005*	√	√	The public Local communities Local governments
Convention on International Trade on Endangered Species (CITES)	1973,	Join 1975***	√	√	The public Local communities Local governments
Convention Concerning the Protection of the World Cultural and Natural Heritage	1972	Signed 1978	√	√	The public Local communities Local governments
UN Framework Convention on Climate Change	1992, effective 1994	Signed 1992 Ratified in 1994	√	√	Multi-institutional capacity building
African Convention on the Conservation of Nature and Natural Resources ³⁷	1968	1968	√	√	The public Local governments State agencies

³⁷ The treaty was revised in 2003

Table 3—Continued

	Year signed / adopted	Year Kenya became a signatory, ratified	Wildlife sector (applies) √ (Yes)	Forest sector (applies) √ (Yes)	Capacity building target partner /entity
Ramsar Convention on Wetlands of International Importance	1971	Signed April 1988, 1990**	√	√	
EAC Protocol on Environment and Natural Resources Management	2006	2006	√	√	State agencies
International Tropical Timber Agreement (ITTA)	1994	Signed 1997	-	√	State agencies
Forest Carbon Partnership Facility	2009	2009/2010	-	√	State agencies Resource user communities
UN-REDD	2009	Observer Status granted in 2010*	-	√	State agencies Resource user communities
ILO, Indigenous and Tribal Peoples Convention No.169	1989	Not yet	√	√	Resource user communities
Universal Declaration on Human rights (UDHR)	1948	-	√	√	Resource user communities

Table 3—Continued

	Year signed / adopted	Year Kenya became a signatory, ratified	Wildlife sector (applies) √ (Yes)	Forest sector (applies) √ (Yes)	Capacity building target partner /entity
International Convention on Economic, Social and Cultural Rights (ICESCR)	1966	1972	√	√	Resource user communities
Aarhus Convention ³⁸ (UNEC)	1998	A European regional treaty	Though it informs laws on participation	Though it informs laws on participation	Resource user communities

* This is the year the treaty entered into force

** This is the year the treaty entered into force

*** This is the year the treaty entered into force

Such values include sustainability, inclusivity, subsidiarity and equity, among other values. The international arena acts as a macro-venue for channeling demands for changes in weak legal frameworks of specific nations. Because Kenya is a party to several conventions and protocols, it is obligated to support them and implement them in all of the operations that govern conservation. Normally, the interest of the framers of Kenya's laws lies largely in using the partnership model as a core rubric for organization and for empowerment of governance institutions and collectives. Of course, implementation remains a key challenge but some strides have been made. At the regional level, support for these principles and their interface with resource governance partnerships was occasioned by the growing realization that East African Partner States

³⁸ The full title of the Aarhus Convention is Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters.

shared important biodiversity corridors and habitats.³⁹ With this came an urgent need for collective coordination in order to address the alarming rates of decline in the stock of biodiversity across the region. The Partner States pledged to apply concerted efforts to promote partnerships at all levels of the East African Community.

A closer examination of legal framework for partnerships indicates that both normative and purposive orientations undergird the principles for partnership evolution, development, and sustenance. The principles can be categorized in three taxa;

1. Principles aiming at securing diverse participation of individuals, groups, and institutions (such as principles of inclusivity and participation, sustainable development, intra and inter-generational equity, and affirmative action);⁴⁰
2. Principles aiming at reforming institutional design of governance structures (such as principles of Ecosystem Approach, subsidiarity, total economic value, decentralization, and good governance);
3. Principles aimed at enforcing operational rules (such as Polluter Pays Principle and Precautionary Principle).

These three sets provide the basis for implementing law on collaborative natural resource management and for operationalizing values of various policies. They act as referent cues on which both state and non-state actors can tailor their activities and target specific venues of programs that initiate, promote and support partnerships.

These principles equally legitimize the power granted to agencies such as KWS and KFS which have been established to monopolize a number of functions in natural resource governance. Additionally, they validate legislations that are enabling for the development of partnerships. For example, state agencies such as the Kenya Wildlife Service and Kenya Forest Service have the mandate of ensuring that partnership activities

³⁹ See, *The Protocol on Environment and Natural Resource Management* of 1999 which was signed by the Partners States and which derived its legal basis from the October 1998 Memorandum of Understanding for Cooperation on Environment Management.

⁴⁰ These are principles enshrined in Principles 10 and 3 of the Rio Declaration.

are guided by sustainable exploitation of natural resources. The normative dimension in these principles is their role in specifically urging and providing mechanisms that encourage Kenyans to consume and preserve natural resources sustainably as a moral obligation for ensuring long-term perpetuity. The purposive element is the fact that these principles act as frames used to measure the benefits and costs of partnerships programs.

2.1.1: Principles for securing inclusive participation

The first set of principles aim at securing diverse participation in various forms of partnerships. Kenya draws its basic framework for public participation from various international environmental management regimes. To honor its commitments, Kenya has sought to uphold them by acceding to existing protocols. There are continuous efforts at operationalizing co-management practices in accordance with the principles initiated at the Rio Conference of 1992.⁴¹ An additional international instrument that has informally guided public participation is the Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters (the Aarhus Convention). These instruments have brought to the fore the values of participation and inclusivity in a manner never witnessed before in the law making and implementation landscape.⁴² These sets of principles provide the focal point for rights and obligations of any person seeking to participate, initiate, advocate for, support, or mobilize resources that aim at nurturing various types of partnerships.

Sustainability is the principle upon which most laws and directives for partnerships engaged in conservation are based. Kenya's law follows the definition of sustainable development provided in UNCED's 1987 Report *Our Common Future*, which

⁴¹ This is the United Nations Conference on Environment and Development (UNCED).

⁴² Additional anchors are constituted in the new dispensation afforded by EMCA law and the new 2010 Constitution.

defines sustainability as “meeting the needs of the present without compromising the ability of future generations to meet their own needs”. The government has intensified efforts to gauge the scope of success with which sustainability is ingrained in implementation and has established a reporting system contained in its Rio+10 and Rio+20 Reports.

2.1.2: Principles for reforming institutional design

The second set of principles aims at reforming the institutional design of various types of partnerships. This set is operates in tandem with principles guiding public participation. In theory, the three sets of principles are embraced in such a way that they operate as mutually inclusive elements of the legal framework. While the first set of principles addresses incorporation, socialization, and infusion of values linked to sustainability into the policy landscape, this second set emphasizes action and specifically how institutions should be designed to enable extensive participation of all stakeholders. The principles of ecosystem approach, subsidiarity, decentralization, and good governance all encapsulate the spirit by the government to initiate incentives for stewardship at the sub-national level.

At the statutory level, these principles are stated in the new 2010 Constitution. The Constitution espouses the principles of “transparent and cost effective administration of land”; “sound conservation and protection of ecologically sensitive areas”; “encouragement of communities to settle land disputes through local community initiatives consistent with the constitution.”⁴³ Similarly, Section 3.3 (a), (d) and (h) of the Draft National Environment Policy of 2012 consecutively state that the implementation of environment policy will be guided by principles of:

⁴³ Id, Article 60(1), in parts (d), (e) and (g) respectively.

1. “Ecosystem Approach: An integrated ecosystem approach to conserving environmental resources will be adopted and enhanced to ensure that all ecosystems are managed in an integrates manner while providing a range of benefits to people
2. “Total Economic Value: The benefits that ecosystems generate will be integrated into the national accounting system, programs, and projects
3. “Subsidiarity: The management of the environment and natural resources will be through decentralization and devolution of authority and responsibilities at the lowest level possible”.

2.1.3: Principles guiding enforcement and operational rules

The third set of principles aims at enforcing operational rules of partnerships.

They are generally applied to inform and enforce regulatory instruments in the environmental sector. For example, the polluter pays principle is a deterrent to illegal destruction of environment while the precautionary principle signals the fact that science is not the only antidote to addressing conservation challenges and neither is it the only measure upon which the country can gauge its success in conservation. The government claims that it will endeavor to advance these principles by popularizing and establishing an enabling legal framework that engenders them. Of course major financial, structural and institutional impediments are commonplace but these principles have been widely applied with very modest success.

2.2: Provisions governing policies and implementation process

2.2.1: Constitutional basis for the legal framework

Kenya’s Constitution has been subjected to amendments that have seen its impact on natural resource management come in different direct and indirect forms.⁴⁴ In its

⁴⁴ These include; (1) the 1982 constitutional amendment which paved way for a single party state and its monopoly over management of major sectors including that of protected areas estate; (2) the 1991 amendment that saw Kenya usher in a new dispensation for multipartism and a more liberal democratic order which was more conducive for active participation of non-governmental organizations (NGOs) from

Preamble, it proclaims “Respect of the environment which is our heritage, and determined to sustain it for the benefit of future generations”. It calls for more radical reforms which protect Kenya’s natural resources and secure rights that were previously ignored or given minimal attention in the previous constitutions and constitutional amendments. The basic law on Kenya’s land and environmental management is stipulated in Chapter 5. The section defines some of the principles upon which all activities and initiatives including partnership-related ones are to be initiated and governed. Article 60(1) states that: “Land in Kenya shall be held, used, and managed in a manner that is equitable, efficient, productive, and sustainable, and in principles of land policy in accordance with the following principles:"

- (a) Equitable access to land;
- (b) Security of land rights;
- (c) Sustainable and productive management of land and resources;
- (d) Transparent and cost effective administration of land;
- (e) Sound conservation and protection of ecologically sensitive areas;
- (f) Elimination of gender discrimination in law, customs, and practices related to land and property and;
- (g) Encouragement of communities to settle land disputes through recognizes local community initiatives consistent with the Constitution.⁴⁵

The Constitution confers to every citizen certain rights and roles with regards to partaking of the benefits arising from the use and protection of the environment. All

the environmental constituency and; (3) The more recent 2010 Constitution which was promulgated on August 27 is a hallmark document that will see the management of Kenya’s major productive sectors such as land, wildlife, and forests resources undergo significant transformation.

⁴⁵ The Kenyan Constitution, Article 60(1).

persons are granted rights to association and freedom to join any formal and informal organizations and by implication partnerships. It also confers these rights with some responsibilities. With the right to having a clean environment and healthy ecosystems comes a role in protecting it and cooperating with the state and non-state institutions. The basic provision for citizen participation in environmental management is found in Chapter IV which constitutes an assemblage of rights, freedoms and obligations. Participation is assumed as a right in itself and also recognized as a means to achieving other rights which are protected by law. Another noteworthy dimension of the constitutional basis for partnerships is that participation entails the rights to access and use of information. In seeking technical or any other kind of information relevant to their cause, persons are granted access and user rights to information (in Article 35).

Finally, Chapter IV Section 63 articulates a provision that incentivizes management systems towards more participation and collaboration as a new opportunity to protect property rights of communities. As one expert opines that the measures “that will see ...the replacement of trust lands with a new tenure category ‘community lands’ would enable local groups of people to better secure and title their collective properties” (Nelson 2012, 10). To enhance subsidiarity, the Constitution’s Section 176 (2) specifically authorizes the county governments to decentralize their functions and the provision of services.

2.2.2: Customary law as a basis for the legal framework

While the legal lexicon on partnerships is a recent phenomenon, various forms of collaborative partnerships in Kenya’s protected area sector have been operational since the pre-colonial times (Mburu 2004, Onyango et al., 2007). Indeed, pastoralist

communities have long protected important resources such as forests, water resources, and dry season grazing refuges through customary collaborative mechanisms (Nelson 2012, 3). Additionally, a larger portion of the protected area estate and communal dispersal lands host diverse agrarian, riparian, and pastoral ecosystems that support the livelihoods of many communities. Collaboration for commons management within clans and across territories was applied via binding social mores. Traditional societies in Kenya lived as communities sharing land-related resources as collective units. The formal element of partnership in traditional societies is tailored to the fact that with land as a resource available and accessible to every eligible member, the collective has had to devise regulations and norms that govern access, use, and preservation of these natural resources.⁴⁶ These structures also arbitrated resource-related conflicts by relying on concerted and collective communal action.

At the informal level, membership in any social unit was and in some communities still is implicitly based on personal responsibility in protecting the land that supports the community's livelihood base. Responsibilities were based on ascriptive and collectivist value systems.⁴⁷ These roles existed as explicitly or tacitly expressed rules. For example, every member of a particular society knew that all forms of environment were to be nurtured and conserved. The monitoring element is what enabled rational collaborative surveillance of resources and guarded against wasteful appropriation or exploitation of resources. Traditional institutions existed and continue to exist as self

⁴⁶ These structures are tailored according to the common property regimes articulated by Ostrom (1990).

⁴⁷ Accordingly, these are elements of pre-modern social institutions described in cultural theories of social change, particularly modernization theory by Inglehart and associates.

governing institutions that can successfully limit resource degradation (Kihumbu 2008, 314).⁴⁸

Customary regulations were further reinforced by traditional hierarchy and status-based principles of social organization. For example, one system of traditional leadership is that of *wazees* or elders⁴⁹ who had and still do have the influence and social clout as decision makers and spiritual leaders in the governance of community commons. A second segment of leadership constitutes the village *barazas*.⁵⁰ This is a deliberative arena (though usually controlled by a cohort of local leadership) which convenes meetings to mobilize the community members for issue definition, agenda setting and planning processes. *Barazas* are still extensively used in various platforms of management and are effective tools for accessing opinions and resources from communities. The aforementioned indicate that while planning was hierarchically structured, monitoring was a collective enterprise engaging all community members.

Customary institutions were among the first systems for organizing partnerships and are still profoundly influential in organizing management structures in indigenous communities. The current legal framework recognizes customary law and cultural rights of indigenous communities, including those related to use and preservation of nature. Adjudication of cases linked to customary law is carried out by traditional governance structures and complemented by magistrate courts (Mbote 2009). The government has

⁴⁸ The term commonly used to conceptualize such institutions is the “African commons”, which refers to “a variant of common property where land and associated resources are exclusively available to specific communities, lineages, or families operating as corporate entities.” (Okoth Ogendo 2003, 313). See his work titled, “The Tragic African Commons: A century of Expropriation, Suppression, and Subversion, 1 UNIV, Nairobi LJ, 107.

⁴⁹ See for example, Mbote, P.K. 2009. Kenya, in The role of judiciary in environmental governance: Comparative perspectives by Lousi Kotze and Alexander Paterson, p. 451-478.

⁵⁰ Baraza is the Kiswahili word which means an assembly, committee, or gathering of elders of a tribe or a bazaar which operates as an open forum for public meeting in which members of a community dialogue on issues of concern to the collective.

implemented laws which protect customary law through the Constitution. Similarly, the country's commitment to the international regimes such as 1948 Universal Declaration of Human Rights (UDHR) has provided a working platform for recognition of customary laws.

2.2.3: Development planning as a basis for the legal

Development planning is the process through which the Kenyan government designs its strategies and articulates the tools for implementing development goals. The plans guide actions on how to stimulate social and economic development complemented with the provision of human, financial, and other types of resources. The linkage between development planning and biodiversity management is collaboration in the design of national and district sector plans and budgets. Hence, participatory planning has proactively targeted the active engagement of sub-national governments such as municipalities. However linkages for implementation are weak and monopolized by central agencies. Additionally, while the current legal and institutional reforms have been slowly democratizing, progress is hampered by the failure to uproot elite capture and to fully allow inclusive governance (Smoke 2008). The three plans that anchor partnership operations in biodiversity management are described below.

2.2.3.1: Sessional Paper No. 10 of 1965

The first legal document for planning socio-economic development that recognized the importance of wildlife conservation was the *Sessional Paper No. 10 African Socialism and its Application to Planning of 1965*. While it did not provide for or advocate any specific type of management, it did set the basis for wildlife management as an important agenda in planning for economic progress. It is also recognized proper

protected areas zoning, envisioned commoditization of the wildlife sector and set the basis for a national acknowledging of the significance of wildlife to Kenya's overall development. As the first blueprint legislation for planning in Kenya, it is the statute that first facilitated the transfer of some powers away from the national to sub-national levels so as to allow for bottom-up planning.

It categorically provided leeway for extending planning to provinces, districts, and municipalities so as to ensure progress in each administrative unit (Chitere and Ireri 2010, 9). Based on the initial premises of the document, recent development planning efforts have deliberately targeted arid and semi-arid lands (hereafter ASALs) as part of broader efforts to link environment to Kenya's national development. In this setting, partnerships have been visibly encouraged. The Ministry of State for the Development of Northern Kenya and other Arid Lands is mandated by Presidential Circular No.1/2008 to support partnerships which tackle environmental and food insecurity in ASALs. The directive has additional support of the Arid Lands Resource Management Project, the implementation structure for policy interventions in ASALs at the sub-national level.

2.2.3.2: Economic Recovery Strategy Action Plan

Poverty eradication remains an intractable challenge for the government of Kenya. Despite using various strategies to address poverty, these efforts have failed to radically transform the development status of the country. When President Kibaki's government assumed power in December 2002, its immediate focus was transformative change modeled on economic recovery. It initiated a new Action Plan for wealth and employment creation.⁵¹ As a strategic action plan, it outlined four pillars which were to

⁵¹ Indeed, the title of this blue print strategy is *Economic Recovery Strategy for Wealth and Employment Creation*.

be used to chart a way forward for the country to realize the two dual economic goals. In essence, the law was modeled on a process which sought to “harmonize strategies for accelerated economic growth with the country’s poverty reduction strategies....”⁵² While this plan was an important instrument for introducing new strategies and thinking about institutional design of structures that are congenial to socio-economic transformation, it was equally an attempt to address the adverse effects and pressure on Kenya’s natural resources landscape.

The crafters of the Action Plan bore in mind that it was important to directly tackle poverty in order to handle environmental pressures. Second, the Action Plan particularly envisioned a process of growth modeled on the sustainable development paradigm. It particularly focused on “promoting actions leading to sustainable management of natural commons such as land, water, forests to which the very poor depend on”.⁵³

The Action Plan equally targeted the tourism industry as one of the productive sectors that was to be revamped. A major component of the sector’s revitalization strategy encompassed the involvement of local communities in tourism development.⁵⁴ This was to be facilitated by 1) availing affordable credit and 2) forging partnerships with major tour venture companies. The Action Plan targeted the tax regime in order to incentivize further the participation of the private sector.

⁵² Republic of Kenya. 2003. Economic Recovery Strategy for Wealth and Employment Creation, 2003-2007. Nairobi: Ministry of Planning and National Development.

⁵³ Republic of Kenya. 2003. Economic Recovery Strategy

⁵⁴ Republic of Kenya. 2003. Economic Recovery Strategy, p. 26.

2.2.3.3: Vision 2030

Vision 2030 is the current development blueprint guiding Kenya's path to achieving the status of an industrializing middle income country.⁵⁵ It was launched by President Mwai Kibaki on June 10, 2008. This is dependent on the realization of an ambitious GDP growth rate of 10%. Its timing was significant as the Action Plan was expiring as a model for guiding the country's path to development. Vision 2030 continues to be a major instrument for enabling partnerships across the various sector domains that are directly or indirectly linked to protected areas. First, the planning of the Vision's roadmap involved an extensive process of consultation of various stakeholders from the government, private sector, and civil society. Second, the implementation process is gauged on successive five-year Medium-Term Plans which are designed with the expectation that Kenya can effectively meet its Millennium Development Goals (MDGs).⁵⁶ Third, it endorses the principles of constitutional supremacy, public participation, and decentralization which are paramount factors to creating an enabling framework for partnerships.

Vision 2030 is a critical entry point for non-state entities to seed and sow partnerships and engage in programs targeted by its plan. In the strategic plans, tourism is also one of the key sectors targeted as a "key growth driver" to realizing the vision.⁵⁷ This is based on the objective of making Kenya to be among the 10 top long haul tourist destinations in the world. This will be a critical entry point for initiating and supporting

⁵⁵ Republic of Kenya. 2003. Economic Recovery Strategy .

⁵⁶ Ibid.

⁵⁷ Republic of Kenya (2003, 4). Some flagship projects that will have a significant bearing on partnership systems and outcomes include for example; i) *The Premium Parks Initiative* which will see an expansion of tourist services in popular hotspots as such as the Maasai Mara; ii). *The Under-utilized Parks Initiative* – which aims at upgrading the standards of attractive yet less visited parks; and *The Niche Products Initiative*, among others.

different venues for partnerships in protected areas. Finally, the Vision proposes a formula for realizing middle income status based on three pillars: economic, political, and social. Environmental management is referenced in the social pillar which seeks to “build a just and cohesive society with social equity in a clean and secure environment”.⁵⁸

2.2.4: Regulation of organizations as a basis for the legal framework

Partnerships engaged in projects that advance conservation goals, social and ecological justice ordinarily have some formal platform on which activities are structured. The law requires that any organized platform involving persons or institutions undertaking activities that have a bearing on conservation be formally organized and registered. The recent developments in laws and policies are shifting purposes, participants and programs of all sectoral entities. These developments which started in the 1990s (after the enactment of EMCA) have introduced a new legal framework for conservation with major implications for rights and role-based regimes discussed below.

2.2.4.1: Definitional attributes of partnerships

The term partnership was considered a neologism in the 1990s when it was introduced as a buzzword within the development circles. It gathered more prominent status during Johannesburg Summit for Sustainable Development of 2002 (Rutten 2004). Yet, as experience shows, partnerships existed before these developments. Terms such as co-management have been popular concepts that were well ingrained in the lexicon of multi-partner management systems in various contexts of the environmental sector. Partnerships have been part of governance systems which merely assumed different titles such as “collaboration”, “co-management”, and “shared governance” among other interpretations. In Kenya, the most concise legal definition of the term partnership is

⁵⁸ Republic of Kenya (2003, 1). For an elaborate summary of the pillars, see The Vision 2030, pp. 1-2.

derived from the Wildlife Bill of 2007. This law defines it as “an affiliation between a competent authority, stakeholders and other individual or groups formed for the purposes of conserving and managing wildlife within a specified area.”⁵⁹ Accordingly, the experience in the conservation sector shows a pattern in which many formal or informal partnerships are established by persons, institutions, or both.

2.2.4.2: Authority to establish partnerships

The key law for establishing partnerships is contained in the 2010 Constitution which states that “It is a duty of every Kenyan to cooperate with state organs and other persons to protect and conserve the environment and ensure ecologically sustainable development and use of natural resources.”⁶⁰ Similarly, Article 69 and Article 70 bolster this provision and serve as codes that give legal substance to any individual or institution that wants to initiate, support, or establish partnerships in order to conserve Kenya’s vital ecosystems. In Section 1.2 of Sessional Paper No.1 of 2006,⁶¹ the Government states that it “encourages partnerships with private sector and other non-state actors and *wananchi* [in other words, citizens] in order to complement government efforts... NGOs bring creativity, innovation, and develop strong community links... and act as [emphasis added] “development actors in their own right”.

2.2.4.3: Rights to legal redress for and against partnership entities

As legal entities, registered partnerships are formally governed by statutes from various laws and different sectoral policies which regulate the rights partners are granted. Generally, the language in most codes starts with a frame that encourages partnerships. They, nonetheless, place restrictions on the scale and scope of activities in order to

⁵⁹ From the Wildlife (Conservation and Management) Bill 2007.

⁶⁰ In Article 69(2)

⁶¹ That is, Sessional Paper No.1 of 2006 on Non-Governmental Organizations.

regulate behavior and to limit infringement on the rights of other counterparts. Formally established partnerships have the right of appeal to dispute and defend their rights as entities. Second, as organizations, partnerships can sue and be sued.⁶² At the individual level, EMCA grants *locus standi* to any aggrieved persons within (or without) a partnership⁶³ and similarly, any citizen is protected by law under Article 42 in any event that any of the rights (personal freedoms and environmental rights so accorded) are denied or infringed upon by any other person or institution.

2.2.4.4: Organizational attributes of partnerships

Another dimension defining the critical elements of regulative provisions for partnerships is that governing the structure of partnerships. Some provisions are mandatory while others are voluntary. Formal organization is the prime provision that is required for many collaborative programs that seek to establish environmental partnerships.⁶⁴ Specific regulations include those that define the internal governance of partnerships such as division of labor, patterns of coordination and communication, workflow systems, and formal and informal power; membership rules; and structure. A second set of this sub-type of provisions profiles organizational personnel and participants (managerial, supervisory, technical, and support staff) who participate in partnerships. These provisions specify who should constitute formal and informal personnel and their roles as well. Other provisions prescribe roles based on demographic

⁶² Found for example in the NGOs Act and in the Companies Act.

⁶³ In Section 3(3) of EMCA.

In law, the *locus standi* is “the right of a litigant to act or be heard;” in other words, address a court of law unfettered, see the online *Dictionary of Law* at http://www.sixthformlaw.info/03_dictionary/dict_1.htm.

⁶⁴ Kenya’s legislations regulate organizations substantially through enforcement of the organizations founding documents (ibid). <http://www.icnl.org/research/monitor/kenya.html>

aspects such as the level of education, training, experience, gender, and membership in a community grouping or social organization.

A third sub-set in this category is a set of provisions requiring that partnership activity or entity to interface with those of key government agencies KWS or the KFS. If not, reporting requirements and notices must be made by any partnership working in a region under the authority of either. This is because the government sees this as a way of facilitating its regulatory work (in terms of compliance) and encouraging collaborative systems with its agencies. It is also a way of encouraging organizations to use resources and technical services available at these agencies. These agencies serve mentoring roles for new entrants in the complex sector. Finally, these provisions are also used as proxy public relation tools which facilitate constructive engagement and encourage participation of a broader environmental constituency. In essence, they enable a platform for cultivating cordial relations among stakeholders who have for a long time been adversarial counterparts in the management of the country's resources.

2.2.5: Sector-specific related law and policy provisions

2.2.5.1: EMCA provisions: The Giant needle in the haystack

The adoption of the Environmental Management and Coordination Act, (i.e. EMCA) in 1999 defined a critical juncture in Kenya's history.⁶⁵ The law is an exhibit of Kenya's ascendancy to a pluralistic legal regime. It defined momentum that saw Kenya's land and environmental sectors undergo significant transformation through policy and program reforms at both national and sub-national/county levels. A new state of relations

⁶⁵ EMCA is an omnibus law which is the current overarching legislation for environmental management in Kenya. The framers of EMCA envisioned a law which would restructure, revitalize, and re-invent environmental management institutions to a path of good governance and that which would modernize the sector institutions pegged on frames of efficiency, equity, and empowerment.

between the state and non-state counterparts who constitute the environmental constituency was to take force. As previously mentioned, the previous legal framework was fragmented across seventy-seven statutes. This imposed difficulties in sound policy implementation. The *raison d'être* for implementing EMCA was to implement a landmark law in which various policy domains would be harmonized as complementary segments of law.

EMCA established a new institutional architecture whose role was to fuel innovative reforms and pave the way for radical changes in protected areas conservation. It is touted as the legislation that overwhelmingly shifted the country's focus from command to collaborative management. Accordingly, it can be credited for 1) enabling a legitimate platform for inclusive and multi-stakeholder management regimes achieved legal backing, 2) redirecting dialogue back to the role of marginalized but critical stakeholders such as resource adjacent communities and institutions, 3) enhancing mechanisms for scaling up support and resources for the re-designing of institutions that would eventually nurture innovative collaborative partnerships in the sector.

EMCA provides for the Standards and Enforcement Review Committee, the National Environment Action Plan Committee, the Environmental Impact Assessment Technical Advisor Committee, and Provincial and District Environment Committees. All these institutions have had an impact in nurturing and sustaining partnerships at both national and sub-national levels. EMCA's National Action Planning framework is an avenue for decentralized collaborative planning between governmental and non-governmental actors through which partnerships can come into fruition. This is because the process involves interactions in which Five Year Plans are shared and prepared by

provincial, district, and national action plan committees. EMCA statutes have also been instrumental in pacing and phasing policy priorities geared towards mobilizing resources needed for conservation partnerships at both national and sub-national levels. For institutional resources it provides for the establishment of the National Environment Committee (NEC) which is charged with policy formulation and promotion of environmental management partnerships, among other goals.⁶⁶

2.2.5.2: Provisions of forest and wildlife sector laws

The key provisions governing these two sectors are those that cover registration, formation, and operations of partnerships. The Forest Act of 2005 (Section 46) provides for collaboration within and beyond the community landscape and endeavors to support the initiation of Community Forest Associations (CFAs). The architects of this law envisaged that these structures are strategic entry points for enhancing local organization and capacity building because they facilitate proactive participation of local communities. An additional condition stipulates that any community seeking to initiate CFAs must formally organize, establish working committees, and develop a formal association. For example, the association must have a working constitution, an organized accounting system for receipts, management plans, and concise proposals outlining their strategies for forest use and biodiversity conservation.

This law has encouraged many communities to establish, register, and mobilize resources for initiation of forest associations and scaling up of activities with larger partnerships such as MCPs. As a way to encourage proactive participation in forest governance, the Forest Act's Section 47(2) confers members of CFAs various rights. These include but are not limited to collection of medicinal herbs; harvesting of grass,

⁶⁶ In Section 5 of EMCA.

honey, timber or fuel wood; grazing; collection of forest produce for community based industries; ecotourism and recreational activities; contracts for sivicultural operations and development of wood and non-wood forest based industries.

Concerning the wildlife sector, this study covers the legal and institutional framework that governed wildlife-based MCPPs prior to the enactment of the Wildlife Act of 2013. More specifically, it dwells on the Wildlife (Conservation and Management) Act Cap 376 of 1976 (hereafter, Wildlife Act Cap 376).⁶⁷ In the wildlife sector, the poorly designed incentive systems did not enhance usufruct and property rights for communities. As the most controversial issue in the sector, these two issues largely contributed to fomenting protracted conflict between local communities and state agencies. Formal organization is paramount to provisions on wildlife sector management. For example, Section 19(1-4) of the Wildlife Act, Cap 376 authorized and enabled MCPP-mediated conservation programs on both private and community land. More specifically, the law granted authority to interested stakeholders to establish local and game sanctuaries on private land in consultation with local municipal authorities. This particular locus of interaction between communities, the private sector, and municipalities has been important in facilitating various collaborative programs and projects. The key enabling vehicle was the requirement that planning and design of regulations governing the operations of these sanctuaries be done through joint efforts.

The chapters analyzing the case studies reveal that this arena accounts for the greatest share of activities that tie MCPP's intermediary roles to capacity building of community organizations. The key weakness of the provisions in section 19 (above) is

⁶⁷ This law has been revised several times as Wildlife Act 1 of 1976, 6 of 1976, L.N. 38/1976, L.N. 41/1976, 16 of 1977, L.N. 126/1981, 11 of 1983, 16 of 1989, 11 of 1982, 2 of 2002, 5 of 2007, L.N. 51/2007 (National Council for Law 2009).

that it was overridden and contradicted by section 9 (1) of the same statute which granted KWS overbearing powers to manage all of the wildlife in Kenya's protected and unprotected areas. This ambiguity was the leading contributor to the long-lasting tensions between KWS and community managers of wildlife conservancies across the country. Additionally, while the law provided specific tools to incentivize participation, the Act had not since 1977 articulated a clear and formal regime for extending user rights to wildlife for communities.⁶⁸ More so, decision-making was still monopolized by state agencies such as KWS and KFS.⁶⁹ It is therefore not surprising that this era (1977-2013) was a challenging era to initiate, organize, and sustain an MCPP.

Participation rights to co-management conferred to local communities was based on land tenure status and residency. Similar to its counterpart in the forest sector where CFAs design and develop plans, in the wildlife sector, a landowner had to prepare a Management Plan for a conservation area with assistance from the KWS. Otherwise, the local government was responsible for the preparation of a management plan with respect

⁶⁸ This is because in 1977, the Kenyan government banned sport hunting and various forms of consumption of wildlife products and resources. Prior to the ban, wildlife management was governed by the Wildlife Policy of 1975, embodied in Sessional Paper No. 3 of 1975, accordingly, "*A Statement on Future Wildlife Policy Management in Kenya*". The policy was later implemented as a law as the Wildlife Act of 1976, Cap 376. Though this law established a command and control model, it operated alongside a regime that extended diverse wildlife consumption rights and compensation for predation to communities and private ventures (Nortons-Griffith 2000). Broadly perceived, its main aims were to optimize the returns from wildlife resources, identifying and implementing a compatible process for land use and benefit-sharing, promoting and supporting integrated approach to wildlife management, and establishing compensation mechanisms (Republic of Kenya 2011, *Draft wildlife Policy 2011*). All commercial activities such as capturing and trapping of wildlife, trophy and safari hunting, tourism and trading of products were allowed and regulated through licensing and permits governed by the Director's office. The command system was under Kenya National Parks and the Game Department, which were state agencies that were later amalgamated into the Wildlife Conservation and Management Department (WCMD). KWS was established in 1990 after WCMD was disbanded.

⁶⁹ KWS, KFS, and NEMA were established in 1989, 2005, and 2000 respectively. Both KWS and KFS are quasi-governmental institutions. Under the Wildlife Act Cap 376 and amended Act of 1989 gives it powers to conserve all of Kenya's wildlife within and outside protected areas. KFS was established under Forest Act 2005 and its role is to oversee the management and preservation of all forest land in Kenya. NEMA is an institutional entity established by EMCA as the key agency for coordinating and implementing the country's environmental policies. Its roles are specified in Section 9(2) of EMCA.

to each reserve under its jurisdiction. Group ranches and community conservancies⁷⁰ (which lacked legal status before December 2013, but were well-established entities in the wildlife sector) were the key associational platforms for the wildlife sub-sector. There were additional statutory and non-statutory committees that constituted public, private, and civil society stakeholders.

The current law has instituted radical changes in aspects such as access, management and benefit sharing of wildlife resources. Part VI Section 40 (1) of the 2013 Wildlife Act states that a community can register a Constituency Wildlife Associations (CWA) provided they register with the County Wildlife Conservation and Compensation Committee. In Section 40 (2) the association is duly encouraged to enter into partnerships that enhance sustainable use of wildlife resources. A second entry point for capacity building is through conservation anchored on benefit sharing. The Wildlife Act of 2013 provides a legal status to benefit sharing within conservancies. This provision was lacking in the previous law. The new law provides a mechanism via an institutional framework anchored on the Kenya Wildlife Regulatory Council. The council has the mandate to grant user rights and regulate partnership activities within conservancies owned and managed by local CBOs. The new rights to wildlife utilization and consumption will now include culling, cropping, research and tourism, which were prohibited in the previous law.

Another important area of provision in the two sectors covered the types of participants and personnel who can constitute a partnership. The pre-2013 legal framework set requirements on involvement and representation. The expectation was to

⁷⁰ There are about 130 conservancies in the country operating in private and communal land of over 6 million acres.

streamline inclusive participation as a key component of partnerships. Ordinarily, the basic requirement for most laws was that local communities engage in some form of co-management. For example, the Third Schedule of the Forest Act imposes a requirement for public consultation and mandates government authorities to publish a notice in relation to the proposals prepared for those activities. These arenas provided some space for direct and indirect forms of participation in co-management.

On average, most pre-2013 sectoral provisions (and the new law) mandated that KFS and KWS agencies constitute key decision-making structures of MCPP programs. In some instances, the two agencies were only to serve advisory roles. Profiling and vetting of participants was a key provision of forest and wildlife-based statutes. Some provisions required that quotas apply in constituting decision-making structures while others merely stated demographic metrics to define the scale of inclusiveness and diversity. These provisions were designed to mainstream participation of marginalized groups (such as rural women, youth, and indigenous communities) to participate in partnerships. While the law was weak in extending significant rights to communities for wildlife management, it provided a numerous avenues for community participation and capacity building. Table 4 describes these arenas.

Concerning the role of private sector participation in partnerships, the *Forest Rules* of 2009 authorizes KFS to invite the private sector to participate in sustainable management of state forests “whenever circumstances make it necessary to do so” and prescribes the types of agreements KFS can enter into with the sector.⁷¹ In the wildlife sector, partnerships are encouraged among individuals, corporate, and community land owners. Regulations governing technical qualifications for persons involved in

⁷¹ In Part II, Section 6 and 7(1)

management of PAs are found in codes that require linkages with KFS or KWS or those that specify conditions for a professional conservator to direct partnership ventures.

In the pre-2013 era, the Constitution specified the roles of local governments while allied statutes in the forest and wildlife sectors complemented these provisions. Section 60(2) of the Constitution vests all public land to county⁷² governments, which have this authority in trust for the people who reside in an area. This means that the county governments have significant leverage in any type of land and natural resource management partnership formed within their jurisdictions. As the representative of the state at the county level, these local governments are required to supervise activities that enable the implementation of Article 69(1)(a) of the Constitution which is to “ensure sustainable exploitation, utilization, management and conservation of the environment and natural resources, and to ensure equitable sharing of accruing benefits.”

Equally important were provisions that governed organizational platforms. The Forest Act set a specific platform for KFS-community-municipality collaboration as a requirement for all forest management partnerships. Forest Associations are established as implementation platforms for co-managing forest resources. Regardless of the type of partnership, the Wildlife Act Cap 376 in its Section 3A(l) mandated the KWS to provide advice to the government, local authorities and landowners on the best methods of wildlife conservation and management. A final set of provisions governed mobilization of resources. Partnerships usually require enormous amounts of resources to support their operations. MCPP-mediated ventures could obtain funding through a myriad ways. In the forest sector, there is a Forest Management and Conservation

⁷² In the current context of devolved governance, the county governments are the new structures that have assumed all the management roles of the pre-2010 municipal structures at the sub-national level.

Table 4: Arenas for community participation and representation in wildlife and forest management

Community Representation Platform	Wildlife Protected Areas Management Specific entity	Forest Protected Areas Management Specific entity
Administrative management	Private and communal conservancies	Community forest associations, Forest conservation committees
Associations	Wildlife conservation association – sub-national	Forest Conservation Association –NACOFA (national)
Boards	Local conservancy boards, national-level boards	Local and national boards
Committees: micro-scale	<i>Barazas</i> , council of elders, (<i>Wazees</i>), group ranch, Buffer zone conservation, and wildlife conservation committees	<i>Barazas</i> , council of elders (<i>Wazees</i>), forest conservation committees
Committees: Social and Welfare Development	Village and ward level committees, budget committees	Forest committees
Committees: meso-scale	Provincial environmental committees, district environmental committees, district wildlife conservation committee, public complaints committee (national)	Provincial environmental committees, district environmental committees, public complaints committee (national)
Planning and implementation Teams	Representatives, trustees of park and reserve-adjacent groups <i>bomas</i> , <i>bandas</i>	Representatives of forest user groups in planning and inventory teams
Task Forces	Security guards, conflict resolution teams for grazing rights	Forest guards, conflict resolution units arbitrating disputes in forest use
Monitoring and Assessment Units	Ecotourism ventures management, wildlife resource inventory officers, buffer zone, and landscape restoration officers	Forest demarcation officers, forest resource inventory officers, ecosystem survey officers

Fund to support community-based forest projects while in the wildlife sector there is a Wildlife Service Fund to support wildlife conservation causes. The difference between the two is that the statute in the latter pegs this fund to extensive control and imbalances in access which favor KWS, the state agency managing wildlife resources in Kenya.

2.2.5.3: Provisions of the Land (Groups Representative) Act

The key provision of this act governs membership and structure of community CBOs that partner with municipalities and the private sector. Group ranches are “privately titled collected rangelands used for communal livestock production which provide a way for pastoralist communities to formalize rights over communal pastures...” (Nelson 2012, 3). They were formed after a government-commissioned study known as the *Lawrence Report* which concluded that group-based as opposed to individual registration to land titles would better serve the purpose of maintaining the Kenyan rangelands where most pastoral communities reside and sustain their livelihoods. These rangelands also border a vast acreage of Kenya’s protected areas. Overstocking and its attendant negative effects of individually structured tenure on forest and wildlife habitats was a major issue that the report sought to outline.⁷³ As the findings revealed negative evidence, the government stepped in to address the problem by enacting the Land Adjudication Act and the Land (Groups Representative) Act.⁷⁴ Some objectives of group ranches are to abate environmental degradation, increase productivity in pastoral lands, increase the capacity to learning, reduce landlessness, and to modernize the livestock

⁷³ Kibugi, R. M. 2009. A failed Land use legal and policy framework for the African commons? Reviewing rangeland governance in Kenya. *Journal of Land use* 24(2): 309-336. 319-327.

⁷⁴ Referred to as the Group Representative Act, Cap 287 of 1968. The number keeps plummeting as members opt for sub-division of these ranches.

See *generally*, Nortons-Griffith, M. and Said M., 2009. The future for wildlife on Kenya’s Rangelands: An economic perspective. pp. 5-6 and Mwangi, E. 2005. The transformation of property rights in Kenya’s Maasailand: Triggers and motivations, CAPRI Working Paper No. 35.

production sector of the pastoral systems using culturally sensitive tools that would not harm the traditional way of life of the communities (Ngethe, 1993).

2.2.5.4. Mobilization of partnership resources

Regulations guiding resource mobilization activities (and especially for the financial category of resources) are concise despite the fact that they are spread across various domains. Many partnerships receive assistance from various national and international institutions and agencies such as state ministries and agencies. Additional support comes from institutions such as UNEP, UNDP, IUCN, GEF, AWF, IFAW, WWF, FAO, USAID, DANIDA, and GTZ, among others. These institutions normally establish their own regulations that usually replicate (or at times challenge) national and local legal codes. Forest and wildlife partnerships receive a lot of funding from overseas and as such are governed by donor regulations or agency agreements of the funder. At most, they are based on stringent requirements for accountability and sustainability as conditions for extension of funding. The legal codes derived from the NGO Act and Regulations do not limit the amount of financial assistance and partnership program can access from a funder or a donor as long as the due course of law is followed. Many organizations in Kenya rely on three main sources of resource mobilization structures available to MCPPs. These include 1) a public charity system called “*Harambee*”, 2) through access of financial assistance from the Forest Management and Conservation Fund and the Kenya Wildlife Service Fund⁷⁵ and 3) mobilization of informational

⁷⁵ Harambee donations are governed by the provisions in the Public Collections Act (Cap 106). The Wildlife Fund provisions are found in Part II, Section 5A (3a) of the Act. Though the Wildlife Service fund mainly supports operations of the Service, the Act further mandates that the Fund shall be paid out to “...launch, operate, or expand projects of wildlife conservation and management”.

resources from indigenous Maasai communities who are known to host a vast repository of ethno-botanical and conservation knowledge.

3: The legal framework for MCPs: Supportive or inhibitive?

An assessment of the supportive (and inhibitive) attributes of Kenya's legal framework for partnerships can be assessed by evaluating the tools and instruments used in the design, planning and implementation of policy. The obvious positive enabler is that collaboration is expressed in a more promising narrative that continues to supplant the paralysis-centered earlier narrative that dominated pre-EMCA and pre-liberalization years. Kenya's current legal framework governing operations of biodiversity partnerships has made advances that prioritize democratize and incentivized practice as a priority goal (see for example, Anyonge-Bashir and Udoto 2012, Nelson 2012, KWS 2012, RoK 2012).

Illustrative elements of the existence of policy and legal support for partnerships in Kenya are witnessed by the government's efforts in:⁷⁶

- Popularizing ideas and debates centered on collaboration;
- Mandating and authorizing action that encourage and enable collaboration;
- Mobilizing resources for nurturing and sustaining partnerships;
- Supporting the already ongoing initiatives that are anchored on partnerships;
- Participating in and encouraging partnerships and especially at the local level scale;
- Fast-tracking policy and procedures for the development of environmental partnerships;

⁷⁶ As stated in various policy and legal documents and program evaluations.

- Initiating specific programs that feed into partnerships;
- Mainstreaming principles that support and inculcate values amenable to collaboration;
- Streamlining operations and enhancing compliance at the national level which inform and liaise with local level partnership initiatives;
- Working in concert with local, national, and global stakeholders of the environmental constituency so that incentives for collaborative management are increased;
- Restructuring laws (which are comprehensive and remedial), and which respond to and to allow different forms of partnerships to flourish.

The anticipation is that partnership models will eventually empower communities and reform weakly aligned institutional and economic incentives that have deterred progress towards sustainable development. On this account, it is relevant to assess if the current legal framework:

1. Supports and facilitates the growth of *effective* institutions which target real empowerment of enforcement agencies, partnership entities and subsequently communities, the latter a previously marginalized cohort;
2. Enhances and ensures that *accountability* characterizes the outcomes of interactions between state agencies and partnership entities and in the internal operations of both;
3. Promotes, provides, and secures *representative* and inclusive systems for community stakeholders whose participation in PAs management is needed for more successful outcomes in collaborative governance.

This dissertation develops four typological indicators on which to evaluate these key parameters of the legal framework for MCPs. The four typologies are 1) norming 2) scaling up, 3) gate-keeping and 4) scoping. Norming and scaling up are supportive strategies while gate-keeping and scoping are inhibitive strategies.

3.1: Supportive elements of the legal framework

3.1.1: Promotion institutional effectiveness

Effectiveness as a core attribute of a supportive legal environment is comprised of various features. With respect to environmental governance, it is the degree to which the legal framework achieves its targeted and intended objectives for proper and full operation of the institutional agencies that coordinate partnership activities. Beyond this functional element, the legal framework is the reflection of the body politic as it defines how the policy system determines political outcomes within the sector and beyond.⁷⁷

This study favors a more comprehensive definition of effectiveness. In particular, it follows two popular definitions. One is by Lipset who defines effectiveness as:

...the actual performance of a political system ... the extent to which it satisfies the expectations of most members of society, and the expectations of powerful groups within it ... marked by an efficient bureaucracy and decision-making system which is able to resolve political problems... (Lipset 1959, 87-88).

In the case of protected areas management, it is important to assess if local user and adjacent communities are not only empowered but also if they are also fully cushioned by the legal framework. The emphasis on addressing power asymmetries and reconciling divergent interests is a fundamental issue that partnerships should address in order to have fully effective outcomes (Ros Tonen, 2012). Insightful tools about effective management are drawn from Ostrom's tenets on how actors concretize collaboration into institutions for governance of common pool resources. Accordingly, a group is effective to the extent that it has the ability to self govern through established rules for allocation,

⁷⁷ This is also because the legal infrastructure does not exist in a vacuum, but rather is a part of a larger whole. The famous Eastonian Systems Analysis presupposes that policy (or decision outcomes) is a product of demands, support, and feedback (see Easton 1964).

appropriation and exploitation of resources and for limiting or inhibiting depletion or misuse (Ostrom 1990).

3.1.1.1: Norming strategies for enhancing effectiveness

There are evident norming strategies reflected in Kenya's laws and policies. Norming entails a process of establishing new values (or strengthening existing ones) as regular codes of practice so that they are conducive to policy implementation and act as referent cues for identifiable collective effort. The main purpose of establishing norms is the need to influence the behavior of actors in the policy space so as to facilitate the convergence of expectations (Krasner 1983) and to improve collaboration (Keohane 1995) among other purposes. Besides these, an additional purpose is to ensure that the norms are robust and resilient enough to guide practice and behaviors of actors, (Greico 1990). Some strides have been made towards enhancing effectiveness in Kenya's environmental sector. A pro-active publicizing and value-ing culture are gaining traction as critical norming tools. For example, the prevailing prism which was anchored on a single pro-conservation narrative has been augmented by an encompassing conservation narrative. First and foremost, normative underpinnings are a new core and salient component of the legal framework for facilitating partnerships. The intents are to involve, educate, and gather input from all the stakeholders and especially from communities and grassroots organizations.

One innovative aspect of the new norming culture is the fact that normative yardsticks are now considered as complementary (rather than inferior) to the purposive yardsticks of the major institutional systems that govern protected areas management. Currently the legal and institutional frameworks have legitimized participatory norms as

tools for effective engagement. The previous framework only supported de jure conferment of participation rights which were stated in law but were not established in practice. All the major sub-sector legislation including pending bills have given explicit recognition of collaborative norms as a guide to policy and practice. Equally, the credibility of policy outcomes is being pegged on such norms and are now widely discussed alongside the market-oriented (consumption and commercial) views of sustainable conservation.

A second norming tool for enhancing effectiveness has been institutional support for the current shift towards holistic elements of sustainability. This element entails appreciating that both conservation and consumption as interrelated facets of biodiversity conservation and that neither of the two should compromise the other. In other words, there is more appreciation that effective achievement of conservation outcomes simultaneously supports the rich biodiversity and the livelihoods of communities. This has put the *ecosystem approach* at the center stage of policy agenda and design, though its application and success varies across regions. This approach has achieved a prime spot in the current conservation agenda of all the major laws and policies related to forest, wildlife, water, and tourism sectors.

A third norming tool for enhancing effectiveness has been to amass the growing support for these values and marshalling resources to allow for improvements that can nurture and sustain collective effort that was missing in the existing institutional system. The process has entailed, for example, mainstreaming programs and structures that enhance collaborative environmental management. Mainstreaming new structures at both national levels (through civil society representation and participation in preparation of

environmental action plans) and sub-national levels (through representation and participation in development, budgetary, and environmental committees) are examples. This has led to the cultivation of needed intangible resources such as improved communication, information sharing, and collaboration which are preconditions for collaborative practice.

3.1.1.2: Scaling-up strategies for enhancing effectiveness

Scaling-up is a process that involves “...expanding, adapting, and sustaining successful policies, programs or projects in different places and over time to reach a greater number of people” (Hartmann and Linn, 2008, 7). The major scaling-up strategies for enhancing effectiveness can be assessed by evaluation three pathways to scaling-up. These include grafting, integration, and replication processes. Grafting mechanisms implant or enable different elements of law to act and to co-determine policy outcomes (Hartmann and Linn, 2008). First, most laws in Kenya are provided for or appended onto the Constitution. The new 2010 Constitution is relatively supportive of extensive citizen participation as it sets out various legal domains for organization and mobilization of resources. For example, it promotes reforms in land tenure, participation, forest and wildlife management, and general environmental protection.

Grafting is equally exhibited in inter-sector linkages that are integrating environmental management and participatory systems into their organizational and development planning. These are innovative features of the legal framework that have been designed to help operationalize policy principles stated in various laws and strategies such as for Vision 2030 and other multilateral agreements based principles such as Agenda 21 and Rio Principles. To a certain extent, Kenya’s record on integrating

environment into planning for poverty reduction is at best mixed (UNDP-PEI, 2006, 9) and is generally characterized by weak interfacing with overall development (UNDP-PEI, 2006, Kawrssoka 2009).

Replication involves a process whereby a given policy component enables or leads to expansion of services to more clients in a given geographical area, or enables this process to expand from one geographical region to another (Linn 2012, 1). A second attribute, "functional" replication, means that a policy system enables additional programmatic areas of engagement to take form, at times including the establishment of new institutions (Linn 2012). Figure 4 is an organogram that illustrates the composite institutional entities that define the institutional entities governing environmental partnerships.

An important indicator of functional replication at the national level is exhibited in the expansion of institutional mandates and organizational components which now enable and accommodate new roles and responsibilities for newly established state agencies and community organizations. In order to enhance effectiveness, state agencies that coordinate policy have been fully empowered. This implies endowing institutions with “infrastructural powers” and authority that allows them to perform their tasks by granting them the capacity to implement logistical and political decisions without intrusive and extensive state intervention.⁷⁸ So far, the prime initial institutions established to govern operations of partnerships were the Wildlife Conservation and Management Department (WCMD) and the Forest Department but they were disbanded, and new administrative entities such as KWS, KFS, NEMA and related ministries have

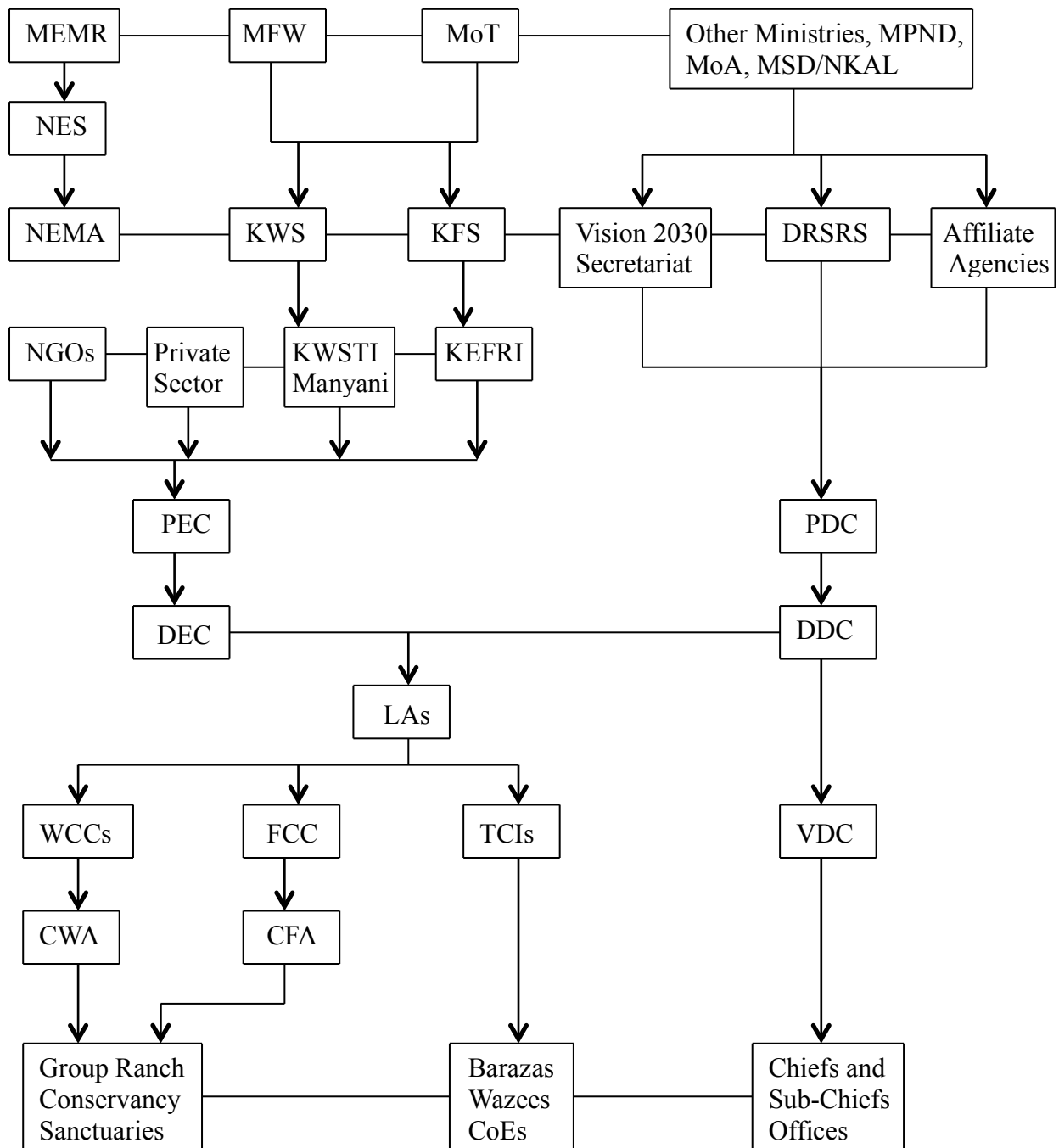
⁷⁸ This means that the state or its representative institutions to which it delegates roles have the ability to penetrate society by increasing contacts with society and benefits (Manin 1984, 59, 114, and 117).

been formed. New provisions have increased the mandates of these agencies compared to their predecessors. Replication processes have led to the creation of new sub-entities operationally integrated with the core state agencies.

As a consequence, both KWS and KFS have affiliate capacity-building institutions that help them achieve operational effectiveness. For example KFS is able to forge forestry partnerships (capacity building and economic ventures) through KEFRI's support programs to implement natural, dry land, and industrial farm forestry, forest plantation technology, program partnership networks, and tree seed nursery operations. KEFRI's counterpart, KFS, intervenes in rehabilitation and restoration efforts of Kenya's vital water towers, including recently innovations in establishment of payments for ecosystem services and monitoring carbon storage (KFS 2011).⁷⁹ In the wildlife sector affiliate institutions such as the KWS Training Institute, the Manyani Fields Training School and the National Museums of Kenya perform similar roles related to supporting conservation capacity building programs. In contrast to KFS, KWS has fully grafted its operational programs onto the national security institutions which are helping KWS enhance its effectiveness in the efforts to combat wildlife crime and to protect property (see KWS Law Enforcement and Regulation Strategy).

⁷⁹ These programs have a significantly concentrated in the restoration of the Mau Forest Complex (the most endangered forest complex) though there are numerous efforts across the country's forest complexes.

Figure 3: An organogram showing the institutional framework governing partnerships



(This diagram only represents the pre-2013 institutional framework)

Acronyms

CFA	Community forest association
CoE	Council of Elder
CWA	Community Wildlife Association
DDC	District Development Committee
DEC	District Environment committee
DRSRS	Department of resource survey and remote sensing
FCC	Forest conservation committee
WCC	Wildlife conservation committee
KEFRI	Kenya forest training institute
KFS	Kenya forest service
KWS	Kenya wildlife service
KWTI	Kenya wildlife service training institute
LA	Local authority
MEMR	Ministry of environment and mineral development
MFW	Ministry of forestry and wildlife
MoA	Ministry of agriculture
MoT	Ministry of tourism
MPND	Ministry of national planning and development
MSD-NKAL	Ministry of state development for northern and Kenya and arid lands
NEMA	National environment management authority
NES	National environment secretariat
NEC	National environment committee
NGO	Non-governmental organization
PDC	Provincial development committee
PEC	Provincial environmental committee
TCI	Traditional customary institutions
VDC	Village development committees

Finally, the level of sectoral and agency financial support⁸⁰ is a key indication of replication strategies of programs established by the legal framework. Support from donor grants has increased from an estimated K.sh. 162,050000 to K.sh. 443,370000 (Bird and Kirira 2008). For the first time, the government has introduced and allocated funds to support programs on governance, legal framework and institutional

⁸⁰ There are considerable challenges in accounting, collecting and collating pertinent financial data and estimates for the environmental sector in Kenya (Norrington-Davies and Thorton 2011; Bird and Kirira 2008, 18; Geller et al., 2007, 4). These challenges are due to the large discrepancies between reported estimates and the real disbursements.

arrangements. This component constituted five of the 94 sub-components of the projected programs and Ksh. 1,300 million of the Ksh. 103,036 million were allocated to this support program (KFS, 20). While these two proportions are not significant, they are indicative of a new shift which recognizes initiatives that strengthen governance processes in a sector previously mired in command-type management failures.

Through geographical and service replication, EMCA established roles for new statutory partnerships which are fully protected by law. State agencies are mandated to work in concert with other national agencies, local governments, private sector, and communities. EMCA also provides for the establishment of statutory committees to enable implementation of any laws that are supportive of or have a bearing on collaboration or partnerships and has been instrumental in facilitating additional policies geared towards mobilizing resources for partnerships at both national and sub-national levels. For institutional resources it provides for the establishment of the National Environment Committee (NEC) which is charged with policy formulation and promotion of environmental management partnerships, among other goals.

Additional indicators of horizontal and geographic replication are exhibited by the fact that commercialization regimes have been authorized, supported, and encouraged so that they can act entry points for facilitating partnerships. For, example, the new Forest Policy is embedded on principles of nurturing and supporting both the ecology and livelihoods of resource adjacent communities. It detracts from both eco-centric and anthropocentric views and rather encompasses a larger vision for sustainability. The policy encourages commercial ventures in agro-forestry and supports capacity building of

CFAs. In the wildlife sector, the Conservancy Regulations of 2012 emphasize the need to devolve management to community groups which surround the wildlife protected areas.

3.1.2: Enhancement accountability and transparency

Norming strategies enhance accountability through provisions that require agencies and partnerships to routinely provide information on matters concerning resources, restoration and preservation of the environment. The existing statutes have established autonomous institutions such as KWS, KFS, and NEMA which coordinate and foresee sector operations. Norming processes for promoting financial accountability were introduced in early 2000 with the first initiatives targeting to mainstream scheduled reporting requirements for public agencies under the Public Audit Act of 2003. These provisions require submission of financial accounts to the Ministry of Finance, other line ministries and the Kenya National Audit Office. Similarly, the submissions must be made within three months of the end of financial year. Some observers have opined that this is a "step in the right direction towards accountability" (Bird and Kirira 2008, 17). PAs management entities must be all registered organizations and are also required to present yearly reports to respective registrar offices.

Scaling-up process has been extensively applied to buttress accountability in the operations of coordinating agencies and partnership entities. First, there are more avenues protected by law which enable citizens to hold public officials and institutions accountable. Citizens now have legal recourse through constitutional, customary, and sectoral laws, which have increased the responsiveness of institutions and facilitated feedback mechanisms. Second, there is increased scope for enhancing horizontal accountability with the increased access to information. Public officials from KFS, KWS,

and NEMA are required to provide any relevant information that is of interest to PAs management partnerships. A recent study revealed that the legal guarantees for access to environmental information provided by existing laws in Kenya are relatively strong (IMF 2012, 37).

3.1.3: Recourse to representativeness

By definition, representativeness implies a system which fully enfranchises local peoples or their representatives with institutions operating through accountable representation (Ribot 2010) and where people have meaningful input that is decisive in shaping policy output (Dany 2008). In the current national discourse on conservation, the issue of participation has once again become the new norm as it has indeed taken a dominant national position. The net effect of this normative appeal is that it has positioned representativeness at the center stage of PAs management. This has facilitated the mainstreaming of participation issues into the structures of governance. Norming has also promoted the processes of devolving powers to local level institutions such as local governments, committees, and associations. It has also re-introduced pluralism as a core principle of governance for partnership entities.

Substantively, a key indicator of representativeness is how the law addresses stakeholders' demand. The forest sector has made major strides in making substantive changes that allow greater input from communities. By all indications, the wildlife sector has had longstanding struggles on issues of community participation, benefit sharing and compensation. This is because of the weak responsiveness of the legal regimes towards solving these issues. In the current context, the government is pursuing a process for increasing representativeness though not as vigorously as communities would want.

However, there has been much discussion in many policy circles that there is need to compensate communities as a step to forging workable partnerships for the benefit of conservation of wildlife and improved livelihoods. The government set up the Predator Compensation Fund (PCF) to enable communities to access refunds for losses incurred from problem animals. The findings of one study noted that this initiative led to positive outcomes exhibited in increased tolerance levels for carnivores and the desire by communities to have the project continue (Rodriguez 2007, 59) but it is not the answer to squabbles over participation and compensation.

Through devolution, several formal avenues for partner interaction such as local and district level committees, associations, capacity building programs, planning and conflict resolution, consultation, and management committees have been established.⁸¹ These operational and management systems are designed to transform the civic orientation and economic resource bases of community organizations. These opportunities were lacking in the previous pre-EMCA legal regime. The new framework serves the purpose of enabling and directly conferring agency to institutions that are amenable to the preferences and representation of grassroots community organizations and the private sector. There are also specific quota provisions specifying the proportions of seats, positions, or platforms for the participation of marginalized groups and CBOs. Designating formal powers to sub-national entities and local organizations encourages communities to mobilize both leadership and organizational resources. It energizes

⁸¹ For example provincial environmental committees are constituted by representatives of sub-national government institutions, civil society and the business sector; of which one representative comes from the local authority, another from regional development bodies, two from farmers and pastoralists, and two from NGOs.

communities to mobilize resources for organizations and for associations to sprout (see for example Mbuvi et al., 2010, Ongugo et al., 2007, Ogada 2012).

A study by Ongugo et al., (2007) found that after the implementation of Forest Act, more communities actually formed associations by selecting and electing new leadership, which enabled these communities to engage pro-actively in forest conservation and related ventures. A recent study found that when communities participate in these associations, inclusiveness and consensus-oriented learning increase opportunity for the voiceless members in monitoring and resource allocation processes (Kagombe and Ogungo 2010, 4-6). More recent findings conclude that CFAs are also better able to contact, consult, and collaborate through partnerships (see Koech et al., 2009; Ogada 2012). Indeed, mobilization along such organizational frames has enriched associational life in these regions (Mogoi et al., 2012; Banana et al., 2009; Ongugo et al., 2007).

In the wildlife sector, the existing group ranches and conservancies within protected areas and surrounding dispersal areas are re-emerging again as key partners in conservation (Glew 2010, Moiki 2011, Homewood et al., 2012) or as surrogate associational platforms for wildlife associations. The Wildlife Act 2013 strengthens their impact as it defines and enables a legal status to conservancies for the first time. They will have more connective capacity and encourage more interactive relations among locals and with government institutions such as District Development Committees (DDCs) and local authorities. Otherwise, significant impacts of these two entities can be conceived through their roles as vital incubators of various resources (social, political, and human, and cultural) that communities have needed and underutilized for a long

time. In this respect, it can be assumed that the new 2013 Wildlife Act has the potential to enhance representativeness in protected areas management.

The integration strategy (for scaling up programs) has been relatively weaker as a strategy for enabling participation. A good example is with the UNCCD principles, which are most commonly applied as parameters that guide the implementation of environmental management. These principles advocate bottom-up and participatory approaches, entrenchment of gender balance, use of indigenous knowledge, and participation of diverse stakeholders. Representativeness in Kenya's wildlife sector has been to some extent facilitated through various incentive-based mechanisms (Unyonge Bashir and Udoto 2012, Wanyonyi 2012, Nortons-Griffith 2000). For example, the benefits-based and compensation models in the wildlife sector are used to incentivize communities to engage in conservation efforts privately or in collaboration with others. Additionally, there are revenue sharing mechanisms in which park entrance (and conservation) fees are distributed to surrounding community institutions that contribute to wildlife conservation efforts.

While these are bold steps, a much broader access and participation by community organizations have not been significant in helping build local organization capacity. There is an imminent possibility that this may change with the post-2013 Wildlife Act dispensation. This is because the legal framework has availed statutes for promoting procedural participation and has provided a formal avenue that grants substantive (property) rights to communities. The wildlife sector is a complex system which is strategic to Kenya's development process. However, the paralysis that had plagued the policy process stalled the enactment of the Wildlife Act. A group of powerful

conservationists threatened to counter any provisions that would introduce expansive and substantive entitlements to communities. Their “fears” were based on the notion that these rights would increase unchecked poaching and irresponsible hunting.⁸²

3.2: Inhibitive elements of the legal framework

3.2.1: Scoping strategies

Scoping is a strategy which circumscribes the range of rights granted and roles assigned to a specific individual and institutional actors within a given policy making setting. The overarching goal of scoping is to delineate specific boundaries and define the extent to which actors and institutions can participate in partnerships. While it is not an inhibitive aspect per se, scoping leads to inefficiency of institutions and limits participation. For example, a recent Kenya case study conducted by the IMF revealed that while the legal guarantees and provisions governing access to information had improved, those governing public participation in environmental decision-making are relatively weak (IMF, 2012, 37). A related effect of scoping on effectiveness is related to the fact that institutions and interests usually intersect at nearly every stage of policy and program development. Thus, limiting activities of specific entities or individuals to one or only a few activities diminishes opportunities the full mobilizing of resources crucial for intervention in management practice. This has been a leading issue in wildlife and marine resource conservation where excessive scoping is inhibiting the growth of long-term and sustainable partnership arrangements.

Accordingly, mainstream critiques on environmental management practice argue that top-down and weakly designed decentralization programs have higher proclivity to

⁸² Characteristically, a major section of this group comprises of international conservation coalitions with enormous financial and technical resources and with immense powers enough to maintain the current status quo or to swing and shift policy away from pro-consumption agenda.

promote apathy and high attrition rates in collaborative programs. Another related concern is that it is common practice in developing countries such as Kenya to have laws granting to a group of stakeholders de facto rights to participation without empowering them or granting them full latitude in the various stages of policy and program development. This disjunction emanates from the fact that while the newer instruments are being developed, the politico-legal environment is not operating *tabula rasa*.⁸³ Evidently, much legislation until 2013 existed as updated or revised versions of previous ones, some of which were exclusive in character or lacked capacity to operationalize devolution. Furthermore, the new legal context has served to fortify new institutional compacts on one hand but is simultaneously forestalling the development of progressive policy interventions in some sub-sectors as the proceeding sections of this chapter illustrate.

Scoping of funding resources usually occurs in national budgeting prioritization. For Kenya's budget preparation and allocation context, reliable budget apportionment largely hinges on how a given sector is perceived in terms of its numeric contributions to the GDP. The predicament of forest and wildlife sub-sectors stands herein. Conceptualization of sector contributions based on GDP measures militates against the country's efforts to achieve sustainable development. Additionally, sector appraisals conducted by donors have revealed that allocation strategies are deeply super-imposed onto a culture that promoted poor mainstreaming of environmental issues into

⁸³ In essence, this implies that the development of law and policy for PAs partnerships is linked to path-dependent circumstances which are essentially historically defined. In other words, they are not created on a "clean slate". For an extensive analysis of the *tabula rasa* metaphor/analytical approach, see (Peters 2005, 51; Offe 1998 26-28). In PAs management, remnants of weak governance prevail. These include an entrenched corruption at national level, weak local governments, local apathy, command type of management, and clientelism are still compounding influences on policy outcomes.

development planning (Bird and Caravani 2009; Bird and Kirira 2009; IMF 2012). For example, a study by Ruhiu (2004) found that financial resources disbursed to wildlife sector are usually inadequate compared to other sectors. One of the reasons for low funding, he opines, is because “conservation is considered as a drain rather than a gain.”

More recently, a Public Expenditure Review (PER) conducted under the auspices of PROFOR⁸⁴ highlights similar experiences in the forest sector where government’s earmarked budget allocations are generally smaller and forest departments are under-resourced relative to their mandates (Fowler et al. 2011). The review cites that this is due to the lack of political will to support a sector deemed as a poor contributor to the economy. It further notes that allocated funds provisions are usually erratic and are disbursed in lower figures compared to those stated in the budgets. These issues not only undermine the efficiency of KFS as an organization vested with the authority to manage the entire forest estate in the country, but they also limit its ability to mobilize resources from other partners with stakes in the forest sector.

To a certain extent, scoping mechanisms that affect the forest sub-sector also emanate from internal sub-sector operations, particularly in the design of internal intra-sector funding mechanisms and interests of key sector funders. Development partners’ key priorities are in covering spending to support conservation programs while those of the Kenyan government largely focus on reforestation and regulation/inspection (Fowler, 23). Thus the proportion that each contributes to programs determines scoping levels of activities. More specifically, it relates to the ratio between recurrent and development expenditure, and more so, in a sector that is largely donor-reliant if not donor-dependent.

⁸⁴ The Program of Forests (PROFOR) initiative was created in 1997 and is currently one of the core global research programs on forest research. It supports in-depth analysis and encourages production and dissemination of knowledge that can lead to sound forest policy in any region of the globe.

It is also apparent that the surge in poaching is an indication that some activities are underfunded and are weakening wildlife collaborative regimes at both national and sub-national levels. A prominent newspaper commentary reiterated this point when it stated that KWS only covers 25% of the wildlife territory and yet is underfunded (The Daily Nation, 2012). It further noted that this largely contributes to attacks on wildlife. Another weak area of the wildlife sector's financial regime is in scoping through granting access to special funds to specific agencies, entrenched imbalances in funds access and limited access by other stakeholders in the sector. One such strategy is exhibited in the wildlife statute in which the KWS controls and uses a large portion of the Wildlife Conservation Fund to manage its internal operations. This locks out institutions from park-adjacent communities which immensely contribute to wildlife conservation in the communal and private lands. This strategy has been blamed for fortifying the monopolized mandate of KWS and fomenting its uncooperative attitude towards park-adjacent communities. Finally, at the county/municipal level, the process of devolution has not been matched by transfer of proportionate financial and human resources to enable an easy transition to a collaborative practice at the sub-national scale.

A related process for scoping strategy is linked to statutes which give KWS and KFS extensive monopoly on the structure and the scope of participation of individuals and entities. While the noted adherence to requirements for formal organization is indicative of a strong regulatory regime, the numerous stringent requirements for registration and hefty fees are hindering the pace of mobilization and formalization of community organizations. For example, in the wildlife sector, overbearing powers of Kenya Wildlife Service over pertinent decisions have increased while those of

communities and private sector continue to be limited. This has not been an attractive option as concerns have been raised over a re-centralization of management of wildlife resources and related revenues by KWS.

With regards to agencification,⁸⁵ the legal framework has strengthened KWS, KFS, NEMA and other subsidiary institutions, which despite transforming a few sector-based programs has equally led to fragmentation and multiplication of roles across sectors. In fact, the new wildlife law will establish new agencies and management entities such as the Wildlife Authority and county committees. Several officials whom I interviewed in the field openly mentioned that one of the key hurdles they face is that of overlapping of mandates, and this is common in a number of jurisdictions. This usually leads to a hands-off ambivalence approach on the part of staffers, inter-agency competition, and at times conflict.⁸⁶ What this means is that the current framework runs the risk of limiting institutional proprietorship, a process much harder to reverse considering the sectors' historical intricacies. Seemingly, the two inter-related yet disjointed aspects of macro-sector governance are reinforcing these challenges.

3.2.2: Gate-keeping strategies

Gate keeping is a management strategy which assigns a specific individual or institution the authority to oversee one or few aspects of decision making at a given phase of policy development within a trajectory or context of resource allocation.⁸⁷ This gives

⁸⁵ This is a strategy for institutionalizing management systems for planning and implementation of policy by transferring powers to new autonomous organizations. In essence, it entails the establishment of entities that are structurally disaggregated from government ministries [and] ... operate under more businesslike conditions than the core government bureaucracy... at arms' length from the core of government ...” (Dan et al 2012, 9). See also Bach et al (2012).

⁸⁶ This is as a reaction to the fear of stepping onto another agency's mandate or a looming confrontation response in the event that it happens.

⁸⁷ This description is adapted from Lewin' (1947) seminal work which is credited for first introducing the term to socio-political studies.

the assignee the power to filter the types of activities, actors, or outcomes that constitute the policy process, which ordinarily would be those that cater for this assignee's interests or constituents with whom they are aligned. Gate-keeping is exacerbating problems of accountability in environmental governance institutions in Kenya. The legal framework has created incentives for the supply of institutions for enhancing accountability but it has failed in supporting other equally relevant initiatives.

Agencification has strengthened state agencies yet has failed to invest similar resources to strengthen local organizations and institutions surrounding protected areas. This explains the obvious presence of weak entities for community representation in these areas. The supply side is being witnessed in the shortcomings of regimes that target increased participation of non-state stakeholders in partnerships. An example is indicated by the fact that communities are encouraged to enter into partnerships and yet they lack the requisite capacity to effectively enter into such arrangements. One study has noted that CFAs' internal arrangements are usually not well developed for them to implement the programs entailed in forest management (Nahama and Mbuvi 2009; Nyandiga 2009).⁸⁸ Alternatively, capacity building efforts should have preceded the granting of such rights as more resources are likely to be under-utilized or over-utilized with weaker community and private sector institutions.

Another key gate-keeping feature in the legal framework is exhibited in the wildlife statutes of Wildlife Act Cap 376 which regulated and denied legal status to the creation of private conservancies. It seeks to limit participation by mandating that these entities must be registered with the soon to be created Wildlife Authority. Conservancies

⁸⁸ Nahama and Mbuvi's assessment particularly references this assertion in their title "*We are nursing community forest associations; But for how long? A challenge for partnerships if forest management*".

have always existed and have been effectively managing wildlife resources using their own operational codes. In the process of transposing these new guides for action, policy makers have confronted tensions between stakeholders' competing values (conservationist and preservationist versus consumptionist/commercial use on one hand and, anthropocentric versus eco-centric on the other hand). The existing policy scenario is at best characterized by enduring tenuous relations among stakeholders.⁸⁹ While norming has become a trend for introducing, framing, and legitimizing the discourse on participation, its real effect as a mechanism has much to do with the fact that the input of community on the ground is still not decisive. However, it is safe to conclude that communities are now less marginalized. The stark reality is there are always oppositional forces seeking to dislodge participation-friendly values. Oppositional forces are not entirely drawn from formal-legal structures; customary structures restrict participation as well.

There are some associated gains from gate-keeping, but at whose expense? The pessimistic tone of the core narrative on wildlife conservation regimes is telling of the inherent challenges. Damning sentiments are echoed in various reports and studies. Some components of the legal framework (at least prior to 2013 Wildlife Act) have been labeled as “draconian” and “outdated” (Magiri 2007), and anchored on a “neocolonial structure” dominated by the tourism industry at the expense of communities (Cheung 2012). These attributes are telling of the challenges that situate the invisibility of community interests and how they are perpetuated by gate keeping norms engendered in

⁸⁹ The potential to create issue conflicts generally exist as tensions between for example: equality and hierarchy, citizen participation and participation based on expertise, and equity and efficiency. (The dual manifestation of value conflicts are borrowed from Bason, 2010).

both agencification and decentralization strategies. It is common knowledge that wildlife resources are the lifeline of Kenya's tourism sector. Tourism contributes about 10-12% of Kenya's GDP (RoK 2006; Wanyonyi 2012). In the year 2010, wildlife tourism sector earnings alone injected approximately Ksh.73.6 billion (US\$ 740 million) into the economy (Ministry of Tourism 2011) which compared to the 2007 Ksh 65.4 billion earnings. (See Kenya's yearly tourism earnings in Table 5). Wildlife rich areas are bastions of Kenya's wildlife-rich regions. However, powerful local level functionaries from state agencies and local governments collude with the local elites to deprive communities of the lucrative revenues accrued from sector earnings (Honey 2008).

Table 5: Kenya's tourism indicators, 2001-2010

	Tourism earnings (Ksh in Billion)	Number is visitor arrivals in Kenya (‘000)	Number is visitors to parks and reserves (‘000)
2001	24.3	993.6	1664.1
2002	21.7	1001.3	1784.1
2003	25.8	1146.1	1570.0
2004	38.5	1360.7	1820.5
2005	48.9	1478.9	2132.9
2006	56.2	1600.5	2363.7
2007	65.2	1817.0	2495.1
2008	52.7	1203.2	1633.9
2009	62.5	1490.4	2385.1
2010*	73.7	1609.1	2758.8

*Provisional

Source: Kenya National Bureau of Statistics, Sectoral Reports

Accessed from http://www.knbs.or.ke/tourism_summary.php, March 2, 2013

Alienation of important stakeholders has been exacerbated by the structural inefficiencies of the sector and the exploitation of internal divisions among community institutions (se for example, Ondicho, 2010). This system works as an established system of patronage and clientelism. Thus, one of the single most important inhibitive attribute of the legislative framework is centered on the “tourism as an exploitation tool” thesis.

But what drives this systemic exploitation? Gate keeping mechanisms facilitate the predicament of local communities. For example, agencification and decentralization have acted as gate keeping tools by penalizing local communities. For example, statutes governing decentralized governance selectively grant rights to state agencies and local governments and are biased against communities. This can happen in three instances. First, the local governments are better able to filter out participants and programs which do not serve their interests. Second, these entities control all the major channels of participation, channels of access to resources and key avenues for conflict resolution.

Third, local governments are entrusted as overseers all forest and wildlife resources at the sub-national level. The obvious attribute widely acknowledged by many is that local governments are riddled with corruption and patronage problems. However, because the law enables their commanding presence, local governments can and do monopolize revenue management process. Kipuri (2008) observed that despite the efforts to promote inclusive benefit-sharing mechanisms in Kenya's wildlife sector, this framework will remain inadequate for two reasons. First, the apportionment of these revenues is skewed to favor local governments and the private sector. Second, given the configuration of forces at the local level, it is unlikely that the revenues will ever effectively trickle in substantial scale to local communities. Local institutions are therefore entrapped in contradictory relations of overwhelmingly undemocratic institutional arrangements; decentralized systems with re-centralised sub-national governance.

These are common symptomatic features that explain why revenues accrued by tour companies are not trickling down to these communities. The private capture 95% of

earnings received from wildlife tourism (Nortons-Griffith and Said 2010; Homewood et al., 2012). There is also mounting evidence suggesting the persistent nature of marginal returns to wildlife protection by local communities and their continued marginalization. These regions are some of the least economically developed (Ngeta 2010, 427; Homewood et al 2012), the most impoverished areas in Kenya (Mizutani et al., 1999; Hughes 2006; Nelson 2012) suffering high incidences of poverty.

From the aforementioned, it appears to be the case that a weak system of institutional incentives comes in as a decisive factor in defining governance outcomes of wildlife protected areas management. This is because wildlife resources are a lucrative commodity that can provide high rents with negative repercussions on governance processes.⁹⁰ There is also the related contentious issue in policy framing struggles among protagonists in the sector. This emanates from the lack of consensus around how to best utilize wildlife resources. There are two main arguments. The first camp favors the idea that the law should allow for sustainable consumptive use of wildlife. The second is preservationist. Ngeta (2010) avidly summarizes the preservationist principle:

Preservationists conceptualize human activity in nature as motivated by commercialization that is likely to result in overexploitation and species decline. Their view, wildlife can be observed and photographed but should not be touched. Only then can sustainability be achieved, (p. 434)

The preservationist narrative currently dominates and defines the legal regime for wildlife conservation in Kenya. Unfortunately, it has been blamed for engendering the

⁹⁰ This is the well known resource curse thesis, which is a dominant body of thought in the field of resource economics and political economy which dwells on describing, analyzing, and explaining the characteristics and origins of the well known systemic and structural socio-economic and political challenges arising from over-abundance of natural resources in richly-endowed states. It starts from the premise that the ownership of immense natural resources is a disincentive for socio-economic and political development. Some analysts have presented this thesis as a paradox as they delve into problematique on why resource abundance does not necessarily translate into economic, political and/ or economic stability, (see for example, Karl Lynn 1997, Connelly 2010).

weak structural incentives that deter full-scale community participation in wildlife conservation. There is consensus across extensive research reports that neighboring landholders accrue colossal costs from conserving wildlife resources (Mburu et al., 2012, Kinnaird and Obrien 2012, Norton-Griffiths and Said 2009, Nortons-Griffiths et al., 2009; Ngeta 2007 & 2010) and that there is a large discrepancy between the costs accrued by the communities and the meager compensation provided by KWS in Maasai rangelands that surround major wildlife PAs in Kenya. (RoK 2007 Draft Wildlife Policy, 25; Kipuri 2008, 26; MacLennan 2008, Sindiga 1995).

Additionally, hosting wildlife or engaging in wildlife conservation does not necessarily yield greater direct benefits to livelihood portfolios of these communities (Homewood et al., 2012).⁹¹ These circumstances explain why benefit sharing and compensation models have significant appeal and feature as prominent mechanisms for securing the trust and participation of communities. Yet, the mere use of compensation is not a sufficient condition to achieve commitment. Compensation may change the attitudes of landholding reserve or park-adjacent communities but not about the governance processes (Rodriguez 2007). Mismanagement and corruption that plague structures have made locals skeptical of such tools, but at the same time communities' lack of awareness about policy operations exacerbate the problem of trust (Rodriguez 2007).

⁹¹ Some studies explore this position further noting that while landholders incur losses from hosting wildlife (through predatory behavior, problem animals, and diseases), these losses are negligible (Mizutani et al., 1999). This conclusion, however, is distant from mainstream conclusions largely because it examined a region with comparatively different socio-ecological attributes from the commonly studied regions in the *Maa*-speaking (Maasai) territories.

This raises important empowerment questions as it points to the need for proper timing and designing issues for PAs governance programs, in other words the need for a proper phasing and pacing of interventions. Assigning participation rights must be preceded by intensive political empowerment and capacity building processes which allow communities to have leverage to confront the messy and confrontational politics in the wildlife sector. Extensive education efforts and awareness creation are needed. Mere application of compensation strategies in regions with less capacity and weakly empowered groups only marginally transforms power relations. If at all, it cannot solve the problems of continued marginalization of local communities.

Gate keeping is also exhibited in the conduct of legislative processes. At the macro-level, a key inhibitive feature of the legal framework is the structure of legislation in Kenya's parliament. This is particularly so in agenda introduction and law making. It bears repeating the observation that Kenya's policy process is characteristically very dynamic yet ineffective with regards to the dimension of implementation. Likewise, legislative conduct encumbers a system that grants legislators formal and informal gate keeping powers. Such include powers in setting legislative agenda, controlling of agenda type, scheduling of debates and decisions, adoption of bills, among others.⁹² This can explain the frequency and permanence of gridlock in the wildlife sector legislation manifested by poor policy output. It also explains the source of alleged manipulation and changes in the 2007 Wildlife Bill. Legislative productivity⁹³ has been at best poor with

⁹² Legislative studies in Western democracies have advanced rigorous models to explain legislative behavior, some of which have informed this analysis (Crombez and Hix 2012; Woon and Cook 2012). Important seminal studies are subsumed in the pivot, party, and information theories of legislative behavior with each presenting central roles of these factors in shaping legislative outcomes.

⁹³ Legislative productivity is a simple indicator defined by the number of legislative enactments within a specified period of time, what legislators do with proposed legislations, number of bills passed and

regards to enabling the development of progressive wildlife policy. Various stakeholders, surprisingly including both preservationist and pro-consumptive cohorts, have blamed Members of Parliament (MPs) for using sabotage tactics to manipulate and stall policy development in the wildlife sector.

The impasse in the years 2007-2013 was a outcome of the failure by MPs and their delaying of tabling and discussing bills, denial of bill scheduling opportunity, and their reluctance to debate, adopt, and pass the wildlife bill. The preparation of the wildlife bills and proposals was, however, inclusive and representative of a wide array of stakeholders at the national level. Indeed, the process was participatory and highly consultative involving selected committees drawn from major stakeholders in the wildlife sector (WWF, nd). Tensions started and increased among stakeholders as some groups argued that the parliament progressively (between 2007 and 2012) revised the content of the original 2007 Bill. They argue that it was imprudent of lawmakers to use this bill as the final document and added that it lacked legitimacy because it was a revised format of the previous bill which was prepared in a more consultative process. They also argued that it threatened representativeness as the possibility of including the agenda of community-based constituencies had a higher probability of being ignored.

4: Conclusions

This chapter examined the legal framework on which MCPPs are founded and operate. The key finding is that the legal framework is supportive but with a weak enabling institutional framework. It underscores the fact that post-EMCA reforms and proposed changes are not cosmetic. The vast programs instituted and the amount of

processed, queuing time taken by a specific proposal or bill as it awaits debate or passage (borrowed from Jill and Thuber 1997)

resources expended speaks to the fact there is some level of commitment to implement the necessary interventions. Indeed, some of the failures should not obscure the progress being made in the sector through scaling up and norming strategies. In fact, the analysis also points to the need to evaluate sub-sector policy dynamics and how different sub-elements of the legal framework shape policy outcomes. For instance, the striking differences between forest and wildlife sector outcomes outlay the sources of inter-sector differences.

The aforementioned issues equally highlight both the opportunities and the challenges that the crafters of institutions for coordinating protected areas governance face. This analysis pointed to the lingering question on how to best involve local communities in the current reform efforts seeking to endear both formal and informal institutions to the newly afforded dispensation. It does underscore the immense efforts by the government to peg these reforms onto novel principles about sustainability and inclusiveness.

Concluding that the existing legal framework is congenial to empowering partnership operations simply means deducing that policy makers have made major inroads with regards to the matter. Yet, this is not the case. What is obvious about the shortcomings and strengths of the legal and institutional framework is that both dynamics underscore the fact that the mere existence and modest reforms of a legal framework with enforceable statutes should not be conflated with effective and inclusive institutional programs. It will take years for the Kenyan legal landscape to socialize actors and institutions into responding to the ever dynamic policy system. As long as scoping and

gate keeping continue to be dominant aspects of policy reforms, the path will take a long process to empowering communities.

Finally, the fragmented nature of the institutional framework explains the need for a single coordinated legal framework. This will enhance coherency and synergy across the various laws. MCPs face regulations from manifold laws interspersed across the environmental sector. Characteristically, the legal framework embodies different sets of “self-contained regimes”, in other words, specialized along different issues (for organization, regulation, administration among others) in protected areas management. However, such architecture creates a complex system of inter-linked yet incompatible sets of laws and principles governing the different sub-entities of partnerships. On the other hand, it simply means that these sets of laws are addressing different legal subjects yet partnerships exist as unitary collaborative programs. The aforementioned highlight the suitability of a single legal framework on which the vibrancy and vitality of PAs partnerships can be mapped accordingly.

The fragmented legal system is partly responsible for the poor mobilization and collaboration among stakeholders. Hence, the model should rely on four key principles: mutually supportive laws, adjoining diverse organizational resources, facilitating institutional collective action, and ethos of collaboration. Activism by civil society and social movements have exposed policy-makers’ erratic support for reform and constantly questioned their commitment. The government’s overriding goal as depicted in its various statutes is an expanded space for participation. Efforts to have a more inclusive process reverberate across many communities. While these intentions are only stated on paper and just enacted into law in 2013, Kenya will take a steady but slow pace to design

effective partnerships that improve the capacity of CBOs. Regardless, the enactment of the Wildlife Act of 2013 is a step in the right direction despite the fact that the opponents of the legislation have launched attacks while seeking its repeal.

CHAPTER 3

THE LAIKIPIA WILDLIFE FORUM

1: Introduction

The Laikipia Wildlife Forum (hereafter, the Forum) is one of Kenya's leading conservation entity modeled as an MCPP. Its founders initiated the partnership to address the costs and externalities associated with conservation in Laikipia.⁹⁴ They envisioned that inclusion of all stakeholders would be an effective strategy for setting a collaborative platform, mobilizing resources for co-management, and implementing a benefits-enhancing partnership program. This process facilitated organizational expansion through modularity and intensive partner activism. To this end, major attempts focused on institutionalizing representativeness and effectiveness. These initial conditions enabled its partners to enhance modest levels of accountability, which eventually nurtured a resilient base for partnership consolidation and community empowerment.

The Forum is poised to be one of the most successful MCPPs in Kenya. The main goal of this chapter is to extrapolate the features of its organizational structure onto its operations in order to evaluate if its design facilitated the empowerment of its community partner and its constituent communities. The chapter first discusses the partnership features. It then proceeds to explain the mechanisms that are at play in the attempts by the Forum's leadership to fine-tune its internal operations as a tool for facilitating CBO agency. There is an indication that CBO empowerment is, *ceteris paribus*, an outcome of interdependent structural and contextual factors. The Forum's ability to delegate co-

⁹⁴ An externality herein highlights the fact that landowners preserved wildlife and protected Laikipia's ecosystem without any form of formal compensation. As such, these landowners incurred enormous costs by bearing the burden of protecting an ecological complex that is not a public protected area complex.

management power to community institutions was because of a favorable political dispensation nurtured in a conflict-free initiation context. This set a trajectory favorable to scaling up interventions that enhanced representative and relatively effective local institutions, but which was not consistent along each phase of MCPP evolution.

1.1: Collective management of wildlife commons in Laikipia

Laikipia is one of the most important hubs for biodiversity and a leading wildlife conservation landscape in the country. It is “arguably ... one of the last viable refuges for large terrestrial mammals in East Africa” (Laikipia Wildlife Forum and Space for Giants 2012: 6). Two features are indicative of these statuses. Laikipia’s growing status as a leader in preserving the ecosystem of a protected area complex is anchored on innovative MCPP-mediated projects serving a host of diverse public, private, and community stakeholders. A second feature is that this record of accomplishment “has been achieved at low cost to the state purse unlike the state conservation areas, which are subsidized” (Kock, 2010: 72). Prior to the initiation of the Forum, the management of Laikipia’s ecosystem was a fortress system that was exclusionary, predatory, and with weak participatory structures.⁹⁵ Under this system, significant power asymmetries existed among stakeholders in ecosystem conservation. Communities were not empowered to be proactive actors and/or beneficiaries of the wildlife largesse. These features can describe the scale of power asymmetry between state-affiliated partners and CBOs prior to the entry of the Forum:

- KWS was the sole custodian and guardian of all wildlife PAs including in private land,

⁹⁵ The fortress system is an approach to conservation management that is based on total state control of wildlife conservation activities and outcomes in a given conservation program (Brockington 2002).

- Human wildlife conflict was rampant in Laikipia due to high incidences of predation
- Private and communal land owners bore immense costs for wildlife and ecosystem protection and land owners were considered as destroyers of ecosystems
- Municipal governments had weak incentives to reform exclusionary structures
- Communities were vulnerable to climatic and ecological shocks because they lacked avenues of protection and arenas for participating in promoting mitigation, and
- Communities were considered to lack the capacity and competency to conserve wildlife and ecosystem. As such, their rights and roles were not fully subsumed onto partnerships.

The Laikipia ecosystem complex prides itself on being one of the regions where the first Payment for Ecosystem Services projects linked to wildlife through payment for wildlife service (PWS) projects were formally initiated. The Forum is a type of institutional innovation that has provided a platform for initiating, supporting, and implementing MCPP-mediated payment for wildlife services. Prior to the Forum's establishment, there was no institutionalized system for an effectively functioning payments-based projects. Descriptively, 1) Laikipia's ecosystem was reducing at an alarming rate, 2) ecosystem goods were being over-exploited, 3) capacity for ecosystem services programs were under-utilized, 4) the harnessing of ecosystem services provision was poor, and 5) there was not a well-coordinate payments model with a prominent incentive mechanism to encourage conservation. The Forum initiated projects designed to change power asymmetries by incentivizing conservation systems through participatory and rewards-based asset building projects.⁹⁶

⁹⁶ An example of a MCPP-mediated PES project is examined in a subsequent section of this chapter.

1.2: Location as context for MCPP

Laikipia County⁹⁷ is one of the 47 counties in Kenya. Laikipia's protected area complex stretches along the equator where contrasting climate conditions interface. High potential areas (i.e. with high precipitation, fertile soils, and favorable altitude) exist in contiguity with less productive zones and arid areas. Laikipia's aridity and status makes its population highly vulnerable to extreme climatic conditions and prone to problems of food insecurity and poverty. These challenges are outcomes of the seasonality of rainfall and land use patterns (Sombroek et al. 1982). These agro-climatic particularities have greatly informed the programmatic and operational character of the Forum.

Laikipia is a region with a high diversity and density of wildlife. Its bio-diversity status places it only second in density to Maasai Mara (Georgiadis et al. 2007, Ogada 2012, Laikipia Wildlife Forum 2010 and 2011). The Forum's *Wildlife Conservation Strategy 2012-2030*⁹⁸ states that Laikipia houses "higher populations of large mammals than any protected or unprotected landscape in Kenya, outside of the Maasai Mara National Reserve ...with over 95 species of mammals, 540 species of birds, over 700 species of plants and almost 1000 species of invertebrates ... [and an] assemblage of large, globally threatened mammals..." (6). Similarly, the document (6-7) further highlights Laikipia's notable bio-ecological attributes:

⁹⁷ This was Laikipia District prior to the 2010 Constitution. The structure of Kenya's local government changed with the promulgation of this new Constitution. Previous districts were converted into 47 counties that exist alongside 175 local authorities. Administratively, the counties are now the second tier of governance in Kenya.

⁹⁸ This document was co-prepared with the Space for Giants organization. For an extensive description of Laikipia's biodiversity and ecology, please see the document. Laikipia Wildlife Forum and Space for Giants. 2012. *Wildlife Conservation Strategy for Laikipia County: 2012-2030*. Nanyuki: Laikipia Wildlife Forum.

Figure 4: Location of Laikipia's protected area complex and the I1 Ngwesi



“ ... [it] contains half of Kenya’s black rhinos, the country’s second largest population of elephants, Kenya’s third largest and only stable population of lions, the world’s sixth largest population of African wild dogs, a large proportion of the world’s remaining Grevy’s zebras...as many as two thirds of the world’s remaining Reticulated giraffe, a globally significant population of cheetah [and] Kenya’s largest population of patas monkeys and unique race of hartebeest.”

The need to preserve and sustain these ecological attributes was the initial impetus for mobilization and collaboration of Laikipians who also anticipated benefits from coordinated collective conservation programs.

Ethnically diverse communities that comprise of the Mukogodo Maasai, Kikuyu, Meru, and European settlers of British descent define Laikipia's demography.⁹⁹

Additionally, the Samburu, Turkana and Pokot inhabit different areas within Laikipia and its contiguous areas. A vast majority of these communities rely on the support system of the Ewasi Ng'iro River catchment system. Laikipia's population in the 2009 census stood at 1.85 million. The Forum serves about 300,000 Laikipia residents (Laikipia Wildlife Forum Newsletter January 2013: 1).

Laikipia's economy predominantly consists of livestock and dairy production that constitutes 82% of the land area situated alongside a mosaic of other land use including areas for military use, horticulture, pastoral systems, ranching, fenced livestock, mixed livestock and wildlife, croplands, smallholdings and few towns (Kock 2010 December: 71). Agri-businesses constituting both large scale and smallholder farming (Ericksen et al. 2011) add to the agro-economic value chain of the county. Laikipia's vast land belt is composed of private land that has been converted into private protected areas where prominent eco-tourism ventures and commercial forestry are upcoming sectors. These ventures are supporting both wildlife conservation and livelihoods systems in ways never envisioned by many experts and policy makers (Western et al. 2009). Poverty rates for Laikipia and Samburu stood between 35-45% in 2011 (Ericksen et al. 2011: 19).¹⁰⁰

⁹⁹ Laikipia was predominantly a Maasai territory prior to colonial occupation in Kenya. European settlers following an agreement with the Maasai leaders expropriated this land. This placed a vast portion of Maasai land under the Scheduled Areas regime which led to loss of land by the Maasai and the eventual separation these areas into gated European-only locales (Kohler 1987).

¹⁰⁰ Poverty densities vary across the various sub-regions of Laikipia's high and low potential areas.

2: Operation and structure of the MCPP

2.1: Organizational principles and objectives

The Forum's key operational documents emphasize that its mission is designed to facilitate a mechanism that can effectively operationalize principles of sustainability and representativeness. For example, its Strategic Plan 2010-2015 reflects its focus on achieving optimum economic benefits for all its members. The entity's diversity is reflected in the array of members drawn from various groups and locales. This is epitomized in its open rule for membership. The Forums embrace of neutrality is its apolitical identity through which it purposely works with clients and members regardless of their political alignment. Communities' role in project management is operationalised through subsidiarity, hence programs are designed to enhance greater delegation to and ownership by communities.

As a pan-Laikipia initiative, the primary objectives of the Forum are “the maintenance of ecosystem integrity and processes and the development of community conservation projects in wildlife dispersal landscapes and the development of wildlife-based enterprises” (Save the Rhino International n.d.). The second objective presupposes that the Forum will mobilize and expend resources to empower local community organizations to be committed partners in the preservation and provision of ecosystem goods and services. The Forum's key interventions are designed to facilitate the achievement of these goals:

Promotion of a network for a collaborative and inclusive co-management system:

- establishing a platform for initiating and institutionalizing local support,

- mobilizing various stakeholder constituencies for collaborative management,
- mobilizing financial resources, and
- enhancing collective capacity for co-management.

Protection of biodiversity in Laikipia:

- initiating collective action nodes through subsidiarity and modularity,
- expanding the capacity of the Forum's members and non-members, through programs such as eco-literacy, entrepreneurial skills enhancement, and other techniques, and
- encouraging dialogue for micro and macro planning within and across Laikipia locales.

Promoting community participation in Laikipia:

- enhancing organizational and institutional capacity of community organizations, and
- promoting PES-based projects and opportunities such as payment for wildlife services.

2.2: Organizational rules guiding partnership operations

The legal status of the Forum is in its legal personality, institutional identity, and functions. The Forum is under a legal regime that requires it to operate as a standard not-for-profit company limited by guarantee. The general rules are in the organization's founding documents such as the Articles of Association while additional rules are project-specific and dependent on the type of project undertaking in which the Forum is involved. These rules embody strategic and normative elements that evolved over time, though some were operationalized during its initiation and formal inception. The Forum set up its secretariat in Nanyuki. Through its consultative and planning arenas of various kinds such as annual general meetings, committee meetings, taskforces, and other

departmental forums, the partners periodically re-evaluate the rules for managing and restructuring partnership operations.

2.3: Organizational roles of key decision-making actors

The chief executive director is the head of the Forum's core executive team. The director assumes this leadership upon election based on his/her skills and specialized knowledge of social and ecological interfaces within the Laikipia landscape. The director has both managerial and fiduciary responsibilities and oversees the day-to-day operations of the Forum. He/she can also delegate some roles to the committees and is usually the key convener of all the critical meetings and briefings by the secretariat. In many co-managed regimes, the board of a partnership should be a reflection of the diverse interests affecting the operations of the partnership activities (Sherry and Fondhall 2003). The Forum's board composition usually constitutes approximately 10 to 12 members. The board is the core agenda setting and decision making unit for the Forum. It fairly reflects the local and geographic jurisdiction and is diverse and representative. Officials elected from five geographical units in Laikipia County express representativeness in its membership. Additional board directors are the KWS district warden and those co-opted from Mpala Research Center (MRC) and Laikipia's tourist industry. The board is accountable to the Forum members and structured as such in order to limit interference from excessive bureaucratic participation.

The Forum envisions a partnership with proactive and beneficial participation of all of Laikipia's communities and their organizations. The key legal requirement is that participating community partners must organize as forest user associations (for forest sector), wildlife associations, group ranches and sanctuaries (for wildlife sector) and

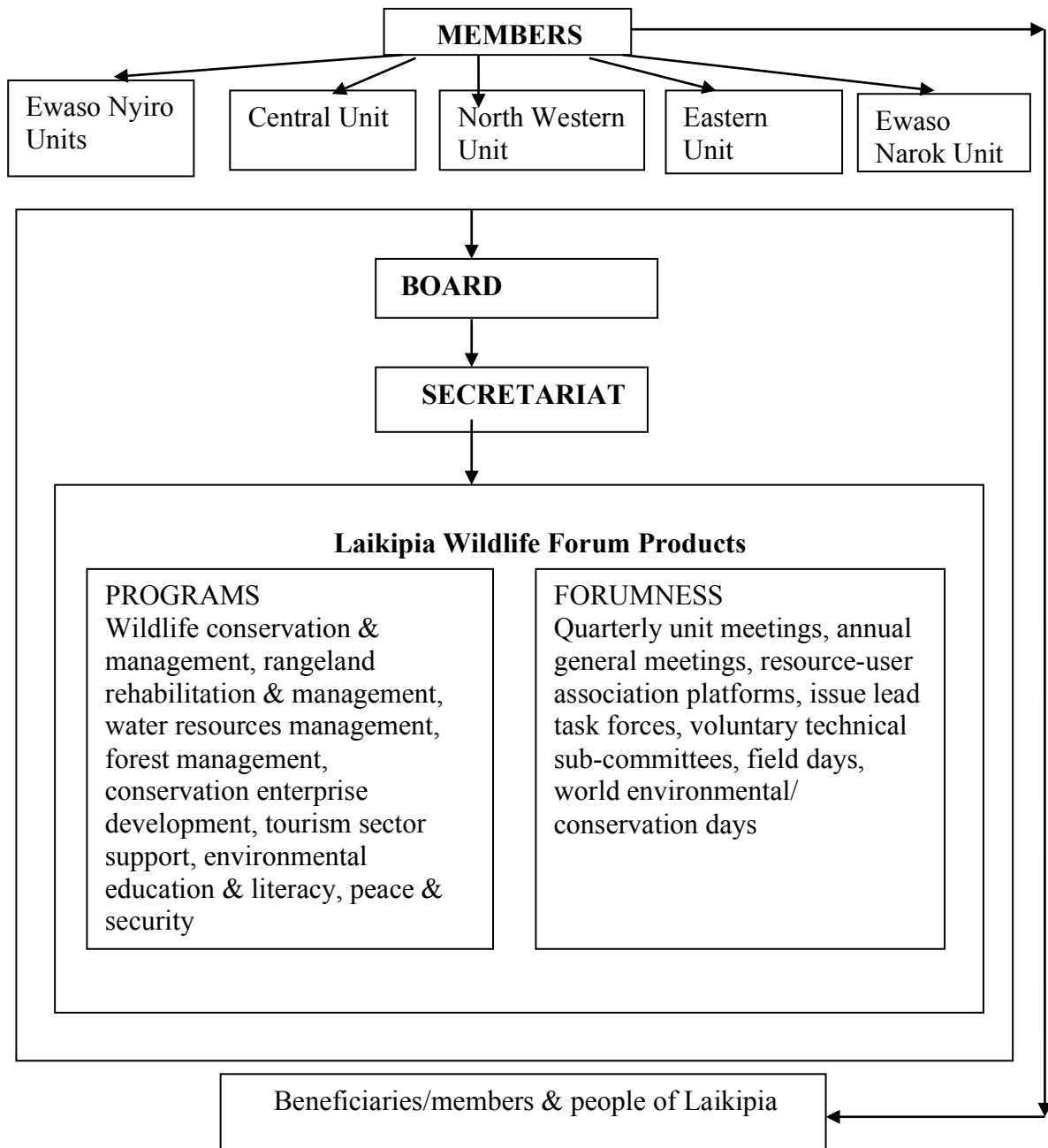
water user associations (in the water sector). Operationally, the Northern Rangelands Trust is the key umbrella institution representing many communities within the Forum. Two critical factors define the role of this institution in the Forum. The Forum targets local community organizations because of the resources and assets that they possess. Additionally, capacity enhancement is a prerequisite for meaningful participation in co-management. The Forum recognizes that for the partnership to have a definable impact, community participation must be its key focus.

Community organizations serve multiple roles. They are the key units which 1) embody and represent the nucleus of grassroots collective action, 2) source and organize voluntary human resources, 3) represent the institutional setting for valuing of benefits and costs of community engagement with the Forum, and 4) they are nodes for installing democratic governance and structures for lobbying for an expanded and locally appropriate interventions.

The Nanyuki Municipality is the administrative headquarters of Laikipia County. Nanyuki is the commercial hub of the region and its core role in the Forum is to act as the public arm of co-management at the local level and to legitimize mobilization efforts of the region's communities. The municipal government is the organizational and administrative centerpiece of operationalizing the political and democratic realm of subsidiarity. By hosting the Forum's secretariat, the municipality provides an official status and an operational locus for activities. Environmental protection is part of the formal mandates of local governments (Ribot 2002), and as such, they enforce environmental laws within their jurisdictions. For example, with a surge in in-migration

and projected potential of booming businesses in Laikipia, there has been increase in pressure on wildlife habitats. The municipal government's role has been to ensure

Figure 5: An organogram illustrating the structure of Laikipia Wildlife Forum



Source: Laikipia Wildlife Forum, 2013. "Laikipia Wildlife Forum Newsletter." Laikipia Wildlife Forum. <http://www.laikipia.org/newsletters>. Accessed March 30, 2014.

appropriate administration of land tenure contracts to abate such pressures on Laikipia's land.

The private sector generally constitutes for-profit business entities owned and operated by individuals and/or organizations. They came on board because of presumed attractiveness and accessibility of profit-linked ventures in the conservation sector. The private sector's specific roles within the Forum are multifarious. The sector joined the partnership to catalyze conservation entrepreneurship and to create a spontaneous investment climate in the region. The sector is the marketing arm of the Forum and as such, its role is to promote and sell Laikipia as a brand name with unique facilities and opportunities. The sector equally provides direct and indirect financial support for start-up programs and backstopping to enable program and project sustainability (Laikipia Wildlife Forum and Space for Giants 2012; Leménager et al, 2014). The private sector is nurturing new strategies for local diversification of livelihoods through its extensive participation in the tourism and eco-tourism value chain.

2.4: Organizational relations among partnership sub-entities

There is a standing consensus that two critical preconditions for the initiation and sustenance of any co-management partnership are formality and legitimacy (Ostrom 1990, IUCN 2003, Borrini-Feyerabend 2006), both of which must be derived and adjusted in the context of changing social and ecological dynamics (Folke et al. 2005). These two elements have formed the backbone of relationships within the Forum's task environment.¹⁰¹ This is its outreach strategy for tapping into its membership resource

¹⁰¹ This analysis follows a general definition of a task environment. Descriptively, theories of collaborative management maintain that an organization's task environment constitutes the totality of factors that have the potential to influence an organization's key goal. According to Hauschild et al., (2011, 421), a task

pools. The Forum's leadership recognizes that ancillary partners such as KWS can provide useful support for its programs and are, therefore, included as part of its support system. Partnership interventions are equally coordinated as multi-purpose programs designed across interconnected multi-actor structures.

Over the years, the Forum has seen an increase in its membership and its programs. For example, during its inception, partnership activities were only organized around two programs, namely, the community conservation program and the tourism program. Progressively, programmed activities increased to four with the addition of the wildlife management and security programs. Currently the Forum's programs are coordinated along these themes: conservation enterprises, environmental education, forest conservation, rangeland rehabilitation, security, tourism sector support, water management, and wildlife management (Laikipia Wildlife Forum Laikipia Wildlife Forum, <http://www.laikipia.org/programmes-top>). A second arena for coordinating relations among Forum partners is via geospatial categorization that establishes five zones for the program interventions of the Forum. These constitute the Ewaso Nyiro unit, the Central unit, the North Western unit, the Ewaso Narok unit and the Eastern unit.

2.5: Group ranches as arenas for commons management

What are Group Ranches? How do they work? Group ranches are forms of common pool management institutions that operate as and are managed by groups (under committee leadership). Each group that owns a group ranch is formally registered and land ownership is governed by a group title. Many group ranches are located in pastoral

environment "...contains those sector's that an organization's strategy directly deals with and whose changes or discontinuities have a greater effect on a manager's decision."

ASAL¹⁰² regions in Kenya where they exist as collectively managed land. The importance of group ranches traverses economic, political, ecological, and social purposes. They support 67% of cattle, 86% of shoats, all camels and most of the wildlife species in Kenya (Viet 2011, 1). These ranches sustain the pastoralists' livestock-reliant livelihoods. They provide pasture, water and land for agro-pastoralists. They were established in 1968 with the enunciation of the Group Representative Act, Cap 287 of 1968. Please refer back to Chapter 2 which described their origin and legal status.

How do they work? They are governance entities for managing rangelands in the Trust lands mostly located near wildlife-protected areas and which are under group titles. While a group manages land, livestock is herded and kept as private property. Group ranches have legally established committees that have jurisdiction over their administrative boundaries. They are models for "cooperative tenure" (Fratkin 1997) and institutions. Accordingly, they operate as entities in which 1) parceling of Trust land into ranches with freehold titles held by groups of [mostly] pastoralists; 2) registration of permanent members of each ranch; 3) exclusion of members from other ranches; 4) allocation of grazing quotas... ; and 5) development of shared ranch infrastructure through loans to the group ... (Veit 2011, 5).

Aspiring and potential ranch members approach land adjudicators who assists them to demarcate and establish land boundaries.¹⁰³ Upon fulfilling the stipulation in the laws of Groups Land establishment, they can be registered as a formal entity at the Registrar of Lands who issues them a formal certificate.

¹⁰² Arid and semi-arid lands

¹⁰³ Traditional Maasai customs did not allow individuals to own. Land was communally owned as "oloshons". An oloshon is a territorial section of shared group land. In fact the Maasai ability to own or transfer land individually is a recent phenomena (Fratkin 1997).

As previously mentioned, the move to establish group ranches was encouraged by the government with considerable support from donors. Ranches were desirable units for abating the “tragedy of the commons” in pastoral lands. Accordingly, a prominent assumption is that pastoralists are highly predisposed to maximize their herds and overstock in these areas (Fratkin1997). At the time and today as well, resources in these rangelands are in danger of being depleted. With looming desertification, critical wildlife is threatened wildlife. Because they surround key PAs and MCPP partners want to conserve the fragile soil conditions of these lands, to expand this habitat and corridors of connectivity for wildlife (i.e., charismatic and endangered species), and to conserve grassland and increase biomass for wildlife and livestock use I provide an extensive analysis on why group ranches dissolved in Maasailand and why some members opted out of group ranches in chapter 4. Generally, a plethora of factors triggered their dissolution, including factors such as: 1) the steady incorporation of the Maasai into modern world (Galaty etc), 2) the marginalized Maasai galvanized support from progressive (educated and political) elites who had long wanted to implement privatization (Fratkin 1997) 3) the lingering threats of land excision and grabbing from immigrants and the government. Corruption also undermined cooperation as the group ranch committees sold and allotted group land to outsiders.

3: Evolution and growth of the MCPP

The wildlife-cropping program was a precursor to partnership inception. Prior to 1992, many landowners across the country had intolerant attitudes toward wildlife because they incurred immense burdens by hosting wildlife on their land. Landowners’ near universal hostility toward wildlife gave communities little incentive to conserve

wildlife (Nortons-Griffith 2000) and to uproot the thriving bush meat trade, which were linked to wildlife deaths (Ngeta 2007). This led to a precipitous decline in wildlife across Kenya's major wildlife protected and dispersal areas. The Kenya Wildlife Service initiated a regulated wildlife-cropping program in 1992. The key goal of this program was to incentivize conservation efforts of landowners across some selected regions in the country.¹⁰⁴ The allocation of cropping quotas was based on proportion of resident animals on a land lot and adherence to requirements such as dry season animal count, maintenance of data on spatial distribution of species and species population dynamics (Ojwang 2004 2-4). Licenses targeted landowners whose lands served as corridors, connections, or refugia for wildlife and other forms of ecosystem goods useful for the sector value chain.¹⁰⁵ Laikipia was designated as one of the pilot-testing sites for establishing conservation-enhancing capabilities for the wildlife cropping program. However, it was not until 1997 that cropping licenses were issued under the aegis of Laikipia Wildlife Forum (Ogada 2000).

3.1: Initiation (1980s-1997)

The initial conditions that defined the Forum's empowerment outcomes included structural, legal, and economic factors. A key factor was the mobilization of resources for the eventual implementation of a wildlife cropping program. The program's initial impact was that it provided an enabling legal and institutional framework with regulatory,

¹⁰⁴ The programs has been described as aiming to "...establish sustainable wildlife utilization as a viable land-use option in areas outside national parks and reserves ... along with training and certain responsibilities delegated to them by KWS. In return, participants in the program receive certain wildlife benefits including revenue sharing rights, to consumptive utilization and assistance with non-consumptive enterprises such as tourism." (Safari Web nd). This was accessed from <http://www.safariweb.com> on August 27, 2014). Utilization benefits excluded the use of species enlisted under any special protection as scheduled, endangered, or threatened (Ojwang 2004 2-4).

¹⁰⁵ KWS established an ancillary institution, the Community Wildlife Service (CWS) which acted as an intermediary through which wildlife development funds for social investments were disbursed to communities (Berger 1993, KWS 1996 cited in Nortons-Griffith 2000).

compensatory, and rewards based instruments which favored proactive community participation.

3.1.1: (Subtle) elements of a shift in power asymmetry

Many community wildlife sanctuaries emerged in Laikipia during the 1990s (Muthiani et al. 2011). Communities in Laikipia had toyed with the idea of establishing a platform for collaborative management. It was not until the early 1990s when they fully galvanized support for a formal partnership and subsequently established the Forum in 1992. The Forum's initiation significantly benefitted from enabling efforts of local elite ranchers (and to some extent local political elite, including the support of G.G. Kariuki and Francis Ole Kaparo. The initiative of the Kenya Wildlife Service equally facilitated the Forum's formal establishment. There is no precise evidence to derive strong conclusions about the presence of dense networks beyond quotidian relations.¹⁰⁶ However, social and political capital anchored the economic basis for collaboration and propelled the initiative for a partnership.

A founding member of the Forum, a conservationist and rancher, Kuki Gallman has provided a narrative documenting the impetus behind the initiation of the partnership. She acknowledges that her inviting of a cross section of ranchers and landowners to her ranch in 1990 was a key first step to the inception of the Forum.¹⁰⁷ The aim of these meetings was to enable communities in Laikipia to discuss mechanisms for collaborative conservation and appropriation of Laikipia's rich biodiversity, in particular its diverse wildlife herds. Accordingly, conservation efforts were to dwell on strategies for

¹⁰⁶ In essence, the fact that Laikipians rallied to initiate this collaborative platform does not necessarily translate to an established claim for the presence of strong cross-group networks or social capital.

¹⁰⁷ This narrative is found in an online article titled "Kenya: Laikipia Wildlife Forum" Kuki Gallmann is a writer and a renowned conservationist. She is also the author of the best seller *I Dreamed of Africa*.

expanding safe habitats and migratory routes for the vast endangered wildlife. Thus, the initial primary focus was the protection and conservation of rangeland spaces to allow free movement of wildlife in the entire Laikipia landscape and later to facilitate the implementation of the cropping program.¹⁰⁸ At the time, the founders of the Forum focused on building a base constituency of local conservators by relying on this inchoate structure.

A formal agreement did not materialize; neither was it acknowledged during these meetings. However, this initial effort progressively rallied and galvanized ranchers from the southwestern sector of the Ewaso region. The ranching elites groups and communities at large were motivated to promote wildlife as a source of income. This was occurring at a time when the beef market in Laikipia was progressively weakening (Heath 2001). One agenda stood out among the founding collaborators. The focus engendered an inclusive, collective, and collaborative process. This structure, which was a co-supervised arrangement, was a key factor that would define the success and feasibility of the partnership. To be sure, the Forum's early structures were technically (though not formally) representatively monopolized by the private sector and to some extent by institutions and actors with strong links to the local and central government. For example, KWS, Lewa, Borana, and other large private ranching organizations were vocal sub-entities. The local communities' collective power was weak because it was divided across its fragmented units.¹⁰⁹

¹⁰⁸ These are not formal designated protected areas. As previously described, many large tracts of land are private lands despite the fact that they act as migratory, breeding, and/or transitory habitats for wildlife. Indeed, only about 5% of the region has formal protected area status, with an additional 1% set aside exclusively for wildlife in (private) fenced reserves (Georgiadis 2010:7).

¹⁰⁹ It is important to clarify that the Northern Rangelands Trust, the umbrella CBO currently representing most of the community groups and ranches across Laikipia and Samburu regions, was only established in

In any policy arena, triggering factors are external and internal events that define what policy makers and partners would do to initiate a solution to a given program's problem (Kingdom 1996). Initial problems identified during the founding moment are crucial parameters of initiators' motivations and capacity.¹¹⁰ The key rubric is how initiators perceive the costs and benefits of participation and how this calculation plays out as a strategic information kit to potential partners. Prior to the Forum's formal inception, an initial empowering attribute was the Forum's structure for coordinating mobilization efforts. It was simultaneously designed to extend access information to as many potential participants as possible and to provide as much information as possible about the benefits of the wildlife cropping program. The efforts were enhanced by the support of Community Wildlife Service; an affiliate institution of Kenya Wildlife Service.

Proponents of democratic biodiversity management agree that an informed community is an empowered community. Clearly, the need for an open information system for community partners was crucial. Provision and access to information heightened community awareness about the program. More importantly, potential participants had the incentive to sustain successful wildlife herds. Access to information equally enabled communities to organize and mobilize their own resources and to scrutinize the benefits of the program. Accordingly, vertical accountability and transparency, were at least, initial strengths of the Forum's establishment. This improved legitimacy and initial credibility of the program in the eyes of local community partners.

2004. Prior to that, community constituencies only organized as beneficiaries and clients of the Forum. These units structurally fragmented across networks of inter-group ranch linkages.

¹¹⁰ In the agenda setting models of governance, a problem is a condition or situation that needs to be addressed but a problem only becomes an issue when it receives attention (Cobb 1983). The weight of any problem in the agenda is a crucial determinative component; it is an indication of what is to be done.

For example, the open disclosure of the programs' details provided empowering cues that facilitated organization and collaboration across group ranches. The key structures of information gathering and dissemination were *barazas*, field trips, briefings by KWS officials, and intra-community liaison forums. Thus, concerning information bases of empowerment, communities in Laikipia were privy to useful and strategic information, anchored on a more solid legal structure.

Concerning institutional design, a key attempt by its founders was to restructure power asymmetries via consultation. Achieving this goal included a system for extensive consultation and participation of local communities through existing informal and indigenous institutions such as *barazas*, group ranches, and *wazee* forums. For example, the Forum's founders clearly attempted to abridge the diverse interests that existed across Laikipia landscape. Herein, the empowering effect was the attempt to initiate representativeness as an intrinsic goal of the program. Internally, the Forum prioritized "unity" of diverse groups as a crucial strategy to implementing the program (Sundaresan and Riginos 2010). Thus, because interest articulation of most partnership entities occurred in this context, the Forum was spared of the usual conflicts and segmentation that usually characterizes inception process of co-management programs.

Additionally, the associational orientation of the Forum was an open, pluralistic process. This enabled representatives to take the center stage as a core guide to formalizing the partnership's future interventions. This focus engendered extensive collective action with mentoring from KWS. As an association targeting extensive local participation, the Forum was designed to initiate direct contact with community structures (Elliot and Mwangi 1997, Ojwang 2000). Because an associational structure was a

mandated provision for licensing, this was the first step in which the Forum's members established a partnership compact. As an entity, the Forum initially succeeded in unifying regional management objectives (Sundaresan and Riginos 2010).

A related empowering aspect of this founding was that such a conflict-free context allowed poorly developed community organizations to mobilize more resources and establish formal networks. New sites of empowering communities exhibited by intense networking among local institutional entities was particularly common in the years 1990-1992 and 1995-1997 (see for example Sundaresan and Riginos 2010, Muthiani et al. 2011) and later between 2002- 2004. These are important junctures in the Forum's history. The Northern Rangelands Trust is an outcome of such bolstered networks whose growth was progressively secured by the Forum's inclusive and consultative platform.

By initially engaging community guardian institutions as partners in co-management leadership, a new and representational order was formed. By measures of substantive democracy, this was a step to acknowledging that community organizations were strategic partners and legitimate beneficiaries. At this point, community organizations that joined the Forum assumed power vis a vis what organizational governance theorists call "constitutive power" and "systemic power". The former "constitutes a distribution of resources through the use of institutions and structures" while the latter "combines the capacities of actors to mobilize resources for the survival of the system" (Avelino and Rotman 2009: 553-554). Assuming these two elements of power by communities was facilitated by the enabling environment, which implanted a culture of acceptance and legitimized participation.

Beyond being democratic and active sites of policy implementation, these initial networks acted as “spaces” for participation. According to Gaventa who is a leading scholar on participatory development, spaces are “opportunities ...where citizens can ...affect policies, discourses and decisions that affect their lives and interests” (2006: 26). For example, the planning and designing of the association’s initial structures was possible with significant input of communities. A key factor that explains the early mobilization success of the Forum was that its founders were able to amass and organize vast resources and resource bases in the district and with minimal level conflict. The founders mobilized and targeted organizational bases from established community group ranch committees and sub-forums. Additionally, they also amassed leadership resources driven and supported by a united elite coalition from the community and the private sector. The land tenure system was also anchored on a strong property rights regime. Thus, with specific reference to empowerment, the extensive process of tapping into these resources by the founders enabled communities to exploit spaces and to appropriate the benefits yielded from innovative power (as participants, planners, designers, organizers, and beneficiaries).¹¹¹ The wildlife program’s directive had granted all (associational) participants the authority to make decisions relating to wildlife utilization.

Accordingly, I argue that innovative power facilitated the initial effectiveness of community organizations through inclusion and participation in the Forum. More importantly, the initial dispensation facilitated by extensive coordination enabled a more structured and substantive participation for communities. In fact, despite the lack of a core/peak organization, communities participating in the Forum faced a more favorable

¹¹¹ Avelino and Rotman (2009, 552), describe innovative power as interactions which “create or discover new resources.”

dispensation that leveled out the disadvantages of an absent representative umbrella CBO. Communities' participation spaces were spared the jostling and inter-coalitional conflicts among elite groupings. They were equally spared of the usual tense collision between local institutional entities and the leadership of the partnership.

A related aspect of empowerment vis a vis innovative power can be captured in the scale with which key policy entrepreneurs exploited the policy reform process. To put this in context, at the time of the Forum's founding, these entrepreneurs facilitated the endorsement and adoption of a landscape-based approach right at inception (Georgiadis 2011: 2). This approach to management meant that associational interventions were implanted on a pan-district model targeting Laikipia's entire ecosystem. Georgiadis et al. (2007: 474) argue, "intensive conservation activities in this region aimed at maintaining integrity of ecosystem processes across a mosaic of properties with contrasting land uses" (see also Didier et al. 2011). The empowering benefits of such an approach was that it provided a mechanism for scaling up representation across the different regions in Laikipia and establishing units that reflect these interests as well. By accounts of path dependency, at this juncture the partnership's inclusive posture was cemented. This set the trajectory for the Forum's institutional infrastructure for scaling up representation.

It is reasonable to conclude that representation was a key institutional design principle that defined the Forum's initial founding. More importantly, because no single partner was an asymmetrically powerful institution, its initiation process was more amenable to innovation. This is because commitment to representation successfully aligned partners' interests towards conservation and securing the rights of Forum's member rights to wildlife utilization. This was encouraging, enabling, and

accommodative of proactive engagement of key partners from the onset of the program. Building a representative constituency was the basis for maintaining networks and mobilizing resources. Again, such a cornerstone of empowerment was facilitated by the near absence of communal and elite factional conflicts. Much effort was used in strengthening the MCPP and constituent organizations. Accordingly, I argue that the Forum was designed to enhance empowerment through its efforts at cultivating a more diverse arena for a proactive pro-conservation constituency.

Effectiveness of community organizations during the initiation phase can be, in one way, evaluated vis a vis the efforts by its leadership in helping catalyze attitudinal change toward conservation. Leaders fostered confidence in the wildlife utilization program and propagated mutual trust between communities and other members. This leadership increased communities' trust in the program, allowing them to envision participation benefits as a protection rather than a threat to their rights. In order to secure commitment from communities, the Forum had to establish a process for marketing the wildlife utilization program as a benefits-laden program. Of course, there was the challenge of convincing landowners and particularly indigenous communities who had long suffered from unresolved human-wildlife conflict.¹¹² Laikipia is one of the major regions prominently categorized as zones of intense human-wildlife conflict (USAID 2004, IPAR 2005, Mburu and Birner 2007).

The Forum's apolitical identity clearly gave it an outlook of neutrality and a mark of acceptability among many potential members. This further facilitated a platform that

¹¹² In essence, the problems of hosting wildlife in private land were exacerbated by the bureaucratic red tape that stifled efficiency of compensation mechanisms for aggrieved communities and landholders. It is understandable that perceptions and impressions of such communities were configured around apathy, pessimism, and defensiveness.

nurtured constitutive power thus, allowing partners to value the benefits of potential collaboration. Finally, its apolitical character expanded the basis for “systemic power” with which partners could collectively identify and map contours of collaboration in order to appeal to a vast majority of local partners. All these elements of power nurturing processes served to facilitate the inclusion and participation of communities, as will be discussed in the next chapters, in ways that other counterparts could not.

3.1.2: Elites as facilitators of associationalism: patrons of conservation?

The cropping program acted as an appropriate opportunity for activism by elite policy entrepreneurs and local community leadership. It is obvious that local organizations mobilized well enough to access the political opportunities afforded by the receptive system and reform in legal framework. However, local elites equally sought audience and resources from communities and their respective organizations. A more productive strategy for organizations to successfully access decision-making platforms is through exploiting intra and inter-elite divisions, in essence, political opportunity (Jenkins and Perrow 1977, Tarrow 1994). This standing premise views elite coalitions and interests in monolithical terms and as debilitating to empowerment projects. The Forum’s inception presents a unique experience beyond this interpretation. For example, this one-sided assessment conceals, the fact that strong and committed community elite coalitions (that animated the Forum’s inception and progressive growth) helped rather than hindered initial positive co-management outcomes.

Thus, capitalizing not on the internecine struggles but creative and collaborative activities vitalized associational linkages among elite and local constituencies. It can, however, be cautiously ascertained that the Forum’s initiation phase was organizationally

dominated by two cohorts of elites (the landed ranchers and local influential politicians) who were a core group of political entrepreneurs of mobilization. To use a better term, elites assumed two mutually inclusive roles. This was through value claiming and value.¹¹³ By strategically placing contentious issues on a public platform that pulled resources of public and private actors, these elite groups were the first group to mobilize resources that established the Forum as an association.

The opposite is true as well. In terms of power, this analysis lays bare why issues central to elites can take precedent and prominence even in open, consultative arenas such as those of the Forum. This partially explains why the prominence of wildlife utilization schemes formed a core agenda during the Forum's formative years and at organization phase. Elites and particularly the large ranchers were powerful players in Laikipia's conservation sector and continue to be. They are an asset-rich cohort that is in ownership and control of land resources constituting about 40.3% of the land in Laikipia (Letai 2011). The elite coalition within the Forum was certainly not a uniform or a coherent unit, though they were a united front in the effort to establish a representative association. The elite constellation, ideologically, was united in some issues but divided in others. It has been noted that elite coalitions exhibited elements of "competing sustainabilities" (DePuy 2011). In essence, they were entangled in a locally embedded but complex networks guided by competing frameworks. For example, there were elite ranching families and groups who were pro-wildlife while others were merely tolerating wildlife and discouraging wildlife presence in their properties (Georgiadis 2007: 474, Deney 2005). It is, therefore, useful to question three aspects of elite support that

¹¹³ These are negotiating strategies (that I borrow from Schoon and York (2011) used by these entrepreneurs to influence decision toward an issue that is of interest to them. They are tools for brokering deals among groups.

influenced the Forum's initiation and contributed to initiatives for community empowerment.

Who did elites mobilize and why? Prominent literature on collective governance emphasizes that resource-user and resource-adjacent communities are bound to establish institutions that help regulate the utilization, access, and sustenance of natural resources (Uphoff 1986, Ostrom 1990, Rasmussen and Meinzen-Dick 1995, Agrawal 2007). The Forum's initiation indicates that elites played the role of nurturing organic institutions for collective action useful in the management of commons (i.e., wildlife and rangelands). This group distinctively constituted the ranching and local community elites and some politicians. This indicates that elites can support a program that protects their interests regardless of the presence of other interests, but only as long as they can protect their own interests. Elites mobilized local community members as a strategy designed to extend participation and to localize benefits through and by ensuring the initiation of a strong, large, and diverse associational network. Landed elites encouraged communities to provide open and accessible habitat and open range for wildlife (Gallmann n.d., Western 2006). Communities joined the Forum, of course, anticipating beneficial commercial returns from these activities.

This crucial commitment and support by elites enabled community empowerment because it facilitated an institutionalized entry of community organizations in the initiation of the Forum. Subsequently the empowerment was crucial in enabling communities to appropriate benefits of wildlife cropping. These activities amplify the three approaches (previously mentioned) to focus on the central importance of opportunity structure and alliances as spaces for enabling procedural democracy.

However, these approaches also accord elites too much role in defining opportunity. The Forum's evolution indicates that both crises (which was the need to address human-wildlife conflict and immense losses in livelihood portfolios) and politico-legal reforms (which were availed by KWS and which initiated Wildlife Cropping Program) can create opportunity not just for locals but for elites as well. In fact, elites were eagerly anticipating reforms just as most Laikipians were. Seen at this angle, elite support and its vocal elements were important, but not the sole reason behind the created opportunity. It is also plausible, however, to argue that while opportunity for participation and partnership initiation were entirely not dependent on elite support, elite presence ensured the likelihood, off take, and the gradual formalization of the Forum.¹¹⁴

Why were elites supportive of the initiation of a co-management platform? Dominant theories of participation and collaboration focus on elites parochial and particularistic interests as the key determinants of success and failure of co-management projects. The main interpretative fulcrum for proponents of participation, including some variants of the literature on collaboration, is the elite capture thesis which argues that elites 1) have perennial captive interests, usually with the intention of controlling and hijacking projects, 2) are exceedingly self interested individuals and/or groups, and 3) locals mistrust them because of these reasons. Thus, largely, elite presence or intervention hampers rather than harnesses local community influence and participation in co-management. These interpretations are precise partially and imprecise in other respects. The developments surrounding the Forum's initiation queries these claims and

¹¹⁴ Other reasons have been discussed as important catalysts that enhanced elite mobilization efforts during the initiation phase of the Forum have been discussed elsewhere. According to USAID (2000: 11) "...expanding populations of poor farmers were gradually moving ... from montane areas to find land; outside individuals and organizations ...[were] buying large areas of wildlife rangelands; and insecurity in rangeland areas ...[were] on the rise due to trans-boundary cattle raiding..."

illustrates that elites strived to conquer the hearts and minds of Laikipians by strategically placing the discourse of access and benefit sharing as a public benefit and for a collective conservation purpose.

The first reasonable interpretation is that elite support is less an attribute of confluence of intergroup interest than it is of concurrence of interests. I argue that elite support was an episodic concurrence of elite interest with those of the local community prompted and propelled by salient issues of the day. In this case, the key motivations being to access wildlife largesse, exploiting consumptive uses associated with wildlife resources, and to solve human-wildlife conflict.

Concurrence implies that challenges and opportunities prompted and catalyzed by an environment ripe for agreement and, by implication, collaboration. This has empirical implications as well. It is difficult to verify if elites were really in support of wildlife utilization for its own sake, in order to promote their group interests, or as a means to empower communities. Regardless, the display of their support through concurrence was more prominent in their articulation of associational benefits that tie participation to the wider discourse of access and benefits sharing. More importantly, it is implausible to interpret elite support as a dynamic of interest convergence (between them and the community), in other words, the likelihood of uniformity of elite and local community interests is rare. That said, the public space acted as a platform to advance elite interests while at the same time (inadvertently) aligning these sets of interests with others located in multiple arenas.

At the same time, elites can use a unifying language (with or without self-centered purposes) to enlist and amass support for a specific cause. In this case, the Kenyan

government had initially been reluctant to devolve wildlife properly rights all over the country (Ngeta 2007) and when opportunity was availed, elites developed a common theme uniting Laikipians to the tune of “we (collectively) bear the burden, we (collectively) reap the rewards.” (Respondent L1). This constructed a collective identity, and regardless of the intentions and motivations of elites, it was a step to empowering communities as it integrated community interests and structures onto the associational platform of the Forum. Still, this does not explain why a very strong elite coalition emerged and sustained the Forum’s initiation process. Neither does it mean that elite leadership role precluded strategic intents for increasing lucrative earnings associated with wildlife conservation. In fact, this was a prime goal for most elites.

A second factor is that the leading elite coalition, of mostly large-scale ranchers, landowners, and influential local politicians estimated the benefits of participating in and supporting the Forum’s inception by projecting outcomes of ecosystem conservation. This is according to publicly available reports provided by the Forum. In essence, the context of rich but dwindling ecosystem goods and services necessitated action because elite ventures and livelihoods relied on the health of Laikipia’s ecosystem. Thus, it did not matter who gained as long as they (i.e., elites) too were in a place to make gains and reverse the trends of dwindling fortunes. Elite roles in spearheading and launching of Laikipia’s conservation efforts was with assistance from local, national government state organs and international donors (see for example, USAID 2000, Georgiadis 2007, Sortland 2009, Western 2009, Sundarasan and Riginos 2010, DePuy 2011).

What level of initial support did elites provide? The level of elite support for the establishment of initial structures of co-management was modest but significant

considering the fact that their support was from the landed (ranching and farming), community and political sectors with occasional complementary support from indigenous elites. These groups availed resources that managed collective action. Elite intervention included setting the agenda for introducing access and benefit sharing as mechanisms for scaling up conservation-based rewards systems. Elites were instrumental in initiating a negotiation platform for precursor institutions that would later catalyze the inception and formalization of the Forum.

Additionally, by using targeting and contacting strategies, elites were effective in mobilizing partners for the MCPP's inception through personal contacts, group contacts, and public fora (USAID 2000, Giorgiadis 2007, Elliot and Mwangi 1997a, 1997b, 1998, Western 2006). Elites rallied communities along a unifying narrative. Thus, an empowering context for representation and organizational effectiveness was nurtured in the group dynamic that was created in this climate. More so, the association, including its community constituents escaped the usually tense politics coupled in adversarial pressure, contestation, and stalemate. Eventually, under the aegis of KWS, the members established the Forum in 1992. Through this platform a pilot program for collaborative management was formalized (Laikipia Wildlife Forum 2007). This context had subsequent implications for the engagement and growth of community organizations.

3.1.3: Organic evolution and associational roots of community capacity

Organizations with sustainable capacity have resources that serve the purpose of: 1) building abilities, 2) building relationships, and 3) building values (UNEP 2002). Community organization's participation in initiating the Forum enabled them to build networks and to gain access to resources available through these connections. The

Forum's precursor organizations were designed as enablers of additional capacity needed to implement the wildlife utilization program. For example, its founders focused primarily on strengthening relationships, enlisting community support, and of creation of cross-scale networks across the district. Relational theories of organization emphasize that effective entities embrace the philosophy of inclusiveness as a guiding pillar for cultivating commitment, leadership and networks (Vermeesch et al. 2013). Inclusiveness was a core element of the Forum's normative and strategic orientation. In pursuing this tactic, its founders sought to integrate community structures through this initial engagement. The Forum's initiation platform was designed to be an arena for scaling up the interactive capacity of community organizations to enable successful program implementation. In the years leading to 1990s, leaders in Laikipia were already mobilizing support for collective action. The key members considered that in order, "to safeguard the wildlife populations, there was need to consider the district as an ecosystem and ... to enlist the support of the communities" (Kathiani et al. 2011, 5-7).

I raise the caution that the playing field of co-management was not symmetrical though it was representative. Local community capacity was weak.¹¹⁵ The less structured community entities were at a less favorable position than the well-organized private sector and well resourced municipal governments. The lack of a formal umbrella entity meant that opportunity to exploit benefits of the wildlife cropping program was lacking. Although the value of inclusion was legally embedded into the Forum's core programs, fragmented community organizations were less suited to fully exploit the benefits of the

¹¹⁵ This analysis by no means indicates that a community is a homogenous unit. However, it is analyzed based on a simple geo-economic boundaries and socio-demographic aspects that describe local residents who reside in a given landscape.

program. Thus, despite being less prone to a context of tension or exclusion, as will be discussed later, this may explain why claims have been made that only the large scale ranchers benefitted from the wildlife cropping program. From the standpoint of empowerment, community organizations were effective to the extent that they played a role in organizing political, social, and economic capital and mobilized resources from their constituents. At the time of the Forum's initiation in the early 1990s, there was no umbrella organization representing community interests within the Forum. A large number of fragmented informal entities and ad hoc units (as indicated by the membership data) exhibited local community membership. It was not until 2004 that the Northern Rangelands Trust (NRT) was established.¹¹⁶

Community capacity was not simply a matter of internal organization, but the external environment provided a fertile ground for its evolution as well. Thus, a holistic querying of the attributes of capacity and the interconnections to participatory spaces suffices. Given that, the Northern Rangelands Trust has its origins in the associational structures of the Forum; its organizational evolution underscores the importance of context as a dimension of capacity. A key ingredient to its establishment was the openly pluralistic dispensation afforded by the directive on which the wildlife-cropping program anchored. The Kenya Wildlife Service directive mandating the establishment of associational structures nourished a platform ripe with incentives for mobilization of community resources, including those for collective action. Likewise, the Forum's founders were dependent on community and its assets as this would allow for rapid mobilization and formalization. Undeniably, these assets were valuable, necessary and

¹¹⁶ It is currently the most important and most networked institution representing and coordinating several if not most community efforts through networks of mostly indigenous group ranch linkages.

urgently needed. Additionally, the numerical weight, land and human resources that the various local formal and informal organizations would bring to the table were crucial to the wildlife-cropping program. Community members equally had high stakes in the program.

This was essentially a scenario of mutual recognition, which enabled a representation to become the cornerstone of the Forum's early interventions. In light of these developments, a claim that community organizations in Laikipia confronted a less threatening arena and a more favorable space with freedom to participate in early co-management phases is not an overstatement. The arena was supportive of extensive participation as communities were endorsed as formal strategic partners in the efforts to implement the wildlife-cropping program. A related implication about capacity is that the accommodative posture provided incentives to internal community mobilization that would later enable the formal evolution of the Rangelands Trust. More importantly, the Forum's founders bore some costs of mobilization toward the initial establishment of the CBO. In fact, the Forum's founders had no choice. The interest was to position a well-coordinated and cohesive community organization.

These illustrations provide evidence that the socio-legal context placed fewer constraints to community mobilization and organization (at this phase, in favor of partnership growth). This would set a path that would enable the steady evolution of a more functional and stable apparatus for coordinating community interest (i.e. the Northern Rangelands Trust). The absence of a restricted space, however, did not fully cushion communities or ensure stability of the wildlife-cropping program. More importantly, while local communities in Laikipia were not openly marginalized or

alienated, (based on the evidence of openness of associational membership), the absence of a single authoritative coordinating chaperone for the community (during this phase) meant that its interests were not fully represented.

Effectiveness is an important aspect of community capacity. Membership alone did not guarantee access to decision-making structures or significant benefits. As will be described in the section on the Forum's formalization phase, organization facilitates an entity's capacity to secure substantive benefits. The initial absence of community organization was an aspect of poor ability to exploit and mobilize resources. This may serve to explain the weak proprietary capabilities and weak benefit streams accruing to communities from the wildlife-cropping program (Elliot and Mwangi 1998: 13). In essence, weak community organization placed communities in a subsidiary position without much ability to exploit the benefits of the program. More importantly, weak community organization largely contributed to the disproportionate proprietary benefits of the wildlife utilization program to the private sector and rich landed elites.

3.2: Organization (1992-2002)

Organization entails the formal inception of a partnership entity. For the Forum, this entailed establishing the key apparatus for decision-making and program implementation. The Forum's organization phase was not disrupted by influences and infiltrations from community or politically affiliated elite-led contests and competitions. This gave community members room to exploit and establish linkages for coordinated wildlife management. Fewer disruptions and tensions attenuated the negative effect on mobilization.

3.2.1: Power sharing as formalization of partnership

Local ranchers' interest in sanctioned wildlife cropping on private land (Georgiadis 2010: 2) was instrumental to formalization of the Forum. The directive from the KWS granted the Forum members rights to independent management of wildlife. It was in the interest of the founders to initiate an association structure with intact and integrated coalitions. This less confrontational platform was the enabling factor that helped its organizers to establish structures for co-management. With associational activism serving as the bedrock of collaborative coordination, its founders organized and institutionalized as entitling program that was broad based and inclusive. There are some important observations about the Forum's formalization. This phase encapsulates its evolution to a fully-fledged partnership. The process unfolded smoothly. More importantly, full delegation of management rights granted its members discretionary powers to manage the program. Attributively, procedural and substantive outcomes increased representation, participation, and extended usufruct rights through a formalized process for wildlife utilization and management. This context, combined with a dispensation that predisposed communities to collaborate, created enabling conditions for powers to *shift* to communities. However, this was only until the termination of the program. The Forum was to facilitate the monitoring process of wildlife management.

The mission that guided the Forum's organizational practice from 2002 to 2009 was "to conserve the integrity of the Laikipia ecosystem, by creatively managing natural resources to improve the livelihood of its people." This changed but very marginally in 2010. The current mission of the Forum is "to conserve Laikipia's wildlife ecosystem's integrity and improve the lives of its people by bringing its societies together to conserve

and sustainably use the natural resources on which they depend” (Laikipia Wildlife Forum Newsletter 2011). Additionally, power relations changed as collective resources continued to strengthen the Forum’s organizational culture. To this end, the Forum was in a position to grant itself the status of “a pioneering dynamic and membership-driven community conservation and wildlife management association” (The Laikipia Wildlife Forum Website) built on a solid base of local support and an ardent elite coalition.

The established structures were designed to expand the Forum’s network and alliances for collaborative practice. More importantly, its leadership continually endeavored to enlarge the network of its members and the development of inclusive management templates. For example, during this phase, re-structuring entailed a (re)framing of institutional objectives and adoption of new strategic plans to support institutional growth. It was only during its formal launching when identifiable organizational units were established. As the organization grew, it morphed into a full-fledged association of landowners who collectively negotiated procedures for wildlife utilization and conservation.¹¹⁷ This stabilized the MCPP. Its leadership developed structures designed to scale-up participation and operations through both functional and geographic integration. Community input in co-management was decisive in that delegation facilitated participation and demanded accountability as well, and did so through proper monitoring and sustainable use of wildlife resources. Authority to communities included 1) planning wildlife resource use, 2) monitoring wildlife resource use, 3) devising management plans for wildlife resource use, 4) organizing capital to

¹¹⁷ A former member and director of Mpala Research Center (MRC) emphasizes “with investors foreseeing greater returns from non-consumptive uses of wildlife, eco-tourism enterprises proliferated on private and communal properties in the region. Cooperation among landholders favoring wildlife was spurred by growing awareness of the need to maintain sufficient space for species...” (Georgiadis 2010).

enable sustainable use of wildlife-based resources, and 5) mobilizing community resources.

Community organizations were effective in their roles in organizing the Forum's platforms for the program. Community input was crucial in the design of the partnership units and departments. The Forum's extensive modular design was a structural tool for scaling up delegated authority. Modularity was exhibited in the following features: 1) the extensive scale of activities across several sub-sectors and sub-jurisdictions, 2) the strong and scaled-up presence of multifocal, multipurpose, and multi-actor units, 3) the large and dense network of members' abridged interests, and 4) the scale of coordination, organization and specialization. It also maintained linkages spanning the vast Laikipia landscape and contiguous environs. The expectation was that extensive engagement of communities would refine constituent competencies of local organizations and nurture complementary ones (Laikipia Wildlife Forum 2010, 2012).

In an effort to spread powers to manage wildlife within communities, the Forum sought to balance power through regional representation. Its board membership comprised of both elected and selected leadership drawn from different sectors and regions reflecting its diverse membership. This was exhibited in board membership, committees, and councils. This structure served to limit complaints and stalemate over board recruitment, selection, and partnership operations. The special and annual meetings were an avenue for scrutinizing and evaluating board's leadership. These interconnected interventions by the MCPP's leadership helped to promote buy-in among various communities within and beyond Laikipia.

3.2.2: Elites' preservation pedestal? (A near) paralysis from the wildlife cropping coalition

Elites in Kenya's wildlife rich regions have a reputation for corruption and a habit for hijacking and sabotaging projects that appear to restructure the status quo. It is usually the local Maasai elites (Cattarinich 2001, Thompson and Homewood 2002, Honey 2008a, Snyder 2012), or foreign elite individuals or coalition (Manyara and Jones 2007), or both local and foreign elites (Honey 2008b, Mailu et al. 2010). With Kenya's legal framework awash with stiff and more protectionist regulations, the survivability of partnerships modeled on wildlife conservation face enormous durability challenges. Partnerships may seem stable at initiation but can be vulnerable during the incubation and formalization phases when partners are developing task boundaries, estimating scalability of intended interventions, and projecting the benefits of collective action. The Forum did not escape this fragile context. For example, some members joined the forum with grand expectations and intentions of maximizing opportunities from the wildlife-cropping program. They, therefore, only extended their participation based on anticipated benefits from future rewards-based programs.

Secondly, it is important to note that from the perspective of power, elites are not usually accustomed to or would not usually support power-restructuring projects which imbalance or threaten the status quo that is in their favor. During the Forum's progressive development and formalization, game cropping was a critical power-sharing scheme in its own terms. However, it did not allow extensive power imbalance. If at all, it transformed wildlife resources into a commodity. Tentatively, the Forum had to organize in order to survive and remain relevant as an associational platform. The level of local elite support

during the organization phase is as a mixture of activism and ambivalence. This was particularly so right after the ban on wildlife cropping.

Elite support for co-management during this phase was manifested in their support and coordination of constellations that organized agendas and mobilized resources for the Forum's institutionalization. This support was anchored on a well-integrated local elite coalition mostly confined within and led by the large ranching coalition (see, for example, Gallmann n.d.; Georgiadis 2007), occasionally but tightly interconnected to a second cohort, the tribal-communal elites. The ranching elite were the core and the most vocal basis for co-management support. This group constructed and commandeered a vision of an association designed to include local communities in co-management. Thus, the Forum did not have to endure the threat of inimical fractious disruptions from conflicts among elites, the outcome of which was a platform ripe for collaboration.

There are two implications for community empowerment. An empowerment-friendly platform sprouted because the elite power base(s) organizing collaboration were in consensus over the goals of the association. Degraf (1983) argues that elite capacity to concur on essential programs is a requisite condition for successful outcomes of a program intervention. The dispensation afforded by the wildlife cropping directive which mandated associational initiative prior to granting of wildlife utilization rights equally facilitated a platform amenable to agreement along a coherent purpose. This produced a less alienated community as well. An additional effect was the fact that the influence of political society was, compared to that of the economic society, minimized because the latter was larger, more proactive, organized and vigilant. This attribute describes crucial

political-economy interpretations presenting and linking elites to program implementation. Admittedly, Graf's argument about the influence of elite formations and behavior once again suffice. In the case of the Forum, the organizing elite coalition was what I would refer to as an "autonomous stratum" (borrowed from Graf 1983). The weak presence by the statist-bureaucratic elites in the initiation and organization of co-management structures served to spare the Forum of unwarranted and extensive interference by this group. This allowed for a platform for a pro-conservation and pro-inclusive system.

Elite activism supported the devolution of wildlife management despite the fact that local communities also stood to gain from the change in policy.¹¹⁸ Despite the wildlife-cropping program's unprofitability (Elliot and Mwangi 1997b, 1998, Nortons-Griffith 2007, Mailu et al., 2010), many elites continued to participate. However, when the profits linked to the wildlife-cropping program began to wane significantly, there were intensified calls by the same elites for more expansive usufruct rights to wildlife resources. There was an obvious awareness among all partners and Laikipians in general that the government would be less willing to institute any measure that extends these rights. However, elites resorted to aggressive calls for radical changes in the wildlife-cropping program. Their specific goal was to exert pressure on the government to increase the quota limits on wildlife cropping. This not only threatened the continuity of the program that had supported communities' livelihood base (and would have continued to enhance a path to effective benefit-sharing programs); it also set the basis for the ban on wildlife cropping. Communities were better with than without access rights that the wildlife-cropping program had provided.

¹¹⁸ See the next few sections in this chapter.

In this context, understanding the evolution and structure of elite support and/or interests matters. These events attest to the fact that elites' parochial interests are a ubiquitous element of co-management program implementation. In other words, one interpretation is that elite support for co-management was only a *pedestal* on which they could bargain and secure additional privileges for wildlife utilization rights from the state. This demeanor of elites was camouflaged during the initiation of the Forum. However, during the Forum's formalization, it became clear that to elites, wildlife conservation mattered, but *profits* did matter more. It is not surprising that when intense pressure for increase in cropping quotas and extension of user rights (i.e., around 2002-2003), Laikipia was one of the most concentrated sites of activism in the country.¹¹⁹ The main impetus actually came from ardent elite pro-cropping policy entrepreneurs such as G.G. Kariuki. He was the parliamentarian behind Kenya's famous Wildlife Bill introduced in parliament in 2004.¹²⁰

An additional form of support from elites was their role in framing issues for the Forum's organizational values. Framing is a strategic tool that elites can use to steer or sabotage co-management because as a group, they have vast resources and influence at their disposal. It is usually the case that elites will be supporters or saboteurs depending on how participatory programs serve their interests. The legal context (i.e., which was supportive of wildlife cropping) at initiation and prior to the Forum's formal inception

¹¹⁹ It is important to note that it was not only in Laikipia that the pressure on the state to increase wildlife cropping quotas and user rights was taking shape. These claims were gaining traction across the regions in which the program was implemented.

¹²⁰ Geoffrey Gitahi Kariuki, famously known as G.G., Kariuki was the first Member of Parliament for Laikipia County. This was at the onset of independence in 1963. He is one of Kenya's longest serving politicians and the current senator for Laikipia County. According to biographical accounts by Nyambura et al. (2013), G.G Kariuki is credited as one of the prominent Laikipia political elites who worked to cement better inter-group relations in Laikipia. But according to GG Kariuki, championing the claims for increasing quotas was going to benefit all Laikipians, again, with great awareness that the state was not going to succumb to these pressures.

greatly shaped associational activism within Laikipia. In other words, it created a supportive elite cohort. The legal platform had a major role in determining elite roles. The model demanded by the KWS wildlife cropping directive “guided” (or incentivized) elite efforts toward inclusion and “public spirited” roles. For example, elite framing of access to user rights for wildlife resources *as* a compensation issue helped to draw community involvement. Elites were vocal in informing local stakeholders on how to value and voice concerns about costs.

This opportunity may have facilitated community capacity through the extension of arenas of participation, negotiation, and consultation. Elite framing equally attracted sentiments that ended up rallying previously reluctant groups to support the program. In some respects, elite accentuation of the conservation as a cost also served the purpose of linking conservation burdens of not just elites, *but also* of the local landowners. This spelt the formal beginning of the Forum and an endorsement of the view that local communities had rights to access and to decision making. Finally, in contrast to the initiation phase, elites openly supported benefit sharing because they needed to protect their interests. The landed ranching elites continued to be the key facilitators, and advocates of associationalism.

At the peak of time when the Forum was gathering momentum, the government terminated the wildlife-cropping program. The findings of a government commissioned Report by Tasha Bio-services Limited presented evidence of the program’s negative impact on Kenya’s wildlife. This report and other studies offer conflicting suggestions about the real causes that led to the suspension and eventual banning of the game cropping program in 2003. The wildlife anti-cropping coalition in Kenya argues, with

backup from the Tasha report, that cropping contributed to declines rather than increases in wildlife numbers and especially of herbivores (Mbaria 2003, Wamithi and Goodall 2003, Redfern 2003). In some reports, Laikipia was a leading bush meat hotspot (Mwenja 2009).¹²¹

The leading advocate and an anti-cropping movement leader, Josphat Ngonyo, has recently clarified in a strong lambaste directed at pro-croppers that the reasons why the wildlife cropping program was disbanded was because many operators abused the quota limits (*The Daily Nation*: September 18, 2013).¹²² Ngonyo further insisted that reports on wildlife abundance numbers were “driven by economic interest, and especially when landowners gave exaggerated figures of wildlife abundance.”¹²³ He further added, “...some croppers resorted to poaching to meet market demand after exhausting their quotas”. His claims about skewed access to benefits was based on his argument that large landowners cropped and benefited more than small land owners and the latter group was arrested for hunting non-threatened species. According to Animal People Online (2003), this biases heightened animosity between landowners and communities.¹²⁴ These

¹²¹ Bushmeat is herein defined as “wildlife harvested using illegal hunting methods, from endangered or threatened species, taken from PAs, and /or taken for unsustainable commercial or non-commercial uses (BCTF 2008, cited in Mwenja 2008). It may also denote “meat from wild animals that have been hunted illegally, which aside from being used for personal consumption, is often sold commercially” (Balme et al. 2012: 3).

¹²² Ngonyo is a co-founder of an organization called Youth for Conservation.

¹²³ This is according to the Washington-based Animal People Online, which quote him in their report titled “Bush Policy and bushmeat” for October 2003. It is found at <http://www.animalpeoplenews.org/03/10/bushmeat10.03.html>.

¹²⁴ But the pro-wildlife group dismisses these allegations and claims made by Ngonyo and his group. Some experts provide region-specific accounts citing, for example, that over-harvesting played a little role in the declines of wild herbivores in Laikipia (Georgiadis et al. 2007). Other studies provide a host of reasons such as the fact that the scale of quotas was set very low - at a 15% scale - and then reduced later; the stigmatization of the bush meat trade in the conservation policy arena (Nasi et al. 2008: 38). An exceedingly restrictive regime with tight regulations (Nortons-Griffith 2007), rising opportunity costs (Elliot and Mwangi 1997a, 1997b 1998), the program’s unprofitability to ranchers (ibid); leakage effects, and a presence of a large black market which increased demand for illegal bush meat and thus negatively impacted positive aspects of the program (Ngonyo 2003). Finally, as an inadequate policy framework, its

arguments uphold the caution fronted by some proponents of devolution about outcomes of legal reforms concerning how they best serve the interests of the bearers of the burden of conservation. They echo the concerns that even major reforms, which devolve wildlife management rarely translate into full enfranchisement of local populations (Ngeta 2007, 2010). In fact, it may further exacerbate disenfranchisement from local resources as communities incorporate into the extended ecosystem services market structures (Brockington et al. 2008).

After the ban, the partnership's viability was uncertain as the *raison d'être* for its status and its incentive anchor mechanism was off the shelf.¹²⁵ In the wake of this ban, the absence of a strong incentive presented an obvious potential stalemate to further MCPP organization. In fact, there was an exodus out of the Forum by many members (Gitonga 2011). It is not unusual for members to exit from a group or collaborative program when the incentives diminish or are eliminated (Olson 1965). However, this exit did not significantly affect the organizational base of the Forum (Sundaresan and Riginos 2010). After the ban came a stronger and resilient MCPP. Because a section of the elite pro-cropping coalition remained in the partnership and because this coalition's non-cropping interests had strongly permeated the Forum's operational mantra, its presence and contentment was central to the Forum's influence and durability as a partnership. With the ban on cropping, its leadership acted strategically. The Forum's unexpected durability is best interpreted as a path dependent outcome of earlier efforts in

failures linked to its inability "to halt and reverse the decline in bush meat have tended to be driven by conservation rather than development agendas (DFID 2002, 32).

¹²⁵ Many ranchers and business ventures anticipate the resumption of wildlife cropping as this issue was re-introduced to the current Wildlife Bill of 2013. However, many anti-cropping coalitions are emerging and contesting the introduction of this section as it was not in the original bill (of 2007) which was consultatively prepared by the broader and representative wildlife constituency in the country. Some anti-cropping groups have occasionally labeled the Laikipia Wildlife Forum as pro-hunting coalition.

designing a strong, stable and a cohesive network of landowners and local partners. The Forum remobilized and nurtured a new *esprit de corps* to keep the intentions and inspirations of its founders intact. It built new momentum around new but related objectives.

3.2.3: Organization as tapping of community capacity

The organization phase is integral to capacity building of community organizations because their engagement builds their abilities as negotiators and decision-makers. Additionally, this is the phase in which partners' resources are needed and are expended for problem solving, including planning and initial project implementation. The challenge of building capacity in was the stark reality of engaging unstructured, delicate, distant, and apathetic communities. Of course, the scale of this problem varied from community to community and from project to project. These issues posed major costs for co-management initiators and organizers.

However, whereas the initiation phase and the early organization phase of the Forum saw a poorly organized community, by the time the Forum was fully formalized, the Northern Rangeland Trust-NRT had been established. This organization sprouted under fewer constraints than would an ordinary co-management organization in the country. The favorable legal and socio-political context bolstered mobilization and internal organization of the community's disjointed units. Additionally, despite its initial fragmented organizational apparatus, the participation of local community generated resources that helped to create a relatively modest and effective leadership within the NRT. These strategies consisted principally of intra-community alliance building, cross-sectoral, and cross institutional networking, and intensive member recruitment.

Gradually, with the organization's heightened role within the Forum, it was able to strengthen its internal capacity. The level of effectiveness is its ability to attract a large and committed community membership base and enhance self-organization from scratch within the Forum's institutional base. Both the municipal and private sector partners offered support.

The great strength of the Forum was that its structures were designed to build both the capacity of the MCPP's operative organs and its client community organizations in a relatively simultaneous process, at least during this phase. This is because community organizations were prime structures for project implementation. Unlike during the initiation phase when capacity building occurred through efforts in forming cooperative relationships, this phase embarked on interventions that built both relationships and abilities. While communities gained formal institutionalized entry into decision making (via consultation and representation) during the initiation phase, the organization phase allowed them into the arena as legitimate partners in decision-making. Community representation and participation substantively involved electing and selecting delegates for various positions in the Forum's board, committees, village level forums, and in implementing co-management. The fundamental assumption of the Forum's leadership about community participation rested on belief that community ownership of projects and programs was a more practical and effective tool for delivering intended outcomes for conservation (Laikipia Wildlife forum 2004). The Forum's leadership delegated supervisory roles to its departments and especially those that were linked to community village forums and resource user associations.

3.3: Consolidation (2005 to date)

3.3.1: Institutionalizing power sharing through proactive collective participation

The Forum ideally displays the features of a consolidated partnership. Its consolidation is a product of its internal evolution and external changes within and outside Laikipia. Member resource commitments have continued to fortify its decision-making structures and organizational development. Its extensively specialized governance structure (as described in its organization and interactions) is telling of this process. The Forum's consolidation benefitted from the promulgation of the Environmental Management and Coordination Act of 1999, the formal ban on the game cropping program, and its designation as one of beneficiary implementers of USAID's CORE and COBRA programs. With its strong organizational base, the partnership has been able to exploit avenues for accessing resources, advocating for and implementing policy changes, and expanding its network base. This consolidative ability is exhibited in multiple ways. First, collaboration within the Forum has historically been viewed and applied from the prism of adjoining partner mandate, effort, and benefit sharing, in essence collective empowerment. This process created a sense of symbolic unity rather than a sense of alienation. Second, its projects were designed to help lower transaction costs for members and non-members who were in need of buying and supplying ecosystem services. Concomitantly, its institutional resources have been indispensable at furnishing its organizational stability.

Despite the termination of the wildlife-cropping program, the Forum continued to scale up participation in other co-management programs and policy advocacy. For example, it increased its institutional entrepreneurial orientation by scaling-up operations,

initiating new add-on programs, and expanding its role in national policy making for protected areas. This saw its active entry into bio-enterprise sectors. Thus, the Forum transformed from an overwhelmingly single-focused collaborative system into a fully formed multi-purpose entity addressing crosscutting and related environmental and livelihood diversification programs. The current membership is relatively diverse and comprises of about 36 large-scale ranches, 47 community groups, 50 tour operators, 54 individuals, and 8 interest groups (KWS Strategic Plan 2012: 41).

The Forum's revenue base anchors on a diverse, dense, and committed membership. Its ability to operate with autonomy and independence from donors is telling of its stable financial base and support. Additionally, four major lock-in elements aid in facilitating consolidation and power sharing in co-management. These are forumness, fiscal independence, functional specialization, and flexibility. According to the partnership's leadership, forumness entails the "act of bringing people together to work on matters relevant to the organization's purpose, defining common goals and pooling resources" (Laikipia Wildlife Forum Director's Report 2011). Inclusiveness and representativeness are the principle bases for the Forum's grand strategy. Both help in enhancing its mobilization strategy and in locating and marshaling resources from its members' and prospective collaborators.

In as far as fiscal independence is concerned, the long-term goal of the Forum has been to secure sustainable institutions and resources for the preservation and provision of ecosystem goods and services. Mobilization of resources continues to be a core activity of the partnership. Its strategy for securing financial resources has focused on two tools that are unique to its identity. It allows open membership, and it has deliberately assumed

an apolitical character concerning membership, mobilization, and contracting processes of its multifarious projects. In terms of functional specialization, the Forum is a highly specialized MCPP. It exhibits a high level of modularity and subsidiarity.

Modularity is an operational strategy in which collaboration processes decompose a specific activity into various subsets of inter-related programs and processes (Granovetter 1973). Scaling-up and mainstreaming tools usually inform the Forum's modular structuring of partnership programs. The Forum's embrace of modularity is its eight thematic programs that are coordinated as autonomous centerpieces of operations.

Subsidiarity is enshrined in the belief and practice that activities, effectively managed by communities or grassroots institutions, be devolved to the respective institutions. Finally, regarding organizational flexibility, it is the partnership's interest to allow flexibility in programs as a way to increase effectiveness. Flexibility is both an organizational and operational attribute (IUCN 2000, Sherry and Fondhal 2003). Flexibility is interwoven in normative and strategic ideals. The Forum operates as a learning organization by adjusting its activities in accordance with changes in its external environment.

Partnership activities are tailored toward flexible approaches that rely on learning tools rather than a blueprint approach. This allows for locally appropriate and sustained CBO and community engagement.

3.3.2: Elites envisioning of natural paradise as collective patrimony¹²⁶

Without the committed assistance of elites and their role as the real torch bearers of the Forum's purpose, its evolution and maturity would not be as stable. In their quest to design a system of collective patrimony that could benefit Laikipians, elites continued

¹²⁶ This is in special reference to the fact that elites saw wildlife usufruct rights as legally entitled benefits and a collective estate for the Forum's members.

to act as policy advocates for the entire region. Until December 2013 when the Wildlife Act was ratified, elite coalitions continued to lobby for and persistently advocated for a change in the legal regime that governs wildlife management in Kenya. They demanded the inclusion of an effective system that is sensitive to and rewards community efforts in conservation. Policy entrepreneurship and advocacy efforts by prominent Laikipia elites such as G.G. Kariuki, the late Dr. King of Laikipia Wildlife Forum, Kuki Gallmann, and former National Assembly speaker Francis Ole Kaparo have provided extensive impetus for Laikipia's interest in national wildlife discourse. They have continued to strengthen the ideals of the Forum beyond the local grid by introducing bills in parliament, questioning the legal framework governing the sector, promoting incentives for collaboration among diverse Laikipians, marketing and branding Laikipia's ecosystem products, and mobilizing funds for the MCPP. For example, it is elite effort that enabled it to conduct successful cooptation strategies for increasing membership support for its co-management. They are a key group of participants in the coalition that proposed changes in weak sections of wildlife policy. A representative group was recently involved in the preparation of the Laikipia County strategy for devolved governance.

3.3.3: Co-evolving capacity: Community organization and negotiated access to resources

The Northern Rangelands Trust has attained a conspicuously visible presence within the Forum and is a more stable and enduring organization. To be sure, it is not a partner on the periphery in terms of decision-making. More importantly, it is a peak organization for managing community organizations in Laikipia and Samburu regions. Its effectiveness is equally reflected in its ability and roles in articulation and aggregation of community interests all over Laikipia and Samburu. For example, it has been at the

forefront in helping coordinate the program support and mobilizing groups to organize and establish resource forest, water, and wildlife user associations and bio-enterprises. With only few instances of sporadic conflicts, it has the advantage of exploiting extensive economies of scale associated with resources availed by a fairly well coordinated collective action. Its leadership has attempted to establish good working relationship with elites and private sector partners and helped preserve organizational identity.

Additionally, community empowerment has been institutionalized through annual capacity development initiatives which work with about 40-50 community conservation groups in matters related to management planning, conflict resolution, and fundraising. The Forum's laudable effort in facilitating the first known, region-wide, institutionalized fiscal infrastructure for emerging community projects and programs has attracted more donor funding and has transformed Laikipia into an investor-friendly attraction node. The Forum continues to act as a medium through which communities voice their concerns.

A final exegesis of MCPP-mediated changes in power asymmetries is exhibited in institutional formations and a more favorable context for consolidation. First, unlike its counterparts in the Mara and the Amboseli which operate within public protected area landscape, the Forum faces fewer constraints in mobilizing and committing resources for community based interventions. A second related factor is that the Forum's structure escapes the challenges that come with the (re)centralization (as in the Mara) and externalization of MCPP activities (as in the Amboseli). This is because its core operations are functionally separate from dominant operations of the state agencies such as KWS and NEMA.

Laikipia is largely constituted of a large complex of private protected area, and its municipal partners have a weak influence compared to those in Narok, Trans Mara, Kajiado and Loitokitok that house the Mara and the Amboseli eco-complexes. These structures have a direct impact on decision-making. Comparatively, the Forum faces less interference from state-affiliated political entities and elites while CBOs have extensive legitimate arenas of participation and face fewer threats to cooptation. These inconsistencies serve to illustrate the continued misgivings by proponents of participation about the real influence that collaborative platforms play in changing power asymmetries.

4: Collaboration proper: The Il Ngwesi Eco-lodge as a case study

This section analyzes collaboration at the project level. An analysis of MCPP-mediated Payment for Ecosystem Services (PES) projects better captures how incentives are packaged and the kind of craftsmanship behind MCPP-mediated innovations. This kind of analysis also sheds more light into the constitutive incentives that lead to beneficial outcomes for community organizations. Projects outcome analysis will rely on the design school of PES, which will help provide tools for examining the transformative potential of the Il Ngwesi project.

4.1: History of the PES project

Il Ngwesi is a Maa language term that means people of wildlife. The lodge is a venture that was set up to enhance conservation and provide an alternative livelihood support base for the local Maasai's transhumant and agro-pastoral society. The Il Ngwesi Eco-Lodge¹²⁷ is an ecotourism project situated within the Laikipia Plateau National Park.

¹²⁷ The lodge goes by various titles such as the Il Ngwesi lodge, eco-lodge, conservancy, sanctuary, and Group Ranch. All these are terminologies that signify different governance processes inherent in the management of the landscape at Il Ngwesi. They also pose varied implications for community management vis a vis the existing legal framework for governance. For example, conservancies did not have a legal

The lodge is under collective ownership by about 550 households of the Il Ngwesi Group Ranch (FAO 2013). It is located at the Il Ngwesi Group Ranch which is about 200 square kilometers (20,000 hectares or 48,000 acres) of acacia grassland. The Il Ngwesi is a conservancy and can, according to IUCN's taxa, be classified as an Indigenous and Community Conserved Area (ICCA) under Category II and V. The lodge emerged as an eco-venture within the context of a growing recognition that ICCAs had a role in helping incentivize wildlife conservation in Kenya (Nelson et al. 2007, Nelson 2012). The Il Ngwesi Group Ranch and Lewa Wildlife Conservancy established it. While the start up negotiations with Il Ngwesi community were spearheaded by Lewa, (which is a member of the Forum), other actors such as the African Wildlife Foundation, the Kenya Wildlife Service, and USAID provided various types of resources that sustained the negotiation process and eventual implementation of co-management.

One of the major forces behind the Il Ngwesi's initial implementation occurred through funding under USAID's Conservation of Biodiverse Resource Areas (COBRA) program that initiated in 1992 and terminated in 1998. Laikipia was a focal area for wildlife and was a priority region needing support in order to buttress conservation efforts. The second related initiative building on COBRA was another USAID program, the Conservation of Resources through Enterprise (CORE) which was initiated in 1998 and terminated in 2004. The key aim of CORE was to provide financial support as an incentive for landowners in areas contiguous to protected areas. Il Ngwesi became a direct beneficiary of both. The COBRA components were implemented and given additional support from African Wildlife Foundation and KWS. Other complementary

status before the December 2013 Wildlife Act yet group ranches have had both a legal basis and status. The former serves an ecological purpose, the latter serves as sociological and administration purpose.

donors included Liz Claiborne and Art Ortenbury Foundation. The Il Ngwesi community received Ksh. 10,000,000 of initial capital through the African Wildlife Foundation (Ramser 2007, 42). With help from Lewa, KWS, and USAID, the Il Ngwesi community established the first community-owned lodge in the country in 1996.

The key process that catalyzed the initiation of the lodge was the negotiated talks between the Il Ngwesi community and a neighboring business venture called Lewa Downs (Lewa in short, see subsequent sections). Later on, the Borana Ranch, which is another private venture, became part of these negotiations as well. Representatives from these businesses approached and proposed that the community establish a formal group ranch and later set aside some land for the lodge and a conservation area.¹²⁸ Lewa and Il Ngwesi were at the time in possession of different resources. Lewa had financial resources to expend for the initiative that Il Ngwesi Group Ranch lacked though the Il Ngwesi was in possession of land and human resources (Lewa n.d., UNDP 2002).

4.2: Operability of the project

The demand for ecosystem services for recreation and biodiversity conservation set the basis for MCPP activities within the Il Ngwesi group ranch. The establishment of the eco-lodge was based on a clear demand for ecosystem services. As previously discussed, its origins are based on the dual goals of conserving biodiversity and enabling the community to exploit lucrative tourism venture operations through an ecotourism project with a goal of enhancing the local asset base. Buyers of ecosystem services and intermediaries such as the Laikipia Wildlife Forum were also interested in ecosystem services that would help conserve the endangered, endemic, and endeared species

¹²⁸ This was occurring against the backdrop of an increasing sub-division and parcelation of communal group lands which was prompted by poor governance within the group ranches, among other factors. The lure for sub-division of more lucrative land tenural options (See Mwangi 2007, Mwangi and Ostrom 2009).

existing in the Ewaso ecosystem. These buyers, and particularly private ventures such as Lewa saw the potential of the Il Ngwesi landscape in supporting and restoring these species.¹²⁹ The PES modalities that governed the establishment of the eco-lodge are under the biodiversity protection category that emphasizes the restoration of rangeland for ecosystem stability and sustainability.

Lewa (and later Borana Ranch) saw an opportunity to engage in a business venture. Negotiations were facilitated by KWS and feasibility studies followed in order to establish the potential of land in the group ranch. Lewa is a conservancy that operates as a business trust privately owned by the Ian Craig family. For Lewa, there was need to sustain its business venture which was threatened by lack of space for its vast but threatened wildlife. The elephant population was growing, but the area could not support the herd. The demand for water, land, and safety led Lewa's owners to approach Il Ngwesi and negotiate for additional space. A related basis for the establishment of the lodge was an historical nightmare and ecological problem, basically, dwindling wildlife numbers. Estimated figures indicate that more than half of the rhino population had been poached between 1970 and 1980.

The key Il Ngwesi community CBO transacting the contract was the Group Ranch Management Committee (GRC). In 1996, the Il Ngwesi community established a Community Conserved Area (CCA) under acreage of 9471 hectares (Northern Rangeland Trust n.d.). In this case, Lewa (and Borana ranch) became the major private buyers of ecosystem services, key founders, and financiers of Il Ngwesi Conservancy. The Forum,

¹²⁹ According to Wunder (2008), there are usually two reasons why buyers would be interested in markets for biodiversity conservation: 1) they house rare and endangered species in their ecosystems and 2) they are usually in excellent condition or have the high potential to act as ecosystem service (ES) pools. Il Ngwesi fulfilled both conditions.

through its Tourism Sector Support Program made a phased entry into the implementation process of the PES project assuming dual roles of a buyer and an intermediary. The Forum immediately took over the roles of supporting and facilitating marketing transactions and capacity building for Il Ngwesi. Lodge operations are and have been supported by other investors and intermediaries as well. The contract transacted for the operations of Il Ngwesi Eco-Lodge initiated one of the few formally recognized PES projects in Kenya (Mutunga and Mwangi 2006, Swallow and Yatich 2006, Swallow et al. 2007, Thaxton 2007, Tallis et al. 2008, Katoomba Group 2008, 2009, Sundaresan and Riginos 2010, Birner and Osano 2012).¹³⁰ The lodge was established as a voluntary transaction aiming to increase the benefit streams from protection of a rangeland ecosystem and appropriation of services at Il Ngwesi. The contract conditionality links onto several features of planned community management of the eco-venture. As a conservancy, the Il Ngwesi Group Ranch serves several purposes including the provision habitat, migration corridors, and refugia for wildlife, among other ecosystem products and services.

Accordingly, the Il Ngwesi group ranch is demarcated, encompassing a settlement area and a conservation area. The latter constitutes a core area and a buffer zone. The lodge is located in the core area. There is limited activity allowed in the conservation area. The core area has a radius of 5km.square while the buffer area totals 6,000 ha (Northern Rangeland Trust 2007a). The conservation area was designed to preserve the dwindling and endangered Grevy's zebra, wild dogs, elephants, and rhino, among other endemic and endangered species. Most of the wildlife clusters around this ecosystem are

¹³⁰ A majority of these studies are descriptive and classificatory reports on emerging PES projects in Kenya.

IUCN Red List species. Il Ngwesi community is the ecosystem service provider compensated for conservation activities needed by buyers and beneficiaries. There is an implicit assumption about risk sharing between the community and Lewa (the private sector) though some analysts have described this arrangement as a weak regime that disadvantages Il Ngwesi more than its private partners.

4.3: Efficiency of MCPP-mediated empowerment

4.3.1: Property rights framework

The Il Ngwesi ecotourism venture is a PES project set on a land tenure system that is protective of full community rights to land ownership.¹³¹ Il Ngwesi is an exhibit of a rewards-based PES design, which strengthens the argument that effective PES contracts are usually anchored on group contracts (see for example, Kerr 2010b) where a platform for community management and collective effort exists. The Il Ngwesi community has full ownership of the land and the conservation area including the management rights over these areas. The land is under a communal title and thus the ownership of the facility is by Il Ngwesi Group Ranch members. The Il Ngwesi Lodge is the first formal community-owned and community managed ecotourism facility in the country. The community, through its CBO, the Il Ngwesi Trust, fully manages the lodge facility. It is also one of the most famous and successful eco-lodges in Africa (ESOK 2013, WTA 2013).¹³² The community manages wildlife resources with support from the Forum, Lewa, Northern Rangelands Trust and KWS. The Il Ngwesi manages all the payments accrued from the venture. The company makes all resource allocation decisions

¹³¹ The group ranch is also supported within the provisions of the Group Lands Representative Act (CAP 287 of 1968) while the protection of wildlife falls under the Wildlife Act. These two statutes, EMCA, and other municipal by laws provide complementary regulatory basis for PES enforcement.

¹³² Hereby, Ecotourism Society of Kenya and the World Tourism Association (the latter, an Africa affiliate).

and whose activities are monitored through annual meetings and inter-committee forum deliberations. The community and Lewa share the risks of wildlife management. The Forum has always stepped in as an ancillary institution.

4.3.2: Payments and rewards framework

The Il Ngwesi lodge is Africa's top performing eco-lodge (WTA 2013) in terms of empowering and enhancing sustainable land use practices (Harrison 2001, UNDP 2002, Ramser 2007, Said 2010, ESOK 2013). In this collaborative setting, both the Group Ranch Committee which is the administrative arm of the group ranch and Lewa are bound by the contract. Benefits for the the Il Ngwesi board, and its affiliate institutions are pegged on performance criteria and are usually "effort based payments" (see OECD 2010: 3, 2013: 62.). The aim is conservation of local biodiversity by keeping its capacity intact and secure. The lodge is the ecotourism enterprise that provides financial earnings while the conservation area is the locus for enhancing, preserving, and nurturing ecosystem services. Payments are accrued by conserving 80% of community rangeland through the restoration of range, grass banks and pasture (ESOK 2013, NRT 2013). The Il Ngwesi Board runs the lodge while the Il Ngwesi Community Trust runs the conservation zone. Administrative activities across the landscape are mutually interconnected, and the committees usually work as core teams in all conservation programs and projects. Payments for ecosystem services directly go to the community, specifically to the Il Ngwesi Trust, through the user fees charged by the lodge and other payment models in an affiliate project called the Rangeland Restoration Program. For the lodge to operate efficiently and provide optimal benefits to the community, the Il Ngwesi

board for the group ranch with assistance from the Forum has had to organize the community to undertake the following activities:

- Organize into cohesive structures which can be tapped for collective action and for managing biodiversity,
- Establish a Community Conserved Area with a core and buffer zone by demarcating and designating land according to conservation and subsistence metrics
- Establish a dispersal area available for endeared, endangered and endemic species,
- Manage controlled grazing and practice sustainable herding,
- Monitor ecosystem resources of interest (locate, identify, and assess wildlife and biomass characteristics and conditions), and
- Engage its members in community monitoring and wildlife security provisions.

The agreement also places responsibility on community institutions to be proactive in monitoring wildlife health and security through the Forum's Range Security Program that provides information on poaching, injured animals, grazing practices, and illegal logging. The process of community monitoring convenes through the Scouts Monitoring Program (AU/ UNEP/GEF 2008) which is a more cost effective way of wildlife and habitat monitoring as these scouts are usually drawn from the Il Ngwesi community. The scouts are employed as staff and/or volunteers who assist in basic data collection, enumeration, and inventory maintenance of data pools.

There are crucial CBOs, and specifically committees, which coordinate community members and enforce land use practices. Management and monitoring is via a dual system of administration within the conservancy and the settlement area. The Group

Ranch Committee (GRC) 133 is the core administrative unit of the community. Its role is facilitated through support from additional committees that exist as permanent units or have been established out of this project's role in the conservation area. The Forum has played a role in nurturing, organizing, and sustaining a number of these committees by supporting the formal ones and establishing or supporting ad hoc committees. The management of the lodge is a model of committee structures. These are the committees:

- The community trust committee (also the natural resource management committee) - which is responsible for land and income management (through the Il Ngwesi Company),
- The security committee – which manages the ranch and the rangeland through its radio operations and state of the art communication systems,
- The peace committee – which handle human-wildlife and regular inter-community conflict resolution processes,
- The grazing committee – which manages the core area and the buffer zone and implements grazing by-laws,
- The finance committee - which is usually established when new projects are initiated to help manage and coordinate financial aspects of a given project,
- The livestock program liaison committee – which works more with the grazing regime and PES reward system, and
- The Il Ngwesi marketing committee – which complements livestock management committee and enforces the grazing regime.

The net effect of delegated management and, by design, community ownership compared to the tutelage systems used in the Mara and the Amboseli, is that it enlarges the scope of

¹³³ Under Kenya's legal statutes, the Il Ngwesi lodge operates as a Group Ranch Trust which, in essence, mandates that its leadership be under a committee called the Group Ranch Committee (provided under the 1968 Group Lands Act).

incentives that propagate positive responses about the project. By enabling a direct decision-making role for Il Ngwesi community structures, the project has facilitated both the procedural and substantive outcomes to trickle down to the community. Procedurally, democratic governance was implemented, albeit with some shortcomings, compared to many similar projects across the country. Substantively it has increased effectiveness of the community institutions to plan and implement an asset building base that expands the community's portfolio and reduces its vulnerability and marginalization.

5: Conclusions

The Laikipia Wildlife Forum portrays a case in which co-management programs enhanced power shifting during inception and formalization of the partnership. However, the real shifting of power was not sustained during formalization. The program transferred ownership to a majority of Laikipians only up until early formalization phase. Additionally, while there are strong proprietary rights regimes that secure land tenure, only a minority owns most of Laikipia's land. Amid these, there have been major attempts at empowering communities to own the process of wildlife management. The evolution and operations of the Forum indicate that its core programs are designed to proactively establish contact points with community institutions and to encourage some level of ownership.

The Forum evolved in an open and consultative process though it was an elite-led bottom up initiative. Elite support has been crucial in sustaining the core operations of the MCPP. This mechanism has helped to boost uptake of capacity building interventions for initiation and implementation of co-managed projects. Otherwise, with years of experimentation and formalization, the Forum has become a leader in private protected

area governance. It has facilitated some of the most viable and stable biodiversity protection projects for endangered species as other reserved areas record declining statistics. But what structural elements explain these outcomes?

In accounting for the outcomes of MCPP-mediated empowerment, tools from the three lines of inquiry that informed this study provide only a partial account on why the Forum was successful in designing community empowerment programs.¹³⁴ By accounts of these three approaches, the Forum should have ceased to expand and become stagnate as an organization after the ban on wildlife cropping program. Additionally, inertia could have been accentuated by absence of collective action. Participation approaches cannot project the Forum's organizational survival with looming (or potential) collective action problems. Admittedly, based on the tenets from these three approaches, the cost of maintaining commitment toward the Forum was high considering the fact that wildlife cropping which was a key incentive to participation was disbanded in 2003. The reverse occurred; the Forum instead scaled-up its operations and redirected efforts to projects that eventually increased its resilience and consolidation.

Resource mobilization theory provides insufficient tools to help explicate the level of elite support as a factor explaining the Forum's attempts at empowerment. It focuses on and highlights how elite divisions provide better opportunities for community organizations to mobilize, exploit, and access avenues for potential empowerment. The Forum's experience indicates that elite cohesion is an enabler rather than inhibitor of community empowerment. If at all, a CBO can also exploit opportunity as long as partners operate in a setting allowing for strategic coalition building. This also brings to

¹³⁴ These are participatory approaches, resource mobilization theory, and collaborative governance approaches.

the fore the issue of concurrence versus confluence of elite and local community interests. Proponents of collaboration offer inadequate conclusions by presupposing a confluence of interest between elites and local communities as a key element of resource sharing and exchange. This is a rare happenstance. It is more realistic to interpret this interaction as concurrence of interests of these two groups. For example, in the case of the Forum, partner interest concurrence initiated and formalized the organizational persona of the partnership. This set a basis for expropriation of benefits from collective wildlife management.

Additionally, collaborative governance approach insufficiently explains why there was a major scaling up of pro-community interventions compared to other types of projects. It cannot fully explicate the source and sustainability of an institutionally embedded orientation that was immensely supportive of capacity building interventions. It cannot elaborate why modularity became a design feature of the Forum's operational strategy.¹³⁵ Modularity enabled the partnership to integrate activities of its eight departments more effectively. In fact, the case of the Forum proves that co-management has enormous externalities, but that inclusive co-management builds on organizational economies of scale and scope. A governance approach would not sufficiently elaborate why elite support was successfully elicited and enlisted in a collaborative effort in which those elites stood to contribute more resources. Alternatively, while resource mobilization theory is able to connect collaboration to elite and local community interest concurrency,

¹³⁵ Modularity here simply refers to an organizational configuration in which several discreet units within the entity are functionally independent but are efficiently connected to each other through interdependence (Langlois 2000).

it does not allow for a full analysis of the mechanisms that sustain the Forum's partnership base.

More importantly, evidence points to overall effectiveness of MCPP-mediated empowerment. This depends on two core aspects: 1) the program and project design aspects, such as the roles for and types of initiators, managers, and contract features and 2) the contextual variables defining the implementation process, such as community socio-demographic features which include CBO capacity, property rights regimes, and the existing legal and institutional frameworks. As was previously mentioned, the starting point for the Forum's operational success is its astute ability to exploit its organizational economies of scale through intervention that enable scaling up its operations and interventions. The main evidence for this is its dual role as a buyer and an intermediary in PES project implementation.

CHAPTER 4

THE AMBOSELI BIOSPHERE RESERVE MANAGEMENT PARTNERSHIP

1: Introduction

A given co-management partnership's evolution and empowerment role are function of its internal organizational stability and its capacity to address contingencies from the external environment. The Amboseli Biosphere Reserve Management Partnership (hereafter, the Amboseli Partnership) can be considered *sui generis* concerning the features of its evolution. The Amboseli Partnership is a classic case of how a partnership poised to be successful at empowering its community nurtured antagonistic power instead.¹³⁶ But partnership-mediated empowerment is a factor of its embeddedness in the radical social and ecological transformations that have occurred in the Amboseli complex in the past two decades and the status of the complex as a Man and Biosphere Reserve.

The designation of the Amboseli complex as a biosphere reserve was the first *prima facie* evidence of a launch pad of co-management encompassing power sharing and some level of power shifting. Yet, as will be discussed, the Amboseli Partnership's inception in an amenable context did not ensure that its evolutionary trajectory would continue as a pro-empowerment platform. The partnership's unstable structure was an outgrowth of an exclusionary system cemented by a coalition that developed between

¹³⁶ As already discussed in chapter 3, there are immense positive gains associated with extending participation to community guardian institutions within MCPP co-management platforms. This is because participation nurtures various types of power. These are positive/constructive elements of power such as "constitutive", "systemic", "innovative" and "transformative" power (Avelino and Rotmans 2009). Please refer to Chapter 3, p. 19-20 and footnote 15. However, there are also negative outcomes associated MCPP platform interactions. Platforms can also nurture destructive "antagonistic power". Otherwise, Avelino and Rotmans (2009) define antagonistic power as a situation "when one type of power prevents or resists another". See their article titled Power in Transition: An interdisciplinary framework to study power in relation to structural change, *European Journal of Social Theory*, p. 553-554.

powerful state functionaries and the conservation sector. This set a trajectory that hindered empowerment of its community partner. This chapter will examine the inherent systemic processes constituted in the partnership's organizational evolution and growth. It will then evaluate the features and scope of the opportunity space for the empowerment availed by the co-management program.

1.1: Favorable antecedents to collaboration in the Amboseli complex

The Amboseli National Park (hereafter, the Amboseli) is a geographic jurisdiction of one of the zones of the Amboseli Biosphere Reserve (hereafter, Amboseli complex) which is a UNESCO Man and Biosphere Reserve.¹³⁷ A proper analysis of the Amboseli cannot be isolated from this status. The values of biosphere reserves are significant (see, for example, UNESCO 1999, 2005, 2008). The Amboseli complex achieved this status in 1991. In this setting, the Amboseli and the surrounding ecosystems integrated onto a

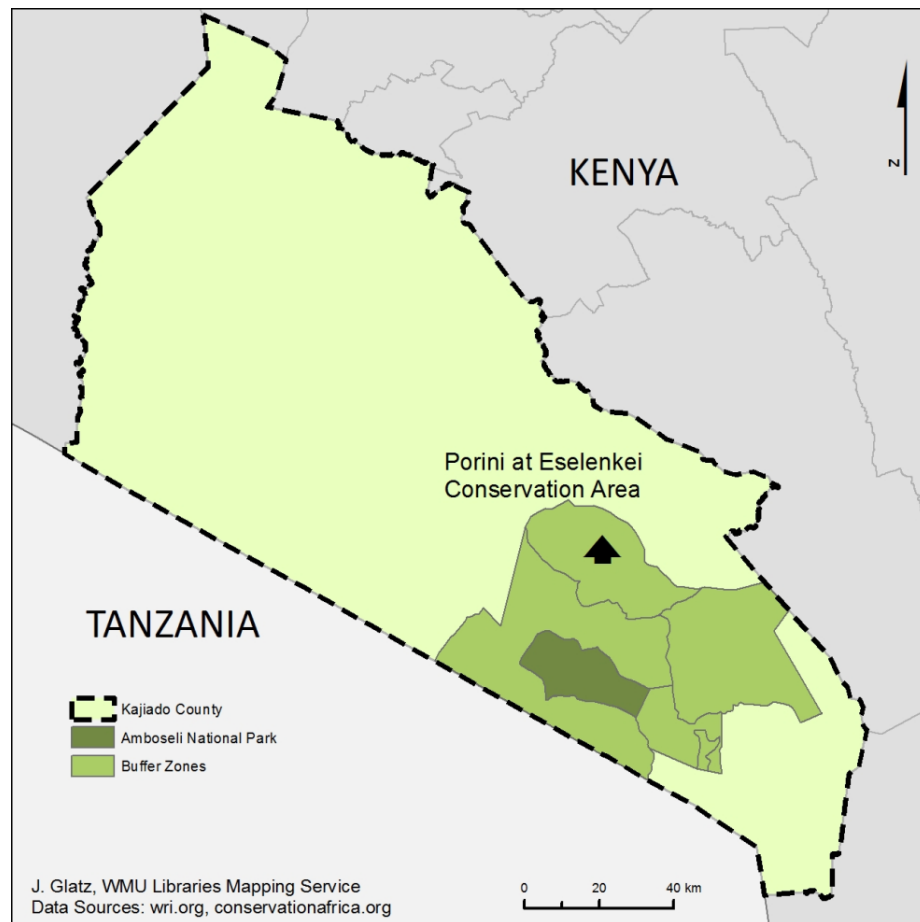
¹³⁷ This is a reserve located within a given protected areas PA's socio-ecological domain and is accorded the highest priority for its endowment and support of biodiversity. It is valued as a crucial habitat for endangered species and considered as laboratory for sustainable development experiments (Ishwaran 2008). Conservation practices operate on a regime developed by the UNESCO Man and Biosphere (MAB) office.

MABs fall under the soft law instruments of international statutes for biodiversity conservation (Jeffrey 2003). MABs are prototypes of multiple and multilevel environmental governance. They are also one of the oldest tools for implementing international conventions and as such serve the anchoring role for implementing treaties such the Convention on Biological Diversity (CBD), The RAMSAR Convention, and Migratory Species Convention (Jeffrey 2003).

Many studies done on application of the program to a particular biodiversity-rich reserve have been descriptive and at best case studies. Most recently, research is moving toward examining outcomes and impacts of these initiatives across the various designated geo-spaces of the globe. The first studies done on MABs mainly described the structure, types, geographical concentration, and the workings of MABs (for example, IUCN 1998, UNESCO 1999, 2002). Follow up studies maintain a case study strategy and descriptive analysis as well (for example, Fernandez-Gonzalez and Aylward 1999; Price 2000, Lu et al. 2003; Croze et al., 2006; Kusova et al. 2008). These are assessments of a given MAB initiative describing the process for negotiating and designating zones as biosphere reserves. Some recent studies have also concentrated on analyzing the conceptual undertones and issues behind key themes in MAB programs, (Ishwaran et al., 2008) and its application to global environmental issue management such as climatic change (Ishwaran 2008). More recently, scholars specializing in multilevel governance perspectives have attempted explaining outcomes through intensive explication via qualitative assessments and/or quantitative assessments (for example, Ostrom 2005, 2009, Pennington 2008), while some have maintained an analytical perspective (Cole 2011). Most of the findings in these studies allude to the perceived advantages of the multi-level governance and management systems (Ginnis 2009; Folke et al., 2005, Berkes and Folkes 1998).

pluralistic-cum-polycentric governance system. The complex exhibits a multi-tiered system that has significant implications for collective action, social and ecological systems in the region.

Figure 6: A map of the Amboseli Biosphere Reserve



The original biosphere reserve illustrated in Figure 6 encompassed¹³⁸ “a core comprising of the Amboseli National forest Park, a buffer comprising of surrounding group ranches (Olgulului/Olalarashi, Kimana, Eselenkei, and Mbirikani), and a transition zone comprising of the entire Kajiado district” (Croze et al., 2006). As a biosphere reserve, the Amboseli complex serves the following functions articulated in the Seville

¹³⁸ Social and ecological transformations have led to changes in the size of each zone’s acreage.

Strategy:¹³⁹ The Strategy articulated 1) a conservation function, 2) an economic development function, and 3) a research and education function. The first two purposes embody the - overarching goals of localized approach to planning and management while the third is recognition of the purposes of the site for scientific learning. UNESCO (2002) further highlights that these reserves are “living laboratories for testing and demonstrating integrated management of land, water, and biodiversity”. The biosphere reserve designation presupposes a collaborative arena for networking and forging of collective power. While the implementation of mandated rules may not be perfect, Man and Biosphere Reserve regime operationalization is an option that potential designees are keen to apply. This is because a candidate region’s designation is incumbent upon successful implementation of specific provisions, including collaborative and inclusive governance. This was a critical basis for the evolution of the Amboseli Management Partnership.

The Amboseli Partnership is a product of dynamic social and ecological changes in Amboseli Complex. It has its foundational basis on Amboseli complex’s biosphere reserve status but its immediate evolution is due to the surge in ecosystem threats within the Amboseli complex.¹⁴⁰ Despite its small land size, the Amboseli is the second most

¹³⁹ The Seville Strategy is a compendium of process and program recommendations which establish and provide legal basis to biosphere reserves via UN’s Resolution 27/C/2.3. The formal initial platform that designed the Strategy was a UNESCO-led conference in which about 400 country delegates from 102 countries and other experts convened in Seville, Spain in March 20-25, 1995 (UNESCO, n.d). The Strategy provides a toolkit for developing effective biosphere reserves and enhancing operational effectiveness of network reserves. While anchored on CBD premises, the Strategy distinctively set a regime that legally and operationally links conservation and development as intertwined processes. For an elaborate review of the Strategy, see UNESCO. 1996. Biosphere Reserves: Seville Strategy and the statutory framework of the World Network. Paris: UNESCO.

¹⁴⁰ The Amboseli Partnership is a unique case in which the MCPP’s organizational logic served to impede the process of constituting a stable institutional infrastructure similar to those of the Forum and the Mara Conservancy. With this in mind, I chose to describe its recent efforts at managing organizational stability as the phase of re-organization rather than consolidation *per se*. The MCPP is in the process of reconstituting itself after a long stint of inertia. As will be discussed, this element is its consortium-like arrangement,

visited reserve complex in Kenya (KWS 2012). It, therefore, plays a crucial role in sustaining the foreign exchange earnings from the services provided by the reserve. Degradation and the near decimation of wildlife prompted action from the partnership's conveners. By PES benchmarks, the Amboseli supports and provides a diverse set of ecosystem services.¹⁴¹ More importantly, it supports an impressive array of charismatic species (elephants, lions, rhinoceros, giraffes, cheetahs, zebras, buffalos, wildebeests, impalas, gazelles, hyena, baboons, bats, and over 400 bird species) attract both tourists and funding from global conservationists (Dowie 2009, 73). Notwithstanding, its socio-ecological status has been a key driver of initiatives which seek to introduce new approaches to reform management systems within the complex. To this end, partnerships have been a growing trend deemed as solutions to conservation and development challenges. This set the basis for collaborations such as the Amboseli Partnership.

1.2: Location as context for MCPP

The Amboseli Partnership convenes as a consortium of partners interested in conserving the Amboseli ecosystem and enhancing the provision of related ecosystem services. The key interest is supporting sustainable land use practices to protect the three ecological zones. The Amboseli is located in the Olkejuado County of Rift Valley province on the north-west side of the famous Mount Kilimanjaro and near the Tanzania border. It is part of an ecological complex called the Kilimanjaro Heartland. It covers a land area of 392 km. square (Okello et al. 2008). The government declared it a national park in 1974. In 2005, the government degazetted it and handed it over to the Olkejuado County Council. There was a reversal in this order in 2010 after a high court judge ruled

which has served as the operational model implementing MCPP activities. This attribute will be described in subsequent sections.

¹⁴¹ Please refer back to the chapter 1 for an elaborate description of ecosystem services.

that the transfer of management was in contravention of the law. The park is currently under the management of the Kenya Wildlife Service.

Amboseli's climatology summary would classify it as an arid and semi-arid land (ASAL) (de Leeuw et al., n.d.). Like the Laikipia and Narok-Trans-Mara circuits, the surrounding populations are highly vulnerable to extreme climatic conditions and prone to problems of poverty and food insecurity. Comparatively, the Amboseli complex is much drier, has lower rainfall, and is a more vulnerable grazing land because it was once a dust bowl. Immigration, privatization and sedentarization are exacerbating climate change and further degradation of land. The rainfall pattern in the Amboseli complex is bi-modal like in most of Kenya. The Amboseli complex has an ecology that shares a top hot spot status with the Maasai Mara as Kenya protected area systems with the highest density and diversity of wildlife (Okello 2009). It supports a system with rich avian and mammalian fauna with more than four hundred and fifty species types respectively (Nature Kenya 2010). There are local springs served by Mt. Kilimanjaro, swamps, and grassland that provide various ecosystem products and services for a variety of species. The Amboseli prides itself as a host to the world's longest study of elephant behavior and life history (Elephant Voices n.d. 1).¹⁴² The Amboseli hosts endeared and endangered carnivores such as lions, cheetahs, hyenas, and leopards and ungulates such as zebras and wildebeest (Murphy 2010).

An ethnically diverse cluster as that of Laikipia populates the Amboseli and its environs. The Maasai predominantly inhabit it though there are non-Maasai groups from other parts of Kenya who are largely Kikuyus and members of other tribes such as

¹⁴² This is the Amboseli Elephant Research project headed by the renowned American conservationist Cynthia Moss.

Kambas, Luos, and Luyias (Wangui 2003) and a small group of tribes from Tanzania who settled after the privatization movement began. Individuals and group ranch members own most of the land in the contiguous areas. There are very few Europeans who lease property within the park and park-adjacent areas. The economy of the Amboseli complex is predominantly livestock production and agriculture. A large majority of its population is directly and indirectly reliant on transhumant livelihoods, agro-pastoralism and eco-tourism. The droughts in 2000 and 2005 increased the scale of dissolution of many group ranches that led many Maasais in the area to adopt sedentary livelihoods. However, “only 8% of the district of Kajiado is classified as having some potential for rainfed agriculture and most of this is ...close to Nairobi” (de Leeuw n.d.). The Amboseli is Kenya’s second highest earning wildlife tourist destination. Municipalities and local communities earn revenue that supports development programs and livelihoods. Sand harvesting and mining are other predominant activities in the area.

2: Operation and structure of the MCPP

2.1: Organizational principles and objectives

As previously mentioned, the Amboseli Partnership convenes as a consortium of partners interested in conserving the Amboseli ecosystem and enhancing the provision of related ecosystem services. The partners’ aim is to facilitate mechanisms that promote sustainable land use practices that protect the three ecological zones of the biosphere reserve. The Amboseli National Park is one of the most important protected areas in Kenya. Because of its threatened status; the Amboseli Partnership is working to develop collaborative platforms in order to engage all the critical stakeholders who can help mitigate these threats. Like any co-management partnership, its additional objectives

constitute resource mobilization, protection of stakeholder interests, and development of incentives for conservation, including regulatory and compensatory measures. The key objectives of the Amboseli Partnership are to:

- Secure critical wildlife habitat, corridors and connectivity systems
- Facilitate collective management and monitoring of ecological dynamics
- Initiate and enable a platform for establishing and supporting PES projects
- Increase partner collaboration in securing community support for conservation
- Coordinate and implement mechanisms for improving, supporting and securing community livelihoods
- Devise and implement conflict resolution mechanisms in order to abate the prevalent human-wildlife conflict
- Provide a vision and support mechanisms for the operationalization of biosphere reserve regime through the development and implementation of management plans

2.2: Organizational rules guiding partnership operations

The Amboseli Partnership is a voluntary collaborative platform that allows stakeholders in the Amboseli complex to source and exchange resources for co-management (see Figure 7). Its foundational basis stems from two features. First, its structure is not embodied in any legal code like those of the Forum or Mara Conservancy which are not-for-profit companies. It is an amalgamation of institutional entities collaborating to provide a putative anchor for protecting the ecosystem in the Amboseli complex. Second, the partner entities have a long history of prior contact in collaborative projects targeting conservation. Due to this history, these entities have always tended to

co-manage projects combining formal and informal meta-arrangements that do not necessarily peg collaboration onto any structured institutional palette.

While the Amboseli Partnership exists as an associational forum for implementing conservation projects, it operates like a nodal consortium that convenes when specific problems require solutions or opportunities for resource exchange arise. Thus, partners do not adhere to strict rules that usually formalize participation. Additionally, partnership rules are applied according to operate as project-specific and program-specific agreements. In the absence of key collaborative projects that tie partners to any specific initiative, partners rely on supplementary rules to guide formal and informal organization. There are however, requirements that partners engaged in specific projects develop MoUs, agreement plans and action plans, which guide formalized planning and implementation. Like the Mara Conservancy, the partnership's organizational culture embraces a technocratic approach even though it is not the key pillar for guiding program implementation processes.

2.3: Organizational roles of key decision-makers

The Amboseli Partnership relies heavily on the board to transact and implement projects.¹⁴³ The board at the MCPP secretariat is the most important decision making unit within the partnership. This board constitutes a team that reflects the local social, administrative, and geographic representation of Amboseli and operates around the

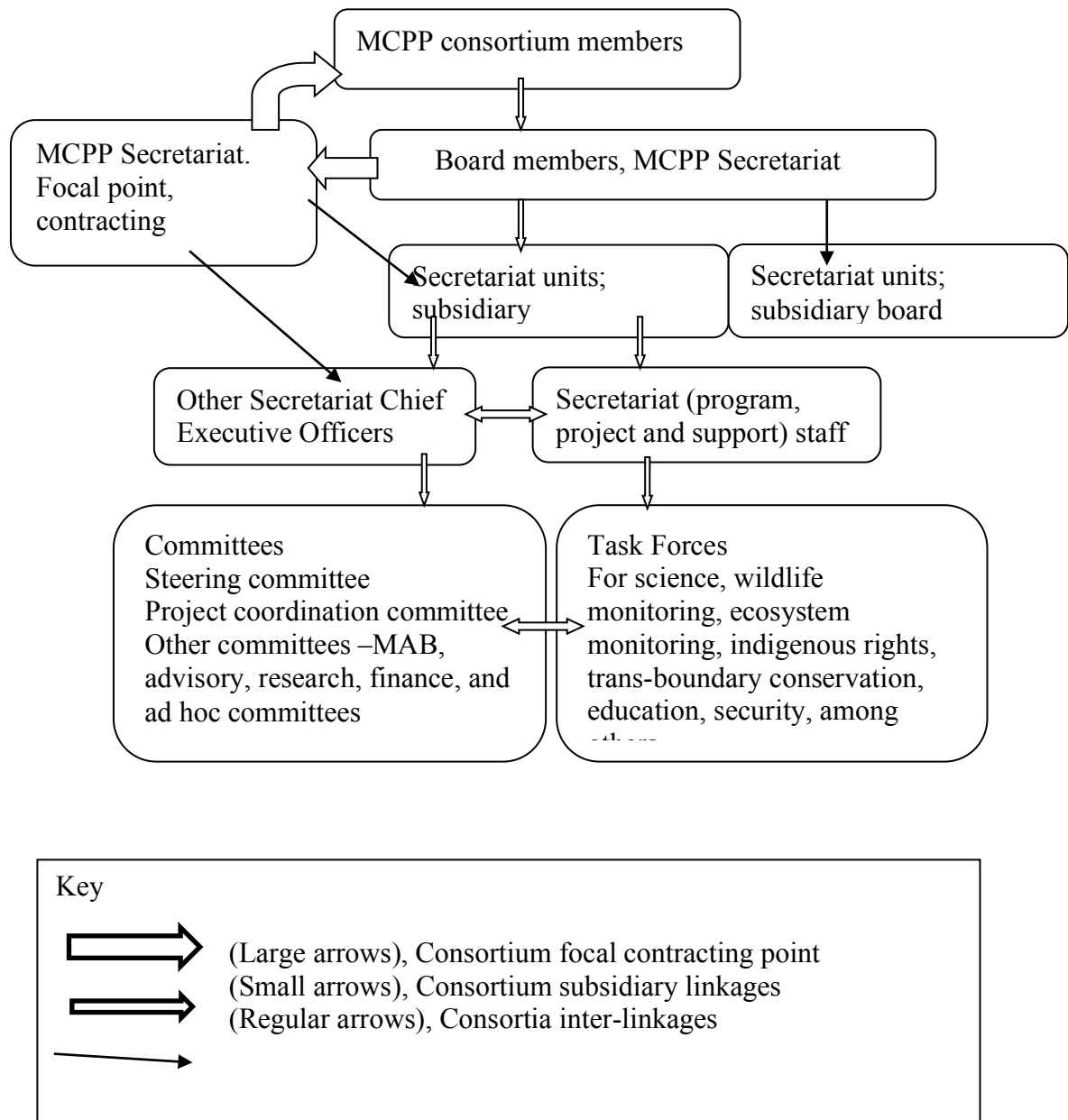
¹⁴³ The Amboseli Partnership has a core board for the consortium that unites the stakeholders and partners that manage the Amboseli ecosystem. It is an amalgam of several consortia units constituted by diverse membership structures convened by the MCPP. A consortium is initiated when different actors come together to establish an entity constituted by a single point of contracting (Coulson 2012), in other words signig agreements. Herein, is the MCPP secretariat. This is despite the fact that its members have a solid independent base and/or interactions with other consortium members. The focal point of contracting exists despite members' independence and interdependent relations.

salient issues at hand. Related subsidiary boards operating hierarchically below secretariat do not usually reflect diversity or representativeness.

The overall board is comprised of members representing the central and local government, members from the Maasai people, and other stakeholders in the wildlife, forest, and wetlands sector who can provide skills and expertise in protected area management. The board selection process is usually more rigorous compared to its counterparts due to the custodial role of Kenya Wildlife Service and frequent politicization. The partnership's core board composition is also much larger than those of the other two cases are. The board is a major policy making decision unit. It reviews and approves MCPP management plans, supports the executive and other departments in project coordination and implementation, coordinates resource mobilization, and negotiates lease agreements. The board is accountable to its members but the level of involvement of governmental functionaries is higher than in Laikipia and the Mara complexes.

The Amboseli Partnership is a unique type of partnership in that it has multiple secretariat units linked to each other but weaker than the MCPP secretariat. Its near-technocratic orientation is a reason why the core secretariat unit is stationed at the municipal-KWS office in Olkejuado. Similarly, this unit acts in consort with subsidiaries at the municipality of Loitoktok, at the African Conservation Center (in conjunction with the African Wildlife Foundation) and the MAB offices in Nairobi. The Amboseli Tsavo Group Ranches Association and the Amboseli Tsavo Group Scouts Association (ATGSA) serve equally as subsidiary secretariat units. Unlike the secretariat units in Laikipia and Mara partnerships, this structure has specialized units linked to their parent

Figure 7: An organogram illustrating the consortium structure of the Amboseli Biosphere Reserve Management Partnership



entities at their subsidiary secretariat locations. These are independent but interconnected secretariat offices with core, program, and support staff. The role of each secretariat is to manage and implement partnership conservation projects, and specifically to design and

coordinate inter-partner contracts, coordinating operational aspects of projects, developing CBO capacity building projects, and complementing institutions.

The Amboseli Partnership's consortium model is exhibited in its structure that integrates thematic and administrative committees, task forces and working groups which act as sub-platforms for formalizing and coordinating project implementation. The steering committee is the most important of all committees. Its key roles are agenda setting, and it is usually constituted by high-level officials from various institutions. Other types of committees are wildlife compensation, law enforcement, technical, business, scientific, community education and partnership, finance, research, and monitoring, wildlife and forest management, and marketing committees. These committee members' key role is to represent partners' interests. Some committee members are nominated in a quest to uphold regional balance while others voluntarily contribute their expertise.

The Amboseli Partnership's organizational history and culture influences the role that the key CBO, the Amboseli Association plays in the partnership. This association is a potent force in community conservation owing to a system of precursor institutions that cultivated relatively strong and numerous pre-MCPP associative networks. The key roles of ATGRA are to coordinate and manage conservation functions within and among the community group ranches, formulate and develop advocacy frames for negotiating communities' roles and rights within the partnership, cultivate and sustain community consensus necessary to support ecosystem conservation, oversee community project management, and to identify potential partners with whom the community can collaborate with.

The Amboseli Partnership engages the municipal governments of Olkejuado and Loitoktok. Both are located in the Rift Valley province. The administrative headquarter for many activities is in Olkejuado. The key roles of these governments, like those in the Laikipia and Mara, are to act as the public arm of co-management. They act as centers for operationalizing the political and democratic realm of subsidiarity. The two municipal governments receive a lot criticism for supporting Kenya Wildlife Service's roles in securitizing conservation in the Amboseli complex.¹⁴⁴ These governments conjointly act as the focal institutional apparatus for developing and enforcing laws and by-laws. These municipal governments are among the most powerful local governments because Olkejuado is one of the richest counties in Kenya (IFRA 2007). They facilitate and convene *barazas* for deliberation, conflict resolution, and agenda setting.¹⁴⁵ They are strong marketing and brokerage entities for promoting markets for ecosystem services within the Amboseli complex. Finally, through the development, conservation, and finance committees, they serve as institutional apparatuses for complementing community and private sector-linked committees. They liaise with these entities and help in building the capacity of local conservation CBOs.

Like the Greater Mara Ecosystem, the Amboseli complex is a top lucrative landscape that provides crucial ecosystem services. This status cannot be discussed without situating a role for the private sector. While a majority of studies provides pessimistic undertones of private sector activities in conservation, this sector plays a significant role in many partnerships. Of course, its profit motive supersedes other goals,

¹⁴⁴ The implication here is the increasing use of police and government rangers' force to administer conservation and conflict resolution efforts. The security apparatus has increasingly managed to amass significant powers in the major decision-making roles in co-management.

¹⁴⁵ As described in chapter 2, *barazas* are public deliberation forums which serve several purposes - public, communal, and private.

but this does not mean that it cannot or does not contribute to conservation or development. In the Amboseli complex, the private sector supports a variety of activities that enhance the protection of ecosystems and the provision of ecosystem services. The major roles of the private sector are:

- Initiating platforms for joint venture partnerships which promote sustainable land use in the group conservation areas
- Marketing Amboseli's ecosystem products and services
- Providing funds for eco-venture start up and scaling up
- Improving and providing infrastructural services such as water pumps, road networks, technology and communication
- Implementing principles of corporate social responsibility in the conduct of their practices
- Supplanting or supporting capacity building initiatives which improve community capacity in ecosystem conservation
- Protecting and supporting (natural, capital, institutional, and social) community assets
- Promoting social innovation through various collaborative projects, and
- They also should enter into and support a fair contracting culture with interested stakeholders.

2.4: Organizational relations among partnership sub-entities

Among the three cases of MCPs under review, the Amboseli Partnership has a platform that should by design best uphold the principle of representativeness. It has made major attempts, but with quite some challenges. This is because its foundation has an organic linkage to a platform that necessitated and mandated an inclusive system. Due to its connection with the Man and Biosphere Reserve program, Amboseli Tsavo Group Ranches Association (i.e., the Amboseli Association) has been a critical stakeholder and

one of the most significant partners in the management of the Amboseli complex. In co-management, the principle of representativeness is operationalised more efficiently when complemented by accountability and effectiveness. Instability has impeded the Amboseli Partnership's ability to achieve these outcomes. Still, because the context for co-management is tightly linked to MAB designation, the partnership exhibits a haphazard system for mainstreaming and scaling-up programs that increased localized and grassroots driven planning and implementation. It is important to mention that despite this haphazard dynamic, the active role of Amboseli Association in proposing, endorsing, and approving management plans of the Amboseli is telling of the partnership's attempts at operationalizing representativeness. The Association negotiated and articulated community interests when the plans were prepared.

3: Evolution and growth of the of the MCPP

3.1: Initiation (1987 - 1997)

3.1.1: Power point: Collective and epistemic claiming of a landscape of co-existence

The proximate catalysts of the formation of the Amboseli Partnership are its founders' interests in forestalling ecological destruction within the Amboseli complex (and cultivating a conservation-friendly society). A second concern was to forestall an impending conflict over resources (Thompson 2002) driven by rapidly changing demographics accentuated by in-migration (Okello and Kioko 2010) and excision of Maasailand (Galaty n.d.). By late 1980s, the Amboseli complex had turned into a dust bowl (Lovatt Smith 1997). The immediate stimulus, however, was the dispensation of the biosphere reserve status of the Amboseli complex. The complex needed a system of institutional infrastructure which would fast track the operationalization of the MAB

regime post-designation. For its founders, Amboseli Management Partnership's network infrastructure provided strong economies of scale for collaboration and a strategic base for implementing bioregionalism.¹⁴⁶

The Amboseli Management Partnership is a unique variation of MCPP, exhibiting a hybrid of the Laikipia Wildlife Forum in some features and the Mara Conservancy in others. The partnership also displays extreme dissimilarity with both in some aspects. For example, its inception did not emerge in a collaborative arena for exploiting reform in wildlife's benefit access policy as was in Laikipia Wildlife Forum. Neither was it established to radically restructure protected areas' administration as in the case of Mara Conservancy. This is because its inauguration was not a reactive mechanism but was emblematic of an already existing pattern of institutional development in a socio-ecological complex that was adapting to a MAB regime. In this context, the Amboseli Partnership emerged as a putative anchor for a system that was in need of an organized platform for bioregional planning. The partnership originated as a product of socio-ecological dynamics and a strong tradition of public-private partnerships. The Amboseli Management Partnership was as a practical mechanism that could allow collaborators to mobilize resources and implement workable interventions. Its inception was validated through local and external affirmation. The partnership, therefore, only derives its basis and institutional persona from being an affiliate podium for organizing and implementing biosphere reserve management plans and for marketing and branding Amboseli ecosystem's integrated conservation efforts.

¹⁴⁶ Bioregionalism is a philosophical principle strongly connected with the view that the biophysical and human worlds are connected through dynamic evolution and interactions constituted by this realm (Pfueller 2008). Management plans for biosphere reserves are informed by these bio-regionalist assumptions.

A second structural element related to Amboseli Partnership's putative role at initiation is the multifunctional status of the Amboseli complex embedded in the three biosphere reserve designations. This structure influenced the context of partnership initiation in terms of extending advantage to multiple stakeholders within the collaborative arena. Thus, the partnership's evolution and its attendant empowerment sub-structures are examined via 1) the "sources of power held by partners involved in collaborative governance" at initiation and 2) "the arenas that collaborative process provided for the use of power" (see for example, Purdy 2012). Both dimensions capture how collaborators in the partnership sought to enhance mechanisms for conserving a landscape of coexistence between humans and wildlife.

In terms of sources of power, the partnership's co-management interventions were enablers of CBO empowerment. These interventions provided opportunity for the Amboseli Association to be a legitimate partner and for it to access, exchange, and expend resources in the implementation of partnership activities. This equally enabled it to achieve legitimacy from other partners. This process presented a context for co-management due to the fact that the designation process ideally stipulates stringent provisions that demand localized grassroots planning and implementation process as a condition to achieving a biosphere reserve status. The Amboseli Association ATGRA therefore had a strong presence during the initiation of the MCPP. It was a visible actor and its efforts were embryonic to the formal facilitation of the partnership. For example, it was proactive in representing the interests of the community vis a vis its role in proposing, endorsing, and approving of the first management plan of the Amboseli complex.

Collective claiming of resources propagated new elements of power. This occurred at a micro-scale level at the grassroots and macro-scale at the consortium level. Embedded in these structures was systemic power that among other roles 1) facilitated collaborative designing and planning of management plans in 1991, 1996, and 2008, 2) mobilized new partners for collaborative protected areas management, and 3) mobilized financial resources for sustaining the partnership's activities at initiation and post-initiation. Interactions across partnership networks enabled the Amboseli Association to play a leadership role within subsidiary sub-systems as well. The inception process was co-owned between the CBO and non-governmental organizations at the micro-scale, between community-based organizations, the municipality and the private sector at the meso-scale, and among several consortia at the macro-scale. Besides, communities in the Kajiado area have over the millennia operated robust nested governance systems connecting families, clans, localities, and alliances (Ostrom and Mwangi 2009: 215). These interlinkages operate at different scales with strong institutional capabilities (Ostrom and Mwangi 2009). The efforts in supporting the designation process served to enhance initial institutional robustness of community institutions while the Amboseli Partnership formally complemented the existing empowering dispensation.

MCP-PP-mediated empowerment activities received facilitative support in the Amboseli Partnership's arena of collaboration through an enabling process of interest alignment of various institutions and scaling up of opportunities for direct and indirect forms of participation. Its initiation was a ripe process for enabling systemic power and nurturing innovative power. This is because the dispensation enhanced a change in power relations encompassing both power sharing and some power shifting in co-management.

Innovative power enabled partners to cultivate an arena for a pro-conservation constituency. For example, the partners collectively negotiated and initiated regulatory tools and systems for managing wildlife. Amboseli region became one of the most active sites in the country for integrating regulatory and compensatory incentives-based tools for managing wildlife and rangelands. A second effect was that it facilitated attitudinal change as communities were engaged in new participatory mechanisms and which had legal backing within MCPP structures. With regards to systemic power partners were able to cultivate an arena for a pro-conservation constituency because the participatory culture enabled was an incentive for actors to mobilize both new stakeholders and financial resources. For example, the extensive involvement of group ranches surrounding the Amboseli core was a striking feature during this era. These are the Olgulului/Olalarashi, Kimana, Eselenkei, and Mbirikani ranches. Overall, the dispensation presented an ideal context for participatory co-management. Yet, as will be described, the Amboseli Partnership's inception in an amenable context did not imply that its evolutionary trajectory would not undermine empowerment of communities in subsequent phases.

The first element indicative of an MCPP-mediated power sharing was the institutional presence of a pact-like¹⁴⁷ agreement that was formalized between the local Maasai community and conservation stakeholders at large. Ideally, the partnership's founders had to incorporate this element onto its institutional design and its empowerment strategy. This pact became an element of constitutive power vis a vis its

¹⁴⁷ The Seville Strategy for Biosphere Reserves recognizes that biosphere reserves are 'essentially a pact between the local community and society as a whole'. (For a detailed description of this feature, see www.unesco.org/mab/doc/brs/Strategy.pdf).

role in acting as a precursor institution to a pro-inclusive arena of co-management. As a precedent for collective governance, the MAB-ingrained pact was an empowering tool of power sharing. It gave communities a stronger negotiating position in succeeding/future co-management platforms including that of the Amboseli Partnership. This impact was significant during the initiation phase and re-organization phases of the partnership's development. The Amboseli Association's strong position and its standing as the core community organization articulating and advocating for the interests of communities in the Amboseli complex occurred due to the impact of initial conditions. In essence, the CBO started on a strong footing with the establishment of the partnership unlike in the Laikipia Wildlife Forum case in which pre-MCPP linkages were distinctively informal and in the Mara Conservancy case in which there was no favorable pre-initiation context all.¹⁴⁸

The second impact of collaboration is the Amboseli Partnership's organizational evolution including its internal structure and its foundational basis. The partnership's co-management system validates Gulati and Gargulio's (1999) relational embeddedness thesis that the density of networks in a partnership and similarly the scale of structural cohesion within it have an impact on a partnership's collective power. However, in the case of the Amboseli Partnership, this connection between network density and collective power is present though it is not a linear but a dialectic link.¹⁴⁹ Herein, organizational path dependency applies. Initial conditions influenced the institutional design of the

¹⁴⁸ To put this in a comparative context, the Amboseli was granted MAB status in 1991; ATGRA was formed in 1994/5 and was already in the arena of interaction with various stakeholders by the time the first formal consortium of the Amboseli Partnership was being launched, which is in 1997.

¹⁴⁹ The analytical model developed in this dissertation is a phased empowerment model that strengthens this observation. This model incorporates a phased analysis of MCPP evolution and is able to isolate, distinguish, and elucidate the real impact of power sharing and power shifting aspects of MCPP-mediated activities as enablers or inhibitors of CBO empowerment.

partnership (whence, its founders adopted a consortium model), and the capability and commitment of its constituent partners in steering and strategizing empowerment interventions for communities in the Amboseli complex.

For example, a strong network between various pro-community and pro-conservation advocacy coalitions was relatively cohesive in creating an initiation platform and aligning the diverse consortia interests with the partnership agenda. In the context of relational embeddedness, and systemic power for that matter, the partnership's MAB-linked internal cohesion helped the founders to set a basis for collaboration with a strong anchor for building expectations and incentives. More specifically, the MAB platform conveniently stimulated an arena ripe for cementing relational and structural embeddedness¹⁵⁰ prior to the inception of the partnership. But what was the impact of this inception process in the long haul? The regime platform availed by the MAB dispensation comprised of an array of formal and informal institutions at the behest of MCPP founders and collaborators in the Amboseli complex. This favorable window of opportunity was clearly lacking in the cases of Laikipia Wildlife Forum and the Mara Conservancy. Its partners had the advantage of exploiting and organizing avenues for sharing and shifting power. Yet, as will be seen, initial embeddedness does not preclude internal instability within a partnership. Neither does it imply an entity's capability or full commitment by its partners in steering successful empowerment projects.

A favorable socio-institutional context for initiation is necessary but not a sufficient condition for MCPP strength/stability and by implication not a sufficient

¹⁵⁰ Relational embeddedness “highlights the effects of cohesive ties between social actors on *subsequent* cooperation between those actors” (Gulati and Gargulio 1999, 1446) while structural embeddedness “captures the impact of the structure of relations around actors on their tendency to cooperate with one another” (Granovetter 1992).

condition for enabling better community empowerment outcomes. An interesting finding is that for Amboseli Partnership, the factors that helped its initiation are the same that hindered its subsequent growth. The scale of relational embeddedness, which was its strength, also turned out to be its weakness. In other words, a unique attribute of the partnership was the presence of both contradictory (i.e, both) partnership linkages embedded in its internal fabric. Operationally, the partnership's evolution is a trajectory anchored onto these two related but opposing systems in which the strength of one process catalyzes the presence of the other. The section on organization phase examines this dynamic.

What was the role for the epistemic coalition: Was it an alternative empowering platform? As characteristically hyper-diverse savannah ecology (Thompson 2002, 68) and a biodiversity-rich eco-circuit, the Amboseli complex commands a strong presence and visibility of different epistemic coalitions.¹⁵¹ Additionally, as a multifunctional landscape, it underpins a multilayered system of management comprised of formal and informal institutions that have drastically evolved over the past years. A third aspect that attracts attention is the politics that have surrounded its protected area status. The back and forth gazettelement and de-gazettelement of laws have attracted more attention and scientific investigation. The fact that Amboseli's elephants are the most studied of this group's species in Africa and the globe attests to its research and advocacy appeal to scientists and conservationists of both anthropocentric and eco-centric persuasion.

¹⁵¹ Epistemic communities are herein utilized according to Haas (1992: 3) definition which describes it as "a network of professionals with recognized expertise and competence in a particular domain and an authoritative claim to policy relevant knowledge within that domain of issue-area." This gives the professionals clout and power for defining and negotiating agendas and policies (Sutton 1999: 6).

In terms of sources of power, conservation-based debates presented an opportunity for community institutions to provide information as resources that were unique and remotely available to other coalitions. The interdependent nature of coalition interactions was an important element in giving partners, including CBOs of different consortia, representational identity and vitality. It is common for different advocacy movements to co-evolve in a common policy arena (Dobusch and Quack 2008). An important point worth noting is that some coalitions pursue localized activism while others prefer to utilize transnational arenas (Dobusch and Quack 2008, see also McAdam 1996, Tarrow 1998). The Amboseli Partnership's initiation was facilitated when diverse yet conflict-prone coalitions aligned their resources to negotiate and support a common conservation agenda that could save the Amboseli complex (Thompson 2002).

Relationally, the influence of these diverse coalitions and each coalition's impact as a claimant was linked to the leadership roles they played in setting a podium for an inclusive paradigm of conservation. This was a competitive arena that was transformed into a turned collaborative arena, at least in the 1990s (Thompson 2002, Mburu 2004, Rutten 2008). At a more specific level, the Amboseli's elephant protection debacle¹⁵² that was an important site of debates in the 1990s is a case in point. At best, this interactive arena was site of "competing science and politics" (Thompson 2002, 186). At the same time, this arena succeeded in providing a conflict resolution mechanism for a sensitively

¹⁵² This was an inception pre-MCPP stage, which introduced group issue positions on via agenda setting and issue framing by oppositional coalitions. This attributively is related to conservation paradigms within and around the Amboseli National Park and particularly those governing elephant herds. According to Thompson, there were two groups of epistemic coalitions: the pro-community conservationist coalition with a localist identity and the pro-wildlife recreation services user/buyer coalition with an internationalist identity (which I would assume is a preservationist cohort). Each group inscribed and endorsed its view vis a vis favored conservation debate and philosophical worldviews (Thompson 2002: 172-181, 186) though at the end of the debate there was an agreement over the operational issues of bio-regional management after the successful co-optation of the pro-wildlife cohort.

charged issue unlike in Mara Conservancy's initiation where compromise was absent during MCPP initiation.

Accordingly, Thompson further reiterates that there was an “alliance between science and politics” despite the fact that it was not an easy embrace for either side because there were “political compromises and alliances” (185). The pro-community conservation coalition prevailed and ended up co-opting the preservationists into a forum for initiating community-based management as a leading paradigm for guiding interventions in the Amboseli complex. In lieu of the conflict-prone character of conservation policy making in Amboseli, this coalitional apparatus acted as a bottom-up process for cultivating an initial source of social consensus, though not necessarily political consensus. As Thompson further observes, “the debates did not coalesce into a holistic frame of reference.” The important point is that the participative and deliberative character of the arena of interaction tempered adversarial dynamics.

Structurally, an inbuilt consortia interaction and embeddedness served to propagate constitutive and innovative power.¹⁵³ These include enabling of, but are not limited to the fact that, MCPP embeddedness 1) availed and built new platforms for information sharing and learning, 2) scaled up processes for initiating and supporting benefit sharing programs, 3) initiated new structures for collaborative management of natural capital of the Amboseli complex, 4) initiated new structures for management of the financial capital of Amboseli complex, and 5) institutionalized advocacy roles at the meso-scale. Another dimension of empowerment by coalitional consortia system is the role it played in grounding data/information onto conservation narrative that served as

¹⁵³ According to Avelino and Rottman (2009), constitutive power entails “a distribution of resources through the use of institutions and structures.”

evidence for planning and organization of projects. It specifically nurtured innovative power with regards to providing ideational (values), informational, and institutional resources. For the latter, it formally introduced a community-centered management paradigm for elephant conservation (Thompson 2002: 186) and cemented it onto the MCPP initiation platform. An element of cooperation among competing interests was exhibited as a dimension of transformative power was a feature of partner interactions. In fact, Thompson suggests that this interactive arena led to the “connecting of different orders and scale of things, without reductionism or holism” (186) at least during the MCPP’s initiation. The partnership’s organization building phase is a different story.

These coalitional networks validate Resource Mobilization Theory’s tenets on how accessing resources from strategic coalitions and alliances, including technical and expert input can improve chances of empowerment. The experience of the Amboseli Association indicates that representative CBO structures can effectively gain entry into decision-making arena pursuant to alliance building with (only) a stable coalition. In this instance, alliance building may not have directly enabled power shifting but it was a fruitful arena for power sharing embodied in the consultative processes, public deliberations, knowledge exchange, and socio-scientific evidence sharing. This subsequently led to coalitional groups agreeing to endorse and support community management paradigms in the 1990s. It also strengthens governance and participation approaches’ tenets that collaboration rather than alienation of community institutions best serves the agendas of socio-ecological justice. In fact, as this initiation context indicates, this arena does not imply a conflict-free process, yet it allows engagement and exchange of resources among potential MCPP partners. In lieu of a strong level of positional and

relational embeddedness, the local communities were at initiation, proactive and meaningful participants in the deliberations and construction of a paradigm of bioregional conservation. Community impact was important and strategic in terms of enhancing coalitional effectiveness and representation (see for example, Croze et al. 2006, Mburu 2004, Rutten 2004).

3.1.2: Elites as satellite conveners of a partnership discourse

Elite influence during the Amboseli partnership's initiation and its subsequent impact on CBO empowerment predominantly exhibit supportive elements but only within some elite. This supportive group was constituted by anti-dissolution elites in the group ranches, bureaucratic elites at the municipalities, and a small coalition of private sector. According to the non-supportive elite group, empowering communities would mean extending significant usufruct rights to communities whom they viewed stereotypically as “non-conservators” and “over-exploiters” of wildlife resources. They would, then, most likely threaten the lucrative base of the wildlife sector because empowering them would meant (an imminent) loss of wildlife stock. The pro-dissolution community elites on the other hand were merely uncooperative because they wanted group ranches to be unstable or at least be dissolved in order to allow privatization to take course. In Kajiado, like in Laikipia, landed elites are powerful players in its conservation sector. In essence whichever group or issue that strikes balance with their interest presents room for this group to offer its support. The overall elite coalition is certainly not a coherent unit as well. The Amboseli has a diverse grouping of elite coalitions. During the initiation of the partnership, elites supported the process though this depended entirely on coalition structures and the nature of interest alignment with the community, business,

bureaucratic, political, or conservationists coalitions. Generally, because elite presence from community, the local bureaucracy, and conservationist sectors was heavy, it provided a supportive role during the inception of the MCPP. Elites from all these coalitions (above) were active supporters of the partnership's co-management goals with the exception of business elites who favored a more preservationist system (Thompson 2002) and the educated pro-sedentarization and pro-subdivision elite groups whose efforts largely engendered clamoring for group ranch dissolution (Ngethe n.d, Hendrich and Harvey 1998).

Generally, most elite groups were active during partnership initiation and were also co-opted to serve in their roles as secondary mobilizers, advocates, issue shapers and interest aligners, but of course with strategic ties only to coalitions with similar interests. Preeminence of elites did not translate into surmountable negative influence. Despite elite' role in strategic alliance building, their influence was tempered and/or neutralized by the fact that they were not the real conveners of the MCPP initiation platform. Rather, KWS, USAID, and the African Conservation Center (hereafter ACC) acted in concert with community representatives from ATGRA (see, for example, Mburu 2004, Croze et al. 2006). Thus, heavy NGO and think tank presence within the Amboseli reduced elite capture by increasing the scale of elite coalitional politics and positive influence. Additionally, most of the critical strategic resources used in nurturing the partnership engendered mobilization outside the elite confines (control). Besides, as already mentioned, associative and deliberative structures afforded by the MAB dispensation already existed during the MCPP's initiation. Formal cooperation mediated by relational embeddedness produced a new and expanded arena of cooperation prompting elites to be

pro-inclusive. With respect to empowerment, the implications are both structural and relational. First, since elites were visibly absent as MCPP initiation leadership, the initiation process allowed partners to socialize and negotiate more extensively. This allowed partners to nurture systemic and constitutive power with moderate elite influence. . Secondly, it allowed communities to leverage resources and good leadership with minimal elite capture. Third, elites' divisive and polarizing impact was contained, at least in the short term allowing partners to facilitate crucial social and political resources.

3.1.3: Propagating community capacity in a pre-MCPP socialization arena

In order to evaluate the connection between community capacity and the Amboseli Partnership's empowerment outcomes, three rubrics developed by UNEP (2002) stand relevant. These rubrics describe capacity as a process for continuous "building of abilities, relationships, and values". The founders of the Amboseli Management Partnership were, by design (through their proactive effort in building an inclusive initiation arena), and by default (structurally pegged onto Amboseli complex's biosphere reserve status), pressured into recognizing the surrounding communities and their institutions (see for example, Thompson 2002, KWS 2012). Underpinned in this structure was an arena which provided community momentum and amenable incentives for the key community-based organization, the Amboseli Association. The association acculturated to being a better negotiator with its partners in the decision making arena. Additionally, communities and group ranches surrounding the Amboseli's were in possession of various assets (Western 1994) which strengthened the Association's capacity during pre-initiation and during initiation of the partnership. This was an important backbone to helping this organization assert community rights up front. The

Amboseli Partnership's evolution indicates that CBO capacity is a requisite variable for enabling empowerment during the initiation and subsequent phases of a partnership.

These constitute legal, human, organizational, technical, and natural assets.

Evidence from this case also concurs with participatory development, resource mobilization theory and collaborative governance approaches on the need for community organizations to have organizational and legal capacity in co-management settings with ambiguous or unstable property rights regimes. The pre-MCPP socialization process also strengthens resource mobilization theory proponents' spotlighting of the significance of material and organizational resources for community organizations. The Amboseli Association's strong position during the inception of the MCPP was its possession of crucial resources needed not just to fast track the biosphere reserve plan; but it was also needed to complement the new resource pool for the partnership as well. This is because a large portion of community land was designated either as buffer or transition zone of the biosphere reserve. This compelled its partners to consult and negotiate with the Amboseli Association as the chief contact point. Additionally, the associations' leadership, though not always homogeneously united, constituted the core policy group that proposed and facilitated the preparation and implementation of the first management plan for the Amboseli complex in 1991.

The MAB dispensation equally suffices as a mediating factor via its system of gradation that classifies human activities within a specified bio-geographic area. These rules apply in the facilitation and implementation of the three functional goals of any biosphere reserve. By design, it, therefore, presumes and provides a role for local institutions such as community based organizations, to be proactively involved in co-

management. This provision for public involvement introduced communities to the participation arena of co-management. Thus, unlike its CBO counterparts in Laikipia and the Mara, the Amboseli Association's participation was buttressed before the initiation of the MCPP through regular consultation and CBO engagement. This provided it with extensive contacts, collaboration, and further capacity building opportunities during the phase of initiation and the early period of MCPP formalization. Unlike its CBO counterparts in the Laikipia Wildlife Forum and the Mara Conservancy, the Amboseli Association:

- Positioned itself strategically to lobby for the rights of its constituents because it had the requisite scope of social acceptance before the inception and at initiation of the MCPP
- Occupied a special and strategic niche in representing the real demands of Maasai community as the only grassroots and region-wide advocacy-based CBO
- Exposed its leadership to participatory decision making prior to the inception of real MCPP because of the opportunity availed by MAB designation in 1991
- Socialized earlier into an arena of collaborative planning and as such its leadership had the advantage of exploiting elements of relational embeddedness
- Strongly connected to informal networks that existed before the MCPP's initiation which exposed it to conflict resolution strategies at grassroots, local and regional scales.

On this account, the MCPP initiation arena served to enhance the capacity of the association in multiple ways. Empowering was enhanced as a capacity building process.

At initiation entail these features:

- The group ranches in Amboseli were the first to benefit from the Kenya Wildlife Service's newly initiated benefit-sharing schemes (Western 1994: 43)

- The Amboseli communities were assertive in fighting for their rights to revenue benefits in Olugul Olarashi because they possessed organizational capacity (Western 1994)¹⁵⁴
- ATGRA maintained a strong position in the pre-planning and planning phases of the partnership process. In fact, the CBO was powerful enough to negotiate its terms, at least on condition that its advocacy role was maintained as a strong element of the collaboration process with its partners (Croze et al., 2006).

Paradoxically, community advantage during initiation phase is not a sufficient condition for the sustenance of empowerment. As will be described in the succeeding section of the organization phase, relational advantages are only useful if agreements and rules are effective in responding to the interests of all the constituent partners in a co-management setting.

3.2: Organization (1997- 2007)

3.2.1: Oscillating power and the crafting of a discourse of disempowerment

In the organization phase, the MCPP partners established a consortium of institutions for formalizing conservation transactions. This was inbuilt in an ad hoc structure constituted by two municipalities of Olkejuado and Loitoktok county governments, a CBO representing all local group ranches (i.e., the Amboseli Association) and the private sector. Because the Amboseli is a national park, it is under the full custodianship of Kenya Wildlife Service, which also works with leading conservation NGOs such as the African Conservation Center (ACC) and the African Wildlife Foundation (AWF). Like its counterparts in Laikipia and Trans Mara, internal partnership mechanisms are highly dependent on the external environment. There are three major catalysts that led to formal organization of the consortium: 1) a failed

¹⁵⁴ The Olugul Olarashi is the group ranch that is closest to the core section of the Amboseli National Park and, as such, a section of its land is occasionally considered as part of the the core of the biosphere reserve. It is the closet group ranch to the exclusive core which is the key revenue-generating zone.

implementation of the 1991-1996 Amboseli Management Plan, 2) the need to solve rampant human/wildlife conflict in the Amboseli complex, and 3) KWS's new institutional infrastructure and organizational culture.

The Amboseli Partnership's formal organization has multiple roots. It was initiated in 1997 as an institutionalized mechanism to coordinate the inclusion of group ranches in the Amboseli complex biosphere reserve system. This is the putative foundation of the partnership. Its founders' efforts particularly targeted the ATGRA as a link institution for bringing communities as crucial partners on board. The effort was spearheaded by the African Conservation Center and funded by USAID's Conservation of Resources through Enterprises (CORE) program (Croze et al. 2006: 21). The partnership assumed a loose structure in this facilitative podium. Later on, the New York Zoological Society added immense capital funds to the forum. This partnership was and continued to be a comparatively weaker MCPP in terms of the institutional logic defining its structure and operations. This may be because it had multiple origins: institutional, structural, and associative. Institutionally, it was loosely embedded as an amalgamation of formal and informal entities. It was organized as an amorphous and less structured system. Concerning its associative elements, actors were embedded in numerous dense networks of coalition/consortia-like structures. Structurally, it was an appendage of the biosphere reserve program and similarly an attempt to operationalize the program.

A related aspect in this structural anatomy is that in terms of power dynamics, the Amboseli Partnership exhibits features dissimilar to Laikipia Wildlife Forum's near oligopolistic model and Mara Conservancy's near monopolistic co-management model. Institutions external to the partnership's core organizational units influence and at times

implement the key decisions. A list of these forces includes but is not limited to the KWS, ACC, AWF, the World Conservation Society (formerly, the New York Zoological Society), and the International Federation for Animal Welfare (IFAW). These institutions are promoting conservation efforts with a lot of scrutiny but with strategic motivations at the same time. In terms of empowerment, there are effects linked to the complex structure of internal and external power linkages. These include 1) a change in organizational culture and with an embrace of “coercive conservation”¹⁵⁵ and securitization of conservation, 2) institutional design impacts linked to the development of a nested consortium, and 3) power asymmetries which were reinforced through hegemonic coalitions via the legitimization of a discourse of co-existence.

Concerning organizational culture, the Amboseli Management Partnership is a structure embedded in strong advocacy and associative rubrics ideally organized around as a consortium. This means that various centers of power from different jurisdictional arenas avail resources for implementing management plans for the Amboseli complex but under one focal arena (usually at the MCPP secretariat). This has a limiting effect on the partnership’s empowerment capacity because it fuels a less cogent and less concretized culture as an anchor of partnership programs. Additionally, since biosphere reserve laws operate only as soft law mechanisms, partners cooperate and mobilize resources only in good faith, at times with limited commitment, and success.

The partnership’s organization reveals that an MCPP can act as a platform for strategic aggregation and universalization of particular conservation tools and cultures.

This occurs when dominant partners succeed in supplanting and supporting a core

¹⁵⁵ This term identifies with the works of Peluso (1993). An elaborate discussion about coercive conservation is in subsequent paragraphs of this section.

conservation ideology of a favored conservation coalition. This is the second story of the Amboseli complex and the Amboseli Management Partnership. In an effort to secure the vital wildlife corridors and habitats in community land represented by the Amboseli Association, state-linked and private-sector partners in coalition with conservationists were able to create a master narrative of co-existence which at this stage managed to supersede the conflict narrative. The complex context of disempowerment is a paradox of participation. The participation of the association in the partnership encouraged the creation, legitimation, and domination by the master frame of co-existence, though its intention was not to do so. This was during the early phases of organization in the late 1990s to early and mid-2000s. The association reduced its participation after its leadership noted the skewed nature of the conservation deals. Communities were not being compensated based on the losses that they were incurring from wildlife predation. Neither did they receive the genuine amount of gate revenues accrued at the Amboseli from tourism and other services. Other socio-ecological changes were in effect to reduce its activism as well.

Concerning institutional design, the Amboseli complex's biosphere reserve status created a useful springboard for initiation of collaboration but was less critical in enhancing organization. It created a sense of organizational dependency with regards to the MCPP's structural ties to its task system¹⁵⁶ and 2) a sense of entitlement on the part of community. The partnership's evolution confirms Ngeta's (2007, 2010) conclusions on how liberalizing co-management systems exacerbate problems for interventions designed to achieve socio-ecological justice. In fact, this status is the fountainhead of the

¹⁵⁶ In organization and collaborative governance studies, a task system is simply an organization's external environment that constitutes various aspects of its linkage to other systems. These may be legal, social, economical, or political organizations and/or institutions.

partnership's weak posture and weak record in community empowerment during initiation. In this case, the path-dependent context of MCPP-mediated outcomes is evident in the partnership's organizational evolution in which the initial context of partnership formation (embedded in efforts to operationalize the biosphere reserve plan) defined its organization and ultimately its weak consolidation. This explains why it has had stints of both high and low activism with a leadership constituted by proactive collaborators in one time (1997 to 2002), inactive in other times (2003 to 2006), and later again proactive (2006 to 2008). This is, but cautiously, interpreted as MCPP activism fluctuating depending on contingencies and opportunities. This had implications on the CBO partners at least in terms of engaging and capacitating community institutions for the uptake of development and conservation interventions.

In contrast to the Laikipia Wildlife Forum and the Mara Conservancy which are anchored on compact collaborative models, the Amboseli Partnership is anchored on a consortium model. Hence, it resembles a locally loose conglomerate with an intermittent nature. This structure has direct and indirect implications on the scale of empowerment interventions that the partnership can undertake. Because of this instability, its institutional design circumscribed CBO participation and input, therefore, directly limiting empowerment. This strategy of project selection and elimination was applied to weed out interventions which may have been important for empowerment, but none-the-less considered of less priority, scoping limited and circumscribed interventions that partners could undertake for a given project. Thus, this MCPP mirrors what governance scholars may label as an adhocracy (i.e., is close to a structureless system) It lacks finesse and has a weak managerial apparatus. The history of its organizational culture provides

evidence for why community empowerment is low scale. Its structure is designed to respond to urgent problems that arise when coalitions and communities introduce threat agendas. It will also be proactive when local communities confront partners of the failed pact, supposedly one of the issues the partnership is supposed to resolve.

Additionally, in contrast to the Laikipia Wildlife Forum and the Mara Conservancy that are pluralistic and bureaucratic structures, the Amboseli Partnership is a polycentric system. Polycentricism¹⁵⁷ is a governance system with many decision-making centers of power and levels of management (Ostrom V. et al., 1961, Ostrom E. 2005, 2009, Andersson and Ostrom E. 2008, Fabricius et al., 2008). The Amboseli Partnership is an instructive case depicting how institutional networks can facilitate and support the formation of polycentric systems. Actually, the biosphere reserve system had a definitive impact on the partnership's *modus operandi* as it influenced coordination among different MCPP members and non-members. While it may have created a system of concurrent power exercised via multiple institutional interfaces, it can at least be credited for 1) creating an arena amenable to socio-political and ideological diversity, 2) creating political opportunity, and 3) consolidating (and later fragmenting) partners' collective capacity in implementing conservation and overall community empowerment.

On a negative note, polycentricism has served to create multiple arenas of power and nurtured organizational sub-structures and sub-cultures; with some less congenial to sustainable collaboration. Much of this impact began during the mid-stage of the organization phase from around the year 2003. Polycentricism undermined coordination and system stability. Amboseli's socio-ecology has a strong system of independent but

¹⁵⁷ As a term widely used in governance analysis, it linked to the Bloomington School of Institutional Analysis under the leadership of prominent scholars such as Vincent Ostrom and Elinor Ostrom.

nested customary institutions (Ostrom and Mwangi 2009) which were superimposed onto formal management structures such as municipal bureaucratic systems, committees, and state agencies. Additionally, observations made by this study point to strong autonomous group ranch organizations which operate as self-governed units within the MCPP framework, whose activities are circumscribed by the well positioned and authoritative local governments of Olkejuado and Loitoktok, a powerful conservation cartel, and private sector magnates with strong influence on the MCPP's management politics. Additional implications for institutional design vis a vis empowerment here are two pronged. The key attribute is that the partnership's governance infrastructure aligned institutions, structures, and opportunities for management in ways that scaled up direct and indirect participation but equally inhibited real CBO participation and weakened the benefit sharing process implementation. This is because, apart from coordination issues, multiplicity of several powerful and very weak sub-entities could only facilitate minimum safeguards for community empowerment, as efforts were conjoined, but weakly, onto a single solid and steady collective entity.

A related implication is that since major activities operate through its titular system of co-management, and continue to do so due to KWS's full custodianship of the Amboseli National Park and all of Kenya's wildlife resources, the Amboseli Partnership's activities exhibited a tendency of dwelling on enforcement, monitoring, and conflict resolution (a typology from Ostrom 1990). Thus, an unfortunate outcome was the relegation of an anchor that could allow community appropriation of benefits from market for ecosystem services. For example, an oft-cited study by Croze et al. (2006: 16) reveals an interesting interplay:

“The situation in Ol Tukai¹⁵⁸ [was] totally unplanned for and frankly chaotic. The Olkejuado County Council, far from taking leadership role and imposing a unified vision for this very special ‘core within the core’ [...] evidently over the years [was] no more than a collector of rent. Stakeholders have tried to jointly manage certain aspects, for example, the electric fence that was installed under the auspices of KWS and ACC”

As this evidence points out, this is clearly an imbalance that disempowered communities considering for example that (IFAW 2012, www.ifaw.org) confirm that the Amboseli “comprises of only 10% of elephants’ range and ecosystem.” This implies that nearly an entire rangeland for elephants consists of community group ranches.

Concerning other manifestations of power asymmetry during the partnership’s organization phase, a turn in the conservation narrative occurred. Due to the heavy presence and influence of international conservationists with a stake in Amboseli, it became apparent that it was not going to be business as usual in the MCP’s approach to conservation.¹⁵⁹ The support of major conservation coalitions that had long stood for integrated conservation and development on which the partnership’s collaboration rubric was founded started waning. With time, the tense policy atmosphere only contributed to weak and equivocal coalitional support for community socio-ecological justice.

Partnership dynamics in this phase expose the inherent weaknesses of participatory approaches, resource mobilization theory, and collaborative governance approaches. An assumption that unites these approaches vis a vis interpretations of empowerment is their presumption that CBOs (can) access reasonable capacity and connective resources to infiltrate opportunity spaces afforded by collaboration, and even when this capacity is lacking, collaborators can take advantage of political opportunity.

¹⁵⁸ Ol Tukai is the core area or exclusive core zone of the Amboseli Biosphere Reserve

¹⁵⁹ Between 2003 and 2005, two other related forces served to attract conservationist presence: 1) national dynamics linked to the ensuing conflicts over the impending provisions in the Wildlife Bill and President Kibaki’s ploy with (de)gazettement of the Amboseli

However, what is the structure of this collaborative arena? Actor coalitions in the Amboseli demonstrate that it would be difficult or near impossible for CBOs to successfully infiltrate or even exploit this space successfully. CBOs lacked the power to match those of state-affiliated entities, the private sector, and conservation-based NGOs. In fact, communities were not the only claimants or competing managers of natural resources. Communities stood as disadvantaged partners. In these conditions, collaboration actually served to marginalize and alienate CBOs.

Furthermore, these three approaches also inadequately capture the interconnections between material resources that partners bring to bear on collaboration and structural attributes of a rentier economy. In effect, partnership connections can be assessed with regards to their role in changing or maintaining power asymmetries. This leads to three questions: What resources do partners bring and with what motives? What are the real purposes of bringing these resources? What does this mean for power distribution among partners? The Amboseli Partnership's evolution indicates that not all resource exchange processes create an enabling environment for empowerment of CBO partners. In fact, these activities can be inimical to the organic and organizational growth of not just the CBO but also the partnership. For example, resulting organizational instability and inertia that characterized the Amboseli Partnership late post-initiation is telling of this effect.

By all indications, lucrative sectors such as tourism, which are anchored on wildlife conservation in many under-developed economies such as Kenya, are predisposed to nurturing rentier wealth. This wealth entraps national and local economies into neo-patrimonial ties (Ritcher and Steiner 2007) and is often engraved onto a "rentier

psychology” (Ngeta 2010, 122). Municipalities of Olkejuado and Loitotok can evade accountability to local communities, as rentier thesis would suggest. This explains why one of the richest municipalities and revenue generators exists besides dilapidated and inaccessible infrastructure in many sections of the Amboseli complex. Corruption is a common element of the administrative culture of many institutions around the park, including community institutions (Honey 2008, 2009). Of course, these processes are linked to other organizational and operational aspects of the MCPP. A second anchor of rentier wealth is the partnership’s weak internal organization that created an institutional infrastructure which ended up competed with the MCPP’s organic institutions. This is an alliance between state functionaries and conservationists that advanced interests and goals separate from those of the partnership. This linkage generates more rents onto an already existing tourist-linked rentier system. Indeed, it diversified the rents (and resource) base for state functionaries and officials. Nevertheless, the real effects are on substantive empowerment. In terms of empowerment, the partnership’s evolution indicates that collaboration can act as an arena for localizing tyranny of globalizing conservation by imposing a contested conservation regime and enabling the state to dis-empower local communities.

This raises a third issue. The three approaches which informed this study (i.e., participatory development, RMT, and governance approach) can only offer simplistic heuristics for evaluating MCPP-mediated empowerment. They all under-theorize the elements of partner resource exchange in terms of supply, use and access of resources. They also rarely dwell on ideational resources. There is a major focus among the three approaches toward exchange and access of tangible resources as key factors in initiating

CBO empowerment. A phased model, as used in this study, focuses on arenas and decomposed power by fruitfully explicating the different scenarios of power sharing and power shifting. This model captures the inbuilt power dynamics, for example, between the state and conservation groups that created new spheres of influence for partners and how these features reinforced asymmetrical centers of power. By situating the partnership's evolution in phased junctures, it enabled the study to capture and clarify, through a power decomposition model, the tensions which have long prevailed in co-management research.

The power decomposition model delves into a related and interesting question. How did archenemies, (that is, the state and conservationists), manage to nurture a system of hegemony that legitimated a disempowering discourse? An oft-cited reference is particularly instructive on this subject: Peluso (1993) (see also Lipschutz et al., 1993a). In order to situate these dynamics, Peluso describes a “coercive conservation” thesis and argues:

“...state interests appropriate the ideology, legitimacy, and technology of conservation as a means of increasing or appropriating their control over valuable resources and recalcitrant populations. While international conservation groups may have no direct agenda for using violence to protect biological resources, their support of states which either lack the capacity to manage resources or intend to control ‘national’ resources at any price, contributes to the disenfranchisement of indigenous people with resource claims” (1993).

She further intimates in a second publication that:

“State concerns with the economic value may influence conservation groups to use economic terms to justify their protection and preservation strategies...management and control over local resources, the use of violence becomes an expedient means of exerting state control in the name of conservation or legitimate domain” (1993b52).

Peluso's observations, which were compiled in her study of the Amboseli in 1990s, help illustrate the continued disenfranchisement of local communities in the supposed benefit-sharing scheme initiated by KWS. Communities were promised a 25% share of the collected gate fees but have only been receiving 2% (Lion Guardians 2012). It also emerges that a coalition of conservationists and particularly biologists felt that communities lacked the requisites scientific and ecological knowledge to give them reasonable active role in conservation (Okello 2009).

These developments led to a situation that reversed the benefits to the state through a new ideational framing. By Peluso's account, state-linked functionaries were able to exploit and manipulate the discourse of conservation, successfully proposing its logic and legitimization. This occurred because the dominant coalitions succeeded in tactfully aligning the co-existence logic (i.e. communities needed to co-exist with wildlife irrespective of the costs), with the economic arguments that in essence embody natural resource conservation, though in this case, their intention was to enhance wildlife preservation it would be preservation through exclusion of the community. However, the real problem is with conservationists who pandered to the state's claiming of conservation guardianship. Conclusively, by Peluso's account, conservation coercion cannot occur without international support. To put the argument in context, communities faced immense threats and shocks from the droughts in 2000 and in the years 2005 to 2006. In particular, the latter was very disastrous as pastoralists in Kenya died and lost close to 60% of their livestock (Okello 2009). During these periods, it would have made sense for the Maasai to access and use some of water and grazing points within the core zone of the park or surrounding park boundaries. It did not make sense to the KWS

rangers. In fact, electric fences expanded to limit access to the park to the Maasai (Okello and D'Amour 2009). This was the beginning of a problem, and indeed a complex one.

The Maasai vehemently opposed the denial of access and entered the park without permission arguing that they too have hosted wildlife on their land and had incurred uncompensated costs over many years. KWS on the other hand responded by arresting local community members who committed infractions by “invading” the park. KWS also levied costly fines to these communities. The Maasai community later responded by resorting to retributive killing of wildlife arguing that, “KWS only cares for wildlife and not Maasais.”¹⁶⁰ This was the beginning of a second-generation securitization regime in protected areas conservation. KWS immensely increased its security operations within the park and around the group ranches; in some occasions harassing local Maasais in their own land in the name of preserving wildlife.

3.2.2: Elite role in (dis)organization: Bulwarks of tenure transformation?

The evolution of the Amboseli Partnership during this phase challenges the assumptions of the cohort of participatory development scholars who overlook the inner structural elements of stable communal property regimes by characterizing them as inclusive simply because of their homogenizing effects. Usufruct rights are not the most important indication of intra-community democratic character. An attribute of the Maasai rights regime is that it embodies an exclusive system through norms and rituals of social practice.¹⁶¹ Generally, Maasai customary law defines a good portion of land management

¹⁶⁰ This phrase finds common expression among many disappointed Maasais who argue that the KWS has relegated community rights in favor of wildlife rights.

¹⁶¹ Because of the normative standing that these institutions have, they are relatively “strong” and are firmly cemented in a tightly knit socially bound community. But they are also weak because they are anchored on structures that alienate a core group of the population from owning assets. For a more detailed analysis of Maasai social institutions, see Grandin (n.d.) and Galaty (1992, 1994).

and ownership rights within the group ranches despite the fact that these ranches have a basis in formal law through the Group Land Act of 1968. Customary law primarily stratifies the community along role, age and gender groupings.¹⁶² For example, young men, women, and the aged cannot own land. In other words, a person's position reflects his /her portion of assets such as land. This structure was progressively perceived as undemocratic. Additionally, socio-economic changes that put pressure on livelihoods, including an impending threat of excision by immigrants into Kajiado, led to intensified calls for sub-division (Galaty 1992, Ntiati 2002, Ngethe n.d., Mwangi 2007, Burnsilver 2007).

Elites from the community leadership cohort were receptive to the idea of privatization of group ranches for genuine economic reasons. Nevertheless, their role in exacerbating conflict within community is a different element. They rationalized group ranch dissolution as a way to enable them to expand opportunity onto other ventures.¹⁶³

¹⁶² Customary law can be described here as anchors of institutions that are communitarian but not egalitarian *per se*.

¹⁶³ The evolution of a privatization movement in Kenya's Maasailand is best evaluated by examining three aspects that describe group ranch parcelation dynamics and phases in which group ranches were dismantled from their original structures. Parcelation occurs in progressive stages as the group ranch members continue to handle outstanding issues such as ownership structures, loan repayment, clarification of membership and access rights post-subdivision. In other words, parcelation is, de facto, until an official adjudication process and the government has formally issued title deeds (Grandin 1984). Parcelation consists of three processes. Sub-division is the first phase. It is the parcelation of previously integrated communal land, (i.e. group ranches) into several pieces of land through fragmentation and transformation of the communal tenural rights regime. This encompassed the first phase of group ranch parcelation process which started around the mid 1970s (Ngethe n.d.) and early 1980 (Grandin Jacobs 1984a, Kimani and Pickard 1998). Several factors accentuated this shift; structural, economic, administrative, social, demographic, and political (see, for example, Galaty 1992). All the major institutions played a role in catalyzing the sub-division process:

- group ranch institutions themselves were ineffective, inefficient, and exclusive through their denial of registration and membership to youth, women and the elderly
- the local and central governments failed to help enforce governance rules, improve infrastructure and extension as services even in the face of failing structures
- international organizations such as USAID and the World Bank supported the dissolution citing group ranch failure to realizing conservation outcomes set in the 1960s.

Dissolution was the second phase. It occurred from the mid 1980s and was at its peak in the early to mid 1990s. It involved the complete parcelation of intact group ranches. Structural tensions and the uneven

Elites were not the only group receptive to the idea. The youth were persuaded by the fact that they had been excluded from owning land. Elites gave calls for dissolution tremendous impetus and exploited the activism of excluded groups such as the youth and warrior age sets. The elite's role in destabilizing the socio-economic fabric of the region is an issue worth noting. While they were reasonably justified in seeking alternative livelihood opportunities and playing a role in transforming an exclusive property rights system within the community, they are equally culpable in creating avenues of disempowerment and disorganizing the MCPP's role in the region. A key issue is that the new landed elite class and bureaucratic elites established a parallel economy of land sales that created a strong predatory system that served to exploit the community's natural asset base in Kajiado (Galaty 1992, 1994; Ntiati 2002).

Another related impact is that elites (landed, community leaders, and business coalitions) can be implicated in facilitating selective patrimony. These groups had argued that dissolution of group ranches would help marginalized community members, but their interests and role post-dissolution served to perpetuate more inter-group and inter-generational tensions and conflicts over resources. Elites contributed further to the creation of a new uneven system of resource appropriation that accentuated land degradation to threatening levels. In fact, elites (and outsiders) were the real beneficiaries of dissolution and not the ordinary Maasais. In effect, there emerged a satellite community of competing Maasai economic institutions. Privatization also generated an

benefits system led many group ranch members to favor and facilitate dissolution (Mwangi 2007, refer to Chapter 2).

Privatization is the third phase. It began in the early 1990s and cemented as a regime transformation process by late 1990s. Privatization involves community members abandoning the communal property systems and shifting to an individualized tenure system. Unlike sub-division and dissolution, privatization was distinctively a radical transformation of culture and institutions of the Maasai structures on which group ranch governance was first based. This increasingly led to individualization. (Grandin 1991).

enclave economy that increased the alienation of locals from real participation in the emerging conservation and economic sectors. All these events served to impede not just the capacity of the community organization (ATGRA) to execute its leadership with authority; it also influenced the partnership's institutional base as well. Privatization had the following effects on the Amboseli Management Partnership:

- Socio-economic transformation and privatization of land reinforced the partnership's putative structure and limited its capacity to coordinate the collective effort of its partners. The MCPP's organization weakened as it could not effectively galvanize support nor effectively access resources from its CBO partner
- Privatization led to the propagation of new class formations and income polarization between new landowners and group ranch members (Galvin 2009). This increased marginalization and the growth of an informal economy, including new power formations that destabilized the partnership. The MCPP's organizational foundation was overshadowed and overwhelmed by the new system of patrimony that began to permeate Kajiado's social system
- Previous pro-CBO consortia members jettisoned the idea of group ranch tenure as a viable option for sustainable conservation. This affected a host of rights regimes within the community. FAO (2000) provides a triadic taxonomy of land rights which include use rights, control rights, and transfer rights. Privatization destabilized all these regimes and compounded the challenges of tenural conflict among community members and between communities and the wildlife agencies. The Amboseli Partnership was drawn into these conflicts
- There occurred a shift in power within communities as young men from previously marginalized age-sets and a new middle class acquired land and ventured into agriculture and agro-pastoralism (Grandin n.d., Galaty 1992). Rights shifted drastically within the local informal structures of the Maasai system. A second shift in power saw a new wave of elites from other parts of Kenya who came to buy land and those who came and settled in Maasai territories after buying land in the area. Privatization equally facilitated a shift of power within the CBO-headed coalition. Due to the internal weaknesses of ATGRA, international NGOs and new groups assumed a new authoritative space. This explains ATGRA's ephemeral role from mid 2000s. During the pre-dissolution era, group ranches had kept ATGRA intact by providing resources, rules, and stability.

3.2.3: Abeyance in community momentum and the dialectic of group ranch dissolution

Group ranch dissolution and privatization were extremely destabilizing forces on Kajiado and many Maasai regions. Due to their abrupt and deep impact on the Kajiado's social and ecological dynamics, inchoate structures such as the Amboseli Association faced more challenges. When group ranch parcelation started in the 1980s, Kajiado became the focal locus of these changes as most group ranches in the area resorted to subdivision. Of particular importance was the fact that dissolution began to reverse some of the gains made in the formalization of the Amboseli Partnership. Dissolution had both inhibitive and supportive aspects on MCPPP dynamics in the empowerment project. Some commentators allude to the perceived benefits of privatization while others claim that it was a destabilizing rather than a stabilizing force. The key advantages of group ranch dissolution were that the program:

- Paved way for the participation of actors who would have been typically excluded by previous tenure and socio-political structures
- Led to observable increases in agricultural production among individual families and ranchers (e.g. Mwangi 2007, Okello 2009)
- Helped to transform closed non-egalitarian institutions that limited upward mobility. It also promoted new forms of agro-entrepreneurship (Galaty 1992, Ntiati 2001, Rutten 2004, 2008, Mwangi 2007)

Disadvantages of group ranch dissolution are:

- Recomposition of Maasai social institutions through fragmentation and segmentation of the Maasai community's social fabric . This was via changes in systems of authority, resource allocation, and management (Galvin 2009)
- Speculation over land deals (Galaty 1994, Fitzgerald 2013) as a new bloc of agro and eco-entrepreneurs invaded Kajiado, seemingly destabilizing the local land market

- Diversification of actors in livestock production as outsiders and insiders sought to exploit the sub-division process. This encouraged and molded new competitive entrants onto the market
- Alienation of community members. Maasais felt increasingly alienated by the ranch committee members (Anderson, 162). By increasing intra-community structural heterogeneity, dissolution created mobilization problems as it led to low uptake of interventions by fragmented units across the landscape

3.3: Re-organization? (2007 to date)

3.3.1: Power (a)new: A collective reconstituting of an adhocracy

Previous work has shown that collaborating partners learn from past weaknesses when re-designing their organization (Bryson et al. 2006). Organizational learning is, however, dependent on internal and task environments of the co-management institution and how entities manage both systems. The Amboseli Partnership's re-organization, starting in 2007, was a renewed attempt by its partners to revitalize and expand the existing vertical and horizontal linkages. It was a deliberate move to anchor co-management in a framework encompassing coalitions which could negotiate new terms of participation. Given the volatile nature of conservation politics during this period, the MCPP leadership targeted activities that aimed at triggering and promoting buy-in among community stakeholders. Additionally, to re-enlist this support, the overarching pillar for reconstituting the MCPP involved enhancing institutional innovation. This would have great implications on empowerment.

As things currently stand, there is an onerous task for ABRMP's leadership with respect to its role in developing an institutional order free of fragmentation across formal and informal networks and multiple power centers. What seemingly occurred during the reorganization phase was the outgrowth of an adhocracy. This is because leaders

continued to pursue independent intra-partner rather than collective ideals. Nonetheless, this occurred with less vigilance than in previous phases. Additionally, while there was great potential from economies of organizational scale and scope, many coordination problems abounded. There was not a single formal coordinating unit that underpins this newfound zeal and collective capital. It is still difficult to tell if the Amboseli Ecosystem Trust, the African Wildlife Foundation (which was a big funder of the new management planning process) or the African Conservation Center's secretariat is coordinating the MCPP's reorganization at the municipality-KWS secretariat. The partnership's reconstitution is a process as complex as its organization. Similarly, roles are not neatly defined vis a vis the implementation process of the management plan. A strong element of relying on multiple functional entities across many issue areas leaves the MCPP loaded with a variety of committees, taskforces, workgroups, forums, and departments. Like the Mara Conservancy, its organizational culture is also highly technocratic due to the strong influence of research NGOs and conservation cartels with stakes at the Amboseli.

The implications for community empowerment are both procedural and substantive. As a structureless entity, the Amboseli Partnership has yet to enhance a podium for improving organizational effectiveness vis a vis its goals of enhancing community benefits from collaborative conservation. For instance, community participation and its true share in the benefit sharing process are weakly articulated in the latest management plan of 2008 to 2018. Additionally the plan's characterization of benefit sharing policy failures places blame on community structures rather than systemic elements of co-management. The plan's prioritization of community interests is low.

Only one of the five management programs targeted as an intervention mechanisms relate directly to community ownership and control.¹⁶⁴ Strategic interventions targeted improvements in collaboration but minimally contribute to community ownership of the co-management process.

Without discounting the key organizational accomplishments in this phase, a notable success was that partners regrouped and developed the action plan in the very first place. Nevertheless, there is an issue of institutional design. It can bring both positive and negative effects to empowerment. The action plan re-introduced a dominant role for KWS. The Olkejuado Council-KWS linked consortia are happy to be the key backstopping agents in these renewal efforts. The partnership's structureless system also serves to reinforce a role for these consortia in stabilizing the inherent chaos among partners. For example, KWS has been an authoritative force, though occasionally illegitimate in the eyes of the local Maasais, in co-opting community leadership and institutions across the Amboseli complex. For example, a major effort to revamp the Amboseli Association was under the aegis of KWS. This was crucial as association's capacity and influence within the community had faded by the time the partners were designing this new plan.

Additionally, the partnership needed social and political capital for this initiative, yet the transaction costs for mobilizing communities were much higher due to the immense social and ecological changes that had taken place in the landscape. KWS and other partners came in handy. On the other hand, the inherent disempowering feature

¹⁶⁴ These programs are the 1) ecological management program, 2) tourism development and management program, 3) community partnership and education program, 4) security program and 5) ecosystem operations program. For a detailed description of these programs, see the *Amboseli Ecosystem Management Plan* 2008-2018.

again, is that the partnership's major resource mobilization strategies are dominated by KWS while resource production is dominated by NGOs and the private sector, at least with regards to financial and technical resources. This means that the likelihood of the conservation narrative fully embracing a design that can boost benefit streams for communities is low. Arguably, it also reinforces a preservationist culture though it poses under the pretext of a conservationist narrative. This is a major bottleneck against discarding coercive conservation in ecosystem management.

3.3.2: Emerging elite consensus as political will for re-inventing partnership

In the re-organization phase, elite support for collaborative management shifted. This was exhibited by elites' accommodative posture (and this was common across many elites, though not all coalitions). One interpretation may be that, as a group, they saw the revamping of the partnership as an opportune time to be key players in reviving collaboration and to act as facilitators and planners of a second founding. While this is not characteristic of all elite coalitions, a majority with the exception of some landed elites from the community offered and continue to offer reasonable support for co-management. A second interpretation is that elites re-strategized their approach to handling conflict, competition, and collaboration. They became more cautious of collaboration processes and sought, rather, to be team players. Owing to the unpredictable nature of conservation politics in Kajiado, they had to re-think their role in the power equation both rationally and normatively.

Finally, there was a growth of a new sense of belonging within elite groupings that is separate from the previous elite structure at initiation and formal inception which was more heterogeneous. The new groupings engendered classifications that coalesce

more around identity than around issues. This is because the land question in the Amboseli complex became more politicized, confrontational and very complex leading many Maasai elites to mobilize their constituents around socio-ethnic categories. This is a means to negotiating and protecting their landscape and to protecting it from excision by the government and new immigrants. At the same time, elites are envisioning a new role for collaboration based not entirely on conservationist logic but also an economic one. This approach that has a good following across the community. Maasais see the potential in agro- and eco-entrepreneurship as venues for capital accumulation and livelihood transformation. This explains why there has been a recent surge in community forums, debates, and *barazas* and elites have assumed a new role in mobilizing communities and galvanizing their support to revamp ATGRA and a new partnership.

Additionally, a relatively new attribute is that major non-Maasai elite coalitions are strategically acting as ancillary ambassadors and champions united to negotiate for stronger community representation. Collaboration finds expression in their discussions in order to tamper the strong identity-based cleavages. It is costly to appear anti-community or appear inactive in this environment. There are penalties such as social labeling with connotations (such as land grabbers, foreigners, greedy, and/or exploiters) and ostracization. This has led to an institutional order that I would call covert alignment across elite coalitions. This process was a strategic means to offer support for collaboration and co-management. The danger of this type of support is that it is only effective in offering symbolic support for exploiting and maneuvering the complex politics of wildlife resource conservation and for appropriation. This has created an artificial base of support with no profound impact, but none the less important for

mobilizing resources for revamping the Amboseli Partnership. The surge in numbers of deliberative forums during this phase of the MCPP's evolution is telling of these developments (see for example, Reid et al., 2007).

3.3.3: A rejuvenated community capacity in a new representational order

The complex interplay between social and ecological pressures in Kajiado had a severely impacted partner interactions, especially so within the CBO-led coalition. These pressures nurtured more competitive and few complementary inter-relationships. At the beginning of the partnership's re-organization phase, partners were therefore keen on fostering more CBO participation (see, for example, KWS 2012). The Amboseli Association had been inactive and near defunct from 2003 to around 2006. Similarly, there was also a very low level of trust for state affiliated institutions from communities (Lion Guardians 2012). As stated in the previous section, the key booster for implementation pre-reorganization was network building. The new approach was institutional innovation. However, it failed as an element for reforming organizational structures and in reconstituting the partnership's organizational culture. The key strategy underpins 1) building new relationships with the community, 2) re-building previous ones, and 3) disbanding conflicting apparatuses.

On a different note, however, the community needed to address its own internal organization issues. It was weakened but was still an authoritative force in the landscape. Again, this attribute of resilience is its exposure (i.e., the Amboseli Association) to both collaborative and conflict-prone contexts of co-management planning and implementation of MAB regime-linked activities. This explains the partners' attitude toward the CBO in the pre-design and design stages for the management plan. Partners

recognized that the Amboseli Association was a potent force in the power equation and was represented despite its seemingly weak capacity. This recognition and direct involvement in planning is a strong element of empowerment indicative of both procedural and substantive dimensions.

Nevertheless, the current scenario of collaboration within the Amboseli Partnership is obviously limiting the full capacity of association as a partner in a different direction. The planning process was practical, but implementation has been a different story all along. For example, the management plan, envisioned as the key capacitating vehicle, is neither a practical nor a genuine tool because most of the goals are not aligned with giving communities an upper hand in designing their own conservation programs within their land. Various reports and commentaries distinctively refer to the Community Scouts Program and particularly the Lion Guardians Project as a noble and practical opportunity for community capacity building and empowerment. However, its impact has served the interests of wildlife and conservationists as well. In fact, the program employs a very small proportion of community *morans* (or warriors) as guardians. This does not lead to meaningful change in the community; neither does it significantly improve the aggregate household asset base.

A second program that has received much attention is the Carnivore Compensation Scheme. This project is replete with controversies and inefficiencies that have seen communities receive payments that do not reflect anything close to what they lose through predation, diseases, and destruction of crops. These are all costs incurred from hosting wildlife. There is however some promising effort being undertaken in building the capacity of community to uptake PES project skills for better conservation

and management in some sectors. For example, some projects bundle up conservation projects by integrating carbon stocks and watershed services as a way to diversify and increase the revenue stream for communities in the Amboseli. With direct financial benefits, community stewardship is increasing and the viability of the Amboseli landscape is showing some promising outcomes.

4: Collaboration as constrictive co-management: Porini Eco-Lodge as a case study

This section examines the key features of an eco-tourism project which is a case study of MCPPP-mediated empowerment with an exegesis of the mechanisms and models of implementation. By juxtaposing the project outcomes onto the procedural-substantive empowerment continuum, these outcomes are discerned as modest power sharing and very weak power shifting interventions.

4.1: History of the PES project

Porini is a Swahili language term that means “in the wild”. The project founders use the word as an acronym for Protection of Resources (Indigenous & Natural) for Income, thus Porini. The pre-project negotiation and planning began in the mid-1980s (Zeppel 2006) though a more formalized deal began in 1995 (Rutten 2004) under the auspices of KWS. The aim was to encourage the Eselenkei community to set up a wildlife sanctuary in partnership with a private investor. The lodge was set up in April 1997 (Zeppel 2006: 127) in a portion of land leased from the Eselenkei (also Selenkay)¹⁶⁵ Group Ranch owned by the Kisonko Maasai. It is located inside the Eselenkei Conservation Area (ECA) which constitutes a total land area of 15,000 acres in the

¹⁶⁵ This group ranch was established in 1979 and has about 11,200 members owning 47,974 ha of land. A Group Ranch Committee of 10 representing the three clans of the members (Coupe et al. 2002: 7-8) administers it.

northern section wildlife dispersal area of the Amboseli complex in the Loitokitok Division. It is about 100 miles from Nairobi.

4.2: Operability of the PES project

The eco-lodge is located on a land area that is under a leasehold concession between Porini Ecotourism, which is a non-profit company as the concessionaire, and the Eselenkei community as the lessor. Under this recreation concession, the partnership's formal agreement initiated the Porini Ecotourism Project. The agreement was signed in 1996, formalized in May 1997 with a contracted period of 15 (Zeppel 2007: 127). These provisions condition this voluntary contract:

- The title to the conservation lot would remain with the Eselenkei community
- Porini would operate, manage, and improve recreation infrastructure within the given conservation lot
- Porini was granted exclusive use rights of Eselenkei Conservation Area (ECA).¹⁶⁶ This designated about 10% of community land as a sanctuary
- The operator would gain a business opportunity to provide recreation services and support its tourist enterprise
- The community was to provide land to be designated as a conservation area and to support the operator in providing tourist recreation services
- The community could graze inside the ECA but according specific provisions pegged on grazing range capacity
- The community would gain resources including finance, infrastructure, and usufruct rights such as access to grazing and water areas for their cattle during the dry season.

¹⁶⁶ This was after Porini demanded that a formal registration of Eselenkei Conservation Area must precede the signing of the agreement (Zeppel 2006, 127).

Simultaneously, as a PES-like project engendering a rewards-based process and payments linked community efforts to specific conservation activities and outcomes. These are commonly referred to as “effort-based payments” (see OECD 2010: 3, 2013: 62). Additionally, the formality of the concession agreement is anchored in the Land Act (1968) Cap 287, which mandates sustainable land administration by community group ranch committees. Thus, the role of relevant CBOs in this project has similar operative structures and functions to those of the Laikipia Wildlife Forum.¹⁶⁷ The key expectation is Eselenkei community’s enforcement of sustainable grazing practices within the conservation area. The CBO structures ensure that regulations limit excision and encroachment by checking, reporting, and securing conservation borders. Because some lease clauses are in contestation, it has created a miscreant culture among the community based on claims of skewed land use rights favoring Porini and denying the Eselenkei community clear and fair usufruct rights to the conservation area.

Porini project’s concession contract was designed to favor of the investor right from its initiation, making it less capable of ensuring community empowerment. This happenstance was not entirely an outcome of the contract design alone. It was also an outgrowth of structural weaknesses within the Eselenkei community and a limiting legal framework for group ranch administration. The primary source of contention was that Porini’s exclusive rights limited the community from pursuing its livelihood base in three ways: 1) jurisdictional-administrative, 2) financial, and 3) scope of usufruct rights. The project’s evolution also reasserts participatory development proponents’ observation that tenure and contract regimes hold the key to empowerment. Not surprisingly, the project’s

¹⁶⁷ Like many other group ranches, this group ranch is governed by a legal trust, which is a company limited by guarantee as the holding representative institution.

initiation was not problematic. However, once implementation began, the real issues emerged.¹⁶⁸ Various commentators and observers provide vivid illustrations of the sources and elements of the conflict.

Jurisdictional factors posed additional problems for this project. The prime factor leading to the clash between Porini and the Eselenkei community was the granting of exclusive rights of 7000 acres to Porini without community consent. According to Rutten (2004) "...the committee either was unaware, or failed to notify members...most members understood that the 40 acres were the full extent of the lease" (11). The group ranch committee (GRC) did not consult group members when signing the final contract. Thus, the benefit-sharing agreement confined its rewards to a plan that disfavored the community. Porini seemed to have an upper hand in accessing large benefits. However, the prime cause of this discrepancy was the group ranch committee's ineptitude and corruption. The agreement had been finalized earlier following a series of group ranch meetings and a final decision had been made that the contract would be signed minus exclusive rights. This committee was not transparent when negotiating the final concession agreement. By the time project implementation began, the community was in disbelief by their entrapment in a *fait accompli*.

This design problem (of an adjusted contract) set off a domino effect that saw an emergence of ambiguous rules for access, use and management of the conservation area and surrounding community land. In this regard, the legal framework equally inhibited corrective measures that could help tackle the committee's ineptitude. Under law, the

¹⁶⁸ Rutten's Partnerships in Community-based ecotourism projects: Experiences from Maasai region, Kenya(2004) and her oft cited *Park Beyond Parks* are some of the most important references describing the ensuing confrontations and tensions in project implementation. See also Mburu 2004, Okello 2002, Coupe et al (2002).

group ranch committee has protection because it is a key representative, administrative, and project approval entity. Nevertheless, law can only be an enabler of empowerment with community readiness and ability to effectively uptake legal support. It is incumbent upon communities to create effective and accountable self-government mechanisms that build their capacity to negotiate agreements with the external entrepreneurs. This is rarely the case. While the Group Ranch Act sets strict provisions for community consultation and implementation, the enforcement relies heavily on commitment and professionalism within the group ranch committees. It bears repeating that these committees have a poor record of leadership and a high proclivity to corruption (Ngethe n.d., Ntiati 2002, Mwangi and Rutten 1995). In fact, they frequently find ways to override legal provisions.

The tensions between the Eselenkei and Porini erupted and surged because “the agreement did not mention what access group ranch members [had] to the conservation area...” (Coupe et al. 2002, 12). Moreover, an imbalance in the contract denied the group ranch members access and usufruct rights to the rangeland. Coupe and associates documents that in the event of an injury by wildlife inhabiting or foraging within the conservation area, group ranch members could not seek insurance from the operator but from their group ranch office. This was a skewed compensation structure considering that the contract initially allowed grazing within the conservation area. Additionally, when the community’s stocking densities increased, it was not granted additional grazing land but access was based on the initial contract capacity clause.

In 1999, due to internal strife over the contract, the group ranch members decided to establish a Conservation Committee to complement the work of the group ranch committee in administering the annual fees received from Porini. Members agreed that

each committee should manage the revenues on a 50:50 arrangement (Coupe et al. 2002, Rutten 2004). This did not work, as the conservation committee could only exist as a passive surrogate of the existing committee. For one reason, as Coupe and associates argue, Porini insisted on “continuing to liaise only with the ranch committee, with whom they made the original agreement.” (12). It suffices to mention that the conservation committee’s positive standing and following within the community was legally irrelevant, because its existence is not backed by any legal provisions in the Group Ranch Act. For a second reason, the conservation committee’s weak presence was linked to the fact that its management was run by apparatchiks and disgruntled exiles who were former group ranch committee members. Rumors abounded that its leadership was corrupt as well (Rutten 2002). Additionally, the embattled group ranch committee was not fully isolated as some group ranch members favored the Porini project and saw its potential in helping improve their livelihoods. The Conservation Committee finally disbanded.

The underlying administrative issues portray weak capacity that serves to limit community institutional proprietorship vis a vis its interaction with the private sector who are usually well resourced and internally cohesive. With such weak influence, it is unrealistic to imagine that CBOs would successfully negotiate contracts that empower them or their communities. It is also telling that the bulk of the recommendations advanced by proponents of participation and resource mobilization theory should focus on internal capacity issues of communities and more specifically, substantive elements such as effectiveness and accountability. Their immense focus on empowerment as an element of endogenous mechanisms and interventions militates against a healthy and practical inquiry into the why and how of empowerment.

Porini is interesting in that it is a formally recognized community institution that through its leadership negotiated a disempowering contract. The result is a conservation project that excludes communities from an equitable benefit sharing process. Similarly, protests in the conservation area used by Eselenkei clans have been futile. However, confrontational protest politics have waned as a tactic for mobilizing resources and support, and this may have built some level of measured understanding between the investor and the community. The community relies heavily on local Members of Parliaments (MPs) and chiefs rather than national or bureaucratic elite to quell conflict, facilitate reconciliation and increase amicable relations around the conservation area. This does not mean that renewing investor-community relations has been a smooth sailing. Infact, the Porini project encountered spells of aggressive tactics by the community, including (among others) burning of facility structures, stamping out project sign posts, illegal grazing and settlement, threats, pressure for venture staff dismissal and media campaigns (Coupe et al. 2002, Rutten 2004). To date, the community continues to contest for their rights.

4.3: Efficiency of PES under the MCPP model

4.3.1: Property rights framework

The importance of strong property rights resurfaces again. Mainstream co-management studies focus on property rights as an end in itself, yet it is also a means to an end. Property rights incentivize conservation processes in arenas of co-management. In fact, it has been noted that in Kenya, “co-management is favored by owning titled to land” (Mburu 2004: 6). Porini’s ecotourism project is not a case of excision. Porini’s inequitable profit-making strategy and tensions with the community were enabled by

weak guardian community institutions. The battle stems from community claims that the group ranch committee awarded a lease contract to Porini in a scheme that aimed to deny the community its proper share of the deal. When the agreement finalized, group ranch members were not aware that Porini won exclusive rights to the conservation area (Rutten 2004). The pressure and strong negotiating position of Tropical Places (Porini's parent company) lured the ranch committee into signing the contract with an exclusive rights clause.

A fair assessment of Porini's goals must also refer to its mission. Though it may seem symbolic, Porini argues that it supports a strong property rights regime that protects the land of the communities with which it collaborates. Its investment model "favors lease arrangements rather than full land buyouts which, it argues, displaces local communities, destabilizes their livelihood systems, and dis-incentivizes wildlife conservation" (Porini Website). In terms of empowerment, the community has little or no influence in managing the conservation area.

4.3.2: Payments and rewards framework

As previously discussed, unclear property rights are considered to be significant barriers to the successful implementation of PES projects (Padilla 2005, Greiber et al. 2009). The Porini ecotourism project serves to validate this argument. The nature of the contest politics of tenure in this case is not about ownership but access and management of resources and revenues derived from protection of ecosystems and provision of ecosystem services, particularly, the recreation services inside the Eselenkei Conservation Area. This case is more paradoxical as it illustrates how intra-community forces work to deny members the rights to benefits sharing from a collaborative project.

Secondly, weak MCPP-mediated efforts do not help either. The community's role is neither bleak nor as promising as that of its counterpart in the Il Ngwesi project. In order to evaluate the real empowerment outcomes for the Porini Project as a case of Payment for Wildlife Service (PWS) program, we can evaluate four features of its efficiency in four aspects that provide a way to capture procedural and substantive impacts. (See figure 5.3).

5: Conclusions

The Amboseli Partnership's evolution indicates that collaboration can simultaneously enable empowerment and accentuate (dis)empowerment of communities. At inception, empowerment occurred through extensive consultation and decision making by the CBO partner. At organization phase, arenas of collaboration allowed the CBO to partake of the opportunities afforded but also legitimated its exclusion in subtle ways through an overbearing conservationist narrative to deny the community its rights. Conservationists and the private sector were key actors that nurtured the structures that impeded empowerment. Both sectors jettisoned their role as advocates of community rights. At re-organization, overemphasis on networking rather than institutional innovation served to limit empowerment opportunities due to the lack of coordination and the reinforcement of a fortress system of the KWS apparatuses. There were multifarious sources of low levels of empowerment. Maasai social systems are themselves primarily stratified and thus undemocratic and exclusive making them disempowering structures as well.

All the hypothesized relationships were confirmed in this case study. In addition, three other factors observed in the Laikipia case, namely MCPP convener-facilitator

characteristics, property rights regimes and organizational evolution, mediate the empowerment process in Amboseli. Certainly, distributing decision-making power turns out to be the most important explanation for increased (or weak) community empowerment. In this case, decentralizing power was not enough to allow real empowerment. This is because strong internal contradictions and external influences weighed heavily on partnership activities that in turn sapped effort from crucial empowerment interventions. In particular, during the organization phase, the partnership's agenda positioned the private sector's agenda, with conservationists and the two municipalities of Olkejuado and Loitoktok as the key agents for planning and implementing the conservation agenda and projects.

The findings on the Amboseli Partnership's evolution affirm that elite support is a strong determinant of empowerment in all the three phases of partnership evolution. This variable equally manifests itself as a strong influence at the project level. Elite support impacts community empowerment in multiple dimensions. First, during the initiation of the partnership, the elites supported the process though this depended entirely on coalition structures encompassing advocacy, bureaucracy, community, conservationist, epistemic, and political coalitions. Additionally, the Amboseli Partnership's experience reveals the fact that CBO capacity is a critical variable during the initiation phase of partnership and at formal inception. In fact, this evolution serves to explain ATGRA's resilience in the face of abrupt changes in the socio-ecological system around Kajiado. Evidence from this case also concurs with the three approaches that informed this research. There is need for community organizations to have more capacity in co-management settings with weak property rights, but as was discussed, even strong

property rights regimes can break down due to external perturbations and unaccountable community institutions. Thus capacity is paramount here as well. Furthermore, the partnership's pre-MCPP socialization process afforded by the MAB dispensation complements the Resource Mobilization Theory proponents' spotlighting of the significance of material and organizational resources for community-based organizations.

CHAPTER 5

THE MARA CONSERVANCY

1: Introduction

The Maasai Mara National Reserve (hereafter, Maasai Mara Reserve) is Kenya's most important protected area complex and the country's key source of tourism-based revenue. Prior to the inception of the Mara Conservancy, the reserve's inept, corrupt, and inefficient management system threatened the survival of the reserve's ecosystem, the municipal and national revenue base, and local livelihoods. These concerns tie to the worrisome trend in which the unabated decline of iconic mega fauna within the reserve and dispersal areas threatens to decimate this important element of biodiversity (Cheung 2012). These concerns equally prompted an unanticipated response from a section of leaders of Trans Mara government. They initiated the Mara Conservancy as a partnership for introducing effective management.

In an interview with the BBC, the Conservancy's Chief Executive, Brian Heath, described the pre-MCPP era's sorry status in provocative but realistic statements. He stated, "...the Mara is seen as a cash cow. All the revenue... goes out and nothing gets ploughed back... money remitted was being taken by corrupt officials within the county council..."¹⁶⁹ Under such circumstances, it was paramount that radical reforms addressed these issues. Moreover, it came as a surprise when the management rights of the Mara Triangle transferred to the Mara Conservancy. The municipal government's steadfastness in devolving rights to this entity nurtured a backlash that would come to have major

¹⁶⁹ This interview is titled "Kenya's Maasai Mara Game Reserve under threat" was conducted by Andrew Harding of the British Broadcasting Corporation's (BBC) on 4/9/01. This interview took place during the initiation phase of the Conservancy. The complete interview can be found BBC online at <http://news.bbc.co.uk/2/hi/events/newsnight/1531204.stm>

implications for the MCPP's role in Kenya's most significant protected area complex.

This chapter investigates the nature of the tensions that propelled structural challenges for CBO empowerment for a partnership whose reform-oriented agenda anticipated more empowered communities yet created a much weaker community constituency.

2: Devolution and contested reform at the Mara Triangle

The key mission of Mara Conservancy is “working with local leaders, communities, and tourism partners in order to better protect the Mara Triangle and its surrounding ecosystem through the use of effective and efficient management methods that enhance the economical value of conservation to better protect the Mara complex and its surrounding ecosystem” (Mara Conservancy n.d.).¹⁷⁰ Unlike the Laikipia Wildlife Forum and the Amboseli Partnership, this partnership's model has very specific objectives and has a less complex organizational structure. According to Jones (2008), its conservation goals are to “reintroduce the roan antelope and wild dog, to ensure a healthy population threshold of species such as rhino and lion, and to study means of facilitating regeneration of the dwindling numbers of balanites trees and forest and woodland cover....” The dynamics in the co-management program of the Mara complex suggests that the distribution of decision-making power is the most important explanation for community and CBO empowerment, and its lack thereof.

Regardless of the perspective on empowerment that appeals to an observer, the undeniable fact is that the initiation of the Mara Conservancy is a case of devolution, at

¹⁷⁰ The term Mara complex consistently applies in this chapter. This area constitutes the Mara Triangle and the eastern reserve section, which is the Mara Reserve and the adjacent dispersal areas. The Triangle and the Eastern Mara Reserve are the core areas of the Maasai Mara National Reserve. They were until recently administered by Trans Mara and Narok local governments respectively. The Trans Mara government transferred the Mara Triangle's management authority to the Mara Conservancy. This is the section under investigation. Under the current law and after the 2013 elections, the Narok County technically manages both sections though the Mara Conservancy is yet to hand over management to the Narok County government.

least in theory, though not entirely in practice. Devolution immediately nurtured transformative power when management of the Mara Triangle transferred from the municipal government of Trans Mara to the Mara Conservancy. However, the ensuing politics and power struggles among partners presented a paradox that proponents of participatory development have always feared. While there was a successful transfer of power, the issue to investigate is to whom and what institution the power transferred. The tensions exhibited in Mara Conservancy's evolution and the protracted struggles serve to validate participatory development proponents' apprehension about what real power shifting and power sharing means for devolutionists.

In this MCPP, the design sketchily embedded the community's role. Reform through devolution can facilitate democratic management of protected areas.¹⁷¹ Yet, Ribot (2011) cautions that it matters into whose hands these discretionary powers transfer. Additionally, Ribot argues that effectiveness is not the only indicator of reform. Notwithstanding, there is need for awareness that designers of MCPPs face a difficult balancing act as they have to address tradeoffs between effectiveness and representativeness. That was the dilemma for the founding leadership of the Conservancy. Additionally, its leadership had to amass resources to address a legacy of abysmal management and elite interference. Extreme inefficiency is a plague in the management structure of the Maasai Mara Reserve. The pre-MCPP system lacked mechanisms that could incentivize conservation or enable sustained community

¹⁷¹ I categorically use the term devolution in this case study unlike in the other two cases because the Mara Conservancy is a clear case in which management powers were fully transferred from a governmental to a non-governmental entity. The Mara Conservancy retains the powers and authority over the Mara Triangle.

empowerment in the Mara complex.¹⁷² The ecosystem in the Mara Complex was under threat and the reserve's status as a large pool for biodiversity products and recreation services was immensely degraded. This mismanagement had progressively reduced the quality of the park's tourism. It was ineffective at addressing increasingly deteriorating security and was inefficient at managing challenges linked to the reserve's poor infrastructure. This was the basis for the introduction of PES projects of the Mara Conservancy.

In its June 2013 report, the Mara Conservancy stated “the policy in Kenya where wildlife belongs to the state and people are expected to co-exist with animals at their expense does not work. Our challenge is to find ways to provide incentives for people to protect animals on private land. It is a huge challenge and we need to think outside the box. If we do not, there will be no wildlife left outside protected areas in a few years...” The Mara Conservancy has promoted payments for wildlife services (PWS) schemes though its key focus is on managerial reforms and infrastructure development. Its reconstruction programs are helping ecosystem services providers such as &Beyond and ecosystem goods preservers (including reserve-adjacent communities) and other buyers to optimize on safer, efficient and more reliable infrastructural systems within the Mara Triangle. Due to these efforts, the movement of people and wildlife are now secure, poachers and predators are contained, recreation services quality has improved and surpassed veteran ventures, and operational costs are modest for private ventures. This occurred largely because the protection of the ecosystem and the supply of needed ecosystem goods and services are well coordinated. However, as will be seen, this

¹⁷² The Mara complex, hereafter, refers to the geographic and jurisdictional boundaries encompassing the Maasai Mara National Reserve and adjoining private and group lands near the reserve in the wildlife dispersal areas that are largely Maasai communal lands. This landmass is the Greater Mara Ecosystem.

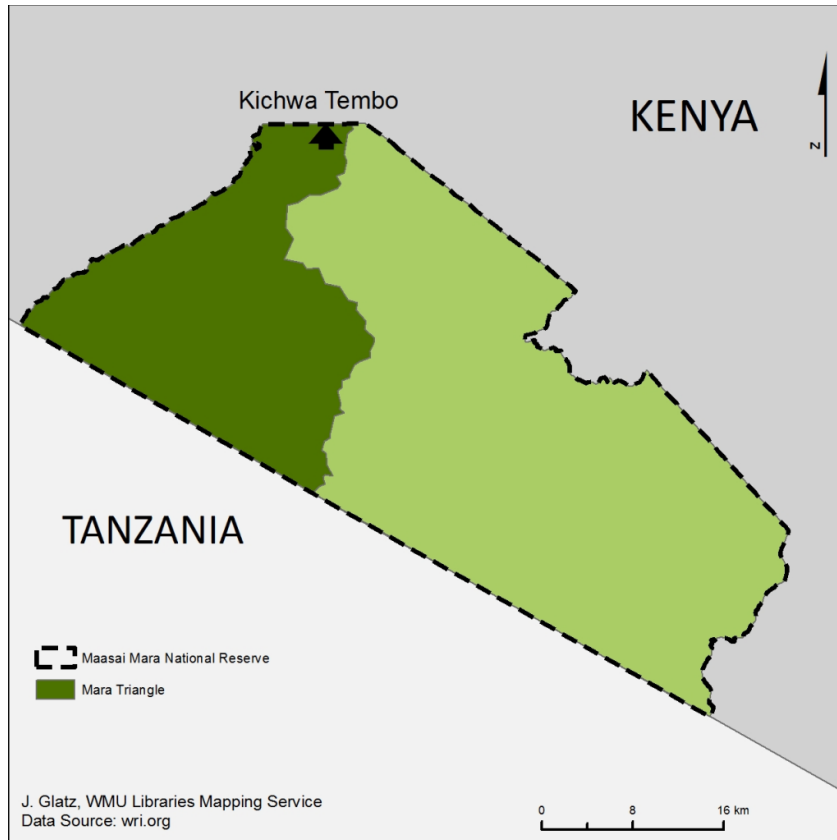
orientation has sidelined real community engagement in PES implementation process within the Mara Triangle.

3: Location as context for the MCPP

The Mara Conservancy is a partnership with the mandate of managing the Mara Triangle. The Mara Triangle is the Western section of the Maasai Mara Reserve and constitutes about one-third of the reserve (see Figure 5.1). The Mara complex forms part of Serengeti-Mara, which co-traverses land areas in Northern Tanzania encompassing the Serengeti National Park and Southern Kenya where the Maasai Mara Reserve is located. The Mara complex is the ecological link point for the Serengeti and Mara complexes. It is approximately 6000 km. square, of which the reserve covers 1,510 km. square of the total area leaving approximately 4,490 km. square as an unprotected (Richmond-Coggan 2006, 9) area of about 510 km. square. The Conservancy is famous as the habitat for the famous wildebeest and zebra migrations considered one of the Seven Wonders of the World.

A climatology summary of the Mara Triangle would classify the area as an arid and semi-arid land, ASAL (Ondicho 2005). The surrounding populations are as vulnerable and prone to food insecurity as their counterparts in Laikipia and Kajiado. Poor and intermittent rains affect agricultural productivity in major sections of the Triangle. Comparatively, however, some sections of the Mara Triangle are located in rich agricultural and grazing land that receives high rainfall. The ecology of the Mara complex places it as one of Kenya's richest, in an area of about 510 km. square. The Conservancy is famous as the habitat for the famous wildebeest and zebra migrations considered one of the Seven Wonders of the World.

Figure 8: Map of the Greater Maasai Mara Reserve



A climatology summary of the Mara Triangle would classify the area as an arid and semi-arid land, ASAL (Ondicho 2005). The surrounding populations are as vulnerable and prone to food insecurity as their counterparts in Laikipia and Kajiado. Poor and intermittent rains affect agricultural productivity in major sections of the Triangle. Comparatively, however, some sections of the Mara Triangle are located in rich agricultural and grazing land that receives high rainfall. The ecology of the Mara complex places it as Kenya's and indeed one of the world's protected areas with the highest density and diversity of wildlife (Georgiadis et al. 2007; Ogada 2012). It is also the only protected area system in Kenya with a population of indigenous black rhinos and the only park in which they are native species (AWF 2009, 8). It is a top hotspot and

home to the large carnivores and serves the largest habitat for endangered species in Kenya. However, fears loom large as these species are facing extinction due to rampant poaching and competition from shifting livelihood practices that favor livestock keeping.

Mara complex's demography is ethnically diverse though the Maasai community constitutes the largest cluster. These communities rely on the support system of the Mara River and the Maasai-Mau Forest. Maasai group and private ranchers own a large portion of land contiguous to the reserve. Some private land is on lease to foreign companies engaging in ecotourism ventures (Bedelian 2012). Livestock production and agriculture are the predominant activities in the Mara complex. More than three-quarters of its population is directly and indirectly reliant on transhumant, agro-pastoralist and tourism ventures. This complex is Kenya's highest earning wildlife tourist destination (Nortons-Griffin 2007) and Narok County is Kenya's richest county as its earnings usually stand at about KSh. 1.2 billion per annum and KSh. 200 million per day (Kemei 2011). Narok is also Kenya's leading producer of beef, wheat, and barley, which all propel the economies of Narok and Trans Mara.

4: Operation and structure of the MCPP

4.1: Organizational principles and objectives

A clear understanding of the operations of the Mara Conservancy is its foundational basis (i.e., initial conditions). This MCPP was specifically set up to implement new management practices for addressing structural and administrative inefficiencies in the reserve. In fact, its key role was to provide management expertise.¹⁷³

As a collaborative entity, partners whose vision strategically relied on two sets of

¹⁷³ The CEO of the Mara Conservancy, Brian Heath, aptly echoed this point in a 2008 interview with Safaritalk. It was conducted on July 5, 2008 and the full interview can be found at Safaritalk website on <http://safaritalk.net/topic/266-brian-heath-the-mara-conservancy/>

principles to inform their broader objectives spearheaded its initiation. These included principles aiming at reforming institutions and enforcing operational rules for protected areas management. As such, transparency and managerial efficiency became the leading pillars of the MCPP's organizational culture and operational mission.¹⁷⁴ In essence, restructuring of governance systems was the chief concern for the founding partners. This was the first basis for an open reporting system for the MCPP's budgets and revenues. This goal has continued to define Mara Conservancy's organizational culture. Online and public digital domains are the key sources of information access.

Efficiency defines a second feature of the MCPP's organizational culture. It is a means to achieve profitability and mainstreaming programs that integrate and operationalize incentive-based regulatory and compensatory tools. These include disclosure of budgets and revenues, increasing co-management through the scouting program, enabling a more transparently structured process of revenue sharing, support for eco-ventures and support for compensation schemes. While securing participation of local communities was an objective principle on which the founders initiated the MCPP, participation was a weak feature of institutional design. It is clearly visible (in subsequent sections) that it was going to be difficult to draw reasonable support for collaboration with the community because effectiveness immediately became an overriding principle defining MCPP priorities once the entity was initiated. Simultaneously, the urgency to embed accountability in MCPP operations meant that transparency became a critical complementing principle. This pushed representativeness as a sideline pillar for guiding partnership operations.

¹⁷⁴ Indeed, the Mara Conservancy profiles as an entity designed to ensure accountability, transparency, and efficiency by NGOs such as Artists for Conservation.

The MCPP's leadership affirmation of its support for a benefit-sharing program was in its implementation of a payment system that guarantees surrounding communities 19% of the revenues accrued from the ticketed sales charged to users of the various recreational services around the Mara Triangle. It is reasonable to mention that effectiveness camouflages Mara Conservancy's modest embrace of representativeness. In part, the best interpretation is in terms of the effects of initial conditions that facilitated an organizational culture that privileges effectiveness as the pillar principle of management. Comparatively, the MCPP foundation was rooted on a reactive response to poor governance. This differs from the initial conditions on which the Laikipia Wildlife Forum was initiated where partners' embrace of a proactive culture was a gateway to inclusive co-management. It differs from the Amboseli Partnership's putative roots embeddedness onto Amboseli complex's biosphere reserve status.

The primary objective of the Mara Conservancy is "effective management of the Triangle's riverine forest, the Mara River, the annual wildebeest and zebra migratory phenomenon, and other flora and fauna" (Jones 2008). This objective is predicated upon its mandate, granted for the protection of ecosystem integrity, and one of the most visited protected areas in the world. At initiation, the Conservancy was under contract from the County Council of Trans Mara that mandated it to manage the Mara Triangle on behalf of the Maasai. This model of partnership was well received in some sections and criticized by other sections of the community. The Conservancy had a tough task mobilizing and institutionalizing local support for implementing the management plan. Its leadership under Brian Heath is striving to enhance effectiveness with better commitment than exhibited by the previous administration. This has led to both successful and unsuccessful

program implementation outcomes. Comparatively, the Mara Conservancy does not have a strong structure for building community capacity in co-management like the Laikipia Wildlife Forum. It has weaker mainstreaming structures and programs compared to those of the Amboseli Partnership. Its approach to capacity building is limited to technical programs, and scaling-up is not functionally integrated or geographically alike in the two other cases of MCPPs. The objectives of the Conservancy fall along these three themes¹⁷⁵:

1. Infusing and operationalizing the principle of effectiveness in co-management by:
 - Initiating structures for effective management of natural and financial capital of the Mara Triangle
 - Initiating, organizing and integrating regulatory and compensatory tools as co-managing elements in the Mara Triangle
 - Delegating and supervising MCPP units and departments mandated to perform specific program and support tasks
 - Overseeing the effective implementation of the management plan
2. Promoting a network for collaborative practice by:
 - Institutionalizing local support for the conservation of Mara Triangle's ecosystem
 - Mobilizing various stakeholders for collaborative management
 - Facilitating and supporting participatory co-management within the Mara complex
 - Mobilizing financial resources for sustaining partnership's activities
3. Protecting bio-diversity within the Mara complex by:
 - Initiating contract-based ecosystem management programs such as PES projects

¹⁷⁵ This list was compiled through an elaborate process of analyzing data from interviews with governmental officials at Trans Mara and Narok offices and local Maasai community leadership, from the vast review of literature on the Maasai Mara and MCPP documents such as monthly reports.

- Enhancing organizational capacity of CBOs around the Triangle and other sections of the Mara complex.

4.2: Organizational rules guiding partnership operations

The legal status of the Mara Conservancy has its basis in two foundations. One is formal which defines the entity's mandate granted by the Trans Mara County Council while the second one is informal, its network with the wider Maasai community around the Mara Triangle and the Mara complex. Its formality grants it the status of a standard non-profit entity. The Conservancy is a management company that operates under ordinary company rules. The core governance rules are found in the organization's founding document called the Management Plan. Rules governing add-on initiatives are set according to this plan. The Conservancy's staff and the clients co-implement contracts. As a not-for-profit management company, the Companies Act mandates that the Conservancy organize around specific structures and statute-specific activities.

4.3: Organizational roles of key decision-makers

The Chief Executive Director of the Mara Conservancy is the head of the core executive team. He/she assumes this position based on his/her specialized knowledge and experience on conservation matters. The director has both managerial and fiduciary responsibilities, oversees the day-to-day operations of the Conservancy, and is the key convener of all the critical meetings and briefings organized by the secretariat. The first and the only chief executive of the Conservancy has been Brian Heath, who is a renowned Kenyan conservationist and rangeland management specialist. The director also identifies and engages potential buyers and supporters of ecosystem service provision within the Mara Triangle, prepares proposals with assistance from the staff and the board, markets the Conservancy's products, and fundraises for the projects that

support the vast conservation activities within and without the Triangle. The director is the chief informant on activities undertaken by the partnership. He prepares and disseminates updates on infrastructural, administrative, capacity development, and conservation programs.

The Mara Conservancy's board is the highest formal authority within the partnership. Like the Forum and the Amboseli Partnership, its board is a reflection of the local social, administrative, and geographic representation. It is comprised of members representing the central and local government, constituting the County Clerk, games and forest committee members, and three committee members from the Maasai community. Additional members are from a pool of experts encompassing protected areas managers, ecologists, and finance and tourism experts. Board member selection occurs during the annual meeting. Comparatively, the MCPP's board composition is smaller. The key functions of the board include ensuring an accountable, fair, and transparent revenue sharing process, and reviewing and approving the Terms of Reference for its members and the director. Additionally, it plays a role in supporting the review team on matters of board governance, selecting and dismissing directors, reviewing annual work plans, preparing proposals, negotiating lease agreements with surrounding group ranches, identifying revenue collection agencies to help the organization manage its finances and to prepare reports for auditors. The board is accountable to its members but unlike the other two MCPPs, the level of involvement of governmental functionaries in this board is more pronounced and much politicized (see for example, the Ecoforum 2002, 2003).

The secretariat of the Mara Conservancy is in Kilgoris. It has a core and support staff encompassing a finance manager, a personal assistant to the director, and staff from

different units in administration, security, and fundraising. The agreement between county council and the Conservancy stipulates that a section of this staff obtain secondment from the County Council though a good portion of support should be from the community. This staff assists in the coordination and implementation of the Management Plan. They are involved in the groundwork necessary to execute annual work plans. The Conservancy's aim is to ensure that benefits accrued from providing ecosystem services around the Mara Triangle are locale-specific enough to trickle down to its residents. In application of this principle, it has regularly maintained about a 95% level of local staff who are native residents of the Trans Mara area.

The Mara Conservancy supports and advocates for increased CBO participation in conservation of biodiversity not just within the Triangle but also across the entire Mara complex. Like its counterparts in Laikipia and the Amboseli, the Conservancy works closely with forest, wildlife and water resource-user associations. Within this partnership, CBOs act as points of mobilization and interest aggregation for local communities. In the entire Mara complex, CBOs face a much tougher role as partners and as representative institutions.¹⁷⁶ In fact, owing to this predicament, the Maasai are credited as the key the initiators of the indigenous movement in Africa and the most active participants of the global indigenous movement (Igoe 2006). CBOs serve social, political, and civic purposes for local Maasai communities because they are the venues in which members find expression, and articulate and defend their identity. Additionally, due to the contentious nature of governance issues in the entire Mara complex, CBOs are, to borrow

¹⁷⁶ The existence of widespread and poor governance that plagues the Maasai Mara National Reserve including inequitable resource distribution has been widely cited across research studies, opinion pieces, and evaluations. Political, structural-systemic, and capacity related factors are blamed as catalytic elements inhibiting effective governance in Kenya's most lucrative reserve.

Ndahida's (2011) term, "sources and substance of identification of rights." It is an undisputed fact, and as Ndahida further avers, that the Maasai harbor historical grievances over continued denial of their rights in this estate. More so, this reality cannot be divorced from the daily practices within the social and ecological landscape, which the Maasai feel have significantly altered if not destroyed their livelihood.¹⁷⁷ CBOs are definitive institutions for solving the human-wildlife conflict that is prevalent in Maasailand.

The County Council of Trans Mara is a local authority with its administrative headquarters located in Kilgoris. The Clerk of the county government sits on the board of the Mara Conservancy and provides advisory services that are crucial to the partnership. Prior to the 2010 Constitution, Trans Mara was one of the districts in the Rift Valley Province. It emerged from Narok District in 1994 and became the only local authority in the district. The key responsibility of this municipal government in the partnership is to act as the public arm of co-management and support the stakeholders in operationalizing the political and democratic realm of subsidiarity. It has received both accolades and criticism from many quarters, yet its role in mandating the Mara Conservancy is laudable. This was the first formal wildlife-based public-private initiative in the country and a precursor to an MCPP platform. The Trans Mara county government is one of the most powerful actors in the partnership. It closely works with the Conservancy in matters of regulation and enforcement. This works to enhance the security apparatus of the

¹⁷⁷ The impact of Maasai land dispossession is rooted in both colonial legacy and post-colonial state policies which anchored on the fortress approach to conservation. Narok and Kajiado are some of the epicenters of CBO activism where annexation was most rampant. Community activism has had a long contentious history. Records indicate that the Maasai lost about 60% of their best pastures in two waves of land alienation: first, in the 1911 evictions that created European settlements and the second one in 1945 during the creation of parks and reserves across their lands (Mwangi 2007 and Galaty 1999 cited Aboud et al. 2012, 1).

Conservancy to promote safety of both the residents and wildlife through its by-laws that complement provisions in the Management Plan.

The Trans Mara county government also assists in the design and implementation of environmental impact assessments (EIAs) for private operators within the region. Its role is to complement other stakeholders in marketing and rapport building strategies for potential buyers of ecosystem services within and beyond the Mara Triangle. This government complements the work of the Conservancy because besides the Conservancy, its regulatory unit is the only entity that authorizes and approves the establishment of business ventures. It handles petitions and objections linked to land use and business and development programs undertaken by any partner or outside clients. The Trans Mara county government's authoritative appeal gives it a commanding presence that facilitates expedient convening of *barazas* when salient issues such as human-wildlife conflicts need addressing in a collective platform.

There is little public discussion about how the private sector contributes to the enhancement of ecosystem provision in the Greater Mara.¹⁷⁸ The Mara complex has a large expanse of land leased to corporate and individual business ventures from all over the world. In the Triangle section, the Mara Conservancy has instituted very stringent rules for these ventures. Nonetheless, private sector entities have modestly adjusted to these standards and have been collaborating with other stakeholders to preserve this ecosystem. The Mara Triangle hosts one of the world's most unique biodiversity and ecosystem products, including its famous wildebeests migration, which has lured the

¹⁷⁸ This is largely because the wildlife cum tourist-based private sector has a tarnished image fully ingrained in Kenyan society, one, which views it a conspirator that works with the county governments to rob local communities.

private business sector into this partnership. The major roles of the private sector in this partnership are:¹⁷⁹

- Supporting the Mara Conservancy in achieving its mission and vision,
- Integrating conservation into operations of its activities
- Monitoring biodiversity conservation standards within the Mara complex
- Sharing information with other partners about changes in ecosystem dynamics
- Fundraising for and supporting community projects around the complex
- Extending credit opportunities to non-recreation based ecosystem service programs
- Assisting in the implementation of regulations stated in the Management Plan, for example, through its support of the scouting project
- Establishing additional conservation areas through contract with interested stakeholders
- Marketing the Mara Triangle's ecosystem products and services, and
- Providing and accessing resources for conservation related projects.

4.4: Organizational relations among partnership sub-entities

The Mara Conservancy derives its revenues from various sources. The most important source of its revenue is the gate fee charged to users of recreational facilities around the Triangle and the wider Greater Mara Ecosystem. The Management Agreement granted the Conservancy a 36% share of the revenues from ticketed sales and another

¹⁷⁹ This list was compiled from interviews with governmental officials at Trans Mara and Narok offices and local Maasai community leadership, from the vast review of literature on Mara and MCPP documents such as Monthly reports.

30% from non-ticketed sales. The management of its transactions and financial operations is contracted to by two revenue collection and management agencies called KAPS and KATO.¹⁸⁰ The Conservancy also relies on donations from local, national, and global donor sources. It has, for example, sought donations for the Lion Census Projects in order to provide wages for rangers, vehicle fueling, and maintenance used for patrolling the reserve, updating its anti-poaching monitoring devices such as binoculars and cameras, and paying for veterinary services. Because the Conservancy operates in one of the world's most famous reserves, it is normal for such an entity to record windfall revenues. However, its reliance on a volatile tourist sector makes it vulnerable and inefficient during off-peak season and shortfalls. It has established a reserve fund as a contingent measure for supporting operations during tough economic times.

5: Evolution and growth of the MCPP

5.1: Initiation (1980s - 2001)

5.1.1: Power, veto players and contested governance

The beginning of the Mara Conservancy as a partnership traces from efforts facilitated by the municipal government of Trans Mara in the late 1980s. Operational failures in reserve management by the council occasioned this move. The MCPP's evolution has a history of tensions between pro-reform/pro-devolution and anti-reform/anti-devolution functionaries within the Mara complex. Its evolution is telling of mechanisms through which initial conditions set a trajectory that affected the design of interventions and eventually community empowerment. The Conservancy's inception was part of a reform of municipal co-management policy. However, by design (via its

¹⁸⁰ The two acronyms stand for Kenya Airports Parking Services and Kenya Association of Tour Operators respectively.

weak articulation of its organizational mission) and by default (occasioned by a spontaneous surge in local demands and contestations), the MCPP was entangled onto a complex web of politicized co-management dynamics. This change generated new claims that the MCPP founders neither anticipated nor prepared for. Its evolution indicates that successful collaboration entails not just facilitating the needed reforms but also programmatic tactical management of administrative change and particularly of the partnership's task environment.

While it is incorrect to claim that local communities were not visible actors in establishing the Mara Conservancy, it is important to note that their role was not significant in the initiation of the partnership. The county council proposed, endorsed, approved, and presided over the initiation of the Management Plan for governing the Mara Triangle that the Conservancy currently administers.¹⁸¹ Unlike the Laikipia Wildlife Forum and the Amboseli Partnership that were bottom-up initiatives targeting direct participation of local community organizations, the Mara Conservancy's goal of broadening environmental citizenship was only an appendage of its core goal of efficiency. Its initiation was also a top-down process. This does not imply that the agenda of community empowerment was considered less a priority.¹⁸² Rather, it means that initial organizational context matters for the design and operations of a given partnership's co-management system. In fact, the input from the community was important through the participation and activism of the local Maasais living in the Trans

¹⁸¹ In part, a major explanation for a dominant role of the local council is because by law, it is the custodian of any protected area in this locality mandates it. It holds the authority to manage and protect the land in trust for the resident locals. The Mara complex is a public PA that is under an adjudicated local authority. Since the Mara Triangle falls on the Trans Mara side, its dominant manager is the Trans Mara County Council, the Narok County Council manages the Eastern section of Maasai Mara.

¹⁸² One of its goals was the institution of an effective benefit-sharing system for rewarding community efforts in protecting the ecosystem in Mara Triangle.

Mara Isuria Escarpment. The local tribal chiefs acted as representatives in the formal meetings and negotiations for MCPP initiation though some groups contested these roles.

There are conflicting reports on the politics of representation discussed in subsequent sections. Mara Conservancy's evolution and role as the custodial entity for managing the Mara Triangle seconds arguments in research that the establishment of new public protected areas are generally tension-ridden and can inhibit socio-ecological justice. There is also well-documented evidence indicating that in the long course, "multifunctional commons are prone to generate conflict when converted into protected area" (Dougherty and Peralta 2010, 68). The Mara Triangle's management debacle which ensued was due to weak design of co-management institutions at initiation is equally an example and indication of the consensus by participatory development, resource mobilization, and governance approaches. Their proponents agree that poor representation compounded by elite influence is the most deleterious factors that weaken and challenge empowerment projects in conservation and other development sectors. Unfortunately, this is the very problem that the Mara Conservancy tightly enmeshed.

According to a debate captured in one prominent report, there were claims that the signing of the Management Agreement was a "behind the scenes negotiation and consultation that never came to public domain" (Ecoforum, 2003: 266). However, as Ecoforum similarly claims, opponents to this assertion fired back positing that the process was an open meeting that included many councilors who facilitated the endorsing and initiation of the partnership (2003: 247-248). Regardless, the enunciation of the Management Plan and the composition of the board created opposition and mobilization against the initial inception of the Mara Conservancy. In essence, the MCPP was

illegitimate in the eyes of some community members. There have been two dominant conflicting views about the legitimacy of the Mara Conservancy during its initiation. The first group of observers (the anti-devolutionists) argued that most locals did not endorse the inception of the partnership. The second group (the pro-devolutionists) discounted that view and argued that politicization was the real barrier to garnering a common understanding about the motivations and intentions behind the Conservancy's establishment and its role for that matter.

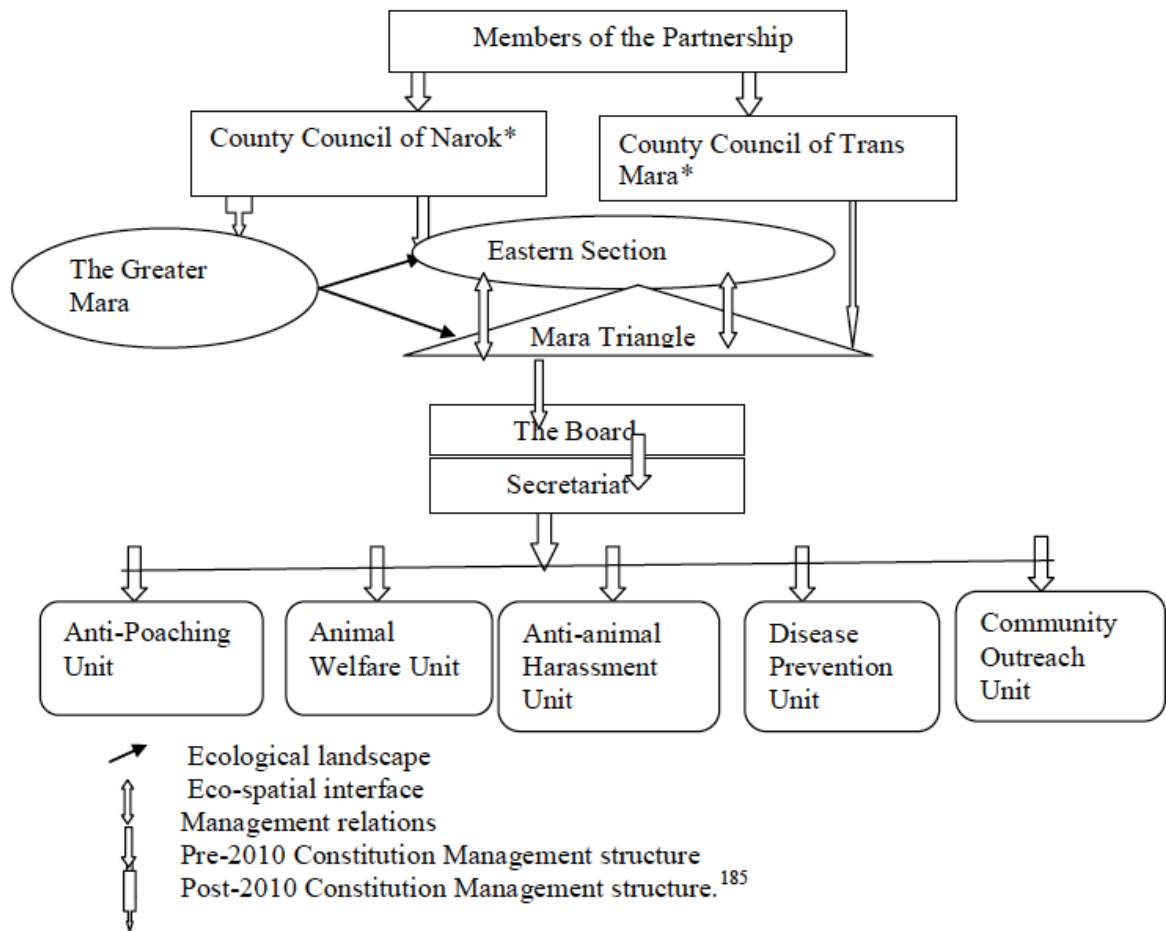
Primarily, anti-devolutionists supported the claims by a section of the local communities that the process of planning and design of the Management Agreement excluded them. Captions in various local and global media including internationally acclaimed *The Economist* discussed the tensions that surfaced in these oppositional quarters.¹⁸³ The systematic exclusion of local community organizations during the key MCPP inception moment and the fear of potential disenfranchisement loomed large. According to other reports, local communities resisted the MCPP's inception arguing that they were neither involved nor informed on how and when the agreement was endorsed (Ecoforum 2003).¹⁸⁴ The second factor was the fear that a private firm might take over the reserve. The former view is in the Ecoforum edition that reiterates that the locals bemoaned the fact that the Conservancy was enjoying patronage from powerful local and national elites. An additional article in *The Economist* described the Conservancy's inception as an arena of contestation. The caption described the situation as one in which

¹⁸³ This particular article is an online edition of the Economist dated 06/28/2001 and titled "A new game plan: A private company has taken over one of Kenya's most famous wildlife parks."

¹⁸⁴ This is the most prominent but equally controversial report highlighting the devolution debacle in the Mara Triangle. Its basis is on a collection of debates on criticisms and counter-criticisms from pro and anti-Conservancy groups.

“opposition to the changes [was] muted by the strong support” from the president. Opponents of the plan however argued that despite the local council’s approval, the acquisition of the reserve was unlawful.

Figure 9: An organogram illustrating the structure of the Mara Conservancy



The visibility of powerful elite influence during the inception of the Conservancy was a reality. In one interview with the Ecoforum, the Chief Executive of the Conservancy acknowledged “we are a political organization...when you are dealing with politicians ...we do not have the kind of control and autonomy that we would have in the private sector” (2003: 345). However, in the same interview, he also added that there was initially some interference in the management of the Conservancy but this waned over

time. A related claim by anti-devolutionists was that the board had tainted leadership that lacked integrity. The local board members drawn from the local sub-tribes were particularly unpopular and considered illegitimate by a section of local communities. In fact, in the same report, the Chief Executive averred that discontent was not about the Conservancy but that “all the antagonism [was] ... about the individuals around [them] and ... the longstanding feud between two different factions of Trans Mara leadership (Ecoforum: 245).

Proponents of the second school castigated anti-devolutionists’ connotation of the Conservancy as a partnership run on patronage. This “self-described” pro-reform group argued that the Conservancy’s opposition force was “just a small clique unhappy with the Conservancy’s presence as it had brought to an end the gravy train network” (Ecoforum: 248) of corrupt administrators. This group provided a rebuttal to the conflict-laden claims arguing that the Conservancy was a collective enterprise for local community to benefit from and that the Conservancy had noble intentions for the community. While maintaining their support for the partnership with similar vitriolic responses across media spaces, the pro-devolutionists did not deny the impact of elite influence. Ecoforum ascertained that according to this group the Conservancy had “successfully desisted attempts and intrusion from political interests” (262).

This group gathered some support from analysts who argued that political greed proved to be a barrier to the partnership’s inception even in the face of a structured Management Agreement, which had been enshrined in a transparent and accountable process and fully pledged by negotiating stakeholders (Drummond 2005: 59). The claim by skeptics of devolution that community organizations can resist reforms when

interpretation of inclusion is not in their terms may fit the case of the anti-devolution group from the local Siria community. Interestingly, Drummond's argument partially validates this claim. It may have been that a section of the local community resisted this new yet important change as "...objection to administration by outsiders other than indigenous fellowmen ..." (2005, 60). A second but a related interpretation for local opposition according to Ecoforum was that the fact that the Mara Conservancy was seen as an imposition by KANU politicians.¹⁸⁵

5.1.2: Fragile elite-community relations as a weak partnership pillar

During the Conservancy's initiation, various actors were embroiled in vitriolic debates over initiation, ownership and management of the Mara Triangle.

Simultaneously, each group invested resources in legitimating their preferred discourse and counter-discourse. The effect of this struggle was that it produced ripe conditions for new forms of elite capture and what participation scholars call "divisive competition" (Chhatre 2008, Lankina 2008). This resulted into a protracted contestation of intra and inter-elite conflict (and especially between and among local-bureaucratic, community-affiliated, and national political elites), elite-community factions, and tensions between the locals and the municipal functionaries. In addition, new leaders sprang up to manage turf wars. There are two issues of particular importance in outlining the context of inception of the Mara Conservancy as a partnership. It is not unusual for claimants and counter-claimants to contest management changes in governance of any of the protected area within the Mara-Serengeti system as it constitutes one of the world's largest

¹⁸⁵ KANU is the Kenya African National Union, which was Kenya's most dominant post-independent party. Its leadership ruled Kenya from 1963 to 2002 until the democratic ouster of former President Moi. Many Kenyans have blamed the party for entrenching a dictatorship and corruption across many sectors and levels of government.

biodiversity rich and lucrative ecological complexes. Usually, local authorities themselves (Rogers 2002: 20, Child 2004) or the local communities (Ecoforum 2002, 2003, Drummond 2005, Nyarika et al. 2009) contest over these changes.

A partially valid interpretation from the Ecoforum is that opposition to the partnership's initiation was more due to the "centuries old factionalism in Trans Mara and Narok regions than with the Conservancy *per se*" (Ecoforum, 265). This problem and inter and intra-tribal rivalry are usually fomented through mobilization by community political and tribal elites. A large number of contributors in the Ecoforum agreed that powerful elite council members and leaders were a barrier and a legacy that has challenged reform in the Mara especially at the county council level where jurisdictional competition was extremely high. It is also important to note that the Mara complex has more diverse and very powerful elite coalitions than in other eco-complexes such as Laikipia and Amboseli. This diversity has been a perilous resource for communities as it creates a complex in which elites and communities entangle in never ending factional and coalitional divisions even when situations demand compromise and genuine rapprochement. This competition has been counterproductive and has not enabled the representation of community interests.

5.1.3: Deflecting community priorities and the radicalization imperative

The dynamics of the Conservancy's initiation phase raises important questions about what domain of activism and tactics best enhance empowerment outcomes for communities. Two questions are paramount. Was the community (as a core section of the anti-devolutionists coalition) rightfully dissenting at an imminent excision of community land or merely resenting a change in status quo? Thus, was it mobilizing against genuine

changes? Secondly, was community misgiving about the supposed “reform-oriented” elite justified? In other words, do elites profess one thing in principle and apply another in practice? The fragility that characterized the MCPP’s evolution would influence its tumultuous development further. The local community's failure to organize and exploit political opportunity, which was uniquely available through policy change, is partially responsible for the community’s exclusion.

Weak empowering effects of the MCPP are not restricted to activities of elites alone or internal MCPP politics. The structure and tactics of Siria-affiliated CBOs illustrate how communities can equally jeopardize empowerment through excessive confrontational politics. Resources were directed into local activism and endless struggles with other partners instead of building nascent MCPP organs. This was more so with the municipal government and the MCPP’s leadership. Preoccupation with protest politics shifted the CBO locus of activism outside the MCPP confines. The Siria movement, which was the key CBO representing community interests in the partnership, was predisposed to fail as a partner. Its strategies also weakened community capacity right from the start as the community’s real constituents isolated themselves. This is because the Siria constituted a large cohort of the anti-devolution coalition. This created more mistrust towards the municipality government, bureau-based elites, some community-based elites and towards the MCPP leadership as well. The CBO leadership also failed to cultivate new relationships and networks that could have enabled the community to garner sympathizers and coalition supporters. This would enable them to learn how to exploit resources and accommodate the undergoing reforms. In other words, the Siria

community could not earn real advantages of collaboration as its leadership's tactics guided them into confrontational politics.

Conservation politics in the Mara complex face challenges of patronage. Largely, “the county council members who serve on board are not [usually] committed to change...” (Child 2006, 170). More importantly, pastoralist communities resist changes because history showed that elites were prone to capturing most of the proceeds from wildlife-linked revenues. A weak institutional framework is another factor at play. Elites and “their cronies ... members of fund management committees... [ensured that] they steadily [garnered] all the revenues ...” (Maito, Odhiambo and Otipi 2013, 74). The Siria community was well aware of the excessive political influence that some bureaucratic and political elites wielded. As it would turn out, they were partially correct in raising their misgivings.

5.2: Organization building (2001 - 2006)

The formal inception of the Mara Conservancy as a partnership was finalized through a contract between the County Council of Trans Mara and the leadership of Mara Conservancy. The local community had its representatives sitting in the council chambers during this process. Despite the formidable tensions, leaders from both sides successfully galvanized efforts that finally led to the design of a formal management plan that would oversee the Mara Triangle. The MCPP founders approached renowned Kenyan conservationist Willie Roberts, to help them devise this management plan with support from James Robertson, a US-based conservationist, and the current CEO, Brian Heath. Upon drawing this plan, the launching of the organization with departmental units and staff spread across managerial, technical, supervisory, and advisory units took shape. The

partnership's structures were clearly indicative of its core mission. Mara Conservancy began its operations as a not-for-profit management company on May 25, 2001, though its normal functions only began on the June 12, 2001. The management agreement awarded the Conservancy a five-year contract that expired in 2006 when it got an extended 10-year contract. Some observers characterized the arrangement as a deal of its kind in which for the first time, the private sector-led partnership took charge of a Kenyan wildlife park (New York Times 2001).

Unlike the Laikipia Wildlife Forum, Mara Conservancy's metamorphosis has been slow and had only modestly scaled up its participatory interventions. Comparatively, divisive politics had a significant impact on the speed of its formal inception. This aspect partly explains why it has the lowest scale of modularity among the three cases under study. It, therefore, exhibits a very low level of modularity. As previously mentioned, transparency and effectiveness were the key drivers of implementation of the management plan. This is the basis for its managerial orientation and organizational culture. The clearest indication of a formal inception of the Mara Conservancy was expressed when partners made a consensus that the following challenges were deterring incentives for effective conservation and benefit sharing.¹⁸⁶

- At the administrative level, the staff lacked adequate infrastructure for enhancing employee productivity and commitment,¹⁸⁷
- Inefficient and unaccountable revenue collection systems disjointed and delayed revenue collection operations,
- Low staff morale was prevalent due to poor and untimely payment of staff salaries,

¹⁸⁶ These are the challenges identified as the most pressing by founding members. They are in the Conservancy's website.

¹⁸⁷ For example, respective monitoring of the reserve lacked operational vehicles to undertake intensive field operations.

- Weak monitoring and enforcement of tourist/visitor operation rules led to destruction of reserve land,
- Underutilization of the reserve's production capacity impeded revenue collection process,¹⁸⁸
- Extremely high levels of poaching had led to near extinction of the reserve's endangered species,
- Extremely high levels of illegal grazing were threatening wildlife and livelihoods,
- Rampant human, livestock, and wildlife insecurity had increased tensions and conflict within the Mara Triangle complex, and
- Poor and uninspected infrastructure at the headquarters¹⁸⁹ had left the reserve in a dilapidated status.

5.2.1: Private power concealed in bureaucratic silhouette?

In the preceding years past its formal inception, factional tensions within and without the partnership continued to plague the development of the Mara Conservancy. This was less perilous compared to its initiation phase. During this phase, council-affiliated political and bureaucratic elites continued to exert significant political control because the municipal government technically had legal authority and influence in protected areas management within the Mara Triangle. This attests to the strong impact of informal networks in compounding the challenges of fledgling MCPPs. It also reiterates the concerns by skeptics of devolution that formal entities can only survive the

¹⁸⁸ This short report argued that the collected revenue at the time was only 20% of the total potential for the Mara Triangle Reserve.

¹⁸⁹ These were buildings situated at the headquarters at Iseiya, Oloololo Gate, and outposts of Purungat Bridge and Ngiro-Are.

tumultuous process of organizational and identity change when informal networks support rather than inhibit organization.¹⁹⁰

Largely, the goals of achieving transparency and administrative efficiency continued to dominate MCPP activities and somehow shielded them from strong interference from the bureaucratic, political and municipal-based elites. Without this type of organizational culture, elite influence from the community, council, and political groups would have been more detrimental. However, the Conservancy's managerial culture created another private bureaucracy whose impact has made observers debate over its role in empowering communities around the Mara Triangle. This depends on the evaluator. Those who favor strong formal entities as the means to achieving MCPP goals have labeled it a successful entity. Those who look beyond formality and technocratic finesse have done otherwise. Accordingly, the former group argues that the MCPP continued to be effective because of its formal technocratic structure. This may explain why the Conservancy's strong identity with a managerialist orientation may have contributed to the nurturing a tutelage-based system in the design of a majority of its PES partnership projects.

The MCPP's attention targeted to skill-intensive activities, capital-intensive projects, and knowledge-based programs. For example, a closer look at a majority of the MCPP's monthly reports provides evidence that an overwhelming 90% of its activities focus on reserve infrastructure-improvements/construction and staff development. Thus, the error or omission in the design was that *no meaningful* projects were earmarked to

¹⁹⁰ New institutionalists such as Helmke and Levitsky (2004) profess complementarity as an attribute of interactions in cases where informal institutions complement formal ones. The Conservancy's leadership was partly successful in this end as presented in the previous sections.

directly involve the community at large. These partnership programs were not exclusive as such; they only lacked a proper structure for inclusiveness. During this phase, the Conservancy's leadership continued to, among other roles to 1) expand its networks and alliances for collaborative practice, 2) scale up its operations through functional and geographic integration as means to enhancing CBO participation, and 3) strengthen organizational culture by strongly embracing transparency. However, the MCPP leadership continued to allocate roles largely to specialized departments and mainstreaming, though at low scale, institutionalized payment for wildlife models.

Again, despite these efforts, community empowerment was limited because platforms for community representation were relatively few compared to those of Laikipia Wildlife Forum and the Amboseli Partnership. For example, committees, which were supposed to be arenas of community representation, were few and elite-controlled. Simultaneously, the expertise-driven orientation was compatible with administrative reforms (in order to streamline functional units, financial governance, and staff management) but was weak in mainstreaming inclusive participation. Additionally, the formal design of the MCPP was deficient in enhancing community uptake of conservation rewards due to its lower scope of modularity as indicated in the types and number of functional units, including their level of interdependency. The Conservancy's leadership and its sympathizers continued to be on the defensive on these structural matters. They justified their claims based on the strides made in streamlining revenue sharing process within the Mara Triangle. However, this narrow conceptualization of success did not abate or minimize socio-economic differences that continued to propagate mistrust within the community.

5.2.2: Elite omnipresence as exhibit A: Coalitions and counter-coalitions as impediments to formalization

The Mara complex's elite coalitions are formidable networks in the area's lucrative conservation enterprise. This is occasionally beneficial, though it is detrimental in most cases. During Mara Conservancy's formal inception, renowned local and foreign elite conservationists provided resource inputs in various direct and indirect ways by offering financial, technical, legal, and material assistance. For example, the resource input base of a handsome donation from two foreign donors of \$300,000 and four new Land Rovers proved to be crucial input (Jones 2008). The Trans Mara Council agreed to match this support and to offer additional resources for the implementation of the program but did not fulfill this commitment for some time. Despite the contentious and adversarial politics that defined this MCPP's inception, a consensus emerged that there were major problems that needed urgent attention and concerted effort from all stakeholders.

The ambivalence on the part of anti-devolution bureaucratic elites at the Council of Trans Mara reflects an observation made by co-management scholars. On some occasions, "communities tend to accept commercial joint ventures far more readily than bureaucrats [who usually harbor] anti-private sector bias" (Child 2006: 170). Additionally, governance and accountability continued to be challenging issues for the local community. As such, their fears were genuine as they had doubted that linking the new entity to local municipal and political system (for example, by nominating some of the county officials to the Conservancy's board) would enable any genuine management reforms. Many elite coalitions continued to fight for their own group interests and strategically displaced real community interests at hand. Elites' parochial interests

manifested in their fickle identification with community interests through their shifts in support for the Conservancy (see for example, the Ecoforum 2003). These attributes of elite behavior invoke the spirit of vigilant proponents of participatory development. They argue that elite support does not preclude commitment on their part.

5.2.3: Building (weak) internal community capacity through social movement organization

Protest politics continued to define the character of community participation in the organization phase. The community led a frontal assault on a new coalition of elites and some of the Conservancy's board leadership. The years 2003 to 2006 were particularly tense. This exposed the community to an arena that made them vulnerable and weak in pressing for its demand as a partner entity. Simultaneously, the Siria community continued to engage the MCPP leadership through a confrontational posture. Nevertheless, as it turns out once again, the disadvantages of contestation outweighed the merits of strategic collaboration. The Siria CBO's very own tactics squeezed the opportunity space available for community empowerment. This was largely because of its emerging but weak CBO leadership and inadequate organizational resources. These dual challenges were significant factors in assailing CBO strength in multifaceted areas.

The strategy of oppositional tactics (through protests, court appeals, public rallies, marches, dissent) once again limited further CBOs access to the newly afforded policy and decision-making arena. It also limited organization and stability for the Siria community. The CBO leadership's confrontational approach at the process of formal inception of the Conservancy underscores the fact that leadership is a critical player in influencing the direction and scale CBO capacity, sustenance and community empowerment in the long run. The Siria community's leadership guided and proposed

strategies for CBO engagement. Unfortunately, this occurred through a semblance of poor and CBO weakening tactics. The obvious reality, however, is that CBOs in lucrative and contested protected areas in Kenya, and particularly in the Mara complex face two options: the option of confronting “reformers” but with the expectation of being totally sidelined or accommodating these reforms as weaker partners in order to gain some advantages of institutional entry onto the arena of co-management. These are both costly choices for CBOs.

5.3: Consolidation? (2006 to date)

The MCPP’ technocratic and expert-driven orientation continued to inform major MCPP program implementation over the course beyond its formal inception. This orientation served the purpose of instituting transparency and managerial effectiveness as rubrics for implementing reforms in benefit sharing but failed to embed the principle of representativeness. Accordingly, this orientation achieved laudable success in embedding transparency in its operations through its open reporting system. As will be discussed, this partnership dynamic explains the source of its resilience and durability as a partnership and yet its poor record in facilitating real local empowerment through proactive engagement with communities. MCPP operations translated into a question of tradeoffs. This dynamic poses interesting implications for theoretical and empirical analyses for this case and broadly for MCPPs design for managing critical and famous protected area complexes across the globe.

5.3.1: Power to the experts: Salvaging reforms through an all too technocratic order

The formal inception (from 2002) and subsequent development of the Mara Conservancy was tumultuous but nonetheless successful. Its leadership instituted radical

administrative changes that saw significant improvements in management practices. As the MCPP continued to evolve, the dilemma for its reform-oriented leadership was how to handle the twin challenges of 1) a proliferation of new actors with diverse expectations/demands and 2) how to successfully bridge these interests for a common purpose that serve both the community and conservation efforts within the Mara Triangle.

Fragmented loyalty and segmented interests among partners continued to challenge the efforts toward achieving organizational consolidation. In the light of growing negative publicity, the Conservancy's leadership had to strategize ways to address the problem. Stepping up systematic reforms could be one option and a mechanism for rebranding the image of the administration. However, this meant one thing: that a managerial orientation and a technocratic organizational culture would take precedence as tools for change management over alternative tools and approaches. The case of the Mara Conservancy provides two illustrations about the challenges of MCPP consolidation and its impact on empowerment outcomes. The vision of the Conservancy was, despite its rosy portrayal, incompatible with interests of the nearby pastoral community, and particularly those of the Siria Maasai. Denial of rights of access to a section of land within the Mara Triangle previously considered common property¹⁹¹ was to the community a denial of justice. In light of this, the tensions over management solutions and the impact of initial conditions set a path of protracted conflict in the Mara Triangle. More importantly, contestation has continued to limit empowerment outcomes for CBOs. Low levels of empowerment are not entirely a function of the Conservancy's

¹⁹¹ Community interpretation will be reviewed in subsequent sections. This interpretation has pitted many groups with conflicting legal positions against each other. This is discussed in subsequent sections.

operations. The community has a hand in it as well. The MCPP outcomes during this phase suggests a grim reality for communities in public protected areas with weak or ambiguous property rights regimes and conflict-ridden planning and implementation processes. One practical option for the Siria CBO leadership is to mobilize their constituents for collaboration rather than confrontation. The latter leaves communities in an ambiguous position in which they cannot exploit empowerment opportunities.

5.3.2: Formidable elite influence and (re-emergence) of trans-boundary politics

Previous chapters have analyzed how the concurrence of elite interests with those of the community is not an indication of elite support for empowerment. It bears emphasizing that it is more so in newly established public protected areas. In fact, elites may support a co-management program during its initiation but sabotage its development during its formal inception. The longstanding assumption in major co-management studies in wildlife PAs is that the lucrative earnings from the provision of recreation services impel elites to direct their influence in these programs. This influence is rarely directed at re-distributing property rights or changing the status quo.

The central implication for the study of elite behavior is for the durability of MCPPs and its effect on community empowerment. This explains why a *phased model* was selected as a relevant analytical tool for examining the intricate nuances of MCPP evolution and development vis a vis the configuration of elite interests in different phases. For example, the model can capture the fact that the initiation of the Mara Conservancy was enabled by the municipal government's strong role in problem definition. It was obvious that the reserve was in a sorry state. Yet, still conflict ensued

due to disagreement on how to interpret and solve the problem. Elites' influence was a significant barrier to facilitating MCCP-mediated empowerment.

There is also overwhelming evidence pointing to the fact that a group of powerful elites captured partnership activities such as problem interpretation and implementation. This constituted a diverse group of powerful local, regional, and national bureaucratic elites, community leaders, party-linked, and conservation-affiliated elites. The phased model of empowerment accounts for the hitherto ignored dynamics and nuances such as issue definition, issue configuration, and preferred solution. It also serves to explain the source of confusion over devolutionists' questioning of community contest of management reforms in protected areas. This puzzle can be solved by examining not just the solutions devised by co-management partners alone, but also how these solutions are structured, whom they serve, and which partner controls implementation. Reforms in protected areas management are a necessary but not a sufficient condition for their democratic governance.

The weak consolidation of the Mara Conservancy is due to the interplay between politics and power struggles. Factional divisions and confrontations began with the administrative fiat, but real struggles grew with disagreements on how to implement the Management Plan. The divisions were so intense that the Mara Triangle became a decisive factor in electoral politics in the Mara complex (Ecoforum 2003). Interestingly enough, each faction believed that it was its opponent that betrayed the local communities. This conflict increased the stakes for participation and influence by elites. Bureaucratic and political elites in Narok and Trans Mara municipalities, community-affiliated elites, party-affiliated national elites, and powerful conservation-affiliated elites

intensified divisions across the community in order to protect the stakes of politicians who favored their agendas. Intensified elite conflict and influence contributed to the electoral success of some politicians and doom for others. These dynamics led to the ascent of a new group of community elites in parties and communities, complicating the politics even further. The increased costs of electoral outcomes within Trans Mara and Narok continue to intensify today, as the new constitutional changes will see the Conservancy's administration transferred to the Narok County. After the 2013 elections, elites who are privy to the political and bureaucratic municipal circles began to question the legitimacy of the MCPP. They argued that "Mara Conservancy's time is over" and the Mara Triangle should be under Narok County government (as from 2013).

These dynamics validate the misgivings by proponents of participatory development about the formidable nature of elite influence and how elite parochial interests are a ubiquitous feature in all types of co-management structures. In the Mara complex, elites' ambiguous, transitory, and fickle support for co-management depended entirely on how specific circumstances served their interests and those of their allies. The local community members were thus justified in questioning and challenging the claims of some of the pro-reform elites' stewardship ethos and support for true reform. When their interests were served (i.e., elites), they were pro-Conservancy loyalists; when they felt otherwise, they became its outspoken critics.

5.3.3: The community's waning influence and missed opportunity

Community capacity during the consolidation phase of the Mara Conservancy was not strong enough to support local empowerment. As discussed in previous sections, factors internal and external to the partnership impeded CBO capacity and empowerment.

The protracted, polarizing elite discourses and elites' patronizing of co-management process did not end during formalization but continued through the MCPP's consolidation phase. The Conservancy's leadership unsuccessfully attempted to quell the divisive political culture that had infiltrated the partnership and continued to weaken community influence in the implementation of the management plan. On the same note, threats to the partnership emanating from both Narok and Trans Mara counties continued to be barriers to effective community capacity building in this phase. The key factor was the Conservancy's reluctance to institutionalize a system of direct participation and which could effectively build the capacity of CBOs.¹⁹²

A simple interpretation is that the Conservancy leadership's choice of transparency and administrative effectiveness as the key principles guiding its operations meant that managerial, technocratic, and regulatory instruments assumed a high priority. The intention of the leadership was to enable significant reforms to take shape. They succeeded as indicated by the new administrative approaches that took shape. In the previous two cases of MCPP, representativeness rather than effectiveness defined the initial design of partnership institutions and continued to be so though with variable outcomes along the three phases. Simultaneously, in the previous cases of MCPPs, modularity emerged as a complementary institutional design tool for operationalizing vertical and horizontal accountability; again, with different levels of success in empowerment.¹⁹³

¹⁹² The MCPP's program succeeded in enforcing regulations that improved conservation outcomes by using community resources. As will be subsequently discussed, these projects were not congenial to real empowerment of CBOs and their communities.

¹⁹³ The extent of success in empowerment is examined in Chapter 6.

A more complex interpretation is that achieving effectiveness is akin to embracing the reality of governance where leaders confront a stark choice. Implementing co-management plans in protected area systems of significant national importance has significant implications for prioritization and planning strategies of MCPPs. It means that the selection of specific choices comes with a set of related payoffs and tradeoffs. Accordingly, the role of MCPP leadership is to navigate this environment, provide direction and select tools that strike at least a modest balance among choices.¹⁹⁴ As such, granting the reform project to experts was an approach that positioned community organizations as sideline partners and promoted a system of tutelage rather than a direct participatory PAs management platform. This approach weakened community capacity and ability to be strong partners in co-management. This is because the existing orientation nurtured an organizational culture that privileged pragmatism as the key approach informing MCPP operations.

Put differently, for the Conservancy's leadership, beyond partnership stabilization and survival, only practical problem solving could directly tackle inefficiency and corruption in the administration of the Mara Triangle. The case of Mara Conservancy equally indicates that co-management is not so much an agreement over values as it is over the process for holistic operationalization of these values. Mara Conservancy's partners were in agreement on *what* challenges the reserve faced; they disagreed on *how* to implement the management plan and due to excessive politicization of reforms, its leadership proceeded headstrong with a solution that they thought worked best. This solution was to be a transparent and efficient co-management institution. Was this a

¹⁹⁴ This is because navigating through this process can be challenging depending on elite coalitions, the scale of politicization, and structure of local property rights regime.

practical solution to solving the problems of inefficiency bred under the previous administration? More precisely, was the technocratic approach an enabler of effectiveness? Was it simultaneously an impediment to representativeness? In fact, it was both.

6: Collaboration and negotiated stalemate: The Kichwa Tembo Eco-Camp as a case study

The balance of this chapter is devoted to an examination of a PES-like ecotourism project initiated and implemented in the Mara Triangle. It is important to point out that the Conservancy recognizes that effective collaboration includes protecting the rights of surrounding Maasai communities even in the face of strong elitist maneuvering and/or influence (Mara Conservancy CEO 2001). This is because the reserve is a property of the Maasai community. The Maasai Mara National Reserve Management Plan 2009-2012 stated: “unlike Kenya’s national parks, which aim to benefit the entire nation, the Maasai Mara National Reserve was established on community trust land and therefore, in addition to the Reserve’s role in protecting the area’s exceptional natural resources, a primary function is to provide economic benefits to improve the livelihoods of residents of the two districts in which it is located...” (AFW 2009, 92).

6.1: History of the project

Kichwa Tembo is an Eco-Camp set up in 1982 in a portion of land leased from Maasai proprietors.¹⁹⁵ It is situated within the northwestern boundary of Maasai Mara National Reserve at the foothills of the Oloololo (or Siria) Escarpment along the Sabaringo. It is located within the Oloololo Group Ranch owned by the Oloololo Game Ranch Ltd. and covers a land parcel of about 9,987 hectares of grassland and indigenous

¹⁹⁵ Kichwa Tembo, correctly translated as ‘kichwa ya tembo’ is a Swahili language term which means the head of the elephant.

forests on a 10km corridor (Ecoforum 2002: 252). This corridor stretches within conservation and dispersal areas adjacent to the eastern section of the Mara complex. The lodge is located on a land area on leasehold run through a concession agreement. The lodge is under ownership by a concessionaire called &Beyond (formerly, Conservation Corporation Africa¹⁹⁶) based on a lease arrangement formalized between the company and Oloololo Group Trust. The communities are from the Siria Maasai, the core clan that formerly constituted the Oloololo Group Ranch.¹⁹⁷ Kichwa Tembo prides itself on being Kenya's best-loved safari lodge. It operates as a tented *safari camp* that overlooks the Mara plains. However, there is controversy over the purchase and ownership of the lot in which the camp is located. The dispute is over ownership between the lessee (i.e., Oloololo Game Ranch Ltd.) and a section of the Siria Maasai community and specifically, the Oloirien Group Ranch (i.e., the Ilkarekeshe Self Help Group).¹⁹⁸ &Beyond is the private investor in possession of leasehold rights to the land on which Kichwa Tembo is located.

6.2: Operability of the project

The concession contract governing community – concessionaire roles in managing the venture was the major source of conflict at Kichwa Tembo. Under this concession agreement, Oloololo Game Ranch Trust granted rights to &Beyond to own

¹⁹⁶ Ecosystem Marketplace categorizes &Beyond as a private ecotourism operator committed to “providing world-class holiday experiences and to ongoing investment in sustainable conservation development and community empowerment”. It is also Africa's leading ecotourism company.

¹⁹⁷ The Siria Maasai and other sub-tribes were originally members of the Oloololo Group Ranch. Group ranch dissolution led to the fragmentation of this membership leading to divisions among the Siria and elites who controlled the division process. Documented reports indicate the group ranch elites amassed most of the land during the sub-division process and were able to take hold of the major parcels of the Oloololo Group Ranch after sub-division. Details exist in subsequent sections of this analysis.

¹⁹⁸ Such land-related conflicts are not unique to the Mara complex. In fact, most of Maasai land has in one way or form bridled inter-factional or multi-factional conflicts over land tenure. It is worth noting that such conflicts arise from unlawful acquisition of land, irregular allocation of land, and registration of members in the group ranches (ole Koissaba 2009, 4).

part of its land through a lease program. The agreement granted these rights over a contracted period with additional specifications conditioning &Beyond as the concessionaire to operate, manage, and improve recreation infrastructure within the given piece of lot (see for example, USAID 2012).¹⁹⁹ The title to the lot remained in the hands of the Ooloolo Game Ranch Trust. The strength of the concession is the leasehold tenure²⁰⁰ and by both parties committing to the contract. In essence, the private investor (&Beyond) holds the rights to use the land subject to it paying the stipulated fees to the landowners. Simultaneously, as a contracts-based PES-like project, community rewards and payments are specific performance targets. In PES language these are “effort based payments” (see OECD 2010, 3, 2013, 62) linked to land use practices that must be compatible with ecosystem conservation around the Kichwa Tembo camp. &Beyond works closely with the community in these efforts and efforts are supplemented by that of Mara Conservancy.

The role of relevant community CBOs is similar to those in the previous case studies.²⁰¹ CBOs’ roles are to mobilize community members to enforce sustainable grazing practices and as such, spatial grazing is a chief requirement for ensuring controlled grazing within the conservation area. Ooloolo’s land and grazing committees have apportioned acreage of land for some controlled grazing and set aside a core section for conservation. These CBOs ensure protection of the buffer zone from human activities and encroachment but because land ownership is in contestation, the community

¹⁹⁹ Concessions belong in the cluster of market-based PES mechanisms for repaying or rewarding communities and which is part of the larger Tourism User Fees (TUFs) programs that collect revenues from tourism-based activities (USAID 2012).

²⁰⁰ Under the Lands Control Act, the Kenyan law disallows non-Kenyans from owning land though they access land use rights through leases and concessions.

²⁰¹ Like many other group ranches, Ooloolo group ranch is governed by a legal trust –thus Ooloolo Group Trust. The landowners established the Ooloolo Group Ranch Ltd. as a company limited by guarantee and as the holding representative institution.

herdsmen occasionally intrude into the conservation area claiming that they have rights over salt licks, grazing land and water points. Additional communities' roles include checking, reporting, and securing conservation borders from encroachment by other community members and working with the Mara Conservancy to enhance the success of regulatory instruments and particularly those that help protect Mara's ecosystems along the reserve and the Mara River.

Concession rules aside, the Land (Group Representatives) Act of 1968 Cap 287 mandates communities organized around group titles to have land committees that have the responsibility of overseeing land administration.²⁰² The Act has provisions that mandate the members through their respective committees to engage in sustainable management of rangelands. The Third Schedule states, "The Group Ranch committee shall assist and encourage members to manage the land or graze their stock in accordance with sound land use, range management, animal husbandry, and commercial practice principles." Interestingly, this statute precludes full commitment from these institutions. Kibugi (2008) reiterates, "...these provisions ...are not binding and can expressly be excluded from or modified by a group ranch's constitution." This calls for an important monitoring role for institutions such as the Mara Conservancy whose role has been to monitor, help articulate these statute rules and carefully translate them to local communities.

The contests over the contract stemmed from weak and ambiguous ownership regimes. The saliency of tenure systems is obvious in this project. Weak tenure threatened and continues to undermine the effectiveness of many PES projects in the

²⁰² Group Ranches are prone to problems such as land intrusions (Waiganjo and Ngugi 2001), excisions (Ecoforum 2002), sub-divisions and corruption (Bedelelian 2012, Mwangi 2007, Chege nd).

Mara complex.²⁰³ Thus, it is important to situate Kichwa Tembo's existence within the historical particularities and context of the deals that formalized its establishment. Kichwa Tembo's identity stems from a history of protracted intra-communal conflict that pitted Siria elites against their own community. The community contest unsettled usufruct rights over a portion of land on which Kichwa Tembo is located. To this end, co-management process has been a constant volatile milieu of conflict and contestation. The conflict has had the two warring parties engage numerous state institutions and has witnessed interventions and interference from coalitions involving the Presidency, the Kenyan High Court, communities, ministers, parliamentarians and various Maasai-based social movements. &Beyond's website indicated that its landlords are the Ilkarekeshe Maasai tribe (and a constituent group of Siria) and by implication imply that that the concession fees are paid to its tribesmen. Yet, this may not be the case as the Oloololo Game Ranch Trust took over the land and therefore owns the title that it uses to formalize transactions with &Beyond. In this case, the Ilkarekeshe group does not receive the payments but Oloololo Game Ranch Trust does. Additionally, the rental fees go to the Oloololo Game Ranch Trust for the traversing rights in the Maasai Mara Reserve.

The project was engulfed in conflict over the land but also about the payment mechanisms for recreation services offered at Kichwa Tembo. This was because two parties claimed to possess the title and rights to this land. The community claimed that

²⁰³ Property rights regimes in Maasai land have always had a politicized dimension since the colonial period. This has led to regular state intervention as a litany of cases load state offices with groups demanding redress and justice. In Maasailand and particularly within the wider Mara complex, conflicts are even more prevalent. Evictions and seizures of lands belonging to indigenous Maasai and their marginalization through exclusive and/or inequitable benefit sharing have been widely studied (see for example, Bedelian 2012, Homewood 2012, Nortons-Griffith and Said 2010). A second feature is that while there is regular state intervention, it only offers qualified support as the usual story seems to indicate a system that disfavors locals who rarely emerge with any success from cases and demands they put forth.

the land, sought illegally, was sold to the owners who are elites who come from prominent and well-connected families and bureaucratic circles. Due to the extensive media coverage on the conflict over this land, it has become an all too familiar story of dispossession and marginalization.²⁰⁴ Hardly any coverage was not damning. Illicit land transactions caused tensions, social unrest, and internecine struggles that have been costly to both the owners of the land and the protesting communities.

By all indications, it appears that besides losing their land, the community sees no redress in their quest to win back the land. Equally troubling is that fact the community has expressed frustration about their longstanding claims and complaints that they have lodged yet find neither a response nor a solution. They bemoan government's lackluster approach that sends mixed signals and messages to warring factions, an ambivalent and compromised court system, and a government that has forged an alliance with the proprietors. The unresolved nature of the issue is a reality that the community may have to deal with now. Data and commentaries from various local and international newspapers reveal similar realities. Media coverage has provided evidence of the nature of the dispute and struggles for land claims in the Siria community. To date, the status and ownership of this land is embroiled in court cases that have been marred by appeals and counter-appeals. Currently, the Siria community awaits decision by the High Court to grant them the rights to this land. They also claim to be in possession of documents that can attest their ownership rights granted by former President Kenyatta. On the other hand, the proprietors continue to argue that they are the legal owners and similarly claim to have a formal title to the property. According to various investigative reports, however,

²⁰⁴ The most prominent of this is the Minority Report by Ole Koissaba. Otherwise, additional comprehensive reports appear in the Kenyan newspaper dailies such as the *Daily Nation*, the *East African Standard*, and the *Star*.

they have yet to prove this (see for example, Tourism Concern 2009, Minority Rights Report 2010).

6.3: Efficiency of the project under the MCPP model

6.3.1: Property rights framework

Dougherty and Peralta (2010, 68) reiterate, "...local elites can appropriate the benefits of reform process and protected area co-management [by] converting it into an initiative to declare commons and open access areas a protected area." This is indicative of the politics at Kichwa Tembo and the ensuing contestations over its management. The battle over property rights stems from community claims that two prominent leaders excised land that belonged to the community (originally under a group ranch arrangement and under community common property system), who during a sub-division process that occurred in a re-districting process manipulated their way into annexing the land from the group. Both the elites and the locals are from the Siria community. An oft-cited publication by the Minority Report (ole Koissba 2009), and as it is commonly presented in public dailies, succinctly examine the history of this contestation. They allude to the source of the longstanding tension to be elite grab of clan land. The narrative highlights that because the deal stands shrouded in secrecy, it lacked the proper open arrangements demanded by the relevant statutes.

The community successfully solicited and enlisted the support and assistance of President Kenyatta who awarded them the land in the 1970s and further ordered that the council return it to the Oloirien people (ole Koissaba 2009, 5) after an attempt of takeover.²⁰⁵ The community was able to gain access rights with the understanding that de-gazettement would allow the Maasai to access grazing areas and water points at the

²⁰⁵ This lot is about 10 kilometers stretch of land near the Mara Triangle

Mara River that would support their livestock-reliant subsistence. After a few years, the President's orders went into disregard as the Ministry of Tourism and Wildlife's ambivalent posture led to the gazettelement of the land and denied the Siria community access.²⁰⁶ This re-ignited a new wave of local protests by community organizations.

By the 1990s, community struggles over the land shifted from use/access rights to ownership rights. This was a herculean task and a miscalculation on the part of the community as it turned out to be a weak frame for mobilizing the poorly organized community. A group of Siria elites (with ties based on close familial and extensively powerful political connections) acquired and expropriated one piece of the lot (of the 954.5 ha) without the community's permission and registered it as a private trust. In 1992, the Ministry of Lands cancelled the sub-division process and the land remained a trust land (Koissaba 2009). This failed sub-division process was the turning point for the total dispossession of land rights for the Siria Maasai. These elites also became the company directors when the land was formally registered and when the title was published and completed in April 1993. What this meant was that community rights to this land were completely retrenched while that of elites was now fully entrenched.

The latter claimed they had the title that many await to see to date. Meanwhile, the Ooloolo Group Ranch Trust also claimed to be in possession of a title. Despite the fact that the Siria Maasai community transformed into a land rights movement and was able to extend and diversify its support base, it did not solidify enough to achieve the rights of its constituents. Neither could it wield enough power against the elites who had taken possession of the contested land. The Siria movement continued to protest the

²⁰⁶ According to ole Koissaba, this was a provision in the 1992 legal notice No. 412 dated 25 October, issued by the Minister at the time.

ownership by the Oloololo Trust, re-mobilized once again and sought redress from the courts. The Oloololo Trust elites had strong connections with the Presidency which obviously meant that this time around, the community movement had very limited strategies since they had no support from the executive (now under President Moi who was a key ally of the elites from Oloololo Trust).

Adding to the community's waning influence, socio-political contests that were occurring nationally also negatively influenced the growth trajectories of Kenya's environmental CBOs. This is evident in the low levels of local and national alliance building and institutionalization. The weak structure of the national network of Kenya's environmental movement was evident in its incoherent and heterogeneous base. This weak structure could not shield smaller affiliates such as the Siria movement.²⁰⁷ To this extent, networking did not successfully culminate into empowering outcomes for many grassroots social movements, including the Siria Maasai.²⁰⁸ Certainly, as it would turn out, subsequent challenges had important ramification, both immediate and long term for succeeding years of Siria land group activism. The movement had to realign and re-frame its priorities away from the core objectives (that is, from access to ownership) as it slowly but gradually morphed into a weaker organizational entity. Additionally, as the elite network, particularly of the bureaucratic coalition's coercive and administrative infrastructure, expanded with new coalitions on their side, the movement was forced to face an even more powerful opposition and complex environment. The Siria community was not fully transformed or mature enough to confront this new environment. This

²⁰⁷ A noteworthy feature of the core environmental SMOs was that its base was largely from international groups and organizations with interests in Kenya's PAs conservation.

²⁰⁸ The experiences of Kenya's feminist, green, human rights, and liberalization movements are indicative of this development.

stifled the further mobilization and organization. All the dynamics of property rights wars had significant impact on the Siria. These include, but are not limited to the fact that:

- The Siria land rights movement had to shift its focus to new dominant issues. This strategy forced the organization to re-configure its repertoires of action which progressively misaligned its core frames
- Its core leadership was weakened vis a vis their counterparts numeric and material strength. Others were co-opted into mainstream politics²⁰⁹. This led to the de-politicization of some of the movements' demands
- The movement lost its strategic niche as frame re-alignment (from access to ownerships rights claims) disorganized collective effort and encouraged micro rather macro-mobilization
- Their political entrepreneur's miscalculation in shifting their avenues of contention from local to international levels so much so that they expended enormous resources outside to the neglect of the local mobilization
- The movement's support base was not as widespread or diverse despite the aggressive contestation that it waged within local and national arenas. Other land rights movements in Maasai land agitating for similar rights fragmented the mobilization space
- Stronger alternative platforms such as the Mara Civil Society Forum are much visible, organized, and networked and thus acclaim more stature and respect in fighting for Maasai land rights claims. It is a stronger coordinating unit and an influential umbrella institution
- Splinter groups emerged from the community itself with some allied to the land grabbing elites and others opposed to the elites
- The lack of a sustainable financial springboard weakened and challenged the costly protest politics as frequent harassment and evictions reinforced problems of organization and resource mobilization.

The chain of organizational challenges and strategic mistakes affected collective mobilization and management, thereby weakening the community's capacity to be a

²⁰⁹ A good example is the election of a longtime community leader, Hon. Konchella, whose election shifted movement strength and focus with his transition from activism to politics.

strong partner in co-management. It is proper to say that the movement had some initial success but only enough to publicize its story rather than to strategically and fruitfully situate its demands and enable successful claims for usufruct rights. It was also modestly successful in articulating the realities of injustices that befell them building upon the rights-based frame. Secondly, it was also in a weak position to demand ownership rights to these resources. Elites exploited law and bought the land (ole Koissabe 2009) but did not get the real titles until December 15, 2011.

The granting of the title to Oloololo Group Ranch created three disempowering loopholes. The usufruct rights previously enjoyed by the community were relinquished. Additionally, the revenue sharing system was now skewed and more advantageous to the elite proprietors who transacted the concession contract with &Beyond. Finally, the grab resulted in the Siria Maasai being squatters in a nearby escarpment. The camp is located on community land with several villages in the vicinity. The dispute over allocation of payments emanated over three payment clusters: over lease arrangements for the lodge itself, daily access for traversing rights, and payments for the dances performed at the lodge for the guests (Bruckely 2010). The reality is that the elites succeeded in extending concession benefits to a private developer through a contract that excludes communities from an equitable benefit-sharing process. Protests and resettling on this land by the community bore no fruit. The Siria community's dilemma proves that "only the wealthy benefit in any kind of regime change in land transaction" in Kenya's vast protected area estate (Nyariki et al. 2009).

6.3.2: Payments and rewards framework

Unclear property rights are significant barriers to the successful implementation of PES projects (Padilla 2005, Greiber et al. 2009). The case of Kichwa Tembo is a manifestation of how insecure tenure can limit empowerment opportunities for a local community. It also illustrates the promise and challenges of how delicate tensions over tenure can only be partially resolved. There is urgent need for an enabling legal framework that supports community usufructs rights and particularly one that effectively institutionalizes customary rights to resource use. In Kenya's Maasailand, the protection of community usufructs rights come in various forms and under various statutes that recognize their dependence on ecosystem goods and services. This extends benefits to customary access and use for water, grazing, food, medicinal, and religious uses. There are additional provisions that require revenue-sharing systems to allot specified amounts of accrued cash from PAs. Efforts are growing albeit with enormous challenges. There has been an urgent need for restructuring of protected area management to involve and reward local communities.²¹⁰

Partnerships have sprung up to handle this void using different models and with varied levels of success. MCPP-mediated innovations within the Mara Triangle such as the ecotourism partnership model in Kichwa-Tembo eco-camp are examples of these efforts. This Kichwa-Tembo eco-camp venture operates on resources that are provided by a multinational firm (&Beyond), local landowners (Oloololo Group Ranch Trust), and the

²¹⁰ The central importance of designing efficient rewards mechanism is because the tourism sector's economic potential is largely from the conservation burdens that the local Maasai communities bear. The Mara complex is the most important tourist biodiversity complex and the leading hub of tourist recreation services fetching a significant portion of the country earnings from the sector. For example, in 2012, this figure stood at KSh.96 billion (Republic of Kenya, RoK 2013).

regulatory and advisory services of the Mara Conservancy. There are three facets of innovation encompassed in this venture. The first element is in the design of co-management. An institutional mechanism initiated by the Mara Conservancy saw the devolution of financial management to Conservancy administration. This was traditionally the preserve of the municipality. This shift aimed at enhancing effectiveness, transparency, and accountability through the new organizational structure and culture. To this end, the Conservancy has served as a public advocate for the re-conceptualization of rewards by implanting efficiency-laden rubric to enhance the outcomes. It is attempting to establish PES-linked institutions to mainstream proper revenue-transfer process to communities. This served to dislodge the previous system that was corrupt. Nevertheless, as has been discussed, the community barely receives this revenue because community elites were the key actors who organized and transacted the project.

A second aspect is that the Conservancy instituted a design feature that aimed to enhance efficiency through the institution of a system of direct payments to community owners of the land under concession. This introduced a new PES-like program for rewarding local communities who protect ecosystems and provide ecosystem services. The MCPP-mediated model in which Kichwa Tembo is organized is categorized as Payment for Wildlife Services (PWS), and is currently receiving a good deal of attention from agro-ecological experts (see for example Bedelian 2012, Gitau et al. 2012, Silvestri et al. 2012).²¹¹ This emerged in the wake of the failure of a system characterized by ineptitude, corruption, and an inequitable system of payment through the municipality and later through the wildlife associations/trusts. Under this new system, &Beyond can

²¹¹ The International Livestock Research Institute (ILRI's) LiAPS conducts a large number of these research studies, which is the Livestock Inclusive Agricultural Production Systems working group, stationed in Nairobi.

make direct payments to the elite landowners who receive this money without being robbed of their earnings.

The third element of innovation is that the Conservancy instituted a new low-impact recreation services provision model that nurtured conservation tourism as a new paradigm for integrating social programs into their venture operations (Buckley 2012)²¹². This introduced new avenues for receiving cash and non-cash payments through both voluntary and non-voluntary means. The net effect was that it influenced the participation process of local communities in many ways. The Kichwa Tembo eco-camp currently is a very successful venture in terms of recreational visitation rates by tourists. It has made its operator appreciate that the capacity of the ecosystem to produce these services is reliant on a win-win approach that values the effort and cooperation of the local communities. Buckley's (2010: 29-30) review of the eco-camp classified Kichwa Tembo as a leading model of conservation tourism which provides cash and non-cash payment such as "lease arrangements ... daily access fees for traversing rights; and payments for dances performed for guests at the lodge." Buckley ascertains that Kichwa Tembo, a comparatively large venture of &Beyond's properties, "provides substantial local employment and opportunities for local artisans to sell their wares directly to lodge guests..." Moreover, because of this, "relations between &Beyond and the local villages are thus very good." (30) These are observations made using only a partial account of the dynamics of lease and access right dynamics. In order to evaluate the real empowerment outcomes for Kichwa Tembo's payment for wildlife services (PWS) program, we need to evaluate three features of its operability.

²¹² In other words, this is tourism which operates as a conservation tool, (p.2).

7: Appraising Mara Conservancy's game plan: Enter effectiveness, exit enfranchisement

As we have seen, the MCPP-mediated program for changing power relations in the operations of the Mara Conservancy was weak despite the fact that community institutions participated in the initiation and organization structures. These mechanisms failed as enablers of real power sharing. They also failed to expand programs for direct inclusion and representation of communities. The Mara is a case of a highly contested terrain for MCPP-mediated co-management. Equally, community power was on a weak platform because its leadership failed to exploit collective power from relational and transactional leadership when political opportunity became available through devolution. The second observation was that the MCPP had established an organizational culture that privileged transparent and effective management over over representativeness. This attribute played out as a disempowering aspect for the communities. *However*, its impact has indirectly served the purpose of anchoring biodiversity protection and provision of recreation services. The Mara Conservancy has continued to provide various services by acting as an intermediary in project implementation. This section situates the Conservancy's role as an intermediary in the implementation value chain of ecosystem services.

The Mara Conservancy solely or jointly finances reserve operations in the Triangle with various partners. Its goal is to ensure that the reserve's infrastructure and utilities serve not just Kichwa Tembo, but other ventures and the communities as well. A good example is its partnership with Ann Kent Taylor Foundation. Both are financing the training of rangers. This partnership creates and manages community ranger and reserve personnel and provides training services that complement the work of Kenya Wildlife

Service. The Conservancy's leadership has strong connections, an attribute which enables it to secure advantage in private funding.

The tourism-reliant informal economy and allied sectors within the Mara Triangle are dependent on a dynamic tourist sector for employment and revenues. However, for a long time the poor infrastructure had crippled the efficiency of provision of recreation services and protection of the ecosystem as well. A Ministry of Tourism (2008) report noted that the problems of inadequate and inefficient infrastructure in tourist circuits have major impacts on operational costs of eco-ventures. The Mara Conservancy stepped in and did tremendous work in infrastructure improvements and development. The Conservancy is extremely an infrastructure-focused co-management system. Its goal is to maintain reliability and efficiency within the eco-complex. It is not surprising that currently the Mara Triangle's status is immensely successful:

- Capabilities of recreation services providers have expanded as clients now enjoy accessible and dependable, tourist services. These reflected in visit transit time, reliability, accessibility, and security
- Services are now automated and are enabling effective logistical coordination across partnership services and units
- Ventures can now capitalize on economies of scale and complement each other's support systems for ecosystem goods protection and services provision
- Wildlife viewing paths and sites have improved immensely through regular reconstruction initiatives
- There has been improved safety and transportation in safari touring because of greater transportation efficiency
- Improved the logistics of PES projects as ecosystem preservation and protection is relatively cheaper, faster, flexible
- Enforcement of restriction has limited improper use of ecosystem services by both sellers and buyers around and within the Triangle.

As noted earlier, the Conservancy has ensured that the revenue-sharing instruments and mechanisms result in an effective model that ploughs back rather than siphons away deserved community revenues. This has served to lessen tenuous relationships regarding access and benefits systems within the Triangle. It has also served to advocate for some community participation in PES projects such as through the Community Scouts Project. To this end, it has mobilized extensive technical and financial support from local and international donors such as KWS, US Fish and Wildlife Service, and Ann Kent Taylor. The scout project trains and employs local *morans* to ambush and fight poachers and to prevent wildlife attack on humans. The program is one of the most important finance-based and non-finance related benefits for local Maasai communities. Through this project, the Conservancy is currently outsourcing and supporting security operations at the Narok County Council that manages the eastern section of the reserve. This program is operationally stable because of the Conservancy's ability to mobilize a game scout network around the Triangle's landscape.

As a regulator of PES schemes, the Conservancy's staff pursues and screens institutional buyers and sellers of ecosystem goods and services. It also enhances collaborative ecosystem protection and PES provision by identifying new areas of collaboration. It also provides information about potential buyers of ecosystem services to group ranches within and beyond the Triangle. It approves private ventures designed to have low impact on the Triangle's ecosystem. As such, it acts as a leader in enforcing, publicizing, and promoting such programs and awarding permits only to qualified candidates and those that comply with reserve regulations. The Conservancy's leadership role is its mandate as the primary contact for all providers within and around the Triangle.

It convenes, conducts, and coordinates all PES programs that have a bearing on the Triangle's ecosystem. It conducts audits of all premises and has environmental impact assessment laws that ventures must abide by.

&Beyond's accession to the agreement with the local proprietors is strengthened through regulatory and monitoring process. The most authoritative unit in this role is the Mara Conservancy. It facilitates, prepares, and implements all the compliance protocols as they relate to the wellbeing of the ecosystem and the community at large. Providers, sellers, intermediaries, and buyers of ecosystem services must adhere to stipulated provisions. The Mara Conservancy also monitors the investment climate by actively engaging government officials and other stakeholders in dialogue on reforms needed to enhance the incentive framework for increased private participation and profitability. This opens up opportunities for expanding add-on projects that increase spaces for community participation in the ventures-though usually with modest to minimal impact. This also lowers the information costs for local ventures.

As a network facilitator, the Conservancy acts as a link institution mediating interactions and transactions between buyers and sellers of ecosystem services. Through its marketing strategies it articulates and communicates the positive benefits of low impact venture operations and associated ecosystem services that are enhanced and supported by Kichwa Tembo's model. It has played the role of a marketing intermediary in publicizing rewards schemes and clarifying their ameliorative and transformative potential.

8: Conclusions

This chapter detailed the evolution of the Mara Conservancy which was initiated as a co-management system for introducing management reforms. Its evolution and maturation is a by-product of a myriad of factors. These include reforms in the legal framework, local mobilization of elites, counter-activism of resource-user and resource-adjacent communities, and internal organizational dynamics of the MCPP itself. These elements have defined its growth and outcomes for the partnership's collaborative process including institutional development, capacity for innovation, and overall community development. The initial designing of an MCPP's institutional system and application of instruments for implementing collaborative policy mattered greatly for empowerment outcomes. The Conservancy evolved in the midst of faction-led controversies and contestations linked to property rights of local Maasai communities. Additionally, due to the legacy of institutional corruption and predatory management at the Triangle, the founders had no other basis but to establish working systems of effective management and efficiency-based administrative processes that could boost staff morale and performance.

In essence, the initial design process was a reactive response to the context of the environment in which it evolved. Thus, unlike Laikipia Wildlife Forum, which enjoyed the economies of scale and scope through social capital, diverse membership, and funding, the Conservancy's founders had to invest more resources on very specific goals and activities. This explains why its functions revolve around animal security (anti-poaching) and human security (compensation-based programs) although it supports other PES/rewards-based initiatives within the Mara ecosystem.

The Mara Conservancy case illustrates how partners in a co-management process set the basis for designing their activities and operations in a given setting of PAs landscape. This case particularly invokes the fact that a co-management system is a system that links power and resources of partners. In this case, the Mara Conservancy used a reform pillar to plan its initial activities and singled out effectiveness as the key principle for coordinating and influencing collaborative management of human, natural, and financial capital. For example, the collaborators came to a consensus that open disclosure of revenues and internal operations of the partnership were primary trust-building and effectiveness-enhancing design parameters. In this regard, the principle of transparency was articulated and well integrated into the management system and the plans of Conservancy programs.

Finally, concerning the community's role in co-management, the analysis concludes that CBO leadership can define the difference between success and failure of community empowerment through major or minor strategic errors of omission and commission. Their focus on antagonistic rather than symbiotic collaboration may have limited community ability to exploit political opportunity. This does not negate justifiable claims for justice, but it does emphasize that communities can strategically exploit overt and covert tactics for benefitting from a change in policy even if it means sacrificing some autonomy. As indicated by the Conservancy's developments, it seems the community must find a way to navigate the tension-ridden platform and proactively collaborate with other entities. This would allow it to engage the other partners. This is particularly so with the municipal governments in both Trans Mara and Narok.

CHAPTER 6

CONCLUSIONS

1: Introduction

The intent of this chapter is to explain the variation in MCPP-mediated empowerment with clear demonstrations of how partnerships enhanced the capacity of community organizations and empowered them as representatives of their constituents. Its central features are integration of within-case and cross-case comparative analysis with an additional examination of partnership trajectories. On this basis, the pivotal reforms that initiated each MCPP is viewed as an initial condition and evaluated separately or in combination with other factors. I hypothesized the impact of five variables. These are decentralization of power, elite support, capacity of a participating community organization, partnership formalization process, and resources expended.

The findings confirm that three variables are indispensable and two minimally influence empowerment. The more decentralized management structures are enabling and supportive of empowerment. Elites are profoundly influential because they determine opportunity and community agency. Contrary to expectation, greater community capacity does not necessarily translate into empowerment. Additionally, rapid formalization matters while the resource types expended are necessary but not sufficient for enhancing empowerment. Additionally, the elite support variable interacts with the four variables as they influence empowerment.

Unanticipated intervening variables that influenced empowerment were also identified. The presence of intervening variables allows for an elaboration of the causal mechanisms that influence partnership-mediated outcomes. These are 1) the legal and

institutional framework 2) coalitional networks initiating and convening each partnership 3) property rights regimes 4) social and ecological features of a region and 5) innovative capacity of each partnership. The final section of the chapter highlights lessons, contributions (i.e., academic and policy merits) and potential future research. It then provides important conclusions about this study.

2: Hypotheses and findings

A prominent conclusion about Kenya's wildlife sector is that it is a conflict-ridden arena controlled by government-affiliated entities that reinforce the systemic exploitation of communities. This study found that the sector is organized around innovative partnerships that are empowering communities in various ways but at the same time face various structural challenges evaluated in the next sections.

2.1: H1: The more decentralized is power in co-management, the higher the likelihood of CBO empowerment

This hypothesis was confirmed. The more decentralized MCPP structures were more enabling and supportive of inclusiveness. Each partnership was organized to fulfill common activities of co-management. These included identifying and prioritizing issues to be constituted in the management plans for protected areas, endorsing these plans, and implementing the plans. The most contentious components of these activities were the selection and zoning of landscapes, delegation of roles, and implementation of management plans. Decentralization efforts which enabled empowerment are those that best handled these processes. The more decentralized and pluralistic structures established during the initiation and formalization of the Forum and the Amboseli Management Partnership enhanced the empowerment of communities both procedurally

and substantively compared to the less decentralized bureaucratic structures seen in the Mara Conservancy.

The initiation phase of each partnership provided a more decentralized platform for empowering community organizations. It is crucial to highlight that in all the three MCPs, power sharing was implemented as a kickoff incentive to get specific reforms of each program to commence. Thus, during this phase, more consultative and pluralistic apparatuses were institutionalized. Community organizations were engaged as agenda setters and provided initial input for the design of institutions for selecting, designating and managing of protected areas. Of course this participatory space was more extensive in the Forum's platform and less extensive in Mara Conservancy. More specifically initiation created ripe political opportunity for participation than post-initiation phases of partnership development. This phase enabled more pluralistic contexts than post-initiation which were usually inhibitive to inclusive engagement.

A related finding is that the three partnerships implemented dissimilar levels of decentralization and especially during initiation and formalization phases. These variations produced dissimilar outcomes because governance was formally implemented through two models of protected area planning, namely opportunistic and systematic designs.²¹³ This study revealed that opportunistic designs (adopted by the Forum and Amboseli Management Partnership) provided ideal conditions for proactively engaging

²¹³ The key difference between opportunistic or community-driven and systematic approaches is the agenda and institutional design that influence co-management operations and programs. Opportunistic approaches "establish ... protected areas where they are most easily implemented and enforced" (Hansen et al., 2011, 1887), while taking due consideration of preferences of the resource-user or resource-adjacent communities. Systematic conservation planning on the other hand minimally or very rarely engages the critical stakeholders. The basic aim is scientific acumen, while the paramount objective is usually to "achieve maximum representation of conservation areas" (Hansen et al., 2011, 1886-1887; see also Pressey and Bottrill 2009).

local organizations. It allowed extensive actor networks linked to communities to forge and reduced inter-partner conflicts and hurdles for CBO engagement. In the case of the Forum, the proactive engagement of communities in designing management plans for Laikipia's wildlife corridors and partly in the Amboseli nurtured structures that engaged community more immediately, extensively, and rapidly. In Laikipia, decentralization was largely exercised by shifting the locus of power to communities. This enabled direct engagement with and participation of communities. The process provided and extended legitimate authority of community institutions and their role in managing and accessing wildlife-based resources. This was a direct strategy to empower communities by enhancing their capacity for representation and conservation. Partnerships in both complexes faced some structural challenges in late formalization phase.

Systematic collaborative planning which was adopted by the Mara Conservancy was less suited for empowering CBOs, much less post-initiation. It created direct and indirect bottlenecks in the initial design of reserve selection (i.e the Mara Triangle) and in the engagement of projected planning units. Further, the Mara case aptly demonstrates that initial conditions as manifested in formulation of conservation regimes significantly anchor partner intentions and future interventions. Mara Conservancy's exclusive design prevented community buy-in, handicapped its start-up structures and undermined the scaling up of participatory programs. The real bottlenecks were embedded in the initial design of reserve selection and in the weak authority-legitimacy nexus for conservation planning and implementation.

The Mara Conservancy presents a test for devolutionists. The strategy implemented by the municipality clearly transferred extensive roles to a non-governmental entity.

Unlike many decentralization efforts which are usually not fully committed to extending powers to non-governmental entities, the Trans Mara Council shifted authority to the Mara Conservancy. The plan was a tough sell to surrounding communities and especially the Siria. This led to a near stalemate during the inception of the partnership and exclusion of the Siria in governance. It can be interpreted that decentralization was implemented, at best as privatization. The private interests working in collaboration with elite coalitions at the county positioned strategically and exploited the opportunity which allowed them to strategically sideline the Siria.

For sure, the level of decentralization of power made a significant difference in MCPP-mediated outcomes. From the vantage of power sharing and interest in collective appropriation of resources, each MCPP initiation platform can be evaluated as an indispensable condition for empowerment. The Forum and the Amboseli Management Partnership were designed to engage communities more extensively than was the Mara Conservancy. For example, the Forum's strategy was anchored on collective benefit sharing and collective management of biodiversity across the wildlife corridors that traversed communal and private land. The Amboseli Partnership' strategy was ecological justice and advocacy. Furthermore, in the Amboseli, alliance-building during MCPP initiation and formalization was a relatively participatory arena because it embodied consultation, public deliberation, and evidence sharing. This not only allayed fears and suspicion of dispossession, but it also reduced confrontation and allowed communities to mobilize resources for participation in co-management. On the other hand, the Mara Conservancy's strategy leaned more towards transparent administration. Accordingly, mainstreaming of community participation was implemented (respectively) through

associationalism, pluralism through pacted governance, and bureaucratic management.

These choices determined the entry and engagement of community organizations with the bureaucratic strategy allowing the least participatory avenue for community participation.

Additionally, better conditions for community buy-in partially explains the presence of many partnership networks in Laikipia and in the Amboseli.

2.2: H2: The more extensive is elite support for co-management, the higher the likelihood of CBO empowerment

The expectation that greater elite support for co-management increases empowerment finds strong support in the experience of each partnership. In fact, the centrality of elite support as a key determinant of empowerment is evident across all the cases and phases of MCPP evolution. A key observation made is that in each partnership, elites were more supportive at initiation than during formalization and post-formalization phases. The distinguishing contrast, however, is that for initiatives in the Amboseli and the Mara Triangle, elite support for formal co-management was exhibited by erratic and transitory postures. This observation finds support in studies which express consistent fear by elite when transfer of real decision making power to communities is implemented or suggested. A related interpretation may be that elite support during initiation was a mere show that they were receptive to co-management programs, while their real intentions were to enhance their benefit streams from reforms and strengthen their own interests rather than those of the collective. For example, in Laikipia, communities benefited from a favorable dispensation that was relatively free of jostling and inter-coalitional elite conflicts at initiation of the Forum. This enabled proactive participation of communities. During post-formalization phase when the wildlife cropping program

was terminated, elite demands from political and ranching business coalitions nearly disrupted the structures that had helped extend significant rights to communities.

In the Amboseli, the initiation phase was slightly confrontational. However, the stronger alliance between the Amboseli Association and pro-co-management elites weakened opposing elite groupings (specifically from the pro-privatization community affiliated elites, political, and some bureau-based elites. This ensured that communities were empowered to negotiate and participate in early co-management processes. During the post-formalization phase, however, communities faced a harsher environment which prevented empowerment. Thus, while the Amboseli Association was equally spared of intense elite collisions, it suffered the consequences of poor craftsmanship (of a weak compact) and collusion between the partnership's leadership and external functionaries. In the case of the Mara Conservancy, weak support from political and bureau-based elites and elite competition inhibited the construction of a platform for consensus on how to implement the management plan and how to engage the Siria right from initiation. Conflict was nurtured by elite coalitional struggles over power for leadership and the need to appease communities for electoral support. Fickle elite support produced a fragile community organization. Intense and protracted coalitional conflicts among political, bureau-based, and community-affiliated elites diminished the ability of the Siria to effectively organize and participate in co-management.

The lessons here are twofold. First, elites disfavor decentralization when it is strategized as a power shifting process but they may put up with power sharing programs. As documented earlier, the elite support variable interacts with the decentralization variable and thus the extensive dissimilarities in empowerment stem further from

differential levels of elite support. Weak empowerment outcomes occurred where there were high risks of elite capture of co-management processes. Second, the more united and consensus-oriented elite networks in Laikipia managed to thwart threats from disruptive networks that emerged during the implementation and termination of the wildlife cropping program. This facilitated community mobilization and empowerment, and more so because the Forum had a strong organizational identity embedded on its modular structures. However, diverse constellations of fragmented elite coalitions increased chances for elite capture in the Mara and the Amboseli eco-complexes. This problem was extensively mentioned by respondents in the interviews as well.

Why did elite support significantly influence MCPP-mediated outcomes? An illustrative account of elite role suffices. In the Amboseli and the Mara Triangle, the key conveners of MCPP were elites constituted by political, bureau-based, and NGO-affiliated elites from leading conservation institutions. These diverse groupings with fragmented identities fronted agendas that were remotely linked to community interests. This process nurtured more confrontational arenas and the absence of endorsement of the management plans by communities. Equally coalitional interactions led by consensus-oriented and relatively pro-inclusive elites in Laikipia provided collaborators an arena through which representational identity, legitimacy, and vitality could be achieved. Such opportunities lacked in the Mara where political and bureau-based elites imposed their preferences on co-management agenda. Furthermore, in the Amboseli and the Mara Triangle, communities negotiated but highly contested the co-management processes. Partnerships compacts with a steady evolution (such as the Forum) provided an immediate boost to representation than consortiums and compacts with unstable

evolution (such as the Amboseli Management Partnership and the Mara Conservancy). This variability was linked to variations in institutional proprietorship and stewardship from the elite leadership whose actions and strategies directly influenced CBO's resilience, vigilance and leadership capacities.

2.3: H3: The higher the level of capacity of a participating CBO, the higher the likelihood of CBO empowerment

Contrary to expectation, a surprising finding was that higher levels of CBO capacity did not necessarily increase the likelihood of empowerment. The capacity hypothesis is only partially confirmed. The expectation was that capacity variable would be more influential than the findings suggest. In essence, while there were obvious contrasts in capacity among the three community organizations, there was no strong evidence that community capacity greatly conditioned their empowerment. This apparent explanatory weakness of this variable was manifested in different aspects. For one, organizational capacity provided limited additional benefits for community organizations. All the three organizations faced vulnerabilities and opportunities that thwarted or enhanced empowerment. Each partnership arena empowered or weakened these organizations regardless of their capacity. More so, this process was determined not by community capacity but by the scale of decentralization and level of elite support.

Second, CBO capacity only minimally reinforced empowerment outcomes once these two variables had shaped the dynamics of co-management. For instance, the Rangeland Trust's success at representational ability and its effectiveness at conservation were enabled by the ready embrace from a cross section of elite coalitions straddling community, bureaucratic and NGO-based professional groups. Similarly, the Amboseli Association which was dormant during the late formalization phase of its parent MCPP

was revived and reconstituted not because of its mobilization and its leadership but because the municipal governments of Olkejuado and Loitoktok, working in concert with KWS re-organized structures for engaging stakeholders within the Amboseli.

Community leaders rallied their constituents under this dispensation.

Third, there were instances where even a community organization with high capacity interacted as a weak partner because power had been extensively tilted towards municipal-affiliated and private sector partners. This was especially so with the Amboseli Association. At the same time, the association's capacity was attenuated by imprecise boundaries that stipulated roles and responsibilities of municipal and private sector partners. Even within the Forum, the private sector partner was presumably a stronger network than its counterparts. Clearly, capacity had a weak influence on empowerment. The factors that enhanced empowerment were favorable structural and contextual conditions. Arguably, when partners were not committed to reforming co-management structures to allow inclusive and extensive participation of community organizations, it did not matter what level of capacity a community organization possessed. Otherwise, an alternative explanation is that both the Rangelands Trust and the Amboseli Association were cushioned by co-management structures while Siria were alienated.

Organizations exhibited contrasting attributes in terms of capacity at initiation and during formalization phases of MCPPs. The communities in the Forum lacked a representational chaperon during the initiation of the Forum because the Rangelands Trust was not yet established. The Rangelands Trust became an effective partner during the formalization of the Forum because an amenable context facilitated by elite coalitions encompassing community's ranching, political and bureaucratic groups embraced and

nurtured it to be a stable proactive partner. The Amboseli was essentially a strong partner at initiation. Internally, it possessed valuable resources including leadership and a track record of proactive engagement in designing and planning of Amboseli management plans of 1991 and 1996. Externally, it was for similar reasons an indispensable partner in the institutional infrastructure for fast-tracking the operationalization of the biosphere reserve regime post-designation.

The Rangelands Trust and the Amboseli Partnership also participated as formal partners, provided community land, social capital, and human resources. This had two effects; communities were valued as strategic and legitimate partners, creating trust and credibility, and the partnership start-up process was effectively institutionalized with relatively stable structures. In contrast, the shaky and tension ridden initiation of the Mara Conservancy prevented the types of initial empowerment (via representation and effective engagement) seen during the initiation of the Forum's and the Amboseli Management Partnership. In the formalization and post-formalization phases, the three community organizations possessed different capacities as negotiators and decision-makers. The Siria movement and its alienated structure meant its continual absence in formal decision-making. Furthermore, due to Siria leadership's pursuit of tactics of dissent, its ineffectiveness was inevitable.

The Siria continued to contest for their rights while directing all the energies to protests, while the Rangelands Trust and Amboseli Association struggled to negotiate rights to manage resources. These challenges were less intense for the Rangeland Trust. The challenges for Amboseli Association stemmed from conflicting internal organizational and MCPP forces. Essentially, stable but conservative institutions and an

unstructured and delicate identity of the Amboseli Management partnership clearly derailed CBO empowerment. In the case of the Siria in Mara, alienation was compounded further by repression when its leadership was occasionally accosted by the police and through systemic elite manipulation. Additionally, the surge in group ranch privatization gained foothold in the Amboseli and Mara when each of the partnerships were beginning to re-organize and consolidate. This coupled with other social and ecological changes continue to inhibit progress in participation and empowerment.

Despite, its weak influence on MCPP-mediated outcomes, why did CBO capacity impact empowerment? Community capacity in each of the cases indicted that it was a factor that depended on both internal CBO and external partnership-based variables. For example, the Forum produced a proactive and a better organized community organization while its counterparts produced fragile and polarized community organizations. The key difference is that the putative role of the Amboseli Management Partnership in institutionalizing the biosphere reserve regime created relatively better incentives for collaboration with community institutions than the Mara Conservancy. This was the participatory space that enabled the proactive inclusion of the Amboseli Association.

2.4: H4: Co-management reforms have a higher likelihood of increasing empowerment with higher levels of formal and rapid coordination at initiation and formalization

In these three ecosystems under study, opportunistic collaborative planning had a higher propensity to produce conservation and empowerment targets than systematic design because it enhanced effectiveness of communities in managing conservation programs. It also enabled them to simultaneously enhance the benefit streams from engagement in collaborative conservation. The advantage provided by immediate

democratic processes for engaging communities in Laikipia and in the Amboseli quelled tensions and empowered communities to mobilize organizational and leadership resources necessary for collaborating with their partners. A surprising finding was that the initial formulation of management plans, reserve selection and inception of protected areas could only be achieved and built on not just decentralized inclusive structures, but community buy-in as well. For example, in Laikipia and in the Amboseli, community buy-in meant that a relatively rapid process that allowed inbuilt consensus to be translated into a program for action had to be implemented with a sense of urgency. When MCPP initiators were not impelled to translate informal strategies into formal institutions or when they were challenged by tenuous inter-partner relations as was with the Mara, the slow pace influenced expectations and interactions. It subdued effort and commitment, the level of trust and action within the partnership, and community institutions as well.

Evidently, with the Forum in Laikipia, both participation and buy-in were high at initiation and early organization phases. With the Amboseli Management Partnership, community participation was extensive but partners had to aggressively ensure high level of buy-in for the partnership to be initiated. In the Mara Triangle, where decentralization was implemented but significant powers were directed to the private sector. Community participation was not fully attained and community buy-in is yet to be achieved to date. These structural challenges limited rather than enabled empowerment. It is usually assumed that expanding participation is the panacea for enabling positive co-management outcomes, yet the all the three cases reveal that buy-in must be achieved regardless of the

scale of participation. In other words, communities must also accept and endorse the program as meaningful and rewarding.

2.5: H5: The higher the number and more diverse the resource types exchanged, shared, and expended by partners, the greater the benefits for empowerment

The main observation regarding this hypothesis is that high resource levels have weak influence on empowerment. While it is true that adversarial relations stems largely from historical dispossession of local communities and progressive accumulation by governments and the private sector, this equation is changing. Marginalization of resource-adjacent and user communities is decreasing and the relationship between communities and the government is improving. This is indicated by the types and amounts of resources expended and exchanged in conservation related programs. The amount of (financial, human, social and symbolic) resources used continue to increase over the years. However, the findings indicate that increase in resources has not been matched by increased empowerment of CBOs. The Amboseli Management Partnership's experience clearly demonstrates this. Similarly, the unique position of the Mara Conservancy is that it relied on support from many government institutions for program implementation. This relationship has informally bounded the partnership onto a system of entrenched parochial connections to local, political, and bureaucratic elites. However, because of its strong focus on an intervention prism of transparency (rather than representation), it has stayed a stable compact than its counterpart in the Amboseli. Its conservation programs are extensive; these are however more focused on supplanting and enhancing regulatory incentives rather than compensatory and participatory incentives.

2.6: Interaction of variables

Three variables are indispensable and two minimally influence empowerment outcomes. To a great degree, the elite support variable interacts with the four variables as they mediate upon empowerment. Thus, the impact of each variable interconnects with the elite support variable. Elites are co-opted or engage coercively in partnership activities and processes that enhance or inhibit empowerment. Arguably, the more decentralized structures were influential empowerment factors only when they were anchored on strong elite support systems. Thus, in the Forum where power was widely decentralized, hence widely distributed across co-management partners, the net effect was more pronounced because elite support and a united elite coalition provided resources for a stable partnership initiation and formalization process with commitment towards inclusiveness. There was consensus about the selection of protected area landscapes, in planning of strategies for implementation, and tools for enabling community engagement in the implementation process. These were crucial enabling initial conditions and institutions for empowering communities.

In sharp contrast, where decentralization vis a vis power distribution and power sharing attempts were poorly facilitated, it was because elite formations straddling bureaucratic, political, traditional, and landed elites prevented the type of stable evolution seen in the Forum. This is demonstrated in Amboseli Management Partnership where elite consensus was weak but, at least, cooptation enabled efforts towards a consensus-driven MCPP inception process. However, the cumulative effect of exclusive coalitional alliances ended up nurturing inclusive yet fragile structures. Elite fragmentation and weak support during formalization later on directed energies and agenda away from the pro-

decentralization coalition. With the Mara Conservancy, its inception was largely undermined by elite control and lack of local legitimacy. This weakened the ability of the MCPP to secure representation and effectiveness of its core community organization. Thus, in the Amboseli and Mara, empowerment was compromised and less participatory programs were instituted.

Further, empowerment was less likely when the level of support from community-affiliated and bureaucratic elites was weakest. These were the groups most prone to sabotaging participatory governance which occurred either through elite capture, interference, and process manipulation. The Mara complex is a key case in point. Elite interests determined opportunity and CBO agency. Seldom did elites seek to fully improve community interests, but this does not imply that they were not supportive of community-affiliated programs. They were in support to allow them to exploit opportunities as key players, and this was particularly so with the bureaucratic and professional elites. Once opportunities were availed, community interests were sidelined. These types of systemic exclusion occurred progressively in Laikipia and the Amboseli. In the Amboseli, empowerment initially occurred because of a process of co-opted activism allowed for a negotiated CBO engagement. In the Mara Triangle, exclusion was an immediate element of wildlife conservation and planning because elites were the key initiators and catalysts of reforms that would end up benefitting other partners and excluding communities. Empowerment was not achieved because of this conflict-ridden platform in the Mara Triangle.

The matrix in Table 6 below highlights the level of CBO engagement and empowerment as a consequence of elite support and elite role in each MCPP arena vis a

vis decentralization. It presents the findings which are summarized along typologies descriptive of four types of outcomes. In essence, elites predominated co-management through their support and prominent participation in specific MCPP programs. It is important to restate that despite the presence and participation of many elite groups, the significant (positive or negative) impact of the elite support variable was more pronounced with the participation and legitimation of political and bureau-based elites. Significant evidence points to the fact that elites either participated as *activists* (i.e., supported co-management) or as *catalysts* (i.e., captured co-management benefits). A related observation was in establishing the two distinguishing instances of elite role in decentralizing or allowing inclusive governance, including supporting the scaling up of operations and resources for mainstreaming participation. Findings show that elite coalitions participated as *facilitators* of MCPP and as *initiators* of MCPPs. Along these instances, evidence also indicated that the scale to which decentralization was achieved or undermined largely was as a result of these four elements described elite participation.

Table 6: A matrix describing the impact of elite support on MCPP arena and empowerment of community organizations

	Elites as activists (support)	Elites as catalysts (capture)
Elite as facilitators of MCPP	Consensus-oriented arena <i>Proactive CBO engagement</i> (The Forum)	Concealed conflict <i>Dissipated CBO engagement</i> (The Forum; the Amboseli Partnership – formalization phases)
Elite as initiators of MCPP	Co-opted activism <i>Negotiated CBO engagement</i> (The Amboseli Partnership)	Conflict-ridden <i>Contested CBO engagement</i> (Mara Conservancy)

3: MCPP- mediated empowerment: Procedural and substantive outcomes

3.1: Empowerment as representativeness

A clear illustration and explanation of empowerment outcomes are revealed by assessing both procedural and substantive outcomes. The evidence for interconnections between the level of decentralization of power and elite support variables is more pronounced in the operations of the Mara Conservancy. The diverse and fragmented elite coalitions invaded the initiation process, cemented their control and disrupted its stable evolution. The dominance and leadership of the private sector was institutionalized with assistance from the bureau-based officials at the municipal office. This created struggles over implementation process of the Management Plan, the outcome of which was an alienated and disenfranchised the Siria community. Poor representation and the entrenchment of administrative fiat resulted in protecting elites and their agendas, not the community's. When a CBO was a proactive partner in “creating spaces” (see for example, Gaventa 2006), such as in the Forum, communities were empowered and successfully represented community interests. Otherwise, where community entities were merely “invited to participate” (Gaventa 2006) such as in the Mara Conservancy and the Amboseli Management Partnership), contestation and disruptive evolution created less effective institutions and weak conditions for empowerment.

The factors that motivated the initiation of each partnership presented varying implications for empowerment. Since the Forum's wildlife cropping experiment was designed as an entitling program, it was better suited as program for enabling community representation and participation than those of the Amboseli Partnership and the Mara Conservancy which were gate-keeping and housekeeping programs respectively. In the

Amboseli the goal of mainstreaming a biosphere reserve status within the complex resulted in a biased focus on landscape management through gate-keeping strategies. This process was entrenched by a coalition that emerged from alliance between conservationists, the private sector and the Kenya Wildlife Service. This led to the distancing of agendas on livelihoods enhancement, meaning that the roles of community organizations were important only in as far as they participated as conservators. In the Mara, the real deal was to install radical housekeeping measures, and this was to take shape even at the cost of representativeness.

A second but a more nuanced specification of the impact of decentralization on representation is exhibited in outcomes linked to partner influence and authority in decision-making and revenue management. Comparatively, the Forum was more successful in extending participation rights than its counterparts in the Mara and Amboseli. This is reflected in its board structure, management and board operations. The board appointment process was a key factor that influenced start-up processes and community buy-in within each partnership. For example, selected board members were more prone to catalyze conflict than boards with elected membership. With the Mara Conservancy and Amboseli Partnership where board appointments were distinctively based on selection, decision-making was heavily controlled by bureaucratic entities at the municipal offices and those outside MCPP confines.

Additionally, board appointment in these two partnerships poorly reflected regional and group representation of the social landscape. In the Mara, this exacerbated credibility crises as the local community cried foul that they were not consulted on the matter and therefore disapproved of the process. Locals argued that the board leadership

was imposed on them. Complex and unrepresentative structures and biased board operations influenced the distribution of power away from community institutions. The Amboseli Partnership relied on board units at consortia and consortium levels to transact and implement projects. This created a very complex structure for engaging community organizations. These developments signaled the beginning of a disruptive evolution of the Amboseli Partnership and divisive politics in the Mara complex, the consequence of which was a fragile entity (i.e., the Amboseli Association in Amboseli) and an alienated organization (i.e., Siria social movement). On the contrary, the Forum's board was and continues to be convened through voting process and decisions by consensus. Its composition and decision making units reflect the local and geographic jurisdiction. Members, staff and managers of financial committees and departments are appointed through rigorous interviewing by the executive and board. Additionally, officials elected from five geographical units in Laikipia and surrounding regions are representative of its membership. The board is accountable to the Forum members and structured as so in order to limit bureaucratic interference.

To a great extent, the distribution and locus of fiscal authority was a key factor in shaping empowerment outcomes. For example, the Forum's reliance on its members' contributions allowed its community-affiliated partners to develop clout and influence on agendas of the association. The Forum's apolitical identity also enabled it to streamline a more flexible mobilization process. In contrast, Mara Triangle's management debacle ensued as a result of its technocratic and bureaucratic postures which amassed fiscal powers to structures affiliated with the private sector. Thus, despite its strong compact which enabled structural reforms for reserve management, this orientation was

debilitating to enhancing participation of an alienated community partner. A more important factor is that statutory roles of state-affiliated entities granted these institutions more influence regardless of how much decentralized a co-management program sought to be. For example, the Maasai Mara is under the custodianship of Narok county governments while the Amboseli's complex is managed by the KWS. Custodial roles of each manager granted them extensive administrative and fiscal authority over community and private sector entities.

Representation was better enhanced when a partnership established and engaged the existing or newly created formal or surrogate community institutions. These included institution such as environmental committees and village forums. These were important arenas for community deliberation and participation. However, poor representation of community interests also emanated from internally exclusive community structures that were protected by social norms and customs. Infact, there is an inherent dualism openly displayed in the community institutions. Community-affiliated partners in each partnership are the apex structures (i.e, the most important organizations) representing the relatively insular Maasai social institutions. These institutions represented by platform CBOs were relatively popular and influential and regardless of their roles as barriers to empowerment.

Like any other arena, MCPP platforms are political spaces where actors negotiate for and allocate resources. Empowerment outcomes find explanation in commitment by partners to scale up participatory processes. Belaboring on the links between institutional design and strategic interests of MCPP leadership explain the variability in strategies for mainstreaming participation and empowerment outcomes. In Laikipia, the dense nature of

cross-sectional networks and the Forum's organizational structure amenable to geographic and functional replication reveals why it was better in scaling up benefits and incentives for representation and participation. Accordingly, its modular structure (with eight independent but tightly knit departments) performed better than the consortium-based (i.e., Amboseli Management Partnership) and delicate compact (i.e., Mara Conservancy). The less modular systems (i.e., the latter two) that relied on regulatory and command type of management were weak at mobilizing resources and scaling up participation. They were limited in their ability to create collective identity because differentiated and competing identities prevailed. In the Amboseli, the amorphous structure of the partnership ended up alienating the Amboseli Association which was the main organization representing communities in the complex. A 2013 USAID evaluation report indicated that the Laikipia Wildlife Forum has been proactive in providing programs that target institution building. Such include strengthening capacity for communities to have their own governance structures, by-laws, elections, and recruiting members for conservation groups (USAID 2013).

On the other hand, the primary reason why the Forum's success in mediating conservation initiatives generates a lot of enthusiasm while the Mara Conservancy's equally dedicated industry at institutionalizing reforms is viewed with so much controversy is because analysts have been looking at partnership-mediating factors one-sided. One way to address this shortcoming is to analyze partnerships platforms from the vantage of what *backstopping* processes that continually define partnership interventions and success. A relevant example here is the Mara Conservancy which was and still is proactive in using external support and its internal resources to enhancing transparency

and administrative efficiency. While enhancing representativeness is important, it is a secondary goal.

3.2: Empowerment as nurturing of accountability

Partnership activities must also be understood in the context of how MCPP-mediated structures enabled accountability across MCPP governance systems. Of particular concern here is each platform's role in nurturing and enabling institutional accountability. Weak accountability can handicap operations in an organization and undermine empowerment. A striking institutional design element is that decentralization was a critical determinant of the level of access to information and decision-making. The difference between structures that were enabling of empowerment from those that inhibited it was the level of access to information guaranteed to community partners. In the former, such as in the Forum, communities could organize and mobilize resources useful for scrutinizing the benefits of the wildlife cropping program. Accordingly, accountability and transparency were initial strengths of the Forum's establishment. Community partners in Laikipia also extensively benefitted from the cropping program's open system for informing potential program participants.

This led to two outcomes; empowered partners with awareness about the program's benefits and more importantly, the incentive for initiating and implementing innovative community-managed conservation programs. Equally important was the platform for information sharing, as was indicated by the large networks across the Forum. The Forum was a compact with a large and diverse membership and could therefore avail extensive arenas for information sharing and learning. In contrast, the Amboseli Association faced significant hurdles as a community representative because

the MCPP structures lacked accountability. This was nurtured by imprecise boundaries of authority that arose from coalitional transformations and a weak compact. As for the Mara Conservancy, the local community claimed that they were denied access to pertinent information during the preparation and endorsement of the management plan for Mara Triangle. Communities decried the overbearing role of the private sector. To date, the community continues to contest the entity's operation and seeks to win back the usufruct rights that they feel they deserve.

Capacity building of strong and popular yet insular local institutions was a general challenge for the three partnerships. In essence, the lack of empowerment was accentuated by the weak intra-CBO institutions as well. It was not merely a product of partnership operations. However, the overall differences depended on whether program interventions were modeled on delegate or tutelage mechanisms and the forms and sources of democratic deficit within structures of co-management. These were reflected differently in each phase of each partnership and across each MCPP. The Forum's strategy for mainstreaming participation was geared simultaneously to simultaneously enable accountable grassroots institutions.

3.3: Empowerment as effectiveness

Community effectiveness is an important empowerment outcome that was influenced by variations in institutional design of the three partnerships. The more decentralized co-management structures within the Forum enabled widespread congruence of interests between elite coalitions and community institutions and consequently led to the establishment of an inclusive system. In the Amboseli and Mara Triangle this was only partially or poorly achieved. One notable difference is that the

leadership of the Amboseli Partnership directed its current efforts towards revamping community institutions that were needed to enhance effective collaboration. The Amboseli Association was revived in the mid-2000s and is now redefining its role and modestly representing community interests in this new process.

The less decentralized Mara Conservancy evolved under conditions of low legitimacy compounded further by mistrust among partners and between its leadership and the local communities. This mistrust debilitated the structures that could have enhanced collaboration because it produced a partnership that marginalized its community partner but institutionalized dominant control by elites and the private sector. First and foremost, policy entrepreneurs commanding the Conservancy's initiation could only pursue the small coalition of elites whose interests and values mirrored their position. Secondly, the interests of the community remained a tangential goal with regards to MCPP efforts because the local organization was excluded from decision making. This limited the ability of the Siria movement nurture collective resources from its community. The ramifications for community effectiveness were largely organizational in nature. To cite examples; this conflict-ridden process led to an outgrowth of a vulnerable, less resilient and ineffective organization. The Siria Movement, unlike its peers, was weak at appropriating the benefits of a collaborative arena, in safeguarding gains of devolution, and innovatively enlarging its network. In essence, the Siria evolved as a less productive organization than the Northern Rangelands Trust and the Amboseli Association. It still remains doubtful whether the Siria will succeed in having their demands addressed by the Conservancy's leadership.

A related finding is that representation alone could not guarantee empowerment. Representation is a necessary but not a sufficient condition for empowerment, even though poor representation in co-management is a conduit for disempowerment. Community stewardship in Laikipia's conservation efforts was effectively realized because the Northern Rangeland Trust was well represented in co-management. But the CBO was also proactively engaged in decision making at the platform and project level. In the Amboseli complex, the Amboseli Association was relatively well represented as well. However, the well-organized partners (i.e, the municipal governments and the private sector) appropriated more benefits when they established a network with leading conservation institutions. The interest of this network was to fully preserve the Amboseli; an agenda which was more often antagonistic to community interests. Furthermore, the Amboseli Association, which represented community interests had to contend with a large number of more powerful partners and coalitions.

Conservation outcomes in the three landscapes are by inference a product of CBO ability to harness community resources in (more) decentralized structures. For example, the Rangelands Trust and its umbrella partnership the Forum have exceeded expectations in these indicators. Laikipia is the only ecosystem complex in the country where wildlife stocks have steadily increased. This is more so for the endangered species such as the black rhino. This stems largely from a relatively decentralized co-management process. The key areas of interest to many partners in each of the three MCPPs were to enhance the restoration and preservation of rangelands and to enhance and stabilize wildlife populations. Laikipia has succeeded in achieving both goals. Mara and Amboseli have succeeded in neither of the two.

A unique set of explanations can be advanced about the distinctive elements of collaboration and MCPP effectiveness at integrating communities into structures of co-management. Partnership commitment to scaling up substantive engagement help illustrate this better. Contrasting efforts and processes were observed. In the case of the Amboseli Management Partnership, the Amboseli Association's membership in the various boards and committees did not necessarily translate into empowerment. A progressive history of internal fragility and coercive conservation institutionalized and entrenched the power of two municipalities (i.e., Olkejuado and Loitoktok) and the Kenya Wildlife Service. This process resulted in the displacement of the power of the partner CBO (i.e, the Amboseli Association).²¹⁴ The strategy was deliberately designed as a gate-keeping process. It was designed as a mechanism for limiting participation of communities, the consequence being dis-enfranchisement. In the Mara, repeated calls by the Siria community to establish a new negotiation and representation platform was futile. The Siria claims of disinheritance were repeatedly ignored. This case illustrates how partnerships take different paths to scaling, at times exhibitive of pressures from bureaucratic control and competing interests of disparate elite formations. The Mara Conservancy's platform was characteristically an antagonistic elite controlled arena and less suited for scaling participation and substantive empowerment.

The design Forum's institutions were anchored on relatively strong inter-departmental linkages with Forum's commitment from business, community, and political elites. This coalition directed its energy towards ensuring the Forum's

²¹⁴ As previously discussed in chapter 4, coercive conservation entails the state using and justifying coercion as a strategy for implementing conservation efforts with significant support from the international NGOs (Peluso 1993a, 1993b). The real intention is usually to use regulation and enforcement in order to control and own systems for appropriating the lucrative wildlife-based resources.

organizational stability and inclusiveness. These interconnections facilitated and enhanced collective action across the landscape while modularity enabled implementation of conservation programs. Thus, unlike its counterparts in the Mara and Amboseli, the Forum's level of efficiency ensured success in realm of conservation and livelihood enhancement.

4: Unanticipated intervening variables

Despite the fact that decentralization of power, elite support, and CBO capacity account for a great portion empowerment, a key finding is that empowerment was conditional upon additional unanticipated intervening variables. In the process of discerning these impacts, the discovery was that a considerable influence of variables such as the existing legal and institutional framework, MCPP conveners' identity, property rights regimes, social and ecological features of a region, and the scale of innovation was obvious. Rather than view these as competing accounts, they are analyzed as intervening variables whose influence generated impact *only* via the mechanisms catalyzed by decentralization of power and elite support. The next section analyses their impact.

4.1: Local institutional framework

The attributes of the national institutional framework were analyzed in chapter 2 and there were evident implications that spanned regional and local arenas. The empirical chapters documented how the local apparatuses provided the basis for implementing co-management. In essence, besides their interconnections with other regimes and local by-laws, the wildlife cropping program in Laikipia, the Man and Biosphere Reserve regime in the Amboseli, and the devolution of management rights to the Mara Conservancy were

the key legal anchors of MCPP activities. These legal devices significantly reveal crucial variations that shaped initiation and evolution of co-management, including empowerment of community organizations. However, each program produced a distinct institutional design. For example, since the Forum was established to enhance collective appropriation in Laikipia, resources were deliberately and strategically earmarked for extensive participation of communities in designing and implementing the wildlife cropping program. The Forum equally established structures modeled on high modularity, nodality, and diversity. These features incentivized communities to participate proactively in the program and well beyond the termination of the wildlife cropping program. The impetus was driven further by a statute on quota law, consensus and political will among powerful coalitions. This was a more amenable dispensation for associational activism.

In the Amboseli, the provision requiring a pact with local communities (*vis a vis* the biosphere reserve regime) was amenable to inclusiveness and therefore enabled community participation. Additionally, its affiliate soft law regulations and the partnership's role were supportive of community entry. However, weaker organizational development of the partnership made the Amboseli Partnership fragile and vulnerable. Mara Conservancy's legal device was a management plan which was contested from the very beginning. More importantly, the entity's low modularity anchored on principles of transparency and efficiency could not afford communities an expanded participation space. The result was a very reactive and vulnerable community organization. Exacerbating the problem was the fact that the leadership of the Siria movement was

occasionally accosted when it sought redress or demanded recognition in co-management.

4.2: Coalitional networks initiating and convening an MCPP

Partnership conveners who mobilized resources for co-management affected empowerment outcomes in different ways. For example, the type of elite constellations involved during the initiation of each MCPP mattered. More critical was their role as torch bearers whose initiatives and interests varied in intensity and support level. But an important finding is that in many instances and across each case, each progressive phase emboldened elite coalitions and enabled them to disproportionately appropriate material and/or symbolic benefits than their local communities. The difference is what role elites performed. In cases where bureaucratic and political elites were influential, or where elite influence and resources prominently monopolized all aspects of planning and agenda building, community organizations were weak; otherwise community organizations evolved as resilient entities. Additionally, fractious elite constellations indicated by intense struggles were an acute problem as the Conservancy evolved. Besides subordinating the interests of the Siria community, this context made it difficult for the leadership to institutionalize representative structures.

Secondly, the contrasting roles and influence of local municipal governments lays bare a crucial source of variation. The Nanyuki municipality was a relatively weaker partner in the operations of the Forum while that of the communities and private sector were stronger. This allowed transactional processes to develop devoid of tensions and clamor over rights and roles. By comparison, in the Amboseli Partnership and the Mara Conservancy, the municipal structures of Ol Kejuado, Loitoktok, Trans Mara and Narok

were very influential partners. There is no denying that municipal actors provided direct benefits for co-management but they were occasionally a source or anchor of formidable opposition to inclusive engagement as well. It is also true that the participation of council-affiliated bureaucrats in municipal boards served both public and policy input roles. However, in cases where they extended their powers, they perpetuated the entrenchment of interests that were peripheral to community agenda and demands. In the case of the Amboseli Partnership, municipal structures were key conduits for strengthening a destabilizing coalition that eventually disrupted and weakened community structures of the Amboseli Association. In the Mara Conservancy, the debilitating effect of an elite-aligned municipal structure failed to secure a formal platform for negotiating and facilitating the participation of the Siria Maasai. It solidified elite interests and polarized its partners.

4.3: Property rights regimes

Property regimes in the ecosystems served by these three partnerships straddle public, community and private regimes. The definitive impact of this variable was revealed by the scale and presence (or lack of) secure regimes and the authority granted to state agencies and functionaries in wildlife management. Many studies have indicated that the reality in many pastoral rangelands is that customary community regimes are at odds with or conflict with formal regime structures (Ensminger 1997). Unless a legal medium is in place to address ambiguities and contradictions, empowerment cannot be achieved. This is a rare occurrence. Besides, the boundaries for ownership, access, and management are inherently “fuzzy, fluid, and flexible” (Fernandez-Gimenez 2012, 8). In

cases where more formal regimes were prominent and secured on private-based regimes, community empowerment was more likely as was in Laikipia.

However, it is important to qualify how much formal rights enhance communities' leverage in negotiating and benefitting from co-management. In Laikipia, strong private property regimes were able to secure better conservation outcomes but were not able to guarantee greater community benefits vis a vis the interests of the rich landed ranchers. In contrast, ambiguous regimes compounded the problems for partnership operations and empowerment. For example, in the Mara, the Siria's contested the designation of the Mara Triangle and its management plan while the Siria organization itself lacked the legal protection that explicit stated its rights to the reserve. The case of the Siria in Mara attests to the crucial importance of strong property rights regimes and formal validation of community rights to resource use. Certainly, granting exclusive rights to communities is not a panacea for redressing social and ecological challenges in these complexes, (see Kimani and Pickard 1998, Mwangi 2007).

A more important impact can be attributed to the fact that a public property (i.e. wildlife) was left as a major burden in private hands (Ngeta 2007, 2010). Mainstream economic theories emphasize that private property rights can incentivize not just participation in conservation but can also yield stronger institutions for managing resources. This is because they are more apt to extend rights and privileges to communities. This can translate into empowerment outcomes in terms of allowing local organizations to mobilize and organize resources while they participate in co-management programs. In essence, ownership, administration, management and monitoring of biodiversity (i.e. wildlife and rangelands) and revenues defined the scope

of empowerment based on the scale and scope of community participation. When access was denied, community empowerment was low or clearly absent.

Where relatively more formal and intact property rights to land existed, regardless of who owns the assets, (as was in Laikipia), community representation in co-management translated into more substantive outcomes. This is common in Laikipia where many wildlife management areas operate under private regimes governed as private protected areas. Communities secured some leverage from asset ownership which they used for bargaining and negotiating with buyers of ecosystems services, brokering ownership of ventures and securing official management of revenue streams.²¹⁵ The experience of the Northern Rangelands Trust is telling of how strong tenure systems can help dissipate and deflect conflict among entities that are frequently prone to compete for resources.

In the case of the Amboseli, beginning late 1980s, traditional customary institutions lost broad appeal because of their role in instituting weak governance of group ranches and in jeopardizing community land. The reluctance by the leadership of traditional institutions' to allow smooth transition to individual property tenure coupled with other social and ecological factors significantly destabilized the Amboseli Partnership and community institutions. Community tenure is not a sign of strong property rights regime, though group ownership and titles increase the probability of more access to wildlife resources. The evolution of the Mara Conservancy and the Siria movement was animated by weaker and ambiguous property rights to communities.

Another key observation made was that complementary institutions such as traditional

²¹⁵ In Laikipia where most wildlife management areas operate under private regimes, but where rangelands are not abundant for livestock (and with inadequate stock shared with wildlife), conflicts have been common among the Samburu and the Maasai.

structures must support strong tenure regimes as well regardless of whether the tenure systems are private or communal. This can minimize conflicts and weaken the structures that accentuate exclusion.

4.4: Social and ecological features of a region

The three partnerships support initiatives are all located in regions predominantly inhabited by indigenous Maasai tribes. The Maasai practice agro-pastoralist transhumant cultures alongside ecotourism as means of sustaining their livelihoods. A major challenge for the three programs was addressing one key conundrum; the fact that the two significant modes of survival for Maasai were intensely in competition. In fact, many Maasais are skeptical of conservation projects that peg benefits to ecotourism because they believe these projects have historically exploited their livestock-reliant livelihood structures (Galaty 1992). It has been also shown that wildlife-based ventures rarely yield enough benefits to transform the livelihoods of Maasais (Cheung 2012, Homewood et al., 2012). But because Maasais inhabit wildlife rich areas, they faced immense pressures to sedentarize and privatize their land. Equally problematic was a legal regime which left Maasai land prone to excision, while increasing economic insecurity continued to pressurize them to sell their land cheaply to immigrants and greedy entrepreneurs who later sold the land lucratively.

Anthropogenic influences such as urbanization, industrialization and the expansion of human settlements exacerbated these challenges further. These factors created and triggered negative effects on social and economic bases of Maasai communities. Whereas decentralization of power and elite support conditioned a host of empowerment elements, the severity of these influences were disruptive and

transformative to social institutions. Of the three regions, the Amboseli was the most affected while Laikipia was the least affected. In terms of geography and ecology, these regions are classified as arid and semi-arid areas. Thus, they are epicenters of eco-complexes where poverty strongly intersects with extremely harsh climate conditions. A good example is the drought of 2005. This drought led to a large number of human and livestock deaths. The prevalence and influence of weakly governed customary institutions did not serve the communities any better. Each of these sub-factors impacted empowerment differently; even though privatization in the Amboseli and the Mara destabilized communities quite significantly. These factors imposed significant constraints on community capacity and undermined the credibility of collaborative ventures perceived as exploitative by some communities.

4.5: Innovative capacity of a MCPP

An important finding is that the innovative capabilities of partnership must be factored in accounting for variability in empowerment outcomes. Low levels of empowerment did not necessarily imply a lack of innovation, though low innovation amplified the challenges for empowerment. As previously described, the Forum applied more rewards-based incentives while the Amboseli Management Partnership and the Mara Conservancy placed more premiums on regulatory and compliance-based strategies which usually precipitated tensions and were less able to promote cooperation from communities. Essentially, entities can experiment with various tools to ensure and enhance cooperation and consequently enable empowerment. The Forum had to deal with internal deficiencies and external pressures just as did its partners, but its

pro-innovative leadership continued to mobilize resources to enhance diverse strategies of innovation.

At the peak of the growth of these partnerships, it was established that there was both local and global willingness to pay (WTP) for the conservation of endangered species and habitats in most of Southern African ecosystem complexes and more promising was the fact that the global investors were a promising market (see for example, Krug 2001, 16-17). It was incumbent upon the leadership of each partnership to effectively tap into this market. Comparatively, the Forum's inclusive leadership initiated several successful recreation-based and biodiversity conservation markets which competed with and continue to surpass some established entities in the Mara Triangle and the Amboseli. Another contrast is that while the Mara is a leading tourism destination in the country, the Forum and the Amboseli are growing as key attraction nodes, presenting new implications for community empowerment.

All the three partnerships have markets which are growing and diversifying with a common goal of tapping into potential carbon markets. However, the Forum was more adept at attracting new buyers, sellers and potential investors in ecosystem services markets in its wildlife protected area complexes which can modestly target community empowerment. Certainly, all of these three partnerships were and continue to be prime points of contact and contracting intermediaries, serving the roles of matching buyers to sellers and other intermediaries, soliciting of funds to expand PES programs, establishing and supporting markets that incentivize stewardship, and convening buyers and sellers in a more effective way through partnership platform. However, markets for ecosystem service diversified faster in Laikipia and Amboseli than the Mara. A related finding is

that the prominence of compliance-based markets in the Mara (and to some extent in the Amboseli) limited community stewardship and benefit streams.

Finally, as noted earlier, contestation is a common feature within co-management structures in the ecosystems served by these partnerships. Thus, another defining attribute of innovation were each partnership's capacity to diffuse or abate these conflicts and effectiveness at conflict resolution. This process enabled the creation of an arena for negotiating the use and access to resources. The partnerships at the Amboseli and the Mara have performed weakly at nurturing platforms that address community partners' interests. When this was done, it was only partially achieved because placation featured prominently as the main strategy for appeasing communities rather than addressing the real challenges. In Laikipia, challenges exist as well but with less intense conflict and the medium of implementation of innovation located in conjoined structures that integrate the secretariat and grassroots institutions.

5: Contributions of the dissertation and lessons learnt

This section examines the contributions of the dissertation and addresses the lessons learnt including analyzing the gaps in mainstream studies. It highlights key novel methodological, analytical and policy insights that the study raises and how they will shape research and policy studies on co-management.

The study's findings support and validate some but not all of the key tenets of the three lines of inquiry which guided this study (i.e. participatory approach, resource mobilization theory, and collaborative governance approach). From this study, it was observed that the participatory approach is explicit about elite interference and capture, but in these three cases it was less explicit in outlaying how shifting inter-elite interests

(exemplified by conditions of interest polarization) occurred. It is also less explicit in helping explain why the confluence of elite interest with community interests occurred and enhanced an inclusive interactive arena of co-management. Similarly, mainstream studies focus solely on elites as a monolithic group with interests always inhibitive to collaboration and community organizations as complacent and/or as a weak partner. Observations in Laikipia and pre-formalization phases of Amboseli indicate otherwise. Resource mobilization theory also argues that groups can recruit collaborators and establish self-organized units, with or without leadership of the elite. In the Mara Triangle, elite divisions, in fact, weakened local civil society vis a vis the arena of environmentalism. Elites did not bolster nor solidify local organizations' ability to demand for their rights.

The organicist orientation of the proponents of participatory management cannot explain why very influential and strong communal structures of traditional Maasai institutions broke down when pressures for privatization of tenure and sedentarization overwhelmed them. More importantly, group ranch status was anchored not just on law, but on solid communal structures as well. The instrumentalist orientation of resource mobilization theory cannot adequately explain the appeal towards the protection of indigenous rights to elites who are usually labeled as selfish exploiters of resources. Neither can it explain how the consensus and values such as benefit sharing was created by groups espousing completely different values. The weakness of collaborative governance approach lies in its overemphasis on relational aspects and resource exchange as solutions to conflict management while underestimating the structural factors that define collaboration.

Thus, the study emphasizes that to better advance our understanding of conservation-linked empowerment, there is a need for a rethinking in how partnership-mediated empowerment is *theorized*. First, there is need for an holistic analysis of the sources and loci of conflicts in co-management. More importantly, the study highlights the saliency of trajectories of co-management. Second, the study highlights that a new agenda should broaden the debate on how institutional design, including organizational principles of co-management and convening leaderships' identity shape outcomes. Third, there is need for synchronizing analysis of prerequisites for and trajectories of partnerships so as to allow for holistic evaluation of partnership-mediated outcomes.

In terms of *policy* contributions, this study suggests that to better guide interventions, policy paradigms on empowerment must incorporate and elaborate on historical particularities of partnership evolution. The goal should be establishing the key interfaces with community structures that are supportive of or inhibitive of empowerment. By prioritizing the trajectories that partnerships assume, this study provided the tools that allow future studies to identify and analyze the complex and ambiguous elements of co-management planning and implementation process. The study proposes a typology of platform models for policy implementation and their consequences in terms of tradeoffs and payoffs. The entitlement, housekeeping, and gate-keeping models provide variable instruments and ramifications for empowerment. There are associated tradeoffs to institutional choices and possibilities that very often will goals interact as mutually exclusive rather than mutually supportive systems.

This dissertation challenges research on co-management to design studies that establish concrete linkages among principles such as representativeness, accountability,

and effectiveness. The MCPP model is uncompromisingly resource-based in terms of its strong focus on material resources, yet it also emphasizes apprenticeship, stewardship and a proactive response from community institutions. The policy element is that communities must be given the opportunity to play their role as responsible partners with equal or near equal rights. Finally, by ascertaining the inner workings of MCPPs, the study provided useful policy insights on why there is need for synergy and complementary efforts between compliance-based and rewards-based projects. It introduces a clear role for contracts and expands the attributive features of co-management structures.

The dissertation's *analytical* contributions are rooted in evaluation of trajectories and analysis of prerequisites of empowerment. Additionally, the glaring omission by mainstream analysis on how initial conditions impact co-management outcomes is addressed. But more importantly, the study takes cognizance of the fact that conservation discourse must underpin dynamic changes in social and ecological context to fully confront the reality of generational structural changes that impact co-management outcomes. Finally, the introduction of new tools and indicators for empowerment can improve both analysis and policy interventions. These include the application and analysis of MCPP as: 1) a unit of analysis, 2) the locus of operations of markets for ecosystem services, 3) a platform for transformative or inhibitive outcomes 4) a collaborative network for expending and exchanging resources 5) a contract enforcing system, 6) a rewards enhancing system that addressed the gaps in the existing legal framework, and 7) its members as units of analysis.

6: Conclusions

This last section highlights the main conclusions of the dissertation. Based on the findings of this dissertation it is valid to infer that empowerment requires two critical factors. The first one is that power must be decentralized in ways that allow communities to be decision makers and to occupy positions in planning and implementation of co-management. Second, elite support is paramount to positive empowerment outcomes. The study documented that the Forum attempted to mainstream both processes in co-management. MCPPs in the Mara and Amboseli did neither. The outcomes were empowered communities in the former and weaker partners in the latter two. Furthermore, a prolonged contestation led the Siria (in the Mara Triangle) to use ineffective modes of social action such as protests, lawsuits, and disrupting tourism. While these were public expressions of grievance over their exclusion from appropriating resources in the Mara Triangle, they only created a reactive and turbulent process. The community lacks a true formal organization. In the Amboseli the partner CBO, the Amboseli Association is reviving its role through its platform MCPP's renewed but none the less a weak strategy.

A surprising finding is that community capacity has little impact on empowerment. However, while the variable may seem weak in explaining partnership-mediated outcomes, it does not imply that its influence should be underestimated. Scholars and policy makers should venture more into evaluating further why this is the case. Additionally, rapid formalization of a partnership influences empowerment while the resource types expended are necessary but not sufficient to enhance empowerment. The elite support variable interacts with the five variables as they influence

empowerment. After evaluating if the hypotheses were confirmed, it was crucial to explain *why* MCPP structures (effectively) generated incentives for conservation. The Forum's institutions and programs created incentives that were strong enough to generate the response that enabled its consolidation, community buy-in and stewardship. The Amboseli Partnership emerged with strong institutions but gradually transformed into an exclusive network serving the interests of the state (and conservationists). It is now struggling to establish its identity. The Mara Conservancy was established under conditions of low buy-in from community and fewer attempts have been made to scale up community participation.

Based on these assessments, a foremost conclusion from this study is that when partnerships pay lip service to inclusion, they limit opportunities for empowerment not in one but several ways. Communities provide and commit material and symbolic resources with an interest in collaborating and benefitting from conservation. Operations that limit these interests handicap them as partners. A related impact is that because communities have stakes in these platforms as much as other partners, ineffective structures undermine their capacity for participation because they accentuate alienation. Third, while these platforms are ineffective, partners continue to benefit by using and exploiting human and natural resources from communities. The experiences of the three partnerships provide compelling evidence that they can have debilitating impacts because they embolden the private sector and elites. As was explained in the empirical chapters, there is no denying the progress made by these platforms in comparison to pre-MCPP structures. It was also observed that incomplete accounting of partnership operations provide inaccurate analysis.

The analysis has shown that various additional interlocking factors explain empowerment outcomes. It is conclusive that the prospect for substantive empowerment of communities inhabiting Kenya's critical biodiversity complexes hinges on an amalgam of factors but the overarching factor is the dual linkage between decentralization and elite support. Admittedly, a continuum of incentives enabled by partners reflects the models that guided the implementation of the principles of participation. These straddled prosecutory, regulatory and compensatory programs which often rendered CBOs and communities ineffective because they were implemented ineffectively or were themselves ineffective. For example, when a platform strived to achieve bureaucratic finesse, it was achieved at the expense of representativeness and ended facilitating elite capture and vice versa.

Another conclusion is that some cautious optimism is appropriate. Progress is taking shape but challenges abound. Empowerment is conditional upon a multitude of factors and MCPPs are not a substitute for establishing reforms for empowerment, though they initiate innovative programs and structures for mainstreaming community participation. This study concurs with research that has consistently shown that partnerships are not a panacea for addressing social and ecological justice. It is also persuaded that biased stereotyping of local communities as destructive to wildlife resources continues to hamper efforts because it is misplaced and inaccurate. Local communities are at least conservators and true agents who have been marginalized and denied the true benefits streams from a very lucrative system that they support. This study revealed the complex and crosscutting issues that define empowerment. Despite the potential for MCPPs to act as avenues for collaboration and innovation, their effective

role as empowering entities requires investments in stable institutions, extensive elite support, and commitment from all stakeholders.

Appendix A
HSRIB Approval


WESTERN MICHIGAN UNIVERSITY



Human Subjects Institutional Review Board

Date: April 29, 2011

To: Jim Butterfield, Principal Investigator
Jane Okwako, Student Investigator

From: Amy Naugle, Ph.D., Chair 

Re: Approval not needed for HSIRB Project Number 11-04-27

This letter will serve as confirmation that your project "Innovative Governance and Natural Resource Management in Kenya: A Qualitative Modeling of Procedural and Substantive Outcomes of Civil Society Participation" has been reviewed by the Human Subjects Institutional Review Board (HSIRB). Based on that review, the HSIRB has determined that approval is not required for you to conduct this project because you are analyzing government systems related to political and policy outcomes in society; you are not collecting personal information about individuals. Thank you for your concerns about protecting the rights and welfare of human subjects.

A copy of your protocol and a copy of this letter will be maintained in the HSIRB files.

Walwood Hall, Kalamazoo, MI 49008-5456
PHONE: (269) 387-8293 FAX: (269) 387-8276

Appendix B

Listing and Description of Used Non-English Terms

Listing and Description of Used Non-English Terms

Banda: A Swahili term, a community residential unit at the homestead level

Baraza: a Swahili term, an institutionalized village level public forum for deliberating issues that affect local communities

Boma: A Swahili term, a highly guarded livestock enclosure where livestock are kept within a given homestead

Harambee: A Swahili term A public forum in which people voluntarily contribute money to support local social, welfare and other charitable purposes

Katiba: A Swahili term, a formal constitution

Loita: A Maasai term, which means the ‘forest of the lost child’. It is a community conserved forest in Narok county and located within the Maasai Mara Reserve

Maa: A term pertaining mostly to the Maasai ethnic community

Maasai (Masai): An indigenous agro-pastoral community that inhabit the Rift Valley region in Kenya and Tanzania

Manyatta: A Maasai term, a temporary settlement area constructed and used by many pastoral Maasai communities

Moran: A Maasai term, a member of a young male Maasai warrior group

Oloibon: A Maasai term, also known as the Laiboni is a spiritual/religious leader of the Maa speaking communities who officiate rituals and ceremonies. While they have no political power, they have ceremonial and significant symbolic power among the community

Oloshon: A Maasai term, considered as the largest grazing unit within a territory. Jurisdictionally, it is the largest administrative unit of the age-set-defined power clusters

Porini: A Swahili, which means wild or in the wild which constitutes a forest vegetation that provided habitat for wildlife

Safari: A Swahili term, used to describe the touristic observation of wildlife ecosystems in East Africa’s biodiversity hotspots such as the Maasai Mara

Wananchi: A Swahili term, (single mwananchi), a person with citizenship rights

Wazee: A Swahili term, a forum or a group of old age people (and usually males) with influence and command over social and political matters that affect grassroots level institutions

Appendix C
Interview Questions

Interview Questions

These questions were used in interviewing participants representing local municipalities, the private sector and community based organizations.

Introduction: The process of managing natural resources has recently seen significant changes with regards to how decision making, planning and implementation of projects and programs related to wildlife management.

1. What is the makeup of natural resource management partnerships in this locality? To what extent would you say that these processes have been decentralized with regards to the participation of local community organizations?
2. How would you compare decision-making across issues and activities? Across how many salient issues or activities does the local government command more influence? Is it by de jure or de facto power? Is this written in a formal contract?
3. How would you describe the types of common routinely acceptable rules for power sharing within the existing co-management structures? To what extent do these rules influence whether partners can effectively sanction or question each other with equal or near equal powers?
4. How competitive are processes for electing the leaders who are supposed to head the management programs? What is the duration of official tenure for these selected or elected leaders of your partnership?
5. Could you identify and describe the types of units or programs established for integrating participation, gender, and environmental issues into structures of collaboration? How would compare the level of funding and the level of technical support across these issues?
6. What are some of the dominant issue positions of the leading elites? How do they frame their opinions about these issues and what are the dominant arenas which they use?
7. How would you describe the organizational profile of a participating CBO in terms of its structure, membership size, leadership, and financial resources?
8. Could identify and describe some of the benefits that partnerships have made to the organizational needs of local community organizations.
Please check where appropriate for the following and then describe how the have been implemented.
 - Book keeping
 - Conflict resolution strategies
 - Fundraising skills
 - Leadership skills
 - Management skills
 - Training programs
 - Civic and collective bargaining skills
9. Collaborative programs that specifically involve local community's organizations generally revolve around various important aspects that affect the interest of this group of stakeholders. These include:
 - Regulated access to forest resources for local communities, including respect for community land rights

- Inclusion of CBO representatives into planning and management of projects
- Incorporation of indigenous social, spiritual, and customary norms into projects
- Institution and/or implementation of local market-based instruments which value products and services offered by communities' restoration and preservation activities
- Joint and/or equal share of proceeds from tourism, eco-tourism and environmental restoration efforts
- Initiation and support for agro, bio and eco-related enterprises

To what extent would you say that MCPs have effectively initiated, or addressed any or all of these issues?

10. Would you say that these partnerships have made local governments and private corporations involved to have a better understanding of problems, priorities and needs of local resource-user and resource-dependent communities?

Appendix D

Document from the National Council for Science and Technology Granting
Authorization for Field Research Activities in Kenya

REPUBLIC OF KENYA



NATIONAL COUNCIL FOR SCIENCE AND TECHNOLOGY

Telegrams: "SCIENCETECH", Nairobi
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Website: www.ncst.go.ke

Our Ref:

Date:

NCST/RRI/12/1/SS-011/1379/4

5th October, 2011

Jane Okwako
Western Michigan University
Department of Political Science
Kalamazoo, MICHIGAN

RE: RESEARCH AUTHORIZATION

Following your application for authority to carry out research on *"Innovative governance & natural resource management in Kenya: Modeling procedural & substantive outcomes of civil society participation"* I am pleased to inform you that you have been authorized to undertake research in Narok, Laikipia, Trans Mara & Kajiado Districts for a period ending 30th April 2012.

You are advised to report to the District Commissioners, the District Environmental Officers, the District Forestry Officers & the District Education Officers, Narok, Laikipia, Trans Mara & Kajiado before embarking on the research project.

On completion of the research, you are expected to submit one hard copy and one soft copy of the research report/thesis to our office.

P. N. NYAKUNDI
FOR: SECRETARY/CEO

Copy to:
The District Commissioners
Narok District
Laikipia District
Trans Mara District

Kajiado District

The District Environmental Officers

Narok District

Laikipia District

Trans Mara District

Kajiado District

The District Forestry Officer

Narok District

Laikipia District

Trans Mara District

Kajiado District

The District Education Officer

Narok District

Laikipia District

Trans Mara District

Kajiado District

REPUBLIC OF KENYA



NATIONAL COUNCIL FOR SCIENCE AND TECHNOLOGY

Telephone: 254-020-2213471, 2241349
254-020-310571, 2213123, 2219420
Fax: 254-020-318245, 318249
When replying please quote
secretary@ncst.go.ke

P.O. Box 30623-00100
NAIROBI-KENYA
Website: www.ncst.go.ke

Our Ref: NCST/RRJ/12/1/SS-011/1379

Date: 20th April 2012

Jane Okwako
Western Michigan University
Department of Political Science
Kalamazoo, Michigan.

RE: RESEARCH AUTHORIZATION

Following your application for authority to carry out research on "*Innovative governance and natural resource management in Kenya: Modeling procedural and substantive outcomes of civil society participation*," I am pleased to inform you that you have been authorized to undertake research in Narok, Laikipia, Trans Mara and Kajiado Districts for a period ending 31st December, 2013.

You are advised to report to The District Commissioners, the District Education Officer, the District Environmental Officers and the District Forestry Officers, Narok, Laikipia, Trans Mara and Kajiado Districts before embarking on the research project.

On completion of the research, you are expected to submit two hard copies and one soft copy in pdf of the research report/thesis to our office.

DR. M. K. RUGUTT, PhD, HSC.
DEPUTY COUNCIL SECRETARY

Copy to:

The District Commissioners
The District Education Officers
The District Environmental Officers
The District Forestry Officers

"The National Council for Science and Technology is Committed to the Promotion of Science and Technology for National Development."

Appendix E

Document from the Trans Mara County Granting Authorization for Field Research
Activities in the Mara Triangle

COUNTY COUNCIL OF TRANSMARA



P.O. Box 11
KILGORIS KENYA

Tel: (058) 5122150

CCT 5/1/1/22
Our Ref.....

April 13, 2012

Your Ref.....

The Chief Executive Officer,
Mara Conservancy,
P.O Box 6345,
NAIROBI

Dear Sir,

RE: JANE OKWAKO

The above has been authorized to do research on "Innovative Governance and Natural Resource Management in Kenya" by the National Council for Science and Technology.

This is therefore to request you to assist her on her research and also allow her free entry into the Mara Triangle.

Yours Faithfully,


Daniel M. Twala
COUNTY CLERK

When Replying Please quote Ref. No.

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