

Background to Human-Wildlife conflicts in Kenya



Wildlife is one of Kenya's greatest natural resources and is the foundation upon which nature-based tourism, one of Kenya's most important foreign exchange earners is based. However, it is one resource that is in constant danger of extinction as burgeoning populations and animals fight for limited space. In addition, poaching has greatly reduced wildlife populations in the absence of adequate policies to manage consumptive utilisation that would generate benefits for communities living with wildlife.

For centuries, human beings and wildlife shared resources such as vegetation and water. Within the traditional set up, conflicts between humans and wildlife did not adversely affect the survival of either people or wildlife since there was adequate land and this prevented persistent confrontation. Moreover, the benefits of co-existence were mutual in many ways. This situation changed in 1898 when the colonial government enacted the first Wildlife Legislation that was used to control indiscriminate hunting. This was the beginning of the alienation of communities from managing a resource that they lived with.

Since then, forceful evictions to create room for national parks and reserves has contributed greatly to the impoverished status of many communities. An estimated 29% of Kenya's land area is protected for wildlife conservation in the areas generally described as Arid and Semi-arid Lands (ASALs). Despite being ASALs, these areas are traditionally and rightfully occupied by communities through Trust lands, Group ranches, Private holdings and Lease-holds. Thus, communities are opposed to the creation of conservation areas at their expense and demand compensation for loss of land and/or tangible benefits from activities associated with wildlife conservation like tourism. They also seek to be directly involved in management of the conservation areas and all resources found therein, where it is impossible to return ownership of land to them. Essentially, communities are asking for restitution for the relative deprivation they have incurred over the years.

Subsequent legislation on wildlife gave ownership of wildlife to the Government, which set aside certain lands for wildlife conservation and protection, further alienating local communities from the management and conservation of wildlife. It is the sidelining of the communities in the management of a resource they felt was their own, coupled with changes in demographics and lifestyles, that has formed the basis of the progression of human/wildlife conflict in Kenya from a

conservation/preservation issue in the 1900s to a human rights concern in the 21st century. The current conflicts have transformed from conflicts of passion (hunting for sport and culture) to those of contempt: contempt arising from the deprivation of benefits from wildlife, loss of land, property and lives, loss of opportunities and generally disruption of social life of landowners/communities who live or have lived with wildlife.

Consequently, managing wildlife has become an expensive exercise for the Government, as more resources are spent in providing security for wildlife, which is at threat from some disgruntled communities who kill wildlife to protect themselves, their families and property from wildlife destruction or play host to big time poachers. Worse still, the Government has to grapple with the issue of how to respond to the demands by communities living in wildlife dispersal areas. This is at the core of the human/wildlife conflict.

The reasons mentioned, coupled with resource conflicts experienced by communities in the affected areas and which remain unresolved, can only confirm that human/wildlife conflicts are now considered not only a conservation issue but also a development problem. This emerging dimension of the conflicts has drawn the attention of Civil Society Organizations that are advocating for the recognition of the rights of communities living in ASALs. One such organization is the Kenya Land Alliance that is highlighting salient issues, like land and its use, a fundamental cause of human/wildlife conflicts. The Government is being challenged to **settle** squatters (communities) who have been evicted to create parks/reserves, **compensate** communities for loss of land, provide compatible **alternative livelihoods** for affected communities, **increase compensation** for losses arising from conflicts with wildlife and to **equitably share earnings** from economic activities that are based on the game parks/ National reserves and sanctuaries.

Legislative and administrative highlights



Over the years, there have been numerous initiatives by the Government, and recently landowners to enhance wildlife conservation for posterity. The most notable among these moves, include:

- The establishment of a Game Department in 1907 essentially to control hunting.
- The declaration of the National Parks Ordinance of 1945, which marked ‘a shift in conservation policy from protection through hunting legislation to preservation through land protection and eviction of local people’.
- In 1976 the Government combined the National Parks Trust and the Game Department into the Wildlife Conservation and Management Department (WCMD).
- In 1989, on realizing that there was danger of certain wildlife becoming extinct as a result of poaching and generally unsustainable utilization, the Government revised the Wildlife Act (Conservation and Management Act) Cap. 376 to create a semi-autonomous parastatal, the Kenya Wildlife Service (KWS) whose mandate is to manage Kenya’s wildlife resource for posterity. In its framework and development programme, KWS defines one of its goals as “to protect people and their property from wildlife damage’.
- In 1996, the KWS attempted to review the Wildlife Act to include/recognize community participation in wildlife management. The Bill was never presented to parliament.
- In 2003, the Ministry of Environment and Natural resource established a task force to review the Wildlife Act following a spate of lion killings by communities around Kitengela area in Kajiado.
- In 2004, the Draft Constitution of Kenya Bill attempt to tenure for community land tenure regime which redefined to prohibit use of such land without specifying the rights of community members individually or collectively.
- In May 2004, the KWS held a stakeholders’ forum to collect views on the best way forward in Wildlife Management in Kenya. KWS is currently putting together a team to coordinate the review of the Wildlife Act.
- In July 2004, a private members Bill (the G.G Kariuki Bill) recommending minimum changes to the Wildlife Act to recognize landowners was drafted for presentation to parliament.
- In July 2004, the Kenya Human Wildlife Conflict Management Network presented its memorandum to the Government task force with recommendations for amendment of the Wildlife (Conservation and Management) Act, Cap 376 of the Laws of Kenya.

Geographical Areas that are Prone to Human-Wildlife Conflict in Kenya

- Human/wildlife conflict is very widespread and exists practically in all the districts in Kenya.
- The most affected areas in the Coastal Province are Kilifi, Taita Taveta and Kwale Districts with the elephant being the main cause of conflict, especially in the areas surrounding Arabuko Sokoke Forest and Shimba Hills National Reserve; and intense conflict between people and wild animals in Taita Taveta District in the nearby Tsavo National Park. Mbololo, Voi, Bura and areas around the Taita Hills are the most affected areas. These problems extend to the western side of Tsavo and intensify in Njukini, Rombo, Kimana and Namelok in Kajiado District in the Great Rift Valley savanna land.
- In the Rift Valley, the two districts neighbouring Maasai Mara National Reserve - Narok and Trans-Mara, have recorded the highest number of human/elephant conflicts. This situation has surpassed crises levels and the trend continues to deteriorate. Other badly affected districts include Kajiado, Laikipia, Samburu and Bomet. Small elephant populations have devastated farmlands in the areas surrounding Rimoi and Kamnarok National Reserves in Baringo and Keiyo Districts.
- Human/wildlife conflicts have also been experienced in Central and Eastern Kenya, where elephants have frequented the areas neighbouring Mt Kenya and Aberdare National parks during the wet seasons. One third of Kenya's elephant population is found in Aberdares and Meru National Parks. Laikipia, Meru, Embu, Nyeri and Nyandarua are the most affected with Nyeri being devastated by elephants from both Mt. Kenya and Aberdares National Parks.
- In Western Kenya, the areas most affected are those neighbouring Ruma National Park and Mt. Elgon National Park.



What is the Role of Communities in the Management of Biodiversity?

- Communities should be co-managers of wildlife populations and ecosystems.
- Communities should be co-owners of wildlife populations and ecosystems.
- Communities should enter into flexible agreements with conservation authorities for negotiated access to natural resources. Such programmes should provide long-term solutions to problems arising from management of the resource.
- Communities should contribute resources to sustain and benefit from biodiversity outside protected areas where 80% of wildlife population resides.
- Communities should engage in initiatives/practices that are not in conflict with biodiversity conservation.
- Communities should participate in the running of decentralized wildlife institutions under which resources can be legitimately managed and exploited by local people for their own direct benefit.
- Communities must begin to think about the aesthetic value of wildlife and exploit this to generate money to meet their basic needs.



Main issues surrounding wildlife management and perpetuate Human-Wildlife conflicts in Kenya

- Land alienated for the creation of National Parks was forcefully taken from local people without compensation or relocation plans. Ownership of such land is vested in the State as natural reserves or Local authorities as Trust Land.
- Many affected communities remain **squatters** following evictions to create national parks and reserves. The most recent cases include that of residents of Barwessa, who are now squatters in Kamnarock National Reserve and the residents of Kyulu, squatters living in Kibwezi with no alternative livelihoods, proper shelter or land to till for food.
- The fact that conservation areas are not complete eco-systems means that wildlife is still found in private land outside the parks/reserves.
- Reports by KWS indicate that 80% of wildlife is found in community and private land yet these landowners have no right to use or benefit from the wildlife.
- Wildlife in many areas has become a liability to communities and private landowners. They destroy human life, crops and livestock and spread diseases to livestock. They also compete for pastures with livestock, dominate water sources and destroy habitats, a great loss to the landowners of those particular areas.
- Landowners and their property are threatened by wildlife. As a result, in the absence of adequate security from the Government, they kill wildlife to protect themselves and to show resentment for a resource, which does not benefit them.
- The Government offers no compensation for loss of property while compensation for loss of human life is a paltry Ksh 30,000. Worse still, the process for getting the Ksh 30,000 compensation is bureaucratic, tedious and is in many cases inaccessible.
- Current legislation governing management of wildlife has no human face. It allows for creation of parks and reserves without the consent of communities who are usually not adequately compensated or resettled. Emphasis is laid on the protection of wildlife as opposed to protecting human life. The (Wildlife Conservation and Management) Act has failed to



accommodate changes in human lifestyles and populations which have increased the demand for land for arable farming thus rapidly shrinking wildlife populations.

- The management of wildlife is not participatory as landowners are not involved in decision making and planning processes.
- Wildlife ecological zones extend beyond protected areas into private land posing a great challenge to the concept of wildlife management through creation of parks as envisioned in the Wildlife (Wildlife Conservation and Management) Act, Cap. 376 of the laws of Kenya.
- The benefits accruing from the utilization of wildlife for tourism are not shared with communities who co-exist with the wildlife.
- The Government has not put monetary value to wildlife, making it difficult to determine the benefits that should accrue to landowners.

NB. The keystone species involved in the conflict are the elephant, lion, leopard, crocodile and apes.

Current Efforts At Resolving Human/Wildlife Conflicts

- Several lobby groups have been formed in the recent past to urge the Government to review the Wildlife Act. These groups include the Kenya Wildlife Working Group (KWWG), The Kitengela Ilparakuo Landowners Association (KILA), the Transmara Wildlife Association, and the Kenya Human Wildlife Conflict Management Network. There is need for unity among landowners to successfully lobby for the revision of the Wildlife (Conservation and Management) Act.
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- Revision of the Wildlife Act, Cap 376 of the Laws of Kenya has not been participatory in the past, making it unpopular. Kenya Wildlife Service (KWS) is coordinating a review team to collect stakeholders' views to make recommendations for reviewing the Wildlife (Conservation and Management) Act.
 - Communities need education about wildlife as a resource and the options available for its utilization. Civil Society Organizations are building the capacity of local communities and landowners to participate in on-going debates on resource/wildlife management in preparation for Community Wildlife Management.
 - Since wildlife can be of great benefit to landowners, donors are supporting eco-tourism projects in wildlife dispersal areas to convince landowners that wildlife pays.
 - Without the creation of minimum viable conservation areas outside protected areas, there will be no wildlife to protect. Non-Governmental Organizations involved in conservation have realized this and are working with the KWS and landowners to encourage the creation of community conservation areas and/or private sanctuaries for tourism development.

Observations

Despite the efforts by the Government, Civil Society Organizations, Donors and others in sustainable wildlife conservation and management, the following phenomena have been observed:

- As animal and human populations have rapidly grown over the years the size of most gazetted protected areas has not increased. Increased human pressure in protected areas has often led to encroachment of wildlife on private land.
- Illegal use of protected areas for activities that are inconsistent with conservation of wildlife objectives has continued. These activities include hunting, poaching, cultivation and charcoal burning, which has been observed in almost all protected areas where KWS officials or the authorities concerned have not strictly enforced the Law.

- Encroachment of wildlife migratory corridors by humans through unlawful alienation of land set aside as wildlife corridors or buffer zones has been observed in areas such as Kitengela where a wildlife migratory corridor was alienated and allocated to private individuals.
- Farming of private land outside protected areas which attracts wildlife often leading to disaster.
- Protected areas are viewed by many Kenyans as wastelands. Wildlife is detested, and considered a nuisance.
- Communities do not consider themselves crucial stakeholders and have thus abdicated their role in the conservation of wildlife. This is because wildlife management and conservation is largely vested on the state.
- There are no tangible, realizable or feasible benefits from wildlife, and communities living in close proximity with wildlife have not significantly benefited from tourism activities.
- There exists a Wildlife Policy that does not recognize either consumptive or non-consumptive forms of wildlife utilization by the local communities that bear the burden of living with wildlife.
- Lack of a National Land Policy that among other issues, recognizes the rights of Community Landowners to compensation, when wildlife moves from protected areas to non-protected areas.
- Insecurity in some protected areas such as Samburu National Reserve.
- Conflict between pastoralism and conservation especially in areas where protected areas border pastoralists' areas. This has been observed in Laikipia, Kitengela and Samburu.
- Wildlife habitat degradation through the licensing of too many commercial enterprises such as lodges without consideration for Environmental Impact Assessment Legislation especially in protected areas that are managed by Local Government Authorities. This trend has been observed in the Maasai Mara and Samburu National Reserves. This is unsustainable utilization of protected areas that is no doubt affecting nature – based tourism.
- Lack of coordination and cooperation among state organs such as the Kenya Wildlife Service, the Ministries of Water Management and Development, Environment and Natural Resources, Information and Tourism, and the National Environmental Management Authority (NEMA) for the successful and sustainable management of wildlife and other natural resources.

Policy and legislative options for reform of the wildlife sector

Wildlife is a key natural resource that is critical to the social-economic development of Kenya. There is therefore a need for:



- A policy that recognizes the user rights of land-owners and communities, especially those negatively affected by or those living with Wildlife.
- Urgent review of the provisions of the Wildlife (Conservation and Management) Act that prohibit any sort of consumptive utilization by local communities of protected area. The survival of national parks and reserves and other categories of protected areas, to large extent, depends on recognition of rights of people living in proximity to protected areas as important stakeholders in conservation. The Act should be amended to provide limited consumptive rights in protected areas for instance rights like grazing during the drought seasons.
- The amendment of the Wildlife (Conservation and Management) Act Cap 376, of the Laws of Kenya and development of a Wildlife Policy to pursue comprehensive, participatory, and consultative wildlife management.
- Amendment of the Wildlife Act to provide for an appropriate mechanism for compensation ensuring that local communities engage in wildlife management and conservation. The proposed amendments of the Act provide for a legislative framework that ensures that local people benefit positively and directly from revenues accrued from tourism and tourist- related operations in protected areas.
- Research to be conducted to assess the capacity of communities to manage Wildlife.
- Re-examination of the functions of Kenya Wildlife Service, and other state organs involved with wildlife issues and reviewing of their mandate.
- The development of a conducive institutional framework to support Wildlife Conservation at national and local levels.
- A National Land-use Policy that incorporates issues relevant to wildlife sustainability and consider an appropriate land regime that promotes livelihoods of local communities and wildlife. Integrated land use, planning, and zoning is necessary for appropriate management of human and wildlife habitats.
- Scientific research to guide both consumptive and non-consumptive utilization of wildlife resources such as through a Policy.
- Promotion of benefit sharing and enactment of appropriate laws to outline the intricate issues of benefit sharing, on an equitable, tangible and realizable basis.
- Strengthening of the capacity of all state organs that will be responsible wildlife management.
- Addressing land tenure in the areas surrounding or bordering protected areas. Where necessary environmental easements must be created and local communities who have title to land in close proximity to protected areas, be compensated if that land, is indeed required for

the continued existence of wildlife. This proposal may sound draconian but it has been established that some areas such as those bordering the Tsavo National Park are not beneficial for other economic purpose but conservation.

- There is also need for a policy that provides for the support of all the institutions concerned with conservation and wildlife issues and also one that encourages cooperation and coordination of the relevant government institutions charged with these functions. Currently there is no policy on these matters and the current fragmentation of responsibilities of matters that could very well be handled by certain government departments because of technical expertise needs to be reviewed.
- Human/wildlife conflicts will remain inevitable as long as we have protected areas and hence there may be a need to develop land tenure systems that support multiple uses of land resource by different stakeholders. The fact that wildlife cannot be contained in protected areas alone needs to be recognized by the law and appropriate compensation strategies set out. Such strategies may involve the need to raise funds from local and international donors for a sustainable scheme that must be set up on the basis of sound financial and actuarial information.
- Government ownership of wildlife does not necessarily guarantee its ownership of private land, thus a policy of making people feel that they also own wildlife must be developed. Community conservation programmes must be developed and encouraged. The capacity of communities that live in proximity to wildlife must be developed and continually strengthened and appropriate measures taken to market community - based enterprises so that people also benefit from wildlife. Perhaps a trust fund to develop community conservation efforts could be set up with the support of the Government and willing donors.
- There is need to continuously review planning legislation in line with human development taking place to ensure that developments on privately owned land next to or adjacent to protected areas does not interfere with the conservation of wildlife and unique biodiversity. Even more important is the need to have legislation on land use control in the areas surrounding protected areas.
- There may also be need to develop a policy that recognizes the knowledge, innovations, and practices of indigenous communities embodying traditional styles that are relevant to conservation. Further, traditional cultural practices such as self imposed hunting restrictions, lineal ownership of land, taboos on hunting, protection of wilderness and conservation areas for special reasons such as places of worship that are compatible with wildlife conservation must be encouraged.
- Immediate remedial action must be taken to improve areas that have been degraded by excessive and unsustainable use of land whether for conservation reasons, pastoralism or otherwise. In some of the protected areas, the licensing of lodge operators without necessarily considering the aesthetic beauty of the said areas is affecting the future of the said areas as far as nature- based tourism is concerned. The provisions of the newly enacted Environmental Management and Coordination Act on Environmental impact assessment must be complied with in all protected areas. The encroachment of protected areas by pastoralists and other people seeking opportunities needs to also be checked.

Best international practices for the management and conservation of wildlife, its habitats and biodiversity

Sustainable conservation and management of wildlife and its habitats is dependent on community involvement which includes strengthening of the community technical expertise in wildlife conservation issues. In West Africa wildlife estates have been extended into community rangelands and has provided alternative livelihoods and income for poor communities.



New trans-frontier conservation areas in Mozambique encourages community participation in wildlife conservation and link border parks in Zimbabwe and South Africa to protect major wildlife corridors.

Elsewhere, GEF financing is supporting a government NGO Partnership to strengthen protection of the Cape Peninsula Park, including the capitalization of the Table Mountains. The Community conservation programme is expected to encourage local communities to have a stake in the park and its biodiversity by providing employment with park management and extending conservation education to neighbouring communities.

In Madagascar, Central Asia and India protected area programs promote a conservation approach that integrates wildlife and biodiversity protection with local communities.

In Cote d'Ivoire and Burkina Faso the GEPRENAF project is promoting community management of wildlife and wild lands. Local communities are working to protect wildlife outside national parks and and also benefiting from revenue generated from eco tourism and *safari* hunting.

In Zimbabwe the International Finance Corporation, has assisted private landowners to convert their properties from unprofitable cattle ranching to wildlife conservation and tourism. Natural habitats and native wildlife populations are recovering and local communities benefit from increased employment opportunities at tourist enterprises such as villages and handicraft sales.

In India, the eco-development project is providing development opportunities to poor communities living in and around two national parks in dry-land habitats to reduce the impacts of the parks on neighbouring communities. The eco-development approach uses appropriate development as a conservation tool, to promote conservation and poverty alleviation where there is competition between wildlife and communities for land and resource use. Funding of the village eco-development has promoted rural development while securing support for conservation of the big cats. To reduce further pressure on the natural habitats, communities are being encouraged to adopt ecologically sensitive agriculture as well as activities that promote conservation of wildlife.

In Jordan, local communities surrounding Dana National Park benefit from the sale of dried fruits and eco-tourism while maintaining the region's indigenous agro-biodiversity and native fruit trees.



The way forward in Wildlife Management and Conservation

The future management and sustainability of wildlife in Kenya is dependant not only on community participation but also on the involvement of all stakeholders such as local Non-Governmental Organizations, international bodies and state agencies.

Wildlife is not confined to dry land ecosystems only. Kenya as a signatory to the Ramsar Convention on protection of wetlands must seriously address the deterioration of wetlands and the resultant consequences as regards the wildlife found therein.

Pollution of water sources affects wildlife. The Water Act 2002, provides for sustainable management of water resources through pollution prevention and must be implemented forthwith. Lakes Naivasha and Nakuru and the Tana River Delta, which is gazetted under the Ramsar Convention have greatly been polluted and thus need protection as they are habitats for a wide variety of endangered and rare wildlife.