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**STATEMENT ON FUTURE
WILDLIFE MANAGEMENT
POLICY IN KENYA**

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POLICY ON WILDLIFE MANAGEMENT IN KENYA

I.—Introduction

1. The Government's fundamental goal with respect to Wildlife is to optimize the returns from this resource, taking account of returns from other forms of land use.

2. Returns include not only the economic gains from tourism and from consumptive uses of wildlife, but also intangibles such as the aesthetic, cultural, and scientific gains from conservation of habitats and the fauna within them.

3. Wildlife is only one resource on the land, and proper wildlife management is, therefore, but one aspect of land use planning and management, designed to maximize the returns from land. Land use conflicts involving wildlife are frequently debated in terms of "people versus animals". This statement of the problem is illegitimate. Rather where conflicts exist, they are between different groups of people specifically, between those who believe that wildlife should be conserved in specific areas, versus those who wish to follow land uses which they believe are inconsistent with the survival of wildlife.

4. The Government's basic policy problems with respect to wildlife are, therefore, to—

(a) identify the best land uses (or combinations of uses) for specific areas of land, in terms of their long and short run benefits to people;

(b) to ensure implementation of those uses; and

(c) ensure a fair distribution of benefits of those uses.

5. On 5 per cent of Kenya's area, exclusive wildlife use promises the highest returns, mainly through supporting the tourist industry which generated foreign exchange receipts of £24.3 million in 1973, but also by maintaining examples of the main types of habitats found in this country. To secure these returns, Government declares such areas National Parks, National Reserves, or supports the creation of County Council Game Reserves. It also allocates the resources of funds and personnel necessary to ensure that their potentials are achieved.

6. Maximum returns from another 80 per cent of the land can only be secured through proper utilization of wildlife in combination with other forms of land use mainly ranching, but also forestry (3 per cent of Kenya is made up of gazetted forest).

7. Finally, wildlife management has an important role to play, even in the approximately 15 per cent of Kenya currently suitable for high density arable agriculture, where the aim of policy is efficiently to minimize damage to crops by wild animals. This area may, of course expand, with the introduction of new crops or extension of irrigation schemes in the drier areas.

8. The main future emphasis of wildlife policy will be upon finding means to secure optimum returns from the wildlife resource, and upon implementation of those means for the benefit of landowners and the nation generally. Policing and control activities, directed to preservation of wildlife wherever possible, will cease to be the main content of policy although policing and control activities will of course continue to be important components of policy.

9. The main objective of wildlife policy in the past was to preserve as many animals as possible, and the main instruments of policy were departments organized to police and enforce a battery of prohibitions about legal and illegal activities regarding wild animals. This policy was correct for its time. There were enormous uncertainties about the techniques which might be adopted for securing high returns from wildlife. It was also believed that the returns from wildlife would soon rise much higher, and so the resource should be preserved. Even more important, the other main user of the range on which the wildlife depends—livestock—was managed in ways which were completely inimical to sustained wildlife utilization. Under traditional pastoralism, the carrying capacity freed by higher wildlife off-takes would have been occupied by expansion in domestic stock numbers, resulting in the elimination of wildlife as a usable resource. In these circumstances, “preservation wherever possible” was the only rational policy, and has had the great benefit of ensuring that Kenya now possesses a wildlife resource worth managing.

10. Recent and continuing changes in land ownership and the scale and nature of range development, both require and permit a more activist approach to wildlife management. The pastoral areas

are being adjudicated into group and individual ranches held on freehold, for the first time giving pastoralists the legal basis, for intensive management of the land as contrasted with individual herds of livestock. In addition, pastoralists are now in receipt of large-scale technical and financial assistance, from Kenyan and overseas sources to permit and induce them to improve their management practices, and specifically to raise substantially domestic stock off-takes. Adoption of these practices will reduce standing herds of domestic stock relative to carrying capacity, (although improvements in pasture management may also raise carrying capacity so that stock-levels per acre can be maintained). If wildlife is to continue to use some of this carrying capacity, which is now being brought under direct, explicit, and conscious management for the first time, it must yield returns to the ranchers, which are at least equal to the returns from the livestock, which could replace it.

11. On the positive side, it should be noted that the shift to commercially motivated range management, including rational control of livestock numbers on the land, provides a necessary condition, missing in the past for the sustained utilization of wild animals. In short, we are entering a new era in which rational use of wild and domestic stock is not only a theoretical but a practical possibility, in which the financial and institutional requirements are present to bring it to fruition.

12. Since the rate of progress on implementation of improved livestock management, differs in different parts of the country, the specific wildlife policies followed in different parts of Kenya must differ. For this reason, many of the powers required for efficient management of wildlife, must take the form of regulations rather than legislative provisions, so that there is flexibility of action to secure the fundamental goal—maximum returns from land, optimum returns from wildlife—in the presence of differing institutional, management, and social situations.

13. The Government is introducing new legislation, in the form of the Wildlife (Conservation and Management) Bill, which will enable it to carry out the above general policy in a rapidly evolving situation.

II.—The Wildlife Service

14. A new Government Department, the Wildlife Service, will incorporate the past functions and responsibilities of the Game Department and of the Kenya National Parks Trustees. The Wildlife Service shall be responsible for implementation of the Act in all parts of Kenya. The Service will come under the Ministry responsible for Wildlife.

15. This centralization of responsibility will permit more flexible management of wildlife, particularly in those extensive areas which are integral components of the ecological units which contain National Parks and County Council Game Reserves. It will also generate administrative and financial economies in such fields as personnel management, staff training, research, public education, extension services, enforcement of regulations, antipoaching, contributions to land use planning both for local areas and nationally, and co-ordination of wildlife management with the activities of other Government agencies in the field and at Headquarters levels.

16. The Service will be headed by a Director. Uniformed and disciplined members of the Service shall not belong to Trade Unions, but shall be entitled to join a staff association established under the Rules of the Service issued by the Minister. The Director may also delegate powers under the Act to appropriate Civil Servants outside the Service. The Director may also delegate powers under the Rules of the Service issued by the Minister. The Director will recommend to the Minister the names of officers to be gazetted as law enforcement and Licensing Officers under the Act.

17. Functional Divisions of the Service (e.g. research, training, staff management, park management, planning, etc.) have not yet been discussed in detail.

18. The field staff of the Wildlife Service shall be divided to the extent feasible into provincial divisions corresponding to the Administrative Provinces, and within provinces into zones which reflect the ecological inter-relationship of different areas, as well as Administrative Districts.

19. The reason for adopting Administrative Provinces, as the basic regional organization of the Service, is to facilitate co-

ordination with officers of other Ministries and Departments concerned with land use planning, and with implementation programmes in the field.

20. As a regular Government Department, the Wildlife Service shall be subject to all normal Government financial procedures (with a single exception noted in paragraph 21 below). All receipts accruing to Government from management of Parks and Reserves, shall be accounted for as Revenue and paid to the Consolidated Fund by the Wildlife Management Service. The Revenues accruing to the Government from wildlife activities now carried out by the Game Department, shall continue to be paid into the Consolidated Fund.

21. There shall be a Wildlife Fund, under the control of Wildlife Fund Trustees, whose purposes shall be to solicit, receive and disburse donations from private sources for Government—approved wildlife projects. These funds shall not be treated as Appropriations-in-Aid. The Trustees shall all be honorary, and may include non-Kenyans resident abroad, Kenya residents, and official members including (official membership to be determined).

22. Both the Game Department, and the Kenya National Parks have been successful, in the past, in raising private donations for wildlife projects. The establishment of a Special Fund is expected to facilitate the raising of such donations, compared with a situation in which donations had to be negotiated with Government, estimated for in advance, and disbursed according to Financial Orders.

23. The position of Trustees is honorary, since this will ensure that Trustees will be motivated by an interest in wildlife, rather than less relevant considerations. The presence of internationally-known figures among the Trustees, will facilitate donations from abroad.

24. Control over objects of expenditure from the Fund shall be under complete Government control, since expenditure must be upon approved projects. Among such approved projects may be activities designed to raise donations (e.g. printing of brochures, hire of fund-raisers, etc.).

III.—Policy on Major Functions to be Undertaken by the Wildlife Service

25. A much increased research effort within the Wildlife Service, will be necessary to identify opportunities for profitable management of wildlife, and to guide the management and regulation of wildlife utilization. General priorities on wildlife research will also be established under the machinery of the National Council on Science and Technology, with a view to improving the co-ordination of research within Government, as well as inducing non-Government research effort into priority areas.

26. Because Kenya is one of a small group of countries pioneering the technology of wildlife utilization as a form of land use, the amount of resources it must devote to research and development effort, relative to the current returns from wildlife utilization, is much greater than for more established economic activities, which can rely more heavily upon foreign experiences or past experience in Kenya. Most research will be in the biological sciences, but economic and sociological studies will also be required to identify viable management programmes, and to monitor performance.

27. The establishment of clear priorities related to management needs is long overdue: much past research has been of limited usefulness in the absence of clearly stated management questions on which the research could throw some light.

28. The Government will provide to the Wildlife Service more resources than have been provided in the past, for planning of wildlife utilization activities and for contributions of wildlife inputs to general land use planning exercises.

29. Past failures to plan adequately have not been due to a lack of interest, knowledge, or concern by the relevant departments, but rather to a lack of sufficient personnel both to administer day-to-day departmental activities and to consider the future. Planning is daily becoming more and more essential in the light of rapid changes in institutions, increasing population, and development of other activities potentially in conflict with wildlife. Even within National Parks, inappropriate standards for allocation of roads,

staff housing, and infrastructure installed with insufficient planning, have had the effect of destroying rather than enhancing, the ability of Parks to achieve their objectives.

30. More coherent planning of particular projects and programmes, will also facilitate securing finance from domestic and foreign sources for wildlife programmes.

31. A Wildlife Service Training Institute shall be established. It shall provide basic training for Service staff from Scout to Assistant Warden rank, and provide special and refresher courses for all levels of staff. Training in specialized fields—particularly for senior research, management and extension officers—will continue in other institutions both locally and abroad. Use will continue to be made of the facilities available at Mweka and the Police Training School as appropriate.

32. The establishment of a Wildlife Training Institute is justified by staff numbers alone—the Service will begin with over 2,000 employees. More important, implementation of the policy of optimizing returns from wildlife, will require much higher levels of skills by members of the Service, than have been necessary in the past. Since Kenya is pioneering intensive utilization of wildlife, the curriculum must be worked out in this country and be made specific to the particular problems here.

33. The Wildlife Service shall carry out education activities directed at the public, inside and outside Kenya, for purposes of securing the widest possible understanding and hence support for Kenya's wildlife policies.

34. Within Kenya, support will continue for the activities of the Wildlife Clubs of Kenya, and efforts shall be made to ensure that the schools' curricula, contain more and better material on ecology and the role of wildlife. Current schemes to keep the mass media informed of policy, shall be intensified. Securing the appropriate degree of public education abroad may require the hire of public relations consultants overseas.

35. Overseas public education activities are extremely important, from the standpoint of the future economic value of wildlife. Potential donors must be informed of the difference between simple preservation and conservation, so that donations do not dry up due

to misunderstandings. Even more important, we must ensure that the potentially large and secure export market, for the products of consumptive wildlife utilization (sports hunting, sales of meat, skins and other trophies), are not foreclosed through ignorant "preservationist" pressure on overseas Governments and firms. Already there is some evidence to suggest that prices of some skins have fallen due to such pressure. If wildlife are to "pay their way" over large parts of Kenya, such development as this must be reversed—and quickly.

36. It shall be a major function of the Wildlife Service, to inform landowners about the possibilities for securing higher long run returns from wildlife on their land, advising them upon particular courses of action to be followed to the end, and assisting them to carry out those actions.

37. The exact form of organization of extension services and their inter-relationship with research, direct game management and regulation of commercial activities by the Service, remain to be discussed. The main point, however, is that Wildlife Service Officers must cease to be mainly policemen, telling landowners what they cannot do, and increasingly become their advisers, in carrying out activities designed for their benefit. The contents of extension work will depend upon the specific forms of utilization recommended for areas of land.

38. In addition to explicit legal prohibitions contained in the Act, the Wildlife Service shall make (through the Minister) and enforce regulations regarding all acts related to wild animals. Moreover, any individual or firm engaged in any aspect of commercial wildlife utilization, may be required to be in possession of a licence or permit which may be issued varied or suspended at the discretion of the Director of the Service with final appeal to the Minister.

39. Thus, the Bill gives powers to the Minister and the Service to pass regulations, upon procedures to be followed and conditions to be met by any firm, individual, or other organization which in any way undertakes or handles the hunting, capture, processing, selling or purchasing or other receipt of wild animals or products made from them. These blanket powers are sufficient to control every aspect of wildlife utilization. It is important that many of

these issues be handled by way of regulations rather than legislative provisions, in order that regulations may be flexible in the light of changing circumstances.

40. A large measure of administrative discretion regarding issue and withdrawal of licences and permits is necessary, since it is difficult to secure evidence sufficiently conclusive, to lead to conviction in the Courts for infringement of some necessary game laws and regulations.

41. Every effort shall be made to induce the private sector to engage in commercial utilization activities, under the supervision of the Wildlife Service. Nevertheless, the Wildlife Service shall be empowered to finance and carry out on a commercial basis, either alone or in combination with other individuals, firms or agencies any activities connected with wildlife utilization.

42. At present, the Game Department only carries out auctions of game trophies. There should be powers for the Service to engage in other commercial activities, where this is necessary to achieve the overall objective of optimizing returns from wildlife. Note that there appears to be price rings among the bidders at Game Department trophy auctions, resulting in lower returns to Government than the free market would generate. Freedom for the Service to find alternative commercial outlets for its trophies would overcome this problem. Among other commercial activities are included:—

- (a) organizing bookings for sports hunters on behalf of private landowners;
- (b) supervising negotiation and implementation of contracts, between landowners and firms engaged in commercial wildlife utilization on their land (perhaps the Service will act as "broker" for some such transactions); and
- (c) direct hunting/capture, processing, storage, and marketing of game animals and their products.

IV.—Policy on Parks and Reserves

43. Such National Parks as were in existence on the date of commencement of the new Act shall continue, as shall existing, National Reserves and County Council Game Reserves.

44. Abolition of National Parks, National Reserves, and County Council Game Reserves must be proposed by the President as signified by a Minister and approved by the National Assembly.

45. This provision will ensure that the most careful consideration is given at the highest levels to abolition of any Park or Reserve.

46. National Parks are State Lands which are managed exclusively for the following objectives—

(a) to preserve in a reasonably “natural” state examples of the main types of habitat which are found within Kenya (including marine habitat) for aesthetic, scientific, and cultural purposes;

(b) to provide educational and recreational opportunities for Kenyans;

(c) to provide an attraction for tourists, and so serve as a major basis for Kenya’s economically profitable tourist industry; and

(d) to sustain any other activities which are not in conflict with the above (e.g. water catchment, commercial photography, etc.).

47. Agricultural, pastoral, forestry, and consumptive wildlife utilization activities are completely excluded from National Parks (although the latter may be followed for purposes of herd management carried out to accomplish the above objectives). Mining may take place within Parks only with the permission of the Minister for Tourism and Wildlife.

48. National Reserves may be on any type of land. They are declared by the Minister for Tourism and Wildlife with the consent of the competent authority. Their main objectives are similar to those for National Parks, with the exception that other land uses may be specifically allowed, with the conditions controlling such uses to be included in the regulations agreed with the competent authority at the time of gazettelement.

49. County Council Game Reserves are exactly the same as National Reserves except that a County Council (or other local government) is the competent authority.

50. The Wildlife Service shall eventually be responsible for management of all National Parks, National Reserves and County Council Game Reserves. The dates at which the Wildlife Service

takes over management of particular Reserves will depend upon financial and personnel availabilities, the ability of particular County Councils to manage their Reserves competently in the meantime, and the time required to negotiate acceptable agreements with each County Council. In the case of existing National Parks, existing Park by-laws and regulations shall be re-adopted in the form of Park Regulations with some minor modifications to permit more complete control of activities within Parks. In the case of National Reserves not on State Land and in the case of County Council Game Reserves, the Wildlife Service shall administer the Reserve in accordance with the Regulations agreed with the competent authority at the time of declaration of the Reserve, or, in the case of existing Reserves at the time the Wildlife Service takes responsibility for management. These Regulations shall, to the extent possible conform to the Regulations in force in National Parks, with the main exceptions being in regard to non-wildlife uses followed within the Reserve. There shall be provisions for altering Regulations in consultation with the competent authority.

51. The Government shall seek the creation of new National Parks and Reserves and County Council Game Reserves, in accordance with its over-riding objective to optimize returns from wildlife, and in accordance with the specific objectives of Parks and Reserves as stated in paragraphs 46 (a), (b), (c) and (d) above.

52. To this end the Wildlife Service will carry out careful surveys of potential Parks and Reserves within Kenya, identify "gaps" in the system of Parks and Reserves, and seek the establishment of Parks and Reserves which are likely to be beneficial. Whether Park or Reserve status is sought for a particular area will depend upon the ecological, economic, and tenural situation of that area, and upon the likely implications of future status of the area for sound management.

53. In the short term, the major considerations may appear to be financial. For example, in the case of any land apart from State Land, a decision to secure Parks status will require the payment of immediate compensation to the previous right holders.

54. In the long term, the distribution of the financial returns accruing to the reserve is likely to be of greater importance. If the

competent authority retains an interest in these returns, it is likely that management of boundary problems and migration areas (dealt with below) will be more easily dealt with.

55. All receipts by National Parks on account of tourism and wildlife activities carried out within them, shall be revenues of Government and paid to the Consolidated Fund.

56. It should be noted that Local Authorities and local inhabitants stand to benefit from the economic activity generated by Parks in their Districts (employment, new markets for agricultural produce, hotels and lodges located outside Parks, and licences and cesses on these activities).

57. The Government (and the Wildlife Fund Trustees) shall take responsibility for development and recurrent costs of managing reserves, and shall be reimbursed by a percentage of the revenue of the Reserve, the percentage to be agreed with the competent authority, and subject to an agreed minimum sum payable annually to the competent authority.

58. In principle, Government will aim to manage Reserves at cost on behalf of the competent authority. In practice, this would be difficult to implement, and would require the formulation of an agreement on detailed management contracts, which would in practice be difficult to enforce. Particularly difficult would be the treatment to be accorded development expenditures, depreciation, interest on development expenditures and Wildlife Service Overhead costs. Therefore, it is proposed that Government agree with the competent authority on a percentage of revenues to be paid to Government, which percentage will be worked out on the basis of reasonable financial forecasts for the Reserve at the time it is established. Minimum payments to the competent authority, will be related to the surpluses earned by the Council, in the years before the Wildlife Service takes over management of the Reserve. This will ensure that Councils are no worse off than under the current system.

59. The percentage of revenue left after Government has received its share, shall be paid to the competent authority and to such other individuals, firms, or landowners as may be agreed between Government and the competent authority.

60. The landowners in migration areas used by wildlife herds from specific Parks and Reserves should at a minimum, not suffer any net damage from supporting these herds on their land. To this end, Government shall pay to landowners in migration areas of Parks grazing fees scaled to the costs of migratory herds imposed on them, after taking account of any direct benefits received by these landowners from migrating wildlife herds, in the form of revenues from hunting, cropping, and tourist facilities on their land. In the case of Reserves, these payments may either be grazing fees (in which case they shall be treated as one of the costs of managing Reserves) or may take the form of a percentage of the revenue accruing to the Reserve. In return for these fees/returns, landowners will agree to specific limitations upon acts to be carried out by them and to specific powers by the Wildlife Service over activities on their land, which are likely to affect the ecological or financial viability of the Park/Reserve. Agreements may also include provision for the Wildlife Service to repair damage by migrating wildlife herds to water pipes and other ranch facilities. Such agreements shall be gazetted, and the areas to which they apply shall be called Protection Areas.

61. The provisions for negotiation and declaration of Protection Areas are the most important innovation in the new legislation. Protection Areas are absolutely critical for the continued survival of the Wildlife herds which attract visitors to Nairobi National Park, the Masai Amboseli and Mara Game Reserves, the Samburu/Isiolo Reserves, etc. In most of these areas, the animals migrate over much larger areas than are included within the Park/Reserve, and it would be both infeasible and undesirable to extend the boundaries of the Park/Reserve to cover the whole ecosystem. While landowners in some migration areas may be able to secure direct returns from wildlife, it is likely that in a majority of cases such returns will not be sufficient to induce them to maintain the large wild herds necessary for survival of the attractiveness of the Park/Reserve, and hence for the expansion of tourism in this country. There must therefore be provision for payments of some returns from tourism within the Park/Reserve to these landowners.

62. The justification for treating landowners in migration areas of Parks differently from those in migration areas of Reserves, is that landowners near Parks have no legal claims to the land in the

Park, while those near Reserves typically have traditional claims to the land in the reserve.

63. The power of Government to impose a Protection Area is essential, if landowners are to negotiate seriously. The mechanism for declaration of Protection Areas must be seen to be fair, however, with appropriate opportunities for appeal if the Protection Area is to be manageable in practice.

64. The acts to be controlled within specific Protection Areas, will depend upon the circumstances of the particular case. They might include any or all of the location and extent of cultivation within the Area, the siting of buildings (especially where protection of scenic amenity is important to the Park/Reserve), the standards of and scales of rentals charged for commercial tourist facilities established within the Area (this is very important if competition among landowners for developers is not to lead to too low rentals being charged), limitations on consumptive wildlife utilization, location and type of fencing, clearing of forest or bush and other measures of habitat management. In some cases the Wildlife Service might accept responsibility to the landowners, to manage all tourist and wildlife activities within the Area on their behalf.

V.—Policy on Consumptive Forms of Wildlife Utilization

65. The Government shall explore the possibilities for, induce the establishment of, and regulate consumptive forms of wildlife utilization, wherever these uses will make a net contribution to Kenya's economic and social development.

66. Consumptive forms of wildlife utilization include sport hunting, live animal capture for export or for restocking of other areas within Kenya, cropping for meat and trophies, game ranching—both ranching of wildlife herds and of domestic herds of scheduled species, and the associated processing, storage, and marketing activities. Various of these activities may, in particular area, be in conflict with each other, with tourist viewing, or with non-wildlife land uses. It shall be necessary for the service to identify, via, research and experiment, those situations in which these activities will have a net positive national effect, and to seek to encourage that use (or combination of uses) through extension services, technical and financial assistance to landowners, actual utilization by the Service itself, and/or enforcement of regulations.

(As noted in paragraph 39 and 42 the Service shall have blanket powers to this end.)

67. The Government fees in connexion with consumptive utilization, shall be set at levels which are likely to result in optimum national returns, and which enable landowners to secure sufficient receipts, to ensure the implementation of these activities where they are in the national interest.

68. A direct Government receipt from utilization need not cover direct costs to Government if the net gains, including employment, higher income, foreign exchange earning, etc., are sufficiently high. But it is important that the landowners supporting the wildlife, receive sufficient remunerations to enable these activities to be continued on a sustained basis, if they are to be nationally profitable.

69. The Government shall implement procedures to increase the hunting off-takes from private, Trust and State Lands in order that larger returns be secured from this activity.

70. Hunting is now, and will continue to be, the most profitable large-scale consumptive form of wildlife utilization on a per animal basis. Even with intensified hunting, however, it will be profitable in many areas to secure an additional off-take through cropping.

71. All private lands on which hunting takes place shall be registered with the Wildlife Service, and the Service shall establish for each parcel of registered hunting land the permissible off-take (which may be varied in the light of experience) and the minimum fees which shall be charged for booking the area and for animals shot there. At the option of the landowner the Wildlife Service will undertake to handle bookings for the parcel, subject to conditions specified by the landowner, to manage behaviour of hunters on the land in accordance with those conditions, to keep records of the animals shot, and to collect and remit fees accruing to the landowner. In case where the landowner elects to handle his own bookings, or to make other arrangements (e.g. concessions) the Wildlife Service must approve the booking procedures proposed before entering the land on the register, and the landowner must undertake to keep a complete record of the animals shot on his land, the hunter days spent there and any other relevant information required by the Service.

72. The main objects of the above policies—which will be set out, with others, in Regulations—are to ensure that particular lands and species are not “over-hunted”, that landowners secure appro-

priate returns from hunting carried out on their land, and that sports hunters are not subject to unexpected harrassment by landowners.

73. Hunting on Trust land shall generally be regulated as at present, although efforts will be made to increase returns through modifications in Block boundaries, and continued experimentation with different levels of booking fees.

74. Application for trapping permit shall only be entertained, if the ultimate purchase is a recognized Zoological Garden, Research Institution or licensed game ranch. Trapping for pets shall not be permitted.

75. A National Quarantine shall be established for wild animals in transit to overseas markets.

76. The other policies which have been discussed either have no major policy significance, or are covered by other legislation, or come well within the ambit of the general statement of objectives in Chapter V above, under the statement of powers and activities of the Service in paragraphs 39 and 42 above.

VI.—Miscellaneous Policies

77. The Government accepts a general responsibility to assist with control of behaviour of wildlife, which is adverse to other activities or to human life within the limits of available finance, manpower, and techniques and subject to co-operation by the relevant landowners and other members of the public.

78. The Techniques used by the Service or recommended to landowners for particular game control problems, shall depend upon the circumstances of the case, and specifically upon the likely benefits to be secured, relative to the cost of achieving them.

79. The range of available techniques includes deterrence (through use of thunderflashes, night fires, dogs, shooting of one or two members of a herd), erection of game proof barriers (which is very expensive and can only be countenanced where game damage is likely to be large and where it is in the interest of sound land use management, that wildlife be excluded from the area), translocation (which will only be applied when the value of the animal at its destination, whether in Kenya or abroad, is judged to be sufficiently large to cover the costs involved), and extermination (via poisoning,

shooting, or destruction of habitat. This method will be carried out where the animals must be excluded from an area).

80. The Wildlife Service shall recommend to landowners suitable techniques which they may adopt to reduce game damage, in cases where the property to be protected conforms with sound land use management.

81. The Wildlife Service would not, for example, give advice on game control, to a farmer who was trying to grow wheat in a Protection Area, connected with a National Park or a Reserve against the regulations regarding that Protection Area.

82. Members of the public shall have the right to kill wild animals in cases of immediate danger to life. If an officer of the Service is not available, members of the public may also kill game animals in cases of immediate threats of substantial damage to property. In either case, the action must be reported within a reasonable time to an officer of the Service, and any trophies resulting be handed to the Service. The onus will be on the person concerned to prove that he killed the animal out of necessity.

83. Persons will be subject to the usual penalties for illegal killing of game animals, if it is found that the killing took place in the course of illegal activities, under the Act or its Regulations or the Rules concerning acts carried out within Protection Areas, or in the case of defence of property, the landowner concerned had failed to take reasonable precautions, previously advised by an officer of the Service.

84. Compensation shall be paid for loss of life and injury from wildlife, except in cases where the loss of life or injury occurred in the course of illegal activities. Compensation shall be paid by Government. Rates of compensations and assessment and settlement of claims shall be carried out through District Committee chaired by the District Commissioner, with membership including an officer of the Wildlife Service, the Divisional Police Officer, a representative of the Local Authority, and a non-official representative. Compensation for damage to property will be a responsibility of Local Governments, in these areas where land remains in Trust of the County Councils. In adjudicated areas, the other provisions of policy indicate the means by which farmers will earn returns from wildlife and receive compensation for damage.

85. Waivers might be agreed in Protection Areas where the land-owners concerned secure a percentage of the returns from tourism. In addition, no compensation will be paid to individuals who are engaged in utilization activities (e.g. hunting, trapping, ranching, etc.) and the terms of their permits will contain such waivers.

86. The Wildlife Service will take active steps to eliminate illegal killing or sale of wild animals and products made from them, both through activities in the field to apprehend poachers, and in the towns to intercept the trade in resulting products. Anti-poaching activities shall be included among the approved programmes, for which donations to the Wildlife fund shall be solicited.

87. (a) The Government is changing many of the penalties for infringement of the Act and subsidiary regulations, to ensure the deterrent effects of penalties are sufficient for the particular offences concerned.

(b) A new penalty—forfeiture of all goods, machinery, and property used in the commission of an offence—is being introduced to cater for particularly important infringements of the Act.

(c) There will also be provision for on the spot penalties to be executed by Officers of the Service.

(d) There will be minimum penalties for some offences under the Act.