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## BRINGING BIG IDEAS TO THE GROUND

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Policy mobilities and frictions in the translation of international guidance on other effective area-based conservation measures (OECMs) in Kenya

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*A thesis presented for the degree of*

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## DECLARATION

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I declare that this thesis is entirely my work, except where otherwise indicated. No part has been submitted for any other degree or professional qualification.

Ryan David Wilkie

August 12<sup>th</sup>, 2023

## ABSTRACT

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In the closing moments of the 10<sup>th</sup> Conference of the Parties (COP 10) to the Convention on Biological Diversity (CBD) held in the Japanese prefecture of Aichi in 2010, the gathered delegates coined a new phrase as they debated the language of Target 11 of the Strategic Plan for Biodiversity 2011-2020. Specifically, this target aimed to ensure that by 2020 at least 17% of terrestrial and inland water and 10% of coastal and marine areas would be effectively conserved through “systems of protected areas and *other effective area-based conservation measures*.” The inclusion of this latter phrase in what became known as the Aichi Biodiversity Targets sparked almost a decade of debate about its meaning and implications, leading to the establishment of a dedicated IUCN Task Force to develop an internationally agreed definition for so-called ‘OECMs’ and associated technical guidance.

With a definition now agreed upon and guidance adopted by the CBD at COP 14 in 2018, countries are tasked with reconciling this new concept with their own policies and practices to identify those approaches to conservation that might align with the OECM definition and create a roadmap for implementation. This thesis examines how this process is unfolding in Kenya. As one of the first countries to test the guidance on OECMs, the Kenyan case provides important lessons for other countries preparing to engage with and apply this concept.

In examining the process of translating the new international guidelines into national policy frameworks, I build on ideas from the new geographies of policy to ‘follow the policy’ and address three main questions: (1) How is the OECM concept being interpreted and framed by different conservation actors across diverse landscapes in Kenya? (2) How are international guidelines for recognising and supporting OECMs translated into conservation policy frameworks at the national and sub-national scale? (3) What might the outcomes of this translation process mean for conservation in Kenya?

This thesis addresses each of these questions in turn, adopting a mixed methods approach to examine spaces of policy circulation, translation, and implementation and trace the twists and turns in the processes of policy development. I combine interviews, document analyses, and ethnographic methods to open up the ‘black box’ of policy discussions before using geographic information systems (GIS) to explore potential implications for area-based conservation in Kenya.

The analyses highlight how the unique form and composition of national policy assemblages and the dominance of key actors in the policy translation process can restrict the scope of policy discussions resulting in a narrow interpretation of the OECM guidance that constrains the potential for more transformative change in conservation. This research also demonstrates the importance of sustained engagement with new policy ideas, calling attention to the vital role of ‘policy mobilisers’ in maintaining the policy assemblage across space and time. These results have important implications for the design of stakeholder engagement in policy development, emphasising how outcomes are shaped by who decides to engage with the concept and how they do so.

## LAY SUMMARY

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In 2010, participants at the 10<sup>th</sup> Conference of the Parties (COP 10) to the Convention on Biological Diversity (CBD) coined a new phrase in the Target 11 of the Strategic Plan for Biodiversity 2011-2020. Specifically, this target aimed to ensure that by 2020 at least 17% of terrestrial and inland water and 10% of coastal and marine areas would be effectively conserved through “systems of protected areas and *other effective area-based conservation measures*.” The inclusion of this phrase in what became known as the Aichi Biodiversity Targets sparked almost a decade of debate about what it meant and the types of areas that might be included in the target.

A definition for so-called ‘OECMs’ and associated guidance was finally agreed upon in 2018 and adopted by the CBD at the 14<sup>th</sup> Conference of the Parties (COP 14), 8 years after the term was first introduced. Now countries around the world are faced with the task of understanding what this new concept means for them and what practices and approaches to conservation might fit within the new OECM definition and criteria. This thesis examines how this process is unfolding in Kenya. Kenya was among the first countries to test the draft guidance on OECMs, so this case can provide important lessons for other countries preparing to apply this new concept.

In examining this case, I adopt an approach inspired by the ‘new geographies of policy’ to follow along with the process of translating and applying the new international guidelines in Kenya. This thesis focuses on three main questions: (1) How is the OECM concept being interpreted and framed by different conservation actors across diverse landscapes in Kenya? (2) How are international guidelines for recognising and supporting OECMs translated into conservation policy frameworks at the national and sub-national scale? (3) What might the outcomes of this translation process mean for conservation in Kenya?

I employ a mixture of different methods to understand and examine how the OECM concept is being interpreted and applied. I combine interviews, document analyses, and observational notes from various meetings and workshops to uncover the details of policy discussions and use geographic information systems (GIS) software to map out different implementation scenarios and explore the potential implications for key conservation landscapes in southern Kenya.

This research highlights how interpretations and understandings of the OECM concept and guidelines can be shaped by the specificities of local contexts and the dominance of key actors in policy discussions. It also demonstrates the importance of sustained engagement with new policy ideas and the vital role of ‘policy mobilisers’ in these processes. The results of this research have important implications for the design of and approaches to stakeholder engagement in conservation policy by showing how outcomes are shaped by who decides to engage with the concept and how they do so.

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## LIST OF ABBREVIATIONS

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ACC	African Conservation Centre
APAC	African Protected Areas Congress
BMU	Beach Management Unit
CBD	Convention on Biological Diversity
CBNRM	Community-based natural resource management
COP	Conference of the Parties
COVID-19	2019 novel coronavirus
CRCA	Central Rift Conservation Area
ECA	Equivalent Connected Area
EMCA	Environment Management and Coordination Act
ESARO	East and Southern Africa Regional Office (of IUCN)
FPIC	Free, Prior and Informed Consent
FSC	Forest Stewardship Council
GEF	Global Environment Facility
GIS	Geographic information systems
IBA	Important Bird Area
ICCA	Territory or area conserved by indigenous people and local communities
IIC	Integral Index of Connectivity
ICDP	Integrated conservation and development projects
IUCN	International Union for the Conservation of Nature
IUCN-WCPA	International Union for the Conservation of Nature – World Commission on Protected Areas
KBA	Key Biodiversity Area
KII	Key Informant Interview
KWCA	Kenya Wildlife Conservancies Association
KWS	Kenya Wildlife Service
LNC	Local Native Council
LMMA	Locally Managed Marine Areas
MMNR	Maasai Mara National Reserve
MVCA	Minimum Viable Conservation Area
NEMA	National Environment Management Authority

NGO	Non-governmental organization
NRT	Northern Rangeland Trust
OECM	Other effective area-based conservation measure
OGR	Olgulului-Olorashi Group Ranch
PA	Protected Area
PCA	Protected and conserved area
PADD	Protected area downsizing, downgrading and degazettement
PES	Payments for ecosystem services
PC	Probability of Connectivity
REDD+	Reducing emissions from deforestation and forest degradation and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries
SBSTTA	Subsidiary Body on Scientific, Technical and Technological Advice (of the CBD)
SCA	Southern Conservation Area
SORALO	South Rift Association of Land Owners
TCA	Tsavo Conservation Area
UNEP	United Nations Environment Programme
UNEP-WCMC	United Nations Environment Programme World Conservation Monitoring Centre
USAID	United States Agency for International Development
WCC	World Conservation Congress
WCMA	Wildlife Conservation and Management Act (of Kenya)
WCMC	World Conservation Monitoring Centre
WCMD	Wildlife Conservation and Management Department (of Kenya)
WCPA	World Commission on Protected Areas
WDOECM	World Database on OECMs
WDPA	World Database of Protected Areas
WHO	World Health Organization
WWF	Worldwide Fund for Nature

# 1 INTRODUCTION

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Biodiversity is declining faster than at any time in human history (IPBES, 2019). This is despite decades of research and policy interventions attempting to slow or reverse this decline (Hill et al., 2015). In response, there have been urgent calls to protect the planet's remaining intact landscapes and seascapes to safeguard biodiversity and critical ecosystem services (Noss et al., 2011; Cafaro et al., 2017; Dinerstein et al., 2017; Wilson, 2016). The 2010 Aichi Biodiversity Targets (CBD, 2010) were proposed as a first step toward the meaningful change necessary to achieve the 2050 Vision for Biodiversity of "living in harmony with nature". These targets, named after the Japanese prefecture in which they were adopted by the 10<sup>th</sup> Conference of the Parties (COP) to the Convention on Biological Diversity (CBD), set much of the international agenda for biodiversity conservation for the next decade and included specific targets to expand the existing network of protected areas to better represent ecosystems, increase connectivity and promote species persistence within intact landscapes. However, several commentators have argued that these policy goals fall far short of recommendations by conservation scientists (Noss et al., 2011; Belote et al., 2017; Larsen et al., 2015), which have included bold ambitions to protect half of the planet's surface to ensure the long-term functioning of ecosystems and maintain viable populations of native species (Locke, 2015; Wilson, 2016; Dinerstein et al., 2017). Yet progress towards meeting even these 'policy-driven' targets has been mixed (Saura et al., 2018; Leadley et al., 2014; Butchart et al., 2015).

Indeed, even established and legally designated protected areas (PAs) have not been immune from the massive scale of biodiversity loss, as a recent study revealed that one-third of global protected land is under "intense human pressure" (Jones et al., 2018). The situation is particularly pronounced in the Afrotropics and seminatural grasslands, where the combination of rapid population growth and conversion of land to agriculture have had deleterious impacts on PAs and biodiversity (Geldmann et al., 2019). In Kenya, for example, there is mounting evidence of widespread and catastrophic wildlife losses (Western et al., 2009; Norton-Griffiths, 2000); the population of some species declining by as much as 72-88% over the last 40 years (Ogutu et al., 2016). At the time of writing, Kenya's protected area network covers just over 12% of the country's terrestrial area and less than 1% of marine areas (UNEP-WCMC, 2022b). This is well short of national commitments in line with the Aichi Biodiversity Targets to conserve 17% of terrestrial and inland water areas and 10% of coastal and marine areas by 2020 (Government of the Republic of Kenya, 2015).

## 1.1 FROM PROTECTED AREAS TO AREA-BASED CONSERVATION

The global expansion of conservation areas comprises both spatial-environmental elements (in the legal, territorial and political act of designating new protected areas) and the discourses and rhetoric surrounding and infusing these practices (Zimmerer, 2006). As international conservation bodies and interest groups have pushed for ever higher targets for protected areas to halt the loss of biodiversity, this has catalysed discussions about what

would or should count as ‘protected’ and who should manage the resulting conservation estate (Corson et al., 2014b). Protected areas remain the most commonly used tool for conserving biodiversity and are supported by internationally recognised definitions and standards (see Dudley, 2008). However, there are also a growing number of management approaches contributing to biodiversity conservation that fall outside the definition of a ‘protected area’. These include many territories and areas conserved by indigenous peoples and local communities (ICCAs), as well as community forests, pastoral grazing reserves, and other areas where conservation is achieved through customary or locally adaptive management activities (Jonas et al., 2014).

Despite their documented importance for the conservation of biodiversity (Kothari et al., 2013; Garnett et al., 2018), ICCAs and other customary management systems have historically suffered from poor or inappropriate recognition, resulting in a lack of assistance, protection, and support from governmental or international bodies (Borrini-Feyerabend et al., 2010). However, in a context in which it is increasingly recognised that protected areas must become more well-connected and integrated into broader conservation landscapes and seascapes, there has been renewed interest in and attention to conservation measures beyond formally protected areas.

In an attempt to incorporate these areas into conservation targets, delegates at the 10<sup>th</sup> CBD COP meeting in Aichi, Japan coined a new phrase, referring in Target 11 to “systems of protected areas and *other effective area-based conservation measures*” (CBD, 2010 emphasis added). This sparked almost a decade of debate about the implications of this phrase and what it meant, leading to the establishment of a dedicated IUCN Task Force under the auspices of the World Commission on Protected Areas (WCPA) to develop technical guidance for its applications (Jonas et al., 2018). With a formal definition now adopted by Parties to the CBD, so-called ‘OECMs’ are being promoted as a complementary approach by which countries can safeguard space for biodiversity in the face of widespread habitat loss and climate change (Maxwell et al., 2020; Gurney et al., 2021). These changes have encouraged a shift in conservation parlance “from protected areas to area-based conservation” to describe the myriad different approaches in contemporary conservation (Dudley and Stolton, 2020, p.6).

## 1.2 POLICY TRANSLATION & FRICTION

For all the debates and negotiations focused on defining OECMs at the global level and developing technical guidelines to support their identification and recognition, there is often “a major gap between concepts and [conservation] policy initiatives developed and promoted at international and national levels on the one hand, and their application at the regional and local levels on the other hand” (Pasgaard, 2015, p.124). Policies cannot simply be mapped onto the landscape or transferred whole and unchanged from one locale to another (Peck, 2011). The implementation of internationally-agreed concepts and policies relies on far more local processes of interpreting and domesticating these ‘policies-from-elsewhere’ such that they can be understood and grounded in the local context (Peck and Theodore, 2012). This

involves reconciling these new ideas and international commitments with existing policies and practices – in this case, to identify those approaches to land management and governance that align with the OECM definition and might therefore be formally designated and incorporated into the conservation estate. The related concepts of ‘friction’ and ‘translation’ are central to understanding these processes. Together, they provide a theoretical entry point for examining how this novel international policy initiative interacts with established conservation policies and practices at local and national levels, both shaping particular approaches to conservation, which are re-figured to align with the new discourse and criteria, and being re-shaped by these encounters with different places, institutions, and individuals.

To understand and appreciate the dynamics of policy- and decision-making regarding OECMs, I focus on how these processes unfold in one national context: Kenya. As one of the first countries to test the IUCN guidelines on identifying and reporting OECMs, the Kenyan case can provide important lessons for other countries preparing to engage with and implement these policy ideas. With most of Kenya’s wildlife found outside the country’s protected areas and wildlife numbers in the country declining on average by 68% over the past 40 years (Ogutu et al., 2016), OECMs may prove a crucial tool for Kenya to conserve its remaining wildlife populations. However, much will depend on how the new international guidelines are interpreted and implemented to support conservation efforts at the national and sub-national levels.

### 1.3 RESEARCH QUESTIONS

In examining the emergence of OECMs and the process of translating the new international guidelines into national policy frameworks in Kenya, I follow the example of Keeley and Scoones (2003) in questioning “how policies are framed, who is included and who is excluded in the process, which actors and which interests are dominant, and how policy changes over time” (Keeley and Scoones, 2003, p.1). This research, therefore, seeks to address the following questions about OECMs in Kenya:

- I. How is the OECM concept being interpreted and framed by different conservation actors across diverse landscapes in Kenya?
  - a. What questions does this new concept provoke in relation to established ideas and practices of conservation in Kenya?
  - b. What does this reveal about attitudes towards OECMs and their place within the Kenyan conservation estate?
- II. How are international guidelines for recognising and supporting OECMs translated into conservation policy frameworks at the national and sub-national scale?
  - a. How is this policy translation process shaped by prevailing power dynamics and path dependencies?
  - b. Who decides what counts as ‘protected’ or ‘conserved’ and with what implications?



- III. What might the outcomes of this translation process mean for conservation in Kenya?
  - a. How might protected and conserved landscapes be reconfigured by accounting for OECMs in different ways?
  - b. What contributions could OECMs make towards area-based biodiversity conservation goals in Kenya?

#### 1.4 THESIS STRUCTURE

This thesis follows along the policy translation process, tracing the various twists and turns in the journey of OECMs from spaces of policy circulation through to the local and national settings in which they are interpreted, domesticated, and (eventually) implemented. In so doing, I aim to open up the 'black box' of policy discussions and decision-making (Latour, 1987), and explore the potential outcomes of these processes in the Kenyan context.

The following chapters (2 and 3) delve into the background of this research. In Chapter 2, I introduce the OECM concept and framework in greater detail - where these ideas have come from and how they have been developed and framed. Chapter 3 then explores the histories and trajectories of area-based conservation in Kenya, providing important context to this case study and the environment into which new ideas around recognising OECMs are being introduced. This chapter concludes by considering some of the various contemporary approaches and conservation measures in Kenya that might align with the OECM framework.

Chapter 4 elaborates on the underlying theoretical framework and interdisciplinary approach to understanding policies and policy processes that guide this research. This centres on the so-called 'new geographies of policy' and introduces key concepts from this literature, including policy mobilities, assemblage, and translation. I then detail my approach to 'following the policy' inspired by the work of Peck and Theodore (2012, 2010) and provide an overview of the different methods involved in data collection and analysis.

Chapters 5 through 7 form the substantive empirical chapters and are broadly structured around the three central research questions detailed above (I, II, and III, respectively). Chapter 5 focuses on OECMs as an emerging discourse in conservation. I gather perspectives from diverse stakeholders in Kenya and the critical questions they pose about OECMs and their place in the conservation estate. This sets the stage for the following chapter (Chapter 6), in which I examine the policy translation processes in greater detail. This chapter follows the journey OECMs have taken so far, from Kenyan conservationists' earliest engagement with the concept at meetings of the IUCN Task Force to policy discussions at the national level (and back), highlighting emerging frictions between the international guidance on OECMs and the local contexts of implementation. I draw attention to the role of key individuals and institutions in shaping the policy translation process and the messy realities of policymaking. In Chapter 7, I explore potential outcomes from the policy discussions elucidated in the previous chapter. I construct a series of possible implementation scenarios, which see different areas recognised as OECMs and/or PAs, using geographic information systems (GIS)

software to map these out across three landscapes in Southern Kenya. I then analyse the implications of different policy choices in relation to both quantitative and qualitative elements of area-based conservation targets using tools developed for global assessments of protected and conserved areas.

The final discussion chapter (Chapter 8) brings together the findings from each of the empirical chapters and reflects on the overall contributions of the research. In this chapter, I revisit the central research questions and examine the potential implications for the design of and approaches to stakeholder engagement when it comes to OECMs, and policy development in conservation more broadly. This includes critical questions about how OECMs have been framed, which actors and interests dominate discussions, how OECMs have been shaped through different encounters, and potential implications of policy decisions in terms of which areas might be included and which excluded in accounting for OECMs. I also reflect on the benefits and challenges of 'following the policy' and the contributions of this research to expanding the growing body of literature on the new geographies of policy. Finally, I offer my thoughts on the proposition of OECMs as a whole and their role and importance in conservation moving forward before delivering some concluding remarks.

## 2 OTHER EFFECTIVE AREA-BASED CONSERVATION MEASURES (OECMs)

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‘Other effective area-based conservation measures’ (hereafter OECMs) first appeared in international conservation policy in the language for the Strategic Plan for Biodiversity 2011-2020 and its associated 20 Aichi Biodiversity Targets adopted by the CBD in 2010. Specifically, OECMs were mentioned in Aichi Target 11 of the CBD Strategic Plan on Biodiversity, which aimed to ensure that:

“By 2020 at least 17 per cent of terrestrial and inland water areas, and 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well-connected systems of protected areas and *other effective area-based conservation measures*, and integrated into the wider landscapes and seascapes” (CBD, 2010 emphasis added).

The clause on OECMs was included in the closing moments of the 10<sup>th</sup> CBD COP at Aichi to recognise the contributions of areas not legally designated as protected areas to the effective conservation of biodiversity (Laffoley et al., 2017). Generally, it has been assumed that protected areas would remain the primary tool for protecting and conserving biodiversity in line with Aichi Target 11, but that OECMs, under different governance and management regimes, might complement and support these efforts by expanding the conservation estate and improving the connectivity of established protected area systems. Accordingly, much of the action since the Aichi Targets were agreed upon focused on creating additional protected areas as the key route to the delivery of Target 11, with comparatively little attention given to OECMs (Leadley et al., 2014).

However, in the years that followed the Aichi Conference, as the 2020 deadline for the Biodiversity Targets continued to draw nearer, there was growing interest in OECMs and discussions about their significance under Aichi Target 11. The absence of a clear definition or appropriate guidance on what might constitute an ‘OECM’ resulted in several years of debate over the meaning and intention of the term and which areas might be included in area-based conservation targets (Jonas et al., 2014). Initially, it was suggested that any areas reported under Aichi Target 11 should broadly align with the definition of a protected area and be treated as such (Woodley et al., 2012), but this was rejected. The increased attention and uncertainty around the phrase prompted the establishment of an IUCN Task Force on OECMs, under the aegis of the WCPA, in 2015 to develop an internationally agreed definition and technical guidelines for recognising and reporting these areas. After lengthy debate and consultation, the Task Force published its draft guidance (IUCN WCPA, 2018a), which led to the adoption, at the 14<sup>th</sup> CBD CoP in November 2018, of the following definition of OECMs:

“a geographically defined area other than a Protected Area, which is governed and managed in ways that achieve positive and sustained long-term outcomes for the in situ conservation of biodiversity, with associated ecosystem functions and

services and where applicable, cultural, spiritual, socio-economic, and other locally relevant values.” (CBD Decision 14/8, 2018)

Therefore, protected areas and OECMs are explicitly defined in opposition to one another as mutually exclusive designations. While both have value for conservation, OECMs, by definition, can only exist outside protected areas. In considering the role and significance of OECMs in the global conservation estate, it is, therefore, useful to first examine what constitutes a protected area. The following sections provide a general introduction to OECMs, highlighting links to historical debates over the definition and classification of protected areas before unpacking core elements of the definition, guiding principles, and emerging issues.

## 2.1 ON DESIGNATING, DESCRIBING AND CLASSIFYING PROTECTED AREAS

Protected areas have grown dramatically in number and diversity since the launch of the first World Conference on National Parks in the 1960s. As the vision of conservation has grown, ideas of what should constitute a protected area have evolved in concert with broader shifts in conservation policy and practice (Brockington et al., 2012). The origins and historical development of the legal definition of protected areas have been the subject of detailed study by members of the conservation community (see, for example, Bishop et al., 2004; Phillips, 2004).

The first effort to classify and record the world’s protected areas was made in 1933. This proposed four protected area categories reflecting the dominant concerns and models of protected areas at the time – national parks, strict nature reserves, flora and fauna reserves, and reserves with the prohibition of hunting. After the publication of the first IUCN “World List of National Parks and Equivalent Reserves” (later the UN List of Protected Areas) in 1961, there was a renewed debate about the nomenclature of protected areas. A second version of this list was published in 1966 using a new classification system that divided the world’s protected areas into three categories: ‘national parks’, ‘scientific reserves’, and ‘natural monuments’ (Holdgate, 1999). This list was later revised and expanded in the 1970s as protected area typologies evolved to include a more significant role for people in the landscape. The 1978 IUCN category system proposed a list of ten broad groups of protected areas based on different management objectives, with the top five becoming part of the UN List of Protected Areas (see Table 1 below). These five categories later formed the basis for the 1994 IUCN categorisation, with the addition of a sixth for protected areas managed mainly for the sustainable use of natural resources.

**Table 1.** The IUCN protected area category system (adapted from Brockington et al., 2012)

1978			1994	
Group	Category	Definition	Category	Definition
A	I	Scientific Reserve: Protected area managed mainly for science	1a	Strict Nature Reserve: Protected area managed mainly for science.
			1b	Wilderness Area: Protected area managed mainly for wilderness protection
	II	National Park: Protected area managed by government for ecosystem protection and recreation	II	National Park: Protected area managed mainly for ecosystem protection and recreation
	III	Natural Monument/National Landmark: Area managed mainly for specific natural features of outstanding national importance	III	National Monument: Protected area managed mainly for conservation of specific natural features
	IV	Nature Conservation Reserve: Protected area managed for the persistence of specific habitats or wildlife	IV	Habitat/Species Management Area: Protected area managed mainly for conservation through management intervention
	V	Protected Landscape: Protected area managed for special aesthetic qualities	V	Protected Landscape/Seascape: Protected area managed mainly for landscape/seascape conservation and recreation
B	VI	Resource Reserve: Isolated or restricted access areas with resource use only by indigenous inhabitants	VI	Managed Resource Protected Area: Protected area managed mainly for the sustainable use of natural resources
	VII	Anthropological Reserve: Area with strong dependence of man upon the natural environment		
	VIII	Multiple Use Management Area: Area managed on a sustained yield basis		
C	IX	Biosphere Reserve: Learning places for sustainable development		
	X	World Heritage Site: Area managed for cultural and natural heritage of outstanding value to humanity		

The 1994 IUCN categorisation is intended to represent degrees of *de jure* protection with an implied gradation of human influence from Category I to Category VI. However, an area can only be assigned to one of these IUCN categories if it complies with the IUCN definition of a protected area. That is:

“...a clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values.” (Dudley, 2008, p.8)

The original intent of the IUCN definition and category system was to bring order to the myriad initiatives under the ‘protected areas’ umbrella and create a common language to aid communications and reporting (Bishop et al., 2004). However, in the absence of any other international framework for protected areas, the IUCN taxonomy is being used to an increasing extent to rewrite and modify protected area legislation and management practices in several countries (Chape et al., 2005; Bishop et al., 2004; Dudley, 2008). The categories have evolved from being purely descriptive of states’ conservation activities to being prescriptive of appropriate activities and management strategies in new and established protected areas. This perversion of the IUCN category system, though perhaps unsurprising, runs counter to the published guidance, which explicitly states that protected areas should first be established to meet national or local needs and then be labelled with an IUCN category according to the management objectives (IUCN, 1994).

The guidance on classifying protected areas openly acknowledges that some conservation measures may deliver real and tangible biodiversity outcomes but would not be considered protected areas as they do not meet the criteria of the IUCN definition and its related principles (Dudley, 2008). This includes the requirement that all protected areas have as their primary objective the conservation of nature. While recognising that protected areas may have other important management objectives, this principle states that in case of conflict with other goals, conservation must take priority for an area to be defined as a protected area. Despite already excluding many Indigenous and Community Conserved Areas (ICCAs) and other conservation measures from the global protected area estate, there have been cogent calls to further tighten the definition of protected areas. These proposals suggest excluding Categories V and VI on the grounds that they are too weak or vague to be recognised as effective protected areas primarily dedicated to the protection of biodiversity (Locke and Dearden, 2005). The concern is that lower levels or standards of protection, should they be sanctioned and designated as protected areas, will become the lowest common denominator to which governments will default when creating new protected areas (Locke and Dearden, 2005). Most of the recent expansion in global protected area coverage has come from the designation of new Category V and VI protected areas; however, analyses of the performance of these areas in conserving biodiversity indicate high degrees of ‘naturalness’ comparable to stricter management categories (Joppa et al., 2008; Leroux et al., 2010).

The debates over the category system for protected areas align with longstanding divides in the conservation community over the role and presence of people in protected landscapes, with some groups advocating for a greater role for local people in conservation (Kareiva and Marvier, 2012), and others who view protected areas as existing primarily for the benefit of other species (Soulé, 2014). It is these same debates over the value of alternative approaches to conservation that have led to the development of a new designation for conserved areas in the form of OECMs.

## 2.2 OECMs: GUIDING PRINCIPLES

OECMs offer a way to recognise the contributions of alternative conservation measures without re-opening or expanding the IUCN definition of protected areas. Though there are obvious similarities in their definitions, areas designated as OECMs are intended to be explicitly complementary and additional to protected areas (Borrini-Feyerabend and Hill, 2015). Among the core distinctions between an OECM and a protected area is that whereas the PAs must have a primary conservation objective, OECMs are defined in terms of their outcomes rather than their management objectives (Jonas et al., 2018). This allows for areas not managed primarily for biodiversity conservation but which nonetheless deliver important conservation outcomes to be included in the conservation estate.

The published guidance (IUCN-WCPA Task Force on OECMs, 2019) recognises three broad approaches that can lead to OECM designation, with the consent of the appropriate governance authority:

1. 'Primary conservation' areas, which may meet all the elements of the IUCN definition of a protected area but where the relevant governance authority does not wish the area to be recognised and reported as such. This could, for example, include some indigenous and local community conserved areas (ICCAs) which are of high biodiversity value but which they do not want to be designated as protected areas or recorded in government protected area databases, especially where recognition as a 'protected area' by the state may bring restrictions on people living within the boundaries.
2. 'Secondary conservation' areas where conservation is an outcome of management but is a secondary objective. These might include sites managed to provide ecological connectivity between protected areas (conservation corridors) or other low-intensity land-use areas like those found in protected area buffer zones. The idea, however, is that the managing authorities are incorporating conservation concerns in their decision-making even if it is not their primary objective.
3. 'Ancillary conservation' areas that deliver effective *in-situ* conservation outcomes despite biodiversity conservation not being an intended management objective. Examples include historic marine wreck sites or military training areas, where these other forms of protection have led to the ancillary conservation of important biodiversity.

In most cases, OECMs will not be ‘created’ so much as ‘recognised’ (Dudley and Stolton, 2020). In other words, the intention is primarily to recognise the value of existing examples of effective area-based conservation and incorporate them into the conservation estate (IUCN WCPA, 2019). The hope is that by recognising and supporting these areas, their contributions to biodiversity conservation can be safeguarded into the future. However, as occurred with PAs, the IUCN guidance on OECMs may also be used to rewrite and modify national conservation legislation and management practices.

That is not to say that any area of high biodiversity or conservation value can now be recognised as an OECM. The identification of ‘potential OECMs’ – areas that may have OECM-like characteristics – is underpinned by a strict set of criteria based on core elements of the definition. The first is the requirement for protected areas and OECMs to remain mutually exclusive, i.e., areas already designated as protected areas or lying within protected areas should not be recognised or reported as OECMs. The second criterion concerns the governance and management of the area. Like protected areas, OECMs can be governed across the full suite of IUCN’s governance types, namely by government (at various levels); private individuals, organisations, and companies; indigenous peoples and/or local communities; or through shared governance arrangements. As with protected areas, any recognition or reporting of OECMs must come with the relevant governance authority's free, prior and informed consent (FPIC). The management of OECMs should also include “effective means” of managing activities that could impact biodiversity, whether through legal measures or other effective means (IUCN WCPA, 2019). While this may include deliberate decisions to leave the area ‘untouched’, areas with no management regime should not be considered as OECMs. The resulting matrix of protected and conserved areas emphasises the importance of integrated systems of protected areas and OECMs across all governance types and management categories (see Table 2 below). It underscores that, although technically distinct, these areas should be understood as part of a continuum of conservation measures integrated across landscapes and seascapes (Jonas et al., 2014).

The criteria for identifying potential OECMs also includes an explicit requirement for areas to demonstrate effective and sustained contributions to the *in situ* conservation of biodiversity (IUCN WCPA, 2019; Jonas et al., 2018). The emphasis on ‘effectiveness’ is notable as it stands in stark contrast to protected areas, which are defined only in terms of their aims to conserve biodiversity rather than their outcomes. This is a clear attempt to avoid the issues plaguing so-called ‘paper parks’ - areas which have been legally gazetted or otherwise designated as protected areas but have not implemented any processes to achieve the conservation of nature (Dudley and Stolton, 2020). However, it also places an additional burden on the governance and management of potential OECMs to include mechanisms to document and monitor the biodiversity attributes of the area as well as other relevant values for which the site is considered important. Recognition of OECMs is, therefore, no mere formality as they have stricter benchmarks for biodiversity conservation than many protected areas (Maxwell et al., 2020).



**Table 2.** Illustrative template for a conservation matrix including protected area categories and OECMs (based on Jonas et al., 2014)

Category	Definition	Governance types			
		Government	Private	Indigenous Peoples and Local Communities	Shared Governance
	<b>Protected Areas</b>				
Ia	<b>Strict Nature Reserve:</b> Protected area managed mainly for science.				
Ib	<b>Wilderness Area:</b> Protected area managed mainly for wilderness protection				
II	<b>National Park:</b> Protected area managed mainly for ecosystem protection and recreation				
III	<b>National Monument:</b> Protected area managed mainly for conservation of specific natural features				
IV	<b>Habitat/Species Management Area:</b> Protected area managed mainly for conservation through management intervention				
V	<b>Protected Landscape/Seascape:</b> Protected area managed mainly for landscape/seascape conservation and recreation				
VI	<b>Managed Resource Protected Area:</b> Protected area managed mainly for the sustainable use of natural resources				
	<b>OECMs</b>				
I	<b>Primary Conservation:</b> Meets IUCN protected area definition in practice, but governing authorities do not wish for it to be designated as such				
II	<b>Secondary Conservation:</b> Conservation is not the primary objective but is still an intended outcome				
III	<b>Ancillary Conservation:</b> Conservation is not necessarily intended but occurs as a result of other management practices				

## 2.3 LOOKING AHEAD: OPPORTUNITIES, CHALLENGES AND EMERGING ISSUES

With a formal definition and guiding principles now in place, the challenge will be to realise the potential of OECMs to make meaningful contributions to the conservation of biodiversity. This includes the broader recognition of Indigenous and community conserved areas (ICCAs) as potential OECMs, which offers a significant opportunity to strengthen the traditional governance and management systems in these areas and ensure they are protected over the long term (Jonas et al., 2017). This speaks directly to the objectives of the OECM concept to promote a greater diversity of actors and make visible the roles of different governance systems in biodiversity conservation (Jonas et al., 2014; Laffoley et al., 2017). Incorporating OECMs in conservation planning also has the potential to address current shortfalls in connectivity across landscapes and seascapes, improve ecological representation, and contribute to improved management and restoration of areas of critical importance for biodiversity (Jonas et al., 2018).

Beyond the Aichi Targets, OECMs could contribute significantly to expanding and enhancing the conservation estate, especially in places where protected areas are not an option – preliminary findings suggest up to 80 per cent of unprotected Key Biodiversity Areas could be at least partly covered by one or more potential OECMs (Jonas et al., 2014, 2018; UNEP-WCMC et al., 2018; Brooks et al., 2015). It is estimated that these areas may equal or exceed the number of officially designated protected areas and cover as much, if not more, than their total area. With mounting pressure to set more ambitious conservation targets over the next decade, OECMs could play a key role in achieving big and bold new conservation goals in line with ideas put forward by the Half-Earth movement and Nature Needs Half initiative (Dudley et al., 2018). The formal recognition of ICCAs alone has the potential to double the current extent of the global conservation estate (Jonas et al., 2017).

On the other hand, there are concerns that states may use OECMs as an ‘easy option’; a means to avoid a more challenging path towards expanding protected areas by recognising and reporting areas that are already effectively conserved or areas that do not actually contribute to biodiversity conservation (Jonas et al., 2014; Dudley and Stolton, 2020). It follows the same line of critique levelled against the inclusion of Category V and VI protected areas in the global protected area estate by Locke and Dearn (2005). Including OECMs in area-based conservation targets may be seen as ‘shifting the goalposts’ to achieve national and international biodiversity targets. This follows a known pattern whereby, as targets become better understood, governments grow increasingly adept at expanding the definition of protection to achieve the target without actually expanding the area protected (Locke and Dearden, 2005). While OECMs provide an exciting opportunity to expand the conservation estate, the conservation community will be wary of any tendency to inflate conservation statistics by counting as OECMs areas that do not meet the criteria (Maxwell et al., 2020). As a result of these concerns, there have been calls to disaggregate future targets for protected area coverage to include separate numeric targets for both protected areas and OECMs (Jonas et al., 2018).

There are also concerns that introducing a ‘new’ conservation designation might divert attention away from the vital role of protected areas in the future of biodiversity conservation. Financial support for existing protected areas is already limited. Expanding the conservation estate to include a broader range of areas, which will require additional support to build capacity and enhance management, is likely to strain available resources further. It is doubtful that expanding the protected area network through more sustainable use areas and other effective area-based conservation measures is the radical vision that excites the Half-Earth movement or Nature Needs Half initiative (Büscher et al., 2017). The introduction of a novel classification for area-based conservation may also exacerbate existing trends involving the downsizing, downgrading and degazettement of protected areas (PADDD) if some areas are re-categorized and their *de facto* or *de jure* protections eroded (Maxwell et al., 2020; Mascia and Pailler, 2011).

As with any new framework, there will likely be ongoing challenges in interpreting and implementing the guidelines for identifying and recognising OECMs. The transition to a broader understanding of area-based conservation may require significant changes to reconcile the international recognition of OECMs with existing conservation policy and legislation at the national-to-local level (Jonas et al., 2018). Additionally, it will likely require substantial investment to build the capacity of conservation actors at various levels of management and governance to identify, monitor, and maintain the biodiversity and related values of OECMs. While national circumstances may differ, ensuring this support for OECMs and their governance authorities will be vital to the success of these areas.

### 3 CASE STUDY: CONSERVATION IN KENYA

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OECMs may appear as a novel term and framework in conservation policy discussions. However, as the previous chapter highlighted, the underlying idea of extending the conservation discourse to “places, peoples and landscapes that are not confined to remote sites or perceived ‘wilderness’” is hardly new (Zimmerer, 2006, p.64). Instead, OECMs form part of a decades-long trend in global conservation policy and governance to expand definitions of ‘what counts’ as protected or conserved and enroll new areas into the conservation estate (Corson et al., 2014b). The OECM framework and guidelines do, however, establish a new set of internationally agreed criteria and guidance for potential or ‘candidate’ areas to be included in this expanded system of protected and conserved areas. As Kenya attempts to reconcile these ‘new’ ideas around OECMs with its own conservation policies and priorities, it is important to situate this policy initiative in the proper context and understand how it relates to the historical and political evolution of conservation in Kenya. This chapter, therefore, begins with a (brief) account of the evolution of approaches to conservation and protected areas in Kenya (3.1) before exploring some of the contemporary conservation measures in Kenya that might align with the OECM framework (3.2).

#### 3.1 EVOLVING MODELS OF CONSERVATION IN KENYA

I start by tracing the broad trends in area-based conservation in Kenya, drawing on critical political ecology perspectives to highlight the interplay between macro-scale dynamics in global conservation policy and shifting approaches to the practice of conservation on the ground in Kenya. The history of conservation policy and protected areas in Kenya has been “uniquely colonial and neocolonial”, with most conservation policies and programmes initiated with the assistance of the British colonial government and later international conservation organisations (Akama et al., 1996, p.338). In most large conservation landscapes in Kenya, there is a mixture of different approaches, including state, private and community conservation areas. This mix does not result from concerted and rational planning to create integrated and complementary conservation landscapes. Instead, it is more often the result of complex events in the country’s history through which different models for area-based conservation have been promoted and pursued in various contexts (Elliott et al., 2014). Table 3 below provides a brief overview of key dates in the history of conservation in Kenya. The following subsections expand on the broad paradigm shifts that have shaped conservation in Kenya and the associated models of protected and conserved areas that were popularised under these distinct regimes.

**Table 3. A brief history of wildlife conservation in Kenya**

<b>Pre-1800:</b>	- Long history of diverse human-wildlife relationships, lands and natural resources managed according to traditional arrangements and customs.
<b>1890-1920:</b>	- British East Africa Protectorate, first hunting regulations established. - First Game Department and Game Reserves created (including large Northern and Southern Reserves on pastoral land).
<b>1945-1950:</b>	- National Park Ordinance, establishment of Nairobi, Tsavo, Mount Kenya and Aberdares National Parks. - First revenue sharing scheme with local communities to promote conservation in Amboseli, Chyulu Hills, Maasai Mara and Ngong Reserves (formerly Southern Game Reserve).
<b>1950-1963:</b>	- Establishment of first District Council managed reserves (Meru, Samburu, Isiolo) in former Northern Game Reserve. - Administration of Mara and Amboseli Reserves devolved to respective District Councils.
<b>1963-1976:</b>	- Increased centralisation of wildlife governance under newly independent Kenyan government. Mara and Amboseli re-gazetted as national parks with governance and management reverted to national government. - Northern community game reserves re-designated as National Reserves but remain under local administration.
<b>1976:</b>	- First Act to regulate wildlife issues in Kenya. New policy enshrined in Sessional Paper No.3 - Creation of Wildlife Conservation and Management Department (WCMD)
<b>1976-1989:</b>	- First non-state conservation areas piloted in private and community lands. - Protected area outreach through 'grazing compensation fees' paid to neighbouring communities in Southern Kenya. - Additions to the Wildlife Act prohibit hunting and ban trade in ivory.
<b>1989:</b>	- Establishment of Kenya Wildlife Service (KWS) to replace WCMD.
<b>1989-1998:</b>	- Establishment of Community Wildlife Service within KWS. - KWS 'Parks Beyond Parks' campaign to encourage local community conservation initiatives. - First community wildlife sanctuary established at Kimana.
<b>1998-2008:</b>	- Proliferation of 'community conservancies' particularly in Northern Kenya. - Formation of regional conservation organisations to support community conservation programmes (e.g. Northern Rangelands Trust, SORALO, Amboseli Ecosystem Trust). - KWS Minimum Viable Conservation Area (MVCA) framework for conservation planning.
<b>2008-2015:</b>	- Dramatic increase in illegal killing of elephants and rhinos for ivory and rhino horn sparks 'war on poaching'. - Increased focus on security functions of KWS and community rangers including military training and community policing.
<b>2013:</b>	- Creation of Wildlife Conservation and Management Act (WCMA) recognising conservancies and community wildlife associations. - Establishment of Kenya Wildlife Conservancies Association (KWCA) as a national membership organisation representing Community and Private Conservancies.
<b>2013-2018:</b>	- Development of regulations legislating conservancies. - Launch of National Wildlife Strategy 2030.

### 3.1.1 *National Parks, Nature Reserves and 'Conservation Fortresses'*

Protected areas have been a human endeavour for millennia, with historical motivations ranging from religious (including sacred groves and forests) to resource and species management strategies that included limiting the exploitation of particular species in certain areas (Chape et al., 2005). The idea of state-owned and -run protected areas is a comparatively recent invention, beginning with the designation of Yellowstone National Park in 1872. These state-owned 'wilderness' parks were predicated on an Enlightenment-era ontological distinction between humans and nature, with the latter vulnerable to - and in need of protection from - the rapacious and destructive tendencies of modern humans (Adams and Hutton, 2007). These ideas, which lie at the very foundation of the modern conservation movement, were born out of the simultaneous rediscovery of the romantic in nature and revulsion at the destruction of nature and species by rapidly industrialising societies (Wulf, 2015; Adams and Hutton, 2007). The first parks reflected these romantic ideals of nature as envisioned by John Muir - founder of the Sierra Club. In these protected areas, nature was set aside in large tracts of wild land with few or no human inhabitants. This model would come to form the dominant approach to conservation for most of the 20<sup>th</sup> Century.

Early protected areas in Kenya, however, followed the pattern of the hunting and game reserves favoured by and familiar to the British settlers. The first of these reserves were proclaimed in 1896 in the southern and northern parts of the then East Africa Protectorate (Matheka, 2008). Only later, with the 1945 National Parks Ordinance, did these hunting and game reserves give way to the inviolable 'conservation fortresses' inspired by Yellowstone National Park (Brockington, 2002). The following years saw the establishment of the Nairobi National Park in 1946 and subsequent designations of Tsavo, Mount Kenya and Aberdares National Parks from 1946 to 1950 (Udoto, 2012). However, the ideas and logics of this model developed in more urbanised and industrialised countries were out of step with the values and cultures in many parts of Kenya. The result was the imposition of the Western nature-culture dichotomy on places and people where the distinction did not previously exist (Brockington, 2002). The resultant demarcation of protected areas led to mass displacements of the indigenous population who formerly lived, hunted, fished, and farmed in areas now protected for wildlife (Agrawal and Redford, 2009).

Around the same time as the first national parks were established, the British colonial government entered into negotiations with Maasai leaders occupying the former Southern Game Reserve (now Maasailand) to conserve wildlife and promote tourism in a series of national reserves from which the Local Native Council (LNC) would receive a share of the proceeds (Matheka, 2008). An early show of outreach and involvement of Africans in wildlife conservation, the negotiations were successful and led to the establishment of the Amboseli, Chyulu, Mara and Ngong National Reserves in 1948.

### *3.1.2 Conservation in an Independent Kenya*

The decline of the colonial government in Kenya and impending political independence in the late 1950s led to uncertainty about the future of wildlife conservation under a newly independent government (Matheka, 2008; Holdgate, 1999). There was a growing recognition among conservationists that they needed to 'sensitise' the emergent political elite to the value of conservation and involve local communities in conservation projects - both because individual protected areas were often too small and isolated to achieve significant conservation objectives and because existing protected areas would be difficult to maintain politically in the face of widespread objections by local people (Hutton et al., 2005). In some ways, this devolution of wildlife conservation in Kenya had already begun with the creation of the first national reserves in the late 1940s, which shared revenues between the local and national government. The process accelerated in the late 1950s and early 1960s, partly helped by talk of independence and fears of land alienation under a non-Maasai majority government persuading Maasai communities to establish game reserves as a way of retaining rights and control over the land (Matheka, 2008). The establishment in 1959 of the first community game reserve in Meru paved the way for the creation of similar locally administered reserves in Samburu (1962) and Isiolo (1963) (Matheka, 2008). Following the new model, the central Game Department also transferred administrative and management duties for existing national reserves in Mara and Amboseli to the respective district councils in Narok and Kajiado (Rutten, 2002).

Contrary to the concerns of the departing colonial administrators, conservation projects were embraced by the newly independent Kenyan government. By late 1964, a year after independence, the Turkana, Machakos, Kitui and Kwale county councils all expressed a desire to establish locally controlled game reserves along the same lines as the Meru model (Matheka, 2008). Unfortunately, the game reserves were less successful than initially hoped. Most were unable to generate sufficient revenue from tourism to remain commercially viable. Even where they could attract substantial numbers of visitors, such as in the Maasai Mara and Amboseli, there were significant conflicts between stakeholders. As a result, in 1966, the national government abandoned the late-colonial devolution of wildlife conservation in favour of centralisation (Matheka, 2008). Several game reserves remained under the administration of local district and county councils and were re-designated as national reserves. However, the Meru (1966) and Amboseli (1973) game reserves were re-gazetted as national parks under the jurisdiction and administration of the national government. Elements of revenue-sharing arrangements with local councils were retained, but the promise of progressive change and devolution of conservation governance in the early 1960s failed to materialise. By the 1970s, local communities still received minimal conservation benefits even after the establishment of reserves in their name (Western, 1982). At this time in its history, Kenya's conservation estate was dominated by more exclusive protected areas (what would later be defined as Category I or II).

### *3.1.3 The Rise of Community Conservation*

The 1970s and 1980s saw a profound change in the dominant narratives of biodiversity conservation, influenced by broader trends towards decentralisation and strengthening the

role of communities in natural resource management (Hulme and Murphree, 1999). The idea of 'community-based conservation' was brought to the fore, with its emphasis on greater community involvement, empowerment, and participation resonating with contemporary priorities and politics and the rediscovery of idealistic and romantic ideas about the 'community' (Igoe and Croucher, 2007; Hutton et al., 2005). The devolution of conservation governance and benefit-sharing that this narrative shift implied were celebrated as a radical departure from the fortress conservation model of the colonial past with its emphasis on protectionism and the segregation of people and nature. Among the central tenets of community-based conservation was the idea that conservation should not be pursued against the interests and wishes of local people, presenting them not as threats to the natural environment but as stakeholders with rights and responsibilities over their nation's conservation estate (Berkes, 2007).

Early efforts to develop policies and structures for community conservation in East Africa centred around the idea of protected area outreach, which sought to enhance the workings of national parks and reserves by educating and supporting local communities, principally through revenue sharing from tourism or hunting safaris, establishing clear linkages between protected areas and the local economy (Hulme and Murphree, 1999). One of the first formal community conservation initiatives in Africa was piloted in Amboseli in the 1970s; it involved enlisting local landowners inhabiting the areas surrounding the national park to aid in the conservation of migratory wildlife through an annual 'grazing compensation fee' – an early precursor to payments for ecosystem services (Western, 1982). It would be a few years before the principles of community-based conservation were enshrined adequately in national policy and legislation. However, this pilot project established the fundamental ideas upon which the approach to community conservation in Kenya would be based (Hulme and Murphree, 1999).

Community-based conservation's potential remained largely underdeveloped in Kenya until the establishment of the Kenya Wildlife Service (KWS) in 1989 (replacing the Wildlife Conservation and Management Department) and the launch of the Community Wildlife Program in 1991. By this time, a plethora of new initiatives were underway under the umbrella of 'community-based conservation' - among them community-based natural resource management (CBNRM), integrated conservation and development projects (ICDP) and community-based ecotourism - and lessons from other countries, such as Zimbabwe and its flagship CAMPFIRE initiative, were becoming available (Barrow and Murphree, 2001). Approaches ranged from the protected area outreach programmes pioneered in Kenya to collaborative management of protected areas among select stakeholders and community-based conservation models, which involved the complete devolution of governance to local communities and resource users (Hulme and Murphree, 1999). As examples of best practice spread, ideas of community-based conservation became so widely accepted on the African continent as to constitute a new orthodoxy in conservation theory and practice.

Under the KWS Community Wildlife Program, the focus remained on managing wildlife in protected areas and park outreach through the same revenue-sharing practices first piloted



in Amboseli in the 1970s. However, the launch in 1996 of its 'Parks Beyond Parks' campaign saw KWS mounting programmes to influence land use practices outside the parks under its jurisdiction and engage communities in wildlife conservation in new ways (Rutten, 2002). The 'Parks Beyond Parks' campaign aimed to encourage local conservation initiatives outside parks and promote ecotourism through new collaborative ventures and innovative conservation measures that brought together landowner associations, tour operators, investors and non-governmental organisations (NGOs) (Western et al., 2015). These new partnerships bore fruit in the form of the first community wildlife sanctuary in 1996 at Kimana, near Amboseli National Park. This was to prove an influential model and the beginning of a new approach to conservation in Kenya, with similar "community conservancies" springing up in the Maasai Mara and Northern Kenya around the turn of the century.

### *3.1.4 Sustainability and 'Third Wave' Conservation*

The establishment of the first community conservancies in Kenya coincided with a 'third wave' of conservation that emerged during the late 1980s and 1990s. Following ideas set out in the first World Conservation Strategy (IUCN et al., 1980), this 'third wave' of conservation was characterised by a shift in philosophy towards 'conservation for sustainable development' and the expansion of the conservation estate to include environments more utilised and influenced by human activity such as managed forests and buffer zones (Zimmerer, 2006). The paradigm shift was reflected in the IUCN's 1994 list of protected area categories, which included, for the first time, protected areas with sustainable use of natural resources (Category VI). Though critiqued by some conservation scientists as a weakening of protected area standards (Locke and Dearden, 2005; Adams and Hulme, 2001), this expansion of the protected area typology, along with a rapid evolution of novel management spaces, has facilitated much of the recent growth in global protected area coverage (Zimmerer, 2006). By 2010 protected areas reported under Category V-VI made up almost half (49%) of the global PA network, with developing countries organising a greater percentage of their land into these categories compared to industrialised countries (Shafer, 2015).

This shift in conservation priorities at the global scale was also reflected in Kenya's approach to conservation, most notably through the USAID-funded COBRA (Conservation of Biodiverse Resource Areas) and CORE (Conservation of Resources through Enterprise) projects which aimed to improve links between conservation and socio-economic benefits through sustainable management of natural resources and enterprise development (Lent et al., 2002). Mirroring the shift in international conservation discourse towards integrated, landscape-scale approaches to conservation, Kenya also adopted a Minimum Viable Conservation Area (MVCA) framework as the basis for wildlife and conservation planning (Western and Waithaka, 2005). Recognising the negative impacts of protected area insularisation on wildlife populations and the evident need for larger areas and improved connectivity to conserve viable wildlife populations, the MVCA framework aimed to link critical biodiversity areas

across private and public lands through local conservation practices, which complemented and supported national parks and reserves (Western and Waithaka, 2005).

Ideas of sustainable, landscape-scale conservation also influenced the evolution of conservancies in Kenya. Early community wildlife conservancy models involved setting aside small, exclusive wildlife sanctuaries on community land. However, as communities (and their NGO partners) realised the potential to derive income from wildlife without sacrificing established livelihoods, this early model of the small wildlife sanctuary soon gave way to the establishment of larger conservancies practising rotational grazing and “grass banking” to support both wildlife and livestock herds over larger areas (KWCA, 2016; Western et al., 2015). With a growing population and increased pressure on the land making the designation of exclusive protected areas politically and practically difficult, community conservancies were able to further expand the conservation estate as the number of state-run protected areas plateaued in the 1990s (Elliott et al., 2014; Western et al., 2015). By 2015 the number of conservancies had grown to over 160, covering some 43,600 km<sup>2</sup> or 11 per cent of the terrestrial area of Kenya, compared to 7.9 per cent under national parks and reserves (KWCA, 2016).

Though the KWS created an enabling environment for the establishment of wildlife conservancies through its active promotion of community-based conservation, there was no legal framework governing the creation and regulation of wildlife conservancies until the gazettment of the 2013 Wildlife Conservation and Management Act (Republic of Kenya, 2013). In the absence of a regulatory framework, new models could emerge independently and adaptively according to the conditions, opportunities, and priorities of particular local contexts. Consequently, several different approaches developed under the umbrella of community wildlife conservancies, each with different governance structures and varying degrees of *de facto* and *de jure* protection.

### 3.1.5 Back to the Barriers?

As community conservation approaches entered the mainstream and the global conservation movement incorporated ideas around sustainable management, there was resistance from some in the conservation community, arguing for a return to a more traditional, protectionist approach to conservation – a revival Hutton *et al.* (2005) refer to as the ‘back to the barriers’ movement. Much of the critique is based on the perceived shortcomings of community-based conservation in delivering conservation outcomes and a concern that these community approaches, though noble in their pursuit of greater community participation, were channelling scarce financial resources away from proven conservation measures (Hutton et al., 2005; Roe, 2008). At the same time, there was a “massive resurgence of wildlife crime around the world” due, in part, to the dramatic increase in the value of rhino horn and ivory (Büscher, 2018). Given the scale of the threats to biodiversity, the ‘back to the barriers’ movement called for stricter measures to protect what remained, reasserting that biodiversity can only be conserved in areas free of human influences. This was accompanied

by an increased militarisation of protected areas and the use of deadly force against humans and counter-insurgency techniques in defence of wildlife in what Duffy (2016) has termed ‘war by conservation.’

In Kenya, community-based approaches have continued apace with the rapid establishment of several new community conservancies, buoyed by the creation of new community-based organisations and landowner associations, including the Northern Rangelands Trust (NRT), South Rift Association of Land Owners (SORALO) and Kenya Wildlife Conservancies Association (KWCA) (Western et al., 2015). Established in 2004, the NRT has overseen the largest expansion, in terms of percentage of terrestrial area coverage, of community conservancies in Kenya. NRT currently boasts support for 43 conservancies over some 63,000 km<sup>2</sup> of land in northern and coastal Kenya (NRT, 2021). At the same time, however, there has been a shift in management practices in some conservancies toward neo-protectionist or exclusive approaches with the deployment of armed ranger patrols and the use of military tactics to clamp down on the rampant poaching problem that plagued the country after the price of illegal ivory skyrocketed in 2008 (Maguire, 2018). The result has been a strange tension between the increased securitisation of protected and conserved areas alongside a seemingly contradictory narrative of strengthening community relations to ensure the success of conservation initiatives.

### *3.1.6 Neoliberalisation and Donor-led Conservation*

Most recently, the conservation movement, both globally and in Kenya specifically, has been shaped by a broader neoliberal turn in contemporary politics and governance (Little, 2014). The constituent processes of conservation’s neoliberalisation have included a tendency toward greater marketisation, commodification, privatisation, financialisation and decentralisation (Holmes and Cavanagh, 2016). Payments for ecosystem services, carbon trading and offsetting, conservation marketing and conservation finances mechanisms are just some of the measures popularised in recent years (Arsel and Büscher, 2012). At the heart of this neoliberal approach to conservation is the revaluation of nature in capitalist terms and the creation of economic incentive structures to encourage more pro-environmental behaviour and practices and channel greater investment into the conservation of natural resources and biodiversity (Arsel and Büscher, 2012; Fletcher, 2010). The institutionalisation of these neoliberal ideas and market-based mechanisms is reflected in policy statements such as those of “The Economics of Ecosystems and Biodiversity” report and “Towards a Green Economy” and the plurality of initiatives under the REDD+ programme (UNEP, 2011; Sukhdev, 2008). It is conservation predicated on the language of neoliberal economics and the commodification of natural resources (Sullivan, 2006).

The growing influence of neoliberal thinking has also shaped the conservation landscape in other ways. Most striking, perhaps, has been the hollowing out of the state and the hybridisation of governance arrangements (Armitage et al., 2012; Brockington and Igoe, 2007). While national governments traditionally occupied the most important decision-

making roles in conservation planning and the management of protected areas, in the context of widespread devolution and diffusion of environmental governance among actors and across scales, these positions are increasingly being occupied by NGOs and private enterprise with the state acting primarily as facilitator (Armitage et al., 2012; Igoe and Croucher, 2007; Newig and Fritsch, 2009). Under these new hybrid governance arrangements, conservation areas in Kenya and elsewhere on the African continent have become transnational spaces, increasingly governed according to the needs and agendas of transnational networks of donor-sponsored conservation organisations and institutions rather than the needs of specific localities (Brockington and Igoe, 2007; Mbaria and Ogada, 2016). These large conservation organisations collectively control billions of dollars in donor funding and are adopting increasingly corporate strategies, organisational structures, and cultures to align with donor dispositions (Igoe & Brockington, 2007).

### 3.2 POTENTIAL OECMs IN KENYA

The linear presentation of progressive phases of conservation in Kenya above exaggerates the completeness with which new models have replaced earlier approaches. In practice, the evolution of conservation ideas in Kenya has produced a complex amalgamation of more liberal forms of conservation governance alongside reworked continuations of earlier models containing the legacies of previous iterations. As a result, most landscapes in Kenya include a vibrant mix of approaches, including state, private and community conservation areas with varying degrees of *de facto* and *de jure* protection and recognition under national legislation (Elliott et al., 2014).

The direction of conservation policy and practice in Kenya over the past few decades, toward more significant involvement of local communities and other actors in conservation management and governance, suggests there could be fertile ground for the integration of the OECM concept to promote and support emergent conservation models and approaches that have evolved beyond the boundaries of the existing protected area system. The majority of Kenya's wildlife and biodiversity are found outside the country's protected areas, and most large mammals found within national parks and reserves also spend a significant proportion of their time outside these protected areas during the course of the year (Ogutu et al., 2016; Ojwang et al., 2017; Western et al., 2009). Indeed, at the time of writing, Kenya's network of protected areas covers just over 12% of the total land area (UNEP-WCMC, 2022b), significantly lower than the 17% target set at Aichi (and adopted by the Kenyan Government) and less than half of the coverage in neighbouring Tanzania (38%). Though the comparison is not quite as stark, Uganda (16%) and Ethiopia (17%) also boast higher PA coverage statistics than Kenya (UNEP-WCMC and IUCN, 2019). All this suggests that OECMs could have a critical role in the long-term conservation of biodiversity in the country, with candidate areas for OECM designation likely already playing a supportive role in some landscapes. As prominent figures in the Kenyan conservation community have themselves stated, OECMs are "probably the only avenue for Kenya to contribute to meeting both the qualitative and quantitative

aspects of Aichi Target 11” (Waithaka and Njoroge, 2018, p.100), not to mention future area-based conservation targets. The remainder of this section explores some of the different approaches and conservation measures in Kenya that might align with the OECM framework – though this is by no means an exhaustive list.

### 3.2.1 Wildlife Conservancies

Kenya’s wildlife conservancies would be obvious candidates for OECM designation, with an early review by Waithaka and Njoroge (2018) highlighting the close alignment of the conservancy model with the published guidelines and criteria for OECMs. The conservancy movement in Kenya has evolved over more than 40 years, beginning with the establishment of the first non-state protected areas and wildlife sanctuaries in the 1970s, eventually becoming enshrined into national legislation as a legally recognised form of land use following the enactment of the Wildlife Conservation and Management Act (WCMA) in 2013 (Republic of Kenya, 2013). In that time, several different models emerged according to the specific conditions, opportunities, and priorities of local contexts. Some evolved from traditional pastoral commons and ranching models. In contrast, others focused on developing wildlife-based tourism and related enterprises, and others still emphasised security and the recognition of land rights.

The term ‘conservancy’ broadly refers to areas of land set aside by a community or private landowner for the purposes of wildlife conservation and associated compatible land uses (KWCA, 2016). It also refers to the institutions established to manage these apportioned land areas. This definition serves as a catch-all term for the various approaches that have emerged in different parts of the country, each with its own land tenure, governance and management arrangements. The various types of conservancies recognised under this umbrella term are summarised in the table below.

**Table 4.** *Types of Conservancies in Kenya (adapted from KWCA, 2019)*

Conservancy type	Description
<b>Private Conservancy</b>	Set up on private land by a private individual or corporate body for the purpose of wildlife conservation.
<b>Group Conservancy</b>	A single conservancy set up by the pooling of land by contiguous landowners for the purpose of wildlife conservation.
<b>Community Conservancy</b>	A conservancy set up by a community, on community land.
<b>Sanctuary</b>	An area of land and water managed by government, community, individual or private entity for conservation of one or more species of wildlife.
<b>Game Ranch</b>	Set up for the purposes of keeping of wildlife under natural extensive conditions with the intention of engaging in wildlife conservation, recreation, and trade.
<b>Game Farm</b>	Established for the rearing of wildlife in an enclosed and controlled environment for wildlife conservation, trade, and recreation.

There is, then, considerable diversity within the conservancy designation, with the term encompassing a wide range of different approaches and perhaps performing a similar function as almost a precursor to the 'OECM' framework in recognising and acknowledging a broader range of conservation models that nevertheless adhere to a set of underlying principles and standards. However, with 38 per cent of these wildlife conservancies already reported to the WDPA as protected areas (Waithaka and Njoroge, 2018), there are added complexities to recognising these sites as OECMs. This raises questions around the significance of different designations and potential implications for protected area downgrading, downsizing and degazettement (PADDD) should some areas be de-gazetted, re-gazetted and/or re-categorised depending on how the OECM guidelines are interpreted and implemented at a national level.

### 3.2.2 *Pastoral Commons and Group Ranches*

In recent years there have been cogent calls to expand conservation policy in Kenya beyond its narrow focus on protected areas (and conservancies) to support conservation in 'working landscapes' such as contemporary pastoral commons governed and managed by local communities and indigenous peoples (Mwamidi et al., 2018; Nelson, 2012; Tyrrell et al., 2017). These have largely been driven by local circumstances and critiques of increasingly isolated protected areas emerging independently from the international momentum around OECMs. However, the study by Mwamidi *et al.* (2018) on pastoral commons managed by the Daasanach community in Northern Kenya referred specifically to the OECM framework, concluding that these areas embody many of the principles of OECMs and satisfy a sufficient number of the criteria to merit their consideration as potential OECMs. Nonetheless, the authors conceded that their eligibility for full OECM recognition might hinge on an assessment of their ecological 'effectiveness' and the long-term sustainability of their governance systems in the face of rapid social transformations (Mwamidi et al., 2018).

There are numerous other examples of similar pastoral commons across Kenya. Studying wildlife distributions and movements in group ranches managed by the Maasai in the Kenya-Tanzania borderlands, Tyrrell *et al.* (2017) highlight the value of conservation planning that embraces these heterogeneous landscapes outside conservancies. They illustrate the complementary mechanism through which initiatives focused on good grazing management and livestock production systems encourage the maintenance of open rangelands and indirectly support wildlife conservation without the demand for financial returns for wildlife protection. Though group ranches as a system of land tenure have not worked as well as hoped, with the gradual erosion of traditional institutions and their susceptibility to subdivision (Kameri-Mbote, 2005; Nelson, 2010), the incorporation of these areas into the conservation estate as OECMs may help to guard against these deleterious patterns of land use change and support more integrated land use and conservation planning across divisional boundaries.

### 3.2.3 ICCAs and Sacred Natural Sites

It is estimated that territories and areas conserved by Indigenous peoples and local communities (ICCAs), sometimes referred to as Territories of Life, cover 21 per cent of the world's lands, far exceeding the number and extent of terrestrial protected areas governed by nation states (ICCA Consortium, 2021). While some of these territories have been recognised as protected areas for their contributions to biodiversity conservation, not all ICCAs sit comfortably within the existing protected area frameworks. As a result, many ICCAs currently lack appropriate recognition and protections under national legislation (Kothari et al., 2013). In this context, the advent of OECMs could offer important opportunities to increase the recognition and support for ICCAs (Jonas et al., 2017).

The Kenyan government has a mixed record regarding support for ICCAs (Nelson, 2012). Community conservancies have proven to be a successful mechanism to strengthen local conservation efforts and traditional management strategies in pastoral landscapes, supported by the country's new wildlife law (Republic of Kenya, 2013). There are also provisions for the recognition of 'community land' and 'trust land' along with other overlapping national and international policy frameworks which encourage community participation in conservation, but these "do not go so far as recognising and supporting the rights and responsibilities of communities to *govern* and protect their Sacred Natural Sites and Territories *on their own terms*, according to their customary governance systems" (Adam, 2012, p.10 emphasis in original).

When it comes to the country's forests, the policy environment has been less supportive. Despite the inclusion of provisions for the establishment of community forests under the Forest Conservation and Management Act (Republic of Kenya, 2016b), Kenyan forest governance has been characterised by incomplete devolution, a lack of genuine benefit-sharing, and conflicts over the rights of Indigenous peoples to their customary territories in highland forests (ICCA Consortium, 2021; Kairu et al., 2018). One notable exception are the sacred Kaya forest groves in Kenya's coastal zone, which have seen some of the most robust recognition for any ICCAs in Kenya. These forests owe their continued existence mainly to the customary laws and practices of the coastal Mijikenda communities (Adam, 2012). However, the 1990s saw a novel strategy employed involving the gazettelement of the Kaya forests as National Monuments under the Antiquities and Monuments Act, providing the Kayas with a form of statutory protection under national law (Nelson, 2012). The government of Kenya also nominated a representative selection of the Kayas for inscription into the list of World Heritage Sites, which were recognised in 2008 (UNESCO, 2021).

Coastal communities in Kenya are increasingly adopting the concept and terminology of ICCAs in managing marine resources such as in-shore fisheries and coral reef systems (Nelson, 2012). In recent years, Kenya has seen a rapid rise in the number of Locally Managed Marine Areas (LMMAs). The first of these '*tengefus*' (Kiswahili for 'set aside') was piloted by the community of Kuruwitu in 2005. The model has since been replicated by 19 coastal

communities and NGOs along the Kenyan coastline (Kawaka et al., 2017). Though area-based conservation in Kenya has tended to focus on the terrestrial realm, these efforts have found a supportive institutional and legal framework anchored in the Fisheries Act (Republic of Kenya, 2016a), which enables Beach Management Units (BMUs) to make and enforce their own by-laws and through this establish LMMAs (Kawaka et al., 2017).

#### 3.2.4 *Wildlife Corridors and Dispersal Areas*

Kenya's National Wildlife Strategy also includes provisions related to the recognition of wildlife dispersal areas and migratory corridors as "critical to enhance conservation connectivity and increase the resilience of wildlife and essential ecosystem services" (Ministry of Tourism and Wildlife, 2018, p.55). Despite the importance of these areas, they are currently not formally recognised or protected under national legislation. However, the Wildlife Act and its regulations provide diverse avenues for conserving these critical areas for conservation connectivity, including conservation easements, land leases or direct purchases, and benefit schemes like payments for ecosystem services (PES) (Republic of Kenya, 2013). Indeed, many of these corridors and dispersal areas are at least partly covered by community conservancies and other such mechanisms to secure space for wildlife (Ojwang et al., 2017).

### 3.3 SUMMARY

As this review has illustrated, the evolution of conservation measures in Kenya has largely followed global paradigm shifts in conservation policy, with early 'fortress' conservation models increasingly making way for more community-oriented, landscape-scale approaches. However, legislation and policy have often lagged behind innovation and experimentation with new approaches – the conservancy movement being a key example – resulting in different areas enjoying varying degrees of *de facto* and *de jure* protection and recognition under national legislation. This suggests there may be fertile ground for the OECM framework to promote and support a range of conservation measures in Kenya that may have evolved beyond the boundaries and outside the definition of protected areas. Indeed, OECMs may be a crucial tool to help Kenya meet its area-based conservation targets. However, much will depend on how the OECM concept is interpreted and implemented in the Kenyan context, processes which this research will aim to unpack. The following chapter provides an overview of the research methodology, introducing key concepts from the geographies of policy and the overall approach to tackling these questions.



## 4 THEORETICAL AND METHODOLOGICAL FRAMEWORKS

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In Chapter 2, I provided an overview of the (long) journey to develop an internationally agreed definition and guidance on OECMs. This has given shape to the term and established guiding principles for recognising these ‘new’ conservation measures. However, the development of this definition and guidance is not politically neutral, aimed solely at advising parties to the CBD on how to identify these areas or what this new designation might include; it also carries with it an implicit directive for parties to begin the processes of identifying potential OECMs within national boundaries and “start to develop a body of good practice around recognising and reporting OECMs” (IUCN WCPA, 2019, p.v). In this sense, the guidance on OECMs also expresses a call for parties to operationalise the guidelines and report on potential OECMs as part of their commitments to global conservation targets. In recognising and understanding this policy element of OECMs, I was drawn to the growing literature on the ‘geographies of policy’ to help me make sense of the process of bringing these ideas to the ground and attempting to apply these guidelines at the national level. This chapter presents the overarching theoretical and methodological framework for this thesis, introducing key concepts in the (new) geographies of policy and the broader approach to the research inspired by this literature.

### 4.1 THE GEOGRAPHIES OF POLICY

In the field of conservation and environmental governance, there is much contemporary emphasis on the development of robust policy frameworks to address the dual crises of climate change and biodiversity loss (Keeley and Scoones, 2003). Faced with these global challenges, conservationists have been eager to promote global solutions in the form of international initiatives, conventions, and agreements, such as the Convention on Biological Diversity and its associated global biodiversity frameworks, which have come to dominate policy discussions (IUCN, 2020; Woodley et al., 2019; Visconti et al., 2019). These are the very institutions and instruments that gave rise to the Aichi Biodiversity Targets and novel guidance on recognising and supporting OECMs. However, while these international policy initiatives are important, perhaps equally important is the relationship between international policies or programmes and the local and national settings in which they are interpreted, domesticated, and, eventually, implemented (Keeley and Scoones, 2003). Only through these processes of domestication can the (necessarily abstract) policy ideas and initiatives developed at the international level be rendered practically effective.

A focus on understanding these dynamics in the contemporary policy-making process shifts the attention from policy analysis, i.e. examining the intention and impacts of policies, to the analysis of policy processes, emphasising the importance of relationships and interactions, linkages and networks in (Keeley and Scoones, 2003). In the context of increasingly mobile and global policy forms like OECMs, this can create particular methodological challenges

because, as Cochrane and Ward (2012) note, there is no simple linear progression through which these ideas are mobilised and corresponding policies developed. They explain that:

*“Because the processes being analyzed [sic] are much more fluid, defined through eddies and flows that move uncertainly and are defined in place as well as in and through networks; it is not easy to find straightforward ways of researching them.”*  
(Cochrane and Ward, 2012, p.7)

Confronting these challenges, researchers in the ‘new geographies of policy’ movement have embraced longstanding traditions in ethnographic or anthropological studies (Roy, 2012; Larner and Laurie, 2010; Wedel et al., 2005), as well as elements more commonly associated with actor-network theory (Freeman, 2009, 2012; Clarke et al., 2015). This nascent movement resembled more of a “rolling conversation rather than a coherent paradigm” (Peck, 2011, p.774), producing a diversity of methodological innovations drawing on interdisciplinary perspectives including genealogies of policy discourses; the tracking of transnational policy networks; and ethnographies of state actors and ‘middling bureaucrats’ involved in policymaking processes. This new direction in policy research was also marked by a change in ontologies and registers invoking concepts from outside the field of policy studies, notably *assemblage* (McCann and Ward, 2012; Prince, 2010; Clarke et al., 2015), *mobility* (Peck and Theodore, 2010; Peck, 2011; Cochrane and Ward, 2012; Temenos and McCann, 2013), and *translation* (Porto De Oliveira and Pal, 2018; Stone, 2012; Freeman, 2009). The remainder of this section examines each of these concepts and their utility in understanding policy processes.

#### 4.1.1 Policy Assemblage(s)

The idea of policy *assemblage(s)*, first put forward by McCann and Ward (2012, 2013), articulates a particular understanding of how policies are formed and enacted. It borrows heavily from the use of the term in other recent geographical work, most notably in actor-network theory (ANT), in which the term refers to the precarious and temporary ordering of heterogeneous human and non-human entities to work together for a particular purpose (Müller, 2015; Anderson and McFarlane, 2011; Anderson et al., 2012). In proposing this conceptualisation, McCann and Ward argue that policies are not entirely local constructions, nor are they altogether extra-local impositions, instead they exist as “assemblages of parts of the near and far, of fixed and mobile pieces of expertise, regulation, institutional capacities, etc. that are brought together in particular ways and for particular interests and purposes” (McCann and Ward, 2012, p.328). In a similar line of thinking, Clarke *et al.* (2015) employ the concept of policy assemblages in their analyses of social policy and education reform to open up understandings of policy and offer a new conceptual framework for thinking about them based on the central idea that policies are not singular entities but rather constitute a multitude of disparate elements held or arranged together.

While the use of assemblage as a descriptor imagines policies as having a particular form, as a concept, assemblage places a greater emphasis on the *process* of drawing diffuse elements

together – on formulation over resultant form (Li, 2007; Anderson and McFarlane, 2011). Thinking about policy in this way disrupts the idea that policies are coherent, stable ‘things’ and invites greater attention to the “complex process of policy assembly in which divergent political motivations are aligned, translations are effected, and new policy forms are created” (Prince, 2010, p.170). As Anderson *et al.* note: “[in] a non-linear system, small disturbances can have massive effects, meaning that the agency of small components is often only revealed retrospectively in specific traces or as the assemblage is later stabilized [sic], and indeed may remain hidden altogether” (Anderson *et al.*, 2012, p.182). In this context, it is helpful to think of OECMs as a novel element introduced to the assemblage of conservation policy in Kenya, which produces particular disturbances, or ‘frictions’ (Tsing, 2015b), as they are brought together with a diversity of other constituent elements, such as different actors, institutions, and regulations, that cause the assemblage to pull apart, reform, and come together in new ways. This conceptualisation highlights the relationality of global policy initiatives, helping to understand both how national policies may change to align with these new ideas and how OECMs can take on quite distinctive forms from one place to the next as this novel global framework and guiding principles are brought into unique arrangements with established local policy elements.

#### 4.1.2 Policy Mobilities

The idea of policy *mobilities* as the governing metaphor to express the movement of policies emerged largely from a critique of orthodox policy transfer literature, breaking from the rational-formalist tradition of this literature and embracing a more social-constructivist understanding of policies and policymaking (Peck, 2011). It derives from the more general sociological literature on mobilities in which mobility is constructed as a complex and power-laden process rather than a straightforward A-to-B movement (McCann and Ward, 2012). In direct contrast to the policy transfer literature, the movement of policy in this mobilities approach is “not reduced to a more-or-less efficient process of transmitting best (or better) practices, but is visualised as a field of adaptive connections, deeply structured by enduring power relations and shifting ideological alignments” (Peck and Theodore, 2010, p.169). In other words, the mobilities approach expresses the idea that policies do not move around freely in some unstructured universe to be picked up by distant policy makers, rather policies travel through “shifting landscapes of conjunctural openings and preferred channels” (Peck, 2011, p.791).

While initially developed in the context of urban geographies (Temenos and McCann, 2013; see McCann and Ward, 2012, 2013), these ideas can usefully be extended to the increasingly relational spaces of global environmental governance and conservation policy, opening up analyses of the mobilisation of policies through social connections between different actors and the knowledge and power embedded in decision making (Keeley and Scoones, 2003). For example, Webber (2015) employs this approach to examine the complex and intensive work involved in building and mobilising World Bank ‘success stories’ around climate change adaptation projects. The mobilities approach also invites attention to issues around path

dependence in conservation policy-making (Adams, 2010). This describes the process by which new ideas often fail to change outmoded or dysfunctional practices due to the persistence of dominant narratives in framing the way people think about policy problems and how to respond to them (Adams, 2010). As Keeley and Scoones (2003) argue: “if there is something intrinsic to the policy process that means that policies invariably take a particular shape – that certain people and perspectives are repeatedly excluded – then what may be needed is a more wide-ranging examination of the processes of policy-making themselves [to understand how this occurs]” (Keeley and Scoones, 2003, p.3). In other words, by recognising the inherent political and social dimensions of policy mobilities, in terms of how and by whom new policy initiatives are being mobilised, we can better understand how entrenched narratives and elite interests may shape policy outcomes.

#### 4.1.3 Policy Translation

Related to the concept of policy mobilities is that of policy mutation, the notion that policies do not simply transfer whole and intact between jurisdictions but evolve and change over the course of their journeys while simultaneously (re)shaping relations between the places, institutions and communities through which they pass (Peck and Theodore, 2010; McCann and Ward, 2012). Taking the example of OECMs, as these ideas circulate and travel along global circuits of policy knowledge, they both shape particular approaches to conservation, which are re-figured to align with the new framework, and are themselves altered by these encounters with new places, institutions and individuals with which they become associated. There are interesting parallels with Tsing’s ideas around ‘friction’ and the ways she describes how knowledge and ideas “travel across difference and are charged and changed by their travels” (Tsing, 2015b, p.8). The idea of policy mutation, however, suggests that these transformations are an innate characteristic of travelling policies rather than the result of a more active process involving “the negotiation of the coexistence of two or more circulating knowledges through the alteration of each to accommodate the existence of others” (Prince, 2010, p.173). For this reason, and perhaps also to tie in more closely with the ideas around policy assemblage, other authors favour analyses inspired by the work of Latour around the concept of *translation* (Stone, 2012; Prince, 2010; Clarke et al., 2015; Freeman, 2009).

In his ‘model of translation’ Latour (1984) describes how, within diffusion processes, a chain of actors will provide interpretations of a given ‘token’ actively shaping it according to their respective interests. In policy terms, as new policy ideas travel, they are “revised, inflected, appropriated and bent into encounters of different kinds” by those adopting and implementing them (Clarke et al., 2015, p.15).<sup>1</sup> This framing encourages greater analytical attention not just to the transformation of policy ideas or initiatives but the role of individuals or small groups of people as ‘policy mobilisers’ (Larner and Laurie, 2010), or ‘policy ambassadors’ (Porto De Oliveira and Pal, 2018), who work to align interests and negotiate common meanings and interpretations. Lewis and Mosse (2006) similarly unfold Latour’s

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<sup>1</sup> This token can represent a claim, an order, an object or, in this case, a policy

model of translation in the context of development policy, emphasising the critical role of these intermediary policy ‘brokers’ in creating the appearance of consensus or order in development policy and practice. This is the idea Pasgaard (2015) develops in her analysis of conservation actors engaged in implementing a REDD+ project in Cambodia who “actively translate and influence the policy and its implementation in accordance with their respective interests through particular communication strategies” (Pasgaard, 2015, p.111).

## 4.2 FOLLOWING THE POLICY

The study of mobile policies and globally distributed policy processes calls for a methodological approach that is sensitive not only to the movement of policies between multiple milieux but also to the mutability of policies and questions of how ‘policies-from-elsewhere’ are put to work by local actors (Peck and Theodore, 2012). For Peck and Theodore, this means “*following* processes, practices, discourses, technologies or networks, thereby *connecting* sites, scales, and subjects” (Peck and Theodore, 2010, p.171 emphasis in original).

In following the journey of policies, these authors have taken inspiration from earlier rounds of innovative research in human geography, which have variously endeavoured to ‘follow the thing’ (Marcus, 1995), exploring, among other things, the workings of global commodity chains (Cook, 2004), and networks of development aid (Wedel, 2003). In the case of mobile policies, however, the ‘thing’ that is being followed is not in itself an immutable object. Instead, through their very movement, they evolve in form and effect (Peck and Theodore, 2012). ‘Following the policy’ is then not only an effort to trace the movements of policies and policy knowledge across spatial and jurisdictional boundaries but also involves “studying how they change as they move, and analysing how they become part of new policy assemblages” (McCann and Ward, 2012, p.330).

### 4.2.1 A Distended Case Study Approach

The commitment to ‘follow the policy’ often entails “methodological travel, along the paths carved by the policies themselves” (Peck and Theodore, 2012, p.24). As such, the resultant process of ‘studying through’ different spaces of policy (trans)formation disrupts traditional notions of the field as “a single and (relatively) geographically bounded place” (Wedel et al., 2005, p.39). This approach instead favours ‘low-flying’, network-centric perspectives to explore a range of sites variously connected to particular communities of policy practice (Peck and Theodore, 2010). The ‘distended case approach’ these authors promote is characterised by the use of a variety of methods, including ethnographic observations, interviews and documentary analysis, as a means of “probing, interrogating, and triangulating issues around the functioning of global policy networks, the reconstruction of policy models, and the adaptation of policy practice” (Peck and Theodore, 2012, p.26). Following the policy in this way makes it possible to trace power relations associated with policy mobilities and also explore more explicitly how the translation of policy ideas may be contested (Cochrane and Ward, 2012).

In my research, I draw on conversations with policymakers, i.e. those individuals and institutions that ‘actually write the policy’ and ‘middling’ actors involved in the development and spread of policy ideas (Temenos and McCann, 2013, p.348), as well as perspectives from the remote rural locations where the resultant policies are enacted, and their impacts felt. As such, field sites included the offices of the UN Environment Programme World Conservation Monitoring Centre (UNEP-WCMC) in Cambridge, UK; the offices of state and non-governmental organisations in Nairobi and field stations in southern Kenya; and a series of in-person and virtual workshops and discussion groups, which brought global and domestic actors together.

Most of the overseas fieldwork in Kenya took place over five months between November 2019 and March 2020. During that time, I was primarily based in Nairobi, with the exception of two field visits to sites in the Amboseli and Tsavo ecosystems – a third field visit to the Mara ecosystem had been planned. However, this had to be abandoned due to the onset of the novel coronavirus (COVID-19) pandemic in March 2020, which also curtailed the visit to Tsavo. While Peck and Theodore (2012) note that “it is not always possible to ‘be there’, when in the study of global policy networks” (Peck and Theodore, 2012, p.25), the intention was to stay close to high-level conservation actors and policy experts (many of whom have set up their headquarters or satellite offices in Nairobi). This was done partly to facilitate the arrangement of meetings and interviews with these actors and to attend policy discussions, conservation fora, and other similar opportunities that might materialise over this period. The two additional field sites in Amboseli and Tsavo were selected for their national importance as centres of conservation and the diversity of conservation approaches (including state, private and community conservation areas) present in each of the ecosystems. The thought being that encounters with these different approaches to conservation might highlight significant discrepancies or ‘frictions’ between the OECM framework and the messy realities of conservation practice. From a pragmatic point of view, each of these sites also included networks of conservation actors with whom I have had previous contact while working in the conservation sector in Kenya, which facilitated connections with different stakeholders and potential informants.

#### *4.2.2 Moving in Policy Networks*

In the process of navigating the “messy, confusing, slow, painful, frustrating, [and] illogical” policy process (Meffe, 1998, p.741), researchers themselves also become active participants in policy networks – albeit in the context of a reflexive and critical orientation (Peck and Theodore, 2012). Securing access to policy elites and the policy network more generally necessitates working closely with policy-makers to develop mutual support for research goals (Pain, 2006; Burgess, 2005). More than this, there is a requirement to actively engage in policy networks and perform active functions in policy discussions to stay abreast of developments and be invited as a participant and observer in the first place. Of course, such engagement should be carefully managed so as not to internalise the aims of the policy and policymakers and risk being “swept along, almost uncritically” in policy discussions (Imrie, 2004 in Pain,

2006). There is, then, a politics to following mobile policies - tracing their twists, turns and localised effects - which requires a certain degree of strategic conformity (Peck and Theodore, 2010). Continued access to the network and relevant policy actors is contingent upon mutual trust and collaboration with strategic partners, but relationships with policymakers are also dialogical, with policy research (and researchers) forming a vital bridge between spaces of policy formation and implementation (Burgess, 2005).

Policy research of this kind subverts clear distinctions between critical and applied research and challenges divisions between academic versus activist roles (Pain, 2006; Sandbrook et al., 2013). While there is a clear and present desire to contribute to meaningful policy debate in this research, Bell and Read (1998) caution against such projects becoming too oriented toward practice with insufficient methodological rigour. For me, the challenge was often balancing the potentially competing demands of research that simultaneously generates knowledge, informs policy, and guides practice (Cleaver and Franks, 2008). I now turn to these particularities in the next section.

#### *4.2.3 Research Partners and Positionality*

As noted above, research in policy spheres often requires working closely with policymakers and practitioner partners to negotiate access to policy networks. Such research may be funded or commissioned by policymakers or NGOs who take an active role in the design of the research project (Jones, 2014; Maxwell, 2017). This relationship can sometimes raise questions about prejudicing academic liberty – though social geographers have typically worked for and with policymakers while maintaining strong critical independence (Pain, 2006). I initially developed this research project independently, only reaching out to policy actors and potential practitioner partners as the research evolved in a more policy-oriented direction. As a result of this ‘planned opportunism’ (Eyben, 2010 in Jones, 2014), in which I could take advantage of ongoing discussions and debates around the research topic, I was able to approach potential practitioner partners while keeping a more distinct identity as an independent researcher.

Though no doubt well-meaning, the contributions of expatriate scientists and technical consultants to the advancement of conservation policy and research have often been mixed – in some ways strengthening but in other ways impeding the host country’s capacity to develop and deliver conservation and wildlife management programmes independently (Hardin and Remis, 2012). Sensitive to that history and sharing with Jones (2014) the concern that over-involvement on my part could undermine local ownership of policy processes and unduly influence outcomes of consultations for policy or practice, I wanted to ensure that I was working alongside locally driven activities and discussions as much as possible.

After initially approaching contacts at the IUCN East and Southern Africa Regional Office (ESARO) as a potential local partner and affiliated institution (a requirement for any foreigner

conducting research in Kenya), I was eventually signposted to the Kenya Wildlife Service<sup>2</sup> (KWS) by John Waithaka, who at that time served as both regional vice-chair of the IUCN World Commission on Protected Areas (WCPA) for East and Southern Africa and as Chairman on the KWS Board of Trustees. John was also responsible for coordinating the country review of the draft guidelines on OECMs at a workshop held in Nairobi (see Waithaka, 2017). At his suggestion, I contacted the Head of Research at KWS, who agreed to act as a local sponsor and facilitator for the research project, signing on as the Kenyan affiliated institution.

I also approached UNEP-WCMC and the IUCN Task Force on OECMs – respectively tasked with compiling and managing a global database on OECMs (in parallel to the world database on protected areas) and developing capacity and competence around OECMs. I contacted Naomi Kingston, Head of the World Conservation Monitoring Centre’s (WCMC) Conserving Landscapes and Seascapes Programme, and Harry Jonas, Co-Chair of the IUCN Task Force on OECMs, to explain the nature of my research project and explore potential synergies with ongoing work at both institutions. Following a meeting at their headquarters in Cambridge, UNEP-WCMC signed on as a formal partner with an agreement to share data on the recognition and reporting process for OECMs. Harry Jonas also extended an invitation to join the IUCN Task Force, a process which required prior admittance to the World Commission on Protected Areas (IUCN-WCPA). My membership and involvement with the WCPA and the associated OECM Task Force does carry with it an expectation that I actively contribute to and participate in the activities of the Task Force. However, this is strictly related to my position as a researcher and the merits of my research on OECMs.

While I have benefitted from the access to policy networks (and the actors therein) that these relationships provide, Peck and Theodore (2012) note that this also presents a challenge: one of travelling within these mobile policy networks without becoming just another creature of those networks. In other words, the challenge is to participate in the exchange and evaluation of policy knowledge without being seen as a representative or agent of any research partners. However, just by moving in these circles and discussing these ideas, I became an active part of these policy networks bringing with me a particular understanding of OECMs and, due to the relative novelty of the concept, often introducing the term to people who have had little or no prior engagement with it. Whether researchers should reveal their own perceptions and opinions (and what happens when they do) are contentious issues in qualitative research, particularly in ethnographic work (Bryant, 2014). I experienced a constant tension between wanting to contribute to policy discussions as a participant with knowledge of these issues while also trying to avoid exerting undue influence on proceedings to explore the conclusions reached by others and attend to local processes of policy translation as an observer. This became particularly pronounced when discussing the OECM framework with actors who had yet to encounter the term. While these conversations required me to explain the concept as

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<sup>2</sup> The KWS is the parastatal organisation charged with the conservation and management of Kenya’s wildlife and enforcement of related laws and regulations. They also oversee most of the research related to wildlife and conservation in the country.



I understood it, there was a risk that in doing so I would be feeding them my interpretation of the guidelines and their relevance to conservation in Kenya rather than allowing them to develop their own ideas about OECMs.

In addition to the above benefits and challenges brought to the research by engaging in these partnerships with policymakers and practitioners, my willingness to work with these institutions is also connected to my own background as a conservation practitioner and researcher in Kenya. I have previously enjoyed affiliation with the KWS while studying patterns of elephant behaviour and human-elephant conflict under the auspices of Save The Elephants and their partners across Kenya. Developing these collaborations further over the course of my PhD research offered the kinds of opportunities for learning and knowledge exchange with practitioner partners indispensable to the co-construction of expertise (Hardin and Remis, 2012), but also potential pathways for personal and professional development.

### 4.3 METHODS

‘Following the policy’ along the lines proposed by Peck and Theodore (2012), I employ a mixed methods approach to understand how new ideas and narratives around OECMs intersect with established discourses, policy assemblages and practices of conservation in Kenya, thereby connecting spaces of policy circulation and translation with the “prosaic netherworlds of policy implementation” (Peck and Theodore, 2012, p.24). Each chapter of this thesis attends to one of these three spaces: in chapter 5, I study spaces of policy circulation and unpack different perspectives on OECMs as an emerging conservation discourse in Kenya; chapter 6 examines the processes and politics involved in translating these ideas and guidelines into conservation policy at the national level; and chapter 7 explores possible outcomes from this translation process by mapping out different implementation scenarios and analysing the implications for various metrics associated with area-based conservation goals. Following OECMs through these different spaces and stages of the translation process requires an adaptive approach, employing a judicious combination of methods best suited to probing and unpacking each of these spaces. Diverse policy perspectives, for instance, might be best appreciated through interviews with a broad group of conservation actors or ethnographic observations of policy discussions. However, examining the implications of potential outcomes for area-based conservation will require a different approach and suite of methods to unpack, drawing on the kinds of spatial analyses used to evaluate progress towards qualitative and quantitative conservation objectives. More detailed information about the specific methods as they relate to the empirical material presented in each chapter is contained therein. What follows is an overview of the different methods employed and how they contribute to understanding the diverse aspects of this research, which centres on the interpretation and translation of the OECM guidelines in Kenya.

#### 4.3.1 Interviews

Interviews are valuable tools in both ‘studying up’, i.e. gaining entry to policy discussions through influential individuals and institutions, and ‘studying out’ along policy networks to capture a range of opinions and perspectives – outsider as well as insider interpretations (Peck and Theodore, 2012). The former process involves targeting specific policy actors with specialised access to, knowledge of and control over what Roy (2012) might identify as the ‘apparatus’ of conservation policy. In-depth interviews with these actors allow the researcher to delve into the details of policy discussions and open up the political and social context of decision-making. In contrast, the process of ‘studying out’ is aimed at exploring the boundaries of policy knowledge, tracing connections between actors to the fringes of policy networks where there may only be limited awareness and understanding of new policy ideas. These interviews included national conservation actors on the ground in Kenya and stakeholders further afield otherwise connected with the development of conservation policy in Kenya or the advancement of OECMs through, for example, the IUCN Task Force on OECMs.

Interviews can often be somewhat staged and rather scripted encounters, especially when they involve ‘articulate policy elites’ (Peck and Theodore, 2012); indeed, on more than one occasion, I was asked to send reference questions in advance and arrange a preliminary meeting to define the scope of the interview – requests which I nonetheless obliged. Penetrating below the official line and uncovering the ‘hidden transcripts’ beneath can be challenging in these scenarios (Mosse and Lewis, 2006). Unlike classic interpretations of the interviewer-interviewee relationship, which have tended to portray the researcher as the one in the position of power, during encounters and interviews with policy elites, the researcher often occupies the role of supplicant, requesting time and expertise from powerful or influential actors for what is primarily an extractive process of information gathering in which the researcher has much to gain but very little to offer in return (Cochrane, 1998). However, the relationship is rarely so straightforward. In the case of this research, there are also North-South dynamics at play between myself, as an expatriate researcher, and Kenyan nationals. My previous working relationships with some participants may also have influenced those conversations. The relative novelty of the OECM framework meant that there were information asymmetries on both sides of most exchanges. By and large, the interviews were, therefore, far more complex encounters, involving more dialogue than digging.

In-depth interviews with key policy actors were audio recorded to capture the fine detail of these conversations; the remainder of the interviews relied mainly on handwritten notes recorded during discussions. Audio recordings were transcribed verbatim with the help of a local research assistant, and handwritten notes were later digitised so that both could be analysed with the assistance of Nvivo qualitative analysis software to identify and code for key themes emerging from each interview. I developed an initial series of codes following a preliminary review of the interview data and a simple word frequency query to help structure the analysis. These initial codes were later amended and re-organised into thematic clusters

with the addition of new emergent codes identified over the course of the analysis (see Appendix 4-A).

#### 4.3.2 *Document Analysis*

Documentary analysis proceeded along two major avenues: the collection and analysis of documents relating specifically to OECMs, including various reports and meeting minutes from the IUCN Task Force on OECMs along with related outputs from the national review of OECM guidelines in Kenya, as well as a review of historical and contemporary legislation, regulations and other documents from both state and non-state actors pertaining to conservation policy in Kenya more generally.

The first of these forms the basis for discourse analyses of policy papers related to OECMs, which have “indispensable roles to play in the deconstruction of traveling [sic] policy technologies and texts, and the lineages and networks with which they are associated” (Peck and Theodore, 2012, p.23). As Freeman (2009) notes: “Policy is made of words, and it moves. The documents in which policy consists take up problems and representations of problems, and claims made for and about them by different sets of advocates” (Freeman, 2009, p.3). It is through these texts that policies are communicated, and the continuous and multi-directional process of translation is made visible, sometimes quite literally, in the evolution, interpretation and adaptation of policy ideas between different policy texts as well as related workshop reports and other documents.

The latter process of reviewing the broader architecture of conservation policy in Kenya is concerned with examining the “context of context” (Brenner et al., 2010). This entails moving beyond the immediate local context of policy adoption-adaptation-implementation and positioning OECMs “within an understanding of the wider patterning of policy transformation” (Peck and Theodore, 2012, p.28). This was done to build a better understanding of the conservation policy assemblage in Kenya, its various institutional, legislative, and textual elements, and how they fit together.

#### 4.3.3 *Ethnographic Observations*

Participant observation has commonly been employed in conservation research to elucidate traditional environmental governance systems or examine local communities’ relationship with protected areas, governing authorities and/or international conservation organisations (Newing et al., 2010; Kiik, 2018). Yet, for all the attention to local people’s encounters with conservation, there has been a tendency to neglect the social worlds and activities of the conservationists behind these projects that seek to protect or conserve increasing portions of our planet (Kiik, 2018). Greater ethnographic attention to the actors and institutions operating within and across policy spaces not only sheds light on the activity of a particular group of actors whose roles can often be obscured but can help to understand “why certain courses of action were pursued in particular times and places, [and] why other actions dropped out” (Larner and Laurie, 2010, p.218).

Drawing from related work on institutional and organisational ethnographies, there is a growing body of literature employing ethnographic methods to examine constitutive processes of global environmental governance. Focusing on international conferences as nodes of global environmental governance and policy-making, these authors argue that careful attention to processes of negotiation and interaction between actors can help to reveal how different actors influence policy-making processes and shape conservation outcomes (Brosius and Campbell, 2010; Campbell et al. 2014; Corson, Campbell and MacDonald, 2014; Kiik, 2018). These conferences provide invaluable opportunities to observe and document policy-making processes as they unfold in time-condensed settings. However, here I pay closer attention to the journeys these policies take as they are translated back and forth between spaces of policy (re)invention and the localised spaces of interpretation and domestication in Kenya.

Responding to the call by Corson *et al.* (2014a) to account for ‘what happens in a room’, I have engaged in participant observation throughout this research project, recording notes and observations from structured meetings, conferences and workshops as well as more informal interactions and conversations with research participants, to both: (i) attend to the processes of negotiation and interaction that shape conservation outcomes and (ii) reflect on my own role in influencing understandings and interpretations of the OECM concept as a participant-observer in these emergent policy networks.

Following the onset of the global coronavirus pandemic in 2020, it became impossible to remain in Kenya and attend these events and policy discussions in person - also because such gatherings of people were limited following the imposition of local lockdowns and other restrictions. However, I was able to adapt these same ethnographic approaches to explore and unpack discussions in virtual conferences and webinars, which were arranged in response to the restrictions on hosting in-person fora. While nothing can replace the value of “being there”, these online fora have been an invaluable means of staying connected to ongoing policy developments and conversations about the future of conservation in the country. Indeed, in the wake of the coronavirus pandemic ‘virtual ethnography’ has now become a “fully legitimate method of inquiry” (Krause et al., 2021, p.4). Remote observations of online meetings held through video-conferencing technologies such as Zoom also offer the researcher the option to remain largely obscured from the participants and potentially less intrusive, which may reduce their awareness or discomfort at being observed and facilitate more open discussions (Maclean et al., 2020). However, this also raises important questions about the ethics of such online fieldwork, particularly in relation to privacy concerns, and comes at the cost of total immersion and embeddedness in the context, which is often a significant part of the ethnographic method (Krause et al., 2021).

#### 4.3.4 Geospatial Analyses

The three methods described above form the methodological core of the ‘distended case study’ approach. However, the focus of this research on policy questions around area-based

measures in conservation demands engagement with spatially explicit analyses when it comes to understanding the (potential) implications of policy decisions and illustrating how OECMs might influence or alter the landscape of conservation – not just politically, but also geographically. Geographic information systems (GIS) offer unparalleled tools in this regard, both for the visualisation of spatial data and analyses of the spatial coverage and distribution of different area-based conservation measures.

The use of GIS has been critiqued as a tool that predominantly “serves government and state interests, facilitates surveillance and control [...] and is undemocratic as a result of its high cost, limited access, and need for expert knowledge” (Pavlovskaya, 2006, p.2009). However, geographers have also adopted more critical approaches to GIS. These include participatory GIS (Chambers, 2006; Elwood, 2006), collaborative mapping methodologies (Balram et al., 2004), and ‘counter-mapping’ approaches (Peluso, 1995; Harris and Hazen, 2006).

More importantly, the use and applications of GIS in conservation and land-use planning are well-documented (Perkl, 2016; Phua and Minowa, 2005; Balram et al., 2004). Its use here is directly linked with the way GIS tools are employed to measure progress towards conservation targets (Lewis et al., 2018; Saura and Torné, 2009). Given how closely the development of the OECM framework has been tied to the development of new area-based conservation goals, these kinds of spatial analyses serve as powerful decision-support tools in evaluating different outcomes from the policy translation process.

#### 4.4 SUMMARY

This chapter provides an overview of the theories and methods that underpin this research and details the approach to ‘following the policy’ inspired by the work of Peck and Theodore (2012). It emphasises the need for an interdisciplinary approach to understanding what happens when ‘the rubber meets the road’ and these abstract policy ideas encounter the realities and practicalities of conservation on the ground. This interdisciplinarity is characteristic of research in the so-called ‘new geographies of policy’, including comparable studies of the geographies of marine aquaculture policy in the United States (Fairbanks, 2015), and indeed more recent research on OECMs in Canada (Sparling, 2020), which have drawn variously on ideas and concepts from political ecology, relational geographies, critical policy studies, and global environmental governance to understand the complex geographies of policy processes.

Following in this vein, I combine interviews, document analyses, and ethnographic methods to open up the ‘black box’ of policy discussions before employing geographic information systems (GIS) to explore potential implications for area-based conservation in Kenya. The following three chapters form the empirical heart of this research, examining different interpretations and mobilisations of the OECM framework in spaces of policy circulation (Chapter 5), translation (Chapter 6), and implementation (Chapter 7).

## 5 FIRST IMPRESSIONS? EXAMINING DIFFERENT PERSPECTIVES ON THE EMERGING OECM DISCOURSE AND ITS RELEVANCE IN THE KENYAN CONTEXT

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### 5.1 INTRODUCTION

For decades, conservationists have remained steadfastly committed to protected areas (PAs) as “cornerstones for biodiversity conservation” (IUCN, 2010, p.8). While ideas about protected areas have evolved since the first national parks were established, in concert with broader shifts in conservation policy and practice (see Chapters 2 and 3), conservation progress and ambitions have consistently been framed in relation to the extent and effectiveness of PAs (Corson et al., 2014b). However, the emergence of other effective area-based conservation measures (OECMs) as a new classification for area-based conservation has been accompanied by a broader discursive shift in international conservation policy towards the more inclusive language of “protected *and conserved* areas”. As outlined earlier in Chapter 2, the critical distinction between the two is that protected areas must have biodiversity conservation as their primary objective, while OECMs may deliver positive outcomes for biodiversity regardless of their management objectives (CBD, 2018).

This shift from a focus on protected areas to embracing a broader set of ideas in area-based conservation reflects “a fundamental change in global understanding of what we mean by ‘conservation’ and ‘protection’, including about who does conservation and how it is achieved” (Dudley et al., 2018, p.4). Proponents of this new discourse argue that the appropriate recognition and reporting of OECMs offers an opportunity to further expand and enhance the conservation estate and engage a broader range of actors and stakeholders, highlighting the diversity of contributions to conservation under different governance and management regimes (IUCN-WCPA Task Force on OECMs, 2019; Mackinnon et al., 2021).

The term ‘discourse’ has several definitions (Hajer and Versteeg, 2005; Feindt and Oels, 2005; Leipold et al., 2019), I use it here to refer to “a specific ensemble of ideas, concepts, and categorizations that are produced, reproduced and transformed in a particular set of practices and through which meaning is given to physical and social realities” (Hajer, 1995, p.44). Importantly, policy discourses “define problems, frame tensions and choices, and create orientations toward the world that, as the discourse grows successful, become embodied in institutional structures, legal doctrine, analytical techniques, informal norms, and standard operating procedures” (Hilgartner, 2009, p.201).

Though the term ‘OECM’ was developed primarily as a novel categorisation for area-based conservation measures, viewed through this lens, the framework can also be understood as embodying a specific policy discourse built around promoting conservation beyond the boundaries of protected areas. The formal recognition of these areas and their incorporation into the conservation estate requires a broadening of collective understandings and

definitions of conservation to accommodate a greater diversity of approaches. Unpacking this discourse and its guiding principles further, it is possible to discern three primary objectives:

- i. To make visible alternative pathways and approaches to conservation and promote the value of these practices.
- ii. To enhance the 'legibility' of diverse landscapes of protected and conserved areas by introducing a new categorisation for area-based conservation measures.
- iii. To change understandings of what is meant by 'conservation' and incorporate a greater diversity of actors and governance systems.

With the inclusion of language on OECMs in Aichi Target 11 and the updated 'zero draft' of the post-2020 Global Biodiversity Framework (CBD, 2020), they are expected to play a significant role in the future of conservation over the next decade (Dudley et al., 2018). Coupled with the development of the new IUCN technical guidelines, this carries an implicit directive for governments and other implementing agencies to develop policies to identify and recognise potential OECMs that may exist within their jurisdiction. However, the OECM framework is still relatively new, and, as with any new framework, it is subject to ongoing interpretation and discussions around its implications.

In this chapter, I examine the impacts of this emerging discourse in Kenya and its influence on contemporary debates in conservation at the national level. This relates directly to the question of how this new policy initiative is being framed in the Kenyan context and local conservation actors' responses to it. I gather perspectives from a diverse set of conservation actors and experts in Kenya to explore the "success" of the OECM discourse in terms of how well the inherent ideas and objectives translate in this context and align with the interests and priorities of the Kenyan conservation community. In doing so, I also probe the boundaries of local actors' knowledge and understanding of this nascent conservation discourse. Following a brief overview of methods and the empirical material upon which this chapter is based, I focus on the different themes that emerged from discussions of OECMs in Kenya and what they reveal about attitudes towards OECMs and their place within the national conservation estate. These include critical questions about what 'counts' as conservation, the value of different designations, and the interests and power inherent in the recognition process.

## 5.2 METHODS

I conducted a series of semi-structured interviews with stakeholders variously involved in area-based conservation and conservation policy both on the ground in Kenya and further afield. I interviewed a total of 17 individuals (12 men and five women) from civil society (n=2), government (n=2), intergovernmental organisations and international NGOs (n=9), and other conservation NGOs (n=4). Most interviewees had prior knowledge of OECMs and the OECM framework (n=11), though this included a large proportion of international conservation actors (see Appendix 1). Those interviewees who did not were approached for their relevant expertise and knowledge related to diverse conservation approaches and area-based conservation measures in Kenya (n=6). Early discussions helped to frame up the critical issues

at the heart of this research and establish a foundational understanding of the central questions and actors involved, which then informed future interviews both in terms of the questions asked and the selection of interviewees in a snowball sampling method.

I also draw from notes taken during in-person events and online webinars organised by different actors in the Kenyan conservation sector. Here I draw inspiration from the work of Campbell and colleagues (Brosius and Campbell, 2010; Campbell et al., 2014; Corson et al., 2014b), who highlight the value of ethnographic attention to meetings of conservation actors for understanding the linkages between the politics of conservation in localised field sites and the “ideological and practical orientations of institutions for global environmental governance” (Campbell et al., 2014, p.2).

While semi-structured interviews are useful for eliciting perceptions, judgements and opinions from specific individuals with specialist or privileged knowledge (Newing et al., 2010), these ‘event ethnographies’ serve to situate conversations about OECMs within broader debates and discussions about the current state and future directions of conservation at the national level in Kenya. After the planned period of fieldwork was abruptly cut short by the global coronavirus pandemic in early 2020 and people around the world moved to more remote, online working environments, I adapted these same approaches to explore and unpack discussions in virtual workshops and webinars, which were arranged in response to the restrictions on hosting in-person fora. A complete list of these event ethnographies is available in Appendix 3.

### 5.3 OECMS IN KENYA: FRAMING THE ISSUES

These early conversations about OECMs with different conservation actors in Kenya provoked various responses, highlighting some of the central issues and critical questions around this novel conservation discourse. In the sections below, I cluster these into a handful of distinct themes and unpack the different, often contrasting, perspectives that emerged.

#### 5.3.1 *What ‘Counts’ as Conservation?*

At the core of the OECM discourse is an invitation to “recognise and expand the conservation estate, under a range of governance and management regimes” (IUCN-WCPA Task Force on OECMs, 2019, p.iv). The very existence of the term presupposes the presence of a range of OECM-like sites whose contributions to conservation have thus far gone unrecognised and unaccounted for by mainstream conservation actors and discourses. In suggesting that the conservation estate be opened up to incorporate these alternative approaches alongside established categories of protected areas, OECMs provoke particular discussions about what counts as ‘effective’ conservation and, by extension, which sites and/or approaches could be recognised and reported towards global conservation targets.

##### 5.3.1.1 *Wildlife Conservancies*

In the Kenyan context, the first instinct has been to connect OECMs with the country’s expansive network of wildlife conservancies (Waithaka and Njoroge, 2018). With



conservancies having been a feature of the conservation landscape in Kenya for over 25 years, the feeling is that there is “sufficient national understanding and appreciation of their social, economic and ecological benefits” that they provide an easy point of entry for understanding and ‘domesticating’ the OECM framework (Waithaka and Njoroge, 2018, p.104). Indeed, most participants (n=11) seemed to agree that wildlife conservancies were obvious candidates for OECM designation, with a member of the Kenya Wildlife Conservancies Association (KWCA) explaining, “*this is the model that we have, and this is how the model fits into the OECMs, and these are the drawbacks that we need to address so that conservancies are recognised within the OECMs [framework]*” (KII-12) highlighting not only the clear linkages between the OECM discourse and the conservancy model but also their intent to align themselves and these areas with the new framework. By the time the guidance on OECMs was published in 2018, over 160 private and community conservancies had been established across Kenya, covering 11 per cent of Kenya’s total land mass (KWCA, 2016; Ministry of Tourism and Wildlife, 2018). Their recognition as OECMs could effectively double the size of the conservation estate in Kenya, with only 8% of the land covered by other (state-run) protected areas like national parks and reserves (Government of the Republic of Kenya, 2015).

Wildlife conservancies, then, serve as a useful example to illustrate the relevance of the OECM discourse in Kenya. Yet, in many ways, they represent only the lowest-hanging fruit in the full implementation of these ideas as regards the expansion of the conservation estate. To begin with, conservancies are already defined and recognised under national legislation, with associated rules and regulations governing their functions and management standards. While there is considerable diversity among the different conservancy models in individual regions, they nonetheless lie towards the protected area end of the conservation spectrum, being areas designated and managed expressly (and often primarily) “*for purposes of wildlife conservation*” (Republic of Kenya, 2013); many are already recognised as protected areas and are listed in the World Database on Protected Areas (WDPA).<sup>3</sup> Should the applications of the OECM framework in Kenya be limited to wildlife conservancies, this would do little to truly broaden the range of areas and actors involved in conserving biodiversity. Such a restrictive approach to the implementation of the IUCN guidelines would also support the view of some critics of the OECM discourse who argue that “*they [OECMs] are not so different from protected areas in their requirements*” (KII-5) with this senior UN Agency official going on to express their concerns that the OECM framework does not do enough to expand the conservation estate.

#### 5.3.1.2 Pastoral Commons and Group Ranches

While wildlife conservancies were the first example most participants mentioned as potential OECMs in the country, they are but one of many measures contributing to conservation in Kenya. Speaking to a member of a regional conservation NGO in southern Kenya, they described the mosaic of “*protected areas, conservancies and these other conserved areas like*

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<sup>3</sup> This also raises a different set of questions around the designation of conservancies as OECMs which I will explore in section (5.3.2.3) What’s in a name?

group ranches... [which] have value for conservation and hold large populations of wildlife, even if they don't have conservancies" (KII-9). Often these group ranches may serve as critical corridors or dispersal areas for wildlife moving in and out of adjacent protected areas and conservancies. Indeed, many wildlife conservancies in southern Kenya have been established on group ranch land or have their origins in pastoral landscapes that were formerly managed as group ranches before being subdivided (Bedelian, 2014). While the value of these areas is clearly understood at the local scale, this has yet to be translated up scales and recognised at a national or international level. Drawing on examples of similar group ranches managed by the Maasai in the Kenya-Tanzania borderlands, Western et al. (2020) assert that:

*"If classified by the IUCN criteria, the pastoral-dominated savannas would be recognized as the equivalent of Category V landscapes where human uses have produced areas of distinctive aesthetic, ecological and cultural values, and Category VI areas managed mainly for the sustainable use of natural ecosystems."*  
(Western et al., 2020, p.281)

However, these pastoral areas are arguably more closely aligned to the OECM discourse in that, as the authors explain, they achieve positive outcomes for conservation largely indirectly through a focus on livelihoods and practices aimed at maintaining the productivity and resilience of pastoral landscapes. Given the relative novelty of the term, the authors may be unaware of the OECM discourse, a presumption supported by the fact that no reference is made to OECMs anywhere in this study. This, nonetheless, raises two interesting points, the first of which relates to the circulation of the OECM discourse (or rather lack thereof) beyond a select group of policy-literate elites, and the second concerns the potential overlap between definitions of protected areas and OECMs. The latter issue is also relevant to the consideration of conservancies as OECMs. It reiterates the idea that many conservation measures without a formal designation may still meet the IUCN definition of a protected area, which suggests a need to clarify which areas should be considered OECMs and which protected areas. Managing this split between protected areas and OECMs may be a potential sticking point when attempting to implement this framework.

When it comes to recognising and evaluating the contributions of these pastoral commons to the conservation estate, there is some debate over where to draw the line. As one government official explained:

*"So the group ranch is **this** size, but they have set aside a small, probably 10% of their group ranch as the sanctuary [...] and within that section have made it like the core area for conservation [...] they have that core area as a conservancy, [but] then the entire group ranch is also managed in a manner that complements the objectives of the conservancy" (KII-16)*

So, how to apply the OECM guidelines in this context? Should the entirety of the group ranch be granted OECM status, or are only those portions set aside worthy of consideration? Pressed for their opinion on the matter, the government official argued that the group ranch should

be considered in its entirety but admitted this would likely be met with some resistance: “The people say ‘No, you cannot take all this land.’ Ecologically we would like to have all **this** [group ranch], but realistically we can only have **this** [core conservancy area]” (KII-16). Reflecting on the precise wording of this response reveals a latent distrust of conservation interventions, or at the very least, the perception that such distrust exists, linked to the legacies of colonial land grabs in the establishment of early protected areas. This view was supported by other local conservation actors who suggested that talk of formalising group ranches’ contributions to biodiversity conservation might “bring unnecessary politics and fears that conservation might take over these areas” (KII-9).<sup>4</sup>

At the same time, calls to include these wider areas not apportioned and dedicated to wildlife conservation as OECMs may be met with resistance from strict protectionists, who may be concerned that this could weaken conservation standards and sanction lesser forms of protection (Alves-Pinto et al., 2021). Indeed, many conservation activities and programmes operating in group ranches currently rely on the community's goodwill and support from NGOs. As such, the long-term security or sustainability of these programmes is “flimsy”, as one local conservation NGO put it (KII-10). However, their recognition as OECMs could help to address these issues and encourage the maintenance of ecological values. Nevertheless, these diverging perspectives create a curious contradiction whereby more reformist voices critique OECMs as being too strict in their definition and requirements leading to the exclusion of many areas with significant conservation potential, while more protectionist critics feel the criteria are not strict enough, potentially opening the door for sites of lower biodiversity value to be incorporated into the conservation estate.

### 5.3.1.3 ICCAs and Sacred Natural Sites

Conversations with NGOs and civil society actors about OECMs also led to discussions of indigenous- and community-conserved forests and their role in biodiversity conservation. These included references to perhaps the most well-known and extensively documented ICCAs in Kenya: the sacred groves of the coastal Mijikenda people, known locally as the Kayas (Adam, 2012; Nelson, 2012). These forests, which consist of roughly 70 distinct sites, have historically been preserved through the adherence to spiritual beliefs and ritual traditions of the Mijikenda, which strictly forbid any deleterious activities in the forest, including the cutting of trees and collection or removal of any life form in the forest (Adam, 2012). While conversations with WCMC revealed that a representative sample of the Kaya forests has already been reported to the WDPA following their gazettement as National Monuments and/or World Heritage Sites, the remaining Kayas could qualify as OECMs.

A more contentious conversation concerned the possibility of the Loita Forest being recognised as an OECM. The Loita Forest, known to the Maasai as *entim naimina enkiyio* or ‘forest of the lost child’, is perhaps the largest formally unprotected indigenous forest in Kenya, covering approximately 33,000 ha of native upland forest in the southern Rift Valley

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<sup>4</sup> The details of this discussion are explored in greater depth in section 5.4.2 “Territoriality and fears of ‘green grabs”

(Kariuki et al., 2016). However, two different interviewees, one a member of a local conservation NGO and the other from an international NGO, expressed misgivings about the prospect of designating the forest as an OECM. Their primary concern was the potential response from local communities adjacent to the forest, who have long resisted attempts to formally demarcate the land as part of a sustained effort to prevent outside parties, including the local county council and several NGOs, from taking over management of the forest (Kariuki et al., 2016; Karanja et al., 2002; WWF-Kenya, 2017). Considering the unresolved history of past interventions in this area, these interviewees suggested that the local communities may (at best) be hesitant to entertain any renewed attempts by outsiders to formally gazette the forest, regardless of the more progressive or devolutionary overtones of the OECM discourse. Indeed, rather than strengthening the governance and management of the Loita Forest, pushing for the recognition of this area as an OECM may have the perverse effect of undermining community support for conservation.

Regarding other community-managed forests, the Kenyan Forest Conservation and Management Act (Republic of Kenya, 2016b) includes provisions for establishing community forests under the stewardship of Community Forest Associations. This has produced a few ‘success stories’ such as the Karura Forest in Nairobi and the Ngare Ndare forest adjacent to Mt Kenya. However, there have been several challenges associated with implementing this aspect of the national forest policy, as one civil society organisation explained: *“we have seen that there are certain barriers that affect realization of full potential [sic] of Community Forest Associations within the country. Some of these barriers are issues to do with funding and also things like the agency that is responsible in forest management; there are some issues of not power sharing. So, you find KFS [Kenya Forest Service] is not willing to relinquish power to communities to be able to manage the forests”* (KII-15). Given these dynamics between different institutions, there may be some resistance to these community forests being recognised as OECMs under the governance of local communities should this be seen as granting them more autonomy from the KFS.

#### 5.3.1.4 Wildlife Corridors and Dispersal Areas

Though not explicitly mentioning OECMs, there have been renewed discussions about the importance of wildlife corridors and dispersal areas in national policy circles.<sup>5</sup> While these areas have been comprehensively mapped and defined in a recent report as part of a flagship “Kenya Vision 2030” project (Ojwang et al., 2017), they are currently not formally recognised, nor do they enjoy any legal protections under national legislation. In the absence of legislative ‘teeth’ to ensure that these areas are appropriately managed and integrated into land-use planning, their identification as ‘critical areas for conservation’ carries little weight in terms of ensuring positive outcomes for biodiversity.

Likely sparked by recent disputes over the development of land in critical wildlife corridors (e.g. The Star, 2021), these conversations have resulted in proposals to amend the Wildlife

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<sup>5</sup> Webinar – Conservation Alliance of Kenya Review of Wildlife Conservation and Management Act (2013) No. 3. February 16, 2021

Conservation and Management Act (WCMA) to incorporate “a direct and specific protection status to be assigned to wildlife corridors and dispersal areas that do not fall into any of the protected areas classifications as national parks, national reserves, sanctuaries or conservancies. The protection should include a gazetted list of all wildlife corridors and dispersal areas and bare minimum protections accorded to them in regards of [sic] the allowed activities, land uses etc.” (CAK, 2021, p.13). Should these proposals move ahead, and Kenya’s wildlife corridors and dispersal areas become protected by new regulations governing permissible activities in these areas, there could be a case for them to be recognised as OECMs - provided that they do not meet the necessary criteria for protected area status.

#### *5.3.1.5 Important Bird Areas (IBAs) and Key Biodiversity Areas (KBAs)*

Conversations around OECMs also raised questions about potential interactions with other conservation initiatives like Kenya’s Important Bird Areas (IBAs) and other Key Biodiversity Areas (KBAs). Though not necessarily associated with any particular conservation measures or governance arrangements, the KBA standard is used to “identify sites contributing significantly to the global persistence of biodiversity” (IUCN, 2016, p.1). As one civil society organisation (KII-15) proposed, this could provide a valuable tool to screen for potential OECMs in biodiversity-rich environments outside established protected areas “[using] that framework of existing IBAs to identify OECMs, to see which ones fulfil the IUCN criteria.”

A recent study across ten participating countries, including Kenya, profiled over 2000 known KBAs and found that 76.5% of all unprotected KBAs were located in areas with characteristics that resembled OECMs, such as effective management and governance types, clearly defined boundaries and, most importantly, positive outcomes for biodiversity (Donald et al., 2019). In Kenya, a total of 63 unprotected KBAs were profiled, of which 51 (81%) showed OECM-like characteristics. These include several ICCAs like the Dakatcha Woodland in Kilifi County, which currently has no formal protection status but is co-managed by local NGOs and community groups for the conservation of endangered and endemic bird species (The EANHS, 2017). However, with the advent of OECMs, there is an opportunity for these areas to be formally recognised and incorporated into the conservation estate. As the same civil society organisation suggested, “now it’s about trying to understand how best this whole OECM [discourse] can help in the conservation of those sites” (KII-15). The hope is that the OECM discourse will help bring attention to these areas and strengthen their governance and management mechanisms by incorporating them into national policy frameworks.

#### *5.3.1.6 Expanding the Conservation Estate in Kenya*

Discussions about OECMs have drawn attention to a range of different areas which have the potential to be recognised under this new framework. However, the conversation about whether or not some of these sites *should* be recognised is more complex, echoing contemporary debates in conservation on the role different protected and conserved areas “can or should play in addressing socioeconomic and environmental challenges” (Bhola et al., 2020, p.8). These conversations are especially pertinent given concurrent discussions around the post-2020 framework for biodiversity and proposals for new area-based conservation

targets. While there is a general consensus (even within the national wildlife service) that Kenya's protected areas are, on their own, "incapable of adequately meeting the [country's] biodiversity conservation goals" (Government of the Republic of Kenya, 2015, p.75), there are different ideas about how to address this challenge.

In envisioning the future of conservation in Kenya, some members of the conservation community have suggested going through a comprehensive 'visioning process' to re-evaluate and fundamentally re-imagine approaches to conservation in Kenya in ways that are very much in line with the values and principles associated with OECMs. During a gathering of different conservation stakeholders in Nairobi, one community conservation organisation promoted the idea of moving beyond notions of protected areas and pristine landscapes to "create space for visions of cultural landscapes."<sup>6</sup> This was supported by an independent consultant, who argued that, in talking about what conservation is for, we should: "*look at conserving for other reasons and consider the communities living in these landscapes and their visions of these landscapes.*" Others at this meeting, reflecting more protectionist attitudes, responded that the defence of the country's ailing national parks and reserves should take precedence lest they become little more than 'paper parks', with one prominent conservation activist vehemently claiming: "*If we cannot even defend our national parks we cannot even begin to talk about other areas [...] if the only thing we achieve is securing and defending our national parks then at least we will have done something.*"<sup>7</sup> Their concerns mirror those expressed in the literature that "countries may aim to meet their coverage targets by designating large PA or OECMs in places with low opportunity costs and marginal conservation benefits, rather than focusing on delivering meaningful biodiversity conservation in places that could provide greater additionality to the existing area-based conservation network" (Alves-Pinto et al., 2021, p.4). This argument reiterates a narrative that views OECMs as somehow lesser than protected areas in terms of their value for the conservation of biodiversity (Sparling, 2020).

Though some in the conservation community may be wary of expanding the definition of conservation beyond those areas where biodiversity conservation is a primary and explicit objective of management, this is arguably precisely the intent of the OECM discourse: to recognise and promote *de facto* contributions to the effective in-situ conservation of biodiversity irrespective of explicit conservation objectives. "Maintaining the full value of OECMs" (IUCN-WCPA Task Force on OECMs, 2019, p.iv), therefore entails looking beyond these 'primary' conserved areas to consider the potential of areas that achieve positive outcomes for biodiversity even where this is not the primary intent of management.

### 5.3.2 *The Dilemmas of Recognition*

While the OECM discourse opens the floor for a lively debate about the contributions of different conservation measures and approaches and whether or not they should be included in the conservation estate, the identification of potential OECMs also prompts a second set of

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<sup>6</sup> Wildlife Conservation Forum hosted by the Conservation Alliance of Kenya, Nairobi. January 24, 2020

<sup>7</sup> Wildlife Conservation Forum hosted by the Conservation Alliance of Kenya, Nairobi. January 24, 2020

questions around what it means for an area to be recognised as an OECM. Recognising and valuing alternative approaches to conservation is one of the primary objectives of the OECM discourse, but what does it mean to judge these established practices by the criteria and standards of this new framework? What promises and perils might this kind of recognition hold for local communities and landowners?

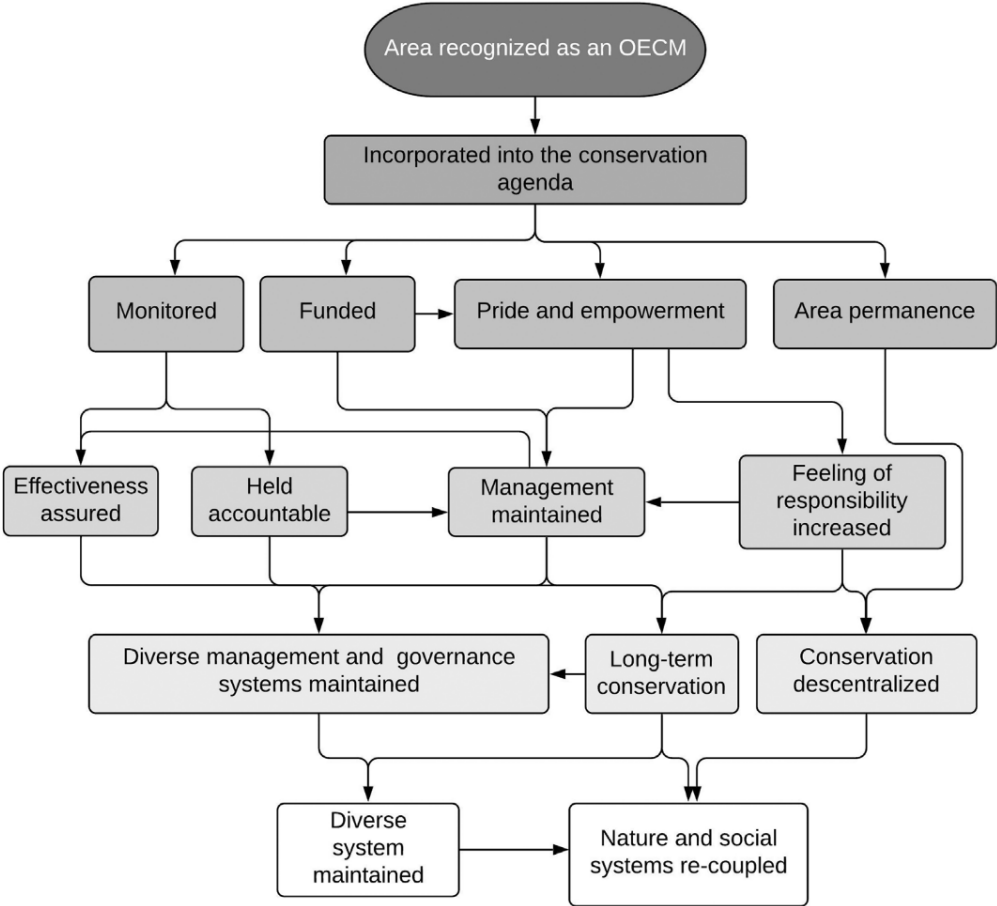
#### 5.3.2.1 *Legitimacy and Validation*

Most interviewees saw improved recognition as the primary benefit of engaging with the OECM discourse, particularly when discussing areas that deliver positive and sustained conservation outcomes but have thus far been excluded from the mainstream conservation agenda. As the Director of the IUCN's Global Protected Areas Programme put it: *"if we can't see them [OECMs], then we can't see how connected they are and what they are affected by."*<sup>8</sup> The general perception among conservation actors in Kenya was that, as a *"globally accepted initiative"* (KII-15), the OECM designation might be able to lend a kind of legitimacy and visibility to these marginal areas and actors, whose contributions to biodiversity conservation have thus far been under-appreciated. As another respondent commented: *"We want to expose areas, we want people to put in investments, we want communities to adopt [these approaches]"* (KII-12). This opportunity for external recognition or validation could also provide a potential solution to the most critical issue for many ICCAs and other conserved areas in Kenya, which is the ability to ensure tenure security over community lands and resources (Nelson, 2012, 2010). As the same respondent, representing a national civil society organisation, explained: *"it's something that is recognised, it's something that is valued by law, something that even protects you [as a conserved area]"* (KII-12). This idea reflects what Keck and Sikkink (1998) described in their 'boomerang' model of transnational advocacy networks, whereby local NGOs draw in the support of larger international NGOs or intergovernmental organisations to apply pressure and effect policy change at a national level. Effectively, by gaining recognition within this international framework, some local groups could seek to use the OECM designation as leverage to secure land rights. By creating a new designation for conserved areas, the OECM discourse provides an alternative option for those communities who do not want the area they govern to become a protected area but nevertheless want recognition and/or tenure security (Alves-Pinto et al., 2021).

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<sup>8</sup> Online launch event for the BIOPAMA Eastern and Southern African Regional Resource Hub (RRH). November 24, 2020.

Interviewees also mentioned that the recognition and reporting of areas as OECMs might increase governance authorities' sense of responsibility and create an incentive for managers and landowners to maintain their practices over the long term. This line of thinking was explained by a representative from a civil society organisation who asserted, "when you know that you're now supposed to report to a bigger framework, then you are more committed because you know people are looking up to you [...] There's that drive towards maintaining their protection status. There's that drive towards maintaining that [ecological] integrity" (KII-12). These positive impacts from the recognition of OECMs are neatly summarised in the flowchart below (Figure 1) created by Alves-Pinto *et al.* (2021).



**Figure 1.** Flowchart showing the positive impacts for nature and people of recognising areas as OECMs (Source: Alves-Pinto *et al.*, 2021)

This model effectively illustrates the logic of the OECM discourse: that recognising the contributions of diverse approaches and governance systems and incorporating them into the conservation agenda can lead to positive outcomes at the site level, such as additional funding, maintenance of management standards, and increased feelings of responsibility and empowerment (as articulated by the interviewees above), as well as at the system level, including the maintenance of diverse management systems and decentralisation of conservation governance.



### 5.3.2.2 Territoriality and Fears of 'Green Grabs'

While the OECM discourse may hold the promise of recognition for some areas, at the same time, the formalisation of governance systems and management practices and their 'induction' into the conservation estate as OECMs can also be fraught with tensions. A crucial part of the challenge, particularly in relation to areas governed by indigenous peoples and local communities, lies in overcoming negative perceptions of conservation itself and scepticism over the hidden agendas of conservationists. These attitudes towards conservation are bound up with enduring legacies of land dispossession from the establishment of Kenya's early protected areas, as captured in this statement by a government official:

*"Even these [wildlife] conservancies came through a lot of persuasion. There was a lot of resistance from the beginning, because they [local communities] would feel that you want to enlarge the area of the national park. [They would say] 'You took this land from us by force, we went to court, we were dismissed and now you have not had enough. You are coming to take more!' So, there was a lot of convincing."*  
(KII-16)

Here, the novelty of the OECM discourse can be an asset, enabling advocates to attempt to shed the baggage of old ideas and discourses around protected areas. In Canada, for example, the use of the OECM moniker to describe new marine conserved areas was associated with greater "public palatability" compared with marine protected areas and met with less resistance from fishing communities (Sparling, 2020). These attempts may not succeed, however, as a lack of awareness and understanding of OECMs can also be a deterrent, with local communities preferring to sit back and "wait and see" (KII-16) what the recognition and designation process might entail. This is likely to be especially true in areas like ICCAs where, according to one international conservation NGO, "'designation' is considered a taboo word due to historical issues around land rights" (KII-11). These views reflect concerns raised in the academic literature around 'green grabbing' and the novel, more subtle forms of (re-)valuation through which land is appropriated for environmental ends (Benjaminsen and Bryceson, 2012; Bersaglio and Cleaver, 2018; Fairhead et al., 2012).

Identifying and recognising a site as a potential OECM is not a neutral or apolitical act, reflecting Bryant's (1998, p.87) view that "ideas are never innocent." Any designation, whether as a protected area or an OECM, ascribes a particular conservation value to the site, potentially bringing changes to the governance and management of the land as everyday activities and practices are re-valued in terms of their contribution to the conservation of biodiversity. This can also open up these spaces to the influence of external actors and interests who exert control over the land indirectly through the prescription and/or proscription of certain activities or practices to achieve conservation goals in a process referred to as 'territorialisation' (Rasmussen and Lund, 2018; Bassett and Gautier, 2014).

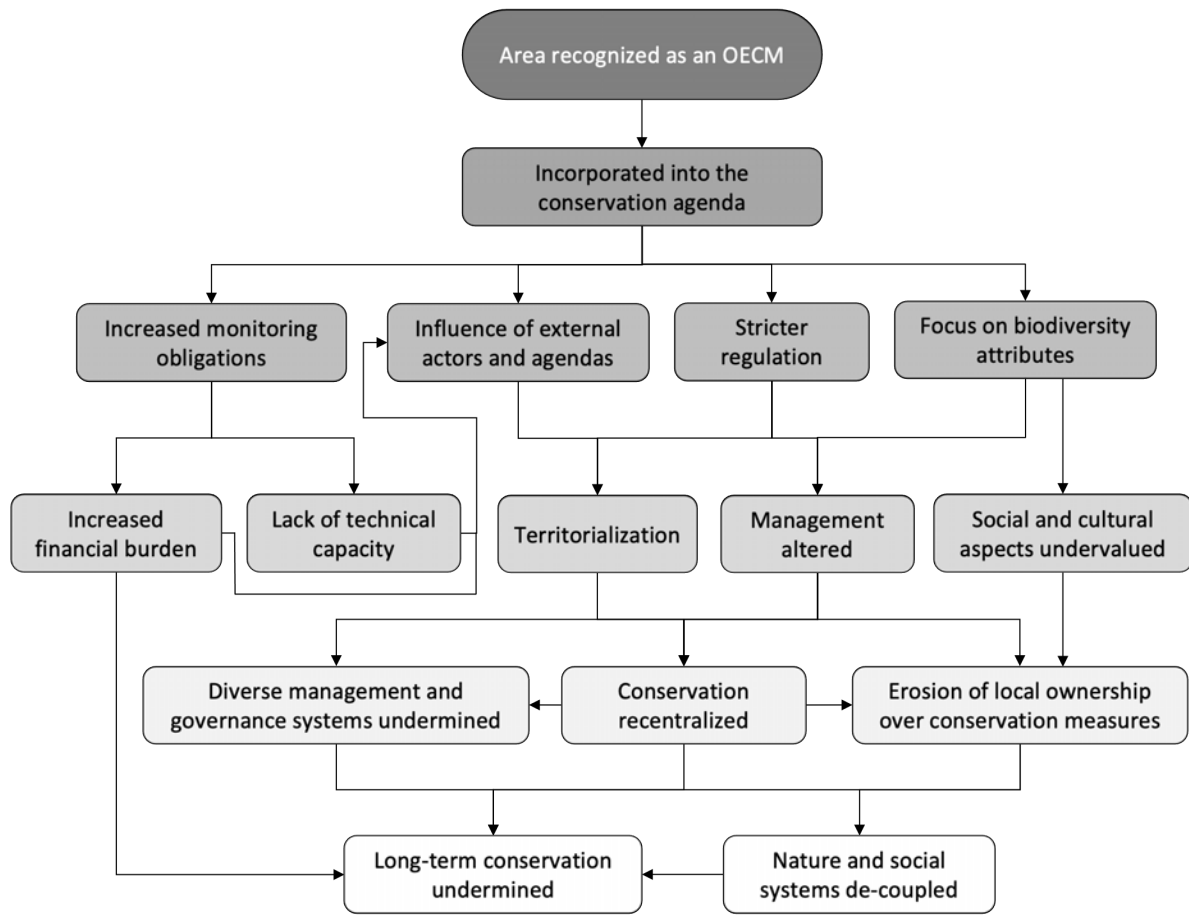
Related to this are concerns over increased regulations and potential obligations in the form of monitoring and evaluation of biodiversity outcomes and other indicators of ‘effectiveness’ that may come with OECM status, reflected in these statements by two interviewees:

*“For these ones, before you give it a name, there has to be a lot of consultation. And, of course, that name must go back to the question, ‘if you call it **this**, what will be the implication’? Is it a conservancy? Is it an OECM? What are the dos and don’ts? And that will then determine the reaction of the owners as it were” (emphasis in original) (KII-7)*

*“If [OECM recognition] increases your management costs then, I mean who wants to have increased management cost and burden? So if it [comes with] so many investments in terms of heavy monitoring that [areas] can’t manage because some [areas] have very basic monitoring frameworks, if I have to increase my cost to have very sophisticated monitoring framework to fit into that [OECM framework], then people will see that [as a] drawback” (KII-12)*

While the OECM discourse promotes opportunities to engage and support a range of new partners in global conservation efforts, these conversations make it clear that there may be tensions between the aspirations to acknowledge and embrace diverse governance systems and their value for biodiversity and the ‘technologies’ of the OECM framework that require robust and accurate monitoring to assess the effectiveness of conservation efforts. Where the former involves accepting and respecting more holistic understandings of social-ecological systems, including broader cultural and spiritual values and practices, the latter is rooted in narrower conceptualisations of ecosystem governance and management effectiveness based on Western scientific methodologies which focus solely (or at least primarily) on those aspects associated directly with the conservation of biodiversity.

This counter-narrative, reflecting the emerging concerns and trepidation articulated by interviewees, is illustrated in the flowchart below (Figure 2). This model is structured along the same lines as that developed by Alves-Pinto *et al.* (2021), but focuses instead on the potential costs and risks associated with OECM recognition such as increased monitoring obligations, the prioritisation of biodiversity outcomes and associated changes in management practices at the site level, while at the system level impacts include the erosion of local governance systems and the recentralisation of conservation with access, control, and management of these areas increasingly shifting to external actors such as state agencies or NGOs.



**Figure 2.** Flowchart showing the potential risks and negative impacts for nature and people of recognising areas as OECMs.

### 5.3.2.3 What's in a name?

While different conservation actors and local groups may battle over the relative merits and pitfalls associated with formalising land-use practices under the umbrella of the OECM framework, for some areas, the OECM designation may not hold the same value or even be necessary for them to continue to exist and fulfil their conservation and livelihood roles. With particular reference to wildlife conservancies, which are already recognised under national legislation, one government official asked, “if you call a conservancy ‘other effective area-based conservation’, does it add anything to what it was originally? [Or] is it like baptising or giving it another name?” (KII-7) Another government official commented that “[communities] are benefitting from them [conserved areas] as they are... It’s only the designation that is missing. But in terms of functions, it is functioning as an OECM... They wonder why can’t we continue the way we are?” (KII-16). These questions articulate an important critique of the OECM discourse related to the additionality or added value of the OECM designation and cast aspersions on the potential benefits of engaging with the OECM framework in different contexts.

Wildlife conservancies in Kenya provide a fascinating case study in this regard as, prior to the development of the IUCN guidelines on OECMs and the creation of this new classification for

area-based conservation, many established conservancies were recognised and reported as protected areas, having successfully met all elements of the IUCN definition.<sup>9</sup> While these conservancies may align more closely with the values and ideas behind the OECM discourse, as one local NGO put it, the question becomes, “*How does it empower you? How is it now that you're going to be different?*” (KII-12). In truth, the re-classification of wildlife conservancies as OECMs is unlikely to do much to strengthen their governance or management systems. Changing the classification of conservancies and thereby moving them from being *protected areas* to *other effective area-based conservation measures* could have the perverse effect of signalling a downgrading of their status, with the implication that they are no longer “protected” – this despite the fact that the recognition process for OECMs will likely be more rigorous than that required to attain protected area status (IUCN-WCPA Task Force on OECMs, 2019). In this context, the OECM label would appear to offer little value beyond simply rendering these landscapes more legible (and therefore more governable) for external actors by ‘appropriately’ categorising different typologies of protected and conserved areas.

These concerns around recognition, regarding both the significance attached to the OECM designation and, as discussed earlier, its potential implications for the management and/or governance of sites identified as potential OECMs, raise serious questions about whether it is worthwhile (from the perspective of governance authorities and/or land managers) to engage with this new discourse. Nevertheless, some actors are already seeking to align themselves and the areas they govern with the OECM framework. This may be driven, at least in part, by an ideological alignment with the inherent ideas of the OECM discourse, which creates a distinction between traditional protected areas, such as national parks and reserves, and “other” conserved areas. However, this decision is likely also influenced by the ‘dynamics of expectations’ around OECMs (Massarella et al., 2018), to which I turn my attention in the next section.

### 5.3.3 *Great Expectations*

The conservation movement has, in the words of Redford and Adams (2009, p.785), a “history of placing great faith in new ideas and approaches that appear to offer compelling solutions to humanity’s chronic disregard for nature” often adopting seductive new policy initiatives with great speed and without much critical discussion. Instead, the early stages of policy development both drive and are driven by collective expectations and imaginaries of what the new policy initiative can deliver (Massarella et al., 2018). In this section, I unpack some of the expectations emerging around OECMs in Kenya to understand their performative function in mobilising both actors and resources around the possibilities of this new conservation discourse.

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<sup>9</sup> Though, importantly, few if any conservancies were assigned any of the six existing management categories for protected areas recognised by the IUCN

### 5.3.3.1 *Communities of Promise*

With the OECM discourse still only in its infancy, most conversations about OECMs with different conservation actors revolved around discussions of their potential or expected impacts rather than more concrete effects on policy or institutions. Still, several interviewees across government, civil society and local NGOs spoke of the anticipation of increased attention and the mobilisation of resources to support OECMs, with one civil society organisation commenting: *“There’s value in some clear recognition process [for OECMs] because there’s something that you’re working towards... The other value is that you attract a lot of investment”* (KII-12). Others, for example, a government official, insisted that *“the issue of benefits should also feature [in the recognition of OECMs]... there ought to be tangible benefits”* (KII-7), while a senior official at an intergovernmental organisation suggested the need for a *“parallel donor framework to work in concert with OECMs”* (KII-3) to support this new policy initiative. At the time these comments were made, the guidance for recognising and reporting OECMs had only recently become available and included no provisions for additional funding mechanisms or support for areas identified as OECMs beyond language around supporting and enhancing the governance capacity of landowners or managing authorities. Nevertheless, these interviewees were clear in their expectations that, as well as being a source of pride for communities and private individuals who attain ‘OECM status’, this recognition would also help to boost the profile of these areas and lead to greater opportunities for attracting funding and support from national and international bodies and donors. These expectations around increased funding and support have also been noted in other contexts, with the possibility of being “funded” considered one of the primary benefits of OECM recognition (see Figure 1 above).

In these early stages, the ambiguity of OECMs and the lack of clarity around potential outcomes enable different actors to imbue them with their own desires and hopes, building ‘communities of promise’ around OECMs. As collective expectations like these develop, they can start to take on a life of their own and often produce the very realities they imagine (Massarella et al., 2018). There has already been mention, for example, of the potential for the Global Environment Facility (GEF) to direct funding towards supporting conservation efforts in OECMs both by respondents in Kenya (KII-6) and other contexts (see, for example, Alves-Pinto et al., 2021). This is despite the fact that these areas have yet to be clearly defined at the national level.

Some actors also see aligning themselves with the novel OECM discourse as an opportunity to ‘get out ahead’ and establish Kenya’s position internationally as an innovator and leader in knowledge and practice around OECMs. As one national conservation NGO commented:

*“So, if you imagine that this conservation model, that these conservancies, are recognised within these [international] frameworks, then it has an impact of replicating lessons to other regions and upscaling the models.”* (KII-12)

The OECM framework is, then, seen as a vehicle for sharing lessons and ‘best practices’ in approaches to conservation outside protected areas, leading to the development of international communities of practice around OECMs. The expectation that OECMs will eventually ‘take off’ works to create a sense of urgency around the need to test or pilot the OECM guidance, inducing actors to enrol in emerging epistemic communities, such as the IUCN Task Force on OECMs, to be kept abreast of ongoing developments. This dynamic of expectations reflects similar patterns to those seen in the early development of the REDD+ programme, where this sense of urgency drove actors to join nascent ‘communities of promise’ perhaps despite uncertainties and early reservations to ensure that they were not left behind (Lund et al., 2017; Massarella et al., 2018).

These pressures are already being felt to some extent in Kenya, with one civil society organisation remarking, *“as we try and hype up the OECM work, we still need to bring these [government] agencies on board and help them understand it better”* (KII-15) revealing a concerted effort to raise greater awareness about new opportunities and build up communities of practice around OECMs. What is perhaps more interesting about this remark is that it appears as though this pressure is being exerted ‘upwards’ by local communities and civil society organisations seeking support from government agencies almost as much as it is being exerted ‘downwards’ by advocates of OECMs at the level of international conservation policy. These forces can be especially powerful where there are expectations of new funding opportunities involved, as the same respondent reflected, recalling previous experiences with the gazettement of Ramsar sites in Kenya: *“Kenya was very keen because we gazetted three Ramsar- three sites simultaneously as Ramsar sites and World Heritage Sites together. Because then I think [if we hadn’t] we were going to miss out on a fund which was coming through the government to ensure that conservation of these sites are achieved”* (KII-15). Similarly, some NGOs and local community groups more attuned to these international dimensions of conservation may seek to position themselves and align their work more closely with the OECM discourse in anticipation of emerging opportunities for external funding and support.

#### 5.3.3.2 *A new conservation fad?*

All this talk of incentives and benefits and the anticipation of new funding opportunities associated with implementing the OECM framework may help generate excitement and hype around OECMs. Still, it is unclear how realistic these expectations may be at this stage. There has been some discussion in critical conservation literature about the level of intentionality involved in raising expectations around new policy solutions, especially given the important performative functions these can play in the early stages of policy development. On the one hand, these expectations can be framed as an “inevitable and unavoidable outcome of social interaction and innovation” (Massarella et al., 2018, p.376), with policy-makers then faced with the challenge of managing overly-inflated expectations. However, others have argued that policy-makers often deliberately play on expectations and the fetishisation of ‘newness’ to mobilise resources towards supporting and expanding existing conservation practices that

have simply been repackaged under a snappy new name (Lund et al., 2017; Massarella et al., 2018; Redford et al., 2013). These strategies, they maintain, are often driven by the “need to secure donations, create a new brand, or a new hook” (Redford et al., 2013, p.437). These critics decry the practice of creating repeated cycles of ‘new’ international conservation programmes or what Redford et al. (2013) have termed ‘conservation fads’, i.e. approaches that are embraced enthusiastically and then ultimately abandoned. They argue that the production and marketing of new policy models as ‘discursive commodities’ results in a culture of embracing discursive change while doing little to effect any real change in the material practices of conservation (Lund et al., 2017).

On the surface, OECMs could be seen as following a similar pattern as these conservation fads, given the emerging dynamics of expectations and anticipated outcomes, particularly around the development of new funding streams. The OECM discourse also resembles something of a repackaging of existing approaches in the way that it “provides a new means of recognising – among other things – very old forms of conservation; namely those occurring as the outcome of Indigenous peoples’ and local communities’ relationships with their territories and areas” (Jonas et al., 2017). For some, the OECM discourse may represent a critical step towards the rightful recognition of these areas and the value they hold for biodiversity, with one interviewee from an intergovernmental organisation stressing the importance of the OECM discourse in “*renewing the narrative around conservation **with** communities*” (KII-4). However, others may be troubled by the appearance of OECMs as another conservation fad following the same hype and disappointment cycles as integrated conservation and development projects (ICDPs), community-based natural resource management (CBNRM) or payments for ecosystem services (PES) before them. While it is too early to claim one way or another whether OECMs will become yet another in a long line of conservation fads, it is still important to be aware of these critiques as expectations continue to develop in step with unfolding policy processes.

#### 5.3.4 On Knowledge and Power

Global initiatives like OECMs are often driven by a global engine of international conservation actors, but they are ultimately reconciled and implemented by local actors with the impacts of these policies felt by local landowners and rights holders. Thus, I come to the final theme to emerge in these early discussions about OECMs in Kenya, which revolves around questions of knowledge and power. In particular, these conversations made references to the interests involved in advancing the OECM discourse as well as how these ideas might be taken forward in Kenya and by whom.

##### 5.3.4.1 Who is it for?

The first of these questions, around whom this new OECM discourse is intended to serve, was neatly distilled by one government official who pointedly asked: “*when we are calling [sites] other effective conserved management areas [OECMs], yeah? For who? That is important. If it is for the benefit of the [land] owners as it were, or for the country, then that needs to come out*” (KII-7). In posing this question, they seem to suggest that the national government may

have more to gain from the recognition and designation of OECMs than the governing authority of the land being designated. This reflects concerns expressed in other contexts that governments may “scramble to squeeze as many existing designations as possible into OECMs” to achieve more significant gains towards numerical targets for area-based conservation (Dudley et al., 2018, p.5), regardless of their relative value for conservation or due consideration of the rights and concerns of land owners.

These comments also return to issues that emerged in earlier discussions about designation, specifically the question of whether the OECM discourse works to empower local communities and include other, more marginalised voices in conservation or whether this new framework simply serves the purpose of rendering the landscape of protected and conserved areas more legible and governable. This effort to standardise or bring order to conservation efforts was a notable feature in the development of the IUCN categories for protected areas and has been noted in relation to other global environmental discourses, which attempt to create a ‘common language’ or otherwise simplify reality in order to be universally applicable (Adger et al., 2001).

While the OECM discourse and its proponents make plain aims to diversify and democratise conservation governance by supporting a range of new partners in conservation, “such transformative processes and outcomes are by no means guaranteed” (Jonas et al., 2017). In this regard, the OECM discourse is somewhat hindered by its weighty moniker. The term “other effective area-based conservation measure” and even the OECM acronym were found by many to be unwieldy or ‘inaccessible’ (KII-3) to the point that the concept could not be effectively communicated to wider stakeholders. One NGO commented that:

*“It’s not about how [OECMs are] known in the global arena. It’s what they [communities] would identify it with. So we tell them it is an important area for conservation... Then whether we describe it as an OECM globally or we describe it as an IBA or a KBA or whatever it is, those elements don’t really matter at the grassroots level. What matters to them, what resonates for them is this thing being important for conservation.” (KII-15)*

*“You don’t just say [to] someone; you don’t just ask them ‘what’s an OECM?’ They are like, ‘I have no idea what an OECM is’ ... [it] is just for them to understand that this area is recognised or can be recognised globally. So it’s a whole language on how we communicate it to the community for them actually to embrace it.” (KII-15)*

From these excerpts, it is evident that the cumbersome name and technical language around OECMs seem more targeted at ‘higher’ policy-level actors than local communities and may work against the success of the discourse in reaching and engaging a broader range of actors in conservation.

#### 5.3.4.2 Who decides?

These early conversations reveal that at this stage, knowledge and awareness of the OECM discourse remains restricted to a select group of highly policy-literate elites, i.e. those with



existing knowledge of the Aichi Biodiversity Targets and other international conservation frameworks. Though this is hardly surprising given the novelty of the OECM discourse and the length of time it has taken to get off the ground, interviewees acknowledged there was a clear need to raise greater awareness about OECMs among both local communities and relevant government agencies, with one NGO proposing a broader *“awareness creation type of initiative to try and bring people, to invite them into the forum to introduce them to these places we consider to be OECMs and introduce them to this [OECM concept]”* (KII-15). The concern is that, without this kind of broader engagement from a greater diversity of stakeholders, there is a risk that policymakers will focus too narrowly on dominant understandings and approaches to conservation outside protected areas, e.g. wildlife conservancies, resulting in the development of national OECM frameworks which exclude other viable conserved areas.

This dominance of established (or establishment) actors in terms of knowledge and awareness of the OECM concept also reinforces their power in related decision-making processes, undermining the goal of empowering new partners in conservation. As one civil society actor commented: “[Some areas] are quite lucky because they have a big network of people who have international connections and all that. So it’s easier for them to understand this thing” (KII-12). If individuals or communities have no knowledge of the OECM concept and guidance, how can they be expected to engage with them? However, should a broader coalition of stakeholders be brought together to participate in and inform the development of national policy on OECMs, it will still be important to be mindful of political dynamics and the influence that more powerful actors can have in shaping policy processes and outcomes. These kinds of fora can often be dominated – inadvertently or not – by the ‘expert’ voices of government agencies and more prominent NGOs who are more well-versed in the languages and practices of policymaking at the national level (Adams, 2010; Bryant, 1998). A more detailed discussion on this theme is explored in the following chapter on the processes and politics of policy translation.

#### 5.4 CONCLUSION

At face value, OECMs might present a reasonably clear and self-evident discourse aiming to expand common definitions and understandings of conservation to incorporate a broader range of areas and actors in conservation whose contributions have thus far been undervalued and underappreciated. However, while these ideas around recognising and supporting OECMs may be familiar to those moving in the international conservation circles in which the term initially emerged, they quickly become much more complex, uncertain, and contested in the contexts of implementation. In this chapter, I call attention to the diversity of perspectives on OECMs in Kenya, highlighting the disparate associations with both opportunity and mistrust that this emerging discourse evokes.

In opening the definition of area-based conservation to include *conserved* as well as *protected* areas, the OECM discourse invites important questions as to which areas might be recognised

under this new framework. These discussions interact with contemporary debates in Kenya, and indeed elsewhere, about the role different approaches can or should have in achieving conservation goals. More cautious voices have suggested that the new classification risks opening the door for governments to artificially inflate progress towards coverage targets by designating and reporting OECMs in places with marginal conservation benefits. This feeds and is fed by narratives that frame OECMs as being lesser than traditional protected areas in terms of their value for biodiversity. However, OECMs have simultaneously drawn criticism from more radical perspectives arguing that the requirements for recognition are too restrictive, rooted in Western scientific understandings of conservation and associated methodologies around identification and monitoring, which could exclude many areas with significant conservation potential. In drawing critiques from both camps, the OECM discourse occupies a strange middle ground in debates over the expansion of the conservation estate, being seen as simultaneously too inclusive and too restrictive when it comes to screening potential additions. Whether, as a result, the OECM discourse manages to strike a balance between these conflicting perspectives or provides further cause for contention, it has nevertheless brought renewed attention to these debates over what should and should not 'count' when it comes to area-based conservation.

There are also significant uncertainties surrounding the implications of OECM recognition, particularly as regards the potential benefits associated with an area being recognised as an OECM. While the OECM discourse touts the opportunities to provide increased security and visibility to areas and territories identified as OECMs, this is largely dependent on government agencies providing legislative 'teeth' to this designation. On the other hand, there are fears that the OECM discourse could contribute to a new 'appropriation by conservation' by exposing these spaces to the influence of external actors and interests. Landowners may be wary of the potential for the imposition of new regulations shaping the governance and management of their lands. These and other concerns around whom this new policy initiative serves raise further questions about how and by whom the OECM discourse is being advanced in Kenya and whose interests and interpretations will be taken forward when it comes to implementing these ideas.

The OECM discourse has, nevertheless, managed to stir up interest and expectations amongst the Kenyan conservation community, particularly around the possibility of new funding streams to support work on OECMs. As this research has shown, these expectations can play a vital role in mobilising resources and support for implementing the new framework, particularly in this nascent stage of the OECM discourse. However, these expectations also need to be carefully managed to avoid repeating the same 'hype, hope, and disappointment' cycles that have plagued past conservation initiatives after they failed to live up to expectations once they had been raised.

While the discussions I have detailed above demonstrate a keen critical awareness of issues related to the OECM discourse among the select group of key informants and conservation actors who participated in the research, it is essential to position their responses within the

broader conservation community in Kenya. From these interviews, as well as parallel workshops and discussions involving a broader alliance of conservation actors and stakeholders, it is clear that the OECM discourse has yet to find its way into the common parlance among the Kenyan conservation community. This has not been helped by the term's somewhat cumbersome name and lack of accessibility for diverse audiences. Without broader understanding and engagement with the OECM discourse from a greater diversity of stakeholders in conservation, there is a risk that these voices, and the places and practices they represent, will be left out of related policy processes. The following chapter explores these policy processes in greater detail, examining how the different perspectives illuminated here might affect policy discussions and the various frictions and transformations involved in translating OECMs into national policy frameworks in Kenya.

## 6 ON POLICY MOBILITIES AND FRICTIONS: FOLLOWING THE TRANSLATION OF GUIDANCE ON RECOGNISING AND SUPPORTING OECMS INTO NATIONAL POLICY FRAMEWORKS IN KENYA

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### 6.1 INTRODUCTION

Having examined the impacts of the OECM discourse on ideas and debates around conservation in Kenya, I now turn my attention to the more technical task of policy translation. Prior to the adoption of the IUCN Task Force's guiding principles for OECMs by the CBD in November 2018, workshops to test earlier versions of the guidance were held in Kenya, Colombia, and Bermuda. In June 2018, a Special Issue of *PARKS* was dedicated to presenting case studies of "potential OECMs" (IUCN WCPA, 2018b). This emerging research was intended to showcase the diversity of 'new' conservation actors and approaches to area-based conservation identified as having OECM-like characteristics. These included territories and areas conserved by indigenous peoples and local communities (ICCAs) (Mwamidi et al., 2018; Eghenter, 2018), privately conserved areas (Mitchell et al., 2018), ecosystem restoration concessions and other area-based certification schemes (Utomo and Walsh, 2018). While these studies highlighted the potential for the OECM framework to strengthen and support emerging conservation efforts, few have addressed the necessary processes by which the guidance might be effectively implemented and integrated into established policy frameworks.

This chapter draws on empirical research in Kenya to unlock the 'black box' of conservation policy and unpack the politics and processes involved in translating the OECM guidance into policy frameworks at the national and sub-national scales. In doing so, I aim to understand the dynamics of policy processes, emerging frictions between the international guidance on OECMs and the national conservation policy context, and the role of different actors and institutions in shaping the translation process. The metaphor of 'friction' complements the central ideas around policy mobilities and translation in this chapter, helping to understand the interaction between OECMs as a global conservation initiative and the existing policies and practices of conservation in Kenya. In using this term, I borrow from Tsing's (2015) foundational work in which she describes how: "A wheel turns because of its encounter with the surface of the road; spinning in the air it goes nowhere... As a metaphorical image, friction reminds us that heterogeneous and unequal encounters can lead to new arrangements of culture and power" (Tsing, 2015b, p.5). This chapter, then, is concerned with what happens when the 'rubber meets the road' in the integration of OECMs into established national policy frameworks and assemblages; how is each re-shaped by this encounter; which actors and interests are dominant; and who is included and excluded in these processes?

As one of the first countries to test the draft IUCN-WCPA Technical Guidelines on recognising and reporting OECMs, the Kenyan case can provide important lessons for other countries preparing to implement these guidelines. This research builds on a growing literature of critical policy studies in conservation, most recently focused on critiques of REDD+ (Pasgaard,

2015; Chomba et al., 2016; Lund et al., 2017; Massarella et al., 2018) as well as the dynamics of “green/blue grabbing” in terrestrial and marine conservation (Milgroom, 2015; Hill, 2017; Benjaminsen and Bryceson, 2012; Rasmussen and Lund, 2018; Fairhead et al., 2012). However, these accounts have typically been retrospective, often relying on information collected after policies have been enacted, with actors’ framings mediated by the outcomes of these policies and projects (Massarella et al., 2018). By ‘following the policy’ as I do here (Peck and Theodore, 2012, 2010), I can examine policy translation processes as they unfold and study how policy assemblages are brought together (and pulled apart).

## 6.2 METHODS

This chapter examines how policy ideas around OECMs have been introduced, interpreted and (incompletely) integrated into conservation policy and practice in Kenya. In following the journey of OECMs in Kenya, I employ three primary methods: (1) semi-structured interviews, (2) document analysis, and (3) ethnographic observations; the combination of these methods being “essential to any adequate understanding of the inescapably social nature of those *continuous* processes of translation, intermediation, and contextualization/decontextualization/re-contextualization” through which policies are realised (Peck and Theodore, 2012, p.24 emphasis in original).

Where the previous chapter (Chapter 5) drew perspectives from a broad range of actors with varying degrees of awareness and understanding of the OECM discourse, here I focus on a more targeted subset of interviews involving those actors more directly involved with and having control over the ‘apparatus’ of conservation policy in Kenya (Roy, 2012; Agamben, 2009). Of those informants more informed about specific issues around OECMs (n=11), three (KII-12, KII-15, KII-16) were directly involved in developing national policy on OECMs in Kenya as participants in the 2017 country review of the draft IUCN-WCPA technical guidelines. A fourth (KII-7) was otherwise involved with the IUCN Task Force on OECMs. The remaining informants constituted a mixture of non-governmental actors whose knowledge of OECMs and related policy processes in Kenya came more indirectly through personal or professional interest. Attempts were made to contact other participants involved in the national OECM workshop; however, none could be reached for comment.

Document analysis focused on the interplay between the international guidance on OECMs and the national conservation policy context. This included texts relating specifically to the development of guidance on OECMs, including various reports and meeting minutes from the IUCN Task Force on OECMs, along with related outputs from the Convention on Biological Diversity. These helped to understand how ideas around OECMs have changed and evolved through encounters with new places, institutions, and actors. The second portion of this analysis was focused on understanding the national conservation policy assemblage in Kenya and its diverse elements to examine the context in which ideas around OECMs are being introduced. This second set of documents included national legislation and regulations, state and NGO reports, policy papers and strategy documents. Each was given a unique code based on the provenance and type of document and date of publication, e.g.,

IUCN/OECM/REP/2019/1. A comprehensive list of the various documents analysed can be found in Appendix 2.

Finally, I recorded ethnographic notes and observations from various meetings and workshops, as well as more informal interactions and conversations with research participants. While many of these events did not specifically focus on OECMs, for reasons I will discuss below, they nonetheless provided valuable insight into processes of negotiation and interaction between different conservation actors and the influence they exert on policy-making processes and conservation outcomes. Of particular interest and relevance was a series of online discussion forums organised by stakeholders in Kenya to review the Wildlife Conservation and Management Act in response to the release of a new sessional paper on wildlife policy in Kenya (see Section 6.3.3.3).

### 6.3 FOLLOWING MOBILE POLICY PROCESSES

The subsequent sections trace the evolution of OECMs as this new concept moves through and intersects with different conservation actors and policymaking milieux. I follow how the OECM discourse has been mobilised and translated by diverse actors and their attempts at domesticating or ‘fixing’ these ideas into the conservation policy assemblage in Kenya.

#### 6.3.1 *Early Progress*

Kenya was among the first countries to engage in a meaningful way with the idea of OECMs, conducting a national review of the draft IUCN-WCPA guidelines on recognising and reporting OECMs at a workshop hosted by the Kenya Wildlife Service (KWS) in June 2017 (KWS/REP/2017/1). However, Kenya’s involvement in the process of developing these guidelines began some months before this at the Third Meeting of the IUCN Task Force on OECMs in Vancouver, Canada in February 2017.<sup>10</sup> It is at this meeting that the idea of testing the guidelines in Kenya was first mooted (IUCN/OECM/REP/2017/1). The proposal came after a presentation on “Community and Private Conservancies in Kenya” as case studies of potential OECMs given by Dr John Waithaka – then Regional Vice Chair of the WCPA for East and Southern Africa (whose role I will return to in section 6.4.2). Kenya was not the only country proposed as a testing ground for the draft guidelines. The session on pilot sites also listed the following countries as possible places to run similar trials: Bermuda; Colombia; Madagascar; Bhutan; Fiji and the Solomon Islands; and Indonesia (IUCN/OECM/REP/2017/1). However, of these proposed countries, only Kenya, Bermuda, and Colombia subsequently followed through in field-testing the guidelines (IUCN/OECM/TEC/2019/1).

Having presented the core elements of the first draft guidance on OECMs at the IUCN World Conservation Congress (Hawai’i, September 2016) and the thirteenth meeting of the Conference of the Parties (COP-13) to the CBD (Mexico, December 2016) members of the IUCN Task Force were eager to test the first draft of the technical guidelines on the ground in

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<sup>10</sup> The first meeting of the Task Force had been hosted by WCMC in Cambridge, UK in January 2016, with the second held a few months later in Vilm, Germany.

a range of different governance and management contexts and develop ‘ancillary guidance’ to enhance the main guidelines with information from these case studies:

*“Suggestions were also made for trials to focus on: community-governed areas; military areas, prisons and restricted areas; critical habitat designations; FSC certified forests; fishing closures; and restoration areas. These assessments are expected to fine tune criteria on qualifications for OECM status and identify those areas that generally would not qualify. In parallel, a project led by BirdLife International is exploring the linkages between (unprotected) KBAs and OECMs”*  
IUCN/OECM/REP/2017/1

It is worth noting the reference towards the end of this extract from the Report of the Third Meeting of the IUCN-WCPA Task Force of a parallel initiative being led by BirdLife International. This study by Donald *et al.* (2019) selected ten focal countries in which to assess the extent and characteristics of potential OECMs in Key Biodiversity Areas (KBAs), with Kenya included among the participating countries. The assessment of Kenyan KBAs was conducted by BirdLife International partner Nature Kenya, the East Africa Natural History Society. This assessment suggested that potential OECMs might be present in 51 (81%) of Kenya’s unprotected KBAs, i.e. that these KBAs included areas governed and managed in ways that aligned with the draft criteria for OECMs, with a further 36 covered by protected areas leaving 12 KBAs without any form of recognised management (Donald *et al.*, 2019).

So, by the time the national review of the draft OECM guidelines was called in June 2017 to introduce the concept to a broader group of conservation stakeholders, work was already underway on two separate fronts: with one stream focused on the similarities and linkages between OECMs and a particular model of area-based conservation in the form of private and community conservancies, while the other examined the prevalence of OECM-like characteristics in the country’s network of KBAs. The workshop was convened by Dr Waithaka in partnership with the Kenya Wildlife Service (KWS), bringing together representatives from each of the eight KWS focal regions or what they term ‘KWS Conservation Areas’ (Western, Mountain, Tsavo, Southern, Coast, Central Rift, Northern and Eastern) along with a handful of national and local NGOs and officials from the Ministry of Environment and Natural Resources.

The purpose of the Nairobi workshop was twofold: to test whether the OECM draft guidelines were useful, practical and applicable to the Kenyan situation; and also, from the perspective of the gathered stakeholders, it was an opportunity to “determine whether potential OECM sites in the country can be included in meeting Kenya’s commitment under the CBD to protect 17% and 10% of terrestrial and marine areas, respectively, by 2020” (KWS/REP/2017/1). At the time the workshop was held in June 2017, Kenya was lagging in its commitments to the CBD targets, with protected areas covering just 12.36% of terrestrial areas and inland waters and a meagre 0.8% of marine areas within national jurisdiction – a fact that was impressed upon the participants during an opening presentation on the state of protected areas in Kenya.

Following an introduction to the draft guidelines by Dr Waithaka and the aforementioned assessment of Kenya's protected area estate, the opening talks were rounded out by complementary presentations by the Kenya Wildlife Conservancies Association (KWCA) and Nature Kenya on the presence of potential OECMs in, respectively, wildlife conservancies and Important Bird Areas (a precursor to and subset of KBAs). It was noted that, combined, these areas "form the largest portion of potential OECM sites in the country", bringing together these two streams of early activity on OECMs (KWS/REP/2017/1). It also emerged from the presentations that including wildlife conservancies alone in WDPA statistics would allow Kenya to "exceed the 17% terrestrial target by 5.5%" (KWS/REP/2017/1).

In plenary, participants were then encouraged to review all sections of the draft guidelines to determine whether there were any issues or gaps that needed to be addressed before breaking out into smaller regional groups representing each of the KWS Conservation Areas. In these groups, participants were asked to apply the guidelines to individual OECM-like sites in their respective regions. Each group was "provided with detailed local maps showing the location of protected areas and wildlife conservancies to assist their discussions. They were also asked to identify any other OECM-like sites that were not appearing on their respective maps" (KWS/REP/2017/1). In all, about 70 'new' sites were identified as having OECM-like characteristics, in addition to the 155 wildlife conservancies. These included the Kaya Forests (sacred natural sites protected by the Mijikanya communities), private ranches, military training areas in the Southern Rift Valley, and areas set aside for research like the Kiboko Research Centre.

The results of the workshop showed that the CBD target of conserving 17% of terrestrial areas by 2020 would likely be "exceeded by a substantial margin" should the potential OECM sites identified be reportable to the WDPA; the effort to protect 10% of coastal and marine areas, participants concluded, was "unlikely to be met in the next three years [before the 2020 deadline]" (KWS/REP/2017/1).

### *6.3.2 Emerging Frictions*

The review of draft guidelines and my subsequent conversations with some of the workshop participants and other stakeholders highlighted several key sticking points or 'frictions' that interfere with the smooth adoption and implementation of the IUCN guidelines for recognising and supporting OECMs in Kenya. Here, we see how some of the concerns expressed in the previous chapter, i.e., what 'counts' in area-based conservation and issues around land tenure and governance, come to bear in shaping the translation of the OECM guidelines.

#### *6.3.2.1 Managing the PA/OECM split*

The first of these issues relates to the distinction between areas that qualify as protected areas and those that could potentially qualify as an OECM. During the Nairobi workshop, there was some contention over the difference between "a geographically defined space" and "a clearly defined geographical space" in the IUCN's definitions of, respectively, OECMs and protected areas. Participants suggested that:



*“If there is none, then this element of the definition should be the same for both PAs and OECMs. For non-native English speakers, the way the two are stated may imply some subtle difference which they may unsuccessfully struggle to discern.”*  
KWS/REP/2017/1

While no such distinction exists in the CBD’s adopted language for OECMs and protected areas, the IUCN’s definitions might suggest some subtle difference in the quality or clarity of geographical boundaries for OECMs and protected areas.

Ultimately, however, participants at the Nairobi workshop were of the general view that “from the definition, an OECM is not different from a protected area, except that it is not recognised as one” (KWS/REP/2017/1). Indeed, the specific guidance relating to sites with a primary conservation objective suggests that these OECMs are simply protected areas by another name. The uncertainty around the distinction between PAs and primary OECMs creates particular challenges when it comes to Kenya’s wildlife conservancies, some of which have already been reported to the WDPA as protected areas prior to the development of the OECM framework.<sup>11</sup> Should ‘new’ conservancies be reported as protected areas or OECMs? Should those conservancies already registered to the WDPA be re-classified under the new OECM framework or maintain their status as protected areas? These questions and their implications for “managing the PA/OECM split” have been noted as a potential sticking point since the first mention of private, group and community conservancies in Kenya as potential OECMs during the meeting of the IUCN Task Force on OECMs in Vancouver (IUCN/OECM/REP/2017/1).

The IUCN guidance suggests that those areas which have already been designated as protected areas should remain listed as such, but what of the remaining conservancies, which are seen as the primary example of OECMs in Kenya? If these areas are reported and recorded as OECMs rather than protected areas, then sites given the same status under national legislation would be listed under different designations at the international level. Conscious of the potential for this kind of discrepancy, WCMC has encouraged countries to conduct a complete re-assessment of their respective protected area networks to identify those areas that may have been “lumped in” with protected areas in the absence of an alternative reporting framework (KII-14). Areas that may have met the protected area criteria in the past, should they be found by the reporting authority to be more in line with OECM guidelines, could then be migrated to the OECM designation. However, there are fears that this could be seen as “downgrading” the status of these sites and an erosion of the protections they enjoy. Strictly speaking, this would not be the case in Kenya as the protections under national legislation remain the same; nevertheless, the perception that these areas are no longer “protected” could present some challenges for the management of the land.

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<sup>11</sup> Though, it should be noted, the majority of conservancies reported to the WDPA have not been assigned to an existing IUCN protected area category (I-VI)

### 6.3.2.2 *The Politics of Recognition*

The question over what should be recognised as a protected area and what as OECM also raised the related issue of exactly how these areas would be recognised and by whom:

*“Participants [at the workshop] were not clear as to who “recognizes PAs” and who will “not recognize” OECMs as PAs. Is it the governance authority, the national government, IUCN or WCMC?” KWS/REP/2017/1*

The WCMC has developed a parallel database to the WDPA to store all information collected on the location and extent of OECMs and is actively calling for submissions. However, formal structures and processes for reporting OECMs have yet to be established in Kenya. Previously, information on protected areas was reported to the WDPA by the Kenya Wildlife Service, Kenya Forest Service and NGO partners like the African Wildlife Foundation (KII-2). However, data from these sources has been inconsistent in recent years. Reporting has been lagging behind the rapid growth in the number and extent of registered conservancies – at the time of the Nairobi workshop in 2017, the most recent report to the CBD on the status of Kenya’s protected areas cites a 2012 figure of 9,975km<sup>2</sup> or 1.9% of the land area as covered by conservancies (KEN/CBD/REP/2015/1). As a result, WCMC has been exploring alternative avenues for collecting data on protected and conserved areas in Kenya (KII-2). The latest report to the CBD in 2020 cites a figure of 160 conservancies covering 11% of Kenya’s land area (KEN/CBD/REP/2020/1).

The proliferation of conservancies in recent years has also seen KWCA vying for a more prominent role in supporting the collection and provision of data as the umbrella organisation representing the interests of wildlife conservancies in Kenya (KII-12). Notably, by the time of the Fourth Meeting of the IUCN Task Force on OECMs in June 2019, it was a representative from KWCA giving the presentation on potential OECMs in Kenya (IUCN/OECM/REP/2019/1). With proponents of OECMs touting the opportunities to engage and support a broader alliance of stakeholders and “promote more equitable partnerships in global conservation efforts” (IUCN/OECM/TEC/2019/1), the door has been left open for these emerging conservation actors to step forward and assert their position.

The concern over who will (or will not) recognise OECMs is also bound up with latent scepticism around top-down approaches to conservation and the enduring legacies of land dispossession from the establishment of many of the country’s protected areas:

*“Even during that meeting [the Nairobi workshop], people were quite sceptical because they feel as if my piece of land becomes an OECM and it is recorded at the global level that is an OECM together with protected areas. Some people feel that they might lose some rights... So they are not in a hurry to want to make their places as OECMs. They want to protect them” (KII-16, 2020)*

*“There is a historical basis to this fear: many communities are still unhappy that they lost their land to create protected areas” KWS/REP/2017/1*

While the OECM designation might raise the profile of previously un- or under-recognised conservation efforts on the international stage, there are concerns that this will also invite unwanted external influence and scrutiny. Given the chequered history of conservation in Kenya and ongoing tensions between conservation and communities, some people are sceptical of engaging in these new interventions, wary of the potential for their land rights to be eroded or restrictions on certain activities introduced in the name of conservation (see section 5.3.3.2 in the previous chapter). Though individuals and communities may be contributing to the effective conservation of biodiversity through their everyday land management practices, the formalisation of these arrangements under the banner of ‘conservation’ is clearly a more contentious issue in some cases. Following the IUCN guidelines, the decision should ultimately rest in the hands of the governance authority for each site, who have the right to withhold or give their consent to the area being recognised as an OECM. However, it was left ambiguous as to whether the process of identifying and reporting OECMs in Kenya would be fully decentralised or follow similar structures to current systems for reporting protected areas, which are fed through more centralised channels requiring approval from government agencies.

#### 6.3.2.3 Terminology

In line with the subject of recognition and designation, there was also an issue with terminology. As I noted in the previous chapter, the OECM term and acronym were seen by many as unwieldy and difficult to communicate to a wide range of stakeholders (section 5.3.4.1). Even those respondents possessing a greater familiarity with the concept often stumbled over the term, instead referring variously to “other effectively managed areas”, “other important conservation areas”, “other ecological conservation measures” or “other effective conservation management areas”.

The use of a more ‘user-friendly’ shorthand for OECMs has been the subject of debate since the establishment of the IUCN Task Force on OECMs in 2015 (IUCN/OECM/DIS/2015/1; IUCN/OECM/REP/2016/1). The term ‘conserved areas’ has been proposed on numerous occasions as a more appropriate shorthand for the concept but was initially rejected on the grounds that the term had already been defined in a different context referring to:

*“...area-based measures that, regardless of recognition and dedication, and at times even regardless of explicit and conscious management practices, achieve de facto conservation and/or are in a positive conservation trend and likely to maintain it in the long term.”* (Borrini-Feyerabend and Hill, 2015)

The discussion was later revisited at the Third Expert Meeting of the IUCN Task Force in 2017, where:

*“Participants discussed whether the term ‘conserved areas’ could be synonymous with ‘OECMs’. However the issue remains that the term ‘conserved areas’ is already used for some pre-existing sites, which may not qualify as OECMs. So the term could lead to confusion. It was also noted that ‘protection’ and ‘conservation’ has the same meaning in certain Chinese languages.”* IUCN/OECM/REP/2017/1

At the Fourth Expert Meeting of the IUCN Task Force in 2019, the issue was raised again in an effort to make the concept sound less technocratic and link it to the increased use of the term ‘protected and conserved areas’:

*“While no decisions were made it was agreed that conceptual clarity will enable progress at the local-to-international levels on ‘protected and conserved areas’. [Members] proposed further thought and the development of a motion as part of the WCC preparations” IUCN/OECM/REP/2019/1*

From these discussions over a 5-year period, it is clear that several attempts have been made to move away from the current cumbersome language around OECMs and make the concept more accessible to a broader range of stakeholders through a more ‘user-friendly’ shorthand. While such a move would no doubt align with the underlying aim of engaging and supporting a greater diversity of actors in conservation, to date, no such changes have been made to the term to clarify the concept for different audiences. As the concept has gained more mainstream attention and has now been officially defined by the CBD, it may be increasingly difficult to make these changes.

#### 6.3.2.4 Size Matters

Participants also raised issues related to some of the technical elements of the guidance, among them the question of scale and the application of the guidelines to “measures that are so small in scale that many elements of biodiversity could not persist in the long term” (KWS/REP/2017/1, emphasis in original). The dispute arose over the critical role of smaller conservancies in enhancing connectivity, wildlife dispersal and migration in places like the Maasai Mara and Shimba Hills:

*“The issue of size should be put in proper context. The above statement should apply to small “stand alone” sites that are disconnected from other areas and may not ensure long-term in situ conservation of biodiversity. “Stand alone” is a qualifier because there are small OECM-like sites that may be critical to the ecological wellbeing of large ecosystems...They may not be very useful on their own, but they are critically important when they form part of the broader conservation area network” KWS/REP/2017/1*

Including these smaller, interconnected networks of conservancies is in keeping with other qualitative elements of Aichi Target 11, including enhancing ecological connectivity and integrating protected and conserved areas into the broader landscape, despite the limited weight given to these aspects in the draft OECM guidelines. However, there remain some challenges, given the dependence of some of these smaller sites on the status of neighbouring areas. Should, for example, one of the critical conservancies bordering the Maasai Mara National Reserve disband and adopt conflicting land use practices, there would be cascading effects on the movement of wildlife into connected conservancies further removed from the reserve.

These concerns were also raised in an earlier meeting of the IUCN Task Force in February 2017, with the report including the following statement:

*“The concept of size may also depend on where the site fits within a broader landscape/seascape. Thus, a small conservancy area, of limited biodiversity value in its own right but which acts as a linking corridor between two or more protected areas, may be recognized as an OECM because of its contribution to connectivity.”*  
IUCN/OECM/REP/2017/1

The explicit reference here to “a small conservancy area” is notable, given it was at this meeting that Dr Waithaka delivered his presentation on Kenya’s wildlife conservancies as case studies of potential OECMs. These issues were fed back into the development of the technical guidance on OECM, with later drafts of the IUCN guidelines including the following clarifications:

*“While the size of OECMs may vary, they should be of sufficient size to achieve the long-term in-situ conservation of biodiversity, including all species or ecosystems for which the site is important, whether these are highly restricted species or habitats of more wide-ranging species. ‘Sufficient size’ is highly contextual and is dependent on the ecological requirements for the persistence of the relevant species and ecosystems.”* IUCN/OECM/TEC/2018/1

This wording of the updated guidance retains much of the intended similarity to the relevant CBD and IUCN guidance on protected areas, particularly in the first sentence. Still, the latter half affords some greater flexibility when it comes to recognising “areas that contribute to conservation because of their role in connecting protected areas and other areas of particular importance for the conservation of biodiversity, thereby contributing to the long-term viability of larger ecosystems (e.g. Waithaka & Warigia Njoroge, 2018\*)” (IUCN/OECM/TEC/2019/1).<sup>12</sup>

#### 6.3.2.5 Sustaining Long-Term Conservation Outcomes

The concerns noted above are linked to a further issue emerging from the discussions about potential OECMs in Kenya, namely the expectations around delivering effective and enduring in situ conservation over the long term:

*“The aspect of long-term was seen as problematic. Participants were of the view that though the intent of most OECM-like sites is to conserve biodiversity in perpetuity, the “long term” expectation was placing privately owned properties at the same level as protected areas. This requirement was seen as a disincentive that would scare landowners from accepting the OECM designation”* KWS/REP/2017/1

This subject had also been hotly debated among members of the IUCN Task Force on OECMs at their earlier meeting in Vancouver, with one member proposing a definition of long-term as: “expected to persist for the long term, which in practical terms means at least 25 years with the expectation it will be ongoing and permanent” (IUCN/OECM/REP/2017/1). Others

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<sup>12</sup> The asterisk (\*) included in the original text indicates this citation can be found in the Special Issue of *PARKS* journal on OECMs (IUCN/WCPA, 2018). <https://parksjournal.com/list-of-papers/>

cautioned against adopting an explicit time rule, suggesting (as the participants at the Nairobi workshop did) considerations of the intent behind conservation efforts be included in the guidance for OECMs. However, it was emphasised that conservation outcomes should not be easily reversed for an area to be recognised as an OECM.

While intended to safeguard conservation gains, these requirements presented a challenge to the recognition of Kenya's wildlife conservancies as OECMs. The problem lay with draft regulations that would allow for conservancies to be deregistered with relative ease:

*"[W]e established that most of the conservancies in Kenya would qualify [as an OECM]. But there were some technical difficulties - legal difficulties - because it was at the same time that Kenya was developing regulations on conservancies. And when we looked at those regulations, we found they are very weak. To the extent that no conservancy in Kenya would then qualify because there is that aspect of permanence [in the criteria]. We don't want an OECM that is an OECM recorded in the WCMC database that after five years we decide to convert it into a wheat field." (KII-16, 2020)*

*"[T]he participants concluded that if the current draft legislation is passed as is, it will make it easy for conservation efforts and gains to be lost or reversed on frivolous and trivial grounds. Concerns were expressed that the legislation provides a leeway for people with hidden agendas to interfere with the management of conservancies in order to create conditions favourable for deregistration."*  
KWS/REP/2017/1

This would prevent many conservancies from being able to guarantee that conservation efforts would be sustained over the long term as required by the OECM guidelines. In response, participants pushed for amendments to the draft regulations to "strengthen the governance and management of conservancies, provide incentives for their long-term existence, and discourage deregistration except under absolutely unavoidable circumstances" (KWS/REP/2017/1). However, the proposed amendments to the regulations governing conservancies had yet to be gazetted by the national government (KWCA, Pers. Comm. 2020).

#### 6.3.2.6 Policy Alignment and Institutional Fit

Finally, and perhaps most importantly, there was the question of how OECMs would be integrated with established policy frameworks and institutional structures in Kenya. The conservation landscape in Kenya is a complex assemblage of overlapping jurisdictions and competing mandates divided up between different ministries, acts and implementing agencies.

*"So we need to have a provision towards which these sites that harbour these species of conservation importance can be brought in within our policy framework... At the moment, we have the Wildlife Conservation and Management Act, which is always being reviewed; we have the Forest [Conservation and*

*Management] Act 2016, and we also have the Environment Management and Coordination Act (EMCA) which provides a framework of mainly conserving wetlands... it will depend on where the OECM falls” (KII-15, 2020)*

*“The whole policy element is based within the ministry level. So we have now a challenge here in our country [which] is that wildlife is in a different ministry and also forestry is in a different ministry. I think, given that they are talking of species, I think [OECMs] will be under, it will be within Kenya Wildlife Service, which is under the Ministry of Tourism and Wildlife.” (KII-15, 2020)*

As this respondent points out, most of the discussion around OECMs in Kenya to date has centred around the conservation of wildlife, which comes under the jurisdiction of the Kenya Wildlife Service (KWS) and whose authority is derived from the Wildlife Conservation and Management Act (2013) and the Ministry of Tourism and Wildlife. It is this Wildlife Conservation and Management Act which provided for the formal recognition of wildlife conservancies and under which regulations were drafted to govern these areas. Perhaps as a result of this association, this respondent draws a somewhat erroneous link to a focus on “species” when the guidance explicitly states OECMs should focus on ‘area-based’ interventions aimed at conserving not only species but also their wider habitats and ecosystem functions (IUCN/OECM/TEC/2019/1). With ‘wildlife’ conservation serving as the entry point for discussions about OECMs in Kenya, where does that leave other essential elements of biodiversity that fall under other the auspices of other Acts and authorities?

*“The other important areas that we need to conserve might fall under different acts, for example conserving the important riverine ecosystems which fall under the Water Act, or under EMCA, the Environment Management [and Coordination] Act and these cross-cutting government agencies... Forest reserves either fall under community [management] or the county government or the forest service (KFS), but nevertheless, they are important conservation areas. So, there will be a need for conversation across those stakeholders so that there is a unified way of conserving those [areas].” (KII-7, 2019)*

Though not entirely absent from the discussions, these stakeholders were substantially under-represented, with just three representatives from the Ministry of Environment and Forestry in attendance at the Nairobi workshop (compared to 18 from the Kenya Wildlife Service). This is despite several community-managed forests and other important areas for biodiversity falling under their jurisdiction. The situation is further complicated by the National Environment Management Authority (NEMA) being established under the Environment Management and Coordination Act (EMCA) as the principal instrument of government for the implementation of all policies relating to the environment (Republic of Kenya, 2015).

With national policies formulated at the ministry level, these divisions create a challenge for the recognition of OECMs. Where should they sit? Should there be a provision recognising OECMs in each of these Acts, or can they be nested within just one? If so, which one and how

to coordinate between agencies and integrate OECMs across different elements of legislation to ensure different areas are recognised appropriately? With these crucial elements left unresolved, it is unclear what other pathways exist to recognise and report OECMs in Kenya. The only path that seems to have been explored in any detail thus far is the recognition of wildlife conservancies as potential OECMs.

### 6.3.3 *Missed Opportunities?*

#### 6.3.3.1 *Building from Nairobi*

The Nairobi workshop demonstrated the potential for OECMs to significantly expand the conservation estate in Kenya and enable the country to surpass its (terrestrial) conservation targets. It also highlighted some key issues with the draft guidelines and weaknesses in Kenya's own regulations that might undermine the long-term sustainability of conservation outcomes. Following the results of the workshop, an amendment was proposed to strengthen the legislation governing wildlife conservancies and ensure that they were more closely aligned with the OECM criteria (GoK, 2017). This was later followed by a paper on the role of wildlife conservancies in safeguarding space for nature published in the *PARKS* special issue on OECMs, which summarised the outcomes of the Nairobi workshop and presented wildlife conservancies as the flagship model for OECMs in Kenya (Waithaka and Njoroge, 2018). The special issue also featured a separate study on potential OECMs in Kenya, applying the framework to pastoral ICCAs along Lake Turkana in northern Kenya (Mwamidi et al., 2018). However, this latter paper was not a product of the Nairobi workshop or any of its participants but was led by a team of researchers based at the Autonomous University of Barcelona.

In November 2018, at the CBD COP-14 in Egypt, Parties adopted the decision on "Protected areas and other effective area-based conservation measures", which included, for the first time, a formal definition for OECMs and outlined criteria for their identification and management (CBD/DEC/2018/1). The decision also included voluntary guidance on recognising and reporting OECMs, calling upon IUCN, IUCN-WCPA, UNEP-WCMC and others to advise parties on the application of the guidance. Shortly thereafter, plans were in development for the launch of the inaugural African Protected Areas Congress (APAC), which was announced in February 2019 at the Nairobi National Park, with Kenya slated to host the event later that year in November (IUCN/PR/2019/1).

The congress was a joint effort by the IUCN-WCPA, conservation partners and African leaders to "review Africa's overall progress towards implementing global commitments related to conservation as well as discuss challenges related to biodiversity and showcase inspiring African examples of sustainable solutions that harmonise conservation and human development goals" (IUCN/PR/2019/1). Among those leading the charge was Dr Waithaka, recently appointed as Chair of the KWS Board of Trustees, in addition to serving as the IUCN-WCPA Regional Vice Chair. Speaking at the official announcement of the Congress, Waithaka claimed it would "provide an opportunity for stakeholders to develop a united voice in conservation of biodiversity and promoting sustainable development. It will be a moment for the continent to set a common agenda towards greater investment in protected areas"



(IUCN/PR/2019/1). The IUCN Task Force on OECMs and conservation partners were also in discussions to hold a dedicated session on OECMs at APAC following the Fourth Meeting of the Task Force scheduled in June of that same year.

However, in May 2019, less than three months after it was announced, the African Protected Areas Congress was abruptly postponed, with the Kenyan government claiming it could not host the event. The intention had been to use the platform of the Congress as an opportunity to generate interest and catalyse action on OECMs. The postponement not only represented a lost opportunity to advance work on OECMs on the continent in the lead-up to the CBD COP in 2020, but it also put a temporary hold on some of the work that had begun in preparation for the congress:

*“There was supposed to be an African Protected Areas Congress last year, it was supposed to happen in November [2019], but that did not take place. But one of the things that we were trying to do was have this as a preparatory meeting towards that [piloting process for OECMs]” (KII-12, 2020)*

Following this setback, the congress was provisionally re-scheduled for an early 2021 start date, the intention being to “give Africa a great head start in the implementation of the outcomes of CBD CoP-15, WCC [World Conservation Congress] 2020 and the New Deal for Nature and People” (IUCN/PR/2020/1).

#### 6.3.3.2 Next Steps with the IUCN Task Force on OECMs

Meanwhile, progress on OECMs continued at the international level through the IUCN Task Force on OECMs, which held its Fourth Expert Meeting in Vilm in June 2019. In addition to information sharing and the consideration of a range of issues related to the future recognition of OECMs, the principal focus of this meeting was the development of a Global OECM Assessment Methodology to facilitate the recognition and reporting of OECMs internationally (IUCN/OECM/REP/2019/1). The proposed assessment methodology was based on a revised assessment tool developed in South Africa by BirdLife International. It built on earlier work by the Canadian Council on Ecological Areas to develop guidance on OECMs as part of their Pathway to Canada Target 1 (Gray et al., 2018). The Global Assessment Methodology (IUCN/OECM/TEC/2020/1) included elements of both tools, further refined during the meeting by participants and members of the Task Force to align with the new CBD decision on OECMs (CBD/DEC/2018/1) and related guidance published in a finalised IUCN Technical Report (IUCN/OECM/TEC/2019/1).

At the meeting in Vilm, the Task Force also set out a ten-year vision and strategy for OECMs, including forthcoming projects, communications and training, and opportunities at upcoming events to “raise awareness of OECMs, to use tools and protocols and to showcase application across a wide political geography, for enhanced implementation” (IUCN/OECM/REP/2019/1). The list of events included: CBD Open-Ended Working Groups on the post-2020 framework and meetings of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) in which the Task Force would aim to contribute language on OECMs in the architecture of Aichi Target successors; the IUCN World Conservation Congress in 2020 at

which the Task Force would steward a motion on OECMs and launch the OECM assessment tool; the CBD COP-15 in November 2020 to set a new global framework for conservation action; and regional protected area and conservation congresses including the inaugural African Protected Area Congress slated for 2021 at which the Task Force would support events and discussions on African OECMs more specifically (IUCN/OECM/REP/2019/1). This would serve as a roadmap towards the implementation and institutionalisation of OECMs across all scales of governance.

While the IUCN Task Force forged ahead with developing the new assessment tool and their ten-year vision for OECMs, progress on OECMs in Kenya seemed to have largely come to a standstill. The Fourth Expert Meeting of the Task Force included an update on Kenya's wildlife conservancies with details of the outcomes from the Nairobi workshop, this time presented by KWCA (IUCN/OECM/REP/2019/1); however, there was little to suggest any further progress had been made towards the formal recognition of potential OECMs. While KWCA may have been eager to move forward on the reporting of conservancies, they had not yet established strong communication links with the IUCN and UNEP-WCMC to facilitate this process. Under the existing institutional structure, data on conservancies were still reported through KWS, who appeared to be dragging their feet on the issue:

*"[T]he process of now being recognised as OECMs, I think, did not take off. Because it's KWS to push that forward. That had to come after the changes in the regulations guiding conservancies... once they get approval from parliament, then the process can begin (KII-16, 2020)*

The delays in reviewing these regulations stalled progress in reporting OECMs in the country, with conservancies arguably representing Kenya's clearest examples of potential OECMs. Even with the new assessment methodology being made available by the OECM Task Force, the process of trialling the tool in Kenya, let alone formally recognising and reporting OECMs, seems some distance down the road:

*"We still have a long way [to go]... We still need to raise awareness about it [OECMs] for people to understand it better... we still need to bring these agencies on board and help them understand it better... then there has to be an incentive to progress this action. This is just a start, so they can say they held a workshop, but now they need to move it to the next step." (KII-15, 2020)*

It is clear, then, that there have been limited steps to progress action on OECMs since the 2017 workshop. The advent of the 2020 "super year for nature and biodiversity" sparked some renewed interest in OECMs in Kenya with the opportunity to discuss these issues at events like the IUCN World Conservation Congress:

*"Then you also have the opportunity of the upcoming CBD [COP-15]. And so within this CBD, we are actually having a discussion about how do we package these conservancies and demonstrate impacts and how they actually fit into the OECMs [framework]." (KII-12, 2020)*

There were also discussions about holding a dedicated workshop in Kenya with support from UNEP-WCMC to build capacity towards assessing and reporting OECMs, with a proposed date in late 2020 (KII-14). However, these plans were shelved with the onset of the COVID-19 pandemic in March 2020, restricting international travel and barring large gatherings of people, which also led to the postponement of the IUCN World Conservation Congress and CBD COP15.

#### 6.3.3.3 Kenya's New Wildlife Policy

Amid the disarray caused by the coronavirus pandemic, in June 2020, the Ministry of Tourism and Wildlife released a new Sessional Paper on Wildlife Policy (KEN/WILD/POL/2020/1), updating the defunct government white paper of 1975 (KEN/WILD/POL/1975/1). The new policy is intended to address new realities and emerging challenges in the wildlife sector, as well as the devolution of some aspects of conservation governance, which the old policy was not designed to manage (STAR/ART/2019/1). The rationale for developing this new wildlife policy, then, has its roots in a broader set of circumstances and priorities, including issues around human-wildlife conflicts, wildlife security, and the sustainable management of wildlife resources (STAR/ART/2019/1), that go far beyond considerations of new initiatives around OECMs.

Nevertheless, the consultation process for this new policy proceeded in parallel with concurrent discussions about OECMs in Kenya with “[t]wo national public consultative meetings, one peer review meeting and a national validation workshop [held] between 2017 and 2018” (KEN/ENV/REP/2020/1). As a result, there were ample opportunities for conversations in one forum to feed into the other:

*“...within that [policy drafting process] we proposed, I can share some of our recommendations and one of three is how do we recognise this new arena of recognising conservancies as this [new kind of designation]. We didn't term it definitely as OECMs, as again it's not an adopted [term], so you cannot be prescriptive – but these principles that [reflect] that” (KII-12, 2020)*

These comments were made several months before the public release of the new sessional paper in June 2020, which includes the following provisions in the section on ‘Wildlife Conservation and Management on Private and Community Lands’:

"4.3.5.2. Provide incentives to support individuals, communities and other stakeholders to invest in wildlife conservation and management;"

and,

"4.3.5.5. Support development and implementation of approved management plans that incorporate multiple and compatible land-use practices" (KEN/WILD/POL/2020/1)

While not explicitly mentioning OECMs by name, as the respondent above (KII-12) suggested, these provisions espouse similar principles around supporting a wider variety of actors and

sites in conservation. However, given the similarities to the OECM discourse and guiding principles, it is interesting that the link was not made explicit - perhaps this hesitancy to formally enshrine OECMs into policy reflects a lack of confidence or certainty around this new term. As the same individual went on to explain:

*“What we are also trying to do is that we are avoiding a principle whereby there will be too many regulations... So we were looking at a standard where it’s not too prescriptive, whereby it allows flexibility, and we can really promote the OECM framework. So you will not find like direct wording, but there’s a framework towards that [recognition].” (KII-12, 2020)*

The new wildlife policy also includes language related to the management of marine areas, with specific reference to promoting community-managed marine conservation areas, wetlands, and other inland water ecosystems, the responsibility for which is dispersed among different agencies. These provide a supportive framework for incorporating OECM-like sites into the formal conservation estate in Kenya. Later sections also make further references, albeit in a more general sense, to incorporating international instruments into national legislation and mainstreaming wildlife conservation across different sectors of government:

“5.5.6.1. Ensure the domestication and implementation of international instruments that Kenya has acceded to into national legislation;”

“5.5.6.2. Develop mechanisms to ensure cross-sectoral linkages and consistent implementation of wildlife-related multilateral environmental agreements”  
(KEN/WILD/POL/2020/1)

While policy documents typically set the stage for subsequent legislation and strategies to interpret and implement them, here, the process appears to have been inverted with the new wildlife policy coming after the associated legislation (KEN/ACT/WCMA/2013/1) and National Wildlife Strategy (KEN/WILD/STRAT/2018/1). As a result, this new policy is not supported by the current legislation. The timing of this release does, however, create opportunities for significant amendments. Indeed, in the months that followed the release of the new policy, a series of consultations were held with various stakeholders to reconcile the three documents now driving the national conservation agenda.<sup>13</sup> These discussions, however, made scant reference to sections governing area-based conservation outside protected areas, focusing instead on other elements of the policy, including compensation for human-wildlife conflicts, legislating for wildlife user rights, and consumptive and non-consumptive utilisation of wildlife.<sup>14</sup> The resulting recommendations that emerged from these discussions included just two proposals (of a total of 18) that might be of relevance to OECMs: the first, to keep a current record of conservation easements registered with KWS; the second, to provide

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<sup>13</sup> Webinar – Conservation Alliance of Kenya Review of Wildlife Conservation and Management Act (2013) No. 1. February 8, 2021

<sup>14</sup> Webinar – Conservation Alliance of Kenya Review of Wildlife Conservation and Management Act (2013) No. 3. February 16, 2021

specific protections to wildlife corridors and dispersal areas that do not fall into any of the protected area classifications (CAK/REV/2021/1).

While this new policy appears to provide a supportive framework for recognising OECMs, there remains a lack of clarity regarding the process by which OECMs might be identified, assessed, and reported in the Kenyan context. Neither the new wildlife policy nor the ensuing discussions moved these elements of the recognition process for OECMs forwards, focused as they were on a broader set of conservation issues. Advancing the recognition of OECMs in Kenya will likely necessitate more dedicated discussions and workshops to promote greater awareness of the framework and build capacity towards conducting site-level assessments.

## 6.4 DISCUSSION

By ‘following OECMs’ or, in other words tracing the development of this new policy initiative and the initial steps of testing and adapting the OECM framework in the Kenyan context, this research has opened up these policy processes and shed light on the dynamics of policy translation between global and national scales. In the sections below, I discuss some key themes with a particular focus on the role of emerging frictions, policy ‘mobilisers’, and path dependencies in shaping the translation process and potential outcomes for conservation in Kenya.

### 6.4.1 *Productive Frictions*

This chapter has focused mainly on the translation of OECMs from what Prince (2010) refers to as the ‘global form’ – an object with universal validity that has the capacity for contextualisation, abstraction, and movement – into a more localised policy assemblage responsive to the particularities of conservation in Kenya. Tracing the path of OECMs through a chain of actors has shown how this idea has been appropriated and transformed by encounters of different kinds to align with established frameworks and national conservation values. This translation is an integral part of policy development – through this process, the global form is articulated, domesticated, and made applicable in the national context. The translation process also reshapes established practices to fit the new discourse - the ‘productive’ features of friction. Nowhere is this more evident than in the amendments to legislation governing Kenya’s wildlife conservancies, which were explicitly rewritten to align more closely with the OECM guidelines. As I have alluded to, there are signs that ideas around OECMs may have influenced sections of Kenya’s new Wildlife Policy, though the term itself was not explicitly mentioned.

However, just as the OECM framework and guidance may be coming to reshape the conservation policy assemblage in Kenya, so too is this global form of OECMs revised as a result of these frictions in the encounter with the realities of conservation in Kenya. The discussions around questions of scale and terminology provide key examples illustrating the dialogical relationship between spaces of implementation and policy formulation as these issues are fed back into international discussions and addressed in updated iterations of the OECM guidelines. These examples highlight how the global form adapts to emerging issues

and incorporates new interpretations as these ideas are tested and implemented through more geographically specific policy programmes and settings. ‘Friction’, then, serves a vital function in the policy translation process, both giving purchase to global policy ideas, rendering them practically effective, and inducing the transformation of local policy assemblages to produce new forms and arrangements (Tsing, 2015b).

#### *6.4.2 Policy Mobilisers*

While the translation of the IUCN guidance on OECMs has involved contributions from a range of stakeholders, it is clear that the process has also been steered by a handful of key ‘policy mobilisers’. These individuals are instrumental in advancing the OECM agenda, mobilising other stakeholders, generating interest and translating these ideas “into the different logic of the intentions, goals, and ambitions of the many people and institutions they bring together” (Mosse, 2004, p.232). However, given their influence over the translation process, it is essential to consider not just the role of these actors but also their positionality and interests (Porto De Oliveira and Pal, 2018). Their individual subjectivities not only shape their own interpretation of OECMs but are inevitably also reflected in how these ideas are then communicated to other stakeholders.

There is a history in Kenya of specific conservation policies or approaches being associated with influential figures or policy champions. The development of Kenya’s Minimum Viable Conservation Area (MVCA) framework and subsequent launch of the Parks Beyond Parks initiative was led by Dr David Western during his tenure as director of KWS, and later, Dr Julius Kipng’etich was a crucial player in the creation of KWCA, pushing for the formal recognition of community conservancies under the 2013 Kenya Wildlife Conservation and Management Act. For OECMs, the role of policy champion would appear to have been taken up by Dr John Waithaka. As Regional Vice-Chair of the WCPA for Eastern and Southern Africa, Dr Waithaka was an early champion of OECMs in Kenya. He volunteered to pilot the testing of the draft guidelines in Kenya at the third meeting of the OECM Task Force in Canada and subsequently organised the Nairobi workshop in June 2017. His own history in conservation has been closely tied to the development of community-based approaches in Kenya, rising to prominence as the Deputy Director of KWS under Dr Western and later serving as Executive Director of the African Conservation Centre (ACC), an NGO they co-founded together with other associates in the Kenyan conservation sector. By his own admission, it was this history with community-based approaches to conservation around and beyond national parks that inspired his enthusiasm for OECMs. It was also from his network of contacts within KWS and the broader community of conservation NGOs in Kenya that the list of participants for the national review of the OECM guidelines was drawn. It is perhaps unsurprising that the resultant discussions on OECMs and their relevance in the Kenyan context focused heavily on aligning the OECM guidelines with the country’s growing network of wildlife conservancies.

With KWCA effectively picking up where Dr Waithaka left off, going on to report on the outcomes of the Nairobi workshop at the Fourth Expert Meeting of the OECM Task Force, wildlife conservancies will likely continue to be the focus of discussions on OECMs in Kenya moving forward. By tethering themselves to OECMs, KWCA may also be seeking an

opportunity to raise the profile of wildlife conservancies and improve their own standing as the umbrella organisation governing these areas. While the recognition of conservancies provides a good starting point for the introduction of OECMs as a novel designation in the Kenyan context, it is also important to reflect on the limitations of this narrow focus on wildlife conservancies in constraining the potential for the OECM framework to encourage and support a broader re-visioning of the conservation estate. With their explicit and primary objective to conserve biodiversity, wildlife conservancies would largely fall under the category of primary OECMs (see Chapter 2, section 2.2). There are, however, several other secondary and auxiliary sites (where conservation may not be the primary objective of land management) which may also merit consideration as potential OECMs.

Nature Kenya connected with OECMs quite separately through their partnership with BirdLife International (who also have strong ties to the OECM Task Force), leading a parallel process to identify potential OECMs linked to their own work on Important Bird Areas (IBAs) and other Key Biodiversity Areas (KBAs) in Kenya. This includes several sites currently managed for purposes other than the conservation of biodiversity that might fall under the secondary or auxiliary OECM categories. While the results of this assessment were also presented at the Nairobi workshop in 2017 alongside the presentation on wildlife conservancies, they have not featured as prominently in subsequent discussions. There have also been other voices calling for a broadening of the conservation ‘church’ in Kenya to incorporate traditional pastoral commons and ICCAs (see Mwamidi et al., 2018) and multiple-use rangelands (Tyrrell et al., 2020). However, in the “war of interpretations” (Mosse and Lewis, 2006), these voices have largely been relegated to the margins as the focus of discussions has centred on wildlife conservancies with the broader applications and implications of the OECM framework lost in translation.

#### *6.4.3 Policy ‘Roads’ and Path Dependencies*

The trajectory OECMs have taken in Kenya has also been strongly influenced by local path dependencies in the formulation of conservation policies – embedded assumptions about how policies are developed and by whom, along with entrenched narratives that “frame and constrain the way people understand the need for and possibility of action” (Adams, 2010, p.297). Tsing offers the metaphor of ‘roads’ for conceptualising this idea, explaining that “[roads] create pathways that make motion easier and more efficient, but in doing so they limit where we go. The ease of travel they facilitate is also a structure of confinement.” (Tsing, 2015b, p.6). With ‘wildlife’ conservation serving as the entry point for discussions around OECMs in Kenya, policy discussions were set on a particular course to intersect with the Kenya Wildlife Service given their role and power in decision-making processes as the parastatal body charged with the conservation of wildlife under Kenya’s constitution. Interviewees and other stakeholders, on numerous occasions, expressed their expectation that KWS would be responsible for moving forward and enacting policy on OECMs that would enable these areas to be recognised and reported at a national level. These assumptions are also reflected in the primacy of organisations like KWS and KWCA in policy discussions: of the 32 participants at the Nairobi workshop in 2017, 18 (56%) were representatives from KWS, with a further five

(16%) attendees from KWCA and affiliated organisations. The involvement of a national body like KWS in the policy process may facilitate the journey of OECMs towards implementation; however, due to their specific roles and responsibilities, i.e. wildlife conservation, this also works to locate OECMs within a particular assemblage arranged around the Wildlife Conservation and Management Act and the Ministry for Tourism and Wildlife.

While there is a need to localise, embed or otherwise ‘domesticate’ new policy ideas such as OECMs to align with national frameworks, the channelling of these ideas through prescribed pathways necessarily (re)shapes policy outcomes and risks reproducing prevailing power dynamics (Peck and Theodore, 2010; Keeley and Scoones, 2003; Tsing, 2015b). As Keeley and Scoones (2003) argue, there is a need “to recognize [sic] and encompass complexity and dynamism in policy processes, and to ensure that the range of different, always partial, perspectives is heard. An exclusionary, narrow policy process often acts to reinforce particular knowledges and interests and, in the longer term, does the cause of sustainability no favours by preventing or dissuading learning and innovation.” (Keeley and Scoones, 2003, p.ix). This has already been observed in relation to the recognition of OECMs in other contexts, such as Canada, where state-driven processes led to a “narrow interpretation of OECMs as ‘marine refuges’, constraining the possibility for OECMs to create spaces for recognizing [sic] Indigenous-led conservation” (Sparling, 2020, p.115). More disruptive or radical ideas and interpretations are likely to be diluted in the translation process, especially where this is directed by the very institutions whose influence or authority these ideas might unsettle. This is a pattern that has been noted in other contexts, with particular reference to attempts to decentralise and democratise governance, whereby central governments “often transfer insufficient and/or inappropriate powers, and make policy and implementation choices that serve to preserve their own interests and powers” (Ribot et al., 2006, p.1865). Here, the primacy of KWS’ role in the policy translation process for OECMs creates spaces for more centralised control over the conservation estate even as the OECM discourse and guidelines promote more diffuse and decentralised forms of conservation governance. If, for example, reporting structures for OECMs are established in such a way that individuals or communities require the assent or approval of government agencies before areas may be designated, this could work to undermine the power of the local governing authority while simultaneously extending the power of the central government to assert control over these areas. Ribot et al. (2006) refer to this process as ‘recentralising while decentralising’.

#### *6.4.4 Momentum and Policy (im)mobilities*

Following the processes of policy translation and assemblage has also revealed the importance of maintaining momentum and ensuring that people stay engaged with new policy ideas. Early on in the policy development and translation process, regular meetings of the OECM Task Force and associated in-country workshops helped to promote the concept and assemble an epistemic community around OECMs in the lead-up to the CBD COP-14 in 2018 and eventual publication of the IUCN-WCPA Technical Guidelines on “Recognising and reporting other effective area-based conservation measures” in 2019. International conferences like the CBD CoP-14 and other more localised events also worked to construct a



timeline of key policymaking or policy-mobilising situations, which contributed to building a sense of urgency in advancing progress towards recognising and reporting OECMs in line with these milestones.

However, when these timelines are disrupted, or key policy mobilisers do not continue to move things forward, policy processes can become derailed as new ideas stagnate and assemblages pull apart without continued maintenance (McCann and Ward, 2012). As Latour commented, “the black box moves in space and becomes durable in time only through the actions of many people; if there is no one to take it up, it stops and falls apart” (Latour, 1987, p.137). The first signs of this affecting the development of policy on OECMs in Kenya were evident when the African Protected Areas Congress was postponed, delaying a significant milestone and the potential opportunity to engage in policy discussions on OECMs in the African context with other actors who might offer insight or alternative interpretations that could have applications in the Kenyan context. Though discussions on OECMs in Kenya had started to resume by early 2020, following progress towards the assessment methodology developed by the OECM Task Force, these conversations were once again put on hold in the wake of the coronavirus outbreak and subsequent global pandemic.

It is also clear that the development of the country’s new Wildlife Policy may have taken precedence over other issues in the eyes of key conservation stakeholders and policymakers at the national level, diverting attention away from conversations about OECMs more than advancing them. This is perhaps not surprising, given OECMs were still in a nascent stage of development. However, the absence of references to OECMs in these discussions is still notable, particularly as some of the new provisions bear striking similarities to the OECMs discourse and guiding principles. Nonetheless, the new policy could provide an opportunity to revisit some of the questions related to OECMs and potentially open the floor for broader considerations of various area-based conservation approaches. In any case, it appears that there is room to further develop the OECM framework in Kenya through renewed and improved engagement with diverse conservation actors as these policy processes continue to unfold.

## 6.5 CONCLUSION

Friction, in the words of Tsing (2015, p. 6), is not a synonym for resistance; instead, “the effects of encounters across difference can be compromising or empowering”. This research has shown that far from being a simple hindrance to the smooth implementation of policy, the frictions between the international OECM guidelines and the national context in Kenya act as the catalyst for the policy translation process, inducing the transformations of both local and global policy forms to bring them into better alignment.

This process of translating the guidelines for OECMs in Kenya has been heavily influenced by key ‘policy mobilisers’ in conservation policy. Though these actors have had a central role in progressing discussions and action on OECMs, in mobilising support for this new policy idea, they have also (actively or inadvertently) guided these conversations in particular directions. This is evidenced by the early focus on wildlife conservancies as prime examples of OECMs in

the country and the sustained dominance of conservancies throughout the policy translation process, with repeated reference to these areas in written reports and feedback to the IUCN Task Force on OECMs. While these areas offer a valuable starting point, there are risks that the continued emphasis on conservancies may lead to other potential areas being ignored or overlooked, such as community forests or other sacred natural sites where policy support is currently lacking.

However, it would be a mistake to assume that individual actors are, on their own, responsible for the path OECMs have taken in Kenya. The dynamics of the policy translation process are also a function of the particular shape or form of the assemblage of conservation actors and policies in Kenya. The divisions between different acts, ministries, and implementing institutions meant that connecting OECMs with wildlife conservancies as the starting point for discussions necessarily elevates the Kenya Wildlife Service and Kenya Wildlife Conservancies Association as lead agencies in the policy translation process with the effect of steering the conversation towards the Wildlife Conservation and Management Act and its provisions related to conservancies as the primary means of recognising area-based conservation measures outside of protected areas. Were the first instinct to consider the potential for the OECM framework to be mobilised in support of the conservation of forest ecosystems or locally managed marine areas, perhaps the focus would have shifted to the Kenya Forest Service or the Fisheries Management and Development Act.

Finally, this research has highlighted the importance of maintaining momentum and the detrimental impacts of disruptions to policy processes, particularly in the nascent stages of policy development. In the absence of solid coordination following the initial OECM workshop in Nairobi, the assemblage (of actors and ideas) began to pull apart, resulting in the somewhat dormant policy processes encountered over the better part of the in-country fieldwork. Consequently, the focus of the research shifted to pay greater attention to the 'sounds of silence' on OECMs i.e., the missed opportunities for promoting the concept and conspicuous absence of explicit references to OECMs in contemporary policy discussions, while also probing the details of earlier rounds of discussions. However, the paucity of progress on OECMs in Kenya following what had been a promising start in testing the draft guidelines proved revealing in itself. It reinforced the vital role of policy mobilisers in moving discussions forward and the importance of sustained engagement with new policy ideas through workshops, dialogues, or other events. The notable absence of these actors and lack of continuity following the Nairobi workshop was just as striking as their instrumental role leading up to this pivotal event. Had discussions on the recognition and support for OECMs in Kenya proceeded apace, who is to say what might have been included in the new wildlife policy paper.

## 7 RE-DRAWING PROTECTED AND CONSERVED LANDSCAPES: EXPLORING ALTERNATIVE APPROACHES TO RECOGNISING AND REPORTING OECMS IN SOUTHERN KENYA

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### 7.1 INTRODUCTION

The previous two chapters have examined debates around OECMs as an emerging discourse among different conservation actors in spaces of policy circulation (Chapter 5) and the dynamics and politics of policy translation through which this framework is domesticated and adapted in the Kenyan context (Chapter 6). While these are continuous and ongoing processes, I now turn my attention to the “prosaic netherworlds of policy implementation” (Peck and Theodore, 2012, p.24). This chapter builds on discussions from the previous two to explore the potential outcomes of the policy translation process for the recognition and reporting of OECMs in Kenya. More specifically, I attempt to illustrate the practicalities of different interpretations or treatments of the OECM guidelines and map what this might look like in terms of different configurations of protected and conserved areas in Kenya.

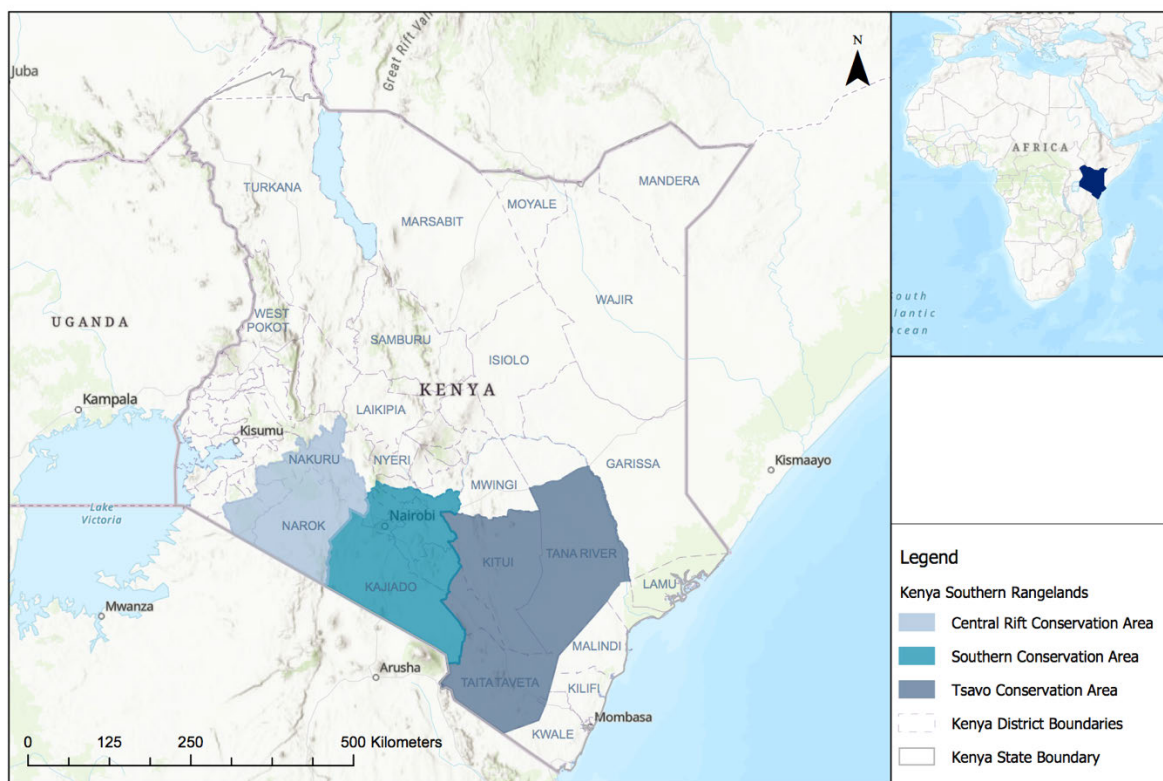
Focusing on three key ecosystems in Kenya’s southern rangelands, I construct a series of implementation scenarios based on the findings in previous chapters, which see different areas classified as protected and OECMs. Following the identification and mapping of potential OECMs, the resulting (re)configurations of protected and conserved landscapes in southern Kenya are then analysed in terms of their relative contributions towards biodiversity conservation goals. The aim is not to be prescriptive in advocating for a particular course of action or ‘best practice’ for recognising and reporting OECMs. However, this kind of scenario modelling can help to inform policy decisions (Nicholson et al., 2019). With decisions about the recognition of OECMs in Kenya yet to be finalised, this analysis of different hypotheticals can provide helpful insight into the potential implications of a range of policy options and thus help to guide the decision-making process.

Quantitative targets for area-based conservation, like the ‘30 by 30’ movement, which proposes conserving 30% of the planet’s terrestrial and marine area by 2030, have grabbed headlines and galvanised the expansion of the global protected area network. However, several authors have critiqued this focus on the ‘perverse percentages’ of Aichi Target 11 and other numerical area-based goals (Visconti et al., 2019; Barnes et al., 2018; Lemieux et al., 2019). They argue that efforts have shifted towards improving PA coverage scores rather than the underlying values this indicator seeks to promote, i.e. the conservation of biodiversity (Alves-Pinto et al., 2021; Barnes et al., 2018). This distortion of conservation efforts is a function of Goodhart’s Law, which states that once an indicator becomes itself a target, it ceases to be a good indicator (Newton, 2011). In evaluating the implications of these different policy scenarios, I, therefore, follow recommendations by Gannon *et al.* (2019) and Maxwell *et al.* (2020) to incorporate essential qualitative elements of biodiversity targets, including the ecological representativeness and connectivity of the conservation estate as well as the coverage of Key Biodiversity Areas (KBAs).

The following section (7.2) introduces Kenya’s Southern Rangelands and the three ‘conservation areas’ which form the case study for the analysis. This is followed by a detailed description of methods (Section 7.3), the geospatial analyses being more technically complex than methods employed in previous chapters of this thesis. This section also explains the three implementation scenarios and their origins. Section 7.4 presents the results of these analyses in terms of different quantitative and qualitative elements of area-based conservation goals. I then return to some critical debates around OECMs in my discussion and explore what this might mean for the recognition of different areas in Kenya.

## 7.2 STUDY AREA

Kenya’s southern rangelands extend over an area of approximately 135,000km<sup>2</sup>, stretching from the Maasai Mara in the West, across the southern Mau highlands and into the Kenyan Rift Valley, before extending south-east to the Taita Hills and Tsavo area (Ojwang et al., 2017). These rangelands comprise six contiguous sub-ecosystems: the greater Mara Ecosystem; the Eburu Forest and Naivasha-Elementaita-Nakuru lakes ecosystem; Nairobi National Park and Athi-Kaputiei ecosystem; the South Rift (Magadi and Natron Lakes region); Amboseli ecosystem, and the greater Tsavo Ecosystem. The vegetation primarily consists of open grassland and *Acacia-Commiphora* thickets with localised patches of montane forests at higher elevations.



**Figure 3.** Map of Kenya’s Southern Rangelands including the Central Rift, Southern, and Tsavo Conservation Areas

This area was chosen for this study as it includes three of the eight KWS focal regions used by stakeholders in their initial screening of potential OECMs: the Tsavo Conservation Area, the Southern Conservation Area, and the southern portion of the Central Rift Conservation Area.

Each of these focal regions contains diverse models and arrangements of protected and conserved areas with their origins in each landscape's particular histories of conservation, enabling the exploration of different challenges and opportunities associated with recognising OECMs in Kenya. The broader area also aligns with one of the two major regions in the flagship report on Wildlife Migratory Corridors and Dispersal Areas (Ojwang et al., 2017).

### *7.2.1 Tsavo Conservation Area (TCA)*

The Tsavo Conservation Area (TCA) spans some 71,000 km<sup>2</sup>, including the entirety of the Taita-Taveta and Kitui counties and large parts of Tana River and Makueni. It is home to one of the largest contiguous protected areas in Africa, composed of the Tsavo East & West National Parks, Chyulu Hills National Park and South Kitui National Reserve, which together make up about 52% of the country's protected area estate covering 4% of Kenya's land area. It also hosts the largest elephant population in the country. The surrounding areas are mostly comprised of community lands and group ranches, though the Taita Hills area at the centre of this ecosystem is more densely populated and intensively farmed.

### *7.2.2 Southern Conservation Area (SCA)*

The Southern Conservation Area (SCA) covers an area of over 36,000km<sup>2</sup> comprising the South Rift, Amboseli, Nairobi National Park and Athi-Kaputiei Ecosystems. It extends west from the slopes of the Chyulu Hills to Lake Magadi and from the foothills of Kilimanjaro northwards to the Kikuyu Escarpment incorporating the whole of Kenya's Kajiado, Kiambu, Nairobi, Thika, Maragua and Machakos counties and the north-western portion of Makueni county.

The area includes only a few small PAs, including the Amboseli National Park (390km<sup>2</sup>) and Nairobi National Park (117km<sup>2</sup>), the only protected area in the world located within the limits of a capital city. The Athi-Kapiti Plains and Kitengela migration corridors to the south of Nairobi provide critical dispersal areas for the park's wildlife. However, the future viability of these areas is under threat owing to the subdivision of land and rapid growth of subsidiary towns on the outskirts of the city (Ojwang et al., 2017). The Amboseli National Park is similarly reliant on surrounding group ranches to facilitate the seasonal movement of wildlife in and out of the park. However, a number of these ranches are also going through different stages of the subdivision process (AET and KWCA, 2021).

### *7.2.3 Central Rift Conservation Area (CRCA)*

At around 28,000km<sup>2</sup>, the Central Rift Conservation Area (CRCA) depicted in the map above is the smallest of the three study areas covering only the southern half of the KWS focal region. It extends from the Nguruman Range and Loita Forest in the East to the Mara Escarpment and from Lake Nakuru south to the Maasai Mara, where it connects with the Serengeti National Park across the border with Tanzania. This conservation area is home to the Greater Mara Ecosystem, the Mau Forests Complex, the Eburu Forest, and the Naivasha-Elementaita-Nakuru Lakes Ecosystem.

The Maasai Mara National Reserve (MMNR) and surrounding community conservancies and group ranches (now mostly privatised) extend over 4,200km<sup>2</sup> and are home to approximately

25 per cent of Kenya's wildlife (Bedelian, 2014). The area is a prime tourist destination renowned for its abundant and diverse assemblages of wildlife and for the seasonal migration of over 1 million wildebeest, which circulate between the Mara and the Serengeti.

The Mau Forests Complex to the north also has immense conservation value, forming a vital water tower feeding the network of rivers that sustain the massive wildlife populations in the Mara. The adjacent system of lakes in the Rift Valley include the shallow freshwater Lake Naivasha and the alkaline lakes of Elementaita and Nakuru, both Ramsar-listed sites. The greater conservation area includes several national parks, including Lake Nakuru National Park, Mt. Longonot National Park, Hell's Gate National Park and the Eburu Forest, as well as several private sanctuaries and ranches. The rest of the area is occupied by a mixture of small-scale holdings and private lands under various uses.

Combined, these areas may not be representative of the diversity of ecosystems or even approaches to conservation across Kenya, dominated as they are by rangelands and associated conservation measures. However, they nonetheless provide a valuable case study for examining different interpretations of the IUCN guidelines for OECMs and how they might be implemented in the Kenyan context. In the following section, I outline how the various implementation scenarios were devised and the methods used to examine their implications for both quantitative and qualitative area-based conservation objectives.

## 7.3 METHODS

### 7.3.1 Scenarios

The different scenarios for the implementation of national policy on OECMs explored in this chapter are drawn from the findings in previous chapters of this thesis on attitudes towards OECMs (see Chapter 5) and the processes of policy translation through which this global framework is being adapted to the national context (see Chapter 6). Each reflects a different approach to the treatment of the OECM guidelines and the recognition of various typologies of potential OECMs within national policy frameworks (see Table 5).

**Table 5.** Implementation scenarios for OECMs in Kenya

	Description	Typologies of OECMs included
Scenario 1	Established and emerging conservancies not currently listed in WDPA recognised and reported as OECMs	Primary
Scenario 2	All conservancies reported as OECMs, including areas previously listed in WDPA. 'Proposed' conservancies also recognised as OECMs.	Primary
Scenario 3	All conservancies recognised and reported as OECMs as above. Secondary and ancillary areas e.g. group ranches, common grazing areas, military training areas also included	Primary, Secondary, Ancillary

The first two scenarios focus solely on the recognition and reporting of Kenya's conservancies as OECMs, following the initial assessment of the OECM guidelines, which concluded that these areas fulfil the OECM criteria (Waithaka and Njoroge, 2018). This reflects the thinking that the OECM designation should apply "only to those sites that meet the intent of the IUCN definition of a protected area [...] but are not currently listed on the World Database on Protected Areas (WDPA)" (Woodley et al., 2012).

Scenario 1 sees only those conservancies registered with KWCA or KWS but not currently listed in the WDPA recognised and reported as OECMs, with conservancies already reported to the WDPA retaining their status as protected areas in line with the guidance on OECMs for areas which have met the IUCN definition of a PA in the past (IUCN-WCPA Task Force on OECMs, 2019). These include both newly registered (or what KWCA terms 'emerging') conservancies and more established conservancies, which have been a feature of the landscape for a more extended period but have not yet been reported to the WDPA. Being areas designated and managed expressly "for purposes of wildlife conservation" (Republic of Kenya, 2013), these conservancies are classified as 'primary' OECMs.

Scenario 2 involves a re-assessment of Kenya's current reporting patterns on protected and conserved areas, which would see all conservancies classified as OECMs. While many conservancies may have been reported as protected areas in the past, these reports have never stipulated which of the IUCN management categories they belong to (UNEP-WCMC and IUCN, 2019). It is, therefore, possible that all conservancies could migrate over to the OECM designation should they be found to align more closely with the OECM guidelines. This would follow the convention of Kenya's reporting on its conservation estate to date, which has consistently framed conservancies as separate from the system of nationally designated protected areas (Government of the Republic of Kenya, 2020). Scenario 2 also includes the addition of 'proposed' conservancies as potential OECMs, i.e. areas which have been identified and put forward as potential conservancies but have yet to be registered with KWCA or KWS. Given that these areas have 'conservancy-like' characteristics, it is possible they may also meet the OECM criteria and thus merit some consideration even if they are not registered as conservancies themselves.

Scenario 3 further expands the list of potential OECMs to incorporate areas which, unlike most conservancies, do not have the conservation of biodiversity as their primary management objective, i.e. secondary and ancillary conserved areas. These include sites under various governance regimes like sacred natural sites, group ranches, common grazing areas, military training areas and trust land. This scenario reflects a more plural ideal of conservation incorporating the visions of 'cultural landscapes' proposed by some in the Kenyan conservation community (see Chapter 5, section 5.3.1.6). It also more strongly reflects one of the primary objectives of the OECM discourse to incorporate a greater diversity of actors and governance systems in the conservation estate. While all these sites have been proposed as potential OECMs either by research participants or stakeholders at the 2017 Nairobi workshop (see Waitthaka, 2017), they have not yet been assessed against the OECM criteria in the same way that conservancies have.

### 7.3.2 *Spatial Layers: Sources and Processing*

#### 7.3.2.1 *Protected Areas*

I downloaded the public version of the World Database on Protected Areas (WDPA) for Kenya (June 2019) as a file geodatabase from Protected Planet (<http://www.protectedplanet.net/>). The WDPA is managed by UNEP-WCMC in collaboration with IUCN and is collated from national and regional datasets (UNEP-WCMC and IUCN, 2019). This database includes all sites designated at a national level (e.g. national parks and reserves), under regional agreements and international conventions and agreements (e.g. natural World Heritage Sites and Ramsar sites). For the purposes of the analyses, the PA polygons were dissolved to remove all overlaps between different designation types and to avoid double counting (e.g. where the same area is designated as both a national park and World Heritage Site) following the methodology outlined by Saura *et al.* (2017). For computational ease, PAs reported to the WDPA as points with unknown boundaries were excluded from analyses, along with polygons with an area of less than 1km<sup>2</sup>.



### 7.3.2.2 Potential OECMs

Spatial data on potential OECMs in Kenya were obtained primarily from participants at the Nairobi workshop in June 2017 following the results of the mapping exercise, during which different groups were provided with detailed local maps showing the location of protected areas and wildlife conservancies and asked to identify any other OECM-like sites that were not appearing on their respective maps. Initial polygons were produced and compiled by the KWS GIS consultant in attendance at the workshop, Wycliffe Mutero, which were later corroborated and supplemented with data from various national and regional reports, e.g. State of Wildlife Conservancies Report (KWCA, 2016), Strategic Plans (KWCA, 2019; SORALO, 2018) and Ecosystem Management Plans (AET and KWCA, 2021; African Conservation Centre, 2019; Kenya Wildlife Service, 2020; Wildlife Works, 2020). Each scenario combined different arrangements of these potential OECM sites with the base layer of protected areas to demonstrate the possible changes to the conservation estate.

### 7.3.2.3 Ecoregions

The connectivity and coverage analyses were performed for each of the terrestrial ecoregions in the study area as delineated by Olson *et al.* (2001), using the dataset available from Worldwide Fund for Nature (WWF). The ecoregions are large units of land, each containing a distinct composition of natural communities that share similar environmental conditions, with boundaries that approximate the original extent of these natural communities before major land-use change. Globally there are 867 terrestrial ecoregions, within 14 different biomes e.g., forests, grasslands, deserts etc. and eight biogeographic realms, providing a detailed map of terrestrial biodiversity and an indispensable tool for conservation planning and priority-setting (Olson et al., 2001). Kenya includes some 13 different terrestrial ecoregions, covered to varying degrees by the country's network of protected areas (see Table 6). As indicated above, the largest proportion of land in Kenya is covered by Acacia-Commiphora bushlands (Northern, Southern and Somali), but as the table below illustrates, Kenya is also home to over 95% of the entire Masai xeric grasslands and shrublands ecoregion and 67.5% of the world's East African montane forests.

**Table 6.** Terrestrial ecoregions of Kenya including the proportion of ecoregions within national boundaries and % coverage by protected areas. Source: European Commission, Joint Research Centre (2023). The Digital Observatory for Protected Areas (DOPA) [Online].

Ecoregion Name	Area of Ecoregion in Country (km <sup>2</sup> )	% of total ecoregion in country	% of ecoregion protected in country
<i>East African halophytics</i>	137.7	5.244	64.101
<i>East African mangroves</i>	2701.8	17.615	9.094
<i>East African montane forests</i>	44033.8	67.538	23.761
<i>East African montane moorlands</i>	1718.7	52.504	58.609
<i>East Sudanian savanna</i>	78.5	0.009	6.106
<i>Eastern Arc forests</i>	633.9	2.691	2.029
<i>Lake</i>	10895.2	1.049	1.206
<i>Masai xeric grasslands and shrublands</i>	95602.8	95.122	2.303

<i>Northern Acacia-Commiphora bushlands and thickets</i>	264178.2	81.415	18.554
<i>Northern Zanzibar-Inhambane coastal forest mosaic</i>	31390.9	28.059	13.978
<i>Somali Acacia-Commiphora bushlands and thickets</i>	102795.5	9.798	1.718
<i>Southern Acacia-Commiphora bushlands and thickets</i>	15848.5	6.989	15.686
<i>Victoria Basin forest-savanna mosaic</i>	12413.1	7.521	6.176
<i>Unassigned land</i>	248.9	0.042	23.542

Ecoregions have commonly been used in assessments of the ecological representativeness of protected area networks to measure progress towards this element of conservation targets (Gannon et al., 2019; Dinerstein et al., 2017). Here, the ecoregion layer was intersected with the dissolved protected and conserved area (PCA) layers, with the resultant features converted into single parts, giving the individual polygons of the conservation estate falling within each ecoregion. The area of the resulting PCA polygons was then calculated using the Calculate Geometries tool in ArcGIS. This was done to disaggregate the coverage of distinct ecoregions in the Southern Rangelands study area and facilitate the assessment of protected and conserved area connectivity, with the assumption that the natural communities and habitats in one ecoregion are distinct from those in neighbouring ecoregions and, therefore, connectivity cannot be calculated across different ecoregions.

#### 7.3.2.4 Key Biodiversity Areas

Spatial data on Kenya's Key Biodiversity Areas (KBAs) were obtained from the World Database of Key Biodiversity Areas (BirdLife International, 2019). KBAs are sites of particular importance for the global persistence of biodiversity, identified and assessed against a common global standard (IUCN, 2016). This dataset was used as an indicator for the coverage of areas of particular importance for biodiversity.

The national dataset for Kenya was clipped to include only those KBAs, and portions of KBAs, that fall within the Southern Rangelands study area. This layer was then overlaid and intersected with the dissolved PCA layers for each implementation scenario (in addition to the baseline layer of protected areas) to give the proportion of KBAs covered by protected and/or conserved areas.

#### 7.3.3 Landscape Connectivity: The Protected Connected (ProtConn) Indicator

The connectivity of the conservation estate under each implementation scenario (as well as the baseline protected area estate) was calculated using the ProtConn measure developed by Saura *et al.* (2017, 2018, 2019). This indicator is among those recommended by Gannon *et al.* (2019) and the Biodiversity Indicators Partnership and is also commonly used by the Convention on Biological Diversity (CBD). It combines two related graph-based metrics, namely the Probability of Connectivity (PC) and the Equivalent Connected Area (ECA), to estimate the structural connectivity of the conservation estate, i.e. how well systems of

protected and conserved areas are designed to support or promote connectivity between different patches of similar habitat types based on their relative size and spatial arrangement. Specifically, the ProtConn indicator is defined as the per cent of a country or region covered by *protected and connected* lands. It is measured by calculating the equivalent size that “a single PA should have to provide the same amount (area) of reachable protected land as the network of PAs in an ecoregion” (Saura et al., 2017, p.147). This is given by the following equation:

$$ProtConn = 100 \times \frac{\sqrt{\sum_{i=1}^{n+t} \sum_{j=1}^{n+t} a_i a_j p_{ij}^*}}{A_L}$$

where  $n$  is the number of PAs within an ecoregion,  $t$  is the number of PAs in the transboundary buffer (here of 100 km) outside the ecoregion,  $a_i$  and  $a_j$  are the attributes of PAs  $i$  and  $j$ ,  $A_L$  is the maximum landscape attribute (here total ecoregion area), and  $p_{ij}^*$  is the maximum product probability of all paths connecting nodes  $i$  and  $j$ .

All connectivity analyses were performed using the Conefor Sensinode Software (Saura and Torné, 2009), available from [www.conefor.org](http://www.conefor.org). This gives the ECA based on the probability of connectivity (PC) and integral index of connectivity (IIC). Here I focus on the ECA(PC) measure, which is based on a probabilistic model of species dispersal between protected and conserved areas. The probability of direct dispersal ( $p_{ij}$ ) between two PCAs  $i$  and  $j$  was calculated through a negative exponential function of the distance separating the PCAs, in which  $p_{ij} = 0.5$  for those areas separated by a distance equal to the species median dispersal distance, which is here defined as 10km in keeping with similar analyses performed by Saura *et al.* (2018, 2017) and others (see Shiono et al., 2021). Note that the maximum dispersal distances that can be reached by a species are much larger than this median distance and this is compatible with the modelling adopted here, i.e. the exponential dispersal kernel estimates a distance between PCAs equal to 50km could be traversed with a probability of 0.03. The search radius of 100km was considered sufficient to account for the potential for individuals to traverse these greater distances between protected and conserved areas.

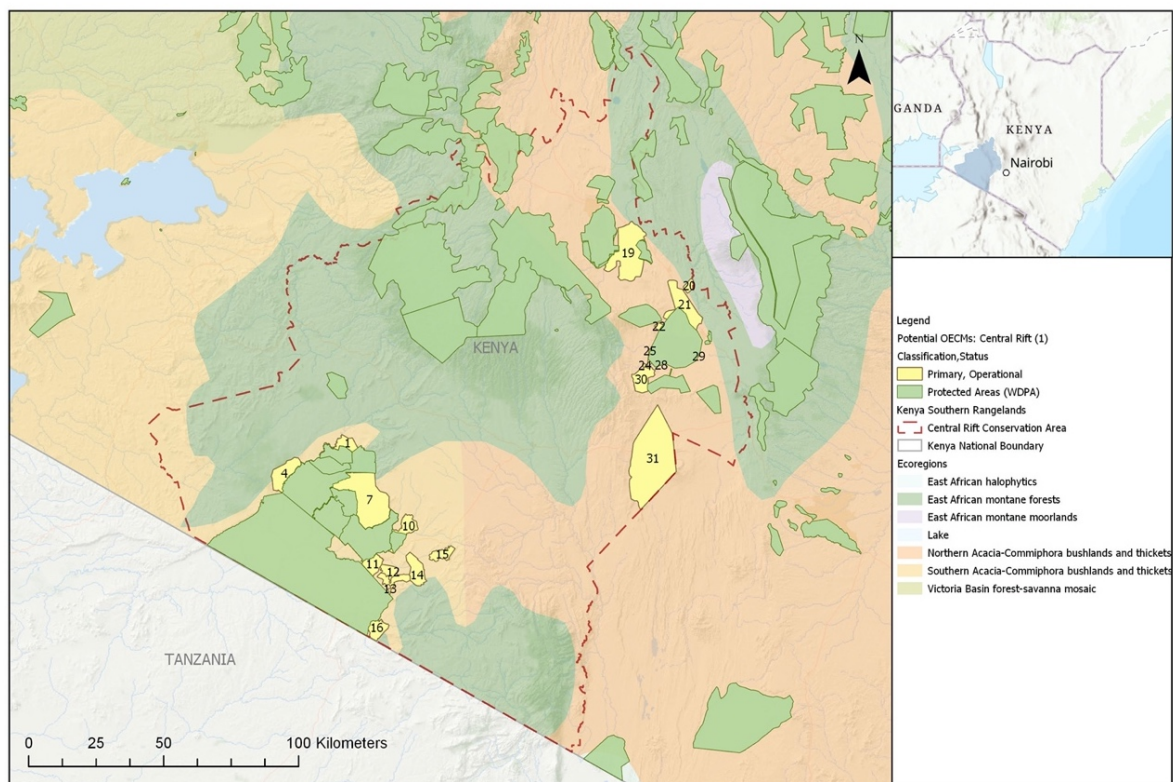
## 7.4 RESULTS

### 7.4.1 Mapping Potential OECMs

The sections below examine in detail the changes to the conservation estate in each of the three study areas under each different implementation scenario. Larger copies of these maps are available in Appendix 5.

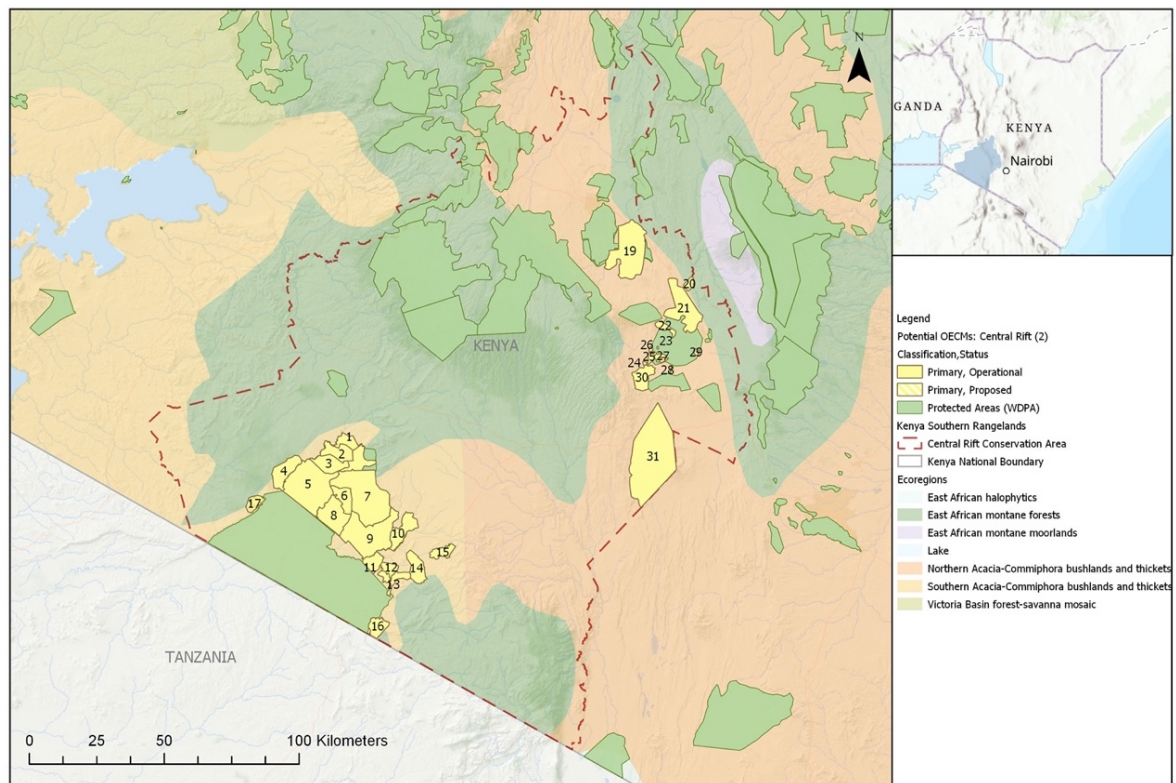
#### 7.4.1.1 Central Rift

The first scenario in the Central Rift Conservation Area (CRCA) shows the addition of several group conservancies in the Greater Mara Ecosystem on the Tanzanian border, the largest of which is the emerging Pardamat Community Conservancy (7) at 266km<sup>2</sup> (see Figure 4 below). To the Northeast, there are several private conservancies, sanctuaries and ranches added to the network of protected areas in the Rift Lakes Ecosystem, including Kongoni (24), Marula (21) and Crater Lake (25). At 419km<sup>2</sup>, the largest 'new' conservation area is the Suswa Conservancy (31), extending over Mt Suswa on the Eastern edge of the CRCA boundary bordering the Southern Conservation Area.



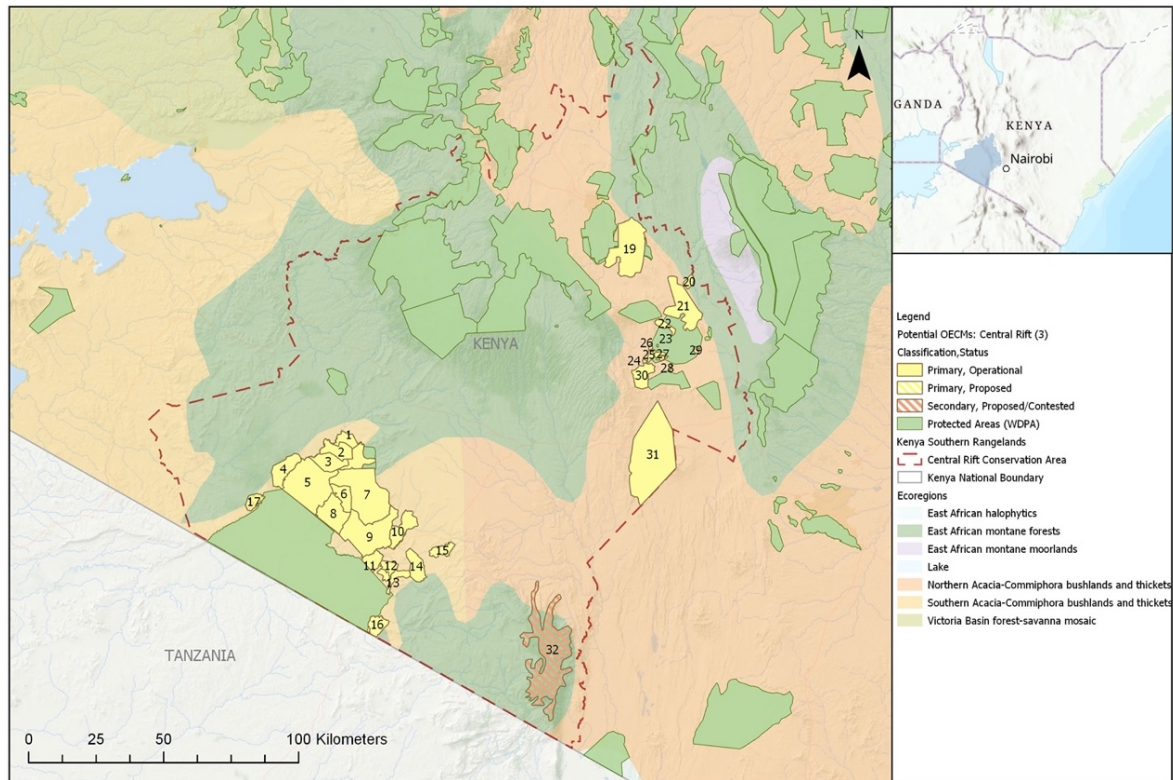
**Figure 4.** Central Rift Conservation Area showing the extent of protected areas and potential OECMs – Scenario 1

In scenario two (see Figure 5 below), we see all the conservancies around the Maasai Mara National Reserve (re)classified as OECMs, along with the addition of the proposed Maasai Moran Conservancy (17) on the escarpment along the western border of the reserve. Combined, these seventeen conservancies cover almost 1500km<sup>2</sup>, significantly expanding the area of contiguous habitat available for resident and migratory species in the Greater Mara Ecosystem. Also more evident with this treatment of the OECM guidelines is the system of smaller conservancies and sanctuaries overlapping Lake Naivasha (20-30).



**Figure 5.** Central Rift Conservation Area showing the extent of protected areas and potential OECMs – Scenario 2

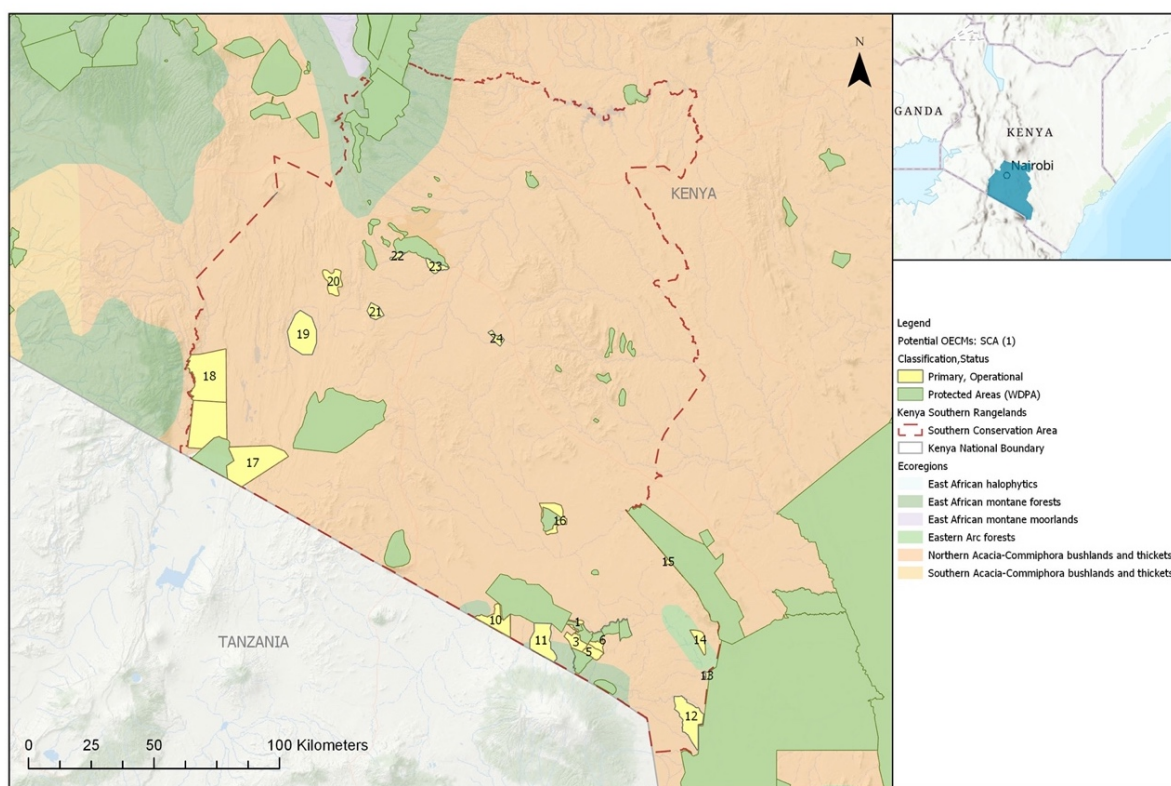
The significant change in scenario three is the addition of the Loita Forest (32) to the conservation estate as a secondary OECM. Though the forest has not been formally gazetted, and conflicts remain over the management and governance of the area (see section 5.3.3 in chapter 5), there is some evidence to suggest it is being managed in ways that actively contribute to the conservation of biodiversity (WWF-Kenya, 2017; Kariuki et al., 2016; Karanja et al., 2002), and it has repeatedly been proposed as a potential OECM (see Waithaka, 2017). The shape drawn below delineates the present extent of the forest (Figure 6), with the hatching indicating the area's insecure or contested status.



**Figure 6.** Central Rift Conservation Area showing the extent of protected areas and potential OECMs – Scenario 3

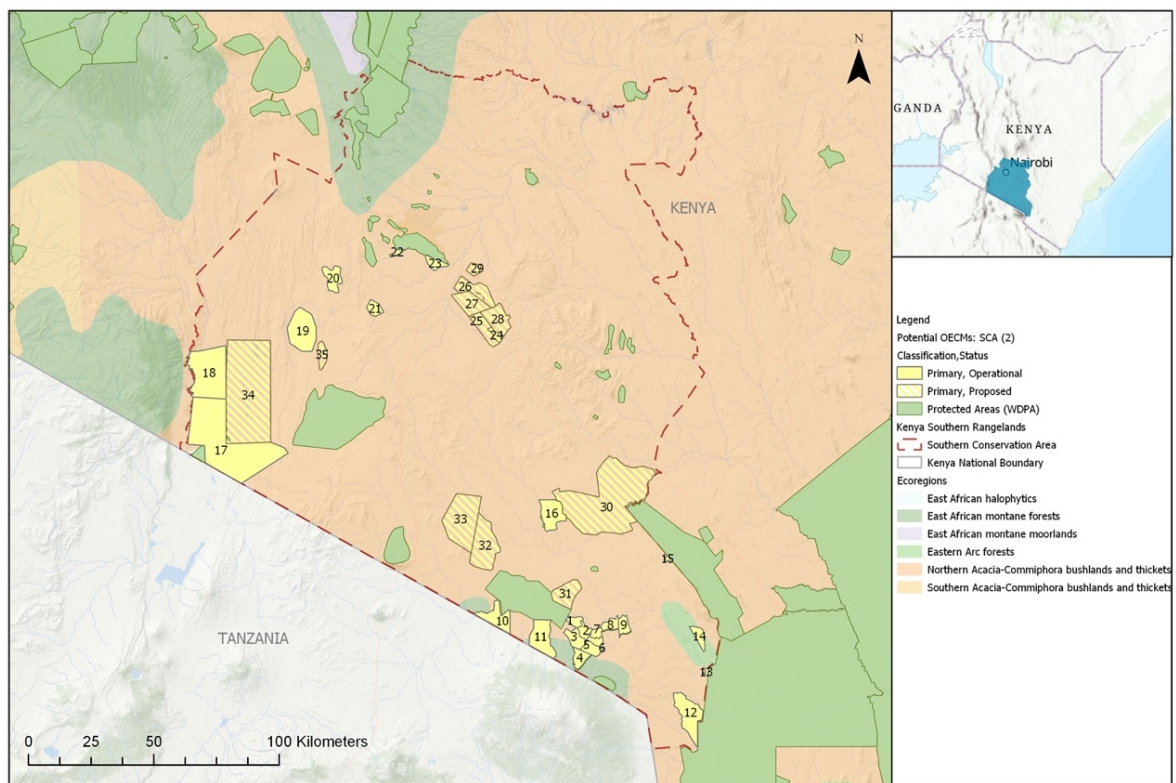
#### 7.4.1.2 Southern Conservation Area

The first implementation scenario in the Southern Conservation Area (see Figure 7) shows the addition of several community conservancies around Amboseli National Park along key migration corridors, including Kitirua (10) and Kitenden (11) to the South of the PA. There are also four ‘new’ conservancies added along the boundary with the Chyulu Hills and Tsavo West National Parks to the East, including Rombo Emampuli (12), Kanzi (14), Ol donyo Waus (15) and Olpusare (13). To the West, we see the addition of larger conservancies in the South Rift area, including Shompole (17), Olkiramatian (18) along the western boundary of the conservation area and the emerging Ologesailie (19). Also included are several emerging conservancies in the vicinity of Nairobi National Park to the North (22 & 23) and the relatively isolated Lisa Ranch to the east (24).



**Figure 7.** Southern Conservation Area showing the extent of protected areas and potential OECMs – Scenario 1

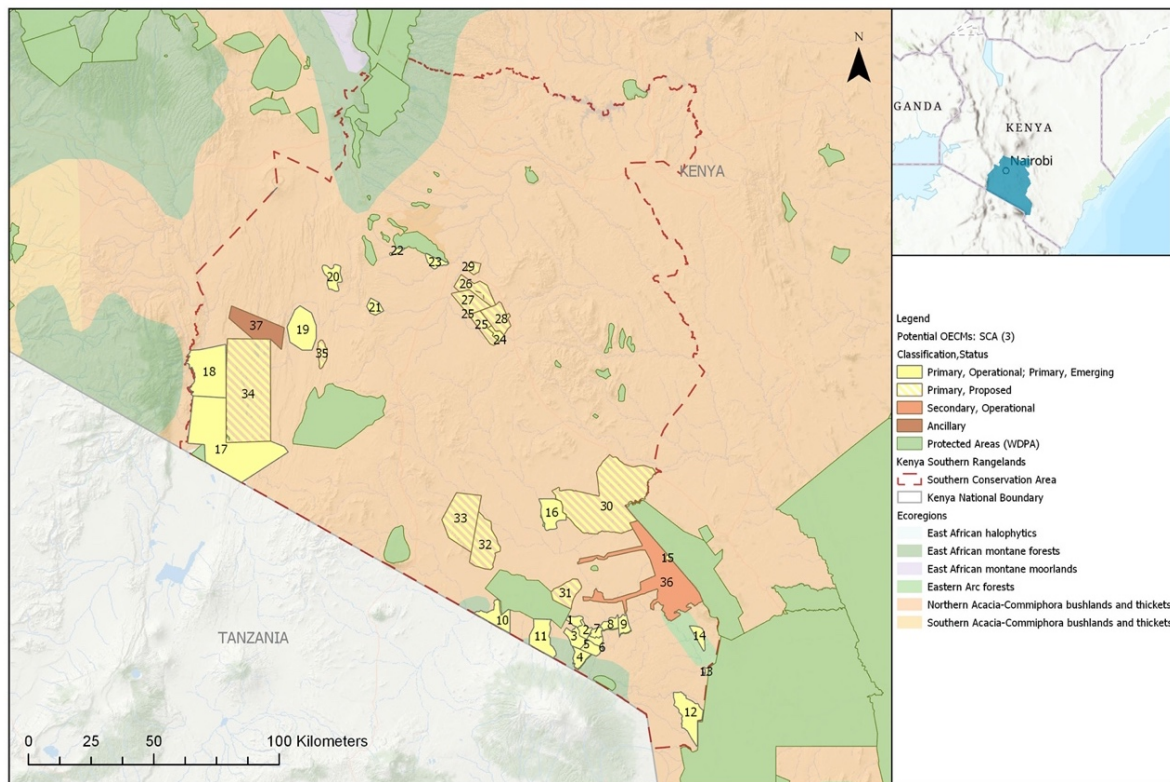
Scenario two sees the addition of several large ‘proposed’ conservancies to the conservation estate and the reclassification of established conservancies, mainly in the vicinity of Amboseli National Park, as OECMs (Figure 8). The Olenarika (31) and Ilaingarunyoni (32) Conservancies adjacent to Amboseli were proposed as part of the subdivision of the Olgulului/Olelarashi Group Ranch, which envelops the national park, with the neighbouring Mailua Conservancy (33) helping to create a larger contiguous conserved area. Further East, the proposed Nasaru Olosho (30) forms a vital link between the Eselenkei conservancy and the Chyulu Hills National Park in the neighbouring conservation area. In the South Rift region, we see the addition of the large Magadi Concession (34) to the network of conservancies, along with the smaller proposed Kwenia Sanctuary (35). This scenario also includes several game ranches around Lisa Ranch in the area east of Nairobi National Park (25-29).



**Figure 8.** Southern Conservation Area showing the extent of protected areas and potential OECMs – Scenario 2



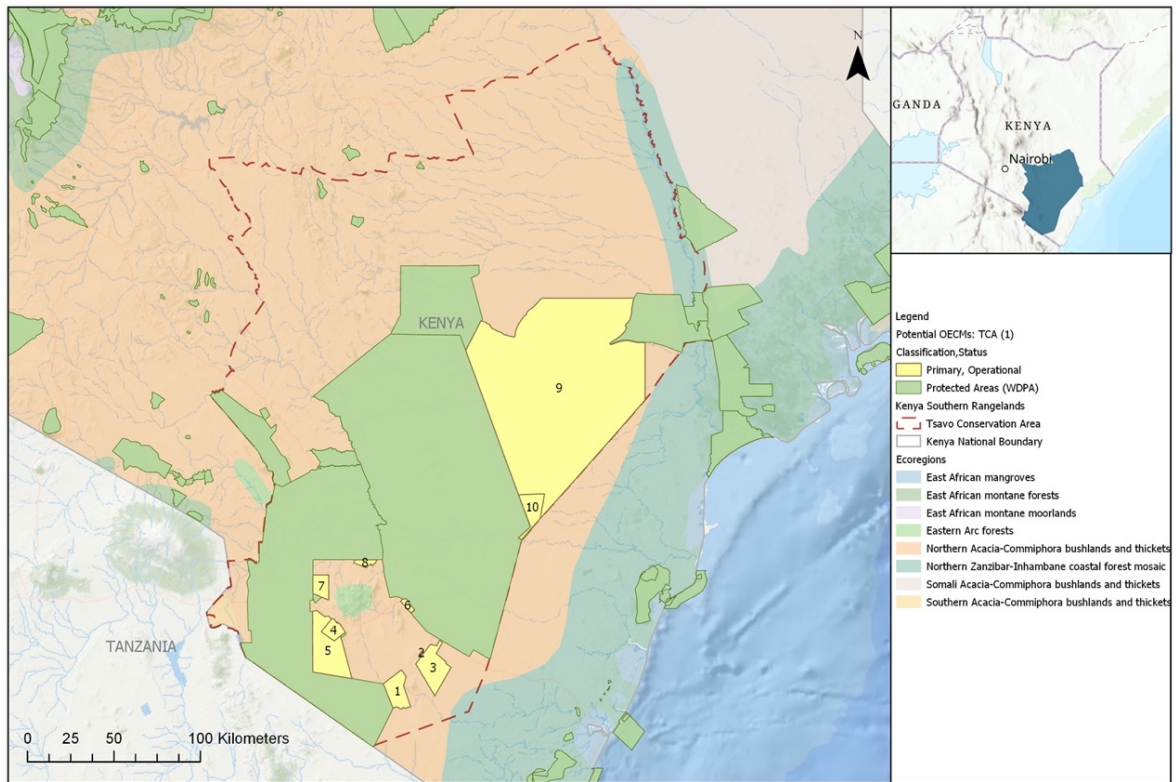
In Scenario three (Figure 9), there are two notable changes. The first is the addition of the secondary OECM covering the Mbirikani Common Grazing Area (36) in the eastern portion of the map. These pastoral commons extending over the plains below the Chyulu Hills form a vital corridor linking the large Chyulu-Tsavo protected areas with the smaller Amboseli National Park and its surrounding system of conservancies. The second significant change is the addition of a military training area north of the Magadi Concession as an ancillary conserved area (37).



**Figure 9.** Southern Conservation Area showing the extent of protected areas and potential OECMs – Scenario 3

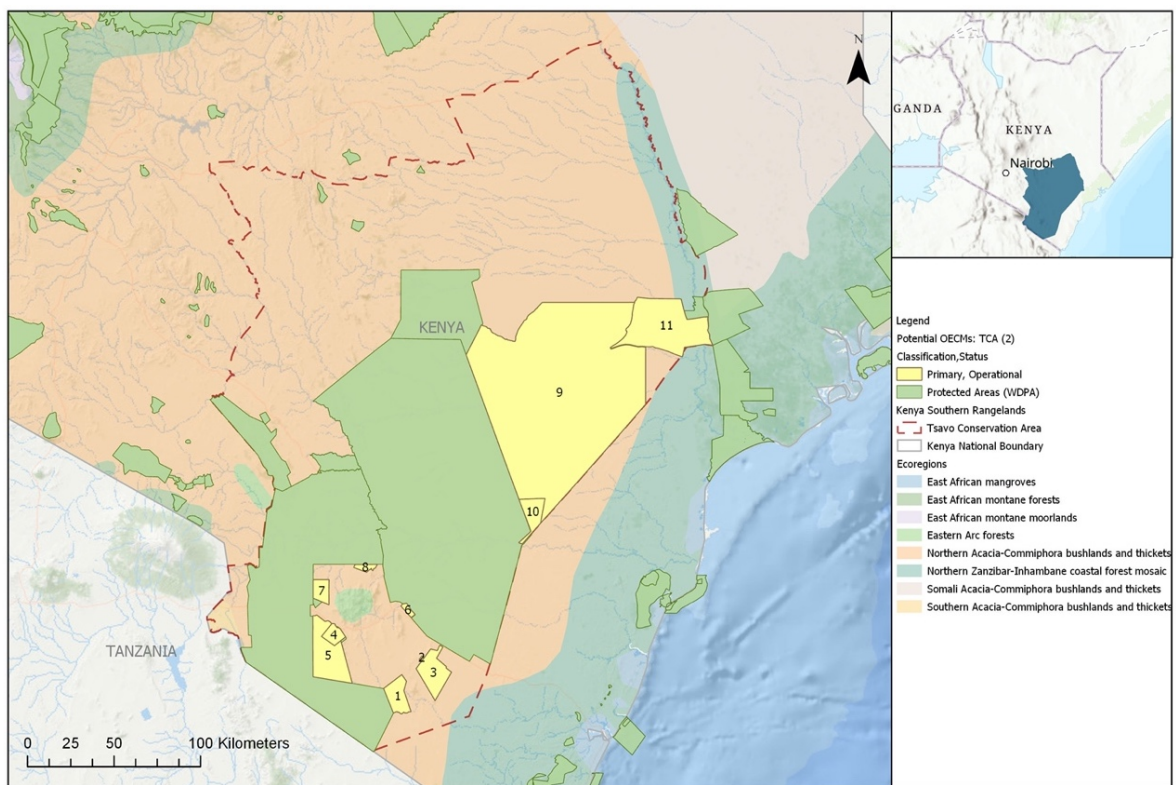
#### 7.4.1.3 Tsavo Conservation Area

The first scenario in the Tsavo Conservation Area (Figure 10) shows the addition of several ‘new’ conservancies, the largest of which is the Malkahalaku Conservancy (9) at 8,293km<sup>2</sup> linking Tsavo East National Park with the system of protected areas along the Tana River. There are also several conservancies established in the ranches between the Tsavo East and Tsavo West National Parks, including Rukinga (3), Ngutuni (6) and Kasigau (1), strengthening the links between these protected areas and conserving critical habitat patches in the intervening area.



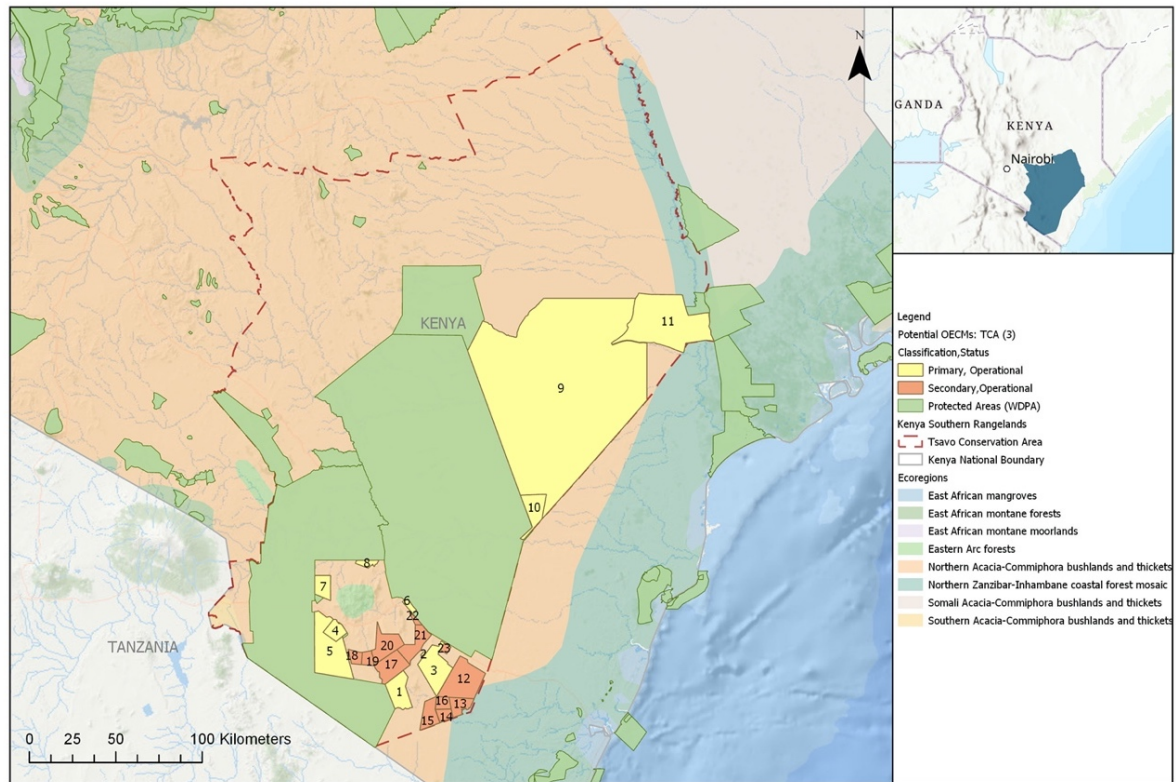
**Figure 10. Tsavo Conservation Area showing the extent of protected areas and potential OECMs – Scenario 1**

The only change in scenario two (Figure 11) is the reclassification of the Ndera conservancy (11) from a protected area to an OECM.



**Figure 11. Tsavo Conservation Area showing the extent of protected areas and potential OECMs – Scenario 2**

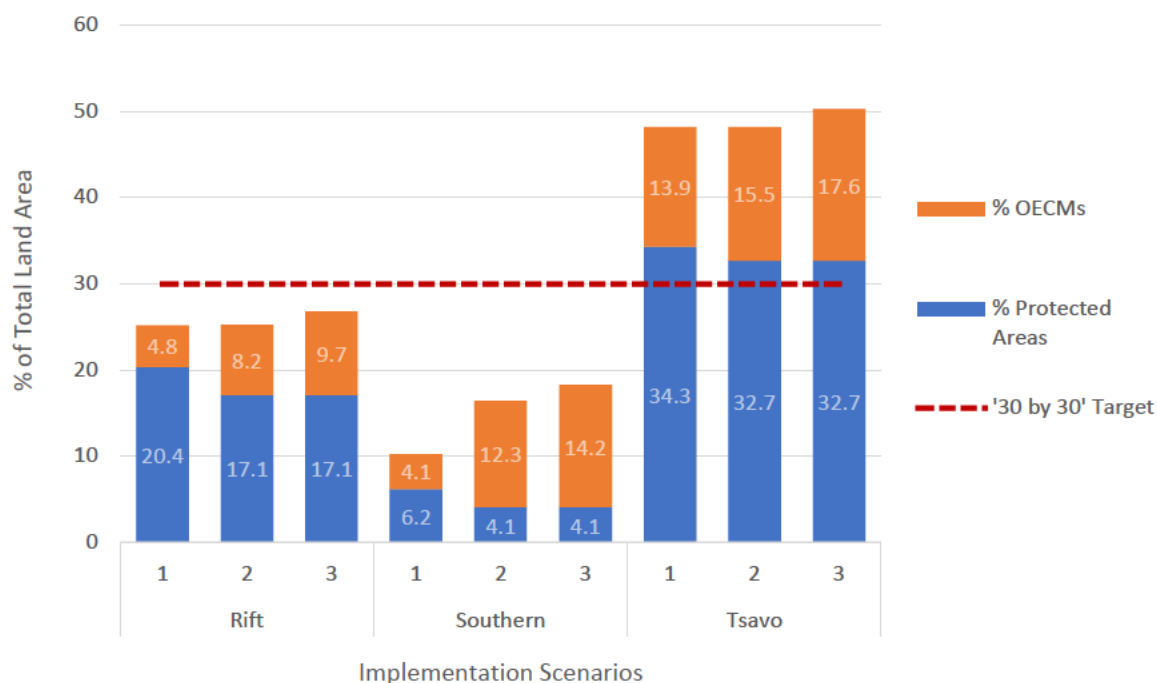
Scenario three sees the inclusion of several secondary OECMs (12-21) in the ranches between the Tsavo East and Tsavo West National Parks (Figure 12). These community ranches form part of the Kasigau Corridor REDD+ project. Specifically, these ranches constitute Phase II of the project, which has delivered demonstrable positive outcomes for biodiversity as a result of the ongoing conservation and restoration of native woodlands (Wildlife Works, 2020).



**Figure 12.** Tsavo Conservation Area showing the extent of protected areas and potential OECMs – Scenario 3

### 7.4.2 Spatial Coverage

As expected, the different implementation scenarios show a progressive increase in the proportion of land covered by protected and conserved areas from scenarios one through three as a greater number and diversity of sites are included in the conservation estate (see Figure 13). Details of these results are available in Appendix 6-A. However, there are also significant changes to the composition of the conservation estate in each of the study areas.



**Figure 13.** Proportion of land covered by protected areas and OECMs under different implementation scenarios

Across all three conservation areas, the proportion of land covered by protected areas decreases in scenarios two and three (by 3.3% in the Central Rift, 2.1% in the Southern Conservation Area, and 1.6% in Tsavo) as some conservancies which had previously been classed as PAs are migrated over to the OECM designation. The addition of several proposed conservancies as OECMs in the Southern Conservation Area in scenarios two and three shifted the balance of protected and conserved areas in the region such that OECMs cover more than three times the proportion of land in protected areas.

By far the largest increase in the absolute extent of protected and conserved areas occurs in the Tsavo Conservation Area, the largest of the three areas, where the addition of newly established conservancies alone increases the size of the conservation estate by over 10,000km<sup>2</sup> to cover more than 48% of the total land area in the region (see scenario one). Incorporating those secondary conserved areas identified in scenario three would take this number to over 50%. However, in proportional terms, the most significant change occurs in the Southern Conservation Area, where the inclusion of potential OECMs almost triples the proportion of land under conservation - from 6.2% under PAs to 18.3% in scenario 3.

### 7.4.3 Ecological Representation

Examining the breakdown of protected and conserved area coverage by ecoregion reveals a more detailed picture of changes in the ecological representativeness of the conservation estate in these three conservation areas (see Figure 14). In the Central Rift area, most of the increases in scenarios one and two accrue in the Northern and Southern *Acacia-Commiphora* bushlands ecoregions. It is only with the addition of the Loita Forest in scenario three that there is a significant increase in the coverage of the region's East African montane forests, which remain comparatively underrepresented in this area.



**Figure 14.** Proportion of terrestrial ecoregions in each conservation area covered by protected and conserved areas under different implementation scenarios (S1-S3)

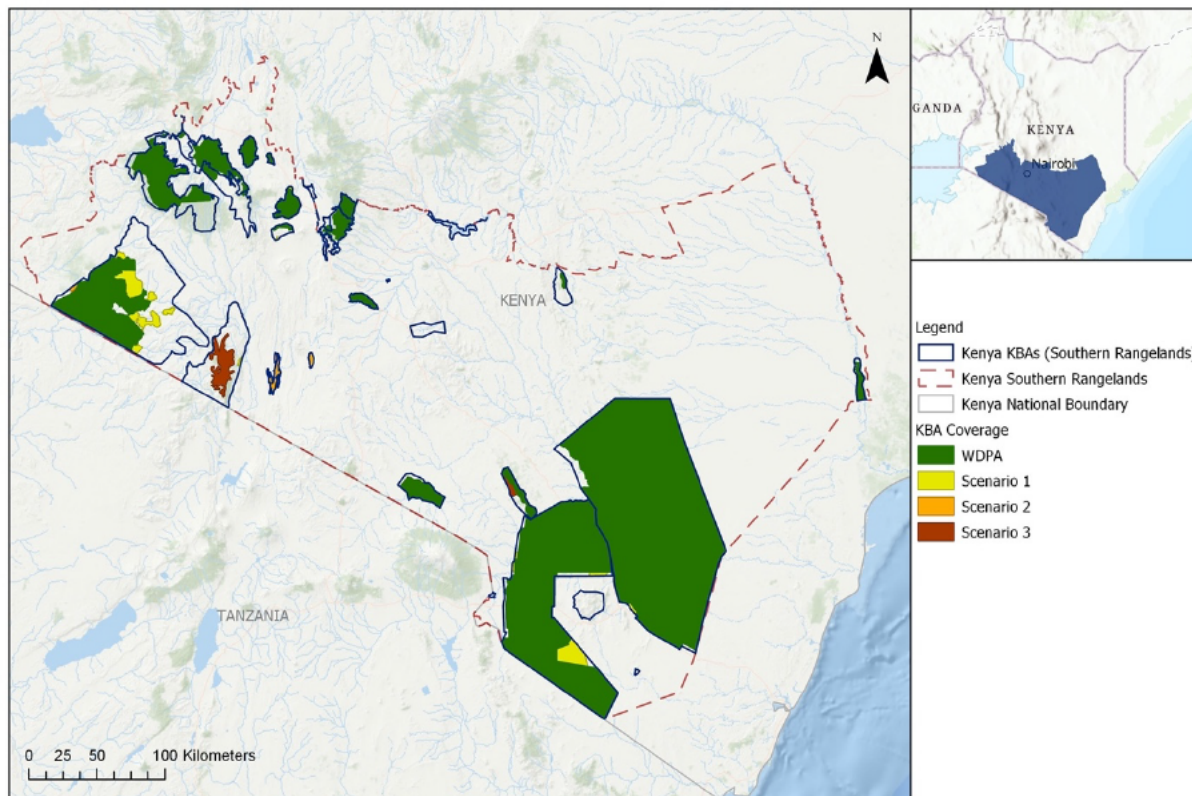
In the Southern Conservation Area, the small but unique ecoregion of East African halophytics is almost entirely covered (95%) by protected areas and OECMs under all implementation scenarios. The most striking changes occur in the coverage of *Acacia-Commiphora* bushlands, which represents the dominant ecoregion within the conservation area, and the relatively small area of Eastern Arc forests. Coverage of *Acacia-Commiphora* bushlands increases from a mere 5% under the established protected area network to 9% in scenario one and up to 17% in scenario three with the addition of large ‘proposed’ conservancies as well as secondary and ancillary OECMs. The recognition of OECMs in the Southern Conservation Area also sees the region’s Eastern Arc forests represented in the conservation estate for the first time, with 10% of this ecoregion covered by wildlife conservancies and an additional 17% covered by secondary conserved areas, including traditional pastoral commons.

While the Tsavo Conservation Area showed the largest increases in the total area and proportion of land covered by protected and conserved areas, the breakdown of different ecoregions shows that most of these gains accrue in *Acacia-Commiphora* bushlands and thickets, which are already well-represented in the existing protected area network (36% coverage in the baseline scenario in the TCA). There are some increases in the coverage of the Northern Zanzibar-Inhambane coastal forest mosaic with the inclusion of secondary conserved areas in scenario three. However, the coverage of Eastern Arc forests remains very low (3%). For further details see Appendix 6-B.

#### **7.4.4 Coverage of Key Biodiversity Areas**

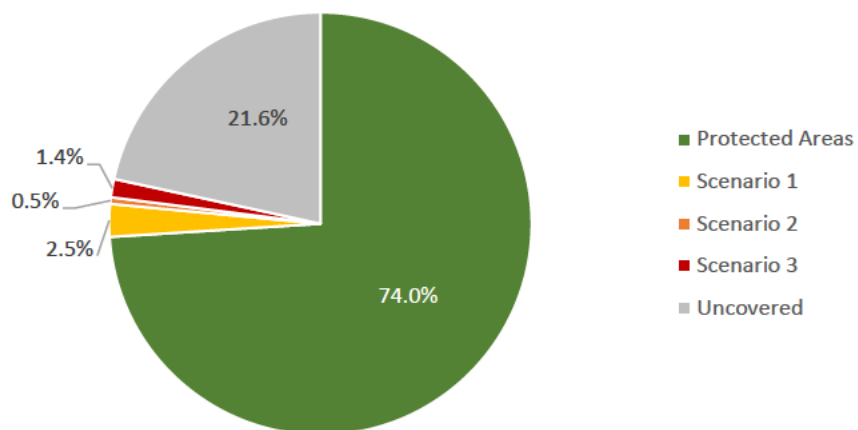
Overlaying the spatial KBA layer on the data from the WDPA shows that most of the KBAs in the Southern Rangelands are already partially or wholly covered by the existing network of protected areas (see Figures 15 & 16 below). This may be due, at least in part, to how these areas have been defined, with the boundaries of several KBAs overlapping almost exactly with those of established protected areas – saving some minor misalignments. There are, however, notable exceptions; some of which may be covered by potential OECMs.

The potential OECMs included in scenario one help to expand the coverage of KBAs by an additional 2.5%. However, as the map in Figure 15 shows, these fall primarily in KBAs already partly covered by protected areas in the Tsavo and Mara ecosystems. Scenario two sees the coverage of KBAs increase by a mere 0.5% in terms of the total area; however, this includes the complete coverage of an additional two KBAs – Kwenia and Lake Magadi – by proposed conservancies. Finally, in scenario three, there is the addition of the Loita Forest, which covers the core of the South Nguruman KBA. This brings the total number of KBAs at least partly covered by protected and/or conserved areas to 21 (of the 26 found in the southern rangelands). Details of these analyses are available in Appendix 6-B.



**Figure 15.** Map of Southern Rangelands showing coverage of Key Biodiversity Areas under different implementation scenarios

However, this still leaves five KBAs without any recognised form of protection. Among these notable exceptions are the Mount Kasigau and Taita Hills Forests located between Tsavo East and West National Parks; the Lake Jipe and Lake Chala catchments on the border with Tanzania; and the Machakos Valleys east of Nairobi National Park and the Athi-Kapiti Plains. While these may be among the smaller KBAs in the region, they each represent areas of critical importance for the persistence of biodiversity.



**Figure 16.** The extent (in km<sup>2</sup>) of KBAs in Southern Rangelands covered by protected and conserved areas under each implementation scenario

#### 7.4.5 *Landscape Connectivity*

The overall changes in the connectivity of the conservation estate under each implementation scenario are summarised in Table 5. The general trend shows an increase in the connectivity of the landscape with the inclusion of a greater diversity of area-based conservation measures from scenario one through to scenario three. This is to be expected with the addition of new patches of conserved areas expanding the available area of protected and connected habitats. These increases are most pronounced in the Southern and Tsavo Conservation Areas, which also show marked differences between implementation scenarios.

However, as is evident in the projected changes in the Central Rift Conservation Area, the addition of 'new' conserved areas does not always result in an equivalent or proportionate increase in the overall connectivity of the conservation estate. Indeed, the addition of more dispersed components to the network of protected and conserved areas can decrease the network's relative connectivity (as defined by the proportion of protected and connected land relative to the total extent of protected and conserved areas). While the area of protected and connected land as measured by the ProtConn Index increases slightly across all implementation scenarios, the relative connectivity of the conservation estate falls from 93.3% to 86.3% with the addition of isolated new conserved areas.

In the Southern Conservation Area, the available protected and connected area increases by over 60% in the first scenario alone – with the addition of several large 'proposed' conservancies in scenario two, the increase is closer to 250%. However, as in the Central Rift, the relative connectivity of the protected and conserved area network falls to just 57.98% in scenario two, indicating that while coverage may increase in distinct habitat patches, these may not necessarily become better connected. It is only in scenario three, which sees the inclusion of secondary and ancillary conserved areas, that there is a comparative increase in the relative connectivity of the conservation estate. This highlights the importance of these areas in maintaining connectivity between different habitat patches within the larger conservation area.

The results of the ProtConn analyses in the Tsavo Conservation Area highlight the critical role conservancies and other OECMs play in ensuring the connectivity of the already extensive protected area network. Incorporating these areas into the formal conservation estate effectively creates a single agglomeration of protected areas and OECMs covering approximately half of the entire region, in which all the components are well-connected (with a relative connectivity score of close to 100%). This is largely due down to the inclusion of a single large conservancy (Malkahalaku) connecting the Tsavo National Parks with the network of protected and conserved areas along the Tana River and its riverine forests. The addition of several interconnected, secondary conserved areas in scenario three only expands the available protected and connected area further and reinforces the existing level of connectivity.

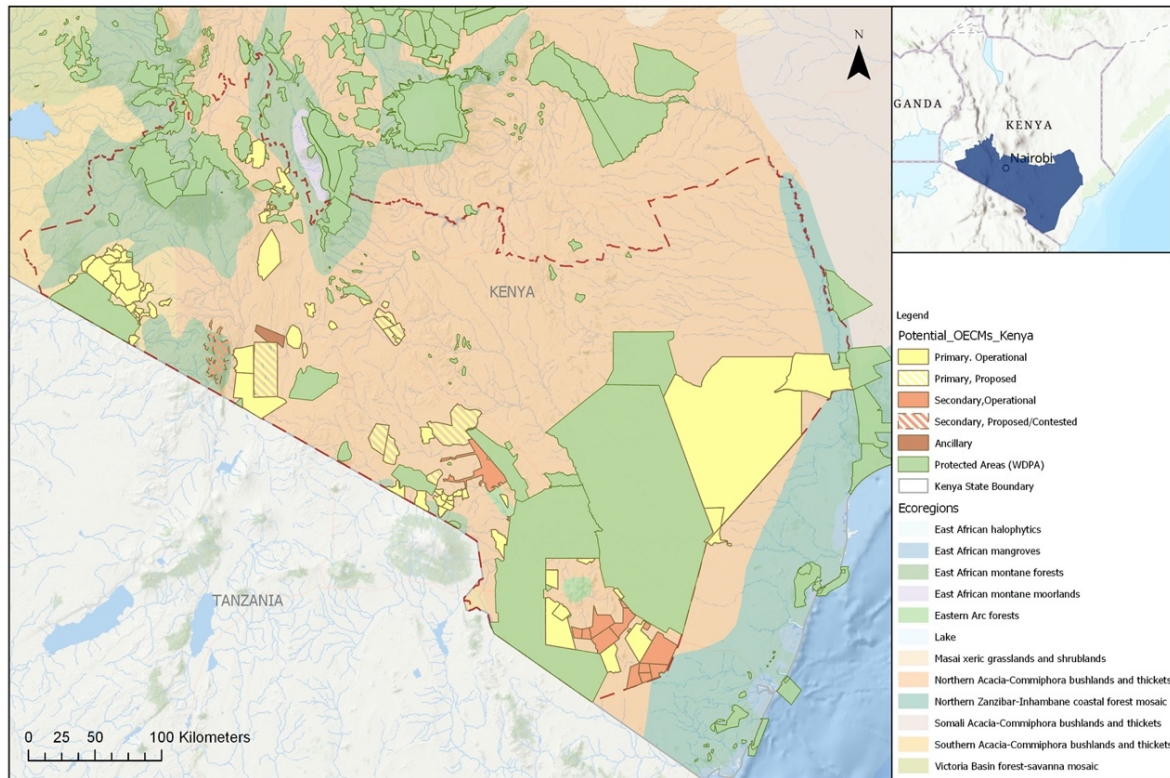


**Table 7.** Summary of ProtConn analyses showing the percentage of land covered by protected and connected areas.

	Implementation Scenario	Total Protected & Conserved Area (% of land area)	Protected & Connected Area ECA(PC)	ProtConn Index (% of land area)	Relative Connectivity
Central Rift Conservation Area	WDPA Baseline	5,754.44 km <sup>2</sup> (20.4%)	5,370.4 km <sup>2</sup>	<b>19.0%</b>	93.3%
	Scenario 1	7,112.34 km <sup>2</sup> (25.2%)	6,458.0 km <sup>2</sup>	<b>22.9%</b>	90.8%
	Scenario 2	7,138.09 km <sup>2</sup> (25.3%)	6,479.3 km <sup>2</sup>	<b>23.0%</b>	90.8%
	Scenario 3	7,551.03 km <sup>2</sup> (26.8%)	6,516.5 km <sup>2</sup>	<b>23.1%</b>	86.3%
Southern Conservation Area	WDPA Baseline	2,260.91 km <sup>2</sup> (6.2%)	1,423.3 km <sup>2</sup>	<b>3.9%</b>	63.0%
	Scenario 1	3,781.20 km <sup>2</sup> (10.3%)	2,284.2 km <sup>2</sup>	<b>6.3%</b>	60.4%
	Scenario 2	6,018.98 km <sup>2</sup> (16.5%)	3,490.0 km <sup>2</sup>	<b>9.6%</b>	58.0%
	Scenario 3	6,686.72 km <sup>2</sup> (18.3%)	4,240.8 km <sup>2</sup>	<b>11.6%</b>	63.4%
Tsavo Conservation Area	WDPA Baseline	24,800.43 km <sup>2</sup> (34.3%)	23,906.3 km <sup>2</sup>	<b>33.7%</b>	96.4%
	Scenario 1	34,248.15 km <sup>2</sup> (48.2%)	34,167.5 km <sup>2</sup>	<b>48.1%</b>	99.8%
	Scenario 2	34,248.15 km <sup>2</sup> (48.2%)	34,167.5 km <sup>2</sup>	<b>48.1%</b>	99.8%
	Scenario 3	35,714.88 km <sup>2</sup> (50.3%)	35,522.7 km <sup>2</sup>	<b>50.0%</b>	99.5%
Southern Rangelands (Combined)	WDPA Baseline	32,815.78 km <sup>2</sup> (24.2%)	28,552.6 km <sup>2</sup>	<b>21.0%</b>	87.0%
	Scenario 1	45,141.69 km <sup>2</sup> (33.3%)	39,582.0 km <sup>2</sup>	<b>29.2%</b>	87.7%
	Scenario 2	47,405.20 km <sup>2</sup> (34.9%)	40,676.9 km <sup>2</sup>	<b>30.0%</b>	85.8%
	Scenario 3	49,952.65 km <sup>2</sup> (36.8%)	43,406.8 km <sup>2</sup>	<b>32.0%</b>	87.0%

Finally, a broader look at connectivity across the Southern Rangelands as a whole reveals a similar overall pattern with a significant increase in the extent of protected and connected lands in scenario one, followed by more minor changes in scenarios two and three. These results largely reflect the influence of changes in the Tsavo Conservation Area and its relative size compared to the other two regions. Despite significant improvements in the connectivity of the conservation estate in the Southern Conservation Area in scenarios two and three, this

appears to have had only a minor influence on the overall connectivity scores. This may be due to the lack of connectivity between the distinct ecosystems in this region. Individually, the Amboseli, South Rift and Athi-Kaputiei ecosystems appear more internally connected in these scenarios. The map in Figure 17 also shows clear improvements in the connectivity between the Tsavo and Amboseli ecosystems, i.e., across the different KWS Conservation Areas, with the addition of new proposed conservancies and secondary OECMs.



**Figure 17.** Map of Southern Rangelands showing the extent of protected areas and potential OECMs – Scenario 3

## 7.5 DISCUSSION

The results indicate that there are several potential OECMs in Southern Kenya which serve important functions in terms of enhancing the connectivity and representativeness of the conservation estate and their formal recognition and designation as OECMs could provide increased visibility to these areas and ensure that these important functions are retained. Many of the conservation ‘gains’ across the different implementation scenarios can be attributed to the formal recognition of newly established and proposed conservancies in each of the three conservation areas. These findings invite further discussion around two critical debates at the heart of this research: how to manage the designation of Kenya’s conservancies with the emergence of this new OECM classification, and what is the value in expanding the conservation estate further to include areas beyond conservancies?

### 7.5.1 *Conservancies Revisited – PA or OECM?*

This section primarily focuses on factors related to the results from scenarios one and two. The first thing to note is that the treatment of conservancies across these two scenarios represents an oversimplification of the likely outcomes from the proposed re-evaluation of conservancies following the implementation of the OECM guidelines. Given the considerable diversity within the ‘conservancy’ designation, these areas cannot be treated as a homogenous group of sites and collectively lumped into one category or another.<sup>15</sup> Some, including many private conservancies, wildlife sanctuaries, and the group conservancies surrounding the Maasai Mara, may be governed and managed in ways that more closely align with the definition of a protected area. Others, like community conservancies and game ranches, might be more appropriately classified as OECMs. While there have been suggestions to bring the verification and monitoring of conservancies at the national level into closer alignment with the OECM framework and criteria in a bid to facilitate reporting and designation of conservancies as OECMs (KWCA, pers. comm. 2020), the IUCN guidelines stress the need to subject candidate OECMs to individual site-level assessments. Indeed, an earlier essay by members of the IUCN Task Force on OECMs is explicit in stating that “[the] recognition of an OECM should be on a case-by-case basis and not based on classes of areas. State agencies or others can identify classes of ‘potential OECMs’ but should not designate these *en bloc* without assessing each case individually.” (Jonas et al., 2018, p.12).

The same will likely be valid for the ‘proposed’ conservancies included in scenario two. While currently at different stages of development, the above analyses highlight the critical role these areas could have in expanding the conservation estate, particularly in the Southern Conservation Area. Upon their formal gazettelement and registration as conservancies, these areas should also be assessed individually against the PA and OECM criteria and reported accordingly.

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<sup>15</sup> The term includes distinct typologies of conservancies, including community conservancies, group conservancies, and private conservancies, each embodying different land tenure, governance and management arrangements (KWCA, 2016).

However, certain political factors could also influence whether conservancies are recognised as PAs or OECMs. While the draft agreement for the post-2020 global biodiversity framework includes a single target for area-based conservation – to ensure that at least 30 per cent globally of land and sea areas are conserved through systems of protected areas and OECMs (CBD, 2021) – there have also been discussions around future targets being disaggregated to develop separate numeric targets for protected areas and OECMs (Jonas et al., 2014, 2018). Indeed, since OECMs were first introduced in the language for the Aichi Targets, there have been calls to negotiate higher, more ambitious targets as a result of the inclusion of a greater diversity of areas in the conservation estate (Corson et al., 2014b). Considering these discussions and debates and the extensive area covered by conservancies, there may be pressure to report more conservancies as protected areas rather than OECMs in anticipation of the possibility that future targets may be disaggregated in such a way that favours a greater proportion of land being covered by protected areas over OECMs.

### 7.5.2 *Limits of the Conservancy Approach*

While conservancies account for most of the potential spatial gains in the above scenarios, these analyses also show that these ‘gains’ accrue disproportionately in *Acacia-Commiphora* bushlands and thickets (see Figure 14). This is partly a function of the history of the conservancy movement in these southern ecosystems. In the Mara ecosystem, for example, conservancies emerged as a mechanism to mitigate against the negative impacts of land subdivisions in pastoral landscapes following the dissolution of group ranches by pooling individual plots into group conservancies (Bedelian, 2014). In the southern Rift and Amboseli ecosystems, these approaches have similarly been employed to maintain the integrity of pastoral landscapes (Western et al., 2020), and promote traditional rangelands governance and management systems (SORALO, 2018; AET and KWCA, 2021). Coupled with a focus on wildlife-based tourism as the primary means of deriving economic benefits from conservation, this has meant that, for all the diversity in different models and approaches, conservancies have typically been concentrated in semi-arid landscapes and grasslands with their associated communities of large charismatic megafauna.

In addition, the focus on conservancies in scenarios one and two risks perpetuating an exclusionary conceptualisation of conservation, which limits conservation activities only to ‘core areas’ or ‘set asides’ rather than embracing more holistic, landscape-scale approaches. This pattern is nowhere more evident than in the Amboseli ecosystem, where the rapid subdivision of group ranches like the Olgulului-Ololorashi Group Ranch (OOGR), which surrounds Amboseli National Park, has carved up this area into smaller parcels and distinct land-use zones. While the proposed zonation plan for the OOGR includes the establishment of four wildlife conservancies, there remain concerns that this subdivision could lead to the fragmentation of these historically open rangelands should individual land parcels be bought up and settled by outsiders or otherwise developed by land speculators (Western, 2020). The subdivision of group ranches has the potential to contract wildlife dispersal areas further and restrict wildlife movement in the region (Okello and Kioko, 2010), even as new areas are

‘added’ to the conservation estate in the form of smaller conservancies. Perversely, this approach to recognising OECMs might actively encourage the subdivision of land to create more ‘reportable’ conserved areas that can then be recognised and supported under the new policy. If, on the other hand, a more open interpretation of the OECM guidelines were adopted, which incorporated multiple-use landscapes as in scenario three, this could support and encourage more ‘land sharing’ arrangements and integrated approaches to conservation and land management, helping to safeguard against land subdivision and fragmentation.

### *7.5.3 Beyond Conservancies – What Role for Other OECMs?*

The expansion of the conservation estate in scenario three provides some indication of the potential contributions of alternative area-based conservation measures beyond the narrow spectrum of protected areas and conservancies. In the three regions explored above, these include community-managed forests (Kariuki et al., 2016), traditional pastoral commons (Mwamidi et al., 2018; AET and KWCA, 2021), and ranches participating in REDD+ projects, which indirectly support biodiversity by restoring and enhancing native habitats (Wildlife Works, 2020). Including these areas not only expands the total conserved area but also improves the representation of a greater diversity of ecoregions (most notably of forest ecosystems) and, in many cases, enhances the connectivity of the conservation estate as a whole. These results highlight the critical role that a diversity of management approaches and governance systems have in maintaining the integrity and interconnectedness of ecosystems in Kenya’s Southern Rangelands. The formal acknowledgement and integration of these areas into area-based conservation accounting also promotes a more holistic understanding of how conservation is achieved, recognising that biodiversity is supported by more than just protected areas, an idea which lies at the very heart of the OECM concept and framework (IUCN-WCPA Task Force on OECMs, 2019).

The integration of this expanded catalogue of OECMs into the conservation estate offers the most significant potential gains in terms of enhancing the coverage and connectivity of the network of protected and conserved areas. However, this is potentially the most contentious proposal of the three implementation scenarios. The debate centres around the quality of these other conservation measures and the ‘additionality’ of their inclusion in conservation accounting and reporting. The concern is that a less discriminate approach to the designation of OECMs might weaken incentives for additional conservation action, with sufficient ‘gains’ in coverage achieved by simply accounting for a greater range of established conservation efforts (Alves-Pinto et al., 2021). Furthermore, there are fears that the inclusion of more ‘marginal’ areas in the formal conservation estate might dilute conservation standards or the overall effectiveness of conservation efforts (*see section 5.3.1.6 in Chapter 5*).

Related to the above debates is the question of whether it is strictly necessary for these areas to be recognised and reported as ‘OECMs’ for them to continue to fulfil their roles in supporting the conservation of biodiversity. Many of the above measures present a binary distinction between protected/conserved areas and ‘unprotected’ areas, which ignores the heterogeneity of the landscape matrix. The ProtConn indicator, for example, considers all

protected and conserved areas to offer favourable conditions for the movement of wildlife, while unprotected landscapes are treated as uniformly hostile. In some cases, however, unprotected landscapes may be managed in ways that support the free movement of wildlife, while PAs may be surrounded by fences that constrain wildlife movements. The critical assumption at work here is that unprotected landscapes, while they may offer favourable conditions for biodiversity today, are often more susceptible to land use changes and other pressures in the future (Saura et al., 2018). The hope is that gaining official recognition as an OECM will help to encourage and support managers to maintain these systems in the long term (Dudley et al., 2018). There is likely a balance to be struck between including a greater diversity of approaches in area-based conservation accounting and ensuring the integrity and effectiveness of the conservation estate.

#### *7.5.4 The Importance of Management Effectiveness*

Incorporating additional metrics, such as the ProtConn indicator and the breakdown of coverage according to different terrestrial ecoregions, adds critical detail to the analysis of potential changes to the conservation estate, capturing essential qualitative elements of area-based conservation targets. However, built into these analyses is a fundamental assumption about the protected and conserved areas identified in each scenario: that they are effectively conserved and managed to deliver positive outcomes for biodiversity and enable movement between protected and conserved lands (Saura et al., 2017). This is an issue for both the potential OECMs identified in this study, which have yet to undergo site-level assessments, and the existing network of protected areas, with several studies highlighting the gaps that can occur between the formal protection of a site and the actual implementation of appropriate conservation and management measures (Joppa et al., 2008; Geldmann et al., 2015).

Recent assessments have found that protected areas in East Africa have been successful in maintaining forest cover and restricting the conversion of land to agriculture or other human uses compared to unprotected sites (Pfeifer et al., 2012; Bowker et al., 2016), with stricter protected areas having “largely avoided undesirable land use change” (Riggio et al., 2019, p.10). However, habitat loss is just one of the many threats to biodiversity, which also include pressures such as poaching, livestock encroachment, and illegal logging. Indeed, despite these indicators of conservation ‘success’, wildlife populations are declining dramatically throughout the region (Ogutu et al., 2016; Western et al., 2009).

With concerns around ‘paper parks’ and the effectiveness of conservation interventions forming a central part of the debate around recognising and reporting different OECMs, there is a pressing need for more outcome-oriented measures (Geldmann et al., 2020). Though beyond the scope of this study, site-level assessments of management effectiveness and other monitoring and evaluation tools will be critically important to ensure that both PAs and OECMs are able to fulfil their role in supporting the conservation of biodiversity through well-connected, representative, and effective systems of protected and conserved areas.

## 7.6 CONCLUSION

The three scenarios depicted above underscore the practical differences between competing interpretations of the OECM guidelines, which are rooted in contrasting values and visions for the future of area-based conservation in Kenya. They illustrate the different implications of policy decisions regarding the recognition of diverse 'new' conserved areas as OECMs and their incorporation into the national conservation estate.

The inclusion of wildlife conservancies alone has the potential to significantly enhance the coverage and connectivity of the conservation estate in line with new biodiversity targets – scenario two would see 30% of the southern rangelands covered by connected protected and conserved areas. However, Kenya's wildlife conservancies have primarily evolved as an instrument to conserve pastoral landscapes with their associated communities of large, charismatic megafauna. As a result, most of the conservation 'gains' from the recognition of conservancies accrue in these grassland ecosystems, with limited coverage of other areas of particular importance for biodiversity, such as montane and coastal forests. A greater diversity of approaches is needed to support the conservation of these ecosystems. Wildlife conservancies are also already well recognised and supported under national legislation; extending the OECM framework to recognise and support a greater diversity of area-based approaches could provide significant additionality to the conservation estate.

The third scenario indicates what a broader interpretation of the OECM guidelines might look like in practice. While this option offers the greatest potential for expanding the conservation estate and improving performance across other qualitative measures of area-based conservation targets, it may also be the most challenging to implement. It involves fundamental changes to prevailing understandings of how conservation is achieved and will likely require more extensive and intensive assessments of management effectiveness and other performance-based measures to assuage concerns over the effectiveness of newly proposed sites and the additionality of their inclusion into the conservation estate prior to their full recognition as OECMs.

## 8 DISCUSSION

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This research has aimed to understand how the OECM framework, a novel international policy initiative to better recognise and support area-based conservation outside protected areas, might be domesticated and implemented at the national level. In other words, to examine the process of translating the CBD decision 14.8 and the IUCN-WCPA guidelines on OECMs into national policy frameworks to identify, better recognise, and support OECMs in-country as part of efforts to expand and enhance the conservation estate. I chose to focus on how these processes unfolded in Kenya. As one of the first countries to test the draft guidance and with its unique history of diverse approaches to conservation, it provided an intriguing case study. I drew together approaches, concepts, and methods from a range of different disciplines to follow the journey of OECMs in Kenya, from early impressions of the OECM discourse to the politics of the policy translation process through to potential outcomes for protected and conserved landscapes.

In this chapter, I synthesise the findings of this research and reflect on the overall contributions of this thesis. This includes methodological reflections on ‘following the policy’ (Section 8.1) as well as lessons learned from the Kenyan experience with OECMs returning to the central research questions and emerging themes from my substantive chapters (Section 8.2). I then ‘zoom out’ to share some thoughts on the proposition of OECMs as a whole and their role and importance in the future of area-based conservation (Section 8.3).

### 8.1 REFLECTIONS ON ‘FOLLOWING THE POLICY’

The overall approach of ‘following the policy’, tracing the path of OECMs through different chains of actors and policy-making milieux, has helped to unlock policy processes and understand how this new initiative is translated from a broad set of ideas and guiding principles to the makings of a framework for recognising and reporting potential sites at the national level. In doing so, it demonstrates the relevance and usefulness of ideas around policy assemblage and mobilities, developed primarily in the context of urban geographies (McCann and Ward, 2013; Fisher, 2014), in understanding and unpacking policy processes in the increasingly globalised and relational spaces of conservation and environmental governance. It has enabled me to prise open the ‘black box’ of decision-making in the Kenyan context to reveal the roles of different actors in these processes, how they can influence the direction of policy discussions and, through their interpretations of the technical guidance, potentially shape outcomes for area-based conservation. It has also brought a set of organising principles and structure to this research, with the imperative to follow policy processes and draw connections between different sites, scales, and subjects (Peck and Theodore, 2012, 2010). At the same time, it has provided the necessary methodological flexibility to properly examine and explore the diverse spaces of policy circulation, translation, and implementation in the unfolding of policy processes. However, this research has also exposed some of the challenges of this approach.



### *8.1.1 Navigating Shifting Sands in Policy Development*

Chief among the challenges encountered during this research were the difficulties associated with studying a moving target. Particularly at this nascent stage in their development, OECMs and the associated guidelines, discourses, and frameworks are constantly in flux. In the lifetime of this research, the draft guidelines on OECMs were shared by the IUCN-WCPA Task Force on OECMs (early 2018); a definition was agreed upon by parties to the CBD (November 2018); the technical guidance was finalised by IUCN-WCPA (early 2019); screening and assessment methodologies were drafted and tested (2019-2020); and national and regional strategies were put into development to support OECMs in different parts of the world (2019-2022). With each of these developments, ideas around OECMs evolved, adding to the complex assemblage of what OECMs are. While this chimes with some of the central ideas within the new geographies of policy literature in effectively illustrating how seemingly stable, universalising policy initiatives are constantly in process and necessarily incomplete, this continuous change can make for a demanding research subject. It starkly contrasts with earlier attempts to 'follow the thing' in geography, where the commodity chains or networks of development aid being studied are already established and operational rather than in the process of being established.

The continuous nature of policy translation, intermediation, and contextualisation also means that, no matter how much one tries to follow along with these policy processes, the research almost invariably results in a mere snapshot of events along the timeline. Policy discussions will probably continue to develop and evolve well beyond the comparatively short timeframes of a four-year doctoral research programme. This is particularly likely to be the case when they concern something as embryonic as OECMs, which may only now be gaining mainstream attention (Gurney et al., 2021). Add to this the compounding challenges encountered in this research where policy processes had been disrupted, first as an effect of the inherent dynamics in policy development in this case and later by a global pandemic, and the result has been a marked difficulty in following any real progress in the policy translation process in Kenya due to the dearth of activity on OECMs over the study period. However, given that it took almost a decade to develop an internationally agreed definition and guidance for OECMs, it should not be surprising that the process of translating and implementing these guidelines would also take several years.

On the other hand, by studying these processes as they developed, there is also the added benefit of feeding lessons back into policy discussions as they evolve, rather than simply analysing and critiquing decisions after these processes have already concluded. Indeed, with the situation remaining unsettled and decisions yet to be made regarding the formal recognition of OECMs in Kenya, it may be an opportune moment for this research to help guide the next steps and inform future decision-making on OECMs.

### *8.1.2 Impact of the Coronavirus Pandemic*

The effects of the coronavirus pandemic on this research cannot be overstated. The rapid emergence of the novel coronavirus in early 2020 as a cause for international concern and

the subsequent declaration by the World Health Organisation (WHO) of a pandemic in March 2020 markedly curtailed the planned fieldwork in Kenya and had lingering effects on the research. Due to the waves of restrictions on international movement and large gatherings of people, I was not only compelled to return to the UK prematurely but was also forced to adapt my research strategy in response to the changing circumstances. The conservation conferences, workshops, and discussion fora that had initially been slated for the middle of 2020, which I had hoped to mine for information through event ethnographies, were all postponed indefinitely. The pandemic also sharply reset policy priorities as governments and other actors scrambled to manage the immediate global health crisis, bringing the supposed “super year for biodiversity” in 2020 to an abrupt and early end.

As the world adapted to more isolated and remote working patterns, these conversations slowly restarted, bringing renewed opportunities to follow policy discussions and developments through online fora and webinars as I could adapt my ethnographic methods to this new format. Regardless, the disruption and delays inflicted by the coronavirus pandemic still took a toll on the research. Over the course of my period of study, I had several conversations with different actors about reviving policy discussions around OECMs in Kenya. However, due to coronavirus-induced restrictions and delays, this process only resumed in earnest in late 2021, following the conclusion of the re-scheduled IUCN World Conservation Congress (WCC). These discussions eventually culminated in a renewed ‘National Dialogue on OECMs’ hosted by the IUCN in April 2022 (IUCN ESARO, 2022). The inaugural African Protected Areas Congress (APAC) followed in July 2022 with explicit language around promoting protected *and conserved* areas (PCAs) and a dedicated panel on OECMs. Had these events all proceeded as planned over a year earlier, there may have been more significant progress towards recognising and reporting OECMs, both internationally and in Kenya specifically, during the timeframe of this research which might have enriched some of the discussions and commentary contained herein.

### *8.1.3 Learning from the ‘Sounds of Silence’*

The challenges described above raise an important critique and limitation of this approach, articulated by Lovell (2019), who argues that “because policy mobilities scholarship has focused primarily on international flows of policy... there has been an empirical bias towards analysis of successful policies” (2019, p.58). Indeed, much of the previous scholarship in this field has focused on the movement and translation of ‘success stories’ or best practices from one context or locale to another (Webber, 2015; Fairbanks, 2019; Larner and Laurie, 2010). In this case, however, the policy being translated was not one that had successfully been implemented in other contexts but rather existed as a framework designed by committee at an early stage of testing and experimentation. The task of understanding how these instruments of global environmental governance work, therefore, cannot begin with successful projects and attempt to ‘ferret out’ how their constituent elements are mobilised and translated across contexts. Instead, the researcher must “follow the articulative process, however partial and incomplete its results” (Tsing, 2015a, p.112).

Indeed, as I intimated earlier in the conclusion to Chapter 6, picking up the threads of faltering or dormant policy processes has not only been a central challenge, in terms of my own frustrations over the apparent lull in local activity around OECMs, it has become a vital feature of this research into the dynamics of policy processes. Following the ‘sounds of silence’ and attending to the notable absence of references to OECMs in policy discussions in Kenya has, arguably, been just as revealing as examinations of more active phases of policy discussions, highlighting the importance of maintaining policy assemblages and the critical role of ‘policy mobilisers’ in this process. For me and this research, the real value in this approach of following the policy lies in the potential to “illuminate the indeterminacy, the ruptures, and the opportunities for productive coordination and alternative arrangements in policy” (Fairbanks, 2015, p.199).

The delays and disruptions to policy processes and the research itself have been keenly felt. However, this has not necessarily diminished the value of this research. One need only scan the text from the April 2022 ‘National Dialogue on OECMs’ (IUCN ESARO, 2022), hosted by the IUCN, to find evidence of the continued relevance of many of the central themes in this research and the influence of these findings on discussions around the proposed strategy for moving forward. It is to these lessons from the research that I now turn in the following section.

## 8.2 OECMs IN KENYA: RESEARCH QUESTIONS REVISITED

The trouble with studying something as nascent as OECMs is that concrete findings can feel a little elusive, at least in terms of definitive policy outcomes, as these remain somewhat open-ended at this stage. However, by focusing on policy *processes*, this research invites closer attention to the dynamics and politics involved in decision-making that play a determining role in shaping those outcomes. In the words of McCann and Ward (2012, p.329):

*“[P]olicy is not only remolded when it is adopted in a new setting, but the mobilising of policy, as a socio-spatial, power-laden process, often involves change along the way, as policies are interpreted and reinterpreted by various actors. Since policies morph and mutate as they travel, the spaces and times of travel are not ‘dead’ or unimportant but should be taken seriously as playing a role in shaping policy knowledge.”*

While international conservation institutions, including the IUCN and CBD, set out general principles to ‘recognise and support other effective area-based conservation measures’, these remain vague and open to a wide range of possibilities for interpretation by promoters and adopters in different contexts (Porto De Oliveira and Pal, 2018). This reaffirms the importance of understanding the relationship between concepts and policy initiatives developed and promoted at the international level and the local and national settings in which they are interpreted, domesticated, and, eventually, implemented (Keeley and Scoones, 2003). It is through these processes that policy ideas are given purchase and take shape in the national context, but they can also lead to policies being re-moulded in ways

which cause well-intentioned objectives to be lost in translation (Pasgaard, 2015). In the following sections, I revisit the central questions that have guided this research, linking the different empirical chapters together.

### *8.2.1 How are OECMs being framed?*

In Chapter 5, I examined how this new discourse of recognising and supporting OECMs beyond the boundaries of protected areas brushes up against and interacts with existing ideas and contemporary debates in conservation at the national level in Kenya. I show how this new concept has exposed divisions in the conservation community rooted in competing visions of conservation and the role different area-based approaches can and should have in achieving conservation goals (Section 5.3.1.6). I also highlighted tensions over the recognition of some areas as ‘conserved’, related to historical legacies of land dispossession in the establishment of many protected areas in Kenya and broader concerns about a new ‘appropriation by conservation’ leading to the erosion of land rights (Bassett and Gautier, 2014; Fairhead et al., 2012; Bluwstein and Lund, 2018). In attempting to strike a balance between different perspectives, OECMs have drawn critiques for being both too open and too restrictive when it comes to screening potential conserved areas. Whether or not these conflicts can be resolved, the OECM discourse has brought renewed attention to debates over what ‘counts’ when it comes to area-based conservation.

At the same time, some stakeholders (particularly local NGOs) saw the emerging OECM discourse as an opportunity to establish themselves as early leaders in implementing this novel initiative and tap into new (as yet, undeveloped) funding streams they anticipated would be created to support OECMs (Section 5.3.3.1). Kenya’s wildlife conservancies have been promoted as clear candidates to become OECMs. However, this raises important questions about the added value of this designation, given that these are already well supported under national legislation. With the promise of additional funding being a powerful motivator, it may be that conservancies are seen as a facile vehicle to engage with this ‘exciting’ new concept, distorting what may be the intention of the OECM discourse to advance and support other conservation measures in areas where policy support is currently lacking. These dynamics show how expectations can play a crucial performative role, particularly in the early stages of policy development, by mobilising actors and resources around a new policy idea (Massarella et al., 2018). However, evidence suggests that expectations are rarely fulfilled and, as a result, many academics have been critical of this growing pattern in conservation policy and funding cycles, which continuously produce and feed off the development and testing of new policy models (Lund et al., 2017; Redford et al., 2013).

Understanding the heterogeneity in contrasting perspectives and attitudes towards the OECM framework is a critical step in appreciating the contexts of implementation, as these different perceptions and framings can influence interpretations of OECMs in the policy translation process. In the next sections, I outline whose voices get heard and which interests dominate in these discussions.

### 8.2.2 Which actors and interests are dominant?

While the discussions in Chapter 5 demonstrated a keen awareness of critical questions around OECMs, they also revealed that, at this stage, conversations about OECMs have been largely restricted to a select group of highly policy-literate elites. This is partly a result of the novelty of the OECM discourse and its highly technical and onerous policy language (see 5.3.4). Still, as I explore in Chapter 6, it is also a product of the particular shape and form of policy processes in Kenya, causing certain voices and interests to dominate discussions. In Chapter 6, I highlight how the particular composition and organisation of the conservation policy assemblage in Kenya (in terms of different actors, discourses, and legislative elements), centred around 'wildlife conservation', produces discussions that revolve primarily around wildlife conservancies as the foremost examples of OECMs in the country (Section 6.4.3). Connecting OECMs to conservancies has also worked to establish both the KWS and KWCA in leading roles when it comes to the translation of the OECM guidelines, shaping communication and coordination between potential implementing agencies.

In addition to these 'path dependencies' in conservation policy, I also draw attention to the role of critical individual actors or 'policy mobilisers' in the translation process (Section 6.4.2). The importance of intermediary or 'middling actors' has been noted in other contexts (see Mosse and Lewis, 2006; Roy, 2012; Lerner and Laurie, 2010; Temenos and McCann, 2013), playing an instrumental role in the spread and translation of new policy ideas, both moving policy processes forward and holding the assemblage together. Here, the importance of these actors was evident not only in their active role in the early stages of engagement with OECMs, but also by the conspicuous absence of such guiding figures, or 'policy ambassadors' as Porto De Oliveira and Pal (2018) term them, carrying these processes forward in Kenya in the years following the first workshop in Nairobi (Section 6.4.4). This research has demonstrated that without sustained engagement with the IUCN-WCPA Task Force on OECMs (now an IUCN Specialist Group) or motivated individuals to take these ideas forward and coordinate action at the national level, the network degrades, and the initiative stagnates. In reflecting on the role of individual actors in these policy processes, I am drawn to Carr's comments on ethnographic research in development geography: "it is startling the number of events and outcomes that are influenced by the simple issue of who has time to look over the documents or attend the meeting in question" (in Simon, 2011, p.2797). From his first encounter with the IUCN Task Force in Canada, Dr John Waithaka has been instrumental in advancing the OECM concept and framework in Kenya. With his own history of work and links with KWS and community-led conservation initiatives, he also established the connection with wildlife conservancies and played a significant role in the early focus on these areas as potential OECMs in Kenya.

There have also been other voices calling for a broadening of the conservation 'church' in Kenya to incorporate traditional pastoral commons and ICCAs. Here I am reminded in particular of the work by Mwamidi *et al.* (2018) to promote areas managed by the Daasanach community in northern Kenya as potential OECMs, as well as similar approaches developed

in southern Kenya (Western et al., 2020). However, in the “war of interpretations” (Mosse and Lewis, 2006), these voices have largely been relegated to the margins. The most neglected voices, both in policy processes and consequently in this research, are those of local landowners and rights holders. While I have, through this research, attempted to understand how the international guidelines on OECMs might be distilled, domesticated, and ‘brought to the ground’, these ideas have thus far been bogged down in discussions at the national level and the term has yet to filter all the way down to these groups. Instead, these critical stakeholders have largely been spoken for by regional representative bodies or NGOs, or worse have had no voice at all in policy discussions. As a result, OECMs remain suspended slightly above the ground in Kenya, with knowledge and awareness of this new framework and its potential implications restricted to a select group of meso-level policy-literate elites.

The role of meetings, workshops, and conferences like the IUCN World Conservation Congress (WCC) and the African Protected Areas Congress (APAC), is also important to note here. These events help to bring actors together who would normally be dispersed in time and space and encourage discussions around key conservation issues and advance new initiatives like the OECM framework; indeed, they are arguably designed for precisely this purpose (Campbell et al., 2014; Corson et al., 2014a). It is hardly surprising, then, that progress towards recognising and reporting OECMs in Kenya stalled following the postponement of the inaugural APAC, which was seen as an important milestone for advancing the conservation agenda on the continent, and discussions were only reignited after the events of the WCC in 2021.

### *8.2.3 How have OECMs been shaped by these encounters?*

The principal focus of Chapter 6 is detailing the process of ‘domesticating’ the OECM guidelines and attempts to reconcile these ideas with different conservation approaches and policy frameworks in Kenya. I show how this policy-from-elsewhere is put to work in the Kenyan context through “moments of innovation and invention” (Prince, 2010, p.183). For example, in the wedding of wildlife conservancies to the OECM framework, which results in the literal revision of national legislation to bring the two into closer alignment. I also draw attention to the ways in which the ‘global form’ is revised to adapt to emerging issues from the early testing of the guidance in Kenya. In examining these dynamics, I highlight the complementarity of Tsing’s (2015b) ideas about ‘friction’ with the notion of policy translation and how they contribute to understanding how this international policy initiative interacts with local policy assemblages. I theorise that the ‘friction’ in this encounter serves the dual purpose of giving purchase to global policy ideas, rendering them practically effective, and inducing the transformation of local policy assemblages to produce new forms and arrangements. Seen another way, it is around these frictions that the policy translation process is arranged, with each of these points of friction requiring some transformation to reconcile.

In examining the policy translation process, the influence of KWS and KWCA over proceedings is laid bare. The resulting policy discussions have primarily centred on wildlife conservancies as the primary example of OECMs in Kenya and attempts to harmonise one with the other,

with the broader applications and implications of the OECM framework lost in translation. The primacy of KWS's role in these processes also risks undermining the aims of the OECM discourse to decentralise and democratise conservation governance by extending the reach of state and parastatal organisations. The narrow interpretation of the guidance constrains the possibilities for OECMs to create space for recognising a diversity of other approaches in area-based conservation that are not primarily concerned with 'wildlife' or fall outside the jurisdiction of the KWS that nonetheless support essential elements of biodiversity. These include sustainable forest management practices, sacred natural sites, or traditional pastoral commons. This leads directly to the final question about which areas may be included and excluded as a result of the direction of discussions around OECMs in Kenya.

#### *8.2.4 Which areas might be included as OECMs, and which are excluded?*

In Chapter 7, I illustrate the implications of a range of implementation scenarios based on the discussions thus far, revealing that "there can be multiple types of cleavages in how a policy should be designed and implemented, which model is more appropriate for a certain circumstance and context, and what are the political meanings that policies should carry with them" (Porto De Oliveira and Pal, 2018, p.209). I show that the inclusion of wildlife conservancies as OECMs has the potential to significantly enhance estimates of the spatial coverage and connectivity of the network of protected and conserved areas in southern Kenya and their recognition as OECMs could improve the visibility of these areas and their role in conserving biodiversity in Kenya. However, these 'gains' primarily accrue in grassland ecosystems, which are already well-represented in the national conservation estate. It is also apparent that this is probably the 'easiest' option for policymakers as it would involve the least amount of effort in terms of revising existing policies and legislation.

Despite the diversity of different models under the 'conservancy' umbrella, these areas collectively fall within just one subset of potential OECMs - 'primary' conserved areas - and therefore only scratch the surface of the OECM framework. In line with the discussions over the previous two chapters, the findings in Chapter 7 highlight the importance of thinking beyond wildlife conservancies when considering potential OECMs in the Kenyan context. Extending the OECM framework to embrace a greater diversity of area-based approaches to conservation in the form of secondary and ancillary conserved areas could provide significant additionality to the conservation estate. It may also be more in line with the intention of the discourse to engage a range of new actors in conservation efforts. Indeed, I would argue that to focus on primary conserved areas alone is almost to miss the entire point of the OECM concept, which was expressly designed to recognise contributions to the effective conservation of biodiversity where this is not a primary objective of management.

The inclusion of geospatial analyses in Chapter 7 is a novel addition to the typical mix of interviews, document analysis, and ethnographic observations characteristic of research in the 'new geographies of policy' literature. While these come from quite disparate epistemologies, the common usage of GIS and the ubiquity of different mapping tools to support decision-making in area-based conservation meant that including these methods was

an evident fit when it came to visualising and understanding the implications of policy decisions in this case. These analyses also demonstrate the importance of qualitative indicators of progress towards global biodiversity targets as well as the headline quantitative targets for area-based conservation.

### 8.2.5 Lessons Learned and Recommendations

The central lesson from this research remains the importance of due attention to and consideration of the relationship between new policy ideas and the local contexts of implementation. However, more specific lessons can also be drawn from this case. The table below (Table 8) provides a summary of some key lessons and recommendations for different actor groups engaging with the OECM framework. Overall, these lessons emphasize the importance of inclusive decision-making processes, balanced perspectives, managing expectations, and appreciation of local contexts in the development of national policy frameworks to support OECMs.

**Table 8.** Summary of key lessons and recommendations for different actor groups

	Key Lessons	Recommendations
<b>Government</b>	<ul style="list-style-type: none"> <li>• Participation in policy processes and decision-making plays a crucial role in shaping conservation outcomes. The dominance of select actors or groups of actors can be restrictive.</li> <li>• The OECM framework may not align directly with existing policy or legislation, there will likely be frictions.</li> <li>• OECMs may contribute significantly to area-based conservation goals but increasing <i>de jure</i> coverage should not be considered an end in itself.</li> </ul>	<ul style="list-style-type: none"> <li>• Engage a wide range of stakeholders and voices in discussions on conservation policies, including local NGOs, traditional communities, and indigenous groups.</li> <li>• Consider the potential applications of the OECM framework across ministerial/departmental jurisdictions.</li> <li>• Frictions may provide opportunities to review and strengthen national legislation where gaps exist, or support is lacking.</li> <li>• Ensure that engagement aligns with the genuine intention of the initiative and contributes to supporting effective conservation measures.</li> </ul>
<b>Civil Society</b>	<ul style="list-style-type: none"> <li>• There is a need for balance and careful consideration of different perspectives in conservation. Conflicts and divisions may arise when new concepts, such as OECMs, challenge existing ideas and approaches.</li> <li>• OECMs may bring opportunities for civil society organisations to take a greater role in conservation governance.</li> <li>• Managing expectations is crucial in the early stages of policy development.</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure representation of diverse stakeholders and voices in policy discussions.</li> <li>• Act as a bridge to translate and effectively communicate the relevance of the OECM framework and related guidance to the local level.</li> <li>• Support conservation in areas where policy support or technical capacity is lacking and connect emerging conservation actors in OECMs with new funding streams.</li> <li>• Be critical and realistic about the fulfilment of expectations.</li> </ul>



<b>Local Communities and Landowners</b>	<ul style="list-style-type: none"> <li>• OECMs may come with additional burdens in terms of monitoring and ensuring effectiveness.</li> <li>• Additional support may be provided to OECMs, but this is by no means guaranteed.</li> <li>• Indigenous peoples and local communities may be wary of the potential erosion of land rights or external influences on the governance and management of their land.</li> </ul>	<ul style="list-style-type: none"> <li>• Critically assess the added value of designating areas as OECMs.</li> <li>• Ensure land rights are respected and upheld in the implementation of OECMs.</li> </ul>
<b>International Conservation Organisations</b>	<ul style="list-style-type: none"> <li>• General principles leave room for diverse interpretations but can also lead to inconsistencies and conflicts in implementation.</li> <li>• Building and maintaining networks, as well as supporting motivated individuals and organisations, are crucial for sustaining and advancing conservation initiatives like OECMs.</li> </ul>	<ul style="list-style-type: none"> <li>• Actively engage with national and local contexts to understand how OECMs are being interpreted and domesticated. This will help refine global policy ideas and avoid the loss of important elements in translation.</li> <li>• Provide ongoing support and coordination to ensure the continuous development and implementation of OECMs.</li> </ul>

Further to these actor-specific lessons, there are additional lessons related to the process of translating and implementing the OECM framework. The status of Kenya’s wildlife conservancies has been a recurring subject throughout this research. While wildlife conservancies in Kenya have served as a useful entry point for understanding the OECM framework and its relevance in the Kenyan context, this research has also highlighted the potential pitfalls of focusing too intently on such case studies at the expense of the broader applications of this new framework.

Nevertheless, the discussions around modifying the national verification process to potentially allow all conservancies to qualify as OECMs raise practical questions about the emphasis in the OECM guidelines on the need for individual assessments (see Section 7.5.1). Should the conditions for establishing and registering wildlife conservancies (or other conservation designations in a country) be aligned with the standards set out in the OECM guidelines, is there still a need for these areas to go through a parallel certification process or should they be allowed to qualify automatically for OECM status if they meet the necessary requirements for the national level designation? Such certification schemes have been employed elsewhere, for instance in sustainably managed forests certified by the UK-based Forest Stewardship Council (FSC) whereby countries may align their forestry practices with the FSC standards enabling all their forests to be FSC accredited (Eden, 2009). Perhaps a similar scheme could be developed for OECMs.

### 8.3 OECMS AND FUTURE DIRECTIONS IN AREA-BASED CONSERVATION

Keeping the above lessons from the Kenyan case in mind, I now turn to broader considerations of OECMs and their place in the future of area-based conservation.

### 8.3.1 Target 3 and the new Global Biodiversity Framework

At the time of writing, parties to the CBD have only just finalised the text for the new Kunming-Montreal Global Biodiversity Framework at the fifteenth COP (COP-15), which includes the target (Target 3) to expand the network of protected and conserved areas to cover at least 30% of terrestrial and marine areas - the so-called '30x30' target (CBD, 2022). However, with large, government-run protected areas likely having reached, or almost reached, their limits on land (Dudley and Stolton, 2020), it is probable that the next decade will see a transformation in area-based conservation, embracing a greater diversity of approaches outside protected areas, including ICCAs, sacred natural sites, and other forms of customary land management.

The new global biodiversity framework retains the language on OECMs from Aichi Target 11 and includes additional references to recognising indigenous and traditional territories (CBD, 2022). While the development of the OECM framework represents (in my view) a significant step towards the formal recognition and mainstreaming of these approaches in conservation, it is clear that concerns remain over the recognition process. In theory, OECMs provide a way to grow the conservation estate with less opposition than typically generated by the creation of new protected areas by recognising and promoting existing management practices rather than imposing a new form of management (Dudley et al., 2021; Sparling, 2020). However, as this research has shown, it is not such a simple idea to implement. It is also clear that more work is needed to address the specific concerns of indigenous peoples and local communities in light of the recent (unsuccessful) lobbying by indigenous representatives at COP-15 to include a distinct category for ICCAs under Target 3 separate from both PAs and OECMs (Gurney et al., 2023). Evidently, the feeling is that neither category provides sufficient support for and protection of the rights and self-determination of Indigenous peoples and local communities.

The expansion of the conservation toolbox to include OECMs has been accompanied by renewed calls for more robust monitoring and a focus on outcome-based approaches to ensure the effectiveness of conservation measures (Geldmann et al., 2020; Dudley et al., 2022). While some have decried the additional burden of proof placed on OECMs, in terms of the explicit requirements to demonstrate the effectiveness of interventions, there may be some learning here for rethinking the monitoring and evaluation of PAs. Rather than lowering the threshold for the designation of OECMs should we instead be raising the bar for PAs to bring them up to the same standard? Ensuring effectiveness is a prerequisite for PAs as well as OECMs would help to focus on the quality of conservation outcomes and distinguish between those PAs *and* OECMs that are genuinely contributing to the conservation of biodiversity, those that are currently failing (due to inadequate funding or poor management), and those which may never contribute significantly to conservation goals due to their flawed design or location (Dudley et al., 2022).

### 8.3.2 *OECMs Around the World*

Following successful workshops and dialogues on OECMs in other countries – mainly in North America and Northern Africa – the first OECMs have now been proposed and reported to a newly developed World Database on OECMs (WDOECM) managed by the IUCN and UNEP-WCMC in parallel to the WDPA. Already, however, there are signs that this may be something of a false start for OECMs, for reasons I will elaborate on below, suggesting the need to refine processes for their designation and recognition before these areas are reported to the global database.

The designation of several ‘marine refuge OECMs’ in Canada, for example, has been labelled as a ‘half measure’ focused on simply expanding the coverage of protected and conserved marine areas rather than ensuring ecological integrity (Lemieux et al., 2019). The designation of these areas was based on Canada’s own operational guidance on OECMs, developed before the release of the IUCN-WCPA guidance on OECMs, resulting in some controversy and concern as the 54 proposed sites show varying degrees of compliance with the internationally agreed OECM criteria laid out in the Technical Guidelines (Aten and Fuller, 2019). Indeed, the above technical review found that their designation as OECMs was pursued “largely due to the timeframe in which progress needs to be made and because other legislative mechanisms [...] require extensive consultation and multi-stakeholder processes as well as comprehensive regulatory changes” (Aten and Fuller, 2019, p.5).

The designation of OECMs in Morocco and Algeria shows a similarly concerning pattern. Morocco’s 314 proposed OECMs listed in the WDOECM extend over 33% of the total land area, compared to 2.2% of the land covered under its 89 PAs, while also including several large, urbanised areas including most major cities like Fes, Rabat, Tangier, and Casablanca (UNEP-WCMC, 2022c). While in Algeria, the addition of five large OECMs has increased the coverage of terrestrial areas from 4.6% to 54.25%, primarily located in the more deserted areas along its southern border (UNEP-WCMC, 2022a). This will no doubt feed concerns around governments rushing to designate areas as OECMs in a bid to boost performance against numerical targets for area-based conservation, weakening conservation standards in the process.

In their rush to include as many areas or as large an area as possible under the new designation governments in these countries risk undermining the OECM framework, opening it up to the very criticisms its architects and advocates have attempted to mitigate. Slower-moving processes, despite their frustrations, may prove more advantageous in the long run if they enable the kind of transformative change intended. If the ambition is to grow the conservation estate not just in terms of total area covered but also to ‘bring more people to the conservation table’ (Tan, 2021), and involve those actors in conservation governance in a more participatory way, this is not something that can be accomplished overnight. Much like Canada, Kenya’s engagement with the OECM concept also began before a formal definition and guidance on OECMs was agreed upon. However, unlike Canada they have yet to officially designate or report any OECMs. While this may not have been entirely deliberate, it creates

opportunities for more prolonged and extensive consultations with a broader diversity of actors. This is reflected in the National Dialogue on OECMs held in Nairobi in April 2022, which drew on a broader alliance of conservation actors and stressed the need for a more multisectoral approach to OECMs, building on the lessons learnt from the 2017 workshop.

Colombia is another country with a long history of engagement with OECMs, joining Kenya and Bermuda as one of the first countries to test the draft OECM guidelines. As in the Kenyan case, the piloting process in Colombia was initially focused on examining the similarities between the OECM guidelines and criteria and a particular category of conserved areas termed “complementary conservation strategies” (CSS) (Matallana-Tobón et al., 2018). Like Kenya’s wildlife conservancies, CSSs in Colombia were defined under national law but, being areas governed and managed by local and municipal authorities, remained outside the established national system of protected areas. Over a series of follow-up workshops between 2019 and 2021, 27 potential sites were evaluated against the OECM criteria and national reporting processes were established (Echeverri et al., 2021; Gómez, 2021). A testament to the value of more protracted decision-making processes, Colombia’s network of protected and conserved areas now extends over 27.6% of its lands and 24% of its marine area, of which the country’s 55 reported OECMs account for 11% and 7% respectively (UNEP-WCMC, 2023).

Taking time in the policy translation process is also essential to ensure that OECMs are given appropriate institutional and legislative support and that their recognition is properly enshrined into relevant national, regional, and global frameworks. As yet, most countries and implementing institutions will not have “the capacity to integrate many different types of area-based conservation, with different levels of significance, governance systems and management approaches, into a coherent whole”, and the development of these integrated landscape approaches to conservation planning will likely require a massive input of technical support and resources (Dudley and Stolton, 2020, p.170). Decisions about what appropriate monitoring looks like and how this will be funded will also be crucial in ensuring that proposed OECMs are effective in delivering sustained positive outcomes for biodiversity.

Whatever shape new policies on OECMs eventually take, it is worth noting that there is often an ‘implementation gap’ between “the lofty aspirations enshrined in new legislative and policy frameworks and the actual rollout of [these ideas] on the ground and across diverse countries” (Kairu et al., 2018, pp.74–75). As the above examples and the Kenyan case illustrate, there are multiple ways in which the guidelines can be interpreted and implemented that, in one way or another, may fall short of the high-minded intentions behind the OECM framework. It is also clear that not everything hinges on ‘getting it right’ the first time of asking when it comes to recognising and supporting OECMs. As with protected areas, this is an iterative process in which new ideas and approaches in conservation can be added and incorporated as understandings and interpretations develop and grow over time. However, if successful, the full integration of OECMs into the conservation estate is

potentially revolutionary for achieving the ambitious conservation targets proposed by advocates of the 30x30 target and the 'Half Earth' movement (Dudley et al., 2018).

### *8.3.3 Future Research*

While this kind of research always produces a partial picture of policy processes, reflecting on the impact of COVID on this study, there is, I believe, considerable potential for future research to continue following this iterative process of policy translation and explore future directions of discussions on OECMs in Kenya. Not only has there been renewed interest in OECMs following the finalisation of the new Global Biodiversity Framework in December 2022, but also in Kenya specifically there have been new developments with the 2022 National Dialogue on OECMs. This renewed engagement with the OECM discourse in Kenya provided fruitful discussions for a new way forward for OECMs in the country led by a broader alliance of conservation actors. Taken together this could mark the start of a new phase of policy discussions around OECMs in Kenya with the opportunity for new perspectives and a new dynamic to emerge.

Future research should shed more light on local communities' perspectives and examine in greater detail what these missing voices from the policy translation process have to say about OECMs. This work could also delve deeper into related issues around equity in conservation. While there have been numerous calls for more equitable governance and management in conservation, reflected in both the Aichi Targets and the new Global Biodiversity Framework, it is an area that has received comparatively scant attention (Schreckenberg et al., 2016), including in this research. Further research could explore whether OECMs live up to the promise of promoting more equitable partnerships in conservation or whether indigenous peoples and local communities have reason to be wary of this new framework.

## **8.4 CONCLUDING REMARKS**

This thesis demonstrates the importance of attending to the concomitant processes of policy mobilities and translation to understand how novel international policy initiatives are revised, adapted, and transformed through encounters of different kinds in their journey from the high-level discussions of global conventions to the prosaic contexts of implementation. By following the policy from "its discourses, prescriptions, and programs — through to those affected by [it]" (Wedel et al., 2005, p.40), I have shown how particular perspectives, and the interests they represent, find their way into conservation policy.

The findings from this research have important implications for the design of and approach to stakeholder engagement in policy development, highlighting the power of influential actors and biases in the composition of workshops or working groups in determining the scope and direction of policy discussions. As a whole, this thesis emphasises that "[while] international policy initiatives are important – and perhaps increasingly so – we should not underestimate national and regional settings" (Keeley and Scoones, 2003, p.2).

This research also expands on the growing literature in the new geographies of policy by drawing attention to the 'sounds of silence' in the ebb and flow of policy development and exploring what these 'dead' moments in policy processes can reveal about the importance of sustained engagement with new policy ideas and the role of key actors in maintaining complex policy networks and associated epistemic communities. As these lessons from Kenya and other countries become available, the following point is patently clear: whether OECMs can gain any traction and what they may look like in practice will ultimately depend on who decides to engage with the concept and how they do so.

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## APPENDICES

### APPENDIX 1: LIST OF INTERVIEWS

Unique Interview ID	Respondent	Organisation	Date
KII-1	Senior Programme Officer	World Conservation Monitoring Centre	06/06/2019
KII-2	Programme Officer	World Conservation Monitoring Centre	12/06/2019
KII-3	Chief, Wildlife Unit	UN Environment Programme	05/11/2019
KII-4	Director, Biodiversity and Ecosystem Services	UN Environment Programme	05/11/2019
KII-5	Biodiversity Management Officer	UN Environment Programme	05/11/2019
KII-6	Head, GEF Biodiversity and Land Degradation Unit	UN Environment Programme	05/11/2019
KII-7	Assistant Director, Community Wildlife Service*	Kenya Wildlife Service	22/11/2019
KII-8	Monitoring & Evaluation Manager	Big Life Foundation	04/12/2019
KII-9	Executive Director	Amboseli Ecosystem Trust	05/12/2019
KII-10	Programme Coordinator	Big Life Foundation	07/12/2019
KII-11	Senior Programme Officer, Conservation Areas and Species Programme	IUCN Eastern and Southern Africa Regional Office	11/12/2019
KII-12	Policy Coordinator*	Kenya Wildlife Conservancies Association	24/01/2020
KII-13	Programme Officer	Southern Rift Association of Land Owners (SORALO)	06/02/2020
KII-14	Programme Officer	World Conservation Monitoring Centre	12/02/2020
KII-15	Programme Manager*	Nature Kenya	20/02/2020
KII-16	Board Chairman*	Kenya Wildlife Service	21/02/2020
KII-17	Project Officer	Wildlife Works	17/03/2020

\*Interviews audio-recorded and transcribed verbatim

APPENDIX 2: LIST OF DOCUMENTS ANALYSED

Unique Document ID	Title	Author	Document Type	Publication Date
<b>International</b>				
<b>CBD/DEC/2018/1</b>	DECISION ADOPTED BY THE CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY 14/8: Protected areas and other effective area-based conservation measures	CBD	Decision	Nov-18
<b>CBD/STRAT/2010/1</b>	THE STRATEGIC PLAN FOR BIODIVERSITY 2011-2020 AND THE AICHI BIODIVERSITY TARGETS	CBD	Strategic Plan	2010
<b>CBD/INF/2016/1</b>	LIKE-MINDED MEGA-DIVERSE COUNTRIES CARTA TO ACHIEVE AICHI BIODIVERSITY TARGET 11	CBD	Carta	Dec-16
<b>CBD/DIS/2019/1</b>	POST-2020 GLOBAL BIODIVERSITY FRAMEWORK: DISCUSSION PAPER	CBD	Discussion Paper	Jan-19
<b>CBD/WGP/2020/1</b>	ZERO DRAFT OF THE POST-2020 GLOBAL BIODIVERSITY FRAMEWORK	CBD	Working Group Paper	Jan-20
<b>CBD/WGP/2020/2</b>	UPDATE OF THE ZERO DRAFT OF THE POST-2020 GLOBAL BIODIVERSITY FRAMEWORK	CBD	Working Group Paper	Aug-20
<b>CBD/WGP/2021/1</b>	FIRST DRAFT OF THE POST-2020 GLOBAL BIODIVERSITY FRAMEWORK	CBD	Working Group Paper	Jul-21
<b>GEF/STRAT/2018/1</b>	GEF-7 Biodiversity Strategy	GEF Secretariat	Strategic Plan	2018
<b>IPBES/REP/2018/1</b>	THE REGIONAL ASSESSMENT REPORT ON BIODIVERSITY AND ECOSYSTEM SERVICES FOR AFRICA: SUMMARY FOR POLICYMAKERS	IPBES	Report	2018
<b>IUCN/PR/2019/1</b>	Launch of the Africa Protected Areas Congress (APAC)	IUCN	Press Release	2019
<b>IUCN/WGP/2019/1</b>	IUCN's views on the structure of the Post- 2020 Global Biodiversity Framework: First meeting of the Open-ended Working Group on the Post-2020 Global Biodiversity Framework, Nairobi, 27-30 August 2019	IUCN	Working Group Paper	Aug-19
<b>IUCN/PR/2020/1</b>	1st Africa Protected Areas Congress	IUCN	Press Release	2020

<b>IUCN/RES/2020/1</b>	WCC 2020 RESOLUTION 080: Recognising, reporting, and supporting other effective area-based conservation measures	IUCN	Resolution	2020
<b>IUCN/ESARO/REP/2020/1</b>	State of protected and conserved areas in Eastern and Southern Africa	IUCN ESARO	Report	2020
<b>IUCN/OECM/DIS/2015/1</b>	DISCUSSION PAPER: FRAMING THE ISSUES	IUCN Task Force on OECMS	Discussion Paper	Dec-15
<b>IUCN/OECM/REP/2016/1</b>	CO-CHAIRS' REPORT OF THE FIRST MEETING OF INTERNATIONAL EXPERTS	IUCN Task Force on OECMS	Report	Jan-16
<b>IUCN/OECM/WGP/2016/1</b>	(DRAFT) GUIDANCE FOR RECOGNITION AND REPORTING OF OTHER EFFECTIVE AREA-BASED CONSERVATION MEASURES (OECMs) UNDER AICHI TARGET 11	IUCN Task Force on OECMS	Working Group Paper	2016
<b>IUCN/OECM/REP/2016/2</b>	ADVANCING GUIDANCE ON OTHER EFFECTIVE AREA-BASED CONSERVATION MEASURES: REPORT OF THE SECOND MEETING OF THE IUCN-WCPA TASK FORCE ON OTHER EFFECTIVE AREA-BASED CONSERVATION MEASURES	IUCN Task Force on OECMS	Report	Jul-16
<b>IUCN/OECM/REP/2017/1</b>	USING CASE STUDIES TO ENHANCE GUIDANCE ON OTHER EFFECTIVE AREA-BASED CONSERVATION MEASURES: REPORT OF THE THIRD MEETING OF THE IUCN-WCPA TASK FORCE ON OTHER EFFECTIVE AREA-BASED CONSERVATION MEASURES	IUCN Task Force on OECMS	Report	Feb-17
<b>IUCN/OECM/WGP/2017/1</b>	COLLATION OF CASE STUDIES SUBMITTED TO THE TASK FORCE (2016-2017)	IUCN Task Force on OECMS	Working Group Paper	2017
<b>IUCN/OECM/TEC/2018/1</b>	(DRAFT) GUIDELINES FOR RECOGNISING AND REPORTING OTHER EFFECTIVE AREA-BASED CONSERVATION MEASURES	IUCN Task Force on OECMS	Technical Paper	Jan-18
<b>IUCN/OECM/REP/2019/1</b>	TOWARDS RECOGNISING, REPORTING AND SUPPORTING OECMs: REPORT OF THE FOURTH EXPERT MEETING OF THE IUCN-WCPA TASK FORCE ON OTHER EFFECTIVE AREA-BASED CONSERVATION MEASURES	IUCN Task Force on OECMS	Report	Jun-19

<b>IUCN/OECM/TEC/2019/1</b>	Recognising and reporting other effective area-based conservation measures: Protected Area Technical Report Series No 3	IUCN Task Force on OECMS	Technical Paper	2019
<b>IUCN/OECM/TEC/2020/1</b>	(Draft) A step-by-step methodology for identifying, reporting, recognising, and supporting 'other effective area-based conservation measures' (OECMs)	IUCN Task Force on OECMS	Technical Paper	Dec-20
<b>IUCN/WCPA/REP/2019/1</b>	IUCN-WCPA STEERING COMMITTEE MEETING	IUCN-WCPA	Report	May-19
<b>UNEP/WCMC/TEC/2019/1</b>	Providing data on other effective area-based conservation measures to the Protected Planet initiative: guidelines	UNEP-WCMC	Technical Paper	Jun-19
<b>National</b>				
<b>AWF/TEC/2010/1</b>	Expanding options for habitat conservation outside protected areas in Kenya: The use of environmental easements	African Wildlife Foundation	Technical Paper	Mar-10
<b>CAK/REV/2021/1</b>	A MEMORANDUM TO REVIEW THE WILDLIFE CONSERVATION MANAGEMENT ACT, 2013	Conservation Alliance of Kenya	Review	Mar-21
<b>IELRC/WP/2005/1</b>	LAND TENURE, LAND USE AND SUSTAINABILITY IN KENYA: TOWARDS INNOVATIVE USE OF PROPERTY RIGHTS IN WILDLIFE MANAGEMENT	International Environmental Law Research Centre	Working Paper	2005
<b>ICE/REP/2012/1</b>	Recognising Sacred Natural Sites and Territories in Kenya: An Analysis of how the Kenyan Constitution, National and International Laws can Support the Recognition of Sacred Natural Sites and their Community Governance Systems	Institute for Culture and Ecology (Kenya)	Report	Nov-12
<b>KWCA/STRAT/2019/1</b>	KWCA STRATEGIC PLAN 2019-2023	Kenya Wildlife Conservancies Association	Strategic Plan	2019
<b>KWCA/CAK/REV/2017/1</b>	WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL, 2016: KWCA & CAK STAKEHOLDERS RECOMMENDATIONS MARCH 29TH, 2017	Kenya Wildlife Conservancies Association & Conservation Alliance of Kenya	Review	Mar-17
<b>KEN/ENV/POL/2017/1</b>	THE NATIONAL WILDLIFE CONSERVATION AND MANAGEMENT POLICY	Ministry of Environment	Policy Paper	Apr-17

		and Natural Resources		
<b>KEN/WILD/REP/2017/1</b>	THE NATIONAL WILDLIFE CONSERVATION STATUS REPORT 2015-2017	Ministry of Tourism and Wildlife	Report	2017
<b>KEN/WILD/STRAT/2018/1</b>	NATIONAL WILDLIFE STRATEGY 2030	Ministry of Tourism and Wildlife	Strategic Plan	2018
<b>KEN/WILD/REP/2019/1</b>	REPORT OF THE TASK FORCE ON CONSUMPTIVE WILDLIFE UTILIZATION IN KENYA	Ministry of Tourism and Wildlife	Report	Jan-19
<b>KEN/WILD/POL/2020/1</b>	Sessional Paper No. 01 of 2020 on Wildlife Policy	Ministry of Tourism and Wildlife	Policy Paper	Jun-20
<b>NK/KBA/REP/2019/1</b>	KENYA'S KEY BIODIVERSITY AREAS (KBAs) Status & Trends 2019	Nature Kenya	Report	2020
<b>KEN/WILD/REP/2017/1</b>	WILDLIFE MIGRATORY CORRIDORS AND DISPERSAL AREAS: Kenya Rangelands and Coastal Terrestrial Ecosystems	Ojwang' et al.	Report	Jan-17
<b>KEN/WILD/POL/1975/1</b>	Sessional Paper No. 03 of 1975 Statement on Future of Wildlife Management in Kenya	Republic of Kenya	Policy Paper	1975
<b>KEN/STRAT/2007/1</b>	KENYA VISION 2030: A Globally Competitive and Prosperous Kenya	Republic of Kenya	Strategic Plan	Oct-07
<b>KEN/CON/2010/1</b>	Constitution of Kenya	Republic of Kenya	Constitution	2010
<b>KEN/ACT/WCMA/2013/1</b>	WILDLIFE CONSERVATION AND MANAGEMENT ACT NO. 47 OF 2013	Republic of Kenya	Legislation	2013
<b>KEN/ACT/EMCA/2015/1</b>	THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT	Republic of Kenya	Legislation	2015
<b>KEN/CBD/REP/2015/1</b>	FIFTH NATIONAL REPORT TO THE CONFERENCE OF PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY	Republic of Kenya	Report	2015
<b>KEN/ACT/FCMA/2016/1</b>	FOREST CONSERVATION AND MANAGEMENT ACT	Republic of Kenya	Legislation	2016
<b>KEN/ACT/FMDA/2016/1</b>	THE FISHERIES MANAGEMENT AND DEVELOPMENT ACT	Republic of Kenya	Legislation	2016
<b>KEN/CBD/REP/2020/1</b>	SIXTH NATIONAL REPORT TO THE CONFERENCE OF PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY	Republic of Kenya	Report	2020

<b>KEN/ENV/REP/2020/1</b>	REPORT ON SESSIONAL PAPER NO.1 OF 2020 ON WILDLIFE POLICY	Republic of Kenya	Report	Dec-20
<b>KWS/REP/2017/1</b>	COUNTRY REVIEW OF THE DRAFT IUCN-WCPA GUIDELINES ON OTHER EFFECTIVE AREA-BASED CONSERVATION MEASURES	Waithaka	Report	Jun-17
<b>KWS/WRTI/REP/2021/1</b>	NATIONAL WILDLIFE CENSUS 2021 REPORT: Abridged Version	Wildlife Research and Training Institute & Kenyan Wildlife Service	Report	Jul-21
<b>Regional</b>				
<b>ACC/OP/2020/1</b>	The subdivision of Ogulului Group Ranch: Does it spell doom for Amboseli's Wildlife?	African Conservation Centre	Op-ed	2020
<b>AET/REP/2021/1</b>	Amboseli Ecosystem: State of Conservancies Report 2020	Amboseli Ecosystem Trust	Report	2021
<b>KWS/MAN/2008/1</b>	Amboseli Ecosystem Management Plan, 2008-2018	Kenya Wildlife Service	Management Plan	2008
<b>KWS/MAN/2020/1</b>	Amboseli National Park Management Plan 2020-2030	Kenya Wildlife Service	Management Plan	2020
<b>KWS/PR/2015/1</b>	Joint press statement on Standard Gauge Railway	Kenyan Wildlife Service, Kenya Railways & National Land Commission	Press Release	Jul-15
<b>LWF/STRAT/2012/1</b>	Wildlife Conservation Strategy for Laikipia County 2012-2030	Laikipia Wildlife Forum	Strategic Plan	2012
<b>NRT/REP/2018/1</b>	The Northern Rangeland Trust State of Conservancies Report 2018	Northern Rangelands Trust	Report	Jan-18
<b>NK/MAN/2014/1</b>	Land Use Plan for the TANA RIVER DELTA	Odhengo <i>et al.</i>	Management Plan	2014
<b>OGR/MAN/2019/1</b>	KITIRUA CONSERVANCY MANAGEMENT PLAN 2019-2024	Olgulului-Olerashi Group Ranch	Management Plan	Nov-19
<b>SORALO/STRAT/2018/1</b>	Strategic Plan 2018 - 2023	Southern Rift Association of Land Owners	Strategic Plan	2018
<b>UNESCO/REP/2021/1</b>	Sacred Mijikenda Kaya Forests	UNESCO	Report	2021



<b>WW/REP/2020/1</b>	THE KASIGAU CORRIDOR REDD + PROJECT PHASE II – THE COMMUNITY RANCHES 6TH MONITORING REPORT (M6)	Wildlife Works	Report	2020
<b>WWF/KEN/REP/2017/1</b>	Report of the Reconnaissance Survey of Loita Conservation Area - Entime Naimina Enkiyo Forest (IlLoita/IlPurko) and Adjacent Areas	WWF-Kenya	Report	2017
<b>News Media</b>				
<b>CON/ART/2019/1</b>	Kenyan wildlife policies must extend beyond protected areas	The Conversation	News article	Nov-19
<b>MGB/ART/2018/1</b>	Amid ongoing evictions, Kenya's Sengwer make plans to save their ancestral forest	Mongabay	News article	Sep-18
<b>MGB/ART/2021/1</b>	Music Festival in Kenyan national park ruffles feathers	Mongabay	News article	Jan-21
<b>MGB/ART/2021/1</b>	OECM concept may bring more inclusive approach to con- serving biodiversity	Mongabay	News article	Sep-21
<b>MSAF/ART/2021/1</b>	Our land. Our People. Our Wildlife	Msafiri	Magazine Article	Mar-21
<b>STAR/ART/2018/1</b>	Activists protest as next phase of SGR begins in park	The Star	News article	Jun-18
<b>STAR/ART/2019/1</b>	New Wildlife policy to boost conservation, says Balala	The Star	News article	Jul-19
<b>STAR/ART/2021/1</b>	Elephants or avocados: a Kenyan dilemma	The Star	News article	Mar-21

APPENDIX 3: LIST OF STAKEHOLDER ENGAGEMENT WORKSHOPS, WEBINARS, AND OTHER EVENTS

Title	Event Description	Host	Event Type	Date
<b>Amboseli Group Ranches Workshop</b>	Meeting of leadership of three group ranches in the greater Amboseli Ecosystem to discuss changes to grazing plans	Amboseli Ecosystem Trust (AET)	Stakeholder Workshop	5 <sup>th</sup> December 2019
<b>Wildlife Conservation Forum</b>	Forum called for Chairman of KWS to respond to concerns from the wider conservation community related to proposed activities in Hells Gate, Aberdares and other protected areas	Conservation Alliance of Kenya (CAK)	Discussion Forum	24 <sup>th</sup> January 2020
<b>STAKEHOLDER REVIEW OF NAIROBI NATIONAL PARK DRAFT MANAGEMENT PLAN, 2020-2030</b>	Virtual stakeholders meeting to review Nairobi National Park draft Management plan 2020-2030.	Conservation Alliance of Kenya (CAK)	Virtual Stakeholders Meeting	30 <sup>th</sup> April 2020
<b>Bram Büscher and Rob Fletcher on 'The Conservation Revolution: Radical Ideas for Conserving Nature Beyond the Anthropocene'</b>	Online discussion with the authors on their new book entitled 'The Conservation Revolution: Radical Ideas for Conserving Nature Beyond the Anthropocene'	University of Melbourne	Webinar	7 <sup>th</sup> May 2020
<b>Covid-19 Sustainability &amp; Remodelling of Wildlife Sector</b>	Platform to initiate dialogue and examine successes and failures in the wildlife sector, and bring forth a conversation on the future of wildlife in Kenya post-Covid-19.	Ministry of Tourism and Wildlife (Kenya)	Webinar	8 <sup>th</sup> May 2020
<b>Revised Draft for Nairobi National Park Management Plan 2020-2030 "The Facts"</b>	Virtual stakeholders meeting to review comments shared on Tourism Development and Management Programme and Community partnerships and Education in the Nairobi National Park Draft Management Plan.	Conservation Alliance of Kenya (CAK)	Virtual Stakeholders Webinar	11 <sup>th</sup> June 2020
<b>Rethinking Conservation during and after a Pandemic – Africa</b>	Webinar to discuss the impacts of the COVID-19 pandemic on conservation in Africa featuring keynote speakers from Kenya	Tropical Conservation Institute	Webinar	1 <sup>st</sup> September 2020

<b>Launch Event: Regional Resource Hub (RRH) Eastern and Southern Africa, Nairobi</b>	Online launch of the newly established Regional Resource Hub for Eastern and Southern Africa under the IUCN BIOPAMA project	Regional Centre for Mapping of Resources for Development (RCMRD)	Online Launch Event	24 <sup>th</sup> November 2020
<b>Conservation Beyond Protected Areas: Exploring Other Effective Area-Based Conservation Measures</b>	Online session to discuss potential for OECMs to contribute towards coverage and connectivity of ecosystems in Europe drawing on case studies from Spain and Finland	UN World Conservation Monitoring Centre (UNEP-WCMC)	Webinar	3 <sup>rd</sup> December 2020
<b>Review of the Wildlife Conservation and Management Act (2013) I</b>	Webinar to collate members/partners views/suggestions in the development of a memorandum for the review of the Wildlife Conservation and Management Act, 2013	Conservation Alliance of Kenya (CAK)	Webinar	8 <sup>th</sup> February 2021
<b>Review of the Wildlife Conservation and Management Act (2013) II</b>	Follow-up webinar to collate further views/suggestions in the development of a memorandum for the review of the Wildlife Conservation and Management Act, 2013	Conservation Alliance of Kenya (CAK)	Webinar	11 <sup>th</sup> February 2021
<b>Review of the Wildlife Conservation and Management Act (2013) III</b>	Final webinar to discuss remaining topics including <ol style="list-style-type: none"> <li>1. Permits and User Rights</li> <li>2. Consumptive utilization and non-consumptive use</li> <li>3. Conservation of areas outside protected areas, particularly wildlife corridors and dispersal areas</li> <li>4. Community Wildlife Associations, formation process and sustainable and recognition in Wildlife conservation in general.</li> <li>5. International relations component so that there is the opportunity to address Transboundary conservation</li> </ol>	Conservation Alliance of Kenya (CAK)	Webinar	16 <sup>th</sup> February 2021
<b>Wildlife Conservation and Management ACT 2013 Report Validation Webinar</b>	Meeting to collate and validate comments on the review of the Wildlife Conservation and Management Act (2013)	Conservation Alliance of Kenya (CAK)	Webinar	16 <sup>th</sup> March 2021

<b>Advancing Rights &amp; Inclusive Governance in Conservation</b>	Opening plenary sessions of the World Conservation Congress 2021 in Marseille, The plenary will bring the voices of environmental stewards from around the world into the space of the Congress and will raise key questions and challenges to be further explored in Rights and Governance sessions over the course of the Forum.	IUCN World Conservation Congress (WCC)	Thematic Plenary (Virtual attendance)	4 <sup>th</sup> September 2021
<b>Protected Planet 2020 Report: What are the findings and what do they mean for the future?</b>	The Protected Planet Report 2020 edition provides the final report on the status of Aichi Biodiversity Target 11, and looks to the future as the world prepares to adopt a new global targets for nature under the post-2020 global biodiversity framework.	IUCN World Conservation Congress (WCC)	Exhibition Event (Virtual attendance)	4 <sup>th</sup> September 2021
<b>What works in protected areas? Data and information tools for mapping and understanding PA outcomes</b>	The session will give an overview of the state-of-the-art information tools developed by the BIOPAMA programme, focused on gathering and sharing data and information on protected areas.	IUCN World Conservation Congress (WCC)	Campus Session (Virtual Attendance)	4 <sup>th</sup> September 2021
<b>BIOPAMA: From Knowledge to Action in Eastern and Southern African protected and conserved areas</b>	The Biodiversity and Protected Areas Management (BIOPAMA) Programme assists the African, Caribbean and Pacific countries to address their priorities for improved management and governance of biodiversity and natural resources. BIOPAMA provides a variety of tools, services and funding to conservation actors in the African, Caribbean and Pacific.	IUCN World Conservation Congress (WCC)	Exhibition Event (Virtual attendance)	4 <sup>th</sup> September 2021
<b>Implementing the IUCN Best Practice Guidelines on the Cultural and Spiritual Significance of Nature in Protected and Conserved Areas and Developing Good Practice Guidance on Recognising and Respecting ICCAs</b>	This session presents the new IUCN Best Practice Guidelines on the promotion and integration of the cultural and spiritual significance of nature in the governance and management of protected and conserved areas. The session also introduces in-development international guidance on appropriately recognising and	IUCN World Conservation Congress (WCC)	Thematic Stream Session (Virtual Attendance)	5 <sup>th</sup> September 2021

<b>Overlapped by Protected Areas.</b>	respecting territories and areas conserved by Indigenous peoples and local communities (ICCAs) which are overlapped by protected areas.			
<b>From Half Earth to Whole Earth: Towards just and integrated forms of conservation and development</b>	In this session we will present a range of different perspectives on the potential for what we broadly define as a 'Whole Earth' approach to global conservation, which provides an alternative to top-down protectionist approaches and pursues truly transformational change in conservation policy and practice throughout the world.	IUCN World Conservation Congress (WCC)	Thematic Stream Session (Virtual Attendance)	5 <sup>th</sup> September 2021
<b>New Report On Kenya's Biggest Ever Animal Census</b>	For the first time in history, Kenya has counted all its animals on both land and water to help with its conservation and tourism plans. The Minister for Tourism and Wildlife will be sharing the census report	IUCN World Conservation Congress (WCC)	Press Conference	5 <sup>th</sup> September 2021
<b>Science-based targets for Ecosystems in the Post-2020 Framework for Biodiversity</b>	This panel will provide an explanation on the various metrics and indices that are being analysed for their suitability in measuring science-based targets for ecosystems. The panel members will explore which may be more appropriate for determining the targets.	IUCN World Conservation Congress (WCC)	Thematic Stream Session (Virtual Attendance)	5 <sup>th</sup> September 2021
<b>Addressing the Emerging Post 2020 Priorities in the Africa's Protected Areas Congress (APAC)</b>	The session will discuss the emerging issues related to resource use conflicts; challenges posed by poorly planned infrastructure; the need to plan for a climate-resilient future; the role of PAs in enhancing economic prosperity and human well-being; the use of appropriate technology to support conservation programmes and other initiatives, and; promoting inclusive and equitable governance in the management of Africa's PAs and conserved areas.	IUCN World Conservation Congress (WCC)	Thematic Stream Session (Virtual Attendance)	5 <sup>th</sup> September 2021

<b>Recognising and Supporting OECMs</b>	Update on the development of training materials, films and events that have been developed under the auspices of the Specialist Group. Members of the Specialist Group and others working on OECMs discuss progress in assessing OECMs and opportunities and challenges going forward.	IUCN World Conservation Congress (WCC)	Exhibition Event (Virtual attendance)	6 <sup>th</sup> September 2021
<b>Contribution of ICCAs to the CBD 2020 framework and beyond: presentation of two global reports on Territories of Life and IPLCs</b>	High-level presentation of two global reports on protected and conserved areas launched in 2021 : (a) 'Territories of Life' report developed by the Global ICCA Consortium; and (b) IPLCs Lands Report developed by UNEP WCMC, WWF, with support from ten partner organizations including UNDP, RRI, ILC, Conservation International, and WCS.	IUCN World Conservation Congress (WCC)	Exhibition Event (Virtual attendance)	6 <sup>th</sup> September 2021
<b>Overview of Governance Assessment, Legal Reviews and Registration Systems for ICCAs, PCAs</b>	Summary overview of linkages between the mapping of the territories of Indigenous Peoples and Local Communities (IPLCs); governance assessments of protected and conserved areas at different scales; as well as the recognition and registration of these area-based conservation mechanisms at national, regional and global levels.	IUCN World Conservation Congress (WCC)	Exhibition Event (Virtual attendance)	7 <sup>th</sup> September 2021
<b>Mainstreaming biodiversity in action: BIODEV2030 triggers commitments in Africa</b>	The BIODEV2030 initiative aims at empowering multiple stakeholders in 16 countries, including governments, the private sector and civil society, to jointly identify and engage in transformational changes in the economic sectors significantly impacting biodiversity. This session will illustrate the science-based diagnosis which undertaken, to identify key economic sectors to commit to the post-2020 global biodiversity framework in order	IUCN World Conservation Congress (WCC)	Thematic Stream Session (Virtual Attendance)	7 <sup>th</sup> September 2021

	to bend the curve of biodiversity erosion			
<b>Key Biodiversity Area (KBA) Conservation in a Post-2020 World</b>	This session will focus on the importance of identifying Key Biodiversity Areas (KBAs) nationally. It will show why mapping KBAs will contribute to more effective and efficient conservation, and encourage countries around the world to engage in KBA assessments and how they contribute to the implementation and outcomes of a post 2020 agenda.	IUCN World Conservation Congress (WCC)	Thematic Stream Session (Virtual Attendance)	7 <sup>th</sup> September 2021
<b>Biodiversity and protected areas management (BIOPAMA) Programme – from knowledge to action</b>	In this session, the BIOPAMA team will share the experience of this programme in improving protected area governance and management. We will share lessons learnt and details of the tools and services developed by BIOPAMA.	IUCN World Conservation Congress (WCC)	Exhibition Event (Virtual attendance)	7 <sup>th</sup> September 2021
<b>SAGE: A new tool for assessing protected and conserved area governance and equity</b>	The SAGE - Site Assessment for Governance is a tool designed to improve the governance and equity of protected and conserved areas. It is based on the relatively simple SAGE methodology, which enables stakeholders to assess the status of governance and equity, plan actions to improve, and monitor progress.	IUCN World Conservation Congress (WCC)	Exhibition Event (Virtual attendance)	7 <sup>th</sup> September 2021
<b>Identifying new conservation areas: a web multi-criteria approach using Earth Observation and other spatial information</b>	This event will introduce the Biodiversity Analyst, a tool for identifying areas of potentially high conservation value based on the available datasets such as species distribution and ecosystems services, while concurrently providing decision makers with means to weight priorities in support to conservation.	IUCN World Conservation Congress (WCC)	Exhibition Event (Virtual attendance)	7 <sup>th</sup> September 2021
<b>Closing Plenary: Advancing Rights and Inclusive Governance in Conservation - the path ahead</b>	The closing plenary will convene a second panel of leaders from diverse constituencies to share their perspectives and reflect on the key Rights and Governance	IUCN World Conservation Congress (WCC)	Thematic Plenary (Virtual attendance)	7 <sup>th</sup> September 2021

	<p>topics, challenges and solutions discussed during the Forum. This closing plenary will look ahead to the key actions and results needed to sustain people and the planet, and the ways that all participants can contribute to taking them forward.</p>			
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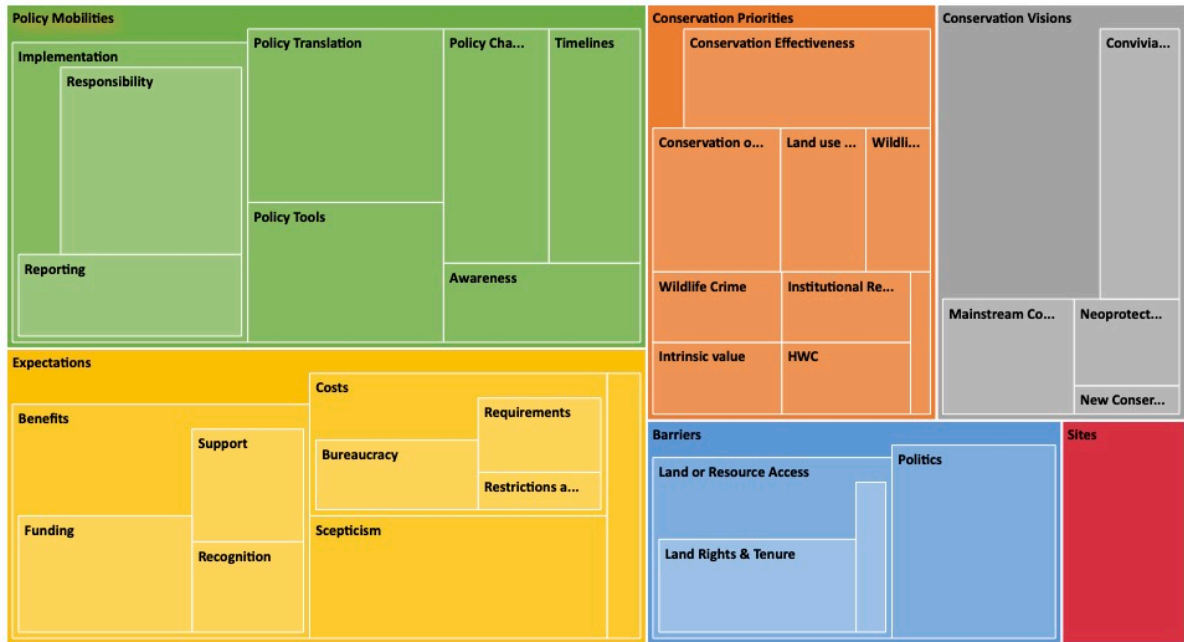
APPENDIX 4-A: LIST OF CODES USED IN DATA ANALYSIS

PARENT CODE	SUB Codes	Code Description	Number of coding references	Aggregate number of coding references	Number of items coded	Aggregate number of items coded
<b>Barriers</b>	Land or Resource Access	Issues around land access and resource rights and rules	8	28	5	10
	Land or Resource Access\ Dispossession	Land grabs, displacement, and dispossession either historical or feared in the future	5	5	2	2
	Land or Resource Access\ Land Rights & Tenure	Discussion of tenure systems, rights to land and issues around that	15	15	8	8
	Politics	“Politics” as a barrier or consideration in the prioritisation of policy or action	27	27	11	11
<b>Conservation Priorities</b>	Conservation Effectiveness	References to the state of conservation or effectiveness of conservation measures	24	24	8	8
	Conservation Finance	References to funding or development of financial mechanisms to support conservation	1	1	1	1
	Conservation outside PAs	Includes references to conservancies, corridors, and dispersal areas, and other potential OECMs	25	25	6	6
	Human-wildlife Conflicts	References to human-wildlife conflicts, compensation, and other mitigation measures	6	6	3	3
	Institutional Reform	References to the need for institutional changes or reforms to strengthen conservation efforts	7	7	3	3
	Intrinsic value	Protecting species and landscapes for their intrinsic value (rather than economic or other values)	4	4	3	3
	Land use change or conversion	Addressing land use change as a conservation priority	12	12	4	4
	Wildlife Crime	Wildlife crime as a critical threat to conservation	5	5	3	3
	Wildlife User Rights and Consumptive use	References to debates over wildlife user rights and/or consumptive use of wildlife	12	12	3	3

Conservation Visions	Convivial Conservation	Expression of view or visions that align with ideas presented by Busher and Fletcher around the rejection of capitalism and neo-protectionist approaches to celebrate unique human-nature relationships	25	25	7	7
	Mainstream Conservation	Expression of views or opinions that align with the current mainstream of conservation - with its links to capitalism in eco-tourism and PES and a focus on PAs as the cornerstone of area-based conservation	14	14	5	5
	Neo-protectionist	Expression of views or visions of conservation that emphasise strict control over nature and the exclusion of people	7	7	3	3
	New Conservation	Views or comments that align with ideas in new conservation around engaging directly with capitalism and more market-oriented approaches	7	7	1	1
Expectations	Benefits	Details of benefits, perceived or realised, from OECMs	11	55	6	11
	Benefits\ Funding	Perceived or actual funding benefits, discussion of potential funding mechanisms	16	16	8	8
	Benefits\ Recognition	Importance of recognising conserved areas and what this means	16	16	4	4
	Benefits\ Support	In kind support or training to be gained	12	12	5	5
	Costs	Costs associated with OECM recognition, designation, or assessment	7	37	3	7
	Costs\ Bureaucracy	Paperwork and bureaucracy as OECM costs e.g., around reporting	13	13	5	5
	Costs\ Requirements	Requirements around standards and monitoring as costs	13	13	4	4
	Costs\ Restrictions and penalties	Costs associated with new regulations or restrictions on activities imposed by new laws & policies	4	4	2	2

	Hype	Positive expectations around OECMs as a new framework/policy	9	9	3	3
	Scepticism	Doubts, uncertainties, anxieties about OECMs as a framework/policy/set of ideas	39	39	12	12
Policy Mobilities	Awareness	Details of awareness (or lack thereof) around OECMs	14	14	5	5
	Implementation	Discussions of proposals for implementing OECMs and reporting on them and what these could/will look like	6	69	3	12
	Implementation\ Reporting	Information on reporting structures and data/information sharing	15	15	7	7
	Implementation\ Responsibility	Responsibility for policy implementation and where it lies	6	48	4	9
	Implementation\ Responsibility\ Actors	Responsibility or role of particular actors or institutions in policy processes	34	34	6	6
	Implementation\ Responsibility\ Scale	Scale or perceived scale at which responsibility rests	8	8	3	3
	Policy Champions	The role of key individuals in advancing policy agendas and pushing policy forward	22	22	8	8
	Policy Tools	Frameworks, regulations, acts, legislation, workshops and other tools used to advance policy processes	41	41	9	9
	Policy Translation	References to policy fit or domestication of OECMs	79	79	11	11
	Timelines	Details on policy timelines and/or time taken for things to materialise	32	32	7	7
Sites	Sites	Discussions of potential or candidate OECMs in different regions	28	28	8	8

APPENDIX 4-B: HIERARCHY TREE OF CODES COMPARED TO THE NUMBER OF ITEMS CODED



APPENDIX 5: MAPS OF POTENTIAL SCENARIOS FOR THE RECOGNITION OF OECMS IN SOUTHERN KENYA

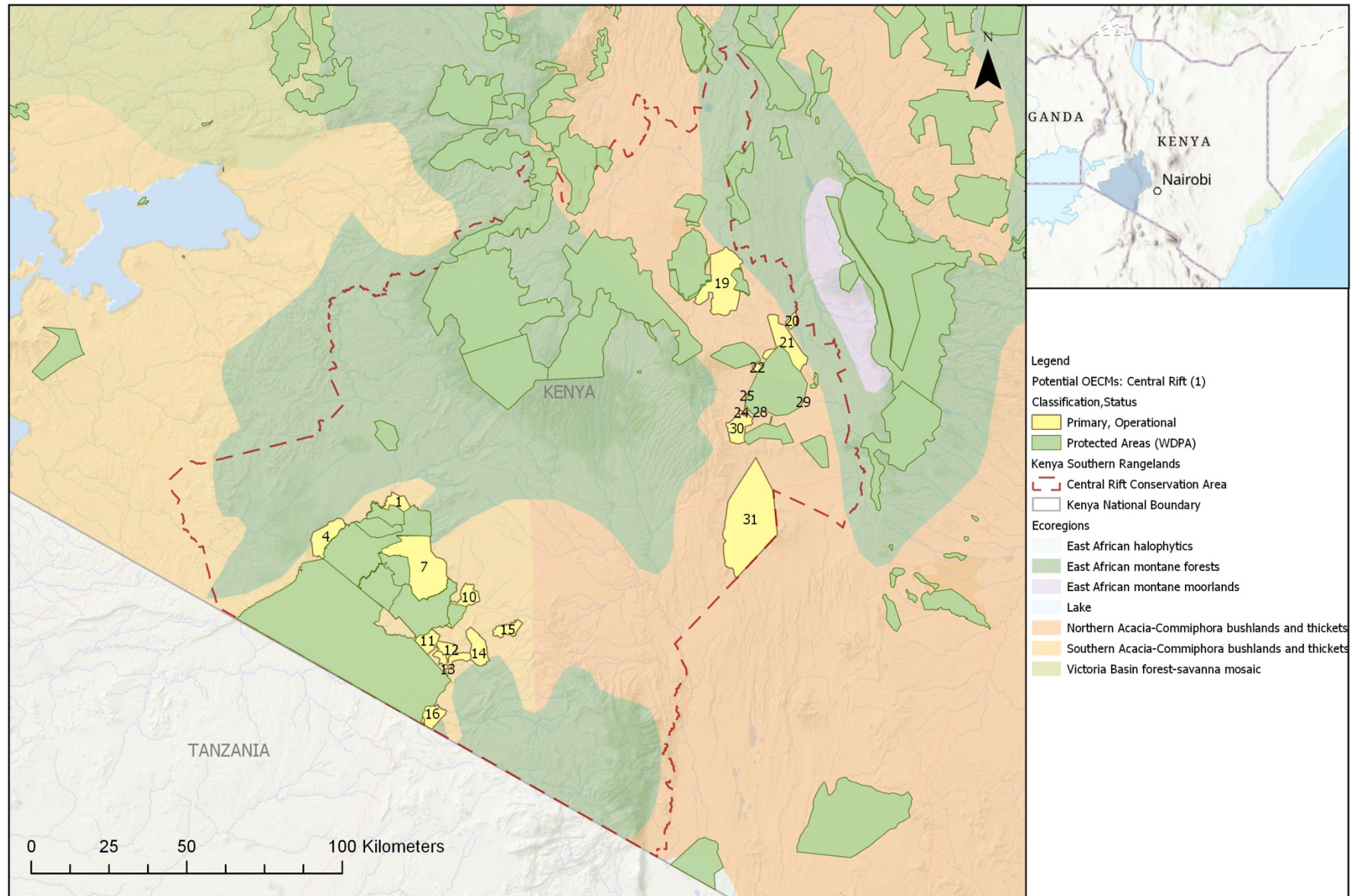
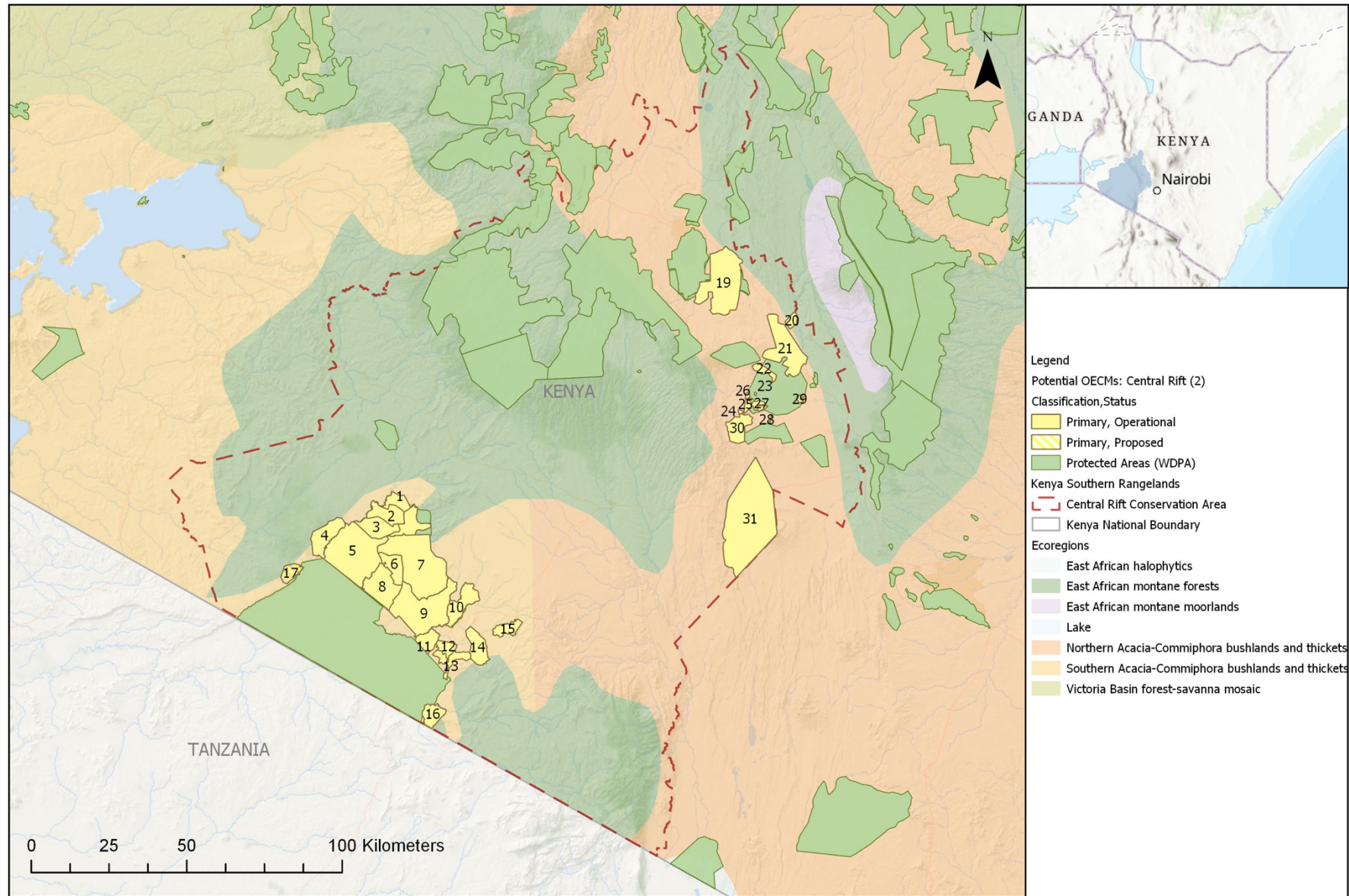
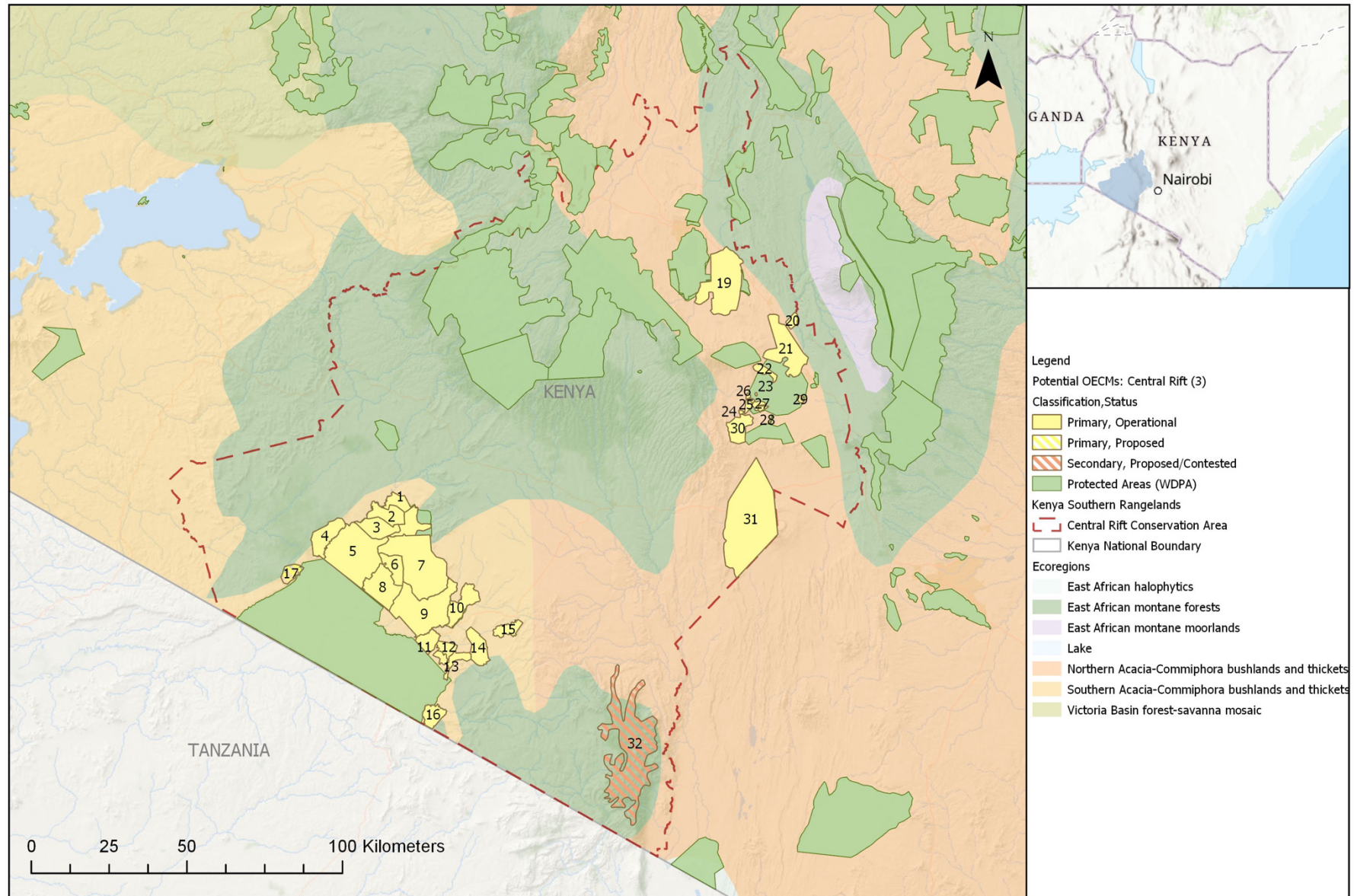


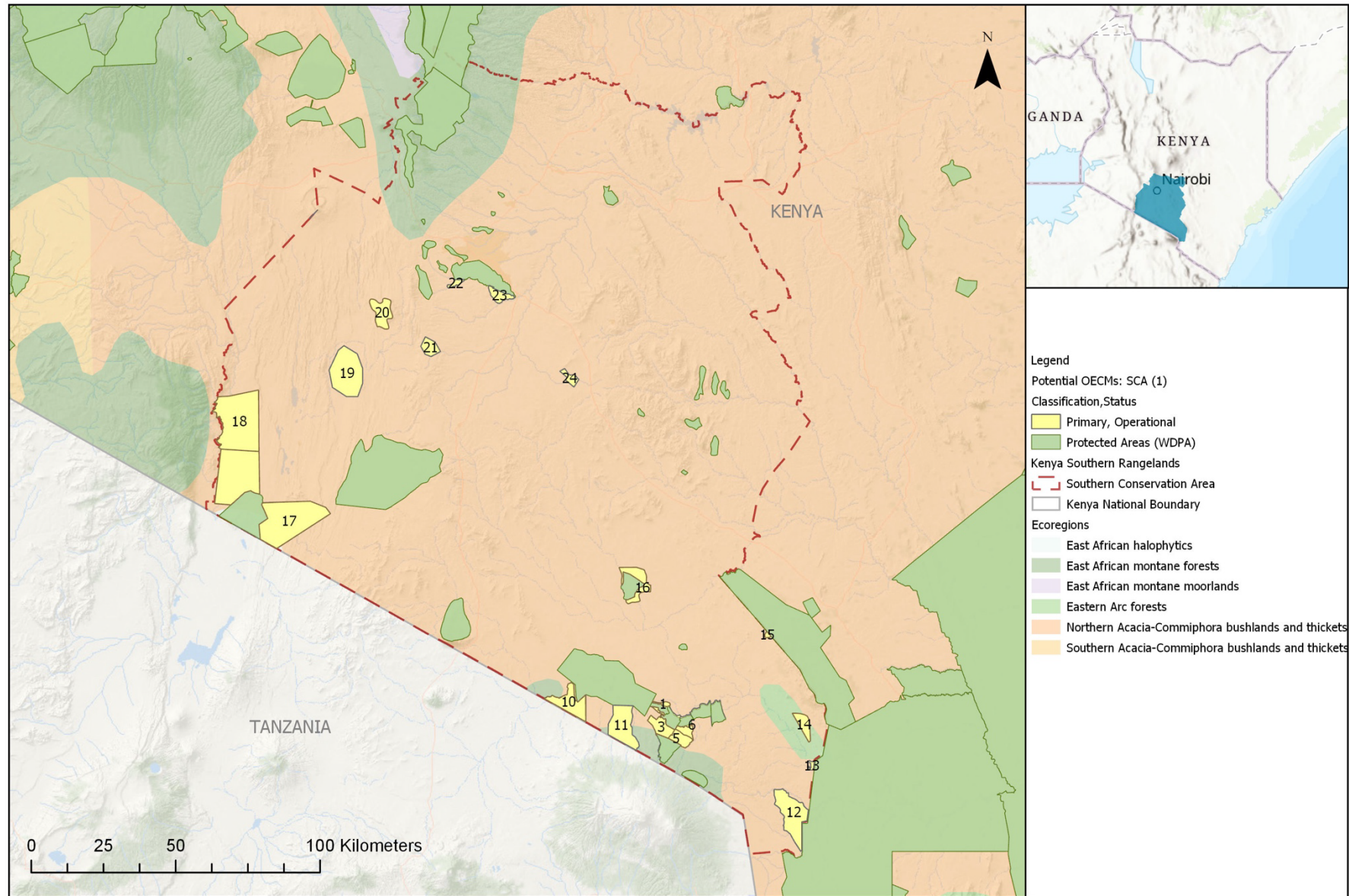
Figure 4. Central Rift Conservation Area showing the extent of protected areas and potential OECMs – Scenario 1



**Figure 5.** Central Rift Conservation Area showing the extent of protected areas and potential OECMs – Scenario 2

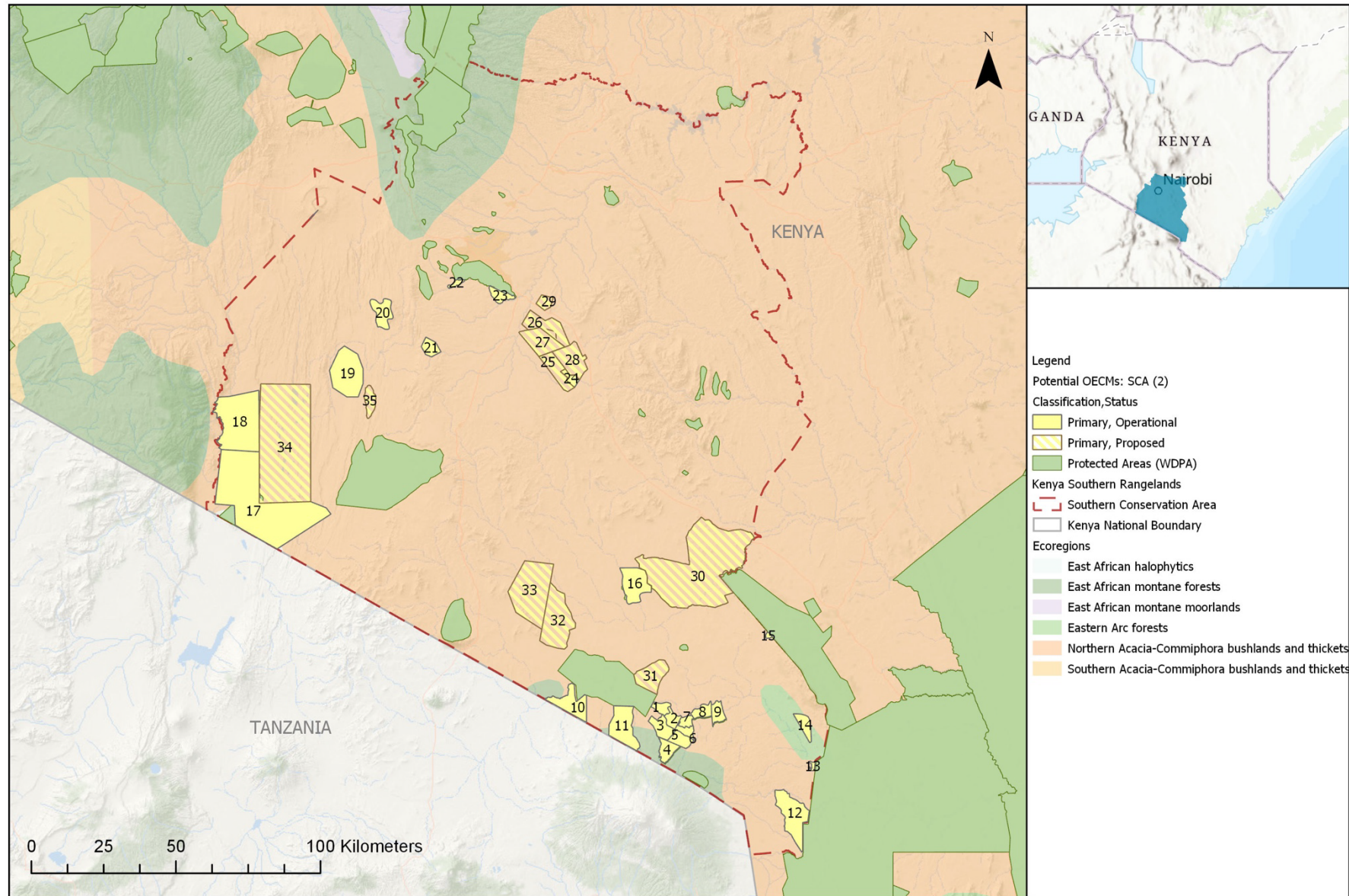


**Figure 6.** Central Rift Conservation Area showing the extent of protected areas and potential OECS – Scenario 3

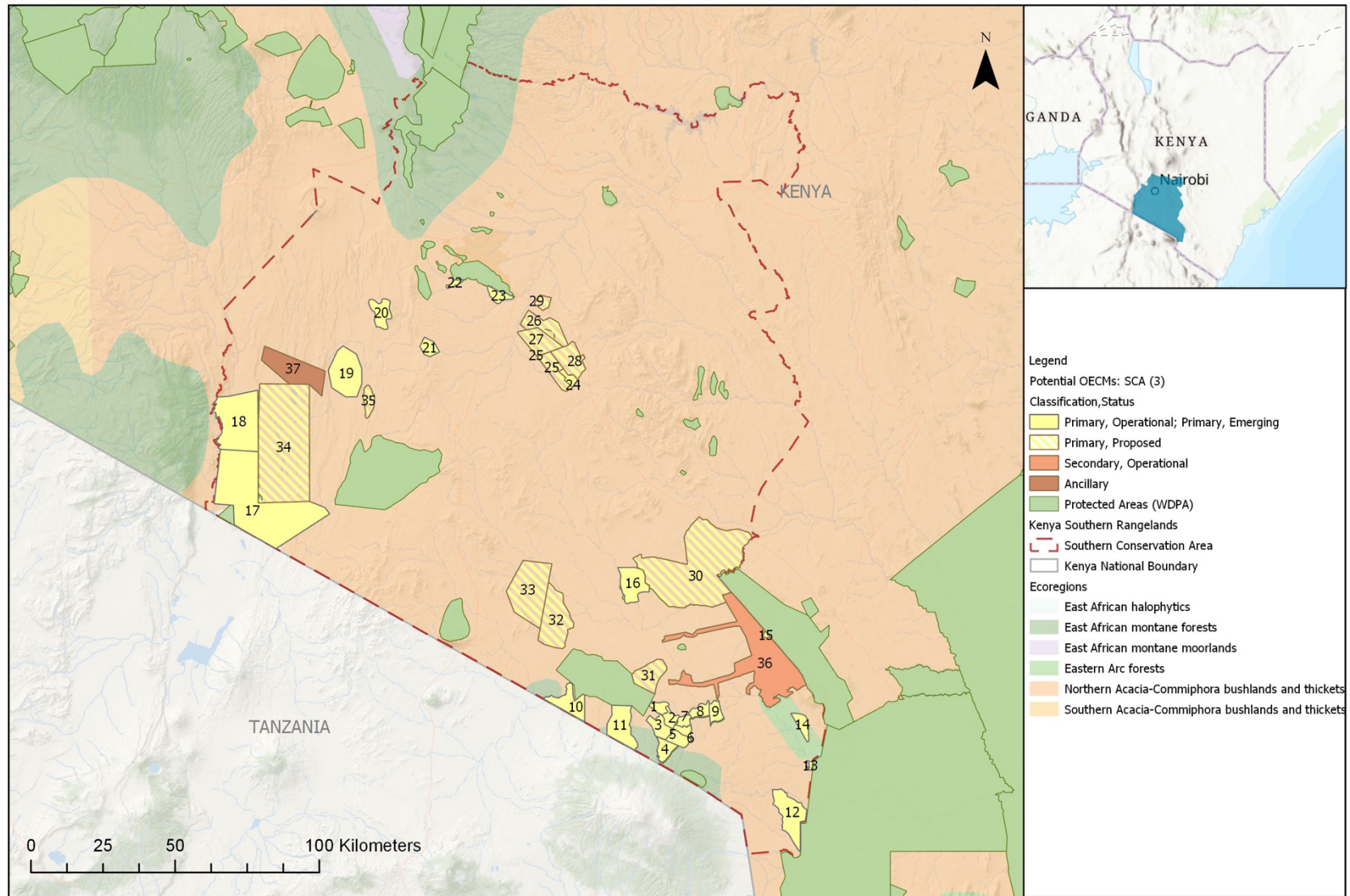


**Figure 7.** Southern Conservation Area showing the extent of protected areas and potential OECMs – Scenario 1

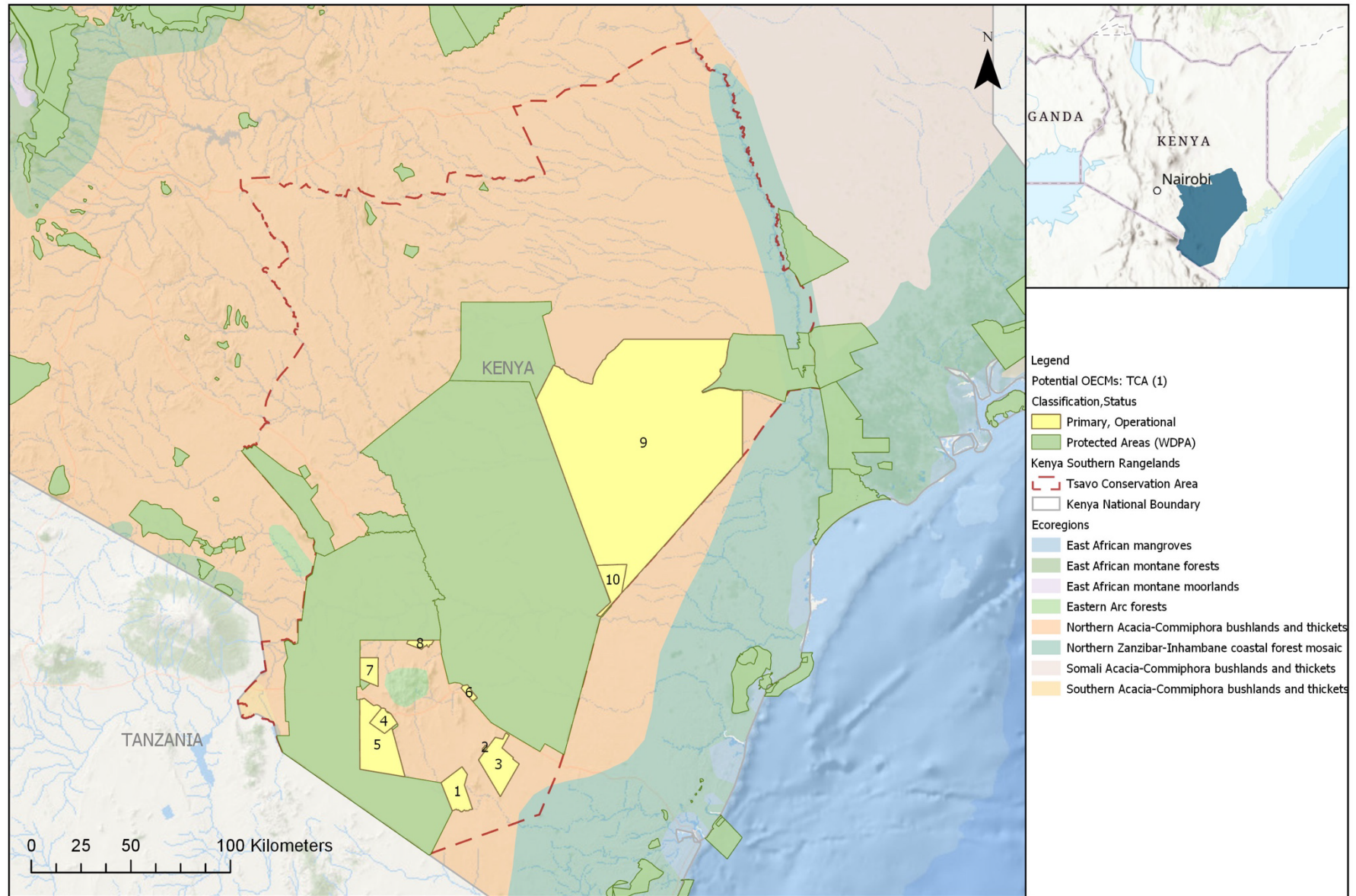




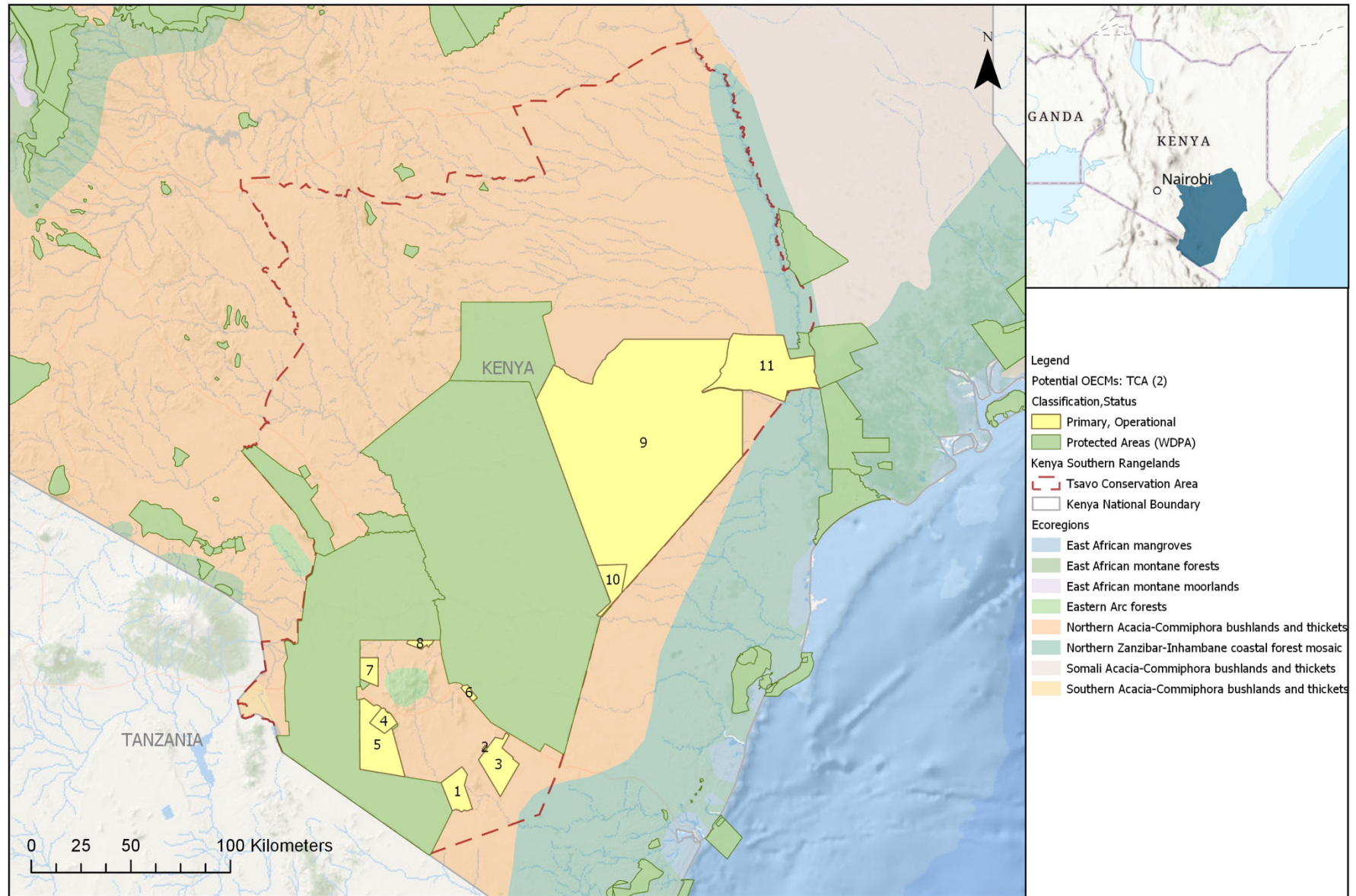
**Figure 8.** Southern Conservation Area showing the extent of protected areas and potential OECMs – Scenario 2



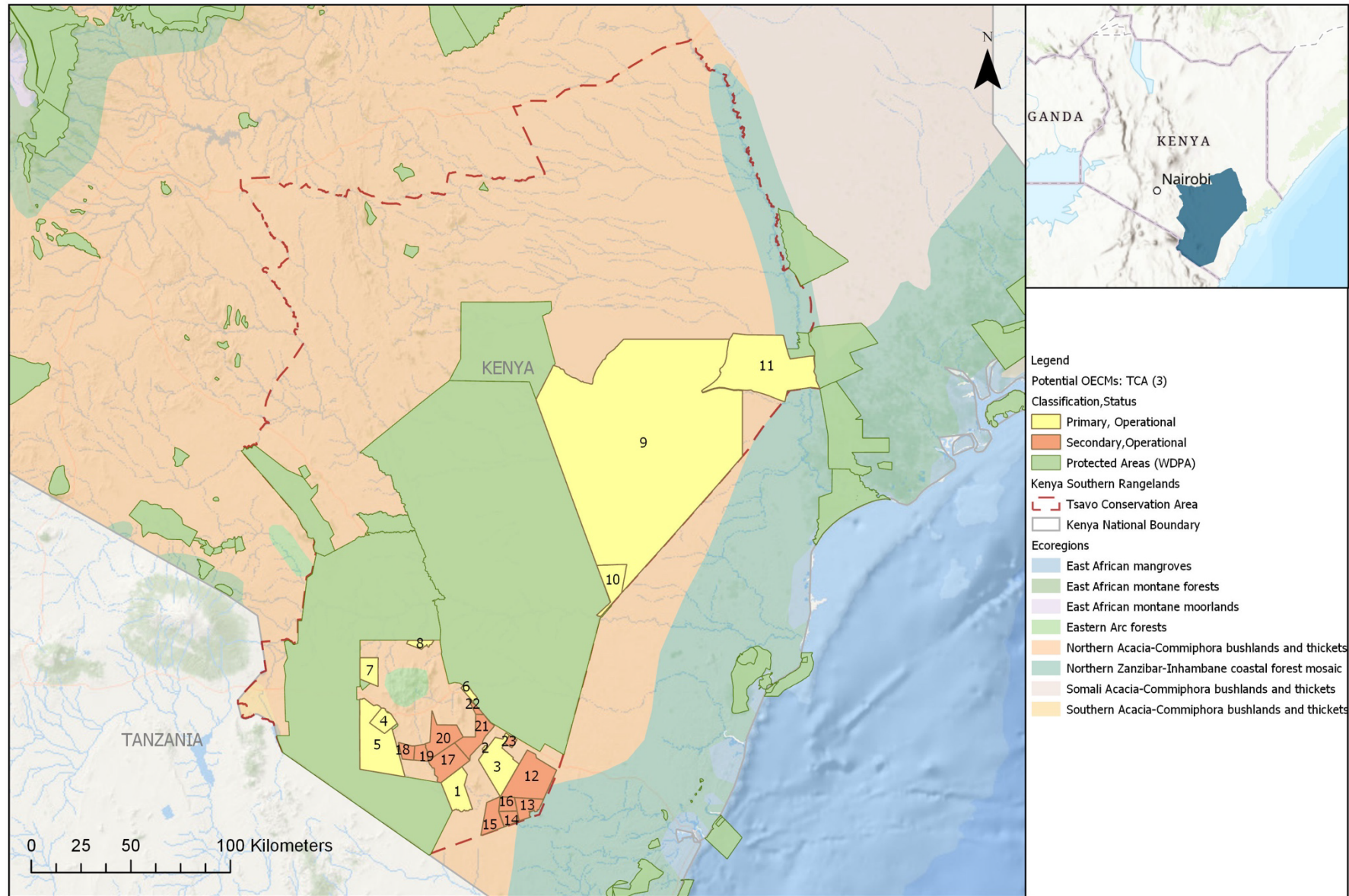
**Figure 9.** Southern Conservation Area showing the extent of protected areas and potential OECMs – Scenario 3



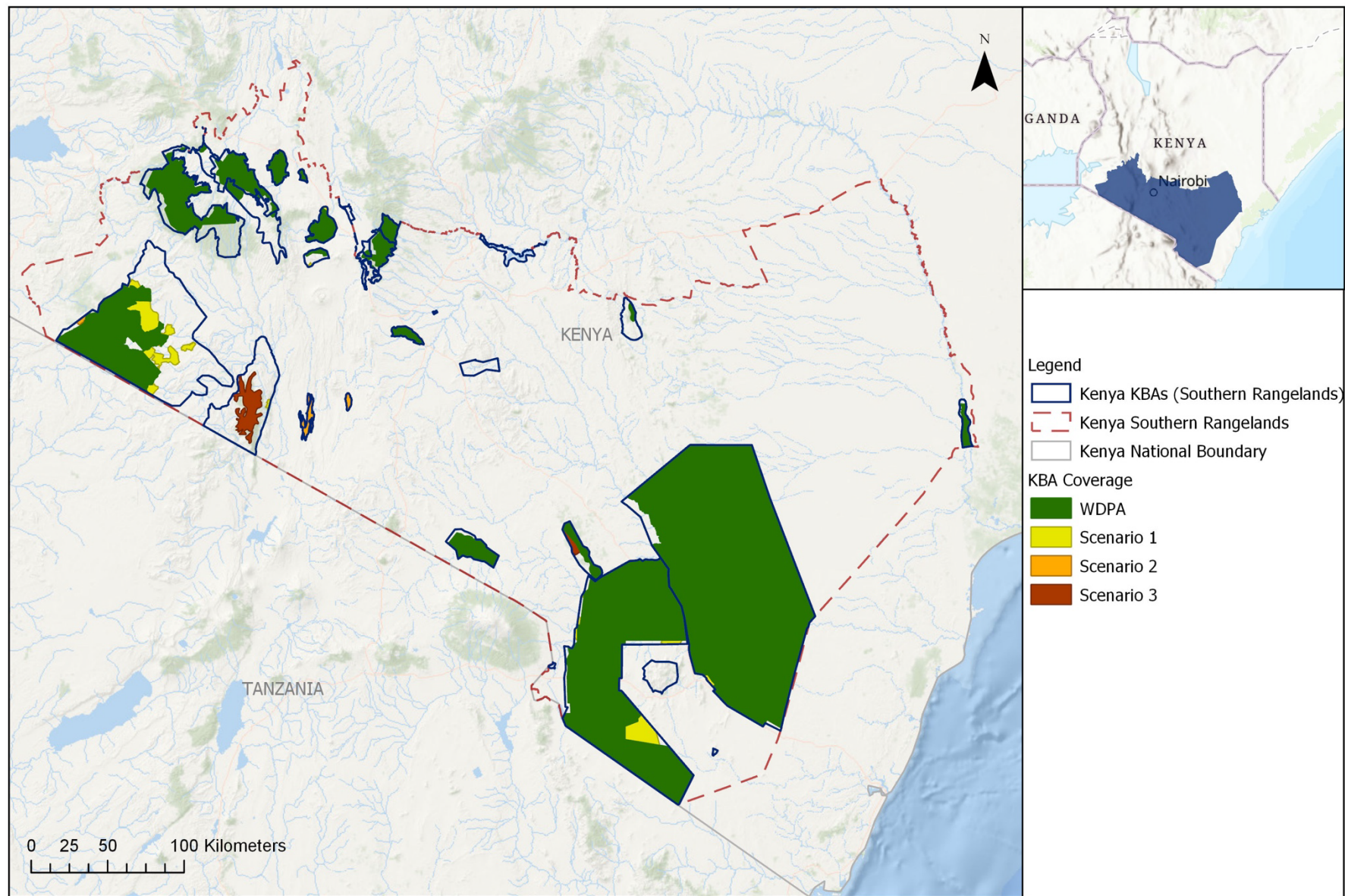
**Figure 10.** Tsavo Conservation Area showing the extent of protected areas and potential OECMs – Scenario 1



**Figure 11.** Tsavo Conservation Area showing the extent of protected areas and potential OECMs – Scenario 2



**Figure 12.** Tsavo Conservation Area showing the extent of protected areas and potential OECMs – Scenario 3



**Figure 15.** Map of Southern Rangelands showing coverage of Key Biodiversity Areas under different implementation scenarios

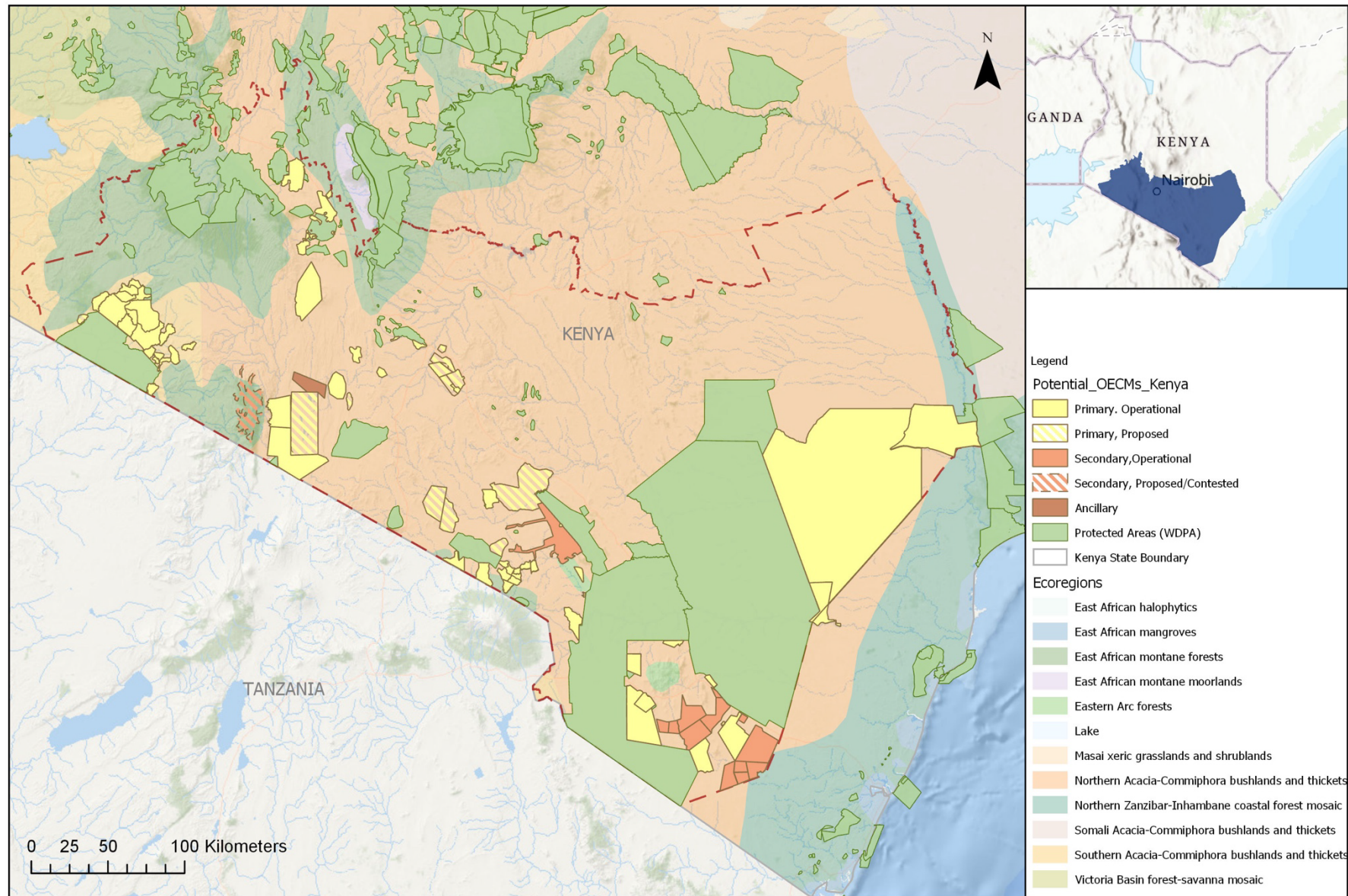


Figure 17. Map of Southern Rangelands showing the extent of protected areas and potential OECMs – Scenario 3

APPENDIX 6-A: TERRESTRIAL COVERAGE OF PROTECTED AREA AND OECMS IN SOUTHERN KENYA

	Implementation Scenario	Total Protected Area (% of land area)	Total Area of OECMs (% of land area)	Total Protected & Conserved Area (% of land area)
Central Rift Conservation Area	WDPA Baseline	5,754.44 km <sup>2</sup> (20.4%)	0 km <sup>2</sup> (0%)	5,754.44 km <sup>2</sup> (20.4%)
	Scenario 1	5,754.44 km <sup>2</sup> (20.4%)	1,357.90 km <sup>2</sup> (4.8%)	7,112.34 km <sup>2</sup> (25.2%)
	Scenario 2	4,828.95 km <sup>2</sup> (17.1%)	2,309.14 km <sup>2</sup> (8.2%)	7,138.09 km <sup>2</sup> (25.3%)
	Scenario 3	4,828.95 km <sup>2</sup> (17.1%)	2,694.60 km <sup>2</sup> (9.7%)	7,551.03 km <sup>2</sup> (26.8%)
Southern Conservation Area	WDPA Baseline	2,260.91 km <sup>2</sup> (6.2%)	0 km <sup>2</sup> (0%)	2,260.91 km <sup>2</sup> (6.2%)
	Scenario 1	2,260.91 km <sup>2</sup> (6.2%)	1,520.29 km <sup>2</sup> (4.1%)	3,781.20 km <sup>2</sup> (10.3%)
	Scenario 2	1,513.94 km <sup>2</sup> (4.1%)	4,505.04 km <sup>2</sup> (12.3%)	6,018.98 km <sup>2</sup> (16.5%)
	Scenario 3	1,513.94 km <sup>2</sup> (4.1%)	5,172.78 km <sup>2</sup> (14.2%)	6,686.72 km <sup>2</sup> (18.3%)
Tsavo Conservation Area	WDPA Baseline	24,800.43 km <sup>2</sup> (34.3%)	0 km <sup>2</sup> (0%)	24,800.43 km <sup>2</sup> (34.9%)
	Scenario 1	24,800.43 km <sup>2</sup> (34.3%)	9,447.72 km <sup>2</sup> (13.9%)	34,248.15 km <sup>2</sup> (48.2%)
	Scenario 2	24,358.50 km <sup>2</sup> (32.7%)	9,889.65 km <sup>2</sup> (15.5%)	34,248.15 km <sup>2</sup> (48.2%)
	Scenario 3	24,358.50 km <sup>2</sup> (32.7%)	11,356.38 km <sup>2</sup> (17.6%)	35,714.88 km <sup>2</sup> (50.3%)
Southern Rangelands (Combined)	WDPA Baseline	32,815.78 km <sup>2</sup> (24.2%)	0 km <sup>2</sup> (0%)	32,815.78 km <sup>2</sup> (24.2%)
	Scenario 1	32,815.78 km <sup>2</sup> (24.2%)	12,325.91 km <sup>2</sup> (11.1%)	45,141.69 km <sup>2</sup> (33.3%)
	Scenario 2	30,701.39 km <sup>2</sup> (22.6%)	16,703.81 km <sup>2</sup> (12.3%)	47,405.20 km <sup>2</sup> (34.9%)
	Scenario 3	30,701.39 km <sup>2</sup> (22.6%)	19,223.76 km <sup>2</sup> (14.2%)	49,952.65 km <sup>2</sup> (36.8%)



APPENDIX 6-B: COVERAGE OF TERRESTRIAL ECOREGIONS AND KBAs BY PROTECTED AREAS AND OECMS

**Central Rift Conservation Area - Ecoregion Coverage**

	<i>WDPA Baseline coverage (km<sup>2</sup>)</i>	<i>Area covered Scenario 1 (km<sup>2</sup>)</i>	<i>Area covered Scenario 2 (km<sup>2</sup>)</i>	<i>Area covered Scenario 3 (km<sup>2</sup>)</i>
<i>East African montane forests</i>	2,282.63	2,417.99	2,422.85	2,809.32
<i>Northern Acacia-Commiphora bushlands and thickets</i>	1,182.64	1,937.95	1,938.21	1,964.71
<i>Southern Acacia-Commiphora bushlands and thickets</i>	2,289.17	2,756.40	2,777.02	2,777.02

**Southern Conservation Area - Ecoregion Coverage**

	<i>WDPA Baseline coverage (km<sup>2</sup>)</i>	<i>Area covered Scenario 1 (km<sup>2</sup>)</i>	<i>Area covered Scenario 2 (km<sup>2</sup>)</i>	<i>Area covered Scenario 3 (km<sup>2</sup>)</i>
<i>East African halophytics</i>	85.27	127.80	127.80	127.80
<i>East African montane forests</i>	559.91	632.33	632.33	632.33
<i>Eastern Arc forests</i>	0	27.84	27.84	76.41
<i>Northern Acacia-Commiphora bushlands and thickets</i>	1,615.74	2,993.23	5,231.00	5,850.19

**Tsavo Conservation Area - Ecoregion Coverage**

	<i>WDPA Baseline coverage (km<sup>2</sup>)</i>	<i>Area covered Scenario 1 (km<sup>2</sup>)</i>	<i>Area covered Scenario 2 (km<sup>2</sup>)</i>	<i>Area covered Scenario 3 (km<sup>2</sup>)</i>
<i>Eastern Arc forests</i>	12.00	12.00	12.00	12.00
<i>Northern Acacia-Commiphora bushlands and thickets</i>	24,404.64	33,852.35	33,852.35	35,222.41
<i>Southern Acacia-Commiphora bushlands and thickets</i>	26.81	26.83	26.83	26.83
<i>Northern Zanzibar-Inhambane coastal forest mosaic</i>	356.98	357.00	357.00	453.65

**Southern Rangelands – KBA Coverage**

	<i>Number of KBAs covered</i>	<i>Total area of KBAs covered</i>	<i>Percent Coverage</i>
<i>Protected Areas Baseline</i>	18	25,480.55 km <sup>2</sup>	74.0%
<i>Scenario 1</i>	19	26,369.56 km <sup>2</sup>	76.5%
<i>Scenario 2</i>	21	26,541.07 km <sup>2</sup>	77.0%
<i>Scenario 3</i>	21	27,005.69 km <sup>2</sup>	78.4%