



REPUBLIC OF KENYA

MINISTRY OF TOURISM AND WILDLIFE

DRAFT WILDLIFE POLICY, 2007

FOREWORD

Wildlife resources in Kenya are valuable natural endowment that must be sustainably managed for present and future generations. Wildlife resources offer a range of benefits and opportunities for local and national economic development, improved livelihoods and provision of environmental goods and services such as watershed protection and carbon sequestration.

Conservation and management of wildlife resources in Kenya is in rapid transition. Burgeoning populations, growing numbers of refugees and internally displaced people, increasing competition for natural resources and living space, widespread pollution and the transformation of vast wildlife areas in semi-arid and arid lands threaten the continued existence of wildlife in Kenya now and in the future. Mainstreaming wildlife conservation into the national land use systems and optimizing the net benefits to society for generations to come is a challenge that we must address.

This Policy proposes a broad range of measures and actions responding to the wildlife conservation challenges. It seeks to balance the needs of the people of Kenya with opportunities for sustainable wildlife conservation and management countrywide. In this regard, the Policy is divided into twelve chapters.

Chapter one underscores the importance and contribution of wildlife resources to the local and national economy, people's livelihoods and the provision of environmental services such as watershed protection and carbon sequestration. This section also highlights the existing policy and legislation and their inadequacies. In addition, it outlines the factors that have necessitated the formulation of a new wildlife policy and law and the participatory process of formulating this policy.

Chapter two reviews wildlife conservation efforts from the pre-colonial period to the present day and examines the major threats and challenges to wildlife conservation that need to be addressed.

Chapter three espouses the overall conservation goal, conservation objectives and guiding principles. It points to the importance of wildlife, not only to the people of Kenya but also to the global community.

Chapters four to eleven comprise the all inclusive policy framework for sustainable wildlife conservation countrywide. Some of the key elements include:

- (1) enactment of a comprehensive wildlife law to implement this Policy;

- (2) mainstreaming of wildlife conservation into national land use systems;
- (3) decentralization of wildlife conservation planning, implementation and decision-making processes to the constituency level;
- (4) wildlife conservation and management will be ecosystem-based;
- (5) community participation in wildlife conservation and management through establishment of community wildlife conservation areas and sanctuaries;
- (6) mainstreaming research and monitoring in wildlife conservation and management;
- (7) provision of appropriate incentives and user rights to communities and other stakeholders to promote sustainable wildlife conservation and management;
- (8) innovative measures to mitigate human wildlife conflict;
- (9) establishment of the Wildlife Compensation Fund to broaden the financial resource base for compensation of wildlife damage to human, crop, livestock and property; and
- (10) regional and international cooperation in the conservation and management of shared wildlife resources.

Chapter twelve obligates the implementing agencies to develop implementation strategies and action plans with clearly defined roles and responsibilities for the various actors in the wildlife sector. This is premised on the fact that in undertaking these measures and policy actions that this Policy identifies as priorities, the Government looks to communities, private sector, NGOs and development partners to mobilize the needed resources. It is only through such cooperative management that we will be able to address the immense threats and challenges facing wildlife conservation in the country.

Finally, the Ministry underscores the importance of conserving and managing wildlife as a national heritage for the benefit of the people of Kenya and the global community. We all have a responsibility!

Hon. Morris Dzoro, EGH M.P
Minister for Tourism and Wildlife

TABLE OF CONTENTS

ACRONYMS AND ABBREVIATIONS	6
1.0 INTRODUCTION	7
1.1 Background	7
1.2 Existing Policy and Legislation	8
1.3 The Need for a new Wildlife Policy and Law	9
1.4 The Wildlife Policy Formulation Process	9
2.0 WILDLIFE CONSERVATION IN KENYA	10
2.1 Historical perspective	10
2.2 Threats and Challenges to Wildlife Conservation and Management	10
3.0 GOAL, OBJECTIVES AND GUIDING PRINCIPLES	13
3.1. Goal	13
3.2. Objectives and Priorities	14
3.3. Guiding Principles	14
4.0 NATIONAL WILDLIFE CONSERVATION AND MANAGEMENT POLICY FRAMEWORK AND APPROACH	15
<u>4.1 Policy Framework</u>	165
4.2 Ecosystem and Habitat Management	176
5.0 WILDLIFE CONSERVATION IN PROTECTED AREAS	167
5.1 Protected Areas	167
5.2 Terrestrial Protected Areas	177
5.3 Marine Protected Areas and Ecosystems	199
6.0 WILDLIFE CONSERVATION OUTSIDE PROTECTED AREAS	20
6.1 Community Wildlife Conservation Areas and Sanctuaries	20
7.0 RESEARCH AND MONITORING	21
7.1 Scientific Research, Information Management and Monitoring	261
7.2 Wildlife Diseases and Veterinary Service	262
7.3 Wildlife Disaster Preparedness, Response and Rescue	22
8.0. SUSTAINABLE MANAGEMENT OF WILDLIFE RESOURCES	213
8.1 Species	233
8.2 Wetlands, Rivers and Lakes Ecosystems	24
8.3 Wildlife User Rights	244
8.4 Bioprospecting and Access to Genetic Resources	266
8.5 Wildlife Security	26

9.0 HUMAN WILDLIFE CONFLICT AND COMPENSATION	277
10.0 LEGAL AND INSTITUTIONAL FRAMEWORK	288
10.1 Wildlife Sector Legal Reforms	288
10.2 Institutional Arrangements	288
10.3 Human Resources Development and Capacity Building	29
10.4 Funding Mechanisms	30
11.0. LINKAGES WITH OTHER SECTORS	30
11.1 Incorporation of wildlife considerations into sectoral policies	30
11.2 Wildlife Conservation Education, Communication, and Public Awareness	311
11.3 Gender	311
11.4 Youth	322
11.5 Non-State Actors	322
11.6 HIV/AIDS	333
11.7 Regional and International Obligations	333
12.0 IMPLEMENTATION STRATEGY AND STAKEHOLDER ROLES	344
GLOSSARY OF TERMS	355

ACRONYMS AND ABBREVIATIONS

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
CWA	Constituency Wildlife Association
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
MoTW	Ministry of Tourism 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
PA	Protected Area
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

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 along with countries such as Indonesia, Brazil, Congo, Madagascar and Tanzania.
- 1.1.2. A number of factors have combined to make Kenya so 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 30th 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 particularly agriculture, fishing, livestock, water, energy, forestry and trade and industry.
- 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. One of the major threats 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.
- 1.1.7. Kenya's great reservoir of wildlife is increasingly under threat and consequently opportunities are being lost for it to positively contribute to economic growth, wealth creation and increased employment.

1.2 EXISTING POLICY AND LEGISLATION

1.2.1 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.

1.2.2 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.

1.2.3 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.

1.2.4 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.

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

1.3 THE NEED FOR A NEW WILDLIFE POLICY AND LAW

1.3.1 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 to harmonize the wildlife policy and law with the framework environmental law – the Environment Management and Coordination Act (1999);
- (g) The need to domesticate relevant international and regional wildlife related conventions and treaties that Kenya is a party;
- (g) 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;
- (h) Marked decline in wildlife numbers and loss of biodiversity;
- (i) Inadequate research capacity and absence of reliable and up to date data on wildlife;
- (j) The need to define wildlife; and
- (k) The need to harmonize the wildlife policy with Vision 2030.

1.4 THE WILDLIFE POLICY FORMULATION PROCESS

1.4.1 In developing this Wildlife Policy, the Ministry of Tourism and Wildlife (MoTW) pursued a consultative approach that involved a number of measures in order to achieve the following objectives:

- (a) Define national wildlife conservation goals and aspirations;
- (b) Collect and analyse information necessary for making accurate and informed decisions about wildlife conservation and management;
- (c) Place ownership of the Wildlife Policy in the public domain;

- (d) Build consensus among stakeholders and thus establish public confidence in the formulation process to enhance chances of implementation;
- (e) Establish synergies and areas of complementarity with other relevant sectoral policies to ensure consideration of cross-cutting issues; and
- (f) Identify relevant regional and international wildlife policies and laws and incorporate them in the law and policy.

1.4.2 These objectives were implemented by a National Steering Committee (NSC) through the following consultative activities:

- (a) Twenty-two (22) regional stakeholder meetings countrywide during which oral submissions were made by various stakeholders;
- (b) Two (2) national symposia;
- (c) An inter-ministerial stakeholder meeting; and
- (d) Submission of written memoranda.

2.0 WILDLIFE CONSERVATION IN KENYA

2.1 HISTORICAL PERSPECTIVE

2.1.1 Communities in Kenya 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.

2.1.2 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.

2.1.3 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.

2.1.4 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.

2.2 THREATS AND CHALLENGES TO WILDLIFE CONSERVATION AND MANAGEMENT

2.2.1 *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. Wildlife

conservation is not one of the formally recognized land use options in Kenya. 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 negatively affected wildlife across the landscape.

2.2.2 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.

2.2.3 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.

2.2.4 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 is 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.

2.2.5 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.

2.2.6 Protected area management and Partnerships: Most of wildlife protected areas were established without due regard to the surrounding landscapes. Consequently, boundaries between protected areas and the wider landscapes and communities are becoming distinct through the erection of fences and other barriers. In terms of wildlife management, the rigid boundaries between protected areas and the surrounding landscapes have compromised integrated and effective management of wildlife. Conservation and management of wildlife outside protected areas has not been integrated into the broader protected area management and there are limited partnerships between communities living adjacent to protected areas with park management authorities.

2.2.7 Management Plans: The lack of comprehensive integrated management plans and lethargy in 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 these management plans.

2.2.8 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.

2.2.9 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 has been poor. 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.

2.2.10 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.

2.2.11 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.

2.1.12 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.

..
2.1.13 Biopiracy: Biopiracy of genetic materials, soil micro-organisms, animals, the genes of indigenous people and indigenous knowledge identified, developed and used by local communities is both a threat and a challenge to wildlife conservation and management. Multinational and national corporations manufacture and market pharmaceutical and agricultural products using

genetic materials from medicinal plants and food crops of local communities. The revenues from these resources do not flow to local communities and they may have to buy the products of these corporations at exorbitant prices in future.

2.1.14 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.

2.1.15 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.

2.2.16 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. In addition to the direct economic costs of managing invasive species, there are severe environmental consequences and other non-market values.

3.0 GOAL, OBJECTIVES AND GUIDING PRINCIPLES

3.1. GOAL

3.1.1 Recognizing that:

- a) wildlife is a national heritage and a vital component of Kenya's biological diversity;
- b) wildlife is the cornerstone of Kenya's tourism sector, an essential source of foreign exchange and a major contributor to GDP and has the potential to contribute further to the well being of the people of Kenya;
- c) wildlife ecosystems provide ecosystem services that are essential for life and sustained economic development of the country;
- d) steps must be taken to arrest the rapid decline of wildlife populations and fragmentation of wildlife habitats;
- e) a balance must be found between national development needs and wildlife conservation in order to ensure long term sustainability; and

- f) Kenya's long history and technical capacity in wildlife.

3.1.2 And **acknowledging** the goal and guiding principles underpinning Kenya's long term planning strategies including Vision 2030 and other sectoral policies,

The goal of this Policy is to provide a framework for conserving, in perpetuity, Kenya's rich diversity of species, habitats and ecosystems for the well being of its people and the global community.

3.2. OBJECTIVES AND PRIORITIES

3.2.1 The Objectives and Priorities are to:

- (a) Conserve Kenya's wildlife resources as a national heritage.
- (b) Provide legal and institutional framework for wildlife conservation and management throughout the country.
- (c) Conserve and maintain viable and representative wildlife populations in Kenya.
- (d) Develop protocols methodologies and tools for effective assessment and monitoring of wildlife conservation and management throughout the country.
- (e) Promote partnerships, incentives and benefit sharing to enhance wildlife conservation and management.
- (f) Promote positive attitudes towards wildlife and wildlife conservation and management.

3.3 GUIDING PRINCIPLES

3.3.1 The following guiding principles will underpin this Policy:

- (a) Wildlife is an important **national heritage of common concern**, a public asset at local, regional, and global levels.
- (b) An integrated '**ecosystem**' **approach** to conserving wildlife resources will be adopted and enhanced to ensure that wildlife conservation initiatives are based on large geographical scales.
- (c) Wildlife conservation will be recognized and promoted as a **land use option**, especially outside protected areas within the broad national and regional land use and development plans, respectively.
- (d) Wildlife will be utilized in a manner that does not impinge on cultural values, compromise the quality and value of the resource, or degrade the carrying capacity of supporting ecosystems, in accordance with the **principle of sustainable use**.
- (e) Benefits accruing from wildlife will be shared **equitably** among stakeholders, especially paying due regard to communities living within wildlife areas.
- (f) Positive **attitudes and perceptions** towards wildlife among Kenyans will be cultivated in order to enhance effective wildlife conservation and management.

- (g) The conservation and management of wildlife will be based on long term view where present generations make choices that will benefit future generations, in accordance with the **principles of inter- and intra-generational equity**.
- (h) A **coordinated and participatory approach** to wildlife conservation and management will be enhanced to ensure that the relevant government agencies, local authorities, private sector, civil society and communities are involved in planning, implementation and decision making processes, while respecting the jurisdiction and responsibilities of the various government agencies and the rights of communities and individual landowners.
- (i) Wildlife resources will be conserved and managed in accordance with the **principle of subsidiarity**, that is, through decentralization and devolution of authority and responsibilities at the lowest level possible.
- (j) **Good 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.
- (k) The **precautionary principle** will apply entailing that ecological, cultural, economic social, intrinsic and aesthetic value of wildlife resources are identified, and the impacts of human uses on those values are determined, before decisions are made.
- (l) **Scientific knowledge and expertise** will form the cornerstone of wildlife conservation and management planning, implementation and decision making processes.
- (m) **Multilateral environmental agreements** (MEAs) and regional instruments will be domesticated and implemented for better wildlife conservation and management planning, implementation and decision making processes.

4.0 THE NATIONAL WILDLIFE CONSERVATION AND MANAGEMENT POLICY FRAMEWORK AND APPROACH

4.1 POLICY FRAMEWORK

4.1.1 The goal of this Policy is to provide a framework for conserving, in perpetuity, Kenya's rich diversity of species, habitats and ecosystems for the well being of its people and the global community. In support of this goal, the Government adopts the ecosystem approach to wildlife conservation and management throughout the country. Further, the Government will encourage partnerships between relevant government agencies, private sector, NGOs and communities. In addition, Government encourages a range of participatory approaches through regional and district wildlife conservation committees and constituency wildlife associations to mainstream and empower communities to participate in the conservation and management of wildlife and related planning, implementation and decision making processes.

4.1.2 This Policy along with the enabling wildlife legislation provides the framework that should enable the country to better conserve and manage wildlife for the present and future generations. The areas covered include:

- (a) Conservation and management of wildlife in protected areas;
- (b) Conservation and management of wildlife outside protected areas;
- (c) Scientific Research and Monitoring;
- (d) Sustainable management of wildlife resources;
- (e) Human wildlife conflict and Compensation;
- (f) Legal and Institutional framework; and
- (g) Cross-sectoral linkages.

Policy Statement

1. *Ownership of wildlife is vested in the state on behalf of and for the benefit of the people of Kenya.*
2. *Wildlife conservation will be recognized as a land use option and mainstreamed into the national land use system.*
3. *Provide economic incentives, such as Government tax and other fiscal incentives, to induce or promote sustainable wildlife conservation and management.*
4. *Put in place mechanisms for building partnerships between government agencies, wildlife conservation institutions, the private sector, NGOs, CBOs and other stakeholders.*

4.2 ECOSYSTEM AND HABITAT MANAGEMENT

4.2.1 Ecosystem conservation aims to maintain large scale processes upon which the viability of the component species depends. Properly managed ecosystems and habitats enhance biodiversity because genetic diversity flourishes in healthy environments. Wildlife ecosystems and habitats include water towers, critical wildlife conservation areas particularly Maasai Mara Ecosystem, northern rangelands, Central Rift, Amboseli Ecosystem, Mount Kenya and environmentally significant areas and unique landscapes. These areas form the cornerstone of wildlife conservation in Kenya.

4.2.2 Growth in human population has exerted pressure on limited land resources including land inhabited by wildlife. This has resulted in habitat fragmentation and competition between different land uses.

Policy Statements

1. *Adopt an ecosystem-based management approach to wildlife conservation and management within and outside protected areas in order to achieve ecological and economic viability and to ensure cross-sectoral linkages in land use.*
2. *Identify, manage and protect important wildlife ecosystems and unique landscapes through Integrated Ecosystem-based Management Plans with a zoning system in collaboration with other stakeholders.*

3. *Establish systems for monitoring wildlife ecosystems and set up contingency plans to respond to emerging and changing circumstances in wildlife conservation.*
4. *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.*
5. *Mainstream environment impact assessment (EIA) to guide sustainable development in wildlife conservation areas to minimize negative impacts on wildlife species, habitats and ecosystems.*

5.0 WILDLIFE CONSERVATION AND MANAGEMENT IN PROTECTED AREAS

5.1 PROTECTED AREAS

5.1.1 Protected areas carry out numerous functions that are beneficial to human welfare, the nation and international community. The PAs conserve a spectacular range of terrestrial and marine species, habitats and ecosystems including biodiversity hotspots. These ecosystems, besides conserving wildlife species of conservation importance for the country's sustainable development and people's well being, they also provide critical environmental services such as watershed protection, carbon sequestration, pollination, nutrient cycling and soil regeneration.

5.1.2 Currently, of the total area of Kenya of 582,646 km² national parks and reserves cover 44,562 km², which is about 8% of the country. Of this, national parks account for 5% and national reserves and sanctuaries for about 3%.

5.2 TERRESTRIAL PROTECTED AREAS

5.2.1 Kenya has currently set aside only 7% of its land area for the conservation of terrestrial flora and fauna and protection of the ecological processes that are essential.

5.2.2 The existing national parks and reserves encompass only parts of the most important ecosystems and habitats that range from wetlands, savannah, forests, mountains to arid and semi arid zones in the country. The process of establishing national parks and reserves in the past has not been inclusive of communities' views and interests. Furthermore, management of these protected areas is under different management institutions.

5.2.3 The management and control of national parks and some reserves is under the Kenya Wildlife Service. Within some of these parks, special areas have been set aside as sanctuaries for the highest protection and management of endangered species.

5.2.4 The management and control of some of the national reserves is under respective local authorities in which the reserves are situated. Under this arrangement, the respective local authority assumes full responsibility for wildlife conservation and management in those areas. Because of a myriad of challenges facing local authorities, most of these reserves are poorly managed and their main utility is as a source of revenue.

5.2.5 The Convention on Biological Diversity Programme of Work on Protected Areas which is legally binding on Kenya incorporates community-conserved areas (CCAs) in several sections. The most critical one is Element 2 on “Equity, governance, participation and benefit sharing”, which lays down targets and activities for establishing the rights, participation and benefits of indigenous and local communities in the full range of activities relating to protected areas.

Policy Statements

1. *Strengthen the ecological network of national parks and reserves through designation of buffer zones and robust linking zones such as wildlife migratory corridors and dispersal areas.*
2. *Rationalize, maintain and develop the existing PAs and, where appropriate, establish new PAs with stakeholder and community involvement.*
3. *Develop, gazette and implement approved management plans, through participatory processes, as the basis for the management of PAs.*
4. *Establish collaborative management arrangements and joint ventures that enhance local community and private sector involvement in the management of PAs.*
5. *Develop an effective mechanism for sharing benefits including revenue with communities living adjacent to PAs.*
6. *Establish clear and easily recognizable boundary markers of PAs, which are monitored and controlled.*

Specific to National Reserves

7. *Ensure that each local authority engaged in wildlife conservation and management develops and implements a gazetted integrated ecosystem-based management plan for the protected area under their jurisdiction;*
8. *Ensure that at least 25% of the revenue collected by the respective local authority in respect of a particular national reserve is allocated for wildlife conservation and management.*
9. *Develop mechanisms that will enable local authorities to enter into transparent management agreements with appropriate professional wildlife conservation institutions or organizations to provide technical expertise and finances in the management of the respective national reserves under their jurisdiction.*
10. *Ensure that local authorities put in place a participatory framework for local communities residing within the respective wildlife conservation area to effectively participate in wildlife conservation and management planning, implementation and decision making processes, as well as benefit sharing.*

11. *Build capacity for the personnel of respective local authorities involved in the management of national reserves for effective wildlife conservation and management.*

5.3 MARINE PROTECTED AREAS AND ECOSYSTEMS

- 5.3.1 Coastal and marine resources are valuable natural endowments that must be managed for present and future generations. They offer a range of benefits and opportunities for human use. In nature, the coastal system maintains a dynamic equilibrium with processes that regulate shoreline stability, beach replenishment, and nutrient generation and recycling, all of which are of great ecological and socioeconomic importance.
- 5.3.2 Coastal and marine ecosystems such as coral reefs, mangrove forests and beach and dune systems serve as critical natural defenses against storms, flooding and erosion. They, also, attract vast human settlements due to the vast oceans living and non-living resources, marine transportation and recreation. Furthermore, fishing of near shore waters and sport fishing are some of the major economic activities supplying fish for the local and international markets. Activities that add further value to these ecosystems include recreation and tourism, which have become major sources of domestic and foreign exchange earnings and employment opportunities.
- 5.3.3 Coastal and marine ecosystems are coming under increasing pressure, and it is evident that ways must be found to better manage their biological resource base. The principal threats to marine ecosystems include destructive fishing methods and associated habitat destruction, eutrophication and siltation of coastal waters, pollution, urban and tourism development, human settlements, and effects of climate change.
- 5.3.4 Kenya was one of the first African countries to establish marine protected areas (MPAs) in 1968. At present, Kenya has 6 marine parks and reserves accounting for about 1% of the area under PAs in the country. There is need to increase the coastal and marine area under conservation to at least 10%. Currently, there are proposals to establish community-based marine conservation areas in the Tana Delta and the Lamu archipelago.

Policy Statements

1. *Develop MPA Strategy in line with the national and international integrated coastal zone management (ICZM) strategy.*
2. *Rationalize, maintain and develop the existing MPAs and, where appropriate, establish new MPAs through appropriate participatory mechanisms.*
3. *Manage all MPAs on the basis of approved management plans that encompass critical feeding and nesting grounds of marine species of conservation concern and developed through a participatory process.*
4. *Protect, maintain and restore marine species, habitats and ecosystems of national and international importance.*

5. *Promote the establishment of community-based marine conservation areas as part of a network of well-managed MPAs.*
6. *Collaborate and participate in the implementation of coastal and marine related disaster action plans.*
7. *Establish collaborative management arrangements that enhance local community involvement in the management of MPAs.*
8. *Develop an effective mechanism for benefit sharing including revenue with communities living adjacent to MPAs.*
9. *Undertake and support research and training in the conservation and management of coastal and marine resources.*
10. *Promote closer regional cooperation in the conservation and management of marine migratory species of conservation importance.*
11. *Harmonize and coordinate the roles of various regulatory agencies charged with the management of coastal and marine ecosystems.*

6.0 WILDLIFE CONSERVATION AND MANAGEMENT OUTSIDE PROTECTED AREAS AND SANCTUARIES

6.1 COMMUNITY WILDLIFE CONSERVATION AREAS AND SANCTUARIES

- 6.1.1 The areas outside protected areas have a full range of ecosystems, from those relatively undisturbed, such as the semi-arid and arid areas where wildlife is mostly found, to food producing landscapes with mixed patterns of human use, to ecosystems intensively modified and managed by humans, such as agricultural land and urban areas.
- 6.1.2 The issues that affect conservation outside PAs include: space for wildlife; security; human-wildlife conflicts; representation in wildlife management and governance structures; user rights; incentives and benefit sharing; technical and financial capacity to manage wildlife; limited wildlife education and research; and land tenure and land use planning related issues.
- 6.1.3 The land outside PAs is largely under the control of private owners and communities. Their cooperation is essential for the success of conservation activities, as the majority of these lands are subject to a multiplicity of uses some of which conflict with wildlife conservation. With proper incentives, land use practices that are phasing out wildlife such as agriculture can be minimized or confined to appropriate areas.
- 6.1.4 Individual or corporate land owners in wildlife areas who adopt wildlife as a form of land use require incentives to induce or promote the establishment of wildlife conservation areas and sanctuaries or to implement measures that promote sustainable wildlife conservation.

Policy Statements

1. *Support and participate in the formulation and implementation of a National Land Use Policy.*
2. *Support landowners and communities to set aside wildlife conservation areas and sanctuaries within the framework of approved land use plan of the area.*
3. *Promote joint ventures in the conservation and management of wildlife conservation areas and sanctuaries.*
4. *Support the development and implementation of approved management plans that incorporate multiple and compatible land use practises through participatory processes.*
5. *Support the establishment and maintenance of standards and performance measures that evaluate wildlife conservation areas' and sanctuaries' programmes to ensure that they achieve the broad national wildlife conservation and management goal.*
6. *Provide adequate incentives to support landowners, local communities and other stakeholders to invest in wildlife conservation and management.*
7. *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.*
8. *Ensure good governance in the management of wildlife conservation areas and sanctuaries, which comprise of the rule of law, effective institutions, transparency and accountability.*

7.0 RESEARCH AND MONITORING

7.1 SCIENTIFIC RESEARCH, INFORMATION MANAGEMENT AND MONITORING

7.1.1 Managing wildlife or the maintenance of ecological processes and focussed biodiversity targets requires sensitivity and knowledge derived from a long-term understanding of the dynamics of the wildlife management. A scientific basis for management actions will depend on the collection of data that is related to the wildlife sector. In general, the understanding of the ecosystems and species through scientific studies and indigenous knowledge can be used to develop innovative approaches to address a range of wildlife conservation-related problems.

7.1.2 Monitoring of wildlife resources and their habitats is essential for effective conservation and management.

Policy Statements

1. *Coordinate wildlife research activities and strengthen the capacities of the wildlife research within KWS and other relevant institutions.*
2. *Promote scientific research and monitoring in the wildlife sector as a basis for conservation planning and management decision-making.*

3. *Conduct regular population and Habitat Viability Assessments in order to generate up-to-date reliable information on the status of species and the ecosystem integrity for conservation planning and decision-making.*
4. *Establish short- and long-term national guidelines, protocols and population targets.*
5. *Enhance the use of indigenous knowledge in the conservation and management of wildlife.*
6. *Establish comprehensive wildlife resources database at all the management levels for use in the policy, conservation planning and management decision-making processes.*
7. *Analyze, package and disseminate research results of wildlife conservation initiatives to policy makers, wildlife managers and the public.*
8. *Subject research discoveries and innovations to governance under the applicable law.*
9. *Regulate and control the use of live wildlife specimens in research.*

7.2 WILDLIFE DISEASES AND VETERINARY SERVICE

7.2.1 Wildlife diseases and wildlife health are very critical for wildlife conservation and rural livelihoods. This is so because most of Kenya's wildlife is found in rangelands that are appropriate for interaction between pastoralism and wildlife. As a result, wildlife often interacts with livestock, exposing both to transmission of animal diseases.

7.2.2 Disease transmission has implications for wildlife management, public health, livestock development and rural livelihoods. Many animal diseases particularly zoonotic diseases affect the productivity of both wildlife and livestock and could be a potential host or source of infection for people. Diseases of unknown etiology and epidemiology can also cause challenges.

Policy Statements

1. *Coordinate and strengthen wildlife veterinary services in collaboration with the National Veterinary Department.*
2. *Develop and implement a Wildlife Disease Management and Monitoring Strategy.*

7.3 WILDLIFE DISASTER PREPAREDNESS, RESPONSE AND RESCUE

7.3.1 Kenya, periodically suffers from the effects of flood and drought related disasters sometimes with devastating impacts on ecological systems and wildlife. Wildlife has been vulnerable to the impact of different natural disasters for a long time. Disaster agents such as bush fire, droughts and floods have recurring impacts.

Policy Statements

1. *Develop and implement a wildlife disaster preparedness, response and rescue strategy.*

8.0 SUSTAINABLE MANAGEMENT OF WILDLIFE RESOURCES

8.1 SPECIES

- 8.1.1 Species, especially endangered and threatened species and sub-species, their natural habitats, and threatened ecological communities require special measures if they are to survive. Although mechanisms exist for conserving some species such as elephants and rhinos and their endangered habitats, a national strategy is urgently needed to provide the road map for the desired conservation measures and actions.
- 8.1.2 Although *in-situ* conservation is the most effective means of conserving wildlife, there may be situations in which *ex-situ* conservation may be necessary. Unpredictable events may threaten rare genotypes or species in their natural habitat. *Ex-situ* conservation provides insurance in such circumstances. In certain situations, some threatened species may require cultivation or breeding in captivity to build up their numbers for reintroduction to the wild. However, species under *ex-situ* conservation need to be taken good care of and protected against cruelty.

Policy Statements

1. *Develop and implement detailed species management strategies and plans for keystone and indicator species.*
2. *Establish and regularly update an effective framework for identifying and listing endangered and threatened species.*
3. *Develop recovery plans for the conservation and survival of endangered and threatened species.*
4. *Develop an effective mechanism for designating critical habitats concurrently with listing of species of conservation concern.*
5. *Develop measures for the conservation and management of wildlife species whose ranges are shared with neighbouring countries, priority being given to endangered and threatened species and species used by one or more of the countries concerned.*
6. *Establish and maintain facilities for ex-situ conservation of special species to complement in-situ measures and for their rehabilitation and reintroduction into their natural habitats and ensure that ex-situ conservation is done in accordance with internationally accepted standards.*
7. *Put in place mechanisms to identify, control and eradicate invasive alien species in wildlife conservation areas in collaboration with relevant lead agencies.*
8. *Regulate the importation of exotic species and the re-introduction of species including genetically modified organisms (GMOs) in collaboration with relevant lead agencies.*
9. *Develop mechanisms to regulate selling, donation and/or gifts of wildlife to or from any country.*

8.2 WETLANDS, RIVERS AND LAKES ECOSYSTEMS

- 8.2.1 Given the fragility of wetlands, their importance for water supply and as habitat for wildlife and the growing pressures to convert them to agricultural uses and human settlements, there is an urgent need to sustainably use wetlands. This requires management regimes which help maintain some of the natural characteristics of wetlands while also allowing for their wise use. A balance has to be struck between the environmental functioning of wetlands and their use for livelihood.
- 8.2.2 The Ramsar Convention on Wetlands to which Kenya is a Contracting Party provides a framework for the wise use of wetlands. Currently, Kenya has five Ramsar listed sites, namely, Lakes Nakuru, Naivasha, Bogoria, Baringo and Elementaita. The Tana Delta is in the process of being listed.
- 8.2.3 Other aquatic ecosystems of conservation importance include rivers, lakes and dams. These comprise important habitats for different wildlife species and are used by various migratory species. The management responsibility for these aquatic ecosystems is dispersed among different bodies.

Policy Statements

1. *Support and implement a comprehensive National Wetlands Conservation and Management Policy through a participatory process.*
2. *Map wetland areas countrywide.*
3. *Support the implementation of Wetlands Conservation and Management Regulations as prescribed under EMCA.*
4. *Develop and implement approved wetlands management plans formulated through a participatory process in collaboration with relevant lead agencies.*
5. *Restore degraded wetlands, riverbanks and lakeshores and, where appropriate, establish constructed wetlands.*
7. *Institutionalize wetlands, rivers and lakes conservation and management into wildlife conservation programmes both within and outside PAs.*
8. *Harmonise and coordinate the roles of various regulatory agencies charged with the management of wetlands, rivers and lake ecosystems.*
9. *Educate the public and raise awareness on the critical role of wetlands, rivers and lake ecosystems.*

8.3 WILDLIFE USER RIGHTS

- 8.3.1 Wildlife will be utilized in a manner that does not impinge on cultural values, compromise the quality and value of the resource, or degrade the carrying capacity of supporting ecosystems.
- 8.3.2 Wildlife user rights are essential, as incentives for the people living with wildlife, to create space for wildlife conservation outside protected areas and for long term wildlife conservation. Granting of user rights to land owners and communities living in wildlife areas will empower them to participate effectively in decision making processes and to benefit from the use of wildlife resources.

8.3.3 In the past various wildlife user rights such as cropping and sport hunting had been granted. These user rights were not properly managed resulting in increased wildlife poaching and declining wildlife populations. There was also lack of mechanisms for equitable benefit sharing at all levels.

Policy Statements

1. *Identify and prioritise viable wildlife user rights, species and potential areas and put in place appropriate legal and institutional framework to regulate wildlife user rights.*
2. *Allow the following wildlife user rights: tourism, cultural, aesthetic, scientific and educational, game farming and game ranching.*
3. *No sport hunting will be allowed until effective mechanisms for equitable sharing of benefits have been developed; a legal and institutional framework is put in place to regulate and control the activity; and adequate professional capacity is built.*
4. *Subject cropping to verified scientific information and develop a clear framework for benefit sharing.*
5. *Integrate regional and district wildlife conservation committees and constituency wildlife associations in the review, grant and monitoring of wildlife user rights.*
6. *Promote, as appropriate, taking into account priorities, the processing of wildlife products locally and their marketing and put in place clear guidelines and procedures for the disposal of trophies in storage and regular audits of stocks held.*
7. *Support and promote local communities, landowners and others to become involved in various forms of sustainable wildlife utilization that is based on sound conservation values and that enhances ecological integrity.*
8. *Regulate international trade in wildlife and its products in cooperation with other local, national and international law enforcement agencies in accordance with the applicable Kenyan laws and international instruments such as CITES.*
9. *Put in place mechanisms for wildlife censuses, monitoring and evaluation of wildlife user rights.*
10. *Promote development and implementation of management plans for all conservation areas, which shall have a tourism component.*
11. *Encourage diversification of the tourism product base to reduce pressure on wildlife resources and maximize economic benefits.*
12. *Provide guidelines and minimum standards and quality control for all tourist services in and around wildlife conservation areas.*
13. *Subject all wildlife user rights to responsibilities to develop and maintain the wildlife habitat and infrastructure leading to and within wildlife conservation areas.*

8.4 BIOPROSPECTING AND ACCESS TO GENETIC RESOURCES

8.4.1 Wildlife resources may contain valuable compounds for all humankind. Bioprospecting can contribute to wildlife conservation through royalties and addition of knowledge. This potential exists and remains unexploited.

8.4.2 Unregulated access to genetic resources has in the past resulted in loss of valuable material within and outside PAs.

Policy Statements

1. *Identify and map bioprospecting potential in wildlife conservation areas.*
2. *Regulate and sustainably manage bioprospecting and collection of biological resources from wildlife areas.*
3. *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.*
4. *Ensure that benefits arising from access to genetic resources such as intellectual property rights, traditional knowledge and technology are shared equitably with communities living in areas adjacent to the protected areas where the genetic material originated.*

8.5 WILDLIFE SECURITY

8.5.1 The security of people living with wildlife and visitors to wildlife conservation areas is an important issue in wildlife management. Wildlife security and patrols are also critical for effective wildlife conservation and management. Banditry, poaching and problem animals pose the greatest challenge to wildlife security.

8.5.3 Currently, different agencies are responsible for security in wildlife conservation areas resulting in overlapping and conflicting mandates which affects their effectiveness. There is therefore need to streamline security standards and operations in wildlife conservation areas.

Policy Statements

1. *Put in place a harmonised and appropriate regulatory framework, Standing Orders and Disciplinary Code for the general control, direction and management of the wildlife security countrywide.*
2. *Coordinate and strengthen wildlife security in wildlife conservation areas.*
3. *Establish and build the capacity of local communities to bolster security in wildlife conservation areas, including establishing and maintaining security bases.*
4. *Establish transparent and inclusive mechanisms for recruitment, management and monitoring of wildlife security agents countrywide.*
5. *Strengthen collaboration with local, regional, national and international law enforcement agencies in combating wildlife related crimes.*

9.0 HUMAN WILDLIFE CONFLICT AND COMPENSATION

- 9.1 Increasing 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. Land use changes and the consequences of population pressure have led to a decrease in land and other resources available for wildlife, resulting in an increase in HWCs. These conflicts are a significant threat to ecosystem variability in general and large mammal populations in particular. HWCs are also manifested through encroachment on protected areas.
- 9.2 A number of mitigations are being implemented to reduce HWC. For example, live animal translocations have been carried out to ease pressure from some areas to other ecosystems. Communities affected by the translocations are never involved in the planning, implementation and decision making regarding such translocations. Furthermore, there are no clear guidelines on circumstances under which such translocations are to be done. There is need to ensure that local communities and landowners are involved in putting in place measures that mitigate HWC.
- 9.3 Currently, compensation is paid by the government and the rates, assessment and payment of claims is determined by the District Wildlife Compensation Committees. The compensation paid only relates to human injury and death. It does not include destruction of crops, livestock and property. Furthermore, the amount paid for loss of life and injury is inadequate. Moreover, the process of administering the compensation claims is bureaucratic and does not involve local stakeholders.

Policy Statements

1. *Promote and implement land use zoning to minimize HWCs.*
2. *Erect and maintain game barriers and other approved deterrent measures to minimize HWCs.*
3. *Ensure that compatible land use is consistent with Ecosystem-based Management Plans developed for each wildlife conservation area.*
4. *Build the capacity of local communities, regional and district wildlife conservation committees and constituency wildlife associations to manage problem animals and minimize damage to crops, livestock, property and loss of human life.*
5. *Develop and disseminate information and guidelines on problem animal control.*
6. *Translocate problem animals from conflict areas to non-conflict areas subject to verified data, prior informed consent of the communities, mutually agreed terms and approval by the relevant authority.*
7. *Regularly compile baseline information on damage occasioned by wildlife for human injury and loss of life, .crops, livestock and property.*

8. *Develop and implement innovative and effective mechanisms for prompt and adequate compensation for human injury and loss of life, crops, livestock and property.*
9. *Ensure that wildlife user right holders contribute to the wildlife compensation kitty.*
10. *Establish a Wildlife Compensation Fund managed by managing trustees.*

10.0 LEGAL AND INSTITUTIONAL FRAMEWORK

10.1 WILDLIFE SECTOR LEGAL REFORMS

10.1.1 During the past decade, there has been a major process of law reform geared towards reflecting new approaches to participatory governance. It is in this light that the principal legislation governing the wildlife sector, the Wildlife (Conservation and Management) Act as amended in 1989, needs to be reviewed.

10.1.2 There are many issues such as stakeholder participation, compensation and obligations under regional and multilateral agreements to which Kenya is a party which have not been adequately addressed by the current Wildlife Act. These issues call for the review of the current Wildlife Act with a view of coming up with an instrument that comprehensively addresses all these and other issues contained in this Policy.

Policy Statements

1. *Put in place a comprehensive wildlife law on the conservation and management of wildlife to implement this Policy.*
2. *Incorporate or domesticate the provisions of the relevant wildlife related 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.*

10.2 INSTITUTIONAL ARRANGEMENTS

10.2.1 Currently, KWS is responsible for wildlife conservation and management countrywide. This overall mandate which is broad and centralized has contributed to the many challenges facing wildlife conservation in Kenya today.

10.2.2 To address this challenge, wildlife conservation will be decentralized to the lowest level in order to empower communities and other stakeholders to participate effectively in the conservation planning, implementation and decision-making processes.

Policy Statements

1. *Establish a Wildlife Department at the ministry responsible for wildlife to have the oversight role in wildlife policy formulation and to monitor the implementation of the Policy in relation to other sectoral policies among other functions.*
2. *Restructure and strengthen KWS as the designated national institution responsible for the implementation of wildlife policy and law.*
3. *Facilitate management contracts between KWS and other stakeholders in the wildlife sector for sustainable management of wildlife.*
4. *Strengthen the National Environment Tribunal (NET) to enable it hear wildlife-related disputes in harmony with the EMCA and related sectoral laws.*
5. *Establish and support devolved wildlife management institutions at regional (ecosystem), district and constituency levels for effective participation of local communities, landowners and other stakeholders in wildlife sector planning, implementation and decision making.*

10.3 HUMAN RESOURCES DEVELOPMENT AND CAPACITY BUILDING

10.3.1 Capacity development is an investment for the future. Building a cadre of professional resource managers requires, among other things, standards, means of communication, training and education. In-service training that enhances skills and managerial development in the wide range of tasks demanded of wildlife managers, communities and landowners is of critical importance in developing technical skills that complement the research-oriented training offered by higher institutions of learning. In this regard, a range of “people-centred” courses may be offered.

Policy Statements

1. *Restructure and strengthen the Kenya Wildlife Service Training Institute (KWSTI) to enable it facilitate the development of requisite technical and managerial skills to wildlife managers from KWS, local authorities and community wildlife areas and sanctuaries.*
2. *Strengthen Manyani Field Training Station to provide training in wildlife security to wildlife officers from KWS, local authorities, community wildlife areas and sanctuaries.*
3. *Support and promote the development of expertise in government agencies, the private sector, civil society and communities in the various areas of wildlife management.*
4. *Develop a wide range of training opportunities and modules in the wildlife sector for different levels of wildlife staff taking into account equity and devolved wildlife management institutions.*
5. *Enhance wildlife conservation capacity and regulate wildlife conservation professionals.*
6. *Enhance networking between centres of excellence in wildlife conservation nationally, regionally and internationally.*

10.4 FUNDING MECHANISMS

10.4.1 Sustainable wildlife conservation and management depends on sustainable financing. Wildlife conservation requires innovative sources of funding and creative solutions to finance conservation initiatives. Thus, diversification of funding is needed to provide a buffer against unanticipated events such as abrupt declines in tourism, decline of financial markets and shifts in development partner priorities.

Policy Statements

1. *Provide adequate resources to the wildlife sector through the annual GoK budgetary allocation.*
2. *Broaden the revenue and funding base to ensure the financial sustainability of wildlife conservation areas.*
3. *Restructure, strengthen and operationalise the Wildlife Trust Fund (WTF) to support wildlife conservation and development initiatives in wildlife conservation areas.*
4. *Mobilize resources from the private sector, development partners, foundations and civil society to support wildlife conservation and management.*
5. *Promote participation of the private sector in wildlife conservation through leases or contractual arrangements with management plans and performance indicators forming part of such contractual arrangements.*

11.0 LINKAGES WITH OTHER SECTORS

11.1 INCORPORATION OF WILDLIFE CONSIDERATIONS INTO SECTORAL POLICIES

11.1.1 A framework of public policies with coordinated aims, strategies and instruments is essential in order to overcome complex problems and develop more comprehensive solutions that correspond to the overall goal of sustainable wildlife management. Taking cross-sectoral impacts into account and approaching problems in a more integrated manner are key to improving the effectiveness and efficiency of public policies, legislation and administrative decisions and activities.

11.1.2 Cross-sectoral linkages between the wildlife sector and other related sectors especially forest, agriculture and water will result from policies that have an immediate or an indirect influence on the behavior of landowners, government agencies, wildlife managers, private sector, NGOs and CBOs.

Policy Statements

1. *Ensure cross-sectoral and inter-sectoral coordination and policy integration of wildlife related sectors.*

- | | |
|---|--|
| 2 | <i>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 particularly Kenya Forest Service, Water Resources Management Authority and KENGEN that have overlapping mandates or benefit from wildlife resources.</i> |
|---|--|

11.2 WILDLIFE CONSERVATION EDUCATION, COMMUNICATION, AND PUBLIC AWARENESS

11.2.1 Effective participation of local communities and other stakeholders in wildlife conservation and management requires access to technical, social and economic information. Conservation education, public awareness and information campaigns are a vital part of the participation process. Furthermore, any effort that depends upon a change in behavior or compliance with new legislation needs to rely on WCECPA if change is to occur.

Policy Statements

- | | |
|----|--|
| 1. | <i>Continue to support and develop wildlife conservation education initiatives.</i> |
| 2. | <i>Promote public awareness and understanding of wildlife conservation education.</i> |
| 3. | <i>Develop and implement a national wildlife conservation education curriculum in consultation with the Kenya Institute of Education (KIE).</i> |
| 4. | <i>Ensure that Kenya National Examinations Council (KNEC) includes more examinable courses on wildlife related aspects at primary and secondary school levels.</i> |
| 5. | <i>Promote the use of indigenous knowledge in the conservation and management of wildlife resources.</i> |
| 6. | <i>Gather, compile and facilitate access to publications and other information relevant to Kenya's wildlife conservation and management.</i> |
| 7. | <i>Build the capacity of regional and district wildlife conservation committees and constituency wildlife associations to deliver educational programmes and establish relevant indicators of success.</i> |
| 8. | <i>Develop a national website on wildlife conservation.</i> |

11.3 GENDER

11.3.1 Gender equity is an essential principle to ensure sustainability, fair management and successful wildlife conservation efforts when analyzing the different roles, responsibilities, levels of performance and participation in wildlife decision-making. The consideration of the division of labour between men and women will assist in integrating both genders optimally in wildlife conservation and management.

11.3.2 Integrating gender considerations into wildlife management is critical to the actualisation of the principle of intra-generational equity, an internationally recognised principle in several wildlife related MEAs that Kenya is a party.

Policy Statements

1. *Mainstream gender issues and gender equity into wildlife conservation and management.*
2. *Develop mechanisms that will provide working partnerships between KWS, conservation agencies and organizations of the minority gender.*
3. *Provide incentives to attract the under-represented gender into wildlife conservation careers and occupations.*

11.4 YOUTH

11.4.1 The youth are in a unique position to help in wildlife conservation and management. They are important in furthering wildlife conservation in the future and are also best placed to inform their peers at school, at home in the family and in the village. Engaging early with the youth will ensure that the specific needs of young people are considered and addressed within the context of promoting sustainable and successful conservation and management of wildlife.

11.4.2 Involving the youth in wildlife management is critical to the actualisation of the principle of inter-generational equity, an internationally recognised principle in several wildlife related MEAs that Kenya is a party.

Policy Statements

1. *Mainstream youth issues into wildlife conservation and management.*
2. *Empower the youth to become catalysts for wildlife conservation by providing tools, mechanisms and opportunities that enable them to participate effectively.*
3. *Educate the youth on the environmental, economic and socio-cultural values of wildlife resources.*
4. *Provide incentives to attract the youth into wildlife conservation careers and occupations.*
5. *Develop mechanisms that will provide working partnerships between KWS, other conservation agencies and youth organizations.*

11.5 NON-STATE ACTORS

11.5.1 Private sector actors, NGOs, CBOs and other non-state actors play a central role in wildlife conservation. This is because they have the advantage of being more independent of political pressures than formal management agencies and so are well positioned to play an important and frequently leading role in the agenda setting and policy development processes.

11.5.2 Furthermore, non state actors can plan in promoting inter-sectoral perspectives and cooperation between stakeholders. For example, as honest brokers, NGOs can mediate in the resolution of resource conflicts at the local level by bringing their own considerable expertise and resources. At the national level they can inform public debate on wildlife conservation issues.

11.5.3 Participation of these non-state actors will be encouraged through provision of incentives to enhance investment in the sector and mechanisms that provide a framework for building of partnerships between these entities and the government.

Policy Statements

1. *Promote private sector and civil society participation in wildlife conservation planning, implementation and decision-making.*
2. *Promote partnerships between local communities and investors on viable wildlife-based enterprises to enhance income generation and improvement of livelihood in the rural areas.*
3. *Promote partnerships between wildlife conservation agencies, NGOs, CBOs and other non-state actors through formal mechanisms such as MoU.*

11.6 HIV/AIDS

11.6.1 The HIV/AIDS pandemic has had far reaching impacts on wildlife sector. The pandemic has caused a shortage of skilled labour thereby undermining wildlife conservation activities. The increased cost on account of absenteeism and higher bills for treatment results in reduced investment in the sector as more resources are devoted to health care in combating HIV/AIDS.

Policy Statements

1. *Mainstream the fight against HIV/AIDS in the wildlife sector programmes, projects and activities.*
2. *Ensure workplace initiatives are adapted for people with HIV/AIDS.*

11.7 REGIONAL AND INTERNATIONAL OBLIGATIONS

11.7.1 Kenya is a party to a number of multilateral environmental agreements relating to wildlife resources' conservation and management. These include the Convention on Biological Diversity, the Convention on Wetlands of International Importance especially as Waterfowl Habitat, Convention on International Trade in Endangered Species, the Convention on Migratory Species and the World Heritage Convention. Kenya is also an actor in UNESCO's Man and Biosphere Programme. Regionally, Kenya plays a key role in both the New Partnership for Africa's Development (NEPAD) and East African Community which have wildlife related aspects.

11.7.2 Much progress has been made in establishing mechanisms for implementing some of the wildlife-related MEAs through domestication in environmental and

natural resources laws such as EMCA, the Forests Act, 2005 and the existing Wildlife Act. For example, CITES, the Lusaka Agreement and the CBD have been largely domesticated.

11.7.3 Furthermore, effective monitoring of trade and the control of poaching requires regional and international cooperation. Given the limited resources Kenya can commit to wildlife conservation, significant benefits can be realized and effectiveness increased through regional and international initiatives.

Policy Statements

1. *Put in place proper coordination mechanisms to ensure cross-sectoral linkages and consistent implementation of wildlife-related MEAs without overlaps and conflicting responsibilities.*
2. *Promote the establishment of transboundary and/or transfrontier wildlife conservation areas as a basis of enhancing the conservation of shared wildlife resources and their ecosystems through relevant regional instruments.*
3. *Keep a register of all wildlife-related MEAs to which Kenya is a Party and ensure their implementation through sectoral coordination.*
4. *Support and participate effectively in wildlife-related MEAs and ensure the implementation of the international obligations under them.*
5. *Honour the requisite contributions relating to wildlife-related MEAs to which Kenya is a Party.*

12.0 IMPLEMENTATION STRATEGY AND STAKEHOLDER ROLES

The Government will develop an Implementation Plan for this Policy, involving a range of both Government and non-government stakeholders 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

“biodiversity” means the variability among living organisms from all sources including ecosystems and the ecological complexes of which they are a part. Accordingly, biodiversity encompasses three levels: ecosystem diversity, species diversity and genetic diversity;

“biopiracy” refers to the expropriation of biological resources from some countries or communities and their use in the development of commercial products protected through intellectual property rights by public or private entities (including corporations, universities and governments) without fair compensation or sharing of benefits derived with the individuals, peoples or nations in whose territory the materials were originally discovered.

“bioprospecting” refers to the exploration of wildlife for commercially valuable genetic and biochemical resources and research;

“community” refers to a clearly defined group of users of land and wildlife, which may, but need not be, a clan or ethnic community. These groups of users hold a set of clearly defined rights and obligations over land and wildlife

“conservation” means the protection, maintenance, rehabilitation, restoration and enhancement of wildlife;

“conservation area” refers to any area (including national parks and reserves) wholly or partially designated and registered for the conservation of wildlife.

“conservation hotspot” refers to a conservation priority area

“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;

“cropping” means harvesting of wildlife for a range of products including meat and wildlife trophies;

“culling” means selective removal of wildlife from a habitat or ecosystem based on sound scientific ecological principles.

“decentralization” means the devolution of responsibility for planning, management and control of wildlife resources from the national wildlife agency to the local delimited geographic and functional institutions at the regional, district and constituency levels.

“devolution” means the transfer of rights, authority and responsibilities by the national wildlife agency to the local delimited geographic and functional institutions at the regional, district and constituency levels;

“dispersal areas” means areas adjacent to or surrounding protected and community conservation areas into which wild animals move during some periods of the year;

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

"environmental impact assessment" means the definition assigned to it under the EMCA;

"ex-situ conservation" means conservation outside the natural ecosystem and habitat of the biological organism;

“game farming” refers to the keeping of wildlife in an enclosed and controlled environment for wildlife conservation, trade and recreation;

“game ranching” means the conservation of wildlife in an enclosed environment of with the intention of engaging in wildlife conservation and trade;

"genetic resources" means genetic material of actual or potential value;

“land owner” means those with individual or corporate title to land or leaseholders and those with collective community customary rights;

“land use” means activities carried out on a given piece of land;

“*lead agency*” means any government ministry, department, parastatal, state corporation or local authority, in which any law vests functions of control or management of any element of wildlife resources.

"in-situ conservation" means conservation within the natural ecosystem and habitat of the biological organism;

"intergenerational equity" means that the present generation should ensure that in exercising its right to beneficial use of the environment the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations;

"intragenerational equity" means that all people within the present generation have the right to benefit equally from the exploitation of the environment, and that they have an equal entitlement to a clean and healthy environment;

“invasive alien species” means a species that is not an indigenous species or an indigenous species translocated to a place outside its natural distribution range in nature, but not an indigenous species that has extended its nature distribution range by natural means of migration or dispersal without human intervention. It includes viruses, fungi, algae, mosses, ferns, higher plants, invertebrates, fish, amphibians, reptiles, birds and mammals.

“marine protected area” means any area of intertidal or subtidal terrain, together with its overlying water and associated flora, fauna, historical and cultural features, which

has been reserved by law or other effective means to protect part or all of the marine environment.”

“multilateral environmental agreement” means international legal instruments for the regulation of activities affecting the environment particularly wildlife resources to which Kenya is a Party.

“national park” means an area of land declared to be a National Park by or under this Act or any other written law;

“national reserve” means any area of land declared to be a National Reserve by or under this Act or any other written law;

“ownership” on the part of the state in relation to wildlife means custodianship or stewardship on behalf of the people of Kenya;

“protected area” means an area declared to be a protected area under the applicable law;

“sanctuary” refers to an area of land or of land and water set aside and maintained , by government, community, individual or private entity, for the preservation and protection of one or more species of wildlife;

“species” means a population of individual organisms capable of mating with one another and producing fertile offspring in a natural setting and that share common and specialized characteristics from others;

“sport hunting” means authorised pursuit and killing of wildlife for recreation and trophy collection;

“stakeholder” refers to an individual or group having a vested interest in the conservation issues relating to a particular area.

“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;

“transfrontier 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;

“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. It also incorporates riparian and coastal zones adjacent to the wetlands;

“wildlife” any wild and indigenous animal, plant, micro-organism or parts thereof within their constituent habitat or ecosystem on land or in water, as well as species that have been introduced into or established in Kenya;

“wildlife user rights” means various rights granted to a person, community or organization by the relevant competent authorities, that clearly defines each stakeholder’s access to direct and indirect use of wildlife resources; and

“wise use” means sustainable utilization of the wildlife resources, including wetlands for the benefit of humankind in a way compatible with the maintenance of the species and the integrity of the ecosystem.