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REPUBLIC OF KENYA




THE NATIONAL ASSEMBLY

12TH PARLIAMENT –FOURTH SESSION - 2020

DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

REPORT ON SESSIONAL PAPER NO. 1 OF 2020 ON WILDLIFE POLICY

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 03 DEC 2020	DAY: THURSDAY
TABLED BY:	HON. CHACHU GAMA, MP (MEMBER)
CLERK-AT	SUSAN MARITIM

DIRECTORATE OF DEPARTMENTAL COMMITTEES,
CLERK'S CHAMBERS,
PARLIAMENT BUILDINGS,
NAIROBI

DECEMBER, 2020

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CHAIRPERSON'S FOREWORD

Sessional Paper No. 01 of 2020 on Wildlife Policy from the State Department for Wildlife in the Ministry of Tourism and Wildlife was laid on the Table of the House by the Leader of the Majority Party on 28th July, 2020 and thereafter stood committed to the Departmental Committee on Environment and Natural Resources.

The Wildlife Policy aims at averting the fragmentation of natural habitats and sustaining the ecological processes underpinning the diversity of ecosystems.

The policy document contains six chapters. Chapter one elaborates on the origin of wildlife policy and practice in Kenya since the 19th Century; Chapter two reviews the status of the wildlife conservation in Kenya; Chapter three articulates the overall goal and objectives of the policy, including the guiding principles underpinning the policy; Chapter four contains proposals on fourteen thematic areas that define sustainable wildlife conservation and management; Chapter five contains the legal and institutional arrangements necessary to bring about reforms in the wildlife sector and Chapter six contains proposals and prescriptions necessary for operationalizing the policy.

At its sittings held on 25th September, 2020, 21st October, 2020 and on 24th November, 2020, the Committee considered the Sessional Paper No. 01 of 2020 on Wildlife Policy and unanimously resolved that it be adopted.

May I take this opportunity to express my gratitude to Committee Members for their resilience and devotion to duty which made the consideration of the Policy successful. May I also appreciate the Offices of the Speaker and Clerk of National Assembly for always providing guidance and direction to Committees in the discharge of their mandate. Finally, I commend the secretariat for exemplary performance in providing technical and logistical support to the Committee.

On behalf of the Departmental Committee on Environment and Natural Resources it is my pleasant duty to submit to the Hon. Speaker a report of the Committee on the Sessional Paper No. 01 of 2020 on Wildlife Policy.

HON. KAREKE MBIUKI, M.P

1.0 PREFACE

1.1 Committee Mandate

1. The Departmental Committee on Environment and Natural Resources is established under the National Assembly Standing Orders No. 216 (1). The functions and mandate of the Committee are also contained under the National Assembly Standing Orders, No. 216(5) as:-
 - a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
 - b) Study the program and policy objectives of the Ministries and departments and the effectiveness of the implementation;
 - c) Study and review all legislation referred to it;
 - d) Study, access and analyze the relative success of the Ministries and Departments as measured by the results obtained as compared with its stated objectives;
 - e) Investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
 - f) Vet and report on all appointments where the constitution or any law requires the National Assembly to approve, except those under Standing Order 204; and
 - g) Make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.
2. The subject matter of the Departmental Committee on Environment and Natural Resources are stated in the Second Schedule of the National Assembly Standing Orders No. 216 (f) as follows: climate change, environment management and conservation, forestry, water resource management, wildlife, mining and natural resources, pollution and waste management.

1.2 Oversight

3. In executing its mandate, the Committee oversees the following Government Ministries and Departments namely: The Ministry of Environment and Forestry; The Ministry of Water & Sanitation and Irrigation; The State Department for Wildlife; and The State Department for Mining.

1.3 Members of the Committee

1. The Committee comprises the following Members:

Chairperson

Hon. Kareke Mbiuki, M.P.
MP for Maara Constituency

Jubilee Party

Vice-Chairperson

Hon. Sophia Abdi Noor, M.P.
MP for Ijaara Constituency

Party of Development and Reforms (PDR)

Members

Hon. David Kangogo Bowen, MP for
Marakwet East Constituency

Jubilee Party

Hon. Francis Chachu Ganya, MP for North
Horr Constituency

Frontier Alliance Party (FAP)

Hon. Benard Shinali, M.P. for Ikolomani
Constituency

Jubilee Party

Hon. Ali Wario Guyo, MP for Garsen
Constituency

Wiper Party

Hon. George Macharia Kariuki, MP for
Ndia Constituency

Jubilee Party

Hon. Charity K. Chepkwony, MP for Njoro
Constituency

Jubilee Party

Hon. Kingara, Simon Nganga, MP for Ruiru
Constituency

Jubilee Party

Hon. Peter Kimari Kihara, MP for Mathioya
Constituency

Jubilee Party

Hon. Benjamin Dalu Tayari, MP for
Kinango Constituency

Orange Democratic Movement (ODM)

Hon. Charles Ong'ondo Were, MP for
Kasipul Constituency

Orange Democratic Movement (Odm)

Hon. Nasri Sahal Ibrahim, MP - Nominated
Forum for Restoration of Democracy-K

Forum for Restoration of Democracy-K

Hon. Rozaah Buyu. MP for Kisumu County

Orange Democratic Movement (ODM)

Hon. Hassan Oda Hulufu, MP for Isiolo
North Constituency

Kenya Patriots' Party (KPP)

Hon. Amin Deddy Mohamed Ali, MP for
Laikipia East Constituency

Jubilee Party

Hon. Said Hiribae, MP for Galole
Constituency

Forum for Restoration of Democracy- K

Hon. Rehema Hassan, MP for Tana River
County

Maendeleo Chap Chap Party (MCC)

Hon. (Eng.) Paul M. Nzengu, MP for
Mwingi North Constituency

Wiper

Party

1.4 Secretariat

4. The Committee is serviced by the following Members of Staff:

Ms. Esther Nginyo
Second Clerk Assistant
Lead Clerk

Mr. Dennis Mogare Ogechi
Second Clerk Assistant

Mr. Sydney Lugaga
Legal Counsel I
Mr. Fredrick Muthengi
Chief Fiscal Analyst

Mr. Eugene Apaa
Research Officer III

2.0 COMMITTEE CONSIDERATION OF SESSIONAL PAPER NO 01 OF 2020 ON WILDLIFE POLICY

2.1 Background Information

5. Wildlife resources are valuable natural endowments that must be sustainably managed for present and future generations. Wildlife and the habitats they occupy constitute a critical asset to the Country and needs to be managed and conserved to benefit the current and future generations. Currently, Wildlife is the bedrock to Kenya's tourism, contributing over 10% of the Gross Domestic Product (GDP) and over 18% to the foreign exchange earnings.
6. The wildlife sector however, continues to face challenges occasioned by rapid population growth and accelerated economic development that have led to loss of space for wildlife, increased human-wildlife conflicts, climate change impacts and weak coordination of sectoral policies related to conservation among others. This calls for a policy review.
7. Sessional Paper No.1 on Wildlife Policy from the Ministry of Tourism and Wildlife was laid on the Table of the House on 20th July 2020 and thereafter committed to the Departmental Committee on Environment and Natural Resources.
8. The paper has 6 chapters. Chapter one of the policy explains the evolution of the Wildlife Policy in Kenya, gives the rationale for a new Wildlife Policy, and sets out the process of formulating the policy; Chapter two gives a situational analysis of Kenya's Wildlife resources and the threats and challenges to Wildlife; Chapter three highlights the goal, objectives and guiding principles of the Policy; Chapter four sets out the Wildlife conservation and management interventions which include the strategic importance of wildlife, wildlife conservation and management on private and community lands, marine protected areas and ecosystems, wetlands, rivers and lake ecosystems, wildlife security, human-wildlife conflicts, wildlife user rights, bio-prospecting and access to genetic.

2.2 Scope of the policy

9. The overall goal for the policy is to provide a framework that is dynamic innovative for reengineering the wildlife sector. The specific objectives of the policy include-
 - (i) To conserve in perpetuity, Kenya's wildlife resources, as a national heritage;
 - (ii) To increase access, incentives and sustainable use of wildlife resources while ensuring equitable sharing of benefits;
 - (iii) To promote partnerships and incentives for wildlife-based enterprise;

(iv) To facilitate collaboration for effective governance and financing of wildlife sector between communities, private conservancies, counties, national government and international partners; and

(v) To promote management of viable wildlife populations and the habitats in Kenya.

10. The policy covers among other aspects, strategic importance of wildlife; conservation and management of wildlife in national parks, national reserves, and national sanctuaries; conservation and management of wildlife on private community lands; marine protected areas and ecosystems; wetlands, rivers and lake ecosystems; wildlife security; human wildlife conflicts; wildlife user rights; bioprospecting and access to genetic resources; sustainable management of wildlife resources; wildlife diseases and veterinary services; wildlife disaster preparedness, response, and rescue; and research and monitoring.

2.3 Rationale for developing of the policy

11. The post-independence policy Sessional Paper No.3 of 1975 titled “A Statement of the Future of Wildlife Management Policy in Kenya” set out a strategy for integrated wildlife conservation and management based on the participation of both communities and the private sector. The main goal of the policy was to maximize returns from wildlife as a natural resource.

12. The policy was effected by the enactment of the Wildlife (Conservation and Management) Act in 1976. The Act was amended in 1989 to create the Kenya Wildlife Service (KWS) for the conservation and management and protection of all wildlife in Kenya. However, it is noted in the proposed policy that the 1975 policy was not capable of addressing emerging challenges and realities in the sector including effects of climate change, weak linkages between science and policy, rapid population growth, rapid economic development that has encroached on space for wildlife, increased human-wildlife conflicts, and inadequate coordination of sectoral policies relating to governance of environmental resources. This necessitated a review of the policy.

2.4 The problem that the policy seeks to address

13. Kenya prides itself as the second ranking country in Africa after South Africa in hosting diverse animal species. It is home to over 1,100 bird species and over 350 mammal species. It is also home to over 7,000 plants species, over 25,000 insect species, over 224 fresh water fish, over 297 species of mollusks. The wildlife and its associated habitats and ecosystems are a significant economic asset as well as a rich natural heritage. The goal of this policy therefore is to create an enabling environment for conservation, sustainable management of wildlife for current and future generations.

2.5 Threats and Challenges to Wildlife

14. The policy notes the following as the threats and challenges to wildlife-
- i. Land-use changes;
 - ii. Destruction of wildlife habitats;
 - iii. Insecurity;
 - iv. Inadequate incentives;
 - v. Ineffective protected area management and partnerships;
 - vi. Lack of protected area management plans;
 - vii. Lack of assessments and prioritization of management effectiveness;
 - viii. Inadequate scientific data that is accurate;
 - ix. Illegal bush meat trade;
 - x. Human-wildlife conflicts;
 - xi. Pollution;
 - xii. Biopiracy;
 - xiii. Climate Change;
 - xiv. Inadequate transboundary collaboration;
 - xv. Invasive alien species;
 - xvi. Conflicting sectoral policies and inadequate coordination in the implementation of governance in existing natural resources; and
 - xvii. Diseases.

2.6 Wildlife Conservation and Management Interventions

15. **Strategic Importance of Wildlife:** This will be done through designating wildlife as a strategic national resource and allocate adequate funding from the national budget, including the economic value of wildlife into the national income accounting, planning and budgeting, mainstream wildlife resources into the frameworks on blue and green economies.
16. **Management of National Parks, Reserves and Sanctuaries:** This will be achieved through reviewing the current protected area system to determine if it meets the country's wildlife conservation objective, demarcating and securing boundaries in wildlife protected areas as well as developing guidelines for sustainable extraction and exploration in protected areas.
17. **Wildlife Conservation and Management on Private and Community Lands:** This will be carried out through promoting wildlife conservation as a land use option, encouraging private to bequeath land and property for purposes of wildlife conservation, investing in wildlife conservation education and public awareness as well as mitigating against threats to wildlife by physical developments in important wildlife habitats.
18. **Marine Protected Areas and Ecosystems:** The government will support this by developing dedicated policy and laws to support the revamping of the marine and coastal areas, enhancing the capacity for marine and coastal zone research management, providing

incentives for the establishment of community managed marine conservation areas as well as foster regional cooperation in the conservation and management of marine migratory species.

19. **Wetlands, Rivers and Lake Ecosystems:** The Government shall ensure collaborative implementation of the National Wetlands Conservation and Management Policy, support the restoration of degraded wetlands, riverbanks and lakeshores, educate the public and raise awareness on the critical role of wetlands, rivers and lake ecosystems in wildlife conservation, and ensure full implementation of the Ramsar Convention on Wetlands.
20. **Wildlife Security:** The government shall strengthen skill training, technological capabilities and innovation to secure all wildlife species and their natural habitats in accordance with the law; enhance inter-agency collaboration in combating wildlife crime; mainstream wildlife security into the national security system; enhance the capacity of local communities to combat wildlife crime and biopiracy; and strengthen collaboration with regional and international law enforcement agencies to combat transnational wildlife crimes.
21. **Human-wildlife Conflicts:** The Government shall establish a national strategy for mitigating human wildlife conflict; mainstream human-wildlife conflict into county spatial planning processes; support the development and implementation of ecosystem-based management plans for key wildlife landscapes; build capacity of local communities to manage problem animals; establish and maintain a human wildlife conflict database; establish a sustainable financing scheme for compensating against wildlife-caused deaths, injuries and damage to property; and promote human wildlife co-existence.
22. **Wildlife User Rights:** The Government shall develop a framework to regulate access and sustainable utilization of wildlife and wildlife products; foster the use of scientific knowledge and the precautionary principle approach in wildlife utilization decision-making; develop a framework for sharing benefits accrued from wildlife utilization; ensure that all wildlife user-right holders have responsibilities to support wildlife conservation; and develop guidelines and standards for service provision and infrastructure development in and around wildlife conservation.
23. **Bioprospecting and Access to Genetic Resources:** The Government shall regulate bioprospecting and the collection of wildlife specimen in accordance with national and international and best practice; develop capacity for bioprospecting and ensure technology transfer; develop a bioprospecting policy; and ensure bioprospecting and access to genetic resources occur a strict compliance with relevant national and international law including ensuring that benefits thereof, such as intellectual property rights, traditional knowledge and technology, are shared equitably.
24. **Management of Vulnerable and Endangered Wildlife Species:** The Government shall enact dedicated laws for vulnerable and endangered wildlife species; develop measures for the conservation and management of wildlife species whose range is shared with neighbouring countries; put in place mechanisms for the control of invasive species;

develop mechanisms to regulate the introduction and management of exotic wildlife species and genetically modified organisms; develop mechanisms to regulate the donation/gifting and exchange of wildlife species between Kenya and other countries; and develop a framework to regulate the establishment and management of captive wildlife facilities.

25. **Wildlife Disease and Veterinary Services:** The Government shall strengthen capacity for wildlife veterinary services; develop and implement mechanisms for wildlife for wildlife disease surveillance, epidemiology and management; mitigate against threats posed by zoonotic diseases, including public awareness on associated risks; enhance interagency collaboration in addressing zoonotic diseases using the one-health-approach; and strengthen capacity for wildlife forensic science and genetics.
26. **Wildlife Disaster Preparedness, Response and Rescue:** The Government shall develop and implement measures to mitigate against disasters affecting wildlife and enhance research and technology in wildlife disaster risk reduction.
27. **Research and Monitoring:** The Government shall enhance the capacity for wildlife research, innovation and development; develop mechanisms to regulate and coordinate wildlife research in Kenya; promote the use of scientific knowledge and information in decision-making; allocate funding for wildlife research and innovation; and establish a national wildlife data and information sharing and integration platform.
28. **Funding:** The Government will allocate funds for conservation and management of wildlife; develop a mechanism for engaging stakeholders in the private sector to mobilize resources to support wildlife conservation and management; promote innovative conservation funding mechanisms, including payment for ecosystem services, establishing the wildlife conservation fund, carbon trading, among other; encourage and develop mechanisms for conservation financing through philanthropy; and leverage and mobilize wildlife conservation funding from the private sector.

2.7 Monitoring and Evaluation

29. A monitoring and evaluation mechanism will be established to ensure the policy objectives are monitored and evaluated. The Cabinet Secretary for the time being responsible for wildlife conservation and management shall develop and implement various technical instruments to give effect to the policy. The Cabinet Secretary shall also monitor the implementation of the policy.
30. The policy will periodically be reviewed and reporting done taking into account changes in laws, priorities and emerging issues as may be determined by the Ministry responsible for Wildlife Conservation and Management.

2.8 Legislative interventions highlighted in the policy

31. It is noted that the Wildlife Conservation and Management Act, No.47 of 2013 does not adequately address the issues of stakeholder engagement, compensations, and obligations under regional and multilateral agreements to which Kenya is a party. The Wildlife Policy

2020 proposes the development of a new Wildlife Act to address emerging issues and give effect to the policy.

32. Under the new policy, Government will be required to-

- i. Enact a comprehensive wildlife conservation and management legislation to give effect to this policy;
- ii. Ensure periodic review of the wildlife conservation and management legislation;
- iii. Prepare regulations and guidelines to support implementation of the Wildlife Conservation and Management Act; and
- iv. Ensure the domestication and implementation of international instruments that Kenya had acceded to into national legislation.

3.0 SUBMISSIONS BY STATE DEPARTMENT FOR WILDLIFE

33. The Cabinet Secretary for Tourism and Wildlife appeared before the Committee on 25th September, 2020 and briefed it on the contents of the Sessional Paper No. 01 of 2020 on Wildlife Policy.
34. Introduction Sessional Paper No. 01 of 2020 on Wildlife Policy is the end result of a wildlife policy reform process which has been on-going since 2010. The reforms are intended to align wildlife sector policies with the Constitution of Kenya, 2010 and enable the Government of Kenya address the challenges facing wildlife and related biodiversity conservation efforts in this country. Fundamental to this alignment was the need to inter alia comply with the provisions of the constitution in regard to reflecting the constitutional principle of devolved government, guarantee to the right to benefit sharing and sustainable utilization, management and conservation of natural resources. The policy will replace Sessional Paper No. 3 of 1975.
35. Management Policy in Kenya. The Wildlife policy is a statement of government intent, which prescribes a broad range of principles, measures and actions to be pursued to arrest the decline and achieve a sustainable wildlife management in Kenya that enhances benefits and stakeholder engagement.
36. Approach and Methodology: The Wildlife policy has been developed through a participatory process in accordance with the provisions of the Constitution of Kenya, 2020 and international best practices. Extensive literature review, review of the Wildlife Conservation and Management Act, 2013 was undertaken. Two national public consultative meetings, one peer review meeting and a national validation workshop between 2017 and 2018 comments were incorporation. Further to this, the draft policy was presented to the National Development Technical Implementing Committee and the National Development Cabinet Communication and Coordination Committee. The Wildlife Policy 2020 was approved by Cabinet during the 2nd Cabinet meeting – 2020 held on 19th March 2020.
37. Rationale for a new Wildlife Policy: Despite the good intentions of the 1975 Wildlife Policy and interventions by the government and stakeholders, wildlife numbers have been in serious decline. Documented reasons for the sharp decline in wildlife numbers entail an interconnected suite of pressures linked to habitat conversion such as population growth, livestock overgrazing, expansion of arable agriculture, fencing, poaching, infrastructure developments and more fundamentally, failure to integrate wildlife conservation with other competing land use types.
38. The following socio-economic changes and threats to wildlife call for more effective conservation policies:
 - a. Promulgation of Constitution of Kenya, 2010 with provisions and imperatives for devolution, sustainable exploitation, utilization, management and conservation of environment and natural resources, and ensuring sharing of the accrued benefits;

- b. Biodiversity has assumed enormous importance globally and nationally for its role in sustaining livelihoods;
- c. Wildlife has become a strategic national asset as its economic use has expanded in terms of nature-based tourism;
- d. Pressures on wildlife have been rising rapidly due to encroaching human populations, rapid economic developments and intensified resource use;
- e. Escalating new threats and challenges such as sophisticated poaching, climate change and its impacts, among others;
- f. Increased human-wildlife conflicts; and
- g. Inadequate research, innovation and technological capacity.

39. Objectives of the Policy: The overall goal of the Wildlife policy is to create an enabling environment for conservation and sustainable management of wildlife for current and future generations. The specific objectives of the Policy are to: -

- a. Conserve in perpetuity, Kenya's wildlife resources, as a national heritage;
- b. Increase access, incentives and sustainable use of wildlife resources, while ensuring equitable sharing of benefits;
- c. Promote partnerships and incentives for wildlife-based enterprises;
- d. Mitigate on human wildlife conflict and enhance co-existence;
- e. Facilitate collaboration for effective governance and financing of the wildlife sector between communities, private conservancies, counties, national government and international partners; and
- f. Promote management of viable wildlife populations and their habitats in Kenya.

40. Key Features of the Wildlife Policy 2020 include:

- a. Provisions for the establishment of protected areas as the principle strategy for conserving and managing wildlife and strongly advocates for integrated management;
- b. Proposals on interventions to avert the fragmentation of natural habitats and sustaining the ecological processes underpinning the diversity of ecosystems;
- c. Provisions on mitigating human wildlife conflict and enhancing co-existence;
- d. Proposals of means and reasons for mobilizing support and developing partnerships between national and county governments, government agencies, community and private land owners with jurisdiction over land holding significant populations of wildlife;
- e. Reaffirming the right of people to access and benefit equitably from wildlife resources as provided for under The Constitution of Kenya;
- f. Provisions on voluntary wildlife conservation interventions including incentives for wildlife conservation and management in private and community lands outside the government protected areas;
- g. Proposals on measures and means of increasing access and sustainable use of wildlife resources, while ensuring equitable sharing of benefits;
- h. Proposals to expand the scope for wildlife-based enterprises for land owners including bio-prospecting;
- i. Introduces new definitions, terms and phrases to capture new developments and emerging issues especially in regard to The Constitution and international best practices; and

- j. Provides for the re-organization of the wildlife sector to streamline operations and clarify the roles and responsibilities of the various actors including separating the powers and responsibilities between the Ministry and Kenya Wildlife Service (KWS).
 - k. Emphasis will be placed on conserving wildlife not only within the Government protected areas but also outside in private and community conservancies by adopting the new concept of sustainable, participatory wildlife conservation.
41. The Wildlife Policy 2020 contains Six (6) chapters which captures the aspiration of the Kenyan people and the responsibility of all in conserving wildlife as a national heritage.
- i. Chapter 1 is on introduction outlining the evolution of the wildlife policy, rationale for a new wildlife policy and the policy formulation process.
 - ii. Chapter 2 is on situational analysis emphasizing Kenya's wildlife resources and threats and challenges to wildlife.
 - iii. Chapter 3 articulates the overall goal and objectives of the policy, including the guiding principles underpinning the policy.
 - iv. Chapter 4 is the heart of the policy and contains proposals and prescriptions on thematic areas that define sustainable wildlife conservation and management interventions.
 - v. Chapter 5 deals with legal and institutional framework necessary to bring about reforms in the wildlife sector.
 - vi. Chapter 6 is on implementation strategy and contains proposals and prescriptions necessary for operationalizing the new wildlife policy.
42. In Conclusion, despite its achievements, the 1975 Wildlife Policy was not as comprehensive and ambitious enough compared to the wildlife Policy 2020 to deal with the ever-increasing wildlife conservation challenges, such as increased human-wildlife conflicts, sophistication of poaching and illegal trade in wildlife species, degradation and fragmentation of wildlife habitats, loss of ecosystem functions, effects of climate change, weak linkages between science and policy, and integrated land-use planning in Kenya which the new wildlife policy 2020 proposes to address.
43. The Wildlife Policy 2020 was formulated through public participation as required under the Constitution of Kenya 2010 and prescribes a broad range of principles, measures, and actions to be pursued to achieve sustainable wildlife conservation and management in Kenya that enhances benefits and stakeholder engagement.
44. Given the fact that the Wildlife Conservation and Management Act 2013 was not informed by a consolidated wildlife policy, the Cabinet directed the Cabinet Secretary for Tourism and Wildlife jointly with the Attorney-General to undertake a comprehensive review of the Wildlife Conservation and Management Act 2013 to give effects to the Wildlife Policy 2020

4.0 COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS

4.1 Committee's Observation

45. Upon studying the Sessional Paper No. 01 of 2020 on Wildlife Policy, the Committee made the following observations-

- (i) Kenya is well endowed with diverse wildlife resources. These resources are critical to the growth of the country's economy, raking about 10% to the GDP through tourism. However, the wildlife sector is being governed through Sessional Paper No. 3 of 1975. The sector has been dynamic and therefore the need for a more contemporary and effective conservation policy;
- (ii) The Wildlife Conservation and Management Act, 2013 was enacted without a preceding policy to guide its implementation, hence the need to pass the sessional paper No. 01 of 2020 on Wildlife Policy;
- (iii) The Sessional Paper No. 01 of 2020 on Wildlife Policy envisages the enactment of a legislation that enables better conservation and management of wildlife. However, the Wildlife Conservation and Management Act, 2013 has barely been implemented since its enactment in 2013. There is therefore need to ensure that policies preceding legislation enactment;
- (iv) The Sessional Paper No. 01 of 2020 on Wildlife Policy seeks to address factors such as increased human-wildlife conflict; economic aspect of the nature-based tourism; escalating new threats and challenges through sophisticated poaching, effects of climate change as well as pressures on wildlife due to encroachment by human population, rapid economic development and intensified resource use.

4.2 Committee Recommendations

46. The Committee recommends that-

- i. **The House adopts this Report on Sessional Paper No. 01 of 2020 on Wildlife Policy;**
- ii. **Following the adoption of this Policy, all proposed legislations on Wildlife related matters should be guided by the provisions of the Wildlife Policy.**

SIGNED..........DATE.....03/12/2020.....

HON. KAREKE MBIUKI, M.P.
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND
NATURAL RESOURCES

Committee Minutes

MINUTES OF THE 58TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES HELD ON WEDNESDAY 2ND DECEMBER, 2020 IN TSAVO HALL A, KICC AT 11 AM.

PRESENT

- | | |
|---|-------------|
| 1. The Hon. Kareke Mbiuki, M.P. | Chairperson |
| 2. The Hon. Benjamin Dalu Tayari, M.P | |
| 3. The Hon. Peter Kimari Kihara, M. P | |
| 4. The Hon. Nasri Sahal Ibrahim, M.P. | |
| 5. The Hon. Hassan Oda Hulufu, M.P | |
| 6. The Hon. Francis Chachu Ganya, M.P. | |
| 7. The Hon. Charles Ong'ondo Were, M.P. | |
| 8. The Hon. Simon Nganga King'ara, M.P. | |
| 9. The Hon. Ali Wario Guyo, M.P. | |
| 10. The Hon. Said Hiribae, M.P. | |

APOLOGIES

- | | |
|--|------------------|
| 1. The Hon. Sophia Abdi Noor, M.P. | Vice Chairperson |
| 2. The Hon. David Kangogo Bowen, M.P | |
| 3. The Hon. Rozaah Buyu. M.P. | |
| 4. The Hon. Bernard Shinali, M.P. | |
| 5. The Hon. George Kariuki, M. P. | |
| 6. The Hon. Rehema Hassan, M.P | |
| 7. The Hon. Amin Deddy Mohamed Ali, M.P | |
| 8. The Hon. Charity Kathambi Chepkwony, M.P | |
| 9. The Hon. (Eng.) Paul Musyimi Nzengu, M.P. | |

IN ATTENDANCE

THE NATIONAL ASSEMBLY

- | | | |
|-------------------------|---|----------------------------|
| 1. Ms. Esther Nginyo | - | Clerk Assistant II |
| 2. Mr. Dennis M. Ogechi | - | Clerk Assistant II |
| 3. Mr. Sydney Lugaga | - | Legal Counsel |
| 4. Mr. Stanley Lagat | - | Senior Serjeant At Arms II |
| 5. Mr. Stephen Nyakuti | - | Audio Officer |

AGENDA

- i) Prayers
- ii) Confirmation of Minutes
- iii) Matters Arising
- iv) Consideration and adoption of the following reports:
 - Report On a Petition Regarding Effects of Flooding and their Mitigation Along River Sondu Miriu

- **Report on Sessional Paper No. 1 Of 2020 on Wildlife Policy**
- v) AOB
- vi) Date of the next Sitting

MIN.NO. DC/ENR/296/2020: - **PRELIMINARIES**

The meeting was called to order at 11.15 a.m. after which prayers were said. The Acting Chairperson then stated that the main agenda of the meeting was Consideration and adoption of the following reports:

- Report On a Petition Regarding Effects of Flooding and their Mitigation Along River Sondu Miriu
- Report on Sessional Paper No. 1 Of 2020 on Wildlife Policy

The Members adopted the agenda of the meeting.

MIN.NO.DC/ENR/297/2020: - **CONFIRMATION OF MINUTES**

Confirmation of minutes of the previous sitting was deferred to the next meeting.

MIN.NO. DC/ENR/298/2020: - **CONSIDERATION AND ADOPTION OF A REPORT ON A PETITION REGARDING EFFECTS OF FLOODING AND THEIR MITIGATION ALONG RIVER SONDU MIRIU**

The Report on a Petition Regarding Effects of Flooding and their Mitigation Along River Sondu Miriu was considered and adopted after being proposed and seconded by Hon. Charles Ong'ondo Were, M.P. and Hon. Francis Chachu Ganya, M.P. respectively.

It was adopted with the following recommendations:

1. **The Ministry of Water, Sanitation and Irrigation** as a matter of policy adopt and implement the following, namely:
 - a) expedite the construction of a 2-kilometer dyke on the left bank of River Sondu Miriu from Sang'oro power station and a 5-kilometer dyke on either side of the river after Kendu Bay-Katito road towards the lake in the 2021/2022 Financial Year.
 - b) issue necessary guidelines to ensure the River Sondu Miriu bank is preserved and the catchment area is protected since it has the mandate of regulation of the river by demarcating the riparian area.
 - c) conduct emergency response during floods and particularly at the evacuation centers by digging or desilting in the natural drains to unblock the water ways, unblock or rehabilitate culverts, supply and install water tanks in learning institutions being used as evacuation centers, build pit latrines and mobile toilets, supply water treatment chemicals and household filters, and supply hand wash facilities.

- d) expedite implementation of the Great Wang'cheing' Irrigation Project in Rachuonyo North Sub-County, Homa Bay County to boost food security in the region.
 - e) expedite the assessment of suitable sites for construction of water pans, small dams and boreholes to assist the communities' access to safe water for domestic use. It should then prioritize the projects for implementation under the various programs targeting improvement of rural water supply.
 - f) ensure timely completion of the following ongoing projects to address water and sanitation challenges in Homabay County: Homa Bay Cluster Water Supply and Sanitation Project, and Kendu Bay Water and Sanitation Project, Oyugis Water Supply and Sanitation Project.
 - g) in conjunction with other stakeholders, spearhead the dredging of River Sondu Miriu and unblocking the river delta to ease the flow of water to the lake. A multi sectoral engagement should then ensure construction of dams upstream to store water and control flood flows during heavy rains, establishment of a modern early warning system based on a functional telemetric network and identification of permanent evacuation centers, construction of water pans and check dams to control water velocity.
2. **The County Governments of Homabay and Kisumu counties**, in conjunction with other stakeholders, as a matter of policy should undertake the following to forestall human suffering due to floods:
- a) Immediate measures: mapping and identification of affected areas and people, supply of water to the affected, providing food and non-food items to the affected, evacuating the affected, and conducting public health outreaches, having trenches dug around schools to prevent water from flooding them, and by carrying out desilting, dredging and opening up of canals, drainages, streams and water channels, construction of fish landing areas, construct toilet to improve sanitation at the beach, construct gabions along the beach to reduce siltation and finance aquaculture along the beach.
 - a) Medium term interventions: develop a flood management strategy, building evacuation centres for nearby communities to avoid usage of schools as evacuation centres, institute reforestation programs, river training, and sustainable land use practices in the upstream area of Sondu Miriu River to reduce erosion and consequent sedimentation of rivers in the lake basin which is a major cause of floods, engage in inter-sectoral collaborations, and revise existing policy or formulate county level policy, if none exists, on engagements during flooding events.
 - b) Long term interventions: enter into public private partnership with the possible investors/ donors to assist in projects such as: tree planting; rain water harvesting in each home. The County Government should also engage with the national government for the construction of Koru-Soin Multi-Purpose Dam, construction of several water pans and rehabilitation of water catchment areas within the region, and capacity building local communities to change behavior for better adaptation.

MINUTES OF THE 48TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES HELD ON WEDNESDAY 21ST OCTOBER, 2020 AT SAROVA WHITESANDS HOTEL, MOMBASA AT 9:00 AM.

PRESENT

- | | |
|--|-------------|
| 1. The Hon. Kareke Mbiuki, M.P. | Chairperson |
| 2. The Hon. Francis Chachu Ganya, M.P. | |
| 3. The Hon. Nasri Sahal Ibrahim, M.P. | |
| 4. The Hon. Rozaah Buyu, M.P. | |
| 5. The Hon. Charity Kathambi Chepkwony, M.P. | |
| 6. The Hon. Ali Wario Guyo, M.P. | |
| 7. The Hon. Charles Ong'ondo Were, M.P. | |
| 8. The Hon. Bernard Shinali, M.P. | |
| 9. The Hon. Hassan Oda Hulufu, M.P. | |
| 10. The Hon. Benjamin Dalu Tayari, M.P. | |
| 11. The Hon. Peter Kimari Kihara, M. P. | |
| 12. The Hon. Simon Nganga King'ara, M.P. | |
| 13. The Hon. Said Hiribae, M.P. | |

APOLOGIES

- | | |
|--|------------------|
| 1. The Hon. Sophia Abdi Noor, M.P. | Vice Chairperson |
| 2. The Hon. George Kariuki, M. P. | |
| 3. The Hon. David Kangogo Bowen, M.P. | |
| 4. The Hon. Rehema Hassan, M.P. | |
| 5. The Hon. (Eng.) Paul Musyimi Nzengu, M.P. | |
| 6. The Hon. Amin Deddy Mohamed Ali, M.P. | |

IN ATTENDANCE

THE NATIONAL ASSEMBLY

- | | | |
|--------------------------|---|----------------------------|
| 1. Ms. Esther Nginyo | - | Clerk Assistant II |
| 2. Mr. Dennis M. Ogechi | - | Clerk Assistant II |
| 3. Mr. Fredrick Muthengi | - | Chief Fiscal Analyst |
| 4. Mr. Sydney Lugaga | - | Legal Counsel I |
| 5. Mr. Stanley Lagat | - | Senior Serjeant-at-Arms II |
| 6. Mr. Eugene Apaa | - | Research Officer |
| 7. Mr. Stephen Nyakuti | - | Audio Officer |

AGENDA

- i) Prayers
- ii) Confirmation of Minutes
- iii) Matters Arising
- iv) Consideration Sessional Paper No. 1 of 2020 on Wildlife Policy.
- v) AOB

vi) Date of the next Sitting

MIN.NO. DC/ENR/258/2020:

- PRELIMINARIES

The meeting was called to order at 9.25 a.m. after which prayers were said. The Chairperson then stated that the main agenda of the meeting was consideration Sessional Paper No. 1 of 2020 on Wildlife Policy.

The Members adopted the agenda of the meeting.

MIN.NO.DC/ENR/259/2020:

- CONFIRMATION OF MINUTES

Confirmation of minutes of the previous sitting was deferred to the next meeting.

MIN.NO.DC/ENR/260/2020:

**- CONSIDERATION SESSIONAL
PAPER NO. 1 OF 2020 ON WILDLIFE
POLICY.**

In considering the Sessional Paper No. 1 of 2020 on Wildlife Policy, the Committee received briefs from the researcher and the fiscal analyst.

PRESENTATION FROM THE RESEARCHER

The researcher briefed the Committee on the sessional paper that:

1. Wildlife resources are valuable natural endowments that must be sustainably managed for present and future generations. Wildlife and the habitats they occupy constitute a critical asset to the Country and needs to be managed and conserved to benefit the current and future generations. The wildlife sector however, continues to face challenges occasioned by rapid population growth and accelerated economic development that have led to loss of space for wildlife, increased human-wildlife conflicts, climate change impacts and weak coordination of sectoral policies related to conservation among others. This calls for a policy review.
2. Sessional Paper No.1 on Wildlife Policy from the Ministry of Tourism and Wildlife was laid on the Table of the House on 20th July 2020 and thereafter committed to the Departmental Committee on Environment and Natural Resources.
3. The paper has 6 chapters. Chapter one of the policy explains the evolution of the Wildlife Policy in Kenya, gives the rationale for a new Wildlife Policy, and sets out the process of formulating the policy; Chapter two gives a situational analysis of Kenya's Wildlife resources and the threats and challenges to Wildlife; Chapter three highlights the goal, objectives and guiding principles of the Policy; Chapter four sets out the Wildlife conservation and management interventions which include the strategic importance of wildlife, wildlife conservation and management on private and community lands, marine protected areas and ecosystems, wetlands, rivers and lake ecosystems, wildlife security, human-wildlife conflicts, wildlife user rights, bioprospecting and access to genetic resources, management of vulnerable and endangered wildlife species, wildlife diseases and veterinary services, wildlife disaster preparedness, response and rescue, research and monitoring, and funding. Chapter five describes the legal and institutional framework

underpinning the policy. This entails- legislative reforms, institutional arrangements, partnerships with State and Non- State actors, Human resource development and capacity building, and regional and international cooperation; and Chapter six defines the implementation strategy which includes management arrangements and monitoring, enforcement and compliance.

4. This policy is intended to take into account the emerging threats to wildlife and align wildlife management and conservation to the Constitution of Kenya 2010 and Vision 2030, implement the National Wildlife Strategy and international obligations including Sustainable Development Goals, the Convention on Biological Diversity and the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES). The policy will also guide the review of the Wildlife Conservation and Management Act, 2013.
5. The policy is also meant to set out the government's intention to an enabling environment for achieving sustainable wildlife management in Kenya. The policy notes the benefits of wildlife beyond tourism including provision of ecosystem services, harnessing of carbon dioxide, provision of fresh water and air among others, which therefore necessitates adequate investments in the conservation, management, and utilization of our wildlife resources.
6. The specific objectives of the Policy are to-
 - i). Conserve in perpetuity, Kenya's wildlife resources, as a national heritage;
 - ii). Increase access, incentives and sustainable use of wildlife resources while ensuring equitable sharing of benefits;
 - iii). Promote partnerships and incentives for wildlife- based enterprises;
 - iv). Facilitate collaboration for effective governance and financing of the wildlife sector between communities, private conservancies, counties, national government and international partners; and
 - v). Promote management of viable wildlife populations and habitats in Kenya.
7. The threats and challenges that the policy intends to address are: Land use changes; destruction of wildlife habitats; insecurity; inadequate incentives; ineffective protected areas management and partnerships; lack of protected areas management plans; lack of assessments and prioritization of management effectiveness; inadequate scientific data that is accurate on wildlife resource; illegal bush meat trade; human- wildlife conflicts; pollution; bio-piracy; climate change; inadequate transboundary collaboration; invasive alien species; conflicting sectoral policies and inadequate coordination in the implementation of governance in existing natural resources and; diseases.
8. It is noted that the Wildlife Conservation and Management Act, No.47 of 2013 does not adequately address the issues of stakeholder engagement, compensations, and obligations under regional and multilateral agreements to which Kenya is a party. The Wildlife Policy 2020 proposes the development of a new Wildlife Act to address emerging issues and give effect to the policy.
9. Globally, wildlife conservation efforts, especially of large mammals, are hampered by expansion of human settlements and overexploitation of wildlife resources.
10. In the Republic of South Africa wildlife conservation and welfare practices are governed by several pieces of legislation including, the Animal Protection Act, 71 of 1962, the Marine Living Resources Act, 18 of 1998, the Game Theft Act, 105 of 1991, the Animal Health Act, 7 of 2002, the National Environment Management: Protected Areas Act, 57 of 2003, the National Environmental Management: Biodiversity Act, 10 of 2004 and the Threatened or Protected Species Regulation, 2007 (TOPS) among others. The provinces have their own

distinct legislations; however national legislation takes precedence whenever there are conflicting provisions.

11. In the Republic of India, the highest advisory body with regard to wildlife conservation is the India Board of Wildlife which is mandated to draft policies and directives for the management of protected areas. The Ministry of Environment and Forests and Climate Change is responsible for conservation of wildlife and plant species. State governments also undertake conservation activities including the operation of national parks through the Forest Department. Owing to rising populations and land pressures, the government excludes people from protected areas but allows the local communities to sustainably use the resources.
12. In the United States of America, wildlife is federally regulated, however States can enact laws to protect wildlife in their territories as long as their laws are not inconsistent with federal law.

PRESENTATION BY THE FISCAL ANALYST.

The fiscal analyst briefed the Committee on the sessional paper that:

1. The Sessional Paper No. 1 of 2020 on Wildlife Policy was published in June 2020 and articulates the government's intent to prescribe a wide range of wildlife management and conservation principles and measures that the government would pursue to achieve sustainable wildlife management and derive benefits for the country.
2. The specific objectives of the Policy are to-
 - i) Conserve in perpetuity, Kenya's wildlife resources, as a national heritage;
 - ii) Increase access, incentives and sustainable use of wildlife resources while ensuring equitable sharing of benefits;
 - iii) Promote partnerships and incentives for wildlife-based enterprises;
 - iv) Facilitate collaboration for effective governance and financing of the wildlife sector between communities, private conservancies, counties, national government and international partners; and
 - v) Promote management of viable wildlife populations and habitats in Kenya.
3. The Policy enumerates several challenges that hold back and threaten wildlife conservation and management in Kenya face. These threats and challenges are both natural and as a result of human activities. The Policy intends to address these by taking measures that fully attempts to forestall wildlife conservation and management.
4. Primarily Kenya's national parks management are under the Kenya Wildlife Services (KWS), who are also responsible for protecting all Kenya Wildlife animals and species. Kenya national reserves on the other hand are under management by County Governments within their jurisdiction. The role of protection of animals and wildlife under schedule four of the Constitution is a function of the National government.
5. For Kenya to derive the envisaged shared benefits and accelerate social, cultural, environmental and economic development in the wildlife conservation efforts, implementation of the policy will play a key role.

MIN.NO. DC/ENR/261/2020:

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RESOLUTIONS

After presentations on the Sessional Paper No. 1 of 2020 on Wildlife Policy, the Committee stepped down a consideration of a draft report to the House on the policy. Instead the Committee instructed the secretariat to seek an engagement on the policy with the line ministry to clarify, among others, the following:

1. The mechanism for burden sharing, in terms of compensations emanating from human-wildlife conflicts, between the national government, county governments and private conservancies since all of them derive revenues and other benefits from wildlife.
2. The mechanism for regulation of private wildlife conservancies since they host a huge number of wild animals.

MIN.NO. DC/ENR/262/2020:

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ADJOURNMENT

There being no other business the meeting was adjourned at 1.05 pm.

SIGNED:

THE HON. KAREKE MBIUKI, M.P.

CHAIRPERSON,

DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

DATE: 01/12/2020



MINUTES OF THE 36TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES HELD ON FRIDAY 25TH SEPTEMBER, 2020 IN THE COMMITTEE ROOM ON 2ND FLOOR, CONTINENTAL HOUSE PARLIAMENT BUILDINGS AT 10:00 AM.

PRESENT

- | | |
|--|------------------|
| 1. The Hon. Kareke Mbiuki, M.P. | Chairperson |
| 2. The Hon. Sophia Abdi Noor, M.P. | Vice Chairperson |
| 3. The Hon. Francis Chachu Ganya, M.P. | |
| 4. The Hon. Bernard Shinali, M.P. | |
| 5. The Hon. Rozaah Buyu. M.P. | |

APOLOGIES

1. The Hon. David Kangogo Bowen, M.P.
2. The Hon. Hassan Oda Hulufu, M.P
3. The Hon. Nasri Sahal Ibrahim, M.P.
4. The Hon. Peter Kimari Kihara, M. P.
5. The Hon. Ali Wario Guyo, M.P.
6. The Hon. Simon Nganga King'ara, M.P.
7. The Hon. Said Hiribae, M.P.
8. The Hon. Amin Deddy Mohamed Ali, M.P
9. The Hon. Charles Ong'ondo Were, M.P.
10. The Hon. George Kariuki, M. P.
11. The Hon. Rehema Hassan, M.P.
12. The Hon. Benjamin Dalu Tayari, M.P.
13. The Hon. Charity Kathambi Chepkwony, M.P
14. The Hon. (Eng.) Paul Musyimi Nzengu, M.P.

FRIEND TO THE COMMITTEE

The Hon. Michael Muchira, M.P.

IN ATTENDANCE

MINISTRY OF TOURISM AND WILDLIFE

- | | | |
|---------------------------|---|--|
| 1. Joseph K. Boinnet | - | Chief Administrative Secretary |
| 2. Prof. Fred Segor | - | Principal Secretary |
| 3. Brig. (Rtd.) J. Waweru | - | Director General, Kenya Wildlife Service |
| 4. Mary N. Kirabui | - | Assistant Director, Kws |
| 5. Micheal Wanjau | - | KWS |

WILDNOW FOUNDATION

- | | | |
|--------------------|---|-------------------------|
| 1. Maureen Some | - | CEO, Wildnow Foundation |
| 2. Kayla Waigego | - | Wildnow Foundation |
| 3. Elma Kajuju | - | Wildnow Foundation |
| 4. Andrew Gachie | - | Wildnow Foundation |
| 5. Evaline Chemtai | - | Wildnow Foundation |
| 6. Maxwell Mutai | - | Wildnow Foundation |

THE NATIONAL ASSEMBLY

- | | | |
|--------------------------|---|----------------------|
| 1. Mr. Eugene Apaa | - | Research Officer III |
| 2. Mr. Fredrick Muthengi | - | Chief Fiscal Analyst |
| 3. Mr. Stephen Nyakuti | - | Audio Recording |

AGENDA

- i) Prayers
- ii) Confirmation of Minutes
- iii) Matters Arising
- iv) Meeting with the Cabinet Secretary for Tourism and Wildlife regarding:
 - Response to Questions from the following Members: Hon Kubai Iringo, Hon Danson Mwashako, Hon. Michael Muchira;
 - Response to the Petition on Nairobi National Park Encroachment by Ms. Maureen Memo
 - Response to the issues raised by the Committee on parks Encroachment; and
 - Briefing on sessional paper no. 01 of 2020 on Wildlife Policy.
- v) AOB
- vi) Date of the next Sitting

MIN.NO. DC/ENR/188/2020: - **PRELIMINARIES**

The meeting was called to order at 10.25 a.m. after which prayers were said. The Chairperson then asked all those present to introduce themselves. Thereafter, he stated that the main agenda of the meeting was meeting with the Cabinet Secretary for Tourism and Wildlife regarding:

- Response to Questions from the following Members: Hon Kubai Iringo, Hon Danson Mwashako, Hon. Michael Muchira;
- Response to the Petition on Nairobi National Park Encroachment by Ms. Maureen Memo
- Response to the issues raised by the Committee on parks Encroachment; and
- Briefing on Sessional Paper No. 01 of 2020 on Wildlife Policy.

The Members adopted the agenda of the meeting.

MIN.NO.DC/ENR/189/2020: - **CONFIRMATION OF MINUTES**

Confirmation of Minutes of the previous Sitting was deferred to the next meeting.

MIN.NO.DC/ENR/190/2020:

**- MEETING WITH THE CABINET
SECRETARY FOR TOURISM AND
WILDLIFE REGARDING RESPONSE
TO A QUESTION FROM HON.
MICHAEL MUCHIRA, MP**

Hon. Michael Muchira, MP posed his question as follows:

- a) Could the Cabinet Secretary outline measures the Ministry has put in place to address the Human-Wildlife Conflict on Ol Jorok Constituency particularly involving hippopotamuses in the areas near Lake Ol-Bolossat?
- b) Are there any measures in place by the Ministry to facilitate compensation of the area residents for losses incurred as a result of destruction of crops and other properties by the said wildlife?

Joseph K. Boinnet, Chief Administrative Secretary, Ministry of Tourism and Wildlife responded as follows:

1. On measures put in place to address the Human-Wildlife Conflict on Ol Jorok Constituency he stated that:
 - a) KWS has an office in Nyandarua County and an outpost at Mutitu area. These have a ranger force of 15 with 2 vehicles for mobility.
 - b) Four wildlife sensitization meetings on hippo behavior and mitigation of HWC held at Lake. Ol-Bolossat. In this respect, KWS was collaborating with NEMA, KFS and the county government.
 - c) Lake. Ol-Bolossat area has produced 2 of the 4 community representatives to the Nyandarua Community Conservation Committee that handles matters of HWC.
2. On measures in place by the Ministry to facilitate compensation of the area residents for losses incurred he stated that 40 claims (copy of details provided) had been lodged for compensation from the year 2017 to date and were being processed.

OBSERVATIONS

1. The measures to address HWC are largely short term and the KWS ought to consider serious long term interventions like fencing to control animals and insurance for compensation.
2. Between 2013 and 2017, no compensation was made due to lack of funds.
3. The Ministry of Tourism and Wildlife should compensate victims of HWC equitably across the country.
4. The ministry was considering going the insurance way in compensation of victims. The same was in trial phase before being rolled out.
5. 40 cases within a year in one constituency was too high. There was need for the KWS to be proactive in controlling HWC.

MIN.NO. DC/ENR/191/2020:

**- MEETING WITH THE CABINET
SECRETARY FOR TOURISM AND
WILDLIFE REGARDING RESPONSE
TO A QUESTION FROM HON KUBAI
IRINGO, MP.**

Hon Chachu Ganya, MP posed the question on behalf of Hon. Kubai Iringo, MP as follows:

- a) Could the Cabinet Secretary provide a progress report on the status of construction of Kabukuro Borehole in Igembe Central Constituency commissioned by the KWS?
- b) The funds allocated and utilized since its inception?
- c) Measures to ensure the project is completed?

Joseph K. Boinnet, Chief Administrative Secretary, Ministry of Tourism and Wildlife responded as follows:

1. Kabukuro borehole is a community project drilled and fully funded by Plan international in 1987. It collapsed when cleaning and solar power installation attempts were made.
2. The KWS took it up through its CSR program. However, attempts to refurbish it failed calling for new borehole initiative.
3. KWS approved the initiative and a consultant (Charlis Bichage Osano) was brought on board in February, 2019 to undertake a hydrological survey.
4. Estimated project cost was Ksh. 2,358,000. Of this, Ksh. 330,000 had been used. Ksh 180,000 for a completed hydrological survey and Ksh. 150,000 for EIA by NEMA (not yet submitted).
5. The project was being considered for funding in the 2020/2021 FY.

OBSERVATIONS

1. KWS should consider conducting own EIA in connection with NEMA.
2. There was need for the KWS to follow up on the progress of the EIA report with NEMA to ensure the project is expedited.

MIN.NO. DC/ENR/192/2020:

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**MEETING WITH THE CABINET
SECRETARY FOR TOURISM AND
WILDLIFE REGARDING RESPONSE
TO A QUESTION FROM HON
DANSON MWASHAKO.**

The Hon Danson Mwashako, MP neither made it to the meeting nor delegated his question. The question was consequently dropped.

MIN.NO. DC/ENR/193/2020:

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**MEETING WITH THE CABINET
SECRETARY FOR TOURISM AND
WILDLIFE REGARDING RESPONSE
TO THE PETITION ON NAIROBI
NATIONAL PARK ENCROACHMENT
BY MS. MAUREEN MEMO**

Joseph K. Boinnet, Chief Administrative Secretary, Ministry of Tourism and Wildlife appeared before the Committee and briefed it that:

1. The ongoing planning for Nairobi National Park is in line with the Wildlife Conservation and Management Act, 2013.
2. Stakeholder engagement was being conducted and valuable feedback received that was being incorporated in the revised Nairobi National Park Plan.
3. The park had a perimeter fence except on the southern part, along Mbagathi river. In the past there was free movement in and out of the park on the southern part but human settlements were encroaching on the area.
4. Between 2015 and 2019, there have been 51 cases of HWC in settled areas along the southern part of the park. This led to 4 deaths and 2 injuries. The problem animals involved were rhinos, hyenas, hippos, buffaloes, and lions. KWS plans to erect a fence to curb the HWC in that area of the park.
5. Land owners practicing land use that was compatible with the park and were willing to be fenced into the park will be so fenced. This would offer a buffer zone along the southern park boundary. The buffer zone will protect the park from pollution, visual intrusion that are associated with dense human settlement. An EIA will be done before reception of the fence.
6. To enhance visitor experience in the park, the draft management plan proposes an improvement of tourist facilities in the park. This includes visitor amenities (like modern washrooms, resting shades, and benches) at tourist facilities like park entry gates and picnic sites. It also involves renovation of KWS restaurant and leasing it to an investor and upgrading an existing temporary camp into a permanent low impact tented camp. There is no new tourist facility proposed for construction in the plan.
7. EIA studies were done before each of the infrastructural projects were done including SGR, Roads, power line and oil pipeline. KWS has been implementing environmental management plans for the infrastructure to mitigate their impact on the wildlife. Therefore, no significant negative impacts arising from the public infrastructure had been noted.

OBSERVATIONS

1. Grain Bulk Handlers and Compact Company have put up silos in part of Nairobi National Park. The said land was granted mistakenly by the Kenya Railways Corporation.
2. Nairobi National Park experiences an existential threat and the Ministry was looking for ways of ensuring its viability by ensuring maintenance of its ecological integrity. There were also efforts to reposition the park as a premier park within a city.
3. The KWS management plan expired in 2010. There were plans to have the plan being developed ready for implementation from the year 2020. Public participation was still open before validation of the final draft of the management plan. An earlier draft management plan had proposed building of a hotel within the park but that had already been revised. The plan was now to erect/ improve ecofriendly eateries within the park. The rangers' canteen put up in 1976 was running on an outdated concept and there was need to upgrade and modernize it.
4. There were plans to modernize by having an excellent reception, modern washrooms, shop to sell memorabilia, improve picnic sites and have an education centre to educate visitors on what to expect in the park.
5. There were plans to fence the southern boundary of the park to aid in mitigation of Human-Wildlife Conflict. There will be efforts to create a buffer zone on that boundary area and migratory corridors.

-
6. The Nairobi national park was choking due to pressure from the surrounding yet KWS was not doing enough to halt the numerous infrastructural projects especially on its boundary along Mombasa road.
 7. There was need to engage the committee on the management plan before its validated and consequently implemented.
 8. Alteration of park boundaries is an exclusive mandate of the National Assembly and no such alteration can be done without its approval.
 9. There was need to plan a visit to the Nairobi national park by the committee within a week accompanied by KWS and KRC officials.
 10. Covid-19 had greatly impacted the Nairobi National Park and KWS in general with a decline of visitors by 90%.

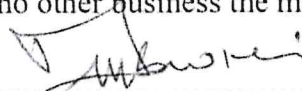
Resolutions

1. The secretariat schedules a meeting with the management of Kenya Railways Corporation to deliberate on the anomaly of allocating land under KWS to third parties.
2. The secretariat plans a visit to the Nairobi National Park by the Committee within a week accompanied by KWS, the petitioners and KRC officials.

MIN.NO. DC/ENR/194/2020:

- **ADJOURNMENT**

There being no other business the meeting was adjourned at 1.55 pm.

SIGNED: 
THE HON. KAREKE MBIUKI, M.P.
CHAIRPERSON,

Adoption List

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE ATTENDANCE REGISTER

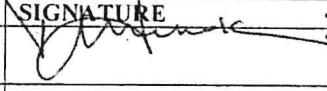
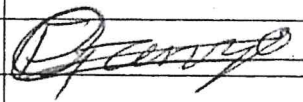



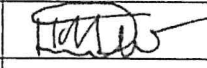
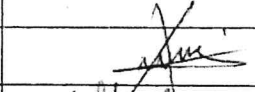

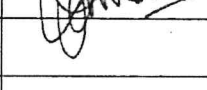
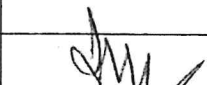
DATE: 2/12/2020

VENUE: Team Hall A. KICC

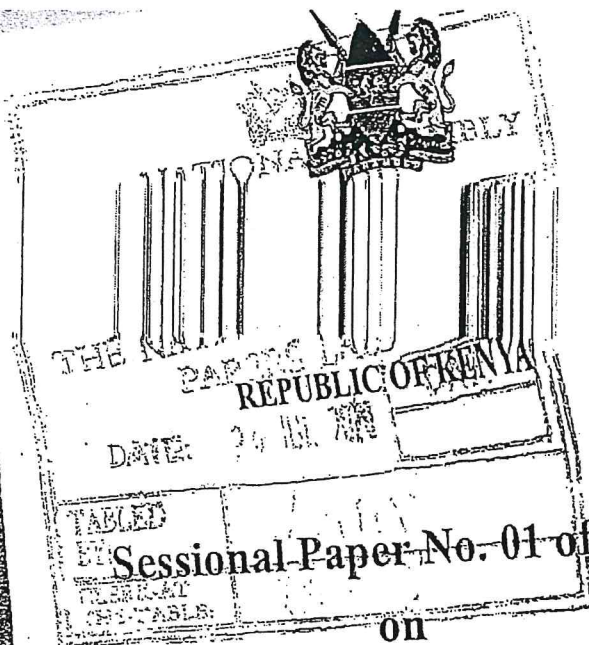
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ENDING TIME: 1.00 PM

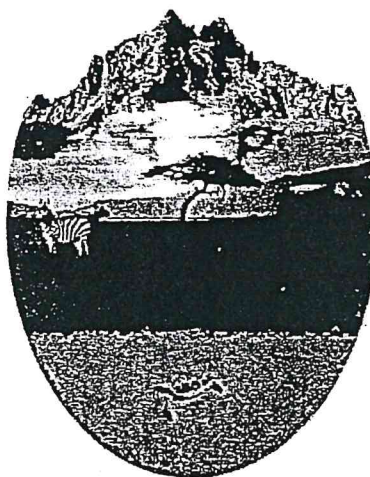
AGENDA: Consideration and Adoption of the following Reports:
A Report on a Petition Regarding effects of Flooding & its Mitigation
along Gongo Miro River; Report on Session Paper No. 1 of 2020
on wildlife policy.

	NAME	SIGNATURE
1.	The Hon. Japhet Kareke Mbiuki, M.P., Chairperson	
2.	The Hon. Sophia Abdi Noor, M.P., Vice Chairperson	
3.	The Hon. Francis Chachu Ganya, M.P.	
4.	The Hon. Bernard Shinali, M.P.	
5.	The David Kangogo Bowen, M.P.	
6.	The Hon. Simon King'ara, M.P.	
7.	The Hon. Benjamin Dalu Tayari, MP.	
8.	The Hon. Charity Kathambi Chepkwony, M.P.	
9.	The Hon. Charles Ong'ondo Were, M.P.	
10.	The Hon. Amin Deddy Mohamed Ali, M.P.	
11.	The Hon. Hassan Oda Hulufu, M.P.	
12.	The Hon. George Kariuki, M.P.	
13.	The Hon. Ali Wario Guyo, M.P.	
14.	The Hon. Nasri Sahal Ibrahim, M.P.	
15.	The Hon. Peter Kimari Kihara, M.P.	
16.	The Hon. Eng. Paul Musyimi Nzengu, M.P.	
17.	The Hon. Rehema Hassan, M.P.	
18.	The Hon. Rozaah Buyu, M.P.	
19.	The Hon. Said Hiribae, M.P.	

Committee Clerk: Dennis M. Ogedhi Signature: 

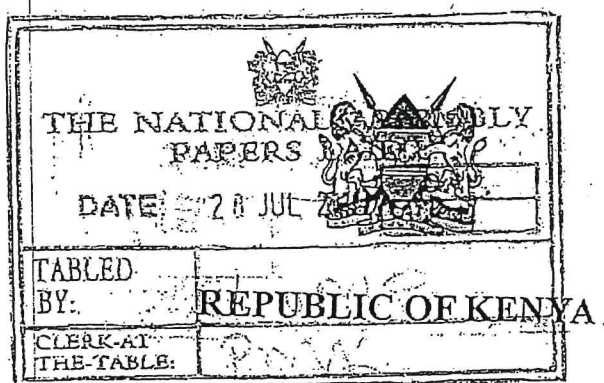


on
Wildlife Policy



Ministry of Tourism and Wildlife

June 2020



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FOREWORD

Wildlife resources are valuable natural endowments that must be sustainably managed for present and future generations. In Kenya, wildlife and the habitats they occupy constitute an important asset to the country. They serve as critical water catchment areas, biodiversity reservoirs and are central to our tourism industry and its growing contribution to the national gross domestic product (GDP). Wildlife is the bedrock to Kenya's tourism industry which contributes over 10% to the country's GDP and over 18% to our foreign exchange earnings. Further to this, the Government realizes over 11% of revenues from the sector in form of taxes, duties, licence fees, and park entry fees among others.

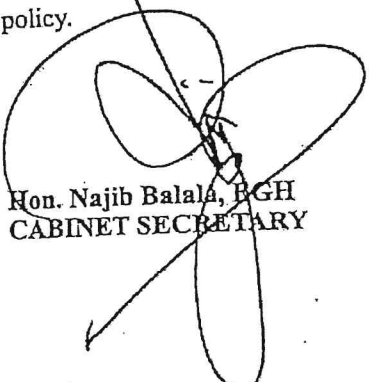
The benefits of our wildlife however transcend these economic values. Our impressive network of protected areas and natural habitats not only supports our wildlife, but also provides an array of ecosystem services and products that are at the centre of the livelihoods of Kenyans and the country's sustainable development. Examples of the ecosystem services include watershed protection, provision of clean water, air, sequestration of carbon dioxide, crop pollination, and control of soil erosion. These environmental goods and services support broad range of economic activities across a range of sectors, including agriculture, forestry, livestock, fisheries, energy, and industry.

Wildlife policy and practice in Kenya has been dynamic since the publishing of the first post independent Sessional Paper No. 3 of 1975 titled "*Statement on the Future of Wildlife Management Policy in Kenya*". This Sessional Paper spelt out a new policy of integrated wildlife conservation and management based on local participation. This policy paved way for the integration of wildlife management, and, recognition of the participation of both communities and the private sector in wildlife conservation and management. The fundamental goal of this policy was taken to be the maximization of returns from wildlife as a natural resource, broadly defined to include aesthetic, cultural, scientific and economic gains. Despite its achievements, the policy was not robust enough to address emerging challenges and realities in the sector including rapid population growth and accelerated economic development that have led to loss of space for wildlife, increased human-wildlife conflicts and effects of climate change, weak linkages between science and policy, and inadequate coordination of sectoral policies relating to governance of environment natural resources.

The foregoing changes and mounting threats to wildlife call for more contemporary and effective conservation policies to accelerate the re-engineering of the wildlife sector, clarify and consolidate the roles of various sector actors, including the national and county governments, private and community land owners and non-government actors. Most importantly, the promulgation of the Constitution of Kenya, 2010 provides an imperative to review and align policies with The Constitution. Other developments that informed the need for a policy review include Vision 2030, review the Wildlife Conservation and Management Act, 2013, implementation of the National Wildlife Strategy and international obligations including Sustainable Development Goals, the Convention on Biological Diversity and the Convention on International Trade in Endangered Species of Wild Flora and Fauna among others.

This policy is a statement of government intent, which prescribes a broad range of principles, measures and actions to be pursued to achieve a sustainable wildlife management in Kenya that enhances benefits and stakeholder engagement. The policy has been developed through a participatory and consultative process involving stakeholders in accordance with the Constitution of Kenya.

I wish to thank my colleagues in government, the technical working group and all stakeholders who contributed to this comprehensive wildlife policy. I also wish to invite all Kenyans to take advantage of the opportunities that come with this policy.



Hon. Najib Balala, BGG
CABINET SECRETARY

PREFACE

Kenya has a unique diversity of ecosystems and landscapes ranging from marine and coastal areas, savannah rangelands, wooded grasslands, moist highland tropical forests, afro-alpine zones, arid and semi-arid lands and deserts which supports a wide range of plant and animal species. The conservation of wildlife in Kenya is best achieved by perpetuating open space and maintaining those processes which will create and sustain natural biodiversity in all those landscapes.

The center-piece of this policy therefore, revolves around averting the fragmentation on natural habitats and sustaining the ecological processes underpinning the diversity of ecosystems.

This policy document contains six chapters which captures the aspiration of the Kenyan people and the responsibility of us all in conserving wildlife.

Chapter One elaborates on the origin of wildlife policy and practice in Kenya since the 19th century.

Chapter Two reviews the status of wildlife conservation in Kenya with particular emphasis on current state of wildlife and wildlife habitats, pressures and impacts arising from people activities, climate change and other changes in the socio-economic system.

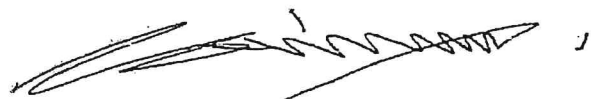
Chapter Three articulates the overall goal and objectives of the policy, including the guiding principles underpinning the policy.

Chapter Four is the heart of the policy document and contains proposals and prescriptions on fourteen thematic areas that define sustainable wildlife conservation and management.

Chapter 5 deals with legal and institutional arrangements necessary to bring about reforms in the wildlife sector.

Chapter Six contains proposals and prescriptions necessary for operationalizing the policy.

It is our hope that this policy will adequately inform and guide the comprehensive review of the wildlife legislation.



Mr. Joseph K. Boinnet, MGH, nsc (AU)
Chief Administrative Secretary
Ministry of Tourism and Wildlife

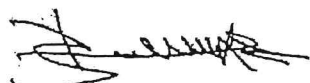
ACKNOWLEDGEMENT

The policy document has been prepared through a rigorous multi-stakeholder participatory process that aimed at seeking views from a broad range of state and non-state actors, integrating both local and international expert knowledge and upholding the principle of public participation as entrenched in the Constitution of Kenya, 2010.

We recognize and appreciate the wide range of individuals and organizations in the private sector, academia civil society and government agencies who wholeheartedly gave their time and input to this important endeavour. We wish to assure all that their views were well received and reviewed for incorporating in the policy document.

We acknowledge with gratitude the people of Kenya especially those community and private land owners in the various wildlife important areas for their positive engagement during the public consultations in various venues including under-the-tree meetings. We thank you for providing your views, without which this policy document would not have been possible. The peer review especially by the non-state actors enriched the policy document. Their effort is therefore recognized and appreciated.

We would like to acknowledge the invaluable contributions of the steering committee for providing policy and legal guidance to the technical drafting committee. The work and effort of the technical drafting committee in coordinating the literature review, public consultation process and the drafting of the policy document is highly appreciated. Finally, we acknowledge the professional work done by the external editors and type-setters.



Prof Fred H.K. Segor CBS,
Principal Secretary,
State Department for Wildlife

ABBREVIATIONS AND ACRONYMS

BGs:	Bonn Guidelines
CBD:	Convention on Biological Diversity
CBO:	Community Based Organization
CITES:	Convention on International Trade in Endangered Species
CMS:	Convention on Migratory Species
CoPs:	Codes of Practice
CP:	Contracting Party
CPB:	Cartagena Protocol on Biosafety
CVC:	Climate Variability and Change
CWAs:	Community Wildlife Associations
CWCCs:	County Wildlife Conservation Committees
EAC:	East African Community
EBMPs:	Ecosystem-Based Management Plans
EWSs:	Early Warning Systems
GDP:	Gross Domestic Product
GMOs:	Genetically Modified Organisms
HWCs:	Human-Wildlife Conflicts
ICZM:	Integrated Coastal Zone Management
KWS:	Kenya Wildlife Service
LA:	Lusaka Agreement
MABPs:	Man and Biosphere Reserves
MEAs:	Multilateral Environment Agreements
MoU:	Memoranda of Understanding
MPA:	Marine Protected Areas
NEPAD:	New Partnership for Africa's Development
NGO:	Non-Governmental Organizations
NSAs:	Non-State Actors

NWP2019:	National Wildlife Policy, 2019
NWS2030:	National Wildlife Strategy 2030
PAQU:	Plant and Animal Quarantine Unit
PAs	Protected Areas
PCPB:	Pest Control Products Board
PES:	Payment for Ecosystem Services
SDG:	Sustainable Development Goals
SODC:	Standing Orders and Disciplinary Code
UNESCO:	United Nations Education, Science, and Cultural Organization
USP:	Unique Selling Point
WCMD:	Wildlife Conservation and Management Department
WHC:	World Heritage Convention
WHS:	World Heritage Sites
WMP:	Wetlands Management Plans

CHAPTER ONE

INTRODUCTION

1.1. Evolution of wildlife Policy in Kenya

- 1.1.1 Government intervention in wildlife conservation and management in Kenya dates back to 1898, when the then British East African Protectorate enacted laws to control hunting and trade in wildlife and wildlife products.
- 1.1.2 In 1907, the British Government established the Game Department that administered Game Reserves, enforced hunting regulations, and protected property and crops of settler farmer communities from wildlife.
- 1.1.3 In 1945, the Royal National Parks of Kenya Ordinance was promulgated to provide for the establishment of national parks. Nairobi National Park was established on 16th December 1946 as the first National Park for exclusive wildlife protection.
- 1.1.4 In 1958, the Native Reserves Proclamation provided for the establishment of Reserves managed by the Native Councils. Maasai Mara was established as the first Native Game Reserve in 1961.
- 1.1.5 The first post-colonial wildlife policy in Kenya was Sessional Paper No. 3 of 1975, titled "*A Statement on Future Wildlife Management Policy in Kenya*". The Wildlife (Conservation and Management) Act was subsequently enacted in 1976 to give effect to the policy.
- 1.1.6 By the mid-eighties, it had become clear that further policy adjustments were necessary to help deal with the chronic challenges in the wildlife sector, such as increased human-wildlife conflicts, failure to achieve an integrated wildlife management approach, increased poaching and loss of wildlife populations within and outside wildlife protected areas.
- 1.1.7 In 1989, the Government, alarmed by the sector's dismal performance amended the Wildlife (Conservation and Management) Act (Cap 376 of 1976) and created a new parastatal, the Kenya Wildlife Service (KWS),

which was mandated with conservation and management and protection of all wildlife in Kenya.

1.1.8 The promulgation of the Constitution of Kenya, 2010 marked an important milestone in natural resources management, and in particular wildlife policy in Kenya. It called for the review and alignment of all existing policies and laws to align with the new Constitution. In conformity with the Constitution 2010, the Wildlife Conservation and Management Act was enacted in 2013.

1.1.9 Despite these many government interventions, threats to wildlife have continued to persist and even escalate in some cases, while new challenges keep emerging.

1.2 Rationale for a New Wildlife Policy

1.2.1 Several significant changes have occurred since the Sessional No. 3 of 1975. Despite significant achievements made under this policy, it is now considered not robust enough to address emerging challenges and realities in the wildlife sector.

1.2.2 The following factors provide the basis for the formulation of a new policy:

- (a) A new constitutional dispensation requiring alignment of all sector policies with the Constitution;
- (b) Biodiversity has become a strategic national asset as its economic use has expanded in terms of nature-based tourism;
- (c) Pressures on wildlife have been rising rapidly due to encroachment by human populations, rapid economic developments and intensified resource use;
- (d) Escalating new threats and challenges such as sophisticated poaching, climate change and its impacts, among others;
- (e) Increased human-wildlife conflicts;
- (f) Inadequate research, innovation and technological capacity;

1.2.3 This policy will provide the framework for legislation that enables the country conserve and manage wildlife better, for the present and future generations. The Policy will focus on the following thematic areas: -

-
- (a) Strategic importance of wildlife;
 - (b) Conservation and management of wildlife in national parks, national reserves, and national sanctuaries;
 - (c) Conservation and management of wildlife on private and community lands;
 - (d) Marine protected areas and ecosystems;
 - (e) Wetlands, rivers and lake ecosystems;
 - (f) Wildlife security;
 - (g) Human-wildlife conflicts;
 - (h) Wildlife user rights;
 - (i) Bioprospecting and access to genetic resources;
 - (j) Sustainable management of wildlife resources;
 - (k) Wildlife diseases and veterinary services;
 - (l) Wildlife disaster preparedness, response, and rescue; and
 - (m) Research and monitoring.

1.3 The Process of Formulating the Policy

This policy is a product of an elaborate, inclusive and participatory process, which included:

- (a) Extensive literature review involving review of the past and existing policies and legislation, especially those relating to wildlife.
- (b) Analyses and documentation of best practices; and Broad public participation through consultative workshops, focus group discussions, key informants and expert opinions and written memoranda.

CHAPTER TWO

SITUATIONAL ANALYSIS

2.1 Kenya's wildlife resources

- 2.1.1 Kenya's wildlife is one of the richest and most diverse globally. The country is ranked second in Africa after South Africa, in terms of richness in animal species. Due to its richness and endemism in wildlife species, as well as ecosystem diversity, Kenya is categorized as a mega-diverse country under the Convention on Biological Diversity. The country's biological richness derives from, among other factors, the variability in its climate, soils and topography.
- 2.1.2 The country is home to more than 1,100 bird species and over 350 mammal species. Over 13 of the bird species and over 20 mammal species are endemic. We also have over 7,004 plant species, about 260 of which cannot be found anywhere else in the world. Other wild species found in Kenya include over 25,000 insect species; over 224 fresh water fish, more than 25 of which are endemic. Over 220 reptile species are also found in Kenya with more than 47 of these are endemic. Over 297 species of molluscs are also found in Kenya.
- 2.1.3 Seven unique and exceptional habitats and ecosystems serve as host to our wildlife. These are the savannah, fresh water, forest and woodland, marine and coastal, mountain, urban, and croplands. Each of these ecosystems have unique conservation challenges and priorities that demand site specific interventions. The ecosystems are currently under threat from escalating degradation and pressures derived from increase in human populations, rapid economic growth and unsustainable exploitation.
- 2.1.4 Our wildlife and its associated habitats and ecosystems are not just significant economic asset, but a rich natural heritage as well. The wildlife resources contribute directly and indirectly to the national and local economies through revenue generation and wealth creation. The wildlife-dependent tourism sector in Kenya registered an improved performance in 2018. The number of international visitor arrivals increased by 14% from 1,778,200 in 2017 to 2,027,170 in 2018. Visits
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to national parks and reserves rose by more than 20% to 2,868,900 while tourism earnings increased from Ksh. 1,199,000,000 in 2017 to Ksh. 1,574,000,000 in 2018.

2.1.5 In addition, wildlife resources provide important environmental goods and services that are central to the livelihoods of Kenyans, as well as other productive sectors of our economy through provisioning of clean air and water, rich soils for crop and livestock production, food and shelter, sequestration of carbon dioxide, crop pollination, control of soil erosion, and contribution to social cohesion and cultural identity, among others. Among the nostalgic wildlife resource-based experiences that are 'must see' tourist attraction in Kenya is the annual wildebeest migration in Maasai Mara - widely considered the eighth wonder of the world.

2.1.6 Wildlife also plays significant ecological functions that are critical for the interconnected web of life-supporting systems. For example, Kenya's major water towers are found in wildlife-protected areas. Wildlife also has outstanding socio-cultural, educational, research and aesthetic values. Indeed, any adverse impacts on wildlife habitats and ecosystems can dramatically alter the survival capacity of humans.

2.2 Threats and challenges to wildlife

2.2.1 *Land-use changes:* Land is one of the most important resources in Kenya. Economic activities like agriculture, wildlife conservation, urban development, human settlement, and infrastructure depend on land. Until recently, wildlife conservation has not been a formally recognized land-use option in Kenya resulting in failure to adequately integrate wildlife conservation in land-use planning activities. The first National Land Policy in Kenya was launched in 2009 and for the first time recognizes wildlife as a land-use option. This presents an opportunity to address the land use planning deficiencies for the wildlife sector.

2.2.2 *Destruction of wildlife habitats:* Natural habitats provide an important resource base for the livelihoods of rural communities. However, rapidly increasing populations, incidences of poverty, demand for firewood, and other complex socio-economic factors have put enormous pressure on the scarce productive lands, thus forcing large segments of the rural poor to resort to poor land-use practices like deforestation, charcoal burning, overgrazing, and livestock incursions in wildlife protected areas. This is causing severe degradation of wildlife habitats.

2.2.3 *Insecurity:* Any form of insecurity in wildlife areas is a serious threat to wildlife conservation efforts. Insecurity in Kenyan wildlife areas has been exacerbated by the state of insecurity in the neighbouring countries that has fanned the proliferation of small arms in the region.

2.2.4 *Inadequate incentives:* Whereas protected areas have been set aside for purposes of wildlife conservation, a significant percentage of Kenyan wildlife inhabit communal and private lands that also serve as wildlife dispersal areas for the protected areas. At present, there are inadequate incentives to motivate communities and land owners to adopt land-use practices that are compatible with wildlife conservation and management. The situation is aggravated by the existence of incentives in other sectoral policies that distort land-use decisions.

2.2.5 *Ineffective protected area management and partnerships:* Most wildlife protected areas in Kenya were established without due regards to the surrounding landscapes. As a result, boundaries between the protected areas and the wider landscapes and community spaces were not distinct. This has been a cause of widespread human-wildlife conflicts. While efforts are ongoing to erect fences and other barriers that mark the boundaries, these inadequately deter wildlife from escaping into the community spaces where they destroy property, as well as communities gain access to the protected areas to graze their livestock. The conservation and management of wildlife outside the protected areas is hardly integrated into the broader protected area management.

2.2.6 *Lack of protected area management plans:* Most parks and reserves in the country lack comprehensive area management plans. Low levels of the implementation of area management plans for those that have been developed could be attributed to low prioritization of this important function.

lack of effective monitoring frameworks to support implementation of the plans.

- 2.2.7 *Lack of assessments and prioritization of management effectiveness:* Given the enormous and competing social challenges, such as poverty, health care, and education, wildlife conservation and management often receives fewer resources, which limits the prioritization of processes such as assessment of management effectiveness. Given its wide scope, and for wildlife conservation and management to be effective and efficient, regular assessments and strategic actions aimed at addressing associated priority issues are imperative.
- 2.2.8 *Inadequate scientific data that is accurate:* Accurate scientific information on wildlife resources is critical for informed decision-making by wildlife managers and other stakeholders. Yet, investment in long-term studies on wildlife and wildlife ecosystems, as well as the maintenance of long-term wildlife-related data sets have been inadequate in Kenya. This has impaired accuracy in applying key ecosystem principles towards rational decision-making. In addition, there is lack of linkages among wildlife research institutions, universities, and relevant wildlife agencies. This poses a challenge to effective wildlife conservation and management.
- 2.2.9 *Illegal bush meat trade:* Bush meat trade has emerged as a major threat to wildlife in Kenya due to inadequate law enforcement mechanisms and a lucrative market for bush meat.
- 2.2.10 *Human-wildlife conflicts:* Increasing human-wildlife conflicts pose a major problem in wildlife areas. Acute water shortages and inadequate pastures during dry seasons severely impact on wildlife, livestock and humans. This triggers competition for what is available of the resources, thus resulting in conflict. Human wildlife conflicts have been attributed to, besides climate variability and change, also on increased human activities in areas originally preserved for wildlife. At present, compensation relating to human wildlife conflict undertaken by the national Government, with the amounts payable relating to the human injury and deaths that would have occurred, and wildlife-caused damages to crops, livestock and property. These payments have been unsustainable.

2.2.11 *Pollution*: Anthropogenic generated pollution continues to cause drastic modifications to our wildlife habitats.

This is often in terms of intentional or accidental introduction of solid wastes and other pollutants into water and land. These wastes and pollutants negatively affect wildlife populations, including causing their death or impairment.

2.2.12 *Biopiracy*: Biopiracy of biological materials, soil micro-organisms, animals, plants and indigenous traditional knowledge associated with biological resources that has been identified, developed and used by local communities, is both a threat and challenge to the conservation and management of our wildlife.

2.2.13 *Climate change*: The climate is changing globally. This is causing direct physiological effects on individual wildlife species. It is also associated with changes in abiotic factors, as well as in the opportunities for interactions, recruitment, and reproduction among wildlife species. Climate change can also precipitate conducive conditions for the establishment and spread of invasive species, as well as change the suitability of microclimates that hitherto favoured native species. Interactions among native communities could also be altered due to climate change and its impacts. Yet, there is a dearth of adequate data on the impacts of climate change on biodiversity in Kenya.

2.2.14 *Inadequate transboundary collaboration*: Habitat requirements for wildlife species are critical for the survival and propagation of the species. Most wildlife species have in fact evolved and adapted to large home-ranges, some which straddle boundaries of two or more countries or geographical entities. This reality affects their life-cycles and migratory patterns and invokes the need to promote a harmonized approach among the concerned countries or geographical entities to the conservation and management of shared wildlife resources.

2.2.15 *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 composition of species in an ecosystem by repressing or excluding native species either directly through outcompeting them or indirectly

via changing the way nutrients are re-cycled within their systems. Control of these invasive species is a major management challenge that often involves very high environmental and financial costs.

2.2.16 *Conflicting sectoral policies and inadequate coordination in the implementation of governance in existing natural resources:* Sectoral policies, especially those concerning land-use and natural resource management sometimes advance positions that undermine wildlife conservation and management. This is aggravated by lack of or inadequate linkages and coordination in the governance of the country's natural resources. This also relates to inter-governmental collaboration. The existing policy and legal frameworks do not adequately cater for collaboration among the national government, county governments, and communities with regard to governance of the country's natural resources for the benefit of all Kenyans. This state of affairs has resulted in the duplication of governance roles in some of the country's natural resource bases.

2.2.17 *Diseases:* Diseases is one of the significant factors known to decrease species population growth globally. In recent years, disease outbreaks which have caused significant mortalities in wildlife have been experienced. The situation is made worse by the emergence of zoonotic diseases as a result of the interaction between wild animals, livestock and people. Climate change has further aggravated the situation due to its effects on host-vector-pathogen dynamics leading to the emergence and re-emergence of diseases.

CHAPTER THREE

GOAL, OBJECTIVES AND GUIDING PRINCIPLES

3.1. Goal of the Policy

The goal of this policy is to create an enabling environment for conservation sustainable management of wildlife for current and future generations.

3.2. Objectives of the policy

The overall objective of this policy is to provide a framework that is dynamic innovative for re-engineering the wildlife sector.

3.2.1. The specific objectives of the Policy are to: -

- (a) Conserve in perpetuity, Kenya's wildlife resources, as a national heritage;
- (b) Increase access, incentives and sustainable use of wildlife resources while ensuring equitable sharing of benefits;
- (c) Promote partnerships and incentives for wildlife-based enterprises;
- (d) Facilitate collaboration for effective governance and financing of wildlife sector between communities, private conservancies, counties, national government and international partners; and
- (e) Promote management of viable wildlife populations and habitats in Kenya.

3.3 Guiding Principles

The following guiding principles underpin this Policy: -

- (a) Wildlife is a public resource;
 - (b) Integrated and ecosystem-based management;
 - (c) Wildlife management is a form of land-use;
 - (d) Sustainability and governance;
 - (e) Access and equitable sharing of benefits;
 - (f) Intra- and inter-generational equity;
 - (g) Inclusive and participatory approaches;
 - (h) Devolution;
 - (i) Use of scientific and indigenous knowledge; and
 - (j) Precautionary principle.
-

CHAPTER FOUR:

WILDLIFE CONSERVATION AND MANAGEMENT INTERVENTIONS

4.1. Strategic Importance of Wildlife

- 4.1.1. Wildlife resources contribute a substantial proportion of the country's earnings from tourism. This is because Kenya's wildlife, particularly the big five, namely buffalo, elephant, leopard, lion and rhino are the most treasured unique selling point for the country's tourism. Furthermore, Kenya has some of the world's most alluring and diverse indigenous wildlife species and habitats.
- 4.1.2. Traditionally, wildlife in Kenya has been seen through the lens of tourism. This view conceals the other benefits associated with our wildlife including provision of ecosystem services, carbon dioxide sequestration, provision of fresh water and air among other benefits. This narrow appreciation of the value of Kenya's wildlife has led to inadequate investments in the conservation, management, and utilization of our wildlife resources.
- 4.1.3. Maintaining healthy wildlife populations, recovering endangered species, and restoring impaired habitats and ecosystems, among others, require adequate funding.
- 4.1.4. There is need to quantify the full economic value of Kenya's wildlife. Wildlife as a land use option in the semi-arid and arid eco-regions, competes very favourably with other land-uses and can contribute significantly to the country's GDP.
- 4.4.5. The Government shall:
 - 1 *Designate wildlife as a strategic national resource and allocate adequate funding from the national budget;*
 - 2 *Include the economic value of wildlife into the national income accounting, planning and budgeting;*

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- 3 *Promote retention of the benefits generated from wildlife and their habitats for the purpose of developing and managing of wildlife conservation areas;*
 - 4 *Establish a fund to promote wildlife conservation and management;*
 - 5 *Promote access to innovative and sustainable utilization of wildlife as an economic incentive; and*
 - 6 *Mainstream wildlife resources into the frameworks on blue and green economies.*

4.2 Management of National Parks, Reserves and Sanctuaries

4.2.1. The cornerstone of Kenya's wildlife conservation policy has been the establishment of national parks, reserves and sanctuaries : representative samples of country's natural regions. These government managed protected areas are of particular importance for the protection of our biodiversity and ecosystems. Since the 1990s, this system has been supplemented by the establishment of private and community sanctuaries.

4.2.2. The protected area system is facing increasing and constant pressure from both natural and human causatives, including climate change which leads to the ever-shrinking connectivity and dispersal areas.

4.2.3. The Government shall:

- 1 *Review the current protected area system to determine if it meets the country's wildlife conservation objective;*
 - 2 *Manage national parks and have an oversight role over reserves and sanctuaries through approved management plans;*
 - 3 *Develop engagement frameworks with counties to ensure the preservation of the ecological integrity of parks, reserves and sanctuaries;*
-

-
- 4 *Develop a mechanism for wildlife data acquisition, archiving, sharing, management and reporting;*
 - 5 *Develop incentives for landowners that host wildlife in dispersal and connectivity areas;*
 - 6 *Develop guidelines and standards for infrastructure development within protected areas;*
 - 7 *Demarcate and secure boundaries in wildlife protected areas; and*
 - 8 *Develop guidelines for sustainable extraction and exploration in protected areas.*

4.3 Wildlife Conservation and Management on Private and Community Lands

- 4.3.1. Areas outside of protected areas have a wide range of ecosystems. These range from relatively undisturbed spaces such as semi-arid and arid areas, through food producing landscapes that have mixed patterns of use by humans, to ecosystems that have been intensively modified and managed by humans, such as agricultural lands and urban areas. Wildlife is mostly found in the relatively undisturbed areas.
- 4.3.2. Wildlife conservation outside protected areas face many challenges, including wildlife insecurity, retaliatory killing due to human-wildlife conflicts, representation in wildlife management and governance systems, user rights, incentives and benefit-sharing, technical and financial capacity to manage wildlife, limited wildlife education and research, and issues related to land tenure and land-use planning.
- 4.3.3. Land outside wildlife protected areas is largely under the control of private owners and communities. Their cooperation is therefore very essential for successful conservation activities. This is because most of these lands are subjected to multiple uses, some of which are in conflict with wildlife conservation. With proper incentives, therefore, land-use practices that tend to phase out wildlife, such as agriculture, could be minimised or confined to appropriate areas.

4.3.4. Individual or corporate land owners who adopt wildlife as a form of land-use need incentives to induce or promote the establishment of wildlife conservation areas and sanctuaries. They could be instrumental in supporting sustainable wildlife management and conservation.

4.3.5. The Government shall:

1. *Promote wildlife conservation as a land-use option;*
2. *Provide incentives to support individuals, communities and other stakeholders to invest in wildlife conservation and management;*
3. *Encourage private bequeaths of land and property for purposes of wildlife conservation;*
4. *Foster the integration of wildlife corridors and dispersal areas into county spatial plans;*
5. *Support development and implementation of approved management plans that incorporate multiple and compatible land-use practices;*
6. *Develop mechanisms to guide and regulate captive breeding and artificial propagation of wildlife;*
7. *Regulate wildlife farming and the products thereof;*
8. *Invest in wildlife conservation education and public awareness;*
and
9. *Mitigate against threats to wildlife by physical developments in important wildlife habitats.*

4.4 Marine Protected Areas and Ecosystems

4.4.1. Coastal marine resources are valuable endowments that have huge socio-economic benefits. They offer a range of benefits and opportunities for human exploitation. In terms of ecosystem services 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 immense ecological and socio-economic importance.

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- 4.4.2. Coastal and marine ecosystems, such as coral reefs, mangrove forests, and beach- and dune-systems serve as critical natural defences against storms, flooding, and erosion.

They also attract vast human settlements that use materials from the living and non-living resources in the vast oceans. These areas are also important for marine transportation and recreation. Moreover, fishing in near-shore waters, as well as sport-fishing, are some of the major economic activities in coastal areas, as they supply fish for local and international markets.

Activities that add further value to these ecosystems include, recreation and tourism. These have become major sources of both domestic and foreign exchange earnings, as well as of employment opportunities.

- 4.4.3. Coastal and marine ecosystems are however increasingly coming under pressure that calls for ways to better manage these biological resources. Key threats to coastal and marine ecosystems include, destructive fishing methods and their associated destruction of habitats, eutrophication and siltation of coastal waters, pollution, urban and tourism developments, human settlements, and effects of climate change.
- 4.4.4. Kenya was one of the first African countries to establish marine protected areas in 1968. At present, the country has 4 marine parks, and 6 reserves, which account for about 0.8% of its Exclusive Economic Zone. Kenya intends to increase this area to at least 10%, and thus comply with the Aichi Targets.
- 4.4.5. Despite the acknowledged importance of marine and coastal ecosystems, the level of investments needed to unlock the potential is not adequate. Specific policy and legislative interventions are required to address this gap.

4.4.6. The Government shall:

1. *Develop dedicated policy and laws to support the revamping of the marine and coastal areas;*
2. *Ensure effective and integrated management of marine and coastal resources, including island ecosystems;*
3. *Enhance the capacity for marine and coastal zone research and management;*
4. *Provide incentives for the establishment of community-managed marine conservation areas;*
5. *Develop and implement a marine and coastal zone inter-agency disaster mitigation and recovery action plan; and*
6. *Forster regional cooperation in the conservation and management of marine migratory species.*

4.5 Wetlands, Rivers and Lake Ecosystems

4.5.1. Wetlands are fragile but very important wildlife habitats. These are face growing pressures from human activities including agricultural settlements and infrastructural developments. There is urgent need to enhance their protection. This requires management regimes that help maintain some of the natural characteristics of the wetlands, while allowing for their wide use. A balance ought to be struck between environmental functioning of wetlands and their use for sustenance and livelihoods.

4.5.2. The Convention on Wetlands of International Importance (Ramsar Convention), to which Kenya is a Contracting Party, provides a framework for the wise use of wetlands. At present, Kenya has Ramsar-listed sites, namely, lakes Nakuru, Naivasha, Bogoria, Barotia and Elementaita.

4.5.3. Other aquatic ecosystems of conservation importance include rivers, lakes, and dams. These comprise of important habitats for diverse wildlife species and are used by various migratory species.

management responsibility for these aquatic ecosystems is dispersed among different agencies in Kenya.

4.5.4. The Government shall:

1. *Ensure collaborative implementation of the National Wetlands Conservation and Management Policy;*
2. *Support the restoration of degraded wetlands, riverbanks and lakeshores;*
3. *Educate the public and raise awareness on the critical role of wetlands, rivers and lake ecosystems in wildlife conservation;*
4. *Ensure collaboration and innovation in the conservation and rehabilitation of forests and other water catchment areas that are significant wildlife habitats; and*
5. *Ensure full implementation of the Ramsar Convention on Wetlands.*

4.6 Wildlife Security

4.6.1. 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 to the effectiveness of wildlife conservation and management. Commercial poaching and bush meat trade remain one of the greatest challenges to wildlife in Kenya.

4.6.2. Kenya Wildlife Service is the national agency mandated to coordinate wildlife security matters in Kenya. The success of this depends on close collaboration with the communities living in important wildlife areas and other law enforcement agencies. On the other hand, wildlife crime is also regional and international due to the lucrative trade in illicit wildlife and wildlife products. There is therefore, need to enhance inter-agency coordination and collaboration. At the regional and international level, there is need to up-scale bilateral and multilateral engagements.

4.6.3. The Government shall:

1. *Strengthen skill training, technological capabilities and innovation to secure all wildlife species and their natural habitats in accordance with the law;*
2. *Enhance inter-agency collaboration in combatting wildlife crime;*
3. *Mainstream wildlife security into the national security system;*
4. *Enhance the capacity of local communities to combat wildlife crime and biopiracy; and*
5. *Strengthen collaboration with regional and international law enforcement agencies to combat transnational wildlife crimes.*

4.7 Human-Wildlife Conflicts

4.7.1. Increase in human-wildlife conflicts (HWC) is one of the major challenges in the wildlife sector. This arises mainly from incompatible land use types and encroachment into traditional wildlife areas. Competition for the available resources ensues, raising the levels of human wildlife conflicts. The impacts of climate change as manifested through more frequent and prolonged dry spells and extreme heavy rains combine to worsen the situation

4.7.2. Land-use changes and the consequences of population pressure also lead to a decrease in land and other resources available for wildlife, thus aggravating cases of HWCs. These conflicts are a significant threat to ecosystem variability in general, and to large mammal populations in particular.

4.7.3. The Government shall:

1. *Establish a national strategy for mitigating human wildlife conflict;*
 2. *Mainstream human wildlife conflict into county spatial planning processes;*
 3. *Support the development and implementation of ecosystem-based management Plans for key wildlife landscapes;*
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4. *Build the capacity of local communities to manage problem animals;*
 5. *Establish and maintain a human wildlife conflict database;*
 6. *Establish a sustainable financing scheme for compensating wildlife-related damages;*
 7. *Make adequate budgetary provisions for compensating against wildlife-caused deaths, injuries and damage to property; and*
 8. *Promote human wildlife co-existence.*

4.8 Wildlife User Rights

- 4.8.1. Access to wildlife is currently limited to a very small group of Kenyans. Yet there is huge potential for wildlife utilization to benefit more Kenyans.
- 4.8.2. Wildlife user rights are essential because they serve as incentives for the people living in wildlife areas to create spaces for conservation outside protected areas. Securing these rights is therefore essential as long-term wildlife conservation policy. It would empower land owners and communities in wildlife areas to participate effectively in decision-making on wildlife resources, as well as to benefit from the use of the resources.
- 4.8.3. In the past, various wildlife user rights, such as cropping and sport hunting, were granted. These user rights were however not properly managed, resulting in increased wildlife poaching and a decline in wildlife populations. There were also no mechanisms for equitable sharing of wildlife benefits at all levels.
- 4.8.4. The Government shall:
 1. *Develop a framework to regulate access and sustainable utilization of wildlife and wildlife products;*
 2. *Forster the use of scientific knowledge and the Precautionary Principle approach in wildlife utilization decision-making;*
 3. *Develop a framework for sharing benefits accrued from wildlife utilization;*

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4. *Ensure that all wildlife user-right holders have responsibilities to support wildlife conservation; and*
 5. *Develop guidelines and standards for service provision and infrastructure development in and around wildlife conservation areas.*

4.9 Bioprospecting and Access to Genetic Resources

- 4.9.1. Wildlife resources may contain valuable compounds that are of use humankind. Bioprospecting can help discover these benefits, thereby enhancing the contribution of the resources for human well-being. Resources from bioprospecting, such as through royalties and knowledge, can be ploughed into wildlife conservation. This potential for bioprospecting exists in Kenya but remains unexploited. Bioprospecting has the potential of developing high-value products and new markets to transform Kenya's economic and social well-being.
 - 4.9.2. Internationally, bioprospecting activities have led to the development of many valuable products and applications such as medicines, cosmetics, industrial lubricants, adhesives, and the use of micro-organisms to make industrial processes cleaner and more efficient.
 - 4.9.3. Unregulated access to genetic resources has however resulted in loss of valuable material within and outside protected areas in the past.
 - 4.9.4. The Government shall:
 1. *Regulate bioprospecting and the collection of wildlife specimens in accordance with national and international best practice;*
 2. *Develop capacity for bioprospecting and ensure technology transfer;*
 3. *Develop a bioprospecting policy; and*
 4. *Ensure bioprospecting and access to genetic resources occur in strict compliance with relevant national and international law including ensuring that benefits thereof, such as intellectual property rights, traditional knowledge and technology, are shared equitably.*
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4.10 Management of Vulnerable and Endangered Wildlife Species

- 4.10.1. Vulnerable and endangered wildlife species and sub-species need proper conservation measures. In particular, endangered and threatened species and their natural habitats, require special measures if they are to survive. Dedicated laws on vulnerable and endangered species are necessary to enhance the protection of those species.
- 4.10.2. Although *in-situ* conservation is the most effective means of conserving wildlife, there may be situations in which *ex-situ* conservation may be necessary. This is because unpredictable events may threaten rare genotypes or species in their natural habitat. *Ex-situ* conservation provides greater assurance in such circumstances. In certain situations, some threatened species may require cultivation or breeding in captivity so as to build up their numbers for reintroduction into the wild. However, species under *ex-situ* conservation need to be given proper care protection against cruelty.
- 4.10.3. The Government shall:
1. *Enact dedicated laws for vulnerable and endangered wildlife species;*
 2. *Develop measures for the conservation and management of wildlife species whose range is shared with neighbouring countries;*
 3. *Put in place mechanisms for the control of invasive species;*
 4. *Develop mechanisms to regulate the introduction and management of exotic wildlife species and genetically modified organisms;*
 5. *Develop mechanisms to regulate the donation/gifting and exchange of wildlife species between Kenya and other countries; and*
 6. *Develop a framework to regulate the establishment and management of captive wildlife facilities.*

4.11. Wildlife Diseases and Veterinary Services

- 4.11.1. Wildlife areas are prone to wildlife diseases and related health risks. This is especially so because most of Kenya's wildlife is found in rangelands, which allows for interaction between pastoralism and wildlife. Interaction between humans, wildlife and livestock exposes all of them to transmission of communicable diseases.
- 4.11.2. 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 infections in people. Diseases of unknown aetiology and epidemiology that emanate from these interactions could also cause challenges.
- 4.11.3. The interface between wild and domestic animals, humans, and the environment has an impact on ecosystem health and integrity. Disease transmissions may be a consequence of agricultural intensification, urbanization, human encroachment into the wildlife areas, as well as climate change.
- 4.11.4. Some contemporary diseases affecting wildlife populations are a direct or indirect consequence of human activities. These activities enhance negative impacts of climate change by, for instance, such as modifying traditional ranges of wildlife and pathogens, and as well fragmenting wildlife habitats.
- 4.11.5. Addressing the foregoing challenges at the wildlife-livestock-human interface necessitates application of knowledge and skills across multiple ministries and agencies, currently known as a One-Health Approach.
- 4.11.5 The Government shall:
1. *Strengthen capacity for wildlife veterinary services;*
 2. *Develop and implement mechanisms for wildlife disease surveillance, epidemiology and management;*
 3. *Mitigate against threats posed by zoonotic diseases, including public awareness on associated risks;*

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4. *Enhance interagency collaboration in addressing zoonotic diseases using the one-health approach; and*
 5. *Strengthen capacity for wildlife forensic science and genetics.*

4.12. Wildlife Disaster Preparedness, Response and Rescue

- 4.12.1. Kenya periodically suffers from effects of disasters related to floods and droughts. These occurrences can have serious adverse impacts on ecological systems and wildlife. Our wildlife has for a long time been vulnerable to impacts of different natural disasters, such as bush fires, droughts and floods – some of which have recurring impacts.

4.12.2. The Government shall:

1. *Develop and implement measures to mitigate against disasters affecting wildlife; and*
2. *Enhance research and technology in wildlife disaster risk reduction.*

4.13. Research and Monitoring

- 4.13.1. Managing wildlife requires data to inform decision making. A scientific basis for sound management depends on collection of accurate and up-to-date data.

Understanding ecosystems and species through scientific studies and indigenous knowledge is necessary in developing innovative approaches of addressing a range of wildlife conservation-related problems. Constant monitoring of wildlife resources and their habitats is essential for effective conservation and management.

4.13.2. The Government shall:

1. *Enhance the capacity for wildlife research, innovation and development;*
2. *Develop mechanisms to regulate and coordinate wildlife research in Kenya;*

3. *Promote the use of scientific knowledge and information in decision-making;*
4. *Allocate funding for wildlife research and innovation; and*
5. *Establish a national wildlife data and information sharing and integration platform.*

4.14. Funding

- 4.14.1. Sustainable wildlife conservation and management requires sustainable financing. Innovative sources of funding, as well as creative solutions for financing of conservation initiatives are essential.

Diversification of sources of funding is needed so as to provide a buffer against unanticipated events like abrupt declines in tourism, depression in financial markets, and shifts in the priorities of development partners.

- 4.14.2. Images of wildlife are very popular for branding and advertising. This presents an opportunity for industry, trade and commerce to partner with government in resource mobilization.

- 4.14.3. The Government will:

1. *Allocate funds for conservation and management of wildlife;*
2. *Develop a mechanism for engaging stakeholders in the private sector to mobilize resources to support wildlife conservation and management;*
3. *Promote innovative conservation funding mechanisms, including Payment for Ecosystem Services, establishing the wildlife conservation fund, carbon trading, among others;*
4. *Encourage and develop mechanisms for conservation financing through philanthropy; and*
5. *Leverage and mobilize wildlife conservation funding from the private sector.*

CHAPTER FIVE

LEGAL AND INSTITUTIONAL FRAMEWORK

5.1. Legislative Reforms

- 5.1.1. The past decade or so has witnessed significant legislative reforms geared towards improving governance in the wildlife sector in Kenya. A key issue in the reforms was the need to institutionalize participatory approaches in the management and conservation of wildlife in Kenya. These reforms culminated into the enacted of the principal legislation governing the wildlife sector, namely, the Wildlife Conservation and Management Act, No. 47 of 2013.
- 5.1.2. However, there are still many outstanding issues to address in order to bring Kenya's wildlife law up-to speed with emerging issues and good practice. These issues concern matters such as stakeholder engagement, compensations, and obligations under regional and multilateral agreements to which Kenya is a party. The Wildlife Conservation and Management Act, 2013 does not adequately address these issues. Therefore, there is need to develop a new Wildlife Act to address emerging issues and give effect to this Policy.
- 5.1.3. The Government shall:
1. *Enact a comprehensive wildlife conservation and management legislation to give effect to this policy;*
 2. *Ensure periodic review of the wildlife conservation and management legislation; and*
 3. *Prepare regulations and guidelines to support implementation of the Wildlife Conservation and Management Act.*

5.2. Institutional Arrangements

- 5.2.1. The Kenya Wildlife Service (KWS) is the national agency responsible for overall wildlife conservation and management in Kenya. This mandate is set broadly to capture the many challenges facing wildlife conservation today.

Because of the broad mandate of KWS and the wide range of stakeholders in the wildlife sector, the potential for conflicts and misunderstanding is high without clear mechanism for clear roles and responsibilities.

5.2.2. In addition to Kenya Wildlife Service, the County Governments, local communities and private land owners inevitably have a critical role in wildlife conservation.

5.2.3. There is thus need for comprehensive institutions reforms to assign and clarify the roles and responsibilities of different players in the wildlife sector.

5.2.4. The Government shall;

1. *Strengthen the policy, regulatory, oversight, reporting and public sensitization function of the Ministry responsible for Wildlife;*
2. *Re-structure Kenya Wildlife Service to enable it focus more on protected areas management;*
3. *Devolve the park management system to strengthen decision making at the park and reserve level; and*
4. *Establish a framework for inter-agency cooperation and stakeholder engagement for effective management of wildlife in Kenya.*

5.3. Partnerships with State and Non-State Actors

5.3.1. Private sector actors, non-governmental organizations, community-based organization, and other categories of non-state actors play a central role in wildlife conservation. They play an important role in policy development processes.

5.3.2. None State Actors also play a critical role in the promotion of inter-sectoral perspectives and cooperation among various stakeholders. For example, they help resolve resource conflicts through mediation and other dispute resolution mechanisms at the local level by bringing in their own considerable expertise and resources. At the national level, they help inform public debate on wildlife conservation issues.

5.3.3 There are numerous civil society actors in the wildlife sector which are poorly coordinated leading to overlaps and duplication in implementation of policies, programmes and projects. There is therefore need for mainstreaming monitoring of civil society actors to create order, synergy and enhance accountability and transparency.

5.3.4. Synergies and cross-sectoral linkages between the wildlife sector and other related sectors, especially tourism, forestry, agriculture and water, would result from policies that have an immediate or an indirect influence on the behaviour of landowners, government agencies, wildlife managers, private sector, non-governmental organisations and community-based organisations.

5.3.5. The Government shall:

1. *Maintain a register of all non-state actors and promote an all-in-one approach in the implementation of policies, programmes and projects;*
2. *Enhance cross-sectoral and inter-sectoral coordination and policy integration among wildlife related sectors;*
3. *Mainstream wildlife conservation into the National Climate Change Action Plan;*
4. *Establish collaborative frameworks for wildlife conservation and management; and*
5. *Promote partnerships between communities and investors on viable wildlife-based enterprises to enhance income generation and improvement of livelihoods.*

5.4. Human Resource Development and Capacity Building

5.4.1. Human resource development is an investment for the future. Building a cadre of professional resource persons requires, among other things, standards, means of communication, high levels of education and training. In-service training that enhances skills and managerial development in the wide range of tasks demanded of wildlife personnel, as well as communities and landowners, is of critical importance in developing technical competencies that complement research-oriented trainings offered by higher institutions of learning. A range of "people-

centred" courses also need to be integrated in the education, training, and skilling of wildlife personnel.

5.4.2. Similarly, 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 in wildlife conservation and management. Capacity-building initiatives ought to take into account the vital role of volunteers in wildlife conservation. Also important are the senior citizens who play a significant role in contributing knowledge and experience towards wildlife conservation and management.

5.4.3. The Government shall;

1. *Invest in the development of education and expertise in wildlife conservation and management;*
2. *Strengthen the development of wildlife conservation education and public awareness;*
3. *Promote the use of indigenous knowledge in the conservation and management of wildlife resources; and*
4. *Develop a framework for engaging young volunteers and senior citizens in wildlife conservation and management.*

5.5. Regional and International Cooperation

5.5.1. Kenya is a party to a number of multilateral environmental agreements (MEAs) that relate to conservation and management of wildlife resources. These include, the Convention on Biological Diversity (CBD), the Convention on Wetlands of International Importance (Ramsar), Convention on International Trade in Endangered Species (CITES), the Convention on Migratory Species (CMS) and the World Heritage Convention (WHC).

5.5.2. Kenya is also a key player in the Man and Biosphere Programme (MABP) of the United Nations Education, Science, and Culture Organization (UNESCO). Regionally, Kenya plays a key role in both the New Partnership for Africa's Development (NEPAD) and East Africa:

Community (EAC), both of which have pivotal wildlife management and conservation programmes, initiatives and commitments.

5.5.3. Much progress has been made in establishing mechanisms for implementing some of the wildlife-related MEAs by domestication into national policies, laws and programmes.

5.5.4. Moreover, effective monitoring of trade and the control of poaching requires regional and international cooperation. Significant benefits and effectiveness can be realized in combating poaching through collaborative regional and international initiatives.

5.5.6. The Government shall:

1. *Ensure the domestication and implementation of international instruments that Kenya has acceded to into national legislation;*
2. *Develop mechanisms to ensure cross-sectoral linkages and consistent implementation of wildlife-related multilateral environmental agreements; and*
3. *Promote the conservation of transboundary wildlife resources.*

CHAPTER SIX

IMPLEMENTATION STRATEGY

To achieve the desired results, this policy will be implemented using an inter-sectoral approach. Implementation will therefore require a coordinated management, enforcement and compliance framework, as well as the underpinning technical and legal instruments.

6.1. Management Arrangements

- 6.1.1. The Cabinet Secretary for the time being responsible for wildlife conservation and management will be the custodian of this policy.

6.2. Monitoring, Enforcement and Compliance

- 6.2.1. The Cabinet Secretary for the time being time responsible for wildlife conservation and management shall develop and implement various technical instruments to give effect to this policy.
 - 6.2.2. The Cabinet Secretary for the time being responsible for wildlife conservation and management shall monitor the implementation of this policy.
 - 6.3.3. The Cabinet Secretary shall ensure periodic review and reporting on the implementation of this policy.
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GLOSSARY OF TERMS

"biodiversity" means the variability among living organisms from all sources, including terrestrial, marine, and other aquatic ecosystems, and the ecological complexes of which they are a part, this includes diversity within species, between species and ecosystems;

"biopiracy" refers to the exploitation 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" is the collection of biological material and the analysis of its material properties, or its molecular, biochemical or genetic content, for the purpose of developing a commercial product;

"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

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"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

"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 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;

"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;

"Poaching" means illegal hunting or capturing of wild animals;

"wildlife protected area" means an area declared to be a wildlife 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;

"trans frontier 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 or microorganism or parts thereof within its 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.

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