

THE WILDLIFE CONSERVATION AND MANAGEMENT ACT

(No. 47 of 2013)

IN EXERCISE of the powers conferred by section 109(1) of the Wildlife Conservation and Management Act, 2013, the Cabinet Secretary for Environment and Natural Resources, makes the following Regulations-

WILDLIFE CONSERVATION AND MANAGEMENT (IMPLEMENTATION OF TREATIES) REGULATIONS, 2016

PART 1- PRELIMINARY

Citation and commencement

1. (1) These Regulations may be cited as the Wildlife Conservation and Management (Implementation of Treaties) Regulations, 2016.

(2) These Regulations shall come into force on the date of their publication in the Kenya Gazette.

Interpretation

2. In these Regulations, unless the context otherwise requires –

“Act” means the Wildlife Conservation and Management Act, No. 47 of 2013;

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

“Committee” means the County Wildlife Conservation and Compensation Committee established under section 18 of the Act;

“Service” means the Kenya Wildlife Service established under section 6 of the Act;

“treaty” means an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation and includes a convention.

PART II- IMPLEMENTATION OF TREATIES

Service to implement treaties

3. (1) The Service shall in consultation with stakeholders administer, coordinate and implement international treaties regarding wildlife to which Kenya is Party.

(2) The Service shall pursuant to sub-regulation (1) above-

- (a) meet the requirements of the treaties and the implementation of resolutions and decisions;
- (b) accomplish the requirements of the treaties and the enforcing resolutions;
- (c) execute the specific decisions directed to Kenya;
- (d) budget for and make arrangement for the payment of respective annual convention fees;
- (e) engage in the negotiation of resolutions and decisions that are beneficial and of interest to Kenya;
- (f) lobby necessary amendments on treaties, decisions and resolutions in the interest of safeguarding Kenya's wildlife;
- (g) Comply with and monitor compliance with international treaties;
- (h) Implement international treaties;
- (i) monitor and prevent trade that is inconsistent with international treaties in accordance with the Acts and the Regulations formulated therewith;
- (j) confiscate species traded in contravention with any international treaty that Kenya is party to; and
- (k) take any other necessary measures for the implementation of and enhancing compliance with international treaties.

(3) The Service shall carry out implementation of resolutions of the Conference of Parties.

(4) The Service may propose to the Cabinet Secretary any relevant Treaties that Kenya should ratify in order for better wildlife management and conservation.

Treaty specific measures

4. The Cabinet Secretary may in implementation of section 109 of the Act and in consultation with the Service and stakeholders-

- (a) make regulations, rules and orders if necessary for the implementation of a specific treaty; or
- (b) take any other measures necessary for the implementation of the treaty.

Role of counties

5. (1) Each county shall ensure that its legislation is aligned with and does not contradict wildlife international treaties to which Kenya is party.

(2) The Service may in carrying out its functions in Regulation 3 delegate any function the Committee.