

AN ANALYSIS OF NON-STATE PROTECTED AREA GOVERNANCE IN KENYA

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Executive summary

This study focuses on governance of protected areas (PAs) in Kenya where authority for management and governance is largely or entirely with civil society and/or private sector actors. In governance terms we can call this the non-state PA sector and in most cases the resources of the PA are owned by non-state actors but this sector also includes PAs with resources legally owned by the state but largely under the authority of non-state actors – notably marine areas.

The study focuses on a sample of eight PAs covering three of the most important landscapes/seascapes in Kenya, seven of which are registered as conservancies under a provision of the Wildlife Conservation and Management Act of 2013 that seeks to better recognise the contribution of non-state actors to conservation in Kenya. In all but one of these cases the traditional systems of resource management have been at least partially replaced by government/donor-driven initiatives of the 70's, 80's and 90's – Group Ranches in the Rangelands and Beach Management Units on the coast. Both have largely failed to deliver sustainable resource management let alone conservation. The more traditional arrangements that preceded Group Ranches and BMUs have largely disappeared and the context has changed so radically that there is no going back.

In all cases but one the governance arrangements aim to engage a range of different stakeholder who have a wide (and widening) range of interests. This requires a common property approach to resource management and governance fit for this purpose. This study explores the strengths, challenges, and enabling factors that are inherent to different governance types with the aim of supporting efforts to strengthen governance in the non-state PA sector.

In order to better understand the different governance types we have proposed an expansion of the classic framework of PA governance type to include a set of sub-types that are distinguished primarily by the relative influence of local communities, private sector and government actors in decision-making. Where local communities and private sector entities are the principal actors:

- Plain private governance
 - Consultative private governance
 - Private-led shared governance
 - Joint shared governance
 - Community-led shared governance
 - Consultative community governance
 - Plain community governance
- 
- Increasing
influence of
communities

At this point in time Kenya has 411 PAs listed in the World Database on Protected Areas (WDPA). Since the Kenya Wildlife Conservation Association reports that there are currently 119 conservancies in Kenya and a good number of these are not yet included in the WDPA, it seems likely that the total number of PAs in Kenya currently exceeds 500. Because of the large number of forest reserves (234) and PAs under Kenya Wildlife Service the state sector remains the largest part of this but most of the growth in the total number of PAs of recent years is coming from the non-state sector.

National policy is increasingly supportive of non-state PAs, notably the Wildlife Conservation and Management Act of 2013 which gives formal recognition to conservancies and also landscape and national level associations that can strengthen these conservancies and give them a stronger collective voice. That said, the all-important regulations needed to operationalise WCMA have yet to be finalised and approved. WCMA covers the marine as well as terrestrial context. Although fisheries legislation does not yet have its own specific provision for PAs it is strongly supportive of

community-based fisheries management and the 2016 Act adds conservation to the list of objectives of fisheries management.

PAs are inherently Common Pool Resources (CPRs) – resources whose size and characteristics make it difficult, but not impossible, to exclude people from benefiting from use of its resources. Where the management and governance of a CPR requires addressing the objectives of more than one stakeholder a common property management regime is required. In her seminal work on CPRs Elinor Ostrom defined 8 key principles that are key to an effective common property management regime. In terms of approach to PA governance – PA governance type – the defining principle is the one relating to stakeholder participation in decision-making. Assuming that consultation counts as a form of (light) participation, all eight PAs in this study have a common property management regime (CPMR). Secure resource tenure is a precondition for a successful and sustainable CPMR but, as illustrated by several case studies in this report, secure tenure does not necessarily mean ownership of the resource – secure use rights may also suffice.

This study explores the governance arrangements (structure and processes) of non-State PAs in Kenya through case studies of eight PAs covering community, private and shared governance types. Looking at three contrasting landscapes/seascape the aim was to study 2-3 PAs of each of the three major governance types (community, private, shared) although in reality it proved impossible to find private governance in two of the three areas:

- Northern rangelands (Laikipia, Isiolo and Samburu counties):
 - Borana ranch – consultative private governance
 - Kalama conservancy – consultative community governance
 - Ol Lentille conservancy – private-led shared governance
- Maasai Mara (Narok and Trans Mara counties)
 - Mara North conservancy – joint shared governance (private/community)
 - Oloisukut conservancy – consultative community governance
 - Olderkesi conservancy - community-led shared governance
- North coast (Lamu and Kilifi counties)
 - Pate conservancy – community led shared governance (community/government)
 - Kanamai Locally Managed Marine Area – community led shared governance (community/government)

Our analysis of strengths, challenges and enabling conditions includes issues that are specific to one particular governance sub-type as well as generic issues, as summarised in the following sections.

Consultative community governance (Kalama, Oloisukut)

Consultative means that the community seeks input from one or more other key stakeholders but doesn't necessarily have to take it into account in its decision-making. In the two case studies of this governance type the other key stakeholders in question are principally county government and the tourism partners. This is the strongest community-based governance type to be found in Kenya.

A key strength of this governance type is that community governance enables, more than any other type, a strong sense of community empowerment and collective commitment. This is based on the recognition that this governance type gives the community and the strong participatory processes as much as more tangible livelihood benefits.

Another strength of this governance types is the lack of ambiguity about who is in control. The community may agree to consult with other key stakeholders on certain issues but is not obliged to include representatives of other stakeholders in their decision-making processes. With respect to

tourism and other forms of conservation-based business the downside is that business ventures may look more risky and thus investment may be more difficult to secure.

One other challenge that may affect community governance more than others is the vulnerability of the management system to local social pressure to bend the rules (eg regarding law enforcement and use of conservancy funds), especially where there is no clear distinction between conservancy management and governance. Although this may affect all governance types at some level, the multi-stakeholder governance structures of other governance types enable, to varying degrees, other stakeholders to hold the community accountable. Of course it is possible to have strong downward accountability to the communities that the conservancies serve, for example through an AGM and other meetings, but in most communities this is not a traditional practice and there will be a need for substantial capacity building/empowerment on accountability and other good governance issues if community governance in modern Kenya is to be successful and sustainable.

Community-led shared governance (Olderkesi, Pate, Kanamai)

The three PAs in this category are very different both in context (marine and terrestrial) and in tenure (state vs community owned) and yet they have common strengths and challenges. A major strength of this governance type is that it enables strong community engagement and ownership and at the same time a substantive role for government or the private sector. It is particularly relevant where the revenue generating potential of the resource base per member household is low since the community empowerment inherent in this governance type enables strong participatory processes that build community ownership and commitment despite relative low benefits.

Because this governance type is community led it makes sense to build on existing community institutions that are relatively strong – the Group Ranch in the case of Olderkesi and BMUs in the two marine areas. However neither Group Ranches nor BMUs have a strong track record of success in Kenya (with some notable exceptions). Therefore conservation efforts based on these existing institutions must still be prepared to invest heavily in support for management and governance of the Group Ranch/BMU at least until such time as viable alternatives appear. That said caution is needed regarding the tendency of external actors to want to create new institutions are needed. This is of particular concern where this leads to a two tier governance arrangement that could undermine the authority of the original governance structure and/or prove financial unsustainable.

Joint shared governance (Mara North)

The major strength of joint shared governance is that it seeks to establish a genuine balance of power between the key actors such that contested decisions must be discussed in depth and at times negotiated. So long as transaction costs are carefully controlled this is likely to improve the effectiveness and equity of conservancy management, notably through better and fairer management of risks and the inevitable trade-offs between conservation and social outcomes.

Mara North which currently has two decision-making platforms more or less operating on the same level is in the process of turning this into a two tier system with the top tier being the Board of a joint company of the private sector tourism partners and the land owners, and the second tier being the existing Land Owners Committee and its sub-committees. In fact there is also a third tier in the form of the four grazing committees at zonal level. While this appears complex, Mara North has the financial resources to make this multi-tiered approach work, and other conservancies in the Mara with similarly large revenues may in time adopt a similar model.

Private-led shared governance (OI Lentille)

Prior to its ongoing transition to a joint shared governance the arrangement of parallel governance structures in reality gave the private sectors actors a somewhat stronger position partly by virtue of the fact that their company controlled the financial flows. The ongoing reform process reflects a recognition on both sides that this was increasingly problematic, as well as a sense that growing trust between the key actors presented a real win-win opportunity.

The governance arrangements at Ol Lentille are somewhat similar to the situation at Mara North prior to its ongoing reform process. In this case there is just one private sector actor which controls all the financial flows and has full management authority within the conservancy. However while this may have been, in principle, quite acceptable to the participating communities in the early years, there is a risk of growing misalignment between the power relationship inherent in the existing private-led governance model as it has matured, and expectations of communities that have also evolved over time. This challenge is likely to be particularly an issue where the community owns the land and is therefore, ultimately, the more powerful actor. In other words, while this governance type may, from the perspective of private sector actors, be necessary for effective risk management it is unlikely to be a sustainable model for community owned conservancies.

Plain private governance (Borana)

A major strength of this governance type is the relative simplicity of decision-making processes and simple and clear lines of accountability since authority is concentrated with one actor. However in the current context of Kenya a real challenge is the legitimacy of this model where the resource to which the authority relates is a large area of land with contested rights. Although the politics around this issue relate more to ownership than governance, it seems likely that the resentment that some feel towards this and similar conservancies might be reduced by a more consultative (but still private) governance arrangement and a more substantial benefit sharing programme. Enhancing equity as a way of countering resentment is as much about recognising and listening to peoples' concerns and fairness in sharing of benefits as it is about the actual volume of benefits.

Given the serious on-going political debate about legitimacy of this and similar conservancies, the potential for this governance type in Kenya would seem to be limited with the possibility that it could disappear within a generation. A shift to a more consultative approach might help to ease political pressures.

Challenges - all governance types

- Good governance and traditional norms: Some notions of good governance may not align well with cultural norms, particularly in societies that have maintained strong traditional norms and values where decisions of the community are made by older men with little consultation with other community members let alone participation.
- "Short-termism": This term – used by several informants in this study - simply refers to the fact that poor people understandably prioritise the benefits/costs of now and the near future (eg feeding the family) over future benefits/costs even though they well know that some strategies to generate immediate benefits are unsustainable. Establishing sustainable management and the necessary governance systems to oversee this is a long term endeavour which frequently involves short term costs. In some cases community members may be willing and able to live with these short term costs but in other cases external actors must support mitigation measures to avoid, minimise and/or compensate such costs if investment in stronger natural resource management and governance is to succeed.

- Elite capture of benefits: The issue of benefits going disproportionately to a powerful elite in the community is a universal problem in conservation (and other sectors). This did not emerge much in case study interviews since, given time limitations, we inevitably were mostly talking to the elite. Effective stakeholder participation in developing benefit sharing policies, and downward accountability supported by transparent sharing of information on who is getting what are key to more equitable benefit sharing. While all governance types should be able to achieve high levels of transparency (especially in the modern age of SMS and social media) governance types that enable stronger community participation will tend to be better in terms of participation in policy development and downward accountability.
- Financial viability: Effective natural resource management and governance, however much based on voluntary inputs from the community, will have significant costs that must be covered. With respect to revenue earning potential there is a huge difference between the conservancies of the Mara and the other case study sites. In the Mara tourism revenue may be up to 100x more per capita than in some conservancies in Laikipia/Samburu. While quite a lot may be done to boost the revenues in these other areas we must acknowledge that major differences are inevitable and what works with high revenue conservancies may not be an option, or indeed appropriate, where revenues are much lower.

Not surprisingly, the conclusion of this study is that there is no one size fits all governance model - what is optimal for a given site will depend on a number key site-specific factors, in particular:

1. *Tenure*. Tenure security is a pre-condition for success of any governance type. The key issue that may well affect choice of governance type is the nature of the tenurial instrument (freehold, leasehold, concession, group vs individual etc) and the level of legitimacy that the specific arrangements have in the eyes of local communities and politicians.
2. *Diversity of stakeholders, their objectives and other key concerns*. This will determine whether a common property management system is required, and, where it is, rules out governance sub-types that do not enable adequate stakeholder participation.
3. *Site-specific context*: environmental, social, environmental, economic, institutional, political

While the traditional natural resource management systems of Masai and Samburu pastoralists and artisanal fishers on the coast may not have been dependent on financial investment the context has dramatically changed in the last 50 years, notably the increase in numbers of people wholly or at least partially dependent on the natural resource base. While some PAs have no problem raising the necessary revenue themselves, others face a huge challenge in this respect that no governance intervention can solve. But this not saying that viable non-state PAs must be able to generate the revenue they need from PA-based enterprise or ultimately fail. There are several models for short-term and longer term financial assistance from external sources that can readily be justified in terms of social protection, development and environmental goals, and the fact that County governments in Marsabit and Samburu are now providing such support is an encouraging development.

Issues of human and financial resources, incentives to motivate key stakeholders to engage in governance and management and governance quality are strongly inter-dependent. In many conservancies in Kenya work on governance has lagged behind work in the other two areas. This study hopefully makes a useful contribution to addressing this imbalance and strengthening the synergies between the three areas of work.

1. Introduction

Objective

Within its portfolio of protected areas (PAs) – now more than 400 - Kenya has a remarkable diversity of PA governance types and great deal of experience from efforts to establish these different models and enhance their governance performance spanning more than two decades. The purpose of this study is to review the diversity of governance type and their performance in order to determine the strengths, weaknesses, opportunities and limitations of each governance type and recommend good practices for more effective and equitable PA conservation. Since considerable attention has already been directed at state-owned PAs under Kenya Wildlife Service and Kenya Forest Service (e.g Elliott et al 2014) this study focuses on governance of PAs in Kenya where the government is not the lead agency in terms of management and governance - the non-state PA sector comprising PAs of community, private and shared governance type. Included within this grouping are community-managed marine PAs because these are de facto almost entirely community control even though the marine resource itself is state property.

The remainder of this chapter covers key concepts and the policy context in Kenya. Following a brief description of the methodology in chapter 2, chapters 3 presents the results of the study from the three focal landscapes/seascapes – Maasai Mara, northern rangelands, and the north coast. Chapter 4 (discussion) focuses on the generic strengths, challenges and enabling conditions for the different governance types and chapter 6 presents over conclusions.

PA governance quality and types

Governance is about the interaction among structures, processes and traditions that determine how power and responsibilities are exercised, how decisions are taken and how citizens have their say – see Graham, 2003 and Borrini-Feyerabend et al, 2013. These two definitive IUCN publications on PA governance propose that PA governance be characterised in terms of two key dimensions:

- **Governance quality:** the performance of governance structures and processes in relation to key principles of good governance (for an example see figure 1)
- **Governance type:** a typology based on where decision-making authority primarily lies (in theory and in practice). Each of the four main governance types listed below has several sub-types (see annex 1 for further elaboration):
 - o Governance by government (state governance)
 - o Governance by various actors working together (shared governance)
 - o Governance by individuals, corporations or NGOs (private governance)
 - o Governance by indigenous peoples and local communities (community governance)

Shared governance is a hybrid of any two or all three of the other governance types, and it is the one governance type where a certain level of governance performance – specifically stakeholder participation - is necessary to qualify since without substantial participation of at least two different groups of actors/stakeholders it doesn't qualify as shared governance. The last section of this chapter takes a closer look at shared governance.

Governance and management

The distinction between what is a governance issue versus a management issue is frequently blurred, and this is to be expected since ideas that are central to governance also apply to management. For example, an individual law enforcement ranger has a monthly workplan and should be held accountable for implementing this plan, and doing so according to certain agreed

performance standards (eg a code of conduct). These are management issues. On the other hand the performance of the law enforcement section of a park service versus agreed objectives and strategies, and how decisions on objectives and strategies were made are governance issues. In reality there is a governance-management continuum and there will be some variation on where the line is drawn according to particular circumstance. The key thing is that – for a given situation – there is a line that enables management and governance functions to be clearly separated.

Figure 1: good governance principles for protected areas.

IUCN principles	IIED/IUCN/GIZ framework of good governance principles for PAs ¹
Legitimacy & Voice	1. Recognition of all relevant actors ² and mutual respect between them
	2. Effective participation ³ of relevant actors in decision-making
Fairness & rights	3. Recognition and respect for the rights ⁴ of all relevant actors ⁵
	4. Fair and effective processes for dispute resolution
	5. Effective measures to mitigate ⁶ any negative impacts, especially on poor people ⁷
	6. Fair sharing of benefits ⁸ according to criteria agreed by relevant actors
Accountability	7. Transparency supported by timely access to relevant information
	8. Accountability ⁹ for responsibilities, other actions and inactions
Performance	9. Effective and fair enforcement of laws and regulations
	10. Achievement of conservation and other objectives efficiently and as planned ¹⁰
Direction	11. Effective coordination and collaboration ¹¹ between different sectors and levels

¹ “for PAs” means for management and governance of protected areas and any conservation and development activities associated with the PA that have been designed and funded with the aim of making some contributing to conservation of the PA

² Actors includes rights-holders and stakeholders. Includes youth as representing the next generation.

³ Although the principle is framed in terms of “effective participation” – a term from international policy that implies that participants have substantial influence on decisions - we assume that the term also covers various approaches to consultation where the lead authority (the State, private sector or communities) discuss with other actors but retain the power to determine whether or not they take account of actors views.

⁴ Includes the full set of human rights as well as any rights to resources that lie within the protected area

⁵ Includes: Free, prior and informed consent for actions affecting property rights of Indigenous Peoples and local communities

⁶ Mitigate - avoid negative impacts and if not possible then reduce them and provide livelihoods support to compensate for residual damage.

⁷ According to the context and interpretation of equity it may be more appropriate to use terms disadvantaged, vulnerable, marginalised

⁸ This assessment focuses on the PA sites and communities within and surrounding the PA and therefore the benefits to which this principle refers are the benefits that accrue to some of actors at this level, and in particular the benefits that are of a type that can be targeted according to decisions by site-level actors, for example right to harvest specific resources, small projects funded by a share of PA revenues or by other agencies that are looking for a conservation impact alongside development impact. Criteria for targeting benefits are sometimes based on a simple equality principles but are more often based on contribution to conservation, costs incurred, recognised rights, and/or the needs of the poorest.

⁹ Accountability and transparency are very closely related since it is having information that gives a clear picture of what is happening that enables actors to hold eachother accountable. There is therefore some overlap.

¹⁰ Objectives in this context means changes in policies, institutions, procedures, processes and/or behaviours (outcomes) that are, in turn, expected to deliver on conservation goals, changes human well-being, and other social and environmental impacts (eg adaptation to climate change).

¹¹ In this context collaboration is understood as being a more ambitious goal than coordination, implying a degree of shared vision and commitment to make the programme greater than the sum of the parts

Protected area definition

For the purposes of this study we use the IUCN definition of a PA: *A protected area is a clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long term conservation of nature with associated ecosystem services and cultural values* (IUCN, 2008). Depending on the management category of the PA, the notion of “conservation” may include sustainable use, restoration and enhancement as well as preservation (Borrini-Feyerabend).

Protected areas of Kenya

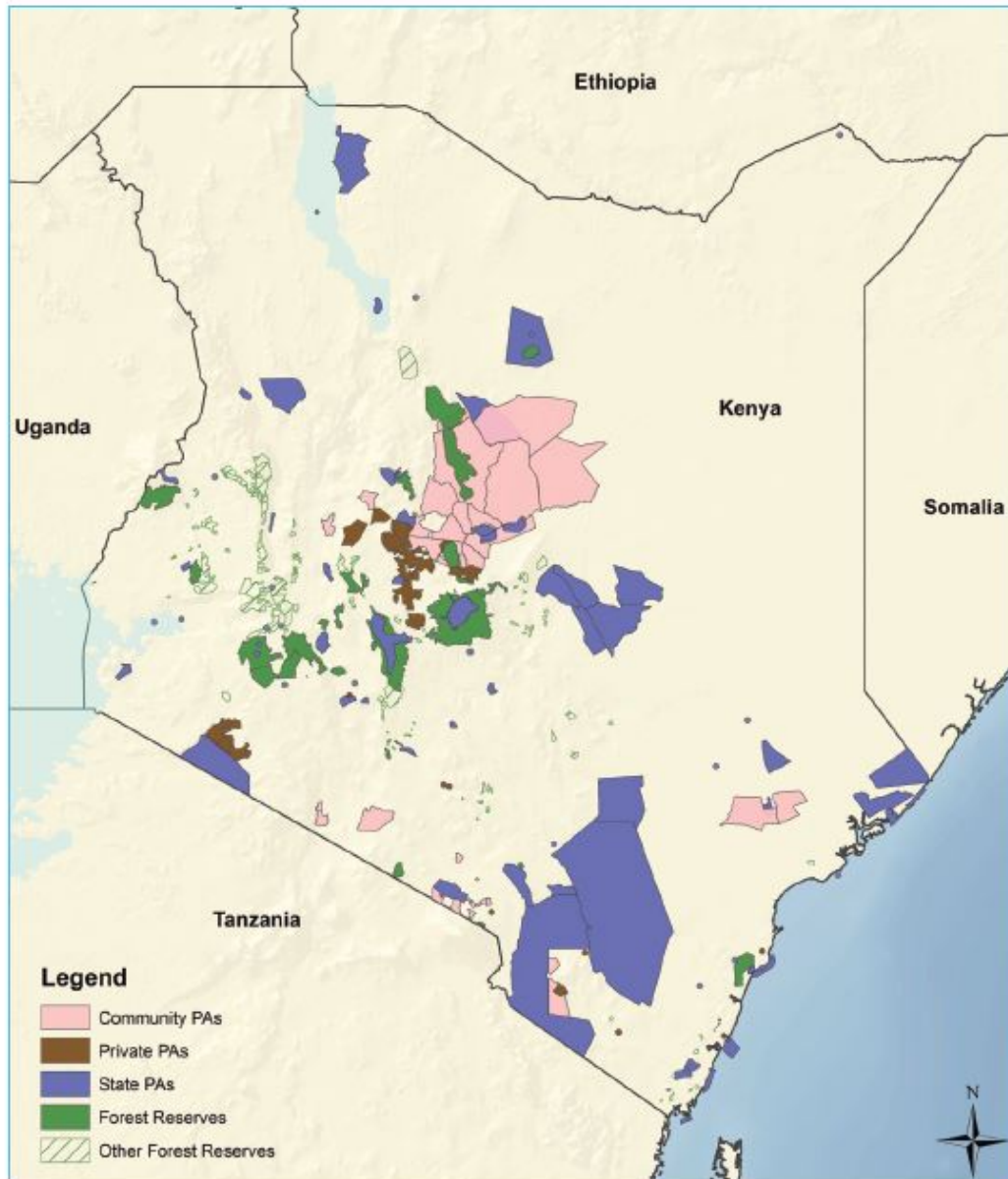
A review of Kenya’s protected areas in early 2011 identified a total of 230 of which just over half were listed in the World Database of Protected Areas (WDPA) (Elliott et al 2014). This study identified over 100 PAs that were not at the time recorded in the WDPA and, on the other hand, several that were listed in WDPA that had become dysfunctional. A key outcome of this study was the establishment of a process to update the Kenya section of WDPA. At this point in time Kenya has 411 PAs listed in the database (see table 1). These cover 12.4% of the total land area of the country and 0.8% of Kenya’s territorial waters. WDPA also includes data on IUCN management category (I-VI) and governance type of each PA but more than 50% of the entries do not include this data.

Regarding governance type, the WDPA data tells us very little since the classification relates to who owns the PA rather than who has authority over the PA, and the large category of shared governance is completely missing. Also in WDPA there are issues with the distinction between Non-profit, local community and indigenous categories as there are examples of community conservancies of a similar type in the non-profit and local community categories, and also conservancies of similar types in the local community and indigenous community categories. However it is important to note that at least one third of the recorded PAs are likely to be shared governance given that this category includes most conservancies in the Mara, some conservancies in Laikipia, all the Locally Managed Marine Areas and at least 134 forest reserves.

There is no reliable information on the change in the balance of governance types over time, but the 2011 report does present information on the change in PAs numbers according to land ownership which shows that the growth in PAs numbers of the last 20 years has been mainly in the private and community tenure categories (see fig 3) which in governance terms translate to growth in private, community and shared governance types. What this graph does not reflect is the establishment of PFM in formerly state governance forest reserves over the last 20 years which amounts to conversion of 134 state governance PAs to shared governance PAs. Most likely this means that there are now more PAs in Kenya of shared governance than any other governance type.

National designation	#
National Reserve	31
National Park	23
Forest Reserve	234
National Sanctuary	6
Nature Reserve	2
Marine National Park	4
Wildlife Sanctuary	1
Private Reserve	16
Community Nature Reserve	28
Not Reported	20
Marine National Reserve	5
Game Sanctuary	1
Locally Managed Marine Area	9
Private Ranch	4
National Park (proposed)	1
Community Conservancy	21
Community Wildlife Sanctuary	1
Private Nature Reserve	1
Private Protected Area	2
Group Ranch	1
Total	411

Fig 2: Map of protected areas of Kenya from 2011



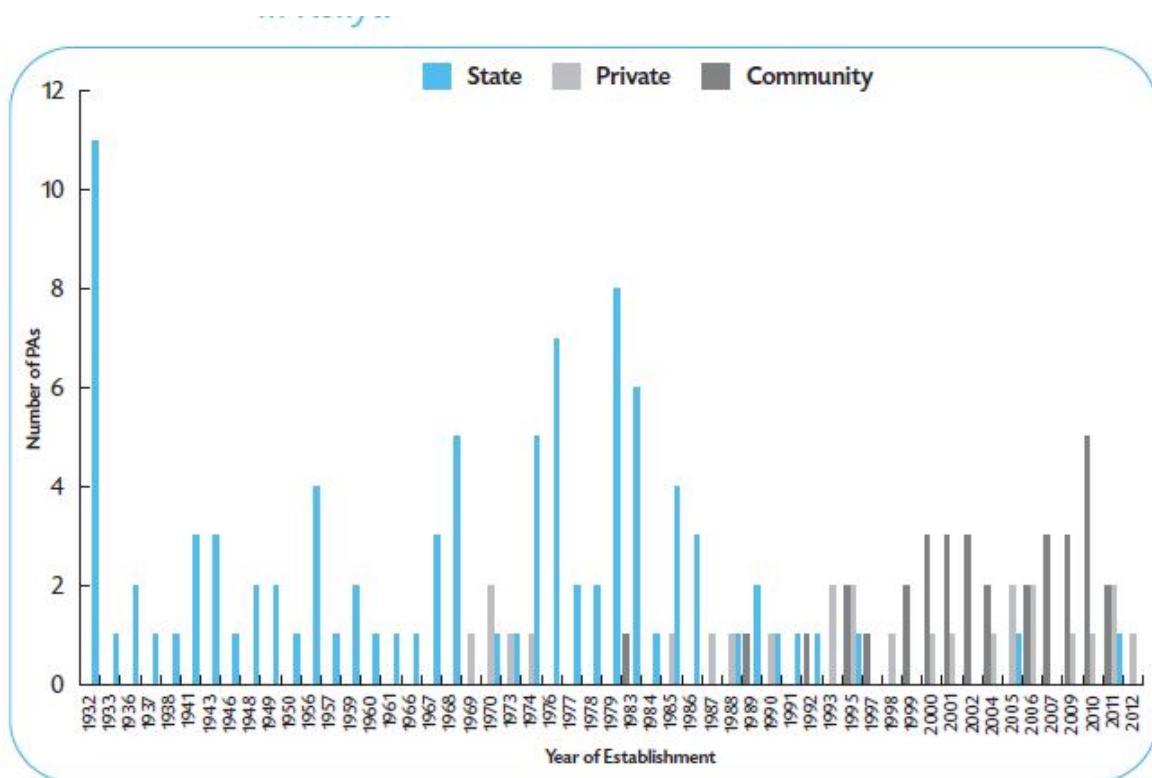
Source: WCMC based on data from WDPA, AWF, KWS, NRT and Space for Giants.

Kenyan policy context

Kenya Forest Conservation and Management Act 2016

Under this Act all areas of indigenous forest in Kenya that are under the jurisdiction of Kenya Forest Service (KFS) must be managed on a sustainable basis with conservation of biodiversity as one objective, and no activities should take place that have a negative impact of biodiversity. “Forest communities” can establish and register a Community Forest Association (CFA) which may then apply to KFS for permission to participate in the conservation and management of a particular area of forest on public land. KFS will approve such an arrangement based on an agreement and

Fig 3: increase in different types of PA by tenure category



Source: WCMC using data from WDPA, AWF, KWS, NRT and Space for Giants.

management plan which requires the CFA to protect, conserve and manage the forest consistent with any traditional forest user rights. In return the CFA gets rights to harvest certain natural forest products, use the forest for tourism and other non-consumptive purpose, and establish plantations in areas that are designated for plantation so long as none of these activities conflict with biodiversity conservation. While there is no reference in the Act to the term protected area, it is clear that all indigenous forests under the jurisdiction of KFS must be managed with an emphasis on biodiversity conservation (ie as protected areas) with the involvement of local community and/or other stakeholders (shared governance) or without (state governance). KFS records currently indicate that 134 of the total of 234 forest reserves now have shared governance PFM arrangements in at least part of the forest area. There are also significant areas of indigenous forest on private and community land that do not fall under the jurisdiction of KFS although they are expected to provide technical support on request.

Kenya Wildlife Conservation and Management Act 2013

In the context of this study the key significance of the KWCM Act is giving legal recognition to the concept of a wildlife conservancy which is defined as: *land set aside by an individual landowner, body corporate, group of owners or a community for the primary purpose of wildlife conservation.* Further details are provided in the KWS Conservancy Regulations which define three types of conservancy (although these regulations have not yet been officially approved):

- Private conservancy – a conservancy established on private land by a private individual or company for purposes of wildlife conservation;

- Community conservancy - a conservancy set up by a community on community land - based on land that is under collective ownership of a community
- Group conservancy - a conservancy created by the pooling of land by contiguous land owners - based on land that is individually owned by community members but where these individuals agree that it shall be collectively managed.

The KWCM Act provides for registration of the conservancy, the development and approval of a management plan, law enforcement by “Community Wildlife Scouts” with powers of arrest, wildlife monitoring, dispute resolution, and resource management which may be by an individual conservancy manager or a management company.

The KWCM Act also provides a legal basis for groups of individuals, communities and organisations to form Wildlife Associations *“to facilitate conflict resolution and cooperative management of wildlife within a specified geographic region or sub-region”*.

Community Land Act 2016

The significance of the Community Land Act in the context of this study is that it gives legal recognition to customary land rights and gives these the same legal status as freehold or leasehold land rights acquired through the pre-existing processes of allocation, registration or transfer. Furthermore the Act establishes the right of a community to claim public lands as land owned by the community. This land may be held by the community as a whole or allocated to individual families. Furthermore the community may declare part of the land as being reserved for a special purpose which may include community conservation. In effect this Act thus provides the legal basis for establishment of new conservancies whereas, until the passing of this Act, conservancies could only be formed from land that was already legally established as communal land – notably from the Group Ranches that were established in the 60’s, 70’s and 80’s.

Kenya Fisheries Act 2007 (revised 2012) and Fisheries Management and Development Act (2016).

In the marine context there are three types of protected areas in Kenya:

- a) Marine Park (4)
- b) Marine Reserves (5)
- c) Locally Managed Marine Area (24)

For the management of marine fisheries outside marine parks and reserves the Fisheries Act of 2007 legalised the institution of Beach Management Unit as a community-based institution that is given rights and responsibilities for managing one or more fishing landing sites and a fishing area around these landing sites. The BMU concept came from Lake Victoria where it has been very successful. The 2007 Act provided the legal basis for marine artisanal fisheries and since 2007 more than 100 BMUs have been established and registered along the Kenya coast based on regulations that were approved in the same year.

LMMAs are defined as *“an area of nearshore waters and coastal resources that is largely or wholly managed at a local level by the coastal communities, land-owning groups, partner organisations, and/or collaborative government representatives who reside or are based in the immediate area.”* (Kawaka et al 2015). The word “local” was chosen over “community” – recognizing that conservation projects are often collaboratively-managed by both the community and the government or some other external body. Also, the words “protection” and “protected” are not

used because of acknowledgement that the conservation tool(s) employed within an LMMA may involve a combination of management approaches that include species-specific reserves, temporary or shifting reserves, and/or harvest effort limitations (Govan et al 2008).

In Kenya LMMAs are simply specific management zones that are established and managed by a BMU. That said, they are understood as extending the scope of the BMUs mandate for sustainable fisheries management to include conservation of the ecosystem on which fisheries depend. The Fisheries Management and Development Act of 2016 formally introduces the notion of conservation of biodiversity into fisheries policy and legislation although use of the term conservation is almost entirely in the context of sustaining the productivity of fisheries.

Marine conservancies are recognised under the Kenya Wildlife Conservation and Management Act of 2013 rather than any fisheries legislation since the word “land” in KWCM Act is understood as including water bodies.

Common property management and governance

A common property system of management is used where a common pool resource¹² (eg open rangelands, marine fisheries) is used by a number of different stakeholders and where use by these stakeholders needs to be coordinated to avoid degradation (ie decline in total benefits) (Wikipedia, 2017). The alternative would be to divide it up into individual plots which are then managed by each individual independently. Where this is not desirable (eg rangelands with wildlife) or possible (eg fisheries), then a common property management system is the best option.

In this study all 8 sites have a common property management system except Borana Conservancy which is wholly owned by just one legal entity. Elinor Ostrom in her famous research on common property systems of management identified 8 design principles which are a pre-requisite for effective and stable common property management system (Wikipedia, 2017), in addition to the pre-condition of clear and secure resource tenure.

1. Clearly defined boundaries
2. Congruence between appropriation and provision rules and local conditions
3. Collective-choice arrangements allowing for the participation of most of the appropriators in the decision making process
4. Effective monitoring by monitors who are part of or accountable to the appropriators
5. Graduated sanctions for appropriators who do not respect community rules
6. Conflict-resolution mechanisms which are cheap and easy of access
7. Minimal recognition of rights to organize (e.g., by the government)
8. In the case of larger areas: organisation in the form of multiple layers of nested enterprises,

Secure tenure does not necessarily mean freehold ownership under statutory law as a successful common property management system can also be established based on a secure long term lease or traditional customary tenure arrangements both of which are common in Kenya.

¹² A common pool resource is a natural or human-made resource system whose size or characteristics makes it costly, but not impossible, to exclude potential beneficiaries from obtaining benefits from its use (Wikipedia). This is based on intrinsic characteristics of the resource itself irrespective of who owns it and how it is managed. Open rangelands and fishing grounds are common pool resources irrespective of whether they are owned by the state, a group of people or a company.

Shared governance

As noted in the previous sections, shared governance has, over the last 20 years, become an increasingly important governance type in Kenya, and is now the most significant governance type in terms of the number of PAs of this type. That said, there are more variants/sub-types of shared governance than other governance type. Although all these sub-types include indigenous or local communities, there are many different permutations of the other actors involved (national conservation agency, local government, private sector) and much variation in the influence of communities versus these actors (ie in the power balance).

Aside from transboundary shared governance, the current IUCN typology of shared governance recognises just two main sub-types:

- Collaborative governance – where decision making authority rests largely with a national conservation agency, local government, or private sector actor but this actor is required by policy, law and/or regulation to consult with communities.
- Joint governance – where representatives of the key actors sit together in one governance body and take decisions collectively, ideally by consensus but otherwise by voting. This is considered “proper shared governance” (Borrini-Feyerabend et al, 2013).

For this study we propose a somewhat different, more detailed unpacking of the notions of private governance, community governance and shared governance (see Table 2 on page 23). Like the original “co-management continuum” this framework is based on the notion of a power balance that gradually changes from left (state governance or private governance) to right (community governance) as described at the top of the framework in terms of a relationship between actors¹³.

We use the term “plain” to indicate that there is just one main actor, and use this term in preference to a term like “pure” or “basic” to avoid any implication that there is anything better or worse about this variant of state or private governance.

¹³ The term actors is used to mean stakeholders and rightsholders

2. Methodology

The study aims to explore the governance arrangements (structure and processes) of 8 PAs covering community, private and shared governance types.

The approach taken was to study 2-3 PA sites of different governance types in 3 contrasting landscapes/seascapes:

- Northern rangelands (Laikipia, Isiolo and Samburu counties):
 - Borana ranch – private governance
 - Kalama conservancy – community governance
 - Ol Lentille conservancy – shared governance (community/private)
- Maasai Mara (Narok and Trans Mara counties)
 - Mara North conservancy - shared governance (community/private)
 - Oloisukut conservancy – community governance
 - Olderkesi conservancy - community governance
- North coast (Lamu and Kilifi counties)
 - Pate conservancy – shared governance
 - Kanamai Locally Managed Marine Area – shared governance

For each PA site the analysis addressed the questions:

1. Who is involved in PA governance ie who are the stakeholders?
2. How are stakeholders represented in governance arrangements?
3. What governance agreements exist?
4. How were these agreements developed?
5. How are these agreements being implemented and funded?
6. How effective/equitable are these agreements?
7. What relationships have been developed between PAs as a landscape/seascape level?
8. How this assemblage of different PAs and their different PA governance types are interacting to achieve better conservation at landscape/seascape level?
9. What enabling conditions are helping to improve effectiveness and equity of governance arrangements at site and landscape/seascape levels?

Although this study did not set out to assess in any depth the governance quality/performance of the governance arrangements of each case study PAs, a superficial assessment of governance strengths and weaknesses was conducted as a way of identifying inherent strengths and weaknesses of the governance type in the Kenyan context. This governance performance assessment was based on the framework of good governance principles in figure 1.

Information was collected primarily through interviewing the PA managers at each site and 1-2 members of the apex-level governance body of the PA. Key documents were also reviewed – in particular the PA management plan where one exists.

The study reported here is the first part of a two part study. In part II an in-depth assessment of governance performance will be conducted at 4 of the 8 case study sites using a governance assessment methodology that is currently being developed by IIED in partnership with IUCN and GIZ.

3. Case Studies

The following sections provide an overview of each case study and a summary of the governance arrangements. Further details of these governance arrangements, generic strengths, weaknesses and enabling conditions are provided in annex 2.

Kalama conservancy

Kalama is a conservancy of 497km² situated in the heart of the Samburu/Laikipia landscape in northern Kenya. As with many conservancies in Kenya, Kalama has its origins in a group ranch which was formed in the 1970's under a major livestock development programme. Formed in 2002, the Conservancy is the southern part of that group ranch. It is collectively owned by all c 1500 group ranch members. Within the core area there is one tourism lodge/tented camp established under a concession agreement where payments to the community are based on tourist bed-nights.

In line with the provisions of the 2013 Wildlife Act, the conservancy has a designated conservancy management unit with a Conservancy Manager and a team of locally recruited law enforcement rangers. Kalama Conservancy receives financial and technical support from the Northern Rangelands Trust (NRT) and at this point in time NRT covers around two thirds of the operational budget. Revenue from tourism and landing fees at the local airstrip cover the rest. NRT and some individual donors also fund a substantial programme of community development.

The apex governance body of the conservancy is the Board which comprises 13 members representing different zones around the conservancy, including 4 women. Sub-committees of the Board have been established to deal with key issues such as grazing and tourism. The concession agreement with the tourism operator includes a commitment on the community side to keep livestock out of the large area in front of the lodge but at times – notably during drought - the community struggles to enforce this.

Neither the tourism operator nor the Samburu County Government have much influence on management strategy of the conservancy, and neither have a seat on the Board. However the Board does consult with the tourism operator and the adjacent county-owned Samburu Game Reserve on certain issues (and vica versa) and therefore with reference to our framework of PA governance sub-types (table 2 on page 24) the type is best described as the “consultative community governance”.

OI Lentille Conservancy

The origins of OI Lentille Conservancy go back to 2006 when the Kijabe Group Ranch signed an agreement with a tourism company - Regenisis Ltd - that established an area of 20km² as a conservancy. This agreement gave the company exclusive rights to use this area for tourism purposes, including constructing a lodge, and established the OI Lentille Trust to manage the conservancy. Over the years since 2006 two other neighbouring group ranches in Laikipia County and four communities in Isiolo County (where land is still owned by government) have agreed to allocate similar acreages of contiguous land to the conservancy such that the conservancy has expanded to a total area of 143km². In return the tourism company pays a fixed annual fee plus a fee based on bed-nights. This is allocated between the group ranches and non-group ranch communities according to an agreed formula.

Management of the conservancy, including law enforcement, is largely the responsibility of the OI Lentille Trust which has a Conservancy Manager and a number of law enforcement rangers. Management costs are largely covered by the revenue from tourism although the conservancy

received substantial financial and technical support from external sources during the establishment phase, notably from African Wildlife Foundation. The Ol Lentille Trust also manages the community development programme which is largely funded by donations from visitors to the conservancy and tourism lodge.

Decisions on management and community development are made by the Trust in consultation with the tourism company. On core issues of security and grazing decision-making is devolved to a “security and grazing” committee comprising community representatives and a representative of the tourism company. This committee is the highest level of joint decision-making platform but its role is not that clearly defined and it rarely meets so that decision-making authority on security and grazing in the conservancy is, in reality, largely with the Trust.

Decisions related to community development are made by the Trustees of the Trust with relatively limited community participation. Decisions on tourism are made by the tourism company.

In contrast with Kalama, the governance arrangements of Ol Lentille are more complex due to several key factors :

- There are 7 different communities (rather than one)
- Local government of Isiolo County has been actively engaged
- The tourism company is has a central role. It pioneered the establishment of the conservancy and generates most of the funding.
- There are two tiers of governance – group ranch level and overall conservancy level

Ol Lentille is clearly an example of shared governance and the existing agreements and views of interviewees suggest a “joint private-community governance” model (see table 2) although at present the reality seems closer to “private-led shared governance”. A more in depth governance assessment is on-going and discussions around this assessment should help clarify the governance model and where it fits in the typology. In the meantime we have placed the Ol Lentille governance model as straddling the two governance sub-types.

Borana Conservancy

Borana has been a private cattle ranch for nearly 100 years. In 1990 this 142km² ranch started a transition to making wildlife conservation the primary objective. The transition to conservation was rapidly achieved and by 1992 the ranch became a conservancy although this term was not yet in common use. Since the early 90’s Borana has collaborated with the neighbouring Lewa conservancy including working together to support two neighbouring community-owned group ranches to establish conservancies in the mid 90’s. Unlike most community conservancies, Borana has an electric fence on all sides although it has recently removed the fence with Lewa so the two conservancies can be management as one conservation area. Borana is successful in terms of both conservation and cattle ranching but, like many such private ranches in Laikipia, it is facing political pressure as Samburu pastoralists, encouraged by politicians, question the right of the current owners to own large areas of land that were once Samburu/Masai land.

All management activities of the conservancy, including law enforcement, are planned and implemented by the company that owns the land and the associated tourism and cattle businesses. Management costs are covered by revenue from the businesses. Company expenditure also includes investment in some development projects in neighbouring communities, notably support for schools and a mobile clinic in neighbouring communities. This is framed as Corporate Social Responsibility. These communities are at times consulted on their priorities but the final decision on CSR investment rests with the company.

Decision-making authority rests with the Board of the company. There is also an Advisory Board of 9 members that has a strong influence on decision-making. Neither of these committees has any representation from local communities or government of Kenya so it is clear that the governance type of Borana conservancy is “plain private governance” although most likely with some element of “consultative private governance” on issues where the conservancy consults with local people and takes account of their views.

Pate Marine Conservancy

Pate Conservancy lies on the Kenya coast just north of the town of Lamu. The conservancy combines a terrestrial element - Pate island - and a marine element – the intertidal zone and inshore fisheries around the island. This study focuses on the marine element.

The conservancy was established in 2013 with support from the Northern Rangelands Trust (NRT) and the Kenya Fisheries Service and is described as having a total area of 278km² and a core conservation zone of 93km². The core conservation area includes discrete zones that have specific conservation objectives and associated restrictions on fishing (eg gear restrictions, seasonal closure, minimum size, and complete prohibition of fishing). Three of these are listed as Locally Managed Marine Areas (LMMAs) in a recent inventory of the LMMA’s of Kenya (Kawaka et al 2015), but a recent map of the conservancy indicates up to 20 zones with some kind of restriction.

The marine section of the conservancy is based on 10 Beach Management Units – one for each main village on the island. These BMUs were established in the period 2007-2010 building on “beach leaders” groups that had been established in the early 80s.

The areas over which each BMU has rights and obligations – the so-called “co-management zone” - have been gazetted. This commits the communities through BMUs to sustainably manage the resources, although very few are yet achieving this. To support the BMUs in fulfilling their management responsibilities, NRT is paying the salary for one ranger for each BMU who has responsibility for law enforcement and monitoring, and a Conservancy Manager who coordinates the rangers. In addition, NRT provides a boat for patrols and also some support for community development projects.

The LMMA’s are much smaller zones that lie within the larger co-management zones. Thus the management of the conservation zones is embedded within a broader strategy for sustainable fisheries management within the conservancy and NRT is currently supporting development of an overall management plan for the conservancy.

Governance operates at two levels:

- BMU level where there is a BMU executive committee (as defined in the Fisheries Act)
- Conservancy level through the Conservancy Board

This arrangement is comparable to that of conservancies of group ranches where there is more than one group ranch (eg Ol Lentille). Even though the BMU has a legal mandate and the conservancy board does not (yet), it is the conservancy board that tends to have more power. This seems to be in part because it has stronger political links to the County Government and in part because it controls the allocation of NRT support.

The governance type of Pate Conservancy cannot be anything other than shared governance since the Kenya Fisheries Service is actively engaged with the planning and implementation of BMU operations to a level beyond the basic regulatory role of government. It also has the power to intervene where it feels this is necessary (eg to suspend corrupt BMU officers), although this seems

to be rare and many BMUs in other parts of the coast have collapsed due to governance problems that the Kenya Fisheries Service could have addressed. On this basis “community-led shared governance” seems the best description of the governance type.

Kanamai LMMA

Kanamai LMMA is a small no take zone (0.22km²) embedded within a much larger co-management zone of c 25km² (ie <1% of the overall area). It was established in 2010 by the Kanamai BMU which itself was established in 2008, building on an earlier “beach leaders” institution. The much larger co-management area for which the BMU is responsible has yet to be formally approved since a management plan has not yet been completed, but work on the plan is underway and approval of the plan will give the BMU the authority to control illegal activities in the area, including the LMMA, although the BMU lacks a boat to conduct the necessary patrols. Until this plan is approved, BMU officials can apprehend poachers but cannot secure their prosecution and thus, at present, law enforcement in the LMMA is based mainly on peer-group pressure.

Unlike Pate where inshore fisheries are still relatively productive and most fishermen have boats, the fisheries of Kanamai are degraded, particularly in the inter-tidal zone where most people fish on foot because they don't own boats. Fishing in Kanamai is regarded as a coping strategy when other sources of livelihood fail rather than a principle livelihood activity. The very small catch and the inability/reluctance of many people to join the BMU and pay the membership fee (due poverty and doubts over added value) also greatly constrain the ability of the BMU to raise funds to support the management and conservation measures needed to restore the productivity of the fisheries. However the BMU Executive Committee believes they can break out of this vicious cycle if they can secure external support to boost revenue from fishing and strengthen BMU governance.

The key structure for BMU governance is the Executive Committee which is answerable to the general assembly of BMU members. Mandated by the Fisheries Act, the BMU also has sub-committees for welfare, protection/conservation and finance. The Kenya Fisheries Service has strong influence over the BMU's management plan, a mandate to monitor BMU performance, and the power to intervene in its governance if necessary. As in Pate, the most appropriate classification for governance type would seem to be “community-led shared governance”.

Mara North Conservancy

The 310km² Mara North conservancy is one of four conservancies in the Masai Mara that have been created out of the former Koiyake Group Ranch. Mara North was established in 2009. The land within the conservancy was allocated to 750 people who laid claim to land in that part of the Group Ranch – most being allocated 20 acres - and individual land titles were issued. There are 12 tourism businesses (“tourism partners”) operating in the Conservancy (initially 11) and they formed the Mara North Company in 2009 which has negotiated a lease of 15 years on the vast majority of the 750 plots. For this lease they make a fixed payment of USD48 per acre irrespective of any rise or fall in tourism. Under the terms of the lease, MNC has full authority to manage the land for wildlife conservation-based tourism subject to allowing the land-owners who own cattle to graze them within the conservancy according to an agreed grazing plan. To a large extent this is a win-win arrangement as grazing by cattle removes long grass that makes wildlife more difficult to see and stimulates new growth which attracts wildlife.

MNC has contracted a separate company to implement the actual conservation and management activities, notably law enforcement, grazing management and compensation for human wildlife conflict. This arrangement is very different from the other case studies where management and governance functions are generally within the same organisation.

The Mara North Conservancy Company is owned by the 12 tourism partners and each has a seat on the Board of the Company. On the land-holders side the leases are held by a company called Mara North Holdings and the 750 landowners are represented by a Land-owners Committee (LOC). A new governance structure is currently being put in place where there will be just one company jointly owned by the 750 Landowners and tourism partners with a Board with equal representation of both.

Mara North illustrates the importance of the distinction between tenure and governance. The conservancy is a common pool resource that has been sub-divided into 750 individually owned plots. While it is no longer collectively owned it has common property system of management and governance where decisions are made on a collective basis by a committee of elected representatives of the 750 landowners. Therefore it should be considered a form of community-private shared governance - a joint venture of private sector and community. The new governance structure will more clearly reflect this.

Oloisukut Conservancy

The 93km² Oloisukut conservancy is a small part of the former Kimintet Group Ranch. Sub-division of this ranch into individual plots started in 1988 and was concluded by 1992. For the first few years the 65 individual landowners benefited from a revenue sharing arrangement linked to the adjacent Masai Mara Reserve whereby 19% of revenue received by local government was shared with neighbouring communities. This provided a reasonable incentive for landowners to keep wildlife on their land but when these payments stopped in c 1996 the land owners began to clear their land for farming. By 2004 the situation from a conservation standpoint had become very serious and having visited nearby conservancies a small group of the local Masai community proposed the establishment of the Oloisukut conservancy. The conservancy has the disadvantage that game viewing in the conservancy itself is relatively poor owing to the dense vegetation which has meant that the conservancy is mainly a base for tourists to visit the Masai Mara Reserve. When a dispute with Mara District Council prevented their clients from visiting the Mara Reserve the conservancy had severe financial problems and had to resort to members funding it themselves to keep it going. WWF supported the conservancy in its early days and has recently resumed its technical and financial support for management of the conservancy. Management of the conservancy including law enforcement is in the hands of a company which employs a Conservancy Manager and 22 rangers and is wholly owned by the land-owners themselves.

The apex governance structure is the Management Committee which is made up of 5 elders of the community (all male), 6 youths (aged 18-35) and 6 women who are elected from the full membership of the conservancy. Since the power to make decisions and promote transparency and accountability is entirely in the hands of the community, Oloisukut should be classified as community governance. As with Kalama, the conservancy actively seeks input from other stakeholders and therefore we propose a classification of “consultative community governance”.

Olderkesi Conservancy

Olderkesi Conservancy is a small part (30kms) of a much larger (500km²) group ranch that is currently in the process of sub-division into individual plots. However members have agreed that the conservancy land should remain collectively owned by all 6000 members of the group ranch. It took many years of consultations with group ranch members to reach this consensus.

The group ranch leases the conservancy to Cottar’s Wildlife Conservation Trust on a 10 year lease. The Trust raises funds to cover the cost of this lease, management and operations by charging entry fees to tourism partners, and from benefactors. The Trust also serves as the conservancy management agency, employing a Conservancy Manager and 18 law enforcement rangers.

On the community side the apex governance structure is the Board of the Group Ranch (since sub-division of the Ranch into individually owned plots has not yet been processed). Under the Trust, decision-making on management of the conservancy are made by a Management Committee that has 20 members including 5 women and 5 youth. The 20 members represent the 20 villages in the Group Ranch. Under the Management Committee there are sub-committees for grazing management, forest management, and community projects.

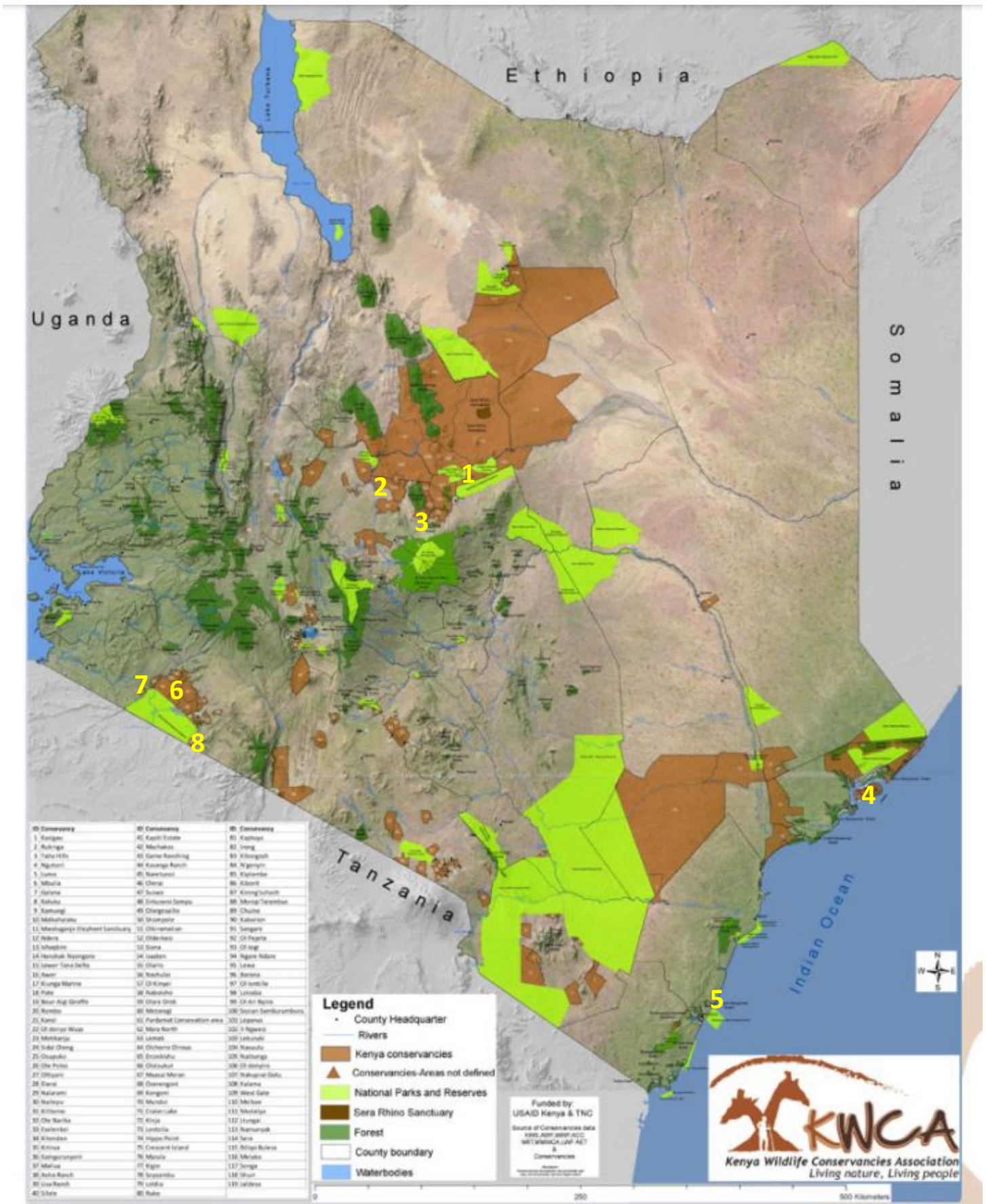
The conservancy is both collectively owned and, since the management committee is dominated by community members, the community is presumably the primary decision-making authority, but the tourism partner by virtue of being represented in the management board can potentially influence most decisions and therefore this governance arrangement may be best described as community-led shared governance. While the make-up of governance structures tilts the power balance in favour of community members, the tourism partner has power beyond its level of representation in the management committee by virtue of being the sole source of revenue for the conservancy and a key player in financing development projects within the group ranch.

A particularly strong feature of this conservancy is the very extensive consultative process that led to its formation. Committee members believe that this has created an exceptional level of consensus and unity in the community and this may be an example of how a process that is considered fair in terms of recognising the diversity of stakeholders and effective consultation can make up for relatively little in the way of livelihood benefits.

Table 2: summary of case studies

	Name of PA	Habitat types	Area	Established	Tenure	Governance type
1	Kalama conservancy	Open woodland	497km ²	2002	Owned by members of one group ranch One concession with one tourism lodge/camp	Community governance
2	Ol Lentille conservancy	Open woodland, grassland	143km ²	2006	Owned by members of 3 group ranches + Isiolo County government	Shared governance
3	Borana Conservancy	Grassland, open woodland, forest	141km ²	1990	Owned by a company that is owned by one family	Private governance
4	Pate Conservancy	Marine – inshore and tidal waters Terrestrial -, coastal woodland	278km ²	2013	Marine – Owned by the State of Kenya Terrestrial – owned by local community members	Shared governance
5	Kanamai Locally Managed Marine Area	Marine – inshore and tidal waters	0.22km ²	2010	Marine – Owned by the State of Kenya	Shared governance
6	Mara North Conservancy	Grassland, woodland	310km ²	2009	Owned by 750 individual land owners Leased to a private company that is owned by the 12 tourism operators	Shared governance
7	Oloisukut Conservancy	Open woodland, forest	93km ²	2010	Owned by 65 individual land owners Two concessions with two tourism camps/lodges	Community governance
8	Olderkesi Conservancy	Open woodland, forest	30km ²	2011	Owned by members of one group ranch One concession with one tourism lodge/camp	Shared governance

Fig 4: Map of the conservancies of Kenya



4. Discussion

This study focuses on governance of PAs in Kenya where the government is not the lead agency in terms of management and governance - the non-state PA sector. Focusing on conservancies that are either already registered under provisions of the Wildlife Conservation and Management Act 2013, or in the process of registering, this study has attempted to explore the full range of possible governance types for non-State PAs from private governance by just one land-owner (Borana), through shared governance involving 750 individual land owners (Mara North), to community governance. This chapter focuses on the generic strengths and challenges of the different governance types/sub-types and enabling conditions that have been identified.

Our sample of conservancies includes 3 different major governance types – private, community and shared. Furthermore, based on further unpacking of these major governance types we have identified a number of sub-types (see Table 2 on page 24). These sub-types form the structure for this chapter.

Consultative community governance (Kalama, Oloisukut)

Consultative means that the community seeks input from one or more other key stakeholders but doesn't necessarily have to take it into account in its decision-making. In the two case studies of this governance type the other key stakeholders in question are principally county government and the tourism partners. This is the strongest community-based governance type to be found in Kenya. Arguably the stronger form of community governance is only found where Indigenous Peoples are able to, and chose to, fully assert their right to self-determination.

A key strength of this governance type is that community governance enables, more than any other type, a strong sense of community empowerment and collective commitment. This is based on the recognition that this governance type gives the community and the strong participatory processes as much as more tangible livelihood benefits, and recognition and participation can go a considerable way to make up for limited benefits in areas where there is less tourism potential. In this respect an important enabling condition has been the recognition of conservancies provided by the 2013 Wildlife Act, including conservancies owned and managed by communities, and, more recently, the provision in the 2016 Community Land Act that enables communities to secure collective title over land that has, until now, been owned by government.

As with private governance, another strength of this governance types is the lack of ambiguity about who is in control. The community may agree to consult with other key stakeholders on certain issues but in general is not obliged to include representatives of other stakeholders in their decision-making processes except where they explicitly agree to this (eg with a tourism operator). With respect to tourism and other forms of conservation-based business the downside is that business ventures may look more risky and thus investment may be more difficult to secure (as with Oloisukut conservancy). The conservancy needs to be very aware of this and can include specific provisions in any concession agreement to reduce business risk whilst retaining full authority over most aspects of conservancy management.

One other challenge that may affect community governance more than the others is the vulnerability of the management system to local social pressure to bend the rules, especially where there is no clear distinction between conservancy management and governance. Although this may affect all governance types at some level, the multi-stakeholder governance structures of other governance types enable, to varying degrees, other stakeholders to hold the community accountable. A case in point is law enforcement, for example in Kalama conservancy, where it is said that local people frequently avoid penalties for illegal activities. Misuse of conservancy funds and assets (eg vehicles) may also be a greater risk in the absence of strong internal accountability mechanisms. Of course it is possible to have strong internal accountability mechanisms through downward accountability to the communities that the conservancies serve, for

example through an AGM and other meetings, but in most communities this is not a traditional practice and there will be a need for substantial capacity building/empowerment on accountability and other good governance issues if community governance in modern Kenya is to be successful and sustainable.

Community-led shared governance (Olderkesi, Pate, Kanamai)

The three PAs in this category are very different both in context (marine and terrestrial) and in tenure (state vs community owned) and yet they have common strengths and challenges. A major strength of this governance type is that it enables strong community engagement and ownership and at the same time a substantive role for government or the private sector in governance of the PA. It is particularly relevant where the revenue generating potential of the resource base per member household is low since the community empowerment inherent in this governance type enables strong participatory processes that build community ownership and commitment despite relative low benefits.

A key enabling condition for this governance type (and community governance) is the recognition of conservancies provided by Wildlife Act of 2013 and, with LMMA's, recognition of conservation as a goal of sustainable fisheries management, and thus part of the mandate of BMUs, that was absent from the fisheries Act of 2007/12 but is included in the Fisheries Management and Development Act of 2016. However a key gap remains – the legal regulations for conservancies which will spell out in more detail their role, rights and responsibilities which have not yet been formally approved.

Because this governance type is community led it makes sense to build on existing community institutions that are relatively strong – the Group Ranch in the case of Olderkesi and BMUs in the two marine areas. However neither Group Ranches nor BMUs have a strong track record of success in Kenya with some notable exceptions. Therefore conservation efforts based on these existing institutions must still be prepared to invest heavily in support for management and governance of the Group Ranch/BMU. Over time the governance structure may well evolve to place less emphasis on these existing institutions – particularly the group ranch governance structures which have a particularly poor track record (Veit, 2011). In the marine context, however, it is hard to envisage a better option than the BMU, and we need to be wary of the tendency of external actors to think that they need to create new institutions to suit their purpose. This is of particular concern where this leads to a two tier governance arrangement that could undermine the authority of the original governance structure and/or prove financial unsustainable. This is a risk in with Pate Marine Conservancy. In this case a viable alternative might be for each BMU with a co-management plan that includes an LMMA to become a conservancy in its own right and then the 2nd level could be an association of of these BMU-based conservancies as provided for under the Wildlife Act.

Joint shared governance (Mara North)

The major strength of joint shared governance is that it seeks to establish a genuine balance of power between the key actors such that contested decisions must be discussed in depth and at times negotiated. So long as transaction costs are carefully controlled this is likely to improve the effectiveness and equity of conservancy management, notably through better and fairer management of risks and the inevitable trade-offs between conservation and social outcomes.

Mara North which currently has two decision-making platforms more or less operating on the same level is in the process of turning this into a two tier system with the top tier being the Board of a joint company of the private sector tourism partners and the land owners, and the second tier being the existing Land Owners Committee and its sub-committees. In fact there is also a third tier in the form of the four grazing committees at zonal level. While this appears complex, Mara North has the financial resources to make this multi-tiered approach work, and other conservancies in the Mara with similarly large revenues may in time adopt a similar model.

Our comparison of conservancies in the Masai Mara and Laikipia/Samburu reveals huge difference in context that make it inappropriate to advocate a Mara model in Laikipia/Samburu or vica versa. The two

biggest contextual difference are the volume of tourism revenue and associated benefits (including employment) and the tenure arrangements. In the Mara tourism revenue may be 10x to 100x more per capita than in some conservancies in Laikipia/Samburu. In terms of tenure, almost all conservancies in the Mara have been sub-divided into individual plots while no such process has happened in the conservancies of the north (although it is said that the Community Land Act may encourage such sub-division.)

Private-led shared governance (OI Lentille)

Prior to its ongoing transition to a joint shared governance the arrangement of parallel governance structures in reality gave the private sectors actors a somewhat stronger position partly by virtue of the fact that their company controlled the financial flows. The ongoing reform process reflects a recognition on both sides that this was increasingly problematic, as well as a sense that growing trust between the key actors presented a real win-win opportunity.

The governance arrangements at OI Lentille are somewhat similar to the situation at Mara North prior to its ongoing reform process. In this case there is just one private sector actor which controls all the financial flows and has full management authority within the conservancy. However while this may have been, in principle, quite acceptable to the participating communities in the early years, there is a risk of growing misalignment between the power relationship inherent in the existing private-led governance model as it has matured, and expectations of communities that have also evolved over time. This challenge is likely to be particularly an issue where the community owns the land and is therefore, ultimately, the more powerful actor. In other words, while this governance type may, from the perspective of private sector actors, be necessary for effective risk management it is unlikely to be a sustainable model for community owned conservancies

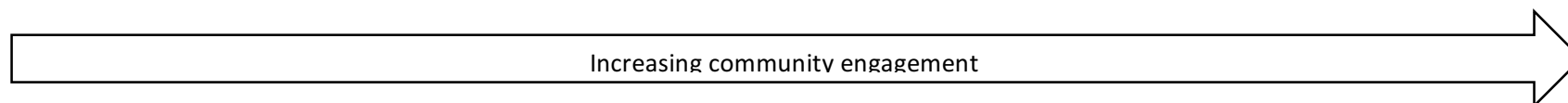
Plain private governance (Borana)

A major strength of this governance type is the relative simplicity of decision-making processes and simple and clear lines of accountability since authority is concentrated with one actor. However in the current context of Kenya a real challenge is the legitimacy of this model where the resource to which the authority relates is a large area of land with contested rights. Although the politics around this issue relate more to ownership than governance, it seems likely that the resentment that some feel towards this and similar conservancies might be reduced by a more consultative (but still private) governance arrangement and a more substantial benefit sharing programme. Enhancing equity as a way of countering resentment is as much about recognising and listening to peoples' concerns and fairness in sharing of benefits as it is about the actual volume of benefits (Schreckenberget al, 2016).

Given the serious on-going political debate about legitimacy of this and similar conservancies, the potential for this governance type in Kenya would seem to be limited with the possibility that it could disappear within a generation. A shift to a more consultative approach might help to ease political pressures.

Table 2: A framework of PA governance types and sub-types for Kenya

Generic governance typology	X has sole decision-making authority and does not routinely consult other actors	X has primary decision-making authority but routinely consults with Y and takes some account of Y's interests	X has primary decision-making authority but Y participates in some decisions with some real influence over the outcome	X and Y jointly make decisions with similar influence over the outcome	Y has primary decision-making authority but X participates in some decisions with some real influence over the outcome	Y has primary decision-making authority but routinely consults with X and takes some account of X's interests	Y has sole decision-making authority and does not routinely consult other actors
Government - Community							
IUCN Gov type	Governance by government		Shared governance (government – community)			Community governance	
Gov sub-types	Plain	Consultative	Government-led	Joint	Community-led	Consultative	Plain
PAs of Kenya Wildlife and Kenya Forest Services		Participatory Forest Management (PFM)		Pate Kanamai			
Private – Community							
IUCN Gov type	Private governance		Shared governance (private-community)			Community governance	
Gov sub-types	Plain	Consultative	Private-led	Joint	Community-led	Consultative	Plain
Borana		Ol Lentille		Mara North	Olderkesi	Kalama Oloisukut	



Challenges - all governance types

Good governance and traditional norms

Some notions of good governance may not align well with cultural norms, particularly in societies that have maintained strong traditional norms and values where decisions of the community are made by older men with little consultation with other community members let alone participation. The previous section has referred to this in relation to accountability. Another key issue cross cutting issue is gender equality. The new Kenyan constitution places strong emphasis on gender equality in land ownership and decision-making and although this study found indications of substantial progress in some sites – notably Kanamai LMMA, Kalama Conservancy, Oloisukut and Olderkesi - there are others which still have a long way to go.

“Short-termism”

A challenge working with poor and vulnerable people the world over is what is often described in Kenya as “short-termism”. This is simply referring to the fact that poor people will understandably prioritise the benefits/costs of now and the near future (eg feeding the family) over future benefits/costs even though they well know that the strategies being used to generate immediate benefits are unsustainable. Reversing environmental degradation and establishing sustainable management and the necessary governance systems to oversee this is a long term endeavour which frequently involves short term opportunity costs (eg reduced access for grazing cattle, establishing no catch zones in coast fisheries). In some cases the community, including its poorer members, may be willing and able to live with these short term costs but in other cases external actors must be prepared to support mitigation measures to avoid, minimise and/or compensate costs if investment in stronger natural resource management and governance is to succeed.

Management and governance

Most people interviewed for this study, and indeed many management and governance professionals, are unclear about the distinction between natural resource management and governance. One way of framing this has been described in an earlier section but the important thing is not exactly where you draw the line but that there should be line which is clear to the stakeholders involved on both sides of the line. While having an independent management company as in the case of Mara North might be theoretically optimal this is not practical in PAs with relatively little revenue, but the necessary distinction can be adequately made and maintained in other ways.

Elite capture of benefits

The issue of benefits going disproportionately to a powerful elite in the community is a universal problem in conservation (and other sectors). This did not emerge in case study interviews since, given time limitations, we were mostly talking to the elite. However the second phase of this study which focuses on 4 of the 8 sites looks into this issue in much greater depth and from the two governance assessments already completed it is clear that elite capture is likely to be an issue in every one of the case study sites. Elite capture is an issue of benefit sharing arrangements (policies and practice) being manipulated to the advantage of certain social groups and individuals. This may be caused by a fundamentally inequitable policy but more often than not it is an issue of how the policy is implemented, whether there is monitoring of implementation and this monitoring is sensitive to key social parameters (gender, wealth/poverty, ethnicity etc), and whether/how monitoring information is used to rectify problems with benefits not ending up in the right place. What constitutes “right” depends on the policy for benefit sharing which is often not explicit on this point. Effective stakeholder participation in developing benefit sharing policies, and downward accountability supported by transparent sharing of information on who is getting what are key to

more equitable benefit sharing. While all governance types should be able to achieve high levels of transparency (especially in the modern age of SMS and social media) governance types that enable stronger community participation will tend to be better in terms of participatory policy development and downward accountability.

Enabling conditions - all governance types

Financial viability

Effective natural resource management and governance, however much based on volunteer input from the community, will have significant costs of assets and services that must be covered. With respect to revenue earning potential there is a huge difference between the conservancies of the Masai Mara and the other case study sites. While quite a lot may be done to boost the revenues in these other areas we must acknowledge that major differences are inevitable and what works with high revenue conservancies may not be an option, or indeed appropriate, where revenues are much lower.

Private sector investment in conservation-based enterprise is more likely where the governance type enables the investors to have more influence/control over major risk factors such as weaknesses in law enforcement leading to cattle grazing in core conservation zones. Experience over the last 15 years in the Mara supports this notion – for example several tourism operators moved their operations from Lemek Conservancy where they had little influence over law enforcement to Mara North where they have stronger influence. So it might be concluded that shared governance types that enable more substantive partnership with private sector actors are likely to do better in terms of investment and revenue, all other things being equal.

What are the options when a conservancy can't even raise the bare minimum of necessary revenue from tourism and other conservation-based enterprise? Given the importance of the resource base to livelihoods even without significant enterprise opportunities, and the negative impact on livelihoods and conflict that will result from further degradation, there is a strong case for external support from national or local social protection and development programmes until such time as the resource base has recovered enough to make sustainable management/conservation self-financing.

Where there is very little hope of self-financing but there are ecosystem services that are important beyond the local area there may be a strong case for long term "agro-environmental subsidies" that help cover the costs of conserving rural landscapes and their traditional cultures, as is common in the developed world. In the Kenyan context this is an argument for support from local and national government and external donors. Marsabit and Samburu County governments in northern Kenya are now providing support to some conservancies although it is unclear whether this is a short term social protection/development programme or a longer term commitment to agro-environmental subsidies/incentives.

Secure tenure

In the areas of Kenya that were not involved in the process of establishing group ranches in the 60s and 70s much of the land that has conservancy potential remains Trust Land owned by government. The new Community Land Act provides the opportunity for communities to claim ownership of this land. Even if this takes the form of collective land holdings there is still a possibility that the land will then be subdivided as in the Mara. As shown by the three case studies from the Mara, this is not necessarily a problem from a governance and management point of view. However with individual ownership there is a considerably greater risk that a small number of people can act counter the good of the community as a whole and/or hold other community members to ransom. This is an

additional threat to the viability of conservancies that would be much less if sub-division to individual level was not an option.

Which governance type is most appropriate?

Governance is the about how different stakeholders in an initiative engage and interact to achieve their different and at times competing objectives. Most conservancies in Kenya are a commercial business as well as a conservation initiative, and rely on the business to at least partially fund conservation. In terms of governance, what is optimal for business and what is optimal for natural resource management/conservation may be different because there are different objectives and different norms that guide the way of working.

In terms of natural resource management/conservation, a resource management system which seeks to accommodate different and at times competing objectives of multiple stakeholders, and where there is a need for decision-making largely by consensus, is called a common property system of management (see chapter 1). Such a system applies irrespective of whether the resource is collectively owned by a group of stakeholders, is subdivided into a number of individually owned plots, or is owned by just one stakeholder eg the State, or a private individual, company or NGO that deliberately opts for a common property system of management. In other words “common” refers to a need to manage the resource for the good of more than one stakeholder

Only one of the classic principles of common property management developed by Elinor Ostrom actually relates to collective decision-making but it is this principles that primarily determines which governance types may be appropriate for common property management in non-state PAs. Referring to table 2 on page 24, some degree of collective decision making exists with any of the four governance sub-types to the right of private-led or government-led shared governance, and all but one of the case study conservancies fall here. Which of the five is most appropriate depends on the context and, in particular, who are the key stakeholder and what are their primary objectives. Where all the key stakeholders are within the community then plain community governance would seem the best option. Otherwise where there are other key stakeholders whose objectives need to be accommodated, the choice must be between one of the other four. Judging what is most appropriate must take account of environmental, social, economic and political objectives and key contextual issues including already existing institutional arrangements, and, last but not least, the ability of the conservancy to generate revenue to cover operational costs which will vary considerably according to the governance type/sub-type.

Where a conservancy has private sector conservation-based business, these key private sector stakeholders – critical to the financial viability of most conservancies – must clearly be engaged in conservancy governance to some degree. Their level of their engagement is fundamentally determined by the governance type/sub-type and the modalities of its implementation. Increasingly in this age of “impact investment” conservation-based businesses have environmental and social objectives as well as financial objectives. Alongside business objectives, a key consideration for business is risk. When engaging in conservancy governance, private sector actors will also be looking for strategies to reduce risk. This is not just about financial risks that immediately impact the bottom line. With the improvements in information flow of recent years, reputational risk is a growing concern – a single story of a bad social or environmental impact can be very bad for business.

The case studies reveal a range of different approaches to engaging private sector actors in the governance and management of protected areas. After Borana where the private sector actor has full ownership and control, the conservancy where private sector actors have – de facto- the highest level of control appears to be Ol Lentille although the governance arrangements are rather loosely

defined at present. Mara North is the site that appears closest to a balanced power relationship between private sector actors and the community owners, and this will be further reinforced and institutionalised with the revised governance structure that will see the formation of a single company to manage all aspects of the management of the conservancy and the leasing arrangement with the landowners.

At Olderkesi, on the other hand, the tourism based business which itself supported the establishment of the conservancy has deliberately opted for a more community-led approach which is clearly reflected in the apex governance structure. This may reflect greater confidence in the capacity of the community to manage the conservancy borne out of an association with this community that goes back more than 50 years. Both Olderkesi and Mara North illustrate the important point that governance type (or at least sub-type) may evolve over time, as, on the one hand mutual trust between key actors increases and, on the other hand expectations change.

From the discussion above it should be clear that the issue of which actors owns the resources within the protected area does not predetermine the governance type/sub-types although it is an important contextual factor to take into consideration in choice of governance type/sub-type and the practical modalities for its operationalisation.

5. Conclusion

This study focuses on governance of PAs in Kenya where the government is not the lead agency in terms of management and governance - the non-state PA sector. It focuses on a sample of eight PAs covering three of the most important landscape/seascapes in Kenya, seven of which are registered as conservancies under the provision of the Wildlife Conservation and Management Act of 2013 that seeks to better recognise the contribution of non-state actors to conservation in Kenya.

In all but one of these cases the traditional systems of resource management have been at least partially replaced by government/donor-driven initiatives of the 70's, 80's and 90's – Group Ranches in the Rangelands and Beach Management Units on the coast. Both have largely failed to deliver sustainable resource management let alone conservation. The more traditional arrangements that preceded Group Ranches and BMUs have largely disappeared and the context has changed so radically that there is no going back – Kenya's commitment to gender equality in land tenure and decision-making, and more than doubling of population being just two key changes in context.

In all cases other than Borana Conservancy the governance arrangements aim to engage a range of different stakeholder who have a wide (and widening) diversity of interests. This requires a common property approach to resource management and governance fit for this purpose. This study focuses in particular on governance type to identify strengths, challenges, and enabling factors that are inherent to different governance types with the aim of supporting efforts to strengthen PA governance in the non-state PA sector.

In order to understand and interpret the different governance types we have proposed an expanded framework of PA governance type to include a number of sub-types based on the different models identified in the eight case studies. Like other frameworks that it builds upon, this is based primarily on the relative influence of different key stakeholders in decision-making. This revised framework also takes account of experience from other countries and most likely will be useful beyond Kenya.

Not surprisingly, the conclusion of our analysis is that there is no one size fits all governance model - what is optimal for a given site will depend on a number key site-specific factors, in particular:

4. *Tenure*. Tenure security is a pre-condition for success of any governance type. This issue here that may affect choice of governance type is the nature of the tenurial instrument (freehold, leasehold, concession, group vs individual etc) and the level of legitimacy that the specific arrangements have in the eyes of local communities and politicians.
5. *Diversity of stakeholders, their objectives and other key concerns*. This will determine whether a common property management system is required, and, where it is, rules out governance sub-types that do not enable adequate stakeholder participation.
6. *Site-specific context*: environmental, social, environmental, economic, institutional, political

Strengthening governance is not an end in itself - it is a means to better social and environmental outcomes that contribute to human-wellbeing and that motivate people to support conservation. It is important to stress that "better social outcome" does not just mean more benefits, less cost and more equitable sharing of benefits and costs at community level. Improving governance through changes in governance type and quality also delivers stronger recognition of stakeholders' rights and fairer procedures/processes. These are important social outcomes in their own right that also contribute to well-being. That said, tangible livelihood benefits are still crucial and if a PA is seen by local people to be mostly cost and little tangible benefit then it will be difficult to sustain meaningful community engagement no matter how strong the governance arrangements.

Whatever the governance type/sub-type, the governance structures and processes designed to operationalise this governance type will only prove effective, equitable and sustainable where:

1. Human and financial resources enable:
 - a. high governance quality (ie good governance)
 - b. effective conservancy management
2. Adequate incentives exist to motivate key stakeholders (other than the conservancy managers) to engage in governance and management and fulfil their responsibilities. Incentives may be material benefits or less tangible non-material benefits.
3. Ostrom's 8 principles for common property management systems can be largely met (except for private governance that do not need a common property management regime).

The potential of a conservancy to generate revenue to cover management and governance costs and deliver livelihood benefits and other positive social impacts varies hugely across the case study sites. Mara North supports a large management operation and provides around \$1000/year for each of the 750 land-owners, valuable grazing for their cattle at certain times and hundreds of jobs and school bursaries a year for their families. At the other extreme Kanamai BMU has almost no funds for management and a member of the BMU is lucky to catch an average of one small fish in a day over a year. This huge differences in potential to generate revenue for management and governance and incentives for stakeholder engagement have major implications for governance type and are a key reason why governance models that work in the Mara are not transferrable to Laikipia/Samburu and the Coast.

While the traditional natural resource management systems of Masai and Samburu pastoralists and artisanal fishers on the coast may not have been dependent on financial resources the context has dramatically changed in the last 50 years, notably the increase in numbers of wholly or at least partially dependent on the natural resource base. In most situations there is now no avoiding the need for significant financial resources for effective natural resource management/conservation. While some PAs have no problem raising the necessary revenue themselves, others face a huge challenge in this respect that no governance intervention can solve. But this not saying that viable non-state PAs must be able to generate the revenue they need from PA-based enterprise or ultimately fail. As discussed in the previous section, there are several models for shorter and longer term financial assistance from external sources that can readily be justified in terms of social protection, development and larger scale environmental goals, and the fact that County governments in Marsabit and Samburu are now providing such support is an encouraging development.

Issues of human and financial resources, incentives and governance are strongly inter-dependent. In many conservancies in Kenya work on governance has lagged behind work in the other two areas. This study hopefully makes a useful contribution to addressing this imbalance and strengthening the synergies between the three areas of work.

6. References

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Annex 1: PA Governance types

The following descriptions of PA governance types are drawn from the recent IUCN publication on Governance of PAs (Borrini-Feyerabend et al, 2013). The governance types are distinguished by who holds authority, responsibility and can be held accountable for key decisions. We include the description of all four major governance types although indigenous and community governance is not covered by this study. Furthermore each governance type has several sub-types.

Governance by government

In this type, one or more government bodies (such as a ministry or protected area agency reporting directly to the government, or a sub-national or municipal body) hold the authority, responsibility and accountability for managing the protected area, determine its conservation objectives (such as the ones that distinguish the IUCN categories) and develop and enforce its management plan. The state or federal government may or may not own the land, water and related resources. In some cases, the government retains the overall control of a protected area and takes all major decisions, but delegates the planning and/or daily management tasks to other actors such as an NGO, private operator or community. Under a national legal framework and governance system, there may or may not be a legal obligation to inform or consult stakeholders prior to setting up protected areas and/or making or enforcing management decisions, and accountability measures also vary from country to country.

Private governance

Private governance comprises protected areas under individual, NGO or corporate control and/or ownership, which are often referred to as “privately protected areas”. Since much of the world’s biodiversity is found on privately owned/managed land, private sector bodies can be important owners and managers of areas set aside to protect nature. As with all protected area governance types, privately protected areas are of several kinds and involve a range of stakeholders, including:

- individuals (when ownership is held by a single person, family, or trust);
- corporations (i.e., companies or groups of people authorised to act as a single entity, usually controlled by an executive, an oversight board, and ultimately individual shareholders)
- non-governmental organisations (i.e., private or semiprivate, not-for-profit organisations operating to advance a specific mission and usually controlled by a board; NGOs may include religious bodies and organisations with research, teaching or training missions).

Shared governance

Protected areas under shared governance are based on institutional mechanisms and processes which - formally and/or informally - share authority and responsibility among several actors. This model is widely used, and many countries have been experimenting with it, sometimes adopting specific laws, policies and administrative arrangements to make sharing work. Shared governance is not, of course, unique to protected areas, and is indeed becoming more common in many other fields. For a long time, “governance” and “management” were not distinguished as separate concepts, so it is no surprise that shared governance arrangements are still often referred to as co-management, collaborative management, joint management, or multi-stakeholder management.

Indigenous and community governance

IUCN defines this governance type as: “protected areas where the management authority and responsibility rest with indigenous peoples and/or local communities through various forms of customary or legal, formal or informal, institutions and rules”. There are two main sub-types - territories and areas conserved by indigenous peoples and territories and areas conserved by local communities, but as the definitions of “indigenous peoples” and “local communities” are complex and evolving the separation between the two is not always precise. Both relate to some type of “commons” — that is land, water and natural resources governed and managed collectively by a community of people. An effective governance regime under this type implies that the indigenous peoples or local communities possess an institutional arrangement that takes decisions and develops rules for the land, water and natural resources.

Annex 2: Conservancy profiles

Kalama Conservancy

Information required	Details
Name	Kalama Conservancy
IUCN management category	Not reported
Date designated	2002
Location	Samburu County
Size (km ²)	497
Bio/geographical setting	Open woodland
Associated legislation	Land (Group Representative) Act 1968 (provides the legal basis and defines rights and responsibilities of the Group Ranch). Community Land Act 2016 (gives communities the right to claim ownership of public land currently owned by county governments) Wildlife Conservation and Management Act 2013 (gives legal recognition to conservancies but no detail on modalities) Wildlife Conservation and Management (Conservancy and Sanctuary) Regulations, 2015. Draft only – not yet approved
WDPA Listing	55555496
Key stakeholders	Members of the Girgir Group Ranch (c 1500 households) and their dependents (women, youth, children), Private tourism operator.
Governance type	Community governance. The conservancy is part of Girgir group ranch which has been owned by the community since the 1970's. There is a concession with a tourism operator but control of the conservancy beyond the small concession remains 100% with the community.
Management and governance structures	Board with 13 members including 4 women (since 2008) meets on a quarterly basis. Sub-committees established for key issues eg grazing committee, tourism sub-committee Conservancy Manager is a full time employee of the conservancy and reports to the Board.
Governance agreements/arrangements	There is a <i>concession</i> agreement between the conservancy and the private tourism operator whereby the tourism operator pays fees to the conservancy in return for which the conservancy guarantees to conserve the wildlife, exclude cattle from certain areas and provide water. The community living around the conservancy (in the development zone of the Girgir Group ranch) is subdivided into a number of zones which each have a representative on the Board
How effective/equitable are these agreements/arrangements?	<ul style="list-style-type: none"> Effectiveness - Wildlife numbers have greatly increased in recent years since the conservancy was formed, and incidents of illegal activities have reduced. Distributive equity – There are substantial local benefits (eg bursaries) from revenue generated by tourism but a difference of opinion on whether these are equitably shared. Men favoured over women in employment and there is perceived to be nepotism/ clannism in employment. Procedural equity: In general there is strong involvement of community members in decision making but not other stakeholders such as the tourism operator and local government. Membership of the group ranch and conservancy is

	static as the process to admit new members is slow so the conservancy may not appear relevant to younger people. Poor flow of information to/in some zones eg on decisions at board meetings, allocation of bursaries. Lack of transparency on revenue.
How were/are the agreements/arrangements developed, implemented and funded?	For the last c 10 years Kalama Conservancy has been supported by the Northern Rangelands Trust (NRT) which provides around 70% of its revenue plus capacity building support for wildlife conservation, rangelands management and conservation based enterprise. The conservancy remains highly dependent on NRT.
What relationships have been developed at landscape level with other PAs and other key stakeholders?	Coordination with the adjacent Samburu Game Reserve (owned and governed by Samburu County Government) has improved over time and is now quite good. Collaboration with nearby conservancies is strong through an overall "Council of Elders" comprising representatives from every conservancy and other key stakeholders as well as multiple bilateral relationships. All of this is facilitated by NRT, with additional support for law enforcement being provided by the law enforcement team of Lewa Conservancy.
How this assemblage of different PAs interact to achieve better conservation at landscape level.	Kalama conservancy lies at the centre of a very large conservation area covering over 26,000km ² of northern Kenya and comprising 20 conservancies and 4 state owned protected areas. Wildlife ranges freely across this area that has very few fences.
What enabling conditions are helping to improve effectiveness and equity of governance arrangements at site and landscape/seascape levels.	The most significant enabling condition is the external support provided by NRT without which Kalama Conservancy most probably would not exist. Another important enabling factor is the Wildlife Act of 2013 which formally recognises conservancies as institutions and gives a legal basis to their management plans. The recent massive programme of devolution of government authority and resources to the county level could also be an enabling condition but to date the county government has shown little interest in Kalama or other conservancies despite the fact that the conservancy borders Samburu Reserve where the associated tourism generates a large proportion of the counties operational budget.
Generic strengths and challenges of the governance type that are evident at this PA	<ul style="list-style-type: none"> • Strengths: Strong community ownership. No ambiguity over who is in control • Challenges: Northern notions of good governance did not align well with traditional cultural norms where decision are made by older men with little consultation let alone participation. Community governance is also challenged by family and peer group pressures, for example with law enforcement where local rangers are unwilling to fine/arrest friends and relatives and with the conservancy vehicle which is frequently used to transport the sick to hospital whereas government should normally do this.
Other comments	<ul style="list-style-type: none"> • As with all PAs in this area, Kalama is currently facing pressures from pastoralists from northern Kenya who are experiencing serious drought and have moved animals into the area to look for grazing.

OI Lentille Conservancy

Information required	Details
Name	OI Lentille Conservancy
IUCN management category	Not reported

Date designated	2006
Location	Laikipia County and Isiolo County
Size (km ²)	<p>The conservancy has grown in size from an original 5000 acres which was land of just one group ranch (Kijabe) to the current situation where 3 group ranches (communities with collective title) and 4 communities without title are contributing land in total 36500 acres:</p> <ul style="list-style-type: none"> • Kijabe Group Ranch (Laikipia County) 2500 acres • Tiemamut Group Ranch (Laikipia County) 5500 acres • Nkiloriti Group Ranch (Laikipia County) 1500 acres • Narupa Community Conservancy (Isiolo County) 6000 acres • Naramat Community Conservancy (Isiolo County) 6000 acres • Lemorijo Community Conservancy (Isiolo County) 9000 acres • Nalare Community Conservancy (Isiolo County) 6000 acres
Bio/geographical setting	Grassland, Open woodland
Associated legislation	<p>Land (Group Representative) Act 1968 (provides the legal basis and defines rights and responsibilities of the Group Ranch). Community Land Act 2016 (gives communities the right to claim ownership of public land currently owned by county governments) Wildlife Conservation and Management Act 2013 (gives legal recognition to conservancies but no detail on modalities) Wildlife Conservation and Management (Conservancy and Sanctuary) Regulations, 2015. Draft only – not yet approved</p>
WDPA Listing	555566898
Key stakeholders	Men, women, and youth in the 7 communities described above, 3 of which are group ranches. Private company which has exclusive rights to operate tourism within the conservancy in return for which they pay a fixed annual fee plus a bed-night fee, County governments, KWS, Laikipia Wildlife Forum, Northern Rangelands Trust, African Wildlife Foundation.
Governance Type	WDPA says “Non-profit organisation”. Actually shared governance with authority shared between communities, a conservation trust and the private sector partner who runs the tourism operation in the conservancy. The management and governance arrangements have evolved somewhat organically from the tourism operator having a simple concession agreement with one Group Ranch (Kijabe Group Ranch) to the current situation involving 7 communities.
Management and governance structures	<ul style="list-style-type: none"> • Private company – runs tourism operations. Has 2 expatriate directors • 3 Group ranches each with its own Management Committee/Board comprising community members • Ol Lentille Trust Kenya – responsible for some aspects of land and wildlife management and all development support to communities which is funded by philanthropic donations from wealthy visitors (in excess of \$5m to date). The Trust has 3 Trustees - the directors of the company and a senior Kenyan manager of the company. • Ol Lentille Conservation, Security and Grazing Committee. Ad hoc co-management committee comprising representatives of the 7 Group ranches/communities, the private tourism operator and African Wildlife Foundation • Annual leaders meeting which brings together many of the above with Samburu and Maasai tribal elders but this is primarily a platform for consultation and dialogue rather than decision-making body (ie more like an AGM)
Governance agreements/arrangements	The governance arrangements have evolved over time with the progressive expansion of the conservancy as additional communities joined. There is a formal <i>management agreement</i> between the Tourism company and the original Group Ranch

	(Kijabe). Bilateral agreements exist with the other group ranches and communities though some are still in development and not yet signed
How effective/equitable are these agreements/arrangements?	<ul style="list-style-type: none"> • Effective – There is an effective law enforcement system in place and by all accounts the status of the wildlife is improving. • Distributive equity – not clear. There is a substantial programme of livelihood support to local communities but there is anecdotal evidence of significant challenges in terms of fairness of benefits distribution. Also issues with human wildlife conflict. • Procedural equity – anecdotal evidence suggests significant issues with participation and accountability within and between stakeholder groups. The in-depth governance assessment planned for mid-September will shed more light on these issues.
How were/are agreements/arrangements developed, implemented and funded?	The Tourism company has made a substantial investment in the lodge that lies within the conservancy and has led efforts to establish and development the conservancy and its governance arrangement. The establishment phase of the conservancy and lodge also received substantial support from the African Wildlife Foundation.
What relationships have been developed at landscape level with other PAs/other stakeholders?	From an initial conservancy area of just 5000 acres from Kijabe Group Ranch the conservancy has expanded to engage 6 other group ranches/communities to the point where the conservancy is now 36500 acres. Some of the group ranches in the conservancy are also members of the Northern Rangelands Trust.
How this assemblage of different PAs interact to achieve better conservation at landscape level.	Ol Lentille conservancy lies on the southern edge of a very large conservation area covering over 26,000km ² of northern Kenya and comprising 20 conservancies and 4 state owned protected areas. Wildlife ranges freely across this area that has very few fences.
What enabling conditions are helping to improve effectiveness and equity of governance arrangements at site and landscape/seascape levels.	A few key people “champions” have been critical to the success of Ol Lentille. Now that the conservancy has been in place for 10 years these champions are looking to strengthen the governance arrangements to enable greater management effectiveness and stronger ownership by the communities as a whole.
Generic strengths and challenges of the governance type that are evident at this PA	<ul style="list-style-type: none"> • Strengths: Provides transparent mechanism for active participation in governance of multiple stakeholder communities alongside the tourism operator. However other stakeholders in the landscape do not participate in this governance arrangement. • Challenges: Shared governance is inherently complex in terms of allocation of rights and responsibilities, decision-making platforms, lines of accountability and information flow, particularly where, as in this case, the conservancy areas is owned by a number of different communities who have little experience of collaboration. This leads to having a governance structure with at least two tiers – conservancy level and group ranch/community level - which potentially adds to complexity, cost and risk unless the allocation of authority and accountability between levels and between stakeholders within each level is very clear. The governance set-up is vulnerable to failure of the weakest link which seems likely to be at the group ranch level in this case.
Other comments	As with all PAs in this area, Ol Lentille is currently facing pressures from pastoralists from northern Kenya who are experiencing serious drought and are moving south to look for grazing. Whether the conservancy can continue to effectively manage this situation depends not only on strong management systems but also on strengthening its shared governance arrangement.

Borana Conservancy

Information required	Details
Name	Borana Ranch
IUCN management category	Not specified
Date designated	1990. Before this time the main focus on the ranch was beef production. From 1992 wildlife conservation became the primary objective supported financially by cattle ranching and wildlife based tourism.
Location	Laikipia County
Size (km ²)	141
Bio/geographical setting	Grassland, woodland, forest
Associated legislation	<ul style="list-style-type: none"> Wildlife Conservation and Management Act 2013 Wildlife Conservation and Management (Conservancy and Sanctuary) Regulations, 2015. Still a draft – not yet approved.
WDPA Listing	55555494
Key stakeholders	The ranch has been privately owned for nearly 100 years. Other key stakeholders include neighbouring conservation areas (Lewa Conservancy, Il Ngwesi Conservancy, Ngare Ndare Community Forest Association, Mukurian group ranch, men, women and youth in the neighbouring communities, Laikipia County Government, Kenya Wildlife Service, Laikipia Wildlife Forum.
Governance Type	Borana is a privately-owned and governed ranch run as a not-for profit venture dedicated to supporting conservation
Management and governance structures	Authority at Borana Conservancy rests with the Board of the company that owns the ranch and associated businesses which has 5 expatriate board members. The conservancy also has an Advisory Board with 9 members - all expatriates.
Governance agreements/arrangements	There is a formal partnership with the neighbouring Lewa Conservancy but otherwise no formal governance arrangement that engage other key stakeholders.
How effective/equitable are these agreements/arrangements?	<ul style="list-style-type: none"> Effective – the standard of rangeland management is very high and wildlife conservation very successful. Distributive equity – Human Wildlife Conflict is much reduced by complete fencing of the Conservancy. There is a programme of support for livelihoods of local communities (under the heading of CSR) worth a total of \$55,000 in 2015 which represents about 6% of the total expenditure of the conservancy. Procedural equity – little/no engagement of local communities in governance related to the conservancy and its support for livelihood projects eg participation, accountability.
How were/are the agreements/arrangements developed, implemented and funded?	The operational costs of the conservancy are funded by cattle ranching and wildlife-based tourism including 3 tourist lodges

What relationships have been developed at landscape level with other PAs/other stakeholders?	Borana and the neighbouring Lewa Conservancy (also a private conservancy) have over the last 20 years led efforts in northern Kenya to support the establishment of community-led conservancies on community land. Borana has focused particularly on its nearest Neighbours – Il Ngwesi conservancy and Lekuruki Conservancy supporting both the establishment of the conservancies and a tourism lodge in each one. Borana also collaborates with the small Ngare Ndare forest conservancy on its southern border, and the communities that manage the government owned Mukudogo Forest Reserve on its northern boundary.
How this assemblage of different PAs interact to achieve better conservation at landscape level.	Borana conservancy has recently integrated its conservation strategy with that of the neighbouring Lewa Conservancy and taken down the fence that used to separate the two thus making a larger area. However, apart from dedicated corridors for elephants to move across the landscape, the two conservancies retain fences on their other boundaries which limits movement of wildlife.
What enabling conditions are helping to improve effectiveness and equity of governance arrangements at site and landscape/seascape levels.	Over the 25+ years since its formation and the opening of the Borana Lodge, this conservancy has become one of the most sought after high end tourist destinations in Kenya able to command high prices (>\$500/night). This is because of the very high quality of the wildlife experience. This can be partly attributed to the fact that the whole conservancy is owned by one family thereby minimising risks of internal conflict and weak governance. On the other hand the perceived unfairness of this situation is increasingly a political issue, particularly in a situation where much of the land of the indigenous people who claim the conservancy land is seriously degraded due to years of relatively poor rangeland management exacerbated by drought and climate change.
Generic strengths and challenges of the governance type that are evident at this PA	<ul style="list-style-type: none"> • Strengths: Simple, and strong governance arrangements enabling strong natural resource management. Private ownership and strong governance has in turn enabled the ranch to secure substantial private investment. Borana has made sizeable investments in the last 10 years to make itself relevant in the landscape – maximize employment, with a strong local preference for employees, significant annual CSR component to operations, maximize food production off the ranch (primarily livestock of high quality), significantly increase their revenue base and tax contributions; engaged in productive neighbourhood relationships linked to livestock to market programs, tourism, and added their name to Kenya’s efforts to conserve the critically endangered black rhino by removing their border fence with Lewa Wildlife Conservancy, and adding 25 rhinos to their landscape. They have also made significant contributions to local law and order (peace and security operations) by assisting their neighbours with security and livestock theft recovery. • Challenges: Questions over the legitimacy of ownership and governance of large ranches in Kenya by expatriates (even though Kenya citizens) are attracting increasing political attention particularly in a situation where much of the land of the indigenous people who claim the conservancy land is seriously degraded due to years of relatively poor rangeland management exacerbated by drought and climate change. Although aggravated by the forthcoming general election this is an issue that will not go away. There are also questions over the legitimacy of African Kenyans owning similar large tracts of land but less politically charged at this point. A number of other ranches in Laikipia face a similar challenge. To what extent a move towards more shared governance might ameliorate or even solve the problem is unclear given that the fundamental political issue is ownership.
Other comments	This is the only conservancy in this study that is fully of the private governance type. While governance at Borana seems strong in terms of accountability and transparency which has enabled effective rangeland management and law enforcement, low levels of human wildlife conflict, its performance in terms of stakeholder participation is relatively low by the very nature of the private governance type. At this point in time the political challenge facing the expatriate owned private ranches issue is more about ownership than governance type, but even if ownership was transferred to a conservation trust that gave much higher priority to

	community benefits (such as has happened at the nearby Ol Pejeta Conservancy) a pure private governance model may still prove politically untenable in the longer term.
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Pate Conservancy

Information required	Details
Name	Pate Marine Community Conservancy and Locally Managed Marine Areas
IUCN management category	Not reported
Date designated	2010 and registered in 2013
Location	North coast
Size (km ²)	278 km ² including all the 6 comanagement areas of the 10 Beach Management Units (BMUs). According to WDPA, the area of the Pate conservancy is 192 km ² .
Bio/geographical setting	Comprises a terrestrial nature reserve, 6 fisheries comanagement areas and 20 Locally Managed Marine Areas (LMMAs) within these comanagement areas. There are considered to be 2 levels of PA – the overall nature reserve and the 20 LMMAs. BMU is not a PA as such since it does not have a conservation objective outside of the small proportion of the BMUs fishing area that is designated LMMA.
Associated legislation	Fisheries Act 1991 (revised 2012) BMU regulations of 2007 which were then incorporated in the Act of 2012 Fisheries Management and Development Act 2016 Wildlife Conservation and Management Act 2013 (which gives legal recognition to self-declared conservancies).
WDPA Listing	555566904 (for the whole Pate conservancy) 555549144 (for one LMMA within the conservancy)
Key stakeholders	<ul style="list-style-type: none"> Men, women and youth whose livelihoods are dependent to some extent on fishing in the comanagement zones of the 10 fishing villages (which are organised into 6 Beach Management Units) and associated enterprise. Fisheries Department of Lamu County Government, Northern Rangeland Trust. Fisheries marketing cooperatives in some BMUs.
Governance Type	Shared governance (community-state)
Management and governance structures	<ul style="list-style-type: none"> Conservancy Board comprising one person from each of the 10 BMU executive committees. This Board has strong connections with Lamu County government which gives it more influence on decision-making than the individual BMUs Each BMU has an Executive Committee of 9-15 members comprising boat-owners 30%, boat crew 30%, fish traders 10%, Others 30%. At least of the committee members should be women.

	<ul style="list-style-type: none"> Management of the Conservancy is by a team of full-time staff including 1 patrol ranger for each comanagemnt area (largely funded by NRT).
Governance agreements/arrangements	Some of the BMUs that make up the conservancy were established as long ago as 10 years building on the earlier “beach leaders” institution. Establishment of the Pate Conservancy with support from NRT took place in 2012/3.
How effective/equitable are these agreements/arrangements?	<ul style="list-style-type: none"> Effectiveness – management effectiveness of the constituent BMUs of Pate Conservancy has increased since Conservancy formation but this seems to be largely due to the support of NRT and it is hard to see how this could be sustained. Distributive equity – anecdotal evidence of some issues with elite capture of benefits in some BMUs Procedural equity - anecdotal evidence in many but not all BMUs of significant problems with mis-management of finances/corruption and limited community participation in decision-making.
How were/are the agreements/arrangements developed, implemented and funded?	<ul style="list-style-type: none"> BMUs are funded by a local tax on fish that are traded through the land sites of the BMUs (1/- per kg) and an annual membership fee (though BMU exempts some poorer household from paying this fee). Where there is a fish marketing cooperative collection of this tax (cess) is much easier as the Coop collects it along with contributions to the coop (4/- per kg). Without the help of a Coop some BMUs have a lot of difficult collecting this tax, Operations of Pate Conservancy are funded almost entirely by NRT with a small contribution from Lamu Government.
What relationships have been developed at landscape level with other PAs and other key stakeholders?	The Pate conservancy serves as a platform for formal collaboration of the 10 BMUs with their 20 LMMA. The Conservancy has a higher profile with the county government than the constituent BMUs which is helpful in garnering political support although this is maybe as much to do with the support from NRT as the conservancy as an institution. The Conservancy has relations with other conservancies within Lamu County through NRT although most of these are terrestrial conservancies.
How this assemblage of different PAs interact to achieve better conservation at landscape level.	Unclear.
What enabling conditions are helping to improve effectiveness and equity of governance arrangements at site and landscape/seascape levels.	The legal status of BMUs conferred by the Fisheries Act is key and in particular the power of BMUs to raise funds by taxing fish catch. However this is only working properly in the one of the 10 BMUs within the Pate Conservancy that has a successful fish marketing cooperative (Faza) that helps the BMU with the logistics of tax collection. Substantial funding from NRT for the operations of the conservancy is crucial and it is not clear how the conservancy could function without this. It has been suggested that each BMU should make a contribution to the conservancy but most of the member BMUs are failing to raise funds for themselves let alone for the Pate Conservancy.
Generic strengths and challenges of the governance type that are evident at this PA	<ul style="list-style-type: none"> Strengths: BMUs have a strong legal basis in law (Fisheries Act) as organisations which gives them the right to raise revenue by local taxation and pass by-laws to regulate the affairs of the BMU (in contrast to the terrestrial sector where the organisations that manage PAs must also be registered as NGOs/CBOs or private companies). However although a BMU chairman can arrest someone transgressing BMU regulations he or she must hand them over to Fisheries Department or KWS for prosecution unless the comanagement area of the BMU has been gazetted – a process which confers stronger powers on the BMU.

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| | <ul style="list-style-type: none">• Challenges: According to the Wildlife Act a conservancy is an area of land/water not an organisation. Its management plan can be legally gazetted and it can employ rangers who have the power to arrest people but the conservancy has no legal basis as an organisation. An LMMA is an area of sea – simply a zone where there is a conservation objective – but at present it has no legal basis. Because most marine conservation areas have far less potential to raise revenue from tourism than terrestrial areas the financial viability of marine conservancies and LMMAs rests with the power of constituent BMUs to raise revenue from fish catch and most BMUs are not very successful in this respect. |
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Kanamai Locally Managed Marine Area

Information required	Details
Name	Kanamai Locally Managed Marine Area
IUCN management category	No take zone where only research and tourism is permitted. IUCN management category is not reported
Date designated	2010
Location	Kilifi County, Kenya
Size (km ²)	0.22km ² within a much larger area that is managed by the BMU that extends to around 5km offshore.
Bio/geographical setting	Inshore coastal waters and inter-tidal zone..
Associated legislation	Fisheries Act 1991 (revised 2012) BMU regulations of 2007 which were then incorporated in the Act of 2012 Fisheries Management and Development Act 2016
WDPA Listing	Not recorded in WDPA
Key stakeholders	<ul style="list-style-type: none"> • Men, women and youth in the local community, • Fisheries Department in Kilifi County Government • Kenya Fisheries Service • Wildlife Conservation Society (but project now closed)
Governance Type	Shared governance (community-local government)
Management and governance structures	<ul style="list-style-type: none"> • The PA (LMMA) has no management or governance structures of its own but falls under the management and governance arrangements of the BMU. • BMU has an executive committee of 9-15 members of which at least 3 should be women. Executive committee is answerable to the General Assembly of BMU members. Kanamai BMU has around 150 members but the potential membership is c 400. • Under the Fisheries Act a BMU can establish sub-committees according to its needs. Kanamai has sub-committees for hygiene, conservation, welfare, finance.
Governance agreements/arrangements – development and implementation	The key relationship for a BMU is with the Kenya Fisheries Service and the County Government with which authority is shared. Kenya Fisheries service must approve the establishment and registration of the BMU and their management plan and has the power to revoke the BMU's legal registration. The BMU has had some capacity building support from Wildlife Conservation Society and is currently being supported by WWF to develop and gazette a comanagement plan.
How effective/equitable are these agreements/arrangements?	<ul style="list-style-type: none"> • Effectiveness- Typical of many other BMUs in Kenya that are not receiving substantial external support, Kanamai BMU is struggling to survive. Only around 40% of the potential membership has signed up and paid the membership fee. The others don't see the BMU as adding any value and many resent the establishment of the LMMA which may have little chance of surviving unless the BMU is able to attract more members and thereby strengthen its legitimacy to enforce fisheries and conservation regulations. • Equity – unclear as very little is documented and there was insufficient time to secure more information by interview
How were/are the agreements/arrangements	The BMU generates funding from its membership fee (150/-/year). It also has a right to levy tax on fish landed at one of its three landing sites (at 5/-/kg) but they have little capacity to enforce the collection of this tax.

developed, implemented and funded?	
What relationships have been developed at landscape level with other PAs and other key stakeholders?	Kanamai BMU has a good relationship with BMUs to north and south and has been discussing establishing a joint comanagement area with the BMU to the south, as provided for in the Fisheries Act.
How this assemblage of different PAs interact to achieve better conservation at landscape level.	Presumably the advantages of having several BMUs jointly manage one larger comanagement area are primarily ecological – management of a larger seascape - but whether the ecological benefits outweigh the greater costs and risk of more complex management and governance is unclear.
What enabling conditions are helping to improve effectiveness and equity of governance arrangements at site and landscape/seascape levels.	The legal status of BMUs conferred by the Fisheries Act is key and in particular the power of BMUs to raise funds by taxing fish catch. However this is not working well at Kanamai. Unlike Pate where fisheries are still relatively productive, and where the fish marketing cooperative has the power and resources to collect the tax, the Kanamai fisheries are far less productive – some days a fisherman may catch just 1-2 small fish or nothing at all. As one of the BMU committee members put it, “fishing in Pate is a good business while fishing in Kanamai is an occupation of last resort when you have no other options” (ie a coping strategy).
Generic strengths and challenges of the governance type that are evident at this PA	<ul style="list-style-type: none"> • Strengths: The LMMA is an institution of the Kanamai Beach Management Unit and BMUs have a strong legal basis in law (Fisheries Act) as organisations. This gives them the right to raise revenue by local taxation and pass by-laws to regulate the affairs of the BMU (in contrast to the terrestrial sector where the organisations that manage PAs must be separately registered as NGOs/CBOs or private companies). • Challenges: An LMMA is a management zone that has specific restrictions on fishing (in this case no fishing) to conserve the fishery and associated habitat, but at present it has no legal basis. Because LMMAs have less potential to raise revenue from tourism than terrestrial PAs their financial viability rests with the power of BMUs to raise revenue from fish catch and most BMUs are not very successful in this respect. Although a BMU chairman can arrest someone transgressing BMU regulations, he or she must hand them over to Kenya Fisheries Service or KWS for prosecution and this must happen within 24 hours which is practically impossible making law enforcement very challenging. BMUs are encouraged to develop and gazette a comanagement plan for their entire area of jurisdiction which gives them the right to enforce restrictions and arrest and prosecute those breaking the rules, but developing such a plan requires funding and expertise. Unlike many other BMUs, Kanamai has not had much external support.
Other comments	Most fishermen are “foot fishers” with no boats. What could – in theory - transform this BMU is boats that enable them to fish the more productive areas further from the shore, but do they have the governance and management capacity to sustainably manage the necessary equipment and ensure equitable sharing of the benefits that is necessary to sustain public support for the BMU.

Mara North Conservancy

Information required	Details
Name	Mara North Conservancy
IUCN management category	Not reported
Date designated	2009
Location	Narok County, Kenya,
Size (km ²)	310km ²
Bio/geographical setting	Grassland and open woodland bordering the Masai Mara Reserve. A critical part of the larger Masai Mara ecosystem
Associated legislation	Land (Group Representative) Act 1968 (provides the legal basis and defines rights and responsibilities of the Group Ranch). Community Land Act 2016 (gives communities the right to claim ownership of public land currently owned by county governments) Wildlife Conservation and Management Act 2013 (gives legal recognition to conservancies but no detail on modalities) Wildlife Conservation and Management (Conservancy and Sanctuary) Regulations, 2015. Draft only – not yet approved
WDPA Listing	55555513
Key stakeholders	750 Individual land-owners who own the land within the boundaries of the conservancy (formerly part of Koiyake Group Ranch). 12 tourism partners who operate safari camps and lodges on land within the conservancy
Governance Type	Shared governance (community-private). The land was formerly part of the much larger Koiyake Group Ranch. This was split into 4 parts which form the basis of 4 conservancies. Each part has then been subdivided into plots with individual titles. In Mara North Conservancy there are 750 individual land owners most of whom have agreed to lease their land to Mara North Conservancy company for 15 years - a company that represents the 12 tourism operations that run camps and lodges within the conservancy. The 750 leases are held by a separate company called Mara North Holdings (MNH) which acts on behalf of the land owners although it is not legally owned by them (an oversight). Management of the conservancy (including law enforcement and compensation for Human-Wildlife Conflict) is delegated to a separate management company called Seiya Ltd under contract to MNC, and so there is a clear distinction between what is considered management and governance.
Management and governance structures	<ul style="list-style-type: none"> • MNC has a Board comprising 1 representative from each of the 12 Tourism Partners (TPs) which in turn has a smaller executive committee. • MNH does not have an operational Board but there is a committee of 10 Landowners who are elected by the 750. This Land Owners Committee (LOC) acts as a de facto Board on the community side with the authority to make decisions on behalf of the 750 land owners. LOC has sub-committees for overseeing compensation for human-wildlife conflict and for allocation of school bursaries which are funded through a deduction on lease fees. • A new governance structure is currently being put in place where there will be just one company jointly owned by community and tourism partners with a Board with equal representation of both. The relationship between each of the two key stakeholder groups and the new Board will be defined through Trust Deeds. • Each of the 4 zones of the conservancy has a “Grazing Committee” which makes decisions and oversees access of cattle to graze within the conservancy. There are 1-2 LOC members on each grazing committee.

	<ul style="list-style-type: none"> • Each Tourism partner receives donations from its clients intended to support community development and most have established Trusts with Trustees to administer these funds. • Management activities are done by Seiya Ltd which is accountable to the Tourism Partners company (MNC) that pays them..
Governance agreements/arrangements	<p>Strategic/policy decisions are taken collaboratively by MNC and MNH although there is no legal agreement between them (only an MoU). Likewise the agreement between MNC and Seiya is through an MOU which is not legally binding.</p> <p>Recognising that all the informal agreements need to be formalised, and the need more equal sharing of decision making authority and risk (both largely with MNC) a proposal has recently been approved to merge the two companies into one company with a Board in which TPs and LOs have equal representation, and formalise the key relationships through legally binding “Trust Deeds”.</p>
How effective/equitable are these agreements/arrangements?	<ul style="list-style-type: none"> • Effectiveness – Both the Tourism Partners and most Landowners seem pleased with the standard of management of the conservancy. In particular all agree that grazing on cattle within the conservancy is well-managed and this is central to the success or failure of the Conservancy. • Distributive equity – There are four main types of benefit – lease fees (paid transparently on a per acre basis), access to grazing (biased towards people who own more cows but a fairer system is under discussion), employment and development projects. The last two are ad hoc and subject to significant inequity especially on a gender basis. • Procedural equity – major problems with traditional cultural norms resulting in lack of sharing of information with, and participation of, women. Also evidence of lack of downward accountability of land-owners representatives partly because their responsibilities regarding communicating with the people they represent are not clearly defined anywhere.
How were/are the agreements/arrangements developed, implemented and funded?	<p>Almost all the costs associated with operating the conservancy and its benefit sharing arrangements are covered by the 12 Tourism Partners. Various NGOs have, over the years, had a substantial role in supporting the development of the (currently 16) conservancies in the Mara. At present much of this donor funded support is channelled through the Masai Mara Wildlife Conservancies Association (MMWCA). Donations by tourists make a substantial contribution to community development.</p>
What relationships have been developed at landscape level with other PAs and other key stakeholders?	<p>Mara North Conservancy has close relations with neighbouring conservancies regarding management issues including an arrangement to lease additional land from one of them. All the 16 conservancies are linked through the association to which they all belong which is mandated to perform this linkage role under the 2013 Act. MMWCA also provides significant technical support and capacity building.</p> <p>One of the most critical issues for management and ultimately governance is to minimise the construction of fences by individual land-owners and to relocate people who still reside within the conservation zone, both through a combination of incentives and sanctions, A key relationship which seems to be largely missing is with local government. Historically local government has not been supportive partly because they see conservancies as competing with tourism in Mara reserve, but the context has changed with the creation of county governments.</p>
How this assemblage of different PAs interact to achieve better conservation at landscape level.	<p>Ecological connectivity is vital in the Mara/Serengeti ecosystem especially as key species migrate across the ecosystem (Wildebeest, Zebra).</p>
What enabling conditions are helping to improve effectiveness and equity of	<p>The exceptionally high revenue from tourism is an enabling condition in that there is a strong incentive to make governance arrangements work and enough funding for all to substantially benefit and to finance the necessary investment in management.</p>

governance arrangements at site and landscape levels.	
Generic strengths and challenges of the governance type that are evident at this PA	<ul style="list-style-type: none"> • Strengths – private-community partnership in many senses provides best of both worlds – efficiently of the private sector and equity of community-based governance. • Challenges – This governance arrangement has a more or less even balance of power. However its viability and sustainability is dependent on keeping a large number of stakeholders on board (750 landowners, 12 tourist providers). One rogue landowner or TP could seriously undermine the collective effort ie its fragile. If not for sheer scale of benefits (too many powerful people have too much to lose) it probably would have collapsed. Very clear articulation of rights and responsibilities at the different levels of governance is crucial - a weakness at the moment but efforts are being made to correct this by revising the governance structure.

Oloisukut Conservancy

Information required	Details
Name	Oloisukut Conservancy
IUCN management category	Not specified
Date designated	2010
Location	Transmara, Narok County, Kenya
Size (km ²)	93km ² , owned by 65 individual land-owners and collectively managed by a membership of 109 (land-owners, employees and other beneficiaries) and total population of 1200.
Bio/geographical setting	Open woodland and forest bordering the Masai Mara Reserve. A critical part of the larger Masai Mara ecosystem
Associated legislation	Land (Group Representative) Act 1968 (provides the legal basis and defines rights and responsibilities of the Group Ranch). Community Land Act 2016 (gives communities the right to claim ownership of public land currently owned by county governments) Wildlife Conservation and Management Act 2013 (gives legal recognition to conservancies but no detail on modalities) Wildlife Conservation and Management (Conservancy and Sanctuary) Regulations, 2015. Draft only – not yet approved
WDPA Listing	Not listed.
Key stakeholders	Land Owners, 2 private safari companies who own camps/lodges in the conservancy
Governance Type	Community governance
Management and governance structures	Top governance structure is the “Management Committee” which comprises 5 male elders, 6 women and 6 youth. This committee is elected by the full membership who meet twice a year. The conservancy is managed on a day to day basis by a management company in which land owners have shares according to the size of their land holding. The management company, headed by the Executive Director now employs 22 rangers/scouts with support from WWF.
Governance agreements/arrangements	There are two tourism operators with which the conservancy has <i>concession</i> agreements under which they pay conservation and bed night fees to the conservancy.

<p>How effective/equitable are these agreements/arrangements?</p>	<ul style="list-style-type: none"> • Effectiveness - the land of this conservancy has higher rainfall than the rest of the conservancies in the Mara and is more suitable for maize production. This means that the opportunity cost of conservation is higher. At the same time the revenue potential from game viewing within the conservancy itself is relatively poor. Thus the conservancy struggles with ensuring adequate financial incentives and resources for management needed for effective conservation. A more supportive approach from county government would greatly help, including fulfilling their obligation to remit 19% of Mara Reserve revenues to communities. • Equity – hard to judge based on brief interviews with just a few people but notable in this conservancy is the strong emphasis on gender and intergenerational equity– for example the policy that 1/3 of Management committee members should be women and 1/3 youth, though it is not clear how this plays out in reality in terms of delivering more equitable social outcomes.
<p>How were/are the agreements/arrangements developed, implemented and funded?</p>	<p>The idea of the conservancy was first discussed in 2006 and it took 4 years to get it off the ground with WWF support. It is the only conservancy to the west of the Mara River (ie in TransMara) and it has a rather ecology - as described above – which seems to make it more difficult to establish a viable conservancy. After going through a bad patch WWF has stepped in again to support the conservancy, and it was “relaunched” in March 2016. WWF is currently covering the salaries of most of the law enforcement staff.</p>
<p>What relationships have been developed at landscape level with other PAs and other key stakeholders?</p>	<p>The conservancy has struggled with financial viability much of the time since its formation. Fundamentally this is because although it is a great location in terms of stunning views it is hard to see wildlife in the conservancy due to high forest cover and lack of water. The conservancy is dependent on their tourists being able to go to Masai Mara reserve nearby but the District (and now county government) have at times blocked this due to political disputes. The conservancy has good relationships with some nearby conservancies including Mara North Conservancy which is leasing land from them along the banks of the Mara River.</p>
<p>How this assemblage of different PAs interact to achieve better conservation at landscape level.</p>	<p>In ecological landscape terms the conservancy has a vital role to play as a habitat for elephants when the Wildebeest and Zebra migrate north into the Mara plains.</p>
<p>What enabling conditions are helping to improve effectiveness and equity of governance arrangements at site and landscape levels.</p>	<p>From the start the conservancy has had a few key champions have been able to persuade the community to keep going even when there was no revenue and they had to contribute their own money to keep it going. There seems to be a strong sense of pride among the leadership that they have been pioneers for a model where the community retains more power than in any other conservancy in the Masai Mara</p>
<p>Generic strengths and challenges of the governance type that are evident at this PA</p>	<ul style="list-style-type: none"> • Strengths: Community governance fosters a strong sense of purpose driven by recognition and procedural factors as well as financial benefits. The model of a conservancy managed by a company which is wholly accountable to the community has, in other sectors, proved intrinsically stronger in terms of effectiveness and efficiency than the community establishing an NGO to manage the conservancy. However this depends on the company being run on proper business lines with clear accountabilities. • Challenges: Like Kalama, they have agreements with tourism operators (concessions) based on payment of fees rather than leasing land and so maintain more control. This is likely to be perceived by tourism operators as more risky since they have less influence over how the conservancy is managed.
<p>Other comments</p>	<p>This extent to which control has been retained by the community means this conservancy should qualify as an ICCA.</p>

Olderkesi Conservancy

Information required	Details
Name	Olderkesi Wildlife Conservancy
IUCN management category	Not specified
Date designated	Registered as a conservancy in 2013
Location	Narok County, Kenya
Size (km ²)	The Conservancy is currently 30km ² (7600 acres) with a plan to extent to 90km ² (22000 acres). It forms part of the much larger 127,000 acre group ranch which currently collectively owned by the c. 6000 members of the group ranch. There is an ongoing process to sub-divide this land but the 30km ² of the conservancy will remain collectively owned by all 6000 members.
Bio/geographical setting	Open woodland and forest bordering the Masai Mara Reserve. A critical part of the larger Masai Mara/Trans Mara ecosystem
Associated legislation	Land (Group Representative) Act 1968 (provides the legal basis and defines rights and responsibilities of the Group Ranch). Community Land Act 2016 (gives communities the right to claim ownership of public land currently owned by county governments) Wildlife Conservation and Management Act 2013 (gives legal recognition to conservancies but no detail on modalities) Wildlife Conservation and Management (Conservancy and Sanctuary) Regulations, 2015. Draft only – not yet approved
WDPA Listing	Not listed
Key stakeholders	6000 mane and women members of the group ranch, a further c 4000 dependents of the 6000 members, Tourism operator (Cottar's Camp) and the associated Cottar's Wildlife Conservation Trust, county government (at least in terms of their role in stopping illegal grazing in the Mara Reserve which seriously impacts the conservancy as many of the cattle pass through it en route.
Governance Type	Shared governance (community/private). The conservancy is leased to the Trust under a ten year lease with a fee of \$10000 per month. The community allocates 90% of these funds to community projects and 10% towards conservancy management costs. The Trust raises funds to cover the cost of this lease, management and operations by charging entry fees to tourism partners and from benefactors.
Management and governance structures	On the community side the top level governance structure is the Board of the Group Ranch (since sub-division of the Ranch into individually owned plots has not yet been processed). Under the Trust, there is a Board of Trustees comprising three people but decisions on management of the conservancy are made by a Management Committee that has 20 members including 5 women and 5 youth. Members include one representative from each village in the group ranch, the Conservancy Manager and the owner of the tourism operation. Under the Management Committee there are sub-committees for grazing management, forest management, and community projects.
Governance agreements/ arrangements	There is a lease agreement between the group ranch and the Trust, and a concession agreement between the Trust and the company that owns and manages Cottars Camp (to be confirmed)

<p>How effective/equitable are these agreements/arrangements?</p>	<ul style="list-style-type: none"> • Effectiveness – community members report that wildlife numbers are increasing and there is support with most community members to expand the area of the conservancy which would restore a substantial area of now degraded habitat. • Distributive equity – no evidence one way or the other. • Procedural equity – committee members report that accountability and transparency are much stronger than with the structures of the group ranch that were dominated by elders, and, compared with most other conservancies, the participation of women and youth is strong. It has taken a huge investment in community consultations to get to the current situation where all community members other than a few individuals support the existence of the conservancy. This strong process has led to a strong sense of unity of purpose which provides a solid foundation for the conservancy and may have other benefits beyond conservation, but expectations of increasing benefits will inevitably will high and the conservancy is exploring ways to increase community benefits.
<p>How were/are the agreements/arrangements developed, implemented and funded?</p>	<p>CWCT has been the main source of technical and financial support to the conservancy over the last 10 years.</p>
<p>What relationships have been developed at landscape level with other PAs and other key stakeholders?</p>	<p>All 16 conservancies in the Mara ecosystem are linked through the association to which they all belong which is mandated to perform this linkage role under the 2013 Act (MMWCA). MMWCA also provides significant technical support and capacity building. Notably weak is the key relationship between the conservancy and the Narok County government which has provided little support and at times is perceived to have undermined the process of establishing the conservancy.</p>
<p>How this assemblage of different PAs interact to achieve better conservation at landscape level.</p>	<p>Bordering the Masai Mara reserve, the Olderkesi Wildlife Conservancy is an important corridor between the Loita/Ngurman Hills and the Mara Reserve with some 3,000 + elephant and thousands of other transient plains herbivores, such as wildebeest, zebra, eland and gazelles. The land also supports a permanent population of around 110 Maasai giraffe. One of the boundaries of the conservancy runs along the border with Tanzania and on the Tanzanian side there is a hunting reserve which is notorious for its abuse of Masai rights and the indiscriminate hunting activity. It is reported that Elephants use Olderkesi as a sanctuary to escape from the hunters.</p>
<p>What enabling conditions are helping to improve effectiveness and equity of governance arrangements at site and landscape levels.</p>	<p>A strong participatory process in establishment of the conservancy, and champions in the tourism operation and community with long term commitment</p>
<p>Generic strengths and challenges of the governance type that are evident at this PA</p>	<p>As with most other conservancies in the Mara Olderkesi has a form of collective governance. However, unlike any other conservancy in the Mara, the conservancy remains collectively owned by the members of group ranch even though the rest of the land of the group ranch is being sub-divided, and all members get an equal share of the benefits whether irrespective on their historical attachment to land that now falls within the conservancy. Olderkesi has achieved a very high level of community ownership despite relatively modest benefits. As well as strong establishment process it seems likely that collective ownership is an important factor. On the other hand there are risks associated with spreading benefits too thinly however good the process. This is an example of the classic equity/effectiveness trade-off inherent in payments for ecosystem services and may prove increasingly a challenge as the conservancy matures. That said, the fact that the conservancy is only a small part of the overall group ranch (currently c. 5%) the risk to changing external context that tips the balance more in favour of other forms of land use.</p>

Other comments	<p>Many Masai interview for this study report that a major challenge for all conservancies in the Mara is a combination of elite capture of benefits (10% of Masai own 90% of cattle and thus use 90% of available grazing) and short termism (meaning that future benefits are highly discounted versus benefits in the present). While both may be perfectly understandable in traditional Masai culture the context is rapidly changing both in socio-political terms (notably womens empowerment supported by investments in education and recognition of womens rights in the new constitution) and in socio-ecological terms with the rapidly growing populations of people and livestock and progressive degradation of the natural resource base exacerbated by climate change. With Masia society there is a growing consensus around the need for radical change with the exception of some of those who benefit most from the status quo. With its large population in relation to the available land, Olderkesi has been confronting these challenges perhaps more than any other conservancy in the Mara, and in this sense is the closest in concept and context to the conservancies of the north.</p>
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