

# The Establishment of Wildlife Conservancies in the Mara

*The Case of Olare Orok Conservancy*

**Eirik Brun Sørli**



Master's Thesis - Department of Political Science

UNIVERSITY OF OSLO

16.06.08



## Acknowledgements

My interest in natural resource management in the Mara developed in the course of several trips to Maasailand in 2004 and 2005. Working on this thesis has given me the opportunity to study the political processes in a local community in detail and it has been greatly rewarding.

I would like to thank my supervisor Morten Bøås at FAFO for valuable insights and clear feedback when needed. My appreciation also goes to the Department of Political Science at the University of Oslo and UNIFOR for supporting my fieldwork.

This thesis would not have been possible without the friendliness and helpfulness of my informants in Kenya. A special thanks to Mohamed Said, Joe Ogutu, Dickson Kaelo, Ron Beaton, and Michael Norton-Griffiths for your time and patience. Thanks to Dominic Naurori, my driver and assistant, for valuable help and interesting days on (and off) the road in the Mara. Also my appreciation to Lars Lindvik and the staff at Basecamp Maasai Mara for your hospitality and great company.

Finally, thanks to Elin for enthusiasm and support.

Oslo, June 16<sup>th</sup> 2008.

Eirik Brun Sørli



---

# Table of Content

<b>LIST OF ABBREVIATIONS .....</b>	<b>7</b>
<b>MAP OF KENYA .....</b>	<b>8</b>
<b>1. INTRODUCTION.....</b>	<b>9</b>
1.1 INTRODUCTION AND RESEARCH QUESTION.....	9
1.2 THEORETICAL FRAMEWORK.....	11
1.2.1 <i>New Institutionalism</i> .....	12
1.2.2 <i>Operationalisation</i> .....	12
1.2.3 <i>Definitions</i> .....	14
1.3 BACKGROUND.....	15
1.3.1 <i>Study Area</i> .....	15
1.3.2 <i>Wildlife Policy and Land Tenure in the Mara after Independence</i> .....	16
1.3.3 <i>The Establishment of Olare Orok Conservancy</i> .....	17
1.4 METHOD .....	18
1.4.1 <i>Research Design</i> .....	18
1.4.2 <i>Constructing my Case</i> .....	19
1.4.3 <i>Data Collection</i> .....	20
1.4.4 <i>Data Analysis</i> .....	24
1.4.5 <i>Validity and Reliability</i> .....	25
1.4.6 <i>Research Ethics</i> .....	26
1.5 OUTLINE OF THESIS.....	28
<b>2. THEORETICAL FRAMEWORK.....</b>	<b>30</b>
2.1 NEW INSTITUTIONALISM .....	30
2.1.1 <i>Historical Institutionalism</i> .....	32
2.1.2 <i>Rational Choice Institutionalism</i> .....	33
2.1.3 <i>The Nature of Institutional Development and Change</i> .....	34
2.2 ANALYTICAL FRAMEWORK.....	36
2.2.1 <i>Tracing Historical Processes</i> .....	36

---

2.2.2	<i>Analysing Institutional Development</i> .....	38
2.2.3	<i>Summary</i> .....	42
<b>3.</b>	<b>EMPIRICAL DATA</b> .....	<b>44</b>
3.1	WILDLIFE POLICY AND LAND TENURE IN THE MARA AFTER INDEPENDENCE .....	44
3.1.1	<i>1963-1989: The Establishment of MMNR and Introduction of Group Ranches</i> .....	45
3.1.2	<i>1989-2000: Community Conservation and the Formation of Wildlife Trusts</i> .....	48
3.1.3	<i>2001-2006: Subdivision of Land and Fragmentation of Wildlife Trusts</i> .....	52
3.1.4	<i>Summary</i> .....	56
3.2	THE ESTABLISHMENT OF OLARE OROK CONSERVANCY .....	57
3.2.1	<i>Decision-making Process</i> .....	58
3.2.2	<i>Negotiation and Implementation</i> .....	60
3.2.3	<i>Summary</i> .....	63
<b>4.</b>	<b>ANALYSIS</b> .....	<b>65</b>
4.1	PATH DEPENDENCE IN DISTRIBUTION OF WILDLIFE REVENUES IN THE MARA .....	65
4.1.1	<i>Exclusion of the Maasai from Wildlife Revenues</i> .....	66
4.1.2	<i>Community Conservation and Sharing of Tourism Revenues</i> .....	67
4.1.3	<i>Sub-division of Land and Empowerment of Individual Landowners</i> .....	68
4.1.4	<i>Summary</i> .....	69
4.2	THE ESTABLISHMENT OF OLARE OROK CONSERVANCY: A RATIONAL-ACTOR ANALYSIS ....	70
4.2.1	<i>Actors, Interests and Resources</i> .....	70
4.2.2	<i>Alliance and Conflict</i> .....	80
4.2.3	<i>Summary</i> .....	85
<b>5.</b>	<b>CONCLUSION</b> .....	<b>87</b>
5.1	MAIN FINDINGS .....	88
5.2	THE ROAD AHEAD.....	89
	<b>TABLE OF AUTHORITIES</b> .....	<b>91</b>
	<b>ANNEX 1: LIST OF INFORMANTS</b> .....	<b>95</b>
	<b>ANNEX 2: RETURNS TO AGRICULTURE, LIVESTOCK AND WILDLIFE IN THE MARA AREA AS A FUNCTION OF MEAN ANNUAL RAINFALL</b> .....	<b>97</b>

---

## List of Abbreviations

ACC	–	African Conservation Centre
CBC	–	Community-based conservation
CLGF	–	Commonwealth Local Government Forum
COBRA	–	Conservation of Biodiverse Resource Areas project
CWS	–	Community Wildlife Service
ILRI	–	International Livestock Research Institute
KES	–	Kenyan shillings
KLWT	–	Koyiaki-Lemek Wildlife Trust
KWS	–	Kenya Wildlife Service
MMNR	–	Maasai Mara National Reserve
NGO	–	Non-governmental organisation
NCC	–	Narok County Council
OOC	–	Olare Orok Conservancy
OOWMCA	–	Olchorro Oiroua Wildlife Management and Conservation Association
USAID	–	U.S. Agency for International Development
USD	–	United States dollars

# Map of Kenya



Map No. 4187 Rev. 1 UNITED NATIONS  
January 2004

Department of Peacekeeping Operations  
Cartographic Section

Source: <http://www.un.org/Depts/Cartographic/map/profile/kenya.pdf>



# 1. Introduction

## 1.1 Introduction and Research Question

Conservation of wildlife inside Africa's national parks and reserves typically depend on the surrounding areas acting as dispersal areas for wild animals (Newmark & Hough 2000:586; Thompson & Homewood 2002:109). However, residents living in these areas usually suffer severe costs from wildlife conservation. They are excluded from using protected areas, their crops and livestock are eaten by wild animals, and they are barred from utilising wildlife resources (Archabald & Naughton-Treves 2001:135; Hackel 1999:728).

This situation also applies to people who live close to protected areas in Kenya (Gibson 1999:143). In the areas bordering the world-famous Maasai Mara National Reserve (MMNR) local communities receive few benefits from wildlife conservation. While the MMNR generates significant tourism revenues, these incomes are largely appropriated by state bodies, private entrepreneurs and local elites (Thompson & Homewood 2002:133).

In the recent years large parts of communal land have been subdivided in the areas around the MMNR (Lamprey & Reid 2004:998; Norton-Griffiths et al. 2006:1). It was widely expected that this privatisation of land in the Mara<sup>1</sup> would make individual landowners intensify agricultural and livestock production, leading to a gradual loss of wildlife abundance and diversity in the area (Lamprey & Reid 2004:998; Norton-Griffiths et al. 2006:1; Thompson & Homewood 2002:130).

---

<sup>1</sup>I use the term "the Mara" to denote the areas that are located within the Greater Mara Ecosystem, including both the Maasai Mara National Reserve and the group ranches that surround it.

Contrary to expectations, landowners in several locations close to the reserve have attempted to pool their land together and establish wildlife conservancies<sup>2</sup> (Norton-Griffiths et al. 2006:9). Olare Orok Conservancy (OOC) is so far the only successful wildlife conservancy on private land in the areas around the MMNR. Studying how it was formed can give valuable insights to other actors who are trying to establish wildlife conservancies in the Mara.

My research question in this thesis is: *What explains the establishment of Olare Orok Conservancy?*

Agrawal and Gibson (1999:637) note that the establishment of institutions in a community is the result of local-level processes. Individuals with different interests negotiate over the management of resources. Libecap (1989:11) argues that to understand the formation of social institutions we must identify the parties involved, their interests and resources. Thus recognising the political nature of institutional development in the community we can specify the research question: *Which actors influenced the establishment of the OOC? What interests did they have in the establishment of the conservancy? And which resources did they use to further their interest in the institutional creation process?*

However, all local interactions take place within the context of larger social forces. New institutions are created within a world that is already replete with institutions. This institutional setting shapes decision-making processes in the community (Agrawal and Gibson 1999:637). Existing institutions are not neutral arenas, but power structures that give some actors greater leverage than others in the development of new institutions (Hall & Taylor 1996:954). Taking into account the influence of the institutional setting on institutional development we can ask: *How did the institutional setting influence the interaction among actors in establishing the OOC?*

---

<sup>2</sup> Wildlife conservancies are private protected areas where land has been set aside exclusively for wildlife conservation and tourism.

To study how the institutional setting influences institutional development in the community we must trace social processes over time (Pierson & Skocpol 2002:10). Institutional decisions made in the past influences which options are possible in the present. The path dependence of historical processes greatly influences the kind of social institutions that can be adopted at any time (Libecap 1989:116; Pierson & Skocpol 2002:10).

## 1.2 Theoretical Framework

There are several possible theoretical approaches to study the establishment of wildlife conservancies in the Mara.

Conservationists frequently apply the concept of “community-based conservation” (CBC) to study the participation of local communities in wildlife management. The CBC-approach argues that communities will use resources more sustainably if they are involved in and benefit from the management of resources (Agrawal & Gibson 1999:633). While this vision of community as the centrepiece of conservation certainly is attractive, it fails to recognise the intra-group conflicts in the community that affect conservation outcomes.

Environmental economists often focus on the role of property rights in natural resource management. Property rights theories assume that private property rights are desirable for efficiency and conservation reasons, and emerge spontaneously in response to population growth, agricultural commercialization and technological progress (Heltberg 2002:199; Platteau 2000:83-85). While the property rights approach duly draws attention to the significance of property arrangements in natural resource management, it ignores the role of the state, the impact of social capital and the distributive effects of institutional change in its analysis of property rights changes (Baland & Platteau 1998:647; Platteau 2000:112).

### **1.2.1 New Institutionalism**

Both approaches considered above fail to recognise the role of politics in institutional development and have an ideological bias in their analysis of natural resource management. I find neo-institutionalism to be a more useful approach to study the establishment of wildlife conservancies in the Mara as it draws attention to how individuals with different interests and resources interact to create institutions and how the institutional setting influences individual action.

There are several different varieties of new institutionalism within the social sciences (Hall & Taylor 1996; Peters 2005; Scott 2001; Vatn 2005). I have chosen to utilise two complementary versions of new institutionalism: rational choice institutionalism and historical institutionalism. Rational choice institutionalism focuses on the conscious design of institutions by rational individuals, while historical institutionalism draws attention to how historical changes in the institutional setting influences which institutional options are available to individuals (Hall & Taylor 1996; Peters 2005). Thus they provide useful tools to answer my research questions.

### **1.2.2 Operationalisation**

As described above I will use rational choice institutionalism and historical institutionalism to study the establishment of wildlife conservancies in the Mara. Below I specify further how I intend to explain the establishment of Olare Orok Conservancy was.

To trace historical changes in the institutional setting in the Mara, I utilise the concept of path dependence. The basic idea of path dependence is that decisions made in the past continue to influence the alternative actions that are available in the future. Once actors choose an institutional path, self-reinforcing processes makes it increasingly difficult to change or reverse the direction. Only critical events may alter the path (Pierson & Skocpol 2002:10).

---

To analyse the interaction among landowners in establishing Olare Orok Conservancy I apply the concept of “contracting”. Contracting refers to the efforts by individuals and groups to assign or modify social institutions (Libecap 1989:4). At the local level contracting involves bargaining among group members to adopt or change group rules regarding allocation, use and management of resources. In order to understand the interaction among different actors in establishing the conservancy we must identify the actors who were involved, determine their interests and resources, and assess the contextual factors that influence their choices.

The literature on the Mara provides a starting point to identify which actors influenced the establishment of the OOC. Thompson & Homewood (2002:117) identify four groups of actors that are central to resource management decisions in the Mara: i) *group ranch members*, ii) *local elites*, iii) *district/national elites*, and iv) *external entrepreneurs*. Based on my fieldwork I revised these categories and ended up with four groups of actors that influence the establishment of the OOC: i) *ordinary landowners*, ii) *young landowners*, iii) *local elites*, and iv) *tourism entrepreneurs*<sup>3</sup>.

The interests that guided actors in the establishment of Olare Orok Conservancy likely depended on how they viewed their welfare under the proposed institutional model. Actors assess their expected welfare under new institutional arrangements by weighing the costs and benefits associated with different institutional options in the light of societal norms and expectations about future benefits (Ostrom 1990:193; Ostrom et al. 1994:29).

All actors possess resources that can be used to further their private interests in the establishment of institutions. Resources may include material wealth, social status and networks, information, knowledge and skills. Some actors have greater access to resources than others, giving them more leverage in institutional creation processes. The level of resources available to different actors is often highly dependent on the institutional setting (Ostrom 1990:198).

### 1.2.3 Definitions

It is necessary to define a few terms to avoid confusion and present a clear explanation of the establishment of Olare Orok Conservancy. Key terms that need to be defined are: “institutions”, “power” and “community”.

By “institutions” I understand “the rules of the game” in a society, or the formal and informal constraints that shape human interaction (North 1990:3). Institutions reduce uncertainty and provide a structure to everyday life by giving individuals stable expectations about the behaviour of others (Ibid:3).

The very use of the concept “power” as an analytical tool has implications for how we conceptualise social reality (Lukes 2005:14). In this study I apply a relational concept of power according to which “A exercises power over B when A affects B in a manner contrary to B’s interests” (Ibid:30).

Lukes argues that this concept of power has three dimensions. The first dimension is related to the study of observable conflicts between organised interests over concrete political issues (Ibid:17). Lukes’ second dimension concerns the power of actors to define the agenda and prevent other actors from voicing their interests in the decision-making process (Ibid:23). His third dimension studies the hidden forces that constrain the agenda by shaping people’s perceptions and preferences in such a way that they accept the existing order of things (Ibid:28).

While Luke’s first dimension of power illustrates how rational actors bargain to further their interests, his last two dimensions can be taken as an effort to highlight how institutional structures influence power relations in the community (Hall & Taylor 1996:940). The institutional setting systematically influences the distribution of power in society, how it is exercised, enforced and legitimated (Goverde et al. 2000:10).

---

<sup>3</sup> The four categories of actors that influence the establishment of the OOC are described in chapter 4.2.1.

In the conservation literature, the term “community” is often used to refer to a group of people with three characteristics: i) located within a (small) spatial unit, ii) homogenous social structure, and iii) common interests and norms (Agrawal & Gibson 1999:633). My use of the term “community” applies the first criteria of spatiality, but departs from the conservationists on the last two issues. I see communities as made up of multiple actors with different interests, who often are in conflict with each other.

## 1.3 Background

### 1.3.1 Study Area

Olare Orok Conservancy is located on Koyiaki group ranch<sup>4</sup> in Narok district, southwestern Kenya. It borders the world-famous Maasai Mara National Reserve (see fig 1), one of Kenya’s most important tourist attractions<sup>5</sup>. Koyiaki and the other areas bordering the MMNR are important wildlife dispersal areas, but the local residents receive few benefits from the tourism it generates. Landownership on Koyiaki is almost exclusively Maasai<sup>6</sup>. Most residents are pastoralists, while some also engage in subsistence agriculture (Thompson & Homewood 2002:112).

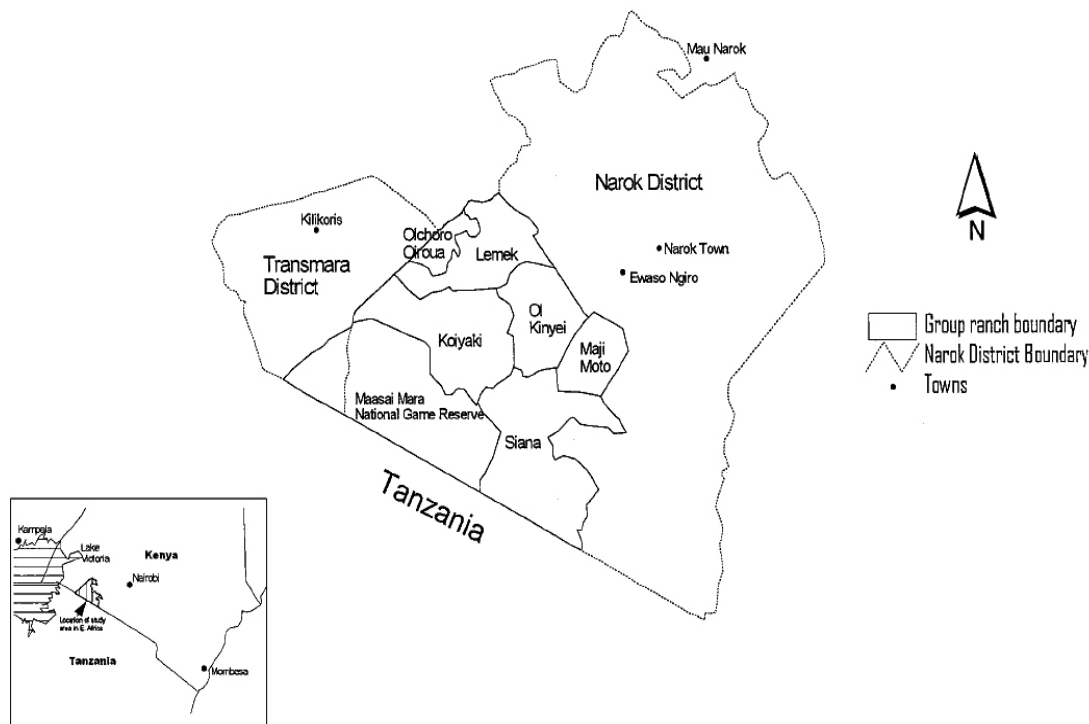
---

<sup>4</sup> Koyiaki covers an area of 877 km<sup>2</sup> and is home to approximately 8500 inhabitants (Thompson & Homewood 2002:115).

<sup>5</sup> In 2002 the Maasai Mara National Reserve and surrounding areas received 231 000 visitors (Ecotourism Kenya 2006:10).

<sup>6</sup> However, further to the north in Narok district there has been massive in-migration by non-Maasai. According to the 1989 census, the Maasai account for less than half of the district population (Coast 2002:84).

Figure 1: Maasai Mara National Reserve and neighbouring group ranches



Source: Thompson & Homewood (2002:113).

### 1.3.2 Wildlife Policy and Land Tenure in the Mara after Independence

Maasai Mara National Reserve was established in 1961 and excluded the local Maasai population from traditional grazing areas. Tourism entrepreneurs and the central and local government benefited from wildlife tourism in the reserve, while local residents received few benefits from wildlife tourism (Azumi & MacDonald 1993:7; Lamprey & Reid 2004:1008). The ban on consumptive utilisation of wildlife in 1977 removed another important source of income from the local population (Norton-Griffiths et al. 2006:6).

In the beginning of the 1990s, Kenya Wildlife Service (KWS) created a new policy framework that recognised the participation of local communities in conservation and provided for park revenues to be shared with residents living close to national parks and reserves (Barrow et al. 2000:81; Honey 1999:301). This change in wildlife policy encouraged local residents to establish wildlife trusts and



---

successfully challenge Narok County Council (NCC) for a share of tourism revenues (Barrow et al. 2000:86; Lamprey & Reid 2004:1024; Thompson & Homewood 2002:127). However, local elites misappropriated the majority of tourism revenues that accrued to the group ranches (Thompson & Homewood 2002:127; Lamprey & Reid 2004:998).

On several of the group ranches adjacent to the MMNR, land was subdivided around the year 2000 and individual titles to land were issued (Lamprey & Reid 2004:1022; Thompson & Homewood 2002:115). The sub-division of land led to the exclusion of many landowners from tourism revenues and fragmentation of the wildlife trusts into many wildlife associations (D. Kaelo 06.03.08 [Interview]). However, individual titles to land also created opportunities for individual landowners to pool their land together and establish wildlife conservancies (Norton-Griffiths et al. 2006:9).

### **1.3.3 The Establishment of Olare Orok Conservancy**

Olare Orok Conservancy was established in May 2006 when 154 local landowners decided to join their land together and create a private protected area<sup>7</sup>. The conservancy is located next to the MMNR and covers 23 000 acres of land set aside for wildlife conservation and tourism. Currently the conservancy is home to three luxury tented camps and a wide diversity of wildlife (OOC 2007).

Local elites saw the establishment of a wildlife conservancy on Olare Orok as a unique opportunity to benefit from wildlife tourism and convinced the other landowners to join. A group of tourism entrepreneurs who were looking for an exclusive wildlife viewing area were brought in to finance and operate the conservancy (D. Kaelo 06.03.08, I. Feyo 08.03.08 and R. Beaton 09.03.08 [Interviews]).

The OOC differs from previous institutional arrangements on the group ranches as it is managed by a professional company and the land is leased from individual landowners (D. Kaelo 06.03.08 and R. Beaton 09.03.08 [Interviews]).

Currently there are no tourists in the Mara and most of the local population in the areas around the MMNR receive no revenues from the tourism industry. On Olare Orok, in contrast, landowners still receive the monthly revenues that their leases guarantee them (R. Beaton 09.03.08 [Interview]).

## 1.4 Method

The quality of social research depends to a large extent on the methods that have been used to generate and analyse data. Below I give a short description of the research process and the methodological choices I have made.

### 1.4.1 Research Design

The aim of this thesis is to understand the political processes that influenced the establishment of Olare Orok Conservancy. A case study was the natural approach as it allowed me to investigate these processes within their real-life context. It helped me find out “why” and “how” these processes were happening (Yin 2003:13). Focusing on a single case allowed me to study the processes of institutional creation in the Mara in detail, even though my time was limited.

Conducting research on social processes requires a carefully considered research design. A main challenge when applying a case study approach is to handle the many possible explanatory factors. In the case of institutionalization processes in

---

<sup>7</sup> The conservancy has a 5-year lease agreement with the landowners who receive a rent of KES 2 000 (USD 30) per hectare per year (R. Beaton 08.03.08 [Interview]). The conservancy is operated by Olpurkel Ltd., a professional management company, and Earthview Ltd, an independent body, handles revenue collection (OOC 2007).

the Mara, many different economical, political, historical and ecological factors may have influenced the outcomes.

An important strategy in establishing analytical control is to draw on insights from previous research and set up a theoretical framework that can guide the data collection, analysis and generalization of results (Yin 2003:33). I chose to utilise an institutionalist framework in my analysis of the establishment of wildlife conservancies in the Mara. To organise the empirical variation in my case I use the concepts of path dependence and contracting. I apply these two concepts to tell a story of exclusion and conflicts over the distribution of wildlife revenue in the Mara. By using a different theoretical framework I could probably tell another story about institutional creation in the Mara.

My study applies a theoretical framework to organise the empirical data and can thus be classified as an interpretative case study (Andersen 1997:68). Like other interpretative studies, the aim is not to “test” any theories or to develop new theories, but rather to explain my case. While my findings do not contribute to the development of institutional theory, they can shed some light on the factors that are favourable to the establishment of private protected areas in the buffer zones around national parks and reserves in Eastern Africa.

### **1.4.2 Constructing my Case**

Identifying and constructing “the case” is often a key part of the research process (Andersen 1997:55). I chose to explore the establishment of wildlife conservancies in the Mara, because their creation conflicted with expectations that the Maasai would develop their land individually after it had been subdivided. Olare Orok Conservancy was singled out as a study object because it is an example of a successful institution that provides the local population with a fair share of revenues. Thus, the creation of the OOC is not representative for institutionalisation processes in the Mara in general, but rather a “best practise” that can give valuable insights to the actors who are trying to establish more conservancies in the area around the MMNR.

### **1.4.3 Data Collection**

Case studies typically rely on multiple sources of evidence (triangulation) to provide a holistic and thorough understanding of the social phenomenon under scrutiny. By using converging evidence from different data sources, the findings in a case study are likely to be more convincing and accurate (Yin 2003:98). In my study of the establishment of Olare Orok Conservancy I mainly use data from two sources: interviews and literature.

#### *1.4.3.1 Fieldwork*

In the period between 18<sup>th</sup> February and 27<sup>th</sup> March 2008 I carried out fieldwork in Kenya. I was based in Nairobi for most of the period, but also spent 10 days in the Mara.

The fieldwork was originally intended to start at the beginning of January 2008, but was postponed for 6 weeks due to the post-election violence in Kenya. While the security situation had improved when I arrived in Nairobi, it still limited my movement during my first weeks in the country. The tense political situation also made it more difficult to secure interviews with government officials and politicians, as they were involved in reconciliation and reconstruction processes.

#### **Finding informants**

My first task after arriving in Nairobi was to locate informants that could provide me with information about the development of wildlife conservancies in the Mara. In the previous months I had e-mailed several NGOs and government agencies, but only one research institution replied.

The process of finding informants was characterised by a snowball effect. I started by interviewing two researchers at International Livestock Research Institute (ILRI) in Nairobi with thorough knowledge of the Mara. These researchers gave me the names of other informants, who in turn gave me the names of yet more informants.

NGO and government officials in Nairobi declined to be interviewed on the grounds that they “knew too little about the local situation in the Mara”. Consequently, I decided to travel to the Mara and interview the local actors. In Narok town I interviewed Dickson Kaelo, who had previously worked for ILRI as a community facilitator. He became my key informant and gave me valuable information and contacts.

My informants include actors with interests in the creation of wildlife conservancies in the Mara such as landowners, local elites, tourism entrepreneurs and conservationists. Distribution of wildlife revenues is a highly political issues and I have therefore tried to interview representatives from different sub-clans and political factions in the community.

Many of my informants are close to the political processes in the Mara and some had key roles in the establishment of Olare Orok Conservancy. Interviewing key actors in a political process is a strength as they can provide valuable information about the phenomenon I study. However, this strategy also contains pitfalls as the actors’ proximity to the political processes influence the information I get from them (Rubin & Rubin 1995:65-71).

A significant part of my analysis is based on information from two key informants that played a central role as facilitators in the establishment of Olare Orok Conservancy. Both informants have been characterised as balanced and trustworthy by a number of other informants representing different groups and interests. The information I obtain from them has also been corroborated by other sources.

There are several weaknesses in my selection of informants. First, I was not able to secure interviews with central and local government officials. This may have led me to underestimate the influence of the government on the distribution of wildlife revenues and establishment of wildlife conservancies. However, I have tried to compensate for this weakness by accessing newspaper articles that carry interviews with government officials about community conservation and tourism revenue sharing.

Second, a majority of my informants in the community belong to the Maasai elite. While these informants are very knowledgeable about the political processes that have taken place in the community, they also have specific interests in these processes. By relying on information from elites I may exaggerate their importance in institutional creation and overlook the role of ordinary landowners.

Finally, all my informants are male. The Maasai community is dominated by men and the individuals who had the closest knowledge of the creation of the OOC were all male. By excluding women from my pool of informants I may have overlooked the informal influence that women can have on the political processes in the Maasai community. However, my time in the Mara was not sufficient to gain access to the informal arenas where women gather.

### **Conducting interviews**

I interviewed a total of 25 informants in the course of my fieldwork<sup>8</sup>. The interviews were carried out in Nairobi, in Narok town and on Koyiaki and Siana group ranches in the Mara.

I contacted my informants in Nairobi by e-mail and phone, and booked meetings in advance. In the Mara I used my assistant to call the informants and make appointments, as he knew the area well and often knew the informants personally. On several occasions we would turn up in a village only to find that our informant had gone somewhere else. Sometimes we would drive in pursuit of the informant, on other occasions we would ask to talk to other people in the community who were familiar with the same issues.

The interviews were conducted as loosely structured conversations. I opened the interviews by asking open-ended questions in order to leave the informants as free as possible to give their own account of the events that had taken place. By using this strategy I reduced the risk that interviewees would be influenced to answer in a

---

<sup>8</sup> See Annex 1: List of informants.

---

certain way. Towards the end of the interview I would steer the conversation onto topics of special interest and ask more detailed questions.

All but two interviews were conducted in English. Conducting interviews in English greatly eased the collection of data as I did not have to rely on an interpreter to translate questions and answers correctly. It also made it easier to “connect” with the informants and get a richer description of events. My assistant provided translation for interviews with two landowners who did not speak English. I have previously lived in Kenya and visited Maasailand on several occasions through my line of work. Knowing Kenyan (and Maasai) customs and a bit of Swahili greatly reduced the cultural barriers that potentially could have made communication difficult.

The interviews took place in a variety of surroundings including offices, restaurants, cars, road-side pubs, bus stages, family homes, and under acacia trees on the savannah. I tried to ensure that interviews were conducted privately, but on several occasions neighbours, friends or family members of the informant listened in. This may have caused informants to hold back information about controversial topics.

My driver and assistant had previously worked for ILRI as a research assistant and was recommended as a trustworthy person. Two days into my stay in the Mara I discovered that he had pulled out of the very conservancy I was studying. His defection from the OOC did not, however, pose a serious problem to my research. As a rule he was not present during the interviews and only on one occasion did his status as a defector result in negative reactions from an informant. This negative incident was outweighed by the information he could provide about discontent among young landowners in the conservancy. He also put me in contact with other young landowners who shared their experiences.

### 1.4.3.2 Secondary sources

Secondary sources were mainly collected through internet and library catalogue searches during early phases of the research process in Norway. Some documents and reports were also acquired during my fieldwork in Kenya. My secondary sources include books, peer-reviewed journal articles, newspaper articles, conference reports, funding proposals, land-use plans and official documents.

Maasai Mara National Reserve is one of the most famous wildlife reserves in the world and a great number of academic articles have been written about the reserve. Most of these sources describe developments in the Mara from an ecological point of view. My interest is in the *people* living close to the reserve and much less has been written about them. However, more articles describing the economical and political processes in the local communities have emerged lately. Scholars have realised that successful conservation of biodiversity around parks and reserves depends on the land-use choices of people living in these areas.

In the beginning I relied on newspaper articles for information about recent developments in land tenure and wildlife policy in the Mara, as I judged them to be relatively balanced and trustworthy. However, during my fieldwork I realised that articles published in these two newspapers did not give an accurate picture of developments in the Mara<sup>9</sup>. In the end I decided to only use newspaper articles as sources when the content can be corroborated by personal interviews or peer-reviewed articles.

### 1.4.4 Data Analysis

Analysing case study evidence is difficult because there are no well-defined strategies or procedures that can be used. However, a general recommendation is to rely on theoretical propositions in the analysis and build explanations that explain the case

---

<sup>9</sup> Examples of poor journalistic standards include an article from the Daily Nation describing a planned wildlife conservancy on Siana group ranch (Daily Nation 2004) and an article in the Standard that presents sharing of tourism revenue in the Mara entirely from the perspective of Narok County Council (Standard 2005d).



(Yin 2003:111-120). This is what I have done in my analysis of the establishment of the OOC.

After returning from my fieldwork, I started writing out my research data as a chronological story covering developments in wildlife policy, land tenure, tourism and the local institutional setting in the time between Kenyan independence and today.

As a second step, I reorganised the text based on the concepts of path dependence and contracting. First, I identified the events that most critically influenced power relations in the community and rewrote my historical data to focus on these events and their consequences. Then I rewrote my account of the establishment of Olare Orok Conservancy to highlight the interests and resources of the different actors who were involved in the institutional creation process.

My third step was to write an analytical text that cultivated the use of path dependence and contracting to analyse the establishment of Olare Orok Conservancy. In this text I identify the critical historical events, specify which institutional paths were chosen and describe how these institutional paths were self-reinforcing. I also identify the actors who influenced the creation of Olare Orok Conservancy, specify their interests and resources and describe how they created alliances to further their interests in the institutional creation process.

#### **1.4.5 Validity and Reliability**

Validity and reliability are two important indicators of the quality of social research. Qualitative research has been accused of being subjective by nature, but there are several ways to ensure validity and reliability of qualitative data.

Validity refers to whether research findings really reflect the social phenomenon that is studied (Kvale 1997:165). In other words, do the data I have collected really explain the establishment of wildlife conservancies in the Mara?

One of the steps I took to ensure valid data was to carefully specify my research question and discuss this operationalisation with key informants. In this way I made sure that my questions made sense to my informants and that their answers reflected important aspects of the phenomenon I wanted to study.

Another strategy I utilised to ensure data validity was to use multiple methods and data sources. By coupling evidence from different actors in the local community with information from documents and peer-reviewed articles my findings became more precise and trustworthy.

Finally, by applying a theoretical framework I could establish causal relationships and substantiate that the causes I identify really lead to the consequences I specify.

Reliability refers to whether research findings are consistent and free from biases and errors (Yin 2003:37). If another investigator carried out a case study of the establishment of Olare Orok Conservancy and followed exactly the same procedures, would he find the same results?

Reliable research is conducted in a way that is transparent and open to scrutiny. In my research I make conscientious references to my sources of information to enable other scholars to assess the quality of my data. My list of references provides information about where to access the written documents I have utilised. Interviews are listed with names and location, and informants can be contacted to verify the data. The methods I used to collect and analyse data are also described in detail. Thus I have constructed a “chain of evidence” (Yin 2003:105) that allows an external observer to follow the research process from initial research questions to the final conclusions of my study.

#### **1.4.6 Research Ethics**

All research on social phenomenon pose ethical challenges that need to be considered. Both the nature of the research process and the results that are published

may have possible implications for the people who are being studied. As researchers, our concern for the well-being of our respondents should always be more important than our yearning for good data.

Scholars generally agree on three ethical guidelines in qualitative research: informed consent, confidentiality, and “do no harm” (Kvale 1997:66; Thagaard 2003:22). I had to consider all three guidelines in my research on the establishment of wildlife conservancies in the Mara.

The principle of *informed consent* is an ethical minimum standard in all research. It implies that participation in research should be voluntary and respondents should be informed about the aim of the research project and how research data will be used (Thagaard 2003:23; Kvale 1997:67). I informed all my respondents that I was writing a master’s thesis on the establishment of wildlife conservancies in the Mara, both when making appointments and at the start of each interview.

A second ethical guideline is the principle of *confidentiality*. As a general rule, confidentiality implies not publishing information that can reveal the identity of informants. To disclose the identity of an informant a researcher should have the informants consent (Kvale 1997:68). At the beginning of each of my interviews I told my informants that they could stay anonymous if they did not wish to have their names and details published in my thesis. In a few cases, informants gave information that I thought could put them in a difficult situation, such as allegations about corruption among community leaders. On these occasions I asked my informants again if they wished to remain anonymous if I used the information. Several of my informants argued that they wanted this information to be made public and saw no reason to remain anonymous if I published it.

A third ethical guideline is that researchers should *do no harm* through their research. In its weak form this principle implies that research subjects should suffer no physical or psychological harm (Thagaard 2003:26). Some scholars go further and argue that respondents’ advantages from the research should outweigh their disadvantages (Kvale 1997:69). In the Mara many community members are tired of

researchers who spend hours of their time and give nothing back. Research results seldom reach the community who could benefit from them.

I tried to make my research benefit the local community in several ways. As a start, my thesis raises awareness about the exclusion of the Maasai from tourism revenue and analyses which conditions are favourable to the establishment of wildlife conservancies that benefit the local landowners. I will send the thesis to my informants by e-mail and also plan to bring a number of printed copies when I return to Kenya in July 2008.

My fieldwork in the Mara also benefited the local community in a more tangible way. I rented a car from one of the local landowners and paid another landowner to be my driver and assistant. Wherever we went in the area we would pick up passengers on our way. Finally, I stayed at an eco-camp that is recognised for supporting the local community.

## 1.5 Outline of Thesis

In this chapter I have introduced the topic and case of my study, specified my research questions, presented a theoretical framework to study these questions and described the methods I follow to collect and analyse data. My topic is the establishment of wildlife conservancies in the Mara and I use Olare Orok Conservancy as a case because it is a unique example of a successful conservancy. The questions I try to answer in the study are which actors influenced the establishment of the OOC and how the institutional setting influenced the interaction among these actors. I use rational choice institutionalism and historical institutionalism as a theoretical framework and the concepts of contracting and path dependence to structure the analysis of these questions. Interviews with key actors and literature on resource management in the Mara are my main data sources in this work.

The second chapter establishes a theoretical framework for my research. I introduce new institutionalism as an approach to study the establishment of wildlife conservancies in the Mara and discuss how institutional development and change is treated within rational choice institutionalism and historical institutionalism. I also construct an analytical framework based on these two versions of new institutionalism that use the concepts of path dependency and contracting to explain institutional development and change.

In the third chapter I give an overview of the historical changes in wildlife policy and land tenure in the Mara since independence and describe the establishment of Olare Orok Conservancy. I pay special attention to how actors with different interests and resources influence the processes of institutional creation.

The fourth chapter is divided in two parts. In the first part I use the concept of path dependence to analyse the historical changes in wildlife policy and land tenure that determine which institutional options are available for the local population to benefit from wildlife tourism. In the second part I identify which actors influenced the establishment of Olare Orok Conservancy and how they created alliances to further their interests in the institutional creation process.

In the fifth and final chapter I summarise the thesis, present my main findings, explain how my findings can contribute to the research field and point out some directions for further research.

## 2. Theoretical Framework

My aim in this study is to explain the establishment of Olare Orok Conservancy by looking at how individuals with different interests and resources interact to establish the conservancy and how their interaction is influenced by the institutional setting in the Mara.

There are several possible ways to approach these issues, but one way is to look at the establishment of wildlife conservancies from a neo-institutional perspective. Neo-institutionalism describes how individuals create institutions, but also how the institutional setting influences which actions individuals can take (Hall & Taylor 1996:950). Rational choice institutionalism and historical institutionalism are two versions of new institutionalism that are particularly useful to explore my case as they direct attention to the conscious design of institutions and the importance of historical processes in determining institutional development (Hall & Taylor 1996:950; Thelen 1999:400).

In this chapter I first give a quick overview of new institutionalism. I then take a closer look at historical institutionalism and rational choice institutionalism and examine how they describe the nature of institutional development and change. Finally, I construct an analytical framework that utilises insights from both rational choice institutionalism and historical institutionalism to analyse the establishment of Olare Orok Conservancy.

### 2.1 New Institutionalism

The term “new institutionalism” implies that there must also be an “old institutionalism”, that is somehow different from the new. Old institutionalism developed towards the end of the nineteenth century. Its scholars raised institutional and normative questions, and often sought to discover which institutions would work best, given the goals of a political system (Scott 2001:6). However, old

institutionalism was gradually replaced by a behaviouralist approach that tried to eliminate normative elements within political science (Peters 2005:12; Scott 2001:7).

New institutionalism developed as a reaction to the behavioural perspective and has tried to shift the attention of political analysis back to institutions (Hall & Taylor 1996:936; Peters 2005:16; Scott 2001:8). New institutionalists argue that institutions constrain and empower behaviour and consequently play an important role in the determination of economic, social and political outcomes (Hall & Taylor 1996:936; Scott 2001:8).

Several different varieties of new institutionalism have emerged within the social sciences. It is now common to distinguish three different schools of new institutionalism within political science<sup>10</sup>: historical institutionalism, rational choice institutionalism and sociological institutionalism (Hall and Taylor 1996:936; Thelen 1999:369).

Some scholars argue for the wholehearted embrace of one particular version of new institutionalism, at the expense of others. However, each of the different schools of new institutionalism seem to provide a partial account of the forces at work in a given situation, capturing different dimensions of how human action and institutional settings influence social outcomes (Hall & Taylor 1996:955). No single version of new institutionalism can provide a complete understanding of institutional phenomena.

I have chosen to utilise insights from historical institutionalism and rational choice institutionalism in studying the establishment of Olare Orok Conservancy. Rational choice institutionalism recognizes the purposive creation of institutions by drawing attention to the benefits they produce for their creators. Historical

---

<sup>10</sup> Other scholars identify several more varieties of new institutionalism. Scott (2001) distinguishes five varieties within economics, politics and sociology. Vatn (2005) identifies three different sub-branches within new institutional economics. Peters (2005) categorises seven different versions of new institutionalism just within political science.

institutionalism focuses on how choices made in the past affect the establishment of institutions in the present.

Below I give a short outline of historical institutionalism and rational choice institutionalism and discuss how they explain institutional development and change.

### **2.1.1 Historical Institutionalism**

The label “historical institutionalism” is used to describe a set of varied contributions within several social science disciplines (Hall & Taylor 1996:937). However, they share some general features, four of which will be outlined below.

First, historical institutionalists are eclectic in their description of the relationship between institutions and individuals, using both the “calculus approach” and the “cultural approach” (Hall & Taylor 1996:940). The “calculus approach” views individual behaviour as instrumentalist. Individuals behave strategically to maximise the attainment of their goals. This the same view of human nature that we find in rational choice institutionalism. In contrast, the “cultural approach” does not see behaviour as fully strategic, but bounded by an individual’s worldview. Individuals turn to established routines or familiar patterns of behaviour to attain their purposes (Hall & Taylor 1996:939).

Second, historical institutionalism emphasizes asymmetric power relations and its impact on the development and operation of institutions (Hall & Taylor 1996:940). Institutions are not neutral arenas where external interests compete, but rather complex structures with rules and procedures that generate independent interests and affect the business that is conducted (Scott 2001:34). Institutions distribute power unevenly across social groups, giving some actors disproportionate access to the decision-making process (Hall & Taylor 1996:941).

Thirdly, the most distinctive feature of historical institutionalism is its attention to the path dependence of historical development. The basic idea of this perspective is that choices made at one point in history, will have a continuing and



determinate influence over events in the future. When an institutional path is created there is a tendency for the initial choices to persist. The path may be altered, but it requires a critical event to produce that change (Peters 2005:71).

Finally, historical institutionalists are open to integrate non-institutional factors in the analysis of political outcomes (Hall & Taylor 1996:942). Many studies in the historical institutionalist literature use non-institutional variables like socio-economic development and diffusion of ideas to explain the adoption of policies or institutions (Peters 2005:75).

### **2.1.2 Rational Choice Institutionalism**

Rational choice institutionalism represents an extension of new institutional economics perspectives of transaction costs and bounded rationality, and applies the same principles to the study of political institutions (Scott 2001:34). Rational choice institutionalism contains internal debates and variations in outlook, but below I present some features that are central to the approach.

First, rational choice theorists generally consider individuals to have a fixed set of preferences and to behave instrumentally in order to maximise their attainment of these preferences (Hall & Taylor 1996:944; Peters 2005:48; Scott 2001:35). Individuals behave in a highly strategic manner that requires extensive calculation. However, individual maximisation also leads to dysfunctional behaviour such as free-riding and shirking (Peters 2005:50).

Second, institutions are established by rational individuals seeking to further or protect their interests (Peters 2005:48; Scott 2001:34). The primary motivation of these individuals is utility maximisation and they may find that they can realise their goals most effectively through institutions. In rational choice institutionalism, politics is generally defined as a series of collective action dilemmas, where individuals acting to maximise their own preferences produce an outcome that is collectively suboptimal. Institutions are then created to regulate behaviour and solve these collective action dilemmas (Hall & Taylor 1996:945; Scott 2001:35).

Thirdly, rational choice institutionalism emphasizes the role of strategic interaction between actors in determining political outcomes (Hall & Taylor 1996:945). Individual behaviour is not driven by impersonal historical forces, but by a strategic calculus and expectations about the behaviour of others. Institutions structure strategic interactions by constraining the range and sequence of alternative choices. They also provide information and enforcement mechanisms that reduce uncertainty about the behaviour of others. This provides a political space where interdependent political actors can function (Hall & Taylor 1996:945; Peters 2005:48-49).

Finally, the formation of institutions is explained by reference to the specific functions that an institution performs. Actors create institutions to realize the functional value that it has for them, most often in terms of gains from cooperation. Accordingly, the institutionalization process is characterized by voluntary agreement by the relevant actors (Hall & Taylor 1996:945). In contrast to other models of new institutionalism, the rational choice perspective assumes that institutions are being created from scratch and that the actors are free to choose the design of their institution (Peters 2005:51). This assumption leaves little concern for the impact of history on the creation of new institutions.

### **2.1.3 The Nature of Institutional Development and Change**

In order to explain the establishment of Olare Orok Conservancy it is necessary to look closer at how these two versions of new institutionalism explain institutional development and change. I argue that the two perspectives complement each other in explaining how institutions are created and transformed.

Within historical institutionalism, institutional change is often approached through the concepts of punctuated equilibriums and critical junctions (Peters 2005:77). Institutions are seen as mainly existing in equilibrium states, punctuated by critical junctures in which institutional developments moves onto a new path. Historical institutionalism has been criticised for being more concerned with the

persistence of organisations than their creation (Peters 2005:76). However, some historical institutionalist scholars introduce the concept of self-reinforcing processes as an alternative way to look at path dependence (Thelen 1999:371). This approach combines the analysis of institutional stability and institutional change and is closer to rational choice institutionalism.

Rational choice institutionalism has produced an elegant account of how institutions are created, focusing primarily on the functions they perform and the benefits they produce for their members (Hall & Taylor 1996:952). The approach is largely functionalist as it explains the origin of institutions in terms of the effects they produce. Rational choice institutionalists also assume that institutional creation is a purposive process, largely under the control of actors seeking to secure their interests. Many scholars within this school view institutional creation as a voluntary contracting process, where equal and independent actors agree on rules to govern their actions (Hall & Taylor 1996:952).

Rational choice institutionalists have been criticised for failing to explain the origin of institutions and ignoring the institutional inefficiencies we observe in society. They have also been accused of providing simplistic accounts of the motivation and resources of actors and failing to recognise the influence of power asymmetries on political outcomes (Hall & Taylor 1996:952).

Historical institutionalism avoids the functionalist and voluntarist “traps” that rational choice institutionalism falls into. While many rational choice theorists treat institutional creation as some kind of “tabula rasa”, historical institutionalists argue that new institutions are created in a world that is already replete with institutions. Existing institutions create power relations that give some actors more power than others over the development of new institutions (Hall & Taylor 1996:954).

## 2.2 Analytical Framework

The previous section discussed two versions of new institutionalism, rational choice institutionalism and historical institutionalism, and explored how these two perspectives view the nature of institutions. This section uses elements of the two perspectives to develop an analytical framework that can guide the analysis of the creation of Olare Orok Conservancy.

The first part of the analytical framework describes how historical processes influence the institutional choices of individuals. I apply the logic of path dependence and self-reinforcing processes to explain how institutional choices made in the past influence which institutional choices are possible to make in the present.

The second part of the analytical framework uses the concept of “contracting” to specify how actors interact strategically to establish institutions. By using this concept we can identify how actors have different interests and use their resources to further their own interests in the creation of the conservancy.

### 2.2.1 Tracing Historical Processes

History matters. Historical developments strongly influence which institutional options are available in the present. By using the concepts of path dependency and self-reinforcing processes we can analyse how historical events altered power structures in the community and influenced which institutional options were available for the creators of the OOC.

#### *Path dependence*

The basic idea of path dependence is that decisions made in the past continue to influence the alternatives available in the future. In this perspective, institutional choices tend to have self-reinforcing consequences. Once actors establish an institution, they are likely to find it very difficult to change or reverse their decision. Political options that were once plausible, or at least possible, are no longer available

to the actors (Pierson & Skocpol 2002:10). Only “critical incidents” may alter the path. Thus, events that take place in the early stages of a historical process gain added importance (Mahoney 2000:510).

### *Critical junctures*

With path dependence, the events and processes that take place at “critical junctures” are essential (Pierson & Skocpol 2002:10). Critical junctures are characterised by the adoption of a specific institutional arrangement. They are critical because once a particular institution is created it becomes progressively more difficult to return to the initial point when other alternatives were still available (Mahoney 2000:513).

In my description of the historical processes leading up to the creation of Olare Orok Conservancy, changes in wildlife policy and land tenure are such critical junctures. Changes in wildlife policy and land tenure alter power structures in the communities, and lead to the creation of new institutions for wildlife management.

### *Self-reinforcing processes*

Self-reinforcing processes are sequences where “initial steps in a particular direction induce further steps in the same direction such that over time it becomes difficult or impossible to reverse direction” (Mahoney 2000:512). Historical institutionalists specify different mechanisms that produce self-reinforcement<sup>11</sup>. I base my analysis of self-reinforcing processes on power mechanisms as I view intra-group conflicts as an important feature of institutional development in the Mara.

Scholars who adopt “power” explanations of self-reinforcing processes emphasise how institutions distribute costs and benefits unevenly. Actors with different resource endowments will consequently have conflicting interests related to institutional development and change (Mahoney 2000:521). To explain how self-reinforcing processes sustain institutional arrangements we need to identify who has

---

<sup>11</sup> The concept of “increasing returns” (North 1990) is often used to explain self-reinforcing processes.

invested resources in a particular institutional arrangement, how that investment is sustained over time and how outsiders are kept out (Thelen 1999:391).

Once created, institutions are reinforced through a predictable power dynamic: an institution initially empowers a group at the expense of others; the advantaged group uses its power to expand the institution; the expansion of the institution increases the power of the advantaged group; and so on (Mahoney 2000:521). Thus, self-reinforcing processes may have a crucial impact on power relations in the community. Initial power asymmetries of a modest character, may be reinforced over time and become embedded in institutions (Pierson & Skocpol 2002:10).

In the Mara, the establishment of group ranches may be one example of self-reinforcing processes. The institutional rules of the group ranches concentrated power in the hands of the leadership, who used this power to divert a large share of group ranch resources to themselves, thus further increasing their power in the community.

The idea of self-reinforcing processes may seem as an overly static view of the social world. However, power based accounts of path dependency do not see institutional reproduction as inevitable. Institutions rest on ideational and material foundations, and if these foundations are shaken, institutions may change (Thelen 1999:397). Institutional development is a conflictual process and specific groups are disadvantaged by institutional persistence. There is always a dynamic of potential change built into institutions (Mahoney 2000:523).

North (1990:98-99) also notes the limits of path dependence: “At every step along the way there were choices (...) that provided real alternatives. Path dependence (...) is not a story of inevitability in which the past neatly predicts the future”.

## **2.2.2 Analysing Institutional Development**

In my analysis of the establishment of Olare Orok Conservancy it is necessary to move beyond the institution-as-remedy view, which is sometimes found in rational

choice institutionalism, and place the distributive nature of institutions at the centre of the analysis. Individuals vary in the amount of resources they possess and the institutions they construct can be exclusionary or redistributive (Gibson 1999:11).

To describe how landowners interacted to create the OOC I borrow the concept of “contracting” from Libecap (1989). Contracting refers to how individuals and organisations bargain to change rules and customs regarding the allocation and use of property (Libecap 1989:4). Libecap develops a full model of property rights change in society, but only the part that concerns changes in the local community is applicable to my analysis.

In the bargaining over creating or modifying an institution, the stands taken by various actors will be moulded by their private interests and expectations about the actions of others (Libecap 1989:4). The actors must see their welfare improved in order for them to support institutional change, and all actors have incentives to seek as large a share of rents as possible under the new institutional arrangement (Libecap 1989:11). Individuals are also likely to choose structures that reinforce their bargaining and coercive power. Because of the strong distributional implications of institutional change, the bargaining process is likely to be divisive.

In order to understand the political nature of institutional creation we must identify the actors who were involved, determine their interests and resources, and assess the contextual factors that influence their choices (Libecap 1989:11). These are key issues that will be addressed in my analysis of the establishment of the OOC.

### *Identifying the actors*

A first step in an institutional analysis is to identify the actors who are involved in the process of institutional creation. Actors can be categorised based on their interests and resources, and those groups who do not have a direct influence on the establishment of the conservancy can be left out.

A starting point for identifying the relevant actors can be to look at the literature about natural resource management in Kenya. Thompson and Homewood

(2002:117) have identified four interest groups as central to resource management decisions in the Mara: i) *group ranch members*, ii) *local elites*, iii) *district/national elites* and iv) *external entrepreneurs*. Swallow and Kamara (2000:255) also identify a fifth group that has a strong interest in land-use decisions in Kenya: v) *development assistance agencies and non-governmental organisations*. Based on my fieldwork I revise these groups of actors to come up with the actors that have the greatest influence on the establishment of Olare Orok Conservancy<sup>12</sup>.

### *Determining the interests of actors*

A second step in my institutional analysis can be to determine the interests that guide actors in the establishment of institutions. These interests depend upon how actors view their welfare under the proposed institutional arrangement, as relative to other institutional options (Libecap 1989:11).

How actors assess their expected welfare under a new institutional arrangement is dependent on the information actors have about the costs and benefits associated with different institutional options (Ostrom et al. 1994:29). While benefits include different forms of income the actor expects to receive under the new institutional model, costs may include the expenses associated with both setting up and running the new institutions (Ostrom 1990:195-8).

In evaluating the costs and benefits of different institutional options, actors are affected both by societal norms and how they evaluate future benefits (discount rates) (Ostrom 1990:193). Norms may influence decision making, because breaking them can lead to personal discomfort or sanctions from the community. Discount rates may influence decisions if individuals attribute less value to expected benefits in the distant future as compared to benefits in the immediate future (Ostrom 1990:205-6).

---

<sup>12</sup> In Chapter 4.2.1 I identify four groups of actors that influence the establishment of the OOC: i) ordinary landowners, ii) young landowners, iii) local elites, and iv) tourism entrepreneurs.



The potential benefits of establishing a wildlife conservancy in the Mara may include incomes from leasing out land and new job opportunities in the tourism industry. Costs may derive from having to give up other land-uses, organising meetings and registering the organisation or the employment of staff to manage the conservation area.

Among the Maasai, the creation of a wildlife conservancy may be influenced by social norms that give high value to consensual decision-making, the opinions of elders and fairness in the allocation of resources. The time horizons of individual landowners is likely to be affected by whether they expect to continue living in the area and whether they see opportunities for more rapid benefits from other land uses.

### *Identifying resources*

A third step in my institutional analysis is to specify the resources that different actors possess. Resources may include material wealth, social status and networks, information, knowledge and skills. The actors use these resources to further their private interests in the establishment of institutions.

All actors possess some resources or means to affect a decision. However, some actors have greater access to resources than other, giving them greater leverage in institutional creation processes. The resources that are available to different actors are often highly dependent on the institutional setting (Ostrom 1990:198).

In the Mara, many landowners are poor and may have limited opportunities to pay the costs associated with institutional formation. Many of them are also illiterate and may have limited access to information regarding legal and economic affairs. Local elites have far more resources than ordinary landowners and greater opportunities to influence institutional choices.

### *Assessing contextual factors*

A final step is to identify the contextual factors that influence actors in their decisions to establish institutions. Decisions may be influenced by the contemporary

characteristics of the community or more long-term environmental factors (Libecap 1989:18). Ostrom et al. (1994:37) identify three different categories of contextual variables that affect individual choices: i) attributes of the physical world, ii) the nature of the community, and iii) the institutional setting.

First, the institutional choices of individuals are affected by the attributes of the physical world. Which actions and outcomes are available, and individuals' knowledge of these opportunities, may depend on physical factors (Ostrom et al. 1994:44). In the Mara, these physical factors may include the size and location of a proposed conservation area, the location of settlements, the quality of the soil and the presence of tsetse flies in the area.

Second, the choices individuals make are influenced by the attributes of the local community. In homogenous communities where individuals interact regularly, norms of behaviour become a form of social capital that can advance collective action (Ostrom et al. 1994:45). In the Mara, differences in material endowments among landowners and whether a group of residents belong to the same Maasai sub-clan may influence the institutional choices that individuals make.

Finally, the institutional setting influences the choices that individuals make. Institutions as rules define which actions are permitted and prohibited and thereby constrain some actions and empower others (Ostrom et al. 1994:38). The institutional setting is comprised of both national and local policies and structures. In relation to the creation of wildlife conservancies in the Mara, individual choices may be influenced by national policies on wildlife and land tenure, but also by local traditions for decision-making on the group ranches.

### **2.2.3 Summary**

In this chapter I have given a brief outline of historical institutionalism and rational choice institutionalism and discussed how they describe institutional development and change. Rational choice institutionalism views institutional development as a

voluntary contracting process in which individual actors seek to establish an institution that secures their interests. Historical institutionalists argue that new institutions are created in a world that is replete with institutions and that the institutional setting create power asymmetries that give some actors greater leverage than others in the development of new institutions.

Rational choice institutionalism and historical institutionalism give different accounts of institutional development. Rather than choosing one over the other, I see them as complementary in understanding processes of institutional development and change. Taken together, the two perspectives predict that institutions will change when individuals see an opportunity to profit, when they possess the resources necessary to bring about change and when the institutional setting provides an opportunity for change.

The analytical framework is based on these two versions of new institutionalism. It uses two main concepts to analyse institutional development and change. Path dependence refers to how historical events create institutional paths that are sustained through self-reinforcing processes. Contracting draws attention to how actors with different interests and resources bargain to adopt or change institutions.

### **3. Empirical Data**

In the previous chapter I discussed how the concepts of path dependence and contracting can be used to study how institutional development and change. The two perspectives describe how actors with different interests and resources interact to establish institutions and how their interaction is influenced by the institutional setting. In this chapter I describe how the institutional setting in the Mara has influenced which opportunities are open to landowners and how different actors have interacted to establish a wildlife conservancy on Olare Orok.

The first part of this chapter traces the changes in land tenure and wildlife policy in the Mara since independence. It describes how these changes in the institutional setting alter power relations in the community and affect the ability of the Maasai to organise themselves to benefit from wildlife tourism.

The second part of the chapter describes the establishment of Olare Orok Conservancy. It illustrates how different actors had different motivations to establish the conservancy and how they influenced the institutional creation process.

#### **3.1 Wildlife Policy and Land Tenure in the Mara after Independence**

The development of wildlife policy and land tenure in Kenya is crucial to understanding the institutional alternatives that are available to the Maasai on the group ranches bordering the Maasai Mara National Reserve. Wildlife policy and land tenure determines the ownership of resources and thereby the authority to make decisions about resource use. Consequently, they critically influence power relations in the community, by determining the distribution of wealth among actors.

Below I give a short description of the development of land tenure and wildlife policy in the Mara during the first decades after independence. I further illustrate how

---

these institutional arrangements severely limited the ability of the Maasai to organise to benefit from wildlife revenues.

### **3.1.1 1963-1989: The Establishment of MMNR and Introduction of Group Ranches**

The Kenyan government continued to pursue a colonial wildlife policy after independence from Britain in 1963. Conservation practises were still based on establishing protected areas from which local residents were excluded. The white minority in Kenya and later the international community continued to have a strong influence on wildlife policies.

Three events had a particular impact on the institutional options that were available to the local Maasai population: the establishment of the MMNR, the ban on consumptive utilisation of wildlife, and the establishment of group ranches.

#### *The establishment of protected areas and shifts in wildlife policies*

National parks and reserves were established in Kenya after the end of the Second World War, mainly as a result of strong pressure by a small conservation lobby comprised of expatriates in the tourism industry (Azumi & MacDonald 1993:7; Gibson 1999:41). The Maasai Mara National Reserve was established in 1961 and Narok County Council was given the responsibility to manage the reserve on behalf of the local population (Lamprey & Reid 2004:1008; Rutten 2002:4).

The local communities never participated in the establishment of the Maasai Mara National Reserve. The creation of the reserve excluded the Maasai from their traditional grazing lands and their losses were not compensated (Azumi & MacDonald 1993:7). It was clear to the Maasai that protected areas were created to benefit white Europeans, not the local community (Gibson 1999:42).

While local communities received little revenue from wildlife tourism in the MMNR, another way to benefit from wildlife remained open: consumptive utilisation of wildlife. By the early 1970s, sports hunting had grown to become a large industry

and an important source of income for the local communities<sup>13</sup> (Norton-Griffiths et al. 2006:6). While wildlife viewing was confined to a small area close to the reserve, sports hunting created revenues throughout Narok district.

At the same time, significant illegal hunting took place in Kenya and many politicians and bureaucrats were deeply involved in the illegal wildlife trade (Gibson 1999:73). In an attempt to stop the poaching of wildlife and conserve biodiversity, all hunting was banned in 1977 under the new Wildlife Act (Kameri-Mbote 2005:7; Mburu 2004:4). The ban failed to curb poaching, but hurt the local community who lost a crucial source of income (Gibson 1999:74).

### *The introduction of group ranches in the Mara*

Land had traditionally been held under common ownership in the Mara, but in the late 1960s the government introduced the concept of group ranches to the Mara (Azumi & MacDonald 1993:7; Rutten 2002:5). Land was sub-divided into portions and groups of Maasai were assigned titles to group ranches. By registering their members, adopting constitutions, and electing management committees, the group ranches could acquire loans from the government to develop shared ranch infrastructure such as dams and cattle dips (Lamprey & Reid 2004:999; Mwangi 2005:8; Mwangi 2007:818). Koyiaki was one of 11 group ranches that were established in the Mara in the early 1970s (Lamprey & Reid 2004:1002).

The group ranch program was an attempt by the government to increase meat production on the rangelands, manage the land in a more sustainable way, and permanently settle the nomadic Maasai (Azumi & MacDonald 1993:19; Lamprey & Reid 2004:999; Mwangi 2005:8; Mwangi 2007:818). Ordinary Maasai did not necessarily accept, or even understand, the aims of the program, but agreed as it gave them protection against land grabbing by in-migrants and elites (Mwangi 2005:10).

---

<sup>13</sup> Norton-Griffiths & Said (2008:3) estimate the consumptive wildlife industry to have been worth around USD 20 million in 1977.

---

The local elites opposed the creation of group ranches at first because their large cattle herds would be confined to smaller areas, but later supported the program as many of them were granted large individual ranches. By granting enhanced tenure security to ordinary Maasai and paying off the local elites with lucrative side deals, the government managed to push through this formalisation of land tenure in Maasailand.

The establishment of group ranches was meant to equalize power relations between wealthier and poorer Maasai. The Land (Group Representatives) Act (Republic of Kenya 1968) stated that members should have equal ownership of the group ranch and required that regular elections were held (Mwangi 2005:8). Contrary to intentions, the introduction of group ranches contributed to widen the gap between elites and ordinary group ranch members. Elections were seldom held and management committees wielded considerable power over the management of resources. Through social influence, insider knowledge and access to administrative channels, the committee members diverted a substantial amount of group ranch revenues into their own pockets (Azumi & MacDonald 1993:19; Lamprey & Reid 2004:1021; Thompson & Homewood 2002:118).

Ordinary group ranch members were dissatisfied with the corrupt group ranch management. Less than 10 years after the creation of group ranches members were calling for the dissolution of group ranches in the Mara. The sub-division of group ranches became official government policy in the mid 1980s, when president Daniel Arap Moi urged members to subdivide group ranches and develop their own pieces of land (Mwangi 2005:13). In the Mara, the sub-division process started in the mid 1980s, but was stalled by protracted court battles over boundary and entitlement disputes (Norton-Griffiths et al. 2006:8).

### **3.1.2 1989-2000: Community Conservation and the Formation of Wildlife Trusts**

Kenya experienced a massive increase in tourism during the 1980s. By 1988 it received more than 800,000 international visitors each year, bringing an estimated USD 350 million into the country<sup>14</sup> (Akama 1999:6; Gibson 1999:74). More than 30 % of these visitors passed through the Maasai Mara (Honey 1999:309).

Even though the overall profits from wildlife tourism in the Mara were high, only a small proportion of revenues reached people living on the group ranches. In 1987, wildlife tourism generated an estimated total income of KES 445 million (USD 42 million) in the Mara. The bulk of profits accrued to large commercial operators, mostly owned by white Kenyans of European origin (Earnshaw & Emerton 2000:323). Narok County Council captured 5 % of the total income from wildlife tourism. The group ranches received less than 1 % of tourism revenues, most of which was captured by local elites (see fig. 2).

While commercial operators seized the lion's share of tourism revenues in the Mara, the local Maasai did little to challenge their control over tourism revenues. The Maasai lacked the skills to engage in the tourism business and the tourism entrepreneurs were also protected by national political elites, as tourism was an important source of foreign currency for the Kenyan government (Earnshaw & Emerton 2000:323; Gibson 1999:74).

Instead, the group ranches turned to Narok County Council (NCC) to demand a greater share of tourism revenues. Narok County Council held the MMNR in trust for the local population, but group ranch leaders argued that local residents did not receive any benefits from the reserve. Tourism revenues were spent on projects throughout Narok district, instead of benefiting the local Maasai who paid the costs of having wildlife on their land (Honey 1999:311). Group ranch leaders also

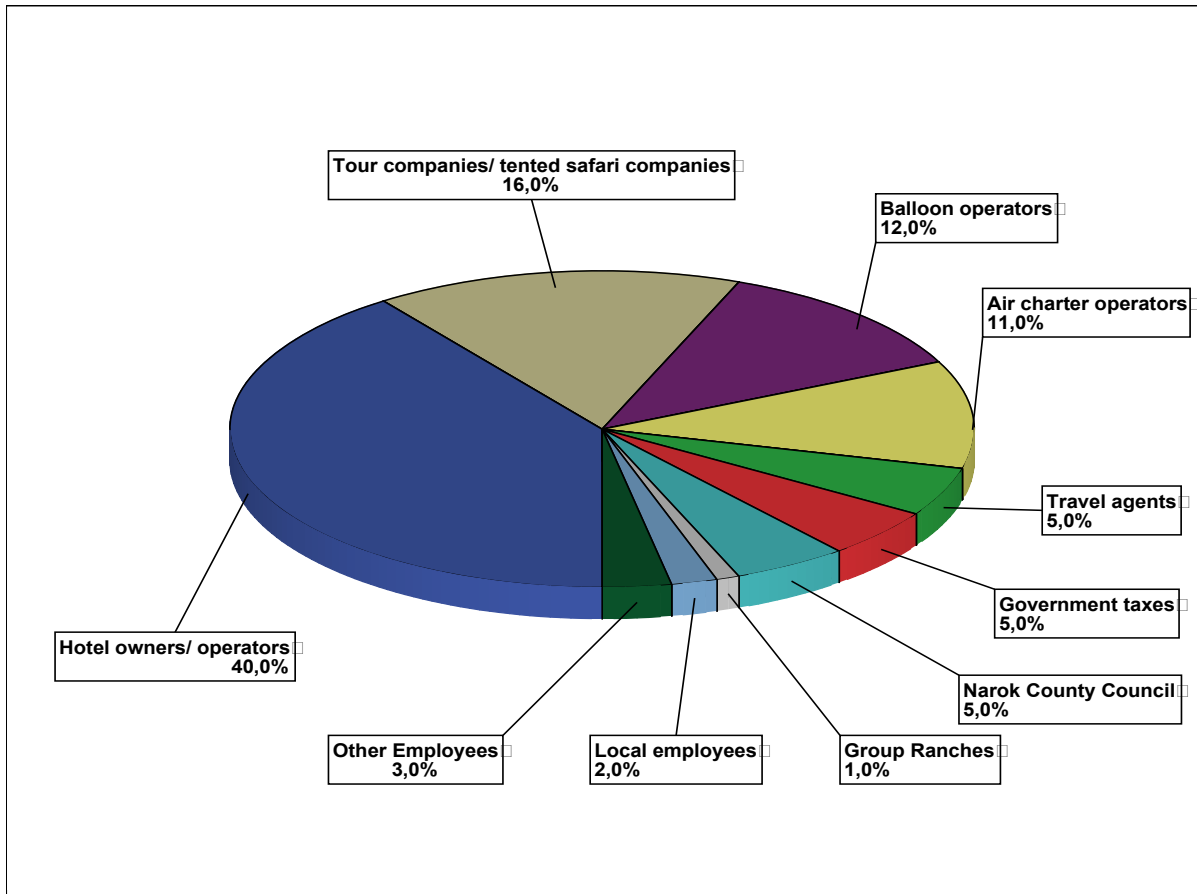
---

<sup>14</sup> In 1980 Kenya received approximately 350,000 visitors, bringing USD 20 million into the country (Gibson 1999:74).



criticised NCC officials for engaging in massive corruption and for completely lacking transparency regarding the collection of revenue from the reserve<sup>15</sup> (Azumi & MacDonald 1993:6; Honey 1999:312).

Figure 2: Distribution of Maasai Mara earnings in 1987



Adapted from Earnshaw & Emerton (2000:325).

In the early 1990s, Kenya Wildlife Service (KWS) introduced a new policy of community participation in wildlife management, a move that would strengthen the position of group ranch leaders in relation to the NCC.

### *The introduction of community participation in wildlife management*

The Kenyan government had largely failed to manage the nation's wildlife during the 1980s, but was forced to take action by pressure from foreign governments and

<sup>15</sup> A World Bank official estimated that the NCC was collecting between USD 1,5-2 million from MMNR per year in the early 1990s (Honey 1999:312).

international conservation organisations. In 1989 the management of wildlife was transferred to Kenya Wildlife Service, a new parastatal that was relatively independent of the government (Barrow et al. 2000:81; Honey 1999:299; Rutten 2002:7).

The new director of KWS, Richard Leakey, carried out a remarkable transformation of Kenya's corrupt wildlife management. By 1991 KWS had drawn up a new policy framework that explicitly recognised the value of community participation in wildlife management (Barrow et al. 2000:81; Honey 1999:301). The framework facilitated the formation of Community Wildlife Service (CWS) to forge partnerships with communities outside the parks and enable them to benefit from the presence of wildlife on their land (Mburu 2004:5).

International donors enthusiastically welcomed these changes in wildlife policy and lined up to contribute. USAID started the Conservation of Biodiverse Resource Areas project (COBRA) in 1992 to help KWS implement its new community conservation approach. The COBRA project aimed to conserve wildlife by increasing the socio-economic benefits of wildlife conservation to communities living adjacent to national parks and reserves (Barrow et al. 2000:23; Honey 1999:301). One way the COBRA program tried to encourage community participation was by sharing 25 % of KWS revenues from gate fees with communities neighbouring selected parks (Barrow et al. 2000:82; Honey 1999:301; Rutten 2002:7). This soon led to demands from communities countrywide to get a share of wildlife revenue in their neighbouring parks.

### *Establishment of wildlife trusts in the Mara*

The changes in wildlife policy encouraged the group ranches around the MMNR to challenge Narok County Council for a share of revenues from gate fees. Private landowners on Olchorro Oiroua took NCC to court and in 1994 they won a ruling

---

allowing them to collect gate fees from visitors staying on their land<sup>16</sup> (Barrow et al. 2000:86; Lamprey & Reid 2004:1024; Thompson & Homewood 2002:127). They established the Olchorro Oiroua Wildlife Management and Conservation Association (OOWMCA) and started collecting revenues from visitors staying in tourism facilities on their own land, but also from three lodges located on neighbouring Koyiaki and Lemek group ranches.

Group ranch members on Koyiaki and Lemek realised that they were being cheated by the OOWMCA and started blocking tour vehicles from lodges on Olchorro Oiroua. An agreement was reached and the newly created Koyiaki-Lemek Wildlife Trust (KLWT) was allowed to collect wildlife revenue from the lodges on Koyiaki and Lemek (Thompson & Homewood 2002:127; Lamprey & Reid 2004:1024). The local elites on Koyiaki and Lemek were initially opposed to the wildlife association, but soon realised they could benefit and established themselves as leaders in the fledgling association (D. Kaelo 06.03.08 [Interview]).

The wildlife trusts generated large amounts of revenue. The trust officials became very powerful within the community, as they controlled the allocation of funds for education bursaries, health schemes and development of infrastructure on the group ranches (D. Kaelo 06.03.08 [Interview]). However, very little of the tourism revenue was distributed to ordinary group ranch members. The majority of tourism revenue was diverted into the pockets of trust officials by various administrative mechanisms (Thompson & Homewood 2002:127; Lamprey & Reid 2004:998).

In 1997 Koyiaki-Lemek Wildlife Trust paid 16% of its income as dividends to members, while another 6,5 % was used for education bursaries, health schemes and roads. The remaining income (77,5%) was used for salaries and benefits for trustees and staff (55,5 %), and for other operational costs (22%). Individual Board Members

---

<sup>16</sup> At the time, the official park fees were USD 20 per person per day (Honey 1999:315).

received sitting allowances of up to USD 4000 per year (Thompson & Homewood 2002:127).

### **3.1.3 2001-2006: Subdivision of Land and Fragmentation of Wildlife Trusts**

In the Mara, the revenues from wildlife tourism increased greatly during the 1990s (Earnshaw & Emerton 2000:327). Park entrance and game viewing fees increased substantially<sup>17</sup> and the bed capacity of lodges doubled from 1987 to 2000<sup>18</sup>. By 1999 the group ranches were so saturated with lodges and camps that the Ministry of Tourism placed a moratorium on further developments in the area (Lamprey & Reid 2004:1024).

The returns to the local population rose more than proportionally during the same period. Earnshaw and Emerton (2000:328) estimate that by 2000 about 10% of gross income from wildlife tourism was collected by Narok County Council, while an additional 5 % accrued to the group ranches. Wage-earning opportunities also increased due to the expansion of the tourism industry. However, the local population was still marginalised in the distribution of tourism revenues.

Local elites had benefited greatly from tourism revenues in the 1990s due to their leadership positions on the wildlife trusts. However, a sub-division process was under way on the group ranches that would soon lead to the dissolution of these wildlife trusts.

#### *Subdivision of group ranches*

At the end of the 1990s, the many court-cases blocking subdivision in the Mara were coming to an end, and the group ranches started to divide the communally owned

---

<sup>17</sup> MMNR gate fees increased from USD 5 in 1987 to USD 27 in 1996 (Earnshaw & Emerton 2000:328)

<sup>18</sup> The bed capacity of the lodges in the Mara increased from 1,080 in 1987 to 1,896 in 2000 (Earnshaw & Emerton 2000:328)

---

land into small parcels with individual title deeds (Norton-Griffiths et al. 2006:8). Lemek completed the subdivision process in 1999, while on Koyiaki individual titles were issued on land located next to the MMNR in 2002 (Lamprey & Reid 2004:1022; Thompson & Homewood 2002:115).

Group ranch members in the Mara had several incentives to sub-divide communally owned land. Security of tenure was perhaps the most pervasive incentive, as group ranch members felt threatened that their land could be grabbed by corrupt elites or swallowed by the enlargement of protected areas (Norton-Griffiths et al. 2006:8; Norton-Griffiths 2008). Second, group ranch members were motivated by the opportunity to capture revenue directly at household level without going through corrupt group ranch committees. Thirdly, they wanted to avoid further dilution of common resources by population growth and in-migration (Lamprey & Reid 2004:1021; Norton-Griffiths et al. 2006:8; Norton-Griffiths 2008). And finally, subdivision allowed group ranch members to capture the rising value of land<sup>19</sup>, by selling their individual parcels or assessing credit to develop them (Norton-Griffiths et al. 2006:9; Norton-Griffiths 2008).

Generational changes also played an important role in the sub-division process in the Mara. A younger generation with better education had emerged, who wanted greater control of their own future. They saw sub-division as the key to secure economic independence for themselves and their families (Norton-Griffiths et al. 2006:8).

The principle of land-allocation on Koyiaki was for all members to get an equal share of land close to where they lived (D. Kaelo 06.03.08 and J. Sipitiek 07.03.08 [Interviews]). However, local elites, who had access to the group ranch register and a map giving the location of plots, were able to manipulate the sub-division process for their own benefit. By changing the location of their land, they

---

<sup>19</sup> Land values on group ranches in the Mara rose by almost 400 % after subdivision (Norton-Griffiths et al. 2006:9)

secured plots in areas with tourism facilities, permanent access to water or favourable grazing (Lamprey & Reid 2004:1022; Thompson & Homewood 2002:118).

The sub-division of group ranches shook up the established patterns of control in the community and opened up new opportunities for social institutions to develop (Thompson and Homewood 2002:134). Initially, the sub-division of land led to the fragmentation of wildlife trusts and the exclusion of many landowners from tourism revenue. However, the individualisation of landownership also gave rise to new institutions such as wildlife conservancies.

### *The exclusion of landowners and fragmentation of wildlife trusts*

Conservation NGOs feared the consequences of sub-division and hastily assisted the communities in developing a natural resource management plan for Koyiaki, Lemek and Olchorro Oiroua group ranches (Lamprey & Reid 2004:1025). The plan prescribed the zoning of the areas into three different land uses: i) wildlife and tourism, ii) livestock grazing, and iii) agricultural production (ACC 2001).

After Lemek completed the subdivision process in 1999, the leadership of Koyiaki-Lemek Wildlife Trust saw an opportunity to limit the number of people benefiting from tourism income. Residents of Lemek with land in the agricultural and livestock zones were excluded from tourism revenues on the grounds that they already had other sources of income and did not have tourism facilities or vehicles on their land (Thompson & Homewood 2002:128).

The same exclusionary processes took place on Koyiaki after the sub-division of land in the areas close to the MMNR was finalised in 2002. The landowners in this part of Koyiaki had their plots located in the wildlife zone and decided to exclude other landowners from getting a share of the tourism revenue (D. ole Muli 10.03.08 [Interview]). They argued that other landowners did not give up any land for conservation and therefore did not deserve any tourism income. The last group to be excluded was landowners in the wildlife zone who were located too far away from

---

the tourism facilities to have tour vehicles enter their land (D. Kaelo 06.03.08 [Interview]).

During the same period of time, Kenya faced a heavily contested parliamentary election. In Narok South, where Koyiaki and Lemek are located, two candidates battled fiercely for the votes<sup>20</sup>. The two parliamentary contenders tried to enlist the support of wildlife trust officials, as these trustees had significant political power in the community. Soon the trustees of KLWT were divided in two opposing camps, each supporting a different candidate. These political divisions created mistrust and KLWT broke into four splinter groups, two on each group ranch (D. Kaelo 06.03.08 [Interview]).

Local elites saw the new wildlife associations as vehicles for personal enrichment and political careers and continued the corrupt practises of the wildlife trusts. Dissatisfaction with the management of these new wildlife associations caused yet more splinter groups to be formed (D. Kaelo 06.03.08, J. Rakwa 09.03.08 and J. Kisemei 10.03.08 [Interviews]) increasing the number of wildlife associations to four on Lemek and six on Koyiaki<sup>21</sup>.

### *The establishment of wildlife conservancies*

While the subdivision of group ranches led to the fragmentation of wildlife trusts and exclusion of landowners from tourism revenue, it also created opportunities for landowners to create new institutions to benefit from wildlife tourism.

By 2005 the Kenyan ministry of local government was demanding an end to the sharing of revenue from the MMNR, directing that Narok County Council should be the only agent to collect gate fees from visitors going into the reserve (The

---

<sup>20</sup> Ethnic division is a regular feature in Kenyan politics, but did not play a significant role in Narok South constituency, as the local population is almost entirely Maasai.

<sup>21</sup> On Koyiaki group ranch: Koyiaki Wildlife Association\*, Maasai Mara Conservation Association\*, Koyiaki Landowners Wildlife Association, Reto Wildlife Association, Saruni Wildlife Association, Koyiaki Talek Wildlife Conservation Association \*Initial splinter groups after the 2002 elections (D. Kaelo 06.03.08 [Interview]).

Standard 2005a; 2005b; 2005c). With the end of tourism revenue sharing in sight<sup>22</sup>, Maasai landowners were looking for new institutional models to benefit from wildlife tourism.

Different landowners in the wildlife zone close to the reserve made several attempts to capture tourism revenue by pooling their land together to create conservation areas. By keeping these areas undeveloped they could charge tour operators to take tourists for game viewing (Norton-Griffiths et al. 2006:9). The majority of these conservation areas failed due to poor management, but Olare Orok Conservancy is a success story that continues to create revenues for its members.

### **3.1.4 Summary**

The establishment of MMNR in 1961 and the ban on consumptive utilisation of wildlife in 1977 largely excluded the Maasai from wildlife revenue. The introduction of group ranches in the early 1970s concentrated power in the hands of local elites who used their positions to misappropriate group ranch revenues.

In the beginning of the 1990s, KWS introduced a new wildlife policy that recognised the participation of communities in wildlife conservation. The new wildlife policy empowered local communities to establish wildlife trusts and successfully challenge Narok County Council for a share of tourism revenue. Due to the persistence of group ranches, these revenues were largely appropriated by the local elites.

The subdivision of group ranches in the period between 1999 and 2002 altered power relations in the community and opened new opportunities for landowners to benefit from wildlife tourism. Land privatisation initially led to an exclusion of some landowners from tourism revenues and the dissolution of wildlife trusts. However,

---

<sup>22</sup> In July 2006 Narok County Council stopped sharing MMNR-revenues with the wildlife associations (A. Stuart 11.03.08 [Interview]).



individual titles to land also allowed landowners to pool their land and create wildlife conservancies to benefit from wildlife tourism.

### 3.2 The Establishment of Olare Orok Conservancy

Despite a moratorium on new developments being in place, more than 50 new lodges and camps were built in the Mara between 2000 and 2006 and the bed capacity doubled from approximately 2000 bed nights to over 4000 bed nights (Ecotourism Kenya 2006:10). This unchecked development of tourism facilities led to a congestion of the Maasai Mara National Reserve, reducing its aesthetic value. As a result, tourism entrepreneurs were looking for more exclusive wildlife areas where they could take their clients (I. Feyo 08.03.08 [Interview]).

Landowners on Olare Orok had been excluded from tourism revenues after the subdivision of land and initially started their own wildlife association to demand a share of the revenue. Other splinter groups had been successful in demanding revenues by stopping tour vehicles on their land, but as no vehicles were entering Olare Orok, they failed to capture a share of tourism revenues (Kaelo 06.03.08 [Interview]).

Local elites realized that their only opportunity to benefit from wildlife tourism was to establish a private conservation area on their land. By pooling their land together and removing settlements and cattle, they could offer tourism entrepreneurs exclusive access to a prime wildlife viewing area (Kaelo 06.03.08 [Interview]).

### 3.2.1 Decision-making Process

Kipeen ole Sayielel, an ex-chief on Koyiaki, had the key initiative to establish the conservancy. Together with a group of community leaders he visited every boma<sup>23</sup> in the area, convincing the other landowners about the need to benefit from tourism. These community leaders subsequently gathered the landowners in the area for several barazas, or public meetings, where they discussed how to make money from wildlife tourism (D. Rakwa 12.03.08, J. Siololo 07.03.08 and D. Kirokor 14.03.08 [Interviews]).

After the community members had agreed on the need to set up a conservancy, Sayielel approached Ron Beaton and Dickson Kaelo for help (D. Rakwa 12.03.08 [Interview]). Beaton was a former lodge-owner who had recently bought land in the area to retire after 30 years in the tourism industry. Kaelo was a researcher with the International Livestock Research Institute (ILRI) and former manager of KLWT. Sayielel argued that they had a beautiful piece of land with a lot of tourism potential, but they needed partners in the tourist industry who could finance the conservancy and help set up a business model (Kaelo 06.03.08 [Interview]). Beaton had many contacts in the tourism industry and put the landowners in contact with Jake Grieves-Cook of Porini camps. Grieves-Cook had previous experience with setting up a conservancy close to Amboseli National Park and was immediately interested in the idea (J. Grieves-Cook 03.03.08 and R. Beaton 09.03.08 [Interviews]).

Kaelo and Beaton came up with a business model for the conservancy together with the tourism partners. They were aware of the fluctuations in the tourism industry in Kenya and specifically sought to establish a model that would protect the local communities from harm (R. Beaton 09.03.08 [Interview]). The result was a business model where the tourism partners would lease the land from the landowners and

---

<sup>23</sup> A "boma" is a traditional Maasai homestead comprised of a central livestock corral surrounded by a ring of low huts (Lamprey & Reid 2004:1001).

guarantee them a fixed income, regardless of the number of tourists who visited the conservancy.

Sayielel and Beaton organised more than 30 meetings with the landowners over the next six months to convince them to join the conservancy. Maasai elders are traditionally very sceptical to change and two issues were especially controversial: the proposed business model and the issue of moving people out of the conservancy (D. Kaelo 06.03.08 and R. Beaton 09.03.08 [Interviews]).

The business model of the OOC differed from previous arrangements for wildlife management on the group ranches in two important ways. First, tourism revenue being paid to landowners was not directly linked to the number of tourists visiting the conservancy. Instead, the landowners would be paid a fixed monthly sum to lease out their land. This arrangement implied that landowners would be paid the same amount of money in times of booms and crises. Not only was this arrangement different from what they were used to, but the tourism business was also booming at the time. This meant that landowners in other areas were making more money from entrance fees than what members of the OOC would be paid to lease out their land (R. Beaton 09.03.08 [Interview]).

Second, the business model specified that revenue would be collected and distributed by an independent body and that there would be no sitting fees for members of the landowners committee. Leadership positions in wildlife trusts and associations had traditionally been very lucrative for the individuals who occupied them. Several landowners on Olare Orok had ambitions to get elected as officials in the proposed conservancy and benefit from such leadership positions (R. Beaton 09.03.08 and E. Tira 13.03.08 [Interviews]).

Sayielel and Beaton managed to convince the landowners that a lease-structure would be the best solution and that an independent body could best handle the collection and distribution of revenue. Young, educated landowners played a crucial role in the resolution of these two issues as they understood the business model and

could counsel the older generation. However, many landowners were illiterate and as many as one-third of them probably signed up to the conservancy without understanding the business model (R. Beaton 09.03.08 [Interview]).

The second controversial issue was the question of moving people and settlements out of the conservancy. Local leaders realised that it would be much easier to reach an agreement with the tourism partners if the area was less developed (D. Kaelo 06.03.08 [Interview]).

The local landowners were not against the idea of setting up a conservancy, but they had lived on the land for a long time and grown accustomed to the area. There was good grazing for the cattle and access to water. Many landowners had also built solid houses with tin roofs that were difficult to move (J. Siololo 07.03.08 [Interview]).

Sayielel and Beaton argued that people should open their eyes to the fact that they could not survive on cattle alone. The conservancy would give landowners a steady income and the camps within the conservancy would provide jobs for the community. But in order to access these benefits people had to move out of the conservancy (J. Siololo 07.03.08 and D. Naurori 09.03.08 [Interviews]).

Some landowners lived on other peoples land and could easily be removed. Other landowners held pieces of land in other areas of Koyiaki and could move their bomas to these parcels. The process was greatly simplified by the effort of local elites who assisted landowners with the costs of moving their buildings and belongings. After three months all the bomas were removed from the area (D. Rakwa 12.03.08 and D. Kaelo 06.03.08 [Interviews]).

### **3.2.2 Negotiation and Implementation**

After the residents had moved out, Olare Orok became a very beautiful area. Animals came out of hiding and the vegetation grew back. A lot of people now realized the

---

potential the area had for wildlife tourism and wanted to invest in the conservancy (D. Kaelo 06.03.08 [Interview]).

Finally the community was ready to negotiate. Ron Beaton was appointed the representative of the landowners, as he had long experience dealing with the *mzungus*<sup>24</sup> in the tourism industry. The tourist partners, represented by Jake-Grievess Cook, made the first proposal about how much they would pay to lease the land. The offer was based on the payoffs to agriculture in different rainfall zones in the Mara. To secure long-term stability, the conservancy should be preferable to competing land-use options, like agriculture.

The final lease agreement ended a bit higher than the first offer, at KES 1500 per hectare per year<sup>25</sup>. While Beaton was able to push Grievess-Cook quite successfully, the tourist partners had the upper hand as they could always pull out of the negotiations (J. Grievess-Cook 03.03.08, D. Kaelo 06.03.08 and R. Beaton 09.03.08 [Interviews]).

The agreement between landowners and tourism entrepreneurs was reached in May 2006, but the conservancy only took shape gradually. It started by occupying only a third of today's size, but grew slowly as more and more landowners realised that they could benefit (J. Grievess-Cook 03.03.08 [Interview]). The initial agreement took the form of a memorandum of understanding for an 18-month period. If any of the parties were dissatisfied with the agreement they could back out after this period ended (R. Beaton 09.03.08 [Interview]).

The landowners were used to being cheated by politicians and leaders, and this gradual implementation of the conservancy was necessary to keep their trust. When the landowners received their first payment, Sayielel and Beaton brought the whole

---

<sup>24</sup>“Mzungu” is Swahili for a white or European person.

<sup>25</sup> Average size of land-holdings is 60 hectares (150 acres) (R. Beaton 09.03.08 [Interview]).

USD 20,000 in cash. The landowners wanted to see the money with their own eyes to believe it was true<sup>26</sup> (R. Beaton 09.03.08 [Interview]).

Six months before the first agreement ended, a meeting of landowners was organized to discuss the future. The landowners had experienced that the model was working and that they were being paid regularly (R. Beaton 09.03.08 [Interview]). The tourist partners offered to increase the rent to 2000 KES per hectare per year, regulated for increases in MMNR game viewing fees, and the land-holders agreed to sign on to five-year leases for their land.

The process of signing the leases went on until November 2007 when agreements had been signed with 154 landowners (I. Feyeo 08.03.08 [Interview]). Some young landowners had still not signed up to leases as they were unhappy with the management of the conservancy and wanted more money. They argued that community leaders benefited more from the conservancy as some of them owned larger parcels of land<sup>27</sup> and were being paid for having camps on their land (D. Naurori 09.03.08 and D. Kirokor 14.03.08 [Interviews]).

Ten young landowners pulled out of the conservancy in 2007 to set up their own wildlife viewing area. They negotiated an agreement with the neighbouring Nyumbo lodge and were paid fees of USD 40 per client per day (D. Naurori 09.03.08 [Interview]). In the beginning the members of Nyumbo trust were paid almost double of what landowners on Olare Orok Conservancy received. However, with the onset of the post-election violence in Kenya in January 2008, the tourists disappeared from the Mara and the revenue collected by the Nyumbo trust dropped to almost nothing. By March 2008, four of the landowners that originally defected to the Nyumbo trust had signed leases with the OOC (I. Feyeo 08.03.08 and R. O'Meara 27.03.08 [Interviews]).

---

<sup>26</sup> Landowners now receive their rents into personal bank accounts (R. Beaton 08.03.08 [Interview]).

Currently, there are virtually no tourists in the Mara due to the post-election violence in Kenya. Most landowners in the dispersal areas around the MMNR receive no tourism incomes, as their revenues are linked to the number of tourists who visit the area. Olare Orok Conservancy is probably the only solvent conservancy in the Mara today. All the camps in the OOC are closed, but the tourist partners have guaranteed to pay the landowners for leasing their land and the landowners still receive 10 000 KES (USD 150) into their accounts each month (R. Beaton 09.03.08 [Interview]).

### **3.2.3 Summary**

Landowners on Olare Orok were excluded from wildlife revenues and realised that establishing a wildlife conservancy was their only opportunity to benefit from wildlife tourism. Tourism entrepreneurs were looking for more exclusive wildlife areas where they could take their clients due to the overcrowding of the MMNR.

Local elites had the most to benefit from the establishment of a wildlife conservancy and convinced the other landowners to join. They employed the resources of two facilitators to help set up the conservancy. These two facilitators played a central role in the creation of the OOC by coming up with an institutional model and facilitating the decision-making process in the community.

Two controversial issues complicated the institutional creation process. First, the proposed institutional model was different from previous institutional arrangements on the group ranches. Landowners would receive a fixed monthly sum instead of getting a fee per tourist who visited the conservancy. And revenues would not be handled by elected officials, but by an independent body.

Second, people and settlements had to be removed from the proposed conservation area. The landowners supported the idea of a conservancy, but removing

---

<sup>27</sup> Sayielel owns 1000 acres of land in the conservancy, compared with the 150 acres of regular landowners (D. Kaelo 06.03.08 [Interview]).

their settlements and cattle involved costs related to transportation and finding new areas to settle and graze their animals.

Conservative older landowners were initially sceptical to these changes. Local elites allied with educated young landowners to convince their older relatives of the benefits of the new conservancy. The costs of landowners were also mitigated by an agreement to allow grazing of cattle in the conservancy during the tourism low-season and the provision of free transportation for moving their settlements.

Landowners were used to being cheated by their leaders and the implementation of the conservancy took place gradually to build trust in the community. The initial agreement arranged for an 18-month trial period after which the landowners could back out if they were dissatisfied. Only after this period did they sign on to formal leases. The first payments were made in cash so the landowners could see with their own eyes that they were not being cheated

A group of young landowners were unhappy with the distribution of revenues and argued that local elites benefited more from the conservancy than ordinary landowners. They pulled out of the OOC to establish their own conservancy, but due to the post-election violence in Kenya their income dwindled. Four of these young landowners have now signed on to leases with the OOC.

Currently there are no tourists in the Mara and most landowners in the areas around the MMNR receive no tourism income, as their revenues are linked to the number of tourists visiting the area. All the camps in the OOC are closed, but landowners still receive the monthly rents that their leases guarantee them.



## 4. Analysis

The previous chapter describes how the institutional setting in the Mara has influenced which opportunities are open to landowners and how individuals have interacted to establish a wildlife conservancy on Olare Orok. In this chapter I use the concepts of path dependence and contracting to analyse these processes.

The first part of the chapter analyses how changes in wildlife policy and land tenure altered power structures in the community and opened a path for the creation of new institutions in the areas bordering the MMNR.

The second part of the chapter analyses the interaction among actors in establishing the conservancy. It identifies which actors had the most influence on the establishment of the conservancy, which interests and resources they had, and how they formed alliances to further their own interests in the institutional creation process.

### 4.1 Path Dependence in Distribution of Wildlife Revenues in the Mara

Current social phenomena can not be adequately comprehended without a proper understanding of how they have been shaped by the past. Decisions made in the past continue to influence which institutional options are available in the present (Pierson & Skocpol 2002:10).

By using the concept of path dependence we can trace the historical processes that influenced which institutional options were available for landowners on Olare Orok. Path dependence is based on the identification of a critical juncture that starts an institutional path. The path is reinforced over time as the feasibility of adopting other institutional alternatives diminishes and is perpetuated until a new critical juncture disrupts the path. (Mwangi 2006:159).

The establishment of the Maasai Mara National Reserve and the ban on consumptive utilisation of wildlife created an institutional path that excludes the Maasai from wildlife revenue. However, the introduction of community conservation policies in the 1990s and the subdivision of group ranches around the year 2000 disrupted this institutional path and created new alternatives for institutional development in the Mara.

#### **4.1.1 Exclusion of the Maasai from Wildlife Revenues**

During the first decades after independence, a situation was established in which the Maasai were largely excluded from wildlife revenues.

The first critical event that triggered this institutional path was the creation of Maasai Mara National Reserve in 1961. The establishment of the reserve removed traditional grazing land from the control of the local Maasai population and transferred the territory to Narok County Council.

The formation of the MMNR benefited tourism entrepreneurs, the government, and the county council. Tourism entrepreneurs could use the reserve as an exclusive wildlife viewing area for tourists. Narok County Council generated tourism revenues from park fees, while the central government benefited through taxes from the tourism industry. The increasing number of tourists that visited Kenya in the 1980s turned the MMNR into a cash cow for these interests.

The exclusion of the local Maasai from tourism revenues became a self-reinforcing institutional path as an alliance of conservation interests, tourism entrepreneurs and the local and central government benefited from the sustained operation of the reserve. The local Maasai were largely uneducated and had few resources to take up the fight against these powerful actors.

The ban on the commercial exploitation of wildlife in 1977 was a second critical event that further reinforced the institutional path that excluded the local Maasai from wildlife revenues. The ban transferred the ownership of all wildlife

resources from the landowner to the state, and stopped the lucrative sport hunting industry that had been an important source of income for the local communities.

The ban was introduced as a result of pressure from foreign governments and international conservation organisations to stop the poaching of wildlife. The Kenyan government feared that these actors could hold back development aid and hurt the image of Kenya as a tourism destination if it did not comply.

Once again the local Maasai had few opportunities to change the institutional path as it was supported by a powerful coalition of international conservation interests, tourism entrepreneurs and the Kenyan government. The local Maasai population continued to be excluded from wildlife revenues until the introduction of community conservation policies by the Kenyan government in the 1990s.

#### **4.1.2 Community Conservation and Sharing of Tourism Revenues**

During the 1990s, the overall institutional path of wildlife revenue distribution in the Mara was maintained. Tourism entrepreneurs, the central government and Narok County Council continued to receive the majority of revenues from wildlife tourism. However, a new opportunity arose that allowed some of the revenue from MMNR park fees to be shared with neighbouring group ranches.

The new KWS wildlife policy was the critical event that triggered the sharing of park fees from the MMNR. The policy recognised the participation of local communities in wildlife conservation and outlined a revenue sharing programme to benefit communities living adjacent to national parks and reserves.

The change in wildlife policy was a result of strong pressure from the international community to stop the loss of biodiversity in Kenya. The Kenyan government complied as feared damage to Kenya's image as a pristine tourism destination.

The new wildlife policy empowered local elites on the group ranches adjacent to the MMNR to challenge the local county council over park fees from the reserve.

Narok County Council was forced to share gate fees from the reserve as government agencies actively supported the local communities in their endeavours to benefit from wildlife on their land.

The perseverance of the group ranch system maintained an institutional setting where local elites captured a majority of tourism revenues that accrued to the group ranches, while ordinary members to a large degree were excluded from tourism incomes. Decision-making power on the group ranches was allocated to a small group of people who used their power to misappropriate funds and further strengthen their power in the community. During the 1990s, these group ranch officials used their power to establish themselves as leaders of the new wildlife trusts and continue their corrupt practises.

The sharing of revenue from the MMNR reinforced the exclusionary practises on the group ranches by further strengthening the position of group ranch officials. These local elites benefited from the status quo and had few incentives to change the institutional arrangements that influenced the distribution of wildlife revenues in the Mara. This institutional setting remained in place until the group ranches were subdivided around the year 2000.

#### **4.1.3 Sub-division of Land and Empowerment of Individual Landowners**

The institutional path that largely excluded the Maasai from tourism income still remained in place at the turn of the millennia. However, the privatisation of land altered power structures in the community and opened up new paths for institutional development.

The completion of sub-division on group ranches in the Mara around the year 2000 gave ordinary group ranch members control over the use of their own land and strengthened their power in the community. Local elites were weakened as they could no longer use their positions as group ranch officials to exercise power.

The change in power relations had several effects on the institutional set-up in the community. One result of sub-division was the exclusion of landowners from tourism revenue. Individual titles to land made it easy to define who “owned” the wildlife viewing areas and exclude the other landowners from benefiting. Another effect of land privatisation was the fragmentation of the wildlife trusts into several wildlife associations. The sub-division of the group ranches had weakened the position of local elites and empowered a new generation of leaders to break out and form their own wildlife associations.

The individualisation of landownership also opened up new institutional paths for landowners to benefit from wildlife tourism. Individual titles to land allowed landowners to pool their land together and negotiate directly with tourism entrepreneurs to create wildlife conservancies. In contrast to the old group ranch system, they now controlled their own land had the power to claim a fair share of revenue from these private conservation areas.

#### **4.1.4 Summary**

The establishment of Maasai Mara National Reserve and the ban on consumptive utilisation of wildlife created an institutional path where the Maasai were largely excluded from wildlife revenue. This path was self-reinforcing as a powerful coalition of tourism entrepreneurs, conservationists and the local and central government benefited from sustaining the institutional setting.

KWS introduced community conservation policies and thereby empowered group ranches to claim a share of MMNR revenues. However, the perseverance of the group ranch system allowed local elites to misappropriate the tourism revenues that accrued to the group ranches.

The subdivision of group ranches in the Mara altered power relations in the community by giving ordinary landowners greater control over their land. Local elites were forced to take their interests into account, giving ordinary landowners greater potential to benefit from wildlife tourism.

## 4.2 The Establishment of Olare Orok Conservancy: A Rational-actor Analysis

Individuals create institutions to promote their private well-being and as a result the process of institutional creation is likely to be divisive (Libecap 1989:11; Gibson 1999:12). In order to explain the establishment of Olare Orok Conservancy, it is therefore necessary to describe the actors who influenced the process, identify their interests and resources and explore how they established alliances to further their interests in the institutionalisation process.

### 4.2.1 Actors, Interests and Resources

Four main groups of actors influenced the creation of Olare Orok Conservancy: i) ordinary landowners, ii) young landowners, iii) local elites, and iv) tourism entrepreneurs. Two individuals played a central role in facilitating the institutional creation process and constitute a fifth category.

Below I describe the five categories of actors that were involved in creating the conservancy, discuss their interests in developing the conservancy, and identify which resources they used to promote their interests.

#### *i) Ordinary landowners*

Landowners on Olare Orok are former group ranch members, who were allocated parcels of land when the group ranch was subdivided<sup>28</sup>. Since only family heads were registered as group ranch members, the majority of landowners are men, with the exception of a few widows who have inherited their husbands. Livestock keeping is the dominating livelihood of landowners on Olare Orok.

---

<sup>28</sup> There are 154 landowners in Olare Orok Conservancy and the average size of individual parcels is 60 hectares (150 acres) (I. Foyo 08.03.08 [Interview]).

---

## Interests

The main interest for ordinary landowners on Olare Orok was to maximise their return from the land. The landowners held their land under freehold tenure and were free to choose among several alternative ways of using their land<sup>29</sup>. Their land-use decisions were primarily based on the differential returns available from agricultural, livestock and wildlife production (Norton-Griffiths et al. 2006; Norton-Griffiths 2007; Thompson & Homewood 2002).

Agricultural rents in the Mara are on average much higher than the rents available from either livestock production or wildlife tourism<sup>30</sup> (Norton-Griffiths 2007). However, on Olare Orok land could not be leased out for mechanised agriculture, due to the poor quality of the soil and the lack of infrastructure in the area. While small-scale agriculture and livestock grazing were alternative land-use options, they could not compete with the rents that could be derived from wildlife tourism (I. Feyo 08.03.08 [Interview]).

The proposed conservation area was highly suitable for wildlife tourism and landowners could generate significant revenues by leasing out the land to tourism entrepreneurs. The terrain was aesthetically pleasing with hills, rivers and trees and provided good sites for tourism facilities. Its location on the border of the MMNR also meant that animals could move freely between the conservancy and the reserve (D. Kaelo 06.03.08 [Interview]).

For the landowners, the most important potential cost associated with the establishment of the conservancy was the obligation to move their settlements out of the conservancy. Relocating their bomas involved both labour efforts and the costs of transportation. However, this cost did not apply to all landowners as some owned

---

<sup>29</sup> Lamprey & Reid (2004:1025) identify five different land-use options that are available for individual landowners: i) commoditisation of livestock production, ii) amalgamation of landholdings to create conservancies for wildlife tourism, iii) small-scale cultivation, iv) lease out land for mechanised agriculture, and v) sale of land.

<sup>30</sup> See Annex 2: Returns to agriculture, livestock and wildlife in the Mara Area, as a function of mean annual rainfall.

land that was uninhabited due to the seasonal presence of tsetse flies<sup>31</sup>. For the landowners that had to move, the costs were mitigated by the fact that many also had parcels in other areas of Koyiaki where they could settle (D. Kaelo 06.03.08 [Interview]).

Another potential cost associated with the creation of the OOC was the removal of cattle from the conservancy. Landowners still needed a place to graze their cattle after the establishment of the conservancy, but with the subdivision of land on Koyiaki, it was becoming increasingly difficult to find grazing areas. Thus, ordinary landowners had a major interest in continued access to the conservancy for livestock grazing (I. Feyo 08.03.08 [Interview]).

## **Resources**

At first glance it may seem like ordinary landowners on Olare Orok had few resources to promote their interests in the creation of the OOC. Most of them were illiterate and they had little exposure to the wider world. With their limited knowledge of external affairs they lacked the prerequisites to understand complex business models. They also lacked the financial resources necessary to facilitate the creation of a conservancy.

The landowners had one crucial resource, though, their title to land. Under Kenyan law they had almost complete freedom in deciding over their own land and this literally gave them veto power in the creation of the conservancy. If one or more landowners decided to pull out and develop their land, the conservancy would lose the pristine character that made it attractive to tourism entrepreneurs, and the conservancy would fail. These “veto powers” were strengthened by the Maasai tradition of democratic and consensual decision making. Important decisions in the community would be made at public meetings (barazas) where all adult males would be present.

---

<sup>31</sup> Tsetse fly-bites can transmit sleeping sickness to both humans and animals. If not treated, the disease is potentially fatal (Encyclopædia Britannica Online 2008).



---

However, an element of group pressure existed in the community. If landowners decided to pull out and develop their land, it would also undermine the opportunity of other landowners to benefit from wildlife tourism (R. O'Meara 27.03.08 [Interview]). If landowners had decided to pull out they are likely to have met discontent from other landowners, and possibly faced social sanctions.

### *ii) Young landowners*

The young landowners are the last generation of men who were admitted as group ranch members, before the group ranch was subdivided. Many of them have benefited from primary and secondary education, thanks to educational bursaries from Koyiaki-Lemek Wildlife Trust. Most of them are between 20 and 30 years old.

### **Interests**

The young landowners shared the interest of other landowners in maximising the returns from their own land through wildlife tourism and also faced the same potential costs of removing settlements and cattle from the conservancy. In addition they were motivated to establish a wildlife conservancy by the prospect of wage-earning opportunities. Many of them had attended school and were prime candidates for jobs if the conservancy was established.

Young landowners were aware of how wildlife trust officials had used their power to misappropriate tourism revenues in the past and did not want the same to happen if a wildlife conservancy was established on Olare Orok. Being located at the bottom of the Maasai hierarchy they had a special interest in the establishment of structures and rules to ensure a fair distribution of revenues in the proposed conservancy.

### **Resources**

Ownership to land was still the most important resource to the young landowners. However, they had some advantages in furthering their interests in comparison to the older generations. Most importantly, they had greater access to information and a better understanding of institutional issues. Attending school had taught them to read,

write and do maths, skills that were crucial to understand business models and governance structures proposed by the local elite and tourism entrepreneurs. Some of the young landowners had also been employed in the tourism industry and knew something about how it operated.

### *iii) Local elites*

Local elites are individuals who have previously occupied leadership positions in group ranches and wildlife associations, or have been employed in the local government administration. They often own large amounts of land, cattle and commercial properties, and as noted above, their accumulation of wealth has usually been closely linked to the positions they have occupied.

As Olare Orok is a small area, the local elite counted only a handful of members. Kipeen ole Sayielel was arguable the most influential among these members. He had previously been a chief<sup>32</sup> of Koyiaki location and owned large tracts of land and valuable commercial properties<sup>33</sup>.

### **Interests**

The local elites who were involved in the establishment of Olare Orok also shared the interest of maximising the returns from their land. However, they had a stronger interest in creating the conservancy, as they expected to benefit more than other landowners<sup>34</sup>. Sayielel owned large areas of land in Olare Orok and would receive a much higher rent from leasing out his land to the conservancy than other landowners<sup>35</sup>. Other members of the local elite controlled prime parcels of land that

---

<sup>32</sup> In Kenya “chiefs” are government employees assigned to administrate a local administrative unit or “location” (CLGF 2008).

<sup>33</sup> Sayielel controlled 400 hectares of land on Koyiaki, six times as much land as the average landowner (D. Kaelo 14.03.08 [Interview]).

<sup>34</sup> Local elites make as much as KES 70 000 – 200 000 (USD 1000 – 3000) from the conservancy each month, as compared to KES 10 000 (USD 140) of normal landowners (R. O’Meara 27.03.08 [Interview]).

<sup>35</sup> Landowners are paid KES 2000 (USD 30) per hectare per year.

were suitable for camps<sup>36</sup>, and could potentially generate additional income from leasing out their land to camps.

The local elite did not live inside the proposed conservation area and had potentially fewer costs related to removing their settlements and cattle from the land. However, convincing other landowners to join the conservancy remained a major potential cost for the local elites. Due to the tradition of consensual decision making, the local elites would have to spend considerable time and material resources to organise public meetings where decisions about the establishment of a conservancy would be made. For every meeting, they needed to provide transport for the participants and slaughter goats or cattle to feed them (R. Beaton 08.03.08 [Interview]).

### **Resources**

The local elites had three important types of resources that gave them great leverage in the institutional creation process. First, they were community leaders and had a lot of authority among the landowners. One of them was a retired chief of Koyiaki location, another had been an official of Koyiaki-Lemek Wildlife Trust, and a third had been a teacher at a local primary school. All of them commanded considerable respect in the community and were listened to by the other landowners.

Second, the local elites had information and contacts that other landowners lacked. They were informed about developments in the tourism industry and had knowledge of different wildlife management models in the Mara. Some had contacts in the tourism industry and could bring in tourism entrepreneurs with financial capital and experience from managing tourism destinations.

Finally, the local elites had financial resources to support the institutional creation process. They used their financial resources to facilitate the decision-making

---

<sup>36</sup> Currently all three camps in the conservancy are located on pieces of land controlled by local elites or their immediate families (D. Kaelo 14.03.08 [Interview]).

process by organising transport and food for landowners taking part in barazas (community meetings). Later they assisted residents of Olare Orok with vehicles to remove their settlements from the conservation area.

#### *iv) Tourism entrepreneurs*

The tourism entrepreneurs were a group of businessmen who were involved in the tourism industry in Kenya. All of them had owner interests in lodges or camps, while one of them also ran a travel agency and a tour company. Most of them are Kenyan citizens of European origin.

Jake Grieves-Cook is the most well-known of the tourism entrepreneurs who took part in the establishment of Olare Orok Conservancy. Grieves-Cook is the owner of Porini camps and Gamewatchers safaris, and has just finished a term as chairman of Kenya Tourist Board. He had previously been involved in setting up the Selenkay Conservancy close to Amboseli National Park<sup>37</sup>.

#### **Interests**

The main interest of these tourism entrepreneurs in setting up Olare Orok Conservancy was to gain exclusive access to a prime wildlife viewing area. The boom in the tourism industry had caused an overcrowding of the MMNR and investors were looking to offer tourists a more exclusive experience. By establishing their own private conservation area they could tap into the very lucrative high-end of the tourism market. Setting up a private conservancy would also give them credit within the growing eco-tourism segment, which could lead to increasing market shares.

Another important motivation for the tourism entrepreneurs was to contribute to the conservation of the Mara ecosystem. Many tourism entrepreneurs feared that the subdivision of group ranches would lead to increased development of land and a

---

<sup>37</sup> See Rutten (2002) for a description of the establishment of Selenkay Conservancy.

loss of biodiversity. Setting up a wildlife conservancy could help protect wildlife on subdivided land.

Tourism entrepreneurs were not taking part in conservation efforts only to provide a common good. Camp owners typically invest a lot of money in their product and tourists come to the Mara specifically to see the beautiful environment. If tourism entrepreneurs did not contribute to conservation efforts, the land around the MMNR would soon have more settlements and agricultural production, thus greatly deteriorating their tourism product.

For the tourism entrepreneurs, the establishment of a conservancy was potentially associated with large start-up costs. The tourism entrepreneurs would have to spend considerable financial resources on negotiating with landowners, registering companies, building camps, hiring employees and marketing the tourism destination. However, they were already established in the tourism industry and did not have to start from scratch in these endeavours.

Due to the large start-up costs associated with the establishment of a conservancy, the tourism entrepreneurs had a strong interest in a stable and predictable operation of the conservancy. They had previously experienced the corruption and infighting of the wildlife trusts and associations. A camp operator could make an agreement with one wildlife association, only to find a few months later that it had split and that several other groups were demanding a share of the tourism revenue. It was crucial for the tourism entrepreneurs to avoid these kinds of problems in the management of the OOC.

## **Resources**

The tourism entrepreneurs controlled resources that made them crucial to a successful establishment of the conservancy<sup>38</sup>. This gave them a strong position in the process of setting up the conservancy.

First, they controlled capital that could be invested in the construction of camps and infrastructure in the conservancy. There are significant start-up costs associated with setting up a private conservation area and it may take several years before the conservancy generates enough income to support its own operations.

Second, the tourism entrepreneurs had broad experience with the formal procedures of establishing tourism businesses. Setting up a conservancy involves registering companies, drawing up contracts and leases and assessing funds from donors. These are tasks that require considerable experience with bureaucratic and legal procedures.

Finally, they had access to domestic and international markets and could bring tourists to the conservancy. There are many wildlife tourism products in Kenya and attracting tourists to your destination requires good connections and an understanding of how to market your destination. Without visitors to the conservancy there would be no revenues to pay the landowners or the management of the OOC.

### *v) Facilitators*

Two individuals played a crucial role as facilitators in the establishment of the conservancy. Ron Beaton is a Kenyan of British origin who has lived and worked in the Mara for over 30 years. He has previously owned and managed Rekeru lodge, but recently retired and bought a parcel of land on Olare Orok. He spends his retirement developing various community projects, such as Koyiaki Guiding School (R. Beaton 09.03.08 [Interview]).

---

<sup>38</sup> A UN study published in 2002 found that 80 % of community-based tourism initiatives collapsed within their first three years of operation, mainly due to lack of knowledge about management and marketing (L. Lindvik 10.03.08 [Interview]).

---

Dickson Kaelo grew up on Lemek group ranch and is a former manager of Koyiaki-Lemek Wildlife Trust. He quit the wildlife trust and was employed by the International Livestock Research Institute in Nairobi as a community facilitator. His contract at ILRI ended during the process of establishing the OOC and towards the end of the process he was paid by the conservancy to facilitate the establishment process (D. Kaelo 06.03.08 [Interview]).

### **Interests**

Kaelo and Beaton's primary motivations to assist in the establishment of the conservancy were a combination of conservation and development reasons. They both saw the creation of wildlife conservancies on the group ranches around the MMNR as the best way to empower the local communities and preserve wildlife under private land tenure. The material benefits they received from aiding the local elites were very limited<sup>39</sup> (J. Grieves-Cook 03.03.08, D. Rakwa 12.03.08, L. Lindvik 10.03.08, and D. Kirokor 14.03.08 [Interviews]).

### **Resources**

The two facilitators had a unique knowledge of the tourism business and the local communities. Beaton had the experience of running a tourist lodge and also had a wide network of contacts in the tourism business. Kaelo had previously been the manager of Koyiaki-Lemek Wildlife Trust and had an acute understanding of the politics of wildlife tourism on the group ranches. Together they had essential knowledge that could be used to design an appropriate institutional structure for the conservancy.

Beaton and Kaelo both had a lot of respect in the local community. In contrast to the local elites they were not benefiting directly from the establishment of the conservancy. Still they had a connection to the local community and were perceived as being on the side of the landowners in the negotiations with the tourism

---

<sup>39</sup> Beaton stood to receive a monthly rent of KES 10 000 (USD 140) from the conservancy, while Kaelo would be paid by the conservancy to facilitate the institutionalisation process (R. O'Meara 27.03.08 [Interview]).

entrepreneurs. Their “neutral” position meant that they could take the interests of different parties into account and that their advice was listened to.

#### **4.2.2 Alliance and Conflict**

In the bargaining over creating an institution, the stands taken by various actors are moulded by their private interests and the expectations they have about the behaviour of others (Libecap 1989:4). The different actors have incentives to seek as large a share of rents as possible under the new institutional arrangement and will try to establish structural arrangements that reinforce their power (Libecap 1989:11; Gibson 1999:12). Actors create alliances with each other to further their own interests in the institutional creation process.

Below I analyse how actors with different interests and resources interacted in the establishment of Olare Orok Conservancy and influenced the design of its institutions.

##### *The institutional creation process*

Local elites had the most to benefit from the creation of a wildlife conservancy on Olare Orok and were the leaders in the institutional creation process. They used their social status to convince the other landowners of the necessity to create a conservation area to benefit from wildlife tourism. The other landowners agreed as they found the establishment of a conservancy the best way to maximise the income from their land.

The local elites employed the resources of two facilitators in the process of establishing the wildlife conservancy. The two facilitators had a unique understanding of the tourism business and could strengthen the position of the elites vis-à-vis the tourism entrepreneurs. They also had a thorough knowledge of the politics of wildlife tourism in the community, and could help design a sustainable institutional structure. Finally, they occupied a more neutral position than the elites



and their recommendation could help bestow legitimacy upon the proposed institutions.

The facilitators put the local elites in contact with tourism entrepreneurs who wanted access to an exclusive wildlife viewing area. Together they created a business model for the OOC. The tourism entrepreneurs needed to be sure of the stability of the conservancy to invest large sums of money in its establishment. In order to secure long-term stability, they proposed an institutional structure where tourism entrepreneurs would lease the land from the landowners. They also proposed to establish a company to manage the conservancy and let an independent body handle the revenues to reduce corruption and mismanagement.

The local elites supported most of the proposals, but were initially sceptic to the lease structure. However, the tourism entrepreneurs possessed crucial resources that were necessary to the establishment of the conservancy and the facilitators managed to convince the local elites that leasing out the land would be the best solution.

The business model of the OOC differed from previous institutional arrangements for wildlife tourism on the group ranches. Many of the older landowners did not understand the new model and were sceptic to change. The local elites approached the younger generation of landowners for support. The young landowners were eager to lease out their land and also hoping to benefit from employment opportunities if the conservancy was created. As they were educated, the young landowners understood the business model and could convince their older relatives of the advantages of the new model.

The landowners had two major costs that had to be overcome for the conservancy to be created. The first was the cost of removing their settlements from the proposed conservation area. This cost only applied to some of the landowners, as part of the conservancy was uninhabited. The costs were also mitigated by the fact

that most landowners had parcels of land in other parts of Koyiaki. Nevertheless, removing the settlements involved both labour efforts and the costs of transportation.

The local elites used both their wealth and their social status to make the other landowners move. They organised weekly meetings to tell the landowners about the importance of moving and organised free transport for the landowners and their possessions. Landowners were convinced to remove their settlements by this combination of social pressure and reduced transport costs.

A second major cost that had to be overcome to establish the OOC was the removal of cattle from the proposed conservation area. Landowners would still need a place to graze their cattle and had a major interest in continued access to the conservancy. These needs clashed with the interests of the tourism entrepreneurs to keep the conservancy as a pristine wildlife viewing area, free of people and cattle.

The tourism entrepreneurs realised that finding a solution to livestock grazing was important to create support for the conservancy among the landowners. A compromise was reached in which the conservancy would serve as a “grass bank” and livestock grazing would be allowed during the tourism low season in November and December<sup>40</sup>. This solution satisfied the interests of both landowners and tourism entrepreneurs to a considerable extent.

The landowners were used to being cheated by politicians and leaders and did not want to sign on to permanent leases before they were sure that they would be paid their money. The tourism entrepreneurs realised that they needed to build the trust of the local community step by step, and for the first 18 months only a memorandum of understanding was signed. The first payments to the landowners were also made in cash so that they could see with their own eyes that the tourism entrepreneurs would

---

<sup>40</sup> This is also the time of the “yearly famine” when cattle have the most need for grazing land (D. Rakwa 12.03.08 [Interview]).

keep their promises. Towards the end of the 18-month period a majority of the landowners signed on to 5-year leases.

A small group of young landowners had not signed on to the leases as they were dissatisfied with local elites receiving more benefits from the conservancy than other landowners. Some of them tried to have camps established on their land, but the agreement with the tourism entrepreneurs prevented the construction of more camps.

This group of young landowners had little support from other actors in their discontent with the local elites. The tourism entrepreneurs did not want any competing camps to be established in the reserve and supported the local elites. Ordinary landowners were satisfied with the revenues they received from the conservancy and thankful to the local elites for establishing it.

Lacking the support to change revenue distribution within the conservancy, ten young landowners pulled out of the OOC and created their own trust to benefit from wildlife tourism. However, the recent crisis in the Kenyan tourism industry has dried up their incomes and four of them have recently rejoined the conservancy.

### *Explaining the successful establishment of Olare Orok Conservancy*

Scholars describe the establishment of social institutions as conflictual and this is also the experience from the establishment of wildlife trusts and associations in the Mara. Yet, there were relatively few conflicts associated with the establishment of Olare Orok Conservancy. What explains this apparently harmonious process of institutional creation? The answers can be found in three factors: land tenure, leadership and a homogenous local community.

One major difference between Olare Orok Conservancy and other attempts at institutional creation in the Mara is land tenure. Landowners on Olare Orok were empowered by their ownership to land and could pull out of the proposed conservancy if they were not satisfied with the conditions. Local elites depended on their cooperation and were forced to take their interests into account when

establishing the conservancy. This led to a more equal distribution of revenues from the conservancy and less conflicts between the different actors.

A second factor that simplified the establishment of the conservancy was the homogenous character of the group of landowners. A less diverse group is less subject to internal conflicts that can complicate collective action (Baland & Platteau 1996:300).

In terms of cultural homogeneity all the landowners on Olare Orok belonged to the same sub-clan of the il-Purko Maasai. In a vertically organised society like Kenya, where individuals depend on their lineage and clan for support, belonging to the same sub-clan increased the trust they had in each other. Landowners also enjoyed a high degree of homogeneity in terms of interests. They all wanted to maximise the return from their land by establishing a wildlife conservancy, none of them wanted to use their land for other purposes.

In terms of individual endowments the group of landowners was more heterogeneous. Most landowners were poor, while a few members of the elite controlled substantial economic resources. However, economic inequality is not necessarily an obstacle to collective action. As long as the elite shares the interests of other group members, heterogeneity of resources can be an advantage as the rich can assume a leadership role in the establishment of institutions (Baland & Platteau 1996:306). This was clearly the case on Olare Orok. Sayielel and other members of the elite who controlled prime areas of land had a stronger interest in establishing the conservancy than other landowners, and were motivated to pay a major share of the costs associated with its creation.

Good leadership was a third factor that eased the formation of the OOC. Good leaders are necessary to perform a number of crucial functions and successful collective action is often associated with effective, charismatic local leadership (Baland & Platteau 1996:337; Ostrom 1990:198). In the case of Olare Orok the leadership role was filled by an older respected community leader in cooperation with two facilitators who were educated and exposed to the outside world. According to

Baland and Platteau (1996:342), such a combination of traditional authority and external exposure and education presents an “ideal case” of leadership when undertaking collective action in rural areas of the developing world.

### **4.2.3 Summary**

Four main groups of actors influenced the creation of Olare Orok Conservancy: local elites, tourism entrepreneurs, young landowners and ordinary landowners. Two facilitators also played a central role in establishing the conservancy.

The landowners and the local elites shared an interest in maximising the return from their land through establishing a wildlife conservancy. Tourism entrepreneurs were motivated to create the OOC by the opportunity to gain access to an exclusive wildlife viewing area. With regards to institutional design, tourism entrepreneurs needed assurance of the long-term stability of the conservancy, while landowners had a strong interest in continued access to graze their cattle within the conservancy.

Local elites had material resources, information and social status that allowed them to facilitate the creation of Olare Orok Conservancy. While many of the ordinary landowners were illiterate, their ownership to land was a crucial resource in the institutional creation process. The tourism entrepreneurs had broad experience from the tourism industry and access to financial capital and international markets. These resources were invaluable in the creation of the OOC.

Local elites had the most to benefit from the establishment of Olare Orok Conservancy and took a leadership role in its creation. They employed two facilitators to help set up the conservancy and allied with the younger landowners to convince older landowners to join the conservancy.

A group of young landowners were dissatisfied with the distribution of revenues in OOC. They found little support among other actors and decided to pull out and create their own conservancy. However, the post-election violence in Kenya in 2008 dried up their incomes and four of them have returned to the OOC.

While previous attempts at institutional creation in the Mara have been conflictual, the establishment of Olare Orok Conservancy has been a relatively harmonious affair. A homogenous local community, the presence of effective leadership and the empowering impact of individual land tenure explains this absence of conflict.

## 5. Conclusion

It was widely expected that subdivision of group ranches in the Mara would lead individual landowners to develop their land, thus causing a decline in wildlife populations. Contrary to these expectations, landowners on Olare Orok decided to pool their land together and establish a wildlife conservancy.

This thesis seeks to explain why a wildlife conservancy was established on Olare Orok. More specifically, it identifies how actors with different interests and resources interact to establish the conservancy and how the institutional setting influences the interaction among actors.

The first chapter introduced the research questions and described how the study would be carried out. I chose to use a case study design as it allows me to study institutional development in detail and identified interviews with key actors and existing literature as main data sources to describe institutional development in the Mara.

The theoretical framework that guides the data analysis was introduced in the second chapter. I chose to utilise rational choice institutionalism and historical institutionalism to explain the establishment of the OOC as these two versions of new institutionalism complement each other. Taken together they recognise how individuals consciously design institutions and are influenced by the institutional setting in this process.

Path dependence and contracting are two central concepts in the analytical framework I employ to analyse the creation of the OOC. Path dependence illustrates how historical events may create institutional paths in the Mara that are sustained due to self-reinforcing processes. Contracting refers to how individual actors with different interests and resources may negotiate with each other to establish collective institutions.

The third chapter described the institutional setting in the Mara after independence and the process of establishing Olare Orok Conservancy. In the description of the institutional setting I focus on wildlife policy and land tenure, two crucial issues in understanding institutional development in the Mara. My account of the creation of the OOC describes how actors with different interests and resources came together to establish the conservancy.

In the fourth chapter I analysed how changes in wildlife policy and land tenure affected institutional options in the community. I also investigated how actors with different resources and interests allied with each other to further their interests in the creation of the conservancy. The main findings of this chapter can be found below.

## 5.1 Main Findings

Olare Orok Conservancy was created because landowners and tourism entrepreneurs saw an opportunity to profit, because they had the necessary resources to establish the conservancy and because the institutional setting provided an opportunity for change.

The OOC was created because landowners and tourism entrepreneurs benefited from its establishment. Tourism entrepreneurs wanted access to an exclusive wildlife viewing area to avoid the overcrowding of the MMNR. By offering their clients exclusive safari experiences they could generate significant profits. Landowners could derive a higher rent from leasing out their land to a wildlife conservancy than by using it for agricultural production or livestock grazing. Local elites benefited most from the conservancy as their land parcels were larger or located on sites that were suitable for tourism facilities.

Furthermore, the institutional design of the conservancy secured the interests of different actors. Landowners were allowed to continue grazing their cattle inside the conservancy during the tourism low-season. Tourism entrepreneurs were secured long-term stability for their investment by leasing the conservancy for a 5-year period. Professional management of the conservancy and independent handling of



revenues ensured that ordinary landowners were not cheated and reduced the potential for conflicts.

Landowners and tourism entrepreneurs possessed the resources that were necessary to establish the conservancy. First, the local elites provided essential leadership resources that eased the process of collective action. Traditional leaders allied with younger, educated community members providing an “ideal case” of effective leadership. Second, the community had a social capital that could be used as a foundation to establish the OOC. Landowners on Olare Orok were a homogenous group that belonged to the same Maasai sub-clan and had the same interest of maximising the income from their land. Finally, the tourism entrepreneurs provided invaluable resources in form of business experience and access to capital and international markets. Without these resources the OOC might have died within its first years of operation, like many other eco-tourism initiatives do.

The Maasai had previously been excluded from wildlife revenues, but changes in wildlife policy and land tenure in the Mara opened new institutional options for Maasai landowners to benefit. Community conservation policies introduced by the KWS in the early 1990s gave legitimacy to the local population’s claim to a share of tourism revenues. It empowered the group ranches to challenge Narok County Council and demand a share of revenues from the MMNR. The subsequent subdivision of group ranches in the Mara empowered ordinary landowners and gave them greater control over the use of their land. Local elites were consequently forced to consider the interests of ordinary landowners in establishing social institutions.

## 5.2 The Road Ahead

My analysis of the establishment of Olare Orok Conservancy demonstrates that it is necessary to investigate both the role of actors in the community and more long-term historical processes to understand institutional development and change. The OOC was created because landowners expected to benefit from it. However, its

establishment would have failed without the new power structure in the community, caused by changing wildlife policy and land tenure. Analysing the creation of the OOC from a pure rational choice perspective would have made me overlook important explanatory factors.

The impact of the present tourism crisis on institutional development in the Mara further illustrates the need to apply a historical perspective in institutional analysis. Most landowners in the Mara have lost their income from wildlife tourism, but landowners on Olare Orok are still guaranteed a monthly income as they lease out their land to tourism entrepreneurs. The loss of tourism revenue is a powerful incentive for institutional change. In a belt surrounding the MMNR landowners are currently attempting to establish wildlife conservancies after the model of the OOC (D. Kaelo 07.03.08, L. Lindvik 10.03.08 and R. O'Meara 27.03.08 [Interviews]). The success of the OOC has created an institutional path that dominates the way Maasai landowners organise to benefit from wildlife revenues in the Mara.

My findings about the establishment of the OOC could help landowners, tourism entrepreneurs and conservation NGOs in their efforts to set up more wildlife conservancies in the Mara. It could also contribute to the wider debate about wildlife conservation and economic development in the areas surrounding national parks and reserves in Africa.

More research is needed about how landowners in the Mara organise themselves politically, economically and socially after the subdivision of group ranches. One issue of special interest is how local and national actors interact to create new institutions. Further studies should not only investigate the interests and resources of these actors, but also take into account how historical processes determine which institutional options are available.

---

## Table of Authorities

- ACC (2001). *Koyaki, Lemek and Olchorro Ranches: Natural Resources Management Plan*. Nairobi: African Conservation Centre.
- Agrawal, Arun, and Clark C. Gibson (1999). "Enchantment and Disenchantment: The Role of Community in Natural Resource Conservation." *World Development* 27:629-49.
- Agrawal, Arun (2003). "Sustainable Governance of Common-Pool Resources: Context, Methods, and Politics." *Annual Review of Anthropology* 32:243-62.
- Akama, John S. (1999). "The Evolution of Tourism in Kenya." *Journal of Sustainable Tourism* 7:6-25.
- Andersen, Svein S. (1997). *Case-studier og generalisering: forskningsstrategi og design*. Bergen: Fagbokforlaget.
- Archabald, Karen, and Lisa Naughton-Treves (2001). "Tourism Revenue-Sharing around National Parks in Western Uganda: Early Efforts to Identify and Reward Local Communities." *Environmental Conservation* 28:135-49.
- Azumi, Eric, and Mia MacDonald (1993). *Wildebeest and Wheat: Crafting a Land Policy in Kenya's Maasailand*. Nairobi: Ministry of Planning and National Development.
- Baland, Jean-Marie and Jean-Philippe Platteau (1996). *Halting Degradation of Natural Resources: Is there a Role for Rural Communities?* Oxford: Clarendon Press.
- Baland, Jean-Marie and Jean-Philippe Platteau (1998). "Division of the Commons: A Partial Assessment of the New Institutional Economics of Land Rights". *American Journal of Agricultural Economics* 80:644-650.
- Barrow, Edmund, Helen Gichohi, and Mark Infield (2000). *Rhetoric or Reality? A Review of Community Conservation Policy and Practice in East Africa*. London: International Institute for Environment and Development. Evaluating Eden: 05.
- CLGF (2008). "The local government system in Kenya" [online]. URL - <http://www.clgf.org.uk/index.cfm/pageid/100/Kenya> (27.05.08)
- Coast, Ernestina (2002). "Maasai Socioeconomic Conditions: A Cross-Border Comparison." *Human Ecology* 30:79-105.
- Daily Nation (2004). "Maasai in radical plan for Mara." 09.12.04.
- Ecotourism Kenya (2006). *The Great Mara Debate*. Nairobi: Ecotourism Kenya.
- Earnshaw, Allan, and Lucy Emerton (2000). "The Economics of Wildlife Tourism: Theory and Reality for Landholders in Africa", pp. 315-334 in H. H. T. Prins, J. G. Grootenhuis and T. T. Dolan (eds.): *Wildlife Conservation by Sustainable Use*. Boston: Kluwer Academic Publishers.

- 
- Encyclopædia Britannica Online (2008). "Tsetse fly" [online]. – URL: <http://www.britannica.com/eb/article-9073603> (26.05.08)
- Gibson, Clark C. (1999). *Politicians and Poachers: The Political Economy of Wildlife Policy in Africa*. Cambridge: Cambridge University Press.
- Goverde, H., P. G. Cerny, M. Haugaard and H. H. Lentner (2000). "General Introduction: Power in Contemporary Politics", pp. 1-34 in Goverde, H., P. G. Cerny, M. Haugaard and H. H. Lentner (eds.): *Power in Contemporary Politics: Theories, Practices, Globalizations*. London: Sage Publications.
- Hall, Peter and Rosemary C. R. Taylor (1996). "Political Science and the Three New Institutionalisms". *Political Studies* XLIV:936-957.
- Hackel, Jeffrey D. (1999). "Community Conservation and the Future of Africa's Wildlife." *Conservation Biology* 13:726-34.
- Heltberg, Rasmus (2002). "Property Rights and Natural Resource Management in Developing Countries." *Journal of Economic Surveys* 16:189-213.
- Homewood, K., E. F. Lambin, E. Coast, A. Kariuki, I. Kikula, J. Kivelia, M. Said, S. Serneels, and M. Thompson (2001). "From the Cover: Long-Term Changes in Serengeti-Mara Wildebeest and Land Cover: Pastoralism, Population, or Policies?" *Proceedings of the National Academy of Sciences* 98:12544-9.
- Honey, Martha (1999). *Ecotourism and Sustainable Development: Who owns Paradise?* Washington D.C.: Island Press.
- Kameri-Mbote, Patricia (2005). *Land Tenure, Land Use and Sustainability in Kenya: Towards Innovative Use of Property Rights in Wildlife Management*. Geneva: International Environmental Law Research Centre. IELRC Working Paper: 2005:4.
- Kvale, Steinar (1997). *Det kvalitative forskningsintervju*. Oslo: Gyldendal Akademisk.
- Lamprey, Richard H., and Robin S. Reid (2004). "Expansion of Human Settlement in Kenya's Maasai Mara: What Future for Pastoralism and Wildlife?" *Journal of Biogeography* 31:997-1032.
- Libecap, Gary D. (1989). *Contracting for Property Rights*. Cambridge: Cambridge University Press.
- Lukes, Steven (2005). *Power: A Radical View, 2<sup>nd</sup> edition*. Basingstoke: Palgrave Macmillan.
- Mahoney, James (2000). "Path Dependence in Historical Sociology". *Theory and Society* 29:507-548.
- Mburu, John (2004). *Wildlife Conservation and Management in Kenya: Towards a Co-management Approach*. Milano: Fondazione Eni Enrico Mattei. FEEM Working Papers: no. 47.04.

- 
- Mwangi, Esther (2005). *The Transformation of Property Rights in Kenya's Maasailand: Triggers and Motivations*. Washington D.C.: International Food Policy Research Institute (IFPRI).CAPRI Working Paper: no. 66.
- Mwangi, Esther (2006). "The Footprints of History: Path Dependence in the Transformation of Property Rights in Kenya's Maasailand." *Journal of Institutional Economics* 2:157-80.
- Mwangi, Esther (2007). "Subdividing the Commons: Distributional Conflict in the Transition from Collective to Individual Property Rights in Kenya's Maasailand." *World Development* 35:815-34.
- Newmark, William D., and John L. Hough (2000). "Conserving Wildlife in Africa: Integrated Conservation and Development Projects and Beyond." *BioScience* 50:585-92.
- North, Douglass C. (1990). *Institutions, Institutional Change and Economic Performance*. Cambridge: Cambridge University Press.
- Norton-Griffiths, Michael (2007). "How many Wildebeest do You Need?" *World Economics* 8 (2):41-64.
- Norton-Griffiths, Michael (2008). *A Note on the Economic and Social Incentives to Subdivide Group or Communal Tenured Land*. Nairobi. Paper.
- Norton-Griffiths, Michael and Mohammed Y. Said (2008). *The Future for Wildlife on Kenya's Rangelands: an Economic Perspective*. Nairobi. Paper.
- Norton-Griffiths, M., M. Said, S. Serneels, D. S. Kaelo, M. Coughenor, R. H. Lamprey, D. M. Thompson, and R. Reid (2007). "Land Use Economics in the Mara Area of the Serengeti Ecosystem", chapter 13 in C. Packer and A. R. E. Sinclair (eds.): *Serengeti III: Human Wildlife Interactions*. Chicago: University of Chicago Press.
- OOC (2008). "Olare Orok Conservancy (Maasai Mara)" [online]. – URL: [http://www.oocmara.com/01\\_1.html](http://www.oocmara.com/01_1.html) (02.06.08)
- Ostrom, Elinor (1990). *Governing the Commons: The Evolution of Institutions for Collective Action*. Cambridge: Cambridge University Press.
- Ostrom, Elinor, Roy Gardner and James Walker (1994). *Rules, Games, and Common-pool Resources*. Ann Arbor, Mich.: University of Michigan Press.
- Peters, B. Guy (2005). *Institutional Theory in Political Science: The "New Institutionalism"*. London: Continuum.
- Pierson, Paul and Theda Skocpol (2002). "Historical Institutionalism in Contemporary Political Science", pp. 1-24, in Katznelson, I. and H. Milner (eds.) *Political Science: The State of the Discipline*. New York: Norton.
- Platteau, Jean-Philippe (2000). *Institutions, Social Norms and Economic Development*. Amsterdam: Harwood Academic.

- 
- Republic of Kenya (1968). "Land (Group Representatives) Act", chapter 287 in *Laws of Kenya*. Nairobi: Government Printer.
- Rubin, Herbert J., and Irene Rubin (1995). *Qualitative Interviewing: The Art of Hearing Data*. Thousand Oaks, Calif.: Sage Publications.
- Rutten, Marcel (1999). *Parks beyond Parks: genuine community-based wildlife eco-tourism or just another loss of land for Maasai pastoralists in Kenya?* London: International Institute for Environment and Development. Issues paper / Drylands Network Programme: no. 53.
- Scott, W. Richard (2001). *Institutions and Organisations*. Thousand Oaks, Calif.: Sage Publications.
- Swallow, Brent, and Abdul B. Kamara (2000). "The Dynamics of Land Use and Property Rights in Semi-Arid East Africa", pp. 243-275 in McCarthy, N., B. Swallow, M. Kirk and P. Hazell (eds.): *Property Rights, Risk, & Livestock Development in Africa*. Washington D.C.: International Food Policy Research Institute (IFPRI) and International Livestock Research Institute (ILRI).
- Thagaard, Tove (2003). *Systematikk og innlevelse*. Bergen: Fagbokforlaget.
- The Standard (2005a). "Row over control of Mara game rages" [online]. URL - <http://216.180.252.4/archives/index.php?mnu=details&id=14119&catid=14> (26.05.08)
- The Standard (2005b). "Minister's directive blamed for the tug of war in Mara" [online]. URL - <http://216.180.252.4/archives/index.php?mnu=details&id=15238&catid=159> (26.05.08)
- The Standard (2005c). "Row over park fee mars tourist flow to Mara" [online]. URL - <http://216.180.252.4/archives/index.php?mnu=details&id=16461&catid=14> (26.05.08)
- The Standard (2005d). "The link between Narok Council and group ranches" [online]. URL - <http://216.180.252.4/archives/index.php?mnu=details&id=16459&catid=14> (10.06.08)
- Thompson, Michael, and Katherine Homewood (2002). "Entrepreneurs, Elites, and Exclusion in Maasailand: Trends in Wildlife Conservation and Pastoralist Development." *Human Ecology* 30:107-38.
- Thelen, Kathleen (1999). "Historical Institutionalism in Comparative Politics". *Annual Review of Political Science* 2:369-404.
- Vatn, Arild (2005). *Institutions and the Environment*. Cheltenham: Edward Elgar.
- Yin, Robert K. (2003). *Case Study Research: Design and Methods*. Thousand Oaks, Calif.: Sage Publications.

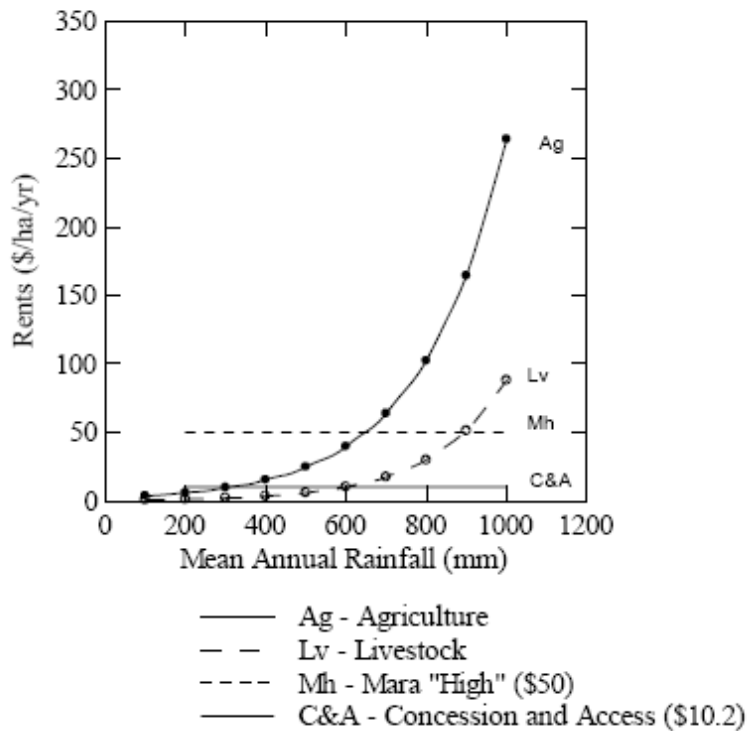
## Annex 1: List of Informants

	Name	Position	Location	Date
1	Mohamed Said	Scientist, ILRI	Nairobi	27.02.08
2	Joseph Ogutu	Scientist, ILRI	Nairobi	27.02.08
3	Jake Grieves-Cook	Owner Porini group, owner Gamewatchers safaris, former chairman Kenya Tourist Board	Nairobi	03.03.08
4	Dickson Kaelo	Community facilitator OOC, former manager Koyiaki-Lemek Wildlife Trust, former community facilitator ILRI	Narok town	06.03.08 07.03.08 14.03.08
5	Johnson Sipitiek	Project Liaison Officer, African Conservation Centre (ACC)	Narok town	07.03.08
6	Stephen Kisotu	Community Scout Coordinator, Friends of Conservation	Narok town	07.03.08
7	John Siololo	Landowner OOC, driver guide Porini Camps	Narok town	07.03.08
8	Billy Kuyo	Former secretary, Siana Wildlife Trust	Narok town	08.03.08
9	Isaac Feyo	Manager, Olpurkel ltd	Narok town	08.03.08
10	Ron Beaton	Landowner and community facilitator, OOC	Olare Orok	09.03.08
11	Dominic Naurori	Former landowner OOC, former secretary Koyiaki Talek Wildlife Trust	Talek	09.03.08
12	Jackson Rakwa	Landowner OOC, former director	Talek	09.03.08

		Koyiaki Talek Wildlife Trust		
13	Daniel ole Muli	Chairman Koyiaki Landowners Wildlife Association	Aitong	10.03.08
14	Jackson Kisemei	Secretary Motorogi Conservancy	Aitong	10.03.08
15	Lars Lindvik	CEO, Basecamp Foundation, Kenya.	Talek	10.03.08
16	Sekorot ole Mpete	Chairman Leganishu Wildlife Trust	Ololoimotia	11.03.08
17	Andrew Stuart	Managing Director, Mara Bushtops Camp	Nkoilale	11.03.08
18	David Rakwa	Secretary OOC, Community Liaison Officer OOC	Talek	12.03.08
19	Sammy ole Nkoitoi	Secretary Siana Wildlife Trust, manager Siana Wildlife Conservancy	Nkoilale	12.03.08
20	Erampau Tira	Landowner OOC	Talek	13.03.08
21	Nteri Rakwa	Landowner OOC	Talek	13.03.08
22	Duncan Kirokor	Landowner OOC, scout Olpurkel ltd.	Talek	14.03.08
23	James Ndungu	Acting director, ACC	Nairobi	27.03.08
24	Rob O'Meara	Director, Filming Safaris	Nairobi	27.03.08
25	Michael Norton-Griffiths	Independent consultant in environmental economics	Nairobi	27.03.08



## Annex 2: Returns to agriculture, livestock and wildlife in the Mara Area as a function of mean annual rainfall



Source: Norton-Griffiths 2007:45, Figure 3.