



Policy Guidelines on Management of Introduction, Re-introduction and Donation of Wildlife Species

2021

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Foreword

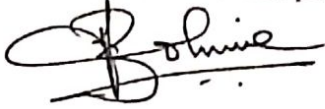
In response to the need for the country to operate within the National and International laws, policies and norms which provide for the protection, conservation, sustainable use and management of the wildlife resource in perpetuity and fair and equitable sharing of benefits accruing from the use of such resources, Kenya Wildlife Service has developed the *Policy Guidelines on Management of Introduction, Re-Introduction and Donation of Wildlife Species*.

Historically live specimens of exotic/alien species of wildlife have been imported into the country as pets, ornamental plants or for conservation and tourism. However, over time there has been a gradual change in the overall approach objective to the importation of alien species, to embrace conservation and commercial ventures. This has come about with challenges, such as ownership of the imported specimens and their progenies, transfer to other parties, management, compensation, benefits, provision of security, monitoring and evaluation for compliance to environmental and animal welfare standards, documentation and data management for such species among others.

The government also receives requests to donate to and receive from other States, live specimens of wildlife species native to the country, alien but naturalized species or alien species. . Due to declining wildlife populations, some wildlife species native to the country exists in numbers, which are not viable and require supplementation from outside the country for regeneration and restoration of the populations. Similarly, other States that are range for native species found in Kenya, have had declining populations or local extinction of such species sought to source from the country through government donations or otherwise, animals to supplement their populations or reintroduce such species.

The importation of alien wildlife species and donations into the country has been happening in the absence of policy guidelines.

These guidelines aim to provide a framework to regulate and administer the introduction, re-introduction, donation and management of alien and indigenous species of wildlife to enhance wildlife conservation for posterity and as a shared national and international heritage.



Brig. (Rtd.) J. M. Waweru, EBS

Director General

Kenya Wildlife Service

Definitions

For purposes of these policy guidelines unless the context otherwise requires:

"Captivity" Shall mean controlled ex-situ environment.

"Country of origin" Shall mean the country from where the specimen was collected from the wild.

"Donation" Shall mean transfer or exchange of wildlife specimens primarily for conservation purposes.

"Ex situ" Shall mean out of the natural habitat of a species.

"Exchange" Shall mean transfer of a wildlife specimen from a provider to a recipient.

"Alien species" Shall mean any species that is not indigenous to Kenya.

"Export" Shall mean intentional movement of specimens of wildlife from Kenya across international borders.

"Export Permit" Shall mean authority, license or permit issued by KWS to export wildlife specimens out of the country

"Import" Shall mean acquisition of wildlife specimens from outside the country.

"Import Permit" Shall mean authority, license or permit issued by KWS to import wildlife specimens into the country.

"In situ" Shall mean natural habitat of a species.

"Indigenous species" Shall mean wildlife species originating and living or occurring naturally in an area or environment.

"Introduction" Shall mean importation of an alien wildlife species or a subspecies into the country or movement within the country thereof. It shall also mean movement of a species outside its natural range, to where the species originally did not exist.

"Progeny" Shall mean offspring arising from a parent stock.

"Re-introduction" Shall mean movement of a species from within or outside the country to an area where it was previously extirpated or to supplement an existing population.

"Relocation" shall mean moving wildlife specimens to provide them with means to escape an unsafe situation or establishment of a population at a different site.

“Repatriation” shall mean taking wildlife specimens that were seized/confiscated and or rescued or their progeny back to the Country of origin or export

“Species” Shall mean a taxonomic group whose members can interbreed and produce viable fertile offspring, based on genetic and morphological differences between species and their geographical separation.

“Supplementation” Shall mean movement of individuals of a species to an area to boost genetic vigour and population viability.

1.0 Background Information

Kenya has since time immemorial received alien species of animals and plants from various parts of the world. However, this has happened in absence of any legal or policy framework. As a result, the importation of some of these alien species has impacted negatively on some of the natural habitats of indigenous species, provided a medium for spread of diseases and to some extent new parasites and invasive species have been introduced. The continued importation of this alien species into the country without appropriate coordination, control, and management policy poses a big challenge to the survival of indigenous species and chances of manipulating the environment. These alien species are imported to the country for various reasons that include enhancement of conservation, conservation education, improvement and enhancement of agriculture, tourism, research, rescue and rehabilitation, recreation, and as pets and ornaments. As much as these importations were done with good intentions, comprehensive evaluation of their benefits to wildlife conservation has not been undertaken

Kenya has continued receiving requests to take or make donations of wildlife or requests for importation of alien species into the country. At the same time Kenya has had the need to source and import certain wildlife species to supplement locally endangered populations to enhance their recovery.

Conservation of wildlife is a passion driven industry as most wildlife is held dearly by the global community. Such passion has been a major factor in the introduction of alien species. Historically wildlife was imported in the country as pets or exhibits for conservation and tourism. However, over time there has been a gradual change in the overall approach to the importation of alien species, to embrace conservation. This has come about with challenges, such as ownership, transfer, management, compensation, benefits, provision of security, monitoring and evaluation for compliance to animal welfare standards, documentation and data management for such species. Importation and exportation of any wildlife and their derivatives, whether dead or alive is subjected to the provisions of the Wildlife Conservation and Management Act, 2013 and Animal Disease Act Cap 364, CITES provisions, IUCN guidelines and CBD Nagoya protocol. This has been happening in the absence of a guiding policy resulting in limited and ad hoc strategies for mitigation to control, regulate, monitor and evaluate alien species that are intended for conservation purposes. Absence of such policy guidelines has hindered decision

making by the Government with regard to donating or receiving donations or approving importation from other countries for conservation purposes.

1.1 Problem Statement

The country continues to receive requests to import/introduce alien species whose ecological background information is scanty/unknown and their impact on the natural environment is also unknown. The specimens might be carriers of disease causing agents, an agent to introduction of deleterious genes or potential invasiveness. The country also continues to receive requests to donate to and receive wildlife species from other States. In addition, some wildlife populations in the country are not viable and require supplementation from outside the country. Similarly importation of wildlife population for supplementation is in abeyance due to the need to anchor it in an approved policy framework.

The importation of alien species into the country has been happening in the absence of policy guidelines. This state of affairs has been interpreted to mean that land owners who paid to import such species are perceived to own the wildlife specimens. Consequently, progeny resulting from the founder population are also perceived to belong to the land owner and other rights thereof. However, wildlife in Kenya is a national resource and thus property of the State. Any species imported/ donated thereof becomes property of the State.

However, the country has various laws and has also acceded to various international conservation protocols which when appropriately applied and enforced can control and regulate importation and management of alien species and ensure the importation of these specimen is of conservation value.

1.2 Rationale and Justification

Sessional paper No.1 of 2020 National Wildlife Policy identifies alien species a threat and challenge to wildlife conservation. The various purposes for which alien species may be introduced have a role to play in the conservation agenda for Kenya. Donation of wildlife species from and to other States for conservation purposes especially for recovery of locally endangered species promotes international cooperation in management of such wildlife as a shared heritage.

It is therefore necessary to have elaborate policy guidelines to inform decision making in introduction, re-introduction, donation and management of such wildlife species for effective implementation of the existing laws.

1.3 Goal

Regulate and administer the introduction, re-introduction, donation and management of alien and indigenous species to enhance wildlife conservation for posterity and as a national and international heritage.

1.4 Objectives

Provide a policy framework to guide;

- i. The purpose and conditions for introduction of alien species into the country.
- ii. Importation and management of alien species of wildlife in Kenya.
- iii. Exportation of alien species introduced into the country.
- iv. Donation/transfer of indigenous and/or introduced species within and from Kenya.
- v. Requests by Kenya for donation of wildlife species from other countries.
- vi. Provide a framework for wildlife exchange.
- vii. Provide framework for collaboration and cooperation in wildlife conservation.
- viii. Provide a framework for monitoring and evaluation of alien species of wildlife in the country.
- ix. Prevent introduction of potentially harmful species; control and eradicate such species which threaten natural habitats and indigenous species

2.0 Policy Guidelines on Management of Introduction, Re-introduction and Donation of Wildlife Species

Recognizing that wildlife is a national resource;

Recognizing that the Government of Kenya has enacted legislation to deal with wildlife conservation and management and mandated Kenya Wildlife Service (KWS) to formulate policy guidelines regarding the conservation, management and utilization of wild fauna and flora;

Acknowledging that sustainable exploitation, utilization, management and conservation of wildlife can yield optimum social, cultural, aesthetic, economic and scientific benefits and improved livelihoods;

Recognizing that wildlife is a global heritage and that international cooperation is essential for protection of species of wild fauna and flora;

Realizing that there is sustained strategic and cooperative approach to conservation and management of wildlife within the country;

Recognizing the need to protect our genetic resources and genetic diversity;

Noting that there is an increasing demand for exchange of wildlife specimens between countries and within the country;

Recognizing that there exist international frameworks such as CITES and CBD Nagoya protocol for regulating access to, utilization and movement of wildlife specimens across international borders;

Realizing the need to put in mechanisms for effective monitoring, control, regulation and evaluation on species introduction for improved conservation and enhanced livelihoods;

Concerned about the risk of releasing alien specimens into the wild such as introduction of pathogens and parasites, genetic pollution and negative effect on the indigenous fauna and flora;

Considering that the release of the alien species to the wild may not always be in the best interest of conservation of the species especially one not in danger of extinction;

Recognizing the efforts, investment and achievements of all those dedicated to the effective conservation of wildlife as a national resource;

Considering that there exist internationally developed guidelines for the introduction, re-introduction, supplementation and guidelines for disposal of confiscated animals;

Convinced that the ultimate objective of this policy is the continued existence of wild populations in their natural habitat;

These policy guidelines give a framework to govern the export, import and donation of wildlife species

2.1 Scope

These policy guidelines cover:

- i. Introduction and donations of alien species of wild flora and fauna into the country;
- ii. Management of introduced alien species
- iii. Donation of introduced alien species to other countries
- iv. Introduction of introduced alien species within the country
- v. Donations of indigenous wildlife from the county
- vi. Introduction of indigenous wildlife outside their natural range within the country.
- vii. Re-introduction of indigenous wildlife species into the country

- viii. Re-introduction of indigenous wildlife species within the country where it has been extirpated within its historical range

3.0 Applicability

Purpose of these guidelines are: ;

- a) Management - Re-introduction and Supplementation.
- b) Rescue and Rehabilitation
- c) . Repatriation.
- d) Research.
- e) Education.
- f) Tourism.
- g) Wildlife farming.
- h) Recreation, Aesthetics and Cultural uses (ornaments and pets).

3.1 Precautionary principle

Precautionary principle shall be applied in all proposals for introductions, re-introduction, donations and management on wild and alien flora and fauna to safeguard the integrity of the indigenous wildlife

4.0 Institutional and Legislative Arrangements

a) Kenya Wildlife Service (KWS)

- i. Overall responsibility to conserve and manage wildlife.
- ii. Handle issuance of import/export permits.
- iii. Conduct suitability assessments (ecological, habitat, captive facilities and determine the viable quantities).
- iv. Issue authority to keep and manage animals in captivity.
- v. Advise the Cabinet Secretary responsible for wildlife on agreements related to exchange and donations of wildlife specimens on behalf of the Government.
- vi. Coordinate activities of introduction of alien species into the country.
- vii. Continually undertake an inventory of existing alien species in the country
- viii. Implementation of wildlife related MEA's among them; CITES, CBD Nagoya protocol

b) National Environment Management Authority (NEMA)

- i. Issue Access permit as provided for in the Conservation of Biological Diversity and Resources, Access to Genetic Resources and Benefit Sharing Regulations, 2006 (Legal notice No. 160).
- ii. Issue Environmental Impact Assessment approvals as provided in the Second schedule of projects to be subjected to EIA (EMCA, 1999).
- iii. The role of NEMA will therefore be to consider projects for approval based on EIA reports and handle issuance of access permits.

c) Directorate of Veterinary Services (DVS)

- i. Issuance of a veterinary health certificate as provided for in Animal Diseases Act, Cap 364.
- ii. Ensure acceptable animal welfare standards are adhered to as provided in Prevention of Cruelty to Animals Act, Cap 360.
- iii. Quarantine of animals.

- iv. Disease and parasite control.
- v. Handle issuance of permits for imports/ exports of animal/ animal products.
- d) National Bio-safety Authority**
 - i. Enforce provisions of Bio-safety Act, 2009.
 - ii. Is the national Bio- safety clearing house
 - iii. Certify genetic resources being introduced into the country.
- e) Kenya Plant Health Inspectorate Service (KEPHIS)**
 - i. Certify alien plant species being introduced into the country for diseases and pests; and handle issuance of phytosanitary certificate as provided for in Plant Protection Act, Cap 324 and Seeds and Plant variety Act, Cap 326.
 - ii. Regulate imports and exports
 - iii. Maintain a database of all alien species of plants importation/exportation
- f) Kenya Revenue Authority (KRA) – Customs**
 - i. Kenya Revenue Authority Act, Cap 469.
 - ii. Law enforcement agency.
 - iii. Inspection of materials for validation on export/ import declarations.

5.0 Purposes and Conditions for Introductions and Donations

5.1 General provisions

- a) Any introduction of alien species and wildlife specimens/donations into the country shall be subject to approval by the wildlife management authorities of the respective countries.
- b) Any introduced/donated species must be fully certified and ascertained to be free from diseases and pests (parasites).
- c) Any introduction of a species should be subject to EMCA, 2015 and IUCN guidelines on introductions and supplementation of wildlife.
- d) Introduction/donation of species shall be subject to Memorandum of Agreement (MOA/MAT), Material Transfer Agreement (MTA) and other relevant protocols.
- e) Proponents shall abide by all the provisions of the Wildlife Conservation and Management Act, 2013 and other relevant laws of Kenya and international conservation related protocols.

- f) Approval for introduction of alien wildlife species shall be issued under certain terms and conditions as stipulated in the permit.
- g) Precautionary principle shall be applied in all proposals for introductions.

5.2 Conservation, Education and Tourism

- a) Introduction and donations of species for conservation, education and tourism purposes shall not compromise survival of the species in their natural range.
- b) Movements from wild to wild shall be restricted and approvals supported by suitability assessments of the origin and the destination.
- c) Movements from captivity to the wild shall be restricted and approvals supported by scientific evidence that they have a chance for survival in the wild.
- d) Movements from captivity to captivity shall be subject to suitability assessments of the source and appropriateness of the destination.
- e) Movements from wild to captivity shall be primarily for purposes of offering refuge, rehabilitation, education and preservation of genetic material.
- f) Any introduced/ donated species including the progeny and parts thereof shall be subjected to the provisions of the Wildlife Conservation and Management (Amendment) Act, 2019 and other related legislations
- g) Appropriate Animal Welfare standards must be maintained at all times in the holding animal facilities.

5.3 Wildlife Farming

- a) Introduced alien, donated or indigenous species and their derivatives adopted for the purposes of wildlife farming shall be held in controlled environments; and shall be protected from polluting the natural genetic pool; and should not be detrimental to the local environment.
- b) The proponent shall be responsible for ensuring no escapes occur from such facilities.
- c) The proponent shall be responsible for any damages that may result from acts of omission or commission on his own or his employees' part.
- d) Approval for the introduction will be required prior to approval for wildlife farming where the species is alien.
- e) Appropriate Animal Welfare standards must be maintained at all times in animal holding facilities.

5.4. Rescue, rehabilitation and repatriation

- a) Where a species range State request Kenya or vice versa to offer refuge or repatriate wildlife, a government to government agreement shall be entered into.
- b) Where private entities seeking refuge for- or repatriation of wildlife, such request shall go through the host governments of their facilities and the intended recipient.
- c) The Captive Wildlife Management and Welfare Guidelines shall apply for rescue and rehabilitation of wildlife within the country.

5.5. Aesthetics

There are certain species of wildlife that people keep and develop a strong attachment to and have become part of them. The following provisions shall apply for importation of such pets:

- a) The pet must be accompanied by a person with the relevant permits and documentation.
- b) The pet must have an identification mark e.g. bird ring, microchip etc.
- c) The proponent must satisfy all regulatory requirements for importation both from source and destination.
- d) The proponent shall be responsible for ensuring no escapes occur from such facilities.
- e) The proponent shall be responsible for any damages that may result from acts of omission or commission on his own or his employees' part.
- f) The proponent shall ensure appropriate Animal welfare standards are maintained at all times.

6.0 Management of Introduced Alien Species and donations of Wildlife in Kenya

The following provisions shall apply to alien and wildlife donated into Kenya;

- a) Breeding shall not be permitted in captivity for introductions intended for the purposes of exhibitions, education, rescue and rehabilitation.
- b) Breeding may be allowed in the wild for certain wild species to build up population for introductions, re-introductions and supplementation for conservation and for preservation of genetic material.
- c) Breeding of certain alien species may be allowed for ornamental and commercial purposes in controlled environment in licensed wildlife farms subject to meeting prescribed requirements and standards.
- d) The species may be held in public land, private land and in community land.

- e) Proponent to provide adequate security, water, housing (conducive environment as natural as possible) and ensure acceptable standards of animal welfare are maintained in the facilities.
- f) Movements of introduced and donated species within the country may be allowed, however, the Service shall regulate such movements.
- g) Any importation of wildlife shall be subject to an import permit issued by the Service.
- h) All wildlife immobilizations and movements in the country shall be approved and undertaken by the Service.
- i) Costs of movements and associated interventions shall be offset by the proponent.
- j) The proponent shall maintain accurate records and file returns promptly to the Service.
- k) The proponent shall report to the nearest KWS station any escapes, deaths or births as they occur.
- l) Disposal of confiscated live alien species shall be subjected to international protocols to the best interests of the species.
- m) The Service shall determine the mode of disposal of any confiscated alien species which shall include returning to the country of origin or placing them in designated rescue centers for non-commercial purposes, or be destroyed.
- n) The Service shall dispose seized live indigenous species as per the WCMA, (Amendment) Act, 2019 and to the best interests of the species.

6.1 Donation of Alien species to Kenya

- a) Donations of alien species into the country shall be for the purposes of, education and preservation of genetic material.
- b) Donated alien species shall be held in controlled environment.
- c) Donated alien species from captive facilities meant for education purposes shall be held in approved captive facilities.
- d) Donated alien species either from captive facility or from the wild meant for conservation or for preservation of genetic material shall be held in controlled wild environment.

6.2 Donation and Repatriation of indigenous species into Kenya

The Government may request another State for donation of species indigenous to Kenya for purposes of re- introduction, genetic augmentation and supplementation of the local populations.

Where a State hosts a population of indigenous species originally sourced from Kenya, the Government may request such State on mutually agreed terms for repatriation of individuals for re- introduction, genetic augmentation and supplementation of the local populations.

- a) Repatriation of indigenous species will be for the purpose of re- introduction, genetic augmentation and supplementation of the local populations
- b) Repatriated species from captive facilities shall be held in controlled environment for gradual release in to the wild.
- c) Repatriated species from the wild shall be free released in the wild among their con-specifics.

6.3 Relocation of introduced species within Kenya

- a) Relocation of introduced species from one site to another shall be subject to National Translocation Guidelines and in accordance with the provision of the WCMA Act, 2013 and other related laws.
- b) Relocation from captive facilities meant for education purposes shall be to approved captive facilities.
- c) Relocation from wild controlled environment meant for conservation or for preservation of genetic material shall be to wild environment.
- d) Relocation of wildlife specimens in distress to safer areas

6.4 Importation of Alien Species into Kenya

- a) Importation of alien species by individuals into the country shall be for use as personal effects *for up to a maximum of three live specimens* and breeding for commercial purposes.
- b) Any importation shall be subject to import permit issued by the Service in accordance with the WCMA 2013 and Veterinary Health certificate issued by Directorate of Veterinary Services in accordance with the Animal Disease Act Cap 364 for the case of animal specimens and a phytosanitary health certificate issued by Kenya Plants Health Inspectorate Services in accordance with the Plant Protection Act, Cap 324 and Seeds and Plant variety Act, Cap 326 for the case of plant specimens and EIA certificate provided by National Environment Management Authority (NEMA) according to Environmental Management (amendment) Act (EMCA) 2015 as applicable.

Approval for importation of alien species for commercial purposes shall be restricted to quantities that constitute an initial breeding stock of the specific species

7.0 Donations of wildlife species from Kenya

The Country receives requests for other States to donate wildlife species for various purposes.

7.1 Purpose for donation of wildlife Species from Kenya

Donations of indigenous species shall be primarily for conservation and education purposes.

- a) Donations of captive held indigenous species shall be made only to captive facilities subject to verification of conformity to minimum internationally accepted animal welfare standards.
- b) Donations of indigenous wild living species shall be to the wild upon determination of the suitability of such habitats hosting the donated species.
- c) Donations of indigenous species shall be made as long as they do not compromise the existence of the species in the country and the recipient countries demonstrate capability of taking care of donated individuals.

7.2 Donation of Introduced Species from Kenya

- a) A State may request the Government of Kenya for donation of individuals of an introduced species for purposes of conservation and education of its local populations
- b) Donations of introduced wild living or captive species for conservation purposes shall be to the wild upon determination of the suitability of the habitats to host such individuals
- c) Donation of wild living introduced species to captivity in the species historical range shall be for the purposes of education and preservation of genetic material subject to adequate habituation process at source for life in captivity and verification of destined captive facilities conformity to minimum internationally accepted animal welfare standards.

8.0 International Collaboration and Cooperation in Wildlife Conservation

The Government of Kenya shall enter in to agreements with other States with shared conservation principles and objectives in pursuit of mutual wildlife conservation interests to foster international cooperation and collaboration and implementation of wildlife related Multilateral Environmental Agreements (MEAs').

9.0 Data and Information Management

The Service shall establish a central depository database for the following:

- a) All donations of indigenous and alien species into the country.
- b) All donations of indigenous and alien species from the country
- c) All imports of alien species by individual entities
- d) Records of host facilities for donated and introduced specimens
- e) Status and performance of donated and introduced specimens (Parent stock, identification marks, births/hatchings & deaths and sales & outlets)

10.0 Enforcement and Compliance

- a) The Director General KWS may decline approval to import/ export certain species of alien species subject to giving reasons.
- b) Any specimen of alien species imported/exported in contravention of the national legislation and international laws applicable shall be confiscated.
- c) Donation of specimens of indigenous and introduced species shall be subject to approval by resolution of the National Assembly in accordance with the WCMA Act, 2013.
- d) Any entity licensed to host introduced species shall file with the Service annual returns on the status and performance of such specimens by 31st December.

11.0 Monitoring and Evaluation

The Service shall conduct inspections of facilities prior to receiving the specimens and random audits of facilities hosting alien species and donated indigenous species.

12.0 Penalties and Fines

Penalties and sanctions for non-compliance shall be in accordance with the WCMA Act, 2013 and other relevant National laws.

13.0 Amendments to the Policy

This policy may be reviewed every 5 years or as need arises.

14.0 Entry into Force

These policy guidelines shall enter into force upon approval by KWS Board of Trustees.

15.0 Implementation

- a) The Director General KWS shall have the overall responsibility for implementation of the policy guidelines.
- b) There shall be a committee established to advise the Director General KWS on issues of species introduction, re introduction, supplementation and donations.
- c) A national committee shall be established to advise on wildlife donations and repatriations.
- d) There shall be a technical inspectorate committee for purposes of inspection, monitoring and evaluation of facilities for holding introduced, re-introduced, donated, seized/confiscated or rescued species.

16.0 Education and Awareness

KWS in collaboration with Kenya Plant Health Inspectorate Service (KEPHIS), Directorate of Veterinary Services (DVS) and other relevant regulatory agencies shall put in place efforts to create awareness to the public on issues of wildlife species introduction, re-introductions, supplementation, donations and potential negative impacts of introduction of alien species.

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