This is a report for the Government of Kenya.

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Message from the Task Force Members*

In this report, we outline the practical modalities of implementing the provisions of both the Constitution of Kenya and the Wildlife Conservation and Management Act (2013) on the sustainable use of natural resources for the benefit of all Kenyans.

We believe that this report enlightens the public about wildlife and that the implementation of the recommendations contained herein will go a long way in contributing to biodiversity conservation and economic development for Kenya.

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* See Annex 8 for a brief profile of each Task Force member.
Structure of the report

This report contains information synthesized by the Task Force on Consumptive Wildlife Utilization, after reviewing literature and consulting with stakeholders. The report is in seven sections.

Section 1 is the Executive Summary which outlines the terms of reference for the Task Force, the main findings and key recommendations; it lists requisite and supporting actions for implementing consumptive wildlife utilization (CWU).

Section 2 outlines the background to CWU. This section presents the terms of the Task Force and approach, Kenya’s wildlife conservation story, a history of consumptive wildlife utilization, Kenyans’ concerns with CWU, and the future of CWU in Kenya.

Section 3 presents the approach and methodology used to address the terms of reference, and the challenges the Task Force faced while executing its mandate.

Section 4 is a detailed report on the terms of reference. It reviews the wildlife policy and legislative framework on CWU; potential and economic benefits of CWU; statutory institutional and regulatory regimes governing CWU; institutional and technical capacities for sustainable wildlife utilization; international conventions and treaties and restrictions on CWU; procedures, guidelines and conditions for licensing; and the short, medium and long-term interventions for sustainable wildlife utilization.

Section 5 outlines other important general findings by the Task Force including the public’s understanding of CWU and how CWU is perceived by different segments and communities in Kenya.

Section 6 provides annexes on the biological and ecological considerations for large mammals; gazette notices, details of the analytical framework the Task Force used to undertake its mandate, thematic areas for discussion, work plan, general presentation to the public, and lastly, a brief professional profile of each member of the Task Force.

References and literature cited are in Section 7.
Acknowledgements

The Task Force on Consumptive Wildlife Utilization is grateful to the Cabinet Secretary for Tourism and Wildlife, Hon. Najib Balala, EGH, and the Principal Secretary for State Department for Wildlife, Dr Margaret Mwakima, CBS, for their support. We acknowledge the contributions and early guidance of Dr John Waithaka, the first Chairperson of the Task Force before he was appointed to chair the Board of Trustees of Kenya Wildlife Service.

The Task Force is particularly grateful for the expert insights on the economic aspects of consumptive wildlife utilization provided by Dr Evans Osano, Dr Frank Vorhies, Lucy Emerton and Dr Mike Norton-Griffiths.

The Task Force appreciates the support provided by the team from the Ministry of Tourism and Wildlife: Ali Kaka, Dr Erastus Kanga, Mulei Muia, Godfrey Bihembo, Christine Nkatha, Irene Thuku, Jane Otieno, Brian Kathuku, Frederick Ayieta and Douglas Namunane.

The Task Force acknowledges the time, opinions and insights provided by all persons and organizations consulted.

We owe particular gratitude to institutions that allowed their employees to engage in an exercise of this scope and scale and thus recognize the African Conservation Centre, Kenya Private Sector Alliance, Kenya Wildlife Conservancies Association, Kenya Wildlife Service, Laikipia Wildlife Forum, Save The Elephants, and The Nature Conservancy.

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1. Executive Summary

Mandate and outcome

The Cabinet Secretary for Tourism and Wildlife established the Task Force on Consumptive Wildlife Utilization on 29 March 2018 to assess and advise on the modalities of implementing the provisions of the Wildlife Conservation and Management Act, 2013 (WCMA 2013) on sustainable, consumptive wildlife utilization (CWU). CWU within the WCMA 2013 includes deliberate mechanisms by which wildlife resources in Kenya can be used to provide benefits to wildlife, the national economy, and individuals and communities living with wildlife.

One important preamble to the Task Force’s terms of reference emphasized that trophy hunting in Kenya remained banned and that there are no intentions of re-opening it. Therefore, its further consideration was not taken up by the Task Force.

The Task Force conducted an extensive literature review on the history of CWU within Kenya, Africa and elsewhere. It organized and carried out group discussions with land owners and officials in 15 locations across the country, and specifically engaged with regional representatives of the Kenya Wildlife Conservancies Association (KWCA); conservation NGOs under the umbrella of the Conservation Alliance of Kenya (CAK); youth representatives; representatives from the Kenya Private Sector Alliance (KEPSA); government agencies; and licensed consumptive wildlife utilization practitioners. The Task Force also reviewed 80 written public submissions. This report is augmented by the contributions of four wildlife economic experts.

Kenya’s primary wildlife conservation goals are to maintain adequate healthy habitats and to increase the value and abundance of wildlife. For the purposes of this report, the term “wildlife” is used according to the WCMA 2013 and includes all species of wild plants and animals.

The last 40 years have seen a consistent, if not alarming, decline in wildlife numbers as well as biodiversity in the country. While there have been few studies to quantify and qualify this decline for many species, or to understand the contribution of biodiversity to the national economy. Ogutu et al.’s (2016) report shows that the numbers of mammals with an average body weight greater than 3 kg have declined by 68%. More recent data suggest that this trend is continuing and that population growth, habitat loss, bushmeat poaching for subsistence and commercial purposes, inadequate institutional and technical capacities, institutionalized governance challenges, insufficient regulations to devolve user rights to landowners with wildlife, the absence of benefits and incentives for landowners to maintain wildlife, and the general absence of awareness and knowledge of mechanisms and benefits of CWU undermine the potential of CWU in the country.

It is against this backdrop that the Task Force conducted its work.
In some areas in the country, the Task Force witnessed exceptional commitment to CWU, its potential and CWU enjoyed widespread support. In other areas, there was confusion over wildlife use rights, and inherent conflicts between conservation and preservation. But almost all examples for and against CWU focused solely on large animals (>3 kg). There was very little acknowledgement that the vast majority of our nation’s wild natural resources already enjoy consumptive use in both formal and non-formal economies, and these contributions were not recognized or valued.

The Task Force is unaware of any studies to define and quantify the contributions of CWU to economic development in Kenya. Several efforts have defined and quantified the non-consumptive forms of wildlife use, such as education, research and tourism, but without the conclusive evidence that they alone can contribute adequately to the national wildlife conservation goals. Many other animal and plant species already make a large economic contribution to individuals, communities and the nation, and as such are widely accepted as legitimate consumptive wildlife utilization, often without being recognized as such. Many of the species fueling CWU however require further evaluation and regulation of their sustainability. Nowhere is this truer than for the economies and species fueling the rampant illegal bushmeat trade.

Moreover, no single institution is responsible for developing; monitoring; providing advisory services, technical tools and approaches; and guiding marketing of Kenya’s wildlife. Kenya has little institutional appreciation of the potential value chains associated with existing CWU let alone the potential for new species, industrial opportunities and markets. Roles and responsibilities of the national institutions overlap and obfuscate a clear path to CWU. And no institution is responsible for the oversight of the full spectrum of wildlife resources, let alone their sustainable consumptive use.

Given Kenyans predominant attitude that CWU is focused solely on mammals larger than three kilograms, the Task Force was forced to first address the opportunities for CWU of mammals larger than three kilograms. At present, such opportunities remain few and are focused in areas where an overabundance of some mammal species justify a reduction in numbers as a wildlife conservation and habitat management tool. These areas warrant consideration as experiment CWU pilots. Indeed, some areas desperately need to have the wildlife numbers reduced if only to reduce the impacts on habitat and livelihood activities. Other parts of the country do not enjoy this abundance and CWU would have to focus on other aspects of wildlife.

The following two figures illustrate the array of practices allowed at present under the WCMA 2013: Figure 1.1(a) illustrates the full array of options and Figure 1.1(b) presents the CWU of large mammals discounted from the model.
The logic of these models shows that for the present time, with the exception of a few pilots, CWU will have to make a considered and strategic refocus on other species, other value chains and other markets, until the population of large mammals can be rebuilt to satisfy a CWU industry of large mammals. This approach holds the potential for realizing the primary conservation goals that Kenya espouses.
Figure 1.1. The use of CWU to deliver Kenya’s conservation goals. (a) Use of the full array of CWU options. (b) A possible immediate way forward removing, for now, the option of CWU of large mammals (>3 kg) until their numbers increase. This scenario highlights the potential impact and current uncertainty as to whether the remaining benefits from CWU and non-CWU would be enough to ensure attainment of the primary conservation goals.
Specific Recommendations

a) Policy and legislation

The Wildlife Policy and WCMA 2013 make provisions for gaining access to wildlife resources, but the legislations are not explicit on user rights, responsibilities and liabilities particularly on private lands (individual and community). This lack of clarity stands in the way for the development of a CWU industry. These deficiencies must be addressed in the Wildlife Policy, and the inconsistencies in the WCMA 2013 and its restrictive nature must be addressed before any CWU industry is developed.

The Task Force recommends as priority:

- Finalization of the national wildlife policy to provide a holistic framework for the implementation of a robust CWU industry and its elements to support a national ‘biodiversity economy’ with the necessary and sufficient devolution of user rights, particularly to land owners.
- Amendment of WCMA 2013 and development of related subsidiary regulations to address the current inadequacies relating to CWU and wildlife user rights.

b) Biological and ecological considerations

The biological resources (both plant and animal) currently available for CWU are significantly more than the 350 species listed in WCMA 2013. Censuses of large mammals (3 kg and more) in Kenya show a 68 percent decline in their numbers over the last four decades (See Annex 1). Selected animal counts in the last five years continue to show downward trends across the country. These declines are exacerbated by the illegal bushmeat trade whose magnitude and impact are not well understood.

The Task Force recommends:

- Development of criteria for listing wildlife species to guide selection of species that are appropriate for a CWU industry.
- A national panel of experts produces a report on trends and status of priority wildlife (plants and animals) to guide decisions on the implementation of CWU for specific wildlife species.
- Production of a study and report on the extent, ecological impacts and enforcement challenges of the illegal and unregulated bushmeat trade.
- Promotion of wildlife and conservation management activities that increase wildlife numbers for potential CWU including those mammals that occur in the rangelands and can (and should be allowed to) compete with livestock livelihoods.
c) Economic and potential benefits

The potential for greater economic benefits is likely to be much higher than in the current combined legal and illegal (formal and non-formal) CWU markets in Kenya. The bulk of this economic potential does not hinge on large mammals but on a greater complement of wild plants and animals. There is currently considerable interest and support for wildlife farming, wildlife ranching, live sales for domestic conservation, use of medicinal and aromatic plants, genetic components of biodiversity, and bird shooting. However, with the exception of bird shooting, local and international markets for these products are neither fully understood nor well documented for Kenya. Communities and landowners lack adequate knowledge of the technical and capital resources required to develop small-scale enterprises and markets for CWU.

The Task Force recommends:

- A comprehensive economic study and valuation of the potential legal markets as well as the current illegal and unregulated CWU of plants and animals that likely make up a large portion of the food, energy, medicines and cultural products for the national and regional economies.

- An investigation to explore and understand the scope and scale of the current domestic and international markets for Kenya’s wildlife, their products and genetic components of biodiversity with the aim of actively developing and promoting those markets and to safeguard them once established.

- Assistance to CWU practitioners to gain access to innovative technical and financing mechanisms to support an array of related enterprises, as a matter of urgency.

d) Statutory institutional and regulatory regimes governing CWU

The management and regulation of CWU interfaces with numerous statutory and institutional regimes. This results from the broad definition of wildlife and the multiple consumptive uses of wildlife. There is a lack of synchrony between the WCMA 2013 and the draft regulations that are expected to implement the Act, as well as other national statutes that are expected to implement CWU-led wildlife conservation. The most significant statutes for implementing CWU include the Meat Control Act, Cap 356, Fisheries Management and Development Act, 2016, Agriculture Fisheries and Food Authority Act, 2013, Prevention of Cruelty to Animals Act (Cap 360), Kenya Meat Commission Act, Cap 363, and the Environmental Management and Conservation Act, 1999.

The Task Force recommends:

Preparation of an amendment of the WCMA 2013 to incorporate provisions that link it with other statutes relating to CWU, and provide for statutory regulations that are comprehensive with regard to all aspects of CWU.
e) Institutional and technical capacity for CWU

Various statutory regimes have created existing institutions with diverse mandates and capacities on CWU. These institutions, including KWS, are limited in their technical, infrastructural, financial and governance capacities to implement a sustainable CWU industry. Further, the expertise and infrastructure in other institutions, relevant to CWU, have statutory gaps, as they were not designed to support CWU. The inadequate financial capacities, skills and knowledge of CWU by communities and landowners in many of the country’s wildlife areas also challenge the implementation of a sustainable CWU industry.

The Task Force recommends:

- Develop the capacity of KWS (through additional and adequate funding) and introduce and improve the skills and functional systems needed to coordinate CWU activities and the functions of other institutions to deliver a comprehensive CWU industry.
- Develop wildlife education and extension programs within KWS and beyond to provide education, skills transfer, and awareness to communities and to the public in order to build the knowledge, attitudes and practices that support CWU as a viable and legitimate practice for conserving the country’s wildlife resources, and to build a national biodiversity economy.
- Operationalize the wildlife research and training institute, as provided for in WCMA 2013, or enhance the research capacity of KWS to independently monitor a CWU industry.

f) International treaties, conventions and agreements, and international standards

Kenya is a signatory to international frameworks that govern conservation and management of wildlife and their sustainable use. Kenya, therefore, is obliged to implement the provisions of these international treaties including regulating international trade in certain species of wild fauna and flora, regulating access to and use of genetic components of biodiversity, protecting and managing certain wildlife habitats, and ensuring compliance with these provisions. The harvesting, transportation and access to international markets for wildlife and wildlife products are managed in accordance with certified national and international standards. Some of these standards are statutory while others are voluntary; they are implemented and enforced by various national institutions designated and mandated for such purpose. To date, Kenya has complied with these international obligations. Implementation of a sustainable CWU industry should therefore not face unforeseen restrictions and difficulties with access to international markets, provided that Kenya continues to comply with these international laws and treaties.
The Task Force recommends:

Ensure that the CWU industry adheres to and complies with the provisions of the relevant international frameworks and international standards governing use of wildlife and their habitats.

- Develop a collaborative mechanism among relevant institutions to enforce international requirements related to CWU, with the agency responsible for managing wildlife and implementing provisions of wildlife-related international frameworks playing the lead role or outsourcing those services. KWS should continue in this role, and increase its coordination with these statutory bodies responsible for other matters impacting a CWU industry.
Main findings from the public consultations

The following were the main findings from the Task Force’s consultations with the public and target stakeholder groups:

1. There was considerable support for CWU in principle and for exploring markets for the broad array of Kenya’s wild plants and animals, which could benefit local communities and support efforts to develop a broader “biodiversity economy” in Kenya. The challenges to developing such an economy are the lack of enabling regulations and guidelines, weak enforcement of existing laws and regulations, inadequate data on the numbers, distribution and trends of wildlife species and populations to inform their sustainable use, poaching, habitat loss, climate change adaptation and mitigation, concerns about rampant and institutionalized governance challenges, perceptions that CWU will only benefit foreigners and rich landowners, and lack of financial and technical capacities among the relevant institutions and communities to manage sustainable CWU.

2. The stakeholders consulted had varied understanding and knowledge of CWU as a whole and of the existing provisions for CWU in the WCMA 2013. Few citizens understood the purpose and benefits of CWU and the tools currently available for CWU management. The definition of wildlife, which currently includes all species of wild plants, animals and introduced exotic species, exacerbated this varied understanding of CWU and created intense debate. Most stakeholders interpreted ‘wildlife’ to mean large mammals (weighing 3 kg or more) and were not aware of the broader interpretation of this term as described in the WCMA 2013.

3. Many Kenyans, particularly those in urban areas, felt that wildlife, especially large mammals, should not be exploited or consumed for commercial gains. Others in the rural areas felt that economic incentives are essential to offset their current losses to wildlife, resources, livestock, lives, and livelihoods. Though strongly divided on how best to conserve Kenya’s wildlife going forward, stakeholders were well aware that populations of most large mammal species had declined steeply across the country over the last four decades because of land-use changes leading to fragmentation, habitat loss and degradation, and augmented by illegal bushmeat harvest.

4. It was evident that while broadly supportive of CWU, most stakeholders lacked an understanding of the capital and recurrent costs associated with engaging in a variety of forms of CWU, including the considerable costs associated with trade in live specimens.
Immediate requisite and supporting actions for implementing CWU

Given the vast and complex set of issues that could possibly impact the establishment of a CWU industry, the Task Force recommends the following immediate actions over the next 6 months:

1. The Government of Kenya to create a national wildlife policy framework that supports the implementation of sustainable CWU.

2. The Government of Kenya to review the WCMA 2013 and legislate the necessary regulations and guidelines for CWU. This effort will include:
   i. Reviewing the sixth and the tenth schedules to provide categories for endangered and protected wildlife species to guide the different forms of CWU such as ranching, farming or live capture and sales for domestic conservation efforts.
   ii. Providing licensing guidelines.
   iii. Clarifying wildlife user rights and articulating the roles and responsibilities for those communities and landowners conserving wildlife in particular, as a priority.

3. The communities, landowners and the Government of Kenya to collaborate to develop education, awareness and extension programs on the values and potential benefits of building a biodiversity economy where CWU can play a vital, sustainable, and positive role.

4. The Government of Kenya to re-open game bird shooting especially in areas where bird census and monitoring have been shown to be effective and offer vital economic incentives to communities and conservancies for wildlife conservation and livelihoods.

5. The Government of Kenya to appoint and support a task force that specifically focuses on the viability of a sustainable medicinal and aromatic wild plants industry.

These actions for CWU implementation are expounded in Figure 1.2 (a) & (b).
a) Requisite Actions

WILDLIFE POLICY
- Create national wildlife policy framework for CWU

LEGISLATIVE FRAMEWORK
- Address gaps, inconsistencies, overlaps & weaknesses in WCMA, 2013
  - Regulations & guidelines sections 5(1), 71, 73, 76, 85(3) & 116(2)
  - Definitions e.g., wildlife, game, user rights, farming, ranching, bushmeat
  - Species listing: 6th & 10th schedules
  - Overlaps in mandates (CS, CWCC & KWS) in sections 7, 19, 80-82 & 86

LICENSING
- Implement licensing guidelines & conditions
- Implement procedures for user rights & responsibilities for those with wildlife on their lands

MARKETS
- Explores, understand & expand local & international markets.

GROW WILDLIFE NUMBERS
- Encourage CWU options in WCMA, 2013 that lead to increase in wildlife numbers.
- Demonstrate increasing wildlife numbers

EDUCATION, AWARENESS & EXTENSION
- Invest in public and landowner understanding, support & appreciation for CWU
- Promote CWU user rights in section 80 of the WCMA, 2013

Figure 1.2: a) The requisite actions for a sustainable CWU industry
b) Supporting Actions

Figure 1.2: b) concurrent actions to be implemented in support of the CWU industry.
Background
2. Background to Consumptive Wildlife Utilization in Kenya

Consumptive wildlife utilization (CWU) was first articulated in Kenya as a policy in Sessional paper no. 3 of 1975 entitled *Statement on the future of wildlife management policy in Kenya*, to allow local communities to participate and earn benefits directly from wildlife. Before this policy, cropping of game animals from the wild had been piloted several times. In 1961, cropping of zebra and wildebeest was piloted in Narok District (FAO, 1967). A program on range management supported by FAO in 1966 continued the 1961 cropping efforts of maximizing returns from plains game while maintaining the ecological integrity (FAO, 1974). Between 1975 and 1977, FAO and the Kenya government continued this practice under the Kenya Wildlife Management Project in Kajiado District (FAO, 1980).

The 1975 policy emphasized integrating land-use planning and management with other sectors to make wildlife keeping compete with other land uses. It envisaged additional space beyond designated protected areas into private and community lands to accommodate wildlife and reap benefits through consumptive uses such as hunting, cropping for meat and trophies, game ranching, live animal capture for restocking or export and adding value to animal products or to non-CWU such as tourism.

The policy prescribed a plurality of means and reasons for conserving wildlife in as many areas as possible as the best guarantee for securing the future of wildlife. Chapter 5 of the sessional paper deals exhaustively with consumptive utilization of wildlife. The Wildlife (Conservation and Management) Act of 1976 subsequently established the legal provisions for the new policies and combined the former Game Department and Kenya National Parks as a single agency—the Wildlife Conservation and Management Department (WCMD)—to manage wildlife.

Contrary to expectations, the 1975 policy paper failed to deliver benefits to people outside corporate nature-based tourism, and to stem conflicts between people and wildlife, even after Parliament adopted it. This failure was partly because the Wildlife (Conservation and Management) Act of 1976 did not adequately reflect the intent of the 1975 policy paper or provide strong conditions for its enforcement. Furthermore, the implementing agency, the Wildlife Conservation and Management Department, was insufficiently funded and thus unable to carry out its conservation mandate. Consequently, poaching escalated rapidly during the late 1970s, prompting the Government to ban hunting (1977) and trade in trophies (1978) in the interests of giving the larger mammals time to recover. Though the bans were received positively internationally, the result was that they reduced the incentive to conserve wildlife nationally. Other policy failures included the continued inability of government agencies to integrate, harmonize and enforce land-use policies and legislation intended to conserve wildlife and other natural resources.

The first steps to rectify the failures in the implementation of the 1975 policy paper included amending the Wildlife Act of 1976 and replacing WCMD with the Kenya Wildlife Service (KWS) in 1990.
KWS formulated a policy framework—KWS Policy framework—and a 5-year development program, commonly referred to as the “Zebra Book”. As embodied in the policy framework, KWS embarked on a “new concept” of sustainable, participatory wildlife conservation which would supersede past restrictions, thus allowing landowners to receive benefits from keeping wildlife on their property. The new KWS policy framework aimed at providing adequate financial incentives to land owners by directly allowing them to use the animals on their lands. However, the policy did not allow the automatic sale of trophies. Wildlife could be culled or cropped and the meat and by-products, excluding trophies, sold locally.

To implement this policy, KWS in 1990 started a pilot wildlife cropping trial program in six regions: Kajiado, Laikipia, Lamu, Machakos, Narok and Samburu. Though these trials enhanced benefits to landowners, they were discontinued in 2004 after an evaluation report concluded that it was premature for KWS to implement a policy that was not fully backed by legal provisions. KWS also lacked institutional capacity to implement such a complex program. Other reasons included ineffective controls, unsustainability and a combination of biological, economic and social factors.

Following a time lapse of 28 years, the Wildlife Conservation and Management Act (WCMA 2013) was enacted to replace the Wildlife Act, 1976 and the Wildlife Amendment Act, 1989. The WCMA 2013 allows for both consumptive and non-consumptive wildlife uses, which have not yet been fully operationalized. Other legislations that also provide for sustainable wildlife use are Article 69 (1) (a) (d) and (h) of the Constitution of Kenya 2010, the National Wildlife Strategy 2030, Kenya’s Vision 2030 development blueprint, and several international wildlife conventions, treaties and protocols that Kenya is a party to.

It is against this background that in April 2018 the Cabinet Secretary of the Ministry of Tourism and Wildlife established a task force to assess and advise on the modalities of implementing the provisions of WCMA 2013.
The Methodology
3. Methodology used to deliver the mandate of the Task Force

3.1 Methodology and mode of operation of the Task Force

The Cabinet Secretary of the Ministry of Tourism and Wildlife established a task force on 29 March 2018 to assess and advise on the modalities for implementing the provisions of WCMA 2013 on sustainable consumptive wildlife use (CWU). CWU is a means by which deliberate mechanisms may be provided to grow and use wildlife stock in a sustainable manner so that benefits accrue to the country, communities and individuals hosting wildlife.

While not directly stated in the terms of reference, the Task Force began its work from an implicit overarching assumption: If demonstrable economic benefits (e.g. food security, livelihood creation, and employment) from wild species of plants and animals accrue to local communities and individuals in Kenya, then Kenya’s desired conservation outcomes and impacts will be achieved.

One of its tasks was to consult with stakeholders at all levels on policy, legislation, international treaties, institutional and technical capacity for consumptive wildlife utilization, and on the necessary procedures, guidelines and conditions for licensing. The Task Force was also commissioned to recommend proposals for short, medium and long-term interventions to ensure wildlife was used sustainably.

The Preamble of the gazette notice reads:

“Kenya is a leading wildlife conservation nation, spearheading and hosting a number of global conservation initiatives. The Government is intent in guarding this position. Consumptive utilization of wildlife is regarded as a means by which deliberate mechanisms may be provided to grow and utilize wildlife stock in a sustainable manner that accrues benefits the country and communities hosting wildlife. Kenya has banned sport hunting and there is no intention in opening this debate.”

There was no ToR that referred directly to the need to examine the biological and ecological considerations of CWU. To develop and maintain a sustainable CWU industry, Kenya will require a broad understanding of the numbers, distribution and trends of different species at different scales and using different methods. This latter requirement is currently lacking but has been listed as a priority activity within the National Wildlife Strategy 2030. The Task Force reports on the biological and ecological considerations especially for CWU for large mammals in Annex 1 of this report.

The Task Force began work on 26 April 2018 through 31 August 2018. Its flow of work is summarized in Figure 3.1. It analysed the preamble of the gazette notice that established it (Annex 2), prepared tools for work including an analytical framework (Annex 3), initial set of guiding topics tailored for specific stakeholder groups (Annex 4), public notice for submission of memoranda and petitions (Annex 5), a work plan (Annex 6), and a standard presentation for the public about the work (Annex 7).
The Task Force interpreted the terms of reference (ToR) and distributed the tasks among its members to interrogate and report the findings, as guided by the analytical framework.

Key areas considered for each ToR were its interpretation, initial assumptions, questions related to it, building the evidence base, revising initial assumptions, and the deliverables. Detailed interrogation of each ToR against best available science, policies, stakeholder consultations and relevant best practices are reported in Section 4 under three subsections: Interpretation of the ToR, Findings, and Recommendations.

In total, the Task Force held 22 meetings with landowners, youth groups, the business community, government and non-government institutions, conservation organizations, and CWU licensees (Table 3.1 and Figure 3.2) and received more than 80 written submissions in response to a public call for comments through the media. Because of time constraints, the Task Force broke into two groups. The two groups held 15 meetings in different regions in Kenya between 23 July and 9 August 2018 (Figure 3.2); Seven meetings were held in Nairobi: one at KWS headquarters and six meeting at Panafric Hotel from 12 to 13 June and from 13 to 17 August 2018.

Kenya Wildlife Service, as the lead conservation institution, responded to specific questions in writing.

**Figure 3.1**: The workflow of the Task Force on Consumptive Wildlife Utilization in Kenya, 2018. [CWU = Consumptive Wildlife Utilization; TF = Task Force]
Table 3.1: Locations where the regional and Nairobi public meetings were held.

<table>
<thead>
<tr>
<th>Group 1 Meeting location (in brackets are the represented counties)</th>
<th>Group 2 Meeting location (in brackets are the represented counties)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Kisumu (Kisumu, Homa Bay, Siaya, Trans Nzoia, Kakamega, Kitale)</td>
<td>• Mombasa (Mombasa, Kilifi, Kwale)</td>
</tr>
<tr>
<td>• Machakos (Machakos)</td>
<td>• Voi (Taita Taveta)</td>
</tr>
<tr>
<td>• Nakuru (Nakuru &amp; Baringo)</td>
<td>• Amboseli (Kajiado South)</td>
</tr>
<tr>
<td>• Nanyuki (Laikipia East &amp; West, Nanyuki)</td>
<td>• Magadi (Kajiado North)</td>
</tr>
<tr>
<td>• Isiolo (Samburu, Isiolo, Marsabit, Laikipia North)</td>
<td>• Mara (Mara North &amp; South)</td>
</tr>
<tr>
<td>• Meru (Tharaka, Garissa, Kitui North)</td>
<td>• Lodwar (Lodwar)</td>
</tr>
<tr>
<td>• Wajir (Wajir, Mandera)</td>
<td>• Lamu (Lamu, Tana River)</td>
</tr>
<tr>
<td>• Nyeri (Embu, Kirinyaga, Murang’a, Nyeri)</td>
<td></td>
</tr>
</tbody>
</table>

**Nairobi meetings – Groups 1 and 2:**
- Kenya Wildlife Service – 12 June 2018, KWS Headquarters
- Representatives of landowners – 13 June 2018, Panafric Hotel
- Conservation Alliance of Kenya – 13 August 2018, Panafric Hotel
- Government Agencies – 14 August 2018, Panafric Hotel
- Kenya Private Sector Alliance (KEPSA) – 15 August 2018, Panafric Hotel
- Youth representatives – 16 August 2018, Panafric Hotel
- Current CWU licensees – 17 August 2018, Panafric Hotel
Figure 3.2: Locations and dates of the public consultative meetings.
Challenges
3.2 Challenges for the Task Force

It was anticipated that accumulated literature would be reviewed and synthesized to inform the overall findings and the recommendations of the Task Force. Ultimately, within the limited time and resources the Task Force had and the large volume of literature to be reviewed, this was not possible; however, each Task Force member reviewed the literature as per their specific remit.

There is little knowledge and understanding in Kenya of the contemporary theory and practice of CWU. To inform the work of the Task Force and to gain understanding in the shortest time, a visit was proposed to one or more African countries with greater experience and expertise in game ranching and game farming by both private landowners and local communities. But again this was not possible due to time constraints. This report therefore does not incorporate key relevant, applicable and implementable aspects of contemporary CWU practice.

At present, little is known about the local, national, regional or international markets for many of the CWU products, the primary focus of such markets or their scale. The Task Force attempted to address this gap in its reporting of ToR (f) on the economics but time did not allow for a thorough examination of the market structure and development, and the Task Force recommends this should still be done.

The ToR generally assumed that those to be consulted or, by implication, to be engaged in CWU, are aware and understand CWU. During the public consultations it became apparent that the public had limited understanding of the scope and substance of CWU including the forms of CWU that are allowable within WCMA 2013.
Reporting by the Terms of Reference
4. Detailed reporting on the terms of reference

4.1 Review of wildlife policy and legislative framework on CWU

4.1.1 Interpretation of the ToR
The expectation under this ToR a (see Annex 1) was to analyse the Constitution of Kenya, the wildlife policy including Sessional paper no. 3 of 1975 and wildlife legislative frameworks. The analysis involved investigating the provisions of the policies and legislations focusing on the adequacy, gaps, overlaps and inconsistencies along the entire CWU value chain and subsequently propose appropriate recommendations.

4.1.2 Findings
The Constitution of Kenya obligates the State to ensure sustainable exploitation, use, management and conservation of the environment and natural resources in a participatory manner, and equitable sharing of the accruing benefits. The WCMA 2013 embraces provisions of sessional paper no. 3 of 1975 on CWU and equitable benefit sharing. It actualizes the constitutional provisions on CWU by, for example, providing the rights to reasonable access to wildlife resources through game farming, game ranching, live capture and sale, research involving offtake, cropping and culling. The tenth schedule of the WCMA 2013 lists the wildlife species for which game farming may be allowed but not for game ranching and other wildlife use activities. The eighth schedule of this Act provides the general provisions on consumptive use. Sport hunting and subsistence hunting are prohibited, with high penalties imposed upon conviction. Regulations and guidelines for implementing the provisions of WCMA 2013 on CWU are yet to be gazetted.

The Task Force identified the following technical and institutional inadequacies in WCMA 2013:

a) Technical inadequacies, gaps and overlaps

i. It is not explicit on the rights and responsibilities over wildlife, and specifying the rights of access and use of wildlife resources occurring on community and private lands is a challenge.

ii. It has no wildlife user rights. Section 80 (3) refers to game farming, game ranching, live capture, cropping and culling as user rights instead of access rights. For example, ranching of wildlife is an access right not a user right, that is, one can ranch wildlife but cannot use it.

iii. It defines culling as both a wildlife management tool and a user right at the same time. Listing culling as a user right is against the principle of culling as a management tool.

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1 Section 71 WCMA 2013
2 Section 96, 97 & 98 WCMA 2013
iv. The animals, birds and plant species provided for game farming under the tenth schedule of WCMA 2013 are too general. The tenth schedule does not specify the actual scientific name and taxon of the species, presenting the potential risk of using restricted species of wildlife that are not approved for use.

v. The list of species for game farming in the tenth schedule is limited to a few plants, reptiles, amphibians and birds.

vi. It does not provide a list of wildlife species for which game ranching and cropping may be allowed.

vii. It does not provide for a framework to regulate markets for wildlife products.

viii. The terms, ‘permit’ and ‘licence’ are used interchangeably in WCMA 2013 whereas they have different legal meanings and effects. For instance, under section 80, the Cabinet Secretary has powers to grant a general permit for non-CWU rights, and a licence for CWU activities. License confers a long or defined term authority to exercise certain privileges or rights, which in its absence would be an illegal act. Permit is a temporal form of permission for specific activities.

ix. Definitions of the following terms are either not clear or are inconsistent with their use within the text of WCMA 2013.

• ‘Wildlife’: The definition of wildlife is too broad by generally referring to all biodiversity. Given the wide variety of Kenya’s 30,000 plants and 5,200 animal species (Kenya’s Natural Capital, 2015), this broad definition may be justified. However, this creates uncertainty in the implementation and regulation of CWU and overlaps with the mandates and operations of sectors such as fisheries, agriculture and forestry, and of institutions such as the National Environment Management Authority (NEMA).

• ‘Harvesting’: The definition of ‘harvesting’ is limited to plants only. Animals are not considered, therefore limiting the context of CWU.

• ‘Game’: This term is not defined. Its common meaning is animals yet ‘game’ is inferred in WCMA 2013 to mean wildlife (animal and plants). The terms ‘game farming’ and ‘game ranching’ are inconsistent with the use of the term ‘wildlife utilization’.

• ‘Wildlife user rights’: The definition is not clear on the nature of rights the WCMA 2013 grants.

x. The following terms have not been defined, resulting in confusion and misinterpretation:

• Consumptive wildlife utilization
• Non-consumptive wildlife utilization
• Research involving offtake
• Subsistence hunting
b) Institutional inadequacies, gaps and overlaps

i. The powers and functions of institutions registering and licensing wildlife user rights overlap. The function is currently performed in parallel by the county wildlife conservation and compensation committees (CWCCC)\(^3\), Kenya Wildlife Service\(^4\) and the Cabinet Secretary\(^5\). These overlaps in functions and powers include:

- CWCCC and KWS establish and identify wildlife user rights. The WCMA 2013 is not clear about what these two functions involve.
- While KWS is mandated to grant permit, the Cabinet Secretary has the same function to grant permit on non-CWU.
- Despite KWS not having the power to grant license, it can assign wildlife user rights under license issued by the Cabinet Secretary.
- Besides the overlap in mandates, most stakeholders consulted were of the opinion that the multiplicity of institutions creates bureaucracy in registration, thus making the process long and expensive.

ii. The Task Force identified technical incapacities of CWCCCs to implement registration of wildlife user rights. CWU is a technical venture requiring specialized skills.

iii. The WCMA 2013 requires the Cabinet Secretary to publish a national wildlife conservation status report on populations, trends and distributions biannually. The absence of this report abridged constructive discussion on sustainability of CWU especially of large mammals.

iv. The WCMA 2013 provides for the establishment of a wildlife research and training institute,\(^6\) but it is yet to be operationalized. The institute has functions that directly affect the implementation of CWU. A key function of the institute is to collect and analyse wildlife data and information in order to support planning and decision making by different stakeholders, relating to the following:

- Inventory and status of wildlife resources countrywide
- Trends in wildlife conservation and management approaches and practices
- Processes or activities likely to affect sustainable wildlife conservation and management
- Wildlife statistics

\(^3\) Section 19(a) WCMA 2013
\(^4\) Sections 7(p), (q) & (r); 81 and 86 of WCMA 2013
\(^5\) Sections 80(3), 82 and 49(4) of WCMA 2013
\(^6\) Section 50(1) WCMA 2013
• Research to enhance wildlife conservation and management
• Wildlife disease surveillance and control
• Determining, in consultation with KWS and other relevant agencies, the carrying capacities of various wildlife conservation areas, their conservation needs and priorities.

Information from these listed functions is central to informing the viability and the sustainability of CWU.

v. The WCMA 2013 lists a range of offences and illegal activities related to CWU. Despite some of the offences attracting progressively punitive penalties, the relevant institutions are unable to enforce these penalties due to technical defaults. These include the following:

• Sport hunting is defined as ‘authorized pursuit and killing of wildlife for recreation and trophy collection’. This definition should be reviewed as it is in the affirmative with the use of the term ‘authorized’.
• Subsistence hunting – this offence is not defined, thus posing technical challenges in establishing what subsistence includes.
• Hunting for bushmeat trade, possession of or dealing with any meat of wildlife species – the term ‘bush’ is being used as an equivalent to ‘wild’, since bushmeat is not defined.
• Offences relating to endangered and threatened species – the nature of offences has not been identified, thus making this offence vague and difficult to enforce.

4.1.3 Recommendations

1. Amend WCMA 2013 to address inadequacies identified above. This will include: clarifying gaps and definition of terms relating to CWU, starting with the definition of wildlife; harmonizing sections that create overlaps in the functions of institutions for registering and monitoring implementation of wildlife user rights; removing bureaucracy in the process of registering user rights.

2. Separate the powers and functions of institutions based on their respective capacities.

3. Clarify the rights and responsibilities in the wildlife policy and in WCMA 2013 of landowners including national and county governments where wildlife occurs.

4. Anchor CWU within the National wildlife policy, considering the prevailing and potential changes in land uses, wildlife trends and climate change.

5. Develop comprehensive subsidiary legislations, including the following regulations, rules and guidelines:

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7 Section 96 WCMA 2013
8 Section 98 WCMA 2013
9 Section 91 WCMA 2013
• section 5(2)(i) – guidelines for granting and monitoring wildlife user rights.
• sections 72, 73 & 76 – regulations and guidelines on access and benefit sharing.
• section 85(3) – rules, regulations and guidelines on application and issuance of permit (on import, export and re-export of wildlife).
• section 116 (2)(a) – rules and regulations for granting wildlife user rights.
• section 116(2)(c) – rules and regulations specifying the conditions subject to which any license, permit or authorization may be granted or issued.

6. Harmonize regulations on gaining access to wildlife resources and granting of user rights and address each form of wildlife activity identified in section 80 of the Act.

7. Operationalize the wildlife research and training institute established in WCMA 2013.

8. Develop assessment criteria for listing wildlife species for which CWU can be allowed or disallowed based on local conditions and priorities for the country.

9. Expand Section 80(3) to include live trade, translocations and bird shooting.

10. Enhance governance structures laying out clear roles, financing, equitable benefit sharing and responsibilities will be needed to implement the legislative changes above and to guarantee that legal consumptive offtake of animals and plants is sustainable.
Potential & Economic Benefits of CWU
4.2 Potential and economic benefits of CWU

4.2.1 Interpretation of the ToR

The implicit intent of this ToR was for CWU to deliver tangible benefits, especially to local communities who bear the cost of living with wildlife, by using economic incentives and market forces to attract investment into wildlife management and conservation. This would require first, to identify and later develop and promote diverse markets. While perhaps broadly alluded to in this ToR when considering the ‘potential’ of CWU, this was seen as a critical gap that needed to be taken up in greater depth.

Although not quantified in monetary terms, Kenya’s vast diversity of species does generate enormous benefits in terms of food security, livelihoods and job creation, whether through honey production, crop pollination, or as a source of food and medicines, thus it underpins the natural resource-based economy of Kenya and human wellbeing (Kenya’s Natural Capital, 2015).

4.2.2 Findings

The economic case for CWU

The Task Force investigated the potential of CWU to: create jobs, support livelihoods and provide food security for Kenyans; create wider wealth-creating opportunities. But primarily for whom? Would the benefits of CWU accrue to Kenya’s rural communities who bear the cost of living with wildlife or to others in the potential value chain? And would the economic benefits of CWU somehow help achieve a net positive benefit for wildlife and adequately cover the costs of conserving Kenya’s rich diversity of species and spaces for the benefit of its citizens today and for generations to come?

A number of general reviews, including considerable analyses carried out in Kenya over many years, have shown there is potential for positive economic returns from the consumptive use of wildlife and biodiversity at international, regional and national scales (Cooney et al., 2018; USAID, 2004; AWF, 2001; KWS, 2001; Norton-Griffiths, 1998; Mwau, 1996; Kock, 1995; FAO, 1980). Many of these approaches are enshrined in the Addis Ababa Principles and guidelines for the sustainable use of biodiversity (CBD, 2007). At the national scale within Africa, major wildlife industries have been developed in parts of southern Africa especially in Namibia (van Schalkwyk et al., 2010, 2012; Lindsey et al., 2013; Naidoo et al., 2016; Van Schalkwyk & Hoffmann, 2016), South Africa (Cousins et al., 2008, 2010; Cloete, 2015; Oberem, 2015; Taylor et al., 2016; Otieno & Muchaponwa, 2016; Vorhies, 2017; du Toit, 2017; Pienaar et al., 2017), Zambia (Lindsey et al., 2013; Chomba et al., 2014; Child, 2014), and Zimbabwe, making important contributions to national economies and GDPs (Pack et al., 2013; Holechek & Valdez, 2018).

Individual case studies, e.g. South Africa, show huge private investment in the wildlife sector with significant areas converted from agricultural and livestock uses to wildlife use, significant job creation, and significant contribution to food security (Carruthers,
2008; du Toit, 2017). Other studies show that significant wildlife-generated benefits have been created at local community levels through a variety of approaches (Wambuguh, 2007; Cooney et al., 2018). And while the situation may differ in important ways, even in Kenya where CWU has been banned since 2002 (except for the wildlife species listed in the tenth schedule of WCMA 2013), an economic signal can be detected in various regions of the country’s wildlife ranges.

The Task Force found an implicit focus on the CWU of large mammals as the primary source of potential economic benefits to the exclusion of other possible markets for live specimens of plants and animals, their parts and derivatives and, more broadly, for additional genetic components of biodiversity. Yet many of Kenya’s local communities would benefit only if a much broader array of CWU options were developed; therefore, there is a need to think of and broaden the scope of CWU under consideration. Data from KWS indicate large quantities of reptiles, insects, bioorganisms, birds, and plants parts and derivatives were exported to countries in Africa, America, Asia and Europe for CWU between 2015 to 2017 (Figure 4.2.1 and Table 4.2.1).

![Graphs and tables showing export numbers from 2015 to 2017.]

- **a)** Nile crocodile skins exported to Italy, Korea, Singapore, and Zimbabwe.
- **b)** Tortoises (captive-live bred) exported to China, Czechoslovakia, Germany, Ghana, Great Britain, Hong Kong, Japan, Korea, Malaysia, Netherlands, Pakistan, Poland, Singapore, Spain, Taiwan, Thailand, UAE and Vietnam.
- **c)** Chameleons (captive-bred live) exported to Cameroon, Canada, China, Germany, Great Britain, Hong Kong, Japan, Netherlands, Singapore, Spain, Taiwan, United Kingdom and USA.
- **d)** Live butterfly pupae (mixed species) exported to Canada, Ethiopia, France, Japan, Netherlands, Saudi Arabia, Turkey, United Kingdom and USA.
e) Bio control organisms were exported in billions to Belgium, Canada, Denmark, Ethiopia, Italy, Morocco, Netherlands, Rwanda, South Africa, Tanzania, Turks and Caicos Islands, Uganda, United Kingdom, USA, Zambia and Zimbabwe.

Figure 4.2.1. Cumulative exports of wildlife and their parts and derivatives (2015–2017).

Table 4.2.1: Wildlife products traded between 2015 and 2017 (exports and re-exports)

<table>
<thead>
<tr>
<th>Wildlife species</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>Total (kg)</th>
<th>Markets</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Plant products (exports in kg)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Aloe</em> spp. (mixed species)* Gum</td>
<td>15,980</td>
<td>286,970</td>
<td>280,056</td>
<td>583,006</td>
<td>China</td>
</tr>
<tr>
<td><em>Aloe</em> spp. (<em>Aloe secundiflora</em>) – Leaves</td>
<td>1,110 kg</td>
<td>680 kg</td>
<td>370 kg</td>
<td>2,430 kg</td>
<td>Japan, Canada, United Kingdom</td>
</tr>
<tr>
<td><strong>PLANT PRODUCTS (RE-EXPORTS)</strong>*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Aloe</em> spp. (unrooted stems)</td>
<td>-</td>
<td>50,000 pcs</td>
<td>944,000 pcs</td>
<td>994,000 pcs</td>
<td>Netherlands</td>
</tr>
<tr>
<td><em>Cacti</em> (<em>Rhipsalis</em> spp.) mixed species unrooted cuttings</td>
<td>1,436,975 pcs</td>
<td>185,000 pcs</td>
<td>577,000 pcs</td>
<td>2,198,975 pcs</td>
<td>Netherlands</td>
</tr>
<tr>
<td><strong>BIRDS PRODUCTS (RE-EXPORTS)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Peacock (<em>Pavo cristatus</em>) – Feathers produced into fishflies</td>
<td>318.3</td>
<td>755.36</td>
<td>470.31</td>
<td>1,543.8</td>
<td>USA</td>
</tr>
</tbody>
</table>
The vast majority of species opaque in WCMA 2013 make up a huge portion of the food, energy, medicines and cultural products of Kenya’s economy. The unregulated consumptive use of plants and animals is the basis of the economy. For example, illegal bushmeat constitutes a significant factor in rural livelihoods and food security. Additionally, of the 220 small mammals, both consumptive uses and control measures of rodents especially are largely unregulated and left to the discretion of landowners. The scale of this hidden CWU needs to be quantified, acknowledged and encouraged as the product of Kenya’s biodiversity and ecological services (Kenya Natural Capital, 2015).

**Creating potential job opportunities and livelihood options in the immediate-term**

A broad array of stakeholders was generally supportive of expanding the current farming of crocodile, ostrich and invertebrates such as butterflies and crickets. Others proposed addition of more animal species including reptiles and amphibians to the tenth schedule on game farming. In most communities, birds are still used consumptively for ornamentation, cultural rituals and food, or killed while protecting crops. Bird hunting also contributed significant income to community conservancies until it was suspended. Three Northern Rangeland Trust conservancies alone lost Kenya shillings (KES) 7 million in bird-shooting revenues in 2014, leading to a petition to reintroduce bird shooting. Key stakeholders made it clear that they would welcome the reopening of bird shooting and managed habitats for bird conservation and production.

An extensive and mostly unregulated trade in medicinal and aromatic plants and other biodiversity products currently exists, and regulated use could be more sustainable and potentially economically beneficial to many communities. For example, the Maasai community in the Masai Mara reported extensive use of various plants in traditional medicine and seeks their listing in the tenth schedule of WCMA 2013.

A number of stakeholders raised and generally supported the potential for live sales of free-ranging and farmed mammals between land owners within Kenya, though there was little appreciation of the expertise or capital investment this requires. External donors have supported wildlife translocations in Kenya for so long, there is little understanding of the costs and investments involved for buyers or sellers in a free-market environment to make profits.

For lack of a detailed economic assessment, given uncertainties in markets and pricing, the value of meat and hides from CWU of large mammals was USD 8.6 million annually, as estimated from livestock pricing sharing the rangelands (Barrow and Modaka, 2007). This applies to free-ranging animals moving across large, unfenced, contiguous lands and are less applicable where wildlife is confined to one property owner and viewed as part of a private estate. On private fenced lands consumptive uses of large mammals can be considered part of the farm production system and may be priced differently. However, it must be recognized that not all people in Kenya are seeking economic returns from the consumptive use of the country’s wildlife; some are outspokenly content with non-consumptive use and co-existence for aesthetic, cultural, religious or ethical reasons.
Many believe these largely intangible benefits outweigh any prospects offered by CWU especially considering the risks they perceive to be associated with it.

**The unregulated, illegal bushmeat market and its links to food security**

A large and unregulated bushmeat trade in large and smaller mammals, and, increasingly, primates, has been going on for some time in Kenya for subsistence and commercial markets (Barnett, 2000; KWS & BEAN, 2012). Many believe that this illicit market is, in fact, important to food security in many parts of the country. It is also assumed that it is this market for harvestable protein that has driven Kenya’s observed wildlife declines, and stakeholders are of mixed opinions as to whether an attempt to create a formal, regulated market would be beneficial, harmful or even possible. The dilemma is that it is not possible to know the outcome without trying. Anything less remains hypothetical and declines are likely to continue.

**Establishing the necessary governance at local level: rights and responsibilities**

Many lessons have already been shared between Kenya and other countries with experience in devolving user rights, such as Namibia, where community conservancies maintain 100 percent of revenues. The wildlife conservancy models in Kenya provide an inroad for local community governance structures that support a vibrant, inclusive and growing wildlife economy based on consumptive and non-consumptive uses that deliver both conservation and economic benefits.

County wildlife conservation and compensation committees (CWCCCs), if capacitated and properly institutionalized within the county governance structures, is another institution that could support delivery of CWU.

These approaches must be accompanied by devolved rights over wildlife and decision making over its use from the State to landowners and land users—many would like to see full devolution, pointing out that people do not invest in something that does not belong to them.

**Benefits and investments**

Human–wildlife conflict is serious and increasing in Kenya; compensation for these costs was provided for in WCMA 2013, but it has not been implemented fully. While the reasons for the ongoing and growing conflict are many, solutions must be sought if wildlife is to continue to persist on community owned or managed lands. In Kenya, the tangible benefits from CWU would need to accrue at the most local level to those communities currently most affected in addition to the non-CWU including local tourism, or the cultural and religious benefits they already gain. Where communities have expressed an interest in participating in CWU, whether the additional benefits could truly offset the costs remains a purely hypothetical question in the absence of an enabled CWU industry. However, a gradual building of CWU in some geographical areas and around a limited spectrum of animal and plant species might begin to build evidence. In the current situation where both technical and infrastructural capacity would need to be built more
or less from scratch, whether limited CWU would provide enough benefits over a short enough time period to benefit both the people and the wildlife is another question that could very likely only be answered by trying.

A fair distribution of both costs and benefits between producers and consumers of wildlife goods and services is imperative. Whether KWS would be willing to accept a role that supports and enables rather than maintaining its traditional compliance, enforcement and management roles remains to be seen. In so doing, KWS must be ready and able to relinquish or, at the very least, share equitably its own claim to the economic benefits that might derive from CWU in Kenya. At present the agency still sees itself maintaining primary responsibilities for managing CWU if it is to scale up, and it does not support full devolution.

Equitable sharing of the benefits accruing with those bearing the costs of living with wildlife need to be fulfilled in today’s Kenyan CWU setup. From a purely socio-political perspective, little scope exists for allowing a CWU industry to benefit only those private landholders with large private properties who can currently afford or secure investors to cover the capital costs of growing the market for wildlife products derived from large mammals. This should be considered a real limitation to the number of locations in Kenya where CWU could realistically take place and grow. Greater opportunities may be found in starting with smaller wildlife-based enterprises based on a conservative expanding list of species of plants and animals listed in WCMA 2013. A prerequisite will be to develop the guidelines on incentives and benefit sharing in order to operationalize section 76 of WCMA 2013.

For all practical purposes, Kenya has been out of the market for utilization of wild large mammals for decades, and there is little or no formal capacity for game farming, game ranching or other forms of wildlife use, despite the large illegal trade that has been going on for some time (Barnett, 2000; Sutton, 2008; Lindsey et al., 2013). These skill gaps will require massive investments to rebuild.

A landowner will not invest in wildlife production (regardless of the species of plant or animal) unless the net returns are positive or are greater than the direct and indirect benefits from agricultural and livestock production on the same land.

The long debate on the use of fences on ecosystem functions and wildlife migration across eastern and southern Africa could provide important lessons (Ferguson & Hanks, 2010, 2012; Woodroffe et al., 2014) and opportunities for securing investment to support such capital investment in CWU. This would require exploring new mechanisms for private equity to support enterprise development.

**Innovative mechanisms to attract investments**

The lack of capital investment available for CWU ventures came up strongly during public consultations. Whereas some landowners including communities wished to invest
in CWU, they felt constrained by the shortage of available capital and how it could be accessed.

In addition to markets for wildlife goods and services, there may also be a market for mechanisms to finance the expansion of small-scale enterprises by attracting private sector resources, innovative structures and instruments into conservation efforts and outcomes. Financing mechanisms such as development impact bonds (DIBs) could be made available only in a more enabled environment, or bonds issued to fund conservation initiatives may meet the principles for issuing social and green bonds—SIBs (Social Finance, 2011; OECD, 2015). These financial innovations are evolving and may be piloted on a limited number of cases.

Importantly, the financing innovations would require the creation of an enabling, long-term policy environment both at the national and international levels. In real terms this also implies simplifying and reducing the costs of complying with permitting, licensing, permissions, requirements for management and offtake plans, monitoring and reporting or conforming to the strictures of international environmental laws to which Kenya is party to. Meaningful investment will require broader, not narrower, opportunities for potential economic gain and the wider this range of opportunities, the more attractive the resource becomes to long-term investment.

### 4.2.3 Recommendations

1. Responsibilities and user rights as currently defined require further clarification and definition in the legislation to ensure that the bulk of economic benefits accrue to those bearing the costs of living with wildlife.
2. Assess the current commercial domestic bushmeat trade, which is illegal and appears to be unsustainable, and explore ways to regulate or curtail this market to ensure sustainable levels of offtake.
3. Develop and promote legal domestic and international markets for the goods and services provided by the animals, plants and genetic components of Kenya’s biodiversity; before a) enabling actions are taken in support of such markets, and b) capital can be attracted to support new enterprises to service these markets.
4. Create an economically enabling environment to overcome barriers that may prevent accessing or benefiting from wildlife markets. The question is therefore not so much whether a broader array of consumptive uses is economically and financially viable, but what is required to make them so in any given case.
5. Promote alternative financing mechanisms for the communities who would wish to venture into business involving wildlife and its products.
6. Develop alternative financing mechanisms to secure land for wildlife (large mammals >3 kg) as a matter of urgency if wildlife is to compete favourably with other wholly incompatible alternative land uses that are currently totally transforming wildlife habitats through degradation and fragmentation.
7. Promote alternative financing mechanisms for the communities who would wish to venture in to business involving wildlife and its products.

8. Develop alternative financing mechanisms to secure land for wildlife (large mammals >3 kg) as a matter of urgency if wildlife is to compete favourably with other wholly incompatible alternative land uses that are currently totally transforming wildlife habitats through degradation and fragmentation.

Statutory Institutional & Regulatory Regimes
4.3 Statutory institutional and regulatory regimes governing CWU and trade

4.3.1 Interpretation of the ToR

Kenya has different statutory institutional and regulatory regimes that govern consumptive wildlife utilization (CWU) and trade. Some of the regimes are relevant and if aligned appropriately will be useful in the implementation of CWU. Others could be used to strengthen WCMA 2013 to implement the CWU industry effectively and efficiently, if gaps and overlaps are addressed.

4.3.2 Findings

The Task Force identified and assessed several regimes that are linked to CWU and trade. The mandates of these regimes include but are not limited to licensing, research, monitoring, health, education, trade and export. Here the focus was on assessing the most relevant and direct regimes for CWU and listing the indirect regimes. Overlaps and gaps were identified which formed the basis for recommendations of implementing CWU.

Direct and relevant regimes that require attention for CWU implementation

i. **Meat Control Act (Cap 356) and the Kenya Meat Commission Act, Cap 363**

   exercise control over meat and meat products for human consumption, places where meat is processed, and the import and export of meat. The Act is implemented through the Meat Control (Transport of Meat) Regulations 1976, Meat Control Local Slaughterhouses and Licencing Regulations 2010 and 2011. This Act is closely related to the Kenya Meat Commission Act, Cap 363 whose overall aim is to provide a ready market for livestock meat. These Acts do not include wildlife meat and its associated by-products, processing places and related trade matters such as markets. The definition of meat and the list of animals for meat in these Acts do not include species of wildlife listed in WCMA 2013.

ii. **Fisheries Management and Development Act (FMDA), 2016**

   provides for the conservation, management and development of fisheries and other aquatic resources to enhance the livelihoods of communities. The Act defines ‘fish’ as any marine or aquatic animal or plant, living or not and processed or not, and any of their parts and includes any shell, coral, reptile and marine mammal. The definition of fish in FMDA 2016 is inconsistent with the classification of fish in WCMA 2013. Some examples of ‘fish’ in the FMDA 2016 are actually ‘wildlife’ according to WCMA 2013.

iii. **Forestry Conservation and Management Act (FCMA), 2016**

   mandates the Kenya Forest Service to develop, manage and conserve sustainably and rationally use all forest resources for socio-economic development. This involves permitting and licencing for use of forest resources as provided for in FMCA 2016, but these are
currently not harmonized with the permitting and licencing provisions for the use of wild plants in WCMA 2013.

iv. *Disease Control Act, Cap 364* addresses animal diseases. This Act’s relevance is in ensuring that CWU does not promote the spread of diseases through movement, consumption, slaughter and disposal of carcasses. Its weakness is that it does not include the control of diseases related to birds.

v. *Agriculture, Fisheries and Food Authority (Amendment) Act, 2013* consolidates the laws regulating and promoting agriculture. This Act does not recognize wildlife farming or ranching as a form of agriculture, neither is wildlife meat recognized as food yet currently some wildlife (animals and plants) are farmed and consumed.

vi. *Health Act, 2017* Sections 75–79 of this Act promote traditional and alternative medicines. The main sources of the active ingredients of traditional medicines are plants and animals. Their extraction for medicinal purposes must adhere to the provisions of this Act. The main gap in this Act is that it does not recognize wildlife (plants and animals) as sources of alternative medicine.

vii. *Environmental Conservation and Management (Amendment) Act, 2015 and Environmental Conservation and Management Act, 1999* Sections 58 to 67 of this Act provide that environmental impact assessments (EIA) be carried out before a new project is started. The amended second schedule section 13 (a to g) will apply given that CWU is a project requiring major changes in land use. Commercial exploitation of natural fauna and flora (e.g., biotechnology, tannin production, abattoirs and meat-processing plants) should be subjected to EIA. However, environmental inspectors in the wildlife sector are not gazetted.

Other relevant regimes

i. *County Governments Act, 2012* Sections 102 to 115 provide for a county planning framework that integrates economic, physical, social, environmental and spatial needs. CWU will need to be integrated into the county planning process in line with these provisions.

ii. *Climate Change Act, 2016* requires that environment-related activities are aligned to climate change adaptation and mitigation. This includes CWU activities.

iii. *Employment Act, 2007* CWU should conform to this Act on matters related to jobs creation.

iv. *Occupational Health and Safety Act, 2007* provides for the safety, health and welfare of workers. CWU establishments shall ensure that they conform to the provisions of this Act, to guarantee the occupational health and safety of employees and wildlife.

v. *Lands Act, 2012* CWU on lands under any form of administration will need to fulfil the land administration requirements of this Act.
vi. **Land Registration Act, 2012** Land under CWU must be registered under the provisions of this Act. However, stamp duty and other levies imposed during land transfers, registration and leases may discourage landowners or communities from converting their land for CWU.

vii. **Physical Planning Act, 1996** addresses regional and local physical development plans. Some CWU facilities will have to abide by the provisions of this Act especially where large-scale fencing will be necessary. This Act is currently under review, providing the opportunity to incorporate precise wildlife-related issues that are affected by physical planning.

viii. **Prevention of Cruelty to Animals Act (Cap 360)** The Act will be adhered to during implementation of a CWU industry to prevent cruel treatment of wildlife species being used.

ix. **Science, Technology and Innovation Act, 2013** promotes, coordinates and regulates science, technology and innovation in the country. Different forms of research and innovation will be needed before and during CWU to inform its success, management and administration. However, neither wildlife research nor a wildlife research institute is listed in this Act.

x. **Water Act No. 43 of 2016** In some situations, conservation areas designated for CWU will share important water sources or catchments and therefore will need to observe relevant sections of this Act such as on abstraction, catchments, constructions, obstruction, and pollution.

xi. **Kenya Vision 2030** One of the flagship projects of this development blueprint for the environment is to secure and conserve wildlife migratory corridors and dispersal areas in order to contribute to habitat integrity, connectivity and movement of wildlife that are necessary for sustainable CWU.

xii. **National Wildlife Strategy (NWS) 2030** One of the key elements of this strategy that is relevant to CWU is promoting equitable and inclusive access to wildlife resources and benefit sharing as well as increasing awareness and appreciation of wildlife by all Kenyans.

xiii. **Sessional Paper No. 1 of 2018** provides policy statements on the National land-use policy in Kenya. It is a policy based on the philosophy of economic productivity, social responsibility, environmental sustainability and cultural conservation. It recognizes the need to provide incentives for communities to participate in conserving natural resources. It also advocates harmonizing the policy frameworks of various government departments and agencies to ensure they conform to this policy. These general principles are all applicable to a sustainable CWU.
4.3.3 Recommendations

1. Develop regulations under the Meat Control Act (Cap 356) and the Kenya Meat Commission Act (Cap 363) for local slaughterhouses and transport of wildlife meat, and gazette all wildlife species listed for meat consumption in WCMA 2013.

2. Harmonize the definitions of fish in both the Fisheries Management and Development Act, 2016 and WCMA 2013. Parts V on conservation, management and development; VI on import, export, trade and marketing; VII on quality and safety; IX on information, data and records; X on licensing and registration; XII on requirements for foreign users under charter arrangements; XIII on monitoring, control and surveillance; and XVII on establishment of a marketing authority of FMDA 2016 could be customized for CWU.

3. Harmonize permitting and licensing systems for farming and for using trees and plants listed in the tenth schedule of WCMA 2013 with those in the Forestry Conservation and Management Act, 2016.

4. Amend the Disease Control Act, Cap 364 to include control of diseases related to birds.

5. Amend the Agriculture, Fisheries and Food Authority (Amendment) Act, 2013 to include wildlife meat as human food as well as wildlife farming or ranching as a form of agriculture, and to provide for incentives to wildlife farmers and wildlife ranchers to improve food security.

6. Amend the Health Act, 2017 to recognize and list wildlife (animals and plants) as sources of alternative medicine.

7. National Environmental Management Authority to gazette environmental inspectors in the wildlife sector to enforce CWU.

8. Amend the Science, Technology and Innovation Act, 2013 to recognise wildlife research by including it in the Act, and also list in the Act the relevant research institutions undertaking wildlife research such as the Kenya Wildlife Service or the wildlife research and training institute provided for in WCMA 2013.
Capacity For Sustainable Wildlife Utilization
4.4 Institutional and technical capacity for sustainable wildlife utilization

4.4.1 Interpretation of the ToR

Kenya had a CWU model until 1977 when hunting and other forms of CWU were placed under a moratorium. This moratorium was lifted partially to pilot game cropping between 1992 and 2002 but was banned again in 2004 resulting from complaints over dishonest practices, that the trial was negatively affecting wildlife and that it was not adequately backed by legislation. At that time, key institutions and their personnel had built adequate capacity to manage CWU.

Since the ban in 2002, Kenya continues to lose its necessary expertise, knowledge, infrastructure and insights for conducting and managing CWU. However, Kenya can still rebuild or re-acquire the necessary institutional and technical capacities required within government institutions and among individuals and entities outside government to effectively undertake CWU. This can be realized by working with communities, county governments, conservation NGOs, development partners, and other relevant national government departments and agencies. Due to the long hiatus since 2002 in CWU, it is apparent that a multi-stakeholder approach including landowners, community, private sector and government institutions will be required in the implementation of the CWU, with clear roles and responsibilities.

The findings in this section are on KWS and other relevant institutions whose technical capacity for to implement a CWU industry will need to be developed.

4.4.2 Findings

The Task Force identified institutions whose capacities should be developed appropriately to implement CWU. The focus was on assessing the most relevant institutions and listing other relevant ones. Capacity gaps were identified and recommended for improvement.

Core institutions for CWU

i. **Kenya Wildlife Service (KWS)** is the institution mandated by law to conserve and manage wildlife in Kenya (WCMA, 2013). KWS is the lead institution that is responsible for overseeing the CWU industry as well as developing mechanisms for sharing benefits accruing from wildlife (WCMA, 2013). The organization is expected to coordinate and advise all other national and county government departments, national government agencies, individuals, communities (wildlife ranchers and conservancies) and conservation non-government organizations (WCMA, 2013; KWS, 1995) to ensure necessary institutional and technical capacities as well as legal requirements for CWU are in place before the CWU industry starts. County wildlife conservation and compensation committees (CWCCCs) have been established under WCMA 2013 as a mechanism to
implement some of the provisions of the Act, among them, ensuring that benefits derived from CWU are distributed accordingly, and as a participatory county land-use planning that considers critical wildlife habitats, corridors and dispersal areas. However, there is no legislative link between the committees and the county governments. The Task Force noted the serious lack of technical capacity among most members of CWCCCs serving at the time; their terms of office had expired, rendering them ineffective and inoperable.

ii. KWS has the advantage of being present in all counties. However, its optimal operations are limited by inadequate resources—finances, personnel, equipment and machinery. Doubts were expressed on the ability of KWS as Kenya’s premier wildlife custodian to absorb the additional responsibility of CWU. The KWS education department for example was found to be weak to adequately educate communities on CWU. These limitations need to be addressed to make KWS more efficient and effective to adequately enforce, regulate and supervise the CWU industry, as well as coordinate other agencies involved in CWU.

iii. **Community Wildlife Associations** and wildlife managers as established under section 40 (1) of WCMA 2013. These associations or managers must have capacity to manage, regulate and share proceeds of CWU in conservancies, ranches and sanctuaries. These associations and wildlife managers are encouraged to be members of the umbrella body—the **Kenya Wildlife Conservancies Association** (KWCA). KWCA brings together conservancies across Kenya to enhance sharing of best practices, harmonize standards and ensure that the voice of the conservancies on wildlife matters is firm, united and heard at the national level.

iv. **Directorate of Resource Surveys and Remote Sensing (DRSRS)** is currently housed under the Ministry of Mining. Since 1977, DRSRS has undertaken aerial surveys in Kenya’s rangelands and collected data on wildlife population status, distribution and trends. DRSRS could work closely with KWS to monitor wildlife populations within CWU areas. However, due to limited resources (finances, personnel, equipment and machinery), the directorate faces challenges in providing consistent and timely data and information on wildlife.

v. **Directorate of Veterinary Services (DVS)** in the Ministry of Agriculture and Irrigation undertakes disease surveillance, veterinary governance and management support services, veterinary public health and animal products, diagnostic and efficacy trials, gazetting and licensing of slaughterhouses, inspection of meat, and issuance of permits for meat transport. The directorate currently deals with livestock meat. DVS has resources (qualified personnel, finances, machinery and equipment) spread throughout the country.

vi. **Kenya Plant Health Inspectorate Service (KEPHIS)** Established by the Kenya Plant Health Inspectorate Service Act, 2012, KEPHIS is a regulatory body that protects plants, seeds and plant varieties, and agricultural produce. KEPHIS will be useful
in ensuring that foreign injurious pests, diseases and noxious weeds are not imported or exported during CWU of plants. This capacity will be important in ensuring that CWU implementation does not bring into the country undesired plants or breach international requirements.

vii. **Kenya Meat Commission (KMC)** was formed in 1950 through the KMC Act, Cap 363 with the objective to provide a ready market for livestock farmers, and provide high-quality meat and meat products to consumers. Currently KMC does not handle wildlife meat.

viii. **Wildlife Research and Training Institute** is provided for in sections 50–64 of WCMA 2013. A key function is research, which will inform whether and how CWU is to be carried out. However, the institution has still not been operationalized. Further, its research functions as currently stated in WCMA 2013 overlap with the research mandate of KWS.

**Other relevant institutions for CWU**

i. **County Governments or Devolved Governments**: One of the county government’s role is to ensure equitable sharing of resources. County governments also create departments to address different sectors including wildlife. However, county governments’ capacity to address wildlife issues is not developed. The WCMA 2013 is silent on the role of county governments in wildlife management. The Act should be reviewed to enhance the capacity of county governments to effectively play their role in the CWU industry.

ii. **National Bio-safety Authority (NBA)** was established by the Bio-Safety Act No. 2 of 2009 to undertake general supervision and control over the transfer, handling and use of genetically modified organisms. For CWU, cases may arise to genetically modify plants or animals to enhance their quality and production. NBA guidelines will check and guide such genetic modifications of wildlife species for CWU to ensure such CWU products are fit for human consumption.

iii. **National Museums of Kenya (NMK)** is established by the National Museums and Heritage Act, 2006. NMK plays a key role in biodiversity conservation including undertaking research and monitoring of small mammals, invertebrates, herpatofauna and plants. Its capacity in biodiversity research and monitoring will complement KWS in managing CWU.

iv. **National Environment Management Authority (NEMA)** Established under the Environmental Management and Coordination Act, 1999, NEMA supervises and co-ordinates all matters relating to the environment, and is the principal instrument of government in the implementation of all policies relating to the environment. Under CWU, NEMA will issue environmental impact assessment licenses as well as enforce license conditions. Although NEMA is present in the counties, resource limitations (personnel, finances, equipment and machinery)
prevent efficient and effective monitoring and enforcement of EIA license conditions.

v. **Non-governmental organizations (NGOs)** are established under the Non-Governmental Coordination Act, Cap 134. During implementation of CWU, NGOs may be involved in: training in enterprise development, providing conservation education, marketing wildlife products, developing management and business plans, and supporting animal welfare issues. NGOs have the resources required to ensure such activities are implemented to benefit communities living with wildlife.

vi. **Public Health Directorate** is established under the Public Health Act, Cap 242 and strengthened under the Health Act, 2017. The Directorate addresses the prevention of infectious diseases; protection of food facilities; inspection of slaughter houses, butcheries, restaurants and hotels; and ensures general safety of buildings. Though the Directorate target domestic animals, its capacity can be tapped for CWU of large mammals.

### 4.4.3 Recommendations

1. The Government of Kenya to encourage and support development and implementation of a comprehensive CWU education and awareness program that also targets relevant institutions.

2. The Government of Kenya to create a department or unit to manage CWU. This department will address education, promotion/publicity, delivery of technical services, access to finance for CWU practitioners, and quality control functions such as veterinary linkages, trade, standards and markets.

3. County governments to integrate wildlife conservation and management in their spatial plans, integrated development plans and strategic plans.

4. Reconstruct and realign CWCCCs with county governance structures and ensure that members of these committees are skilled. The appointment of members to CWCCCs should adhere strictly to the provisions of WCMA 2013 to ensure the committees have sufficient technical capacities to execute their roles in the implementation of CWU industry.

5. KWS should cooperate and work with DVS to exploit the synergy, resources and capacity between them to better manage wildlife meat as a CWU industry.

6. The Kenya Meat Commission to enhance its capacity to include wildlife meat and products.

7. The Ministry of Tourism and Wildlife to operationalize the wildlife research and training institute, and harmonize the research functions of this institute and of KWS.
8. The Government of Kenya should provide adequate finances to the wildlife sector and other relevant institutions to allow them to discharge their duties effectively and efficiently to implement CWU.

9. KWS to develop capacity or collaborate with relevant institutions to handle issues concerning genetic mixing, introduction of exotic species, selective breeding for specific characteristics, intensive versus extensive forms of management, and the humane handling of animal slaughter.

10. Privately run wildlife sector associations should be established at different levels to collaborate with KWS and county governments to self-regulate and monitor CWU.
Conventions, Treaties & Restrictions
4.5 International conventions, treaties and agreements and restrictions on CWU

4.5.1 Interpretation of the ToR

This section combines ToR b and c (see Annex 1) because they overlap in some aspects. The Task Force considered ToR c on the identification of international restrictions (if any) that may impact on sustainable consumptive wildlife utilization in Kenya a subset of ToR b on the review of the impact of relevant international conventions, treaties for implementing consumptive wildlife utilization in Kenya.

Kenya is a member of the international community and a signatory to key international conventions, treaties and agreements (international frameworks) governing wildlife conservation and management, including CWU. Such frameworks include the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Convention on Conservation of Migratory Species of Wild Animals (CMS), the Convention on Biological Diversity (CBD), the Nagoya Protocol of the CBD on Access to Genetic Resources and Equitable Benefit Sharing (ABS), and the Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora (LA). As a signatory to these treaties, conventions, protocols and agreements, Kenya is obligated to ensure it complies with their provisions that also form part of the national laws as per Article 2 of the Constitution. Any CWU industry in Kenya therefore must consider the requirements under these international frameworks for the resultant wildlife products to be accepted in international markets in order to maximize the socio-economic and ecological benefits to the country.

Meeting international commitments and requirements, both statutory and voluntary, such as product certification standards, may increase market competitiveness and the premium placed on the value of sustainably produced live plants and animals, their parts and derivatives and other genetic components of biodiversity. Non-compliance with internationally agreed standards may lead to trade suspensions on the products and or loss of markets for the wildlife products.

Further, the harvesting and transport of, international trade in and access to markets for wild plants and animals are managed in observance of certain set national and international standards. Some of the standards such as veterinary health and phytosanitary health certification standards are statutory while others such as product quality certification for enhanced market access are voluntary. Non-compliance with these standards may restrict trade and impact negatively on CWU.

The mechanisms for implementing the provisions of the international treaties, conventions and agreements and of enforcing international statutory standards are managed by various national institutions designated and mandated for such purposes.
4.5.2 Findings

In responding to the two ToR, the Task Force analysed the following aspects in international treaties, conventions & agreements and standards:

- All relevant treaties, conventions and agreements ratified by Kenya and their impacts on CWU.
- The mechanisms for implementing the provisions of the treaties, conventions and agreements relevant to CWU and status of national compliance to facilitate sustainable CWU.
- The institutional arrangements including structures and capacity (technical and financial resources) to ensure the country implements CWU while complying with the relevant treaties, conventions and agreements to which the country is a signatory.
- Relevant international practices and standards that may promote or restrict international trade of live plants and animals, their parts and derivatives and genetic components of biodiversity.
- Relevant and existing product certification schemes that may be necessary to help the country in securing markets for products generated from CWU and enhance their premiums.
- All statutory international requirements that may restrict international trade in live plants and animals, their parts and derivatives, and genetic components of biodiversity.

Some stakeholders, especially those already practising CWU involving export and import of animals and plants, their products and derivatives, were familiar with the international provisions relating to CWU. Similarly, the stakeholders were aware of the provisions of WCMA 2013 and CITES on wildlife species listing and utilization.

Implementation of Section 80(3) of WCMA 2013 will observe the provisions of the agreements, treaties and conventions that Kenya has ratified, among them the CITES, CMS and Nagoya Protocol.

Various institutions have been designated as national focal points and administrative authorities for implementing wildlife-related conventions, treaties and agreements. Each of these institutions has a role to play in the CWU industry; however, inter-institutional synergies are not optimal.

Kenya is internationally recognized and respected for meeting the statutory international standards and certifications especially on animal and plant disease controls, and air travel safety standards including international air transport of live animals.

Kenya’s products from the CWU activities currently practiced have had no challenges in gaining access to the international markets. It is expected the same environment will prevail as the CWU industry is expanded to include other user rights, as allowed under section 80 (3) of WCMA 2013.
4.5.4 Recommendations

1. The institutions designated as focal points or administrative authorities for implementing and national reporting on the respective treaties, agreements and conventions to play their roles effectively through enhanced synergies to ensure the country meets all its international obligations.

2. The management processes of CWU industry to observe and comply with provisions of the relevant international treaties, conventions and agreements that Kenya is signatory to, and with the international standards governing trade in wild plants and animals.

3. As the body responsible for managing wildlife and wildlife-related international treaties, conventions and agreements, the Kenya Wildlife Service to play the lead role and work closely with all other relevant institutions to ensure the country complies with all international requirements related to implementation of a CWU industry.

4.6 Procedures, guidelines and conditions for licensing

4.6.1 Interpretation of the ToR

The clear procedures, guidelines and conditions for licensing that are entrenched in the national wildlife legislation are critical for the future success of CWU in Kenya. The roles and mandates of institutions involved in licensing processes should be clearly defined. A devolved governance structure should be identified and recommended, with clearly articulated roles and responsibilities as they relate to specific activities along the entire CWU value chain. The proposed procedures, guidelines and conditions for licensing will then refer directly to those with specific responsibilities for implementing activities directly related to licensing.

4.6.2 Findings

Procedures, guidelines and conditions for CWU exist but they have to be accompanied by an articulate governance structure for specific activities along the CWU value chain.

Currently no subsidiary legislation (gazetted regulations) and guidelines have been formulated under WCMA 2013 to manage all the consumptive wildlife use activities provided for in section 80(3). However, a number of CWU activities are taking place especially on game farming for selected species of reptiles (Nile crocodile, chameleon, tortoise, butterfly) plants (aloes, cacti), certain species of birds (ostrich, guinea fowl, Psittacidae spp., quail, etc.) and molluscs (snails) as included in the tenth schedule of WCMA 2013. These activities were licensed and regulated by KWS under the regulations and guidelines of the now repealed Wildlife Conservation and Management Act, Cap 376. The same regulations and guidelines are being applied, pending development and gazettement of new ones under the WCMA 2013.
The Task Force established that except for the user rights on game farming and research involving offtake, no activities have been licensed for the other four consumptive wildlife user rights: game ranching, live capture, cropping and culling.

Kenya Wildlife Service manages the user right on research involving offtake by applying the Environmental Management and Coordination (Conservation of Biological Diversity and Resources, Access to Genetic Resources and Benefit Sharing) Regulations 2006 formulated under the Environment and Management Coordination Act and managed by NEMA and the Science, Innovations and Technology Act, 2013 managed by NACOSTI.

While the tenth schedule in WCMA 2013 provides a list of wildlife species for which game farming may be allowed, no such guidance is given for the other user rights. The species for which the other user rights may be practiced are not provided for. Further, the list of species for game farming is ambiguous and should be refined. Examples of such ambiguities include listing of same species or higher taxon under different taxon/taxa/group levels. This, compounded by the lack of adequate regulations and guidelines to manage these user rights, ensures the implementation of the provisions of section 80 (3) remains a challenge for Kenya Wildlife Service.

4.6.3 Recommendations

The Task Force proposes procedures, guidelines and conditions for licensing CWU activities following recommendations from the public consultations, which are also informed by additional information from the literature review and experiences shared from CWU licensing practices. However, a number of considerations must inform these procedures, guidelines and conditions.

4.6.3.1 Considerations for procedures, guidelines and conditions for licensing

1. Review and refine the tenth schedule of WCMA 2013 on species for which game farming may be allowed to remove the ambiguities therein, and provide a list of species that is specific and devoid of misinterpretation.

2. Develop and include in WCMA 2013 a schedule of species under each of the other consumptive wildlife user rights—game ranching, live capture, cropping and culling—and for which activities may be allowed.

3. Provide specific procedures, guidelines and conditions and levels of approval for licensing for each user right and as much as possible the subject species or taxon that is subject to the user right. Approval of user right for certain species may be granted only by the Cabinet Secretary on the recommendation of Kenya Wildlife Service.

4. Formulate and gazette regulations for licensing and managing consumptive wildlife user rights envisaged under WCMA 2013 to make it possible to license, issue permits, and monitor activities and enforce the regulations effectively.

5. To make dynamic and not restrictive the schedules of the species for which a user right may be allowed, provide a clause that makes it possible to amend the list from
time to time based on the species’ biological requirements and emerging trends in populations of the subject species, without necessarily going through Parliament for the amendments. The schedules should allow revisions to include or delete a species/taxon from the list as may be deemed necessary based on a biological, use or precautionary principle criteria.

6. To make the CWU licensing and permitting process efficient and effective, a mechanism is needed that will bring together on a common licensing platform all relevant regulatory agencies for purpose of issuing the required CWU licenses and permits. Such a platform could be the national electronic single-window system (KESWIS) managed by Kenya Trade Network Agency to facilitate business processes, or could borrow from the “huduma” centre concept where services by different government departments are provided under one roof (one-stop shop).

7. Develop and promote regulations and guidelines for CWU as part of conservancy management plans and business plans. Identify minimum standards for CWU management within those systems. Accompany this effort with a monitoring system of business support.

4.6.3.2 Step by step procedures for licensing and permitting CWU user rights

1. All applications to be considered for registration of a CWU user right should be made to the Director General, KWS, through the CWCCC in the respective county. The application will be submitted in a prescribed form providing details of information requested from the applicant and about the application.

2. The information provided in the application form should include but not be limited to the following:

   - Legal entity and full contact address of the applicant
   - Type of user right being applied for and the targeted species (for game farming, information on the potential source of the founding stock and targeted quantities per species should be provided)
   - Type of land ownership and tenure for the land where the user right will be practiced
   - List of species of wildlife (animals and dominant plant species) and their estimated populations per species hosted in the parcel of land at time of application
   - Land-use types in the adjacent land parcels
   - County and specific locality /area within the county where the user right being applied for will be practiced
   - A 5-year business plan and a management plan for the user right; the management plan should show how the land hosting the wildlife and the wildlife products to be realized from the user right will be used
   - Benefit sharing plan (for user rights other than game farming)
3. The CWCCC will review the applications made in 1) above and recommend to the Director General, KWS, whether to approve or not. As part of the review process, the CWCCC will, before recommending, verify the information with the applicant and other relevant regulatory agencies.

4. KWS or the Cabinet Secretary will ensure CWCCCs receive copies of the licenses issued (with specified accompanying conditions) for the user right for record and to update the database of licensees in the respective county.

5. CWCCCs together with KWS and other statutory institutions, such as the Directorate of Veterinary Services, KEPHIS, NEMA, the Public Health Department, with a role in management of CWU activities and together with relevant wildlife user right group associations (if applicable) will monitor the activities of the license holders in respective counties and ensure compliance and enforcement of the conditions attached to the license. Compliance by the license holder with the conditions to operate will inform the recommendations of the CWCCC to KWS/Cabinet Secretary on renewal of the licenses.

4.6.3.3 Guidelines for licensing CWU

1. The licensee to specify all species/taxon for which a user right license application is made.

2. The licensee to state the type of products to be realized from the practice of the user right for which a license has been applied and how those products will be used.

3. A license holder should as much as possible register to be a member of a CWU user right group association, which will be a self-policing body of licensees, to ensure there are standards for ethics of practice and quality control.

4. The licence holder will declare to KWS the local outlets/markets for the products realized from the practice of a user right and registered for that purpose.

5. All user right license holders to file regular returns with KWS on their operations. The frequency of filing returns will be determined by the type of user right, the biology of the species involved and the type of products utilized.

4.6.3.4 Conditions for licensing

Issuance and renewal of a license for a consumptive wildlife user right will be subject to:

1. Recommendations of the CWCCC in respective counties and where so required, the approval of the Cabinet Secretary for certain species and user rights.

2. A business management plan of at least a 5-year period. This period may be longer.

3. Where so required, an environmental impact assessment (EIA) report and license issued by NEMA.
4. For renewing a license, compliance with previous conditions; if for game farming, proof that there has been successful breeding of the subject species to at least first filial (F1) generation or rearing of the specimens to the commercial size.

5. Approval and issuance of license by other relevant statutory institutions with a role in CWU management. Such institutions include NEMA, KEPHIS (for plant materials), DVS (for animal materials), Public Health Department (for meat as food product).
Interventions for Sustainable Wildlife Utilization
4.7 Short, medium and long-term Interventions for Sustainable Wildlife Utilization

4.7.1 Short-term (1–2 years) interventions

1. In the draft national wildlife policy and National wildlife strategy 2030, expand the role that consumptive and non-consumptive wildlife uses play in equitable benefit sharing, livelihoods, employment and conservation.

2. Implement a major public awareness-raising campaign to inform Kenyans about practical CWU opportunities that the Government of Kenya demonstrates it can control. This will include reports on past efforts and a report on the efficacy and impact of present licensing efforts and enterprises.

3. Review WCMA 2013 to address CWU issues raised by conservation stakeholders.

4. Complete a national review of existing WCMA 2013 regulations and move to clarify, discard, or add additional regulations that improve conservation options and the environment.

5. Give particular attention to the role that regulations addressing access, incentives and equitable benefit sharing play in promoting both consumptive and non-consumptive wildlife uses in Kenya.

6. Re-open bird shooting while carefully monitoring environmental impacts and benefits. This will need a good public relations campaign between KWS, Game-bird Association of Kenya, their communities’ constituencies and landowners.

7. Assess the scale and extent of the current illegal bushmeat trade to find ways to reverse its effect on wildlife populations.

4.7.2 Medium-term interventions (2–5 years)

1. Complete the analysis of wildlife numbers in the country, their densities and distribution and the biological/ecological needs at all relevant scales.

2. Identify the scope and scale of current domestic and international markets and market opportunities for Kenya’s plants and animals, their parts and derivatives and the genetics components of biodiversity. This can take on dimensions of non-meat opportunities as well as less contentious meat/protein sources.

3. Develop the guidelines for CWU as part of conservancy/ecosystem management plans and business plans required under the conservancy registration regulation.

4.7.3 Long-term interventions (5 years and beyond)

1. Argue for wildlife conservation and CWU to become a devolved function on private lands and community conservancies, supported by strong guidelines including country integrated development plans, county sector strategies, land-use/spatial plans and budgets.
2. Secure part of the national budget to the county governments for devolved wildlife conservation and management functions in partnership with KWS.

3. Develop frameworks for working with other relevant government agencies to be involved in CWU.

4. In all the public consultations, corruption was a feared vice that could infiltrate CWU and lead to exploitation of communities and depletion of wildlife stock. The fight against this vice should continue until such a time that the public is confident the vice is under control.
General Findings
5. Other Important General Findings

5.1. Understanding of consumptive wildlife utilization

The ToR generally assumed that those to be consulted or, by implication, to be engaged in CWU are aware and understand CWU. However, during the initial consultations there was little understanding of consumptive wildlife use, the purpose and benefits of CWU, the tools for CWU management as described in WCMA 2013, and the impacts of CWU in Kenya to date (since independence). Wildlife is largely interpreted as large mammals (>3 kg) and most interested stakeholders were not aware of the broader interpretation of ‘wildlife’ provided for in the Act. The term ‘wildlife’ is misunderstood as most people see CWU as ‘nyama’ and that it applies only to the consumption of wild meat (bushmeat).

As CWU can be a highly emotive issue for many and can easily lead to conjecture and rejections out of hand, it is important to educate the public and raise awareness of all aspects of CWU as a first step and certainly prior to any proactive moves to broaden the scope of CWU.

The understanding of consumptive wildlife utilization was diverse across the 15 regions consulted. During the regional consultations, participants were asked individually to state whether they supported or did not support CWU and give their reasons at the beginning and at the end of the sessions. The number of people who supported and those who opposed CWU varied at the beginning and at the end of each of the consultative sessions. This variance was informed by the detailed information that was presented on the context of CWU, as provided under WCMA 2013 and the scope of the terms of references of the Task Force. Some communities understood CWU to mean benefiting from tourism initiatives, while others understood CWU to mean that animals had to be killed for benefits to be derived through sale of their products.

A number of those consulted also had the perception that CWU meant introducing ‘hunting’, which would benefit only the rich and foreigners. Participants expressed fear that from past experiences of CWU under the pilot cropping program, communities will still not benefit. Many recommended implementing lessons learned from this exercise instead of reinventing the wheel.

Despite the numbers of people supporting or opposing CWU, there were numerous common areas of concern identified as challenges to effective implementation of CWU. These included: limited institutional capacity to regulate, monitor and enforce CWU; inadequate data and statistics on current wildlife populations to inform viability of sustainable CWU; corruption, poaching, habitat loss and climate change; perception that CWU will only benefit foreigners, rich land owners and license holders; limited knowledge, technical capacity and finances of the local people; inadequate understanding of CWU by local communities; inadequate data and statistics on current wildlife populations to inform viability of sustainable CWU; and others.
A section of people consulted said that Kenya is not yet ready to implement CWU because of serious challenges such as lack of education and awareness of wildlife matters, especially among the communities that host wildlife on their land. The public was of the opinion that WCMA 2013 has other benefits to communities, such as compensation for death, injury and crop damage, and should first be implemented before implementing CWU.

Other stakeholder groups consulted in Nairobi included Conservation Alliance of Kenya, key government agencies, KEPSA, youth and licensees. Most participants expressed the fear that CWU will open up hunting in Kenya, leading to extinction of its wild animals. They understood CWU to mean meat in restaurants. They said Kenya was not ready for CWU and the government should implement priority activities within WCMA 2013 such as compensation, developing regulations to implement the Act, implementing the national strategy and developing a wildlife policy. Most stakeholders were also apprehensive that corruption will wipe out our wildlife and that there was no framework to monitor, regulate and enforce CWU.

5.2. Trends in support of CWU

Large private landowners supporting conservation or tolerating wildlife on their property were generally of the opinion that they needed tools and incentives for hosting wildlife on their lands. They believed that their conservation efforts were not recognized or valued. They absorbed most, if not all, of the costs for conservation, and received only the benefits accruing through non-consumptive use on their own initiatives and without the government’s assistance or incentives. Their employment, tax, and corporate social responsibility contributions were significant. The absence of recognition and assistance was particularly ironic in landscapes such as Laikipia and parts of the Rift Valley (Nakuru) where wildlife populations have remained relatively stable in the face of 60–70% attrition in other parts of Kenya.

Community conservancies – Community conservancies and community landowners were largely divided in their opinions of consumptive wildlife use. Few had heard of this provision in the law, and many were opposed to the consumptive use of wildlife on the conservancies or community lands they managed after a recent history of active conservation and recognition through the Conservancy Movement.

The mixed composition of these stakeholder consultations allowed people to expand their understanding of CWU. After the discussions stakeholders could see value in opportunities for wildlife enterprises related to plants, insects, bird shooting, and some animals. Cultural and perception differences were also evident. For example, the Maasai community traditionally consider eating wildlife meat a taboo and this seems not to have changed fundamentally; even today they associate CWU with killing animals for meat. Communities in Lamu were concerned that CWU will open the traditional hunting
culture of some local communities, such as the Awe, which had been reduced through extensive education and awareness in order to conserve wildlife for non-consumption.

In other areas like Lodwar and Wajir, CWU industry involving bushmeat of any kind was rejected because of cultural and religious beliefs.

**Small-scale landowners** – There was little traction for conventional CWU among small-scale landowners, but their understanding of the potential to explore CWU using insects, plants, reptiles and amphibians was in keeping with opportunities they can derive from their lands. This was the case in western Kenya.

### 5.3. Suggested innovations by the stakeholders

- Potential practitioners should focus on medicinal and aromatic plants, and on reptiles for consumptive uses, such as snake farming for anti-venom production. These are less controversial species for CWU and have great economic potential.
- The government should promote a well-regulated and controlled bio-prospecting industry so that genetic components of biodiversity can be put to better use.
- KWCA should be given more mandate in some aspects of 1) management planning services, 2) business planning services, 3) wildlife and biodiversity monitoring efforts, and 4) audits for conservancies employing non-consumptive and consumptive wildlife uses. This could complement government efforts in CWU implementation and management.
- The government should leverage CWU activities that value and respect natural resources in order to strengthen cultural identities, beliefs and practices.
- After establishing a baseline, CWU practitioners could use stock from existing areas with sufficient numbers as a starting point for CWU in order to develop game farms and game ranches as sources of domestic live trade.
- Communities in Amboseli, Lamu, Magadi, Taita Taveta and Mombasa proposed to use some invasive species of birds and plants to create employment and to control their spread. For example, *Ipomea* plants for briquette/compressed coal and *Prosopis* plants for charcoal.
Annexes
Biological & Ecological considerations for large mammals
6. Annexes

Annex 1: Biological and ecological considerations for large mammals

A1: Interpretation of Annex 1

While the Preamble of the gazette notice reads:

Kenya is a leading wildlife conservation nation, spearheading and hosting a number of global conservation initiatives. The Government is intent on guarding this position. Consumptive utilization of wildlife is regarded as a means by which deliberate mechanisms may be provided to grow and utilize wildlife stock in a sustainable manner that accrues benefits to the country and communities hosting wildlife. Kenya has banned sport hunting and there is no intention of opening this debate.

None of the terms in the ToR made direct reference to the need to examine the biological and ecological considerations of CWU. It was assumed that there is sufficient monitoring and management of the populations of wild animals and plants, their parts and derivatives or other genetic components of biodiversity in use. It was also assumed that Kenya has a broad understanding of the numbers, distribution and trends of different species at different scales and using different methods. This latter requirement is currently lacking but has been listed as a priority activity within the National Wildlife Strategy 2030.

When it comes to large mammals, it was assumed that there are sufficient numbers and healthy habitats where they can be grown, despite pressure from competing land uses, to sustain market demand for CWU. The economic potential of consumptive wildlife utilization ultimately hinges on the maximum sustainable supply of wildlife products that contribute to income or livelihoods. The economic significance of wildlife also depends on the comparative value of livelihoods among land owners and communities sharing wildlife lands. In the case of wildlife lands in Kenya, this involves livestock producers, most of whom are pastoralists on community owned lands, and a small minority of commercial ranchers on individually owned private lands.

Reopening a large mammal-based CWU industry in Kenya faces enormous socio-economic hurdles, but some illustrative examples are useful to understanding what might be possible. All else being equal, or at the very least politically feasible and sanctioned, constructing a simple economic model restricted purely to large mammal-based enterprises might help to identify the important and complex economic interactions underlying CWU. Such a model would have a number of key characteristics and can be expressed best in terms of net returns, as gross returns or revenues are often misleading.

The Wildlife Act defines wildlife as all species of animals and plants and their products. In the course of Task Force meetings with interest groups around the country, the inclusive definition created enormous confusion and debate, hesitancy and often deep suspicion over the meaning of consumptive utilization of wildlife and the purpose of the Task Force. Given the wide variety of pre-existing and unregulated uses made of Kenya’s
30,000 plants and 5,200 animal species (Kenya’s Natural Capital, 2015), the confusion is understandable. It points to a deep-seated problem in conflating all species of animals and plants under the Wildlife Act.

Dr. David Western, who was unable to contribute substantially to WUTF work and deliberations due to his absence overseas, was commissioned to write the following report on the ecological considerations for consumptive wildlife utilization. The report was approved by the WUTF after review and further inputs.

A2: Ecological findings

Legally, plants and animals are governed by different acts, unless threatened, endangered, vulnerable, or traded internationally under the Convention on International Trade in Endangered Species (CITES), in which case they are covered by the sixth schedule of the Wildlife Act. For example, pasture plants are treated as feed crops on farms, ranches and in pastoral economies. Thus they are not considered wild species in the same way as free-ranging wild animals, but as pasture species covered by the Agriculture Act (Revised 2012). Fish and tree species, again unless threatened or endangered, are covered respectively by the Fisheries Act, 2012 and Forestry Conservation and Management Act, 2016. In each case the principle is to sustain maximum yields, usually of specific species such as tilapia and Nile perch; specific products such as forage, timber of fuelwood; or, in the case of forest reserves, water catchment.

In the case of animal species, most of the 2,017 invertebrates are neither listed in the sixth schedule of the Wildlife Act nor is their use regulated by Kenya Wildlife Service. This enormous diversity of species does nevertheless generate enormous benefits in terms of food security, livelihoods and job creation, whether through honey production, crop pollination, or as a source of food and medicines. In the case of soil organisms, invertebrates and bacteria, the diversity of species is important in decomposing organic matter and recycling nutrients. The combined value of these ecological services derived from biodiversity has yet to be quantified, yet it underpins the natural resource based economy of Kenya and human wellbeing (Kenya’s Natural Capital, 2015).

Most the 2,528 vertebrates are also not listed in the sixth schedule of the Wildlife Act. Of Kenya’s 898 fish species, only 26 are listed in the sixth schedule and are governed by the Fisheries Act. Fish production in Kenya, mostly artisanal, amounts to 150,000 metric tons per annum and 5 percent of GDP. Sport fishing is a significant economic source of income along the Kenya coast and in inland lakes and rivers, yet under the Wildlife Act sport hunting of ‘wildlife’ is prohibited. Of Kenya’s 1,100 bird species, only 122 are listed in the sixth schedule.

For most rural communities, birds are still used consumptively for ornamentation, cultural rituals and food, or killed while protecting crops. Bird hunting also contributed significant income to community associations until it was suspended. Three Northern
Rangeland Trust conservancies alone lost KES 7 million in bird-shooting revenues in 2014, leading to a petition to reintroduce bird shooting. Of the 220 small mammals, rodents especially, both consumptive uses and control measures are largely unregulated and left to the discretion of farmers and households.

Collectively, invertebrates, reptiles, fish, rodents and small mammals such as hare, duiker, dik dik and monkeys, make up a large unregulated and legally opaque bushmeat trade that contributes substantially to ‘standby’ rural food security, especially during droughts, crop failures and loss of livestock herds.

In short, by far most species of plants and animals are either treated as domestic, consumable or usable in some form, or as pestilent and removable by property owners. The State, in other words, plays no part in the management of Kenya’s 35,200 species of plants and animals—except for the 1 percent (350) species listed in the sixth schedule of the Wildlife Act as endangered, threatened or vulnerable—or unless they have aesthetic or cultural appeal, are of national economic importance to the tourism industry, or are a threat to human life and property. The use of 99 percent of wildlife not listed in the sixth schedule is already a matter of a private not national decision-making and jurisdiction.

The enormous value of wildlife uses left to the discretion of land owners is by far the largest component of utilization. For example, pasture production and use in the rangelands supports 15 million livestock with an economic value of USD 800 million annually. Charcoal produced largely in the rangelands contributes USD 427 million directly to rural communities (MEWNR, 2013). Wood fuels, which make up the bulk of energy used in the rangelands, contribute far more significantly and supply the energy needs of 93 percent of rural households.

In short, the vast majority of species opaque in the Wildlife Act make up a huge portion of the food, energy, medicines and cultural products of Kenya’s rural economy. In the rangelands, covering 70 percent of Kenya’s land surface and supporting most of Kenya’s large mammals, the unregulated consumptive use of plants and animals is the basis of the economy. The scale of this hidden and largely consumptive and sustainable use of nondomesticated species needs to be quantified, acknowledged and encouraged as the product of Kenya’s biodiversity and ecological services (Kenya Natural Capital, 2015).

Important as wild species of plants and animals are to Kenya’s national economy, livelihoods, food security and employment, the Task Force had neither the time nor funds to address the full potential of sustainable consumptive uses of wildlife. The ecological and biological considerations missing in the terms of reference of this assignment therefore focus on the potential benefits of consumptive use of large mammals, as defined by uses such as game farming, game ranching, live capture, research, cropping and culling large mammals listed in the Wildlife Act.
The existing illegal bushmeat trade involving larger mammal species for home consumption and sale is a large but poorly quantified industry. Bushmeat constitutes a significant factor in rural livelihoods and food security, especially in drought years.

In many rural areas, the illegal consumption offsets, to some extent, the large losses herders and farmers suffer from wildlife depredations. In most areas, however, wildlife-generated incomes, whether illegal or legally through tourism, fall far short of the depredations costs (Norton-Griffith & Southey, 1995). Consequently, human–wildlife conflict has risen sharply over the last two decades and, over the last few years especially, has been heightened by the government’s failure to compensate for the loss of livestock and crops as delineated by the Wildlife Act.

The ecological and biological considerations enumerated in this section cover the potential offtake of sustainable consumptive uses of wildlife based on best available data, consistent with the goals of the Wildlife Act in conserving species, habitats and ecosystems.

**A2.1: Potential off-takes**

The economic potential of consumptive wildlife utilization ultimately hinges on the maximum sustainable supply of wildlife products that contribute to income or livelihoods. The economic significance of wildlife also depends on the comparative value of livelihoods among land owners and communities sharing wildlife lands. In the case of wildlife lands in Kenya, this involves livestock producers, the majority of them pastoralists on community owned land, and a small minority of commercial ranchers on individually owned land.

The projected offtakes that follow apply to large wild and domestic herbivores and not to large carnivores. Most large carnivores are listed as threatened or endangered species under the sixth schedule of the Wildlife Act and are rarely used as a source of food, even though they provide a variety of social and ecological services.

Maximum offtake rates for any species can be calculated from the population size and annual birth rate. Projections of maximum annual yields, expressed by live weight, can then be calculated from the body size of a species used as a surrogate of annual birth rate, multiplied by population density (Western, 1983). These calculations provide the yearly production figure for each wild herbivore species and give a direct comparison with livestock production in the same area.

Since 1977 the Directorate of Resource Surveys and Remote Sensing (DRSRS) has been counting large herbivore species and livestock in the 21 counties making up the Kenya rangelands (Figure A2.1).
The counts show a 68 percent decline in wildlife numbers over the last four decades (Ogutu et al., 2016), sharply reducing the analysis of consumptive wildlife utilization since the FAO-funded Kenya Wildlife Management Project (1975–1977) showed the logistical difficulties and economic shortfall in culling large free-ranging wildlife herds in the community lands of Kajiado. Table A2.1 gives the most current counts of wildlife and livestock from 2011 to 2013 (Ogutu et al., 2016). Total wildlife numbers amounted to 613,000 compared with 15 million livestock; of these 11.2 million are sheep and goats. In comparative terms, the wildlife population is only 4 percent of livestock numbers. Selected counts since then point to a continuing downward trend in most wildlife species, according to DRSRS 2018.
Table A2.1: Livestock and wildlife numbers for the Kenya rangelands. The figures have been rounded to the nearest thousand. Production yield per annum is calculated by dividing total production for each species by the total area of the rangelands. The final column give the percentage of total production contributed by each species.

<table>
<thead>
<tr>
<th>Species</th>
<th>Population estimates</th>
<th>Production (Kcal/km²)</th>
<th>Species production (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sheep &amp; goat</td>
<td>11,200,000</td>
<td>1964.08</td>
<td>30.174</td>
</tr>
<tr>
<td>Cattle</td>
<td>3,060,000</td>
<td>2694.21</td>
<td>41.390</td>
</tr>
<tr>
<td>Camel</td>
<td>675,000</td>
<td>1174.39</td>
<td>18.042</td>
</tr>
<tr>
<td>Wildebeest</td>
<td>161,000</td>
<td>109.97</td>
<td>1.690</td>
</tr>
<tr>
<td>Donkey</td>
<td>124,000</td>
<td>87.88</td>
<td>1.350</td>
</tr>
<tr>
<td>Zebra</td>
<td>110,000</td>
<td>103.9</td>
<td>1.596</td>
</tr>
<tr>
<td>Grant’s gazelle</td>
<td>77,000</td>
<td>24.87</td>
<td>0.382</td>
</tr>
<tr>
<td>Buffalo</td>
<td>40,000</td>
<td>64.57</td>
<td>0.997</td>
</tr>
<tr>
<td>Thomson’s gazelle</td>
<td>39,000</td>
<td>6.55</td>
<td>0.101</td>
</tr>
<tr>
<td>Elephant</td>
<td>36,000</td>
<td>143.01</td>
<td>2.197</td>
</tr>
<tr>
<td>Impala</td>
<td>27,000</td>
<td>8.72</td>
<td>0.134</td>
</tr>
<tr>
<td>Giraffe</td>
<td>25,000</td>
<td>57.00</td>
<td>0.876</td>
</tr>
<tr>
<td>Topi</td>
<td>22,000</td>
<td>15.59</td>
<td>0.240</td>
</tr>
<tr>
<td>Ostrich</td>
<td>19,000</td>
<td>12.34</td>
<td>0.190</td>
</tr>
<tr>
<td>Oryx</td>
<td>14,000</td>
<td>10.92</td>
<td>0.168</td>
</tr>
<tr>
<td>Eland</td>
<td>10,000</td>
<td>13.45</td>
<td>0.207</td>
</tr>
<tr>
<td>Warthog</td>
<td>9,000</td>
<td>3.14</td>
<td>0.045</td>
</tr>
<tr>
<td>Gerenuk</td>
<td>8,000</td>
<td>1.89</td>
<td>0.029</td>
</tr>
<tr>
<td>Hartebeest</td>
<td>7,000</td>
<td>6.61</td>
<td>0.102</td>
</tr>
<tr>
<td>Lesser kudu</td>
<td>5,000</td>
<td>2.35</td>
<td>0.036</td>
</tr>
<tr>
<td>Grevy’s zebra</td>
<td>2,000</td>
<td>1.89</td>
<td>0.029</td>
</tr>
<tr>
<td>Waterbuck</td>
<td>2,000</td>
<td>1.63</td>
<td>0.025</td>
</tr>
</tbody>
</table>
Figure A2.2 gives a breakdown of animal production by species and points to the enormous dominance of livestock, which collectively account for 91 percent of the animal production in the rangelands. Five species—elephant, wildebeest, zebra, buffalo and giraffe—account for the over 80 percent of wild mammals.

Figure A2.2: Percentage contribution to rangeland production of livestock and wildlife species showing the large predominance of livestock to annual yield.

The total population figures for each species are given on a logarithmic scale in Figure A2.3 to illustrate the huge preponderance of livestock in the rangelands.

Figure A2.3: Population numbers of livestock and wildlife species in the Kenya rangelands.
The proportion of wildlife to livestock in the rangelands over the last four decades declined from approximately 30 percent to 12 percent (Ogutu et al., 2016), further reducing the economic value of wildlife relative to livestock. The higher ratios of wildlife to livestock are largely confined to the southern rangeland areas associated with the centers of the tourism industry in Narok, Kajiado and Taita Taveta.

The figures on wildlife numbers and sustainable offtakes provide the baseline for calculating the maximum yield of meat, hides and other products, based on sustainable offtakes and market prices.

The maximum yield does not, however, take into account several factors that bear on calculating sustainable offtakes of wildlife. With 25 species of livestock and wildlife sharing the rangelands, the reduction in one species in order to achieve maximum growth and reproductive rates will likely result in a compensatory increase in other species. This is most evident in case of trade-offs in livestock and wildlife numbers. Livestock-free protected areas increase wildlife production significantly compared with adjacent group ranches, and vice versa (Western, 1990). From the point of view of wildlife utilization, the trade-off is particularly relevant. A reduction in wildlife through culling is likely to result in a compensatory increase in livestock, increasingly fast-reproducing sheep and goats.

The rate of increase on a managed herd of domestic stock is also far higher than free-ranging wild species of similar size—typically twice—due to the manipulation of sex ratios to maximize the female breeding herd and birth rate, and to the reduction in infant mortality from predation.

Allowance must also be made for the annual wildlife herbivore production needed to support the rich carnivore community where the conservation goal is to maintain a diverse, abundant and resilient ecosystem. The carnivores include protected endangered and threatened species such as the lion, cheetah and wild dog, which are prime attractions in Kenya’s tourism industry and hold special cultural significance in many communities. A decrease in key prey species such as wildebeest and zebra—which make up 39 percent of the wildlife production (Table A2.1) and constitute a bulk of large carnivore diets—will likely increase predation rates on livestock, a key factor in the growing human–wildlife conflict across the rangelands.

Allowance must also be made for the episodic droughts which inflict heavy livestock and wildlife losses (Ojwang et al., 2006). A reduction in wildlife numbers through culling during drought years would further suppress recovery rates relative to livestock. The increase in sheep and goat numbers relative to cattle in pastoral herds over the last 40 years (Ogutu et al., 2016) has accelerated the recovery rates of livestock herds. The quickening rebound of small stock numbers is a significant factor accounting for the progressive decline in wildlife herds, given falling productivity of the rangeland pastures resulting from a large increase in grazing pressure (Western et al., 2015). The declining proportion of wildlife relative to livestock also contributes to the increasing predation rates on livestock.
Several other factors also must be taken into account in calculating wildlife yields for consumptive uses. These include:

i. Discounting species listed as endangered or threatened, such as elephant, giraffe and Grevy’s zebra, protected under the sixth schedule of the Wildlife Act.

ii. Excluding wildlife populations in protected areas off limits to consumptive utilization. Numbers in protected areas account for 35 percent of wildlife populations’ countrywide (Western et al., 2009).

iii. Most wildlife outside protected areas now resides in private and community conservancies. The conservancies cover 11 percent of the rangelands (KWCA, 2016) and account for approximately 40 percent of all large herbivore wildlife (Western et al., 2009). Most community associations and conservancies—Maasai Mara, Amboseli, the South Rift Association of Landowners and northern rangeland communities—interviewed opted out of consumptive culling of large herbivores. Private ranchers supportive of utilization, including Laikipia, Machakos and Nakuru, collectively account for fewer than 10 percent of wildlife populations.

iv. Finally, according to the eighth schedule of the Wildlife Act, the Cabinet Secretary may authorize game cropping provided it does not conflict with the long-term goals of wildlife conservation and management. This becomes an important proviso following the adoption of the National Wildlife Strategy 2030. The NWS 2030 sets as a national conservation goal the maintenance of the minimum viable conservation area (MVCA) needed to conserve the ecological integrity of Kenya’s prime wildlife ecosystems. The large free-ranging herds that characterize the most iconic ecosystems such as Maasai Mara, Amboseli, Taita Taveta and Samburu depend on unimpeded space and the role of keystone herbivores and carnivores to maintain the migratory herds, prey populations, and minimize conflict with pastoralists. The MVCAs must also take into account the corridors connecting migratory routes identified by the Wildlife migratory corridors and dispersal areas report 2017, in line with the tourism development goals of Vision 2030. Both the NWS 2030 and Migratory corridors report set a framework within which culling programs must be considered.

Taking into account the percentage of wildlife in Kenya’s protected areas, national parks and reserves, the one third of the production made up of threatened and endangered species (elephant, Grevy’s zebra and giraffe) and the communities opting against consumptive use of large herbivores, reduces the size of the prospective population available for consumptive utilization to less than 10 percent of the national population.

For lack of a detailed economic assessment, given uncertainties in markets and pricing identified by the economics working group, a rough order of magnitude measure of the value of meat and hides from consumptive uses of wildlife can be given in
comparison with the livestock sharing the rangelands. Given the estimated value of $860 million annually for livestock in the Kenya rangelands (Barrow and Modaka, 2007), the returns from the consumptive uses of wildlife amount to maximum of 1% of livestock production in the rangelands.

The considerations above are based on existing Kenya legislation in which wildlife species, as listed in the schedules of the Wildlife Act, are deemed to be under the public domain. This applies to free-ranging animals moving across large, unfenced, contiguous lands where individual ownership is hard to define and offtake by one authority will affect the offtake potential of another. The considerations are less applicable where wildlife is confined to one property owner and viewed as part of a private estate. On private fenced lands consumptive uses of wildlife can be considered part of the farm production system. Here, as with pasture and livestock, wildlife offtake can be carefully monitored and managed.

In a similar vein, consumptive uses have been widely practiced in Kenya in the case of game farming for crocodile, tortoise, ostrich, butterfly and other species covered by the tenth schedule of the the Wildlife Act. Game farming identifies clear ownership and use rights, allows the rancher to decide on the optimum mix of use and profitability, and husband stocks according to local conditions and market prices.

Although private fenced ranches clearly define user rights of wildlife and make game ranching more manageable, the fragmentation of migratory population on fenced ranches reduces ecosystem integrity and the size of Kenya’s iconic free-ranging herds that are prime attractions in Kenya’s tourism industry. These relatively intact wildlife populations are also important to maintaining wildlife numbers in Kenya’s major parks, with seasonal migrations to the surrounding lands.

**A3 Recommendations**

From the small population sizes and the lack of receptivity from communities across Kenya, it is apparent that the economic prospect for improving livelihoods, job creation and food security based on cropping for meat and skins is trivial compared with livestock production and non-consumptive uses of wildlife.

1. The ecological analysis shows that even discounting for the far lower yields of wildlife relative to managed livestock herds, and ignoring the conservation considerations needed to sustain healthy populations, the consumptive value of wildlife will improve livelihoods, jobs and food security by barely 1 percent if distributed equitably across the rangelands. By far the most significant increase in livelihoods and food security will be gained by improving livestock and dryland farming outputs in the rangelands, and through income diversification that are compatible with wildlife.

2. Improvements in rangeland management and the degraded health of pastures in particular, also stand to improve prospects for wildlife—provided human–wildlife
conflict levels can be reduced substantially and gains from wildlife returns improved significantly. Human–wildlife conflict has not been adequately implemented as addressed in the wildlife policy and the Wildlife Act, 2013, and has thus escalated with the fragmentation and degradation of the rangelands.

3. By far the greatest gains from wildlife income stand to be made from managing tourism revenues in the potentially high-density wildlife areas and in spreading visitation more widely in the rangeland areas through a diversified tourism product. A doubling of tourism revenues would contribute greater gains in wildlife-related incomes and jobs than the consumptive use of large herbivores.

4. On the basis of available data, we conclude that the contribution of the consumptive use of Kenya’s large mammals to job creation and livelihoods would be nominal and unlikely to contribute meaningfully to food security. These economic benefits hinge not on game cropping as defined in the Wildlife Act, but on the enormous, largely unquantified consumptive and non-consumptive benefits derived from the 99 percent of the species making up Kenya’s natural capital, rich biodiversity and ecological services largely overlooked in the Wildlife Act.

5. Produce a detailed report on the inventory, trends and status of wildlife (plants and animals) as a baseline to guide future decisions for CWU implementation.

6. Government to take a serious look at the costs and benefits of fencing for securing community use rights over resources, taking into account the impacts of fences on large, functioning ecosystems.
Annex 2: Gazette Notices (Appointments and term extension)

SPECIAL ISSUE

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**GAZETTE NOTICE NO. 3128**

**THE WILDLIFE CONSERVATION AND MANAGEMENT ACT**

(No. 47 of 2013)

**TASKFORCE ON WILDLIFE UTILIZATION**

Kenya is a leading wildlife conservation nation, spearheading and hosting a number of global conservation initiatives. The Government is in earnest in guarding this position. Consumptive utilization of wildlife is regarded as a means by which deliberate mechanisms may be provided to grow and utilize wildlife stock in a sustainable manner that accrues benefits to the country and communities hosting wildlife. Kenya has banned sport hunting and there is no intention in opening this debate.

Pursuant to section 4 (f), (g) and (j) of 72 (1), (2) of the Wildlife Conservation and Management Act, 2013, the Cabinet Secretary, Ministry of Tourism and Wildlife has established a Taskforce on Wildlife Utilization (Sustainable Wildlife Utilization) to assess and advise on modalities for implementing the provisions of the Act. This is in accordance with the obligations in Article 69 (1) (a) (d) and (h) of the Constitution of Kenya and the provisions of international conventions, treaties and protocols for which Kenya is a signatory to.

The Taskforce shall comprise of:

**Chairperson**

John Waititu (Dr.)

**Members:**

Peter Metz (Dr.)

Wildlife Forum

Ben Okito Ouma (Dr.)

Deputy Chair, African Rhino Specialist Group

Dr. David Western (Dr.)

Patron, Africa Conservation Centre

Dr. Shadrack Ngene (Dr.)

Kenya Wildlife Service

Munir Bachi (M.)

Country Director, The Nature Conservancy

Stephen Manegene

Director, Wildlife Conservation

Caroline Kariki (M.)

CEO, Kenya Private Sector Alliance

Holly T. Dublin (Dr.)

Senior Adviser IUCN Eastern and Southern Regional office

Joint Secretaries:

Ms Gladys Waititi

Lawyer, KWCA

Mr. Solomon Kyalo

Kenya Wildlife Service

1. Terms of reference of the Taskforce shall be to:

(a) Review policy and legislative framework relating to consumptive wildlife utilization including the Wildlife and Conservation and Management Act, 2013, their implications and impact;

(b) Review the impact of relevant international conventions, treaties and on the implementation of consumptive wildlife utilization in Kenya;

(c) Identify international restraint (if any) that may impact on sustainable consumption wildlife utilization in Kenya;

(d) Determine the institutional and technical capacity for sustainable wildlife utilization;

(e) Assess the statutory, institutional and regulatory regimes governing consumptive utilization and trade;

(f) Assess the potential and the economic benefits of consumptive wildlife utilization programs in contributing to improved food security, job creation and livelihood support;

(g) Propose procedures, guidelines and conditions for licensing;

(h) Propose recommendations; short term, medium term and long term interventions for sustainable wildlife utilization.

2. In the performance of its Mandate—

(a) The Taskforce shall co-ordinate an inclusive stakeholder consultation process at all levels;

(b) May with the approval of the Cabinet Secretary co-opt technical experts or any other resource provided that the co-opted members do not exceed one third of the Taskforce.

(c) May, with the approval of the Cabinet Secretary, engage the service of such consultants as may be found necessary for performance of its mandate.

3. Terms of Office—

The terms of office for the Taskforce shall be 60 days from the date of publication of this notice, provided that the Taskforce shall submit to the Cabinet Secretary an interim report within 30 days.

4. Reporting

In the performance of its mandate the Taskforce shall be responsible to the Cabinet Secretary for Tourism and Wildlife.

5. Secretary

The Secretariat of the Taskforce shall be based at the Headquarters of the Ministry of Tourism and Wildlife.

Dated the 29th March, 2018.

NAJIB BALALA,

Cabinet Secretary for Tourism and Wildlife.
a) Appointment of new Chairperson of the Task Force

A new Chairperson, Dr. Benson Okita-Ouma, was appointed vide Gazette Notice 6019 following the appointment of Dr. John Waithaka as the Chair of Kenya Wildlife Service’s Board of Trustees vide Gazette Notice no. 5143.
b) Term extension

GAZETTE NOTICE NO. 4028

THE WILDLIFE CONSERVATION AND MANAGEMENT ACT
(No. 47 of 2013)

TASKFORCE ON WILDLIFE UTILIZATION

EXTENSION OF TERM

IT IS notified for general information of the public that the Cabinet Secretary for Tourism and Wildlife has for the purpose of finalizing the report on Consumptive Wildlife Utilization extended the term of the Taskforce established vide Gazette Notice No. 3128 of 2018, for an additional period of two (2) months, with effect from the 26th April, 2018.

Dated the 30th April, 2018.

NAJIB BALALA,
Cabinet Secretary for Tourism and Wildlife.
Analytical Framework
Annex 3: The Analytical Framework (purpose and components)

1. Purpose of the Analytical Framework

To properly direct efforts and use our resources most efficiently and effectively, it was agreed to build a common vision of the Task Force’s overall assignment, the tasks at hand, the intended deliverables and the means for achieving them among our members.

To this end, the analytical framework (Figure 1.1) was designed to:

- Demonstrate the rationale that underpins the selected mechanisms/tools for the undertakings and approaches of the Task Force
- Help articulate and verify assumptions at all levels
- Identify key bodies of information needed to carry out the TORs
- Identify any flaws in logic as key questions are developed
- Identify any gaps in the TORs
- Provide a starting point for discussions with key stakeholders
- Deliver the final findings and recommendations in a structured, defensible and coherent manner

Figure 1.1: The initial analytical framework highlighting the individual component parts.
2. Components of the Analytical Framework

The Task Force focused on:

a) Analysis of the Preamble of the Gazette Notice on Consumptive Wildlife Utilization
b) Analysis and Delivery of the Terms of Reference of the Task Force
c) Identification and Filling of Critical Gaps in the TORs
d) Stakeholder Consultations
e) Literature Review

Each of these building blocks are described in detail, below.

3. Detail of the component parts of the analytical framework

3.1 Analysis of the preamble of the Gazette Notice on Consumptive Wildlife Utilization

The Implicit “Overarching Initial Assumption”

While not directly stated, the Task Force began its work from an implicit overarching Initial assumption:

*If demonstrable benefits (e.g. food security, livelihood creation, and employment) from wild species of plants and animals accrue to local communities in Kenya, our desired conservation outcomes and impacts will be achieved.*

This is a fundamental, yet untested, hypothesis. However, it provided the Task Force a starting point for its deliberations, underpinned its initial analysis of the Gazette Notice and provided the basis for unpacking the individual TORs and setting out our approach to analyzing and delivering them.

3.2 Terms of Reference of the Task Force

Responsibilities for coverage of the ToR were allocated on the basis of alignment with expertise. By necessity, these considerations varied according to the topics and tasks at hand. For the purposes of analysing each TOR, the Task Force members agreed to take a consistent approach and provide detail on the steps in Figure 3.1.
Interpretation of the ToR

In getting started the Task Force discussed and agreed on the intent of each TOR individually. As the work progressed, individual TOR leads went on to further unpack these interpretations in setting out their basic analytical approaches.

Articulating initial assumptions

Early on the Task Force decided that it was necessary to articulate a priori assumptions for each of the TORs and that these should be tested in the course of the Task Force’s work to enable them to be revised on the basis of actual evidence to support or refute them.

These are known as:

- **A priori assumptions** – these are the assumptions relating to or denoting reasoning or knowledge, which derive from **theoretical deduction** rather than from observation or experience.

The ToR leads tested these a priori assumptions against the evidence accumulated and, where they did not hold, replaced them with revised a posteriori assumptions (see (v) below).

Developing and Asking the Questions

For the testing of assumptions and the full analysis of each TOR the key questions requiring exploration for the testing of assumptions and additional analysis were formulated.
Building the Evidence Base
The evidence base was established for each TOR in support of the analyses conducted. An extensive reference collection was created for the Task Force members to access in Dropbox. Additional supporting materials were chosen at their discretion. As and where relevant, information was also gleaned from the stakeholder consultations and other meetings and discussions, including among Task Force members.

Revising Initial Assumptions
The \textit{a priori} assumptions (see (ii), above) were tested through the various lines of questioning (see (iii), above) and evidence (see (iv), above) and the \textit{a posteriori} assumptions were subsequently derived. It was expected that the two might differ and therefore this testing was considered to be a very important part of the analytical approach for each TOR.

The \textit{a posteriori} assumptions are defined as:

- assumptions relating to or denoting reasoning or knowledge, which derive from observations or experiences rather than theory or conjecture.

Once verified, these assumptions became a part of the final analysis and findings.

Formulating Findings and Recommendations
Findings and recommendations were formulated for each of the TORs. Taken together, these formed the overall findings and recommendations of the Task Force.

3.3 Identification and Filling of Critical Gaps and Bridging Overlaps in the TORs
In the course of deeply interrogating the TORs, the Task Force members discovered several critical gaps requiring further investigations and additional skill sets. The Task Force also identified overlaps in some of its ToR. The following gaps were highlighted for additional effort:

\textbf{(i) Identifying, Analysing and Developing Markets}

The Task Force felt that well before any effort to further “kick start” CWU in Kenya goes ahead, it would first be important to better understand the markets for Kenya’s wild animals and plants and the genetic components of all our biodiversity.

At present, little is known about the local, national, regional or international markets for many of these products, the primary focus of such markets or their scale, and this clearly requires a thorough analysis.

And if these markets are to be further developed it was also felt that there would be a need to build the enabling environment including infrastructure, incentives and marketing aspects, which would allow Kenya’s industry to compete successfully and thrive. These considerations were added to TOR f) covered in section 4.3, of this report. Time did not allow a thorough examination of the market structure and development and it is felt that this should still be done.
(ii) Biological and economic considerations for large mammals

While the Preamble of the gazette notice reads:

*Kenya is a leading wildlife conservation nation, spearheading and hosting a number of global conservation initiatives. The Government is intent in guarding this position. Consumptive utilization of wildlife is regarded as a means by which deliberate mechanisms may be provided to grow and utilize wildlife stock in a sustainable manner that accrues benefits the country and communities hosting wildlife. Kenya has banned sport hunting and there is no intention in opening this debate.*

There was no TOR that made direct reference to the need to examine the biological and ecological considerations of CWU. If Kenya is to develop and maintain a sustainable CWU industry, there will need to be institutions both within and outside of government capable of monitoring and managing the populations of wild species (of animals and plants), their parts and derivatives or other genetic components of biodiversity in use. This will require a broad understanding of the numbers, distribution and trends of different species at different scales and using different methods. This latter requirement is currently lacking but has been listed as a priority activity within the National Wildlife Strategy 2030.

Regarding large mammals, levels of sustainable CWU will also be limited by the area and trends of available habitat, which will be under continual pressure from competing alternative land uses. In order to meet market demand and remain competitive, additional land compatible with wildlife use may be needed. There will be a need, therefore, to estimate the potential demands for additional land under CWU. This identified gap is covered in Annex 1 of this report.

3.4.4 Identified overlaps in the ToR

The ToR (a) on policy and legislative framework was found to overlap in some aspects with ToR (e) on statutory and regulatory regimes. To eliminate the overlaps, the Task Force focused ToR (a) on review of policy and legislative frameworks that are specific to wildlife conservation including the draft wildlife policy (2018), WCMA 2013 and the draft wildlife regulations. Reporting of ToR (e) was thus restricted to the other relevant statutes. These are covered in sections 4.4. and 4.5 of this report. The ToR (c) on international restrictions was found to be a subset of ToR (b) on international conventions and treaties. Their reporting is therefore combined in section 4.6 of this report.

3.4.5 The Evidence Base

(i) Stakeholder Consultations

Stakeholder consultations formed a fundamental and integral part of the Analytical Framework. KWS and selected representatives of private and community landowners were consulted initially. These were followed with consultations carried out by the TF in 11 key wildlife conservation areas that are ecosystem based and follow the regional conservancy structure across the country and an additional four regions to reach out to communities outside this regional structure.
The Task Force also recognized that there would be relevant knowledge and experience within the wildlife and other sectors in Kenya. To tap into this knowledge and experience, the Task Force also consulted the Conservation Alliance of Kenya, the Kenya Private Sector Alliance, youth representatives, and the current CWU licensees. Other relevant government agencies were also consulted to assess their technical capacity to engage and deliver their relevant role in CWU if its implementation was to be expanded. In total, the Task Force held twenty-two public meetings.

An initial set of topics was tailored for specific stakeholder groups and used to guide these consultative meetings and interviews (Annex 3). Written submissions were sought through the issuance of a general public notice published in the local dailies (Annex 4) requesting memoranda and petitions to be submitted by 20 August 2018 through an email portal (wildlife.Task Force@go.ke).

(ii) Literature Review

Given the long hiatus in CWU in Kenya, it was clear from the start that a thorough review of the published literature on game ranching, game farming and other forms of wildlife use would be needed. To this end, dozens of articles have been compiled, organised and placed in a shared folder in Dropbox. Task Force members were encouraged to add to this library and to use it actively in conducting their analyses and formulating their interpretations.
Annex 4: Thematic areas of discussion during stakeholder meetings

1. Support or otherwise for consumptive wildlife use and list of species for utilization.
2. National and international policies and legislation that impact any decision to implement consumptive wildlife use.
3. Challenges and benefits that are likely to be experienced in consumptive wildlife use (technical, institutional, social-cultural, financial, ecological).
4. Institutions that should regulate, enforce and supervise consumptive wildlife use.
5. Traditional consumptive wildlife use and how it could inform current consumptive wildlife use.
6. Alternatives and suggestions for improving the current consumptive wildlife use as provided for under the Wildlife Conservation and Management Act no. 47 of 2013.
Annex 5: Newspaper notice for public memoranda and petitions

MINISTRY OF TOURISM AND WILDLIFE

INVITATION FOR PUBLIC PARTICIPATION: WRITTEN SUBMISSIONS

The Taskforce has been established to promote and advise on the sustainable consumptive wildlife utilisation. It has been established by the Cabinet secretary through Gazette Notice No. 3120, Vol. XVI No. 6 of 30th March 2010. In the meantime, the Taskforce is undertaking public consultation in synopsis of the following terms of reference:

a. Review policy and legislative framework relating to consumptive wildlife utilisation, including the Wildlife Conservation and Management Act, 2013, their implications and impact.

b. Assess the impact of relevant international conventions, treaties and agreements on consumptive wildlife utilisation in Kenya.

c. Identify international mechanisms (if any) that may impact on sustainable consumptive wildlife utilisation in Kenya.

d. Determine the institutional and technical capacity for consumptive wildlife utilisation.

f. Assess the statutory, institutional and regulatory regimes governing consumptive utilisation and by-law.

G. Assess the potential and economic benefits of consumptive wildlife utilisation programs in contributing to food security, job creation and livelihood support.

h. Propose procedures, guidelines and conditions for licensing and


The above terms of reference are based on Article 60(1)(a) of Constitution of Kenya 2010, sections 46(1), (q), (s), (t), (u), (v) of the Wildlife Conservation and Management Act. 2013 (Wildlife Act) which facilitate for wildlife utilisation through measures that ensure sustainability of the wildlife resources to enable the country to access wildlife revenue and attract support. In providing the submissions relating to the terms of reference above, the consumptive wildlife utilisation options under consideration are:

1. Game hunting, game management/conservation
2. Research, involving culling, trapping, and collaring
3. Hunting

The Taskforce hereby invites the public to make written memoranda and petitions to inform the above terms of reference, guided by the following questions including:

Name: (optional)
Organisation: (optional)
Telephone contact: ____________
Location (County/Sub-County):

1. Do you support the consumptive use of wildlife (cows and animals)?
2. Is there a need to manage wildlife numbers?
3. Why do you support (or not) consumptive wildlife utilisation?
4. What species would you recommend for wildlife farming, hunting, culling, trapping, research involving culling, or other forms of consumptive utilisation?
5. Which statutory institutional and regulatory regimes should govern consumptive wildlife utilisation?
6. Who should enforce the regulations and guidelines for consumptive wildlife utilisation?
7. Are there adequate guidelines for consumptive wildlife utilisation?
8. Are there adequate training and technical support for consumptive wildlife utilisation?
9. Are there adequate technical support for consumptive wildlife utilisation?
10. Should regulation of consumptive utilisation of wildlife be the same for fenced and non-fenced lands?

Written memoranda and petitions shall be sent to the Taskforce through email address: wildlife@taskforce@tourism.go.ke or by hand delivery to 33rd Floor, NSIF Building, Block A, Easter Wing to

31st JULY 2018.

Dr. Ben Ojiamochi
CHIEF EXECUTIVE
Taskforce on Wildlife Utilisation
## Annex 6: Work plan and activity schedule for the Task Force

<table>
<thead>
<tr>
<th>Task No.</th>
<th>Task Description</th>
<th>Start Date</th>
<th>End Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Launch and 1st TF meeting</td>
<td>26-Apr-18</td>
<td>26-Apr-18</td>
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<tr>
<td>2</td>
<td>Literature Review</td>
<td>26-Apr-18</td>
<td>31-Aug-18</td>
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<tr>
<td>3</td>
<td>2nd TF meeting</td>
<td>26-Apr-18</td>
<td>3-May-18</td>
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<tr>
<td>4</td>
<td>3rd TF meeting</td>
<td>3-May-18</td>
<td>14-May-18</td>
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<tr>
<td>5</td>
<td>TF Retreat</td>
<td>14-May-18</td>
<td>16-May-18</td>
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<tr>
<td>6</td>
<td>4th TF Meeting</td>
<td>16-May-18</td>
<td>24-May-18</td>
</tr>
<tr>
<td>7</td>
<td>KWS Consultation</td>
<td>24-May-18</td>
<td>11-Jun-18</td>
</tr>
<tr>
<td>8</td>
<td>KWCA &amp; Landowners Reps Consultations</td>
<td>11-Jun-18</td>
<td>13-Jun-18</td>
</tr>
<tr>
<td>9</td>
<td>Interim Report to the CS</td>
<td>13-Jun-18</td>
<td>25-May-18</td>
</tr>
<tr>
<td>10</td>
<td>Stakeholder Regional Consultations: Group 1 - (Mombasa, Taita Taveta, Amboseli, Magadi)</td>
<td>25-May-18</td>
<td>23-Jul-18</td>
</tr>
<tr>
<td>11</td>
<td>Stakeholder Regional consultations: Group 2 - (Kisumu, Athi Kapiti, Nakuru, Laikipia, Isiolo, Meru)</td>
<td>23-Jul-18</td>
<td>9-Aug-18</td>
</tr>
<tr>
<td>12</td>
<td>Stakeholder Consultations (CAK, Government Reps, KEPSA, Youth, Licensees)</td>
<td>9-Aug-18</td>
<td>17-Aug-18</td>
</tr>
<tr>
<td>13</td>
<td>TF Meeting for Consolidating Information</td>
<td>17-Aug-18</td>
<td>24-Aug-18</td>
</tr>
<tr>
<td>14</td>
<td>Synthesis and Reporting</td>
<td>24-Aug-18</td>
<td>31-Aug-18</td>
</tr>
</tbody>
</table>
Annex 7: The standard presentation during public consultations

MINISTRY OF TOURISM AND WILDLIFE
STATE DEPARTMENT FOR WILDLIFE
TASK FORCE ON CONSUMPTIVE WILDLIFE UTILISATION (CWU)

THE TEAM
1. Ben Okita - Chair
2. Holly Dublin
3. Munira Bashir
4. Peter Hetz
5. Stephen Manegene
6. David Western
7. Caroline Karuki
8. Shadrack Ngene

JOINT SECRETARIES
Gladys Warigia
Solomon Kyalo

INCLUSIVE STAKEHOLDER CONSULTATIONS
- Landowners in critical wildlife areas are a priority stakeholder
- Additional organized stakeholders:
  - KWS & other relevant government agencies
  - Conservation Alliance of Kenya (NGOs)
  - Kenya Private Sector Alliance (KEPSA)
  - Youth representatives
  - Current CWU licensees

THE TASK
ASSESS AND ADVISE ON MODALITIES FOR IMPLEMENTING PROVISIONS OF THE WILDLIFE CONSERVATION AND MANAGEMENT ACT 2013
- SECTION 4 (F) AND (G) - Wildlife conservation and management shall be exercised in accordance with the principles of sustainable utilization to meet the benefits of present and future generations.
- SECTION 72 (1) AND (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 conservation.

TERMS OF REFERENCE
- Review the policy and legislative framework relating to consumptive use. Assess their implications and impacts.
- Review the impact of relevant international conventions, treaties and assess them relative to CWU in Kenya.
- Identify international restrictions that can impact CWU.
- Assess the potential and economic benefits of consumptive wildlife use (PLANTS and ANIMALS) to:
  - Employment/job creation
  - Livelihoods
  - Food security

THE PROCESS GUIDING OUR WORK (WORK PLAN)

NON-CONSUMPTIVE AND CONSUMPTIVE WILDLIFE USES PROVIDED FOR UNDER THE ACT (SECTION 80)
The CS through County Wildlife Conservation and Compensation Committee grants a general permit for consumptive wildlife use activities, including:
- (a) game farming;
- (b) game ranching;
- (c) culling.

Consumptive Wildlife Utilization
CONSUMPTIVE WILDLIFE USE ACTIVITIES IN LAW

- **GAME FARMING** – means the rearing of wildlife in an enclosed and controlled environment for wildlife ‘conservation, trade and recreation; (e.g. ostrich, crocodile)
- **GAME RANCHING** – means the keeping of wildlife under natural extensive conditions with the intention of engaging in wildlife conservation, recreation and trade;
- **LIVE ANIMAL CAPTURE** – includes any act immediately directed at the taking alive of wildlife or the taking of nests, eggs or young of any wildlife;
- **OFF-TAKE FOR RESEARCH** – Not defined in WCMA but could mean removing dead or alive wildlife for research purposes.
- **WILDLIFE CULLING** – means selective removal of wildlife based on ecological scientific principles for management purposes.
- **WILDLIFE CROPPING** – means harvesting of wildlife for a range of products.

OTHER wildlife CONSUMPTIVE USES

- **COLLECTION OF PLANT MATERIALS** (traditional medicines, charcoal, plants for processing e.g. aloes, mangroves, nuts, etc.)
- **FISHING**
- **DEALING & COLLECTION OF TROPHIES** (E.G. feathers, skulls, bones, etc.)
- **ACCESS TO GENETIC MATERIAL** (including bio-prospecting)
- **MARINE AND FRESHWATER organisms**

THANK YOU

email: wildlife.taskforce@tourism.go.ke
About The Task Force Members
Annex 8: About the Task Force Members (in alphabetical order)

**Benson Okita-Ouma, PhD, MBS**

The Chair of the Task Force, Benson holds a bachelor’s (Kenya), master’s (UK) and a doctorate in philosophy (Netherlands) in conservation science. He has 22 years of professional experience and works to bridge conservation with community and national development. He headed the rhino and conservation programs at KWS and is largely involved in community development on education, micro-business and water. In 2008, he was awarded by the President of Kenya the Moran of the Order of the Burning Spear (MBS) for distinguished service to the nation. Ben is well published, recently co-authoring *Kenya’s Wildlife migratory corridors and dispersal areas* report — a Kenya Vision 2030 deliverable on environment and subsequently appointed by Government of Kenya to a Working Group championing the implementation of that report. He was in the synthesis team for Kenya’s Wildlife Strategic Plan 2030. Currently, he heads scientific monitoring at Save The Elephants, is the deputy chair of the IUCN-African Rhino Specialist Group, a member of several conservation related boards, and was recently appointed as the co-Chair of the IUCN SSC African Elephant Specialist Group.

**Carole Kariuki, MBS**

Carole holds a BA in economics and sociology from the University of Nairobi and a master’s in public administration and international affairs from Bowling Green State University, USA. She worked for several years at KEPSA before being appointed KEPSA CEO. Carole is credited with transforming KEPSA from a little-known business institution to one of the most influential institutions in Kenya and globally. KEPSA is the apex body of the private sector in Kenya, galvanizing the private sector through public–private dialogue and influencing the economic agenda of the country and the region. Carole serves on numerous boards including the Africa Advisory Board, Harvard University Center for African Studies; Council Member, Daystar University Kenya; and Business Advocacy Fund, Danish Embassy Kenya. She is also a board member of the Kenya 2030 Water Resources Group Partnership. She is the recipient of numerous awards for leadership for her role in the development of the private sector. She was awarded by the President of Kenya the Moran of the Order of the Burning Spear (MBS) for distinguished service to the nation.

**David Western, PhD, EBS**

David is chairman of the African Conservation Centre. He is a former director of Kenya Wildlife Service, established Kenya’s Wildlife Planning Unit, chaired the African Elephant and Rhino Specialist Group, directed Wildlife Conservation Society’s international programs and co-founded the International Ecotourism Society. His publications include *Conservation for the Twenty-first Century, natural connections: Perspectives in community-based conservation* and *Kenya’s natural capital: A biodiversity atlas*. He is an Elder of the Order of the Burning Spear (EBS) awarded by the President of Kenya for distinguished service to the nation, a recipient
of the World Ecology Award, holder of the Life-time Achievement Award for Ecotourism, and holds an honorary doctorate of science from the University of Leicester.

**Gladys Warigia Njoroge**

Gladys is a lawyer with specialization in environmental law. She is the policy coordinator at Kenya Wildlife Conservancies Association (KWCA) since 2013. She provides leadership to the organization in advocating supportive legislative and policy reforms that support growth of conservancies in Kenya. Gladys has been central in wildlife policy and legal reforms, having been a member of the synthesis committee that developed the first National wildlife strategy (2030). She is leading the KWCA partnership with KWS in implementing WCMA 2013, which includes developing subsidiary regulations to the Act. She is currently supporting the Ministry of Tourism and Wildlife in reviewing and finalizing the Wildlife policy. In addition to her secretarial duties, she also provided legal advice to the Task Force.

**Holly Dublin, PhD**

Holly has worked to link the inherent values of biodiversity and ecosystem services to human livelihoods and well-being. She is a system ecologist and global expert in monitoring and evaluation and in the international trade and use of wildlife species of animals and plants, and the broader issues of community-focused wildlife conservation in Africa. After more than 20 years in WWF’s Africa and Madagascar Program, Holly was elected to the Governing Council of IUCN to serve as Chair of the Species Survival Commission (SSC), the largest of IUCN’s six expert commissions, overseeing the publication of the IUCN Red List and coordinating the work of over 10,000 conservation scientists and practitioners. For the past 25 years, she has also chaired SSC’s African Elephant Specialist Group. Holly has been an active player in local, national and international policy forums, including the CITES, CBD and the SDGs. She has been a member of the Independent Advisory Panel for three external evaluations of the Global Environment Facility. She is also a senior associate with the International Institute for Environment and Development. Holly holds a PhD in zoology from the University of British Colombia.

**Munira K. Anyonge-Bashir, HSC**

Munira is a community wildlife conservation expert with over 27 years of professional experience. She holds a master of business administration and tourism, a bachelor’s in business studies and professional skills in community conservation. Her professional experience includes careers as a tourism officer with the Government of Kenya, executive public relations officer at the National Museums of Kenya, and assistant director/USAID program manager at Kenya Wildlife Service. Munira was among the lead persons in the development of the Wildlife Conservation and Management Act, 2013. She is a recognized leader in community development and conservation initiatives such as the Kenya Wildlife Conservancies Association (KWCA), Masai Mara Wildlife Conservancies Association.
(MMWCA) and Northern Rangelands Trust. She is currently the director of The Nature Conservancy in Kenya and has been decorated with Head of State Commendation (HSC).

**Peter Hetz**

Peter presently serves as the Executive Director of the Laikipia Wildlife Forum in Nanyuki, Kenya. He is a senior international development professional with more than 40 years of experience at the interface between land rights, community natural resources management, capacity building and communications. His professional career began in Kenya with the Wildlife Conservation and Management Department in 1977. He has taught community-based natural resources management at the Universities of Nairobi, Makerere and Dar es Salaam. He has a life-long commitment to peoples engaged in wildlife and habitat conservation, and works best in teams that share this commitment. Since returning to Kenya in 2015, he has joined the Boards of KWCA and the Conservation Alliance of Kenya, and is also a member of the Council of Elders of Northern Rangelands Trust. His geographical experience includes short, long and medium-term assignments in more than 30 countries in Africa, Eastern Europe and Asia. He has degrees in ecology, adult education and natural resources management with an emphasis on land tenure and property rights.

**Shadrack Ngene, PhD**

Shadrack is the Head of Species Conservation and Management at Kenya Wildlife Service and worked as assistant director for Wildlife Industry Governance and External Linkages, and senior scientist in several national parks in Kenya. He is in charge of developing and implementing endangered species recovery plans. He has published 32 research papers focusing on elephants, rhinos and wildlife management policy issues. Shadrack joined KWS in August 2000. He holds a PhD in application of GIS and remote sensing in natural resources management from the University of Twente, the Netherlands. He also has a Bachelor of Science and master of philosophy in wildlife management from Moi University.

**Solomon Nzenge Kyalo**

Solomon is the Head of Multilateral Environmental Agreements and Research Authorization Department at the KWS. He has worked with KWS since 2000, coordinating implementation of wildlife-related multilateral environmental agreements (MEAs), key among them the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). He is responsible for coordinating preparations of country positions on wildlife-related MEAs that Kenya is signatory to and advising on their implications to the country. This includes implementing the decisions and resolutions taken by Parties thereof. He advises on the provisions of CITES and other MEAs as they relate to sustainable wildlife use. Solomon holds a BSc (Botany/Zoology) from Kenyaatta University, and a MSc in international framework for biodiversity conservation and management (International University of Andalucia, Spain).
Stephen Manegene

Stephen is a natural resources management and policy expert with over 33 years of experience in the wildlife sector. He graduated with a master's from the University of Edinburgh in 1992 and has held various senior positions at KWS including as Head of Planning and Environmental Compliance. He has skills and competencies in policy analysis, management planning, environmental impact assessment and strategic planning, among others. He is currently the Director of Wildlife Conservation in the Ministry of Tourism and Wildlife with overall responsibility for wildlife policy formulation and overseeing implementation. He has recently served in various national capacities including as chair of the Wildlife Conservation and Management Bill (2013) drafting team, member of the Task Force on Wildlife Security (2014) and chair of the synthesis team that coordinated the preparation of Kenya’s first national wildlife strategy.
References
7. References


Kock, R.A. 1995. Wildlife utilization: use it or lose it—A Kenya perspective. Biodiversity and
Conservation 4, 241–256.


