



# THE ROLE OF POTENTIAL OECMs IN SAFEGUARDING SPACE FOR NATURE IN KENYA: A CASE STUDY OF WILDLIFE CONSERVANCIES

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## ABSTRACT

Militant and confrontational conservation policies and practices during and immediately after the colonial era in Kenya undermined later efforts by the government to establish new, or expand existing protected areas. However, a different conservation approach that engaged communities and private landowners living in priority wildlife areas in the mid-1990s resulted in the creation of wildlife conservancies that have more than doubled the area under some form of protection in just 20 years. These conservancies, mainly located adjacent to national parks and reserves, host a large proportion of the national biodiversity and are contributing to the long-term viability and ecological integrity of Kenya's protected area system. An assessment made in June 2017 to establish whether the conservancies would qualify as "other effective area-based conservation measures" (OECMs) concluded that they all satisfied the criteria, except that some had no guarantee of sustained conservation outcome over the long term. The main reason for the very close compliance with the OECM guidelines can be attributed to the fact that these conservancies were established in areas identified as important for conserving Kenya's biodiversity using a scientific approach based on biological, social and economic considerations. More conservancies continue to be established.

**Key words:** protected areas, other effective area-based conservation measures, conservancies, Kenya, partnerships

## INTRODUCTION

Kenya has made tremendous progress in the last 20 years to reclaim space for nature through community and privately owned and managed wildlife conservancies that vary in size from a few thousand to millions of hectares. Against incredible odds and driven by a hope for a better future, with many challenges still to overcome, local communities and private landowners continue to work towards protecting more areas for wildlife. This initiative originates from the efforts of landowners who live in traditional wildlife territories to address livelihood problems and reduce human-wildlife conflict that has evaded long-term solution since 1895 when Kenya became a British colony. The government of Kenya, acting through the Kenya Wildlife Service, with support from non-governmental organisations and development partners has been instrumental in driving this process. This collaborative

effort has, to a certain extent, made it possible to protect large areas of valuable wildlife habitat, turn wildlife from being considered a 'liability' to an 'asset', promote co-existence between people and wildlife, integrate conservation and development, provide a pathway for devolving the rights and responsibilities for biodiversity conservation from national to local levels, and make wildlife and biodiversity an important component of livelihoods. This initiative, though still in fledgling stages, demonstrates that it is possible to reclaim space for nature if the right approaches are used and genuine partnerships are established.

## KENYA: BIODIVERSITY INTERTWINED WITH HUMAN NEEDS

Kenya lies astride the equator. Only 20 per cent of the land area can be classified as medium to high potential agricultural, with the rest being mainly arid or semi-

arid. Nature-based tourism, agriculture, livestock, forestry and fisheries account for most of the employment, economic output and export earnings. Biodiversity is so intertwined with human needs that its conservation is of national strategic importance. The country's constitution (GoK, 2010) and legislation (GoK, 2013) give priority to proper management of the environment and natural resources.

The country is known for its protected areas and iconic wildlife. Protected areas comprise 23 terrestrial national parks, 28 terrestrial national reserves, four marine national parks, six marine national reserves and four national wildlife sanctuaries, all covering eight per cent of the land. Many of these are less than 100 sq. km and sixteen of them are either fully or partially fenced. Forest reserves cover an additional four per cent of the land.

The country's human population has risen from about 4 million in 1948 (Blacker, 1972) to about 46 million in 2017 (KNBS, 2017), exerting great demand on land and posing significant challenges to any attempts to create

new, or expand existing protected areas. Given these realities, OECMs (i.e. areas that *prima facie* align with the OECM criteria) are probably the only avenue for Kenya to contribute to meeting both the qualitative and quantitative aspects of Aichi Target 11. The fact that most of Kenya's wildlife and biodiversity exist outside protected areas (Ogutu et al., 2016) and that most large mammals spend significant time outside protected areas during the course of the year (Ojwang et al., 2017) make OECMs crucial for the long-term conservation of nature in the country. Currently, about 65 per cent of wildlife exists in wildlife conservancies (KWCA, 2016), while another substantial proportion occurs in other areas that are either corporately, privately, communally or government owned. So important for conservation of wildlife and biodiversity are the conservancies, that 38 per cent are now reported in the WDPA.

This paper discusses the role of conservancies in safeguarding space for nature in Kenya and assesses whether they qualify as potential OECMs. A review conducted in 2017 (Waithaka, 2017) indicated that the conservancies generally comply with the elements of the OECM guidelines (IUCN WCPA, 2017).



Photo Credit:Kaleku Senchura

A lioness with her cubs at Naboisho Conservancy, Maasai Mara © Kaleku Senchura

## TRADITIONAL WAYS OF LIFE IN THE PRE-COLONIAL ERA

During the pre-colonial period, Kenya comprised 42 native ethnic communities, each with its own unique values, language and cultural practices. Each of these communities either stayed in one place for generations or periodically moved from one place to another according to seasonal dictates. They depended on tilling the land, herding, hunting, fishing and gathering for subsistence. Food, water, diseases and droughts shaped their demographics, while intercommunity relations defined ethnic boundaries. Land in most cases was communally owned and was used for many purposes, and had physical, intellectual and spiritual values; hence no land was considered wasteland. The communities developed norms, rules and practices that helped to achieve sustainable resource use within their environments. Responsibility for enforcing community regulations was usually vested in the elders. For most communities, village councils also existed to settle disputes over use of resources. Respect for the environment was almost universally practised. Some of the traditional natural resource management approaches were based on belief systems that included prescriptions for restraining excessive resource use. It was a taboo, for example, to kill a living organism without cause.

These traditional resource management systems remained effective until 1895 when Kenya became a British protectorate. They declined rapidly thereafter due to changes in environmental governance and have faded into insignificance in most communities.

## COMMUNITIES ISOLATED FROM NATURE

From the outset, the British government made significant efforts to protect wildlife in Kenya and to spearhead efforts to create uniform game regulations and law enforcement procedures within the African continent. Game reserves were created in which it was unlawful to kill wild animals “except animals such as lions, leopards, hyenas, wild dogs, otters, baboons, some monkeys, large birds of prey, crocodiles, poisonous snakes and pythons” (Sorenson, 1965) which were categorised as “vermin”. These were to be eradicated both inside and outside protected areas.

A series of land laws were passed throughout the colonial period to justify expropriation of lands from Indigenous people to give to colonial settlers and create game and forest reserves (Weller, 1931). The wholesale forcible removal of entire populations from their native lands was carried out without any form of compensation. Foreign governance systems and

institutions were imposed on the native peoples, and political structures were established that disempowered them. Tough legislation in favour of wildlife created conflicts with local people. For example, legislation on hunting practically extinguished traditional subsistence hunting rights, since the vast majority of Indigenous people could not afford the licenses demanded by law. Subsequent game laws banned traditional hunting techniques on the grounds that they were cruel to animals, effectively declaring subsistence hunting illegal. On the other hand, sport hunting was introduced to the disgust of the native people who could not understand the basis for killing animals for self-gratification while they were being denied their traditional means of livelihood and subsistence (Mungehm, 1966).

Many African adult males were punished and imprisoned for petty offences, experiences that solidified their negative attitudes towards wildlife. For the first time, many African communities associated wildlife with suffering as it became increasingly difficult for them to co-exist with wildlife without breaking the law. As a result, the colonial game reserves were surrounded by hostile communities that had no sympathy for protected areas, the wildlife or conservation in general (Weller, 1931).

## CONSERVATION IN INDEPENDENT KENYA

The same colonial policies and practices continued to be applied after the country gained political independence in 1963. More protected areas were created by decree, wildlife laws were brutally enforced, and human-wildlife conflict became even more widespread (Capone, 1971). Centralised decision making and the denial of traditional rights continued to widen the rift between national and local interests. The government assumed control over resources, even when it lacked the means to manage them effectively and ‘conservation’ became synonymous with the exclusion of local people from national parks and reserves in the interest of protecting large animal species and their habitats. There was also the perception among many communities that protected areas were created for the benefit of foreigners.

On the other hand, wildlife on community and private land remained a nuisance, both in terms of disease, damage to crops and danger to human life. By the 1980s, traditional land tenure practices in pastoral areas were progressively undermined by the government and replaced with policies that encouraged land subdivision, leading to ecosystem fragmentation, overgrazing and land degradation. Consequently, wildlife populations



Photo Credit: Juliet King/NRT

Livestock and Grevy's zebra grazing together within the Lewa conservancy, Isiolo. Lewa's more than 300 resident Grevy's zebra represent a significant proportion of the remaining global population © Juliet King, NRT

outside protected areas declined by between 30-50 per cent between 1977 and 1995 (KWS, 1996a).

### THE BIRTH OF THE CONSERVANCY MOVEMENT

Driven by the need to address the human-wildlife conflict crisis in areas neighbouring protected areas, the Kenya Wildlife Service (KWS) embarked on a campaign called 'Parks Beyond Parks' in 1995 (KWS, 1996b). This campaign was championed by the KWS director at the time, Dr. David Western, with the aim to create space for wildlife, promote local conservation initiatives outside parks and encourage the integration of wildlife conservation and management objectives with those of landowners. According to Western (KWS, 1996b), "wildlife would never be truly secure in Kenya no matter how many parks and reserves existed in the country so long as the agency continued to ignore people's needs and rights". At the time, the most important wildlife conservation areas in the country overlapped with the areas of highest poverty where communities lacked means and opportunities to benefit from wildlife.

#### How much space would be enough to sustain protected areas?

No numerical area-based targets were set under the 'Parks Beyond Parks' campaign. Key to achieving this

goal was to promote community-based conservation and natural resource management as a means of winning space for wildlife and biodiversity in the rural landscape through the Minimum Viable Conservation Area (MVCA) approach. This approach was used to identify and define the critically important areas for long-term conservation of biodiversity in the country based on three criteria: biological, economic and social. The biological criterion identified the areas needed to sustain the protected areas and their dispersal zones, as well as non-protected areas critical to sustaining Kenya's biodiversity. The economic criterion identified additional areas needed as links in tourism circuits or to sustain such ecological services as watersheds, for example. The social criterion included culturally valued habitats. For each protected area, the MVCA consisted of the adjacent areas that were considered necessary to maintain the integrity of the constituent biological communities, habitats and ecosystems, support important ecological processes and meet the habitat requirements of wide-ranging species. Through this mechanism, most areas of outstanding biological representativeness, high level endemism, high species richness, or important for the conservation of endangered, unique or rare species were included in the MVCA. Stakeholders and their interests and conflicts

were identified in each MVCA, and terms and conditions for meaningful engagement of landowners and community groups in biodiversity conservation agreed upon. Waithaka (1998) provides more details of the MVCA methodology. Once established, the MVCA formed the basis for ecosystem planning, human–wildlife conflict management, community engagement and integrating national parks into the wider landscape.

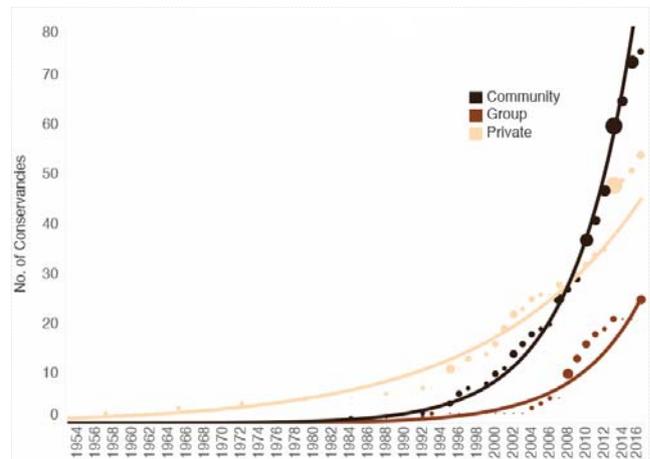
### **‘Parks Beyond Parks’ strategy becomes a reality**

Within the identified MVCA network, KWS, working in partnership with non-governmental organisations, carried out intensive community outreach, education, awareness and sensitisation campaigns to promote community-based wildlife management programmes that combined wildlife conservation with nature-based enterprises. Other initiatives included developing capacity of communities and landowners in skills necessary for wildlife conservation, tourism development and management and other nature-based enterprises that had a strong potential for economic viability and sustainability.

Grants to set up conservancies and ecotourism enterprises were provided through the Kenya Wildlife Service, non-governmental organisations and a broad range of donor organisations. Landowners were free to form partnerships with tour operators, investors, NGOs and KWS to set up ecotourism enterprises, hire and train community scouts and implement conservation and management plans. The first community wildlife sanctuary (later referred to as ‘conservancies’) following the Parks Beyond Parks campaign was established in 1996 at Kimana, next to Amboseli National Park. Community scouts were trained by KWS and played a vital role in protecting wildlife, providing security for tourists and managing human–wildlife conflicts.

By 2005, the outcome of these strategies for winning space for wildlife beyond protected areas had started to show positive and encouraging results (Western & Waithaka, 2005). Tolerance of ‘problem animals’ had improved and conflict had decreased in response to the wildlife benefits accrued and conflict mitigation measures, leading to fewer animals killed in reprisal. The number of conservancies increased from fewer than 10 in the 1990s, all on private ranches, to 160 in 2016 (Figure 1). These conservancies, now existing in 28 out of the 47 counties in the country, cover 11 per cent of Kenya’s land surface compared to 8 per cent under national parks and reserves (KWCA, 2016). They employ over 4,800 people (comparing favourably with KWS, which employs 5,200 people) and provide benefits to over 700,000 households. According to KWCA (2016), 54 per cent of the conservancies are on

**Figure 1** The cumulative growth of conservancies in Kenya. Note the exponential growth of community conservancies after the 1995 ‘Parks Beyond Parks’ campaign



community land and cover 89 per cent of the total area under conservancies, 32 per cent are on private land, while 16 per cent are on group land (which are an amalgamation of privately held lands). Group conservancies are mainly found in the Maasai Mara region and it is clear that the world famous Maasai Mara National Reserve owes its long-term survival to the land owned by the surrounding communities. Most private conservancies are in Laikipia. Conservancies in Northern Kenya cover 55,952 sq km, more than the entire area covered by all national parks and reserves combined.

### **Conservation gains, connectivity and ecological representation**

Conservancies in Kenya are contiguous with protected areas and together create a bigger and more connected space for wildlife. The conservancies in northern Kenya serve as a useful example to illustrate the role conservancies are playing in enhancing both structural and functional connectivity. Before the establishment of these sanctuaries, there were only a few, relatively small and ecologically isolated protected areas. Within the last 20 years, the entire landscape has been connected through a system of conservancies which are now offering protection to many species and ecosystems, including sites of high biodiversity value. For example, 72 per cent of the Southern white rhino population held in private conservancies are in this region. The region also hosts 90 per cent of the global population of wild Grevy’s zebra and nearly the entire global population of the Hirola antelope. The region also hosts 15 per cent of the national lion population, the third largest population of cheetahs in Kenya and the sixth largest global population of wild dogs (KWCA, 2016).



Photo: Tufayn Mangal/Basecamp Explorer

Members of Maasai community walking along a safari trail within the Naboisho conservancy, Maasai Mara © Tufayn Mangal/Basecamp Explorer

Protected areas in the region are gradually being integrated into the wider landscape and the habitats and species within this well-connected landscape will now function as part of a large, interconnected network, allowing easier flow of ecological processes and ecosystem services. Conservancies in other landscapes, including Maasai Mara, Amboseli and Tsavo are playing similar roles, some to a lesser extent. Countrywide, conservancies are grouped under 11 regional associations designed to promote an ecosystem approach to conservancy development. A strong national umbrella body called the Kenya Wildlife Conservancies Association has been set up to influence conservation and management policies and regulations, enable conservancies to safeguard wildlife and deliver benefits to local communities, unite communities, strengthen governance, provide a platform to exchange information and best practice, preserve cultures and traditions that support conservation, and support the growth of the conservancy movement.

### **CAN CONSERVANCIES BE RECOGNISED AS OECMS?**

Wildlife conservancies from across the country were used as case studies in June 2017 during a workshop held in Nairobi to test the IUCN World Commission on Protected Areas draft Guidelines for Recognising and

Reporting OECMs. Besides testing these guidelines, a major aim of the workshop was to determine whether conservancies would qualify as OECMs and hence be considered when reporting Kenya's contribution to meeting Aichi Biodiversity Target 11. The workshop was attended by conservation experts from government agencies, non-governmental organisations and representatives from community conservancies. The guidelines were applied to each individual conservancy irrespective of its governance type. The initial assessment concluded that all wildlife conservancies satisfied the OECM criteria, except that of guaranteeing sustained conservation outcome over the long term as sections of Kenya's Conservancy and Sanctuary Regulations, 2017 (GoK, 2017) allowed conservancies to be deregistered on weak grounds (these regulations have since been amended to enhance compliance with the OECM Guidelines).

### **CONCLUSIONS: OPPORTUNITIES AND SUSTAINABILITY CHALLENGES**

Looking at the broad picture, the movement to create conservancies has been a game-changer in the conservation of biodiversity in the country. Based on 20 years' experience in creating conservancies, there is sufficient national understanding and appreciation of their social, economic and ecological benefits and a hope that the existing success stories will serve as a guidance

to scale-up community conservation efforts in all areas that have been identified as critical for the conservation of native species, biodiversity and ecosystem services. Already, the conservancies are increasingly being seen as a way to achieve rural development, attain better land management, and conserve wildlife and biodiversity into the future. They are providing a pathway for devolving the rights and responsibilities for biodiversity conservation from national to local levels and making wildlife an important component of livelihoods based on maximising the benefits and minimising costs and conflicts (Western et al., 2015).

However, many conservancies are struggling to balance their books. From the perspective of a landowner, wildlife conservation, being a form of land use, is expected to generate benefits comparable to other competing land uses. Conservancies generate benefits through tourism and other non-consumptive wildlife uses but according to KWCA (2016), many either lack tourism potential or capital to effectively invest in enterprises that generate benefits. Furthermore, wildlife-based tourism is a complex business that needs marketing expertise and resources not readily available among many stakeholders.

KWCA (2016) reported that the issue of generating benefits is a significant challenge for conservancies where membership runs into several thousands and the benefits accruing from existing revenue sources fail to meet expectations of improved livelihoods. In addition, the costs of conservation in terms of alienated land, restrictions on resource use and damage to life and property continue to be experienced by conservancy owners. In situations where there are no benefits to offset these costs, some landowners may opt to go into other more profitable forms of land use purely on the basis of the need to eke out a living. To thwart such eventualities, providing affected communities and landowners with appropriate incentives needs to be accorded serious consideration given that the burden of conserving resources of national and global importance should not be borne by a few poor people. The global recognition that nature needs space should go hand in hand with the realisation that landowners who are willing to accommodate dangerous elements of nature on their land must reap good returns. Such incentives would encourage landowners to create more space for nature, help offset costs associated with wildlife and place conservancies on a path to sustainability. Recent intentions by the government to amplify benefits to landowners through wildlife consumptive utilisation options are a step in the right direction (GoK, 2018).

## ABOUT THE AUTHORS

**John Waitthaka** is the Regional WCPA Vice Chair for East and Southern Africa. He joined the IUCN in 1992 as a member of the SSC – African Elephant Specialist Group. Over the years, he has worked for protected area agencies and conservation NGOs in Africa and North America. John participated in the development of the MVCA concept that was used as the basis for establishing wildlife sanctuaries in the country and also played an important role in the creation of the first community wildlife sanctuaries in Kenya - efforts for which he received the Whitley International Award for Nature Conservation in 2003. He is a strong proponent for OECMs in Kenya.

**Gladys Warigia Njoroge** is a lawyer with specialisation in environmental law. She is the Policy Coordinator at Kenya Wildlife Conservancies Association (KWCA) since 2013. She has provided leadership for the conservancy members and the organisation in advocating for supportive legislative and policy reforms that are supportive to growth of conservancies. Gladys is also one of the founding members of KWCA where she has facilitated organisational development, leading to a functional network of conservancies. She is also in the management team of the organisation and maintains the programmes and strategic partnerships with government and conservation organisations.

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## RESUMEN

Las políticas y prácticas militantes y de confrontación en materia de conservación durante e inmediatamente después de la época colonial en Kenia socavaron los esfuerzos posteriores del Gobierno para establecer nuevas áreas protegidas o expandir las existentes. Empero, un enfoque de conservación diferente que involucró a comunidades y propietarios privados que vivían en áreas de vida silvestre prioritarias a mediados de la década de 1990, dio lugar a la creación de zonas de conservación de vida silvestre que en tan solo 20 años han duplicado la superficie bajo alguna forma de protección. Estas zonas de conservación, ubicadas principalmente junto a parques nacionales y reservas, albergan una gran proporción de la biodiversidad nacional y contribuyen a la viabilidad e integridad ecológica a largo plazo del sistema de áreas protegidas de Kenia. Una evaluación realizada en junio de 2017 para determinar si las zonas de conservación calificarían como "Otras medidas de conservación eficaces basadas en áreas" (OECD, por sus siglas en inglés) concluyó que todas se ajustaban a los criterios, a excepción de algunas que carecían de garantía en términos de un resultado sostenido de conservación a largo plazo. La razón principal para el cumplimiento con las pautas de las OECD puede atribuirse al hecho de que estas zonas de conservación se establecieron en áreas identificadas como importantes para la conservación de la biodiversidad de Kenia mediante la utilización de un enfoque científico basado en consideraciones biológicas, sociales y económicas. Se siguen estableciendo más zonas de conservación.

## RÉSUMÉ

Les politiques et pratiques de conservation militantes et conflictuelles mises en place pendant et immédiatement après l'ère coloniale au Kenya ont sapé les efforts ultérieurs du gouvernement pour établir de nouvelles aires protégées ou pour étendre celles qui existaient déjà. Cependant, une autre approche de conservation menée au milieu des années 1990, qui impliquait les communautés et les propriétaires privés vivant dans les zones fauniques prioritaires, a encouragé la création de réserves fauniques et doublé la superficie du territoire sous protection en seulement 20 ans. Ces aires de conservation, principalement situées à proximité des parcs et réserves nationaux, hébergent une grande partie de la biodiversité nationale et contribuent à la viabilité à long terme et à l'intégrité écologique des aires protégées du Kenya. Une évaluation réalisée en juin 2017 pour déterminer si ces aires de conservation pourraient être qualifiées d'«autres mesures de conservation efficaces par zone» (OECD) a conclu qu'elles répondaient toutes aux critères, bien que certaines ne garantissaient pas de résultat de conservation durable à long terme. Leur étroite conformité aux directives des OECD peut s'expliquer par le fait que ces aires de conservation ont été établies dans des zones déjà identifiées comme importantes pour la conservation de la biodiversité du Kenya, selon une approche scientifique basée sur des considérations biologiques, sociales et économiques. De nouvelles aires de conservation continuent de s'établir.