



**REPUBLIC OF KENYA**

**MINISTRY OF ENVIRONMENT, WATER AND NATURAL RESOURCES**

**THE NATIONAL WILDLIFE CONSERVATION AND MANAGEMENT POLICY**

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**2013**

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## **ACRONYMS**

ABS	Access and Benefit Sharing
CBD	Convention on Biological Diversity
CBO	Community Based Organisation
CCA	Community Conserved Area
CCEPA	Communication, Conservation Education and Public Awareness
CITES	Convention on International Trade of Endangered Species
CMS	Convention on Migratory Species
EAC	East African Community
EIA	Environment Impact Assessment
EMCA	Environmental Management and Coordination Act
EMP	Ecosystem Management Plan
GDP	Gross Domestic Product
GoK	Government of Kenya
GMO	Genetically Modified Organisms
HWC	Human Wildlife Conflict
ICZM	Integrated Coastal Zone Management
KFS	Kenya Forest Service
KIE	Kenya Institute of Education
KNEC	Kenya National Examinations Council
KWS	Kenya Wildlife Service
KWSTI	Kenya Wildlife Service Training Institute
MEA	Multilateral Environmental Agreement
M&E	Monitoring and Evaluation
MF&W	Ministry of Forestry and Wildlife
MoU	Memorandum of Understanding
MPA	Marine Protected Area
NEC	National Environment Council
NEMA	National Environment Management Authority
NEPAD	New Partnership for Africa's Development
NET	National Environment Tribunal
NGO	Non-Governmental Organization
NSC	National Steering Committee
UNESCO	United Nations Educational, Scientific and Cultural Organization
WCF	Wildlife Compensation Fund
WCMD	Wildlife Conservation and Management Department
WRMA	Water Resources Management Authority
WTF	Wildlife Trust Fund

## **1.0 INTRODUCTION**

Kenya has some of the finest populations of wildlife and birdlife in Africa, from charismatic species such as elephants and rhinos to small antelopes, fish and insects. Its habitats and ecosystems are equally varied and abundant. These natural endowments represent Kenya's biological diversity and play a significant role in the development and growth of the national economy through nature based tourism. On the other hand, wildlife habitats in Kenya also serve as the key watershed protection areas in the country.

Kenya is world famous for this rich biodiversity, which when combined with beaches of the Kenya coast, define Kenya's global advantage, especially in the tourism sector. One of the country's most important national goals therefore is to conserve its biodiversity – the entire range of indigenous animals, plants, habitats and ecosystems.

This policy is aimed at developing a solid foundation to secure wildlife and organise the wildlife sector. The main emphasis of this policy will be on finding means to secure optimum returns from the wildlife resource and to ensure equitable sharing of the accruing benefits, consistent with the aims of the Convention on Biological Diversity and with the obligations of the Constitution.

The maintenance of national parks and reserves for the protection of representative ecosystems and species will continue to be the cornerstone of Kenya's conservation strategy, while the establishment of sanctuaries and conservation areas on private and community lands will be promoted to the largest extent possible.

### **1.1 BACKGROUND**

- 1.1.1 Kenya is rich in natural resources, including a vast array of wildlife. Because of its species' richness, endemism and ecosystem diversity, under the Convention on Biological Diversity Kenya is categorized as a mega-diverse country.
- 1.1.2 Combined factors make Kenya rich biologically. These include variability in climate, topography, diversity in ecosystems and habitats ranging from mountain ranges to semi-arid and arid areas to marine and freshwater. Each of these ecosystems requires different conservation priorities and measures.
- 1.1.3 Kenya's wildlife is one of the richest and most diversified in Africa with several of its protected areas and wetlands being internationally recognised and protected as World Heritage Sites, RAMSAR sites and Man and Biosphere Reserves. Kenya's wildlife resource also constitutes a unique natural heritage that is of great importance both nationally and globally.
- 1.1.4 Wildlife resources contribute directly and indirectly to the local and national economy through revenue generation and wealth creation. For example, in the year ending 30<sup>th</sup> June 2006, wildlife accounted for 70% of the gross tourism earnings, 25% of the Gross Domestic Product (GDP) and more than 10% of total formal sector employment. In addition, wildlife resources provide important environmental goods and services for the livelihood of the people and productive sectors.

- 1.1.5 Wildlife also plays critical ecological functions that are important for the interconnected web of life supporting systems. Significantly, Kenya's major water towers are found in wildlife-protected areas. Wildlife also has socio-cultural and aesthetic values. Indeed any adverse impacts on the ecosystem can dramatically and negatively alter humans' capacity to survive.
- 1.1.6 Kenya's wildlife is increasingly under threat and consequently opportunities are being lost for it to positively contribute to economic growth, wealth creation and increased employment. Much of this wildlife occurs outside the protected areas on lands owned by communities. So far communities consider the presence of wildlife on their land as a burden rather than an opportunity for gaining benefits.

## **1.2 HISTORICAL PERSPECTIVE**

- 1.2.1 Some Kenyan communities have lived amongst, and used, wildlife resources since time immemorial without formal policy and legislation. These communities ensured conservation of the wildlife resource through cultural and social bonds, and traditional practices. Sacred beliefs centred on certain wildlife species ensured that conservation principles became part of their way of life.
- 1.2.2 Wildlife conservation, as we know it today, dates back to 1898 when law controlling hunting was first enacted immediately after Kenya became a British Protectorate. These laws regulated hunting, hunting methods and trade in wildlife with some endangered species being fully protected.
- 1.2.3 In 1907 the British Government established the Game Department to administer the Game Reserves, enforce the hunting regulations and protect settler farmer communities' property and crops from wildlife. In 1945 the Royal National Parks of Kenya Ordinance was promulgated to provide for the establishment of national parks.
- 1.2.4 The first wildlife policy in Kenya was the "Sessional Paper No. 3 of 1975 entitled *"A Statement on Future Wildlife Management Policy in Kenya."* In 1976, the Wildlife (Conservation and Management) Act was enacted to give effect to the Policy.

## **1.3 EXISTING POLICY AND LEGISLATION**

- 1.3.1 Kenya's wildlife policy is embodied in the Sessional Paper No. 3 of 1975 entitled *"A Statement on Future Wildlife Management Policy in Kenya"*. This Policy was a radical departure from the previous approach to wildlife conservation, which emphasized protected areas. The key elements of this Policy may be summarized as follows:
- (a) It identified the primary goal of wildlife conservation as the optimization of returns from wildlife defined broadly to include aesthetic, cultural, scientific and economic gains, taking into account the income from other land uses;
  - (b) It pointed out the need to identify and implement compatible land uses and fair distribution of benefits derived from wildlife including from both non-consumptive and consumptive uses of wildlife;

- (c) It underscored the need for an integrated approach to wildlife conservation and management in order to minimize human–wildlife conflicts; and
- (d) The government assumed the responsibility of paying compensation for damages caused by wildlife.

1.3.2 The Wildlife (Conservation and Management) Act of 1976 was enacted to provide a legal and institutional framework for the implementation of the Policy. This Act amalgamated the then Game Department and the Kenya National Parks to form a single agency, the Wildlife Conservation and Management Department (WCMD), to manage wildlife. Subsequently, in 1989 through an Amendment of the Act, KWS was established to replace WCMD.

1.3.3 The Policy and Act, among others, succeeded in:

- (a) Enhancing wildlife conservation in the country;
- (b) Significantly reducing wildlife poaching especially of endangered species such as elephants and rhinos;
- (c) Establishing a unitary institution, the Kenya Wildlife Service (KWS), to be responsible for wildlife conservation and management countrywide; and
- (d) Establishing the Kenya Wildlife Service Training Institute (KWSTI) that continues to play an important role in human capacity development.

1.3.4 The Policy and Act did not adequately:

- (a) Reduce the conflict between people and wildlife;
- (b) Achieve the desired goal of adopting an integrated approach to wildlife management;
- (c) Achieve the desired goal of mainstreaming the needs and aspirations of landowners and communities in wildlife areas into wildlife conservation planning and decision making processes;
- (d) Achieve greater protection or conservation of wildlife within the protected and outside protected areas;
- (e) Achieve the desired goal of putting in place a regulatory framework for wildlife utilisation;
- (f) Achieve the desired goal of analysis and application of research data in the management of wildlife resources; and
- (g) Put into place mechanisms to monitor and ensure the implementation of the Policy and law.

1.3.5 These inadequacies have contributed to the current threats and challenges facing wildlife conservation in Kenya.

## **1.4 THE NEED FOR A NEW WILDLIFE POLICY AND LAW**

1.4.1 Factors that have raised the need for a new Wildlife Policy and Law include:

- (a) Lack of a comprehensive wildlife policy and law in light of changed circumstances;

- (b) Rapid change of tenure and land use in wildlife rangelands from communal to private ownership, associated land subdivision, fencing and conversion for other uses particularly agriculture, infrastructure and urban development;
- (c) Perverse economic incentives especially in the agricultural sector which adversely affects wildlife conservation and management initiatives;
- (d) Institutional governance that has not integrated various stakeholders in the wildlife conservation and management;
- (e) Increased human-wildlife conflicts and inadequate compensation;
- (f) The need for decentralization and devolution of wildlife management to the lowest level possible and enlist the participation of the private sector, non-governmental organizations (NGOs), community based organizations (CBOs) and other non-state actors;
- (g) Marked decline in wildlife numbers and loss of biodiversity;
- (h) Inadequate research capacity and absence of reliable and up to date data on wildlife; and
- (i) The need to define wildlife.

## **1.5 THE WILDLIFE POLICY FORMULATION PROCESS**

1.5.1 This policy has been formulated with the full participation of the public as required by law and in tandem with the aspirations, letter and spirit of the Constitution.

## **2.0 GOAL**

### **2.0 GOAL**

The goal of this Policy is to create an enabling environment for the conservation in perpetuity, Kenya's rich diversity of species, habitats and ecosystems for the well being of its people and the global community in accordance with the Constitution.

## **3.0 GUIDING PRINCIPLES**

### **3.1 GUIDING PRINCIPLES**

The following guiding principles will underpin this Policy:

- (a) Wildlife conservation and management will be devolved, wherever possible and appropriate to those owners and managers of land where wildlife occurs
- (b) Conservation and management of wildlife shall entail effective public participation.
- (c) Wildlife conservation and management shall be encouraged and recognized as a form of land use on public, community and private land. In exercising that form

of land use, benefits shall be derived by the land user in order to offset costs and to ensure the value and management of wildlife do not decline

- (d) Wildlife conservation and management shall be exercised in accordance with the principles of sustainable utilization to meet the benefits of present and future generations.
- (e) The Precautionary Principle shall be used where there is no certainty of the outcome of the intervention and there is a risk that credible threats of serious or irreversible damage to key wildlife resources is possible.
- (f) Benefits accruing from wildlife conservation and management shall be enjoyed and equitably shared by the people of Kenya.
- (g) An integrated ecosystem approach to conserving wildlife resources will, wherever possible be adopted and enhanced to ensure that as much as possible all ecosystems are managed in an integrated manner while also providing a range of benefits to people. Lack of full scientific certainty will not be used as a reason for postponing cost-effective measures to prevent ecosystem degradation.
- (h) The provisions of this policy with respect to full representation shall take cognisance of the requirement of the Constitution in respect of public participation by and involvement of all sections of society, including gender, gender equality, the youth, marginalised and disadvantaged groups and communities as well as persons living with disabilities.
- (i) Good corporate governance principles, rule of law, effective institutions, transparency and accountability, respect for human rights and the meaningful participation of citizens will be integrated in wildlife conservation and management.
- (j) The provisions of this policy shall be applied in conformity with the Constitution of Kenya.

#### **4.0 SCOPE OF THE POLICY**

The policy makes provision for an overarching framework for the prudent and sustainable conservation, protection and management of wildlife and wildlife resources in Kenya, with incidental provision on access and the fair and equitable distribution of benefits accruing there-from, and its alignment with other sectoral laws and the environment policy.

#### **5.0 STATUS OF WILDLIFE**

The current situation in regard to the status of wildlife can be summarised as follows:

The main approach to wildlife conservation so far has been to have a network of protected areas. These protected areas represent less than 20% of Kenya's land surface but that does not in itself reveal that at least 60% of the country's wildlife occurs outside the protected area network. Nor does it reveal that some major ecosystems containing the biodiversity richness and variety that we should maintain in order to sustain our economic development through the tourism sector are not covered by any protection. Examples are the semi arid lands of North Eastern Kenya; the Tana Delta, which probably Kenya's most important wetland; and the coastal and marine zone north of Lamu and some of Lake Victoria's wetland areas. Furthermore the protected areas face serious degradation through over development in the absence of approved management plans and constant encroachment pressures, yet for our wildlife resources to sustain our economic growth, we need to consider the need to sustain this resource through the provision of corridors and dispersal areas, which are currently lacking.

If we turn to the wildlife occurring outside protected areas, then we face large mammal population with significant declines over the last 10 years. Yet the majority of the populations live on private and community land with no incentives for those land managers to enjoy user rights and benefit from such rights so that we form partnerships that ensure the decline are stabilised and reversed, as well as improving locally based livelihoods. These declines have led to an increasing number of important species receiving an endangered or threatened status and if this is not reversed, it will in all likelihood see out tourists go elsewhere.

This current status is not helped by growing human populations, much of it still rural, and often living in extreme poverty. The lack of any formal land use planning which underpins how best to develop our economy and our development, is also noticeable by its absence. This resume of our current status emphasise why there is a need to reform the policy and legislation in order to create the circumstances which will allow our wildlife to flourish whilst bringing social and economic benefits to the rural communities, who live with wildlife and usually suffer the costs of such cohabitation. The Constitution makes this reform mandatory.

## **6.0 CHALLENGES AND IMPEDIMENTS**

### **6.1 CHALLENGES AND IMPEDIMENTS TO WILDLIFE CONSERVATION AND MANAGEMENT**

**6.1.1 *Biological diversity:*** One of the major challenges facing Kenya is the loss of biological diversity. Land use changes favouring agriculture and rural and urban development have led to the reduction and modification of wild areas, resulting in the extinction of or threat of extinction to wildlife species and natural areas which serve as its habitat.

**6.1.2 *Land use:*** Land is one of the most important resources in Kenya as it is the base upon which activities like agriculture, wildlife conservation, urban development, human settlement and infrastructure are carried out. This has been exacerbated by lack of a national land use policy and planning. Consequently, there have been remarkable land use changes over the years. These land use changes particularly agriculture and rural and urban developments have led to fragmentation and disruption of traditional wildlife movements and migrations..

- 6.1.3 *Destruction of wildlife habitats:* Wildlife habitats provide an important resource base for rural people's livelihoods. However, rapidly increasing populations, poverty, demand for fuel wood and other complex socio-economic factors have put enormous pressure on the scarce productive lands forcing large segments of the rural poor to resort to poor land use practices. Poor cultivation methods, deforestation, charcoal burning and overgrazing, are some of the main factors causing severe wildlife habitat degradation.
- 6.1.4 *Insecurity:* Insecurity in most of the wildlife areas is a serious threat and challenge to wildlife conservation and management efforts. The security relates to both the protection of wildlife, communities living in those areas and visitors. This situation has been exacerbated by the state of insecurity in the neighbouring countries which has led to the proliferation of small arms in the region.
- 6.1.5 *Insecure tenure to land and illegal allocation:* Insecure tenure to land in some of the wildlife conservation areas has contributed to the general apathy by the local community towards wildlife. In other areas, unclarified tenure has increasingly become a critical issue. These have resulted in the increased animosity between the national wildlife agency and communities. Furthermore, local authorities who hold parcels of land in trust for the residents have also abused the trusteeship through illegal allocation and change of user. These changes have had negative impacts on wildlife conservation and management in such areas.
- 6.1.6 *Inadequate Incentives:* Wildlife resources are found both within and outside protected areas. Whereas protected areas have been set aside for purposes of wildlife conservation, areas outside protected areas which serve as dispersal areas are communally or individually owned. Currently there are inadequate incentives to motivate communities and land owners to adopt land use practices that are compatible with wildlife conservation and management. Indeed, the situation is aggravated by the existence of incentives in other sectoral policies that distort land use decisions.
- 6.1.7 *Protected area management:* Many wildlife protected areas were established without due consideration of ecological sustainability. This is leading to the growing ecological isolation of protected areas, brought about by land use changes and erection of fences on protected area boundaries. This results in a shift from open ecosystem to closed ecosystem management, with a reduction in the viability of the ecosystem of the protected areas as well as incurring higher management costs.
- 6.1.8 *Lack of partnerships:* There are limited partnerships between communities living adjacent to protected areas with park management authorities. Yet in many instances the wildlife in the protected areas seasonally disperse into adjacent lands. The consequence of this has been conflict over resource use rather than a harmonized approach derived from partnerships and benefit sharing.
- 6.1.9 *Management Plans:* The lack of comprehensive integrated management plans and lethargy in formalizing and implementing them where they exist is a major challenge for wildlife conservation and management. This can be attributed to the non-participatory manner in which these plans have been developed, inadequate

resources for their implementation and lack of a monitoring framework for the implementation of these management plans.

*6.1.10 Management effectiveness assessment and prioritisation:* Given the enormous and competing social challenges such as poverty, health care and education, wildlife conservation and management receives fewer resources, yet its scope is wide. Efficient and effective wildlife conservation and management requires regular assessments and strategic actions aimed at addressing wildlife priority issues.

*6.1.11 Inadequate accurate scientific data:* Accurate scientific information on wildlife resources is critical for informed decision making by the wildlife managers and other stakeholders. Yet, investment in long-term studies of wildlife ecosystems and the maintenance of long-term wildlife data sets have been inadequate. This has impaired understanding of the ecosystem principles and rational decision. In addition, lack of linkages between research institutions, universities and the relevant wildlife agencies continues to pose a challenge.

*6.1.12 Illegal and unsustainable off-take of wildlife and bush meat trade:* Inadequate law enforcement, ineffective regulatory mechanisms, low penalties, lucrative markets for bush meat and rising poverty indices have contributed to escalating illegal taking of wildlife, illegal international wildlife trade and bush meat trade.

*6.1.13 Human Wildlife Conflict and Compensation:* Increasing human-wildlife conflict (HWC) is a major problem in wildlife areas. Acute water shortage and inadequate dry season pasture has severely affected wildlife, livestock and humans. As competition for the available resources continues, there have been rising levels of human wildlife conflicts. In addition to climate variability, increased HWCs have been attributed to extending human activities in areas originally preserved for wildlife. Currently, compensation is paid by the government. The amounts payable, which relate to human injury and death, are very low and there is no compensation for wildlife damage to crops, livestock and property. In addition, the bureaucratic process followed before payment of compensation disadvantages a large majority of the rural poor.

*6.1.14 Pollution:* Pollution by human activities continues to cause drastic modifications of wildlife habitats. The introduction of solid wastes and other pollutants into water and land intentionally or accidentally negatively affects wildlife populations causing death or their impairment.

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*6.1.15 Biopiracy:* Biopiracy of genetic materials, soil micro-organisms, animals, and indigenous knowledge identified, developed and used by local communities is both a threat and a challenge to wildlife conservation and management.

*6.1.16 Climate change:* Globally, the climate is changing resulting in direct physiological impacts on individual species, changes in abiotic factors, changed opportunities for reproduction and recruitment and altered interactions among species. Climate change may also produce more conducive conditions for the establishment and spread of invasive species, as well as change the suitability of microclimates for native species and the nature of interactions among native communities. There is inadequate data on the impacts of climate change on biodiversity.

6.1.17 *Conservation of shared wildlife resources:* Habitat requirements for wildlife species are critical for their survival and reproduction. Most wildlife species have evolved and adapted to large home ranges, some of which straddle the boundaries of two or more countries. This affects their life cycle and migration raising the need to promote a harmonized approach to the conservation and management of shared wildlife resources.

6.1.18 *Invasive alien species:* Invasive alien species are a major threat to wildlife resources particularly in arid and semi arid areas and aquatic ecosystems. Invasive alien species can transform the structure and species' composition of ecosystems by repressing or excluding native species, either directly (out-competing them) or indirectly (changing the way nutrients are cycled through the system). The control of these invasive species is a major management challenge, often involving very high environmental and financial costs.

## **7.0 GOVERNANCE IN THE WILDLIFE SECTOR**

### **(a) Legal Reforms**

The sector is currently governed within the framework of the provisions of the Wildlife (Conservation and Management) Act, Cap 376 (as amended 1989), as derived from Sessional Paper No. 3 of 1975. The policy aims to make the Act responsive to the provisions of the framework law, the Environmental Management and Co-ordination Act, 1999. The policy further aims to align itself with the provisions of the Constitution of Kenya 2010, in fulfilment of the demands of the wider sectoral review and government reform agenda. There is therefore need for an overhaul of the current policy, legislative and institutional framework reform agenda.

### **(b) Institutional Reforms**

The sector is currently managed under the Kenya Wildlife Service auspices, co-ordinated by the Ministry of Forestry and Wildlife. There is therefore need to inject institutional reforms within the current set up in order to conform with the government policy, legislative and institutional reform agenda.

## **8.0 OBJECTIVES AND STRATEGIES**

### **8.0. POLICY OBJECTIVES**

The Objectives of the Policy are:

Objective 1; To create appropriate institutional, legal and attendant mechanisms for wildlife conservation, management and connected purposes throughout the country.

The Government undertakes to:

- |   |
|---|
| 1. Put in place a comprehensive wildlife law on the conservation and management of wildlife to implement this Policy. |
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2. Incorporate or domesticate the provisions of the relevant wildlife related Multi-lateral Environment Agreements ( MEAs) to which Kenya is a Party.
3. Ensure that this Policy and enabling legislation is reviewed regularly in order to make it in tandem with emerging wildlife conservation and management issues.
4. Establish a Wildlife Directorate at the Cabinet Department responsible for wildlife to have the oversight role in wildlife policy formulation and to monitor the implementation of the Policy.
5. Establish County Wildlife Conservation Committees responsible for enabling the conservation and management of wildlife.
6. Restructure and strengthen KWS as the designated lead agency responsible for the implementation of wildlife policy and law.
7. Promote participation of the private sector in wildlife conservation and management through leases or contractual arrangements with management plans and performance indicators forming part of such contractual arrangements
8. Establish and support devolved wildlife management structures, having regard to the different land tenure regimes .
9. Support and coordinate wildlife research activities and strengthen the capacity for undertaking relevant research.
10. Enhance the use of indigenous knowledge in the conservation and management of wildlife.
11. Develop and implement a Wildlife Disease Management and Monitoring Strategy.
12. Coordinate and strengthen wildlife security in wildlife conservation areas in collaboration with all relevant stakeholders.
13. Develop capacity for wildlife conservation and management through education and training.

Objective 2: To secure, facilitate and sustain access by communities to the skills and services provided by KWS from national to the lowest level of conservation and management of wildlife

The Government undertakes to:

1. Build the capacity of local communities, county wildlife conservation committees and registered wildlife associations to manage and conserve wildlife, including the management of problem animals and the minimization of damage to crops, livestock, property and loss of human life.
2. Promote and implement land use zoning to minimize human/wildlife conflict.
3. Erect and maintain game barriers and other approved deterrent measures to minimize human/wildlife conflict.
4. Develop and disseminate information and guidelines on problem animal control.
6. Regularly compile baseline information on damage occasioned by wildlife for human injury and loss of life, .crops, livestock and property.
7. Develop and implement effective mechanisms for prompt and adequate compensation for human injury and loss of life, and damage to crops, livestock and property.

Objective 3: To ensure the sustainable conservation and management of wildlife and their habitats in all protected areas.

The Government undertakes to:

1. Strengthen the ecological network of terrestrial national parks through designation of buffer zones and robust linking zones such as wildlife migratory corridors and dispersal areas.
2. Rationalize, maintain and develop the existing Protected Area System and, where appropriate, establish new Protected Areas with all relevant stakeholder involvement.
3. Develop, gazette and implement approved management plans, through participatory processes, as the basis for the management of Protected Areas.
4. Establish collaborative management arrangements and joint ventures that enhance local community and private sector involvement in the management of Protected Areas.
5. Develop an effective mechanism for sharing benefits including revenue with communities living adjacent to Protected Areas.
6. Establish clear and easily recognizable boundary markers of Protected Areas, which are monitored and controlled.
7. Develop a Marine Protected Area Strategy in line with the national and international integrated coastal zone management (ICZM) strategy.
8. Protect, maintain and restore marine species, habitats and ecosystems of national and international importance, including islands within marine protected areas.
9. Promote closer regional cooperation in the conservation and management of migratory species of conservation importance.

Objective 4: To ensure the sustainable conservation and management of wildlife and their habitats outside of protected areas

The Government undertakes to:

1. Support landowners and communities to set aside wildlife conservation areas and sanctuaries.
2. Support the development and implementation of approved management plans through participatory processes.
3. Develop standards and performance measures that guide wildlife conservation area and sanctuary management.
4. Provide adequate incentives to support landowners, local communities and other stakeholders to invest in wildlife conservation and management.
5. Support conservation education, public awareness and capacity building, in order to foster wildlife conservation and change of attitudes amongst local communities, schools and other interested groups.
6. Ensure good governance in the management of wildlife conservation areas and sanctuaries, which comprise of the rule of law, effective structures, transparency and accountability.

Objective 5: To conserve and manage wildlife resources as a national endowment for sustainable development, wealth creation and employment

The Government undertakes to:

1. Mainstream wildlife conservation into the national land use system.
2. Provide economic incentives to induce or promote sustainable wildlife conservation and management.
3. Adopt an ecosystem-based management approach to wildlife conservation and management within and outside protected areas in order to achieve ecological and economic viability.
4. Identify, manage and protect important wildlife ecosystems and unique landscapes in collaboration with other stakeholders.
5. Establish systems for monitoring wildlife ecosystems and set up contingency plans to respond to emerging and changing circumstances, such as climate change.
6. Identify, designate and protect linkage zones between isolated habitats, particularly wildlife migratory routes, corridors and dispersal areas through participatory processes and innovative schemes such as leases, covenants, easements and management agreements.
7. Do Strategic Environment Assessments (SEA) to guide sustainable development and to minimize negative impacts on wildlife species, habitats and ecosystems
8. Develop and implement detailed species management strategies and plans for keystone and indicator species.
9. Establish and regularly update an effective framework for identifying and listing endangered and threatened species.
10. Develop recovery plans for the conservation and survival of endangered and threatened species.
11. Develop an effective mechanism for designating critical habitats concurrently with listing of species of conservation concern.
12. Develop measures for the conservation and management of wildlife species whose ranges are shared with neighbouring countries.
13. Employ ex-situ conservation for species where this option is deemed necessary.
14. Put in place mechanisms to identify, control and eradicate invasive alien species in collaboration with relevant lead agencies.
15. Regulate the introduction of exotic species and the re-introduction of such species including genetically modified organisms (GMOs) that threaten wildlife conservation and the management of protected areas.
16. Regulate the selling, donation and/or gifts of wildlife to or from any country
17. Support and assist implementation of a comprehensive National Wetlands Conservation and Management Policy and the preparation of management plans through a participatory process.
18. Map wetland areas that are significant wildlife habitats countrywide.
19. Support the conservation and rehabilitation of forests and other water catchment areas that are significant wildlife habitats.
20. Identify and map bioprospecting potential in wildlife conservation areas.
21. Regulate and sustainably manage bioprospecting and the collection of biological resources from wildlife conservation areas.
22. Ensure that bioprospecting in protected areas is governed by Access and Benefit Sharing (ABS) requirements established in accordance with the applicable law, the Convention on Biological Diversity, the Cartagena Protocol on Biosafety and the Bonn Guidelines.
23. Ensure that benefits arising from access to genetic resources such as intellectual property rights, traditional knowledge and technology are shared equitably.

Objective 6: To ensure that wildlife user rights and the benefits accruing from wildlife user rights are equitably shared in a just and fair manner.

The Government undertakes to:

1. Identify and prioritise viable wildlife user rights and put in place appropriate legal and institutional framework to regulate wildlife user rights.
2. Promote, as appropriate, the processing and marketing of wildlife products locally.
3. Put in place clear guidelines and procedures for the disposal and audit of trophies.
4. Regulate international trade in wildlife and its products in cooperation with international law enforcement agencies in accordance with the applicable Kenyan laws and international instruments.
5. Encourage diversification of the tourism product into new areas in order to reduce pressure on wildlife resources and maximize economic benefits.

Objective 7: To ensure public participation in the conservation, protection and management of wildlife, the environment, land use and its integration in overall national planning and development

The Government undertakes to:

1. Strengthen and support development of the wildlife conservation education and public awareness initiatives.
2. Develop and implement a national wildlife conservation education curriculum.
3. Promote the use of indigenous knowledge in the conservation and management of wildlife resources.
4. Gather, compile and facilitate access to publications and other information relevant to Kenya's wildlife conservation and management.
5. Build the capacity of county wildlife conservation committees and community wildlife associations to deliver educational programmes.
6. Develop a national website on wildlife conservation.

Objective 8: To forge local, national, regional and global partnerships, *inter alia*, for the better conservation and management of wildlife resources. and enhancing transfer of technology and methodology

The Government undertakes to:

1. Ensure cross-sectoral and inter-sectoral coordination and integration, as appropriate.

2. Promote the development and implementation of legal instruments such as Memoranda of Understanding (MoU) between the KWS or other decentralized wildlife management entities and relevant lead agencies such as Kenya Forest Service, Water Resources Management Authority and KENGEN.
3. Ensure close collaboration with the National Land Commission.
4. Promote private sector and civil society participation in wildlife conservation planning, implementation and decision-making.
5. Promote partnerships between local communities and private sector in viable wildlife-based enterprises to enhance income generation and improvement of livelihood in the rural areas.
8. Promote the establishment of trans-boundary and/or trans-frontier wildlife conservation areas as a basis of enhancing the conservation of shared wildlife resources and their ecosystems through relevant regional instruments.
9. Honour the obligations relating to wildlife-related MEAs to which Kenya is a Party.

## **9.0 IMPLEMENTATION STRATEGY AND STAKEHOLDER ROLES**

The Government will develop an Implementation Plan for this Policy, involving a range of both Government and non State Actors in order to define the various roles and responsibilities. Developing this Plan will provide an important step towards ensuring that the actions outlined in the Policy are addressed systematically and effectively.

The Implementation Plan will also emphasise performance measures for the actions and initiatives outlined in the Policy, which can then be used to gauge the overall progress towards effective and efficient wildlife conservation and management in Kenya.

## **GLOSSARY OF TERMS**

Aircraft means any type of aero plane, airship, balloon or kite, whether captive, navigable or free, and whether controlled or directed by human agency or not.

Alien species means a species that is not indigenous to Kenya, or an indigenous species trans-located to a place outside its natural distribution range in nature and which in its natural habitat is usually found in nature.

Animal means any species or the young or egg thereof, but does not include a human being or any animal which is commonly considered to be a domestic animal or the young or egg thereof

Authorized Officer means a member of, the Service, a forest officer, a fisheries officer, a police officer, a customs officer, an administrative officer, or any person so designated under this Act.

Biodiversity means the variability among living organisms from all sources including ecosystems and the ecological complexes of which they are a part, compassing ecosystem, species and genetic diversity.

Bio-piracy means the expropriation of biological resources without fair compensation or sharing of benefits.

Cabinet Secretary means the Cabinet Secretary for the time being responsible for matters relating to wildlife.

Capture includes any act immediately directed at the taking alive of wildlife or the taking of nests, eggs or young of any wildlife

Community means a group of individuals or families who share a common heritage, interest, or stake in unidentifiable land, land based resources or benefits that may derived therefrom

Community wildlife association refers to an association established under the provisions of this Act;

Community wildlife scout means a person appointed as such under this Act.

Competent authority means:

- (a) in relation to public land, the National Land Commission
- (b) in relation to any other land, the owner thereof or the person for the time being entitled to the use, rents and profits thereof;

Conservation Order means a wildlife conservation order issued under this Act.

Corridors means areas used by wild animals when migrating from one part of the ecosystem to another periodically in search of basic requirements such as water, food, space and habitat.

County wildlife compensation committee refers to the committee established under the provisions of this Act.

Cropping means harvesting of wildlife for a range of products.

Culling means selective removal of wildlife based on ecological scientific principles for management purposes.

Dealer means any person who, in the ordinary course of any business or trade carried on by him, whether on his own behalf or on behalf of any other person-

(a)sells, purchases, barter or otherwise in any manner deals with any trophy;

or

(b)cuts, carves, polishes, preserves, cleans, mounts or otherwise prepares any trophy; or

(c)transports or conveys any trophy.

Department means the Cabinet Department for the time being responsible for matters relating to wildlife.

Devolution means the transfer of rights, authority and responsibilities by the national wildlife agencies to the local delimited geographic and functional domains.

Director means the Director of the Service appointed under the provisions of this Act.

Directorate means the Directorate of Wildlife Conservation established under the provisions of this Act.

Dispersal areas means areas adjacent to or surrounding protected and wildlife conservancies and sanctuaries into which wild animals move during some periods of the year.

Domestic animal means any dog, sheep, pig, goat, cow, cat, Guinea pig, donkey, horse, camel, European Rabbit, bull, cow, ox, ram, camel, or the young of such an animal.

Domestic bird means any chicken, duck, goose, turkey, or rock pigeon, or the eggs or young thereof.

Ecosystem means a dynamic complex of plant, animal, micro-organism communities and their non-living environment interacting as a functional unit.

Endangered ecosystem means an ecosystem of exceptional biodiversity value or a habitat of endangered or endemic species which has undergone severe degradation.

Endangered species means any wildlife specified in the Fourth Schedule of this Act or declared as such by any other written law or any wildlife specified in Appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Endemic species means species of plants and animals that are found in Kenya and nowhere else in the world or species that are found in only one locality in Kenya and nowhere else in the country.

Environment Impact Assessment has the meaning assigned to it under the Environmental Management and Co-ordination Act No. 8 of 1999.

Ex-situ conservation means conservation outside the natural ecosystem and habitat of the biological organism.

Firearm means a lethal barreled weapon of any description from which any shot, bullet or other missile can be discharged or which can be adapted for the discharge of any shot, bullet or other missile, and any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing, and

includes the barrel, bolt and chamber, and any other essential component part, of the weapon.

Forest officer has the meaning assigned to it under the Forests Act, 2005

Game farming refers to the rearing of wildlife in an enclosed and controlled environment for wildlife conservation, trade and recreation.

Game ranching means the keeping of wildlife under natural extensive conditions with the intention of engaging into wildlife conservation, recreation and trade.

Government trophy means a trophy declared to be a Government trophy by under the provisions of this Act.

Habitat means a place or site where wildlife naturally occurs and which provides food, cover and water on which wildlife depend directly or indirectly.

Harvesting means the felling, trimming, docking, splitting, debarking, extracting or uprooting of any plant or plant substance.

Hazardous substance means any chemical, waste, gas, medicine, drug, plant, animal or microorganism which is likely to be injurious to human health or the environment.

Honorary Warden refers to a honorary warden appointed by the Cabinet Secretary under the provisions of this Act;

Hunt means and includes:

(a) to kill, injure, shoot at or to follow.

(b) willfully disturb or molest by any method.

(c) lie in wait for, or search for, with intent to kill, injure or shoot at, molest a nest or eggs of any wild animal.

In-situ conservation means conservation within the natural ecosystem and habitat of the biological organism.

Inter-generational equity means that the present generation should ensure that in exercising its right to beneficial use of wildlife resources, they are maintained or enhanced for the benefit of future generations.

Intra-generational equity means the right of the people within the present generation to benefit equitably from the exploitation of wildlife resources.

Invasive species means a species that is not an indigenous species or an indigenous species trans-located to a place outside its natural distribution range in nature which dominates other indigenous species or takes over the habitat.

Kenya Defence Forces means the Kenya Defence Forces Established under Article 241(1) of the Constitution.

Land has the meaning assigned to it by the Constitution of Kenya.

Licensing officer, means a person appointed by the Cabinet Secretary, by notice in the Gazette, to be a licensing officer for the purposes of this Act.

Marine protected area means any park or reserve covering the area of intertidal or sub-tidal terrain, together with its overlying water and associated flora, fauna,

historical and cultural features, which has been reserved by law and includes any dry land found within the gazetted boundary".

Meat means the fat, flesh or tissue of any wild species whether fresh or dry, pickled or otherwise preserved or processed.

Member of the uniformed and disciplined cadre means a member of the Service holding any of the ranks specified in 2(a) of the Second Schedule.

Motor vehicle includes a vehicle of the type commonly known as a "hovercraft".

Poaching means illegal hunting, illegal capturing and illegal harvesting of any wildlife but does not include the control of species widely and commonly regarded as pests or vermin, as listed in a schedule of this Act.

Problem animal means any wildlife which has caused or is causing damage to or harm to human life or property.

Public participation means active involvement in the citizenry in decision making processes through, *inter alia*, use of the national media, relevant consultative mechanisms and public hearings.

Ranger means a member of the Service in the uniformed and disciplined cadre and includes corporal, sergeant, senior sergeant and sergeant major.

Recreation means amusement, distraction, diversion, enjoyment, entertainment, exercise, fun, leisure activity, pastime, play, pleasure, refreshment, relaxation, sport.

Sanctuary means an area of land or of land and water set aside and maintained by government, community, individual or private entity for the conservation and protection of one or more species of wildlife.

Service means the Kenya Wildlife Service established under section (insert) of this Act.

Specimen means a portion of quantity of wildlife material for use in testing, examination, education, study or research.

Sport hunting means authorized pursuit and killing of wildlife for recreation and trophy collection.

Sustainable use means present use of the wildlife resources, which does not compromise the ability to use the same by future generations or degrade the carrying capacity of wildlife ecosystems and habitats.

Sustainable management, in relation to wildlife, means management of wildlife resources so as to permit only such use of it as constitutes sustainable use.

Threatened ecosystem means an ecosystem of high biodiversity value or habitat of endangered or endemic species that is under threat of degradation.

Threatened species means any wildlife species specified in the Fourth Schedule of this Act or declared as such under any other written law or specified in Appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Trans-frontier/trans-boundary conservation area means the area or component of a large ecological region that straddles the boundaries of two or more countries, encompassing one or more protected areas, as well as multiple resource use areas.

Trophy means any wild species alive or dead and any bone, claw, egg, feather, hair, hoof, skin, tooth, tusk or other durable portion whatsoever of that animal whether processed, added to or changed by the work of man or not, which is recognizable as such.

Warden means an officer of the Service above the rank of Sergeant Major.

Wetlands means areas of marsh, fen, peat land, or water, whether natural or artificial, permanent or temporary, with that is static or flowing, fresh, brackish, salt, including areas of marine water the depth of which at low tide does not exceed 6 meters.

Wildlife means and includes any vertebrate and invertebrate animal or bird and the eggs and young thereof but does not include a fish, except a fish in a protected area, a domestic animal, or domestic bird, or the eggs or young thereof, or a plant, except a plant in a protected area.

wildlife conservancy means land set aside by an individual landowner, body corporate, group of owners or a community for purposes of wildlife conservation in accordance with the provisions of this Act.

Wildlife manager means any person registered with the Service for the purpose of managing a wildlife conservancy and/or sanctuary.

Wildlife user rights means and includes user rights exercised by an individual landowner, body corporate, group of owners or a community under this provisions of this Act in conformity with the Constitution of Kenya.