OPPORTUNITIES FOR COMMUNITY BASED BIODIVERSITY CONSERVATION AND MANAGEMENT IN KENYA

Jackline Mutwiri, Grace Koech & Ali Shebwana
Compiled by:

Jackline Mutwiri is an Assistant Research Scientist at Kenya Wildlife Service.
Grace Koech is a Research Assistant for the Biodiversity Management Program at the World Agroforestry Centre.
Ali Shebwana is the Chairman of the Lamu County Wildlife Conservation and Compensation Committee (CWCCC).

Bibliographic summary

Disclaimers: This manual is made available with two disclaimers. First, the information provided is to the best of the compilers’ knowledge accurate. The compilers are not liable for any damages arising from the use of the information. Secondly, the geographic designations employed in this manual does not imply the expression of any opinion whatsoever on the part of the compilers, KWS, ICRAF, Lamu CWCCC, IGAD or the European Union concerning the legal status and the delimitation of frontiers or boundaries of any country or administrative territories therein.

Acknowledgements: This manual is the outcome of the Biodiversity Management Programme (BMP) supported by IGAD and the European Union. The project is implementing biodiversity conservation in the cross border area between Kenya and Somalia. Additional information on the BMP project can be found at: http://www.worldagroforestry.org/igad-bmp/overview

Published by: The World Agroforestry Centre (ICRAF) Kenya Wildlife Service (Nairobi) and Community Wildlife Conservation and Compensation Committee (Lamu), Kenya

Copyright: The World Agroforestry Centre (ICRAF) holds the copyright to its publications and web pages, but encourages reproduction without alteration of these materials for non-commercial purposes. Acknowledgement of the source of the information is required in all instances.

Citation: Jackline Mutwiri, Grace Koech & Ali Shebwana (2016). Opportunities for Community Based Biodiversity Conservation and Management in Kenya. A manual prepared for the IGAD Biodiversity Management Program.

Copies available from: A digital copy of this report is available for download from http://www.worldagroforestry.org/igad-bmp

Digital database: A digital database with the species data that is presented in this report is available for download from http://www.worldagroforestry.org/igad-bmp
# List of Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>BMP</td>
<td>Biodiversity Management Program</td>
</tr>
<tr>
<td>CWA</td>
<td>Community Wildlife Association</td>
</tr>
<tr>
<td>CWCCC</td>
<td>Community Wildlife Conservation and Compensation Committee</td>
</tr>
<tr>
<td>WCMA 2013</td>
<td>Wildlife Conservation and Management Act, 2013</td>
</tr>
<tr>
<td>EIA</td>
<td>Environmental Impact Assessment</td>
</tr>
<tr>
<td>EMCA</td>
<td>Environmental Management and Coordination Act</td>
</tr>
<tr>
<td>GDP</td>
<td>Gross Domestic Product</td>
</tr>
<tr>
<td>GoK</td>
<td>Government of Kenya</td>
</tr>
<tr>
<td>GPS</td>
<td>Global Positioning System</td>
</tr>
<tr>
<td>HQ</td>
<td>Headquarters</td>
</tr>
<tr>
<td>HWC</td>
<td>Human-Wildlife Conflict</td>
</tr>
<tr>
<td>ICRAF</td>
<td>World Agroforestry Centre</td>
</tr>
<tr>
<td>ID</td>
<td>Identification</td>
</tr>
<tr>
<td>IGAD</td>
<td>Intergovernmental Authority on Development</td>
</tr>
<tr>
<td>KWS</td>
<td>Kenya Wildlife Service</td>
</tr>
<tr>
<td>MPAs</td>
<td>Marine Protected Areas</td>
</tr>
<tr>
<td>NGO</td>
<td>Non-Governmental Organization</td>
</tr>
<tr>
<td>NR</td>
<td>National Reserve</td>
</tr>
<tr>
<td>OB</td>
<td>Occurrence Book</td>
</tr>
<tr>
<td>PIN</td>
<td>Personal Identification Number</td>
</tr>
<tr>
<td>UNESCO</td>
<td>United Nations Educational, Scientific and Cultural Organization</td>
</tr>
</tbody>
</table>
ACKNOWLEDGEMENTS

This publication on Opportunities for Community-Based Biodiversity Conservation and Management in Kenya has benefited from the support of donors, institutions and individuals. We thank the Inter-Governmental Authority for Development (IGAD) for the financial and technical support provided. The production of this awareness manual would not have been possible without the generous support of various institutions including the Kenya Wildlife Service, the World Agroforestry Centre and the Lamu County Wildlife Conservation and Compensation Committee. We would like to express our profound appreciation to all those who provided valuable information in developing this manual. Special thanks goes to Apollo Kariuki, Head of Biodiversity Planning at Kenya Wildlife Service; Israel Makau, Research Scientist at Kenya Wildlife Service; Michael Kipkeu, Senior Assistant Director Community Wildlife Service at Kenya Wildlife Service and Josehat Nyongesa, Project Manager for Biodiversity Management Program at the World Agroforestry Centre for reviewing the document.
EXECUTIVE SUMMARY

This awareness manual has been developed to ensure that the local communities understand their role in the new Wildlife Conservation and Management Act (WCMA), 2013 (The Act). This law demonstrates ways in which the local communities can actively participate in conserving wildlife. Section 40 of the WCMA, 2013 provides for establishment and registration of Community Wildlife Associations (CWAs) by communities. Landowners, groups of landowners and existing representative organizations may establish a community wildlife association and register under the appropriate law or in the case of an individual owner register as a recognized wildlife manager with the County Wildlife Conservation and Compensation Committee (CWCCC).

The Wildlife Act is rather brief and general in its description of what needs to be done to register a CWA hence the need to create awareness among relevant stakeholders on the provisions of the Act to enhance community participation in wildlife conservation and management through CWAs, community conservancies and or any other avenue provided for in the Act.

The manual further guides on how to address human-wildlife conflicts, wildlife conflict compensation claims, wildlife benefits access and sharing; and wildlife offences and penalties as provided for in the Act.

This publication aims to:

1. Sensitize communities especially in BMP demonstration sites.

2. Raise the awareness of community leaders, NGOs, government agencies and local policy makers on community involvement in implementation of the Act.
1.0 INTRODUCTION

According to Western et al (2009), about 65 percent of wildlife in Kenya is found outside protected areas. The country is famed for its great wildebeest migration and the big five (Elephant, Rhino, Lion, Buffalo and Leopard). Wildlife is a major tourist attraction in the country accounting for over 10 percent of the country's Gross Domestic Product (GDP). It also provides more than 30,000 jobs. However, this benefit is threatened by poaching, human-wildlife conflict (HWC), habitat fragmentation, habitat degradation, pollution and climate change.

The Wildlife Act aims to create a fair and just relationship between citizens and wildlife by ensuring that there is an opportunity for people to benefit from wildlife without threatening ecosystems and habitats.

This awareness manual is therefore designed to involve the local communities in understanding the Wildlife Conservation and Management Act, 2013 (henceforth referred to as the Act). The Act demonstrates ways in which the communities can actively participate in conserving wildlife. This awareness manual further simplifies the provisions of the Act to enable communities understand their roles and responsibilities, and those of the government.

Pursuant to section 116 (2) (e) of the Act, KWS shall undertake measures to enhance community participation in the conservation and management of wildlife so as to

1. Promote the conservation of wildlife and its habitats outside core protected areas;
2. Involve communities in the management of wildlife thus taking care of corridors, migration routes and buffer zones as well as to ensure that local communities obtain substantial and tangible benefits from wildlife conservation;
3. Ensure that wildlife is appropriately valued in order to reduce illegal off-take and to encourage sustainable use by rural communities; and
4. Create an enabling environment, which will ensure that legal and sustainable wildlife schemes directly benefit local communities.

1.1 Background of the Wildlife Conservation and Management Act, 2013

The Constitution of Kenya 2010 defines two levels of government; national and county governments. Whereas the national government has the responsibility for the overall conservation of wildlife, the county governments are responsible for allocating space for a variety of uses through the county sectoral and spatial plans. Furthermore, wildlife is found in counties thus requiring that both national and county governments work together to secure space for wildlife conservation.

The Act which was assented on 24 December 2013 and became operational on 10 January 2014 was enacted by parliament after repealing the Wildlife Conservation and Management Act Cap 376 to effect constitutional provisions on sufficient community participation in the wildlife sector. Key stakeholders in conservation developed The Act in a participatory process. Local communities are now empowered by this Act through providing opportunities for them to participate in wildlife conservation and management, accrue wildlife based benefits and address human-wildlife conflicts more effectively.

Wildlife crime penalties in the previous Wildlife Act Cap 376 were lenient, hence not sufficient to address the escalating wildlife offences, especially poaching of endangered wildlife. The new Act has enhanced penalties on wildlife crime.
1.2 Objectives of the Manual

This manual aims to achieve two objectives:

1. Sensitize communities especially in BMP demonstration sites on relevant provisions of the Act.
2. Raise the awareness of community leaders, NGOs, government agencies and local policy makers on community involvement in implementation of the Act.
2.0 COMMUNITY PARTICIPATION IN WILDLIFE CONSERVATION AND MANAGEMENT

According to the Act, to enhance community participation, KWS shall involve the community in:

- Utilization of wildlife resources;
- Development of conservation plans for community-managed wildlife areas;
- Utilization of natural resources in protected areas;
- Extraction of minerals and other extractive resources in protected areas in accordance with the Act;
- Derivation of benefits from direct conservation activities; i.e., licensing, direct sales, tourism and other commercial activities;
- Protection of wildlife, and wildlife security operations;
- Delineation and establishment of boundaries of conservation areas;
- Harnessing cultural conservation methods and practices;
- Re-establishment of wildlife dispersal areas;
- Regulation of establishment of community conservancies and other types of conservation areas;
- Management of wildlife in the community’s locality;
- Access to data on wildlife management in accordance with wildlife data access;
- Setting up regulations in a manner that is not injurious to the overall conservation plan of the area;
- Access to protected areas in accordance with activities in Protected Areas Regulations; and
- Declaration of wildlife ecosystems and habitats in need of protection

2.1 How Communities Will Be Involved

In order to involve local communities adjacent to protected areas in the management of wildlife, KWS shall:

a) involve communities in managing human and wildlife conflicts;
b) negotiate and enter into contractual agreements with communities regarding the utilization of resources obtained from a local protected area;
c) promote transparency and accountability in the utilization of resources obtained from the protected areas;
d) ensure equitable sharing of benefits with communities;
e) support communities in entrepreneurship programmes which promote conservation;
f) identify the socio-economic needs of neighboring communities and reconcile them with the management of the adjacent protected areas; and

g) Where feasible, communities may be allowed to use specified natural resources and perform certain cultural practices in protected areas.
2.2 Opportunities for community participation

The community shall be involved through the following means, but not limited to-

a) County wildlife conservation and compensation committees
b) Community and private conservancies
c) Community Wildlife Associations (CWAs)
d) Wildlife managers
e) Public participation
f) Routine wildlife and other natural resource inventory
3.0 COUNTY WILDLIFE CONSERVATION AND COMPENSATION COMMITTEES (CWCCC)

The CWCCC (The Committee) is a multi-sectoral committee established under Section 18 of the Act. CWCCCs are pegged on the general principles of devolution and citizens’ participation in conservation and management of wildlife resources in Kenya.

The CWCCC is made up of 13 members: a Chairperson appointed competitively by the Cabinet Secretary to provide leadership and ensure the committees’ activities are in harmony with those of KWS; a secretary who should be a KWS Officer; a representative of the County Government, an agricultural officer based in the county, county land use planning officer, officer in charge of county police matters, medical officer for health in the county, livestock officer responsible for the county, County Environment Officer and four other persons who are not public officers, but are nominated by community wildlife associations within the area through an elective process.

3.1 What are the functions of CWCCC?

The functions of the CWCCC are to:

- Implement the registration and establishment of user rights as provided for under the Act;
- Oversee the preparation and implementation of management plans on community and private land under the provisions of the Act;
- Ensure that benefits derived from the use of wildlife resources are distributed in accordance with the provisions of the Act;
- Bring together all relevant stakeholders within the county to actively harness their participation in planning and implementation of wildlife resources in the county;
- Review and make appropriate recommendations on ecosystem-based management plans produced by the service;
- Participate in county land use planning initiatives in consultation with all relevant stakeholders focusing on critical wildlife habitats, corridors and dispersal areas for better management and conservation of wildlife;
- Monitor implementation of management plans for any relevant national park in collaboration with KWS;
- Develop and implement, in collaboration with CWAs, mechanisms for mitigation of human-wildlife conflict;
- Review and recommend claims resulting from loss or damage caused by wildlife for payment of compensation;
- Undertake education, extension services and public awareness.
4.0 CONSERVANCIES AND SANCTUARIES

Any person or community who owns land on which wildlife inhabits may individually or collectively establish a wildlife conservancy in accordance with the provisions of the Act and the wildlife conservation and management (conservancy and sanctuary) regulations, 2016.

4.1 Categories of conservancies

(1) Based on the land tenure system, a person or community may register a

   (a) private conservancy; or
   
   (b) community conservancy,

(2) KWS shall encourage an aggregation of contiguous landholders to form a group conservancy.

4.2 Application for registration

An applicant for registration of a conservancy shall together with the application in prescribed from submit the following documents, as appropriate-

1. Concept proposal showing the governance framework, the proposed benefit sharing plan and indicating the information prescribed in the Fifth Schedule to the Act;

2. Evidence of land ownership, in case of one owner, a copy of the Title Deed or Lease of land, and in the case of more than one owner, an instrument of land registration showing the parcel numbers and a map of the land;

3. National Identity Card in the case of an individual and Registration Certificate in case of a body corporate;

4. Personal Identification Number assigned by the revenue authority;

5. Articles and Memorandum of Association of the company and or constitutive documents in the case of a body corporate;

6. A register and record of community wildlife scouts in the proposed conservancy;

7. Confirmed minutes of a conservancy members meeting, indicating their names and land parcel numbers, and agreeing to registration of the conservancy in case of community and group conservancies;

8. A receipt of payment of prescribed fees or proof waiver of such fees by the Service; and

9. Any other document or information the Service may consider necessary to process the application for registration.

4.3 Qualifications before registration of Conservancies

KWS shall take the following into consideration in the registration of conservancies-

1. Concept proposal made by the applicant;

2. Size of land and land ownership;

3. Ecological viability, currently or potential;

4. National land-use plans and county spatial plans;
5. Proposed governance and benefit sharing plans
6. Socio-economic viability;
7. Assessment and inventory of biodiversity contained therein; and
8. Contiguous land use patterns and their effect on the proposed conservation plan of the conservancy.

**4.4 Certificate of Registration**

KWS shall-

1. upon successful registration as a conservancy, issue an applicant with a Certificate of Registration as prescribed in Form B of the First Schedule to the wildlife conservation and management (conservancy and sanctuary) regulations, 2016, and
2. Upon issuance of such certificate, duly enter such conservancy into the register of conservancies maintained by the Service.

**4.5 Creation of a sanctuary within a conservancy**

1. Any person intent on creating a sanctuary within a registered conservancy shall make the relevant application to the Service in accordance with the wildlife conservation and management (conservancy and sanctuary) regulations, 2016.
2. Where the application in sub-regulation (1) is approved, the Service shall issue the registered person with a Certificate of Registration of the sanctuary separate from the Certificate of Registration of the conservancy.
3. Upon issuance of such certificate the Service shall duly enter such sanctuary into the register of sanctuaries maintained by the Service.

**4.6 Refusal to register**

KWS shall in all cases where registration is denied provide the applicant with a report in writing setting out -

1. The reasons and grounds for such refusal;
2. The conditions and remedial measures the applicant may take to comply with registration requirements; and
3. The time frame for such remedial action.

**4.7 Renewal of registration**

(1) The Certificate of Registration as a Conservancy may be renewed every ten years on condition that:

a) The conservancy –
   i. operated in the period within the terms of the initial or prior granted license;
   ii. continues to promote the overall conservancy objectives and plans of the Service
   iii. observes the Act and international treaties on the protection of wildlife; and
   iv. Has in the period preceding the application for renewal filed annual progress reports and registration of staff as required by these regulations.
b) There has been no substantial change in land use in the conservancy that affects the habitat range of the animals in the conservancy; and

(2) A substantial change of land use shall automatically void the license and the conservancy shall be required to seek inspection and registration afresh.

4.8 Submission of management plans

Each conservancy shall-

1. not later than three years from registration, compile and submit to the Service a management plan as required by the Fifth Schedule to the Act; and

2. File an annual progress report of its core activities in line with the management plan including the following details-
   a) The number ranks, and identity of community wildlife scouts in its employment and who have been struck off its force;
   b) Incidents of human-wildlife conflict; and
   c) Any incidents that have a serious bearing on conservation.

3. The CWCCC shall oversee the preparation and implementation of management plans.

4.9 Conservancy management

A conservancy may employ a conservancy manager, a management company or institution to carry out the day to day management of the conservancy.

4.10 Employment of community wildlife scouts

Every conservancy may employ suitably qualified persons to be community wildlife scouts, where necessary.

For any person to be employed as a community wildlife scout, they must meet the following requirements-

a) Must have attained the age of eighteen years;

b) Have sufficient training in the tasks to be undertaken in animal and human security;

c) Must be medically fit; and

d) Must possess knowledge of the conservancy area and the animals that inhabit the area.
5.0 COMMUNITY WILDLIFE ASSOCIATIONS AND WILDLIFE MANAGERS

Pursuant to section 40 of the Act, communities, landowners, groups of landowners and existing representative organizations may establish a community wildlife association and register under the appropriate law or in the case of an individual owner may be registered as a recognized wildlife manager by the Committee.

5.1 Application for registration as a community wildlife association

(1) Application for registration as a community wildlife association shall be in prescribed Form A in the First Schedule to the wildlife conservation and management (community participation) regulations, 2016 and shall contain, in addition to the requirements under section 40 (3) of the Act:-

a) Name of the association  
b) Office bearers  
c) Manner of representation

A strategic plan containing vision, mission, objectives, activities, output and monitoring and evaluation mechanisms

(2) The Constitution required under section 40(3) (b) of the Act shall, among other provisions, include-

a) A clear governance structure as approved by the Committee;  
b) Roles and responsibility of different organs of the association;  
c) Methods of resolving conflicts; and  
d) Code of conducts, disciplinary measures and penalties.

(3) A registered association shall undertake the functions prescribed under section 41 of the Act and any other function that may be prescribed by KWS.

5.2 Application for registration as a wildlife manager

1. A person may be registered as a wildlife manager in accordance with section 40 of the Act.

2. Any person who wishes to be registered as a wildlife manager shall apply to the Committee in Form B prescribed in the First Schedule to the wildlife conservation and management (community participation) regulations, 2016

5.3 Registration fee

A person or group seeking registration shall only be registered upon payment of the prescribed registration fee in the Second Schedule to the Regulations.

5.4 Registration by the Committee

(1) Upon receipt of applications for registration, the Committee shall either –

a) Reject the application and immediately inform the applicant of the rejection and the reasons thereof;  
b) Request for more information from the applicant and review the application upon receipt of the further information;  
c) Summon the applicant or applicants for an oral interview; or  
d) Approve the application.
(2) The Committee shall issue a certificate of registration as an association or wildlife manager upon approval of an application.

(3) The Committee shall notify the Service of all persons registered as associations or wildlife managers and the Service shall cause their names to be entered into the register of wildlife managers.

5.5 Deregistration of Wildlife Managers

A wildlife manager may be deregistered –

a) Upon individual application to the Committee;

b) On application of a member of the public to the Committee;

c) On recommendation by the Service; or

d) By the Committee on its own motion.

5.6 Reasons for deregistration of Wildlife Managers

A wildlife manager may be deregistered –

a) If found to be engaging in illegal activities;

b) If found corrupt;

c) Fails to comply with the management plan;

d) Mismanages wildlife; or

e) Any other compelling reasons.

5.7 Effect of deregistration of a Wildlife Manager

(1) Upon deregistration of a wildlife manager, the Committee shall –

a) delete their name and particulars from the register of wildlife managers;

b) withdraw their certificate of registration;

(2) A deregistered wildlife manager shall no longer be authorized to manage wildlife.

5.8 Role of village council of elders

The respective village council of elders shall have the following roles in conservation

a) Coordination of natural resource management activities at the village level

b) Recommend the formation of an association

c) Prepare integrated land use plans to harmonize land use systems in conservation area

d) Formulate wildlife and natural resources by-laws to govern conservation areas

e) Monitor wildlife association activities

f) Set aside land for establishment of wildlife conservation areas or conservancies

g) Ensure a secure and favorable business environment in wildlife conservation areas

h) Ensure that sectoral policies and plans are implemented in conservation areas

i) Enter into agreement with wildlife association /wildlife manager on management of wildlife conservation area
6.0 HUMAN-WILDLIFE CONFLICT MITIGATION AND COMPENSATION

Human-wildlife conflict (HWC) can be defined as the negative interaction between people and wild animals. These effects are mostly felt by the poor who usually live close to wildlife-rich areas.

6.1 The root causes of Human-Wildlife Conflicts

The root causes of human-wildlife conflicts include:

1. Increase in human population
2. Negative attitude towards wildlife
3. Ongoing land tenure issues, e.g. land subdivision, and adjudication
4. Displacement of people from gazetted protected areas
5. Climatic changes e.g., El Nino and La Nina.

6.2 The results of human-wildlife conflicts

The outcome of human-wildlife conflicts include:

1. Animal mortality
2. Crop damage
3. Human death
4. Human injury
5. Human threat
6. Property damage
7. Predation

6.3 Measures Communities can take to prevent human-wildlife conflicts

Some measures the communities can take to prevent human-wildlife conflict include:

a) Use of scarecrows
b) Set up bee-hive fences to prevent elephant attacks
c) Erect appropriate fences such as chain link and live fences, or both
d) Avoid grazing livestock in conservation areas
e) Time the harvest periods to control pests including grain feeding wildlife such as baboons and birds
f) Ensure appropriate garbage disposal methods
g) Use lion lights, fire under supervision, or other safe methods to scare predators such lions, hyenas and leopards
h) Barricade or fence to separate human and wildlife zones.
6.4 Mitigation measures by KWS

Conflict mitigation measures implemented by KWS include;
(a) Wildlife barriers
(b) Translocation of species
(c) Fear-provoking stimuli (scaring)
(d) Diversion tactics
(e) Tracking of animals through the use of Global Positioning System (GPS) collars
(f) Continuous awareness creation
(g) Problem animal control

6.5 What to do if you are a victim of human - wildlife conflict

Individuals can claim compensation from the County Wildlife Conservation and Compensation Committee for loss of life or damage to property caused by wild animals specified in table 2.

6.6 What to do if wild animals injure you or damage your property

You must report within 24 hours to KWS. Call the KWS hotline 0202587435 or report to the nearest KWS office. In the absence of a KWS office, report to the nearest police station and sub-county administration. If the animal is dangerous KWS officers can remove it, or where absolutely necessary, kill it.

The owner or occupier of land can also kill a problem animal in self-defense, unless it is an endangered species or is in a protected area. If you kill a problem animal, you must report the circumstances of the killing and deliver the trophy together with the carcass to the nearest KWS outpost or police station within 48 hours. However it is ILLEGAL to kill a problem animal using poison, pitfalls or snares.
Table 2: Wildlife species for which compensation may be paid

<table>
<thead>
<tr>
<th>Death and injury</th>
<th>Crop, livestock and property damage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elephant</td>
<td>Elephant</td>
</tr>
<tr>
<td>Lion</td>
<td>Lion</td>
</tr>
<tr>
<td>Leopard</td>
<td>Leopard</td>
</tr>
<tr>
<td>Rhino</td>
<td>Rhino</td>
</tr>
<tr>
<td>Hyena</td>
<td>Hyena</td>
</tr>
<tr>
<td>Crocodile</td>
<td>Crocodile</td>
</tr>
<tr>
<td>Cheetah</td>
<td>Cheetah</td>
</tr>
<tr>
<td>Buffalo</td>
<td>Buffalo</td>
</tr>
<tr>
<td>Venomous snakes</td>
<td>Hippo</td>
</tr>
<tr>
<td>Hippo</td>
<td>Zebra</td>
</tr>
<tr>
<td>Shark</td>
<td>Eland</td>
</tr>
<tr>
<td>Stone fish</td>
<td>Wildebeest</td>
</tr>
<tr>
<td>Whale</td>
<td>Wild dog</td>
</tr>
<tr>
<td>Stingray</td>
<td>Snake</td>
</tr>
<tr>
<td>Wild dog</td>
<td></td>
</tr>
<tr>
<td>Wild pig</td>
<td></td>
</tr>
</tbody>
</table>

Note:

No compensation is paid for losses caused by primates such as baboons and vervet monkeys. Making a false claim is an offence punishable by law. One is liable upon conviction to a fine of not less than Kshs 100,000.00 or to a six months imprisonment, or both.

6.7 Steps to follow when making a compensation claim

1. You must report within 24 hours to KWS. Call the KWS operational hotline or report in person to the nearest KWS office. In the absence of a KWS office, report to the nearest police station and sub-county Administration.

2. A designated KWS Officer will verify reported incidents in the presence of various officers, based on the incident type, as outlined below:
   - Crop damage – Agricultural Officer and Land Officer where necessary
   - Livestock predation – Livestock Officer
   - Property damage – Land Officer
   - Human death or injury – Medical and Police Officers Verification shall entail completion of applicable verification forms: Crop destruction verification form, Property damage verification form, Livestock predation verification form, prescribed medical report form (P3).
3. Where the incident has been confirmed, a compensation form shall be issued to the claimant which must be completed and returned with relevant attachments (death certificate, burial permit, postmortem report, expense receipts, ID card, medical report, verification report, etc.) to KWS within thirty (30) days. These will then be submitted to CWCCC for approval or disapproval.

6.8 Rates and procedure for compensation

Table 3: Result of human wildlife conflict and rates for compensation

<table>
<thead>
<tr>
<th>Result of Human Wildlife Conflict</th>
<th>Rates for compensation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Death</td>
<td>Kshs 5 million</td>
</tr>
<tr>
<td>Injury causing permanent disability</td>
<td>up to Kshs. 3 million</td>
</tr>
<tr>
<td>Other Injury</td>
<td>up to Kshs. 2 million</td>
</tr>
</tbody>
</table>

Note: If you are dissatisfied with the compensation award by either the County Committee or KWS you can file an appeal within 30 days of being notified of the decision to the National Environment Tribunal. If you are still dissatisfied, you can file a second appeal to the Environment and Land Court.

Table 4: Compensation procedure

<table>
<thead>
<tr>
<th>Steps</th>
<th>Report and Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>HWC Incident report</td>
</tr>
<tr>
<td></td>
<td>• Victim (within 24hrs)</td>
</tr>
<tr>
<td>2</td>
<td>Office takes all the related details of the incident</td>
</tr>
<tr>
<td></td>
<td>• KWS/police station/sub-county</td>
</tr>
<tr>
<td>3</td>
<td>Incident recorded and acknowledged in occurrence Book (OB)</td>
</tr>
<tr>
<td></td>
<td>• KWS</td>
</tr>
</tbody>
</table>
7.0 ACCESS, INCENTIVES AND BENEFITS SHARING

The Act provides that every citizen has the right to reasonable access to wildlife resources and to enjoy the benefits from them. Wildlife conservation and management can be practiced in a sustainable manner to generate income as long as the wildlife remains in a healthy, natural and secure state and is carried out on suitable land that adheres to the terms and conditions of the license issued by the Cabinet Secretary. Nobody can carry out any activity involving a specimen of an endangered species without a permit from KWS. The Cabinet Secretary can inhibit any activity that may adversely affect the survival of an endangered species.

7.1 Activities that can be practiced under license from KWS

Activities that can be practiced under license from KWS in accordance with (Section 80 of The Act) are outlined in Table 5 below.

Table 5: Activities that can be practiced under license from KWS

<table>
<thead>
<tr>
<th>Non-consumptive use</th>
<th>Consumptive use</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Wildlife tourism</td>
<td>• Game farming (rearing wildlife in an enclosed and controlled environment)</td>
</tr>
<tr>
<td>• Commercial photography/filming</td>
<td>• Game ranching (keeping wildlife in natural extensive conditions)</td>
</tr>
<tr>
<td>• Education</td>
<td>• Live capture (taking animals from the wild while alive)</td>
</tr>
<tr>
<td>• Research</td>
<td>• Research involving off-take</td>
</tr>
<tr>
<td>• Cultural and religious purposes</td>
<td>• Cropping (harvesting wildlife for a range of products)</td>
</tr>
<tr>
<td></td>
<td>• Culling (selective removal of wildlife based on scientific reasoning)</td>
</tr>
</tbody>
</table>

Note:
1. To apply for a license for consumptive use of wildlife, the forms must be obtained from KWS
2. All licenses expire on the 31st December of every year
3. All consumptive use of wildlife will be done under the direct supervision of KWS

7.2 Permitting process

Request for wildlife user rights/authority to deal in wildlife utilization shall be made to the respective CWC-CC secretary. The recommendation of issuance of wildlife permits shall take into consideration:

1. Environmental Impact Assessment (EIA) study
2. Magnitude of the project and long-term impacts on the culture of communities and other stakehold- ers
3. Interrogation of other relevant laws and international/conservation protocols that guide the operation and sustainable wildlife trade and utilization

7.3 Permit Revocation

KWS may revoke a permit where it finds that the permit holder is not complying with the terms and conditions of the permit.
8.0 OFFENCES AND PENALTIES

We should not commit wildlife offences because Wildlife is our heritage and is a source of livelihood hence should be conserved for posterity. Offences against wildlife attract heavy penalties which include fines, life imprisonment or both.

8.1 How to report violations of the Wildlife Act and who to report to

If you find anyone committing wildlife crimes please report them immediately. Call KWS 020-2587435 or any other operational KWS telephone number or alert the Kenya Police by dialing 911 or go to the nearest police station. You can also report the incident to the Chief, other community leaders or any conservation agency or organization in the area.

8.2 What to report

The following incidences should be reported;

- Injuring and killing of wildlife
- Illegal capture or transfer of any wildlife species
- Any activity that damages the natural ecosystem e.g. logging, fire, pollution, sand harvesting, livestock grazing in the national parks, or illegal weapons
- Illegal collection of plants and animals
- Illegal collection or possession of trophies and unclaimed trophies

8.3 When to report

The incidences should be reported immediately on:

- witnessing the act;
- seeing the carcass of a wild animal around and within conservation areas; and
- Sighting unusual movement of vehicles or people around and within national parks, national reserves and conservancies, especially at night.

A wildlife trophy is any wildlife species dead or alive, any bone, claw, eggs, feather, hair, hoof, skin, tooth, tusk, or other durable portion whatsoever of an animal, whether processed or changed by the work of man or not that is recognized as such.
8.4. What happens when you commit the following offences?

Various wildlife offences and their penalties are outlined in Table 6.

**Table 6: What happens when you commit the following offences?**

<table>
<thead>
<tr>
<th>OFFENCES</th>
<th>ACT</th>
<th>PENALTIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Threats to endangered species</td>
<td>Anyone who commits a crime involving endangered or threatened species or their trophies</td>
<td>Kshs. 20 million fine (minimum) or life imprisonment, or both</td>
</tr>
<tr>
<td>(Elephant, black rhino, white rhino, cheetah, lion, leopard, wild dog)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hunting</td>
<td>Anyone who engages in sport hunting commits a crime</td>
<td>Kshs. 20 million fine (minimum) or life imprisonment or both for black rhino, white rhino or elephant.</td>
</tr>
<tr>
<td></td>
<td>Anyone who engages in hunting for meat</td>
<td>Kshs. 5 million fine or 5 years imprisonment for all other endangered species</td>
</tr>
<tr>
<td></td>
<td>(subsistence hunting) commits a crime</td>
<td>Kshs. 1 million fine or 2 years imprisonment for all other animals</td>
</tr>
<tr>
<td></td>
<td>Anyone who hunts for the bush meat trade or deals in meat of any animal commits a crime</td>
<td></td>
</tr>
<tr>
<td>Trophies</td>
<td>Anyone in possession of a wildlife trophy. Or makes an item from a wildlife trophy or deals in a wildlife trophy without a permit commits a crime</td>
<td>Kshs. 1 million fine (minimum), imprisonment for 5 years (minimum) or both</td>
</tr>
<tr>
<td>Importing and exporting wildlife</td>
<td>No-one should trade in, import, introduce or export wild animals without a permit from KWS</td>
<td>If it involves critically endangered animals, a fine of Kshs. 5 million or imprisonment for 5 years (minimum)</td>
</tr>
<tr>
<td></td>
<td>No-one should import or export wildlife from Kenya.</td>
<td>For other wildlife, a minimum of Kshs. 1 million or 2 years in prison</td>
</tr>
<tr>
<td></td>
<td>Anyone who contravenes any provisions of this section commits a crime.</td>
<td></td>
</tr>
<tr>
<td>Illegal grazing inside parks</td>
<td>No one should enter a national park with livestock</td>
<td>Kshs 100, 000 fine or 6 months imprisonment</td>
</tr>
<tr>
<td>(The Cabinet Secretary will produce guidelines regarding access to national parks for grazing and watering of livestock in times of drought)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pollution</td>
<td>Pollution is dumping things such as oil, chemicals and rubbish in the environment. Pollution also includes excess noise</td>
<td>Kshs 2 million fine (minimum) imprisonment of 5 years (minimum) or both</td>
</tr>
<tr>
<td></td>
<td>Pay the full cost of cleaning up the polluted wildlife habitat, removing the pollutant and cleaning up the polluted habitats and ecosystems</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The court can also direct the polluter to contribute to a wildlife conservation activity as compensation</td>
<td></td>
</tr>
<tr>
<td>Management plans</td>
<td>Anyone who contravenes or fraudulently alters a management plan commits a crime</td>
<td>Kshs. 500,000 fine (minimum) or 2 years imprisonment when the plan relates to a national park or national reserve.</td>
</tr>
<tr>
<td></td>
<td>In other cases, a fine of at least Kshs. 100,000</td>
<td></td>
</tr>
<tr>
<td><strong>Conservation orders or easements</strong></td>
<td>Anyone who, when trying to obtain a license or a permit makes a false statement or representation, makes false claims in a document, or contravenes a condition of the permit commits a crime</td>
<td>Kshs. 200,000 (minimum), 1 year imprisonment (minimum), or both</td>
</tr>
<tr>
<td><strong>Invasive species</strong></td>
<td>Anyone who knowingly introduces an invasive species into a wildlife conservation area commits a crime (e.g., water hyacinth, mathenge tree)</td>
<td>Kshs. 300,000 (minimum) or imprisonment for at least 1 year, or both</td>
</tr>
<tr>
<td><strong>Compensation</strong></td>
<td>Making a false claim to the county committee regarding a wildlife compensation claim</td>
<td>Kshs. 100,000 fine (minimum) or 6 months imprisonment (minimum) or both</td>
</tr>
<tr>
<td><strong>Protected Areas</strong></td>
<td>Anyone who enters a national park or reserve without a license or permit, or while not in the course of duty sets fire to any vegetation in any wildlife protected area or allows any fire to be lit, carries out logging in a national park or reserve, clears or cultivates land in a national park or reserve, damages or attempts to remove any geological or historic object in a wildlife protected area, takes fire arms, ammunition, arrows, spear, snare, poison or banned agro-chemical substances into a protected area with intention to kill wildlife, carries out extractive or damaging activity in a marine protected area</td>
<td>Kshs. 200,000 or 2 years imprisonment, or both</td>
</tr>
</tbody>
</table>

**Note:**

*Committing any of the above offences can lead to forfeiture of vehicles, equipment, livestock or any possession of the convicted person.*

*One can easily lose all their property*

### 8.5 Enforcement and implementation

An authorized KWS officer can:

- Demand from any persons or authority dealing with wildlife the permit in relation to handling wildlife resources
- Arrest and take to court any person found inside or outside the conservation area in possession of any wildlife specimen without a permit
- Search any person suspected of having committed a crime under the Act or in possession of any wildlife specimen
- Search any vehicle or vessel and seize and detain any wildlife specimen
- Enter any land, premises, vessel vehicle, aircraft or trailer in order to assess the condition of wildlife
- Take all reasonable steps to prevent the commission of a crime
- Erect a temporary barrier across any road. Any person approaching the barrier shall stop and allow the officer to search the vehicle.
9.0 REFERENCES


