



COLONY AND PROTECTORATE OF KENYA

SESSIONAL PAPER

No. 1 of 1959/60

**A GAME POLICY FOR
KENYA**

1959

PRINTED BY THE GOVERNMENT PRINTER, NAIROBI

Price: Cts. 75

A GAME POLICY FOR KENYA

The Report of the 1956 Game Policy Committee, published as Sessional Paper No. 7 of 1957/58, has now been examined by the Government of Kenya. The Colony's wild life is of considerable economic importance as well as of aesthetic value to its inhabitants. The Government's Game Policy, set out in this Sessional Paper, will lay down the basic principles which will govern the preservation of game. The implementation of the Government's policy must, however, have regard to the legitimate human interests in the various areas where measures for game preservation are required, and to the limits of the finance available for this purpose.

In this Sessional Paper references are made to National Parks, National Reserves, Game Reserves and Controlled Areas, and these terms have the following meanings:—

(a) National Park

A National Park is an area of land declared as such in accordance with section 3 of the Royal National Parks Ordinance (Chapter 215 of the Laws of Kenya). It is directly under the control of the Trustees of the Royal National Parks of Kenya and in such an area the interests of game preservation and management take precedence over other interests.

(b) National Reserve

A National Reserve is an area over which the Trustees of the Royal National Parks of Kenya have been granted complete or partial control or certain specific rights, but does not include a National Park. In such an area no hunting is permitted, but the Trustees, while preserving and managing the game, must take cognizance of the legitimate human interests in the area.

(c) Game Reserve

A Game Reserve is an area declared as such in accordance with the provisions of section 3 of the Wild Animals Protection Ordinance, No. 18 of 1951. It is controlled by the Game Department and in it the hunting or capturing of any animal is normally prohibited although, in special cases, the Chief Game Warden can authorize the killing or capture of an animal.

(d) Controlled Area

Under section 7 of the Wild Animals Protection Ordinance, No. 18 of 1951, the Minister may declare any area of the Colony, which is not under the control of the Trustees, Royal National Parks of Kenya, and is not a game reserve or private land, to be a controlled area. Hunting in such areas may be permitted by persons who have been issued with a controlled area permit. Such permits are issued at the discretion of the Chief Game Warden, who can also attach such conditions and restrictions to the permit as he may see fit. In such an area the Chief Game Warden can, therefore, control both the volume of hunting and the species of game animals which may be hunted.

STATEMENT OF POLICY

EXPLANATION OF POLICY

Preservation

1. The Government's policy is to preserve game in Kenya to the greatest extent possible having regard to human interests and financial priorities.

1. (i) The Government recognizes that game is the most important tourist attraction in the country and that the tourist industry is of considerable economic importance. Proper land usage, in an age where the economic development of land is proceeding very rapidly, must take into consideration the asset of wild life, as forming a part of the natural wealth of the country, so as to preserve the conditions under which the tourist industry can expand.

(ii) The Government further recognizes that game has an aesthetic and cultural value and that its preservation is a duty which the Government and people of Kenya owe to posterity and to the world. Practical steps to preserve it must therefore be continued.

Responsibility for Preservation

2. The final responsibility for defining the policy for the preservation of game in Kenya, and for ensuring that it is effectively carried out, rests with the Government.

2. The determination of policy in regard to proper land usage, in which game preservation is a factor, is a matter of national importance. Ultimate responsibility both for formulating policy and for ensuring that the policy is effectively carried out must therefore rest with the Government.

Machinery for carrying out the Policy for Preservation

3. (1) (i) The Government will maintain a Game Department under a Senior Officer, who shall be the principal technical officer to advise the Government on game policy and to carry approved policy into effect. Within the financial limits available from time to time, it will seek to maintain the Game Department in sufficient strength to enable it to perform effectively its functions of game preservation.

3. (1) (i) Game preservation, and its corollary, game control, are matters requiring technical skill and experience. Within the financial limits available from time to time, the Government will seek to maintain the Game Department in sufficient strength effectively to carry out its functions. Game preservation and control are in the long term impossible without full scientific knowledge. The establishment of a small Fauna Research Unit has recently been approved as a Colonial Development and Welfare Research Scheme. It is hoped the Unit will start operating before the end of 1959.

(ii) The whole or part of the existing National Reserves, and such other areas as the Government may, from time to time, consider suitable, will be designated "game reserves" and treated as areas in which special measures of game preservation will be undertaken; in such areas the Trustees of the Royal National Parks shall have such specific rights and responsibilities as the Government may from time to time invite them to undertake.

(iii) The Government also intends to extend and make full use of the "Controlled Area" system as an instrument of game management and control.

3. (2) The Government will foster and, within the limits of finance available, give financial support to the Trustees of the Royal National Parks to enable them to carry out the functions entrusted to them of game preservation and the development of tourist facilities, in accordance with the overall policy of Government.

(ii) The Government appreciates that there are areas, which, by reason of their faunal, floral or scenic attractions, should be retained for the preservation of wild life and for recreational enjoyment, but which cannot be constituted National Parks because other human interests therein cannot be excluded. As and when circumstances permit, the Government proposes to constitute such areas "game reserves" and eventually to abolish existing national reserves. In these game reserves game control will be the responsibility of the Government whilst the Trustees of the Royal National Parks will be invited to undertake the development of the recreational aspects.

(iii) The Government has already extended the system of "Controlled Areas" as an instrument of game management and control. By imposing varying degrees of restriction on shooting the Government can give effect to a sustained policy of game management to suit the needs of specific areas and species. In some regions maximum hunting on licence will be allowed; in others prohibition to shoot animals of a particular species in need of protection will be enforced; in others again total prohibition of shooting (except by Game Officers for the purpose of preventing game damage) in an area adjacent to a national park or game reserve may be necessary.

3. (2) In the last resort the complete preservation of game can only be assured fully in national parks.

The Government must look to the Trustees of the Royal National Parks to provide the main bastion in its long-term game preservation policy. The Government will maintain existing national parks. The Government will consider what control measures will be possible in areas adjoining National Parks.

STATEMENT OF POLICY

3. (3) The Government will, in the policies of all its Ministries and Departments, have regard to game interests.

3. (4) The Government will set up a Standing Game Advisory Committee and give statutory recognition thereto, to advise the Minister on the carrying out of the Government's policy.

Functions of the Trustees of the Royal National Parks in regard to Game Preservation

4. Within National Parks the Trustees of the Royal National Parks shall be responsible for game preservation, subject to the ultimate responsibility of the Government, and the development of tourist facilities.

Publicity and Propaganda

5. The Government will encourage measures designed to educate public opinion on the importance of game preservation.

EXPLANATION OF POLICY

3. (3) While the Game Department and the Trustees of the Royal National Parks will in fact supply the main executive effort in carrying out the national policy for game preservation, other Ministries and Departments of Government are in a position to give assistance. It is therefore the Government's intention that such Ministries and Departments shall re-examine their policies in the light of the Government's declared intention to preserve game to the greatest possible extent.

3. (4) The Government recognizes that its policy of game preservation is a continuing process and intends to set up by law a Game Advisory Committee. This committee shall normally advise the Minister on all matters connected with the fulfilment of the Government's game policy. In particular, the Government recognizes that game preservation may on occasions mean conflict with other local interests: it will also be the duty of this committee, in such cases, to advise the Minister on the best means to resolve such difficulties in the interests of game preservation.

4. The Government adheres to its policy that National Parks should be under public control and therefore supports a statutory basis for control of National Parks by a body of Trustees.

5. (i) As the future of game will depend mainly on the attitude of the people of Kenya towards it, the Government recognizes that it has a prime duty and responsibility to convince the people of Kenya that wild animals are a unique asset and a possession most valuable to themselves and to the world at large.

STATEMENT OF POLICY

EXPLANATION OF POLICY

Responsibility for Control of Wild Animals

6. (1) The Government cannot accept any responsibility for the activities of game animals and has no liability to pay any compensation for damage which they may cause. The Government will, however, within the limits of the finance available, endeavour to control game animals, scheduled as such under the Wild Animals Protection Ordinance, and, as far as is practicable, to prevent them from causing injury or damage.

6. (2) The Government recognizes no liability to control or destroy wild animals which are not scheduled for preservation or which are not protected by some other means nor to pay any compensation for any damage which they may cause.

(ii) The Government further recognizes that a vital factor in inducing a change in the present attitude towards game in areas where it is the declared policy of Government to preserve game, e.g. in game reserves, will be to give those Africans whose livelihood is immediately affected, a direct financial interest in the economic aspect of such preservation.

6. (i) The Government does recognize a responsibility, arising from its declared game preservation policy, to assist in the control of scheduled game animals as far as it is practicable to do so. Control is an important function of the Game Department and the Government intends that, within the limits of the finance available, such control shall be as effective as is practicable.

6. (2) (i) The Government accepts no liability for the control of non-scheduled wild animals. It will, however, through the appropriate departments, give such advice and help as is practicable where the presence of vermin is a threat to agriculture or stock.

Chapter IV of the Report of the 1956 Game Policy Committee provides a summary of the Committee's various recommendations. The Chapter is divided into three parts. The first deals with general recommendations on matters of policy, while the second and third parts set out specific recommendations relating to National Parks and Game Reserves respectively. The Government's comments on these detailed recommendations are now set out.

PART 1—GENERAL RECOMMENDATIONS

2. (i) The majority of these recommendations, which are in subparagraphs 1 to 36 of paragraph 50 of the Committee's report have already been dealt with in the Statement of Policy set out in the first part of this Sessional Paper. While the Government accepts these recommendations in principle, it does not necessarily accept the detailed methods by which the Game Policy Committee recommends they should be implemented. The Government must be free to vary the methods of implementation so as to take cognizance of changing circumstances and the level of finance available. The following subparagraphs have not, however, been included therein.

(ii) *Subparagraph 9—Local Game Reserve Committees.*—The Government does not accept that local game reserve committees with statutory recognition should be set up in respect of every game reserve. Circumstances might arise in a particular game reserve where such a committee would be desirable. The Government would consider each case on its merits.

(iii) *Subparagraphs 27 and 28—Co-operation with other African Territories.*—The Government agrees that, as many game problems are common to neighbouring territories, there should be adequate liaison between the territories. Lack of finance may, however, inevitably curtail such liaison at present.

(iv) *Subparagraphs 29 to 31—Poaching.*—The Government appreciates that the position relative to poaching is still very serious. The Royal National Parks have a mobile anti-poaching team and the Game Department has another.

(v) *Subparagraph 32—Alternative Livelihood for Native Hunters.*—The Government has accepted the Committee's recommendation that a Game Management Scheme be established north of the Galana River for the Waliangulu tribe. Such a scheme has already been started as an experiment, but it has not been in existence for a sufficient length of time to enable the Government to reach any firm conclusions regarding its merit.

(vi) *Subparagraphs 33 and 34—Hunting.*—The Government accepts that the issue of licences to shoot game should be integrated into a proper system of game management in the Controlled Areas and, where practicable, hunting is already being encouraged in those areas where control of wild life is required in the interests of human development. Such a policy cannot, however, be really successful without adequate scientific knowledge of the fauna and its habitat. The establishment of the small fauna research unit will enable a start to be made on the acquisition of such knowledge.

(vii) *Subparagraph 35—Nature Reserves.*—The Government will consider the establishment of Nature Reserves in Forest Areas, where the area concerned is of considerable floral or faunal interest, provided that the establishment of such Reserves will not interfere with the proper, essential development and management of the Colony's forest estate.

(viii) *Subparagraph 36—Financial Aid.*—The Government will bear in mind the possibility of obtaining financial aid from sources outside the Colony. A grant from Colonial Development and Welfare Funds has already been obtained for fauna research.

PART 2—EXISTING NATIONAL PARKS AND RECOMMENDATIONS FOR THE ESTABLISHMENT OF NEW OR ADDITIONS TO EXISTING PARKS WITH DESCRIPTIONS OF AREA AND REASONS

3. (i) With the exception of the Tsavo Royal National Park, the Committee have recommended, in paragraph 51 of their Report, that all the existing National Parks should remain unchanged. The Government accepts this recommendation and no comment is required. In the case of the Tsavo Royal National Park the Committee recommended certain very minor alterations to the boundaries. The Government has accepted those recommendations and is in the process of implementing them. The comments are, therefore, restricted to the recommendations for new or additions to existing National Parks.

(ii) *Subparagraph 2—Tsavo Royal National Park.*—The Committee recommended that about 400 square miles of the Eastern Chyulu Range and the present Masai/Machakos controlled area of some 113 square miles, be added to this National Park. The Government considers that these proposals are desirable. Their implementation would, however, require additional finance which is not likely to be available in the foreseeable future.

(iii) *Subparagraph 3—Mount Kenya Royal National Park.*—The Committee recommended that two corridors of land, one on the east and the other on the west of the mountain, should be excised from the Crown Forest and added to the National Park. The main object would be to give the Trustees roads of access to the park which would be under their control. The areas, however, form a part of the gazetted Crown Forest and the Committee have recognized that the Government would have to retain a right of access for ordinary administrative or departmental purposes. To some extent at least, this must result in divided control with its attendant dangers. The flora and scenic value of the areas can be protected adequately under the Forest Ordinance and the Government considers, therefore, that the Committee's recommendation should not be accepted.

(iv) *Subparagraph 4—Aberdare Royal National Park.*—The Committee recommended that an area of about 100 square miles should be excised from the gazetted Crown Forest and added to the park. The boundaries of the proposed excision have not been determined and, in any event, the Government is doubtful of the wisdom of excising such a large area of Crown Forest. The Government proposes to refer this recommendation to the Standing Game Advisory Committee when it is appointed and to defer a decision until it has received further consideration.

(v) *Subparagraph 5—Marsabit Royal National Park.*—The Committee recommended the creation of a new National Park of about 39 square miles on Marsabit Mountain. While the Government considers that there are certain points in favour of this recommendation, there would also be difficulties in implementing it. It would require additional finance which is not available. The Trustees of the Royal National Parks would have to accept responsibility for implementing Government's directions in regard to the conservation of water and forest management. The duties, rights and responsibilities of both the Forest Department and the Trustees would have to be very carefully defined in an attempt to avoid the inherent dangers of divided control.

(vi) *Subparagraph 6—Uaso Nyiro Royal National Park.*—The Committee recommended that about 22 square miles, in the vicinity of the existing National Park's *safari* lodge, be declared a new National Park. The Government accepts this recommendation in principle provided that further detailed investigations show that satisfactory alternative arrangements can be made for the Samburu stock which at times uses the area.

(vii) *Subparagraph 7—Mount Elgon Royal National Park.*—The Committee recommended that some 65 square miles of gazetted Forest Reserve be declared a new National Park. The area concerned has already been declared a Nature Reserve under the provisions of the Forest Ordinance and the flora and fauna are being protected. The development of the area as a National Park would require additional finance which is not likely to be available in the foreseeable future. The Government, in any event, has doubts whether the area should become a National Park as, here again, there would be divided control, the Committee recognizing that the Government would have to direct the policy regarding forest conservation and fish management.

PART 3—RECOMMENDATIONS FOR THE ESTABLISHMENT OF GAME RESERVES WITH DESCRIPTIONS OF AREAS AND REASONS

4. (i) The Committee recommended that the National Reserves should be abolished and replaced by Game Reserves with revised boundaries in certain cases. The National Reserves are areas which, because of their faunal interest, would justify the creation of National Parks, but where other human activities make such a course impossible. While the Trustees have, by legislation, been entrusted with the preservation of wild life in the National Reserves, they have no control over the human development in the area which must inevitably affect the interest of game preservation. The resultant dual control in these areas had not been successful, and the Committee considered that an almost impossible burden had been placed on the Trustees. The Committee considered, therefore, that the control of these areas should be integrated under the Government and that the Game Department should become responsible for game preservation and management in them, while the Trustees should be invited to continue with the development of the public amenities such as Safari Lodges. Such proposals, if accepted, would not jeopardize the preservation of the game and would not affect the status of the National Parks. While the Government accepts the general principle that the majority of the National Reserves should eventually be abolished and should be replaced by Game Reserves, there are difficulties at present in implementing all of the proposals. Where an existing National Reserve is controlled by the Trustees of the Royal National Parks in conjunction with either a National Park or a Safari Lodge in a National Reserve, then it is doubtful whether the Trustees' expenditure would be appreciably reduced if the Government accepted responsibility for managing the game in the area. The Trustees would still have to maintain staff in the area concerned to manage the Park or the Safari Lodge. The Government would, however, have to increase the Game Department's staff and their related Other Charges expenditure if the proposed game reserves were to be managed properly. While it is believed that the acceptance of the Committee's recommendations would result in better control and management of the areas, there is no prospect of the additional finance required being made available in the foreseeable future. The Government proposes, however, to take action in the following three cases.

(ii) *Paragraph 52 (5)—Western Chyulu Game Reserve.*—The Committee recommended that the present Western Chyulu National Reserve of some 145 square miles should be declared the Western Chyulu Game Reserve. The Government accepts this recommendation as the area concerned could be managed by the Game Warden, Kajiado, without any additional expenditure.

(iii) *Paragraph 52 (7)—The Matthews and Ndoto Mountains Game Reserve.*—The Committee recommended that the present Marsabit National Reserve be abolished and that the forest areas on the Matthews and Ndoto Mountains be declared the Matthews and Ndoto Mountains Game Reserve. The Committee also recommended in paragraph 52 (6) of their report that the north-east corner of the present Marsabit National Reserve, being an area which would surround the proposed Marsabit Royal National Park, should be declared the Marsabit Game Reserve. Within the existing Marsabit National Reserve large numbers of wild animals are competing for grazing directly with cattle. Grazing control schemes are being instituted and reforestation for the conservation of water supplies is required. These schemes, however, will not succeed unless some game control measures are instituted to relieve the pressure on the grazing in certain areas. Such measures will be carefully planned so as to ensure that the wild life is not disturbed more than is essential for the protection

of the legitimate human interests involved. Under these circumstances the Government proposes to abolish the Marsabit National Reserve. In the initial stages at least the Government considers that the forest areas, both at Marsabit and in the Matthews and Ndoto Mountains, should remain under the control of the Forest Department, and that Game Reserves should not at present be established. Most, if not all of, the area comprising the existing Marsabit National Reserve will, however, be declared a Controlled Area under the Wild Animals Protection Ordinance.

(iv) *Paragraph 52 (8)—Shimba Hills Game Reserve.*—The Committee recommended that the gazetted Crown Forest of some 74 square miles should be declared a Game Reserve. The Forest Department are already planning the development of the area so as to open it for public recreation. While accepting the spirit of the Committee's recommendation, the Government considers that the area should remain under the control of the Forest Department.