

THE WILDLIFE CONSERVATION AND MANAGEMENT ACT

(No. 47 of 2013)

IN EXERCISE of the powers conferred by section 109(4) (b) of the Wildlife Conservation and Management Act, 2013, the Cabinet Secretary for Environment and Natural Resources, makes the following Regulations-

WILDLIFE CONSERVATION AND MANAGEMENT (EFFECTIVE MANAGEMENT OF TRANSBOUNDARY WILDLIFE CONSERVATION AREAS) REGULATIONS, 2016

PART 1- PRELIMINARY

Citation and commencement

1. (1) These Regulations may be cited as the Wildlife Conservation and Management (Effective Management of Trans-boundary Wildlife Conservation) 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;

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

“sharing country” means a country which shares a trans-frontier/trans-boundary conservation area with Kenya; and

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

Objectives of trans-frontier conservation cooperation

3. (1) The objectives of trans-frontier conservation and which the Service shall seek to achieve are to-

- (a) forge national, regional and global partnerships, for better conservation and management of wildlife resources;
 - (b) enhance transfer of conservation technology and methodology;
 - (c) promote sustainable livelihoods among local people in the conservation areas;
 - (d) protect the ecological integrity of a landscape and its wildlife through a science-based approach to joint management and conservation;
 - (e) improve trans-boundary wildlife protecting and security;
 - (f) improve the management of biodiversity by increasing scientific collaboration and more comprehensive research;
 - (g) improve opportunities for joint training, information sharing, and education;
 - (h) improve management of existing protected areas within each country;
 - (i) remove barriers that prevent the free movement of wildlife across international borders;
 - (j) create easier access for tourists to the various constituent areas making up the joint conservation areas;
 - (k) achieve collaboration across international boundaries between governance institutions and other stakeholders involved in the joint management and conservation of wildlife; and
 - (l) increase regional economic benefits.
- (2) In attainment of these objectives the Service may facilitate or conduct any of the following activities-

- (a) enter into trans-boundary agreements;
- (b) participate in East Africa Community platforms on trans-boundary natural resource management;
- (c) establish joint research programmes;
- (d) establish joint patrols over the conservation areas;
- (e) establish joint approaches to marketing and tour operator trainings;
- (f) staff exchange programmes;
- (g) sharing of expensive training equipment that is infrequently used;
- (h) hold technical meetings to discuss and address issues of mutual interest; and
- (i) establish platforms for key decision makers from different countries to interact and coordinate actions.

PART II- TRANSBOUNDARY CONSERVATION

Duties of the Service

4. The Service shall-

- (a) identify and keep a register of conservation areas, ecosystems and habitats that lie across international boundaries;
- (b) establish and implement agreements, decisions and resolutions on trans-boundary and trans-frontier protected areas;
- (c) create a database for wildlife species that exist in habitats that lie across international boundaries in accordance with the Establishment of Wildlife Database and Access Regulations;
- (d) identify the species covered by international treaties and conventions that exist in habitats and ecosystems that lie across international boundaries;
- (e) identify endangered species that are exposed to further vulnerability by movement and dispersal across international boundaries;

Cooperation with sharing countries

5. The Service shall-

- (a) cooperate with its counterpart national authorities in sharing countries, to establish and manage trans-frontier wildlife conservation areas;
- (b) initiate negotiations, and pursue the development and implementation of relevant instruments with national authorities in sub-regulation (1) to ensure the achievement of the objectives of trans-frontier conservation;
- (c) negotiate and execute agreements on the sharing of financial gains received from trans frontier wildlife conservation areas, and
- (d) execute agreements on the administration and supervision of activities in the shared conservation areas.

Conservation measures

6. The Service shall in consultation with national authorities of sharing countries engage in conservation of trans-frontier wildlife conservation areas through-

- (a) mapping of the biodiversity, wildlife and water resources in the trans boundary conservation areas;
- (b) creation of joint legal instruments for the protection of wildlife in the trans boundary conservation area;
- (c) identification of vulnerabilities of particular wildlife species in trans-boundary conservation areas;
- (d) negotiation of necessary measures to obviate the differences in legal regimes in land tenure, management of natural resources, zoning of conservation areas that may have an impact on conservation planning and measures;
- (e) planning of joint security measures for the protection of wildlife and conservation personnel;
- (f) undertaking joint trans-boundary environmental impact assessment necessary for formulating conservation plans for the areas;

- (g) development and implementation of joint strategies for involvement of communities in trans boundary areas in conservation measures;
- (h) seeking the concurrence of conservation authorities in any research undertaken in the area;
- (i) enforcement of international treaties and conventions;
- (j) standardization of ecological data collection methods, analysis, presentation and information sharing; and
- (k) collaboration in pest control measures.

Recognition of wildlife migratory patterns

7. In enforcement of suitable conservation measures the Service shall take cognizance of-

- (a) ecosystem linkages;
- (b) corridor for migratory animals;
- (c) poaching and wild medicinal plant collection;
- (d) seasonal transhumance;
- (e) seasonality of shared water resources; and
- (f) regional biodiversity significance

Harmonization of Regulations

8. Within one year of the commencement of these regulations the Service shall negotiate and execute agreements with recognized trans-boundary conservation organisations harmonizing-

- (a) entry fees to game parks
- (b) game park entry rules
- (c) management plans for the conservation areas
- (d) common application procedures for international treaties
- (e) security arrangements and laws for the common states;
- (f) trans-boundary habitat management and shared enforcement action to bring down criminal networks;
- (g) means of prevention of wildlife diseases and invasion of alien plants or animals; and
- (h) efforts to stem poaching and trafficking in wild game and trophies.

Use of existing laws, regulations and guidelines

9. The Service shall-

- (1) use existing guidelines, best practices and tools to improve the effectiveness of trans-boundary protected area cooperation as well as to explore suitable standards to evaluate the quality of such cooperation; and
- (2) actively explore the potentially suitable areas for trans-boundary protected area cooperation and create an enabling environment for trans-boundary cooperation in regards to management practices, connectivity as well as to social and economic development over national borders.

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