

THE WILDLIFE CONSERVATION AND MANAGEMENT ACT

(No. 47 of 2013)

IN EXERCISE of the powers conferred by section 116 (2) (d) of the Wildlife Conservation and Management Act, 2013, the Cabinet Secretary for Environment Water and Natural Resources, makes the following Regulations:-

WILDLIFE CONSERVATION AND MANAGEMENT (CONSERVANCY AND SANCTUARY) REGULATIONS, 2015

PART 1- PRELIMINARY

Citation and commencement

1. (1) These Regulations may be cited as the Wildlife Conservation and Management (Conservancy and Sanctuary) Regulations, 2015.

(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;

“community” means a group of individuals or families who share a common heritage, interest, or stake in unidentifiable land, land based resources or benefits that may derived therefrom;

“community conservancy” means a conservancy set up by a community on community land for wildlife conservation;

“community sanctuary” means a sanctuary set up by a community on community land for purposes of conservation and protection of one or more species of wildlife;

“community wildlife scout” means a Community Wildlife Scout appointed as such under the Act and registered under the Wildlife Conservation and Management (Conservancy and Sanctuary) Regulations, 2015;

“Committee” means a committee established under section 18 of the Act;

“conservancy” means land set aside by an individual landowner, body corporate, group of owners or a community for purposes of wildlife conservation;

“Director General” means the Director General of the Service;

“group conservancy” means a single conservancy created by the pooling of land by contiguous land owners;

“group sanctuary” means a single sanctuary created by the pooling of land by contiguous land owners;

“Court” means the Environment and Land Court established under the Environment and Court Act, Cap 12A, Laws of Kenya.

“Institute” means the Wildlife Research Training Institute established under section 50 of the Act;

“person” means a natural or juristic person;

“private conservancy” means a conservancy established on private land by a private individual or company for purposes of wildlife conservation;

“private sanctuary” means a sanctuary established on private land by a private individual for purposes of conservation and protection of one or more species of wildlife;

“sanctuary” means an area of land or of land and water set aside and maintained by community, individual or private entity for the conservation and protection of one or more species of wildlife;

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

“Tribunal” means the National Environmental Tribunal established under section 125 of the Environment Management and Coordination Act, No. 8 of 1999.

“wildlife manager” means any person registered by the Committee for purposes of managing a wildlife conservancy or sanctuary.

Objectives

3. The objectives of these Regulations is to-

- (a) Promote the development of conservancies on private and community land;
- (b) Harmonize the procedures for establishment and registration of conservancy; and
- (c) Harmonize the standards of management of conservancies;

Application to sanctuaries

4. The provisions of these Regulations shall apply *mutatis mutandis* with respect to wildlife sanctuaries.

PART II- ESTABLISHMENT OF CONSERVANCIES

Establishment of conservancies

5. (1) Any person or community who owns land on which wildlife inhabits may individually or collectively establish a wildlife conservancy in accordance with the provisions of the Act and these Regulations.

Categories of conservancies

6. (1) A person or community may register a-
- (a) private conservancy; or
 - (b) community conservancy,
- based on the land tenure system.
- (2) The Service shall encourage aggregation of small holders of land to form a group conservancy.

Registration of Conservancies

7. (1) The Service shall be responsible for registration of conservancies.
- (2) The Service shall set criteria for the registration and classification of conservancies based on the land tenure system.

Application for Registration

8. An applicant for registration of a conservancy shall together with the application in prescribed Form A in the First Schedule to these Regulations, submit the following documents-
- (1) Concept proposal indicating the information prescribed in the Fifth Schedule to the Act in not more than 1000 words,
 - (2) National Identity Card in the case of an individual and Registration Certificate in case of a corporate body
 - (3) Personal Identification Number
 - (4) Copy of Title Deed/ Lease Agreement for the land proposed for use
 - (5) Articles and Memorandum of Association of the company and or constitutive documents in case of any corporate body to run the conservancy
 - (6) A register and record of community wildlife scouts in the proposed conservancy
 - (7) A benefit sharing plan in the case of community conservancies
 - (8) A governance framework for community conservancies
 - (9) Minutes of conservancy members agreeing to registration of the conservancy in case of community conservancies
 - (10) A receipt of payment of prescribed fees or proof waiver of such fees by the Service

- (11) Any other document or information the Service may consider necessary to process the application for registration.

Registration fees

9. The application fees to accompany an application for registration are prescribed in the Second Schedule to these Regulations.

Qualifications before registration

10. The Service shall take the following into consideration in the registration of conservancies-

- (1) acreage of land to be dedicated to conservation;
- (2) contiguous land use patterns and their effect on the proposed conservation plan of the conservancy;
- (3) dominant species in the proposed conservancy and the recommended home range of the species;
- (4) diversity of wildlife resources;
- (5) concept proposal made by the applicant;
- (6) the policy on land use and planning, if any, adopted by the National land Commission in the proposed area;
- (7) land tenure whether freehold or leasehold;
- (8) Economies of scale for management; and
- (9) socio-economic and ecological viability of the conservancy from the Service

Certificate of Registration

11. (1) Upon successful registration as a conservancy an applicant shall be issued with a Certificate of Registration as prescribed in Form B in the First Schedule.
- (2) Upon issuance of such certificate the Service shall duly enter such conservancy into the register of conservancies maintained by the Service.

Creation of a sanctuary within a conservancy

12. (1) Any person intent on creating a sanctuary within a registered conservancy shall make the relevant application to the Service in accordance with these Regulations.
- (2) Where the application in sub- regulation (1) is approved, the applicant shall be issued with a certificate of registration of the sanctuary separate from the certificate of registration of the conservancy.
- (3) Upon issuance of such certificate the Service shall duly enter such sanctuary into the register of sanctuaries maintained by the Service.

Refusal to register

- 13.** The Service shall in all cases where registration is denied provide the applicant with a report in writing setting out -
- (1) the reasons and grounds for such refusal;
 - (2) the conditions and remedial measures the applicant may take to comply with registration requirements; and
 - (3) the time frame for such remedial action.

Renewal of Registration

- 14.** (1) The Certificate of Registration as a Conservancy may be renewed every ten years on condition that:
- (a) the conservancy –
 - i. operated in the period within the terms of the initial or prior granted license;
 - ii. continues to promote the overall conservancy objectives and plans of the Service;
 - iii. observes the Act and international treaties on the protection of wildlife; and
 - iv. has in the period preceding the application for renewal filed annual progress reports and registration of staff as required by these regulations.
 - (b) there has been no substantial change in land use in the conservancy that affects the habitat range of the animals in the conservancy; and
- (2) A substantial change of land use shall automatically void the license and the conservancy shall be required to seek inspection and registration afresh.

PART III-ADMINISTRATION OF CONSERVANCIES

Functions of the Committee

- 15.** (1) The Committee, in collaboration with the Service, shall manage the Conservancies established in every county.
- (2) The Committee shall engage in-
- (a) enforcement and compliance to wildlife laws and regulations;
 - (b) development and harmonization of standard operating procedures, code of ethics and standing orders;
 - (c) monitoring and general oversight role over conservancies and sanctuaries;
 - (d) mediation or arbitration of disputes within and between conservancies;
 - (e) overseeing preparation and implementation of management plans; and
 - (f) carrying out any other duty with respect to conservancies that may be assigned to them from time to time by the Service

Submission of management plans

- 16.** (1) Every conservancy shall not later than three years of registration compile and submit to the Service a management plan as required by the Fifth Schedule to the Act.
- (2) Every conservancy shall file an annual progress report of its core activities in line with the management plan and shall include in the annual report-
- (a) the number, ranks, and identity of community wildlife scouts in its employment.
 - (b) the number, rank and identity of wildlife scouts that have been struck off its force;
 - (c) incidents of human-wildlife conflict; and
 - (d) any incidents that have a serious bearing on conservation.
- (3) The Committee shall oversee the preparation and implementation of management plans.
- (4) The Committee shall oversee the standards of management of the conservancies in accordance with section 43 of the Act.

Interventions by the Service

- 17.** (1) The Committee may recommend that the Service takes action, at the reasonable expense of the conservancy, and terms agreed by both parties to bring the conservancy up to the standards required by the management plan.
- (2) Upon recommendation by the Committee, the Service may take one or several of the following actions –
- (a) Put in place strategies for implementation by the conservancy management to bring up the conservancy to the required standards.
 - (b) Second some of its staff members to the conservancy for an agreed period of time not exceeding eighteen months to work with the conservancy management and bring it up to the required standards.
 - (c) In extreme circumstances, especially where it is found that wildlife is in danger of harm, injury or death, take over entirely the management of the conservancy for an agreed period of time not exceeding twelve months within which it shall bring it up to the standards required.
- (4) Such steps and rectification shall be at the expense of the conservancy.

Conservancy management

18. A conservancy may employ a wildlife manager or a management company or institution to carry out the day to day management of the conservancy:

provided that the wildlife manager employed by such management company shall be registered in accordance with the provisions of the Act and the Community Participation Regulations.

PART IV- COMMUNITY WILDLIFE SCOUTS

Employment of community wildlife scouts

19. Every conservancy may employ suitably qualified persons to be community wildlife scouts, where necessary.

Qualifications for employment as community wildlife scouts

20. For any person to be employed as a community wildlife scout, they must meet the following requirements-

- (a) must have attained the age of eighteen years;
- (b) have sufficient training in the tasks to be undertaken in animal and human security;
- (c) must be medically fit; and
- (d) must possess knowledge of the conservancy area and the animals that inhabit the area.

Role of a community wildlife scout

21. (1) The roles of the community scout shall include-

- (a) wildlife security operations including anti-poaching patrols;
- (b) providing security for wildlife within their conservancies;
- (c) reporting to the wildlife manager in charge on dead or injured wildlife;
- (d) human-wildlife conflict mitigation;
- (e) education awareness & community mobilization;
- (f) problem animal control;
- (g) tourist and community security;
- (h) wildlife and ecological monitoring;
- (i) guiding of tourist where there is a tourism facility;
- (j) environmental protection & fire management; and
- (k) supporting verification of compensation claims to the Committee.

(2) The community wildlife scout shall be permitted to perform only such functions as his level of education and training allow.

Powers of Community wildlife scouts

22. Community wildlife scouts shall have the powers prescribed in the Wildlife Security Operations Regulations formulated under the Act.

Protection from personal liability

23. Nothing done by a community wildlife scout shall, if it is done bona fide for execution of the powers, functions and duties under these Regulations and any other written law shall render the community wildlife scout or any person working on his directions personally liable to any action, claim or demand whatsoever.

Training of community wildlife scouts

- 24.** (1) The Service shall at the request and cost of any conservancy-
- (a) train community wildlife scouts on law enforcement, security, wildlife monitoring, problem animal control and any other relevant training.
 - (b) facilitate continuous training of community wildlife scouts through up-skilling trainings and seminars, promotion trainings and any other relevant courses aimed to enhance their capacity and skills at a reasonable cost to the conservancy.
 - (c) ensure that all community wildlife scouts who have successfully completed training are duly registered in the Register of Community Wildlife Scouts and issued with a registration certificate.
 - (d) ensure continuous training of community wildlife scouts through, up-skilling trainings and seminars, promotion trainings and any other relevant courses that are aimed to enhance the capacity and skills of community wildlife scouts.

Ranks and direction of community wildlife scouts

25. (1) The positions and ranks of community wildlife scouts shall be as set out in the Third Schedule hereto.

(2) The conservancy management in consultation with the Service shall issue standing orders to guide the operations, discipline and directions of community wildlife scouts.

Dress code

26. (1) Every conservancy shall ensure that its community wildlife scouts are supplied with the duly approved uniform with the name of the respective conservancy prominently displayed on the outer shoulder panels and above the left breast pocket and on the head dress of the uniform.

(2) No conservancy shall adopt the dress or any dress similar to the dress of the Service, the National Police Service, the Kenya Defense Forces, the Kenya Forest Service, the

Kenya Prisons Service, the National Youth Service or any other security agency in Kenya.

National Police Reservist Status

27. (1) Any conservancy wishing to have its trained community wildlife scouts appointed as National Police Reservists shall make their request in writing to the Service indicating the threats within their jurisdiction that call for arming of their community wildlife scouts.

(2) The Service shall make a request to the Inspector General following the procedures laid down in the National Police Service Act if he is satisfied that the request made by the conservancy has merit.

PART V- WILDLIFE MONITORING

Wildlife monitoring

28. (1) Every conservancy shall carry out regular wildlife monitoring in their conservancies and keep records of wildlife species and their numbers.

(2) Every conservancy shall keep their wildlife monitoring records open for inspection by the Committee and any person authorized by Service.

Support for wildlife monitoring

29. Any conservancy which lacks the capacity to carry out wildlife monitoring shall, in writing, seek the support of the Committee or the Service.

Incidence reporting

30. (1) Every conservancy shall report any disease, injury, illegal killing of wildlife, and incidents of human-wildlife conflict to the Service.

(2) The Service shall ensure that all reports are attended to by Service officers and the necessary interventions taken.

PART VI- DISPUTE RESOLUTION

Mediation by the County Committee

31. Any dispute arising within a conservancy or between conservancies in connection with management plans, benefit sharing agreements, management of conservancies, management agreements, private partnership agreements which cannot be amicably settled between the parties shall be referred in the first instance to the Association for mediation, then after that to the Committee.

Arbitration

32. (1) Should the mediation in Regulation 31 above fail, in whole or in part, any or all of the disputing parties shall refer the dispute to the arbitration of a person agreed upon between the parties.

(2) Failing agreement to concur with the appointment of an arbitrator, the arbitrator shall be appointed by the chairman of the Chartered Institute of Arbitrators, Kenya Chapter, on the request of the applying party.

(3) The Arbitration shall be carried out in accordance with the provisions of the Arbitration Act (1995) Act No . 4 of 1995 Cap 49 Laws of Kenya, or any Act in replacement thereof.

Jurisdiction of the Court

33. Nothing in this Part shall curtail the rights of any person to refer any dispute they may have to a Court of law for final adjudication and nothing in this Part shall oust or limit the jurisdiction of any Court in adjudicating upon any such dispute referred to it.

PART VIII- RECORDS TO BE MAINTAINED

Register of Conservancies

34. The Service shall maintain a Register of Conservancies which shall contain the following particulars-

- (1) the name of the conservancy;
- (2) the name(s) of the owner(s) of the private conservancy;
- (3) the registration date of the conservancy;
- (4) the registration certificate number;
- (5) the Association to which the conservancy belongs;
- (6) the wildlife user rights granted to the conservancy;
- (7) the permit number of each wildlife user right granted;
- (8) the county in which the conservancy is situated;
- (9) the registered wildlife manager of the conservancy;
- (10) the land reference numbers and geographic areas on which the conservancy is established;
- (11) the key species of wild flora and fauna found in the conservancy.
- (12) list of tourism facilities already existing within the conservancy.

Register of Wildlife Managers

35. The Committee shall maintain a Register of Wildlife Managers which shall contain the following particulars –

- (1) name of the wildlife manager;
- (2) national identity card number of the wildlife manager;
- (3) conservancy managed by the wildlife manager; and
- (4) registration certificate number of the wildlife manager;

Register of Community Wildlife Scouts

36. The Service shall maintain a Register of Community Wildlife Scouts which shall contain the following particulars –

- (1) name of the community wildlife scout;
- (2) conservancy in which the community wildlife scout is employed;
- (3) registration number of the community wildlife scout who have undertaken training with the Service at Law enforcement academy’;
- (4) national identity card number of the community wildlife scout;
- (5) national police reserve status of the community wildlife scout where applicable;
- (6) wildlife security and monitoring training courses attended by the community wildlife scout.

Maintenance and access to registers

37. The Service shall ensure that all registers required to be maintained under these Regulations shall be kept up to date and shall be open for inspection by members of the public during business hours from Monday to Friday.

PART IX- DEREGISTRATION

Request to deregister a conservancy

38. (1) Any person or group of persons who have established a conservancy may apply to the Service in the prescribed Form B in the First Schedule to have the conservancy deregistered:

Provided that for an application for deregistration of a community or group conservancy, the minutes of the general meeting showing a two thirds majority decision to deregister the conservancy shall be sent to the County Committee along with the application for deregistration.

(2) Upon expiry of 6 months after receipt of the application to deregister, the Service may deregister the conservancy.

Deregistration of a group or community conservancy by application of a group or community member.

39. (1) Any group or community conservancy may apply to the Service in the prescribed form for the withdrawal of registration of the group or community conservancy in which he is a member on any one or more of the following grounds-

- (a) that the conservancy is engaged in corrupt practices;
- (b) lack of regular democratic elections of office bearers;
- (c) unlawful practices;
- (d) non conformity with the Benefits Distribution Plan;
- (e) non conformity with the management plan; or
- (f) any other compelling reasons.

(2) On receipt of such an application, the Service shall cause an investigation to be carried out by the Committee to verify the grounds given in the application for deregistration of the conservancy.

(3) If the application for deregistration is on the ground of a dispute between two or more members or groups of members of the group or community conservancy, the County Service shall direct that the procedure in Part VII of these Regulations be complied with.

(4) If the grounds upon which the application for deregistration are confirmed and the members of the group or community cannot reconcile their differences, the Service shall give all the group or community members 6 months' notice of the intention to deregister.

(5) Upon expiry of the 6 months, the Service shall deregister the conservancy.

Deregistration of a conservancy on recommendation of the Committee

40. The Service may on recommendation of the Committee, which through a report and upon confirmation of such report, deregister a conservancy on the following grounds –

- (1) illegal activities against that undermine wildlife and their habitat by the members of the conservancy;
- (2) complete departure from the management plan; or
- (3) any other reason as may be determined by the Committee.

Deregistration of a conservancy upon investigation Service

41. (1) The Service shall undertake annual inspection of conservancies and may revoke registration of a conservancy if it is found that-

- (a) the conservancy is under-established in terms of land, personnel and equipment;
- (b) the conservancy has lost its primary species to a point where regeneration is not feasible; and

- (c) the continued operation of the conservancy does not promote the overall conservation plan.
- (d) the conservancy allows prohibited activities under the Act or is operating in substantial breach of the terms of the permit.

(2) The Service shall before revocation issue a notice of rectification with details of changes necessary for the continued operation of the conservancy and time for such rectification.

(3) The Service shall only consider revocation and deregistration after a second inspection confirms that the conservancy is unable to operate within the terms of registration.

Effects of deregistration

42. Upon deregistration of a conservancy;

- (a) its name and particulars shall be deleted from the register of conservancies;
- (b) its certificate of registration shall be withdrawn;
- (c) all wildlife user rights shall be withdrawn; and
- (d) the Service shall take steps to secure the animals that are in the conservancy.

PART X- MISCELLANEOUS

Duplicate certificates of registration

43. (1) Where any certificate of registration issued under these Regulations is lost or destroyed, the person to whom it is issued shall report the same to the nearest Police Station and obtain a Police Abstract which he shall use to apply to the Service for a duplicate thereof.

(2) The Service may summon and interview the applicant as to the circumstances of the loss or destruction of the certificate of registration.

(3) A duplicate certificate of registration shall be issued at the discretion of the County Committee after taking into account the representations of the applicant and any other person they may wish to interview on the loss or destruction of the license or certificate of registration.

Appeals

44. Any person aggrieved by the decision of the Service, or the Committee may prefer an appeal to the Tribunal within a period of sixty days from the date of such decision:

Provided that the Tribunal may entertain any appeal after the expiry of the said period of the sixty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

FIRST SCHEDULE

FORMS OF APPLICATIONS

**FORM A- Application for Registration as a conservancy or sanctuary
under regulation 8.**

**FORM B- Application for deregistration of a conservancy or sanctuary
under regulation 38.**

SECONDS SCHEDULE

FEEES

Fees for registration as a conservancy

Fees for registration as a sanctuary

THIRD SCHEDULE

RANKS OF COMMUNITY WILDLIFE SCOUTS

The ranks of community wildlife scouts in order of seniority shall be as follows:

Chief Warden Scout

Warden Scout

Senior Assistant Warden Scout

Assistant Warden Scout

Senior Sergeant Scout

Sergeant Scout

Corporal Scout

Scout