



REPUBLIC OF KENYA

THE WILDLIFE (CONSERVATION AND MANAGEMENT) BILL, 2022

JULY 2022

THE WILDLIFE (Conservation and Management) BILL, 2022

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A Bill for

AN ACT of Parliament to provide for the protection, conservation, sustainable use and management of wildlife in Kenya; and for all other matters connected therewith and incidental thereto;

RECOGNIZING that wildlife is an important natural resource and national heritage, a public asset at county, national, regional, and global levels and that there is a need for an integrated ecosystem approach to conserving wildlife resources in relation to other forms of land use,

RECOGNIZING also the viability of establishing and enhancing a vibrant wildlife economy in Kenya to increase incentives for conservation and a competitive form of land use

FURTHER RECOGNIZING that wildlife should be utilized in a manner that does not impinge on cultural values, compromise the quality and value of the resource, or degrade the carrying capacity of supporting ecosystems,

ACKNOWLEDGING that a coordinated and participatory approach to wildlife conservation and management is essential, and that it involves collaboration between the national and county governments, communities, landowners, private sector, and non-governmental organizations as appropriate;

FURTHER ACKNOWLEDGING the need to involve all stakeholders in the conservation and management of wildlife, as well as to derive benefits from such involvement;

AND WHEREAS it is essential to conserve in perpetuity Kenya's rich diversity of species, habitats and ecosystems for the wellbeing of its people and the global community,

NOW THEREFORE BE IT ENACTED BY THE PARLIAMENT OF KENYA, AS FOLLOWS:

PART I: PRELIMINARY

Short title and commencement

1. This Act may be cited as the Wildlife (Conservation and Management) Act, 2022 and shall come into operation on such date as the Cabinet Secretary may, by notice in the Gazette appoint, but not later than 30 days from the date of Assent. Different dates may be appointed for different provisions.

Application

2. This Act shall apply to all wildlife resources on public, community and private land within the Republic of Kenya.

Objectives

3. In exercising the powers, rights, and duties provided for under this Act, every person shall be guided by the following objectives:
 - 1) The conservation of wildlife in perpetuity as a national asset;
 - 2) The increase of access, incentives and sustainable use of wildlife resources while ensuring equitable sharing of benefits;
 - 3) The promotion of partnerships and incentives for wildlife-based enterprises; and

Interpretation

4. In this Act, unless the context otherwise requires –

“Aircraft” means any type of airplane, airship, balloon, drone, or kite, whether captive, navigable or free, and whether controlled or directed by human agency or not;

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

“Animal” means any species or the young or egg thereof, but does not include a human being

or any animal which is commonly considered to be a domestic animal or the young or egg thereof or plant;

“Authority” means the Wildlife Regulatory Authority established under Section 19

“authorized officer” means a member of the Authority, the Service, a forest officer, a fisheries officer, a police officer, a customs officer, an administrative officer, or any person so designated under this Act;

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

“bio-piracy” refers to the expropriation of biological resources without fair compensation or sharing of benefits;

“bio-prospecting” refers to the exploration of wildlife for commercially valuable genetic and biochemical resources;

“Capture” includes any act immediately directed at the taking of live wildlife or the taking of nests, eggs or young of any wildlife;

“Chief Executive Officer” Means an officer appointed to head the Authority pursuant to Section 27.

“Community” refers to a group of users of land and wildlife holding a set of clearly defined rights and obligations over land and wildlife;

“Community wildlife association” refers to an association established pursuant to Section 105;

◀ “Community wildlife scout” means a person appointed as such under this Act;

“Competent authority” means:

(a) in relation to public land, the National Land Commission

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

“Conservancy rangers” means a person employed by a registered conservancy to undertake wildlife surveillance, monitoring, and security within the defined area of a wildlife conservancy.

“Conservation order” refers to a wildlife conservation order issued under Section 155 of this Act;

“Conservation” means the protection, maintenance, rehabilitation, restoration, enhancement, management and sustainable use of wildlife;

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

“conserved areas” means a geographically defined area other than a Protected Area, which is governed and managed voluntarily by indigenous peoples and local communities through customary laws or other effective means, to achieve positive and sustained long-term outcomes for the in situ conservation of biodiversity, with associated ecosystem functions and services and where applicable, cultural, spiritual, socio-economic, and other locally relevant values.


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

“County wildlife compensation committee” refers to the committee established under Section 9;

“Cropping” means harvesting of wildlife for a range of products;

“Culling” means selective removal of wildlife based on ecological scientific principles for management purposes;

“Deal” means —

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- a) to sell, purchase, distribute, barter, give, receive, administer, supply, or otherwise in any manner deal with a trophy or live species;
 - b) to cut, carve, polish, preserve, clean, mount or otherwise prepare a trophy or a live species
 - c) to transport or convey a trophy or live species;
 - d) to be in possession of any trophy or live species with intent to supply to another; or
 - e) To do or offer to do any act preparatory to, in furtherance of, or for the purpose of, an act specified above.

“Dealer” means any person who, without a valid license issued by the Authority,

- i. sells, purchases, distributes, barter, gives, receives, administers, supplies, or otherwise in any manner deals with a trophy or live species;

- ii. cuts, carves, polishes, preserves, cleans, mounts or otherwise prepares a trophy or live species;
- iii. Transports or conveys a trophy or live species;
- iv. Possess any trophy or live species with intent to supply to another; or
- v. Does or offers to do any act preparatory to, in furtherance of, or for the purpose of, an act specified above.

“Decentralization” means the devolution of responsibility for planning, management and control of wildlife resources from the national wildlife agency to the local delimited geographic and functional domains;

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

“Director” means the Director of the Wildlife Research Institute appointed pursuant to Section 47 of this Act;

“Director-General” means the Director-General of the Service appointed under Section 38 of this Act;

“Dispersal areas” means areas into which wild animals migrate to during some periods of the year;

“Easement” means an easement created under Section 155;

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

“Endangered ecosystem” means an ecosystem of exceptional biodiversity value or a habitat of endangered or endemic species which has undergone severe degradation and protected under section 138 of this Act;

“Endangered species” means any wildlife specified in the fifth Schedule of this Act or declared as such by any other written law or any wildlife specified in Appendices of the IUCN red list;

“endemic species” means species of plants and animals that are found in Kenya and nowhere else in the world or species that are found in only one locality in Kenya and nowhere else in the country;

“Endowment Fund” means the Kenya Wildlife Service Endowment Fund established

pursuant to Section 175 of this Act;

“Environmental impact assessment” has the meaning assigned to it under the Environmental Management and Coordination Act No. 8 of 1999;

“Environmental services” means life-supporting goods and services provided by nature;

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

“Financial year” means the period of twelve months ending on the thirtieth June in every year;

“firearm” means a lethal barreled weapon of any description from which any shot, bullet or other missile can be discharged or which can be adapted for the discharge of any shot, bullet or other missile, and any weapon of whatever description designed or adapted for the discharge of any noxious liquid, gas or other thing, and includes the barrel, bolt and chamber, and any other essential component part, of the weapon;

“Forest officer” has the meaning assigned to it under the Forests Act, No. 34 of 2016

“Forfeiture” means a forfeiture order issued by the court under Section 209 of this Act

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

“Game ranching” means the keeping of wildlife under natural extensive conditions for wildlife conservation, recreation and trade;

“Genetic resources” means genetic material of actual or potential value;

“Government trophy” means a trophy declared to be a Government trophy by Section 58 of this Act;

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

“Honorary warden” refers to an honorary warden appointed by the Cabinet Secretary under Section 40 of this Act;

“Hunt” means and includes:

- (a) To kill, injure or shoot at;
- (b) Willfully disturb or molest by any method;
- (c) lie in wait for, or search for, with intent to kill, injure or shoot at, molest a nest or eggs of any wild animal;;

“Incentive” means an instrument or combination of instruments designed to encourage wildlife conservation, including policy, program, institution, or economic instruments;

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

“Inter-generational equity” means the conscious endeavor by the present generation, in the exercise of its right to beneficial use of wildlife resources, to enhance and maintain them for the benefit of future generations;

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

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

“Kenya Defense Forces” means the Kenya Defense Forces Established under Article 241(1) of the Constitution.

“Land” has the meaning assigned to it by Article 260 of the Constitution of Kenya;

“Landowner” means persons, natural or corporate with legal title over private or community land

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

“Lead agency” means any national government department or state corporation, in which any law vests functions of management or control of any element of wildlife resources;

“License” means a license or permit or other written authorization issued under any of the provisions of this Act;

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

“Management agreement” means any agreement between the Service and any other person, department, association, body corporate or other competent authority for the conservation and management of wildlife in accordance with the provisions of this Act;

“Management plan” means a management plan prepared for the conservation and management of wildlife pursuant to Section 64 this Act;

“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 and includes any dry land found within the gazetted boundary".;

“Meat” means the fat, blood, flesh or tissue of any wild animal, whether fresh or dried, pickled or otherwise preserved or processed;

“Member of the uniformed and disciplined cadre” means a member of the Service holding any of the ranks specified in Part 1 of the Second Schedule;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to wildlife;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to wildlife;

“Motor vehicle” includes a vehicle of the type commonly known as a “hovercraft”;

“Multilateral environmental agreement” means international legal instruments for sustainable environmental management to which Kenya is a Party;

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

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

“National Security Council” means the National Security Council established under Article 240(1) of the Constitution;

“partnership” means an affiliation between a competent authority, stakeholders and other individuals or groups or entity formed for the purposes of conserving and managing wildlife within a specified area under a formal agreement;

“Poaching” means illegal hunting, illegal capturing and illegal harvesting of any wild animal (but does not include the control of species widely and commonly regarded as pests or vermin); as listed in the Sixth schedule of this Act

“Private land” means –

- (a) registered land held by any person under any freehold tenure,
- (b) land held by any person under leasehold tenure; and,
- (c) Any other land declared private land under an Act of Parliament.

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

“Protected area” means a clearly defined geographical space, recognized, dedicated and managed through legal means, to achieve long-term conservation of nature with associated ecosystem services and cultural values including national park, Marine Park, national reserve and national sanctuary.

“Wildlife protected area” means an area declared to be a wildlife protected area under this Act.

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

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

“riparian reserve” means land being six meters minimum and up to thirty meters maximum adjacent to the ocean, lake, sea, rivers, and water courses, protected by legal or other effective means for purposes of wildlife conservation;

“Rules” means any rules or regulations made under this Act;

“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;

“Service” means the Kenya Wildlife Service established under Section 30 of this Act;

“Specimen” means any wild animal or plant whether alive or dead and any part or derivative thereof;

“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 authorized 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;

"Subsistence hunting" means hunting for the purposes of daily consumption by an individual or their direct dependents;

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

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

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

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

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

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

“Warden” means an officer of the Service above the rank of Sergeant Major;

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

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

“Wildlife conservancy” means a geographically defined land area of ecological value managed by an individual, a body corporate, a group of owners or a community through legal or other effective means to achieve long-term wildlife conservation, amongst other integrated compatible land uses and in accordance with the provisions of this Act.

“wildlife conservation area” means a geographically defined area other than a Protected Area, which is governed and managed voluntarily by indigenous peoples and local communities through customary laws or other effective means, to achieve positive and sustained long-term

outcomes for the in situ conservation of biodiversity, with associated ecosystem functions and services and where applicable, cultural, spiritual, socio-economic, and other locally relevant values.

“Wildlife habitat” means a place or site where wildlife naturally occurs and which provides food, cover, and water on which wildlife depend directly or indirectly;


“Wildlife manager” means any person registered with the Authority for the purpose of managing a wildlife conservancy and/or sanctuary;

“Wildlife scout” means a person, not being a conservancy ranger, engaged by a community wildlife association or conservation non-governmental organization for purposes of assisting problem animal control, wildlife surveillance, and other conservation activities.

“Wildlife user rights” means and includes user rights granted to stakeholders by the Cabinet Secretary, through the relevant competent authorities, for non-consumptive and/or consumptive use of wildlife resources;

5. General principles

The implementation of this Act shall be guided by the following principles:

- 
- a) Wildlife conservation and management shall be devolved, wherever possible and appropriate to those owners and managers of land where wildlife occurs;
 - b) Wildlife is a national resource and heritage and should be managed, conserved and utilized for the collective benefit of all citizens of Kenya,
 - c) Wherever possible, the conservation and management of wildlife shall be encouraged using an ecosystem approach;
 - d) Conservation and Management of wildlife shall entail meaningful, comprehensive and legitimate public participation in accordance with the Third Schedule
 - e) Wildlife conservation and management shall be encouraged, facilitated and recognized as a competitive form of land use on public, community and private land;
 - f) Benefits of wildlife conservation shall be derived by the land user in order to offset costs and to ensure the value and management of wildlife do not decline;
 - g) Wildlife conservation and management shall be exercised in accordance with the principles of sustainable utilization to meet the needs of present and future generations.

- h) That wildlife in Kenya has intrinsic value, which value is not subordinate to any other economic, social, cultural or recreational value of wildlife.
- i) Benefits accruing from wildlife conservation and management shall be enjoyed and equitably shared by the people of Kenya.

PART II: OWNERSHIP, DEVOLUTION AND SECURITY

Wildlife as national heritage

6. Ownership of wildlife

- 1) All wildlife found in Kenya is vested in the citizens of Kenya.
- 2) The Cabinet Secretary shall be responsible for the protection, conservation and management of every wildlife resource in Kenya in accordance with the provisions of this Act.
- 3) The right to use wildlife resources is hereby vested in the Cabinet Secretary and subject to the provisions of this Act, the Cabinet Secretary may, in consultation with the Authority, the Institute and the Service, grant wildlife user rights to individuals, communities or bodies corporate.
- 4) In exercise of the powers conferred by Subsection 3 above, the Cabinet Secretary shall delineate different access rights based on wildlife user rights, incentives, and benefit sharing and conservation measures.

7. Co-management and coordination of wildlife conservation with communities

- 1) Communities, landowners, and groups of landowners may establish a wildlife conservancy association and register it under the Societies Act, or in the case of an individual landowner, he may be registered as a recognized wildlife manager by the Authority.
- 2) The Authority shall keep a register of all organizations and individuals outlined in subsection 1 above
- 3) The object and purpose for which an association is established is to facilitate conflict

resolution and cooperative management of wildlife within a specified geographic region or sub-region.

- 4) The application for approval referred to in subsection (1) shall be in the prescribed form and shall contain:
- a) A list of the conservation activities in which they are involved in;
 - b) A list of their members being either individuals or conservancies;
 - c) The Constitution with clear governance structures;
 - d) A draft wildlife management plan for the association detailing –
 - (i) type of wildlife resources in their area and type of wildlife conservation initiatives being undertaken;
 - (ii) type of land tenure of the area(s) to be designated as conservancies
 - (iii) measures and type of wildlife conservation activities that are being proposed;
 - (iv) type of wildlife user rights being proposed that will enhance conservation and survival of wildlife in their area;
 - (v) land-use practices in the area and proposed measures to ensure land use compatibility with wildlife conservation;
 - (vi) methods of monitoring wildlife and wildlife user activities;
 - (vii) community wildlife scouting scheme that will help to provide wildlife surveillance and assist in addressing problem animal control;
 - (viii) any other aspect deemed necessary; and
 - (ix) Such other information as the Director-General may require.
- 5) The Authority shall cause to be kept an up-to-date record of all approved Wildlife Conservancy Associations, wildlife managers and wildlife user activities that they are involved in.
- 6) The Cabinet Secretary may, on the recommendation of the Authority and in consultation with the Service, by notice in Gazette, prescribe measures and guidelines to govern the establishment and activities of Wildlife Conservancy Associations and wildlife managers.

8. Functions of wildlife conservancy associations and wildlife managers

- 1) An association or wildlife manager registered by the Authority under section 7 shall:
 - a) ensure that the association membership or manager protect, conserve and manage wildlife conservancies and sanctuaries under their jurisdiction pursuant to their respective approved management plan(s);
 - b) assist the Service in combating illegal activities including poaching and bushmeat trade;
 - c) HWC responsibilities??
 - d) keep the regional wildlife conservation area committee informed of any development changes and occurrences within their area that may adversely affect wildlife conservation;
 - e) help on problem animal control through community wildlife scouts drawn from among their membership or employees; and
 - f) Do any other act that is necessary to enhance community participation and benefits in wildlife protection, conservation and management.

9. Devolution of wildlife conservation to County level

- 1) There is established a county wildlife conservation committee in respect of each County whose functions shall be;
 - a) develop and implement, in collaboration with community wildlife associations, mechanisms for mitigation of human-wildlife conflicts;
 - b) undertake wildlife education, extension service and public awareness; and
 - c) Perform such other functions as the Service may require or delegate to it.
- 2) The secretariat of the committee shall be a member of the committee.
- 3) A County Wildlife Conservation Committee shall consist of –
 - a) a chairman appointed by the Director-General, through a competitive process, who shall have at least ten years' experience in wildlife conservation and management;
 - b) a representative of the county government
 - c) an agricultural officer based in the area, who shall be nominated by the Department responsible for agriculture;

- d) a physical planning officer based in the area who shall be nominated by the County government
 - e) a livestock officer based in the area who shall be nominated by the Department responsible for livestock;
 - f) the Service regional officer responsible for the County, who shall be the secretary; and
 - g) Four persons, not being public officers, knowledgeable in wildlife matters nominated by the Wildlife conservancy Association within the area through an elective process.
- 4) Persons who are not members of the County Wildlife Conservation committee may be invited to attend meetings of the committee and take part in its deliberations but shall not have voting powers.

10. Wildlife security

- 1) The Service shall coordinate and control all wildlife security issues in all areas including, but not limited to, the national parks, national reserves, wildlife conservancies, and sanctuaries in collaboration with other law enforcement agencies, counties, and community wildlife scouts.
- 2) ~~The~~ Inspector-General of the National Police Service, make available to the uniformed and disciplined officers of the Service such firearms as may be necessary for the Service to carry out its functions under this Act.
- 3) A member of the uniformed and disciplined cadre, after acquiring the requisite training, and when authorized by the Director-General, may use firearms for the following purposes, in the course of and for his lawful duty—
 - a) in the course of law enforcement against—
 - i. any person charged with an offence punishable under this Act, when that person is escaping or attempting to escape lawful custody;
 - ii. any person who, by force, removes or attempts to remove any other person from lawful custody;
 - iii. any person who, by force, attempts to prevent the lawful arrest of himself or any other person; or

- iv. any person unlawfully hunting any wildlife using a firearm;
 - b) in self-defense or in defense of another officer or other person;
 - c) for the protection of people and property against any animal causing destruction to human life or crops or livestock or property;
 - d) for the protection and safety of visitors against banditry or animals;
 - e) in the course of problem animal control; and
 - f) Wildlife veterinary activities.
- 4) Notwithstanding the foregoing, a uniformed and disciplined officer of the Service shall not resort to the use of firearms
 - a) under paragraph (a) (i) of subsection (3), unless the officer concerned has reasonable grounds to believe that he cannot otherwise prevent the escape, and unless he has given ample warning to such person that he is about to use a firearm against him, and the warning is unheeded; or
 - b) under paragraph (a) (ii), (a) (iii) or (a) (v) of subsection (3), unless the officer concerned believes on reasonable grounds that he or any other person is in danger of grievous bodily harm, or that he cannot otherwise prevent the removal, effect the arrest or, as the case may be, defend himself or the other officer or person.

11. Role of national government in wildlife security

- 1) The cabinet secretary shall formulate a national wildlife security strategy in consultation with the service, other national security organs and the wildlife conservancies associations.

PART III: POLICY DIRECTION AND STRATEGY

Wildlife conservation as a form of land use


12. All county governments shall encourage and recognize wildlife conservation and management as a form of land use on public, community, and private land within all county spatial plans.

13. Rights to use land for wildlife conservation

- 1) Every person or community has a right to use their land for wildlife conservation and management and to practice wildlife conservation and management as a form of land use.
- 2) Any person converting land use from wildlife conservation to any other form of land use shall make an application to the service in the prescribed form.
- 3) An application made under section 13 (2) shall be accompanied by a recommendation from the county wildlife conservation and compensation committee

14. Responsibilities of wildlife habitat land owners

- 1) A land owner whose land is a wildlife habitat shall ensure that his land is used and managed in a manner that is compatible with wildlife conservation and management subject to fulfilment of registration requirements with the Service under this Act...
- 2) ensure that the wildlife is maintained in a healthy, natural and secure state; and
- 3) Put in place mechanisms to avert wildlife escaping and causing harm to human beings, domestic animals and crops.



15. 1) A private landowner whose land is a wildlife habitat shall use his land in a manner that is compatible with the Land Act, 2012 and the Land Use regulations, 2017.

2) A community whose land is a wildlife habitat shall use its land in a manner compatible with the Community Land Act, 2016 and the Land Use regulations, 2017.


16. To promote the recognition of wildlife conservation as a land use. The Cabinet Secretary shall:

- (a) promote wildlife conservation as a land-use option;
- (b) provide incentives to support individuals, communities and other stakeholders to invest in wildlife conservation and

- management;
- (c) encourage private bequeathing of land and property for purposes of wildlife conservation;
 - (d) foster the integration of wildlife corridors and dispersal areas into county spatial plans;
 - (e) support development and implementation of approved management plans that incorporate multiple and compatible land-use practices;
 - (f) develop mechanisms to guide and regulate captive breeding and artificial propagation of wildlife;
 - (g) regulate wildlife farming and the products thereof;
 - (h) invest in wildlife conservation education and public awareness; and
 - (i) Mitigate against threats to wildlife by physical developments in important wildlife habitats.

National wildlife conservation policy and management strategy

16. Citizen-led wildlife conservation policy and management

- 
- 1) The Cabinet Secretary shall, formulate and publish in the *Gazette* a national wildlife conservation and management Policy at least once every ten (10) years, in accordance with which wildlife resources shall be protected, conserved, managed and regulated.
 - 2) The Cabinet Secretary and all relevant public bodies shall, when exercising or performing any statutory function, take into account and give effect to the national wildlife conservation and management Policy.
 - 3) The Cabinet Secretary shall, when formulating a national wildlife conservation and management Policy under subsection (1), consult the public in accordance with Section 5 subsection (d).

17. National wildlife conservation and management strategy

- 1) The Cabinet Secretary shall, subject to subsection (5), formulate and publish in the *Gazette* a national wildlife conservation and management strategy at least once

every five (5) years, in accordance with which wildlife resources shall be protected, conserved, managed and regulated.

2) The national wildlife conservation and management strategy shall prescribe the principles, objectives, standards, indicators, procedures and incentives for the protection, conservation, management, sustainable utilization and control of wildlife resources and shall, in particular prescribe—

- a) measures for the protection of wildlife species and their habitats and ecosystems;
- b) norms and standards for ecosystem-based conservation plans;
- c) measures facilitating community-based natural resources management practices in wildlife conservation and management;
- d) priority areas for wildlife conservation and projections on increasing designated wildlife conservation areas in form of national parks, national reserves, conservancies and sanctuaries;
- e) innovative schemes and incentives to be applied in securing identified critical wildlife migratory routes, corridors and dispersal areas for sustainable wildlife conservation and management;
- f) clear targets indicating projection in terms of specific percentage of landscape and seascape to be brought under protected areas, conservancies and sanctuaries over the next five years;
- g) Prioritization for conservation and protection of identified Minimum Viable Conservation Areas (MVCA).
- h) national wildlife research and monitoring priorities and information systems, including—
 - i. research priorities;
 - ii. the collection and management of data and information regarding the status of wildlife resources;
 - iii. procedures for gathering wildlife data and the analysis and dissemination of wildlife information;
 - iv. wildlife management information system
- i) measures necessary to ensure equitable sharing of benefits;

- j) guidelines for granting, and monitoring progress on wildlife user rights;
 - k) criteria for listing and measures for protection and management of endangered and threatened species;
 - l) innovative measures for mitigating human wildlife conflict;
 - m) framework for capacity development and training for effective wildlife management;
 - n) measures for wildlife disease surveillance and control;
 - o) adaptation and mitigation measures to avert adverse impacts of climate change on wildlife resources and its habitats;
 - p) Set targets for conservation of species, ecosystems, and habitats and securing of wildlife dispersal areas to ensure connectivity of ecosystems.
 - q) reflection on regional co-operation and common approaches for enhancing protection, conservation and management of shared wildlife resources; and
 - r) Any other matter that the Cabinet Secretary considers necessary to enhance protection, conservation and management of wildlife, resources in the country.
- 3) The Cabinet Secretary shall periodically review the national wildlife conservation and management strategy and may, by notice in the Gazette, publish a revised national wildlife conservation and management strategy.
- 4) The Cabinet Secretary and all relevant public bodies shall, when exercising or performing any statutory function, take into account and give effect to the national wildlife conservation and management strategy.
- 5) The Cabinet Secretary shall, when formulating a national wildlife conservation and management strategy under subsection (1), consult the public in accordance with Section 5 subsection (d).
- 6) The Cabinet Secretary shall publish in the national gazette a national wildlife conservation status report before the National Assembly as soon as reasonably practicable after its publication where the National Assembly is in session, or where not in session, within twenty one days of the day the National Assembly next sits after such publication.
- 7) The national wildlife conservation status report shall include;

- a) Status of the implementation of the National Wildlife Conservation Strategy.
- b) Status of wildlife populations
- c) Status of the implementation of multilateral agreements on wildlife conservation.

PART IV: ADMINISTRATION

Role of Responsible Ministry

18. Role of the Cabinet secretary in charge of wildlife

- 1) The Cabinet Secretary for the time being in charge of wildlife shall be responsible for;
 - a) The conservation and management of every wildlife resource in Kenya in accordance with the provisions of this Act;
 - b) The formulation and gazettelement of the National Wildlife Conservation and Management Policy;
 - c) The formulation and gazettelement of the National Wildlife Conservation and Management Strategy;
 - d) The formulation of enabling regulations under this Act;
 - e) be responsible for policy formulation and directions for purposes of this Act;
 - f) set national targets, indicators, objectives and determine policies and priorities for the protection, conservation and management of wildlife resources countrywide;
 - g) ensure mainstreaming of wildlife issues into sectoral policies, programs and plans;
 - h) promote cooperation and provide oversight among public departments, counties, private sector, non-governmental organizations and such other organizations engaged in wildlife protection, conservation and management;
 - i) coordinate and oversee the negotiation and implementation of wildlife-related treaties, conventions or agreement, whether bilateral or multilateral, in

- consultation with the Authority, the Service and other relevant lead agencies;
- j) monitor the effectiveness of the implementation of the National Wildlife Policy, the Strategy and this Act by the various actors; and
- k) Perform such other functions as are assigned under this Act.

Kenya Wildlife Regulatory Authority

19. Establishment of the Authority

- 1) There is hereby established an Authority to be known as the Wildlife Regulatory Authority (hereinafter referred to as “the Authority”).
- 2) The Authority shall be a body corporate with perpetual succession and a common seal and shall in its corporate name, be capable of:
 - (a) Suing and being sued;
 - (b) Taking, purchasing, charging and disposing of movable and immovable property;
 - (c) Borrowing money;
 - (d) Entering into contracts; and
 - (e) Doing or performing all such other things or acts for the proper discharge of its functions under this Act, which may lawfully be performed by a body corporate.

20. Headquarters

- 1) The headquarters of the Authority shall be in Nairobi.

21. Object and purpose of the Authority

- 1) The object and purpose for which the Authority is established shall be to regulate the wildlife sector in accordance with the provisions of this Act.
- 2) Without prejudice to the generality of the foregoing, the Authority shall:
 - a. In consultation with the Service, formulate standards and prescribe measures for sustainable wildlife conservation and management countrywide;
 - b. formulate mechanisms and prescribe measures for granting, promoting and monitoring wildlife user rights ;
 - c. issue licenses and permits for wildlife user rights;

- d. assess and monitor wildlife conservation activities, including activities being carried out by the Agencies, County Governments, communities and non-governmental organizations, in order to ensure that sound wildlife conservation principles and practices are adhered to;
 - e. negotiate for financial and other incentives for the advancement of wildlife use activities of communities, landowners, private sector and non-governmental organizations;
 - f. in consultation with the Service and the Institute, establish the regional wildlife conservation areas for purposes of ensuring ecosystem approach to wildlife conservation and management;
 - g. in consultation with the Service and the Institute, ensure the preparation and implementation of ecosystem-based management plans;
 - h. undertake every two years an assessment and audit of wildlife conservation efforts, measures and initiatives at the national level and prepare and issue a biannual national wildlife conservation status report;
 - i. mobilize resources for wildlife conservation and management;
 - j. identify user rights and advise the Cabinet Secretary thereon;
 - k. Formulate mechanisms and prescribe measures for granting and monitoring wildlife user rights;
 - l. Keep a Register of Community and Private Conservancies
 - m. Perform such other functions as the Cabinet Secretary may assign the Authority or as are incidental or conducive to the exercise by the Authority of any or all of the functions provided under this Act.
- 3) The Authority shall have all the powers necessary for the performance of its functions under this Act.

22. Board of Directors

- 1) The management of the Authority shall vest in a Board of Directors which shall consist of-
 - a) a chairperson who shall be appointed by the President upon competitive selection by the Public Service Commission;
 - b) The Director General of the service

- c) The Chief Executive Officer of the Wildlife Regulatory Authority
- d) The Director of the Wildlife Research Institute
- e) the Principal Secretary in the Department for the time being responsible for wildlife or an officer of that Department designated in writing by the Principal Secretary as the designate alternate;
- f) the Principal Secretary in the Department for the time being responsible for finance or an officer of that Department designated in writing by the Principal Secretary;
- g) the Principal Secretary in the Department for the time being responsible for internal security or an officer of that Department designated in writing by the Principal Secretary;
- h) A representative from the Council for Governors;
- i) The Chief Executive Officer of the Authority who shall be the secretary;
- j) one representative from the ~~tourism~~ private sector nominated by the relevant national ~~tourism~~-sector umbrella association, appointed by the Cabinet Secretary;
- k) one representative from the conservancies associations nominated by the national umbrella association for conservancies, appointed by the Cabinet Secretary
- l) three other members, not being public officers, appointed by the Cabinet Secretary, taking into account gender parity and experience and expertise in wildlife, finance and management;

23. Powers of the Board

- 1) The Board shall have all the powers necessary for the performance of the functions of the Authority under this Act and in particular, but without prejudice to the generality of the foregoing, the Board shall have power to –
 - a) manage, control administer the assets of the Authority in such manner and for such purposes as best promote the purposes for which the Authority is established;
 - b) receive any gifts, grants, donations or endowments made to the Authority or any other monies in respect of the Authority and make disbursements

therefrom in accordance with the provisions of this Act;

- c) determine the provisions to be made for capital and recurrent expenditure and for reserves of the Authority;
- d) open a banking account or banking accounts for the funds of the Authority; and
- e) Invest any monies of the Authority not immediately required for the purposes of this Act in such securities as the Treasury may, from time to time, approve.

24. Conduct of business and the affairs of the Board

The conduct and regulation of the business and affairs of the Board shall be as provided in the Schedule one but subject thereto, the Board may regulate its own procedure.

Delegation by the Board

25. The Board may, by resolution either generally or in particular case, delegate to any committee of the Board or to any member, officer, employee or agent of the Authority the exercise of any of the powers or the performance of any of the functions or duties of the Board under this Act.

- 1) Provided that the authority shall not delegate powers provided by section 23(1)(a) and 23(1)(c)

26. Remuneration of Board members

The Authority shall pay to members of the Board such remuneration, fees or allowances for expenses as the Salaries and Remuneration Commission may determine.

27. Appointment of the Chief Executive Officer

- 1) There shall be a Chief Executive Officer of the Authority who shall be appointed by the Cabinet Secretary following selection by the Public Service Commission. The Director General shall hold office for a term of four years and shall be eligible for selection for one further term of two years.
- 2) A person appointed under subsection (1) of this section shall hold a post graduate degree in business administration, finance, management, law ~~wildlife conservation~~ natural resource management, Wildlife Research and management or related field, from a recognized university with at least 10 years' experience in management at a senior management level.
- 3) The Chief Executive Officer shall report to the Board.

- 4) The Chief Executive Officer shall be an ex officio member of the Board and the Secretary but shall have no right to vote at any meeting of the Board.

28. Staff of the Authority

The Board may appoint such officers or servants as are necessary for the proper discharge of the functions of the Authority under this Act or any other written law, upon such terms and conditions of service as the Board may determine.

Funds of the Authority

29. The funds of the Authority shall consist of –

- 1) Such moneys or assets as may accrue to or vest in the Authority in the course of the exercise of its powers or the performance of its functions under this Act;
- 2) such sums as may be payable to the Authority pursuant to this Act or any other written law, or pursuant to any gift or trust;
- 3) such moneys as may be provided by Parliament for the purposes of the Authority;
- 4) a proportion of moneys levied upon wildlife user rights as the Cabinet Secretary may determine; and
- 5) All moneys from any other source provided for or donated or lent to the Authority.

Kenya Wildlife Service

30. Establishment of the Service


- 1) There is established a uniformed and disciplined Service to be known as the Kenya Wildlife Service.
- 2) The Service shall be a body corporate with perpetual succession and a common seal and capable, in its corporate name, of—
 - a) suing and being sued;
 - b) purchasing, holding and disposing of movable and immovable property;
 - c) doing all such other things as may be done by a body corporate;
 - d) Doing or performing all such other things or acts for the proper discharge of its functions under this Act.

31. Headquarters of the Service

The Headquarters of the Service shall be Nairobi.

32. Functions of the Service

The functions of the Service shall be to—

- (a) conserve and manage national parks, wildlife conservation areas, and sanctuaries under its jurisdiction;
- (b) provide security for wildlife and visitors in national parks, wildlife conservation areas and sanctuaries;
- (c) promote or undertake commercial and other activities for the purpose of achieving sustainable wildlife conservation;
- (d) Enter into management agreements with other entities to engage in wildlife conservation and management for the sustainable management of national parks, national sanctuaries and marine national parks as provided for by Schedule nine
- (e) collect revenue levies and charges due to the national government from wildlife use in the national Parks and wildlife ecosystems as appropriate, as appropriate, develop mechanisms for benefit sharing with communities living in wildlife areas;
- (f) develop mechanisms for benefit sharing with communities adjacent to Parks and Reserves ~~living in wildlife areas~~;
-  (g) Remit at least 10% of the revenue collected from national parks to the county of governors for distribution to various counties as agreed upon by the council of Governors
- (h) Advise the Cabinet Department on matters pertaining to wildlife policy, strategy and legislation.
- (i) Prepare wildlife status reports for the country every year.

- (j) in consultation with the service coordinate the preparation and implementation of ecosystem plans;
- (k) prepare and implement national park management plans;
- (l) assist and advise in the preparation of management plans for community and private wildlife conservancies and sanctuaries;
- (m) undertake and conduct enforcement activities such as anti-poaching operations, wildlife protection, intelligence gathering, investigations and other enforcement activities for the effective carrying out of the provisions of this Act;
- (n) advise the National Land Commission, the Cabinet Secretary and the Counties on the establishment of national parks, wildlife conservancies, wildlife migratory corridors and sanctuaries;
- (o) promote and undertake extension service programs intended to enhance wildlife conservation, education and training;
- (p) Provide veterinary clinical services, disease control, capture and translocations
- (q) Administrative/management of wildlife related MEA's
- (r) Perform such other functions as the Board may assign the Service or as are incidental or conducive to the exercise by the Service of any or all of the functions provided under this Act.

33. Board of Directors

- 1)) The Service shall be managed by a Board of directors (hereinafter known as the Board), which shall consist of:
 - a) A chairperson appointed by the President, following selection by the Public

Service Commission;

- b) The Principal Secretary in the State Department for the time being responsible for matters relating to wildlife or an officer of that Department designated in writing by the Principal Secretary;
 - c) Principal Secretary in the State Department for the time being responsible for finance or an officer of that Department designated in writing by the Principal Secretary;
 - d) The Chief Executive Officer of the National Land Commission,
 - e) the Chief Executive Officer of the wildlife regulatory authority
 - f) the director of the wildlife research institute;
 - g) One representative from the national tourism private sector umbrella association;
 - h) Two other persons with skills and experience valuable to the Service appointed by the Cabinet Secretary
 - i) The Director General of the Service who shall be the secretary to the Board.
- 2) The directors under (g) and (h) shall be appointed by the Cabinet Secretary.
 - 3) At their first sitting, the directors shall elect a vice chairperson from among the members from (g) and (h)
 - 4) The Chairperson and selected members of the board of directors, other than ex-officio members shall hold office for a term of three years and shall be eligible for selection in accordance with subsection (1) for one further term of three years.
 - 5) The Cabinet Secretary shall appoint one-third of the members of the Board under subsection (1) (g) and (h) in a staggered manner so that the respective expiry dates of their terms shall fall at different times.
 - 6) There shall be paid to the chairperson and board of directors such remuneration, fees or allowances for expenses as the Salaries and Remuneration Commission may determine.

34. Functions of the Directors

The functions of the Board of Directors shall be to:

- 1) oversee the effective implementation of the national wildlife policy and to ensure efficient management of the Service;

- 2) recommend to the National Land Commission, the Authority and the Cabinet Secretary proposals for the establishment of national parks;
- 3) in consultation with the Authority and the Cabinet Secretary, recommend to the National Land Commission proposals for the determination and alteration or rationalization of boundaries of national parks and reserves;
- 4) approve operational policies of the Service effecting sustainable management of wildlife resources within national protected areas;
- 5) approve and ensure that the Service strategic plan and performance contracts are accomplished in time;
- 6) consider and approve management agreements entered into between the Service and other entities engaged in wildlife ~~protection~~, conservation and management;
- 7) approve modalities and guidelines for collaborative management of wildlife conservation areas between the Service, communities, county governments ~~counties~~, other government agencies, private sector and non-governmental organizations; and
- 8) In consultation with the Authority, advise the Cabinet Secretary on ~~all~~ matters pertaining to wildlife conservation and management in Kenya;

35. Powers of the board of directors

- 1) The Board of Directors shall have all the powers necessary for the performance of its functions under this Act, and, in particular but without prejudice to the generality of the foregoing, the Board shall have power to:
 - a) approve and ratify the policies of the Service;
 - b) manage, control and administer the assets of the Service in such a manner and for such purposes as are best to promote the purposes for which the Service is established;
 - c) receive any gifts, grants, donations or endowments made to the Service;
 - d) determine the provisions to be made for capital and recurrent expenditure and for the reserves of the Service;
 - e) open bank accounts for the funds of the Service;
 - f) invest any monies of the Service not immediately required for the purposes of this Act;

- g) determine and issue the terms and conditions for the appointment and emoluments of personnel to the Service
 - h) cooperate with other organizations undertaking functions similar to its own, whether within Kenya or otherwise;
 - i) provide for a staff superannuation scheme for the employees of the Service; and
- 2) Subject to this Act, the Board of directors may, by resolution either generally or in any particular case, delegate to any committee of the Board of directors or to any member, officer, employee or agent of the Board of directors, the exercise of any of the powers of the performance of any of the functions or duties of the Board of directors under this Act

36. Committees of the Board of Directors

- 1) The Board of Directors may from time to time establish committees for the better carrying out of its functions.
- 2) The Board of Directors may co-opt into the membership of committees established under subsection (1) other persons whose knowledge and skills are deemed necessary for the functions of Board of directors.

37. Meetings of the Trustees

The provisions of the Schedule one shall have effect with respect to the procedure at the meetings of the Board of directors.

38. Appointment of Director General



- 1) There shall be a Director General of the Service who shall be appointed by the Cabinet Secretary in consultation with the Board of directors of the Service following selection by the Public Service Commission.
- 2) The Director General shall hold office for a term of four years and shall be eligible for selection for one further term.
- 3) The Director General shall be the chief executive officer of the Service and shall be responsible to the Board of directors.
- 4) A person shall qualify for appointment of the Director General if the person—
 - a) satisfies the requirements of Chapter Six of the Constitution;
 - b) possess a degree in Wildlife conservation, Wildlife management, natural

resources management, business administration, financial management or related degree from a university recognized in Kenya; and

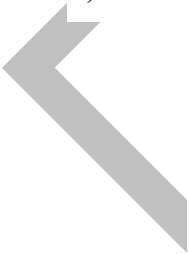
c) Has at least fifteen years' professional experience at management level.

39. Officers of the Service

- 1) 1) The Board of directors may, on such terms and conditions as it deems fit, appoint:-
 - a) such uniformed and disciplined officers as are specified in Schedule two and
 - b) Such other employees, agents or servants of the Service, as may be necessary for the performance of the functions of the Service.
- 2) Every person appointed under subparagraph (a) of subsection (1) shall take and subscribe to the oath of allegiance set out in schedule 2
- 3) The provisions of the Schedule 2 shall have effect with respect to the officers of the Service.
- 4) The Board shall provide for a staff superannuation scheme to determine service for the employees of the Service.
- 5) Officers of the service may join a registered association of wildlife conservation and management professionals.

40. The Cabinet Secretary may, with the recommendation of the Board of directors appoint suitable persons to be honorary wardens for the purposes of assisting the carrying out the provisions of this Act.

1) A honorary warden shall:-

- 
- a) be appointed by notice published in the Gazette;
 - b) hold office, subject to such conditions as the Trustees may prescribe, for a period of five years and shall be eligible upon satisfactory evaluation for reappointment for one further term of three years; and
 - c) Have such functions as may be prescribed by rules made under this Act.

41. Establishment of regional field offices

The Service may establish such offices as it may deem appropriate for the exercise and performance of its powers and functions.

42. Funds of the Service

- 1) There shall be a general fund of the Service which shall vest in the Board of directors.
- 2) There shall be paid into the general fund:-
 - a) such moneys or assets as may accrue to or vest in the Service in the course of the exercise of its powers or the performance of its functions under this Act or any other written law;
 - b) such moneys as may be appropriated by Parliament; and
 - c) All moneys from any other source provided for or donated to the Service.
- 3) There shall be paid out of the funds of the Service all sums required to defray the expenditure incurred by the Service in the exercise of its powers and the performance of its functions under this Act.

Wildlife Research and Training Institute

Establishment of the Wildlife Research and Training Institute

43. There is established an institute to be known as the Wildlife Research Institute (hereinafter referred to as “the Institute”). The Institute is a body corporate with perpetual succession, and a common seal and shall in its corporate name, be capable of—


- 1) suing and being sued;
- 2) taking, purchasing and disposing of movable and immovable property;
- 3) borrowing money;
- 4) entering into contracts; and
- 5) Doing or performing such other things or acts for the proper discharge of its functions under this Act, which may be lawfully done or performed by a body corporate.

44. Object and purpose of the Institute

The object and purposes of the Institute shall be to undertake and co-ordinate wildlife research and training in accordance with the provisions of this Act.

45. Functions of the Institute

- 1) The Institute shall—
 - a) collect and analyze wildlife data and information, to support planning and decision making by different stakeholders, relating to—

- 
- i. inventory and status of wildlife resources countrywide;
 - ii. trends in wildlife conservation and management approaches and practices;
 - iii. policies or activities likely to impact on sustainable wildlife conservation and management; and
 - iv. wildlife statistics;
 - b) undertake research through remote sensing and geographic information system to enhance wildlife conservation and management
 - c) Process and approve all scientific research activities in the country
 - d) Charge and issue permits for all wildlife research activities
 - e) undertake wildlife disease surveillance and research
 - f) Establish and operate Forensic & Genetics Laboratories
 - g) Undertake research related to bio-prospecting
 - h) Provide scientific support to promote wildlife-based enterprises
 - i) Provide scientific/technical advice for wildlife related MEAs
 - j) Develop and recommend a national red list of endangered species
 - k) determine, in consultation with the Authority, the Service and the relevant lead agencies, the carrying capacities of species in the various wildlife conservation areas and their conservation needs and priorities;
 - l) assess information, that is the basis of ecosystem-based management plans for all wildlife conservation areas;
 - m) undertake wildlife research and related emerging areas;
 - n) provide training and capacity development programs, courses in wildlife conservation and management and related disciplines and award diplomas and certificates;
 - o) establish with approval of the Cabinet Secretary, such campuses or centers for training and capacity development as are necessary and in the furtherance of wildlife research and training;
 - p) enter into association with other institutions of learning, within or outside Kenya, as the Institute may consider necessary or appropriate and in furtherance of wildlife research and training;

- q) give information on early warning, disaster management, impacts and mitigation and adaptive strategies to climate change in wildlife conservation areas;
- r) organize symposia, conferences, workshops and other meetings to promote the exchange of views on issues relating to wildlife research and training; and
- s) Perform any other functions that are ancillary to the object and purpose for which the Institute is established.

46. Appointment of the Director

- 1) There shall be a Director of the Research Institute who shall be appointed by the Cabinet Secretary following selection by the Public Service Commission in consultation with the Board of Directors.
- 2) The Director shall hold office for a term of three years and shall be eligible for selection for one further term of three years.
- 3) A person appointed under subsection (1) of this section shall hold a post graduate degree in wildlife conservation or related field, from a recognized university with at least 10 years' experience in wildlife research and training.
- 4) The Director shall report to the Board and shall be an ex officio member of the Board and the Secretary but shall have no right to vote at any meeting of the Board.

47. Board of Directors

There shall be the Board of the Institute which shall consist of—

- 1) a chairperson appointed by the President on recommendation of the Cabinet Secretary
- 2) the Principal Secretary of the ministry for the time being responsible for matters relating to wildlife or his or her representative;
- 3) the Principal Secretary of the ministry for the time being responsible for matters relating finance or his or her representative;
- 4) the Principal Secretary of the ministry for the time being responsible for matters relating to science and technology or his or her representative;
- 5) the Director of the Institute, who shall be the secretary; and
- 6) Three other members, not being public officers, nominated or selected through a competitive process taking into account relevant skills and knowledge, regional balance and gender parity and appointed by the Cabinet Secretary, of whom—

- a) One shall represent conservation non-governmental organizations
 - b) One shall represent conservancies' association
 - c) One shall represent institutions of higher learning
- 7) The members of the Board of the Institute shall be appointed at different times so that the respective expiry dates of their terms of office shall fall at different times.
- 8) At their first sitting, the members of the Board of the Institute shall elect a vice chairperson from among the members appointed under subsection 6
- 48.** The Board of the Institute shall ensure the proper and effective performance of the functions of the Institute.
- 9) The Board of the Institute may enter into partnership with another body or organization within or outside Kenya as it may consider appropriate in furtherance of the object and purpose for which the Institute was established.
- 10) To formulate relevant policies and oversee the implementation to facilitate the Institute achieve its mandate;
- 11) Oversee effective implementation of the National Wildlife Policy and Strategy;
- 12) To administer the property and funds of the Institute in such manner and for such purposes as will, in the opinion of the Board, promote its best interests;
- 13) On the advice of the relevant Committee, approve and submit through the responsible Ministry programs of research and training the budget/ financial estimates for the consideration by the National Treasury;
- 14) To develop and administer the approved terms and conditions of service. including appointments, dismissals, remuneration and retiring benefits, of employees of the Institute;
- 15) To perform such other functions as may be necessary for the fulfilment of the Institute's mandate under this Act.
- 16) The members of the Board of the Institute shall be paid allowances determined by the Cabinet Secretary, in consultation with the Salaries and Remuneration Commission.

49. Tenure and vacation of office

- (1) A member of the Board of the Institute, other than an ex-officio member, shall hold office for a term of three years and shall be eligible for re-

appointment for one further term not exceeding three years.

- (2) A member of the Board of the Institute appointed under section 6 may, at any time, resign from office by giving a notice, in writing, addressed to the appointing authority.
- (3) A member of the Board of the Institute, other than an ex-officio member, who is absent from three consecutive meetings of the Board of the Institute without sufficient cause shall cease to be a member of the Board of the Institute.
- (4) Where a member of the Board of the Institute is, for a sufficient cause, unable to act as a member, the Cabinet Secretary shall determine whether the inability would result in the declaration of a vacancy.

50. Admission to the Institute of candidates for diplomas and other awards of the Institute shall be open to all persons accepted as qualified for such admission without distinction on the basis of ethnic origin, gender or creed being imposed on any person as a condition of his or her becoming or continuing to be a student at the Institute.

PART V: WILDLIFE USER RIGHTS LICENCING

Licensing

51. Licensing

Except as, or to such extent as may be specifically provided in this Act, no person or entity shall undertake any wildlife-use activity other than under and in accordance with the terms and conditions of a license issued or permit granted under this Act, provided that this section does not apply to non-commercial wildlife photography.

52. Wildlife user rights

- 1. The Kenya Wildlife Regulatory Authority may grant a general permit for non-consumptive wildlife user rights, including—
 - a. wildlife-based tourism;
 - b. live wildlife trade

- c. commercial photography and filming;
- d. educational purposes;
- e. cultural purposes; and
- f. Religious purposes.

53. The permit shall be in a prescribed manner and may set conditions in regard to duration, infrastructure development and any other aspects as may be appropriate.

54. The Kenya Wildlife Regulatory Authority may grant a license in accordance with the provisions set out in Schedule five and schedule ten with regard to consumptive wildlife use activities, including—

- a. game farming;

- b. game ranching;

- c. Bird shooting

- d. live capture;

- e. research involving off-take;

- f. cropping; and

- g. Culling.

55. Subject to subsection (1), the wild species in which game ranching, game farming and bird shooting may be allowed shall be as set out in Schedule seven

56. Assignment of wildlife user rights

1. The holder of a license issued under section ten may, with the approval of the Authority and on payment of the prescribed fee, assign any or all the wildlife user rights granted under the license to an agent that the applicant has determined to be suitably qualified.
2. The Authority shall decline any application for assignment of a license if, in the opinion of the Authority, such assignment would derogate from the main objectives and purposes set out in the instrument granting the wildlife user rights.
3. The instrument granting the wildlife user rights shall be deemed to provide that any person shall be liable for all the activities, acts and omissions of the assignee or assignees of its rights under the license.

57. Withdrawal of wildlife user rights

1. The Kenya Wildlife Regulatory Authority may withdraw a particular wildlife user right granted under this Act where—
 - a. the licensee is in breach of the terms and conditions thereof;
 - b. he or she considers such action as necessary for purposes of protecting and conserving wildlife; or
 - c. The licensee so requests.
2. Where the Authority intends to withdraw particular user right on either of the grounds stipulated in subsection (1) (a) or (b) of this section, it shall give the affected person thirty days' explanatory notice to show cause why the wildlife user right should not be so withdrawn.
3. Where the licensee is aggrieved by the decision of the Authority, the licensee may, within thirty days after being notified of the decision, appeal to the National Environment Tribunal established under the Environmental Management and Co-ordination Act, 1999

(No. 8 of 1999) or seek further redress in the Environment and Land Court.

58. Government trophies

1. Except as otherwise provided for in in this Act, the following shall be Government trophies and the property of the Government—
 - a.any trophy found without an owner;
 - b.any animal found dead or killed by accident or mistake
 - c.Any animal killed in defense of life, or in other circumstances authorized by or under this Act
 - d.any animal or trophy in respect of which a breach of any of the provisions of this Act or regulations or the rules has been committed;
 - e.Any animal killed by a member of the Service in the course of duty.
2. The provisions of subsection (1) of this section shall not apply where such trophy is kept for cultural purposes provided that a license for the same has been issued by the Authority.
3. The Authority shall, every three years, audit the number of trophies in possession of the Government and publish the results of the audit in the Gazette.
4. The Cabinet Secretary may, on the recommendation of the Authority, by notice in the Gazette, prescribe appropriate measures, rules, regulations and guidelines including those required for the disposal of Government trophies.

59. Dealing in trophies

1. No person shall operate as a trophy dealer without a license issued by the Authority.
2. The Authority may grant a trophy dealers' license in accordance with the provisions set out in the Eighth Schedule.

60. Application and issuance of a permit

1. No person shall import, export, re-export, or otherwise trade in any wildlife species without a permit issued by the Authority.
2. Every application for a permit shall specify—

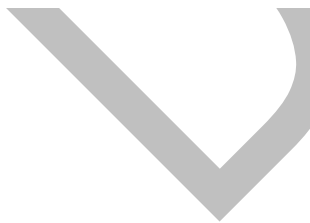
- a. the full names and address of the applicant;
 - b. the type of trade to which the application relates;
 - c. the species and number of specimens of the species to be traded:
3. Provided that a permit shall only be issued in cases where—
 - a. the purpose for which the application is made is not detrimental to the survival of the species;
 - b. compensation has been paid where appropriate, to the concerned communities; and
 - c. Permission to export or re-export the subject specimen has been granted by the relevant authority of the country of export or re-exports.
4. The Authority may, issue a permit on such terms and conditions as may be appropriate and necessary to enhance conservation and management of listed species.
5. The Cabinet Secretary may, on the recommendation of the Service, by notice in the Gazette, formulate rules, regulations and guidelines as are necessary and appropriate to carry out the purposes of this section.

61. Revocation of a permit

The Authority may revoke a permit issued under section 52 where it finds that the permit holder is not complying with the terms and conditions of the permit.

62. Records and registration of permits and licenses

1. The Authority shall maintain registers of—



- (a) all licenses and permits issued under this Act;
- (b) national parks, national reserves, wildlife conservancies and sanctuaries, game farms and game ranches established under this Act and the management thereof;
- (c) all non-government organizations undertaking any wildlife based activities
- (d) all community wildlife scouts involved in conservation and management of wildlife;
- (e) All management plans developed pursuant to the provisions of

this Act.

2. All registers maintained under this section shall be open for inspection at the Authority's premises, or such designated office, by members of the public during official working hours.

PART VI: CONSERVATION AND MANAGEMENT OF WILDLIFE HABITAT

Management of wildlife conservation areas

63. Ecosystem wide management

- 1) The Service shall;
 - a. in the conservation and management of wildlife within national protected areas, use an ecosystem approach;
 - b. Manage national protected areas as provided for under this Act.

64. Management plans

- 1) Every National Protected area and wildlife conservation area shall be managed in accordance with a management plan that complies with the requirements prescribed by the Schedule Eleven
- 2) In preparing and adopting a management plan, the Service shall consult with the County Wildlife Conservation Committee where applicable.
- 3) In the case of protected areas, the formulation and implementation of management plans shall involve the participation of neighboring communities and relevant stakeholders.
- 4) The Cabinet Secretary shall, by notice in the Kenya Gazette, publish the approved management plans.
- 5) No development will be approved in the absence of management plans under this section
- 6) The Cabinet Secretary shall, initiate public consultation for purposes of formulating managing plan guidelines.
- 7) Each management plan shall include a mechanism for wildlife data acquisition,

archiving, sharing, management and reporting.

65. Consultation and collaboration with County governments

1. National and County Governments shall;
 - a. ensure alignment of all conflicting sectoral policies;
 - b. foster the establishment and integration of wildlife corridors and dispersal areas into county spatial plans; and
 - c. Provide for mitigation and reduction of human-wildlife conflict in county spatial planning processes.

66. Public Private Partnerships for national protected areas.

1. The cabinet secretary may, on recommendation of the service enter into public private partnerships for the management of national protected areas.
2. The cabinet secretary shall make regulations on the procedure and implementation of public private partnerships for the management of national protected areas.

Terrestrial Wildlife habitat conservation- National Parks and Sanctuaries

67. Declaration and creation of national parks

- 1) The Cabinet Secretary may, upon the recommendation of the Service, after consultation with the National Land Commission, and following proper public consultation as provided for by this Act, and with the approval of the National Assembly, by notice in the Gazette declare—



- a. any un-alienated public land; or
- b. any land purchased or otherwise acquired by the Government,

to be a national park or a national wildlife sanctuary.

Conservation and Management of National Parks, National Sanctuaries and Marine National Parks.

- 68.** The Service shall be responsible for the management of National Parks, National Reserves, National Sanctuaries and Marine National Parks and Reserves.
- 69.** The Service shall
1. review the current protected area system to determine if it meets the country's wildlife and marine conservation objective;
 2. manage national parks and national reserves, and have an oversight role over other 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 economic incentives for landowners that host wildlife in dispersal and connectivity areas;
 6. develop guidelines and standards for infrastructure development within protected areas; and
 7. demarcate and secure boundaries in wildlife protected areas;
 8. ensure appropriate titling of all national parks and reserves
- 70.** Each national park, national sanctuary and marine park shall be managed by a Chief Park warden of the Service, who shall be responsible for the day-to-day management of the national park, Marine Park or sanctuary.
- 71.** Every national park, national sanctuary and marine park shall be managed in accordance with an up-to-date management plan that includes a revenue generation plan, and complies with the requirements of this Act.
- 72.** The Service shall
1. Establish, in respect to each national park and Marine Park, a park management committee to provide oversight in the implementation and oversight of the management plan.
 2. The park management committee shall be composed of;
 - a. One representative from an adjacent local community,
 - b. One representative of a regional wildlife conservancies association
 - c. The county officer in charge of environment or natural resources,

d. One representative from the private sector.

73. The Service shall prepare an annual progress report in respect of each park outlining the state of the park and measures taken to address threats to the park and progress in implementing the management plan.
74. The Service shall allow retention of a minimum of Thirty per cent (30%) of the annual net revenues of the respective Park for its development and improvement plan
75. A minimum of ten percent (10%) of annual gross revenue from national parks shall be allocated to park adjacent communities.
1. Such monies shall be utilized to enhance community conservation efforts, livelihood improvement projects, human-wildlife conflict mitigation measures and promotion of wildlife conservation in community areas adjacent to the Park.

Exchange of part of a protected area with private/community land

76. The Cabinet Secretary may, on the recommendation of the Service, after consultation with the National Land Commission, and public participation in accordance with Schedule three and with the approval of the National Assembly, exchange part of a national park with private or community land with the consent of the owner of such land where –
1. the exchange enhances efficient wildlife conservation and management;
 2. the exchange is equitable to conservation and the landowner, according to an independent valuation;
 3. an environmental impact assessment has been conducted in accordance with the provisions of the Environmental Management and Coordination Act, 1999, and has shown that such exchange shall not adversely affect wildlife conservation and the environment in general; and
 4. The part of the national park or reserve to be exchanged does not contain rare, threatened or endangered species and is not a water catchment area, wetland or a source of springs.
77. The Service, in consultation with the National Land Commission and the Cabinet Secretary, may acquire by purchase any land suitable to be declared a national park,

wildlife corridor, migratory route or dispersal area under this Act.

- 78.** No purchase shall be transacted under this section unless prior public consultation is carried out in accordance with Schedule three

Provision of mining and quarrying

79.

1. No person shall undertake mining or quarrying within a National Park
2. No person shall undertake oil or gas exploration and extraction within a National Park

Prohibition of mega infrastructure

- 80.** The government shall not construct mega infrastructure in protected areas unless there has been prior public participation in accordance with schedule three prior to entering into funding and implementation contracts with third parties.

Conservation and Management of National Reserves, and Marine Reserves

81. Declaration and Creation of national reserves

1. The Cabinet Secretary may, upon the recommendation of the relevant county government and after consultation with the National Land Commission, and public participation in accordance with Schedule three, by notice in the Gazette, declare any land under the jurisdiction of a county government to be a national reserve where the land is —
 - (a) Rich in biodiversity and wildlife resources or contains endangered and threatened species;
 - (b) An important catchment area critical for the sustenance of a wildlife conservation area; or
 - (c) An important wetland area critical to sustenance of wildlife and birds
 - (d) An important wildlife buffer, zone, migratory route, corridor or dispersal area.
2. A notice under this section which proposes to-
 - a. vary the boundaries of a national park or national reserve; or
 - b. change the status from national park or national reserve to wildlife conservancy or sanctuary;

Shall only be published by the Cabinet Secretary where a proposal is recommended by the relevant county government after consultation with the service and public participation in accordance with Schedule three and is subsequently approved by a resolution of Parliament.

3. Provided that there shall be no recommendation unless the service certifies that such variation of boundary or cessation of national reserve or marine reserve proposed by the notice –

- a. shall not endanger any rare, threatened or endangered species;
- b. shall not interfere with the migration and critical habitat of the wildlife;
- c. does not adversely affect its value in the provision of environmental goods and services;
- d. does not prejudice biodiversity conservation, cultural site protection, or its use for educational, ecotourism, recreational, health and research purposes;
- e. the proposal has been subjected to an environmental impact assessment in accordance with the provisions of the Environmental Management and Coordination Act, 1999;
- f. public consultation in accordance with the Third Schedule has been undertaken in relation to the proposal; and
- g. shall not expose surrounding communities and their livelihoods to any form of harm

82. Management of National Reserves

1. Each national reserve and marine reserve shall be managed through a period specific co-management agreement between the Service and the respective county government where the reserve occurs.
2. The co-management agreement shall clearly specify among other things —
 - (a) The duration of the agreement;
 - (b) The terms and conditions under which the management agent or the Service shall manage the national reserve;
 - (c) Management fees and charges payable to the management agent or the Service;
 - (d) A management plan to be followed by the management agent or the Service;
 - (e) The mechanism for settlement of disputes arising in respect of the agreement,

and

(f) The circumstances under which the agreement may be terminated.

3. Notwithstanding the provisions of sub section 1, a county government shall establish an effective management structure to run the reserve and may enter into a third party arrangement with a component entity to undertake day to day management of the reserve, so far as the agreement is in line with the co-management agreement between the Service and the county government.
4. The county government shall develop regulations and guidelines on the interactions between the wildlife and the local communities.
5. Every national reserve and marine reserve shall be managed in accordance with an up-to-date management plan that includes a revenue generation plan, and a benefit-sharing plan and complies with the requirements of this Act.
6. The Cabinet Secretary, shall gazette the management plan provided for under subsection 5 within two years of the commencement of this Act.
7. A county government in charge of a reserve shall prepare an annual progress report on the state of the reserve and measures taken to address threats to the reserve and progress in implementing the management plan.
8. No development that has the potential for significant impact on the ecological integrity of a national reserve and marine reserve, shall be carried out in the absence of an approved management plan, and without prior public consultation and Parliament approval.
9. Every national reserve and marine reserve will establish a reserve management committee to provide oversight in the implementation and oversight of the management plan.
10. The reserve management committee shall be composed of;
 - a) county-based warden of the Service;
 - b) representation from the regional wildlife conservancies association;

- c) representation from adjacent local communities; and
 - d) A private sector representative.
11. A minimum of twenty per cent (20%) of annual gross revenue from national reserves and marine reserves shall be allocated to reserve adjacent communities. Such monies shall be utilized to enhance community conservation efforts, livelihood improvement projects, and human-wildlife conflict mitigation measures.

83. Variation of boundaries or revocation of national reserves and Marine Reserves

1. A notice under this section which proposes to—
- a) vary the boundaries of a national reserve; or
 - b) declare that a wildlife conservation area shall cease to be a national reserve; or
 - c) change of status from national reserve

Shall only be published by the Cabinet Secretary where a proposal is recommended by the relevant county government after consultation with the National Land Commission and the Service in accordance with subsection (2) of this section and is subsequently approved by resolution of Parliament.

- 2) The relevant county government, the National Land Commission and the Service shall not recommend any such proposal unless they are satisfied that such variation of boundary or cessation of national reserve proposed by the notice shall not—
- a. endanger any rare, threatened or endangered species;
 - b. interfere with the migration and critical habitat of the wildlife;
 - c. adversely affect its value in provision of environmental goods and services; and
 - d. prejudice biodiversity conservation, cultural site protection, or its use for educational, ecotourism, recreational, health and research purposes;
 - e. the proposal has been subjected to an environmental impact assessment in accordance with the provisions of the Environmental Management and Co-ordination Act, 1999 (No. 8 of 1999); and
 - f. Public consultation in accordance with the Fourth Schedule has been undertaken

in relation to the proposal.

Terrestrial Wildlife habitat conservation on community and private land

Establishment of conservancies

- 84.** Any person, group of persons, community or corporate body who owns or manages land which wildlife inhabits may individually or collectively establish a wildlife conservancy or sanctuary, in accordance with the provisions of this Act.

Registration of Conservancies

- 85.** Any person, group of persons, corporate body or community on community or private land who desires to have the area registered as a wildlife conservancy, shall apply to the Authority by completing the prescribed form by the Authority.

- 86.** The application form submitted shall be accompanied by:

- a) a certificate of registration under relevant laws;
- b) a constitution or equivalent document;
- c) a map specifying the geographic boundaries of the conservancy or sanctuary in respect of which the application is made;
- d) evidence of land ownership or right of use of land; and
- e) a management plan or concept proposal for the management of a wildlife conservancy or sanctuary detailing land use and zoning plan, benefits sharing with local communities or its members, and conservation and management activities, in accordance to Schedule eleven to the Act on Management Planning.

- 87.** The Authority shall take into consideration the following when registering a wildlife Conservancy

- a) long-term intention of managing land for wildlife conservation, with integrated compatible land uses;
- b) land ownership or right of use of the land by a person other than owner;
- c) assessment or inventory of biodiversity contained in the proposed conservancy or sanctuary;
- d) ecological viability of the land, current or potential;

- e) size of land vis a vis the species occurring in the land or intended to occur in the land;
- f) national physical and land use plans, county physical and land use plans and local physical land use plans;
- g) proposed governance and benefit-sharing plans;
- h) financial sustainability Strategy
- i) socio-economic viability of the proposed wildlife conservancy or sanctuary; and
- j) Contiguous land use patterns and their effect on proposed wildlife conservancy or sanctuary.

88. Upon satisfaction of the above requirements, the Authority shall register the wildlife conservancy or sanctuary and issue a certificate of registration in the name of the registered conservancy or sanctuary.

89. The Authority shall maintain a register of wildlife conservancies and sanctuaries registered under this Act.

Deregistration of Wildlife Conservancy or Sanctuary

90. 1) A wildlife conservancy or sanctuary may apply to the Authority for the withdrawal of registration giving sufficient grounds to withdraw.

2) Application for withdrawal shall include a plan of mitigation on endangered species on the property

3) In considering the application for withdrawal, the Authority, in consultation with the Service and the registered applicant of the conservancy or sanctuary, shall consider all reasonable measures to intervene or mitigate against the withdrawal.

Conservancy Dispute Resolution

91. 1) Where a dispute or conflict arises relating to wildlife conservancy or sanctuary ownership, governance or management, the disputing or conflict parties shall give priority to using of alternative methods of dispute resolution including traditional or community

by-laws, internal conflict resolution mechanisms and meditation.

2) Any matter that may remain un-resolved in the manner prescribed above, shall in all appropriate cases be referred to the National Environment Tribunal for determination, pursuant to which an appeal subsequent thereto shall, where applicable, lie to the Environment and Land Court as established under the Environment and Land Court Act, 2011.

Management of a Wildlife Conservancy or Sanctuary

92. A wildlife conservancy or sanctuary shall be managed in accordance with an approved management plan.

93. The Service shall provide technical assistance and advice in the preparation of management plan for a wildlife conservancy and sanctuary.

94. A wildlife conservancy or sanctuary may engage or employ a qualified natural or third party legal entity to undertake day to day management of the conservancy or sanctuary, in accordance to its management plan.

95. Where a wildlife conservancy or sanctuary management is considered below the standard expected from the management plan, by the Service, or there is a request for assistance from the wildlife conservancy or sanctuary, the Service shall make suitable recommendations which may include -

- a) action to be undertaken by the wildlife conservancy or sanctuary;
- b) action to be undertaken by the wildlife conservancy or sanctuary in conjunction with the Service;
- c) action to be undertaken by the Service on behalf of the wildlife conservancy or sanctuary; and
- d) Deregistration of the conservancy as the last option, where the conservancy is considered to have entirely lost its ecological viability, with no option of rehabilitation.

96. A wildlife conservancy may engage or employ a conservancy ranger for purposes of wildlife security, animal problem control, implement human wildlife mitigation measures and other conservation activities, in collaboration with the Service and in accordance to this Act.

97. Upon engaging or employing a conservancy ranger, a wildlife conservancy or sanctuary shall submit the particulars of the ranger to the Service, based on prescribed form.
98. The Service shall, at the request of wildlife conservancy or sanctuary, provide capacity and skills training of conservancy rangers.
99. The Service shall maintain a register of conservancy rangers employed by wildlife conservancy or sanctuary including their national police reserve status as provided by the Inspector General of Police

Wildlife Conservancy or Sanctuary Sustainability

100. A wildlife conservancy or sanctuary may enter into a long-term agreement with the landowner(s), community land management committee on behalf of the community for purposes of sustained wildlife conservation and management.
101. A wildlife conservancy or sanctuary may enter into collaboration or partnership with any person, legal entity, private sector entity or conservation organizations, to leverage on its capacity and funding.
102. A wildlife conservancy may adopt diverse nature-based income streams to secure adequate resources to support operations of the conservancy.
103. A wildlife conservancy or sanctuary may receive support from a county or national government entity for purposes of enhancing conservation objectives.
104. Wildlife conservancies and sanctuaries within an ecosystem may establish a landscape level association for purposes of coordination of ecosystem planning and coordination.
105. Wildlife conservancies and sanctuaries may establish a national umbrella association for purposes of coordination and promotion of conservancy's governance and management standards.

Community Wildlife Associations

106. Communities, landowners, groups of landowners, may establish a wildlife association and register under the appropriate law.
107. The object and purpose for which an association is established is to facilitate

coordinated planning and cooperative management of wildlife within a specified area.

108. The application for registration referred to in sub-section (1) shall consider the following-

1. a list of the wildlife conservancy , sanctuary or other wildlife conservation activities in which they are involved in and in the case of an association their membership;
2. constitution with clear governance structures;
3. a draft plan for the association detailing-
 - a. type of wildlife resources in their area and type of wildlife conservation initiatives being undertaken;
 - b. measures and type of wildlife conservation activities that are being proposed;
 - c. land use practices in the area and proposed measures to ensure land use compatibility with wildlife conservation;
 - d. methods of monitoring wildlife and wildlife user activities undertaken by communities and landowners in the area;
 - e. community wildlife scouting scheme that will help to provide wildlife surveillance and assist in addressing problem animal control; and
 - f. Any other aspect deemed necessary.

109. The Authority shall keep an up to date record of all registered community wildlife associations.

Functions of Community Wildlife Associations

110. A registered community wildlife association shall undertake the following functions:

- a. ensure that the association membership coordinates conservation activities of its membership including conservancies and sanctuaries under their jurisdictions pursuant to their respective approved constitution;
- b. assist the service in combating illegal activities, including poaching and bushmeat trade;
- c. keep the Service and County Wildlife Conservation committee informed of

- any development changes and occurrences within their area that may adversely affect wildlife;
- d.assist in problem animal control through community wildlife scouts drawn from among their membership or employees; and
- e.Do any other act that is necessary to enhance community and landowners participation in wildlife protection, conservation and management?

Terrestrial Wildlife habitat conservation- Migratory corridors and wildlife dispersal areas

111. Establishment of wildlife migratory corridors and dispersal areas

1. The Cabinet Secretary, in consultation with the Service and pursuant to the provisions on public participation under this law and other relevant law, shall identify and gazette the wildlife migratory corridors outside protected areas.

112. The Cabinet Secretary shall, within one year of this law coming into effect and in consultation with the relevant stakeholders assign a protection status to the migratory corridors that exist outside the protected areas.

Marine Wildlife Habitat Conservation

113. Declaration and creation of marine national parks

1. The Cabinet Secretary, May in consultation with the competent authority, by notice in the Gazette declare an area to be a marine national park.
2. A notice in the Gazette must not be published where:
 - a.relevant provisions of the Environmental Management and Co-ordination Act,1999 have not been complied with;
 - b.no public participation has occurred
 - c.no challenge by any person is active

Management of marine National Parks

114. The Service Shall-

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

115. Declaration and creation of marine national reserves

1. The Cabinet Secretary, May in consultation with the relevant county government, by notice in the Gazette declare an area to be a marine national reserve.
2. Marine National Parks shall adopt a system of zoning that caters for multiple uses of marine resources for any or all of the following:
 - (a) extraction or no extraction zones in respect of marine resources;
 - (b) protection of nesting, breeding and foraging areas;
 - (c) no take areas in respect of fisheries;
 - (d) areas that may be used by local vessels for passage; and
 - (e) Any other purposes with respect to specified human activities within the zone.

3. A notice in the Gazette must not be published where:
 - (a) Relevant provisions of the Environmental Management and Co-ordination Act, 1999 have not been complied with;
 - (b) No public participation has occurred;
 - (c) No challenge by any person is active

Management of marine National Reserves

116. The county government shall-

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

117. Variation of boundaries or revocation of marine national parks and marine reserves

(1) A notice under this section which proposes to-

- (a) Vary the boundaries of a marine national park; or
- (b) Change the status from marine national park to Marine wildlife conservancy or sanctuary;

Shall only be published by the Cabinet Secretary where a proposal is recommended by the Service after consultation with the National Land Commission in accordance with subsection (2) of this section and is subsequently approved by a resolution of Parliament:

2) provided that there shall be no recommendation unless –

(a) They are satisfied that such variation of boundary or cessation of marine national park proposed by the notice –

- (i) Shall not endanger any rare, threatened or endangered species;
- (ii) Shall not interfere with the migration and critical habitat of the protected marine life;
- (iii) Does not adversely affect its value in provision of environmental goods and services, and,
- (iv) Does not prejudice biodiversity conservation, cultural site protection, or its use for educational, ecotourism, recreational, health and research purposes;

(b) The proposal has been subjected to an environmental impact assessment in accordance with

the provisions of the Environmental Management and Coordination Act, 1999; and

(c) Public consultation in accordance with the Third Schedule has been undertaken in relation to the proposal.

(3) Any variations to boundaries of the marine national parks, reserves of Marine wildlife conservancies shall not expose surrounding communities and their livelihoods to any form of harm.

Establishment of marine conservancies and sanctuaries

118. Any person, group of persons, corporate body or community who desires to have the area registered as a Marine wildlife conservancy, shall apply to the Authority by completing the prescribed form required by the service.

119. The application form submitted shall be accompanied by:

1. a certificate of registration under relevant laws;
2. a constitution or equivalent document;
3. a map specifying the geographic boundaries of the conservancy or sanctuary in respect of which the application is made;
4. a management plan or concept proposal for the management of a marine wildlife conservancy or sanctuary detailing land use and zoning plan, benefits sharing with local communities or its members, and conservation and management activities, in accordance to Schedule eleven to The Act on Management Planning;

120. The Authority shall take into consideration the following when registering a Marine wildlife Conservancy

1. relevant provisions of the relevant fisheries law;
2. long-term intention of managing the area for marine wildlife conservation, with integrated compatible uses;
3. right of use of the land by a person other than the applicants;
4. assessment or inventory of biodiversity contained in the proposed conservancy or sanctuary;
5. ecological viability of the area, current or potential;
6. proposed governance and benefit-sharing plans; and
7. socio-economic viability of the proposed marine wildlife conservancy or sanctuary;

121. Upon satisfaction of the above requirements, the Authority shall register the marine wildlife conservancy or sanctuary and issue a certificate of registration in the name of the registered conservancy.

122. The Authority shall maintain a register of marine wildlife conservancies and sanctuaries registered under this Act.

Deregistration of Marine Wildlife Conservancy or Sanctuary

123. 1) A marine wildlife conservancy or sanctuary may apply to the Authority for the withdrawal of registration giving sufficient grounds to withdraw.

2) In considering the application for withdrawal, the Authority, in consultation with the Service, the Kenya fisheries service and the registered applicant of the marine wildlife conservancy or sanctuary, shall consider all reasonable measures to intervene or mitigate against the withdrawal.

Marine wildlife conservancy Dispute Resolution

124. 1) Where a dispute or conflict arises relating to marine wildlife conservancy or sanctuary ownership, governance or management, the disputing or conflict parties shall give priority to using of alternative methods of dispute resolution including traditional or community by-laws, internal conflict resolution mechanisms and meditation.

2) Any matter that may remain unresolved in the manner prescribed above, shall in all appropriate cases be referred to the Environment and Land Court as established under the Environment and Land Court Act, 2011

Conservation of Wetlands Conservation and management of wetlands

125. (1) The Cabinet Secretary may, on the recommendation of the Service, in consultation with the National Land Commission, by notice in the Gazette, declare a wetland that is an important habitat or ecosystem for wildlife conservation a protected wetland.

(2) as soon as practicable, after declaring it a protected wetland, the Service shall, in collaboration

with the person or community who hold a legal or communal interest in the wetland and the relevant lead agencies, prepare an Integrated Wetland Management Plan for the conservation and management of the protected wetland through a public consultative process.

(3) The Cabinet Secretary shall, on the recommendation of the Service after consultation with the relevant lead agencies, by notice in the Gazette, prescribe measures, rules, guidelines, procedures and regulations for effective conservation and management of the protected wetland.

(4) The Cabinet Secretary shall put in place measures for:

(a) Collaborative implementation of the national wetlands conservation and management policy;

(b) Restoration of degraded wetlands, riverbanks and lakeshores;

(c) Public education and awareness on the critical role of wetlands, rivers and lake ecosystems in wildlife conservation; and

(d) Implementation of the Ramsar Convention on Wetlands.

Co-managed conservation areas

126. 1) The Cabinet Secretary shall, within one year of commencement of this Act, cause to be identified ecologically significant conservation areas on public land currently not recognized as parks and reserves.

2) The Cabinet Secretary may, on the recommendation of the Service, in consultation with the National Land Commission and respective county governments, by notice in the Gazette, declare such areas as co-managed conservation areas.

127. The Cabinet Secretary shall develop regulations on permitted activities and conservation arrangements on co-managed conservation areas.

128. The Service in consultation with landowners and users within such co-managed areas shall develop a co-management area committee to provide for governance and management of the area.

129. A co-managed conservation area shall be managed through a five-year integrated management plan.

130. Private persons, entities or communities may enter into a co-management agreement with the relevant government agency in charge of management or use of the land, which shall define the conservation management objectives, access rights and benefit sharing arrangements.

PART VII: INCENTIVES AND BENEFIT SHARING

Fiscal and other incentives

131.Incentives and benefit sharing

- (1) Every person has the right to practice wildlife conservation and management as a form of gainful land use as provided for under section 12 of this Act.
- (2) The right specified in subsection (1) shall require the party to invest resources for that practice.
- (3) The party shall ensure that the wildlife is maintained in a healthy, natural, and secure state:

Provided that this practice shall be carried out where the land is suitable for such practice, subject to the terms and conditions of the license issued by the Authority.

132.Right to reasonable access

- (1) Every person has the right to reasonable access to wildlife resources and shall be entitled to enjoy the benefits accruing therefrom without undue hindrance.
- (2) The right set out in subsection (1) shall be exercised with due regard to the rights and privileges of other stakeholders.

133.Sustainable utilization and exploitation

- (1) Utilization and exploitation of wildlife resources by any person whether individual land owner or in a conservation area, and wherever else shall be practiced in a manner that is sustainable and in accordance with regulations made under this Act.
- (2) The manner, form, nature and style of the practice under subsection (1) shall be in conformity with the provisions of the relevant laws, including land use management and planning.

134.Cabinet Secretary may make regulations

The Cabinet Secretary, in consultation with the land owner, the Kenya Wildlife Regulatory Authority, the National Land Commission, the Commission on Revenue Allocation and in liaison with the Service shall, formulate regulations and guidelines on access and benefit sharing.

135. Migration of wildlife

(1) Land owners shall facilitate the ease of movement of wildlife from one area to the other considering their migratory nature that attaches to the resource.

(2) Any benefits accrued as a result of subsection (1) may be shared among relevant parties on a case by case basis, whether county, conservancy or individual land owner.

(3) The parties under subsection (2) may enter into agreements for the purpose of benefit sharing and related transactions.

(4) The agreements reached under subsection (3) shall within twenty-one days be filed and registered with the Cabinet Secretary which will consider granting approval for the same.

136. Mutual co-existence

(1) In furtherance of the spirit of mutual co-existence in the framework of human - wildlife conflict, every decision and determination on the matter of conservation and management of the wildlife resource shall not be exercised in a manner prejudicial to the rights and privileges of communities living adjacent to conservation and protected areas, Provided that in the parties shall have due regard for the provisions of the appropriate and enabling laws, including laws on devolution and land management.

137. Guidelines on incentives and benefit-sharing

(1) The Cabinet Secretary shall, upon advice by the Service, in consultation with the Authority and Commission on Revenue Allocation, formulate guidelines regarding incentives and benefit sharing, and the nature and manner in which the same shall be distributed.

(2) The Cabinet Secretary shall publish in the Gazette within twenty-one days of the formulation rules and regulations to govern the regime on incentives and benefits.

(3) The guidelines under this section shall be subjected to public scrutiny at every stage of their formulation within the framework of the laws on devolution and land management.

(4) The guidelines on benefit sharing shall comply with the minimum conditions that a minimum of ten per cent of the benefits from national parks shall be allocated to local communities neighboring a park.

(5) Subject to Article 66 of the Constitution, private investments in conservancies shall benefit local communities and investors shall provide such benefits by applying various options including infrastructure, education and social amenities.

PART VIII: PROTECTION OF ENDANGERED AND THREATENED ECOSYSTEMS AND SPECIES

Endangered and threatened ecosystems

138. The Cabinet Secretary shall make regulations prescribing measures and mechanisms for the protection of endangered and threatened ecosystems with other lead agencies.

139. The Cabinet Secretary shall, within one year of the commencement of this Act and on the recommendation of the Wildlife Research and Training Institute, by statutory instrument, publish in the Gazette an updated list of Wildlife ecosystems in Kenya indicating the following conservation status:

- 1. critically endangered;
- 2. endangered;
- 3. vulnerable;
- 4. threatened;
- 5. nearly threatened;
- 6. data deficient; and
- 7. any other category

140. The Cabinet Secretary shall, upon the recommendation of the Wildlife Research and Training

Institute, every five years review any national list published under Section 94.

141. Restricted activities involving listed species

1. Regardless of the land tenure system, the following activities shall be restricted in protected ecosystems: mining, farming, disruptive recreational activities like car rallies and parties, mega infrastructural developments.
2. The Service shall establish an ecosystem monitoring protocol working with local and/or international expertise to assess the effectiveness of the management measures put in place for park, reserve, conservancy, ecosystem management plans.
3. The Cabinet Secretary, in consultation with the Service and relevant authorities at both the national and county level, shall ensure that there is a periodic publication of a biodiversity report related to wildlife areas.

142.

1. The Cabinet Secretary shall, within one year of the commencement of this Act and on the recommendation of the Service, by statutory instrument, publish in the Gazette an updated list of wildlife species of Kenya indicating the following conservation status:
 - a. extinct;
 - b. extinct in the wild;
 - c. critically endangered;
 - d. endangered;
 - e. vulnerable;
 - f. threatened;
 - g. nearly threatened;
 - h. data deficient; and
 - i. Any other category.
2. An instrument made under subsection (1) shall state whether a species of wild animal or plant shall be—
 - a. a fully protected species which may not be subject to wildlife use rights; or
 - b. A partially protected species to be utilized only subject to a grant of a wildlife use right.

3. The Cabinet Secretary shall, upon the recommendation of the Service, every five years review any national list published under subsection (1) of this section.

143. Recovery plans

- (1) The Service may develop and implement recovery plans for the conservation and management of all the species listed under the Schedule five
- (2) The Service shall, in developing the recovery plans, to the maximum extent practicable:-
 - (a) Give priority to rare, endangered and threatened species; and
 - (b) Incorporate in each recovery plan-
 - (i) A description of such site-specific management actions as may be necessary to achieve the plan's goal for, the conservation and survival of the species;
 - (ii) Objective, measurable criteria which, when met, would result in the species being removed from the list; and
 - (iii) Estimates of the time required and the cost to carry out those measures needed to achieve the goal of the plan.
- (3) The Service may, in developing and implementing recovery plans, enlist the services of appropriate public, private or non-governmental organizations and institutions and other qualified persons:
- (4) The Cabinet Secretary shall report biannually to the National Assembly through the National Wildlife Conservation Status Report on the status of efforts to develop and implement recovery plans for all nationally listed species and on the status of all species for which such plans have been developed.
- (5) The Authority in collaboration with Wildlife Research and Training Institute shall implement a system, in cooperation with the county wildlife conservation-committees, community wildlife associations and wildlife, managers, to monitor effectively for not less than five years the status of all species which have recovered to the point at which the measures provided pursuant to this section are no longer necessary and which, in accordance with the provisions of this section, have been removed from the lists published in the Fifth Schedule.
- (6) The Authority shall carry out periodic and participatory monitoring and evaluation of the Wildlife Strategy, to ensure that it addresses and reflects the changing dynamics and the emerging issues.

144. Control of invasive species

The Cabinet Secretary, in consultation with the Service, shall:

- (a) Every two years cause to be published a list of invasive species; and
- (b) Develop regulations on control of invasive species in wildlife areas.

145. Control of roadkill incidences

(1) The Cabinet Secretary shall, within two years of commencement of this Act, in consultation with relevant lead agencies propose and mandate the building of animal crossing points on major roads traversing a wildlife habitat ecosystem.

(2) A person commits an offence if, when in charge of a mechanically propelled vehicle kills a wild animal.

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PART IX: REGULATION OF TRADE IN ENDANGERED SPECIES

146. Offences relating to endangered and threatened species

1. A person who kills or injures, tortures or molests, or attempts to kill or injure, a critically endangered, or endangered species as specified in the Sixth Schedule or listed under CITES Appendix I commits an offence and shall be liable upon conviction to a term of imprisonment of not less than five years.
2. A person who, without permit or exemption issued under this Act, deals in a wildlife trophy, of any critically endangered or endangered species as specified in the Sixth Schedule or listed under CITES Appendix I, commits an offence and shall be liable upon conviction to a term of imprisonment of not less than seven years.
3. Any person who, without permit or exemption issued under this Act, deals in a live wildlife species of any of critically endangered or endangered species as specified in the Sixth Schedule or listed in the Sixth Schedule or listed under CITES Appendix I, commits an offence and shall be liable upon conviction to a term of imprisonment of not less than three years.
4. Any person without permit or exemption issued under this Act is in possession of any live wildlife species or trophy of any critically endangered or endangered species as specified in the Sixth Schedule or listed under CITES Appendix I, commits an offence and shall be liable upon conviction to a fine of not less than three million shillings or a term of imprisonment of not less than five years or both such fine and imprisonment.
5. Any person who without permit or exemption issued under this Act, manufactures an item from a trophy of a critically endangered or endangered species specified under the Sixth Schedule or listed under CITES Appendix I without a permit or exemption issued under this Act, commits an offence and shall on conviction, be liable to a fine of not less than ten million shillings or up to life imprisonment or both such fine and imprisonment.

147. Offences relating to trophies and trophy dealing

1. Any person who, without a permit or exemption granted under this Act in relation to a species not specified under section 147
 - (a) kills or injures, tortures or molests, or attempts to kill or injure, any wildlife species;

- (b) deals in a wildlife trophy;
- (c) deals in a live wildlife species;
- (d) is in possession of a wildlife trophy or live wildlife species; or
- (e) manufactures an item from a wildlife trophy,

Commits an offence and shall be liable on conviction to a fine of not less than one million shillings or a term of imprisonment of not less than twelve months or to both such fine and imprisonment.

148. Poisoning of wildlife

1. Any person who knowingly or recklessly uses any substance whose effect is to poison any wildlife species commits an offence and shall be liable to a fine of not less than five million shillings or a term of imprisonment of not less than five years or both.

149. Offences relating to sport hunting

1. A person who engages in sport hunting or any other recreational hunting commits an offence and shall be liable, on conviction, to—
 - i. a fine of not less than twenty million shillings or imprisonment for life;
 - ii. a fine of five million shillings or imprisonment of five years or to both such fine and imprisonment;
 - iii. A fine of one million shillings or imprisonment of two years or to both such fine and imprisonment.
2. The categories of wildlife referred to in subsection (1) shall be those set out in the Schedule five

150. Offences relating to subsistence hunting

A person who engages in hunting of a species other than a critically endangered or endangered species listed under Schedule 6 or CITES Appendix I for the purposes of subsistence commits an offence and shall be liable on conviction to a fine of not less than thirty thousand or imprisonment for a term of not less than six months or to both such fine and imprisonment.

151. Offences relating to hunting for bush-meat trade

1. Any person who, without permit or exemption issued under this Act, deals in the carcass or meat of any wildlife species commits an offence and shall be liable on

- conviction, to imprisonment for a term of not less than three years.
2. No person shall purchase from another person any meat or eggs of any wildlife species.
 3. Any person who contravenes the subsection (2) commits an offence and is liable on conviction to a fine of up to five million shillings or a term of imprisonment of five years or to both such fine and imprisonment.

152.Import and export of wildlife species

1. No person shall trade in, import, export, re-export or introduce any specimen or product of a wildlife species into or from Kenya without a permit issued by the Authority under this Act.
2. Without prejudice to the generality of the foregoing, no person shall without a license or permit issued by the Authority,—
 - a. import any such species into, or export any such species from Kenya;
 - b. take any such species within Kenya or Kenya's territorial waters;
 - c. take any such species upon the high seas;
 - d. possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any such species taken in violation of paragraphs (b) and (c);
 - e. deliver, receive, carry, transport, or ship in county commerce, by any means whatsoever and in the course of a commercial activity, any such species;
 - f. sell or offer for sale in commercial transaction within or outside Kenya any such species;
 - g. products of listed species; or
 - h. Violate any rules and regulations pertaining to such listed species.
3. A person who contravenes the provisions of this section commits an offence and shall be liable, upon conviction,—
 - i. in relation to a critically endangered or endangered species, as specified in the Sixth Schedule or listed under CITES Appendix I, to a fine of not less than one

hundred million shillings or to imprisonment of not less than twenty years or both such fine and imprisonment; or

- ii. in relation to any other wildlife species or wildlife trophy, to a fine not less than twenty million shillings or a term of imprisonment not less than ten years, or to both such fine and imprisonment.

- 4. A person, agent or corporate entity that, knowingly or recklessly, aids or abets, in the commission of an offence under this section shall be liable to the penalties specified in subsection (3).

153. Offences relating to compensation

Any person who makes a false claim or makes a false statement to the County Wildlife Compensation Committee or the Authority in respect of a wildlife damage claim shall be committing an offence and is liable upon conviction to a fine of not less than one hundred thousand shillings or to imprisonment for not less than one year or both such fine and imprisonment.

154. Offences relating to failure comply with a lawful order

- 1. Any person who—

- a. fails to comply with a lawful requirement or demand made or given by an authorized officer;
- b. obstructs a person in the execution of his powers or duties under this Act,

Commits an offence and is liable on conviction to a fine of not less than one hundred thousand shillings or to imprisonment of not less than six months or to both such fine and imprisonment.

155. Breach of protected area regulations

- 1. Any person who without a license or permit of the Service in respect of any national park, national reserve, wildlife sanctuary or marine reserve, or, without authorization from the authority responsible for any other protected area as the case may be—

- i. Enters or resides in a protected area otherwise than in the course of his duty as an authorized officer or a person lawfully employed in the protected area, as the case may be.
- ii. sets fire to any vegetation in any wildlife protected area or allows any fire lighted by himself or his servants to enter a wildlife protected area;
- iii. carries out logging in a national park or reserve;

- iv. clears and cultivates any land in the national park or reserve;
- v. burns charcoal in any protected area;
- vi. willfully damages any object of geological, prehistoric, archaeological, historic, marine or other scientific interest within a wildlife protected area, or knowingly removes or attempts to remove any such object or any portion thereof in the course of his duty thereof from wildlife protected areas;
- vii. conveys into a protected area or is found within a protected area in possession of any firearm, ammunition, arrow, spear, snare, trap or similar device without authorization;
- viii. Undertakes any extractive activity in a protected area.
- ix. undertakes any related activity in wildlife protected areas contrary to the provisions of this Act:

Commits an offence and is liable on conviction to a fine of not less than two hundred thousand shillings or to imprisonment of not less than two years or to both such fine and imprisonment.

- 2. A person shall not enter any protected area with livestock without a permit or written permission from the authority responsible as the case may be.
- 3. Any person who contravenes subsection (2) commits an offence and is liable upon conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding six months.
- 4. The Cabinet Secretary shall make guidelines in consultation with the Service with respect to accessing national parks for purposes of grazing and watering of livestock in times of drought and other natural disasters.



PART X: WILDLIFE CONSERVATION ORDERS AND EASEMENTS

Conservation orders and easements

156. Conservation orders and easements

1. Wildlife conservation easements may be created by voluntary private arrangement and upon appropriate application to the Environment and Land Court.

A party may enter into an agreement with a land owner for a wildlife conservation easement to be created on that person's land.

2. A court may grant a wildlife conservation order or easement subject to the provisions of this Act.
3. A Wildlife conservation easement order issued by the Environment and land court shall be registered against the title of the land
4. Without prejudice to the generality of subsection (1), a wildlife conservation easement may be created so as to—
 - (a) further the principles of sustainable wildlife conservation and management;
 - (b) preserve flora and fauna;
 - (c) create or maintain migration corridors and dispersal areas for wildlife;
 - (d) preserve the quality and flow of water in a dam, lake, wetland, river or aquifer;
 - (e) preserve any outstanding geological, physiographical, ecological, archaeological, cultural or historical features;

(f) preserve scenic views, topographical features and landscapes;

(g) prevent or restrict the scope of any mining or aggregate workings that would adversely affect wildlife conservation;

i. prevent or restrict the scope of agricultural or other land use activities that would adversely affect wildlife conservation; and

(h) Prevent or restrict the scope of infrastructural activities that would adversely affect wildlife conservation.

5. A wildlife conservation order or easement shall be registered against the title of the land in perpetuity or for a term of years or for an equivalent interest under customary law as agreed to by the parties to a private agreement or as determined by the court.

6. An order or easement may exist in gross; that is to say, the validity and enforceability of the order or easement shall not be dependent on the existence on a plot of land in the vicinity of the burdened land which can be benefited or, of a person with an interest in that plot of land who can be benefited by the order or easement.

157. Application for wildlife conservation orders and easements

(1) A person or a group of persons may make an application to the court for the grant of one or more wildlife conservation orders or easements.

(2) The court may impose such conditions on the grant of a wildlife conservation order or easement as it considers to be best calculated to advance the cause of such order or easement:

Provided that in exercising the jurisdiction conferred upon it by this section, the court may require the Authority or appoint any persons with special skills or knowledge on wildlife conservation

orders or easements to prepare a technical report for proper determination of the matter.

158.Proceedings to enforce wildlife conservation orders and easements

- (1) Proceedings to enforce an order or easement may be commenced not only by the person in whose name the order or easement has been issued.
- (2) Proceedings to enforce an easement may request the court to—
 - (a) Grant a wildlife conservation order;
 - (b) Grant any remedy available under the law relating to easements in respect of land.
 - i. The court shall have discretion to adapt and adjust, so far as seems necessary to it, the law and procedures relating to the enforcement of the requirements of an order or easement.

159.Registration of wildlife conservation orders and easements

- (1) Where an order or easement is created on land the title of which is registered under a particular system of land registration, the easement shall be registered in accordance with the provisions of the Act applicable to that particular system of registration.
- (2) Where an order or easement is created on any land other than land referred to in subsection (1), the County Wildlife Conservation Committee of the area in which that land is situated shall register the order or easement in a register maintained for that purpose.
- (3) In addition to any matter which may be required by any law relating to the registration of orders and easements in respect of land, the registration of a wildlife conservation easement shall include the name of the applicant for the easement or beneficiary of the easement as the person in whose name the easement is registered.
- (4) The Authority shall issue an easement certificate in respect to every land that is under a wildlife conservation easement or order

160.Compensation for wildlife conservation orders and easements

- (1) Parties to a voluntary easement may negotiate appropriate compensation for any loss or diminishment of value of land due to the creation of the easement.
- (2) Where a wildlife conservation order or easement is imposed by the court on land on which any person has, at the time of creating the order or easement, any existing right or interest in the land and that such order or easement will restrict the right or interest, there shall be paid to that person, by the applicant for the order or easement such compensation as may be determined in accordance with this section.
- (3) Any person who has a legal interest in the land which is the subject of an order or easement imposed by the court, shall be entitled to compensation commensurate with the lost value of the use of the land.
- (4) A person described in subsection (3) may apply to the court that granted the order or easement for compensation stating the nature of the legal interest in the burdened land and the compensation sought.
- (5) The court may require the applicant for the order or easement to bear the cost of compensating the person described in subsection (3).
- (6) The court may, if satisfied that the order or easement sought is of national importance, order that the Government compensates the person described in subsection (3).

PART XI: WILDLIFE RESEARCH AND MONITORING

Wildlife Research and Monitoring

161.Permits for wildlife research


1. The Institute shall ensure that prior informed consent is obtained by a person making an application for a research permit from the relevant community or authority in charge of an area where research is to be conducted, prior to the grant

of a permit.

2. An application for a research permit shall be accompanied by
 - a. A proposed benefit-sharing plan for both monetary and non-monetary benefits to be allocated to the community, conservation area or entity where the research was conducted.
 - b. An affidavit declaring that Prior informed Consent was acquired from any participants in the research.
3. A person shall not undertake research on the wildlife sector unless that person has a research permit granted by the Institute to carry out the research.
4. A person granted a research permit under subsection (1) shall be required, upon completion of the research, to deposit a copy of the research report, thesis or assessment with the Institute in a manner prescribed by the Institute
5. The Cabinet Secretary may, on his own motion or on recommendation of the Board of the Institute, prescribe regulations to carry out the purposes of this section.
6. Where a person carrying out the research is from outside Kenya, that person shall be required to have a sponsoring institution from the home country and a locally recognized collaborating institution registered with the Authority which shall guarantee that the researcher shall comply with the requirements under this Act.

162. Bioprospecting

(1) No person may, without a permit from the Authority:-

- 
- a) engage in bioprospecting involving any wildlife resources; or
 - b) Export from Kenya any wildlife resources for the purpose of bioprospecting or any other kind of research.

163. Any person desirous of undertaking bioprospecting involving any wildlife resources may apply to the Authority for a permit in a prescribed format and on payment of prescribed fees.

164. The Authority shall in reviewing the application ensure that any interests of the following stakeholders may have in the proposed bioprospecting are protected:

1. a person, including a public or private organization or institution or community, providing or giving access to the wildlife resource to which application relates;
2. a community-
 - i. whose tradition uses of the wildlife resources to which the application relates

have initiated or will contribute to or form part of the proposed bioprospecting;
and

- ii. Whose knowledge of or discoveries about the wildlife resource to which the application relates are to be used for the proposed bioprospecting.

165.The Authority may, upon approval by the Cabinet Secretary, where a stakeholder has an interest as set out in subsection (3)(a) of this section, issue a permit only if-

1. the applicant has disclosed all material information relating to the relevant bioprospecting to the stakeholder and on the basis of that disclosure has obtained the prior consent of the stakeholders for the provision of or access to such resources;
2. The applicant and the stakeholder have entered into-
 - i. a material transfer agreement that regulates the provision of or access to such resources; and
 - ii. A benefit-sharing agreement that provides for sharing by the stakeholders in any future benefits that may be derived from the relevant bioprospecting.

166.The Authority may, upon approval by the Cabinet Secretary, where a community has an interest as set out in subsection (3)(b) of this section, issue a permit only if-

1. the applicant has disclosed all material information relating to the relevant bioprospecting to the community and on the basis of that disclosure has obtained the prior consent of the community to use any of the stakeholder's of or discoveries about the indigenous wildlife resources for the proposed bioprospecting; and
2. The applicant and the community have entered into a benefit-sharing agreement that provides for sharing by the community in any future benefits that may be derived from the relevant bioprospecting.

167.The Authority shall, in all bioprospecting involving any wildlife resources, be a joint partner on behalf of the people of Kenya.

168.The Cabinet Secretary shall, on the recommendation of the Authority, before approval of a bioprospecting permit, require that a particular per centum of the proceeds from the bioprospecting is contributed to the Endowment Fund of the Service and the Conservation Trust Fund of the Authority in equal amount

169.The Cabinet Secretary may, on recommendation of the Authority, by notice in the Gazette, promulgate rules, regulations and guidelines as are necessary and appropriate to carry out the

purposes of this section.

170. Any person who contravenes any provisions of this section or the rules made under it commits an offence and shall be liable upon conviction to a fine or to imprisonment or to both such fine and imprisonment as specified in the schedule fourteen

PART XII: PROBLEM ANIMAL CONTROL

171. Problem animals

1. Any authorized officer of the Service may, with the consent of the owner or occupier in respect of private land, where it is necessary for the purpose, go onto any land to destroy any animal which has been deemed a problem animal:
2. Provided that where the animal is a dangerous animal, which poses a threat or has been previously wounded or otherwise injured so as to make it a potential source of danger to human life, the officer may follow such animal with the intention of killing it on any land notwithstanding that the prior consent of the owner or occupier of the land has not been obtained. The Service shall under such circumstances provide the owner or occupier a subsequent report of what occurred.

172. Notwithstanding anything to the contrary in this Act,

1. the owner or occupier of land, or any agent of such owner or occupier may, subject to the provisions of this Act, humanely destroy any animal which has been deemed a problem animal:
2. Provided that nothing in this section shall authorize the killing of a problem animal in a protected area, or the use of any poison, pitfall or snare for the killing of any such animal.
3. Any person who kills an animal in the circumstances set out in subsection (1) shall, as soon as possible, and in any case not later than forty-eight hours after the event, report the circumstances of such killing and deliver the trophies of such animal, to the nearest wildlife office or police station.

Unlawful wounding of animals

173.Notwithstanding anything in this Act,

1. It shall not be unlawful for any person to kill or wound any wild animal in the defense of himself or any other person if immediately and absolutely necessary.
2. The burden of proving that a wild animal has been killed or wounded in accordance with subsection (1) shall lie with the person who killed or wounded the wild animal.


PART XIII: CONSERVATION FINANCING

174.Role of Different Stakeholders

1. Various stakeholders in the wildlife sector shall be involved in wildlife conservation financing to complement government's committed resources.
2. Stakeholders may provide conservation financing through various means including: payment for ecosystem services; conservation bonds; carbon trading; wildlife naming and adoption rights, among others.

175.Wildlife Endowment Fund

1. There is established a Wildlife Endowment Fund that shall be vested in a governing body
2. The governing body referred to in subsection (1) shall comprise—

- 
- (a) a Chairperson being appointed by the President following a competitive recruitment;
 - (b) the Principal Secretary in the State Department for the time being responsible for matters relating to wildlife;
 - (c) the Principal Secretary in the State Department for the time being responsible for matters relating to finance;
 - (d) Chief Executive Officer of the Kenya Wildlife Regulatory Authority;

(e) Director General of Wildlife Research Institute

(f) the Director General of the Service who shall be the Secretary;

(g) ~~three~~ four representatives from the private sector, who shall have technical experience in either philanthropy, law, natural resources, finance, business and investment matters, one of whom shall be a representative nominated by an umbrella wildlife conservancy body; and

2. There shall be paid into the Wildlife Endowment Fund—

(a) Revenues from ecosystem services levy.

(b) Gifts, grants and contributions specifically designated for the fund.

(c) moneys appropriated by Parliament;

(d) a proportion of such moneys as may be levied for payment of environmental services by beneficiaries in productive and service sectors, and for biodiversity offset schemes that compensate for conservation impacts as a contribution towards the Wildlife Endowment Fund as the Authority may, upon the recommendation of the governing board, determine;

(e) moneys for payment of environmental services and biodiversity offset schemes in which entities make payments directly to the Wildlife Endowment Fund;

- (f) Income from investments made by the governing board;
- 3. The purpose of the Fund shall be to:
 - (a) provide funds to promote wildlife conservation and management purposes in accordance with the guidelines to be issued with the Authority;
 - (b) develop wildlife conservation initiatives;
 - (c) restore degraded Protected Areas, Conservancies and critical habitats that constitute key corridors and dispersal areas;
 - (d) protect endangered species, habitats and ecosystems;
 - (e) provide funds to undertake priority wildlife research areas jointly identified by the Service and the Institute
 - (f) support wildlife security operations;
 - (g) facilitate community-based wildlife initiatives;

176.The Wildlife Conservation Trust Fund

1. There is established a Wildlife Conservation Trust Fund that shall be vested in a governing body established in accordance with subsection (2)—
2. The governing body referred to in subsection (1) shall serve as a public-private partnership and comprise—
 - (a) a Chairperson being appointed by Cabinet Secretary following a competitive recruitment;
 - (b) the Principal Secretary in the State Department for the time being responsible for matters relating to wildlife;
 - (c) the Principal Secretary in the State Department for the time being responsible for matters relating to finance;
 - (d) the Director General of the Service who shall be the Secretary;

(e) the Chief Executive Officer of the Wildlife Regulatory Authority

(f) four representatives from the private sector, who shall have technical experience in either philanthropy, law, natural resources, finance, business and investment matters, one of whom shall be a representative nominated by an umbrella wildlife conservancy body; and

3. There shall be paid into the Wildlife Conservation Trust Fund—

(a) moneys appropriated by Parliament;

(b) a proportion of such moneys as may be levied for payment of environmental services by beneficiaries in productive and service sectors, and for biodiversity offset schemes that compensate for conservation impacts as a contribution towards the Wildlife Conservation Trust Fund as the Authority may, upon the recommendation of the governing board, determine;

(c) moneys for payment of environmental services and biodiversity offset schemes in which entities make payments directly to the Wildlife Conservation Trust Fund;

(d) moneys from debt-for-nature transactions;

(e) income from investments made by the governing

board;

- (f) Such grants, donations, bequests or other gifts as may be made to the Fund.

4. The purpose shall be to provide funds in order to—

- (a) develop wildlife conservation initiatives;
- (b) manage and restore protected areas and conservancies;
- (c) protect endangered species, habitats and ecosystems;
- (d) support wildlife security operations;
- (e) facilitate community based wildlife initiatives;
- (f) Payment for compensation claims
- (g) award wildlife conservation grants based on criteria to be established by the governing board; and
- (h) Such other purposes as may be provided by the governing board.

5. The Cabinet Secretary may, on recommendation of the Service, by notice in the Gazette, issue regulations and guidelines necessary and appropriate for the carrying out of the purposes of this section.

PART XIV: WILDLIFE COMPENSATION

Wildlife Compensation Fund

177. Establishment of the Compensation Fund

- (1) The Service shall establish a Compensation Fund under the Board of directors and shall consist of:
- (a) two percent of monies collected by the Service from the services it offers;
 - (b) Funds appropriated by Parliament specifically for this purpose;
 - (c) Funds from any other source approved by the Board; and
 - (d) Monies specifically allocated for this purpose through the budget process.

Compensation for wildlife damage

178. The Cabinet Secretary shall cause to be implemented an insurance scheme for loss, damage and death in respect for human-wildlife conflict.

179. There is established a in each county, a County Wildlife Compensation Committee made up of;

- 1. The Service officer in charge of the County
- 2. The Authority Officer in charge of the County
- 3. The one person appointed by the cabinet secretary

180. The county wildlife compensation committee is responsible for receiving, reviewing, making decisions on all compensation issues within their respective county.

181. Compensation for personal injury, death or damage to property

(1) Where a person—

- (a) Suffers bodily injury or is killed; or
 - (b) Suffers damage to his or her property,
- By a wild animal listed in the Eighth Schedule,

The person or his or her legal representative shall submit a claim to the County Wildlife Compensation Committee within seventy-two hours of the incidence.

(2) The County Wildlife Compensation Committee shall verify a claim made under this section, and submit the claim to the cabinet secretary together with its recommendation within

sixty days of receipt.

(3) The Committee shall review the claim and if approved, award compensation according to the obtaining market rates not more than one year after submission of the claim as provided for under sub section 1.

PART XV: INTERNATIONAL TREATIES, CONVENTIONS AND AGREEMENTS

182. International instruments, conventions and agreements ratified by Kenya

1. In order to facilitate compliance with any international treaty, convention or agreement, whether bilateral or multilateral, for which the Cabinet Secretary has been given implementing authority, the Cabinet Secretary may make regulations and give directions to ensure compliance with the obligations thereunder.
2. The treaties, conventions and agreements as specified under subsection (1) shall be ratified pursuant to the provisions of the Treaty Making and Ratification Act, 2012 before implementation by the Cabinet Secretary.
3. The cabinet secretary shall keep a register of all international treaties, agreements or conventions relating to the conservation and management of wildlife to which Kenya is a party.

183. The Cabinet Secretary may, on recommendation of the Service—

1. negotiate and establish trans-boundary or trans-frontier wildlife conservation areas for the better management of shared wildlife resources; and
2. Promulgate rules and regulations for effective management of trans-boundary or trans-frontier wildlife conservation areas established under this section.

184. The Cabinet Secretary shall publish regularly through the biannual wildlife conservation status report under section 50(4) insert on the progress of Kenya's implementation of wildlife related bilateral or multilateral environmental agreements to which Kenya is a party.

PART XVII: PUBLIC PARTICIPATION

Process & Extent of Public Participation

185.

1. Where this Act imposes a requirement for public ~~participation or~~ consultation, the responsible authority shall publish a notice in relation to the proposal—
 - i. in the Gazette;
 - ii. in at least two national newspapers;
 - iii. in at least one newspaper circulating in the locality to which the proposal relates; and
 - iv. In at least one Kenyan radio station broadcasting in the locality.
 - v. In all the social media platforms that the ministry has a user account
2. The notice shall in each case—
 - (A) Set out a summary of the proposal;
 - (b) State the premises at which the details of the proposal may be inspected;
 - (c) Invite written and or oral presentations and comments on the proposal;
 - (d) Specify the person or body to which any such presentations and comments are to be submitted; and
 - (e) specify a date and place by which any such comments are required to be received, not being a date earlier than sixty days after publication of the notice.

186. The responsible authority shall make arrangements for the public to obtain copies, at reasonable cost, of documents relating to the proposal which are in the possession of the responsible authority.

1. The responsible authority shall consider—
 - i. any written comments or objections received on or before the date; and

- ii. Any comments whether in writing or not, received at any public meeting held in relation to the proposal at which the responsible authority was represented, or pursuant to any other invitation, to comment.
- 2. The responsible authority shall publish, through the same media as were employed pursuant to paragraph 1, notice of the fact a copy of the decision in writing of the responsible authority in relation to the proposal, and of the reasons thereof, is available for public inspection at the same premises as were notified under this section.
- 3. Where rules made under this Act so require, the responsible authority shall cause a public meeting to be held in relation to a proposal before the responsible authority makes its decision on the proposal.

PART XVIII: LAW ENFORCEMENT

Authorized officers

187. Powers of authorized officers

- 1. An authorized officer may—



- a. demand from any person the production of authority, license or permit for any act done or committed by that person in relation to wildlife resources for which an authority, permit or license is required under this Act or under any rules made thereunder;
- b. Require any person found within or outside wildlife conservation areas who has in his possession any wildlife specimen, to produce authority, permit or license authorizing him to possess such wildlife specimens, where no such proof is produced, arrest and take such person before a magistrate;
- c. search any person suspected of having committed an offence


under this Act or of being in possession of any wildlife specimen in respect of which an offence has been committed, arrest and detain the person, seize and detain any baggage, parcel or house being used to carry or hide such wildlife specimen by the person or his agent; or

- d. search any vehicle or vessel and seize and detain any wildlife specimens in respect of which there is reason to believe that an offence has been committed, together with any tools, equipment, vessels or vehicles used in the commission of the offence:

- 2. Provided that the authorized officer detaining the person and seizing such property shall forthwith take the person and the seizure to the magistrate having jurisdiction over the area where the offence takes place within twenty-four hours;

- i. confiscate any equipment or receptacle placed for purposes of capturing, harming or killing wildlife animals; and
 - ii. Conduct investigation and undertake intelligence gathering as appropriate on any land, premises, vessels and vehicles to apprehend suspected offenders of this Act.

- 3. Notwithstanding the provisions of sub-section (1) of this section

- 
- i. where anything seized and detained under this section is subject to speedy and natural decay, and it is not reasonably practicable to take effective steps to preserve the same, the officer by whom the same is seized or an officer to whose orders he is subject may, without obtaining any order from a court, destroy or otherwise dispose of that thing if he considers it desirable so to do; or
 - ii. Where any apparently unlawful means of hunting cannot be practicably be removed from its location it may forthwith be rendered inoperative.

188.Any authorized officer may-

- 1. enter any land, premises, vessel, vehicle, aircraft or trailer in order to assess the condition of wildlife thereof or to perform any such other act which he considers necessary in the circumstances;

2. require the production of, inspect, examine and copy licenses, permits, registers, records, management plan and other documents relating to this Act; and
3. Take all reasonable steps to prevent the commission of an offence under this Act.

189.Erection of a temporary barrier

- (1) Any authorized officer of or above the rank of assistant warden may erect a temporary barrier across any road or place and any person approaching the barrier shall, on being required by the officer so to do, stop and allow the officer to carry out search of his own person and of any vehicle as may appear to the officer to be necessary or expedient.
- (2) Any person who —
 - (a) Fails to stop or allow a search when so required under sub-section (1) of this Section; or
 - (b) Assaults, resists or willfully obstructs any officer in the exercise of the powers conferred upon such officer by this section, commits an offence and shall be liable, on conviction, to a fine of not less fifty thousand shillings or to imprisonment for a period of not less than one year

Use of Firearms

190.Wildlife crime prosecution officers

- (1) Subject to the Constitution 2010, subject to the Office of The Director of Public Prosecutions Act, 2013, the Service in consultation with the office of the director of public prosecutions, shall employ prosecutors to prosecute wildlife crimes.
- (2) The prosecutors shall be appointed from among persons who have:
 - (a) At least ten years' experience as an advocate; and
 - (b) Expertise in wildlife management and conservation

191.Prosecutorial powers

- (1) The Director of Public Prosecutions may, in accordance with the Office of the Director of Public Prosecutions Act, 2013 and this section, designate Special prosecutors to prosecute wildlife offences under this Part.
- (2) Notwithstanding the provisions of subsection (1), the Director of Public Prosecutions may, either on his or her own or on application of an authorized officer, delegate his or her prosecutorial powers to such authorized officer to prosecute offences under this Act.

Offences

Offences relating to management plans

192.

- (1) Any person who contravenes an approved ecosystem plan commits an offence and shall be liable, upon conviction, to a fine of not less than five hundred thousand.
- (2) Any person who contravenes an approved management plan commits an offence and shall be liable, upon conviction, to a fine of not less than five hundred thousand.

Offences relating to pollution

193.(1) Any person who-

- (a) Discharges any hazardous substances or waste or oil into a designated wildlife area contrary to the provisions of this Act and any other written law;
- (b) pollutes wildlife habitats and ecosystems;
- (c) discharges any pollutant detrimental to wildlife into a designated wildlife conservation area contrary to the provisions of this Act or any other written law,

Commits an offence and shall be liable upon conviction to a fine of not less than two million shillings or to imprisonment of not less than five years or to both such fine and imprisonment.

(2) In addition to any sentence that the court may impose upon a polluter under subsection (1) of this section, the court may direct that person to —

- (a) Pay the full cost of cleaning up the polluted wildlife habitat and ecosystem and of removing the pollution; and
- (b) Clean up the polluted habitats and ecosystems and remove the effects of pollution to the satisfaction of the Service.

(3) Without prejudice to the provisions of subsections (1) and (2) of this section, the court may direct the polluter to contribute to a wildlife conservation activity as compensation, restoration

and restitution.

(4) Any person who discharges dredged materials or fill material into navigable waters including wetlands or marine national reserves and parks without a permit commits an offense and is liable to a fine of not more than two hundred thousand or imprisonment of not more than one year.


194. Offences relating to conservation orders and easements

Any person who-

1. fails, neglects or refuses to comply with a wildlife conservation order made under this Act;
2. Fails, neglects or refuses to comply with an easement issued under this Act, commits an offence and shall be liable upon conviction to a fine of not less than five hundred thousand shillings or to imprisonment of not less than three years or to both such fine and imprisonment.

Offences relating to licenses or permits

195. Any person who, for the purpose of obtaining, whether for himself or another, the issue of a license or permit —

- 
1. knowingly or recklessly makes a statement or representation which is false in a material particular; or
 2. knowingly or recklessly furnishes a document or information which is false in a material particular; or
 3. for any purpose in connection with this Act, knowingly or recklessly uses or furnishes a false, falsified or invalid license or permit or one is altered without authorization; or
 4. knowingly contravenes any condition or requirement of a license or permit,

Commits an offence and shall be liable upon conviction, to a fine of not less than two hundred thousand shillings or to imprisonment of not less than one year or to both such fine and imprisonment.

Offences relating to endangered and threatened species

196.Any person who commits an offence in respect of an endangered or threatened species or in respect of any trophy of that endangered or threatened species shall be liable upon conviction to a fine of not less than twenty million shillings or imprisonment for life or to both such fine and imprisonment.

197.Offences relating to flying aircrafts in wildlife conservation areas

1. Except as may be necessitated by sudden emergency endangering the safety of any aircraft or persons carrying out an evacuation, the proof of which shall lay on the pilot thereof, no aircraft -

(a) Shall land in a wildlife protected area other than at a designated landing area

And in accordance with the Park rules;

(b) Shall, except for the purpose of landing at or taking off from a designated landing Site, be flown at a height over a wildlife protected area set by the Service in

Consultation with the Kenya Civil Aviation Authority:

2. Provided that nothing in this section shall apply to the operation of any aircraft which is, at the time of the contravention, being used for any purpose of the Service or any other operations authorized by the Service.
3. No person shall direct, manipulate, fly or otherwise control a un-maned aerial vehicle commonly known as a drone within a national park without a permit from the service.
4. Any person who directs, manipulates, flies or otherwise controls a un-maned aerial vehicle within a national park shall be liable upon conviction to a fine of one hundred thousand or imprisonment for one year.

198.General offences

(1) Unless provided for by this Act, a person who in a wildlife conservation area—

- (a) Hunts, takes, kills, injures or disturbs any wild plant, wild animal or domestic animal;
- (b) Takes, destroys, damages or defaces any object of geomorphological, archaeological, historical, cultural or scientific interest, or any structure lawfully placed or constructed;
- (c) Prepares land for cultivation, prospects for minerals or mines or attempts any of these operations;
- (d) Drives, conveys or introduces any wild animal into a wildlife conservation area;
- (e) willfully drives, conveys, introduces any domestic animal into a national park or negligently

permits any domestic animal, of which he or she is for the time being in charge, to stray into a wildlife conservation area; or

(f) Starts or maintains a fire without lawful authority, commits an offence

(2) Schedule fourteen contains wildlife offences and their tiered sentences

199. Offences relating to Proceeds of Crime and Anti-Money Laundering Act (PROCAMLA)

1. Any offences against

- i. A critically endangered animal or
- ii. A critically endangered ecosystem or
- iii. An endangered animal

Shall be considered a predicate offence under the Proceeds of Crime and Anti Money Laundering Act.

200. Offences relating to bodies corporate

(1) When an offence against this Act, is committed by a body corporate, the body corporate and every director or officer of the body corporate who had

Knowledge or ought to have known of the commission of the offence and who did not exercise due diligence, efficiency and economy to ensure compliance with this Act, commits an offence.

(2) Where an offence against this Act is committed under this Act by a partnership, every partner or officer of the partnership who had knowledge or ought to have

Known of the commission of the offence and who did not exercise due diligence, efficiency and economy to ensure compliance with this Act, commits an offence.

(3) A person shall be personally liable for an offence against this Act, whether committed by him on his own account or as an agent or servant of another person.

(4) An employer or principal shall be liable for an offence committed by an employee or agent against this Act, unless the employer or principal proves that the

Offence was committed against his express or standing directions.

201. General penalty

Subject to this Act, a person convicted of an offence under this Act for which no penalty is provided is liable—

(a) In the case of a first offence, to a fine not exceeding three 3 million Kenya shillings or to a

term of imprisonment not exceeding ten years or both; and

(b) In the case of a second or subsequent offence, to a fine not exceeding five million Kenya shillings or to a term of imprisonment not exceeding twenty years or both

202. Forfeiture

(1) The court before which a person is charged for an offence under this Act or any regulations made there-under May, in addition to any other order -

(a) Upon the conviction of the accused; or

(b) if it is satisfied that an offence was committed notwithstanding that no person has been convicted of an offence, order that the wildlife trophy, motor vehicle, equipment and appliance, livestock or other thing by means whereof the offence concerned was committed or which was used in the commission of the offence be forfeited to the Service and be disposed of as the court may direct.

(2) In making the order of forfeiture under subsection

(1) The court may also order that the cost of disposing of the substance, motor vehicle, equipment, appliance, livestock or any other thing provided for in that subsection be borne by the person convicted there-under.

(3) The court may further order that any license, permit or any authorization given under this Act, and to which the offence relates, be cancelled.

(4) Where a person has been convicted of an offence involving illegal trading in wildlife or wildlife specimen, including the killing of a wild animal, removal of a protected plant from its natural habitat or removal of an egg from its nest or other natural habitat as a part of a process of illegal trading, the court may, in addition to a penalty imposed and any order for forfeiture made under this Act, if it is satisfied by evidence given in court that the convicted person is, and has been for some time, notwithstanding that he or she has not been convicted, a person who habitually or on a continuing basis engages in the illegal trading of wildlife or wildlife specimen—

(a) Order the convicted person to disclose his or her assets to the court;

(b) Cause a valuation of those assets to be made by a valuer appointed by the court;

(c) Determine and declare what proportion of those assets are to be taken as obtained through illegal trading of wildlife and wildlife specimens;

(d) Order that the proportion determined and declared under paragraph (c)—

- (i) If it is money, be forfeited to the Service; or
- (ii) If it is any other form of asset, be sold and the proceeds of the sale be forfeited to the Service.

(5) Where a person ordered by the court under subsection (4) (a) to disclose his or her assets—

- (a) fails to do so within the time required or at all;
- (b) makes a false declaration of disclosure;
- (c) obstructs or causes a person to obstruct—
 - (i) The making of a valuation of the assets declared or otherwise;
 - (ii) The gathering of the assets for their disposal through sale or otherwise;
 - (iii) The sale or other disposal of the assets; or
 - (iv) The handing over of the proceeds of the sale of the assets or forfeited monies to the Service, he or she commits an offence.

203.Exemptions of the officers of the Service

An officer of the Service acting in a lawful manner to discharge their functions in the course of duty is exempted from personal liability

204.Restraint of breaches of the Act

(1) Any person who has reason to believe that the provisions of this Act have been, are being, or are about to be violated, may petition the Environment and Land Court as established under the Environment and Land Court Act 2011, for appropriate redress.



PART XVI: GENERAL PROVISIONS

205.The common seal

The common seal of the Authority, Service and Institute shall be kept in such custody as the relevant Board or Trustees, as the case may be, may direct and shall not be used except on the order of the Board or Trustees.

206.Protection from personal liability

No matter or thing done by a member or any officer, employee or agent of the Authority, Service and Institute shall, if the matter or thing is done bona fide for executing the functions, powers or duties lawfully assigned, render the member, officer, employee or agent or any person acting on his directions personally liable to any action, claim or demand whatsoever.

207.Liability for damage

The provisions of the section above on protection from personal liability shall not relieve the Authority, Service or Institute of the liability to pay compensation or damages to any person for any injury to him, his property or any of his interests caused by the exercise of the powers conferred upon such bodies by this Act or by any other written law or by the failure, whether wholly or partially, or any works.

208.Regulations

1. The Cabinet Secretary may, on recommendation of the Authority or the Service as the case may be, make regulations for or with respect to any matter which is necessary or expedient to be prescribed for carrying out or giving effect to this Act.
2. Without prejudice to the generality of the foregoing, rules and regulations may be made under this section for—
 - a. granting of wildlife user rights;
 - b. granting of mining rights
 - c. prescribing the amount of user fees payable under this Act generally or in particular cases;
 - d. specifying the conditions subject to which any license, permit or authorization may be granted or issued under this Act;

- e. regulating activities in the national parks, national reserves, provisional wildlife conservation areas, wildlife conservancies and sanctuaries and the visitor indemnity;
- f. prescribing measures that enhance community participation in the conservation and management of wildlife;
- g. providing for the protection of endangered and threatened ecosystems, habitats and species;
- h. prescribing measures and mechanisms for joint management of protected water towers with other lead agencies; and
- i. prescribing measures and mechanisms for joint management of protected areas with other designated and authorised parties; and
- j. Prescribing the manner of nomination of representatives of communities and other stakeholders to the Board, Trustees and the regional wildlife conservation area committees.

3. Rules made under this section may require acts to be performed or done to the satisfaction of the Authority or Service and may empower the Authority or Service to issue orders imposing conditions and dates upon, within or before which such acts or things shall be performed or done.

209. The provisions of section 27 of the Interpretation and General Provisions Act shall not apply to rules made under this section.

210. Disputes

1. Any dispute that may arise in wildlife management or conservation shall be referred to the National Environment Tribunal for determination, pursuant to which an appeal subsequent thereto shall, where applicable, lie to the Environment and Land Court as established

under the Environment and Land Court Act, 2011.

211.Any party dissatisfied with an administrative decision of the Cabinet Secretary, Authority, Service or the Institute exercising their functions under this Act may prefer an appeal to the National Environment Tribunal and a final appeal to the Environment and Land Court.

212.Financial year

The financial year of the Authority, Service and Institute shall be the period of twelve months ending on the thirtieth of June in each year.

213.Annual estimates

1. At least three months before the commencement of each financial year, the Board or Trustees shall cause to be prepared estimates of revenue and expenditure of the Authority, Service and Institute for the ensuing year.
2. The annual estimates shall make provision for the estimated expenditure of the Authority, Service and Institute for the financial year, and in particular, the estimates shall provide for—
 - a. payment of salaries, allowances, pensions, gratuities and other charges in respect of the staff, regional wildlife conservation area committees and community wildlife scouts;
 - b. payment of salaries, allowances, pensions, gratuities and other charges in respect of the county wildlife conservation committees, as the case may be;
 - c. payment of allowances in respect of the County Wildlife Conservation Committees;
 - d. the construction and proper maintenance of the buildings and grounds of the relevant agency or body;
 - e. the maintenance, repair and replacement of the equipment and other property of the agency or body; and

- f. The creation of such reserve funds as the Service may deem appropriate to meet the recurrent expenditure and contingent liabilities of the agency or body.
3. The members of the County Wildlife Conservation Committee shall be paid such allowances by the cabinet secretary as may be approved by the Cabinet Secretary on the advice of the Salaries and Remuneration Commission.
4. The annual estimates shall be approved by the Board before the commencement of the financial year to which they relate and shall be submitted to the Cabinet Secretary for approval with the concurrence of the National Treasury, and thereafter the Board shall not increase the annual estimates without the consent of the Cabinet Secretary.

214.Accounts and audit

1. The Authority, Service and Institute shall cause to be kept all proper books and other records of accounts of the income, expenditure and assets of the respective body.
2. Within a period of three months from the end of each financial year, the Authority, Service and Institute shall submit to the Auditor-General or an auditor appointed under subsection (3), the accounts of the relevant body in respect of that year together with—
 - a. a statement of the income and expenditure of the Wildlife Endowment Fund during the year; and
 - b. A statement of the assets and liabilities of the Wildlife Endowment Fund on the last day of the year.
 - c. Conservation Trust Fund??
3. The accounts of the Authority, Service and Institute and the Funds shall be audited in accordance with the Public Finance Management Act, 2012 (No. 8 of 2012).

PART XVIX: TRANSITIONAL PROVISIONS

Repealed Laws

215.The Wildlife Conservation and Management Act, 2013 is hereby repealed.

216.Notwithstanding section 213 above;

1. any land which, immediately before the commencement of this Act, was a national park, national reserve, marine reserves or sanctuary as set out in the Eleventh Schedule, shall be deemed to be a national park, national reserve, marine protected area or sanctuary, under this Act;
2. any licenses or permits granted under that Act and in force immediately before the commencement of this Act shall, ~~with the approval of the Service and~~ upon recommendation of the Service, be deemed to have been granted under the provisions of this Act, and shall remain in force until revoked in accordance with any terms in that regard set out in the license or permit, as the case may be, or renewed as a license or permit under this Act;

Provided that where the license or permit in force immediately before the commencement of this Act relates to activity now outlawed under this Act shall cease upon the commencement of this Act;

3. the rules and regulations falling within the ambit of the Wildlife (Conservation and Management) Act shall remain in force until replaced under rules and regulations made under this Act; and
4. a person who immediately before the commencement of this Act was an employee of the Service under the repealed Act shall continue to hold or act in that office as if appointed to that position under this Act, and all benefits accruing to employees under the repealed Act shall continue accruing to them under this Act.

Savings

2. Any Regulations made under the laws repealed under section 174 shall continue to be in force in so far as they are consistent with this Act until such time as they are revoked by the Cabinet Secretary.
- 3.

First Schedule: Provisions relating to the conduct of business and affairs of the Board and Trustees

Second Schedule: Provisions relating to the officers of the Service

Third Schedule: Provisions as to public consultation

Fourth Schedule: nationally listed endangered and threatened ecosystems

Fifth Schedule: Nationally listed endangered, threatened and vulnerable species

Sixth Schedule: National list of invasive species

Seventh Schedule: Wildlife species for which game farming may be allowed

Eighth Schedule: Wildlife species for which compensation may be paid

Ninth Schedule: National parks, national reserves and sanctuaries

Tenth Schedule: Licensing

Eleventh Schedule: Management Plans

Twelfth Schedule: Benefit Sharing

Thirteenth Schedule: Migratory corridors

Fourteenth Schedule: Penalties



FIRST SCHEDULE

PROVISIONS RELATING TO THE CONDUCT TO BUSINESS AND AFFAIRS OF THE BOARD OR TRUSTEES AND THE BOARD OF THE AUTHORITY

Tenure of office and conduct of business of the Board

1. (1) The chairperson of the Board shall hold office for a term of three years and shall be eligible for re-appointment for one further term of three years.
- (2) Other than *ex-officio* members, a member of the Board shall, subject to the provisions of this section, hold office for a period not exceeding three years on such terms and conditions as may be specified in the instrument of appointment, and shall eligible for re-appointment for one further term of three years.
- (3) The members of the Board shall be appointed at different times so that the respective expiry dates of their terms of office fall at different times.
- (4) A member other than the chairman an *ex-officio* member may –
 - (a) at any time resign from office by notice in writing to the Cabinet Secretary;
 - (b) be removed from office by the Cabinet Secretary if the member –
 - (i) Has been absent from three consecutive meetings of the Board without the permission of the chairman; or
 - (i) is adjudged bankrupt or enters in to a composition scheme or arrangement with his creditors; or
 - (iii) Is convicted of an offence involving fraud or dishonesty; or
 - (iv) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding ten thousand shillings; or
 - (v) Is incapacitated by prolonged physical or mental illness; or

- (vi) Is found to have acted in a manner prejudicial to the aims and objectives of this Act; or
- (vii) Fails to comply with the provisions of this Act relating to disclosure; or
- (viii) Is otherwise unable or unfit to discharge his functions as a member of the Board.

Meetings of the Board

2. (1) The Board shall meet not less than four times in every financial year, and not more than four months shall elapse between the date of one meeting and the date of the next meeting:

Provided that the chairperson may call a special meeting of the Board at any time where he deems it expedient for the transaction of the business of the Board.

- (2) Other than a special meeting, or unless three quarters of members agree, at least fourteen days' written notice of every meeting of the Board shall be given to every member of the Board by the secretary.

The quorum for the conduct of business of the Board shall be half of the members' and unless a unanimous decision is reached, decisions shall be by a majority vote of the members present, and in the case of an equality of votes, the chairman or the person presiding shall have a casting vote.

The chairperson shall preside over all meetings of the Board in which he is present, but in his absence the vice-chairman shall preside, and in his absence the members present shall elect one of their number who shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairperson.

At the first meeting of the Board, the members shall elect a vice-chairperson, not being a public servant, from among its members.

Disclosure of Interests

3. (1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before the Board and is present at the meeting of the Board at which the contract, proposed contract or matter is the subject of consideration, he shall, at the meeting and as soon as practicable after the commencement thereof, disclose that fact and shall be excluded at the meeting at which the contract, proposed contract or matter is being considered.

- (2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made.

Board may regulate procedure

4. Save as provided in this Schedule, the Board may regulate its own procedure.

DRAFT

SECOND SCHEDULE

PART 1

PROVISIONS RELATING TO THE OFFICERS OF THE SERVICE

Officers of the Service

1. (1) The officers of the Service shall hold the ranks specified in subparagraph (2).

(2) The ranks of the officers of the Service referred to in subparagraph (1) in order of seniority shall be as follows:

(a) *Uniformed and Disciplined Officers Cadre*

(i) Gazetted Officers

Director

Senior Deputy Director

Deputy Director

Senior Assistant Director

Assistant Director

Senior Warden

(ii) Senior Officers

Warden I

Warden II

(iii) Junior Officers

Assistant Warden I

Assistant Warden II
Assistant Warden III
Cadet

(iv) Rangers

Sergeant Major
Senior Sergeant
Sergeant
Corporal
Ranger

(v) Trainees

Management Trainee
Ranger Recruit

(b)



Scientific Cadre

Chief Scientist
Senior Principal Scientist
Principal Scientist
Senior Scientist
Scientist I
Scientist II
Scientist III
Research Assistant I
Research Assistant II
Research Assistant III

(c) Other officers appointed by the Trustees on specified schemes

- (2) The officers of the Service shall, in the performance of the duties conferred upon them under this Act and any other written law, conform to any lawful instructions, directions or orders which may be given by the Director.
- (3) The Director may, with the consent of the Trustees, from time to time make and issue administrative orders to be called Service Standing Orders for the general control, direction and information of the officers of the Service.

Disciplinary Code and Regulations

2. (1) The Director shall, with the approval of the Trustees, issue a Disciplinary Code for Officers of the Service, which shall apply to the uniformed and disciplined officers of the Service and which may provide for the following matters: -
- (a) the investigation of disciplinary offences and the hearing and determination of disciplinary proceedings;
- (b) disciplinary penalties and awards; and

(c) Any other related matters as pertains to the Act.

(2) The following disciplinary penalties, or any combination thereof, may be included in the Disciplinary Code for infringement of the Code issued under subparagraph (1): -

- (a) dismissal from the Service;
- (b) reduction in rank;
- (c) confinement for not more than fourteen days in a guard room or restriction to the confines of any camp or other area where a part of the Service is stationed;
- (d) fines;
- (e) Surcharge;
- (f) where the offence has occasioned any expense, loss or damage, stoppages of pay or allowances;
- (g) extra drills, parades or fatigues;
- (h) severe reprimand;
- (i) reprimand; and
- (j) Admonition.

(3) A Disciplinary Code issued under this paragraph may provide that a disciplined officer of the Service committing a disciplinary offence may be arrested without a warrant by or on the order of an officer senior to him or placed in command over him, who may, if circumstances so warrant, confine that officer or cause that officer to be confined in a building suitable for the purpose, pending the determination of disciplinary proceedings:

Provided that no person shall be confined for more than five days without a warrant being issued for his arrest.

Insubordinate behavior

3. (1) A uniformed and disciplined officer of the Service who-

- (a) strikes, or otherwise uses violence on, or threatens violence to or incites any other

person to use violence on, an officer senior to or placed in command over him or that other person; or

- (b) Uses threatening or insubordinate language to an officer to or placed in command over him, shall be guilty of an offence and liable to imprisonment for a term not exceeding one year.

- (2) The Director or an officer of or above the rank of Assistant Director, to whom power so to do has been delegated by the Director may direct that an offence committed under this paragraph be dealt with under the Code.

Desertion and Absenteeism

- 4. (1) A uniformed and disciplined officer of the Service who absents himself from duty without leave or just cause for a period of or exceeding twenty-one days shall, unless he proves the contrary, be deemed to have deserted from the Service.

- (2) A uniformed and disciplined officer who deserts the Service shall forfeit any pay or allowance due to him, and subject to the provisions of the Retirement Benefits Act be paid such pension, provident fund or any other scheme operated by the Service, less liabilities due to the Service and in addition, such member shall be liable to disciplinary action.

- ◀ (3) No pay or allowance shall be paid to a uniformed and disciplined officer in respect of any day during which he is absent from duty without leave, unless the Director otherwise directs.

- (4) Any uniformed and disciplined officer who deserts from the Service for a cumulative and successive period of or exceeding twenty-one days shall be guilty of an offence and liable to disciplinary action.

- (5) Any uniformed and disciplined officer who, upon being dismissed from the Service, or who deserts from the Service for a period of twenty-one days and does not surrender

the property of the Service or the Government within a period of or not exceeding seven days from the date of dismissal or desertion, shall be guilty of an offence and liable to imprisonment for one year or a fine not exceeding fifty thousand shillings or both such fine and imprisonment.

Prohibition from joining trade unions

5. (1) No officer of the Service shall be or become a member of-
- (a) a trade union or anybody or associate affiliated to a trade union;
 - (b) a body or association the objects or one of the objects of which is to control or influence conditions of employment in a trade or profession; or
 - (c) a body or association the objects, or one of the objects of which, is to control or influence pay, pension or conditions the Service other than a staff association established and regulated by rules or regulations made under this Act.
- (2) An officer of the of the Service who contravenes sub-paragraph (1) shall be liable to be dismissed from the Service and subject to the provisions of the Retirement Benefits Act be paid such pension, gratuity, provident fund or any other scheme operated by the Service, less liabilities due to the Service.
- (3) If a question arises as to whether a body is a trade union or an association to which this paragraph applies, such question shall be referred to the Cabinet Secretary whose decision thereon shall be final.

Definition

6. In this Part, “uniformed and disciplined officer” means an officer specified in subparagraph (2) (b) of paragraph 1.

PART II

OATH OF ALLEGIANCE

“I,..... do hereby Swear by Almighty God (or do hereby solemnly and sincerely affirm) that I will give faithful and loyal service during my service in Kenya Wildlife Service and that I will bear true allegiance to the President and the Republic of Kenya: that I will subject myself to all Acts, Orders and Regulations now or in the future in force relating to my service in Kenya Wildlife Service; that I will obey all lawful orders of the officers placed over me; and that I will discharge all the duties of a Kenya Wildlife Service officer according to law, without fear, favor, affection or ill-will (so help me God”)

.....

Signature of Declarant

Personal Number.....

Sworn/affirmed before me.....

On the



THIRD SCHEDULE

PROVISIONS AS TO PUBLIC CONSULTATION

Requirement for public consultation

1. (1) Where this Act imposes a requirement for public consultation, the responsible authority shall publish a notice in relation to the proposal –
 - (a) in the Gazette;
 - (b) in at least two national newspapers;
 - (c) in at least one newspaper circulating in the locality to which the proposal relates; and
 - (d) In at least one Kenyan radio station broadcasting in the locality.
- (2) The notice shall in each case –
 - (a) set out a summary of the proposal;
 - (b) state the premises at which the details of the proposal may be inspected;
 - (c) invite written comments on or objections to the proposal;
 - (d) specify the person or body to which any such comments are to be submitted; and
 - (e) Specify a date by which any such comments or objections are required to be received, not being a date earlier than 60 days after publication of the notice.
2. The responsible authority shall make arrangements for the public to obtain copies, at reasonable cost, of documents relating to the proposal which are in the possession of the responsible authority.
3. The responsible authority shall consider –
 - (a) any written comments or objections received on or before the date specified under paragraph 1(2) (e); and
 - (b) Any comments whether in writing or not, received at any public meeting held in relation to the proposal at which the responsible authority was represented, or

pursuant to any other invitation, to comment.

4. The responsible authority shall publish, through the same media as were employed pursuant to paragraph 1, notice of the fact a copy of the decision in writing of the responsible authority in relation to the proposal, and of the reasons thereof, is available for public inspection at the same premises as were notified under paragraph 1(2) (b).
5. Where rules made under this Act so require, the responsible authority shall cause a public meeting to be held in relation to a proposal before the responsible authority makes its decision on the proposal.

DRAFT

FOURTH SCHEDULE

PROTECTED WATER TOWERS OF NATIONAL IMPORTANCE

- 1 Mt. Kenya Ecosystem
1. Aberdares Ecosystem
2. Mt. Elgon Ecosystem
3. Mau Forest Complex
4. Cherangani Forests
5. Shimba Hills Ecosystem
6. Chyulu Hills
7. Taita Hills
8. Marsabit Forest
9. Kibwezi Forest
10. Ngong Forest
11. Karura Forest
12. Mathews Range
13. Mua Hills
14. Loita Hills
15. Kakamega Forest National Reserve
16. Bonjoge Forest
17. Ol Donyo Sabuk National Park
19. Ndundori Hills



FOURTH SCHEDULE

NATIONALLY LISTED ENDANGERED AND THREATENED ECOSYSTEMS

a) *Critically Endangered Ecosystem*

Name	Location	Major Threat	Status	Interventions
Mara	Mara National Reserve, Conservancy, Siana, Olare Orok Lemek, Ol Pieyei, Loita hills, plains and forest, Suswa, Nguruman, Maji Moto, Ol Choro Orua,	Reducing habitats due to land subdivision, developments, impact of Tourism	National Reserve	Trans boundary Management
Amboseli	Ol Lolorashi Ranch, Mbirikani Ranch, Kuku A and B Group Ranches, Selengei Group Ranch, Ol Gulului Trust Land,	Overgrazing, Unplanned and uncoordinated tourism developments desertification, land subdivision	Man and biosphere reserves; Protected as National Park	Integrated Management Planning

		Kimana				
	Group	Ranch,				
	Rombo	Group				
	Ranch,	West				
	Chyulu	National				
	Park,					
	Mashuru					
Nairobi	Nairobi	national	Blockage	of	Nairobi	Strategic zoning
	park,	Athi-	migration route;		National park	through
	Kitengela	&	Land subdivision;		is protected the	Development of
	Kaputei	Plains,	urban sprawl		rest is	Spatial
	Machakos	ranches			Private land	frameworks/Ma
						ster Plans

b) *Endangered Ecosystem*

Name	Location	Major Threat	Status	Interventions
Lake Nakuru	Lake Nakuru. N.P and its catchment, Mau Forest Complex, Soysambu Ranch, Marula Ranch	Pollution, Siltation, invasive species, fluctuating water levels, Catchments degradation	Protected as National Park Ramsar site;	Concerted stakeholder efforts in the Mau forest catchments
Lake Elementaita	Lake Elementaita and its catchment and its basin, Soysambu Ranch, Marula ranch,	Declining water levels due to catchments degradation, Encroachment, Water	Ramsar site	Ramsar site; Concerted stakeholder efforts

Eburru Forest			diversion, Pollution, mining			
Lake Turkana Ecosystem	Sibilo National Park, Kerio valley, Lake Turkana, Mt. Kulal, Loima hills, Mt. Nyiro, Central and Southern Islands N.P		Encroachment, water abstraction, desertification	World Heritage sites; National Park	Protected as a National Park; World Heritage sites	
Tana Delta	Nairobi Ranch, Kipini, Witu forest, Primate Lango la Ranch, Sheikh Salim Ranch		Uncontrolled resource Harvesting; Encroachment	Trust Land Mangrove Forest Reserve	Stake holder collaboration; Joint management	

c) *Vulnerable Ecosystems*

Name	Location	Major Threat	Status	Interventions
Mau Ecosystem	Chemorogorok, Eastern Mau, Eburru, Kilombe hills, Lembus, Londiani, Maasai Mau, Maji Mazuri, Mau Narok, Metkei, Molo east, Mt. Londiani, Nabkoi, Northern	Illegal logging Encroachment, human settlement, fires, charcoal burning, illegal grazing,	Forest reserve	Integrated Management Planning

Tinderet, Ol
 Pusimoru,
 Southern Mau,
 South West Mau,
 Timboroa,
 Tinderet,
 Transmara,
 Western Mau,
 Western Molo

d) *Areas of Environmental Significance*

Name	Location	Major Threat	status	Interventions
Baringo Ecosystem	Ruko, Kamnarok, Iten, Rimoi, Tugen hills, Lake Bogoria, Lake Baringo	Encroachment, Over exploitation, Siltation , invasive species, Eutrophication, Declining water levels	Part is National Reserve	Ramsar site; Protected as National Reserve
Boni-Dodori Kiunga Ecosystem	Kiunga Marine Reserve, Boni and Dodori forest reserves, mangrove forests	Overexploitation of mangrove resources	Man and biosphere reserves	Man and biosphere reserves
Malindi-Watamu Ecosystem	Arabuko-Sokoke, Mida Creek , Gede Forest,	Overexploitation of mangrove resources, logging, bushmeat	National Park/Reserves	Man and biosphere reserves; Protected as National Park/Reserves
Mt. Elgon	Mt. Elgon Park,	Encroachment	National Park	Man and

Ecosystem	Chepkitale, Saiwa Swamp, West Pokot, Nasolot, South Turkana, Cherenganyi forest,	Illegal logging, invasive species		biosphere reserves; Protected as National Park
Mt. Kenya Ecosystem	Mt. Kenya Park and Reserve, Laikipia Plateau, Ngaya forest, Imenti forest, Meru Park, Mwea N.R, Nyambene, Northern Grazing area, Samburu Conservacies, Ewaso Nyiro River Basin, Lewa Wildlife Conservancy	Encroachment, Illegal logging, Uncontrolled water, abstraction Overgrazing	National Park and ; Forest Reserve	Man and biosphere reserves; Protected as National Park and ; Forest Reserve
Marsabit Ecosystem	Losai, Marsabit Park and Reserve	Encroachment Illegal logging	Man and biosphere reserves	Man and biosphere reserves
Lake Naivasha Ecosystem	Aberdare range, Hells Gate National Park, Marula Ranch, Longonot, Kedong Ranch, Suswa, Nairek Engare	Pollution, clearance of riparian vegetation, invasive species, catchments degradation, Irrigation,	Non Protected	Ramsar site Concerted Stakeholders efforts
Aberdare	Aberdare Park and	Encroachment, fires,	National Park	Protected as a

Ecosystem Ranges	Reserve, plains, forest, forest, forest, ranch, Lake Ol Bolossat,	Nyeri Nyeri Kabiruini Thego Sangare ranch,	overabstraction of water, charcoal burning, cultivation, quarrying,	National Park
Tsavo Ecosystem	Tsavo East and West N.P, Chyulu N.P, Taita hills, Ngai Ndeithya, Taita Ranches, Galana Ranch, Kulalu Ranch, South Kitui, Ithumba, Rombo, Kuku, Taveta, Jipe			
Shimba Hills Ecosystem	Shimba Hills N.P, Kuranze, Kilibasi, Mwaluganje, Kaya Mbombo, Mckinnon road,			

FIFTH SCHEDULE

NATIONALLY LISTED CRITICALLY ENDANGERED, ENDANGERED, VULNERABLE, NEAR THREATENED AND PROTECTED SPECIES

A) MAMMALS

Category and species name	Common name
Critically Endangered	
<i>Cephalophus adersi</i>	Aders' duiker
<i>Diceros bicornis</i>	Black rhinoceros
<i>Beatragus hunter</i>	Hirola
<i>Procolobus rufomitratus</i>	Eastern red colobus
<i>Cercocebus galeritus</i>	Tana crested mangabey
<i>Hippotragus equines</i>	Roan antelope
<i>Hippotragus niger</i>	Sable antelope
Endangered	
<i>Ceratotherium simum simum</i>	White rhino
<i>Balaenoptera borealis</i>	Coalfish whale
<i>Balaenoptera musculus</i>	Blue whale
<i>Equus grevyi</i>	Grevy's zebra
<i>Lycaon pictus</i>	African wild dog
<i>Grammomys gigas</i>	Giant thicket rat
<i>Otomys barbouri</i>	Barbour's vlei rat
<i>Otomys jacksoni</i>	Mount elgon vlei rat
<i>Rhynchocyon chrysopygus</i>	Golden-rumped elephant shrew
<i>Tragelaphus eurycerus isaaci</i>	Eastern bongo
<i>Loxodonta Africana</i>	African elephant
<i>Panthera leo</i>	African lion
<i>Acinonyx jubatus</i>	Cheetah
<i>Hyaena</i>	Striped hyaena

<i>Tragelaphus spekii</i>	Sitatunga
<i>Panthera pardus</i>	Leopard
<i>Alcelaphus buselaphus</i>	Lelwel hartebeest
<i>Giraffa camelopardalis rothschildi</i>	Rothschild's giraffe
	Giant forest hog
Vulnerable	
<i>Cloeotis percivali</i>	Percival's trident bat
<i>Hippopotamus amphibious</i>	Common hippopotamus
<i>Myonycteris relicta</i>	East african little collared fruit bat
<i>Megaptera novaeangliae</i>	Hump whale
<i>Dugong</i>	Dugong
<i>Physeter macrocephalus</i>	Sperm whale
<i>Bdeogale jacksoni</i>	Jackson's mongoose
<i>Rhynchocyon petersi</i>	Black and rufous elephant shrew
<i>Pelomys hopkinsi</i>	Hopkins's groove-toothed swamp rat
<i>Taphozous hildegardeae</i>	Hildegard's tomb bat
<i>Gazella soemmerringii</i>	Soemmerring's gazelle
<i>Profelis aurata</i>	African golden cat
<i>Rhinopoma macinnesi</i>	Macinnes's mouse-tailed bat
<i>Surdisorex norae</i>	Aberdare shrew
<i>Surdisorex polulus</i>	Mt. Kenya shrew
<i>Tachyoryctes audax</i>	Audacious mole rat
<i>Mastomys pernanus</i>	Dwarf multimammate mouse
<i>Myonycteris relicta</i>	East african little collared fruit bat
<i>Dendrohyrax validus</i>	Eastern tree hyrax
<i>Crocidura elgonius</i>	Elgon shrew
<i>Crocidura fischeri</i>	Fischer's shrew
<i>Taphozous hamiltoni.</i>	Hamilton's tomb bat
<i>Crocidura allex</i>	Highland shrew
<i>Taphozous hildegardeae</i>	Hildegard's tomb bat

<i>Tadarida lobata</i>	Kenyan big-eared free-tailed bat
<i>Otomops martiensseni</i>	Large-eared free-tailed bat
<i>Otomops martiensseni</i>	Large-eared free-tailed bat
<i>Beamys hindei</i>	Lesser hamster-rat
<i>Paraxerus palliatus</i>	Red bush squirrel
<i>Crocidura monax</i>	Rombo shrew
<i>Crocidura fumosa</i>	Smoky white-toothed shrew
<i>Physeter catodon</i>	Sperm whale
<i>Lutra maculicollis</i>	Spotted-necked otter
<i>Pedetes capensis</i>	Springhare
<i>Crocidura xantippe</i>	Vermiculate shrew
<i>Crocuta</i>	Spotted hyaena
<i>Tragelaphus imberbis</i>	Lesser kudu
<i>Tragelaphus strepsiceros</i>	Greater kudu

B) BIRDS

Category and Species Name	Common Name
Critically Endangered	
<i>Apalis fuscigularis</i>	Taita Apalis
<i>Turdus helleri</i>	Taita Thrush
Endangered	
<i>Ardeola idea</i>	Madagascar Pond-heron
<i>Falco cherrug</i>	Saker Falcon
<i>Neophron percnopterus</i>	Egyptian Vulture
<i>Otus ireneae</i>	Sokoke Scops-owl
<i>Cisticola aberdare</i>	Aberdare Cisticola
<i>Acrocephalus griseldis</i>	Basra Reed-warbler
<i>Eremomela turneri</i>	Turner's Eremomela
<i>Zoothera guttata</i>	Spotted Ground-thrush
<i>Anthreptes pallidigaster</i>	Amani Sunbird

<i>Ploceus golandi</i>	Clarke's Weaver
<i>Macronyx sharpie</i>	Sharpe's Longclaw
<i>Anthus sokokensis</i>	Sokoke Pipit
Vulnerable	
<i>Falco naumanni</i>	Lesser Kestrel
<i>Trigonoceps occipitalis</i>	White-headed Vulture
<i>Torgos tracheliotos</i>	Lappet-faced Vulture
<i>Aquila clanga</i>	Greater Spotted Eagle
<i>Aquila heliaca</i>	Eastern Imperial Eagle
<i>Glareola ocularis</i>	Madagascar Pratincole
<i>Hirundo atrocaerulea</i>	Blue Swallow
<i>Apalis chariessa</i>	White-winged Apalis
<i>Apalis karamojae</i>	Karamoja Apalis
<i>Chloropeta gracilirostris</i>	Papyrus Yellow Warbler
<i>Turdoides hindei</i>	Hinde's Pied-babbler
<i>Cinnyricinclus femoralis</i>	Abbott's Starling
<i>Muscicapa lendu</i>	Chapin's Flycatcher
Near Threatened	
<i>Fringilla monticola</i>	Ring-necked Francolin
<i>Oxyura maccoa</i>	Maccoa Duck
<i>Phoeniconaias minor</i>	Lesser Flamingo
<i>Falco vespertinus</i>	Red-footed Falcon
<i>Falco concolor</i>	Sooty Falcon
<i>Falco fasciinucha</i>	Taita Falcon
<i>Gyps africanus</i>	White-backed Vulture
<i>Gyps rueppellii</i>	Rueppell's Vulture
<i>Circaetus fasciolatus</i>	Southern Banded Snake-eagle
<i>Circus macrourus</i>	Pallid Harrier
<i>Neotis denhami</i>	Denham's Bustard
<i>Crex</i>	Corncrake

<i>Balearica pavonina</i>	Black Crowned-crane
<i>Charadrius pallidus</i>	Chestnut-banded Plover
<i>Gallinago media</i>	Great Snipe
<i>Limosa</i>	Black-tailed Godwit
<i>Numenius arquata</i>	Eurasian Curlew
<i>Larus leucophthalmus</i>	White-eyed Gull
<i>Rynchops flavirostris</i>	African Skimmer
<i>Streptopelia reichenowi</i>	White-winged Collared-dove
<i>Psittacus erithacus</i>	Grey Parrot
<i>Tauraco fischeri</i>	Fischer's Turaco
<i>Coracias garrulous</i>	European Roller
<i>Prionops poliophus</i>	Grey-crested Helmet-shrike
<i>Laniarius mufumbiri</i>	Papyrus Gonolek
<i>Sheppardia gunning</i>	East Coast Akalat
<i>Ficedula semitorquata</i>	Semi-collared Flycatcher
<i>Anthreptes reichenowi</i>	Plain-backed Sunbird
<i>Euplectes jacksoni</i>	Jackson's Widowbird
<i>Anthus melindae</i>	Malindi Pipit
Protected species	
<i>Struthio camelus</i>	Ostrich
<i>Sagittarius serpentarius</i>	Secretary Bird
<i>Francolinus streptophorus</i>	Ring-necked Francolin
<i>Podiceps cristatus</i>	Great Crested Grebe
<i>Ephippiorhynchus senegalensis</i>	Saddle-billed Stork
<i>Bostrychia olivacea</i>	Olive Ibis
<i>Ardea alba</i>	Great White Egret
<i>Anhinga rufa</i>	African Darter
<i>Haliaeetus vocifer</i>	African Fish Eagle
<i>Trigonoceps occipitalis</i>	White-headed Vulture
<i>Aquila ayresii</i>	Ayres's Hawk-Eagle

<i>Polemaetus bellicosus</i>	Martial Eagle
<i>Stephanoaetus coronatus</i>	Crowned Eagle
<i>Neotis denhami</i>	Denham's Bustard
<i>Sarothrura affinis</i>	Striped Flufftail
<i>Porzana pusilla</i>	Baillon's Crake
<i>Podica senegalensis</i>	African Finfoot
<i>Balearica regulorum</i>	Grey Crowned Crane
<i>Turnix hottentotus</i>	Black-rumped Buttonquail
<i>Bubo capensis</i>	Cape Eagle-Owl
<i>Glaucidium tephronotum</i>	Red-chested Owlet
<i>Apus niansae</i>	Nyanza Swift
<i>Alcedo quadribrachys</i>	Shining-blue Kingfisher
<i>Phoeniculus castaneiceps</i>	Forest Wood-hoopoe
<i>Phoeniculus damarensis</i>	Violet Wood-hoopoe
<i>Lanius dorsalis</i>	Taita Fiscal
<i>Ptilostomus afer</i>	Piapiac
<i>Galerida theklae</i>	Thekla Lark
<i>Hyliota australis</i>	Southern Hyliota
<i>Illadopsis rufipennis</i>	Pale-breasted Illadopsis
<i>Buphagus erythrorhynchus</i>	Red-billed Oxpecker
<i>Buphagus africanus</i>	Yellow-billed Oxpecker
<i>Cinnyris tsavoensis</i>	Tsavo Sunbird
<i>Passer rufocinctus</i>	Kenya Rufous Sparrow
<i>Ploceus castaneiceps</i>	Taveta Golden Weaver
<i>Crithagra koliensis</i>	Papyrus Canary
<i>Erythrocercus holochlorus</i>	Yellow flycatcher

C) Reptiles

Category and Species Name	Common Name
Critically Endangered	

<i>Eretmochelys imbricate</i>	Hawksbill turtle
<i>Petropedetes dutoiti</i>	Du Toit's Torrent Frog
Endangered	
<i>Chelonia mydas</i>	Green turtle
<i>Lepidochelys olivacea</i>	Olive ridley
<i>Python sebae</i>	Rock python
<i>Afrixalus sylvaticus</i>	Shimba Hills banana frog
<i>Hyperolius rubrovermiculatus</i>	Shimba Hills reed frog
<i>Afrixalus sylvaticus</i>	Forest frog
<i>Hyperolius rubrovermiculatus</i>	Treefrog
<i>Phrynobatrachus irangi</i>	Mount Kenya Frog
Threatened	
<i>Malacochersus tornieri</i>	Crevice tortoise
<i>Pelusios broadleyi</i>	Turkana mud turtle
<i>Bufo kerinyagae</i>	Montane toad
Vulnerable	
<i>Hyperolius cystocandicans</i>	Montane Tree Frog
<i>Atheris desaixi</i>	Mt. Kenya bush viper
Protected species	
<i>Lepidochelys kempii</i>	Kemp's ridley
<i>Chelonia agassizi</i>	Black turtle
<i>Caretta</i>	Loggerhead
<i>Dermochelys coriacea</i>	Leatherback
<i>Pelusios castanoides</i>	Yellow-bellied hinged terrapin
<i>Hemidactylus modestus</i>	tropical geckos
<i>Hemidactylus platycephalus</i>	Baobab gecko
<i>Lygosoma tanae</i>	Writhing skink
<i>Gastropholis prasina</i>	Keel-bellied lizard

<i>Cordylus tropidosternum</i>	Girdled-lizard
<i>Leptotyphlops boulengeri</i>	Worm snakes
<i>Aparallactus turneri</i>	Günther's centipede-eater
<i>Dasypeltis medici</i>	East African egg eating snakes
<i>Naja ashei</i>	Large brown spitting cobra
<i>Naja nigricollis</i>	Black necked spotters
<i>Varanus albigularis</i>	Savannah monitor lizard
<i>Philothamnus punctatus</i>	Speckled bush snake
<i>Bitis arietans</i>	Puff adder
<i>Dendroaspis angusticeps</i>	Green mamba
<i>Bufo nairobiensis</i>	Nairobi toad
<i>Leptopelis argenteus</i>	Silvery tree frog
<i>Bufo taitanus</i>	Taita toad
<i>Leptopelis flavomaculatus</i>	Yellow-spotted tree frog
<i>Bufo turkanae</i>	Turkana Toad
<i>Africalus delicatus</i>	Delicate Spiny Reed Frog
<i>Hyperolius marmoratus</i>	Painted Reed Frog
<i>Hyperolius nasutus</i>	Long Reed Frog
<i>Hyperolius puncticulatus</i>	Spotted Reed Frog
<i>Hyperolius pusillus</i>	Water Lily Reed Frog
<i>Eryx colubrinus</i>	Kenya sand boar
<i>Chamaeleo bitaeniatus</i>	Side-striped chameleon
<i>Chamaeleo dilepis</i>	Flap-neck Chameleon
<i>Chamaeleo ellioti</i>	Elliot's Chameleon
<i>Chamaeleo Hohnelii</i>	High Casqued Chameleon
<i>Chamaeleo jacksoni</i>	Jackson's Chameleon (Three-horned Chameleon)
<i>Chamaeleo schubotzi</i>	Mount Kenya Chameleon
<i>Bitis gabonica</i>	Gaboon Viper
	Black and Red Skink

D) Fish

Category and species name	Common name
Critically Endangered	
<i>Oreochromis esculentus</i>	Singidia tilapia
<i>Oreochromis hunter</i>	Lake chala tilapia
<i>Oreochromis jipe</i>	Jipe tilapia
<i>Oreochromis variabilis</i>	Victoria tilapia
<i>Ptyochromis sp. nov.</i>	Rainbow sheller
<i>Xenoclarias eupogon</i>	Lake victoria deepwater catfish
<i>Platycephalus amboniensis</i>	Montane dancing-jewel
Endangered	
<i>Alcolapia alcalicus</i>	Magadi tilapia
<i>Cheilinus undulates</i>	Giant wrasse
<i>Marcusenius victoriae</i>	Victoria stonebasher
<i>Xystichromis nuchisquamulatus</i>	Kyoga flameback
Vulnerable	
<i>Carcharias Taurus</i>	Grey nurse shark
<i>Thunnus obesus</i>	Bigeye tuna
<i>Rhincodon typus</i>	Whale shark
<i>Urogymnus asperrimus</i>	Porcupine ray
<i>Carcharhinus longimanus</i>	Oceanic whitetip shark
<i>Carcharodon carcharias</i>	Great white shark
<i>Rhina ancylostoma</i>	Bowmouth guitarfish
<i>Taeniura meyeni</i>	Black-blotched stingray
<i>Rhynchobatus djiddensis</i>	Giant guitarfish
<i>Pseudoginglymostoma brevicaudatum</i>	Shorttail nurse shark
<i>Epinephelus lanceolatus</i>	Brindle bass
<i>Nothobranchius patrizii</i>	Blue notho

<i>Nothobranchius bojiensis</i>	Boji plains nothobranch
<i>Nothobranchius elongates</i>	Elongate nothobranch
<i>Labeo percivali</i>	Ewaso nyiro labeo

E) TREES

Category and species name	Common name
Endangered	
<i>Encephalartos kisambo</i>	Voi cycad
<i>Osyris lanceolata</i>	East african sandalwood
Vulnerable	
<i>Prunus Africana</i>	Red stinkwood
<i>Vitex keniensis</i>	Meru oak
<i>Ocotea kenyensis</i>	Camphor
<i>Polyscias kikuyuensis</i>	Parasol tree
<i>Aloe ballyi</i>	Rat aloe
<i>Populus ilicifolia</i>	Tana river poplar

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SIXTH SCHEDULE

NATIONAL LIST OF INVASIVE SPECIES

A. Mammals

Species name	Common name
<i>Myocastor coypus</i>	Coypu rat

B. Birds

Species name	Common name
<i>Colius striatus</i>	Speckled Mousebird
<i>Phasianus colchicus</i>	Ring-necked pheasant
<i>Cygnus olor</i>	Mute Swan
<i>Fringilla coelebs</i>	Chaffinch
<i>Carpodacus mexicanus</i>	House Finch
<i>Acridotheres tristis</i>	Common Indian Myna
<i>Psittacula krameri</i>	Rose-ringed (Ring-necked) Parakeet
<i>Sturnus vulgaris</i>	Common (European) Starling
<i>Columba livia</i>	Rock Dove (Feral pigeon)
<i>Ptilinopus pulchellus</i>	Beautiful fruit dove
<i>Ptilinopus leclancheri</i>	Black-chinned fruit dove
<i>Ptilinopus coronulatus</i>	Coroneted fruit dove
<i>Ptilinopus roseicapilla</i>	Mariana fruit dove
<i>Ptilinopus perlatus</i>	Pink-spotted fruit dove
<i>Ptilinopus magnificus</i>	Wompoo fruit dove
<i>Colius striatus</i>	Speckled Mousebird
<i>Corvus splendens</i>	House Crow
<i>Quelea</i>	Red-billed Quelea

C. Reptiles and Amphibians

Species name	Common name
<i>Agama</i>	Red-headed agama lizard
<i>Sphenodon guntheri</i>	Brother's Island tuatara lizard
<i>Aspidoscelis hyperythra beldingi</i>	Orange-throated whiptail lizard
<i>Lampropholis delicata</i> ,	Rainbow kopje skink
<i>Boiga irregularis</i>	Brown tree snake
<i>Crotalus exsul</i>	Red diamond rattlesnake
<i>Geochelone platynota</i>	Burmese star tortoise

D. Plants

Species name	Common name
<i>Prosopis juliflora</i>	Mathenge (Velvet mesquite)
<i>Lantana camara</i>	Tickberry
<i>Pistia stratiotes</i>	Nile Cabbage
<i>Thevetia peruviana</i>	Yellow oleander
<i>Caesalpinia decapeltata</i>	Mauritius thorn
<i>Datura stramonium</i>	Jimsonweed
<i>Tecoma stans</i>	Yellow bells
<i>Argemone mexicana</i>	Mexican poppy
<i>Opuntia exaltata</i>	Long spine cactus
<i>Opuntia ficus- indica</i>	Sweet prickly pear
<i>Opuntia vulgaris</i>	Drooping prickly pear
<i>Eichhornia crassipes</i>	Water hyacinth

E Invertebrates

Acanthaster planci – Crown of thorns starfish

SEVENTH SCHEDULE

WILDLIFE SPECIES FOR WHICH GAME FARMING MAY BE ALLOWED

Animals

Crocodile
Tortoise
Chameleon
Reptiles (other than snakes)
Snails
Frog
Lizards
Butterfly
Snake (for display and venom extraction, export of live for breeding)

Plants

Aloe
Prunus africana
Osyris lanceolata- East African Sandalwood
Mondia whytei - White's Ginger (Mkombera)
Ocimum kilimanscharicum - Camphor Basil

Birds

Ostrich
Pigeon (except those listed in Schedule 5)
Doves (except those listed in schedule 5)
Ducks
Helmeted Guineafowl
Vulturine Guineafowl

Quelea

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EIGHTH SCHEDULE

WILDLIFE SPECIES FOR WHICH COMPENSATION MAY BE PAID

A. Death and Injury

Elephant
Lion
Leopard
Rhino
Hyena
Crocodile
Cheetah
Buffalo
Snakes
Hippo
Shark
Stone Fish
Whale
Sting ray
Wild dog

B. Crop, livestock and property damage

Elephant
Lion
Leopard
Rhino
Hyena
Crocodile
Cheetah

Buffalo

Hippo

Zebra

Eland

Wildebeest

Snakes

Wild dog

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NINTH SCHEDULE

NATIONAL PARKS, NATIONAL RESERVES, COMMUNITY CONSERVATION AREAS AND SANCTUARIES

National Parks (N.P)

<u>Park Name</u>	<u>Area in Sq. Km</u>	<u>Park Name</u>	<u>Area in Sq. Km</u>
1. Tsavo East N. P.	11,747	16. Mt. Elgon N. P	169
2. Tsavo West N. P.	9,065	17. Saiwa Swamp N. P.	2
3. Aberdares N. P.	765.7	18. Ndere Island N.P.	42
4. Mt. Kenya N. P.	715	19. Malka Mari N. P.	876
5. Lake Nakuru N. P.	52	20. Chyulu Hills N. P.	736
6. Amboseli N. P.	392	21. Central Island N. P.	5
7. Nairobi N. P.	117	22. Ruma N. P.	120
8. Meru N. P.	870	23. Arabuko N. P.	6
9. Kora N. P.	1,787		
10. South Island N. P.	39	Marine Parks	
11. Mt. Longonot N. P.	52	24. Mombasa Marine N. P.	26.093
12. Hell's Gate N. P	68	25. Watamu Marine N. P	10
13. Oldonyo Sabuk N. P.	18	26. Mpunguti N. P.	28
14. Marsabit N. P	68	27. Malindi Marine N.P.	6
15. Sibiloi N. P.	1,570		

National Reserves (NR)

<u>Reserve Name</u>	<u>Area in Sq. Km</u>	<u>Park Name</u>	<u>Area in Sq. Km</u>
1. Marsabit N. R.	1,564	19. Boni N. R.	1,339
2. South Turkana N. R.	1,019	20. Dodori N. R.	877
3. Nasalot N. R.	194	21 Tana River Primate N. R	169
4. Losai N. R.	1,806	22. Shimba Hills N. R.	192
5. Shaba N. R.	239	23. Chepkital N. R.	178.2
6. Samburu N. R.	165	24. Nyambene N. R.	640.6
7. Buffalo Springs N. R.	131	25.Mt. Kenya N. R.	2,124
8. Bisinadi N. R.	606	26. Tsavo Road & Railways	212

9. Rahole N. R.	1,270	27. Nga Ndethia	212
10. North Kitui N. R	745	28. Laikipia N. R.	165
11. Lake Bogoria N. R.	107		
12. Kamnarok N. R.	87.7		
13. Kerio Valley N. R.	66	Marine Reserves	
14. Kakamega N. R.	44.7		
15. Masai Mara N. R.	1,510	29. Malindi Marine N. R.	213
16. South Kitui N. R.	1,133	30. Watamu Marine N. R	32
17. Mwea N. R.	68	31. Mombasa Marine N. R.	200
18. Arawale N. R.	533	32. Mpunguti Marine N. R.	11
		33. Kiunga Marine N. R.	250
		34. Diani-Chale Marine N. R.	165

National Sanctuary (NS)

1. Maralal N.S. (Km ²)	5	3. Ondago Swamp (ha)	24.8
2. Lake Simbi (Ha)	41.7	4. Kisumu Impala N. S.	0.34



TENTH SCHEDULE

LICENCING

PART 1 – CONSUMPTIVE WILDLIFE UTILISATION

General

- (1) In considering the license application for consumptive wildlife utilization, the Authority shall have regard to the material considerations which include:
- (a) An integrated land use plan of the area;
 - (b) The need to protect fragile environmental resources, ecosystems and habitats;
 - (c) an environmental impact assessment license issued under the Environmental Management and Coordination Act, No. 8 of 1999; and
 - (d) A recommendation from the Service and the regional wildlife conservation area committee whose area of jurisdiction falls wholly or partially within the region.
- (2) After considering an application made under this section and all matters appearing relevant thereto, the Authority may grant to the applicant the license or variation applied for or may refuse such grant, and may attach to any license so granted such conditions as the Authority may deem expedient.
- (3) Every license shall expire on the 31st December of the year in respect of which it is issued or on the date specified in the license.

Live Sale

- (4) The Cabinet Secretary may, on recommendation of the Authority after consultation with the Service, grant sale of live animals in game farming operations: Provided that such sale of live animals shall be done under the supervision of the Service and in consultation with the respective regional wildlife conservation area committee.

Cropping

(5) Subject to the rules and regulations made under this section, the Cabinet Secretary may, on recommendation of the Authority after consultation with the Service, grant cropping to be undertaken in game farming and ranching operations where applicable: Provided that cropping shall not be done in contravention of the provisions of this Act or be in conflict with the long term goal of wildlife conservation and management.

Culling

(6) The Cabinet Secretary may, on recommendation of the Authority, authorize culling of wildlife in a wildlife conservation area as a management tool: Provided that such culling shall be done by or under the supervision of the Service.

Maintaining records

(7) The Authority shall keep record of wildlife trophies from the cropping and culling operations to mitigate against poaching and illegal trade in wildlife trophies.

Processing trophies

(8) The Authority may, on recommendation of the Service, authorize local processing and sale of wildlife trophies from the cropping activities under the supervision of the Service.

Donating wildlife

(9) The Cabinet Secretary may, on recommendation of the Authority and approval by resolution of the National Assembly, donate wildlife as a gift to another state for non-commercial purposes.

Sport Hunting

(10) Sport hunting is prohibited and any person engaging in sport hunting or any other recreational hunting will be committing an offence and is liable on conviction to a fine or to imprisonment for a term or to both such fine and imprisonment.

Subsistence Hunting

(11) Hunting for the purposes of subsistence or facilitating the trade in wildlife products, particularly the bushmeat trade, is prohibited and any person engaging in such activity will be

committing an offence and is liable on conviction to a fine or to imprisonment for a term or to both such fine and imprisonment.

PART 2 – DEALING IN TROPHIES

- (1) A trophy dealer's license may be issued in respect of certain classes of trophy only, as may be endorsed on the license, and the holder thereof shall not deal in trophies other than those so endorsed.
- (2) A trophy dealer's license shall not be transferable, and no person other than the person to whom it is issued shall make use of such license
- (3) A trophy dealer's license shall be valid for one year from the date at which it is issued, provided that the Authority may forthwith cancel the license of any trophy dealer convicted of an offence under this Act

PART 3 – PRESCRIPTION

- (1) The Cabinet Secretary may, on recommendation of the Authority after consultation with the Service, by notice in the Gazette, prescribe standards, guidelines and rules as are necessary and appropriate to carry out the purposes of this schedule.

ELEVENTH SCHEDULE

MANAGEMENT PLANS

PART 1 – GENERAL

- (1) A management plan is the instrument in which all the ingredients for active management are described, in particular which organizations will undertake what responsibilities and what actions are intended to achieve what ends. However, despite being a primary tool, management plans often go unused because of a failure to see management plans as a dynamic working document requiring annual updates and because of a tendency to be over elaborate.
- (2) The level of planning should be tailored to the capacities of the agencies and Communities involved. Management planning should be a practical tool – One that can be created in simple form and built upon over time, using progress reports.
- (3) A management plan process includes the production of an annual compliance report and a 5 year third-party management report.
- (4) It must also be recognized that excessive non-consumptive use can be detrimental to wildlife conservation and management

PART 2 – PLANNING FRAMEWORK

- (1) The following are information that should be included as a minimum:
 - A legal description of the area covered (whether national, provincial, local or some other designation). A “legal” description may include or officially recognize customary land boundaries and/or natural boundaries (e.g. rivers, river basins, mountain ranges,

etc.);

- a brief statement of the wildlife management goals and objectives;
- the time period for which the plan is valid;
- the species covered by the plan;
- a description of habitat types, amounts, and plant composition (where possible);
- A description of the activities being undertaken;
- A report detailing the participation of neighboring communities in the preparation of the plan;
- A description of the anticipated benefits and beneficiaries

(2) As the complexity of the protected area increases in terms of size, habitats, species, proposed activities, then the following incremental information should be included for non-consumptive utilization:

- the provision of zones and the management objectives for each zone
- the identification of tourist carrying capacities
- the quality targets to be met in terms of price and volume
- the provision of tourist management regulations
- the provisions for the management of habitats and species (particularly important in 'closed' ecosystems
- the management of migratory species
- the identification of key breeding areas
- the management of potential conflict with neighboring communities
- the scale and location of any infrastructural development
- the monitoring to be undertaken and its frequency
- Any relevant historical information

(3) And for consumptive utilization, the following information should be additionally included:

- data on historical wildlife culling, cropping, hunting, where such information is

- available;
- an approved method for determining sustainable off take levels;
- proof of compliance with Schedule 10 and any other legal requirement set out in this Act;

PART 3 – SPECIFIC REQUIREMENTS

Management of national parks

- (1) The Service shall, in consultation with the regional wildlife conservation area committees, manage, control and maintain all national parks and national reserves under its management.
- (2) The Service shall produce a management plan for all national parks and national reserves under its management. These management plans, which will be gazetted by the Cabinet Secretary, will regulate what development is to be allowed. No development can be approved in the absence of a management plan.
- (3) Within a national park; national reserve or sanctuary managed by the Service, the Trustees may, subject to the management plan:-
 - (a) Reserve or set aside any portion of the park as a breeding and critical foraging habitat for wildlife or as nurseries for vegetation;
 - (b) authorize the construction of such roads, bridges, airfields, buildings, sanitary facilities and fences, the provision of such water supplies, and the carrying out of such other works as may be necessary for the purposes of the park;
 - (c) Authorize snorkeling, diving and other marine related recreational activities;
 - (d) Let sites for the erection of hotels or other accommodation for visitors to the park,
 - (e) Set aside camping areas; and
 - (f) Erect accommodation facilities within the parks:

Provided that nothing in any document connected with the letting shall be construed as in any manner abridging the overall control of the park, reserve or sanctuary by the Service, or as preventing the Director from giving directions as to the manner in which the premises concerned shall be managed in the interest of the long term

conservation of wildlife resources.

(4) The Cabinet Secretary may, with the recommendation from the Service, by notice in the Gazette, publish rules to regulate and govern activities to be undertaken in the national parks, reserves and sanctuaries managed by the Service.

(5) Subject to the provisions of this Act, the Director may from time to time, by notice in the Gazette, prescribe the amount of fees payable for entry and activities in the national parks, reserves and sanctuaries managed by the Service.

Management of wildlife conservancies and sanctuaries

- (1) An individual land owner, group of land owners or a community shall, on the advice of the Service and in collaboration with the regional wildlife conservation area committees, manage, control and maintain a wildlife conservancy and/or sanctuary.
- (2) The owners shall undertake the development of a management plan as guided by part 2 of this schedule. By mutual agreement, these management plans may be gazette by the Director of the Service.
- (3) Within a wildlife conservancy or sanctuary, the owners may, with the approval of the Authority and subject to the management plan:-
 - (a) Reserve or set aside any portion of the wildlife conservancy or sanctuary as a breeding place for animals or as nurseries for vegetation;
 - (b) authorize the construction of such roads, bridges, airfields, buildings and fences, the provision of such water supplies, and the carrying out of such other works as may be necessary for the purposes of the wildlife conservancy or sanctuary; or
 - (c) Let sites for the erection of hotels or other accommodation for visitors to the wildlife conservancy or sanctuary
 - (d) Set aside camping areas; or
 - (e) Erect accommodation facilities within the wildlife conservancy or sanctuary,

Provided that nothing in any document connected with the letting shall be construed as in any

manner abridging the overall control of the wildlife conservancy or sanctuary by the land owners, or as preventing the Authority from giving directions as to the manner in which the premises concerned shall be managed in the interest of the long term conservation of wildlife resources.

(4) The individual land owner, group of landowners or a community may, with the approval of the Authority enter into a partnership or management agreement with a suitably qualified agent on mutually agreed terms for the management of the wildlife conservancy or sanctuary.

(5) The Cabinet Secretary may, on recommendation of the Service, by notice in the Gazette, publish rules to regulate and govern activities to be undertaken in wildlife conservancy and sanctuary.

(6) Subject to the provisions of this Act, an individual landowner, group of land owners or a community may, from time to time, prescribe the amount of fees payable for entry and activities in the wildlife conservancy or sanctuary under their management.

Twelfth Schedule

Benefit Sharing

Part 1 - Protected Areas under Service management

Benefit Generation

1. The Service shall charge entry fees for persons and vehicles visiting the protected area in the following manner.

(a) Such fees shall cover a 24hour period.

(b) Such fees shall be charged by Non-resident, Resident and Citizen Categories as well as by vehicle size categories.

- (c) The fee rates shall be set by the Service periodically, in consultation with stakeholders and gazetted by the Cabinet Secretary.
- (d) Such fees will be clearly visible to the public at all protected area entrances.

Benefit allocation

2. The service may use such fees as follows:

2.1 To defray the costs of managing the protected areas under their authority.

2.2 To develop a programmer for assisting Community Projects. This programmer can include supplementation of facilities in regard to

- Education
- Health
- Social Services
- Mitigation of human/wildlife conflict
- Conservation initiatives

2.3 To purchase or pay a fair rent, where corridors are agreed on community or private land, that facilitate the dispersal of wildlife from Service managed protected areas. However, in the case of communities, they should be legally constituted to ensure fair and equitable distribution.

2.4 With the approval of the Cabinet Secretary, to pay a license fee to pastoralist communities, who facilitate the sharing of their grazing lands with wildlife and agree that arable agriculture will not be undertaken.

2.5 With the approval of the Cabinet Secretary, to pay a license fee to farmers who agree to allocate their land to facilitate wildlife grazing and browsing.


Benefit Opportunities

3. Where tourism facilities are provided for under a management plan, adjacent to protected areas, the adjacent communities should be provided the opportunity to participate in the tourism enterprise.
4. Where communities require a professional partnership to undertake such tourism ventures, then the Service should ensure equitable sharing of rents and profits. The Service shall provide guidelines for this purpose.

Payment for Environmental Services

5. Where protected area land under Service management contributes to national environmental services, the Service shall negotiate a charge with the Institutions or Agencies benefitting from the resource. Where neighboring communities contribute to the maintenance of the environmental service, the charge will be shared between the Service and the Community.

6. Such environmental services shall include:


- 
- Water supply
 - Biodiversity quality
 - Carbon trade
 - Geothermal energy
 - Wind energy
 - Solar energy

Part 2 – Areas registered under Article 21.

Private Land

7. Entry fees for persons and vehicles and where appropriate, accommodation fees may be charged. In charging such fees, the duration, and any differentiation between categories of citizenship, residency and vehicle type must be clearly set out and made available to all visitors
8. Where such land is applied to facilitating wildlife corridors, a fair annual rent shall be paid by the Service, who will maintain funds for such purposes.
9. Where such land contributes to national environmental services, the Service shall negotiate with the Institutions or Agencies benefitting from the resource, a charge that will be passed onto the registered management. The categories listed under (6) will apply

Community Land

- 
10. Entry fees for persons and vehicles and where appropriate, accommodation fees may be charged. In charging such fees, the duration, and any differentiation between categories of citizenship, residency and vehicle type must be clearly set out and made available to all visitors. However, in the case of communities, they should be legally constituted to ensure fair and equitable distribution.
 11. Where communities require a professional partnership to undertake tourism ventures, then the Service should ensure that there is equity in the relationship in relation to rents and profit sharing. The Service shall provide guidelines for this purpose.
 12. Where such land is applied to facilitating wildlife corridors, a fair annual rent shall be paid by the Service, who will maintain funds for such purposes.

13. Where such land contributes to national environmental services, the Service shall negotiate with the Institutions or Agencies benefitting from the resource, a charge that will be passed onto the registered management. The categories listed under (6) will apply.

Thirteenth Schedule

Penalties

The following fines and terms of imprisonment shall be applied upon conviction for an offence committed under this Act.

1. *Offences relating to sport hunting (Article 37)*

Fine – not less than two million shillings

Imprisonment – not less than seven years

2. *Offences relating to subsistence hunting (Article 38)*

Fine – not less than two hundred thousand shillings

Imprisonment – not less than two years

3. *Offences relating to Government trophies (article 41)*

Fine – not less than five hundred thousand shillings

Imprisonment – not less than three years

4. *Offences relating to control of invasive species (article 56)*

Fine – not less than one hundred thousand shillings

Imprisonment – not less than six months

5. *Offences relating to trade in endangered species (article 57)*

Fine – not less than five hundred thousand shillings

Imprisonment – not less than twelve months

6. *Offences relating to issuance of permits (article 58)*

Fine – not less than five hundred thousand shillings

Imprisonment – not less than six months

7. *Offences relating to bioprospecting (article 66)*

Fine – not less than five hundred thousand shillings

Imprisonment – not less than six months

8. *Offences relating to management plans (article 83)*

Fine – not less than one hundred thousand shillings

Imprisonment – not less than two years

9. *Offences relating to pollution (article 84)*

Fine – not less than five hundred thousand shillings

Imprisonment – not less than five years

10. *Offences relating to conservation orders and easements (article 85)*

Fine – not less than three hundred thousand shillings

Imprisonment – not less than three years

11. *Offences relating to licenses and permits (article 86)*

Fine – not less than fifty thousand shillings

Imprisonment – not less than six months

12. *Offences relating to endangered and threatened species (article 87)*

Fine – not less than five hundred thousand shillings

Imprisonment – not less than five years

13. *Offences relating to flying of aircraft (article 88)*

Fine – not less than fifty thousand shillings

Imprisonment – not less than six months

14. *Offences relating to general offences (article 89)*

89 (a): Fine – not less than ten thousand shillings; imprisonment, one month.

89 (c), (f), and (k) Fine – not less than fifty thousand shillings

Imprisonment – not less than six months

89 (b), (g) and (h): *Fine – not less than one hundred thousand; imprisonment, one year*

89 (e), (i) and (j): *Fine – not less than two hundred thousand; imprisonment, two years.*

15. *Offences relating to those with no specific penalty (article 91)*

Fine – not less than one hundred thousand shillings

Imprisonment – not less than two years

