



## THE PROPOSED ACQUISITION OF CONTROL OF MPALA WILDLIFE FOUNDATION INC. AND MPALA RANCH LIMITED BY THE TRUSTEES OF PRINCETON UNIVERSITY.

1. The Competition Authority of Kenya has approved the acquisition of 100% control of Mpala Wildlife Foundation Inc. and Mpala Ranch Limited by the Trustees of Princeton University unconditionally.
2. Princeton University (Princeton), the acquirer, is a private educational institution based in New Jersey, United States of America, offering undergraduate and graduate instruction in the humanities, social sciences, natural sciences and engineering. The University is run by a board of trustees
3. Princeton's subsidiary, Mpala Research Center, a non-governmental organization, partners with the Kenya Wildlife Services, National Museum of Kenya, and Smithsonian Institute to provide interdisciplinary research and training programmes in ecology, evolution, geology and resource management to scientists. The Center also sponsors the conservation clubs in primary and secondary schools based in Laikipia County.
4. The acquirer, an NGO, does not generate turnover not have assets in Kenya.
5. Mpala Wildlife Foundation (MWF), the first target, is registered in Maryland, USA. MWF does have not have operations in Kenya apart from leased land. Mpala Ranch Limited (MRL), the second target, is incorporated in Kenya with MWF as its main shareholder. MRL offers wildlife management and conservancy services in Laikipia County. It has also leased land in the same County.
6. The proposed transaction involves the acquisition of 100% control of MWF and MRL by the Trustees of Princeton University. The transaction therefore qualified as a merger within the meaning of Section 2 and 41 of the Competition Act No. 12 of 2010.



7. The parties' combined assets for the preceding year was **over Sh1 billion**. The transaction therefore met the threshold for mandatory notification and full merger analysis as provided in the **Competition (General) Rules, 2019**.
8. The merging parties' offer overlapping services in-terms of wildlife management and, therefore, for purposes of analyzing the proposed transaction, the relevant product market was determined to be the market for wildlife management services.
9. The parties' activities are restricted to Laikipia County and, therefore, the relevant geographical market was determined to be regional with respect to Laikipia County and its environs.
10. Data from Partners for Conservation indicates that there are various partners involved in conservation of wildlife in Laikipia, These include; Mt. Kenya Ewaso Water Partnership, Laikipia Tourism Association, Ewaso Maji Users Sacco, Laikipia County Natural Resources Network, Oramat Lenaboisho and the Iimamusi Mukogodo Forest Association.
11. Other organizations involved in wildlife conservancy in the areas are; Turkana Basin Institute, Ol Pejeta Conservancy, Loishaba Conservancy, Laikipia Nature Conservancy, Mugie Ol Lentille Lewa, Borana Conservancy, II Ngwesi, Lekurruki, Solio, Ol Ari Nyiro and Segera Conservancies.
12. The National Wildlife Strategy 2030 recognizes the need to establish County Wildlife Conservation and Compensation Committees. This was in recognition of the need of public-private partnerships in wildlife management and conservation in order better conserve the country's wildlife and reduce human-wildlife conflict.
13. Based on the foregoing, the Authority is of the view that the transaction stands to complement ongoing efforts by the target firms to achieve the aforementioned targets through research, resources and training services which are offered by the acquirer.
14. The Authority is of the view that the proposed transaction, if approved, will not result in a change in the market concentration or structure since the acquirer does not undertake any commercial activities in Kenya. Therefore, the proposed transaction is not likely to



occasion a lessening or prevention of competition in the market for wildlife management services in Laikipia County and its environs.

15. During merger analysis, the Authority also considers the impact that a proposed transaction will have on public interest. The public interest concerns considerations include;
  - i. extent to which a proposed merger would impact employment opportunities;
  - ii. impact on competitiveness of small and medium enterprises (SMEs);
  - iii. impact on particular industries/sectors; and
  - iv. impact on the ability of national industries to compete in international markets.
  
16. With regard to employment, the targets are being acquired on a going concern basis and the acquirer has indicated to the Authority does it does not plan to retrench any of the current employees as a result of the proposed transaction.
  
17. In addition, the parties have indicated that the proposed transaction will not negatively impact the competitiveness of Small and Medium-sized Enterprises (SMEs) with whom the parties interact with. The proposed transaction is therefore unlikely to raise any negative public interest issues.
  
18. Based on the foregoing, the Authority approved the acquisition of 100% control of Mpala Wildlife Foundation Inc. and Mpala Ranch Limited by the Trustees of Princeton University unconditionally.