



**INECE - UNEP INDICATORS PROJECT
PHASE 1**

COUNTRY REPORT: KENYA

30 APRIL 2006

1 INTRODUCTION

1.1 Objectives of the INECE-UNEP Indicators Project

The International Network for Environmental Compliance and Enforcement (INECE), in partnership with the United Nations Environment Programme (UNEP), developed pilot projects to identify opportunities to create efficiencies in the implementation of biodiversity-related multilateral environmental agreements (MEAs). Through the identification, design, and use of environmental compliance and enforcement indicators, the parties sought to recognize potential synergies among activities designed to ensure compliance with MEA obligations and to enable countries to more effectively and efficiently implement MEA requirements.

The relevant MEAs included the Ramsar Convention on Wetlands, the Convention on Biological Diversity (CBD), the Convention on the Conservation of Migratory Species (CMS), and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), as well as the Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora (the Lusaka Agreement) when applicable. The initial pilot project countries were Brazil, Costa Rica, Kenya, and South Africa.

1.2 Focus of the Project in Kenya

The Kenya pilot project focused on efforts to protect African elephants and several species of sea turtles, specifically on the flow of information among Kenya Wildlife Service scientists, field personnel, and enforcement agents, as well as other partners such as MIKE and the Kenyan Sea Turtle Conservation Committee (KESCOM). The project's initial focus was on three types of information flows: (1) scientific data such as habitat and biological activity, (2) field-level information and intelligence, and (3) enforcement activities. African elephants and several species of sea turtles are listed on both CITES and CMS Appendices. All are listed on CITES Appendix I, while elephants are listed on CMS Appendix II and sea turtles on CMS Appendix I. These sea turtles are also the subject of a CMS daughter agreement, the Memorandum of Understanding on the Conservation and Management of Marine Turtles and their Habitats of the Indian Ocean and South-East Asia (IOSEA), of which Kenya is a signatory. This project therefore affects Kenya's MEA responsibilities under CITES, CMS, and Lusaka; it is also relevant to improving compliance with correspondent national legislation.

The project considered both the vertical flow of information--from data collection (e.g., in the field) through to its use (e.g., by senior Kenyan Wildlife Service (KWS) management and the Lusaka Agreement Task Force (LATF))--as well as the horizontal flow of information through other relevant national agencies, such as the National Museums of Kenya, police and Customs, and non-governmental organizations and umbrella groups, such as the Kenyan Sea Turtle Conservation Committee (KESCOM).

1.3 Project Methodology in Kenya

The INECE Secretariat commenced the Kenya project by preparing a substantial list of questions for in-country stakeholders, and wildlife enforcement agents specifically, to assist in the Secretariat's initial interviews in the country. These questions sought information about financial and human resources and technical capacity to protect biodiversity and to implement MEAs. The Secretariat had preliminary scoping conversations with the director and deputy director of KWS, KWS law enforcement officers, and the KWS Elephant and CITES coordinator. These meetings provided the Secretariat with a better understanding of the biodiversity challenges in Kenya, as well as the available data on environmental enforcement.

The Secretariat then refined the scope of the project at a Washington, DC, meeting with Dr. Rosalind Reeve, a consultant to the International Fund for Animal Welfare (IFAW), who has extensive experience with Kenya wildlife enforcement activities. At this meeting, Dr. Reeve suggested that information flows to enforcement agents might be a good area to explore.

The Secretariat then returned to Kenya to hold further meetings with high-level KWS staff, KWS enforcement agents, and other experts to continue to refine the scope of the project and to brainstorm potential indicators. During these conversations, KWS agreed that information flows to enforcement agents concerning biodiversity protection was an important compliance and enforcement challenge for the country. Further discussions with KWS and other experts focused the project specifically on African elephants and some endangered species of sea turtles.

The preliminary list of indicators generated during these discussions was further refined by the Secretariat to better assist evaluation of the agreed-upon challenge. Due to the complexity of Kenya's wildlife protection system, the Secretariat developed a flow chart to clearly depict how information is shared among the various actors, and then organized Kenya's indicators based on the three main stages of information transmission in the chart. The flow chart and indicators were then tested through the in-country experts and stakeholders, after which the final report on Phase I of the project was prepared.

1.4 In-Country Coordinator & Reviewers

The Project Coordinator in Kenya is Dr. Rosalind Reeve, Consultant, International Fund for Animal Welfare (IFAW). Other experts consulted include:

- Julius Kipnge'tich, Director, KWS
- Emily Kisamo, Director, LATF
- Michael Wamithi, Africa Advisor, IFAW; former Director, KWS
- Peter Leitoro, Deputy Chief, KWS
- Dr. Richard Bagine, Deputy Director, Biodiversity, Research & Monitoring, KWS
- Patrick Omondi, Elephant & CITES Coordinator, KWS
- Dr. James Gichiah Njogu, KWS Department of Conventions, Biotechnology and Information Management
- Anderson O. Koyo, Wetlands Coordinator, KWS
- James Isiche, East Africa regional director, IFAW
- Dickson Lesimirdana, Operations Officer, Law Enforcement, KWS

2 TREATIES, LAWS, ACTORS, & ACTIVITIES RELATED TO THE PROJECT FOCUS

2.1 Relevant Treaties

Kenya is a party to:

- The Convention on Biological Diversity (Ratified 26 July 1994) and the Cartagena Protocol on Biosafety (Party 11 Sept. 2003)
- The Convention on International Trade in Endangered Species of Wild Fauna and Flora (Ratified 13 Feb. 1978)
- The Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora (Ratified 17 Jan. 1997)
- The Convention on the Conservation of Migratory Species (Ratified 5 Jan. 1999) and one of its instruments, the African Eurasian Waterbird Agreement (Ratified 1 June 2001). Kenya also participates in information exchange and joint cooperation

with other countries in the western Indian Ocean sub-region on sea turtle and Dugong conservation.

- The Ramsar Convention on Wetlands (Ratified 5 October 1990)

2.2 Relevant Laws & Regulations

The key implementing legislation for CITES and Lusaka in Kenya is the Wildlife (Conservation and Management) Act, implemented by KWS. This law strongly implements the fauna aspects of CITES; it prohibits hunting and trapping of all species (no distinction between listed and non-listed) except for scientific and control purposes, and for many species (e.g., elephant, rhino), it does not allow even scientific or control takings.

Historically, implementation of biodiversity MEAs in Kenya was conducted by multiple agencies, frequently with inadequate coordination. The legislation and policies designed to implement MEA commitments were often fragmented rather than comprehensive. The effectiveness of implementation was thus mixed, with some effective programs, and others less effective.¹ In response to this, Kenya passed the Environment Management and Coordination Act (EMCA 1999), a piece of framework legislation that attempted to coordinate national environmental policy.² This legislation restructured Kenya's approach to environmental governance, creating the National Environment Management Authority (NEMA) to coordinate all national environmental activities and to oversee implementation of international environmental commitments. The last few years have therefore been a time of significant change in the structure of Kenya's environmental governance.

2.3 Relevant Actors / Agencies

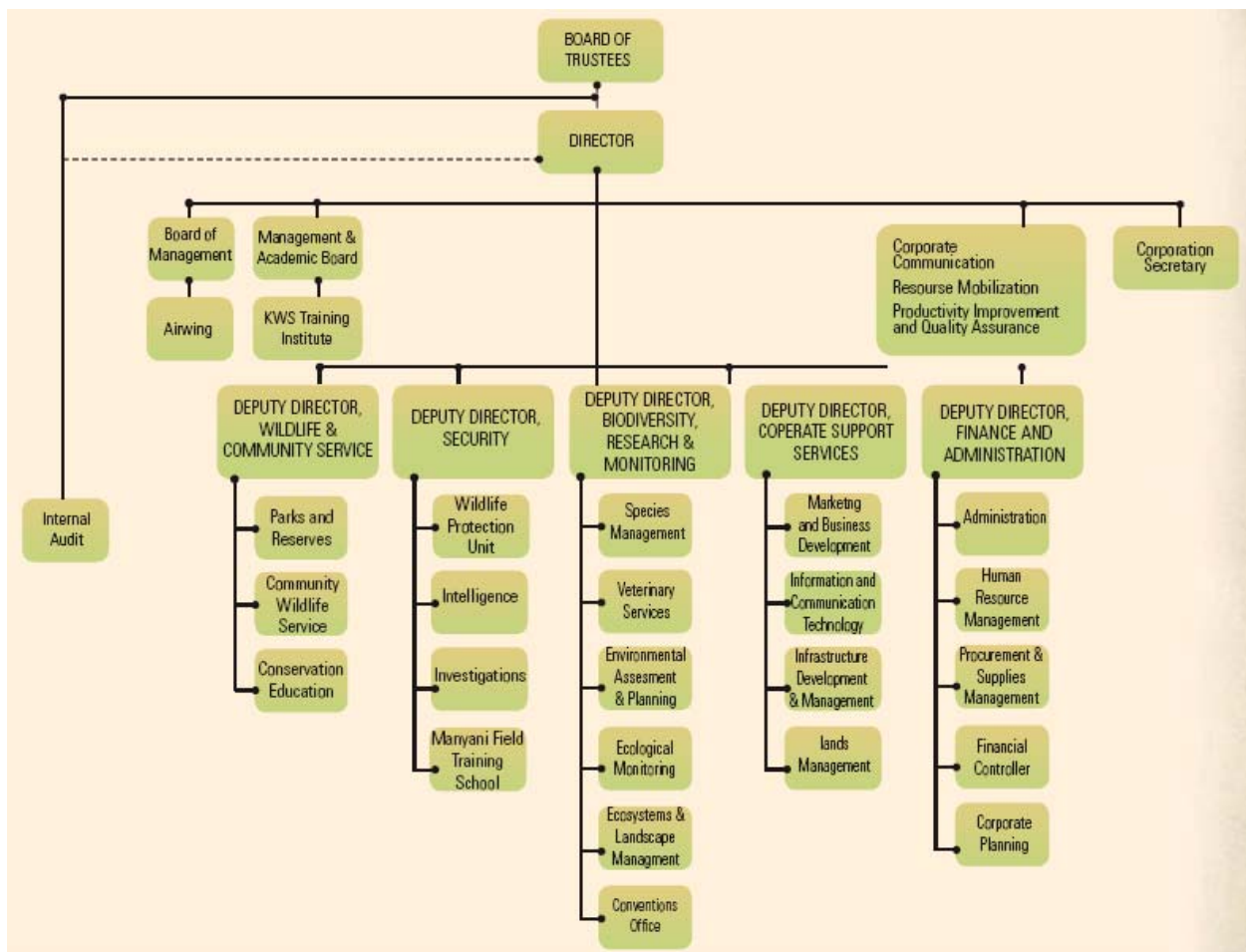
Responsibility for management of the environment is spread throughout the Kenyan government. While there is a Ministry of Environment and Natural Resources, other ministries also contain services or agencies with environmental functions, most notably the KWS in the Ministry of Tourism and Wildlife. NEMA was established to supervise and coordinate all matters relating to the environment.

KWS is the agency that conducts the on-the-ground implementation, monitoring, and enforcement for many of Kenya's MEA obligations (particularly those of CITES/Lusaka, CMS, and Ramsar), and as such, it is the focus of this project. The KWS structure is laid out the flow chart below, which is taken from the KWS 2005-2010 Strategic Plan:

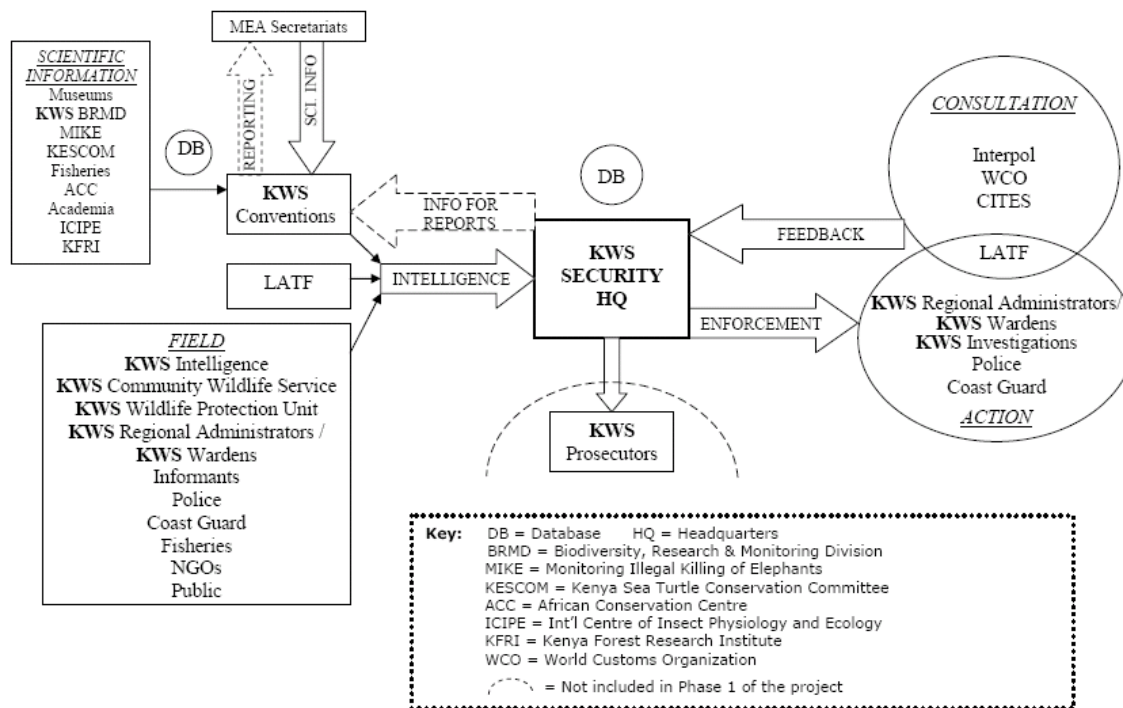
¹ For a thorough analysis of Kenya's implementation of biodiversity MEAs up until 2001 see: M. Manek, "The Implementation of Biodiversity-Related Conventions: A Kenyan case study" (2001)

<http://www.field.org.uk/files/kenya.pdf>

² <http://www.nema.go.ke/EMCA.pdf>



Numerous other actors play a role in the biodiversity information collection and enforcement process in Kenya, including those who provide scientific information (e.g., National Museums of Kenya and the African Conservation Centre), those who assist in providing field information and enforcement action (e.g., LATF, the Police, and Coast Guard), and those who consult on enforcement action (e.g., Interpol). The relationships among these various actors are described in the flow chart created by the Secretariat below, which will be used throughout this report to organize the input and output indicators:



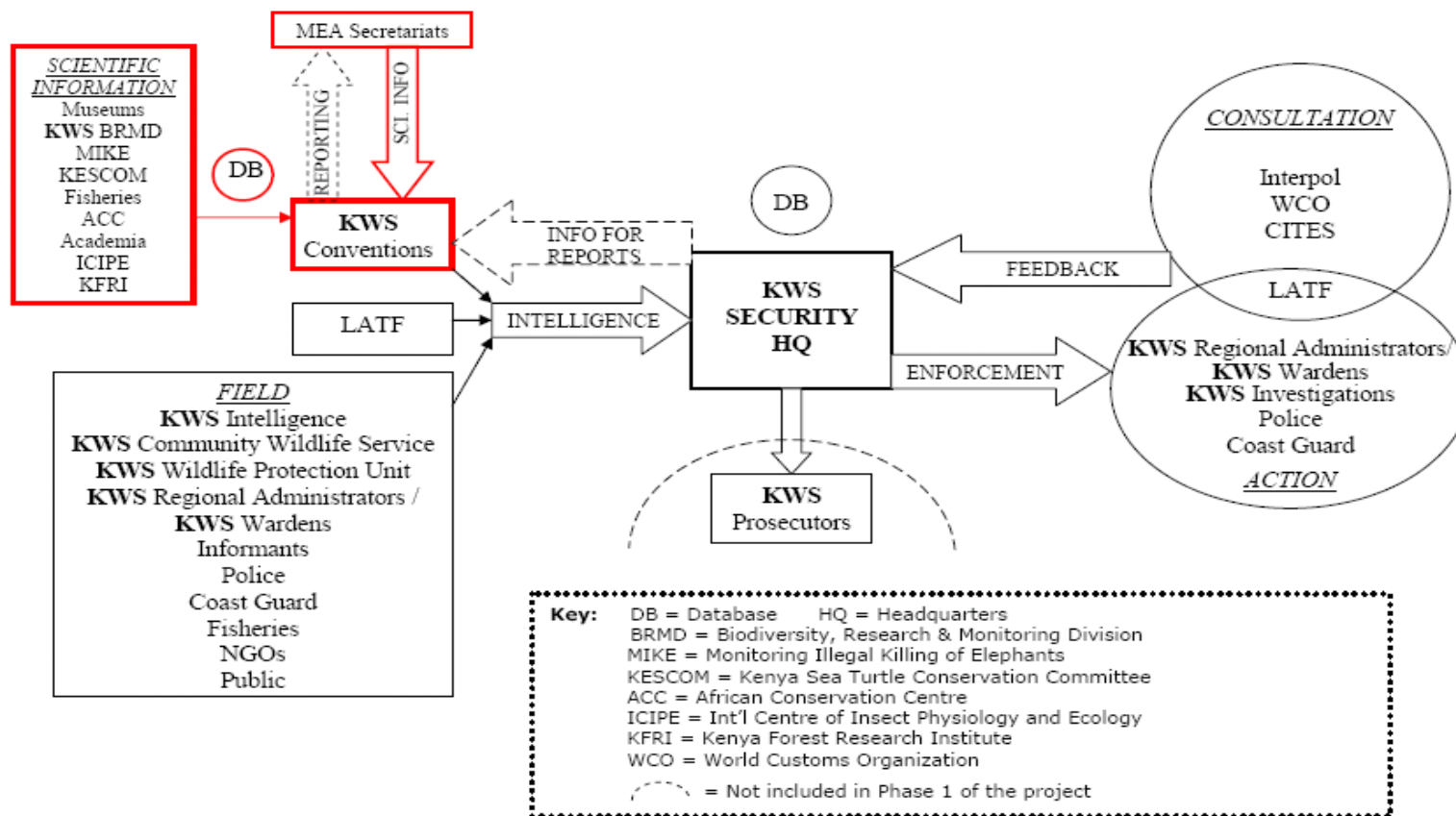
Given the Kenya project's focus on African elephants and sea turtles, two particular entities of importance are the Kenya Sea Turtle Conservation Committee (KESCOM) and Monitoring Illegal Killing of Elephants (MIKE). KESCOM is an umbrella organization that identifies sea turtle species, records frequency of sightings, and educates and mobilizes communities to protect the turtles. KWS is a member of KESCOM. MIKE is a program of CITES that provides information needed for elephant range States to make appropriate management and enforcement decisions, and to build institutional capacity within the range States for the long-term management of their elephant populations. More specific objectives within this goal are: (a) to measure levels and trends in the illegal hunting of elephants; (b) to determine changes in these trends over time; and (c) to determine the factors causing or associated with such changes, and to try and assess in particular to what extent observed trends are a result of any decisions taken by the Conference of the Parties to CITES

3 INPUT AND OUTPUT INDICATORS

INECE, KWS, LATF and other key stakeholders developed indicators concerning three levels of information flow: (1) communication of scientific information from Museums, MIKE, KESCOM, KWS Science, Academia, and CITES to the KWS Conventions Bureau; (2) communication of field-level information and intelligence from LATF, KWS regional administrators/wardens, KWS intelligence, informants, the police, and KWS Conventions to the KWS Security headquarters; and (3) enforcement activity communications among KWS Security headquarters, KWS regional administrators/wardens, police, LATF, Interpol, World Customs, CITES, KESCOM, and MIKE.

Generally, the input indicators assess whether legal requirements exist for communications, while the output indicators assess the frequency of communications and the time it takes for information to move between actors. Other input and output indicators assess whether information collected in the field is easily relayed and whether that information is then utilized by KWS Security headquarters and by enforcement agents.

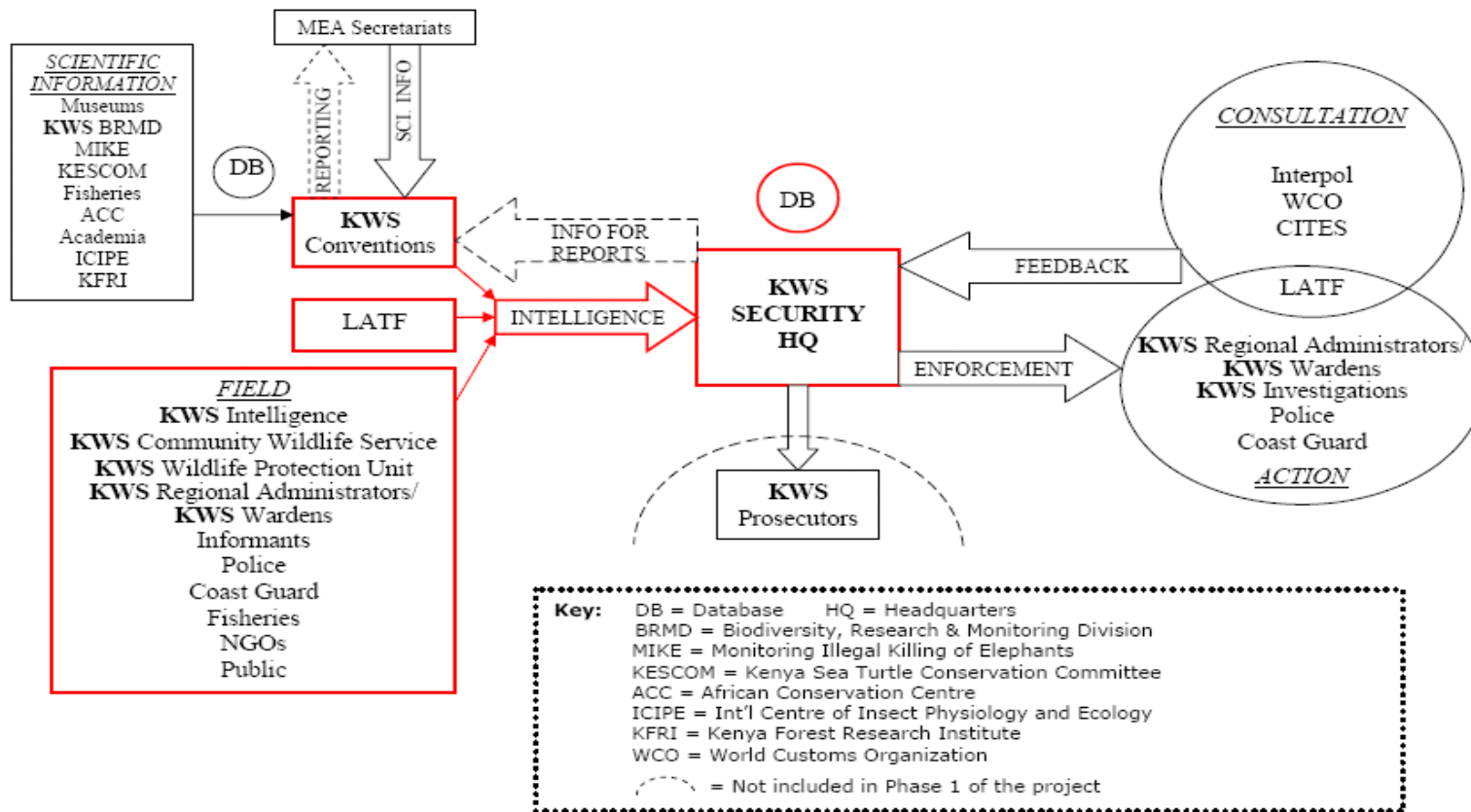
LEVEL 1: COMMUNICATING SCIENTIFIC INFORMATION



Level 1 Inputs	Level 1 Outputs
Are there formal procedures for communications (sharing information on MEA reporting, scientific findings, etc.) among the National Museums of Kenya, the KWS BRMD, MIKE, KESCOM, Fisheries, the African Conservation Centre, academia, ICIPE, and the Kenya Forest Research Institute?	What is the frequency of communications among the National Museums of Kenya, the KWS BRMD, MIKE, KESCOM, Fisheries, the African Conservation Centre, academia, ICIPE, and the Kenya Forest Research Institute?
Are there formal procedures for communications between the National Museums of Kenya and KWS Conventions? Between the other divisions of KWS BRMD and KWS Conventions? Between MIKE and KWS Conventions?	What is the frequency of communications between the National Museums of Kenya and KWS Conventions? Between the other divisions of KWS BRMD and KWS Conventions? Between MIKE and KWS Conventions?

<p>Between KESCOM and KWS Conventions? Between Fisheries and KWS Conventions? Between the ACC and KWS Conventions? Between academia and KWS Conventions? Between ICIPE and KWS Conventions? Between KFRI and KWS Conventions? Between the MEA Secretariats and KWS Conventions?</p>	<p>Between KESCOM and KWS Conventions? Between Fisheries and KWS Conventions? Between the ACC and KWS Conventions? Between academia and KWS Conventions? Between ICIPE and KWS Conventions? Between KFRI and KWS Conventions? Between the MEA Secretariats and KWS Conventions?</p>
<p>Is there a central database to store, synthesize, and/or analyze scientific information? If so: Does the database contain information relevant to enforcement activities? Does the database contain information relevant to implementation of CITES (e.g., non-detriment findings) and CMS?</p>	

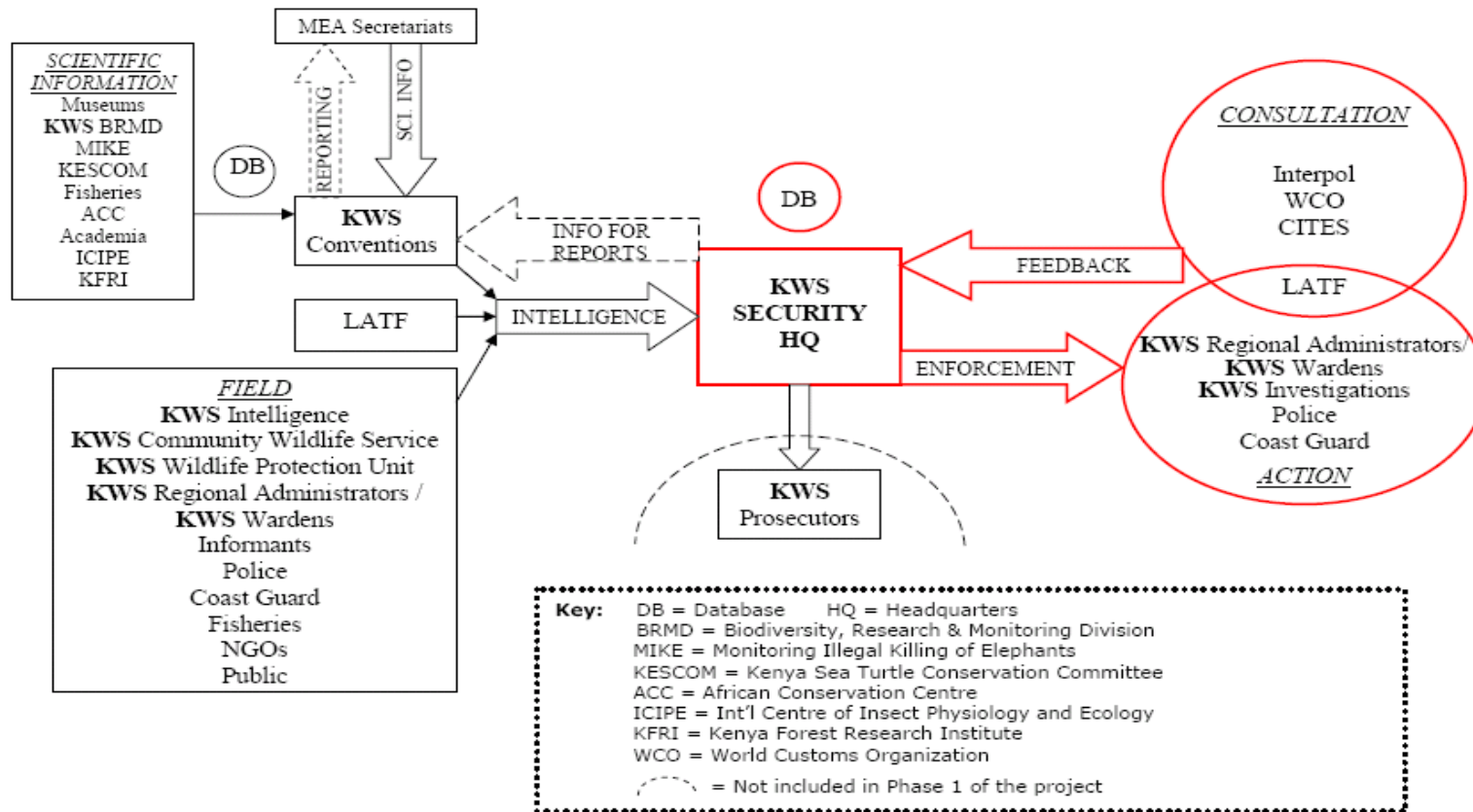
LEVEL 2: COMMUNICATING FIELD-LEVEL INFORMATION AND INTELLIGENCE



Level 2 Inputs	Level 2 Outputs
<p>Are there formal procedures for communication of intelligence information between Regional Administrators/Wardens and Security HQ?</p> <p>Between KWS Intelligence and Security HQ?</p> <p>Between KWS Community Wildlife Service and Security HQ?</p> <p>Between KWS Wildlife Protection Unit and Security HQ?</p> <p>Between informants and Security HQ?</p> <p>Between Police and Security HQ?</p> <p>Between the Coast Guard and Security HQ?</p>	<p>What is the frequency of communication of intelligence information between Regional Administrators/Wardens and Security HQ?</p> <p>Between KWS Intelligence and Security HQ?</p> <p>Between KWS Community Wildlife Service and Security HQ?</p> <p>Between KWS Wildlife Protection Unit and Security HQ?</p> <p>Between informants and Security HQ?</p> <p>Between Police and Security HQ?</p> <p>Between the Coast Guard and Security HQ?</p>

<p>Between Fisheries and Security HQ? Between NGOs and Security HQ? Between the public and Security HQ?</p>	<p>Between Fisheries and Security HQ? Between NGOs and Security HQ? Between the public and Security HQ?</p>
<p>% of tips received from Regional Administrators/Wardens that are followed up? From KWS Intelligence? From KWS Community Wildlife Service? From KWS Wildlife Protection Unit? From informants? From Police? From the Coast Guard? From Fisheries? From NGOs? From the public?</p>	<p>What is the average time for Security HQ to make a decision to follow up on intelligence from the Regional Administrators/Wardens? From KWS Intelligence? From KWS Community Wildlife Service? From KWS Wildlife Protection Unit? From informants? From Police? From the Coast Guard? From Fisheries? From NGOs? From the public?</p>
<p>Are there formal procedures for communications between LATF and Security HQ?</p>	<p>What is the frequency of communications between LATF and Security HQ?</p>
<p>Are there formal procedures for communications between KWS Conventions and Security HQ?</p>	<p>What is the frequency of communications between KWS Conventions and Security HQ?</p>
<p>Is there a standardized form for Field units to report intelligence to Security HQ?</p>	<p>How many intelligence reports does Security HQ receive from the Field per month?</p>
<p>Is the information from the Field stored in a central database? Is the stored data geo-referenced?</p>	<p>What is the average time that elapses between when an illegal incident is observed in the Field and when it is relayed to Security HQ?</p>
<p>% of Regional Administrators/Wardens with GPS units? % of KWS Intelligence?</p>	<p>% of reports from Regional Administrators/Wardens that include GPS information? % of reports from KWS Intelligence?</p>
<p>% of elephant habitat that is accessible by the secure radio system?</p>	
<p>Does KWS have a strategic plan for integrating scientific findings into Security HQ's work?</p>	<p>How frequently does Security HQ use the database of scientific information in its enforcement decisions?</p>
<p>Is there a standard mechanism for KWS BRMD to verify species identification information passed from the Field to Security HQ?</p>	<p>How frequently does KWS BRMD verify species identification information passed from the Field to Security HQ?</p>

LEVEL 3: COMMUNICATING ABOUT ENFORCEMENT ACTIVITIES



Level 3 Inputs	Level 3 Outputs
Are there formal procedures for the Regional Administrators/Wardens and Police to communicate with each other during enforcement activities?	What is the frequency of communications between the Regional Administrators/Wardens and Police during enforcement activities?
Is there equipment for direct communication in the field among Regional Administrators/Wardens, Police, and LATF (e.g., radio)?	
% of field enforcement officers with the necessary communications equipment?	
Is there a clearly defined chain of command among the	

Regional Administrators/Wardens, Police, and LATF for enforcement actions?	
Are there formal procedures for the Regional Administrators/Wardens to report to Security HQ on species & habitat enforcement activities?	What is the frequency of communications between the Regional Administrators/Wardens and Security HQ about enforcement action?
Is there a standardized way to record these communications between the Regional Administrators/Wardens and Security HQ?	
Are there formal procedures for the Police to report to Security HQ on species & habitat enforcement activities?	What is the frequency of communications between the Police and Security HQ about enforcement action?
Is there a standardized way to record these communications between the Police and Security HQ?	
	% of tips from the Field to Security HQ that are followed up AND that result in a targeted enforcement activity by the Regional Administrators/Wardens or Police?
Is there a time requirement for Security HQ to respond to reports of illegal activity generated by the Field?	What is the average time for information from the Field to be relayed by Security HQ to the Wardens or Police for action?
	What is the average time for Security HQ to relay information from the Field to Interpol for feedback? To WCO? To CITES? To LATF? To MIKE?
	What is the average time for Interpol to respond to that request for feedback? Average time for WCO? Average time for CITES? Average time for LATF? Average time for MIKE?
	What is the average time for Security HQ to relay feedback from Interpol to the Wardens or Police for action? From WCO? From CITES? From LATF? From MIKE?
	What is the average time it takes Security HQ to respond to a notice of illegal activity received from Interpol, CITES, LATF, WCO, or MIKE?
Is information from enforcement actions stored in a central database?	

4 RECOMMENDATIONS AND NEXT STEPS

The Kenya Phase I pilot project resulted in input and output indicators that form a basis for identifying opportunities to create efficiencies in the flow of information to implement MEA responsibilities under CITES, CMS and the Lusaka Agreement, and to improve compliance with correspondent national legislation. The indicators will be used to identify gaps (or deficiencies) in the flow of information through data collection, storage, distribution and use processes and to make recommendations on opportunities for feedback mechanisms to improve the information flow and enhance compliance.

The primary Phase II activity in Kenya will be the development of a set of intermediate outcome indicators that build upon and are complementary to the input and output indicators identified in Phase I. This will involve close collaboration with the Kenya Wildlife Service and other key stakeholders.

INECE may also explore developing input, output, and intermediate outcome indicators that incorporate the role played by KWS prosecutors, and perhaps by NEMA as well. Additionally, INECE may look into expanding the indicators beyond elephants and sea turtles to include other endangered flora and fauna, including but not limited to plants (e.g., sandalwood, aloes) and animals in trade (e.g., crocodiles, chameleons).

INECE's visit to Kenya brought increased attention to the importance of instituting good practices for data collection and management and resulted in the development of a database template for sharing scientific and enforcement data. Phase II may also result in an expanded data inventory template.