MAASAI MARA
WILDLIFE CONSERVANCIES

For the Greater Mara

CONFLICT RESOLUTION
PROTOCOL

CONTENTS

LIST OF ABBREVIATIONS

CRU   Conflict Resolution Unit
KWCA   Kenya Wildlife Conservancy Association
LOC   Land Owners Committee

Protocol Developers

1. Maasai Mara Wildlife Conservancies Association **(MMWCA)**
2. German Corporation for International Cooperation **(GIZ)**

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LIST OF DEFINITIONS

1 Arbitration The process of having an outside neutral person, chosen by both sides to a disagreement, end the disagreement by taking a decision.

2 Conciliation Same as mediation (see below) with the only difference that at some point the conciliator provides the conflict parties with a non-binding settlement proposal.

3 Litigation The process of taking a case to a court of law so that a judgment (an official decision) can be made about it.

4 Mediation The process of moderating a structured talk between two or more individuals or groups involved in a disagreement to help them to find a solution to their dispute and agree upon it.

1. INTRODUCTION

1.1 Background

The Maasai Mara Wildlife Conservancies Association (MMWCA) is a public-private partnership commitment to conserve the greater Maasai Mara ecosystem through a network of protected areas (conservancies and conservation areas). MMWCA's vision is a vibrant and unified Mara ecosystem where the community and wildlife coexist sustainably for the prosperity of all. Such a vision requires unity among all actors involved such as land owners, tourism partners, government and non-state actors. To achieve and maintain unity, conflicts need to be prevented or solved at an early stage. If this can be achieved, conflicts can fulfil their positive contribution which consists of pointing out weaknesses and correcting them. In this way, the Conservancies can be strengthened by any conflict they have resolved and that has led them to take appropriate preventive measures to avoid similar conflicts in the future.

The Maasai Mara Wildlife Conservancies are constantly faced with the challenge of having to resolve disagreements and disputes in order to ensure their continued existence. Many minor disagreements are successfully resolved at the level of the Conservancies or by the responsible local administration. More complex disputes, however, involving more than two parties directly or indirectly, or between conflicting parties with significant disparities in power and influence, are often very difficult to resolve. In addition, there is a risk that they are only resolved superficially, while deeper underlying issues remain unaddressed, allowing a new conflict to erupt at any time. Although the conservancies have made tremendous progress in improving their governance, there still is a need to improve structures, procedures and rules for conflict resolution in the conservancies and the MMWCA to avoid negative impacts.

The relevance of managing protected area conflicts has been emphasised in the Wildlife Conservation and Management Act 2013, the Governance for protected areas management (GAPA) tool by GAPA and the MMWCA 2021-2025 strategy. Therefore, this document contributes to conflict resolution management recommendations highlighted in those and other relevant frameworks.

1.2 Objectives of the protocol

This protocol aims to help MMWCA to know more about conflicts in the conservancies and to improve the way the Association and Conservancies can address them. More specific, the objectives of the protocol are:

* A better understanding of the nature of conflicts to facilitate their resolution;
* Identifying structures for conflict resolution;
* Strengthening these structures;
* Defining principles, rules and procedures for conflict resolution;
* Providing guidance on how to build a stock of mediators;
* Providing guidance on continuous learning to enable MMWCA to constantly improve its knowledge on conflicts and its skills on conflict resolution.
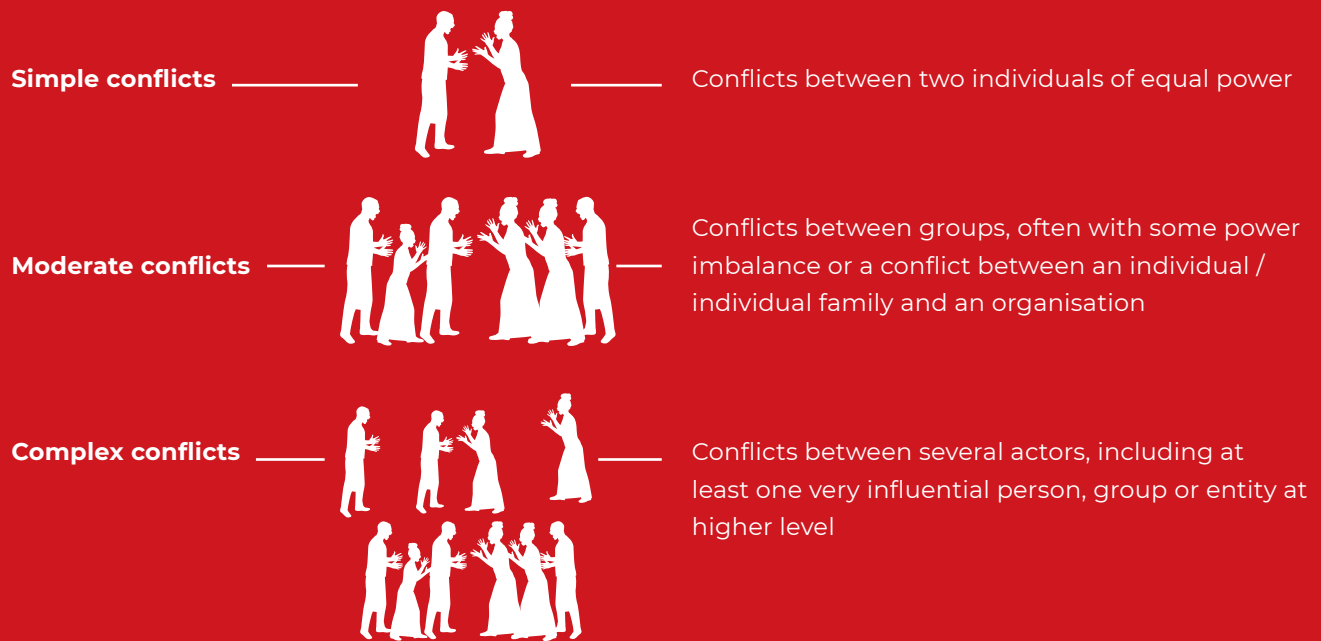
1.3 Scope and target groups of the protocol

The protocol is applicable to all member conservancies and MMWCA to address conflicts related to the management of the Conservancies and the governance of the Association. Criminal cases are excluded, which are to be settled before an ordinary court.

2. CONFLICTS IN THE MARA CONSERVANCIES

2.1 Types of conflicts occurring in and among the Mara Conservancies

Conflicts occurring in and among the Conservancies can be distinguished into three groups: simple conflicts, moderate conflicts and complex conflicts.

Simple conflicts —————— Conflicts between two individuals of equal power

Moderate conflicts —————— Conflicts between groups, often with some power imbalance or a conflict between an individual / individual family and an organisation

Complex conflicts —————— Conflicts between several actors, including at least one very influential person, group or entity at higher level

Simple conflicts are generally those between two land owners of similar power. These disputes are mostly about grazing, access to water and trespassing rights. They may also be about boundaries between the land owners' properties. Such conflicts are generally solved easily at local level.

Moderate conflicts include conflicts between two land owners with significant differences in power and influence, conflicts between two groups of land owners within a conservancy, conflicts between individual land owners and the conservancy (either the land owner committee (LOC), the management or the Board), conflicts between land owners or LOC and youth, conflicts between two conservancies or between a conservancy and the responsible cluster representative and conflicts between strong LOCs and investors. Such moderate conflicts are often about control of power within a conservancy, leadership succession, benefit sharing or the conservancy model as such. Sometimes there are more than two parties involved in these conflicts. In that case, they rather enter into the category of complex conflicts.

Complex conflicts include those between conservancies with weak management and governance structures and investors, among investors, between land owners and the government as well as all conflicts with multiple parties involved such as conflicts between land owners, LOC and tourism partners (with other hidden conflict parties) or conflicts between land owners, the management company and MMWCA. Many of these conflicts are about the arrangement of tourism projects. Not rarely, these conflicts have deeper causes such as disagreements on benefit sharing and decision-making authority.

The distinction between moderate and complex conflicts is not always evident and can often only be determined after the conflict has been analysed more carefully. Such analysis generally focusses on the direct and indirect actors involved. It is necessary to know about their positions, interests, needs, desires and fears as well as their hidden expectations and unresolved issues, disappointments and hurts from the past (see 2.2).

2.2 Understanding conflicts as a prerequisite for resolving them and preventing future ones

Conflicts are like hippos in the water. We generally only see a small part of it. Most of it is under the surface. As we generally only see the eyes and ears of a hippo when it is in the water, we only notice the behaviour and the positions of conflicting parties. What we generally do not take notice of, are the underlying reasons why the parties hold on to their positions. These reasons are informed by the parties' interests, material and emotional needs, psychological fears and desires as well as their hidden expectations and unresolved issues, disappointments and hurts from the past.

Visible:
* Behaviour
* Position

Invisible:
* Interests
* Material and emotional needs
* Psychological fears and desires
* Hidden expectations
* Unresolved issues from the past and past grievances

To understand what a conflict really is about, we have to dive into the water! This means that we need to investigate.

Only when we know the needs of the parties, we can solve the conflict. For conflicts can only be resolved if the needs of the conflicting parties are equally satisfied.

When we explore the "underwater world" (i.e., the invisible motivations), we occasionally come across former grievances that were never sufficiently resolved. It is advisable to deal with these and thus re-establish a good relationship between the conflicting parties.

Besides the very personal reasons that lead to disputes between individuals or groups, there are usually a number of structural causes. These can be demographic, economic, socio-cultural, environmental, institutional, legal, administrative, or related to management etc. It is important to recognise these causes and their underlying causes. This enables us to identify preventive measures to avoid similar conflicts in the future.

Example: Conflicts between land owners about leadership succession of LOC members
The interests of the parties are very much about power and influence. Their needs may be securing livelihood but there can be others as well. Their psychological desires can be diverse, including desire for recognition, longing for equity, ending oppression, achieving freedom etc. These interest, needs, fears and desires need to be determined to be able to find a solution for the conflict, most often a compromise that satisfies central needs of both conflict parties.

Structural causes of such a conflict about leadership succession can include high competition among land owners due to real and perceived privileges of LOC members, unequal distribution of benefits, limited access to employment within conservancies and inequality among land owners. The latter may result from differences in wealth and status, differences in access to information, unequal access to education and high levels of illiteracy. Other structural causes can be lack of succession plans due to the absence of a legal structure for the conservancy which may result from a recent change in the tenure system – the change from communal land to individual ownership rights. These structural causes need to be addressed to avoid that conflicts about leadership succession will arise over and over again.

3. CONFLICT RESOLUTION APPROACHES AND PROCEDURES

3.1 Conflict resolution approaches

Conflicts can be resolved in two ways: Either the parties to the conflict determine the solution themselves or there is a judgement by an authority with the appropriate mandate. We call these approaches consensual and non-consensual.

Consensual approaches are:
*   Unaccompanied negotiation
*   Facilitation (facilitated negotiation)
*   Moderation (moderated negotiation)
*   Mediation
*   Conciliation

Non-consensual approaches are:
*   Arbitration
*   Litigation

The influence of the third party increases from unaccompanied negotiation to litigation. Unaccompanied negotiation is even done without any third party. Facilitation means that the third party only initiates a dialogue or negotiation among the parties without necessarily being actively involved in them. In the case of moderation, the third party simply moderates the negotiation without guiding it. In mediation, the third party (mediator) guides the talk in a structured way helping the conflict parties to identify the interests, needs, fears, desires, hidden expectations and eventually also past grievances. The solution, however, is identified by the parties themselves. In conciliation, the third party (conciliator) proposes a solution. The arbitrator takes a decision. The litigator (judge) passes a judgement.

All consensual approaches and arbitration are called "alternative dispute resolution" as they represent an alternative to court litigation. These alternative dispute resolution procedures are generally faster and cheaper than court procedures and they can be done by a broader spectrum of people.

3.1.1 Facilitation and moderation as a starting point

Whenever a conflict occurs in the Mara Conservancies, the responsible structure (see chap. 4) should encourage the conflict parties to sit together and talk. If parties refuse, they should be invited to meet at the responsible structure to have a moderated talk there. If this is not successful, a mediation should be proposed. At the same time, the mediation approach can be explained to the parties and a date can be fixed.

3.1.2 Focus on mediation

Mediation attempts to end a dispute between two or more people or groups by a person (mediator) moderating a structured talk and supporting the parties to find themselves a solution all parties involved can agree upon.

Conflict parties should be convinced to try a mediation first, before taking a case to the court. Mediation is generally faster in conflict resolution, cheaper and has higher chances to (re-)establish social peace and stability than court decisions.

In mediation, it is essential that the parties to the conflict agree on a solution together. The mediator must not dictate the solution. If the third person makes the judgement, it is not mediation. In that case, it is arbitration. In mediation, the conflict parties themselves identify and negotiate the solution. This is part of the "peacebuilding". The negotiated agreement between the parties is not based on who is right and who is wrong but aims to satisfy the interests and needs of all parties involved. Conflict parties can each decide at any time to take the case to arbitration or court. However, information disclosed during mediation is not allowed to be used in subsequent legal procedures. Information disclosed during mediation has to remain confidential. This is something, the conflict parties have to agree upon before entering into mediation.

The mediator needs to be neutral, impartial and respect confidentiality.

Mediators' principles:
* Neutrality: Mediators must at all times remain neutral as to the outcome of the mediation.
* Impartiality: Mediators must at all times remain impartial towards the conflict parties.
* Confidentiality: Mediators should not disclose any information about or obtained during a mediation to anyone without the express consent of each participant.

Mediation follows a defined order:

Preparation

Conflict parties need to be informed about the possibility to try a mediation. The process needs to be explained to them. The parties then need to agree to it and agree on the mediator, a place and time for it to happen.

If parties are not willing to meet each other, the mediator may have to first meet with them individually. This may also help the mediator to get a better understanding of the conflict issue(s) and the parties' perception of it/them.

Opening

When the parties finally meet with the mediator, the mediator plays a crucial role in creating a warm and trustful atmosphere. The mediator has to ensure that everyone feels secure. He or she needs to establish trust among the parties, trust into the mediation process as well as trust between the parties and the mediator.

Part of the opening of a mediation session is also to agree on rules such as confidentiality, mutual respect, equal time to speak for all parties, maximum duration per statement, obligation to listen, and not to interrupt the other party. These rules help ensuring equal ground.

Identifying the conflict issues

Now, the actual mediation can begin. The objective of this first moderated exchange is to obtain an overview on the topics the parties want to talk about and to prioritise them. For that purpose, the moderator invites each party to present its position. In other words, each party is invited to tell its story: what is the conflict about? What do you claim? The other party has to listen without interrupting. The moderator is actively listening and notes all conflict issues and themes that emerge from the storytelling. Once the parties have finished explaining their perceptions of the conflict and no new topics emerge, each party identifies the topics/issues which are most relevant for them and which they want to address. Finally, the parties agree on the order in which the topics will be discussed.

Identifying underlying motivations

Now, each topic is dealt with separately; one after the other. The mediator asks specific questions so that the conflict parties explain their interests and needs, fears and desires. The moderator helps the parties to identify them and helps them to understand each other's positions. If relevant, the moderator will also encourage people to reveal hidden expectations or past grievances.

Developing solutions

For each topic/conflict issue, the parties talk through possible options until they come up with something that meets as many interests and needs of both parties as possible and is feasible and achievable.

Securing agreement and ensuring implementation

The parties identify and agree on specific measures and define when, how, by whom, etc. they will be implemented. The mediator then records the decision in a written agreement (see below).

Closing

The parties approve their agreement. The mediator reviews what has been accomplished and ties up loose ends. In a last step, the parties agree on monitoring or control measures to ensure the successful implementation of the agreement. This generally means to agree on a date for a follow-up meeting.

3.1.3 Conciliation if mediation does not work

Like mediation, **conciliation** is a voluntary, confidential, and interest-based process. The parties seek to reach an amicable dispute settlement with the assistance of the conciliator, who acts as a neutral third party. The main difference between conciliation and mediation is that, at some point during the conciliation, the conciliator will be asked by the parties to provide them with a non-binding settlement proposal. Like in mediation proceedings, the ultimate decision to agree on the settlement remains with the parties.

If the conflict parties do not succeed in agreeing on a solution and the mediation can thus not be concluded successfully, the conflict parties should be asked whether they agree that the third party mediating up to that point now takes on the role of a conciliator and makes proposals for resolving the conflict. Should the parties to the conflict accept this, they are now in conciliation. Here, too, the decision on how to resolve the conflict is left to the conflicting parties. The conciliator only makes suggestions.

3.1.4 Arbitration as last resort

Arbitration is a process of having an outside person, chosen by both sides to a disagreement, end the disagreement. Unlike mediation and arbitration, the arbitrator takes a final decision.

Only if conciliation also fails to produce a result should the third party make a decision. However, this should remain the exception. It is always better to work on the solution until one is found that is acceptable to all conflict parties than to impose a judgement. A solution worked out jointly by the parties, or at least one that is readily agreed to, is usually more sustainable than a decision that is imposed.

If an arbitration decision is necessary, the consent of the conflict parties must be obtained. There must be consensus that mediation and conciliation have failed and that arbitration is now wanted.

3.1.5 Any conflict resolution ends with an agreement, preferably written respecting the cultural norms

No matter if the conflict could be solved by mediation, conciliation or arbitration, the solution reached needs to be secured by an agreement, preferably written, always respecting the cultural norms. Although written agreements are preferred, oral gentlemen agreements according to cultural/ traditional customs may sometimes be more accepted by the conflict parties. Therefore, the decision, if an agreement will be oral or written depends on who the conflict parties are and which type of agreement they prefer. Furthermore, written agreements should also be accompanied by the cultural ritual or gesture, such as a hand shake.

Any agreement needs to be "smart":

Specific	Objectives and consequences of non-fulfilment need to be clear and detailed.
Measurable	Intended results have to be measurable.
Agreement	Parties need to be in agreement.
Realistic	Parties need to believe that the planned changes are possible.
Time-specific	Milestones and timelines for achieving the intended results need to be set.

Each agreement needs to include the following obligatory elements:
* Name and address of the parties
* Location and date of the mediation (when agreement was reached)
* The agreement (what did the parties agree upon?)
* Specific responsibilities/obligations of each party (Who will do what and by when?)
* Action in case of non-compliance
* Follow-up meeting
* Signatures of all parties, witnesses, and the mediator

In case of an oral agreement, a photograph can be taken of the parties when agreeing, e.g. when shaking hands. It is recommendable to also include the witnesses. In case of a written agreement, it is also possible to include a photograph of the handshake in front of the mediator and (if present) the witnesses into the document containing the written agreement.

3.2 Conflict resolution procedures

Depending on whether the conflict is simple, moderate or complex, the procedure is also simpler or more complex. The following figure shows the three procedures. They are described in detail in the subsequent text.

Conflict resolution procedure for simple conflicts	Conflict resolution procedure for moderate conflicts	Conflict resolution procedure for complex conflicts	
Calling on the conflict parties to settle the dispute (facilitation or moderation)	Calling on the conflict parties to settle the dispute (facilitation or moderation)	Calling on the conflict parties to settle the dispute (facilitation or moderation)	
If the parties to the conflict cannot resolve the dispute on their own, the following procedure follows:	If the parties to the conflict cannot resolve the dispute on their own, the following procedure follows:	If the parties to the conflict cannot resolve the dispute on their own, the following procedure follows:	
Proposing and explaining mediation	Gathering information about the conflict in order to get an accurate overview of all direct and indirect parties to the conflict.	Gathering information about the conflict in order to get an accurate overview of all direct and indirect parties to the conflict.	
Identification of a neutral mediator, e.g. chief or LOC member			
Mediation, including: Preparation with separate meetings with the conflict parties Opening Identifying conflict issues Identifying underlying motivations Developing solutions Securing agreement Closing If necessary, the procedure can be turned into a conciliation or in exceptional cases arbitration.	If the conflict turns out to be complex, the procedure for complex conflicts is followed from now on. Otherwise, the following steps are taken:	Deepening the conflict analysis by understanding the relationships between the different actors involved directly and indirectly as well as their respective powers and influences.	
	Proposing and explaining mediation	Reaching out to the parties to determine if alternative conflict resolution can be an option. Depending on the outcome, the conflict can then be settled by a mediator, conciliator or arbitrator or the conflict parties will meet at the court.	
	Identification of a neutral mediator, e.g. MMWCA mediator or respected person		
	Mediation, including: Preparation with separate meetings with the conflict parties Opening Identifying conflict issues Identifying underlying motivations Developing solutions Securing agreement Closing If necessary, the procedure can be turned into a conciliation or in exceptional cases arbitration.	Identification of a neutral mediator, e.g. MMWCA mediator, religious leader or other respected suitable person	Conflict parties meet at the court
		Mediation (same as for simple and moderate conflicts)	

3.2.1 Conflict resolution procedure for simple conflicts

In case of simple conflicts, the conflict parties will first be requested to settle the dispute among themselves. If needed, a neutral person can moderate the negotiations. If the conflict parties do not manage to resolve the dispute on their own, a mediation should be proposed and explained to them. If the parties agree to it, a neutral mediator needs to be identified. Suitable mediators for simple conflicts are chiefs and LOC members. However, conflict parties can also agree on other respected persons to act as mediators. If people do not agree to try mediation (or conciliation or arbitration), the dispute can only be settled at court. If the parties opt for mediation, the mediation process can start following the steps described in chapter 3.1.2. If necessary, the procedure can be turned into a conciliation or in exceptional cases into arbitration. In any case, it needs to be ensured that the agreement is "smart" and contains all necessary information (see chap. 3.1.5).

3.2.2 Conflict resolution procedure for moderate conflicts

In case of moderate conflicts, the conflict parties will first be requested to settle the dispute among themselves. If needed, a neutral person can moderate the negotiations. If the conflict parties do not manage to resolve the dispute on their own, information on the conflict needs to be gathered to get an accurate overview of all direct and indirect parties as well as additional relevant actors involved in the conflict. If after this analysis, the conflict turns out to be rather complex, the procedure for complex conflicts should be followed which requires additional analysis (see 3.2.3). If the conflict is estimated to be moderate, this is the moment now a mediation should be proposed and explained to the conflict parties. If the parties agree to it, a neutral mediator needs to be identified. Suitable mediators for moderate conflicts can be MMWCA mediators as long as they are not actively involved in the conflict. In that case, conflict parties need to agree on other respected persons to act as mediators. If people do not agree to try a mediation (or conciliation or arbitration), the dispute can only be settled at court. If the parties opt for mediation, the mediation process can start following the steps described in chapter 3.1.2. If necessary, the procedure can be turned into a conciliation or in exceptional cases into arbitration. In any case, it needs to be ensured that the agreement is "smart" and contains all necessary information (see chap. 3.1.5).

3.2.3 Conflict resolution procedure for complex conflicts

In case of complex conflicts, the conflict parties will also first be requested to settle the dispute among themselves. If needed, a neutral person can moderate the negotiations. If the conflict parties do not manage to resolve the dispute on their own, information on the conflict needs to be gathered to get an accurate overview of all direct and indirect parties as well as additional relevant actors involved in the conflict. Once all stakeholders have been identified, their relationships need to be identified as well as their respective powers and influences. This analysis is important to understand who are the influential actors and decision-makers in this conflict. Only if this is known, it is clear who needs to be involved in the conflict resolution. Once this has been determined, the conflict parties and other relevant actors need to be contacted and talked to in order to find out if alternative conflict resolution can be an option to settle the conflict. If it turns out, that alternative conflict resolution is an option, a neutral mediator or even a team of two mediators needs to be identified. Suitable mediators for complex conflicts can be MMWCA mediators or respected suitable persons such as religious leaders and others. If alternative conflict resolution turns out not to be an option for conflict settlement, the dispute can only be settled at court. If the parties opt for alternative conflict resolution, the mediation process can start following the steps described in chapter 3.1.2. If necessary, the procedure can be turned into a conciliation or arbitration. In any case, it needs to be ensured that the agreement is "smart" and contains all necessary information (see chap. 3.1.5).

4. CONFLICT RESOLUTION STRUCTURES

4.1 Overview on conflict resolution structures

Conflict resolution structures for conflicts occurring in the Maasai Conservancies need to be established and maintained at three levels:

Conservancies   Conflict Resolution Committee
                             within the Conservancy Management Board

Within MMWCA   Conflict Resolution Unit
                             within the Governance, Leadership and Conflict
                             Resolution Department

Attached to MMWCA   Pool of Mediators
                             coordinated by the MMWCA Conflict Resolution Unit

4.2 Conflict Resolution Committee at the level of Conservancies

Each conservancy has to establish and maintain a Conflict Resolution Committee under the Conservancy Management Board. It has the following functions and members:

Functions
* Identify and track disputes related to conservancies and provide support to address conflicts within their respective conservancy.
* If a conflict can be resolved at the level of the conservancy, identify a suitable structure to mediate the conflict, e.g. Board member, LOC member, the responsible Committee (for grazing, bursary or settlement) etc. In case of simple conflicts, the parties can also be referred to the local administration.
* If the conflict can be resolved at the level of the conservancy, initiate a mediation, follow the steps described in chap. 3.1. and conclude with a written agreement.
* If a conflict cannot be resolved at the level of the conservancy, contact the Conflict Resolution Unit at MMWCA to either mediate the conflict or to identify a suitable mediator from the Pool of Mediators.
* Submit a copy of each conflict resolution agreement to MMWCA for registration and analysis for further action (see 4.3).

Members
* 1 LOC member from the Conservancy Management Board
* 1 TP from the Conservancy Management Board
* 1 representative from the Grazing Committee
* 1 representative from the Bursary Committee
* 1 representative from the Settlement Committee
* Conservancy manager

The composition of the Conflict Resolution Committee should meet the 2/3 gender rule.
The Conflict Resolution Committee members elect a coordinator.

4.3 Conflict Resolution Unit within MMWCA

MMWCA has to establish and maintain a Conflict Resolution Unit under the Governance, Leadership and Conflict Resolution Department. It has the following functions and members:

Functions
* Mediate conflicts.
* Provide mediation training for conservancies, in particular for members of the Conflict Resolution Committee, the Grazing Committee, the Bursary Committee, the Settlement Committee, the LOC and any other relevant conservancy structure.
* Provide mediation training for key actors among grassroots organizations and administration.
* Establish, train and manage the Pool of Mediators.
* Link conservancies with suitable mediators upon request.
* Organize cross-learning among conservancies, i.e. those actors being involved in conflict resolution.
* Organize peer-learning among mediators.
* Analyse agreements to identify lessons learned and derive recommendations for conflict prevention to be dealt with by MMWCA and others. Agreements should be filed in a folder and backed in digital folders.

Members   MMWCA staff members trained on conflict management and mediation

4.4 Pool of Mediators

MMWCA has to establish and coordinate a Pool of Mediators. This pool has the following functions and members:

Functions
* Mediate disputes on request by the MMWCA – particularly those that cannot be mediated by MMWCA.
* Ensure that a copy of each conflict resolution agreement is submitted to the MMWCA for registration and analysis for further action (see 4.3).
* Contribute to exchanges of experiences.

Members Trained and / or experienced mediators selected by MMWCA.

4.5 Selection criteria for mediators

For persons to be selected as mediators to become part of the Pool of Mediators, they have to fulfil the following criteria:
* Having mediation skills – either through training or experience or both.
* Being competent on or conversant with conservancy issues and the Greater Mara context.
* Being trustworthy and have a good/reputable character.
* Being approachable, patient and persistent and easily capable to create a warm and inclusive atmosphere.
* Being without any suspicion of corruption.
* Being available at short notice and committed.

Gender and age do not play a role in the selection of mediators for the Pool.
To be selected as a mediator for a specific mediation, and in resolving a conflict, the mediators need to be:
* Impartial. This means to be neutral to the parties and the outcome.
* Non-discriminative. This means to be free from any discrimination based on gender, age, religion, ethnic, status, education, physical or mental health or any other characteristic a person could have.
* Independent. This means not to be dependent from anyone involved in the conflict to be mediated.
* Accepted as mediator for this conflict by all conflict parties.

5. CAPACITY DEVELOPMENT

Although much knowledge and skills already exist in the Greater Mara to resolve conflicts, building the structures envisaged in this protocol requires capacity development. There are three types of capacity development involved:

* Information about the protocol and instruction on the establishment of the Conflict Resolution Committees and on their functions;
* Training on the functions of the Conflict Resolution Committees once these committees have been established;
* Training in mediation, which involves training in the conflict resolution approach laid down in this Protocol, where in exceptional cases there may be a transition to conciliation or, even more rarely, to arbitration, if the parties to the conflict agree.

Information meetings in each conservancy

During these meetings, information needs to be provided about the protocol and its relevance for conservancies as well as on the establishment of Conflict Resolution Committees. The information meetings should be done for different target groups, such as the conservancy managers, the liaison officers, the conservancy chairmen as well as the members of the Management Board, the LOC, the Tourism Partners, the grazing committee, bursary committee and settlement committee in each conservancy.

Training of the Conflict Resolution Committee members on their tasks

This training aims to qualify the members of the Conflict Resolution Committees to fulfil their functions. The training includes the explication of the three conflict resolution procedures as set out in this Protocol. Appropriate skills to apply these procedures are to be taught. The focus should be on conflict analysis and mediation.

Training on Mediation

Training on mediation should be offered on an ongoing basis. For the beginning, members of all Conflict Resolution Committees and at least 15 persons identified for the Pool of Mediators shall be trained by MMWCA staff. In subsequent years, mediation training for new mediators shall be provided at least twice a year so that mediators newly elected to Conflict Resolution Committees or additional mediators identified for the Pool of Mediators are also adequately trained.

It is the responsibility of the MMWCA Conflict Resolution Unit to ensure that these trainings take place.

6. ACTION PLAN

The implementation of this protocol implies the following activities and costs.

Activities	Responsible structure (person)	Timeframe	Costs (KES)
Presentation of the protocol as a new/additional governance tool to CEO Board	Conflict Resolution Unit (CRU)	a) 3rd week of May b) 1st week of June	TBD
Final draft, design, layout and print	Conflict Resolution Unit (CRU)	1st week of June (Process to be started in May)	TBD
Information to conservancy managers forum	Conflict Resolution Unit (CRU)	Mid-June	TBD
Information to liaison officers	Conflict Resolution Unit (CRU)	Mid-June	TBD
Information for conservancy chairmen	Conflict Resolution Unit (CRU)	2nd half of June	TBD
Information meetings in each conservancy for Management Board, LOC, Tourism Partners, Grazing Committee, Bursary Committee and Settlement Committee	Conflict Resolution Unit (CRU)	Mid-June to Mid-September	TBD
Establishment of Conflict Resolution Committees	Conflict Resolution Unit (CRU)	September	TBD
Training of Conflict Resolution Committee members (6 trainings of 2 full days – each for Conflict Resolution Committee members of 4 Conservancies)	Conflict Resolution Unit (CRU) Trainings will be done by pairs of two.	October	TBD
Selection of mediators for the Pool of Mediators	Conflict Resolution Unit (CRU)	End of October	TBD
Training of mediators from the Pool of Mediators (2 full days for about 15 people)	Conflict Resolution Unit (CRU)	Early November	TBD
Training for new mediators	Conflict Resolution Unit (CRU)	*Twice per year*	*To be added in consequent years*
			Total: TBD

LIST OF REFERENCES

International Union for Conservation of Nature (IUCN): Governance for protected areas management (GAPA)

MMWCA: MMWCA 2021-2025 strategy

Republic of Kenya: Wildlife Conservation and Management Act 2013