TRAFFIC

REPORT

WILDLIFE PROTECTION AND TRAFFICKING ASSESSMENT IN KENYA

Drivers and trends of transnational wildlife crime in Kenya and its role as a transit point for trafficked species in East Africa

MAY 2016

Sam Weru

TRAFFIC **REPORT**

TRAFFIC, the wildlife trade monitoring network, is the leading non-governmental organization working globally on trade in wild animals and plants in the context of both biodiversity conservation and sustainable development. TRAFFIC is a strategic alliance of WWF and IUCN.

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Front cover photograph and credit: African Elephant *Loxodonta africana*, Amboseli National Park, Kenya. © Martin Harvey / WWF

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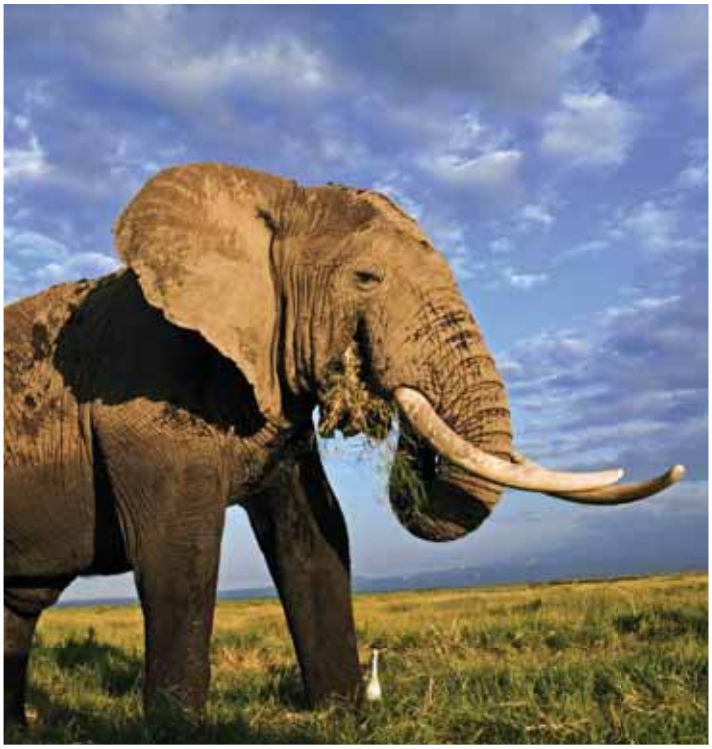

African Elephant *Loxodonta africana,* Amboseli National Park, Kenya.

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ACRONYMS

AED	African Elephant Database
AGO	Attorney General's Office
AfESG	IUCN/SSC African Elephant Specialist Group
AWF	African Wildlife Foundation
CAR	Central African Republic
CBD	Convention on Biological Diversity
CBK-FRC	Central Bank of Kenya-Financial Reporting Centre
CFWK	Care For the Wild Kenya
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CMS	Convention on Migratory Species
CPC	Criminal Procedure Code
DCI	Directorate of Criminal Investigations
DPP	Director of Public Prosecutions
DRC	Democratic Republic of the Congo
DRSRS	Directorate of Resource Survey and Remote Sensing
EAC	East African Community
EMCA	Environment Management and Coordination Act
ETIS	Elephant Trade Information System
GDP	Gross Domestic Product
GNI	Gross National Income
GoK	Government of Kenya
HEC	Human-Elephant Conflict
ICRW	International Convention for the Regulation of Whaling
IFAW	International Fund for Animal Welfare
IGO	Inter-Governmental Organization
IPZ	Intensive Protection Zone
IUCN	International Union for Conservation of Nature
JKIA	Jomo Kenyatta International Airport
JKUAT	Jomo Kenyatta University of Agriculture and Technology
JTI	Judicial Training Institute (Kenya)
KAA	Kenya Airports Authority
KCA	Kenya Conservation Alliance
KEPSA	Kenya Private Sector Alliance
KES	Kenya Shilling
KRA	Kenya Revenue Authority
KWCA	Kenya Wildlife Conservancies Association
KWS	Kenya Wildlife Service
LAPSETT	Lamu Port, Southern Sudan Ethiopia Transport Corridor
LATF	Lusaka Agreement Task Force
LRA	Lord's Resistance Army

LWF	Laikipia Wildlife Forum
MEA	Multi-lateral Environmental Agreement
MIKE	Monitoring Illegal Killing of Elephants
NEMA	National Environmental Management Authority
NIS	National Intelligence Service
NGO	Non-Governmental Organization
NMK	National Museums of Kenya
NPS	National Police Service
NRT	Northern Rangelands Trust
ODPP	Office of the Director of Public Prosecutions
PAC	Problem Animal Control
PIKE	Proportion of Illegally Killed Elephants
STE	Save the Elephant
UNEP	United Nations Environment Programme
UNODC	United Nations Office of Drugs and Crime
UoN	University of Nairobi
USA	United States of America
USD	United States Dollars
USAID	United States Agency for International Development
WCMA	Wildlife Conservation and Management Act
Wildlife-TRAPS	Wildlife Trafficking Response, Assessment and Priority Setting
WLFC	Wildlife and Forest Crime

EXECUTIVE SUMMARY

This report is an assessment of the status, drivers and trends of transnational wildlife crime in Kenya and its role as a key transit point for wildlife species illegally traded from East Africa. The assessment has been carried out under the auspices of the USAID-funded five year **Wildlife Trafficking Response, Assessment, and Priority Setting (Wildlife-TRAPS) Project** implemented by TRAFFIC and IUCN. The Wildlife-TRAPS initiative aims to increase understanding of the true character and scale of the international response required, identify intervention points, test non-traditional approaches, and develop and deliver a suite of ground-breaking partnerships and pioneering approaches to tackle wildlife crime between Africa and Eastern Asia. The project therefore strengthens the knowledge base, resolve and co-operation of governments, inter-governmental organizations, the private sector and non-governmental organizations (NGOs), in tackling wildlife trafficking between Africa and Eastern Asia.

This report examines wildlife crime in Kenya and its linkages to illegal wildlife trade dynamics in the East African region. It is informed by a review of available literature, internet sources and intelligence from and interviews with knowledgeable individuals and agencies. It is also greatly informed by discussions and outcomes of the "Kenya Wildlife Poaching and Trafficking Stakeholder Workshop" held in Nairobi on April 14 and 15, 2015. This workshop was organized and hosted by TRAFFIC in partnership with the Kenya Wildlife Service (KWS), USAID and IUCN and brought together relevant stakeholders from UN agencies, donors, NGOs, regional wildlife enforcement networks and the private sector to discuss a range of anti-trafficking issues, culminating in the identification of priority actions for future high-value interventions. Discussions and presentations at the workshop focused on key thematic areas: the biological status of key species involved in illegal wildlife trade; poaching and trafficking in Kenya; community wildlife policing; wildlife policy and law enforcement; and an overview of the role of development partners in securing Kenya's wildlife.

The main results of the Assessment Report are contained in chapter three, starting with the biological status of key species involved in trade. This is followed by an assessment of the extent of poaching and trafficking in Kenya, including trends and key drivers of the trade, the structure of poaching syndicates, consumer hotspots, and key trafficking routes. The Assessment also documents arrests and seizures of wildlife contraband in Kenya, and the linkages between the illegal wildlife trade and organized crime. Kenya's policy and legal environment on combating wildlife trafficking is analysed, including the effectiveness of prosecution and the strengths and weaknesses of the Wildlife Law. The Assessment also discusses regional and international co-ordination efforts in the fight against poaching and trafficking.

Kenya is home to some of the richest biodiversity and most iconic landscapes in Africa, characterized by high levels of habitat and species diversity, endemism, ecological inter-connectedness, and globally recognized conservation hotspots. Landscapes range from coastal/marine to freshwater and saline lakes, from tropical montane forests to savannah plains and arid and semi-arid lands. Kenya is home to 9152 documented species of higher order wild flora and fauna, out of which 2148 are animals. Kenya's savannah ecosystems play host to dramatic wildlife spectacles like the world famous Wildebeest *Connochaetes taurinus* migration and are inhabited by iconic species such as the African Elephant *Loxodonta africana* and the Critically Endangered Eastern Black Rhinoceros *Diceros bicornis michaeli*. The marine waters and contiguous coastal forests are inhabited by a variety of endangered species, including the Green Turtle *Chelonia mydas* and the Sokoke Pipit *Anthus sokokensis*, respectively.

However, this rich natural heritage is under threat: about 325 species of flora and fauna in Kenya face various levels of vulnerability, mainly driven by anthropogenic factors. Rapid human population growth and large-scale developments have caused major habitat loss as wild lands are converted to

agricultural, residential, or industrial use. Kenya's wildlife is also severely threatened by poaching. In the 1970s, Kenya was home to hundreds of thousands of elephants. Today, only slightly over 32 500 remain. The situation is the same for the Black Rhinoceros whose numbers plummeted from 100 000 animals in 1960 to only 2410 in all of Africa by 1995. Today, Kenya's Black Rhino population is just 650 individuals. Research is lacking on the impact of poaching and trade on other species of wildlife, but evidence is clear that big cats (Lion *Panthera leo*; Cheetah *Acinonyx jubatus*; and Leopard *Panthera pardus*), African Wild Dog *Lycaon pictus*, Spotted Hyeana *Crocuta crocuta*, Striped Hyaena *Hyaena hyaena* and Grevy's Zebra *Equus grevii* have also experienced sharp population declines. Furthermore, pangolin scales are a major part of the illegal wildlife trade and frequently appear in seizures of wildlife contraband, but no dedicated studies or database exist in Kenya to document this.

The Kenyan government declared a ban on game (except birds) and trophy[1] hunting in 1977, but illegal trade in wildlife continued to thrive underground, abetted by corruption within government and security lapses at border points, airports and Kilindini Port in Mombasa. Despite efforts by KWS, increasingly sophisticated poaching networks akin to organized crime have emerged in recent years, posing even greater challenges to the security of both wildlife and the personnel that manage and protect them. In 2012 and 2013 more elephants and rhinos were killed than during any other year in the last two decades. In 2013, Kenyan wildlife and Customs authorities seized more illegally acquired animal parts in transit than any other year in history. This renewed surge in poaching and trafficking of ivory and rhino horn has been attributed to surging demand for wildlife products from consumers in East and Southeast Asia, driven by burgeoning wealth and sky rocketing prices. In response, Asian Customs authorities have intensified enforcement efforts, especially in Singapore and Thailand where large seizures have occurred in 2015.

Poaching and trafficking networks are usually diffuse but highly integrated. The actual poachers are typically locals with first-hand knowledge of the terrain and affiliated with one or more middlemen. These middlemen have linkages to a kingpin or patron, who, through corrupt means, provides or facilitates access to financing, weapons and intelligence on ranger movements. The kingpin may also have access to illegal wildlife products in other African countries and provides the link to markets in East and Southeast Asia and Europe. Corrupt security agents, porous borders, and endemic conflict among communities in northern Kenya facilitate the illicit flow of weapons that are used by local poachers. Pastoralist communities reportedly procure arms from Somalia, South Sudan, Uganda and Ethiopia, fuelling conflict over land, water and livestock. This deep-rooted conflict is as much of a threat to wildlife as the potential for linkages between poaching gangs and militant groups such as al-Shabaab.

Although the UN has published a detailed report showing how al-Shabaab terror group uses proceeds from illegal charcoal trade to finance its operations, suspicions that al-Shabaab has also branched into ivory trafficking have been largely discredited. While there are reports providing anecdotal evidence of such a link—EAL "Africa's White Gold – Jihad and Conflict Ivory" 2011, for example—this has yet to be accepted by the Kenyan Government and indeed more generally, despite considerable speculation by media and politicians. Studies across Africa, however, do indicate more strongly that other militia groups, such as Janjaweed operating in Sudan, Chad and Niger and the Lord's Resistance Army (LRA), may be benefiting from illegal ivory transiting through Kenya.

Kenya has emerged as a key transit country in Africa for wildlife contraband. The main sources of wildlife products trafficked through Kenya are: Tanzania (mainly ivory), Mozambique (ivory and rhino horn), Democratic Republic of Congo (DRC) (mainly ivory), Uganda (ivory, pangolin scales, timber), Zambia (ivory) and South Sudan (ivory) in addition to illegal wildlife products originating in Kenya itself (elephant ivory, rhino horn, big cat skins and pangolin scales). The transit

[1] Under Kenyan law (WCMA 2013), "trophy" means any wild species alive or dead, and any bone, claw, egg, feather, hair, hoof, skin, tooth, tusk or other durable portion whatsoever of that animal whether processed, added to or changed by the work of man or not, which is recognizable as such

of these illegal goods is facilitated by Kenya's relatively well-developed transportation infrastructure. Kilindini Port in Mombasa and Jomo Kenyatta International Airport (JKIA) in Nairobi are the leading exit points for wildlife contraband leaving Kenya. Since 2009, more ivory has exited through Mombasa than any other trade route out of Africa, primarily destined for China and Hong Kong S.A.R. (Hong Kong), with transit points in Malaysia, Viet Nam, Thailand and Singapore. Nairobi's JKIA has also recorded high numbers of seizures of contraband destined for China and Viet Nam. Other entry and exit points in Kenya commonly used for smuggling wildlife specimens are Busia and Malaba, border crossings which are on record for having been used to smuggle ivory into Kenya from DRC, South Sudan and Uganda. Arrests have also been recorded at Isebania, Namanga, Tarakea (Oloitokitok), Taveta, Lunga Lunga, Liboi and Moyale. Kenya Airways operates direct flights from Nairobi to eastern Asia and has been reported to carry passengers with wildlife contraband in their baggage, especially those in transit from Mozambique. Kenya also plays a key role in connecting trade and commerce from Bujumbura (Burundi), Kigali (Rwanda), Kisangani (DRC), Juba (South Sudan), Kampala (Uganda) and Addis Ababa to the rest of the world through the "northern transport corridor."

Kenya has taken significant steps toward codifying conservation and wildlife protection into a wildlife policy and legal framework since the promulgation of the new constitution in 2010. The Wildlife Conservation and Management Act 2013 provides very high minimum penalties of KES20 million (USD206 028 as at June 11, 2015) and/or life imprisonment for the killing of threatened or endangered species. Community conservancies, in which local communities take the lead in protecting and conserving wildlife, have also been recognized by the Government of Kenya as a highly successful model for protecting Kenya's natural resources outside of formal protected areas. There are now over 150 conservancies in Kenya, representing about 4% of the country's landmass, which have transformed wild spaces and livelihoods in the Maasai Mara, Amboseli/Tsavo, and the Samburu/Laikipia ecosystems.

Nonetheless, the Wildlife Conservation and Management Act (WCMA) still lacks the subsidiary regulations necessary to put it into action. Important issues still need to be addressed, such as clarification of incentives for landowners to keep wildlife on their land and procedures for compensation claims following human-wildlife conflict. Other weaknesses in Kenya's wildlife-specific legal framework include those shown in the bulleted points below.

- Section 92 of the WCMA dealing with endangered species has been drafted in a way that has caused ambiguity in charging decisions and conflicting High Court decisions upon appeal. It requires amendment. Furthermore, the WCMA does not provide for the outright killing of an endangered, threatened or near threatened species. In the context of human wildlife conflict where communities may take matters into their own hands without any desire to take or profit from trophies, this is a lacunae in the law that needs addressing. In a number of poisoning cases in recent months, this has caused challenges in choosing the correct charge. An offence of simple 'killing of a wildlife species without a permit or other authorisation' is required. Defences (e.g. in self defence) can be built into the drafting of such a provision.
- The inclusion of high minimum penalties within the new Act has resulted in an increase in 'not guilty' pleas and a consequent increase in the number of trials. In a system that already suffers a serious backlog of cases, this further contributes to delay. Furthermore, with no incentive to plead guilty, the opportunities for plea bargaining and using evidence of defendants against co-conspirators further up the criminal chain are extremely limited. High minimum penalties that leave little room to distinguish between an offender that is in possession of an ivory bangle and an offender in possession of a warehouse full of tusks, may result in unfairness and furthermore, may act as a catalyst for further corruption within the system.

- Kenya is party to several Multilateral Environmental Agreements which automatically become part of Kenya law; however their provisions and requirements are rarely considered in wildlife enforcement and prosecution.
- Although DNA and forensic evidence is admissible under the law, there is a lack of understanding as to how best to present such evidence before a court.

Kenya has achieved tremendous improvements in prosecuting wildlife crime with limited resources. Prosecutions of wildlife poaching and trafficking have improved significantly over recent years. However, prosecutors and judges are hampered by several outstanding issues, as outlined in the bulleted points below.

- Previously, the Evidence Act did not expressly cater for digital evidence, making admissibility at trial a challenge for prosecutors and defendants alike. However, the Security Laws (Amendment) Act, 2014 has introduced a new section into the evidence Act (Sec 78A) which allows the admissibility of electronic messages and digital material, including photographs. However, not all officers in the police force, KWS, prosecution and judiciary are aware of the changes in the law and so these provisions are not applied consistently across the country. Accordingly, whilst the "best evidence rule" requires that the trophy, live animal or carcass, be produced in court, the option of using photographs to exhibit the same is not always applied, leading to considerable logistical difficulties in the prosecution of such crimes.
- Corruption remains a significant issue and manifests itself in various forms, including lost court room files and missing exhibits. The prosecution of Feisal Mohamed at Mombasa Law Courts, for example, saw the magistrate suspended in 2015 over corruption allegations in the prosecution of an 'ivory kingpin'.
- There are very few forensic experts in the country able to provide expert evidence as to the origin or nature of a trophy. Further, the geographical spread of courts in which such cases are heard means that, logistically, securing attendance of these experts is highly problematic. With an increase in not-guilty pleas brought about by the high minimum penalties, the increase in trials adds to the pressure on the few experts in the country in terms of production of reports and attendance at trial.
- The lack of sentencing guidelines for wildlife crime has resulted in inconsistency in sentencing nationwide despite high minimum penalties. This creates uncertainty for both the prosecution and the defence in entering into any meaningful discussions on plea and alternative charges. It also undermines public confidence and sends conflicting messages to the community as to how wildlife crime is viewed by the judiciary. That the option of a fine (albeit significant) is available under the WCMA means that those at a higher level in an organized crime chain are perhaps more likely to be able to pay and resume their activities whereas the 'low hanging fruit' in the form of the poacher caught on the ground, who might be viewed as replaceable by the organized criminal groups involved, may find the fine unaffordable and will consequently remain in prison.
- KWS does not apply the same charging standard as the ODPP when it comes to the decision to charge an offence. Whilst KWS, under recent protocols adopted by the agencies, should not be charging ivory and rhino-related cases without the ODPP's involvement, they may still undertake a wide range of criminal prosecutions under the WCMA. Without a consistent approach to the decision to charge across those agencies with prosecutorial powers, inconsistency and poor charging decisions will remain a obstacle to successful prosecutions

- There is a lack of understanding amongst agencies as to the legislative framework that now governs prosecutions and powers of investigation that has led to 'turf wars' between agencies regarding investigations and prosecutions.
- There are insufficient numbers of gazetted scenes-of-crime officers within KWS: it is a requirement under the law to have evidence from officers first at the scene. This presents a significant challenge when it comes to trial.
- Suspects arrested are not routinely fingerprinted, making the creation of a database of offenders difficult. Police standing orders are required to ensure that this occurs. The technical means to take prints, store and disseminate them is still lacking in some areas.

Wildlife crime is a transnational problem with links to international criminal syndicates, creating a long and diffuse supply chain that cannot be stopped by one country or agency alone. Regional and international co-ordination and collaboration on wildlife law enforcement is therefore critical. Kenya is a key participant in Operation COBRA, a global wildlife law enforcement operation co-ordinated by the Lusaka Agreement Task Force that creates opportunities for collaboration and intelligence-sharing among countries in Africa, Asia, Europe, and the USA to step up arrests and seizures. Operation COBRA III, carried out in May 2015, led to the arrest of over 400 suspects, including several kingpins, and resulted in over 600 seizures of assorted wildlife contraband globally. Such activities are extremely important for building the capacity of Kenya's Customs, revenue and port police units to detect and track wildlife contraband. Furthermore, most current law enforcement operations in Kenya target lower-level players in the illegal wildlife trade. Large-scale international co-operation activities, such as Operation COBRA, can help to refocus efforts on middlemen and kingpins of large-scale ivory trafficking, which require greater emphasis on intelligence-gathering.

It is evident that Kenya's natural heritage faces grave threats from poaching and trafficking. It is also clear that Kenya is both a source and transit country for illegal wildlife products bound for end-user markets in East and Southeast Asia. This illegal trade thrives because of loopholes in law enforcement all along the trade chain, corruption, weak capacity, and high demand in Asian markets. This Assessment Report identifies a number of interventions, summarized in the table below, which can reverse these troubling trends at both national and international levels. The priorities specific to Kenya include: generating more effective co-ordination between KWS and other law enforcement agencies with particular focus on the ports and borders, including the adoption of high-tech surveillance equipment at airports and seaports; increasing judicial awareness about the changes in the legislation that govern wildlife crime and admissability of evidence; strengthening prosecution capacity, equipping and deploying more rangers on the ground, and increasing incentives for community involvement in wildlife management and security. At the international level, the interventions include ramping up diplomatic pressure on consumer countries to curb illegal wildlife trade, scaling up awareness campaigns that target consumers in East and Southeast Asia, reviewing the way in which such crimes are prosecuted within their own countries to ensure a consistency in approach worldwide, fostering greater collaboration among law enforcement agencies and increasing surveillance of international passenger and freight carriers.

PRIORITY ACTIONS FOR COMBATING WILDLIFE POACHING AND TRAFFICKING

No.	PRIORITY ACTION	KEY PARTNERS
Thematic Area 1: Biological Status of Key Species Appearing in Trade		
1	Identify geographic locations and carry out surveys to provide and/or update data on the biological status of key species with special emphasis on elephants, pangolins and big cats.	KWS, DRSRS, KWCA, NGOs
2	Complete an assessment of the bushmeat trade in Kenya.	KWS, NGOs, CFWK
3	Develop and scale up a national forensic research programme for species identification.	NMK, KWS, UoN, JKUAT
4	Implement critical recommendations contained in the report of the "Mapping Corridors and Connectivity for Conservation Task Force", with special focus on the Mara Ecosystem.	KWS, KWCA, NGOs, Conservancies
5	Carry out a national land-use survey with the emphasis on examining the trends in loss of conservation space.	GoK, NGOs
Thematic Area 2: Law Enforcement		
1	Carry out assessments to provide missing poaching and trade data for trafficked species, particularly elephants, pangolins, big cats, reptiles, birds and marine species.	KWS, NGOs
2	Operationalize the KWS forensic laboratory in Nairobi and establish formal linkages to other international forensic institutions.	KWS, NMK
3	Wide dissemination of the guidance on expert and digital evidence (contained in the 2015 guide on wildlife crime--'Points to Prove' guidance and Standard Operating Procedures developed with UK and rolled out nationally by the ODPP in 2015); and regular updates on the changes in the law to investigators, prosecutors and judges	JTI, ODPP, KWS, NPS
4	Strengthen the capacity of wildlife crime investigative and enforcement officers based on training needs identified through assessments. In particular, train and gazette more scenes-of-crime officers and sensitize to the changes in the law and evidential requirements for charge.	GoK (Treasury), KWS, NPS
5	Develop a KWS institutional anti-corruption strategy and address the urgent issue of stockpile management by speeding up necessary reforms and improvements.	CITES, KWS, GK, NGOs
6	Create secure mechanisms for intelligence gathering and information sharing by relevant actors in the wildlife poaching and trafficking sector.	NIS, KWCA, KCA, KWS, CBK-FRC, INTERPOL, UNODC

7	Support the expansion of the KWS prosecutorial team in adopting the same charging standard as applied by the ODPP (evidential and public interest test) with a system of written reviews and accountability on charging decisions. Awareness of the standard should be developed amongst investigators as well.	KWS, ODPP, NPS
8	Enhance the use of technology in wildlife management and enforcement (e.g. mapping corridors, tracking animal movements, providing a poaching early-warning system, supporting forensic investigations, and enabling detection in ports and airports).	KWS, DRSRS, and NGOS
9	Clarify and implement mechanisms for cross-border collaboration and linkages with relevant regional and global initiatives for combating the illegal wildlife trade. In particular, support the AGO in building capacity to address issues of mutual legal assistance (cross-border evidence exchange and prosecution of international wildlife trafficking).	EAC, KWS, Ministry of Foreign Affairs & Trade, LATF, AGO, Treasury
10	Develop capacity within the ports and border authority, KRA and the airports authority regarding detection of such crimes. In particular, to assess the current regulatory processes for import and export of goods at ports and borders with a view to developing measures to tighten those controls and make prosecution of agents and 'middle men' viable.	Donors, KRA, KWS, KAA, NGOs
11	Create a register of wildlife offenders to be shared among national agencies as well as with regional partners.	Judiciary, KWS, NGOs, NPS
12	Work with financial, communications and transportation companies in the private sector to target the operations of large-scale syndicates.	KWS, CID, ODPP, KWS, KEPSA, AGO, NGOs
13	WCMA applies to Kenya's territorial waters. However, capacity for investigations regarding crimes committed against marine species remains limited. Support to Kenya Fisheries Department and Maritime Authority to harmonise their laws in line with the WCMA.	GoK, Kenya Maritime Authority, Fisheries Department
Thematic Area 3: Public Awareness and Community-Based Natural Resource Management		
1	Finalize regulations that govern incentives for private land owners and communities to establish conservancies, corridors and dispersal areas in order to secure more land for wildlife.	Minst of Env., KWS, KWCA
2	Finalize and issue regulations governing the operation of wildlife conservancies.	Minst of Env., KWS, KWCA
3	Develop and implement conservancy management plans in partnership with local communities, as provided for under the WCMA.	KWCA, KWS, Conservancies, NGOs
4	Foster a national conservation ethic through education and awareness campaigns in order to safeguard the intrinsic and economic value of wildlife and reduce human-wildlife conflict.	Min of Education, Min of Envt & W/life, KWS, NGOs
5	Train and deploy additional community rangers in wildlife enforcement based on capacity needs assessments carried out by an independent expert.	KWS, NGOs, Conservancies, Treasury

6	Develop and implement the regulations for benefit-sharing mechanisms established by the WCMA.	Min Envt & W/life
7	Improve community awareness and understanding of relevant laws, with special emphasis on the WCMA and the Environmental Management and Coordination Act (EMCA).	KWS, Judiciary, NGOs, Conservancies
8	Strengthen the capacity of the Kenya Wildlife Conservancies Association (KWCA) and regional conservancy associations as vehicles for strategic engagement with government, donors and investors.	KWCA, NGOs, KWS, Conservancies
9	Build KWCA's capacity to help conservancies meet administrative and operational standards.	NGOs, Donors
10	Carry out exchange and learning visits between and among conservancies.	Conservancies, NGOs, KWS
Thematic Area 4: Cross Cutting Issues		
1	Operationalize and strengthen the Kenya Conservation Alliance (KCA) as a vehicle for strategic engagement with the government, information and data sharing, co-ordination and dispute resolution.	GoK, NGOs, Conservancies
2	Harmonize land-use planning and development in line with the EMCA and other relevant legislation.	GoK
3	Develop necessary infrastructure (road signs, speed bumps, underpasses, bridges, etc.) in wildlife areas to prevent accidental deaths of wildlife.	GoK
4	Assess the economic value of key species impacted by trade to support conservation, enforcement, and legal processes.	GoK, IGOs, NGOs

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Participants keenly follow proceedings at the Kenya Wildlife Poaching and Trafficking Stakeholder Workshop held in Nairobi in April 2015

1: GENERAL INTRODUCTION AND BACKGROUND

Kenya, with an area of 582 646 km^2, is home to some of the richest biodiversity and most striking landscapes in Africa, ranging from the Indian Ocean coast to the peaks of Mt. Kenya, the second highest mountain in Africa. Regionally, Kenya plays a key political role and is a founding member state of the East African Community (EAC). Kenya has a fast-growing population of 43 million people and is the largest economy in the region, with a robust private sector, educated workforce, expanding transport network and cutting-edge information and communication sector (GoK, 2014a; GoK, 2015). According to the World Bank's 2014 Economic Update, Kenya's economy is the ninth largest in Africa and fifth largest in Sub-Saharan Africa (after Nigeria, South Africa, Angola and Sudan), with an estimated GDP of USD55.2 billion. Per capita gross national income (GNI) in Kenya was USD1160 in 2013, equivalent to a lower middle income country (World Bank, 2014). Agriculture is the dominant sector in the Kenyan economy, especially land and resource intensive crops such as tea, coffee, forestry and flower farming, contributing 27.3% of Kenya's GDP (GoK, 2015). Tourism is the second biggest contributor to GDP, accounting for 21% of the total foreign exchange earnings and 12% of the GDP in 2013 (WTTC, 2014). However, Kenya's growing population and economy has significant impacts on the country's natural resources, particularly wildlife and wild spaces. In recognition of these challenges, Kenya's long-term development blueprint, Vision 2030, identifies wildlife-based tourism as one of six key sectors planned to deliver a 10% growth rate each year (GoK, 2013a; UNEP, 2009).

Kenya's rich and varied landscape harbours unique biodiversity and is characterized by high levels of habitat and species diversity, endemism and ecological inter-connectedness. Landscapes range from coastal/marine ecosystems to freshwater and saline lakes, tropical montane forests, savannah plains and arid and semi-arid lands. The Eastern (or Gregorian) arm of the Rift Valley runs through Kenya from north to south, creating a series of mountain ranges and saline (soda) and freshwater lakes that are home to some of Africa's most diverse ecosystems and biodiversity, which in turn provides essential ecological goods and services for the country's human and wildlife populations alike. Kenya's dry savannah ecosystems play host to dramatic wildlife spectacles like the world famous Wildebeest *Connochaetes taurinus* migrations of East Africa and are inhabited by flagship species such as the African Elephant *Loxodonta africana* and the Critically Endangered Eastern Black Rhinoceros *Diceros bicornis michaeli*. Kenya also has many other rare and endemic mammals: including the Endangered Grevy's Zebra *Equus grevyi*, primates such as the Tana River Crested Mangabey *Cercocebus galeritus* and the Tana River Red Colobus *Procolobus rufomitratus rufomitratus*, antelopes including the Sitatunga *Tragelaphus spekii*, Bongo *Tragelaphus eurycerus* and Roan *Hippotragus equinu*s, and a variety of large cats—African Lion *Panthera leo*; Cheetah *Acinonyx jubatus*; and Leopard *Panthera pardus*, as well as the Striped Hyaena *Hyaena hyaena*. Kenya's marine waters and contiguous coastal forests are also inhabited by a variety of endangered species, including the Green Turtle *Chelonia mydas* and the Sokoke Pipit *Anthus sokokensis*, respectively. This high level of species richness and diversity of habitat types has led to a number of areas in Kenya being recognized as "conservation hotspots."

In the epoch prior to colonization, natural resources were protected and managed through a system of cultural beliefs and myths. This changed with the advent of the twin factors of colonization and globalization, which introduced accelerated levels of commercial trade and resource exploitation. The colonial "Scramble for Africa" instigated enormous demand for wildlife products and trophies (such as elephant ivory for piano keys and big cat skins) and remained active up to the post-independence era. Global demand for ivory resurged in the 1970s and 1980s, decimating many African Elephant populations and leading to a global ivory trade ban under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in 1989. Despite the tremendous strides that have been made in wildlife conservation and management over the years, poaching remains a threat today (Ratchford *et al.*, 2013; UNEP 2014). High demand for rhino horn and elephant ivory in Southeast and East Asia has become the leading cause of illegal killing of these iconic African species, estimated at up to 25 000 elephants and about 1290 rhinos killed Africa-wide in 2014 (Nellemann *et al.*, 2014).

2: METHODOLOGY

This Assessment Report was produced using a combination of desk-based research, limited fieldwork and interviews with Government of Kenya officials, wildlife experts, and other stakeholders. It synthesizes a variety of sources: internet, academic publications, non-governmental organization (NGO) and inter-governmental organization (IGO) reports, government statistics and media reports. The author also engaged conservancy stakeholders and community leaders in Amboseli/Tsavo, Laikipia/Samburu landscapes through semi-structured interviews. The report was also informed by a review of available intelligence on poaching in recognition of the fact that poaching is antecedent to illegal wildlife trade dynamics in Kenya and the larger East African region.

In addition, this Assessment Report integrates information from presentations, discussions and recommendations from the "Kenya Wildlife Poaching and Trafficking Stakeholder Workshop" held in Nairobi on April 14 and 15, 2015. The workshop was organized and hosted by TRAFFIC in partnership with the Kenya Wildlife Service (KWS), the U.S. Agency for International Development (USAID) and IUCN, International Union for Conservation of Nature, and brought together relevant U.N. agencies, donors, NGOs, regional wildlife law enforcement networks and the private sector to discuss the state of wildlife crime in Kenya and priority actions for scaling up anti-trafficking responses. The recommendations given at the end of this Assessment Report were developed based on the priorities identified by participants of the stakeholder workshop.

For the purposes of this report, "wildlife" refers to the higher order of animals in the mammalian, avian and reptilian taxa, although in real ecological terms the phrase includes all wild animals, plants and fungi.

3: RESULTS

This section discusses the results of the Wildlife-TRAPS Assessment, beginning with an analysis of the biological status of key species in Kenya: elephants, rhinos and other important trafficked species. It goes on to examine poaching and trafficking trends: key drivers of the trade, the structure of poaching and trafficking networks, key trafficking routes and consumer hotspots, arrests and confiscations and linkages to organized crime. Having laid this analytical foundation, the Report goes on to discuss the current state of Kenya's legal and policy framework for combating wildlife trafficking, including wildlife law enforcement, community wildlife management, prosecution of wildlife crimes, and the strengths and weaknesses of the landmark 2013 Wildlife Conservation and Management Act (WCMA). The Results section concludes with an analysis of current regional and international wildlife law enforcement, and how to improve it in the future.

3.1: Biological Status of Key Species Appearing in Trade

There are 9152 documented species of higher order wild animals and plants in Kenya, out of which 2148 are animals (see Table 1). Rapid human population growth and development has caused major anthropogenic pressures on the populations of these animals and their habitats, increasing the threats to wildlife to such an extent that approximately 325 species of flora and fauna are now classified as threatened (see Table 2).

Class	Total Known
Mammals	407
Birds	1103
Reptiles	261
Amphibians	63
Fish	314
Higher plants	7004
TOTAL	**9152**

Table 1. Number of recognized species of flora and fauna in Kenya
Source: P. Omondi, Kenya Wildlife Service in litt. *to the author 2015; Q. Luke, National Museums of Kenya* in litt. *to the author, 2015*

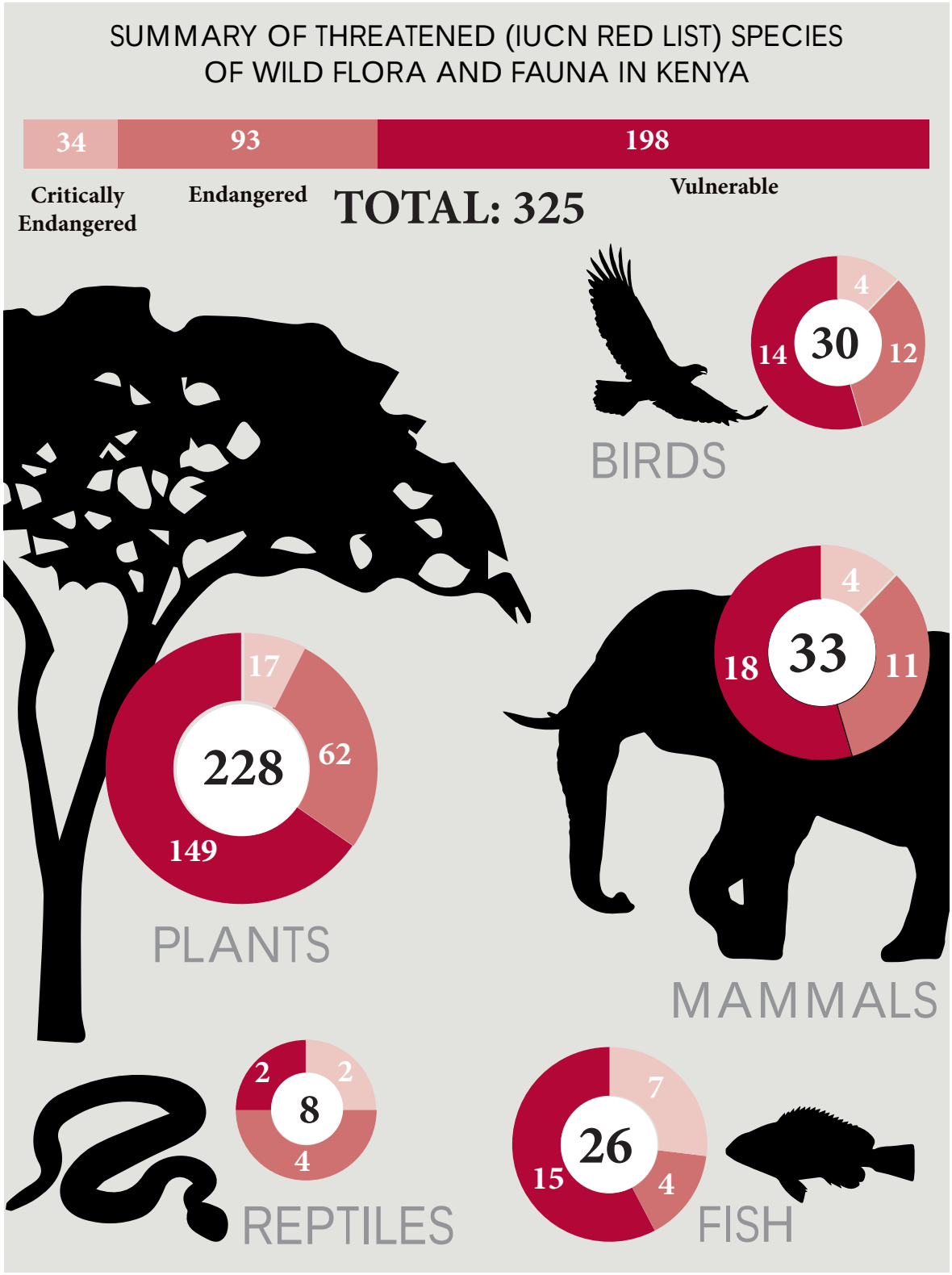


Table 2. Summary of threatened (IUCN Red List) species of wild flora and fauna in Kenya
Source: (Q. Luke, National Museums of Kenya in litt. *to the author, 2015; Kenya Wildlife Service database, 2015)*

Of these endangered and vulnerable species, this Assessment Report is primarily concerned with analysing the biological status of species affected by the illegal wildlife trade. It focuses mainly on two flagship species: elephants and rhinos.

3.1.1: Elephants

The 2011–2020 Strategy for Conservation and Management of the Elephant in Kenya states that elephant numbers have reduced dramatically over the last 100 years, mainly as a consequence of the trade in ivory. Elephant populations declined from a crude estimate of 167 000 in 1973 to just 20 000 animals in 1990, although it is difficult to compare the quality of data and survey techniques across decades (KWS 2012). The most recent elephant census in 2014 estimates Kenya's elephant population to be 32 520, with a marginal decline over the last three years (Figure 1).

Kenya's Elephants

Population (2014): 32 520
Number illegally killed in 2014: 164
Elephant Habitat: Savannah and forests

In 2012, Kenya developed and launched a 10-year conservation and management strategy for elephants, with the vision *to secure a future for elephants and their habitats, based on peaceful and beneficial co-existence with people now and for generations yet to come.*

A National Elephant Conference in 2015, that brought together local and regional elephant conservation experts, recognized the need to update status data for elephants in forest habitats, fighting poaching, securing more range and mitigating human-elephant conflicts as priority actions.

Although the elephant is one of the most studied wildlife species in Kenya, most recent elephant surveys in Kenya have focused on savannah and semi-arid populations and have not assessed the status of elephants living in forest habitats. Some elephant populations in the Mau Forest Complex, Aberdares and northern coast of Kenya have not been surveyed for 8–20 years (Table 3). Of the 32 recognized elephant populations in Kenya, 62.5% have not been surveyed for over five years (P. Omondi, *pers. comm*, at Kenya Wildlife Poaching and Trafficking Stakeholder Workshop, April 15, 2015).

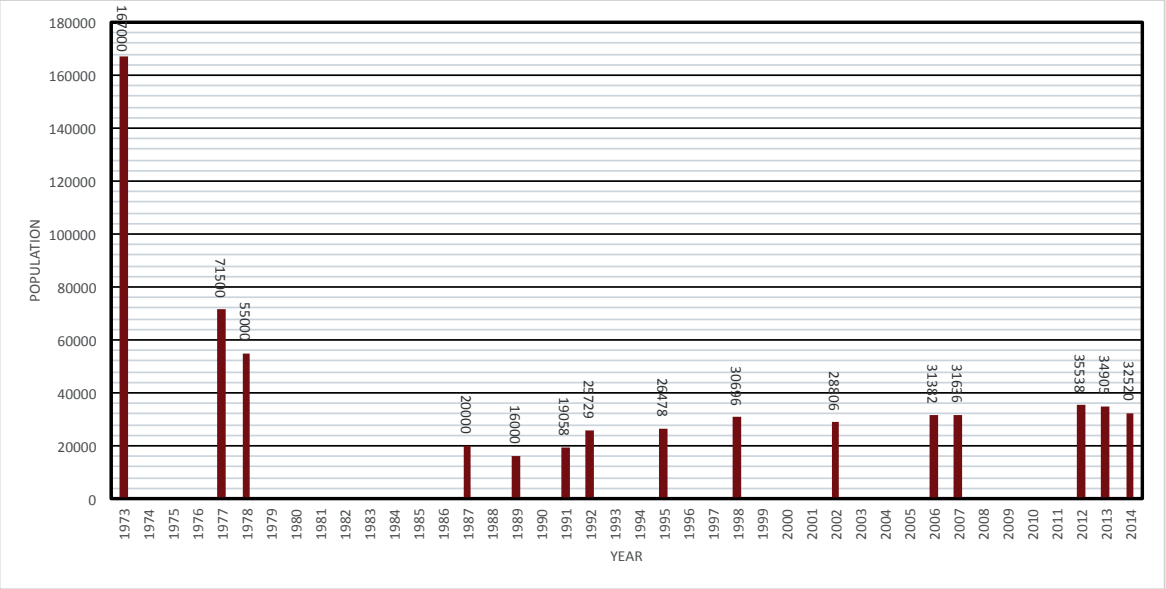
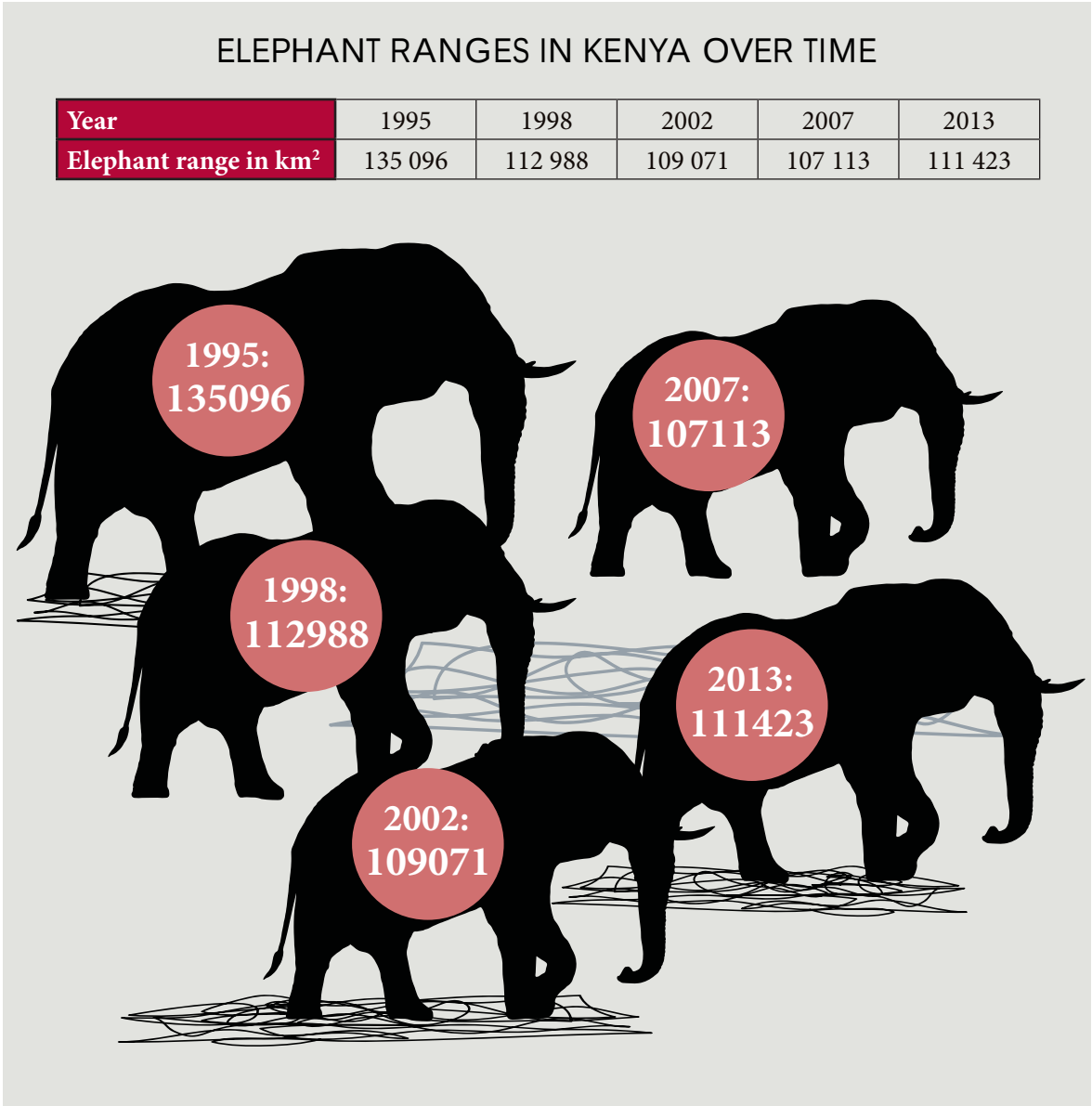


Figure 1. Trends in Kenya's elephant population from 1973 to 2014
Source: http://www.africanelephantdatabase.org/ Viewed November 12, 2015

Location	Year of Last Estimate	Type of Survey
Mau Forest Complex	1995	Dung Count
Aberdares (including the Salient & Kipipiri Forests)	2005	Informed Guess
Tana River Primate Reserve	2005	Informed Guess
Kerio Valley	2002	Informed Guess
Tana River Delta	2005	Informed Guess
Boni/Dodori National Reserves	2007	Dung Count
Leroghi (Kirisia) Forest	1997	Dung Count
Mt. Elgon National Reserve	2002	Informed Guess
North Kitui National Reserve	2002	Aerial Count

Table 3. Sample areas where Kenya's elephant population status needs updating *Source: P. Omondi, Kenya Wildlife Service in litt. to the author, 2015; http://www.elephantdatabase.org/, accessed November 12 2015*

In addition to poaching, changes in elephant ranges have been the most significant driver of falling elephant populations in Kenya. Over the past 25 years, KWS and other elephant researchers have documented changing elephant ranges in Kenya as a result of illegal killing, loss of habitat from drought and loss of dispersal areas and migratory corridors as a result of growing human settlements and livestock. However, progress has been made in recent years: the African Elephant Database (AED) has documented that although there has been a major reduction in elephant ranges in Kenya from a 1995 baseline, ranges remained relatively stable between 1998 and 2013 (Table 4). Nonetheless, a study commissioned by the Government of Kenya in 2014 to map wildlife dispersal areas and corridors identifies several ongoing threats to elephant ranges: habitat fragmentation due to land subdivision, agricultural expansion, high-density human settlement, infrastructure development, fencing, mining and quarrying, woodland clearing, deforestation, draining of wetlands, and increasing livestock density (Ojwang' *et al.*, 2014).



Year	1995	1998	2002	2007	2013
Elephant range in km²	135 096	112 988	109 071	107 113	111 423

Table 4. Elephant ranges in Kenya over time
Source: (http://www.elephantdatabase.org/ viewed July 10, 2015)

3.1.2: Rhinoceroses

The Black Rhino, which numbered as many as 100 000 animals in Africa in 1960, has been decimated by unregulated legal hunting as well as rampant poaching. As a result, population numbers plummeted to just 2410 in 1995 (Emslie *et al.*, 2007) and the species was annihilated from at least 18 range States (Leader-Williams, 2003). However, concerted action under CITES and improved conservation efforts in key countries allowed Africa's total Black Rhino population to increase to 5081 animals in 2013. The gains have been substantial, but today 96% of Africa's remaining Black Rhinos are restricted to just four countries: South Africa, Namibia, Kenya and Zimbabwe (Knight, 2013). This makes Kenya a critical global actor in terms of safeguarding the survival of this iconic species.

The Kenya rhino story mirrors the general situation that unfolded elsewhere on the African continent. In 1970 Kenya had a robust population of some 20 000 rhinos but subsequently experienced catastrophic losses to poaching in the 1970s and 1980s. This prompted the Kenyan authorities to establish the first government-managed Rhino Sanctuary at Lake Nakuru National Park in 1987. This and other conservation efforts led the population of the Eastern Black Rhino subspecies *D. b. michaeli* to increase from 381 in 1987 to 648 in 2014, a 70% increase over 27 years. Similarly, the introduction of White Rhinos *Ceratotherium simum simum* from South Africa increased the overall Kenyan population from 74 in 1992 to 399 in 2014. Today, Kenya has the third largest population of both Black and White Rhinos in the world, totalling 1047 in 2014. Rhinos are held and managed in 16 government and private sanctuaries, one Intensive Protection Zone (IPZ) at Tsavo West National Park and three free ranging populations whose dispersal areas include community lands (P. Omondi *pers comm.* Powerpoint presentation at the Kenya Wildlife Poaching and Trafficking Workshop, April 14-15, 2015). Kenya's Rhino Strategic Plan 2012–2016 aims to achieve 5% national population growth rate but has been hampered by a resurgence of increasingly sophisticated poaching between 2009 and 2014 which threatens to wipe out population gains made since 1987 (Figure 3). Kenya's rhino poaching rate is currently standing at close to 6% per annum, which is higher than the population growth rate, raising serious concerns about population decline (Milliken, 2014).

Kenya's Rhinos

Population (2014): 1047
Number illegally killed in 2014: 35

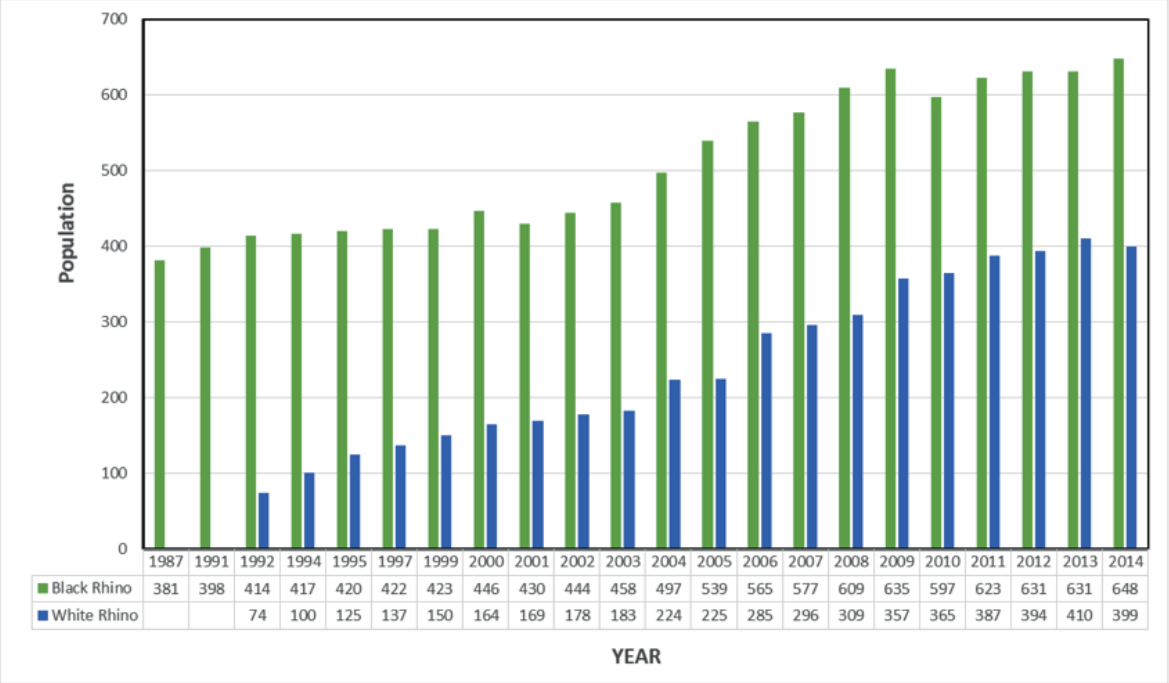
The goal of the Conservation and Management Strategy for the Black Rhino in Kenya (2012–2016) is *"to conserve at least 750 Black Rhinos by the end of 2016, achieving at least 5% national growth rate and less than 1% man-induced and disease-related deaths."* The strategy establishes Kenya's ultimate vision of conserving at least 2000 Black Rhinos in the wild. This goal is to be achieved through six strategic objectives:

Black Rhino, top, and Southern White Rhino, bottom.

- Reduce illegal killing of rhinos to less than 1% per annum and significantly reduce illegal trade in rhino horn and derivatives;
- Maintain a standardized monitoring and reporting protocol to provide information for efficient protection, meta-population management and programme implementation;
- Achieve and maintain a 6% per annum growth rate in well-established sanctuaries and a minimum of 5% per annum at national level to attain 750 Black Rhinos by 2016;
- Secure new areas and make policy interventions for rhino population expansion;
- Raise awareness on the plight of the rhino to gain public and corporate support globally; and
- Establish a co-ordination framework and enhance capacity for effective implementation of the strategy.

Main photo: Black Rhino

The Northern White Rhino *C. s. cottoni* is now believed to be extinct in the wild, disappearing from the sub-species's last remaining wild habitat in Garamba National Park in the Democratic Republic of Congo around 2006. Since then, four Northern White Rhinos from the Dvur Kralove Zoo in the Czech Republic have been moved to a private game ranch in Kenya under a plan to re-establish a viable population of the same sub-species and possibly allow their eventual re-introduction into former ranges if successful (P. Omondi, Deputy Director for species management, KWS *in litt* to the author 2015; Milliken *et al.*, 2009). However, one of the four rhinos has since died of natural causes and so far no births have been recorded although there are plans to resort to biotechnology (M. Mulama WWF-Kenya, *pers comm* 2015).



	1987	1991	1992	1994	1995	1997	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Black Rhino	381	398	414	417	420	422	423	446	430	444	458	497	539	565	577	609	635	597	623	631	631	648
White Rhino			74	100	125	137	150	164	169	178	183	224	225	285	296	309	357	365	387	394	410	399

Figure 2. Combined Kenya rhinoceros populations from 1987 to 2014
Source: KWS

In 2014, Black rhino births exceeded total deaths, whereas White Rhino deaths slightly exceeded births, resulting in a marginal total rhino population increase (Table 5).

Rhino Species/Race	Total Population	Total Births	Total Killed through Poaching	Total Deaths	Status
Black	648	51	21	35	Increased
Southern White	396	27	14	26	Declined*
Northern White	3	0	0	1	Declined
TOTALS	**1047**	**78**	**35**	**62**	**Marginal Increase**

Table 5. Kenya's rhino population status for the year 2014
Source: (O. Omondi, Kenya Wildlife Service in litt *to the author, 2015)*
* Although births exceeded deaths by one in 2014, between 2013 and 2014, the population fell from 406 to 396.

The ranges of Black and White Rhinos have declined markedly over time. Whereas rhinos were once found as far north as Chad and the Sudan, today rhino ranges have shrunk to a few countries in eastern and southern Africa (Figure 3). End-use markets for rhino horn in Southeast Asia and the Middle East have also changed considerably. From the 1970s to the mid-1990s, Yemen, Japan, South Korea, Taiwan and mainland China accounted for most of the demand for rhino horn. Rhino horn was highly prized as an ingredient in traditional medicine in East Asia, and for traditional dagger handles in Yemen. In the mid-2000s there was an unexpected resurgence in demand driven by new interest in rhino horn as a symbol of status particularly in Viet Nam (Milliken and Shaw, 2012), in addition to its continued use in traditional medicine.

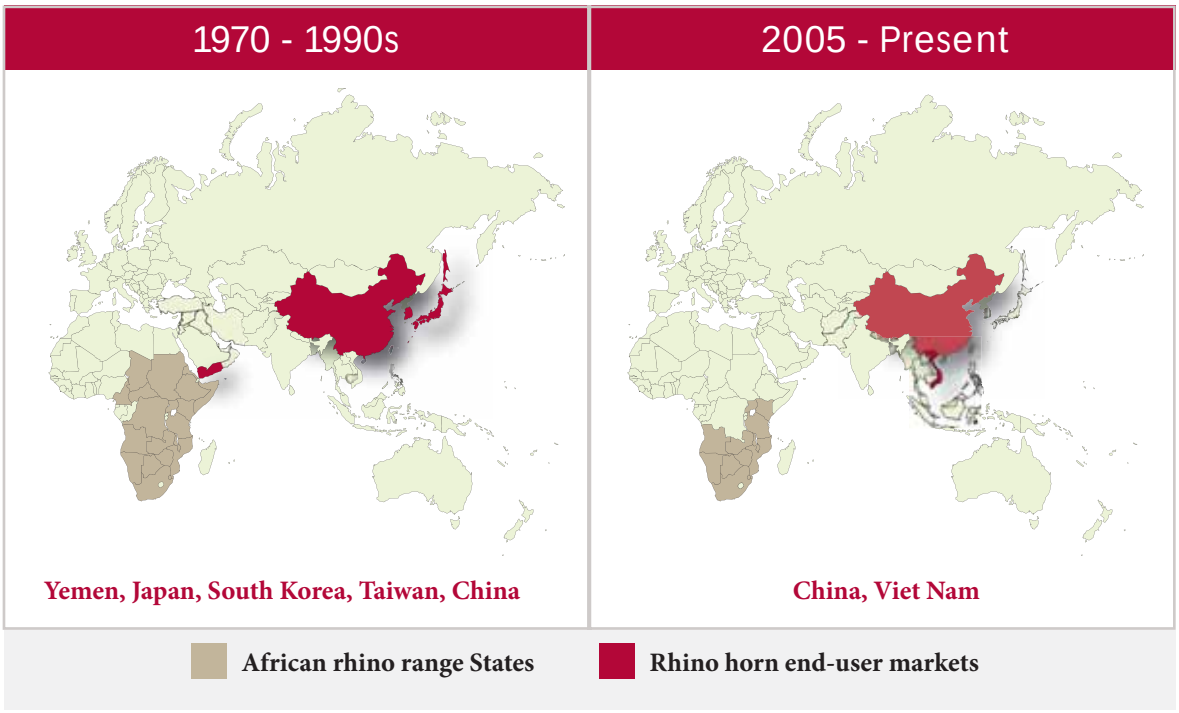


Figure 3. Shift in African rhino range States and rhino horn end-user markets from 1970 to the present. *Source: T. Milliken, TRAFFIC, powerpoint presentation at the Kenya Wildlife Poaching and Trafficking Stakeholder Workshop April 2015*

3.1.3: African Pangolins

Kenya is home to three out of four species of African pangolin: the Cape or Temminck's Ground Pangolin *Smutsia temminckii*, the Giant Ground Pangolin *Smutsia gigantea* and the African White-bellied Pangolin *Phataginus tricuspis* (Challender *et al.*, 2014; http://www.pangolinsg.org, viewed May 20, 2015). All three are classified as Vulnerable by the IUCN Pangolin Specialist Group. Pangolins are scale-covered mammals that are predominantly solitary and nocturnal, feeding on ants and termites. Although there is no known survey of pangolins in Kenya, live specimens, scales and claws have all been recorded in the illegal wildlife trade and all species of pangolins have a history of commercial exploitation (Challender and Hywood, 2012). The African Pangolin Working Group[2] is currently involved in an initiative to determine the past and current distribution of all four African pangolin species.

[2] The African Pangolin Working Group (APWG), a non-profit organization dedicated to the conservation and awareness of all four species of African pangolin, was launched on February 19, 2015. It is the official African representative of the IUCN Species Survival Commission Pangolin Specialist Group and, as such, undertakes trade monitoring, research, rehabilitation.

3.2: Poaching and Trafficking in Kenya

Wildlife and the natural habitats in which they live form the backbone of Kenya's tourism sector, which accounted for 12% of the country's GDP in 2013 (WTTC, 2014). But these resources are under threat from persistent and increasing levels of poaching and trafficking. Conservationists, experts and wildlife management scholars widely acknowledge that in spite of Kenya's ban on hunting and official policy of non-consumptive utilization of wildlife, wildlife crime has been the most significant contributing factor to the loss of staggering numbers of Kenyan wildlife from the 1970s to the present[3]. Table 6 shows which species or parts thereof are involved in illicit trade in Kenya.

Group/Species	Part/Form	Destination
Elephant	Ivory (raw & worked)	East Asia
Rhino	Horns	Southeast Asia
Cat family (Lion, Cheetah, Leopard)	Skins/live pets	Middle East, Europe, USA
Reptiles (chameleon, lizards, snakes and tortoises)	Live pets, venom	Europe, America, Asia
Pangolin	Live specimens, scales	East and Southeast Asia
Sandalwood	Wood	East Asia
Aloe	Gum	Europe, Asia

Table 6. Overview of traded wild flora and fauna in Kenya
Source: (R. Muasya, Kenya Wildlife Service in litt. *to the author, 2015)*

[3] See Ian Douglas-Hamilton's testimony on Ivory and Insecurity: The Global Implications of Poaching in Africa, before the Committee on Foreign Relations U.S. Senate May 24, 2012; and Calvin Cottar's video presentation to the European Parliament, https://www.youtube.com/watch?v=NdaKt_IqYY4&feature=youtu.be

3.3 POACHING TRENDS AND KEY DRIVERS OF THE TRADE

Like any other trade, wildlife trafficking is driven by demand from consumers. The subsections below elucidate the trends of poaching and drivers of the trade in illegally acquired wildlife parts, and also examines the trafficking network.

3.3.1 Poaching Trends

Kenya revoked all private elephant hunting permits in 1973, but loopholes remained in legislation that allowed unscrupulous government officials to sell ivory in Mombasa ivory auction rooms, thus creating opportunities that were exploited by ivory traffickers (Wilson and Ayerst, 1976). In 1977 the Kenyan government declared a total ban on wildlife hunting in response to rapidly increasing demand driven by growing prosperity in East Asia, mainly from Japan (testimony of Iain Douglas-Hamilton before the Committee on Foreign Relations of the U.S. Senate on May 24, 2012). Between 1970 and 1988, several high ranking government officials were implicated in the illegal sale of elephant ivory: large transfers of ivory from government stockpiles to private dealers and individuals occurred in spite of the ban. Between 1979 and 1988 over 130 tonnes of elephant ivory entered the global ivory trade from Kenya (Parker, 1979; Luxmoore *et al.*, 1989).

The Government of Kenya restructured its administration of wildlife management and conservation in 1989, resulting in the formation of KWS as the State's corporate body in charge of overseeing the management of wildlife, with the world-famous paleontologist and conservationist Richard Leakey as its first director. Under Leakey's direction, KWS initiated a strong paramilitary campaign against poaching and burnt government stockpiles of wildlife trophies (including ivory worth USD3 million) to send a clear message to the world that Kenya would not tolerate poaching. This strategy had immediate positive impact on elephant and rhino populations, particularly when it was coupled with an aggressive resource mobilization campaign, recruitment of game rangers and careful cultivation of political goodwill.

The re-emergence of increasingly sophisticated poaching in the 21st century threatens to reduce previous gains in wildlife conservation (Figure 4). The latest resurgence of poaching and trafficking networks correlates closely with local-level poverty, national-level corruption, and increasing international demand for ivory and rhino horn in China and Viet Nam as both countries experience economic booms and the growth of more affluent middle classes. Illegal killing of wildlife in Kenya has also been abetted by weak wildlife legislation with low penalties for poaching and trafficking, limited prosecution capacity and poor co-ordination among law enforcement and Customs agencies.

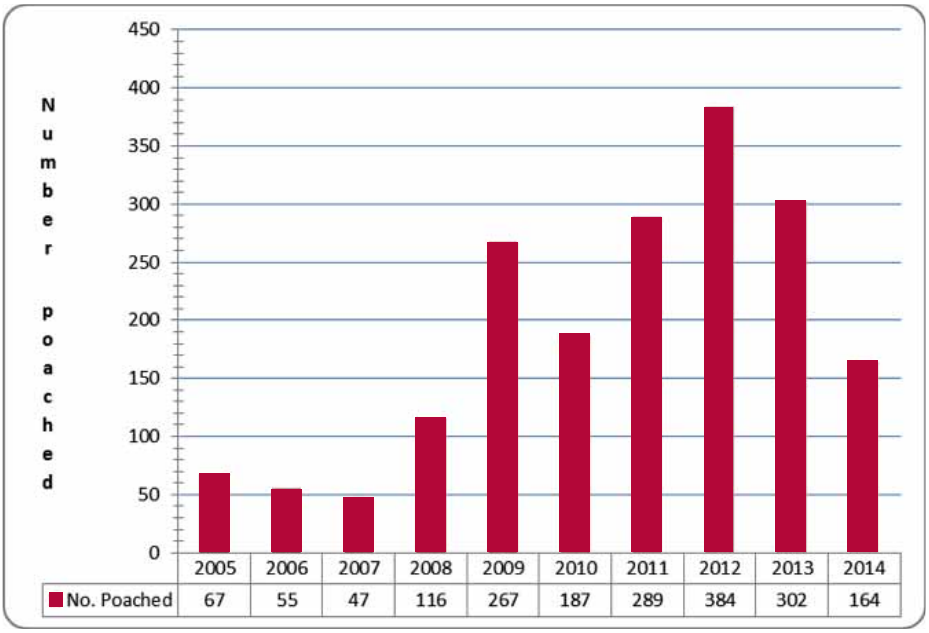


Figure 4. National elephant poaching trends, 2005 to 2014
Source: KWS database

Kenya has several significant elephant range sites, including the Tsavo, Maasai Mara and Samburu-Laikipia ecosystems. Established in 1948, Tsavo hosted a population of some 45 000 elephants in 1970, but this number was reduced to about 7000 by 1988 primarily as a result of large-scale poaching and drought (Douglas-Hamilton, 2009). Overall, the proportion of illegally killed elephants in all three ecosystems has risen steadily since 2008, spiking in 2010 and 2012 for Tsavo and Samburu-Laikipia respectively (Figures 5 and 6), which Douglas-Hamilton (2012) attributes to increased global prices of elephant ivory. However, the proportion of illegally killed elephants has shown a steady drop since 2012. This is primarily because of successful conservation efforts such as growing community involvement in wildlife conservancies.

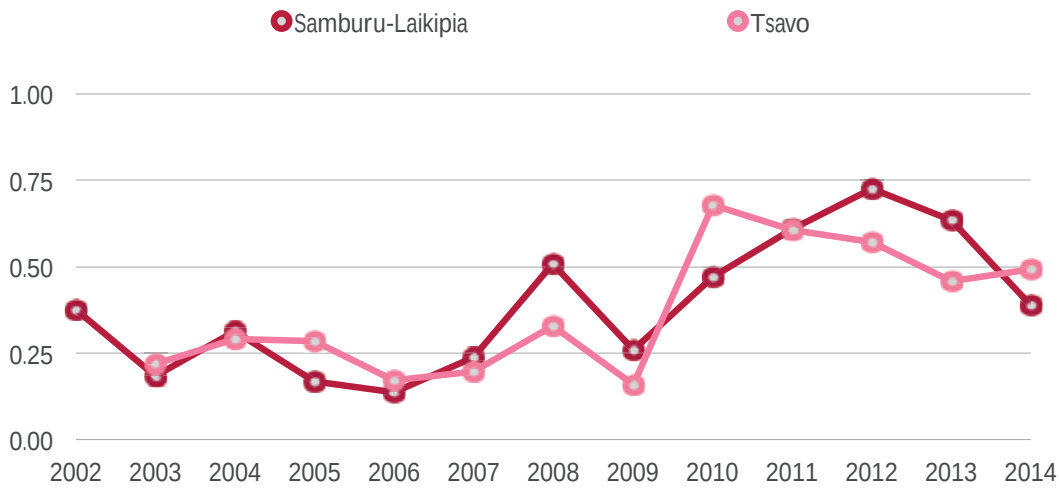


Figure 5. Proportion of Illegally Killed Elephants (PIKE) in two key sites in Kenya for the period 2002–2014
Source: Julian Blanc, CITES MIKE Programme

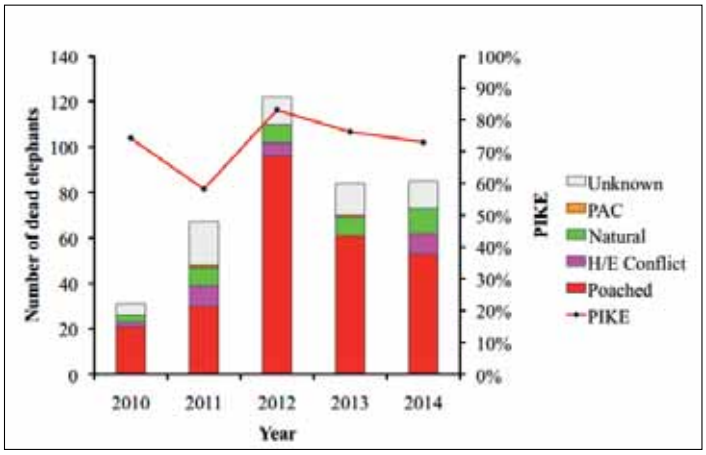


Figure 6. Number of elephant carcasses and PIKE values in the Mara ecosystem
(Sources: Poole and Granli, 2015; KWS)

Rhinos have also experienced a recent resurgence in levels of illegal killing: there was a sharp rise in 2013 when 59 rhinos were killed in government protected areas (Nakuru, Nairobi and Tsavo West National Parks) and private sanctuaries and conservancies (Solio, Oserian, Lewa, Ol Pejeta, Mugie, Ol Jogi) (Figure 7).

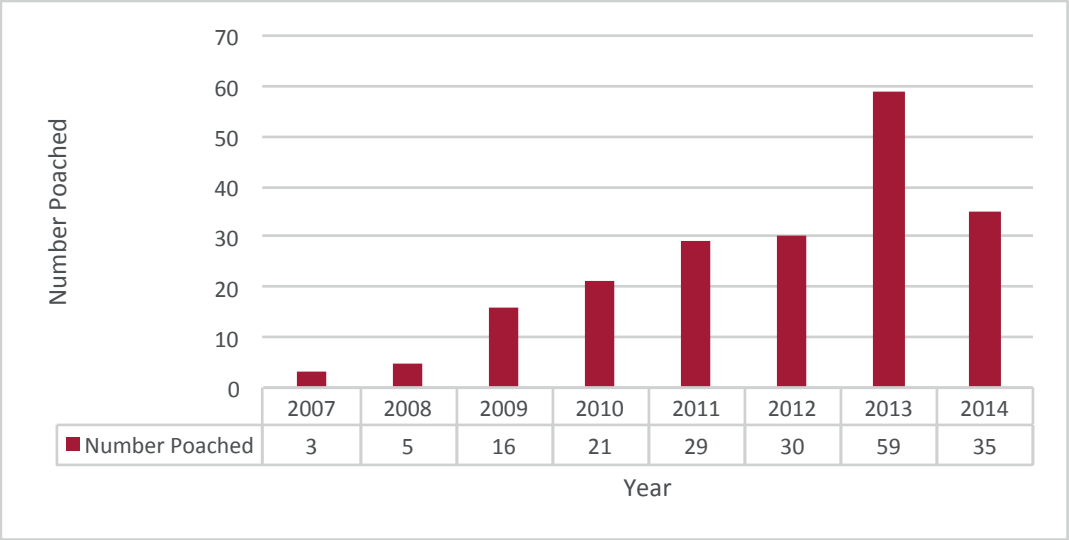


Figure 7. Rhino poaching in Kenya from 2005 to 2014
Source: KWS Database, 2015

Although there has been no assessment of the biological or trade status of pangolin species in Kenya, Customs seizures of pangolin skins and scales are widely reported, especially in Hong Kong. Hong Kong Customs authorities seized 320 kg of pangolin scales in October 2014 originating from an unknown African country, and on February 17, 2015 a second consignment of more than one tonne of pangolin scales was discovered in a shipping container which arrived from Kenya (Cota-Larson, 2014). There are also documented cases of live Temminck's Ground Pangolins being confiscated from traffickers in Kenya (Challender, 2012). The main driver of this trade is demand for pangolin meat and scales in China and Viet Nam, especially since populations of the Asian species have either been decimated or placed under heavy protection. There is also demand for pangolins in Africa, where they are sought after in the bushmeat trade and used in traditional medicine (www.pangolinsg.org).

3.3.2: Key Drivers

The scale and magnitude of the wildlife trade has grown tremendously such that income from illegal wildlife trade now ranks among the top global sources of illegal wealth (Table 7). It is extremely difficult to estimate the total amount of wildlife traded illegally at a global scale due to the clandestine nature of the trade, but a number of studies have tried to establish the exact values.

	Global Financial Integrity 2009 (USD)	Havoscope 2012 (USD)
Drug	$320 billion	$323 billion
Counterfeiting Total	$250 billion	$450 billion
Humans	$31.6 billion	$32 billion
Oil	$10.8 billion	$53.64 billion (gas & oil)
Wildlife	$7.8 to 10 billion	$19 billion
Timber	$7 billion	$30 billion (illegal logging)
Fish	$4.2 to 9.5 billion	$23.5 billion (illegal fishing)
Waste Dumping	No data	$11 billion
Art and Culture Property	$3.4 to $6.3 billion	$10 billion
Small arms and Light weapons	$0.3 to $1 billion	$1 billion

Table 7. Scale of illegal wildlife trade as compared to other sources of illegal cash
Source: http://na.unep.net/geas/getUNEPPageWithArticleIDScript.php?article_id=95, viewed June 2, 2015

Generally, the key drivers and enablers of rhino and elephant poaching in Kenya are:

- Corruption among government officials and the private sector, especially in the transportation industry;
- Rising illegal market prices for rhino horn and elephant ivory driven by demand in Southeast Asia and East Asia;
- The proliferation of weapons across borders and in insecure areas of northern Kenya;
- The ease of movement of poachers and wildlife products across Kenya's porous borders;
- Expanding human settlements around key rhino and elephant habitats; and
- Inadequate prosecution capacity of wildlife crimes to serve as a deterrent.

Corruption among government and private sector officials is a key enabling factor of the illegal wildlife trade. The fact that wildlife contraband, especially rhino horn and elephant ivory, has been exported from Kenya only to be seized in transit or in destination countries means that wildlife traffickers are able to exploit security loopholes in the country's law enforcement network. The United Nations Office on Drugs and Crime (UNODC) reports corruption as the most important enabling factor behind illegal wildlife and timber trade. Often the paperwork needed to move illegal products "is not forged but rather bought from corrupt officials in timber source countries" (UNODC, 2012; Nelleman *et al.*, 2014). A Kenya Revenue Authority (KRA) official and a transporter were also recently jointly charged in a Kenyan court in connection with 511 pieces of ivory seized in Thailand on April 27, 2015 originating from Mombasa (Anon., 2015b).

Elephant Ivory

The growing number of large-scale seizures of elephant ivory (defined by CITES as any consignment weighing more than 500 kg) in Africa and Southeast Asia points to several worrying characteristics which clearly indicate the presence of transnational criminal syndicates, including:

- Sophisticated planning, organization and intelligence;
- Greater levels of finance;
- Investment in facilities and equipment for storage and shipping purposes;
- Development of trading links between Africa and Asian end-use markets; and
- Corruption and collusion between the private sector and government regulatory agencies.

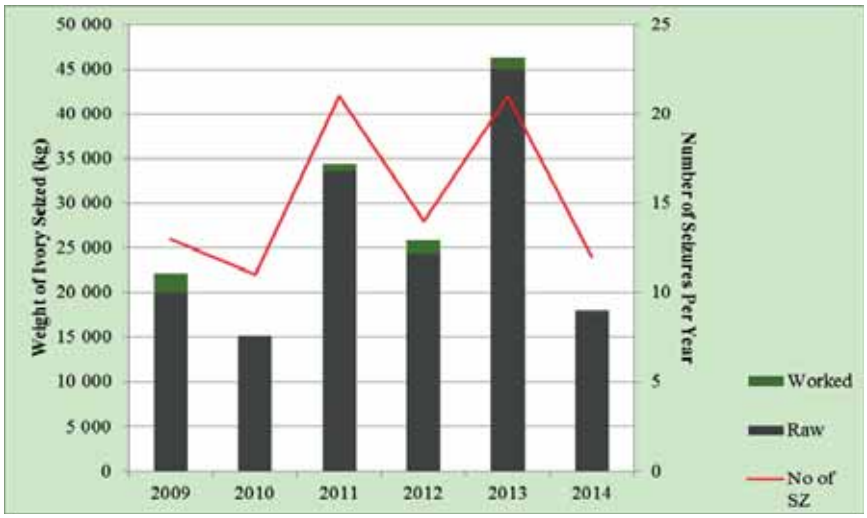


Figure 8. The number and weight of large-scale (>500 kg) ivory seizures (SZ) 2009-2014
Source: TRAFFIC/ETIS

The global trend in ivory trafficking shows a general increase in the amount of large-scale ivory seizures, with 2013 representing the highest levels to date (Figure 8). Since 2009, approximately 67% of all large-scale seizures of ivory occurred in East and Southeast Asia, either in transit or during importation, whereas Africa accounted for approximately 33%. East Africa accounted for 80% of the seizures that occurred in Africa (Milliken, 2014). Out of these seizures, Tanzania leads in terms of total number, followed by Kenya. Ivory originating from or exported from ports of exit in these two countries accounts for the greatest percentage of ivory seized anywhere (Figure 9). Unsurprisingly, in June 2015 the Government of Tanzania announced that the country's elephant population had collapsed from just under 110 000 in 2009 to 43 330 in 2015, a decline of more than 60% in five years. This makes Tanzania the largest source of seized ivory on the African continent (Phillip, 2015).


© WAM

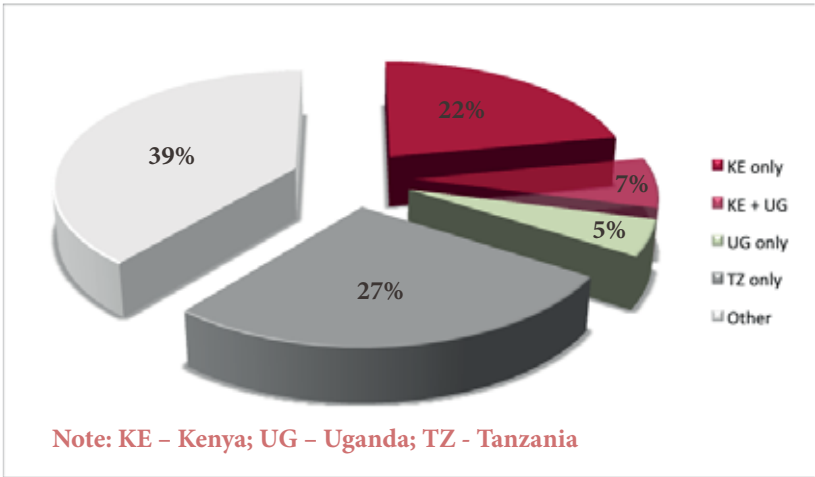


Figure 9. Proportions of large-scale ivory seizures made within or involving Kenya, Tanzania and Uganda, 2009–2014
Source: TRAFFIC/ETIS

Rhino Horn

Asian countries such as China and Viet Nam have long histories of using rhino horn in traditional medicine. Rhino horn has also historically been used for daggers in Yemen and the Arabian Peninsula, although demand has diminished since 1990. In the 21st century, demand for rhino horn resurged in East and Southeast Asia, driven by mainly young and middle-aged professionals in search of a symbol for their growing wealth and social status (Milliken and Shaw, 2012). Recent upward trends in rhino horn trade have been correlated with the newly acquired purchasing power of consumer nations like Viet Nam and China. Rhino horn is believed to be a cure for hangovers, and some traditional Vietnamese and Chinese medical practitioners prescribe it in the mistaken belief that it can treat terminal diseases like cancer (Milliken and Shaw, 2012; WWF/Dalberg, 2012). In response, the Government of Viet Nam has made incremental progress in recent years to increase punishments for wildlife crime offences and engage bilaterally with key source or transit countries, such as South Africa and Mozambique in an effort to curb the trade (TRAFFIC, 2012; STE 2015). Conservation NGOs are also in the forefront of a resurgent China-Africa dialogue on curbing trade in elephant ivory.

3.4: Structure of Poaching and Trafficking Networks

Poaching and trafficking networks are diffuse, spread over numerous individuals linked by often extremely sophisticated financial, intelligence sharing, and transportation networks. Poachers in Kenya are predominantly locals with knowledge of the behaviour of animals and the wild terrain, but in some cases they come from neighbouring countries, usually Somalia or Tanzania. They are typically linked to an individual affiliated with one or more middlemen or patrons who, through corrupt means, provide or facilitate access to operational logistics, namely weapons, intelligence on ranger movements, supplies and financing. The relatively high price offered by the patron acts as an incentive to the actual poacher and trafficker, who are often poor people, thus making price a significant driver of poaching (Vira and Ewing, 2014).

The widespread proliferation of firearms has increased poaching threats to wildlife. Kenya's pastoralist communities traditionally carry weapons to deter cattle raiding. There is an abundance of light weaponry, mainly G-3 and AK-47 rifles, among the Tana River, Samburu, Turkana and Pokot communities, where they are at times used against government enforcement agencies (Vira and Ewing, 2014). These firearms usually filter into Kenya from the neighbouring countries of Ethiopia, South Sudan, Somalia and Uganda where armed conflicts have been experienced for prolonged periods. At times, bullet casings collected at wildlife crime scenes have been linked to British manufactured munitions, suggesting that they were obtained from British military training bases in Kenya and/or local security forces, thus contributing to the poaching of wildlife and killing of police officers (Wepundi *et al.*, 2012; Vira and Ewing, 2014). The security risk to people and wildlife posed by the proliferation of weapons in communities is masked by the attention given to cross-border militia like the Somali al-Shabaab and Oromo insurgents from Ethiopia.

There is credible evidence from KWS rangers and community ranch owners in the Tsavo/Amboseli ecosystem that armed Somali herders drive their livestock to ranches bordering Tsavo where they engage in actual poaching or provide firearms to locals for use in poaching (author interviews with KWS personnel and group ranch owners in the Tsavo/Amboseli ecosystem). NGOs are also playing an increasing role in the detection of poachers--for example, Big Life Foundation, an NGO working to protect wildlife by supporting networks of local community scouts, has gathered photographs of armed poachers in Tsavo using camera traps, which they provide to KWS for use in tracking and apprehending the criminals.

© Big Life Foundation

A suspected poacher captured by camera trap in Chyulu Hills National Park

Poaching networks typically follow roughly the same pattern: a middleman connects the poacher to a local transporter (which can range from a private vehicle or truck to a hearse, ambulance, taxi, motor-cycle or mules), who delivers the wildlife contraband to another middleman for onward delivery to a trafficking kingpin or patron. The kingpin finances the poaching network and uses corrupt connections in the public and private sector to move the contraband across county and country borders. The contraband is usually disguised as another product, such as tea, avocado or wood carvings. According to KWS wildlife law enforcement and intelligence personnel, wildlife trafficking kingpins are a mixture of nationalities, from Kenya or other countries in West and Central Africa, who have connections with counterparts in the Far East (see illustration below).

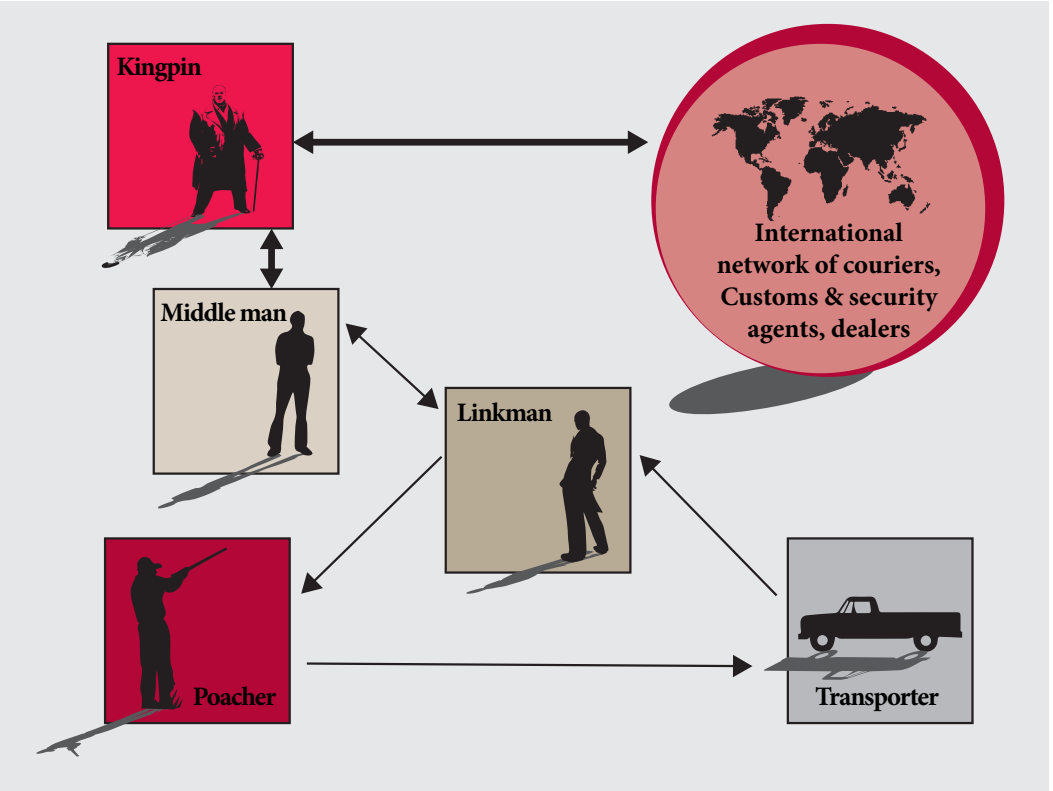


Illustration of the poaching and trafficking network

3.5: Key Trafficking Routes and Consumer Hotspots

Kenya has emerged as a key transit country in Africa for wildlife contraband due to its relatively well developed transport network. Drawing on data from the Elephant Trade Information System (ETIS), TRAFFIC's rhino database and KWS, the main sources of wildlife products trafficked through Kenya are:

- Tanzania (mainly ivory)
- Mozambique (ivory and rhino horn)
- Democratic Republic of Congo (mainly ivory)
- From local population (ivory, rhino horn, big cat skins and pangolin scales)
- Uganda (mainly ivory, pangolin scales, timber)
- Zambia (ivory)
- South Sudan (ivory)

Kilindini Port in Mombasa and JKIA, Kenya's main international airport in Nairobi, have been identified as the leading exit points for large volumes of wildlife contraband leaving Kenya. Since 2009, more ivory has exited through Mombasa than any other trade route out of Africa, primarily destined for China and Hong Kong with transit points in Malaysia, Viet Nam, Thailand and Singapore (Milliken, 2014). Nairobi's JKIA has also recorded seizures of illegally acquired wildlife parts destined for China and Viet Nam. Kenya's national airline, Kenya Airways, operates direct flights from Nairobi to eastern Asia and has been reported to carry passengers with wildlife contraband as part of their baggage (Table 8). According to KWS sources, other leading entry and exit points commonly used for smuggling wildlife specimens are the Busia and Malaba border crossings. Both are on record for having been used to smuggle ivory into Kenya from the DRC, South Sudan and Uganda for onward transit to the Far East through Kilindini Port, particularly in the last three years. KWS has also documented increased use of other lower tier entry/exit points along the borders with Tanzania, Somalia and Ethiopia. Arrests have been recorded in Isebania, Namanga, Tarakea (Oloitokitok), Taveta, Lunga Lunga, Liboi and Moyale.

Date	Nationality	Origin	Destination	Type of wildlife product
May 15, 2015	Vietnamese	Maputo	Hanoi, Viet Nam	7 pieces (10 kg), rhino horn rhino tail and lion teeth
Jan 17, 2014	Chinese	Nampula	Guangzhou, China	3.4 kg ivory
Sept 17, 2013	Vietnamese	Maputo	Hong Kong via Doha	5 rhino horn weighing 20 kg.
Aug 14, 2013	Chinese	Unknown	Hong Kong	6.9 kg ivory
Dec 25, 2010	Thai	Maputo	Bangkok, Thailand	19.5 kg ivory

Table 8. Reported arrests of traffickers using Kenya Airways
Source: Author's own compilation from media reports

East Africa's growing road system and increased investment in railroad infrastructure, while crucial for the development of the region, have also created pathways for the flow of wildlife contraband through the region. In this transportation network, Kenya plays an important role in connecting trade and commerce from neighbouring countries to the rest of the world through the "northern corridor[4]" and important exit points such as Mombasa and JKIA (Figure 10). Cities such as Bujumbura (Burundi), Kigali (Rwanda), Kisangani (DRC), Juba (South Sudan), Kampala (Uganda), Addis Ababa (Ethiopia) and Kisumu (Kenya) rely on the network of road infrastructure and border posts in Kenya for the flow and transit of trade.

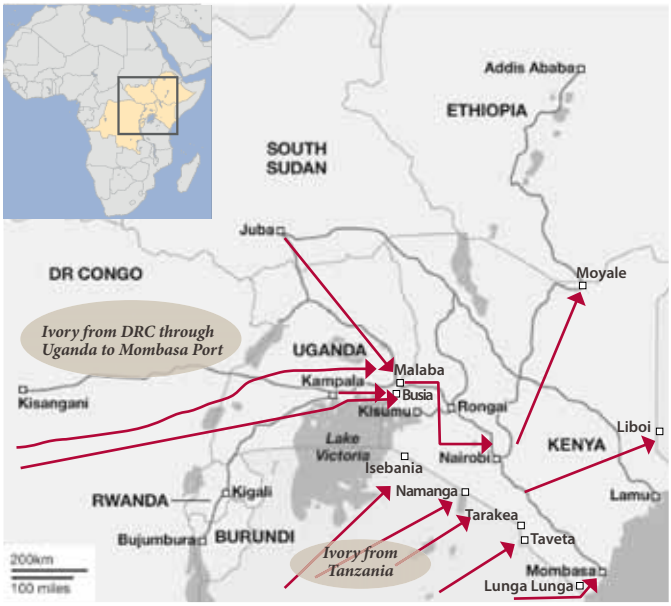


Figure 10. Map showing planned East African railway network as well as reported movement of illegal wildlife products into Kenya for onward shipment
(Source: KWS and media reports)

[4] The northern corridor refers to the busiest and most important transport route in East and Central Africa, providing a gateway through Kenya to the landlocked economies of Uganda, Rwanda, Burundi, Eastern DRC and South Sudan

Ivory shipped through Kenya from Uganda, DRC and South Sudan enters the country mainly through the Malaba border point along the Kenya-Uganda border, whereas illegal ivory from Tanzania generally enters through the Taveta, Tarakea and Lunga Lunga border points, or via Uganda. The contraband is then shipped through Kenyan ports to markets in Asia (Figure 11).

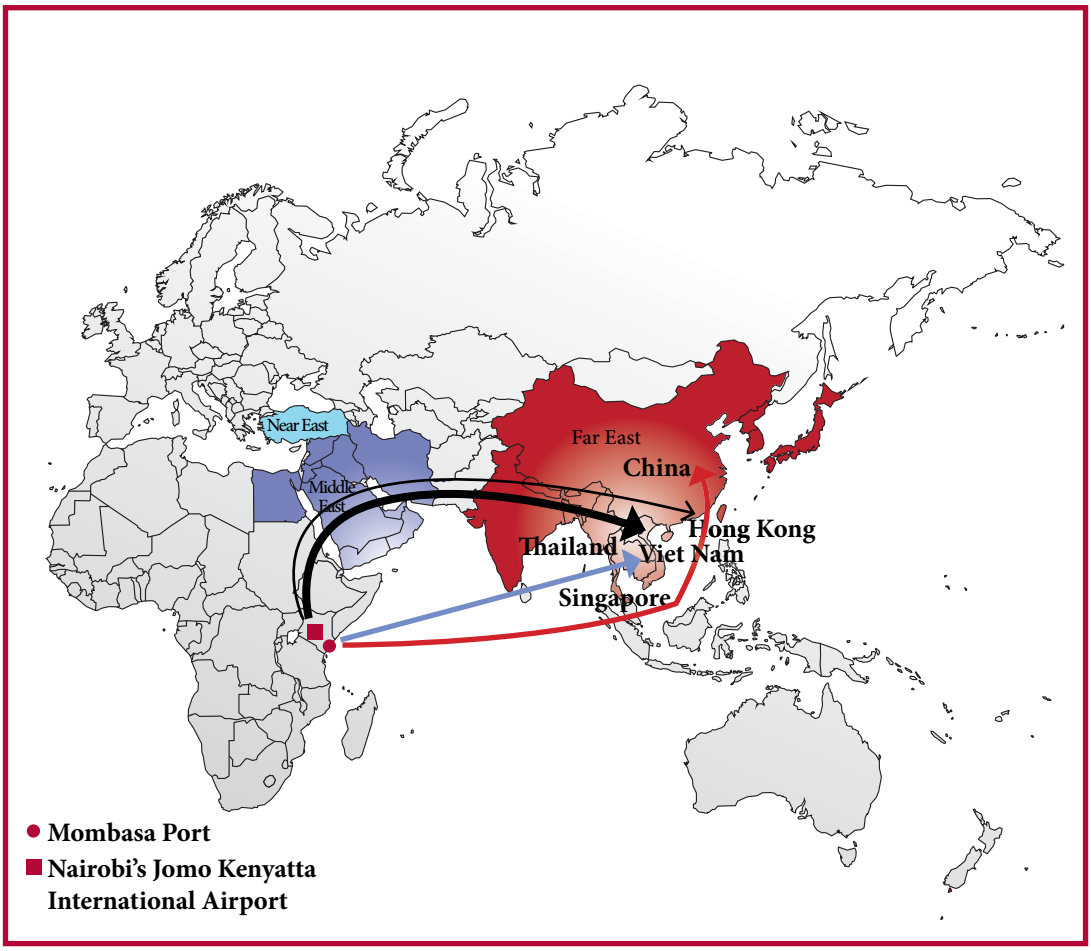


Figure 11. Wildlife trade routes between Kenya and Asia
Source: Sam Weru, adapted Illustration

3.6: Arrests and Confiscations

As previously mentioned, more ivory has exited through Mombasa than any other trade route out of Africa since 2009 (Milliken, 2014). In 2013, Kenyan authorities at the port of Mombasa seized the single largest haul of elephant ivory in Kenya's history at the time, weighing more than two tonnes and valued at USD1.15 million. The ivory in the shipment was identified to be from Rwanda and Tanzania, disguised as decorative carvings destined for Indonesia (Akwiri, 2013; Brown, 2013). On May 19, 2015 Singapore Customs and the Agri-Food and Veterinary Authority seized a shipment of illegal ivory, rhino horns and big cat teeth coming from Kenya with an estimated value of USD8 million. According to Singapore authorities, the shipment consisted of some 3.7 tonnes of illegal ivory in two 20-footer containers that was declared as tea leaves. The shipment was transiting through Singapore to Viet Nam and represents the largest seizure of illegal ivory in Singapore since 2002. In addition, in April 2015 a total of 511 ivory tusks and pieces hidden among 11 tonnes of tea leaves, weighing about three tonnes and valued at about USD6 million, was exported from Kenya but seized in Thailand although it was destined for Lao People's Democratic Republic (Anon., 2015c). Clearly, Mombasa remains a major export hotspot in Africa's illegal wildlife trade.

Further arrests have been made at other international border crossings, within national parks and at market centres where transporters or middlemen have been caught peddling or transporting illegally acquired wildlife parts. Between 2010 and 2014, confiscations of elephant ivory and rhino horn peaked at nearly 18 tonnes of ivory and almost 42 kg of rhino horn in 2013 (Figures 12 and 13), which corresponds to the year in which the highest number of arrests (318 suspects) was made by KWS (Figure 14).

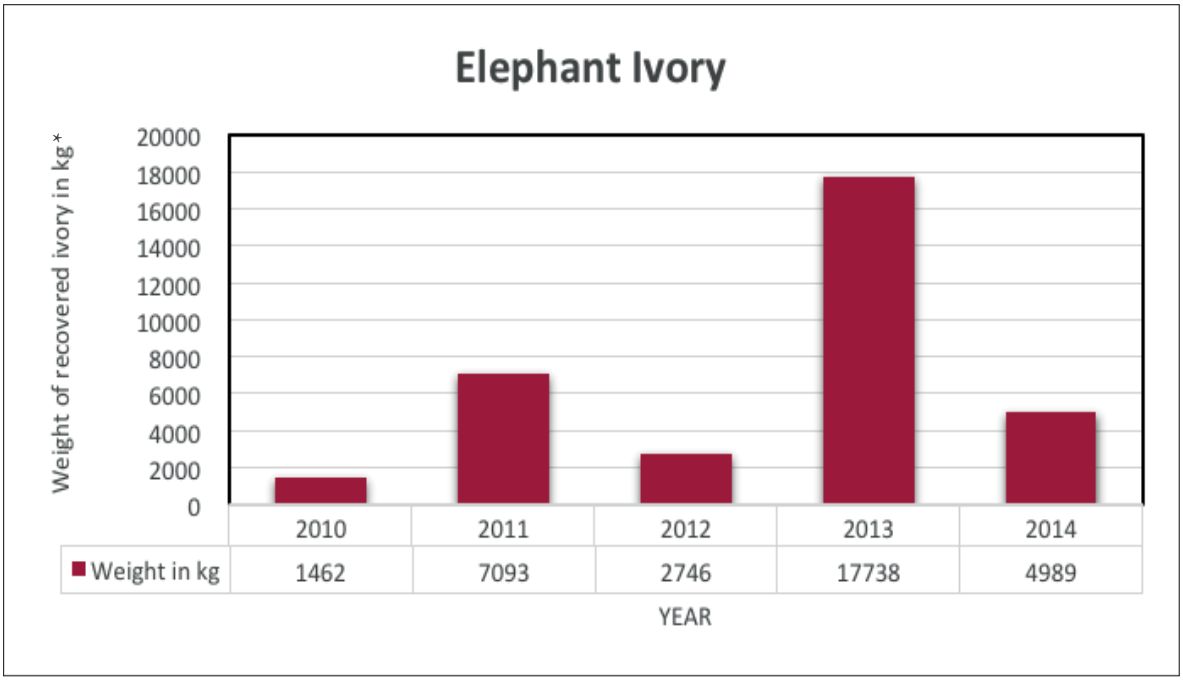


Figure 12. Elephant ivory recovered in Kenya, 2010–2014 *Source: KWS*
* includes both raw and worked ivory in cases where weights in kg were given

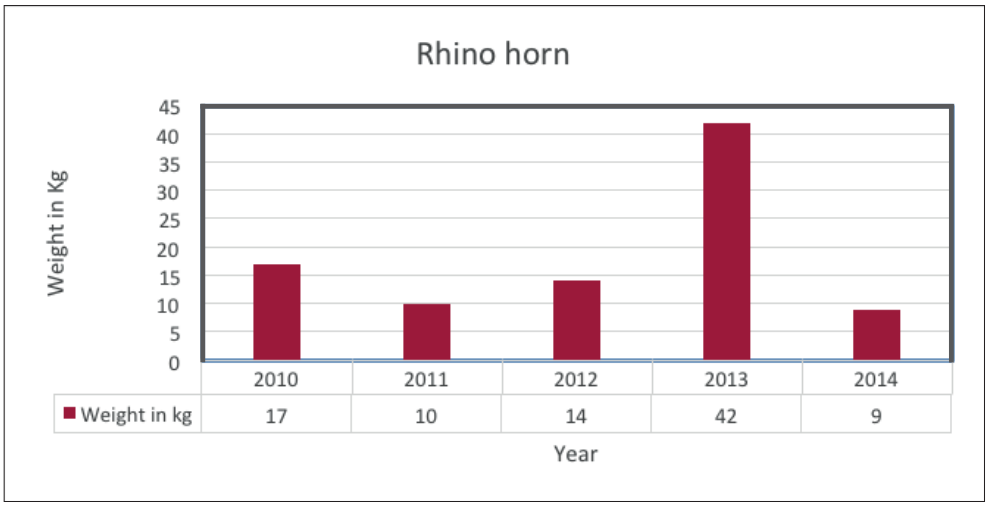


Figure 13. Rhino horns recovered in Kenya, 2010–2014 *Source: KWS*

Figure 14. Arrests related to possession of elephant ivory, rhino horns, and Cheetah and Leopard skins, 2010–2014
(Source: R. Muasya pers comm. *via Powerpoint presentation at the Kenya Wildlife Poaching and Trafficking Workshop April 14-15, 2015)*

Analysis of seizure records from ETIS data indicates that illegal ivory trade within and through Kenya peaked between 2009 and 2014, with 57 453 kg of ivory originating from or transiting through Kenya seized globally (Figure 15), making Kenya a significant source and transit country for elephant ivory. This massive volume of ivory represents the poaching and killing of approximately 6000 elephants.

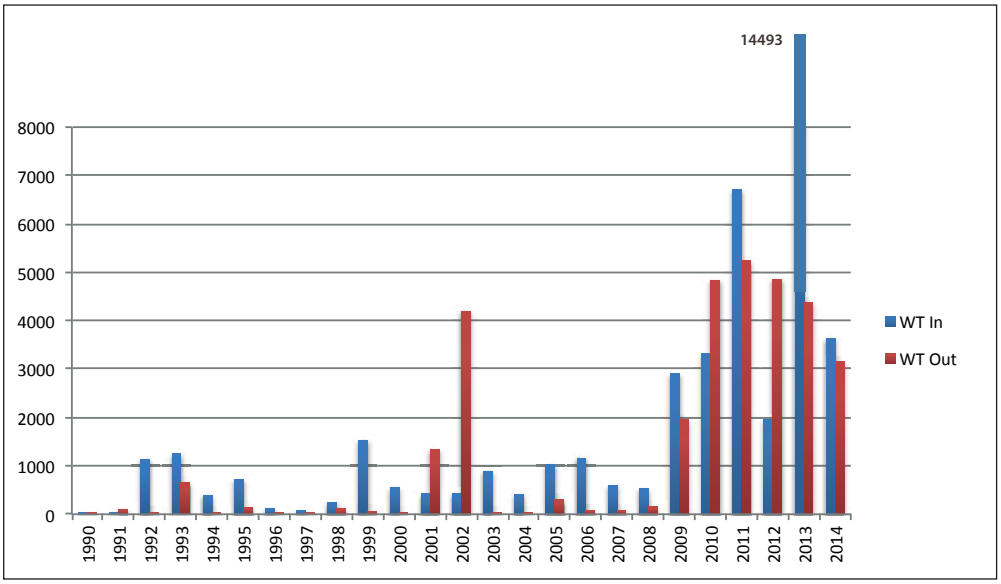


Figure 15. Ivory seized within Kenya (WT In, blue bars) vs ivory seized coming from Kenya and seized elsewhere (WT Out, red bars)
Source: TRAFFIC

Recent data on numbers of seizures of illegally acquired animal parts from big cats, such as Cheetah and Leopard, show a general downward trend (Figures 16 and 17). This could be attributable to several factors: (i) law enforcement focus on seizures of rhino horn and elephant ivory during the most recent poaching crisis, (ii) an increase in the sophistication of big cat traffickers to avoid detection, (iii) a general decline in carnivore populations, or (iv) a reduction in trafficking of these animals. Fundamentally, more investigation is needed into what is behind this trend. KWS data show that most arrests and seizures involving big cat skins occur at the local level in towns and villages, suggesting a thriving local market and making it difficult to identify the final destination of the products.

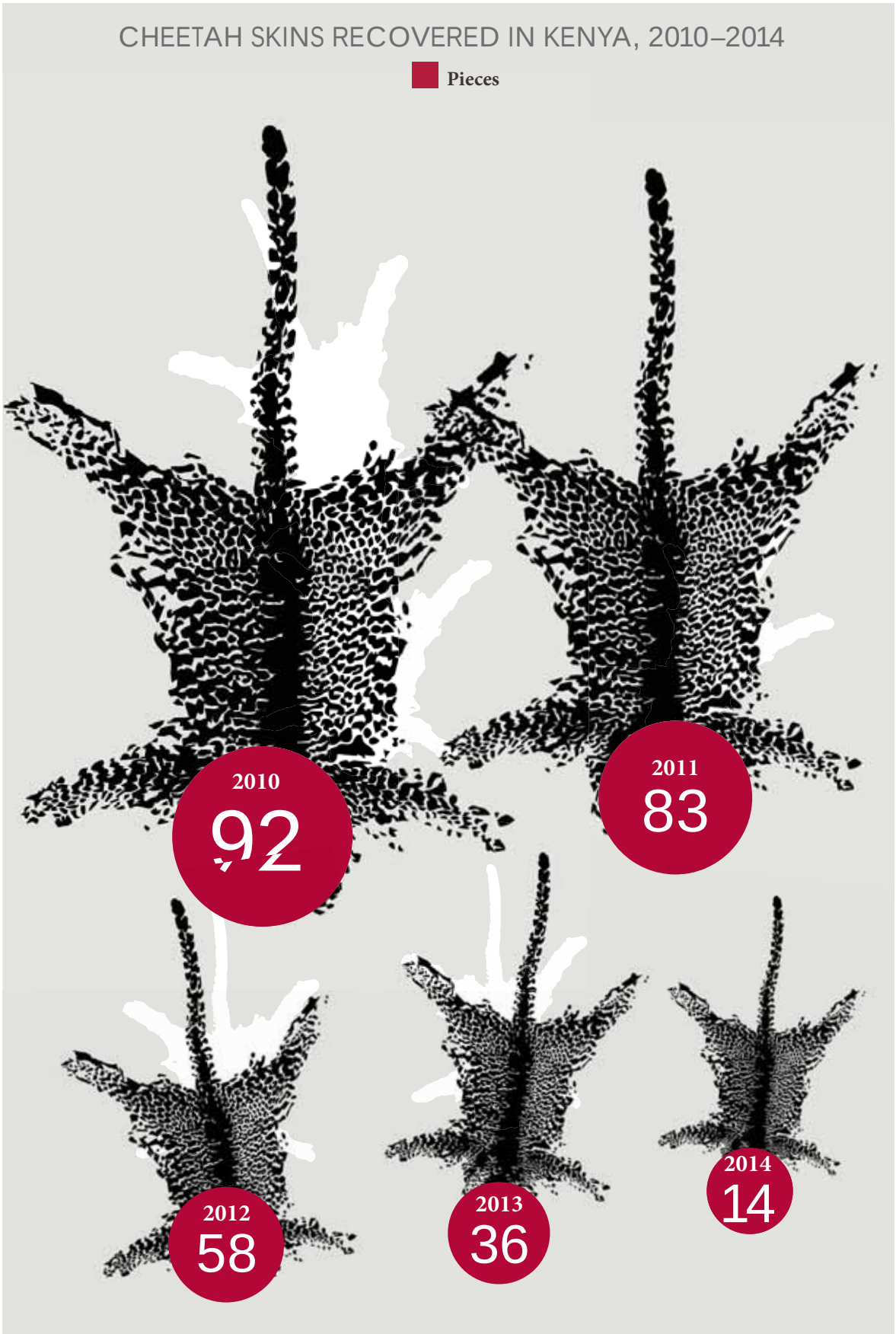


Figure 16. Cheetah skins recovered in Kenya, 2010–2014
Source: R. Muasya of KWS in litt. *during the Kenya Wildlife Poaching and Trafficking Stakeholder Workshop April 2015*

Figure 17. Leopard skins recovered in Kenya, 2010–2014
Source: R. Muasya of KWS in litt. *during the Kenya Wildlife Poaching and Trafficking Stakeholder Workshop April 2015*

3.7: Linkages to Organized Crime and Militant Groups

The recent crisis in wildlife poaching and trafficking has attracted global attention. UNODC notes that wildlife crime has transformed into one of the largest transnational criminal activities, next to drug trafficking, arms dealing and trafficking in human beings. Evidence shows that criminal groups are using the same routes and techniques for wildlife trafficking as for smuggling other illegal commodities, and exploiting similar gaps in national law enforcement and criminal justice systems (UNODC, 2015).

© John E. Newby / WWF

The links between the illegal wildlife trade and transnational criminal networks are clear, but linkages with militant and terrorist groups, while they have received wide coverage in global media, are tenuous at best. Al-Shabaab terrorist group in Somalia has been well-documented by reports from the United Nations and media outlets to use proceeds from illegal charcoal trade to finance their operations, earning between USD38 and USD68 million a year from charcoal sales and taxation (Stewart, 2013; McNeish, 2014). However there is no conclusive evidence that al-Shabaab is also involved in the illegal trafficking of ivory, rhino horn, or other wildlife products. Indeed, a study by Schneider (2014) argues that the linkages between ivory trafficking and terrorist groups are exaggerated and at times imaginary.

On the other hand, other known militia groups operating in central African countries and South Sudan may be benefiting from illegal ivory transhipped through Kenya (UNODC, 2015). A study commissioned by the United Nations Environment Programme (UNEP) and INTERPOL has linked ivory trafficking worth USD4–12 million each year to the Janjaweed militia operating in Sudan, Chad and Niger. The report also describes how the poaching and trafficking of forest elephants provides income for militia groups in the DRC and Central African Republic (CAR), likely including the Lord's Resistance Army (LRA) (Nellemann *et al.,* 2014; Schneider 2014).

3.8: Kenya's Wildlife Policy and Legal Environment

Kenya's wildlife protection polices go back to the colonial period when Nairobi National Park was established in 1946 as the first wildlife conservation area in Kenya, making Kenya a pioneer in wildlife conservation and management. After independence, the Government of Kenya pronounced sessional paper number 3 of 1975 as the embodiment of wildlife policy in Kenya, thus laying the foundation for the first wildlife law, the Wildlife (Management and Conservation) Act of 1976. This law identified the primary goal of wildlife conservation as the optimization of returns from wildlife, defined broadly to include aesthetic, cultural, scientific and economic gains, and placed the government as the sole custodian of wildlife. However, as elucidated in the sub-sections below, this framework law had several weaknesses and failed to provide comprehensive protection of Kenya's wildlife.

3.8.1: Wildlife Law Enforcement

The Wildlife (Conservation and Management) Act of 1976 was Kenya's first comprehensive legal framework for conservation and the protection of wildlife. Driven by the poaching crisis of the 1970s and 1980s, it was amended in 1989 to establish KWS. Following the adoption of the new Constitution of Kenya in 2010, the Government of Kenya reviewed the Wildlife Act and enacted the new Wildlife Conservation and Management Act (WCMA) in 2013, which provides for stiffer penalties in response to resurgent, increasingly sophisticated poaching threats. The WCMA of 2013 upholds and strengthens the mandate of the KWS to *protect, conserve for sustainable use and management of wildlife in Kenya*. The WCMA's toughened stance on conservation also cuts across all the three pillars of Kenya's economic blue print, Vision 2030, namely; tourism, environment and security. Notable changes in the WCMA of 2013 include; higher recognition of the role of community and private conservancies in managing wildlife and more stringent minimum penalties for wildlife crimes (e.g. a fine of KES20 million / USD206 028 as at June 11, 2015, and/or life imprisonment for the killing of threatened or endangered species) (GoK, 2013b). This is a significant improvement from previous iterations of the Wildlife Act, which treated wildlife crime lightly, offering the option of fines as low as KES10 000 (USD103 as at June 11, 2015) for possession of ivory.

KWS is the primary government agency responsible for the protection of wildlife on the ground and the enforcement of wildlife regulations. It maintains a highly trained wildlife security field operations force of game rangers and wardens who are at the frontline of the fight against wildlife trafficking. KWS's areas of operation include (www.kws.go.ke):

- Eliminating poaching in protected areas and reducing it to a bare minimum outside formal protected areas;
- Combating illegal trade in wildlife species and their products;
- Safeguarding KWS property, assets and revenue against fraud, theft, misappropriation or misuse;
- Providing security to all tourists and visitors within wildlife protected areas under KWS jurisdiction;
- Training and equipping uniformed personnel;
- Enhancing collaboration with national, regional and international law enforcement agencies; and,
- Enhancing emergency response capacity.

Photos illustrating collaborative (interagency), innovative and intensified wildlife law enforcement mechanisms in Kenya.

© KWS

As highlighted previously in this Assessment Report, illegally traded wildlife is now one of the highest value illegal trades globally. This connotes high levels of organization and sophistication within and among networks of criminal syndicates. Combating the illegal trade in wildlife therefore requires concerted interagency efforts by national police, wildlife authorities, Customs departments, intelligence agencies and the judiciary. Recognizing this necessity, and the escalation of poaching within the last five years, the Government of Kenya established an interagency anti-poaching unit in 2013 comprising officers from specialized elements of KWS and specialized detachments of the National Police Service to scale-up the fight against poaching. In addition, the Cabinet Secretary for the Ministry of Environment, Water and Natural Resources appointed an independent 15-person Wildlife Security Task Force made up of government experts, wildlife conservation specialists and legal professionals to examine the threats to Kenya's wildlife and make recommendations on how to deal with them. The Task Force produced and presented to the government a report detailing 284 recommendations necessary to combat poaching and trafficking, including a radical restructuring of KWS to make it more responsive to current wildlife management challenges. Other key recommendations of the Task Force include:

a. Enhance intelligence gathering and processing;

b. Recognize wildlife crime as organized crime and treat it as such in terms of law enforcement and prosecution;

c. Work with destination countries to reduce international demand for ivory and rhino horn; and,

d. Recognize and expand the role of communities in wildlife conservation and management.

3.8.2: Community Wildlife Management

70% of Kenya's wildlife lives outside formal protected areas, underscoring the important role that community and private conservancies have in curbing poaching and wildlife trafficking. The Constitution of Kenya, the WCMA of 2013 and Vision 2030 all highlight Kenya's commitment to safeguarding its natural heritage and recognize the crucial role of communities in conserving wildlife for posterity (inter-generational equity). Community and private conservancies and sanctuaries are now widely recognized as the best method of conserving and managing wildlife outside protected areas by promoting the principles of community participation and equitable benefit sharing of wildlife resources.

Although wildlife management as a form of land-use was not widely recognized until the promulgation of the new Constitution in 2010, conservancies can be traced back to 1970 when Solio Game Ranch was established in Laikipia as a private wildlife protection area (King, 2013). The concept gained momentum in the 1990s and today conservancies are enshrined in the WCMA of 2013, which defines wildlife conservancy as "land set aside by an individual landowner, body corporate, group of owners or community for purposes of wildlife conservation in accordance with the provisions of the Wildlife Act of 2013". As a result of the pioneering efforts of community conservancies such as the Northern Rangelands Trust, there are now more than 150 conservancies nationwide, constituting about 4% of Kenya's total land mass (KWCA, 2015; King, 2013).

Examples of Community-led Conservation Initiatives in Northern Kenya

Northern Kenya is characterized by large swathes of arid and semi-arid lands where pastoralism is the dominant land use. It is also an area teeming with a variety of wildlife, most of which is indigenous to the area, including rhino, African Elephant, African Wild Dog, Grevy's Zebra, Cheetah and Reticulated Giraffe *Giraffa camelopardalis reticulata*. Laikipia County alone contains more large mammals than any other landscape apart from Maasai Mara National Reserve. Northern Kenya has historically contained volatile areas where banditry, cattle raids, and incursions by armed poachers (often from Somalia) are frequent (Pye-Smith, 2013). Local communities in this region are better aware than most of the importance of conserving land, water and wildlife, and the role that these resources play in driving conflict and insecurity.

Extract from "The Story of Northern Rangelands Trust 2013"

Il Ngwesi and Namunyak were the first two community conservancies to be established in northern Kenya. Before long, they were transforming the way the land was managed and the welfare of the pastoralists. "People began to care about the wildlife, because they saw that it would bring them an income," recalls Tom Letiwa. "They used to think all the wildlife belonged to the government, but now they see it as their wildlife." Safari camps in this large and spectacular conservancy, which encompasses much of the Mathews Range, raise around 18 million Kenyan shillings (USD210 000) a year for the community, 60% of which is spent on education, health and development.

Unsurprisingly, the communities of northern Kenya were among the first to embrace wildlife conservation as an integral part of their livelihoods. The Northern Rangelands Trust (NRT) was established in 2004 to bring conflicting tribes together through conservation, simultaneously preserving their wildlife heritage and creating opportunities for peace-building and economic development. Since its inception, NRT has helped to establish over 30 community conservancies which have helped to transform livelihoods, secure peace and conserve natural resources in the region (Pye-Smith, 2013). NRT's sophisticated network of community rangers works closely with KWS and police, achieving enormous success: elephant poaching has been reduced by 43% across participating conservancies since 2012 (NRT, 2014).

Earlier, in 1992, locally-based natural resource management groups had come together to form the Laikipia Wildlife Forum (LWF), a membership-driven organization working to defend property rights and to find collaborative solutions to common land use and wildlife conservation challenges (http://www.laikipia.org/about-us). LWF's interventions include rangeland management to preserve resources and reduce human-wildlife conflict, river and wetlands management to prevent conflict between upstream and downstream users, forest management and promoting conservation enterprises among communities. LWF's education programme has introduced thousands of Kenyan students to the values of conservation, allowing them to experience first-hand the importance of sustainably managing wildlife resources. Similar to NRT, LWF maintains a system of highly trained scouts and rangers drawn from local communities, thus reducing insecurity and poaching.

Excerpt from "Wildlife Conservation Strategy for Laikipia County, 2012–2030"
Laikipia County is one of East Africa's most important areas for wildlife conservation. Firstly, it contains higher populations of large mammals than any protected or unprotected landscape in Kenya, outside of the Maasai Mara National Reserve. Secondly Laikipia is rich in biodiversity with over 95 species of mammals, 540 species of birds, over 700 species of plants and almost 1000 species of invertebrates already identified. However it is perhaps Laikipia's assemblage of large, globally threatened mammals that makes it particularly unique from a biodiversity perspective. Laikipia

contains half of Kenya's Black Rhinos, the country's second largest population of elephants, Kenya's third largest and only stable population of Lions, the world's sixth largest population of African Wild Dogs, a large proportion of the world's remaining Grevy's Zebras, perhaps as many as two thirds of the world's remaining Reticulated Giraffes, and a globally significant population of Cheetahs.

The Laikipia County experience provides important lessons for delivering conservation outside of formally protected areas. The wildlife of Laikipia occurs on land that is owned and used by different groups of people for different purposes. This has been achieved through the adoption of conservation compatible systems of land use, encouraged by local membership-based conservation organizations (primarily the Laikipia Wildlife Forum and Northern Rangelands Trust) and made possible through financial support from wildlife-based enterprises and conservation philanthropy. Among the initiatives that have enabled the introduction of conservation-compatible land-use are several partnership arrangements between the private sector and local community groups to establish tourism facilities and associated income streams.

The same model of community-led resource management has been adopted in the Amboseli-Tsavo Ecosystem where the Amboseli Ecosystem Trust (AET) brings together local communities and organizations to develop land use practices that improve livelihoods and promote the co-existence of people and wildlife (www.amboseliecosystemtrust.org). In collaboration with Big Life Foundation and the African Wildlife Foundation, and with the support of KWS, AET maintains a system of local scouts that provide security to wildlife through community surveillance and enforcement.

© Ian Craig

Community scouts and rangers are key to wildlife security.

In spite of the considerable gains made by community conservancies, several challenges and obstacles remain. Private game reserves and sanctuaries like Ol Pejeta and Lewa have incurred significant losses in revenue due to the high investments they have to make in security operations to secure their wildlife populations, particularly rhino. Indeed, in 2012 and 2013 Mugie Ranch in Laikipia and Oserian in Naivasha requested the KWS to translocate their rhino populations owing to the prohibitive cost of protecting them from a high risk of poaching. Perhaps the most significant issue among conservancies and private sanctuaries is therefore the lack of incentives provided by government to help bear their costs of protecting wildlife against poaching.

3.9: Prosecution

Prior to the enactment of the WCMA of 2013, a study of wildlife crime cases prosecuted between 2008 and 2013 at eighteen magistrate's courts (the lowest court within the Kenya judicial systems) revealed only 4% of those convicted of wildlife crimes went to jail and, in relation to ivory and rhino horn cases, only 7% of offenders were incarcerated after conviction. This study attributed this to the fact that wildlife crime was widely held to be a misdemeanour, and a lack of awareness of the sentencing powers that were available (up to 10 years for Category A animals). The study further noticed that, of the 743 registered cases, 70% of case files were missing and not one prosecution could be found in relation to Mombasa port (Wildlife Direct: Scoping Study of the Prosecution of Wildlife Crime in Kenya, 2013). According to the former Head of Prosecution for KWS, Didi Wamukoya, the most prevalent wildlife crimes in Kenya are: possession of a wildlife trophy, dealing in wildlife trophies, hunting for bushmeat and illegal entry into a wildlife protected area.

The WCMA of 2013 remains the primary law against wildlife trafficking, but the nature and organization of the criminal networks involved necessitates consideration of other laws dealing with related matters beyond the realm of wildlife crime. These other laws include:

- The Prevention of Organised Crime Act
- The Proceeds of Crime and Anti-Money Laundering Act
- The Evidence Act
- The Criminal Procedure Code
- The Forests Act
- The Fisheries Act
- Environmental Management and Coordination Act
- The Penal Code
- The EAC Customs Act
- The Meat Control Act
- The Prevention of Cruelty to Animals Act

Further, KWS is at liberty to use provisions and principles codified in international environmental law, particularly those stemming from conventions and treaties to which Kenya has acceded, although KWS is strictly limited to prosecuting crimes under the WCMA where delegated power has been awarded by the DPP. They cannot, therefore, charge offences under the Proceeds of Crime and Anti-Money Laundering Act, for example.

However, prosecuting wildlife crime in Kenya is still greatly hampered by an inadequate number of wildlife crime prosecutors as well as unclear laws. For example, section 92 of the WCMA of 2013 provides high penalties for wildlife crimes but does not specify what constitutes an offence (for example, killing, injuring, possession, dealing, etc.[5]). This has led to difficulties in charging and conflicting decisions on appeals against convictions for offences charged under this section. In addition, the high minimum penalties in the WCMA of 2013 do not encourage plea bargaining and have resulted in more trials where every point is contested. This has added to the burden on investigators, prosecutors and the courts and has stretched the already thin resources in terms of expert and professional witnesses. In terms of case load, wildlife crime cases rank highly among other serious crimes in Kenya. Comparative data from the Kenyan judiciary profiling the types of offences under consideration in the high court indicate that outcomes from wildlife-related trials are increasingly subject to appeal (see Table 9).

[5] Section 92 of WCMA states "Any person who commits an offence in respect of an endangered or threatened species or in respect of any trophy of that endangered or threatened species shall be liable upon conviction to a fine of not less than twenty million shillings or imprisonment for life or to both such fine and imprisonment."

Type of Offence	High Court	
	Concluded	Pending
Human Trafficking	6	5
Terrorism	1	16
Wildlife Crimes	37	28
Money Laundering	23	16
Illicit Trade (exluding wildlife)	422	153
Total	489	218

Table 9. Comparative summary of wildlife cases subject to appeal in Kenya
Source: Adapted from Hon Justice Nziokiwa Makau's PowerPoint presentation during the Kenya Wildlife Poaching and Trafficking Workshop, April 14-15, 2015

3.10: Effectiveness of Kenya's Legal Framework for Wildlife Crime

According to Justice Nzioki wa Makau, the WCMA of 2013 "is one of the most robust pieces of legislation when it comes to matters wildlife." A case in point is when, in January 2014, a Chinese ivory smuggler was arrested while on transit from Mozambique through Kenya with 3.4 kg of raw ivory. He was charged, found guilty and ordered to pay the highest minimum cash fine of KES20 million (USD 206 028 as at June 11, 2015) or serve a prison sentence of seven years (http://www.reuters.com; http://www.bornfree.org.uk/campaigns/elephants/news/article). In May 2015, a magistrate in a rural town gave a woman guilty of possessing five pieces of elephant tusks the choice of paying a KES40 million (USD 412 056 as at June 11, 2015) fine or serving a four-year jail term (Daily Nation, May 21, 2015). These are landmark rulings and a clear departure from Kenya's poor sentencing record in the past. Nevertheless, in spite of these positive signs there are challenges as well as strengths in Kenya's framework of laws used to protect wildlife and prosecute wildlife crimes.

3.10.1: Key Strengths of Kenya's Legal Framework for Wildlife Crime

Kenya's legal framework for prosecuting wildlife crime has several key strengths, including those listed below in the bulleted points.

- The high minimum penalties may result in a stronger deterrent, although, as described above, certain other challenges are now arising as a consequence.
- It provides a clearer platform for wildlife conservation as a form of land use, allowing private owners and communities to host and protect wildlife on their land, albeit for non-consumptive economic benefits.
- It specifies stringent penalties for offences relating to threatened and endangered species (KES20 million or USD206 028 as of June 11, 2015 and/or a life sentence in prison), although amendment is required to clarify application of these provisions.
- A new national toolkit, known as the 'points to prove' guide, rolled out in 2015, brings together numerous laws that might be applied to wildlife-related crime together with agreed standard operating procedures regarding interagency cooperation, the decision to charge and preparation for trial. It further offers guidance on expert and digital evidence.

3.10.2: Key Weaknesses of Kenya's Legal Framework for Wildlife Crime

Kenya's legal framework for combating wildlife crime, despite containing landmark legislation such as the WCMA of 2013, is still hampered by weak prosecution, insufficient investigations and low awareness about wildlife crime among judicial officers (Scoping Study, Wildlife Direct, ibid.). Wildlife conservationists, scientists and law enforcement experts gathered at the Kenya Wildlife Poaching and Trafficking Stakeholder Workshop held in Nairobi on April 14-15, 2015 and identified the following weaknesses in Kenya's legal framework:

- There is insufficient understanding within the agencies mandated to protect wildlife in Kenya of their own legislative frameworks, polices and procedures. This has resulted in some 'turf wars' between various environmental law enforcement agencies due to a misunderstanding or ignorance of developments in the law in recent years. Agreed protocols on managing the overlap in jurisdiction and encouraging cooperation are desirable.
- Although all the MEAs that Kenya has acceded to are theoretically part of Kenyan law, their importance is rarely considered at the national level. There exists, therefore, a huge disconnect between international and local legal regimes. This is particularly true for bushmeat: CBD Decision XI/25 calls for the sustainable use of bushmeat, but this has not yet translated into stronger enforcement on the ground of Kenya's thriving traditional bushmeat trade.
- Although DNA and forensic evidence is admissible under the law, there is a lack of understanding as to how best to present such evidence before a court.
- Section 92 of the WCMA is drafted in a way that is unclear and has been subject to challenge in the High Court. It requires urgent amendment. Furthermore, the WCMA does not provide for the outright killing of an endangered, threatened or near threatened species. In the context of human wildlife conflict where communities may take matters into their own hands without any desire to take or profit from trophies, this is a lacunae in the law that needs addressing. In a number of poisoning cases in recent months, this has caused challenges in choosing the correct charge. An offence of simple 'killing of a wildlife species without a permit or other authorisation' is required. Defences (e.g. in self defence) can be built into the drafting of such a provision.
- The WCMA of 2013 does not include monetary values for specific species of wildlife. The East African Community Customs Management Act provides that the fine for prohibited goods should be half the value of those goods, but there are no affixed values for illegal wildlife products. Prosecutors often resort to the street value of the illegally acquired wildlife products, which does not capture the intrinsic crime of killing a protected species, or the damage to the wider ecosystem.

Stephen Manegene, Director of Wildlife, Kenya's Ministry of Environment, Water and Natural Resources, Juniper Neill, Environment Director, USAID Kenya and East Africa, and Deputy Director Beatrice Wamalwa, confer during the Kenya Wildlife Poaching and Trafficking Stakeholder Workshop

[6] The 19 detailed Revised Recommendations of the CBD Liaison Group on Bushmeat have a section each for national and international actions, see https://www.cbd.int/decision/cop/default.shtml?id=13186. The CBD bushmeat recommendations have been unanimously agreed upon at CBD CoP 11 by all Parties.

- There are several procedural challenges associated with prosecuting and judging wildlife crime, as set out in the bulleted points below.
    - Previously, the Evidence Act did not expressly cater for the admissibility of digital evidence (photographs) and other means of technologically advanced methods of evidence-gathering. However, the Security Laws (Amendment) Act, 2014 has introduced a new section into the evidence Act (Sec 78A) which allows the admissibility of electronic messages and digital material. Understanding and application of this change in the law has yet to be applied consistently nationwide with limited awareness among some agencies as to how to put these helpful provisions into practice;
    - Transport, mismanagement and sometimes theft of wildlife exhibits at court presents a challenge that can only be met with more careful management and a robust approach involving prosecution of those found to be involved.
    - The limited number of experts in Kenya has an impact on investigation, preparation for trial and court management of such cases following a not guilty plea.
    - There are insufficient numbers of gazetted scenes of crime officers within KWS. Again, this impacts the investigation, preparation and conduct of trials.
    - The lack of sentencing guidelines for wildlife crime has resulted in an inconsistent approach to sentencing nationwide.
- Although the WCMA of 2013 permits wildlife conservation as a form of land use, it is still restrictive on the consumptive utilization of wildlife, thus restricting tourism as the only incentive for keeping wildlife on private land.

3.11: Regional/International Wildlife Law Enforcement Co-ordination

The Constitution of Kenya of 2010 provides that all Multi-lateral Environment Agreements (MEA) to which Kenya has ratified and acceded become domestic law. The MEAs that have direct linkages to wildlife and Kenya include; CITES, the Convention on Biological Diversity (CBD), the Convention on Migratory Species (CMS), the International Convention on the Regulation of Whaling (ICRW), and the Ramsar Convention on Wetlands of International Importance. Kenya has been identified by CITES as a "party of primary concern" for its increasing role as a source and transit country for illegal ivory products. Kenya has taken steps to ramp up its response to the illegal ivory trade by issuing a National Ivory Action Plan (NIAP) in 2013. The NIAP outlines 14 actions with specific timeframes and milestones to control elephant poaching and illegal ivory trade, key among them including:

i. Enacting ivory legislation and regulations;
ii. Scaling up enforcement actions, investigations and national interagency collaboration and co-ordination (including sensitizing the judiciary);
iii. Strengthening international and regional wildlife enforcement collaboration;
iv. Engaging in outreach, public awareness and education; and
v. Strengthening national reporting to the CITES Secretariat and Standing Committee

In July 2014, the CITES Scientific Committee rated six of the 14 actions as "substantially achieved", five "on track" for achievement, one "challenging" and two were "unclear". In spite of this progress, large volumes of ivory have continued to evade Customs control and successfully move out of Mombasa to international markets. Thailand and Singapore have both seized containers of ivory exported from Kenya since the July 2014 CITES assessment. The CITES Secretariat therefore made a ruling to the effect that Kenya should:

i) Review and, as necessary, revise its NIAP, including the milestones and timeframes and, where possible, include indicators to measure the impacts;
ii) Take into consideration the evaluation of the CITES Secretariat, in particular the actions where progress was rated as "challenging" or "unclear";
iii) Continue to implement the NIAP between the 65th and 66th meetings of the CITES Standing Committee; and
iv) Report on further measures taken to implement the NIAP to the Secretariat by 15th May 2015.

The Secretariat will thereafter decide whether Kenya and all the other parties of primary concern have substantially achieved their NIAPs and make appropriate recommendations.

In spite of Kenya's nominal adherence to a strong framework of MEAs, regional and international co-operation on wildlife trafficking in East Africa is still lacking. This was identified as a critical action point by the Wildlife-TRAPS stakeholder workshop, particularly in recognition of the transnational nature of wildlife crime and its linkages to international criminal syndicates.

INTERPOL, the United Nations Office on Drugs and Crime (UNODC) and the World Customs Organization (WCO) are critical inter-governmental agencies with the ability to operate across international political boundaries. UNODC has developed a wildlife and forest crime analytic toolkit for comprehensive assessments of national actions to combat wildlife and forest crime. The process is a platform for the identification and delivery of a range of activities, with priority given to strengthening law enforcement capacity at local, national and regional levels (UN, 2012). Other

regional organizations, such as the Lusaka Agreement Task Force (LATF), play an important role in forging connections between national law enforcement agencies and leading forceful action to disrupt trafficking networks. Kenya has been a key participant in Operation COBRA, a global wildlife law enforcement operation co-ordinated by LATF which brings together countries across Africa, Asia and the Americas to ratchet up arrests and confiscations of wildlife products. The operation allows law enforcement agencies to exchange real time intelligence on a daily basis, targeting poachers and traffickers of endangered and threatened wildlife. Operation COBRA III, carried out in May 2015 led to the arrest of over 400 suspects, including several kingpins, and resulted in over 600 seizures of assorted wildlife contraband (Anon., 2015a). These international and regional efforts are complimented by NGOs who support wildlife enforcement at the local level and often provide crucial intelligence on poaching and trafficking.

Virtually all of the regional and international law enforcement agencies and support mechanisms mentioned above have local bureaus in Kenya and collaborate closely on intelligence and operations with KWS and other national law enforcement agencies. Kenya is also able to reach out to Customs security agents in destination countries like China and Thailand on matters directly relating to wildlife contraband. For instance, in 2014 a Chinese national was arrested in Kenya by KWS and is currently serving a jail term in China as a result of close collaboration between Kenyan and Chinese law enforcement agents. Thailand and China have often provided useful information to the Kenyan authorities to assist in further investigations.

However, Kenya's participation in international co-operation and information sharing on wildlife trafficking would be enhanced if the capacity of Kenya's Customs, revenue and port police units to detect and track wildlife contraband was improved. Furthermore, future interventions need to be more focused on targeting the middlemen and kingpins of large-scale ivory trafficking, rather than easily replaceable low-level poachers and transporters. This requires more emphasis on operations based on intelligence in order to make successful raids. This is where international law enforcement agencies like INTERPOL are crucial; INTERPOL can track individual offenders, send out global alerts directly to national law enforcement agencies and document individual traffickers and poachers in its information sharing repository.

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Panel discussion during the community wildlife policing session at the Kenya Wildlife Poaching and Trafficking Stakeholder Workshop. From Left Sam Weru – Wildlife Security Consultant, Dickson ole Kaelo – Executive Director KWCA, Ian Craig – Director of Conservation NRT, and Daniel ole Sambu – Programme Officer Big Life Foundation.

CONCLUSIONS

Kenya's wildlife, both marine and terrestrial, faces major threats to habitats and animal populations driven by anthropogenic factors such as growing populations, industrial and agricultural development, and rising poaching and trafficking. Land is a critical factor for Kenya's economic growth, particularly since agriculture and wildlife-based tourism are the two biggest contributors to GDP. However, habitat conversion and sub-division into small-holder agricultural and residential areas has reduced space for wildlife and led to rising human-wildlife conflict, particularly the killing of elephants and lions to protect crops and livestock. Studies and projections by UNEP indicate that the amount of land available to each person in Kenya today has shrunk to 1.3 ha from 9.6 ha per person in 1950, thus exerting massive pressures on land and other natural resources (UNEP, 2009).

The African Elephant and Black Rhino are classified as Vulnerable and Critically Endangered respectively in the IUCN Red List of Threatened Species and are both listed in Appendix I of CITES[7]. This classification was informed by the severe reduction of elephant and rhino populations due to poaching and trafficking and the substantial loss of wildlife ranges due to increasing human populations, agricultural growth and the expansion of settlements. Although the incidence of elephant and rhino poaching has reduced over the last year as a result of an enhanced anti-poaching response and the government's overall interest in combating wildlife crime, poaching and the demand for rhino horn and elephant ivory by East and Southeast Asian consumers remain the leading threats to the survival of these iconic species. This conclusion is consistent with Milliken (2014) who observed that *"driven by new wealth and sky rocketing prices, resurgent trades have seen surging numbers of elephants and rhinos ruthlessly killed and illegal trafficking in contraband ivory and rhino horns to Asia soar to record levels not seen for at least two and a half decades"*.

Despite landmark developments in Kenya's wildlife policy and legal frameworks, there are still critical weaknesses and loopholes that hamper wildlife conservation, enforcement and prosecution. Corruption in government and the transportation sector remains a significant enabling factor for wildlife trafficking, necessitating a concerted and co-ordinated interagency approach both locally and internationally. The capacity of key enforcement and prosecution agents needs to be enhanced to effectively tackle the growing threat of wildlife crime.

The recommendations that follow take into account Kenya's legal and policy framework for wildlife crime, and the unique threats to its wildlife heritage. Overall they require that recent gains in Kenya's efforts to combat wildlife trafficking are sustained, and that innovative and effective partnerships continue to foster closer collaboration among stakeholders.

[7] Elephant populations in four countries in southern Africa (South Africa, Botswana, Namibia and Zimbabwe) are in Appendix II (http://www.iucnredlist.org)

RECOMMENDATIONS

The twin approaches of preventing the illegal killing of elephants and rhinos at the field level and reducing the appetites of consumers, particularly in East and Southeast Asia, are the most important aspects in the conservation of Kenya's wildlife. Kenya should therefore mobilize human and financial resources towards this end in addition to partnering with conservation NGOs, relevant international bodies and diplomatic missions in a targeted and continuous dialogue with the identified consumer nations. Further, acknowledging that a majority of Kenya's wildlife live outside formal protected areas, providing incentives for community-led conservation using the wildlife conservancy model is critical to the future of Kenya's natural heritage. Failure to take action along these lines will spell doom to Kenya's iconic species, including local extinction.

The recommendations of this assessment are summarized in Table 10. They were developed from presentations, panel discussions and information sharing during the Kenya Wildlife Poaching and Trafficking Stakeholder Workshop held in Nairobi, Kenya on April 14 and 15, 2015.

Table 10. Recommendations and Priority Actions for Combating Wildlife Poaching and Trafficking in Kenya

No.	PRIORITY ACTION	KEY PARTNERS
Thematic Area 1: Biological Status of Key Species Appearing in Trade		
1	Identify geographic locations and carry out surveys to provide and/or update data on the biological status of key species with special emphasis on elephants, pangolins and big cats.	KWS, DRSRS, KWCA, NGOs
2	Complete an assessment of the bushmeat trade in Kenya.	KWS, NGOs, CFWK
3	Develop and scale up a national forensic research programme for species identification.	NMK, KWS, UoN, JKUAT
4	Implement critical recommendations contained in the report of the "Mapping Corridors and Connectivity for Conservation Task Force", with special focus on the Mara Ecosystem.	KWS, KWCA, NGOs, Conservancies
5	Carry out a national land-use survey with the emphasis on examining the trends in loss of conservation space.	GoK, NGOs
Thematic Area 2: Law Enforcement		
1	Carry out assessments to provide missing poaching and trade data for trafficked species, particularly elephants, pangolins, big cats, reptiles, birds and marine species.	KWS, NGOs
2	Operationalize the KWS forensic laboratory in Nairobi and establish formal linkages to other international forensic institutions.	KWS, NMK
3	Wide dissemination of the guidance on expert and digital evidence (contained in the 2015 guide on wildlife crime--'Points to Prove' guidance and Standard Operating Procedures developed with UK and rolled out nationally by the ODPP in 2015); and regular updates on the changes in the law to investigators, prosecutors and judges	JTI, ODPP, KWS, NPS

4	Strengthen the capacity of wildlife crime investigative and enforcement officers based on training needs identified through assessments. In particular, train and gazette more scenes-of-crime officers and sensitize to the changes in the law and evidential requirements for charge.	GoK (Treasury), KWS, NPS
5	Develop a KWS institutional anti-corruption strategy and address the urgent issue of stockpile management by speeding up necessary reforms and improvements.	CITES, KWS, GK, NGOs
6	Create secure mechanisms for intelligence gathering and information sharing by relevant actors in the wildlife poaching and trafficking sector.	NIS, KWCA, KCA, KWS, CBK-FRC, INTERPOL, UNODC
7	Support the expansion of the KWS prosecutorial team in adopting the same charging standard as applied by the ODPP (evidential and public interest test) with a system of written reviews and accountability on charging decisions. Awareness of the standard should be developed amongst investigators as well.	KWS, ODPP, NPS
8	Enhance the use of technology in wildlife management and enforcement (e.g. mapping corridors, tracking animal movements, providing a poaching early-warning system, supporting forensic investigations, and enabling detection in ports and airports).	KWS, DRSRS, and NGOS
9	Clarify and implement mechanisms for cross-border collaboration and linkages with relevant regional and global initiatives for combating the illegal wildlife trade. In particular, support the AGO in building capacity to address issues of mutual legal assistance (cross-border evidence exchange and prosecution of international wildlife trafficking).	EAC, KWS, Ministry of Foreign Affairs & Trade, LATF, AGO, Treasury
10	Develop capacity within the ports and border authority, KRA and the airports authority regarding detection of such crimes. In particular, to assess the current regulatory processes for import and export of goods at ports and borders with a view to developing measures to tighten those controls and make prosecution of agents and 'middle men' viable.	Donors, KRA, KWS, KAA, NGOs
11	Create a register of wildlife offenders to be shared among national agencies as well as with regional partners.	Judiciary, KWS, NGOs, NPS
12	Work with financial, communications and transportation companies in the private sector to target the operations of large-scale syndicates.	KWS, CID, ODPP, KWS, KEPSA, AGO, NGOs
13	WCMA applies to Kenya's territorial waters. However, capacity for investigations regarding crimes committed against marine species remains limited. Support to Kenya Fisheries Department and Maritime Authority to harmonise their laws in line with the WCMA.	GoK, Kenya Maritime Authority, Fisheries Department

Thematic Area 3: Public Awareness and Community-Based Natural Resource Management		
1	Finalize regulations that govern incentives for private land owners and communities to establish conservancies, corridors and dispersal areas in order to secure more land for wildlife.	Minst of Env., KWS, KWCA
2	Finalize and issue regulations governing the operation of wildlife conservancies.	Minst of Env., KWS, KWCA
3	Develop and implement conservancy management plans in partnership with local communities, as provided for under the WCMA.	KWCA, KWS, Conservancies, NGOs
4	Foster a national conservation ethic through education and awareness campaigns in order to safeguard the intrinsic and economic value of wildlife and reduce human-wildlife conflict.	Min of Education, Min of Envt & W/life, KWS, NGOs
5	Train and deploy additional community rangers in wildlife enforcement based on capacity needs assessments carried out by an independent expert.	KWS, NGOs, Conservancies, Treasury
6	Develop and implement the regulations for benefit-sharing mechanisms established by the WCMA.	Min Envt & W/life
7	Improve community awareness and understanding of relevant laws, with special emphasis on the WCMA and the Environmental Management and Coordination Act (EMCA).	KWS, Judiciary, NGOs, Conservancies
8	Strengthen the capacity of the Kenya Wildlife Conservancies Association (KWCA) and regional conservancy associations as vehicles for strategic engagement with government, donors and investors.	KWCA, NGOs, KWS, Conservancies
9	Build KWCA's capacity to help conservancies meet administrative and operational standards.	NGOs, Donors
10	Carry out exchange and learning visits between and among conservancies.	Conservancies, NGOs, KWS
Thematic Area 4: Cross Cutting Issues		
1	Operationalize and strengthen the Kenya Conservation Alliance (KCA) as a vehicle for strategic engagement with the government, information and data sharing, co-ordination and dispute resolution.	GoK, NGOs, Conservancies
2	Harmonize land-use planning and development in line with the EMCA and other relevant legislation.	GoK
3	Develop necessary infrastructure (road signs, speed bumps, underpasses, bridges, etc.) in wildlife areas to prevent accidental deaths of wildlife.	GoK
4	Assess the economic value of key species impacted by trade to support conservation, enforcement, and legal processes.	GoK, IGOs, NGOs

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APPENDICES

Appendix 1: List of Participants – Wildlife Poaching and Trafficking Stakeholder Workshop

	NAME	TITLE	ORGANIZATION
1	Nyokabi Gitahi	Program Officer	AFD
2	Koikai Oloitiptip	Coordinator	Amboseli Ecosystem Trust
3	Daudi Sumba	Vice President	AWF
4	Fiesta Warinwa	Director	AWF
5	Philip Muruthi	Chief Scientist	AWF
6	Daniel Ole Sambu	Coordinator	BLF
7	Linda Kimotho	BG Officer	Born Free Foundation
8	Asqar Rathan	Director	Care For the Wild Kenya
9	Dr Sitoki Lewis	Chairman	Conservation Kenya
10	Charles Oluchina	The Nature Conservancy	Director of field Programs
11	Nigel Hunter	Head Department And Communication	EAWLS
12	Michael Gachanja	Executive Director	EAWLS
13	Jim Nyamu	Director	ENC
14	Hjordis Ogendo	Head, Social Affairs and Environment	EU
15	Noelle Obrien	Team leader	FICCF/DFID
16	Doug Goessman	Director Field Ops	FREELAND
17	Onkuri Majumdar	Senior Project Officer	FREELAND
18	Pamela Scruggs	Branch Chief	FWS-International Affairs
19	Sam Friberg	Special Agent	USFWS
20	William Adams	Strategic Consultant	GMF
21	James Isiche	Regional Director	IFAW
22	Steve Njumbi	Regional Program Officer	IFAW
23	Benson Ochieng	Executive Director	ILEG
24	Peter K.Muiruri	Interpol-Nairobi Bureau	INTERPOL
25	Christian Dietrich		INTERPOL
26	Holly Dublin	Chair, IUCN SSC African Elephant Species Group	IUCN
27	Leo Niskanen	Technical Coordinator Species+ SSP diversity program	IUCN
28	Luther Bois Anukur	Regional Director Eastern and Southern Africa	IUCN

29	Kaori Yasuda	Strategic Partnership	IUCN
30	Tara Daniel	AFESG Programme Officer	IUCN &AFESG
31	Nzioki Wa Makau	Judge/Zanzibar	Judiciary/Zanzibar
32	Jackie Odudoh	HR/Admin Manager	KATO
33	Martin Kampala	Security	Kenya Airways
34	Dickson Kaelo	CEO	KWCA
35	Patrick Omondi	Deputy Director	KWS
36	William Kiprono	Ag. Director General	KWS
37	Samuel Tokore	Chief of Operations	KWS
38	Edwin Wanyonyi	Deputy Director	KWS
39	Robert Muasya	DD Security	KWS
40	Michael Kipkeu	Senior Assistant Director Devolution	KWS
41	Didi Wamukoya	Chief Prosecutor	KWS
42	Jack Marubu	Warden	KWS
43	Tamara Mopel	Intern	KWS
44	Sveva Gallman	Director	Laikipia Nature conservancy
45	Theotimus N Rwegasira	Intelligence Officer	LATF
46	Edward Ndiritu	Head Of Anti-Poaching	Lewer Wildlife conservancy
47	John M. Ringera	Field Officer	Lusaka Agreement Force
48	Stephen Nyaga	Wildlife Officer	LWF
49	Stephen Manegene	Director of Wildlife Conservation	Kenya's Ministry of Environment, Water and Natural Resources
50	Daniel Sopia	Conservancies Council Chairman	MMWCA
51	Irene Angwenyi	Communication Specialist	MSI
52	Bonface Mambaleo	Senior Process Engineer	NEMA
53	Ian Craig	Wildlife Conservation Advisor	Northern Rangelands Trust
54	Martin Mulama	Chief Conservation Officer	OL PEJETA conservancy
55	Fraser Smith		PUT
56	Dr Benson Okita Ouma	Head Monitoring	Save the Elephants
57	Iain Douglas-Hamilton	CEO	Save the Elephants
58	Samson Silanto	Head of Conservancy	SORALO
59	John Kamanga	Director	SORALO/ACC
60	Keith Roberts	Director, wildlife Protection	Space For Giants
61	Deborah Murphy	Technical Advisor	STARK &DFID
62	Ivy Kirima	student	Strathmore University
63	Tom Milliken	Elephant & Rhino Programme Leader	TRAFFIC
64	Nick Ahlers	Wildlife-TRAPS Project leader	TRAFFIC

65	Julie Thomson	East Africa Co-ordinator	TRAFFIC
66	Sam Weru	Consultant	TRAFFIC
67	Shanny Pelle	Admin Assistant	TRAFFIC
68	Julian Blanc	MIKE Coordinator	UNEP-MIKE
69	Marc Patry	Program Specialist	UNESCO
70	Tim Steele	SNR Adviser	UNODC
71	Javier Montano	Programme Coordinator	UNODC
72	Barbara Pitkin	Director, ITAP,DOI	US Department of the Interior
73	Juniper Neill	Director ENV	USAID
74	Ben Wandago	Programme Specialist	USAID
75	Beatrice Wamalwa	Deputy Director, Environmental office	USAID
76	Susan Nzii	Program Management Assistant	USAID
77	Faith Njoki		USAID/MSI
78	Josh Omondi		USAID/MSI
79	Paula Kahumbu	CEO	Wildlife Direct
80	Elizabeth Gitari	Legal Manager	Wildlife Direct
81	Robert Ndetei	Species Manager	WWF

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TRAFFIC, the wildlife trade monitoring network, is the leading non-governmental organization working globally on trade in wild animals and plants in the context of both biodiversity conservation and sustainable development.

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