

## THE STRUCTURED ASSESSMENT OF WILDLIFE POLICY IN KENYA

The objective here is to present a structured approach to assess the weaknesses in the current wildlife Policy on conserving wildlife **outside** of the Protected Areas in Kenya. Using disease as a metaphor, we look first at the symptoms that things are going wrong; then come to a diagnosis which will in turn suggest a prescriptive cure.

This approach should allow all the various opinions and ideas placed before the Steering Committee to be put into a structured framework for the reassessment of wildlife policy.

### **Symptoms:**

We observe a catastrophic decline in wildlife throughout the rangelands of Kenya; a lack of investment in wildlife by landowners; the elimination of wildlife in favour of agricultural and livestock production; the rapid evolution of property rights from communal to private tenure; and a total disenchantment with national and local institutions to offer practical support and solutions.

### **Diagnosis:**

We diagnose that under current policy, institutional and market conditions wildlife have become a liability to landowners, and that it is their best economic interests to disinvest in the resource and eliminate it.

### **Prescriptive Cure:**

We conclude that our overall policy objective must be transform wildlife for landowners from a liability into an asset by creating economic incentives for landowners to manage, conserve and invest in wildlife.

Three "policy bundles" are called for, all of which are of equal importance:-

- An economic bundle to improve the revenues that landowners receive from wildlife;
- A property rights bundle to settle issues of ownership and user rights to wildlife; and
- An institutional bundle to create the required enabling environment within which what is essentially private sector conservation can flourish.

Mike Norton-Griffiths  
P.O.Box 15227- 00509 Langata  
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## **SYMPTOMS**

- Chronic loss of wildlife throughout Kenya's rangelands, even in the heavily used tourist areas;
- Returns to wildlife are economically uncompetitive with those from agricultural and livestock production, except in very arid areas;
- More than half of the most productive rangelands (>700mm rainfall) are now converted to agricultural production;
- Rapid evolution of property rights from communal ownership of large land parcels to private ownership of small land parcels, especially in areas of higher agricultural potential;
- Little or no investment by landowners in wildlife or habitat management, and minimal involvement of landowners in the tourism sector;
- Endless and recurrent problems with implementing land access contracts between landowners and tour operators;
- Disinvestment by landowners in wildlife, either actively (fencing, fire management etc) or passively (condoning poaching and bush meat trade); and
- Total disenchantment with KWS and NGOs to offer practical solutions.

## **BUT**

- Loss rates are lower on adjudicated than unadjudicated land;
- Loss rates are lower where tourists go than where they do not go;
- Wildlife numbers and diversity are stable, or even increasing where:-
  - Landowners effectively own wildlife (because of fencing) and from their full involvement in the tourist trade (i.e. Laikipia ranches);
  - In the few arid areas (e.g. Loitokitok) where tourists go; and
- Massive investment of resources by KWS into selected species (elephant, rhinoceros) have stabilised populations and led to recovery of numbers.

## DIAGNOSIS

The clear diagnosis is that to most landowners wildlife has become a liability and it is their best economic interests to disinvest in the resource and eliminate it. The underlying causes are:-

### • Policy Failures

- The continuing ban on consumptive utilisation of wildlife restricts opportunities for landowners to generate revenues from wildlife; and restricts income streams to the 5% of the rangelands that currently supports wildlife tourism;
- The continuing investment of wildlife ownership and user rights solely in the State; and
- The denial of compensation for loss of life and damage to property.

### • Institutional Failures

- The Kenya Wildlife Service:-
  - Acts solely as an enforcement and regulatory agency rather than an enabling institution;
  - Lacks appropriate technical expertise in wildlife production and management; and
  - Endlessly vacillates in applying regulations.
- The conservation NGOs:-
  - Are obsessed with topical single issues;
  - Are largely unaware of market forces in determining land use and production decisions by landowners; and
  - Passively condone inappropriate Government policies.
- Communal institutions pander to the interests of locally powerful elites rather than to those of their ordinary members.

### • Market Failures

- The tourism cartels:-
  - Divert the major portion of wildlife revenues away from the producers of wildlife (the landowners) to the service side of the industry;
  - Maintain barriers against landowners becoming more directly involved in the tourism industry; and
  - Load an unfair proportion of the business risk onto landowners.

## PRESCRIPTIVE CURE

The overall objective must be transform wildlife for landowners from a liability into an asset by creating economic incentives for landowners to manage, conserve and invest in wildlife. Three "policy bundles" are called for. The first is an economic bundle to improve the revenues that landowners receive from wildlife; next is a property rights bundle to settle issues of ownership and user rights to wildlife; and finally an institutional bundle to create the required enabling environment within which what is essentially private sector conservation can flourish.

No bundle is superior or more important in any way to the others. All are required, and all must be implemented.

- **The Economic Bundle:** aims to improve wildlife generated revenues for landowners.

- In all rangeland areas:-

- Wider and more equitable sharing of protected area revenues with neighbouring landowners;
- Enhanced payments for ecosystem services (perhaps from the NGO and donor communities);
- Implement fair and transparent compensation schemes for loss of life and damage to property; and
- Expand wildlife tourism into new areas (but without harming the areas where they currently go).

- In wildlife tourism areas:-

- Improve the negotiating skills of landowners with the tourism cartels so they can capture a larger share of wildlife revenues; specifically to negotiate contracts which:-
  - provide for concession and access fees that match the agricultural and/or livestock potential of the land;
  - lower the barriers to involvement in the tourism industry; and
  - equitably share business risks.
- Improve the capacity of landowners to establish and manage tourism ventures as individual firms.
- Relax the current restrictions on income generating opportunities from wildlife, and open up again the full range of utilisation and value added activities to landowners. These include (in no specific order):-

- Live sales of wildlife between landowners (restocking or destocking ranches); between landowners and the State (restocking Protected Areas), and between the State and landowners (restocking ranches);
  - Wildlife ranching (antelope, birds, reptiles, insects) for local or overseas markets, in either live sales or in wildlife products;
  - Culling of locally abundant populations;
  - Value added activities of tanning and sales of skins, and production of trophies and curios; and
  - Sport hunting of mammals, birds and fish.
- **The Property Rights Bundle:** aims to settle issues of ownership and user rights to wildlife.
- Recognise wildlife management and production as a legal form of land use;
  - Devolve user rights to wildlife to the landowners on whose land the wildlife are found;
  - Devolve ownership of wildlife to the landowners on whose land the wildlife are found;
  - Facilitate neighbouring landowners to pool their access, user and ownership rights; and
  - Strengthen the legal foundation to the formation and registration of local wildlife resource use institutions, including wildlife forums, private conservancies and wildlife associations.
- **The Institutional Bundle:** aims to create the required enabling environment within which private sector conservation can flourish.
- The Kenya Wildlife Service requires major reform. Specifically:-
    - The KWS must be removed from political interference and control and be made answerable and responsible solely to its Board of Directors;
    - The Board of Directors itself, while maintaining a "majority" of Government appointees, should have greater representation from the landowners who have to live with wildlife on their land;
    - The KWS must transform itself from a regulatory and enforcement institution into one that encourages and supports in every way possible the conservation, management and utilisation of wildlife on private land outside the Protected areas;

- Private landowners, wildlife forums, conservancies and associations must be recognised as the custodians of wildlife outside the protected areas;
  - Economic incentives, rather than regulation or enforcement, should form the basis of an enduring partnership with the private sector in meeting national conservation goals; and
  - The management of all Protected Areas (National Parks) and County Council reserves should gradually be brought under Private Sector management – much like the Mara Conservancy is today.
- The Conservation NGOs should avoid the inappropriate investment into trendy "conservation initiatives" and instead support the development of a free and unencumbered market for wildlife goods and services, both non-consumptive and consumptive alike. Specific interventions could include:-
- Wildlife and habitat management;
  - Development and strengthen local wildlife resource use institutions, such as wildlife forums, private conservancies and wildlife associations; and
  - Enhance the commercial capabilities of private landowners, forums, conservancies and associations to develop and management wildlife utilisation ventures, both non-consumptive (tourism) and consumptive, as profitable, individual firms.
- Local institutions, such as Group Ranch Committees, are gradually being displaced by the newer institutions of wildlife forums, associations and conservancies. These are more firmly embedded in commercial practices and are less open to corruption. It is these new institutions that should be encouraged and supported, leaving the older ones to wither away on the vine.