

**Governance Roles of Membership Associations in Wildlife Conservation:
Lessons from the Kenya Wildlife Conservancies Association.**



Vincent Oduka Oluoch

820924620100

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Supervisors

Prof. Dr. V.R. (René) van der Duim

Cultural Geography Group

Wageningen University and Research

Centre

Dr. Machiel Lamers

Environmental Policy Group

Wageningen University and Research

Centre

Dedication

To my dear friend Fraizer Onyango Wesonga: you inspired and motivated me to apply for and pick up a Nuffic scholarship: but you never lived to celebrate with me this accomplishment. Rest with the angels my friend!

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SUMMARY.

Today, there is wide consensus that governance of natural resources such as wildlife involves more than just state actors. Actors from the private and civil society sectors have emerged to take up various roles in natural resource management. Membership associations are increasingly emerging as actors in wildlife conservation especially in African settings. BOCOBONET in Botswana, NACSO in Namibia and KWCA in Kenya exemplify this trend. There is a need therefore to understand the roles that these membership associations perform and how they relate with other conservation organizations while undertaking these roles.

To guide the analysis of the roles of KWCA, a conceptual framework was developed that utilised literatures of membership associations and that of partnerships. The roles of agenda setting, advocacy and policy development, meta-governance, ensuring good governance, information sharing, capacity building and implementation were researched. The relationship of KWCA and other conservation organizations was analysed in terms of whether KWCA is viewed as complementing or challenging the authorities of the government and other conservation organizations. The study was based on 17 interviews with representatives of conservation organizations, member conservancies and the staff of KWCA. The interviews were supplemented with documents from the government sources and KWCA.

This thesis concludes that even though KWCA collaborates with various conservation organizations, it is yet to find its place in wildlife conservation. Moreover, KWCA faces financial and human resource challenges that threaten to undermine its pursuit to carve out its place within wildlife conservation. Policy advocacy emerged as the key role and strength of KWCA. This study views the other roles that KWCA is pursuing as not well defined, lack strategy and their outcomes are still obscure. In light of these weaknesses, recommendations are proposed to ensure that KWCA engages in well-defined roles and that an information and communication strategy is required to allow for easy communication and verification of the outcomes of the roles that KWCA pursues. Moreover, additional roles are proposed that this thesis perceives as necessary and are not being pursued at the moment. Lastly, a recommendation is suggested for a relatively sustainable and guaranteed financial funding other than the donations from organizations whose continuity cannot be guaranteed.

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List of acronyms

AWF: African Wildlife Foundation

BOCOBONET: Botswana Community-Based Organization Network

KWCA: Kenya Wildlife Conservancies Association

KWS: Kenya Wildlife Service

KWT: Kenya Wildlife Trust

NACSO: Namibian Associon of Community Based Natural Resource management Support
Organizations

TNC: The Nature Conservancy

WCMA 2013: Wildlife Conservation and Managment Act 2013

WCMB 2013: Wildlife Conservation and Managmewnt Bill 2013

1. INTRODUCTION.

In Africa, changes have arguably occurred in how wildlife is managed from the strictly state-centric model that was introduced by colonial administrators towards the end of 19th century (Buscher and Dietz, 2005), to a model that attempts to include other actors beyond the state such as the market and the civil society. This state-centric model, or otherwise termed 'Fortress Conservation' approach (Buscher and Dietz, 2005), was based on the North-American Yellowstone Park model that sought to separate nature from perceived deleterious - mostly indigenous - people (Buscher and Dietz, 2005; Akama, 1996). Whereas the proponents of this approach cited its role in conserving water sources and mitigating other land use practices that were deemed incompatible with wildlife conservation (Adams, 2004 cited by Nthiga *et al.* 2011), its critics drew attention to its failure to meet the needs of local communities by displacing them from their lands thereby separating them from their sources of livelihoods (Brown, 2002; Nthiga *et al.*, 2011).

The failure of the state-centric approach to reconcile conservation and development goals (Brown, 2002) led to a shift towards society-centric approaches that recognized the roles and significance of local communities in wildlife conservation and management. Inclusion and participation of new actors such as local communities in natural resource management received an impetus at the World Conference on Environment and Development (WCED, 1992) and the World Summit on Sustainable Development (WSSD, 2002) (Adams *et al.*, 2004).

In Kenya, like in most African countries, the state-centric approach began towards the end of 19th century and saw the establishment of protected areas such as Southern Game Reserve in Kajiado District (1899), Northern Game Reserve in Laikipia District (1900) (Waithaka, 2012), Nairobi National Park (1946), Tsavo East and Tsavo West National Parks (1948), Meru National Park (1949) (Tolvanen, 2004). This approach - that was later adopted by the independent Kenya - was based on the assumption that wildlife would be best conserved if they were separated from people and their deleterious tendencies (Akama, 1998; Collet, 1987). However, this approach drew negative attitudes from the local communities who bore its negative socio-economic consequences (Akama, 1996). Additionally, it failed to achieve its intended goals as wildlife

numbers deteriorated further and poaching reached a crisis level at the incipience of Kenya's independence (Okita *et al.*, 2007).

The failure of this state-centric model to curb the loss of wildlife numbers led to experimentation with various strategies that sought to incorporate the local communities in wildlife conservation. These strategies included: a change in wildlife policy in 1976 that granted land owners some wildlife user rights, sharing of park entry fees with local communities, establishment of the Wildlife Development Fund which provided funds for communities to establish conservation-based enterprises such as wildlife sanctuaries, concession areas with private business, campsites and tourist bandas (Barrow, 2000; cited by Parkinson, 2012). As a result of the Wildlife Development Fund, the Kimana Community Wildlife Sanctuary located in Amboseli ecosystem was established in 1996. In Laikipia, the Il-Ng'wesi Group Ranch was also supported in 1996 to set up a community conservation enterprise (Barrow, 2000; cited by Parkinson, 2012).

Arguably, Kimana and Il-Ng'wesi projects paved the way for development and widespread growth of wildlife conservancies¹ in Kenya over the last two decades. This growth in the number of wildlife conservancies has occurred despite the low economic value of wildlife conservation (Mbote, 2005) and lack of policy recognition of wildlife conservancies as a land-use practice (Nelson, 2012). Nelson (2012) attributes this growth to the perceived economic benefits that conservancies can present to local communities. Secondly, he argues that conservancies have also been formed as a mechanism to pursue peace among communities that have been in constant tribal conflicts (Nelson, 2012). Greiner (2012) gives the example of Ruko conservancy that was established between warring Pokot and Samburu communities thereby turning areas that were battlegrounds into conservation areas.

Today, it is estimated that over 140 wildlife conservancies have been established in Kenya covering over 7.5 million acres of land and benefiting more than two million people (KWCA Website, 2015). The significance of wildlife conservancies is demonstrated through analysis of profiles of 63 wildlife conservancies whose records are in the possession of Kenya Wildlife Conservancies Association (Oluoch, 2015). Out of this number, 44 (70%) are community-owned conservancies while the remaining 19 (30%) are private conservancies (*ibid*). Community

¹ Conservancies are lands set aside by land owners for the purpose of wildlife conservation (Nelson, 2012).

conservancies are formed when landowners open up a communally owned land for wildlife conservation while private conservancies are formed when individuals open up their privately owned lands for wildlife conservation. These conservancies contribute a significant proportion of land to wildlife conservation. Together, the 63 conservancies cover an estimated 3 million hectares of land with community conservancies contributing the highest percentage (93%) while private conservancies contribute 7% of the land. In terms of beneficiaries, the 63 conservancies have directly or indirectly benefited approximately 230,000 individuals (Oluoch, 2015).

The growth of conservancies in Kenya and indeed some African Countries such as Namibia and Botswana has led to formation of membership associations for example, in Namibia, NACSO was conceived in 1996 (NACSO Website, 2009), BOCOBONET was formed in Botswana in April, 1999 (Gujadhur, 2000) and KWCA was formed in Kenya in April, 2003 (KWCA Website, 2015). These associations are formed when various players in wildlife conservation such as conservancies come together to form umbrella bodies whose focus is to work for their common good.

1.1. Research Objective and Problem statement.

There is a wide consensus that states alone cannot effectively manage natural resources without involving other non-state actors from the market and civil society spheres. This has led to various actors fulfilling various roles to ensure that natural resources are conserved. Consequently, partnerships, market-driven private steering mechanisms and membership associations have emerged as players in conservation of natural resources. Whereas authors such as Visseren-Hamakers *et al.*, (2012) and Derkx & Glasbergen (2014) have established the roles of partnerships and market-driven private steering mechanism to include; agenda setting, meta-governance, implementation, ensuring good governance, policy development and implementation, membership associations have not received their fair share of scholarly attention and their roles remain obscure.

Whereas the roles of membership associations have been conceptualized by Warren (2001) to include development, public sphere and institutional and democratization roles, this thesis argues that this conceptualization is broad and lags behind compared to conceptualization of the roles of other actors such as partnerships (Visseren-Hamakers *et al.*, 2012). Moreover, Smith

(2009) has argued that most of the studies on membership associations have focused on developed nations thereby neglecting the developing worlds. This should not be the case during this time when membership associations are gaining currency within natural resource conservation especially in African settings. For example, BOCOBONET² in Botswana, NACSO in Namibia and KWCA in Kenya exemplify this trend.

Against this backdrop, the goal of this thesis is to enrich our understanding on the roles of membership associations in wildlife conservation by studying the roles that the recently formed Kenya Wildlife Conservancies Association in Kenya perform. So as to supplement the underdeveloped theoretical framework on the roles of membership associations, this thesis will borrow from the partnership literature and argue that membership associations such as KWCA qualify as a form of partnership arrangement whereby different conservancies whether private or community owned, partner together to form an association whose intention is to represent their interests.

Central Research Question.

Which roles does the Kenya Wildlife Conservancies Association play in wildlife governance in Kenya?

1.2. Relevance of the Study.

First, this study contributes to the literature on membership associations at a time when such organizations are gaining traction as players in conservation of natural resources especially in Africa but whose roles still remain obscure. Secondly, this study develops an innovative and more detailed conceptual framework for analysing the roles of membership associations in wildlife conservation. It achieves this by integrating the literature of membership associations with that of partnerships. Third, this study is particularly relevant to KWCA in two ways; by critically analysing the roles of KWCA, this study acts as a mirror through which KWCA can assess and reflect on its performance. It then offers some practical recommendations that can be useful for KWCA in its pursuit for wildlife conservation.

² Botswana Community Based Organization Network

1.3. Outline of the thesis

This thesis is organized into five chapters. Chapter 1 begins with a brief introduction of changes in wildlife policy in Africa from state-centric approaches to society-centric approaches. It proceeds by narrowing this debate to the Kenyan context and points out policy interventions that paved the way for wildlife conservancies to grow in Kenya. The chapter concludes by defining the problem statement of this study (section 1.1), presenting the research question under study, and explaining the relevance of this study. Chapter 2 delves into governance theory that underpinned this thesis. The theoretical section is organized around two debates. First, debates on the rise of non-state actors and their impacts on nation states is tackled. Secondly, the roles of membership associations and partnerships are explored and integrated with arguments. The chapter closes with a conceptual framework that guided analysis of the roles of the organization under study. Chapter 3 deals with the methodological approach of the study; data sources, data analysis, positionality of the researcher, reflections on ethical issues and limitations of the study are addressed in this section. Chapter 4 reports on the findings of this study. Chapter 5 discusses the findings reported in chapter 4, then closes off with recommendations for KWCA and highlights areas for future research.

2. THEORETICAL FRAMEWORK.

Introduction.

There is increasing consensus that the society is now replete with many actors beyond the state and that 'steering' or 'guiding' of the society is no longer the preserve of the nation states. Rosenau and Czempiel (1992) refer to this as a 'shift from government to governance' (cited by Visseren-Hamakers, 2009).

In order to understand governance therefore, one should first grasp the concept of government. Stoker (1998) views government as the formal institutions of the state and how they steer their societies to ensure order and to protect collective interests. Sorensen (2006) goes further to broaden the meaning of government by capturing the sources upon which governmental actors draw their authority and legitimacy. According to her, government denotes a situation whereby the people mandate politicians through elective processes to exercise sovereign rule (Sorensen, 2006). The politicians rule by means of their sovereign right to pass laws that in turn are implemented by an administrative apparatus organized as a bureaucratic top-down system of hierarchical rule (Sorensen, 2006).

Governance has occupied numerous fields in political science including international relations, public sector management and corporate governance (Van Kersbergen and Van Waarden, 2004). It has become 'a growth industry' with numerous conceptualizations (*ibid*). Rhodes (1997:15) views governance as self-organizing, inter-organizational networks characterised by interdependence, resource exchange, rules of the game and significant autonomy from the state. Kjaer (2004) defines governance from an institutional perspective. According to Kjaer, governance refers to the rules that govern and guide a particular domain. Governance broadly is the setting, application and enforcement of the rules of the game (Kjaer, 2004).

These two conceptualizations of governance by Rhodes (1997) and Kjaer (2004) exemplify how difficult it is for this thesis to present a unified conceptualization of the term governance. Nonetheless, there is wide consensus that various 'non-state' actors such as private sector organizations, Non-governmental organizations, local communities and public-private partnerships now play key roles in governance. Governance is no longer a preserve of state

actors and the boundaries between public and private sectors are increasingly blurring (Stoker, 1998; Van Kersbergen and Van Waarden, 2004).

Authors who engage with governance theory try to explain two key issues; first, they tackle the reasons that lead to growth of new actors and their impacts on the authority of the state; second, they discuss the roles that these new actors fulfil (Visseren-Hamakers, 2009).

2.1. The rise of non-state actors and their impacts on the authority of the state.

The fall of economies that relied on centralized control of natural resources led to the failure by several nation states to solely solve the problems related to natural resources (Lemos and Agrawal, 2006). This crisis of the 1970s (Taylor, 2009) meant that nation states found it hard to galvanize adequate financial resources to manage their natural resources (Lemos and Agrawal, 2006). Consequently, new actors emerged in natural resource management (Ball and Dunn, 1995; Lemos and Agrawal, 2006; Nelissen, 2002; Sorensen, 2006). Nelissen (2002) suggests that this is a strategic move on the part of the states to share the problems of natural resource management with these new actors.

Another explanation to the rise of new actors in natural resource management can be attributed to external pressure due to the failures of the state-run programs (Nelissen, 2002). The debate on the failures of the state-centric approaches to natural resource management speak to this notion (e.g. Akama, 1996; Brown, 2002). For example, in most African countries, the failure of the state dominated approaches to meet livelihood needs of local communities paved the way for new discourses that advanced inclusion and participation of new actors (such as local communities) in natural resource management (Brown, 2002). The ability of local communities to manage natural resources has been researched and advanced by scholars in a move that debunks the theory that only the states can effectively manage natural resources (Lemos and Agrawal, 2006; Ostrom, 2014).

In terms of what the new actors mean for the nation states, various debates have focused on whether the government has remained influential or the state is retreating in its authority in the face of these new actors. In one corner, there are authors who argue that the governments still remain influential and the entry of non-state actors do not diminish their influence. Arguing from

the perspective of an influential state, Goetz (2008) remarks that while governance constitutes reality on how the modern states and societies are run, the traditional institutions, processes and means of governing associated with governments such as parliaments and presidency are still relevant and prevail at national and probably at supra-national levels (Goetz, 2008). Heritier and Eckert (2008) also support this notion of an influential state by claiming that state actors still play a crucial role in the new modes of governance and cannot be wished away. They argue that self-organization happens in the shadow of hierarchy with government actors controlling the process either directly or indirectly by providing incentives for such arrangements to thrive and obtain satisfactory results (Heritier and Eckert, 2008). Jordan and others also established that new governance instruments are not eroding the public authority. They found out that these new actors are complementing the state actors in their functions and that governments offer support to these new actors (Jordan, Wurzel *et al.*, 2005). The relevance of states is also underscored by Kooiman (1993) who views state actors as crucial in providing enabling socio-political environments for new modes of governance. Kooiman goes further to view governments as interveners in these new modes of governance especially when such arrangements are not serving their intended purposes (Kooiman, 1993). Also dismissing the notion of ‘hollowing out’ of the state are Pierre and Peters. They argue that the emergence of new patterns of governance:

“should not necessarily be seen as indications of a weakening of the state but rather a transformation of previous models of governance into new ones[...] it is too early to dismiss the state as a centre of power and authority”(Pierre and Peters 2000:94; cited by Goetz, 2008).

Conversely, other authors have viewed the states as losing influence and authority within the new patterns of governance hence the “hollowing out” of the state (e.g. Hill and Lynn, 2005; Rhodes, 2003; cited by Goetz, 2008; Van Kersbergen & Van Waarden, 2004). Here, doubts are cast on the ability of the state to legitimately and effectively intervene and offer solutions to problems of contemporary societies (Janicke, 1990; cited by Arnouts, 2010). This position is also shared by Van Kersbergen & Van Waarden (2004) who view new actors as eroding the influence of the states.

The foregoing discussion elicits an empirical question on whether KWCA complements or erodes the organizations that work within wildlife conservation such as the state.

2.2. The roles of membership associations and partnerships: an integration.

Whereas partnerships, global NGOs and market-driven private steering mechanisms have been identified and extensively researched in terms of their roles (see for example, Andonova *et al.*, 2009; Derkx and Glasbergen, 2014; Visseren-Hamakers *et al.*, 2012), membership associations have not benefited from in-depth studies (Smith, 2009) despite their emergence as actors in natural resource management in various parts of the world. Smith (2009) conceptualizes membership association as a group that has individual or collective persons as members and uses the associational form of organization.

Membership associations have existed for over 25,000 years (Smith, 1997). Boulding (1953) traces the origin of membership associations to organizational revolution in western countries at the height of the industrial revolution (cited by Smith, 2009). This associational movement in western countries was fuelled by the conducive legal frameworks that made it possible for society to organize (Smith, 2009). Labour unions, farmers, teachers and political parties formed membership associations to agitate for conducive working environments (*ibid*).

Two ways of distinguishing membership associations can be immediately discerned from the literature. First, membership associations can be distinguished by their scale of operations. Here, Smith (2009) identifies grassroots associations, national associations and regional associations. Grassroots membership associations are formed and operate at the grass root level while national membership associations have a national focus. Regional membership associations on the other hand have regional focus. However, Smith (2009) fails to capture that membership associations can also be incorporated and perform at the international level hence international membership associations such as Amnesty International and the Green-peace movement (Anheier *et al.*, 2004). Second, membership associations can also be distinguished according to the entities involved in their formation, namely; individual-person association, collective-person association and hybrid-membership association (Smith, 2009). The first category is when the membership of an association comprises of individual human persons. The second is when association draws its membership from groups rather than individuals. The third is where an association has both individual and groups as members hence the hybrid composition (Smith, 2009).

Members of associations can either be active or nominal (Smith, 2009). Nominal members are members in 'name'. They are not actively involved in the activities of the association. Active members on the other hand are actively involved in the activities of the association by; (1) offering volunteer services to the association, (2) participating in governance of the association by attending meetings *etcetera*. However, technological advancement especially in western democracies have made it easier for association members to 'virtually' participate in meetings without having to be physically present for such functions (*ibid*).

In terms of their roles, membership associations can be seen to play the following broad roles as conceptualized by Warren (2001); development roles, public sphere roles and institutional and democratization roles (Warren 2001). Development roles are those roles of the association that are targeted at their members. In most cases, these roles are meant to empower the target group in various ways. Such roles may include an association providing information for members, providing economic benefits for members and developing human capital for their members through capacity development training initiatives (Smith, 2009).

Public sphere roles involve the attempts of membership associations at influencing policy development within their issue areas (Smith, 2009). In his United States National Associations' study, Knoke's (1990) established that about 51% of all national membership associations are actively involved in influencing the federal government (cited by Smith, 2009). Elsewhere, Zeigler (1988) demonstrated that national membership associations in many nations are involved in influencing how governments make legislative decisions. In their research on social movements, Snow *et al.* (2001) established that national membership associations in most democracies make substantial contribution in public policies in various issue areas (cited by Smith, 2009).

Lastly, membership associations have been recognized by various authors as contributing to democratization or even anti-democratization of nations. Tilly (2004) examined the forces behind social movements in various nations and concluded that membership associations are quite often the forces behind such social movements (Tilly, 2004; cited by Smith, 2009). The contribution of membership associations to democratization of nations has also been established by Inglehart (1997) (cited by Smith, 2009). According to Inglehart, the high levels of trust within these membership associations explain among other factors the presence of stable democracies (cited by Smith, 2009). However, Tilly (2007) observes that these membership associations are

double-edge swords that can either bring about democratization or authoritarian dominations within nations. He showed that the activities of social movement and membership associations in the past 50 years have resulted to democratic or autocratic political regimes outcomes in various nations (cited by Smith, 2009).

Whereas this thesis acknowledges the contribution by Warren (2001), it contends that this conceptualization remains broad, non-specific and as such, cannot clearly guide empirical analysis of the roles of membership associations such as the KWCA. For example, Smith (2009) acknowledges this weakness by stating that the institutional and democratization roles remain broad and more difficult to gauge. Given these misgivings, this thesis introduces the literature on partnerships to broaden the theoretical debate on the role of membership associations. According to Visseren-Hamakers *et al.*, (2012), a partnership manifests when various sectors engage through a collaborative manner. Viewed from a collaboration perspective therefore, this thesis argues that membership associations are partnerships that are formed when different entities collaborate to work towards common objectives. For example, KWCA which is the focus of this study can be perceived as a product of a partnership arrangement formed by various conservancies that include private and community conservancies.

Since the launch of partnerships at the World Summit on Sustainable Development (WSSD), partnerships have received remarkable contributions from scholars as important strategy for achieving sustainable development goals (e.g. Visseren-Hamakers *et al.*, 2012). To date, several partnership arrangements have been formed to govern various issue areas and their roles have been extensively researched as for example, GRASP, ICRAN and CEPF (Visseren-Hamakers *et al.*, 2012).

Gemmil and Bamidele (2002) argue that partnerships can perform the following roles; (1) acting as information providers, (2) developing policies, (3) implementing policies, (4) assessment and monitoring, (5) advocacy. On their part, Andonova *et al.*, (2009) introduced a theoretical framework that distinguished three roles that NGOs (and even partnerships) can perform within natural resource governance namely; information sharing, capacity building, and rule setting. They view information sharing as a governance instrument when it is channelled to steer constituents towards achieving particular goals. Capacity building is when resources (finance, expertise, labour, technology) are provided to constituents to enable actions. Lastly, governance

actors can set rules that seek to guide action or behaviour for example rules that cap greenhouse gas emissions from power plants (*ibid*). While this conceptualization by Andonova *et al.*, (2009) is not as broad as that of Gemmil and Bamidele (2002), the two frameworks have commonalities in terms of the roles of information sharing and that of policy development or rule setting. However, Andonova *et al.*, (2009) enriches Gemmil and Bamideles' work by introducing the role of capacity building that lacks in the latter's framework.

A more recent and broad conceptualization of the roles of partnerships in natural resource management comes from Visseren-Hamakers *et al.*, (2012). The authors distinguish the following roles of partnerships; agenda setting, policy development, implementation, ensuring good governance and meta-governance. They examined their framework by studying the roles of three partnerships in natural resource governance namely; the Critical Ecosystem Partnership Fund (CEPF), International Coral Reef Action Network (ICRAN), and Great Apes Survival Project (GRASP). With regard to agenda setting, the authors established that the partnerships perform this role by starting new debates and discourses on their issue areas. For example, GRASP has effectively changed the discourse on great apes conservation from regional or national issue to become a global issue. Policy development is fulfilled by these partnerships through the development of policies, for example, ICRAN influences governments to embrace policies that support improved coastal and marine protected area managements. The role of implementation is achieved through implementation of policies and projects on the ground for example, ICRAN links donor community with local projects sites thereby facilitating implementation of projects through funding. Partnerships ensure good governance by improving transparency, responsibility, accountability and participation in the governance system. For example, GRASP has influenced the rules of cooperation by enabling collaboration among partners such as NGOs and governments. Another role that partnerships perform is that of meta-governance. Meta-governance is still a new concept (Derckx and Glasbergen, 2014) and as such requires close attention. Conceptualized as the 'regulation of self-regulation' (Sorensen, 2006), 'organization of self-organization' (Jessop, 1998), 'strategic steering and coordination in the governance system' (Visseren-Hamakers, *et al.*, 2012), meta-governance has been touted as the solution to a 'fragmentation problem' (Derckx and Glasbergen, 2014). This fragmentation problem has been brought about by the proliferation of many governance actors and governance instruments such as voluntary sustainability standards (Derckx and Glasbergen, 2014). Glasbergen

(2011) distinguished five mechanisms through which meta-governance can be exercised: first, meta-governance can be exercised by setting the terms and inspiring a debate on a particular issue; second, meta-governance can be exercised by promoting fairness and legitimacy of the systems to allow for wider participation of actors in issues that affect them; third, actors can exercise meta-governance through networking. Such networks can derive power through their numbers and the contacts that they may have with other actors such as government actors. Lastly, actors can exercise meta-governance through developing policies and standards that are preferred and used by other actors (meta-governance through mainstreaming private regulations) (Glasbergen, 2011).

The question of who is better placed to perform this meta-governance role has not escaped attention of scholars. Whereas other authors have viewed governments as better placed in terms of legitimacy and accountability to carry out this meta-governing role (e.g. Bell and Park, 2006; Whitehead, 2003), others have taken the contrary view. Sorensen (2006) and Glasbergen (2011) have both ascribed this role to any resourceful actor(s) in a governance arrangement. Indeed, empirical research continues to show that this role is not a preserve of governments. For instance, partnerships have continued to play this role in various sectors. In their research on the role of partnership in biodiversity governance, Visseren-Hamakers *et al.*, (2012) established that partnerships such as GRASP, CEPF, and ICRAN have played various meta-governance roles such as: enabling and coordinating interaction between governments, NGOs and scientists (GRASP), influencing many organizations to achieve particular goals (CEPF), and offering a networking platform for information exchange among partners (ICRAN). Meta-governance role of partnerships has also been extensively researched within the field of sustainable tourism. In most cases, such partnerships use markets as steering mechanisms (Visseren-Hamakers *et al.*, 2012). For example, the Sustainable Tourism Stewardship Council (STSC) and a partnership for Global Sustainable Tourism Criteria (GSTC) were formed in 2000 and 2002 respectively. These bodies were formed to develop criteria on sustainability standards that would guide the activities of tourism operators. Due to their overlapping roles, they later merged to form the Global Sustainable Tourism Council (GSTC) in 2010 (Derckx and Glasbergen, 2014). The council focuses on championing the cause of sustainable tourism, creating market incentives and developing a variety of education and training materials on sustainable tourism practices (Derckx and Glasbergen, 2014).

While the foregoing discussion reveals that much attention has been paid to meta-governance at global levels, some authors have diverted their attention to those actors who perform this role at the regional and national levels, especially in developing countries. A typical example is the governance of conservation tourism partnership that has been researched by Lamers *et al.* (2014) through their research on tourism conservation enterprise model (TCE). This model is credited to AWF which is a conservation NGO working in African countries to conserve wildlife. In this arrangement, AWF brokers a collaboration between land owners and private investors. The land owners produce land for the construction of a tourist facility which is funded by the private investor. The authors established that AWF meta-governs this arrangement by ensuring its congruence. For example, AWF plays a pivotal role in solving disputes related to revenue sharing arrangements among partners (*ibid*).

In conclusion, the foregoing discussion on the roles of partnerships reveals noticeable commonalities and differences between the framework by Visseren-Hamakers *et al.*, (2012) and that of Gemmil and Bamidele (2002). The two frameworks converge on the roles of policy development and implementation. Regarding their differences, Visseren-Hamakers *et al.*, (2012) broadens the work of Gemmil and Bamidele (2002) by introducing agenda setting, ensuring good governance and meta-governance. On their parts, Gemmil and Bamidele (2002) bring in the roles of advocacy and information sharing which lack in the framework of Visseren-Hamakers *et al.*, (2012). The contribution of Visseren-Hamakers *et al.*, (2012) with regard to Warren's framework can also be noticed with regard to what Warren (2001) perceives as public sphere roles. Whereas Warren's framework identify policy development as the only public sphere role, Visseren-Hamakers *et al.*, (2012) expand this category by bringing in the roles of meta-governance, agenda setting, ensuring good governance and implementation. The work of Andonova *et al.*, (2009) brings in the role of capacity building that lacks in the works of Gemmil and Bamidele (2002) and that of Visseren-Hamakers *et al.*, (2012). This capacity building role speaks to Warren's category of development roles which are targeted to members of the association.

2.3. Conceptual framework.

To study the governance roles of KWCA, this thesis draws inspiration from Visseren-Hamakers' *et al.*, (2012) conception of governance roles played by partnerships. Whereas this

framework is preferred as a good candidate due to its specific and broad conceptualization of governance roles, it has some notable limitations by not capturing the roles of capacity building, advocacy and information sharing. To fill this gap, this thesis supplements Visseren-Hamakers' *et al*, (2012) conception by drawing advocacy from Gemmil and Bamidele (2002), capacity building (Andonova *et al*, 2009; Warren, 2001) and information sharing from Andonova *et al*, (2009). Taken together, the governance roles as highlighted by and distilled from these authors are: agenda setting, advocacy and policy development, meta-governance, ensuring good governance, information sharing, capacity building and implementation. These roles will be operationalized in this study as follows:

Table 1: Operationalization of governance roles.

Role	Operationalization
Agenda setting	Agenda setting is operationalized as attempts by KWCA to start new debates, discourses and practices on various issues that concern wildlife conservation and community development.
Advocacy and policy development	Whereas this thesis acknowledges that these roles are different and have been analysed separately by authors such as Gemmil and Bamidele (2002), this thesis views them as closely linked especially when advocacy is used as a strategy to influence policies. Consequently, they are analysed together in this thesis and examine the contribution of KWCA to various policies and the advocacy strategies that it has used to realize these policy developments for example, lobbying, issuing memorandums and signing petitions.
Meta-governance	Meta-governance is operationalized as strategic steering attempts by KWCA that are meant to ensure organization and order within wildlife conservation. This can be exercised through setting terms and inspiring debates, allowing for participation of various actors, networking between actors and developing policies and standards.
Ensuring good governance	Efforts and practices of KWCA that are geared towards transparency, responsibility, accountability and participation are taken as signs of good governance.
Information sharing	This thesis analyses whether and how KWCA facilitates information sharing among its members.
Capacity building	Efforts that are geared towards building financial and human capital of conservancy members.
Implementation	Policies and projects on the ground that can be attributed to KWCA.

3. METHODOLOGY.

This thesis used interpretive research paradigm. The interpretive paradigm perceives the world as constituted by multiple realities that are created by social actors (Jennings, 2001). The choice of an interpretive inquiry approach was based on its ability to enable for an in-depth understanding grounded in an empirical world (Jennings, 2001). It generates rich data and anecdotes (Margoluis *et al.*, 2009; cited by Ahebwa, 2012) by gathering data through qualitative methodologies so as to capture views on the topic under study from the perspective of the respondents (Jennings, 2001). The methods of data collection in interpretive research includes; in-depth interviews, case studies, focus groups and appreciative inquiry (*ibid*). This thesis used interviews and was supplemented with document analysis to gain an in-depth understanding of what my respondents perceived as the roles of KWCA in wildlife conservation and their perspectives on the relationship between KWCA, and other conservation organizations.

The conceptual framework was operationalized in the interview protocol by including questions that sought the perspectives of the respondents on the roles of KWCA and how it relates with other conservation organizations.

3.1. Data collection

Document analysis.

This thesis interrogated various documents from KWCA and the government. From KWCA, the thesis interrogated minutes of meetings, annual progress reports, policy memoranda and petition papers. These documents were retrieved from KWCA filing system in the presence of a staff member of KWCA. Government documents comprised of Wildlife Bill, 2013, Wildlife Act 2013 and the Kenya VAT Act 2013. These documents are publicly available and were downloaded from open online sources. All the documents were analyzed to construct the roles that KWCA perform.

Interviews.

An interview is ‘a verbal interchange, often face to face, though the telephone maybe used, in which an interviewer tries to elicit information, beliefs or opinions from another person’ (Burns (1997:329; cited by Kumar, 2011). This thesis used semi-structured interviews. Semi-structured interviews fall between the two extremes of unstructured and structured interviews (Kumar, 2011). In unstructured interviews, researchers enjoy complete freedom when it comes to content and structure of the process. The opposite can be said of structured interviews where the researchers are guided by a pre-determined set of questions and structure and are not allowed to deviate from this guide (Kumar, 2011). Semi-structured interviews were preferred as they allowed the researcher to prepare on the topic of study and to come up with a list of topics that guide the interview process (Boije, 2010). These topics were not meant to restrict the interview process but rather they offered guidance on the questions that were deemed relevant based on the conceptual framework of the study (Boeije, 2010). Moreover, semi-structured interviews allowed the researcher to probe the respondents further for detailed responses (*ibid*).

Through a purposive sampling technique, the KWCA, conservation NGOs, regional associations and member conservancies were targeted. Purposive sampling is based on the judgement of the researcher to recruit respondents who in the opinion of the researcher are likely to have the required information and who are willing to share the information (Kumar, 2011). Based on the experience of the researcher with KWCA through an internship project, the researcher perceived these respondents as having known, participated and experienced the roles of KWCA. Respondents were approached and recruited via emails (conservation and regional associations), personal appointment (KWCA) and through telephone calls (member conservancies). The respondents were briefed on the topic of study and the areas that the interview would centre on for their preparation. They were also informed of the voluntariness of the process. Whereas interviews were conducted for all the six respondents from the conservation organizations, membership conservancies were interviewed up to the point when the researcher perceived as repetitive, the information from member conservancies. This situation is what Kumar (2011) terms ‘saturation point’ which is attained when the subsequent information received from respondents are not new or repetitive. This situation is however subjective and is based on the perspective of the researcher (Kumar, 2011).

In total, 17 respondents were interviewed between 31st March and 8th May, 2015. (See appendix 1 for the list of respondents).

3.2. Data analysis.

Creswell spells out a 7 stage approach to data analysis namely; collecting data, organizing and preparing data for analysis (transcripts and notes), reading through all the data, coding the data, identifying emerging themes, interrelating themes and descriptions and finally, interpreting the meaning of these themes and descriptions (Creswell, 2009, p.185). Data analysis in this thesis followed this pattern. First, raw data from the interviews were transcribed to organize them for analysis. The researcher then read through the transcribed data carefully to make sense of all the data. In doing so, key themes that emerged from the data were highlighted and compared to search for similarities. The themes were then interpreted and grouped under the roles that KWCA performs, and how the relationship between KWCA and other conservation organizations was characterized by the respondents. In most cases, quotes were used from the data to support the generated themes.

With regards to document analysis, relevant documents from the government and KWCA were also analyzed. These documents included minutes of meetings, policy documents, reports from KWCA to its donors, activity reports among others. These documents were analyzed to construct the roles of KWCA.

3.3. Reflection on Ethical concerns.

Researchers are called upon to ponder about the implications that their research might have on their respondents (Boeije, 2010). For example, one should ask whether the research is exploitative in any way and how the same can be avoided. In this regard, this research observed the principle of informed consent and guaranteed anonymity in the following manner:

First, the principle of informed consent is whereby the participants are fully informed of the research and what it is supposed to achieve (Boeije, 2010). They should be able to make their decision of participating or otherwise from a point of knowledge. In this thesis, the respondents were asked to participate in this research a priori. Emails were sent and telephone calls made to

them in advance where the purpose of the research was divulged. Moreover, the respondents were briefed on the areas that the interview would focus on. This way, the respondents were given the option to decline the interview in totality or to decline particular questions that they might have been uncomfortable tackling. Second, while recruiting the respondents, the researcher communicated explicitly on the voluntariness of this process. This sought to address the concern of coercion during this study. Third, the researcher was granted consent to record the interviews before the start of each interview process.

With regard to anonymity, this thesis accorded anonymity to all the interviewees by using a numbering system (Re-1 to R-17) to reference and quote interviews.

3.4. Positionality of the Researcher.

The data collection process followed several months of the researcher's engagement with KWCA through an internship project. To some extent, the researcher qualified as an insider with knowledge on the roles that KWCA performs. To check on this bias, the researcher remained careful during the interviews not to influence the views of the respondents by restricting himself to his role as the interviewer, while allowing the respondents to perform their roles as the interviewees (Boeije, 2010).

3.5. Limitations of the study

Wildlife conservancies are located in remote and far flung areas from Nairobi-Kenya where the researcher was based. Due to financial difficulties and time constraints of the project, accessing these regions for personal interviews was untenable. Accordingly, the researcher engaged the respondents from wildlife conservancies through telephone interviews. Personal interviews would have been preferred to offer the researcher a great opportunity for close interaction with these respondents and to probe them on issues that emerged from interviews. With personal interviews, a researcher is able to dictate the setting of the interview location something that was out of my control when conducting phone interviews. For example, one of the reasons for contacting the respondents in advance was to set a date and time for the interview. The respondents were asked to be in undisturbed environments during the interview date and time. However, this was not the case with some respondents as some noises could be heard from the

backgrounds making it hard to grasp the whole conversation with ease and clarity. To curb loss of data through such situations, the researcher kept reading out the responses for the respondents to verify the recorded data.

4. RESULTS

4.1. Developments that paved the way for the formation of KWCA.

Participation of landowners in wildlife conservation was arguably given an impetus in 1990 when KWS developed a policy framework that called for establishment of community-based conservation programs and decentralization of services to the district regions (Mburu, 2004). Various developments that were geared towards enlisting the support of landowners to wildlife conservation ensued. For example, the Community Wildlife Department was formed in 1992 to create incentives for local communities and to initiate community-based projects. Towards this end, revenue sharing programs were started (Litoroh *et al*, 2009), a wildlife development fund was also established to fund conservation oriented projects leading to the formation of Kimana Group Sanctuary and Il-Ngvesi Group Ranch projects in 1996 (Barrow, 2000; cited by Parkinson, 2012).

Over the last two decades, Kenyan conservancies have grown in number to more than 140 conservancies (KWCA Website, 2015). However, this growth remained ‘uncoordinated’ and ‘unorganized’ (Re-4) and was not supported by any policy framework (Nelson, 2012).

This development of conservancies in Kenya led to an interest in the organization of Namibian Conservancies under NACSO. In a bid to learn more from the organization of Namibian conservancies and NACSO, the Director of KWS facilitated a trip to Namibia in 2012 that was attended by representatives from some NGOs such as The Nature Conservancy (Re-1; Re-4). The aim of this trip was to study the NACSO concept with a view of adopting it in Kenya or to inspire the development of a different one altogether (Re-4; Re-5).

The Namibian delegation prepared a report that was presented to the Director of KWS (Re-4). The report was embraced by the Director of KWS who in turn invited NGOs to partner with KWS in the formation of KWCA (Re-1; Re-4). The Nature Conservancy (TNC), World Wide Fund for Nature (WWF) and African Wildlife Foundation came on board to facilitate the formation of KWCA (Re-1). Consequently, a small committee that drew its members from these conservation organizations was formed to steer the process of KWCA formation. In a bid to get the views of land owners on what they wanted as an organization, this committee organized a stakeholders meeting that was held at the Intercontinental Hotel on 23rd August 2012. This

meeting brought together over 200 representatives of landowners from all over the country (Re-4; Re-5). The participants were presented with the idea of coming together to form an umbrella association that represents conservancies in Kenya (Re-5).

The participants at the Intercontinental Hotel Conference suggested for meetings at the regional levels so as to reach and consult a bigger number of landowners on this new development (Re-5). Consequently, the steering committee developed a program that entailed visits to various conservation regions in the country and to collate the views of landowners regarding the formation of a national umbrella association. As a result, meetings were held that captured the following regions in the country; Mountain, Coast, Eastern, Southern, Tsavo, Western, Rift Lakes (Re-5).

While the landowners welcomed the idea of the formation of an organization that would represent them at the national level, they expressed their desire to have an “an organization by them and for them and not a NACSO concept where NGOs are primary members” (Re-5). They instead appreciated contributions of conservation NGOs towards the formation of such an organization, but wanted them to remain affiliate members and not primary members (Re-1; Re-4; Re-5).

‘Most land owners expressed the need for a national umbrella body that could represent them, lobby the government and present their complaints and issues. They felt that the people who are bearing the highest costs of wildlife conservation were not being heard by the government. The idea of individuals knocking on the doors of government to ask for assistance was not working well, they felt that if they had a body that represents them, then their voices would be heard’ (Re-4).

A final conference was organized on 4th December 2012 at the Panafric Hotel where a resolution passed for the formation of KWCA. This conference was attended by over 600 participants from landowners, conservation NGOs and government representatives (Re-5). It was resolved that NGOs remain affiliate members of KWCA and not full members. This followed loud concerns that NGOs might impose their own agenda on KWCA and thereby fail to represent the true interests of landowners (Re-1; Re-5). The Nature Conservancy undertook to facilitate the

operational costs of KWCA for the first three years after inception (Re-4; Re-5). The table below demonstrates how TNC fulfilled this undertaking between 1st May, 2013 - 30th April, 2014.

Table 2: The support of KWCA by TNC (Adapted from KWCA progress report to TNC).

Category	Allocation Per Year in U\$.
Personnel	63,000
Travel and Meetings	5,000
Implementation Costs	5,000
Business and Marketing Services	4,000
Advocacy strategy	13,000
Other Operation Costs	10,000
Total	100,000

4.1.1. Organizational Structure of KWCA.

The KWCA recognizes its members as the supreme authority in the governance and management of the association. Member conservancies are distinguished as either community conservancies or private conservancies. Whereas private conservancies are owned by individual landowners, community conservancies are owned by a group of landowners who join to form a conservancy. At the time of his analysis of KWCA member conservancies, Oluoch (2015) established that a total of 63 conservancies had registered as members of KWCA. Out of this number, community conservancies dominated the membership register at 44 members representing 70% as compared to private conservancies which stood at 19 conservancies representing 30%. In terms of the size of land under conservation, the 44 community conservancies analysed contributed a total of 2, 789, 705 hectares of land representing 93% compared to 198, 393 (7%) hectares of land contributed by private conservancies. In total, the 63 conservancies contribute 2, 988, 098 hectares of land for conservation. In terms of beneficiaries, the 63 conservancies benefit directly or indirectly a total of 229,082 individuals. Out of this number, community conservancies benefit 223, 559 (98%) compared to 5, 523 (2%) individuals who benefit from private conservancies (Oluoch, 2015).

These members delegate authority to the Board which in turn passes the authority to the secretariat which is in charge of the daily management of the affairs of the organization. The Board of Management consists of 18 members drawn from the following organizations: one representative from either Tourism Federation or Eco-tourism Kenya, the five founding organizations (AWF, WWF, TNC, KWS and KWT) and one representative from each of the 12 regional associations (see appendix 2 on regional associations and their corresponding regions of focus). The board is in charge of checks and balances of the management, strategy, and approval of work plans and budgets. The secretariat is answerable to the Board and is headed by the CEO who is recruited on a three years renewable term basis (Re-6). The secretariat has a policy coordinator who is in charge of advocacy and policy development, and an accountant who is in charge of book keeping and office administration. The office engages interns regularly to supplement their thin workforce (Re-6).

The figure below represents the governance structure of KWCA (Adapted from KWCA Strategic Plan 2015-2018). Note: the arrows imply the flow of authority.

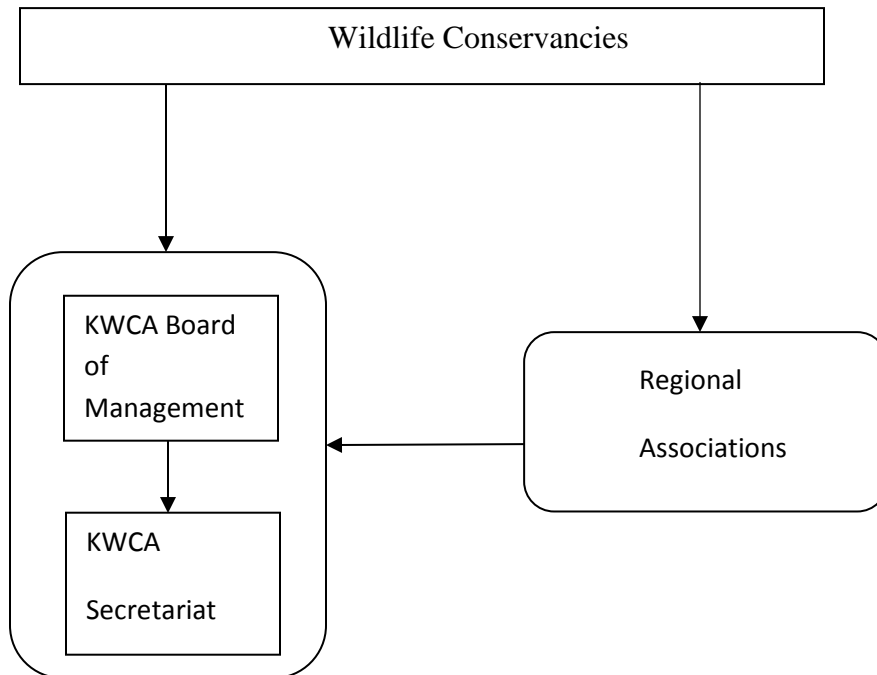


Figure 1: Organizational structure of KWCA (Adapted from the proposed KWCA strategic plan 2015-2018).

4.2. Advocacy for favourable policies.

KWCA was formed to advocate for favourable policy environment that would ensure co-existence between landowners and wildlife (KWCA Website, 2015). To fulfill this objective, KWCA has drawn an advocacy program that entails the following activities; supporting the implementation of wildlife policies and other relevant laws that affect conservancies, carrying out policy analysis to identify the gaps that exist and lobbying for policy change on relevant gaps identified (Proposed KWCA Strategic Plan, 2015 - 2018).

A new Wildlife Act was assented to law on 24th December 2013. This law in effect repealed the Wild Act 1976 which had governed the wildlife sector for almost four decades. The Wildlife Act 2013 presented an opportunity to investigate the roles of KWCA in policy development. I have distinguished between contributions to the Bill 2013 and contributions to the Act 2013. In this thesis, a Bill refers to a proposed legislation which goes through various legislative stages in a country before finally being approved by the President to become an Act. Secondly, a new policy that directly affects wildlife conservancies is the Kenya VAT Act 2013. The enactment of this Act imposed a 16% tax on conservancy fees. I also investigated the contributions of KWCA in addressing this new development.

4.2.1. KWCA and the Wildlife Bill 2013

For over three decades, the Kenya wildlife sector was governed by the Wildlife Conservation and Management Act 1976. While the intention of this policy was to decentralize wildlife governance, the legislation turned out more of state-centric with the state consolidating its influence on wildlife ownership and protection (Kabiri, 2007). This it did by establishing the Wildlife Conservation and Management Department which was later replaced by the Kenya Wildlife Service in 1990 through an amendment of the Act in 1989 (Mbote, 2005). These two bodies were assigned the sole authority of managing wildlife in the country on behalf of the central government thereby failing to live up to the intended decentralization objective of the Act.

In order to appeal to landowners, this Act provided for compensation of losses attributed to wildlife. It established District Compensation Committees to assess compensation claims. However, these committees did not operate effectively and human-wildlife conflict failed to decline (Mbote, 2005). The Act also provided for landowners to open up their lands for hunting of game subject to approval by the Director of KWS (Section, 29:2). Additionally, section 47 of the Act authorized game ranching and game cropping subject to conditions set out by the Minister in charge of wildlife (Wildlife Act, 1976). However, all the consumptive user rights were banned in 1977 through a presidential decree due to an increase in reduction of wildlife numbers and international concerns on the imminent extinction of endangered species such as the Rhinos (Mbote, 2005).

While the Act succeeded in ensuring a centralized authority in wildlife management, it failed to achieve three key issues: it failed to address human wildlife conflicts, failed to offer a solution to the declining numbers of wildlife and lastly, it failed to mainstream the needs and aspirations of landowners and communities in wildlife areas into wildlife conservation planning and decision making processes (Wildlife Conservation and Management Policy Statement, 2012). Consequently, several attempts were made to revamp this Bill (Wamukoya, 2013). In 1998, KWS drafted a Bill that was never published or taken before parliament. Wamukoya (2013) attributes this failure to conflicts in stakeholder interests in wildlife management. The Bill like the previous Act vested KWS with overall authority over wildlife management and conservation. It however called for a balance between ‘protectionism and unregulated wildlife utilization’ by acknowledging meaningful participation of landowners in wildlife management and conservation (Mbote, 2005 p. 8).

Another attempt at amending the Act was through a private member’s Bill³ which was tabled before parliament in November 2004. This Bill sought to grant landowners consumptive user rights like in Namibia. It also sought to set compensation for death caused by wildlife at 10 million shillings (Parliament Hansard, 30/11/2004). Even though this Bill was passed by the parliament, it was vetoed by the president. The presidential veto was engineered by influential animal rights organizations who opposed it on the grounds that it allowed for consumptive use of

³ Unlike government sponsored Bills that are introduced by Ministers, a private member’s Bill is introduced by a member of parliament who is not acting on behalf of the executive.

wildlife through hunting and trade on wildlife products. They successfully lobbied the president who vetoed it based on these arguments (Honey, 2008).

In 2012, the Ministry of Wildlife and Tourism developed a policy statement that set the stage for the new Wildlife Act. The increase in human-wildlife conflicts, worrying decline in wildlife numbers through poaching, increased pressure on wildlife from population increase and a need to devolve and decentralize wildlife management to private actors were some of the reasons that informed this change in policy framework (Wildlife Conservation and Management Policy Statement, 2012). Following this policy statement, the Wildlife Conservation and Management Bill, 2013 was drafted on 22nd July, 2013. KWCA proactively galvanized the views of land owners on various sections of the Bill that they considered relevant to them. Workshops were held in Lamu, Voi, Isiolo, Narok, Naivasha, Eldoret and Machakos. Views on necessary amendments to the Bill were collected from over 2000 landowners:

“We took it through a public consultation programme whereby for the first time we were able to reach over 2000 community members and we trained them on the Bill and all the provisions” (Re-5)

Response from conservancy members confirm having been involved by KWCA to give their views on various sections of the Bill. One of the respondents testified thus:

“I attended the workshop that was organized by KWCA to discuss the Wildlife Bill, issues such as compensation amount, compensation period, and timeline for making complaint in case of death and or injury caused by wildlife were discussed”(Re-7)

The views of land owners were harmonised and documented into topical recommendations that focused on interpretation of the concepts and words, the composition of the KWS board of trustees, establishment of various funds, offences and penalties *etcetera* (Re-5). These recommendations were then presented to the Cabinet Secretary in charge of Ministry of Environment, Water and Natural Resources on 17th July, 2013 for consideration (Recommendations of Landowners on the Wildlife Bill, 2013).

Secondly, the Parliamentary Committee for Natural Resources and Environment invited submissions on the Bill from August, 2013. This is in line with the constitutional requirement for

public participation in legislative development. KWCA strategically joined forces with other organizations to push for amendment of the Bill to capture the wishes of landowners. These organizations were: the East African Wildlife Society (EAWLS), Vision 2050 and Wildlife Direct. Having been registered in 1961, EAWLS has been involved in advocacy, conservation education and awareness across East Africa. Vision 2050 was formed in 2008 as a network of concerned citizens in wildlife and environment conservation. Wildlife Direct on the other hand, was formed in 2004 as a body leading campaigns against elephants poaching. It has been widely recognized for its 'Hands off our elephants' campaign. Together, this group produced and presented more than one written memorandums to the Parliamentary Committee. Two memorandums were submitted on 7th August 2013 and on 30th September 2013 (Proposed Amendment to the WCMB 2013). These written memoranda were followed by oral submission before the committee in October, 2013 (Re-5).

These submissions were largely successful with most of the proposals being adopted by the Parliamentary Committee and subsequently being part of the ACT. For example, Section 31(2) of the Bill provided for a maximum of 1 million Kenya shillings as compensation fee in case of loss of life or property. Proposal Number 3 in the memorandum called for separation of cases and an increase in compensation amount. The memorandum distinguished between loss of life (5 million Kenya shillings), serious injury leading to permanent disability (amount not exceeding 5 million Kenya shillings) and serious injury not leading to death or permanent disability (amount not exceeding 1 million Kenya shillings). This is reflected in the Act where section 25(2) separates three cases and compensates them differently. Loss of life now attracts 5 million Kenya shillings, injury occasioning permanent disability attracts 3 million Kenya shillings and lastly, 3 million Kenya shillings is awarded for any other injury that does not occasion death or permanent disability.

Second, the Wildlife Bill 2013 under Section 18 sought to establish the Wildlife Regulatory Council. This body was meant to identify, categorize and grant wildlife user rights to land owners and to monitor wildlife use (Section 19). Proposal 1 in the memorandum dismissed this body as a duplication of the roles that KWS has been performing. Additionally, the memorandum argued that a further incorporation of such a body would add to the bureaucracy of wildlife conservation and management and undermine the principle of the Bill which sought to

devolve wildlife management to landowners. This body did not see the light of day in the final Act.

Third, the Bill had a provision of two slots for landowners in the composition of Kenya Wildlife Service's Board of Trustees (Sec. 9(f)). Proposal 10 advocated for a review of this provision an effort that paid off when this number was increased to three slots for wildlife conservancies shared out in the following manner: two representatives of opposite gender from community managed wildlife areas, one representative from privately managed wildlife areas (Wildlife Act, 2013, Sec. 8). Community managed wildlife areas refers to community conservancies while privately managed wildlife areas refers to private conservancies.

4.2.2. KWCA and the regulation process: a proactive and collaborative approach of participation.

KWS initiated the process of regulations by identifying specific sections of the Act that required regulations in January, 2014 (Re-5). However, this process slowed and nothing concrete happened for several months beyond this identification process (Re-5).

On their part, KWCA proactively applied for and secured funding from the UNDP-GEF small grants program. The purpose of this fund was to train communities on the provisions of the Wildlife Act 2013 and to collate their views on the provisions of the Act that they wanted regulated. This initiative was carried out between 25th September to 25th November, 2014 and reached over 600 representatives of conservancies (KWCA Survey Report, 2014).

“[.] We planned and went around the country to sensitize the communities on the Act. We identified the areas of the Act that we thought touched on wildlife conservation and conservancies [...] we created awareness on various avenues for community participation, issues to do with compensation, issues to do with user rights etc.[...] So we also used these meetings to engage the communities on what they wanted regulated”(Re-5).

The following areas were identified from these meetings as requiring regulations: provision on compensation, county wildlife conservation and compensation committees, access and licensing

of wildlife user rights and management plans development and implementation. For example, related to compensation, the communities preferred a realistic time framework for reporting cases for compensation. This they set at over 24 hours. Further, they required various channels of reporting the cases such as chiefs and village elders.

Section 18 of the Act has established the County Wildlife Conservation and Compensation Committee. These committees draw representatives from the landowners, county governments and Kenya Wildlife Service. They are in charge of matters related to compensation and inspection of management plans *etcetera*. The landowners proposed regulations on the community members who are elected to sit on these committee. According to them, such representatives should demonstrate knowledge on wildlife matters and should represent the face of the society in terms of gender, religion, age among others.

Such proactive meetings that set the stage for regulation process were deemed educative thusly:

“[...] these meetings were very educative, it was awareness creation and our inputs were noted” (Re-13).

In a bid to activate the regulation process that had not moved beyond the identification of various provisions that needed regulations, the Nature Conservancy engaged the KWS which had initiated this process with a view of activating it (Re-5). Consequently, TNC offered financial support that went towards recruitment of a legal consultant to guide the whole process (Re-1; Re-5). KWS brought KWCA on board to take part in this regulation process in a move that was perceived as an indicating acceptance of KWCA as an integral player in wildlife governance in Kenya;

“We are now working with KWS to enact regulations [...] the government sees us as the avenue of dealing with the communities [...]” (Re-5)

To this end, KWCA together with KWS organized a total of 14 public consultation meetings that brought together landowners to contribute to the regulation process. These meetings that reached over 1000 people were held between 16th February to 27th February, 2015 in Voi, Mombasa, Kitale, Kisumu, Garissa, Wajir, Narok, Mandera, Marsabit, Nakuru, Isiolo, Nyeri, Nairobi and Kajiado (Recommendations on the regulations of the WCMA 2013).

4.2.3. KWCA and the VAT Act 2013; pursuit for exemption.

The Kenya Value Added Tax Act was assented into law on the 14th August, 2013 and commenced working on 2nd September, 2013 through a public notice by the Kenya Revenue Authority (KRA Website, 2013). Section 5(2) of the Act imposes a 16% VAT on all goods and services unless specifically exempted. Conservation fee is not included among the zero rated and exempted goods and services in the first and second schedules of the Act. This implies that conservation fee in National parks, Reserves, Sanctuaries and Conservancies are subject to 16% VAT.

As a response to this Act, the KWCA wrote a memorandum on 14th October, 2013 to the Cabinet Secretary in charge of national treasury in which they advocated for VAT exemption on conservation fees in conservancies. The letter was copied to KWS, KRA, Ministry of Environment, Water and Natural Resources, Parliamentary Budget Office and the Ministry of East Africa Coordination, Commerce and Tourism. In its argument, KWCA underscored the importance of conservancies as a home to over ‘75%’ of all the wildlife in Kenya. In its opinion, this VAT threatens to slow the wheels of conservation in the county by burdening the landowners who should instead be empowered to conserve wildlife (KWCA memorandum on VAT exemption, 2013).

This memorandum was followed by a joint petition that was signed and sent out on 1st November, 2013. Those who signed the petition were representatives from regional associations (e.g. Maasai Mara Wildlife Conservancies Association, the Northern Rangelands Trust, Taita Taveta Wildlife Conservancy Association), conservancies (e.g. Soysambu Conservancy), and conservation NGOs (e.g. The Nature Conservancy). However, the attempts by KWCA to have the Act amended to exclude the conservancies from paying VAT was not reflected in the VAT amended Act which was published on 15th May, 2014 (VAT amended Act, 2014).

4.3. KWCA as an instrument of meta-governance.

First, the situation of conservancies in Kenya that led to the formation of KWCA was characterised as that which lacked order and coordination whether in terms of their uncoordinated growth, or fragmented voices on conservation issues (Re-1; Re-3; Re-4). Therefore, the combined efforts by conservation organizations such as TNC, AWF, KWT and KWS to facilitate the formation of KWCA as a solution to this uncoordinated situation can be perceived as act of meta-governing the conservancies by deploying KWCA as an instrument of meta-governance:

“[...] there was a gap, everyone was doing their own thing [...] there was no guidance”(Re-3).

Second, section 40 of the Wildlife Act 2013 establishes regional associations. The functions of these regional organizations as per the Wildlife Act suggests a desire to meta-govern individual conservancies at the regional levels. These functions include:

1. Ensuring members of the association conserve wildlife and to keep the county wildlife committee informed on issues affecting wildlife;
2. Monitor wildlife and wildlife user rights;
3. Complement the work of KWS in managing human wildlife conflicts and problem animal control;
4. Coordinate wildlife conservancies, sanctuaries and wildlife scouts.

KWCA received financial support from AWF to a tune of Ksh. 4,278,550 part of which was used to facilitate the formation of three regional associations namely; Rift Lakes Conservancies Association, Western Wildlife Conservancies Association and Athi Kapiti Conservancies Association (KWCA Progress Report, 2014; Re-5). KWCA participated in this process by presenting the need for the formation of such associations to stakeholders at regional workshops. It also contracted a legal expert who expedited the registration of these associations (KWCA Progress Report, 2014). These regional workshops were also facilitated and attended by wildlife wardens of KWS who mobilized people to attend these workshops, and also provided technical guidance on the geographical scope of these associations (Re-5).

“KWS was committed to the meetings by mobilizing people to attend these meetings and to present the need to form the associations through their wardens, they also provided technical guidance on the geographical scope of the associations” (Re-5)

Third, the wishes of landowners at the formative stages of KWCA was for them to have a landowner led association with NGOs remaining as affiliate members (Re-4; Re-5). This way, KWCA would represent true interests of the landowners (Re-5). However, results show that this has not been the case as NGOs and state actors (KWS) dominate the organizational structure of KWCA through Board representation. With the roles of the board of KWCA being; setting the agenda of KWCA, approval of work plans and budgets *etcetera* (Re-6), KWCA can be viewed as an instrument of meta-governance through which these conservation NGOs and the government might strategically steer wildlife conservancies by shaping the agenda of the organization. One respondent alludes to this line of thought in the following manner;

‘If our agenda is different from their agenda (*the government and conservation NGOs (italics mine)*), you know like I do that our agenda will not be considered. [...] KWCA will speak for them instead of speaking for us’ (Re-17).

4.4. Ensuring good governance.

Whereas the concept of good governance is broad and encompasses concepts such as accountability, participation, transparency and responsibility, results suggest that KWCA has mainly concentrated on the concept of participation while the remaining aspects of good governance have not been explored.

First, KWCA has made it possible for conservancies to have an input in policy making process. This has been achieved by organizing workshops in various regions of the country to collect the views of conservancies on various policy provisions and further presenting these concerns to policy makers through written memoranda, oral presentations and filing petitions. For example, the researcher attended a workshop that was organized on 24th November, 2014 at Lukenya Getaway Lodge in Athi River that brought conservancies together to give their views on what they needed regulated in the wildlife Act, and how these regulations needed to be carried out

(Also captured in Minutes of Lukenya Meeting, 2014). The results on policy advocacy (section 4.2) has succinctly covered these avenues of conservancy participation in policy development. Respondents (Re-7; Re-9; Re-13; Re-15; Re-16) reported to have participated in such workshops organized by KWCA. Some of the respondents who did not attend such workshops reported to have been represented by their regional associations (Re-14; Re-11).

Second, KWCA was financially supported by AWF to develop a 3 year consultative and practical strategic plan. To achieve this, KWCA contracted a consultant to lead this process. One of the requirement of this process was to allow for the participation of conservancies by giving their inputs and validating the plan. The Lukenya Getaway meeting (25th November, 2014) that was held to discuss the regulations process was also attended by the consultant who presented to the participants the contents of the first draft of the strategic plan and collected their views for consideration.

Lastly, KWCA ensures participation of conservancies in its agenda through representation at the board. The board has a slot for 12 regional associations that together, are perceived to represent all the conservancies in the country.

“People are supportive of KWCA and its activities since they feel that they are also represented at KWCA. Regional associations sit at the board of KWCA. They feel like they own the process” (Re-2).

4.5. Information Sharing

For several years, conservancies remained unaware of what other communities are engaged in, even those communities that shared borders rarely got platforms to meet and exchange ideas (Re-6). Consequently, KWCA has organized meetings in various regions in the last two years that it argues provide landowners with information sharing opportunities. Such meetings bring together; conservancy members, conservancy members, and opinion leaders of various conservancies to share experiences and contacts (Re-2). For example, the workshops that were organized in various regions such as, Nakuru, Baringo, Maaai Mara, Kajiado, Machakos, Oldonyo Sabuk and Laikipia from September 25th to October 24th, 2014 were viewed from some

quarters as presenting landowners with good opportunities to interact and share ideas besides training them on the contents of the Wildlife Act:

“These workshops are important in bringing people to discuss their issues together, it presents people with an opportunity to hear from the other side of the world, if these guys do not meet with people from, Taita Taveta, the Maasai Mara etc., they would sit and think that theirs is the world. Such forums open eyes and let people embrace the need for conservation, the need for even knowing what other people are doing and copy some of these that might be of beneficial to the communities back at home” (Re-2).

The conservancy managers’ workshop that was held between 9th and 10th December, 2014 was also viewed as a platform for exchanging ideas and best practices in wildlife conservation. For example, Northern Rangelands Trust (NRT) shared rangeland management initiative as a success story and a best practice within their conservancies. They claimed that this arrangement has ensured co-existence of wildlife and livestock in these areas. Consequently, some conservancies present in this workshop reported having implemented this best practice in their conservancies (R-11). Additionally, information on various benefit sharing arrangements for landowners and challenges faced by conservancies were also shared:

“[...] conservancies were able to learn from others e.g. on benefits sharing arrangements for the landowners which differs in various conservancies, we also learnt that every conservancy has its challenges and it is not only us facing challenges” (R-11).

The benefit that some respondents derive from attending such functions is captured in the following response:

“[...] the meeting brought many people working with different organizations, we even had a professor from the United States talk to us, it was a great networking and information sharing forum” (R-13).

Away from these workshops that provide platforms for information exchange, KWCA views its board composition as another avenue for information sharing. The Board draws representation from founding organizations (AWF, WWF, KWS, KWT and TNC) and representatives from

each of the 12 regional associations (see appendix 2). The board members share the information and best practices learnt from these interactions with their conservancy members back at home:

“...the board meeting has been a centre of dialogue on what is happening in various regions [...] they are like discussion groups. We normally provided a session where each member reports on what is happening in each region, they get to learn a lot on new developments, opportunities, best practices and in turn when they go back, they get to share these with their communities” (Re-6).

4.6. Capacity building.

The capacity building program of KWCA targets institutional capacity, regional associations and conservancies. First, it seeks to build its own capacity by partnering with other like-minded organizations and to define its specific role within wildlife conservation. Second, it seeks to build the capacity of regional associations by leading in their creation and participating in their activities such as board meetings. With regard to conservancies, KWCA seeks to build their capacity by conducting trainings, developing guidelines for establishment of conservancies, organize community exchange visits, develop and disseminate conservancies’ best practices through an illustrated handbook (Proposed KWCA Strategic Plan, 2015-2018).

Results show that KWCA has built the capacity of conservancies by training conservancy members, managers and community rangers on the contents of the new wildlife Act 2013. It has also informally collaborated with KWS to train community rangers. With regard to the regional associations, KWCA secured funding from AWF that facilitated establishment of three regional associations. These initiatives are discussed below;

4.6.1. Training conservancies, and rangers on the Wildlife Act 2013.

Following the enactment of the new WCMA 2013, KWCA took a leading role in training landowners on various provisions of the new policy. To fulfil this function, it applied for and secured funding from the UNDP-GEF small grants program. The project entitled “Capacity building for community managed wildlife areas in Kenya” was meant to among others; *sensitize the local communities on the provisions of the Act and contribute to the development of subsidiary legislation* (KWCA baseline survey report, 2014)

Before the training could be conducted, the project required an assessment of the community awareness on the contents of the Wildlife Act. This was intended to inform the trainers on the specific areas where the local communities had poor knowledge in and therefore could be the areas of focus by facilitators. This assessment drew respondents from various regions of the country including; Maasai Mara, Baringo, Nakuru, Isiolo, Samburu, Laikipia, Kajiado and Machakos regions. The results contained in a report presented to UNDP painted a gloomy picture on community awareness of the Act. Out of the 127 (n=127) community representatives who took part in the survey, 74 % (n=95) had not fully read the Act (KWCA baseline survey report, 2014). This troubling lack of awareness of the Act was corroborated by the following response:

“[...] It was good to note that some of the community members had even no idea it had passed” (Re-5).

So as to fill this gap, these assessments were followed by training of the community members on specific provisions of the Act that were deemed relevant to them such as clauses on compensation, conservancy, management plan, and wildlife benefits. These training workshops were held between 25th September, 2014 and 24th October, 2014 and reached over 1000 people (table 3 below captures the regions covered and date of the training). A number of conservancies confirmed having participated in such trainings on the Wildlife Act (Re-7; Re-10; Re-11; Re-12; Re-13; Re-16). One of the respondents noted the significance of the exercise thusly:

“[...] we have had a capacity building from KWCA, we now know what is in the Act” (Re-16).

Table 3: Regional Trainings on the wildlife Act.

Region	Date
Central Rift (Nakuru and Baringo)	25 th September,2014
Central Rift (Maasai Mara)	16 th October, 2014
Southern (Kajiado, Machakos, Oldonyo Sabuk)	16 th October, 2014
Laikipia	21 st October, 2014
Northern and Mountain	24 th October, 2014

Besides the regional meetings reported above, KWCA organized a workshop in Naivasha on the 9th and 10th December, 2014. This workshop which was attended by 81 participants brought together conservancy managers, members of conservation NGOs (e.g. WWF, TNC), representatives from the KWS, *etcetera*. Conservancy managers were trained on various sections of the Wildlife Act that are relevant to wildlife conservancies namely; management plans, wildlife user rights, compensation, offences and penalties, institutions and community participation.

On management plans, section 44 of the Wildlife Act requires wildlife conservancies to draw management plans for their operations. The preparation and implementation of such plans shall be monitored by the County Wildlife Conservation and Compensation Committees (CWCCC) (Section 19). The management plans shall be published upon approval by the Cabinet Secretary. Participants were trained on the requirements of the management plan as stipulated in the Act.

Section 80 of the Act grants landowners user rights to enlist their support to conserve wildlife. The Act distinguished between consumptive and non-consumptive user rights that are permissible. Consumptive user rights allow for harvesting of wildlife and wildlife products while non-consumptive use does not allow for harvesting. The permits for non-consumptive use are granted by the CWCCC while the permits that allow for consumptive use are granted by the cabinet Secretary (Section 80). The participants in this workshop were made aware of these two categories of user rights and specific user right under each category as shown in table 4 below.

Table 4: Wildlife user rights as reflected in the Wildlife Act.

Consumptive	Non-Consumptive
Live capture	Research
Game farming	Education
Cropping and farming	Wildlife-based tourism
Research involving off-take	Cultural and religious purpose
	Commercial photography and filming

On matters of compensation, section 25 of the Act provides for compensation in case of loss of property, injuries and even death that are linked to wildlife causes. The conservancy managers were trained on these compensation categories and the value of compensation in every category. They were also trained on the process of compensation from reporting of the incident to pay-out. Table 5 below distinguishes between the type of loss and respective value of compensation as imparted to wildlife managers during the training.

Table 5: Categories of Losses and Compensation value.

Loss	Value
Body injury	Up to ksh.2 million
	Up to ksh. 3 million in case of permanent disability
	Ksh. 5 million in case of loss of human life
Crop destruction and Livestock predation	Shall be prescribed by the CWCCC
Property Damage	To be regulated

Communities and land owners are subject to penalties in case of offences that have been outlawed by the Act (Chapter XI). The conservancy managers were trained on these offences and the value of penalties that each offence attracts as indicated in the table 6 below:

Table 6: Offences and penalties as reflected in the Wildlife Act 2013.

Offence	Penalty
Hunting for Bush meat	Ksh. 200,000 and/or 1 year in Prison
Possession of Trophy	Ksh. 1 million and/or 5 years in prison
Wilfully contravene management plan for Park/Reserve	500,000 and/or 2 years in prison
Wilfully contravene management plan for conservancy.	Ksh. 100,000
Making false claim for compensation	Ksh. 100,000 and/or 6 months in Prison
Illegal grazing in National Park	Ksh. 100,000 or 6 months in Prison
Sport hunting of endangered species	Ksh. 20 million and/or life in Prison

One of the key principles of the new Act is devolution of wildlife management to the landowners. Accordingly, various institutions have been established and community participation has been institutionalized. Consequently, the training focused on these institutions and the avenues for community participation in these institutions. Four institutions were highlighted, namely; the Kenya Wildlife Service, Kenya Wildlife Research and Training Institute (KWRTI), County Wildlife Compensation and Conservation Committee, and Community Wildlife Association and Wildlife Managers. Section 40 of the Act recognizes a Community Wildlife Association as an organization formed when communities, landowners, groups of landowners join to form an association. For the case of individual landowners who might not want to be part of a group, the Act affords them an opportunity to register as wildlife managers. Table 7 below captures these institutions, their functions and avenue for community participation as reflected in the wildlife Act and highlighted in the training of conservancies.

Table 7: Of institutions, their functions and community participation.

Name of institution	Functions	Participation of community
Kenya Wildlife Service	<p>Setting up the CWCCC.</p> <p>Wildlife policy, strategy & legislation support.</p> <p>Conservation, management and security provision.</p> <p>Assist and advise conservancies develop management plans.</p> <p>Coordinate development and implementation of ecosystem plans.</p> <p>Develop benefit sharing mechanisms for communities around wildlife area.</p>	<p>Three community representatives at the KWS board. One from the private conservancies and two from the community conservancies representing each gender.</p>
Kenya Wildlife Research and Training Institute	<p>Undertake and co-ordinate wildlife research and training.</p>	<p>Three community representatives. One nominated by National Umbrella Wildlife Association and the remaining two representing both community and private conservancies.</p>
County Wildlife Compensation and Conservation Committee.	<p>Participate in County land use planning.</p> <p>Register and establish wildlife user rights review and recommend claims for compensation.</p> <p>Education, extension services and public awareness.</p> <p>Ensure distribution of benefits from wildlife resources.</p> <p>Monitor implementation of management plans for Protected Areas.</p> <p>Develop & implement mitigations for human wildlife conflict.</p> <p>Oversee implementation of management plans by conservancies.</p>	<p>Four representatives nominated by Community Wildlife Associations.</p>
Community Wildlife Association and Wildlife Managers.	<p>Assist KWS combat illegal activities.</p> <p>Assist in problem animal control.</p> <p>Inform CWCCC of any development changes in their area affecting wildlife.</p> <p>Ensure protection and conservation of wildlife by its members, wildlife managers and conservancies as per management plan.</p>	<p>Represented at the CWCCC.</p> <p>Formed by landowners.</p>

The response that follows highlights how important this training was to respondents who viewed it as beneficial in terms of awareness creation. The respondent points out awareness on the provision on the offences and penalties as important in fighting poaching and as such should be emphasized and more communities sensitized on such provisions:

“It was beneficial and the communities should know more about these offences and penalties [...] it speaks strongly against poaching in the country” (Re-14)

For the first time, the Wildlife Act recognizes community scouts in wildlife governance. Section 16(2) of the Act goes further to create provisions for monthly allowances for community scouts prepared by the KWS Board of Trustees. As a result of this development, KWCA is also targeting community scouts to acquaint them on their roles within the new wildlife governance arrangement. For example, a training was held for Community Wildlife Scouts at the KWS Safari walk on 19th November, 2004. This initiative and its effect was recognized by one of the respondents thusly:

“...our rangers were also trained by KWCA on the Act, they now know some areas of the wildlife Act that touches on them” (Re-16).

Away from the Act, paramilitary training is one aspect of community scouts training that KWS conducts at their training college in Manyani Mombasa. KWS has recognized the role of KWCA in wildlife conservation. They have informally partnered with KWCA to train community scouts commanders to fill a gap that exists within the community conservancy command structure:

“KWS is offering basic paramilitary training for community scouts. We started with basic paramilitary training for conservancy scouts, but we realized that there is a gap in the pecking order in the conservancy scouts command structure, we are now training commanders within the conservancy together with KWCA, we are *strategic partners*” (Re-1).

With regard to capacity building targeting regional associations, KWCA supported their formation by securing financial support from AWF. Part of the Ksh. 4,278,550 that KWCA secured went towards the formation of three regional associations. They also contracted a legal

expert who expedited the registration of these associations. These three associations were; Rift Lakes Conservancies Association (formed on 10th December, 2014), Western Wildlife Conservancies Association and Athi Kapiti Conservancies Association (KWCA Progress Report, AWF, 2014; Re-5).

4.7. The role of implementation through the formation of regional associations.

KWCA played the leading role in the establishment and implementation of three regional associations with financial support from AWF. These associations are: Rift Lakes Conservancies Association, Western Wildlife Conservancies Association and Athi Kapiti Conservancies Association (KWCA Progress Report, 2014; Re-5). The formation of these regional associations were preceded by workshops that were organized by KWCA to address the need for such associations as well as to deliberate on their geographical scope. KWCA also contracted a legal expert who expedited the registration of the associations. Subsequently, the three regional associations were legally registered on 31st March 2014 (KWCA Progress Report, 2014).

“we got fund from AWF [...] to develop the new regional associations, [...] we did a lot of work to develop these associations” (Re-5).

4.8. KWCA, NGOs and the government: characterizing the relationship

KWCA has entered an area replete with other actors. Consequently, how respondents characterize the relationship between KWCA with these organizations was also sought. Results show that KWCA has worked closely and in a collaborative manner with other NGOs and the government while discharging its roles. Most of these NGOs are the founding organizations of KWCA.

First, the relationship between KWCA and KWS has been characterized as that of complementarity (Re-1; Re-2; Re-4; Re-6; Re-7; Re-15). KWCA complements the conservation efforts of the government by mobilizing communities to form conservancies (Re-2; Re-7). Having recognized the significance of KWCA in wildlife conservation, KWS has involved KWCA in most of its activities that affect the conservancies. For example, KWS initiated the regulations process for the new Wildlife Act and brought KWCA on board (Re-5). The

collaboration between KWS and KWCA to identify the gaps in command structure of community scouts with a view of training more scouts further demonstrates this notion of close collaboration (Re-1). Some respondents view the presence of KWS staff at most of the meetings organized by KWCA as a demonstration of this close working relationship. For example, the Naivasha workshop for conservancy managers (9th- 10th December, 2014) was also attended by KWS staff members, the Lukenya Getaway workshop that KWCA convened on 24th November, 2014 to discuss the legislation process was also attended by KWS.

Besides the government, KWCA has also worked closely with some NGOs, most of which are represented on the board of KWCA. For example, the TNC has contributed significantly to KWCA by supporting the operational expenses a task that it undertook at the formative stages of KWCA. On their part, AWF has worked with KWCA by supporting them in the formation of three new regional associations: Rift Lakes Conservancies Association, Western Wildlife Conservancies Association and Athi Kapiti Conservancies Association (KWCA Progress Report, 2014; Re-5). Moreover, AWF is supporting the development of the KWCA strategic plan a project that was still in progress by the time of writing this thesis report (KWCA Progress Report, 2014). WWF has also supported KWCA in its projects. For example, it funded the workshop that was held at the Lukenya Getaway that was convened on 24th November, 2014 to discuss the regulations of the new Wildlife Act 2013. Through its support, conservancy representatives were mobilized and facilitated to attend this function. The Kenya Wildlife Trust is another conservation NGO that is working closely with KWCA. For example, the two organizations are collaborating to draft conservancies' best practices manual that is supposed to guide the operations of wildlife conservancies (Re-3).

4.9. The challenges that face KWCA.

KWCA has grown beyond expectation since its formation (Re-2), a situation that has outstripped financial and human capability of the organization;

Financial unsustainability was recognized by many respondents as the major challenge that is affecting KWCA (e.g. Re-1; Re-4; Re-13; Re-14; Re-15). KWCA relies on two sources of funding for its operations namely; membership contributions, and funds from other donor organizations. The membership fee comprise of a one-time registration fee of Ksh. 5000 and

yearly subscription fee of Ksh. 3000. The financial contributions from members cannot successfully fund yearly operations of KWCA. Consequently, KWCA sources for funds from other organizations to fill this gap. Organizations such as UNDP, TNC and AWF have supported various activities of KWCA. However, respondents submit that such funds are sometimes accompanied by conditions that dictate the specific projects to be supported, strict reporting frameworks, monitoring and evaluation periods that sometimes are not realistic since some projects take too long to produce results (Re-2).

The secretariat of KWCA comprises of the CEO, policy coordinator, and the office administrator. This number is very low and the staff remains overworked with some taking up roles that do not necessarily fall under their expertise or docket. For example, whereas the CEO should be left to focus more on the strategic tasks, lack of staff has necessitated him to pick up field work roles (Re-1; Re-4; Re-14). Moreover, while TNC undertook to support the operational costs of KWCA for three years after its inception (Re-5), uncertainty remains on what would become of the staff of KWCA should the three years elapse with no alternative funding option in place (Re-8; Re-13).

5. CONCLUSION, DISCUSSION AND RECOMMENDATIONS

5.1. Conclusion.

This thesis investigated the roles of KWCA in wildlife conservation and how it relates with other organizations in fulfilling these roles. The following roles were researched: agenda setting, advocacy and policy development, meta-governance, ensuring good governance, implementation, information sharing and capacity building. This thesis concludes that KWCA is yet to find its place in wildlife conservation. Its quest to establish itself as a player in wildlife conservation has seen it engage in various roles and activities most of which are not well defined, lack strategy, and whose outcomes are still obscure. Policy advocacy emerged from the findings as the key role and strength of KWCA. Its success in performing this role was also corroborated by document analysis that demonstrates positive changes in wildlife policies attributed to the efforts of KWCA alongside other organizations. The remaining roles were not as elaborate, not well thought of, not easily identified by the respondents and their impacts not well known. With respect to meta-governance, this thesis views KWCA as an instrument of meta-governance through which conservation organizations aim to strategically steer wildlife conservancies. Participation of AWF and KWS in the formation of regional associations which by law are supposed to organize conservancies at the regional levels speak to this notion of meta-governance. With respect to good governance, results show that KWCA has pursued this role majorly through opening up participation channels for conservancies. This shows a lack of depth in executing this role as it fails to capture very pertinent areas of good governance such as transparency, responsibility and accountability. Results on information sharing indicates a role that is not elaborate and lacks strategy, and is played as an extension to other roles such as capacity building. The role of capacity building was not elaborate and focused mainly on awareness creation of the wildlife policies. The role of implementation was only seen in the establishment and operationalization of regional associations. However, these associations still lack the capacity to fulfil what is expected of them. This thesis did not find evidence to support the role of agenda setting that can be attributed to KWCA.

With regard to the relationship of KWCA and other conservation organizations, this thesis established that KWCA complements and does not challenge the authority of conservation organizations that were interrogated. Their collaboration manifests in terms of financial support accorded to KWCA to facilitate its projects, presence of these organizations at the workshops organized by KWCA and the presence of these organizations in the Board of KWCA.

Lastly, KWCA is dogged by financial and human capacity challenges. Results show that KWCA has relied entirely on funding from other organizations to finance even its basic and primary expenses such as office rents. The growth of conservancies and their expectations has outstripped the human capacity of KWCA.

In the paragraphs that follow, I discuss these findings. I also reflect on the usefulness of integrating membership associations literature and literature on partnerships. I then wrap up this work by suggesting recommendations for KWCA in light of notable shortcomings and the roles that they can engage in in the future. I also provide suggestions to entice future research in this relatively new area.

5.2. Discussion.

Formed to advocate for favourable policies that support wildlife conservation and development of landowners, KWCA has performed this role with considerable success that has exceeded the expectations of most of the respondents. In its pursuit to effect changes in wildlife policies, KWCA has relied on lobbying, signing petitions and signing memoranda as its advocacy strategies. Andrews and Edwards (2004) argue that such insider strategies that ensure direct participation in policy making process influence more and favourable policies than engaging in outsider strategies such as holding protests. Perhaps, this explains the success that KWCA has registered in effecting various changes in wildlife policies. Whereas this thesis recognizes these positive contributions in effecting changes in policies, it nonetheless notes the lack of persistence and interest in reviving 'failed' policy development attempts. The failure to have the VAT Act 2013 exclude conservancies from paying 16% tax, and the failure to have bird shooting re-introduced as a consumptive wildlife user right, offer examples of this weakness. It has not attempted to revive and apply different advocacy approaches to have these two policies

considered. For example, whereas the reported successful policy changes were achieved through collaboration between KWCA and other organizations, KWCA pursued these two ‘unsuccessful’ policy development initiatives (VAT exemption and bird-shooting re-introduction) without collaboration. Perhaps, there is strength in joining hands and KWCA needs to consider pursuing this approach more often.

With regards to the role of meta-governance, this thesis views KWCA as an instrument of meta-governance by being facilitated by resourceful conservation organizations such as AWF, TNC and KWS to ensure that wildlife conservancies are organized and coordinated. First, this thesis views the formation of KWCA which was facilitated by resourceful conservation organizations such as TNC and KWS as a quest to organize and govern wildlife conservancies in Kenya. Second, resourceful actors such AWF and KWS participated in and supported KWCA in the formation of regional associations. This thesis views these regional associations as an attempt at meta-governing wildlife conservancies especially when viewed from the functions that they are expected to undertake as per the Wildlife Act such as; ensuring protection and conservation of wildlife by its conservancies, and assisting in combating illegal activities within their areas. This form of meta-governance is in consonance with Glasbergen’s (2011) assertion of meta-governance through formulation of strategies that complement the state in implementing policies. However, doubts remain on the capacity and preparedness of these newly formed regional associations to perform the functions bestowed upon them.

The question of who is best placed to meta-govern has drawn opposing views with some scholars viewing states as better placed to undertake this role while others ascribing the role to any resourceful actor. This thesis has supported the latter argument of meta-governance by any resourceful actor. This it has done by unravelling the involvement of resourceful actors (such as AWF, KWS and TNC) in activities that are geared towards ensuring meta-governance of wildlife conservancies (See also Lamers *et al.*, (2014) for similar position on meta-governance by resourceful actors).

This thesis finds the role of good governance lacking in depth and strategy. Whereas good governance is a broad concept that entails accountability, participation, transparency and responsibility, it was established that participation is the only aspect of good governance that

KWCA has engaged in. This it did by offering conservancies opportunities to participate in policy making processes, and involving conservancies in its activities by having representatives from all the regions in its Board. However, the process of recruiting conservancy representatives to participate in these initiatives has received reservations from some quarters who characterise the process as opaque and geared towards capturing individuals who have connections and resources within the local communities.

The failure to capture other pertinent elements of good governance such as accountability and transparency is regrettable especially with wildlife conservancies facing various challenges that are related to lack of good governance. For example, lack of transparency, participation, and accountability in benefit sharing arrangements in wildlife conservancies have been well documented (e.g. Greiner, 2012) and can lead to conflicts that might threaten the stability of these conservancies.

Whereas the workshops that are organized by KWCA are seen as offering conservancies opportunities to interact and exchange information and knowledge with various participants, this thesis notes that information sharing role lacks strategy and is achieved as an extension to other roles. For example, the cases of information sharing that emerged from the results emanated from training initiatives. This absence of information strategy means that KWCA cannot effectively capture, process and communicate information on various issues on wildlife conservation. Furthermore, the extent to which information exchange on best practices among those who attended the “information sharing” workshops is in doubt due to lack of open and interactive reporting avenues.

KWCA has fulfilled the role of capacity building mainly through training and awareness creation on the contents of the new wildlife policy. Training and awareness creation can be seen as more than just a transmission belt of policies and practices from KWCA to conservancies. By training conservancies on various provisions such as requirements of management plans in the wildlife Act, KWCA can be seen as steering its constituents by enhancing their capacity in terms of knowledge so as to implement these policies. But while this initiative is laudable, there is lack of strategies in place to ensure that the knowledge gained from these initiatives translate into tangible outcomes; a critique that was shared by a respondent who lamented the lack of follow-

up initiatives by KWCA and feared that such useful knowledge may never be put into practice by conservancies.

KWCA has strategically pursued the above discussed functions by collaborating with other conservation organizations in Kenya. First, contrary to theoretical notions that non-state actors result in ‘hollowing-out’ of the state, this thesis discounts this line of thought and supports the notion of an influential state even in the face of growing non-state actors. The efforts of KWCA are viewed as complementing the conservation interests of the government and not challenging it. The Kenyan Government through KWS remains deeply entrenched and influential in wildlife conservation and its hand can be seen in its central role in the formation of KWCA and even its strategic presence in the organizational structure of KWCA’s Board. With this hand of government visibly hovering over KWCA, this thesis argues that KWCA operates in the ‘shadow of hierarchy’ (Heritier and Eckert, 2008). KWCA has also forged a cordial relationship with major conservation NGOs such as AWF, WWF, TNC and KWT. Some of these organizations support KWCA financially to perform its roles. While such a cordial and ‘beneficial’ relationship is welcome, its closeness with these organizations casts doubts on its independence especially when it comes to setting its own agenda. The desire of the landowners at the formative stages of KWCA was to have an organization formed by them and working for them. Such an organization was to be independent from other conservation organizations to guard against serving various and sometimes conflicting agendas of conservation organizations and landowners. Practically, the line between KWCA and these organizations has considerably blurred attracting fears of some landowners over its independence. KWCA relies heavily on financial support from some of these organizations. The fears by some respondents that KWCA might forget to fight for them effectively should their needs conflict with those of their funders, are not far-fetched. KWCA might end up engaging in ‘advocacy with gloves on’ (Onynx *et al.*,2010); a reluctance to play the critic to the hands that feed them. Some respondents pointed to the representation of these organizations within the organizational structure of KWCA to exemplify this ‘deficit’ in independence. It remains to be seen how KWCA navigates this precarious situation of keeping its relationship with these organizations- whose resources it badly needs- while also appearing to remain independent in the eyes of its constituents.

This thesis integrated two bodies of literature; membership association and partnership literature. This move followed an argument that membership associations can also be conceptualized as partnership arrangements since they involve different actors coming together to collaborate so as to pursue common interests. This move produced a conceptual framework (section 2.3) that boasts well developed governance roles as seen in section 2.3. Whereas the framework distinguishes between various roles and might imply independence of the roles, results have however shown that these roles can be closely linked. For example, implementation role of KWCA emerged from the establishment and operationalization of regional associations. The formation of these regional associations have been analysed as an attempt of meta-governance. Elsewhere, this relatedness of governance roles has also been established by (Visseren-Hamakers *et al.*, 2012) who found out that GRASP has meta-governed through ensuring good governance by improving participation between governments, NGOs and scientists.

Whereas literature on governance views meta-governance as being exercised through; setting terms and inspiring debates, allowing for participation of various actors, networking between actors and developing policies and standards (Glasbergen, 2011), results from this thesis suggest that such conceptualization should not be taken strictly as a tool-kit that defines all mechanisms of meta-governance. For example, new insights of meta-governance were established that include the following; first, meta-governance can be exercise by supporting the formation of an organization whose purpose is to bring order in a situation that is perceived to be uncoordinated (e.g. the formation of KWCA). Second, meta-governance can also be exercised when resourceful actors occupy strategic positions in the management of an organization that enables them to shape the agenda of an organization (e.g. the Board of KWCA).

Overall, the two literatures produced a conceptual framework which proved a good candidate for the analysis of the roles of KWCA due to its breadth and depth.

5.3. Recommendations to KWCA and for future Research.

First, this thesis offers some practical recommendations for the KWCA in its pursuit to carve out its place within wildlife conservation in Kenya.

- 1) Antrobus (1987) contends that donor funding comes with preferences on specific projects to be undertaken. This implies that a recipient organization lacks independence to design and execute their programs with such funds. KWCA is not free from this uncertainty as long as it continues to rely entirely on donor support even for its primary needs such as office rent. This calls for innovative strategies that focus on widening the pool of funds. The success of KWCA in policy development has been impressive, its relationship with the government at the moment is nothing but cordial. The Kenya Wildlife Act 2013, establishes a wildlife endowment fund under section 23. This fund is meant to facilitate community-based wildlife conservation among other functions. Under Section 23 (3f), it gives a room for its amendment to include other functions. This is an avenue that if well explored, can include funding for KWCA and guarantee it sustainable funds. Whereas legitimate questions can be raised on what this move may mean for the independence of KWCA and its advocacy, this thesis argues that amending the Act to ensure institutionalized and guaranteed funding for KWCA can ensure a more improved degree of independence than what is currently witnessed.
- 2) There is lack of organized information on conservancies in Kenya. There is no verifiable data on the number of conservancies in the country, their combined contribution to conservation in terms of the size of land under conservation or even the total number of people that conservancies benefit either directly or indirectly. However, KWCA is yet to fully step up and fill this gap. The ongoing process of profiling wildlife conservancies should not slow down. Moreover, KWCA should develop an information and communication strategy that spells out what information should be collected, how this should be done and how it should be processed and communicated. This it can do by developing interactive channels of communication between KWCA and conservancies. For instance, KWCA could develop an interactive web portal for information processing and exchange.

- 3) The Kenyan constitution that was promulgated in 2010 established a second tier government at the county levels. The link between these county governments and conservancies is either non-existent or weak according to some respondents who expressed concerns on how these county governments are out of touch with conservation issues within their areas. This calls for KWCA to scale down its advocacy strategies to focus also on these county governments. For example, KWCA can advocate for inclusion of funds for conservation in county government budgets. Such funds can support capacity building initiatives within conservancies by sponsoring conservancy scouts for training at KWS training college among other functions.
- 4) With regards to the role of good governance, two avenues for conservancy participation were distinguished in this study. First, conservancies participate in activities that KWCA organize. However, the process of arriving at conservancy representatives in these functions are unclear if not opaque. In this regard, conservancies need to be given the opportunity to nominate those who represent them in such meetings. Second, conservancies participate through representation at the board of KWCA. However, this board that was meant to act on interim basis has been around for over two years; a situation that has raised some eyebrows. KWCA needs to begin a process of reconstituting its board through a transparent and democratic process so as to capture the psyche of conservancies. This thesis has argued that this role of good governance has not been adequately explored and has neglected pertinent areas such as accountability and transparency, yet conservancies face numerous challenges in benefit sharing arrangements. This calls for KWCA to expand this role of good governance to capture these concepts.
- 5) Other than training conservancies on the contents of wildlife policies, KWCA has not explored other capacity building initiatives that can improve financial sustainability of wildlife conservancies. This calls for an elaborate capacity building strategy and roles that encompass projects such as; (1) promotion of ecotourism within conservancies by sourcing for private investors and linking them with conservancies to form partnerships, (2) linking local conservation products and services from conservancies with global tourists generating markets by advocating for vigorous

marketing of conservancies by the organizations that are charged with promoting Kenya as a tourist destination spot.

- 6) Community scouts is one way through which conservancies ensure conservation of wildlife thereby complementing conservation efforts of KWS. Why then should KWS charge conservancies for training community scouts to help them conserve wildlife? This question was rightly raised by two respondents from wildlife conservancies. The onus is on KWCA to advocate for a change in this policy to allow for many community scouts to undergo scouts training.

This thesis has shone light on the roles of Membership Associations within wildlife conservation focusing on KWCA. This area is relatively new and can benefit from further research;

1. First, KWCA has been around for over two years now. Its roles have been celebrated by member conservancies and other organizations alike. However, recruitment for its members remains slow with the number standing at less than 50% of the total wildlife conservancies in Kenya. Why then is this the case?. This is an empirical question that can benefit from a research on whether the benefits that conservancies derive from joining KWCA are robust enough to entice collective action.
2. Second, this study has been conducted at a time when KWCA is arguably still preparing to take off. Most of its roles are not well defined other than its primary role of policy advocacy. However, with the strategic plan expected to be completed and operationalized later this year, a more in-depth study is needed to gauge the effectiveness of KWCA based on the objectives as shall be captured in this document.
3. Results show that formation of KWCA was largely informed by the NACSO concept. This raises empirical questions that can be achieved through a comparative analysis of these membership organizations. Such a study can attempt to analyse their similarities and differences, the developments that led to their formations, their membership policies, their roles *etcetera*. Such a study can contribute to the underdeveloped literature on such membership associations. Moreover, it can be of specific benefit to KWCA that is still young with various challenges touching on its capacity.
4. Whereas there are claims that KWCA is a landowner formed and led organization, the central role that resourceful conservation organizations played during its formation and their presence within the ranks of KWCA raise interesting questions; Who really does

KWCA seek to benefit?. Research is required to critically analyse and authoritatively decipher whose interests KWCA truly represents.

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NACSO website (accessed June, 2015) <http://www.nacso.org.na/index.php>

APPENDICES.

Appendix 1: List of respondents, date and the type of interview

Date	Organization	Type of Interview
31/3/2015	Kenya Wildlife Service	Personal
8/4/2015	Kenya Wildlife Trust	Personal
15/4/2015	Kenya Wildlife Conservancies Association	Personal
18/4/2015	Amboseli Ecosystem Trust	Personal
22/4/2015	Westgate Conservancy	Telephone
22/4/2015	Ruko Conservancy	Telephone
22/4/2015	Western wildlife Conservancy Association	Telephone
23/4/2015	Ol-lentile Conservancy	Telephone
23/4/2015	Lemek Conservancy	Telephone
23/4/2014	Kiunga Conservancy	Telephone
28/4/2014	The Nature Conservancy	Personal
29/4/2015	Siana Conservancy	Telephone
29/4/2015	Satao Elerai Conservancy	Telephone
29/4/2015	Enonkisho Conservancy	Telephone
29/4/2015	Rombo Conservancy	Telephone
29/4/2015	Ndera Conservancy	Telephone
8/5/2015	Kenya Wildlife Conservancies Association	Personal

Appendix 2: Regional associations and their regions of focus (Adapted from KWCA Website, 2015).

Regional association	Region
Amboseli Ecosystem trust (AET)	Amboseli region
Laikipia Wildlife Forum (LWF)	Laikipia region
Lamu Conservation Trust (LCT)	Lamu region
Northern Rangelands Trust (NRT),	Northern Kenya region
Southern Rangelands Association of Landowners (SORALO)	South Rift valley region
Maasai Mara Wildlife Conservation Association (MMWCA)	Maasai Mara region
Taita Taveta Wildlife Conservation Association (TTWCA)	Taita Taveta region
Athi Kapiti Wildlife Conservation Association (AKWCA)	Northern Kajiado and Machakos regions
Tsavo Trust	Tsavo region (Ukambani, Orma, Kulalua and the Galana)

Western Wildlife Conservancies Association (WWCA)	Western Kenya, Nyanza and North Rift regions.
Northern Rangeland Trust-Coast.	North Coast
Rift Lakes Conservation Association (RLCA)	The floor of Rift Valley (Naivasha, Nakuru, Baringo, Bogoria, Nakuru)

Appendix 3: Interview Protocol

Interview protocol

Kenya Wildlife Conservancies Association.

- Why was KWCA formed? In other words, what problem(s) was KWCA formed to address?
- What do you see as the roles and functions of KWCA? Why these roles? What are the main target groups of these function?
- How does KWCA perform each of these functions?
- Which are some of the successes realized so far? Can you please elaborate on the 3 main successes so far?
- Which are the challenges and failures encountered in carrying out each of the functions identified?
- Which organizations have you cooperated with in carrying out these functions? How? Why do you find it necessary to cooperate with these organizations?
- Are there any other comments that you would like to add?

Member Conservancies

- What do you see as the roles that KWCA play?
- To what extent are you satisfied with these roles? Why do you say so?
- Are there other roles that you feel KWCA should play? Which roles are these? Why these roles?
- Which are some of the successes realized so far? Can you please elaborate on the 3 main successes so far?
- Which are the challenges and failures encountered in carrying out each of the functions identified?
- In terms of what the functions of KWCA mean for the government actors, does KWCA challenge the authority of Government? Does it complement what the government is doing? Or does it perform new functions that the government has not been performing? What would like to see KWCA do differently?
- As a member of KWCA, how are you involved in what KWCA does?

- To what extent are you satisfied with how KWCA involves you in its activities? Why do you say so? In which different ways would you like KWCA to involve you in its functions?
- Are there any other comments that you would like to add?

Government actors

(Kenya Wildlife Services)

- Why was KWCA formed? In other words, what problem(s) was KWCA formed to Address?
- Which role(s) did you play in the formation of KWCA?
- What do you see as the roles and functions of KWCA?
- How do you cooperate with KWCA in undertaking each of these functions? Which functions do you support? Which ones don't you support? Why?
- To what extent are you satisfied with the work of KWCA? Why is this the case?
- Which other roles would you like to see them undertake? Why and How?
- In terms of what the functions of KWCA mean for the government actors, does KWCA challenge the authority of Government? Does it complement what you as the government is doing? Or does it perform new functions that the government has not been performing? What would like to see KWCA do differently?
- How are the functions of KWCA received by Governmental actors? In other words, does the government support or oppose what is done by KWCA? Why is this the case?
- Are there any other comments that you would like to add?

Other wildlife conservation organizations

(The Nature Conservancy, Kenya Wildlife Trust, Regional Wildlife Associations)

- Why do you think KWCA was formed?
- Did you play any role in the formation of KWCA? If yes, which role was this? If No, why not?
- How do you see the roles and functions of KWCA?
- Which other roles would you like to see them undertake? Why and How?
- How do you cooperate with KWCA and in which functions and activities? Are there any rules that guide this engagement?
- Which are some of the successes realized so far? Can you please elaborate on the 3 main successes so far?
- Which are the challenges and failures KWCA encountered in carrying out each of the functions identified?
- In terms of what the functions of KWCA mean for the government actors, does KWCA challenge the authority of Government? Does it complement what the government is

doing? Or does it perform new functions that the government has not been performing?
What would like to see KWCA do differently?

- Are there any other comments that you would like to add?