

**Taming Tensions: Legal Strategies for Navigating Human-Wildlife Conflict in
Kenya.**

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DECLARATION

I, **CHAND KAUR BHULLAR**, do hereby declare that this research is my original work and that to the best of my knowledge and belief, it has not been previously, in its entirety or in part, been submitted to any other university for a degree or diploma. Other works cited or referred to are accordingly acknowledged.



Signed:

Date: 25th February 2025

This dissertation has been submitted for examination with my approval as University Supervisor.



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LIST OF LEGAL INSTRUMENTS

INTERNATIONAL

African Convention on the Conservation of Nature and Natural Resources, 1983.

Convention on Biological Diversity, 1994.

Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1979.

The Ramsar Convention on Wetlands, 1975.

NATIONAL

Environmental Management and Coordination Act ,1999.

Forest Conservation and Management Act, 2016.

National Wildlife Conservation and Management Policy, 2017.

Physical and Land Use Planning Act, 2019.

Wildlife Conservation and Management Act, 2013.

LIST OF ABBREVIATIONS

CBD - Convention on Biological Diversity.

CITES - Convention on International Trade in Endangered Species.

CWAs - Community Wildlife Associations.

EIA - Environmental Impact Assessments.

EMCA - Environmental Management and Coordination Act.

HWC - Human-Wildlife Conflict.

KWS - Kenya Wildlife Service.

NGO - Non-Governmental Organization.

WCMA - Wildlife Conservation and Management Act.

CWCC- Central Wildlife Conservation Committee.

WCS- Wildlife Compensation Scheme.

CLT- Cape Leopard Trust.

CBNRM- Community-based Natural Resource Management.

TEK- Traditional Ecological Knowledge.

ABSTRACT

Human-wildlife conflict (HWC) in Kenya, presents a complex challenge for balancing human safety and wildlife conservation. This study explores the various dynamics contributing to HWC, including habitat loss, urbanization, and competition for resources, while evaluating the effectiveness of current legal frameworks in mitigating these conflicts.

Nairobi's rapid urban growth has significantly reduced wildlife habitats, resulting in animals like elephants and monkeys increasingly interacting with human settlements. These interactions often lead to crop damage, property disruption, and threats to human safety, highlighting the need for effective conflict management strategies. Economic losses due to these encounters further underscore the urgency of addressing HWC.

The study assesses Kenya's Wildlife Conservation and Management Act of 2013 (WCMA) and other related laws, identifying shortcomings in their enforcement and application. It also explores innovative legal approaches and community-driven conservation strategies that could fill these gaps, aiming to develop a sustainable framework for human-wildlife coexistence. The research emphasizes the integration of both traditional and modern legal solutions to foster a balanced relationship between humans and wildlife.

The theoretical framework combines Natural Law Theory and Social Contract Theory. Natural Law Theory focuses on the moral underpinnings of laws, promoting the protection of both human and animal lives. Social Contract Theory stresses the importance of collective agreements in creating laws that serve the mutual interests of communities and wildlife.

Methodologically, the study employs desktop and doctrinal research, analysing literature, statutes, and policies related to HWC. Despite challenges such as limited data and stakeholder access, the research seeks to provide a comprehensive evaluation of legal strategies, with recommendations for enhancing conflict resolution, promoting sustainable development, and ensuring harmonious coexistence between humans and wildlife.

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CHAPTER 1: AN INTRODUCTION TO THE STUDY

1.1 Introduction

The human-wildlife conflict in Kenya, presents a complex challenge that requires a multi-level legal strategy to ensure both human safety and wildlife conservation. This study attempts to investigate the complex dynamics of HWC, focusing on the legal frameworks and strategies employed toward conflict mitigation. It looks at the causes of HWC: habitat loss, expansion of urban space, and then competition for resources. The study further evaluates existing laws and policies for their efficacy in addressing the said causative factors.

This study, based on case studies and legal precedents, aims at finding loopholes or weaknesses in the current legislation and hence proposes innovative legal solutions that can balance the needs between human communities and those of wildlife. Furthermore, it probes into community-based conservation, conflict prevention techniques, and the integration of traditional and modern legal approaches. Lastly, this research attempts to draw an inclusive path that the policymakers, the conservationists, and the lawyers could take in order for them to avoid or reduce the consequence of HWC in Kenya toward the goal of coexistence and sustainable development.

1.2 Background of the Problem

Human-wildlife conflict in Kenya has now become a very pivotal environmental and socio-economic factor influenced by the contrasting needs of human population growth versus wildlife. HWC occurs when either the behaviour or needs of wildlife interfere with human activities or vice versa, to the detriment of one or the other. These are further exacerbated by other factors such as habitat loss, rapid urban expansion, and increasing competition for limited resources.

With Nairobi being one of the fast-growing urban centres in Kenya, there is constant shrinkage in natural habitats for wildlife, hence forcing animals to come closer to human settlements. The shrinkage, therefore, causes higher and more frequent interactions between humans and wildlife. which is also seen within the outskirts and southern parts of the city, where agricultural activities and rural livelihoods exist together with wildlife populations. The widely spread example of

HWC includes large mammals, like elephants, entering the fields of agriculture in search of food as well as smaller scavengers like monkeys disrupting residents' households. These incursions normally lead to huge losses of crops, damage to property, and economic losses among the local farmers and residents. Similarly, domestic animals are preyed upon by predators such as lions that have been pushed to do so by shrinking habitats—a not-so-mild action that inflicts financial loss and a lot of emotional pain on communities reliant on pastoralism as well as residents in various areas. In even more extreme cases, the safety of humans is directly threatened by human-wildlife encounters; thus, there is an enhanced need for effective management strategies.¹

The term "human-wildlife conflict"² refers to the different interactions in which wildlife causes damage to human interests, either in property loss due to crop damages or injuries/threats to safety, or when human activities have adverse effects on wildlife³. Friction of this nature is becoming very frequent in Nairobi and south of the city, as urbanization and expansion of agriculture enter the habitats of these animals, and urgent legal and environmental interventions become necessary.

The two key concepts in understanding HWC are "habitat fragmentation"⁴ and "sustainable land-use planning."⁵ By definition, the term habitat fragmentation describes how continuous habitats become divided into isolated patches due to human activities like deforestation, road construction, and urban sprawl. It is such a division that disrupts the distribution of wild animals, retracts their living diversity, and promotes increased human-wildlife contacts. In Nairobi, this fragmentation is a major concern, and to illustrate this, we look at the Nairobi National Park; The park is facing growing pressure from urban encroachment. The expansion of satellite towns around the park has disrupted wildlife migration corridors (e.g. the annual wildebeest migration), limiting grazing spaces and shrinking habitats for the animals. Additionally, the Athi-Kaputiei

¹ Long H, Mojo D, Fu C, Wang G, Kanga E, Oduor AMO and Zhang L, 'Patterns of human-wildlife conflict and management implications in Kenya: a national perspective' 1 Human Dimensions of Wildlife, 2019.

² Mekonen S, 'Coexistence between human and wildlife: the nature, causes and mitigations of human wildlife conflict around Bale Mountains National Park, Southeast Ethiopia' BMC Ecology 20, 51, 2019.

³ World Wildlife Fund, 'What is human-wildlife conflict and why is it more than just a conservation concern?', <<https://www.worldwildlife.org/stories/what-is-human-wildlife-conflict-and-why-is-it-more-than-just-a-conservation-concern>> .

⁴ Wilson MC, Chen XY, Corlett RT et al, 'Habitat fragmentation and biodiversity conservation: key findings and future challenges' Landscape Ecology 31, 219–227, 2016.

⁵ Sen TK, Chatterji S, 'Land Use Planning: Basics and Approaches' in Reddy G and Singh S (eds) Geospatial Technologies in Land Resources Mapping, Monitoring and Management, Geotechnologies and the Environment, vol 21, Springer, Cham, 2018.

Case, where the area (Athi-Kaputiei) has seen rapid urbanization and privatization of land, leading to habitat fragmentation that disrupts traditional migratory routes and access to pasture for wildlife. As a result, there have been sharp declines in populations of species like wildebeest, gazelles, and zebras, with poaching exacerbating the situation. The changes have also negatively affected pastoralists, reducing livestock populations and threatening the sustainability of pastoralism in the area⁶. On the other hand, sustainable land-use planning aims to design and implement land development in a way that reaches a balance between human needs and ecological conservation on principles of minimum ecological disruption and coexistence with wildlife.

HWC has numerous faces; hence, legal frameworks are quite necessary for its management. Current laws in Kenya, for example, the Wildlife Conservation and Management Act 2013⁷, provide mechanisms of compensation and resolution methods for these conflicts. Much of this has been translated into effective legislation, but the enforcement of the same is lacking, especially at friction points where human habitation is encroaching upon the habitat of wildlife. The present study endeavours to understand the existing legal mechanisms governing human-wildlife conflict in identifying lacunae and suggesting novel, feasible solutions to meet the needs of humans and wildlife. The study examines the root cause, legal lacuna, and probable strategies for conflict resolution to inform policymakers and other stakeholders on best practices that can ensure human, and wildlife populations coexist peacefully.

In the end, with increasing human-wildlife interaction around Kenya, a strong legal and policy framework should be put in place through which the conflict can be mitigated, wildlife conserved, and human livelihoods guaranteed. The research will contribute to such frameworks by proposing the best legal strategies that can also support land-use planning in ways to allow both human development and wildlife conservation.

1.3 Statement of The Problem

Ideally, human populations and wildlife could coexist without conflict, with well-demarcated boundaries ensuring sustainable development alongside conservation efforts. Through proper

⁶ Ogutu J, 'Development Has Devastated Wildlife in Lands South of Nairobi' The Conversation, <<https://theconversation.com/development-has-devastated-wildlife-in-lands-south-of-nairobi-69123>.

⁷ Wildlife Conservation and Management Act, 2013.

land-use planning, wildlife habitats would be preserved to reduce human encroachment and mitigate conflict, while legal frameworks enable the balanced use of resources and ecosystem management. In Kenya, several laws and policies support this ideal by promoting responsible land-use planning and addressing human-wildlife conflict (HWC) through resolution and compensation mechanisms.

Key examples include the Wildlife Conservation and Management Act, 2013⁸, which provides a comprehensive framework for wildlife conservation, establishing wildlife corridors and dispersal areas to reduce habitat fragmentation and offering compensation for losses due to wildlife. The Environmental Management and Coordination Act (EMCA), 1999,⁹ emphasizes sustainable land-use planning and mandates Environmental Impact Assessments (EIAs) for projects affecting wildlife habitats. Lastly, the Physical and Land Use Planning Act, 2019¹⁰ highlights the need for integrated land-use planning, balancing development with conservation by considering wildlife habitats and corridors, thereby minimizing human-wildlife conflicts.

The increasing human-wildlife conflict in Kenya, is a direct consequence of rapid urbanization and habitat fragmentation. The expansion of residential and commercial developments has significantly encroached upon areas historically inhabited by wildlife, with regions like Nairobi South and Karen witnessing substantial loss of natural habitats due to new housing and commercial projects¹¹. Moreover, the construction of infrastructure, such as the Southern Bypass and other major roads, has severely disrupted wildlife corridors and dispersal areas, impeding the free movement of wildlife and exacerbating conflict¹². In addition, agricultural expansion, particularly in the Kitengela region south of Nairobi National Park, has further intensified habitat degradation, as land conversion for farming proves increasingly incompatible with wildlife conservation efforts¹³. In such situations, wildlife displaced from their shrinking habitats are forced onto human existence, causing damage to property, economic loss, and even threats to

⁸ Wildlife Conservation and Management Act, 2013.

⁹ Environmental Management and Coordination Act (EMCA), 1999.

¹⁰ Physical and Land Use Planning Act, 2019.

¹¹ Kiboro LM and Kiboro CN, 'Impact of Land Use Changes on Wildlife Population in Nairobi National Park and Kitengela Dispersal Areas in Kenya' International Journal of Science and Research (IJSR) 5(8), August 2016.

¹² Mekonen S, 'Coexistence Between Human and Wildlife: The Nature, Causes and Mitigations of Human Wildlife Conflict Around Bale Mountains National Park, Southeast Ethiopia', BMC Ecology 20(1), 2020.

¹³ Bashir MA, Wanyonyi E, 'Winning Space for Conservation: The Growth of Wildlife Conservancies in Kenya' Frontiers in Conservation Science 5, July 2024.

human life. While the 2013 Wildlife Conservation and Management Act includes certain legal mechanisms for enforcement, it is inconsistently enforced- particularly in areas of high friction as human activities expand into those of wildlife habitats.

The impact of this reality is devastating; crop losses among farmers, loss of livestock, and heavy emotional and financial burdens on the communities. Human life becomes at risk and the retaliatory killings or displacement of wildlife due to human-wildlife conflict result in a decline in the populations of wild animals. Lack of effective enforcement by the law further aggravates the situation, leaving gaps in protection for both humans and wildlife. This study evaluates the effectiveness of the existing legal framework in managing human-wildlife conflict in Kenya, identifies legal gaps, and proposes innovative solutions for mitigation.

1.4 Research Objectives

1. To examine the underlying causes and prominent cases of human-wildlife conflict in Kenya.
2. To evaluate the existing legal frameworks governing human-wildlife conflict, identifying gaps and weaknesses in their enforcement.
3. To assess innovative legal and policy solutions that can enhance conflict mitigation efforts and promote sustainable coexistence between human populations and wildlife.

1.5 Research Questions

1. What are the principal legal and factual causes underpinning instances of human-wildlife conflict in Kenya, and which cases serve as key illustrations of these conflicts?
2. To what extent are the existing legal frameworks governing human-wildlife conflict in Kenya adequate, and what deficiencies or enforcement challenges are apparent within these regulatory mechanisms?
3. What novel legal and policy interventions could be introduced to strengthen conflict mitigation strategies and facilitate sustainable coexistence between human populations and wildlife?

1.6 Hypothesis

The current legal frameworks in Kenya, including the Wildlife Conservation and Management Act (2013), are insufficiently enforced and fail to address the complexities of human-wildlife conflict effectively in Nairobi and its southern frontier. Innovative legal and policy strategies, along with integrated community-based conservation efforts, are necessary to mitigate these conflicts and promote sustainable coexistence between human populations and wildlife.

1.7 Literature Review

In their comprehensive study, "Patterns of Human-Wildlife Conflict and Management Implications in Kenya: A National Perspective," Long et al. (2019) deliver an in-depth analysis of human-wildlife conflict (HWC) across Kenya¹⁴. Their research integrates longitudinal data from a range of ecosystems and types of conflicts, illustrating the complex and multifaceted nature of HWC and its substantial impact on both wildlife conservation and human livelihoods. The study identifies primary forms of conflict, including crop raiding, livestock depredation, and property damage, with elephants and lions frequently cited as significant contributors.

This national perspective expands upon earlier research by Ogutu et al. (2016) and Patterson et al. (2004), which focused on specific species and regional conflicts. By providing a holistic view, Long et al. emphasize the urgent need for conflict management strategies that are tailored to local situations, socially acceptable, and sustainable. They advocate for the inclusion of local communities, national and county governments, and conservation experts in developing effective management solutions.

This approach aligns with the recommendations of Lamarque et al. (2009), which underscore the importance of community engagement in conservation efforts. Additionally, Long et al. highlight temporal patterns in HWC incidents, noting peaks during certain months that could guide more strategic management interventions. Their study calls for improved data collection and monitoring to enhance the understanding and response to HWC dynamics, contributing significantly to the literature by advocating for integrated approaches that balance human and

¹⁴ Long H, Mojo D, Fu C, Wang G, Kanga E, Oduor AMO and Zhang L, 'Patterns of human-wildlife conflict and management implications in Kenya: a national perspective' Human Dimensions of Wildlife, 2019.

wildlife needs, aiming to promote coexistence and sustain wildlife populations amidst growing anthropogenic pressures.

Similarly, the paper on human-elephant conflicts in Kenya provides a detailed examination of the socio-economic and environmental factors contributing to these escalating challenges. It contextualizes the conflicts within Kenya's semi-arid and arid landscapes, which cover 79% of the country¹⁵. The transition from pastoralism to sedentary agriculture has intensified pressures on high agricultural potential areas, leading to increased encroachment of elephants into these zones.

The review points out that the park network covers only 8% of Kenya, leaving a significant portion of biodiversity outside protected areas, which exacerbates the potential for human-wildlife interactions. This landscape fragmentation has heightened the frequency and intensity of conflicts as elephants migrate through increasingly isolated and disrupted habitats. The review critically assesses various strategies employed by the Kenya Wildlife Service (KWS) to address these conflicts. The establishment of community-based wildlife sanctuaries is identified as a promising approach, offering increased range for elephants and economic incentives through ecotourism, thereby fostering community support for conservation.

Community sensitization efforts are crucial for altering negative perceptions and promoting coexistence. Physical barriers, such as electric fencing, provide some deterrence but require ongoing community involvement for maintenance and are not entirely foolproof. The Problem-Animal Control (PAC) approach is critiqued for potentially disrupting elephant social structures and its limited long-term effectiveness. Additionally, the review discusses the short-term nature of translocation and elephant drives, which are less sustainable given the migratory patterns of elephants.

The paper concludes with recommendations for integrating proper land-use planning and enhancing community-based conservation efforts as essential for sustainable conflict mitigation. Overall, it underscores the need for a multifaceted approach that combines community

¹⁵ Omondi P, Bitok E and Kagir J, 'Managing human–elephant conflicts: the Kenyan experience' 3 International Journal of Zoology and Applied Biosciences 6, 2018, 434-438, <<http://www.ijzab.com>, <https://doi.org/10>>.

engagement, sustainable land management, and effective conflict resolution to address the complexities of human-elephant interactions in Kenya.

James A. Makini's 2018 study, "Are Strategies for Managing Human-Wildlife Conflicts in Kenya Working? A Case of Kitengela Wildlife Dispersal Area,"¹⁶ offers a critical evaluation of the effectiveness of various strategies employed to manage HWC in the Kitengela region. The study highlights HWC as a significant issue impacting both wildlife conservation and local livelihoods, particularly in areas where human populations intersect with wildlife habitats. Makini focuses on the dual challenge of conserving large carnivores, such as lions, leopards, and cheetahs, which threaten livestock, while also addressing the economic needs of pastoralist communities affected by wildlife predation. This context underscores the complexity of managing HWC where the conservation of endangered species must be balanced against the immediate economic needs of local populations.

Makini evaluates four primary strategies implemented in the Kitengela Wildlife Dispersal Area to mitigate HWC. The use of livestock guarding dogs, while a traditional method, has shown limited effectiveness in Kitengela due to the inadequacy of local and exotic breeds for the region's specific predation threats. The proposal to completely fence Nairobi National Park is critiqued for potentially disrupting wildlife migration patterns and ecological balance. Fencing around homesteads and bomas, while providing some protection, is costly and not fully effective, with continued incidents of predation. The compensation scheme for livestock losses, although intended to address economic losses, suffers from poor implementation and abuse, leading to mistrust between the government and local communities.

Makini identifies several challenges, including economic constraints, ecological considerations, and insufficient community engagement. The study concludes by recommending a more integrated approach involving all stakeholders, including local communities, and emphasizes the need for affordable fencing solutions, a transparent compensation scheme, and research into effective livestock guarding methods. The study underscores the importance of ongoing research into sustainable solutions and community-based approaches for future HWC management.

¹⁶ Makini JA, 'Are strategies for managing human-wildlife conflicts in Kenya working? A case of Kitengela wildlife dispersal area' Department of Environmental Science and Natural Resources Management, Kisii University, 2019.

This research presents a novel focus on the legal frameworks governing human-wildlife conflict (HWC) in Kenya, an area that has been underexplored in the existing literature. While previous studies predominantly emphasize ecological and socio-economic strategies, this investigation critically assesses legal deficiencies in enforcement and proposes innovative legal and policy solutions for enhancing conflict mitigation. Additionally, it considers the impacts of climate change, military operations, and over-urbanization. Through a comparative legal analysis, this study aims to provide actionable insights for strengthening Kenya's legal mechanisms, thereby making a distinctive contribution to the discourse on sustainable human-wildlife coexistence.

1.8 Theoretical Framework

The theoretical framework guiding the examination of human-wildlife conflict (HWC) in Kenya is anchored in two foundational theories: Natural Law Theory and Social Contract Theory. Natural Law Theory, as articulated by Thomas Aquinas, asserts that there are inherent moral principles embedded in human nature and the natural world. These principles are discoverable through reason and form the bedrock for just human laws that aim to promote the common good¹⁷. Aquinas posits that these moral laws are universal and immutable, providing a moral compass for legal systems to adhere to. In this context, Natural Law posits that humans have a moral obligation to preserve the natural world, including wildlife, as part of this universal order. This establishes an ethical foundation for wildlife conservation, framing the protection of ecosystems and biodiversity as essential to maintaining natural justice and the common good.

In the context of HWC, Natural Law Theory underscores the necessity of crafting legal frameworks that respect and uphold the intrinsic value of both human and wildlife lives. This theory advocates for legal structures that acknowledge the inherent rights of wildlife to exist and thrive, just as human communities have their rights. By aligning legal mechanisms with these universal moral principles, Natural Law Theory supports the development of laws that strive to balance human needs with the protection of wildlife, thereby ensuring that neither is unjustly harmed or disregarded. It highlights the moral obligation to create a legal environment that fosters coexistence and sustainable development, reflecting the fundamental principle that all entities have an inherent right to be respected and protected.

¹⁷ Lisska AJ, 'Aquinas's Theory of Natural Law: A Reconstruction' in Aquinas's Theory of Natural Law: An Analytic Reconstruction, Oxford, 1997; online edn, Oxford Academic, 3 Oct. 2011.

The Social Contract Theory, proposed by Jean-Jacques Rousseau, offers a complementary perspective. Rousseau's theory suggests that individual's consent, either explicitly or implicitly, to surrender certain freedoms and submit to the authority of a governing body in exchange for the protection of their remaining rights¹⁸. This social contract is viewed as the foundation of a legitimate political order, where laws are designed to reflect the general will of the people and ensure justice and fairness. Applying Social Contract Theory to HWC emphasizes the need for a collective agreement between human communities and governing authorities to effectively manage and resolve conflicts.

The theory advocates for the establishment of laws that embody the collective will to safeguard both human interests and wildlife conservation. It supports the idea that effective legal strategies for HWC must be developed through mutual agreement and cooperation, integrating both traditional and modern legal practices. In the context of wildlife conservation, this implies that society agrees to laws and policies that regulate human actions to protect wildlife, ensuring ecological balance and the collective good. By fostering a collaborative approach, Social Contract Theory¹⁹ encourages the creation of legal frameworks that ensure sustainable coexistence and equitable outcomes for both human populations and wildlife.

Together, these theories provide a robust framework for analysing and addressing the legal dimensions of HWC. Natural Law Theory offers an ethical perspective that underscores the importance of aligning legal frameworks with universal moral principles, advocating for a balance that respects the rights of both humans and wildlife. Social Contract Theory complements this by emphasizing the necessity of collective agreement and cooperation in crafting and enforcing laws that reflect the shared values and interests of human communities and wildlife. This integrated theoretical approach ensures that legal interventions are both morally grounded and socially accepted, promoting a just and sustainable resolution to the complexities of human-wildlife conflict.

¹⁸ Dimmock M and Fisher A, 'ETHICS' in Etieyibo E (ed) Perspectives in the Social Contract Theory, Series 11, Volume 21, 2014.

¹⁹ Rousseau JJ, The Social Contract, December 2010.

1.9 Research Methodology

This research employs desktop and doctrinal methods to analyse Kenyan statutes and policies related to human-wildlife conflict. It involves reviewing academic literature, including encyclopaedias, journal articles, and relevant dissertations from local and international sources, to understand various legal perspectives. The study will also assess primary legal sources to evaluate their practical effectiveness in managing wildlife conflicts, aiming to provide a comprehensive evaluation of current legal strategies and their applicability in Kenya.

1.10 Justification

Human-wildlife conflict in Kenya is an issue that has gained increased importance with the rapid urbanization and expansion of agriculture. As human activities approach natural habitats, wildlife is pushed closer to human settlements, leading to economic losses, damaged property, and threats to human security. Although Kenya has enacted various laws to deal with these conflicts, such as the Wildlife Conservation and Management Act, 2013, among others, the effectiveness in this regard is weakened by gaps in enforcement and implementation. This study is necessary in ensuring that such existing legal mechanisms are comprehensively assessed for their shortcomings and problems that prevent effective conflict resolution. In return, it will seek to ensure a full understanding of how existing laws and policies can be fine-tuned and improved in terms of better conflict management and mitigation with regard to human-wildlife.

Community-based conservation programs, complemented by legal frameworks, become an indispensable dimension in struggling with the multifaceted character of HWC. Conflict management could hardly succeed, not supported by strong legal solutions but rather harmoniously combined with the traditional and modern approach to nature conservation. This study will discuss how community involvement and innovative legal approaches can be integrated into the elaboration of sustainable solutions that reconcile human development with the conservation of wildlife. The findings will offer valuable insights for policymakers, conservationists, and legal practitioners to steer them toward more effective strategies and policies. The research will conclude by contributing to the development of a harmonious coexistence between human populations and wildlife, where both prosper despite pressures from urban and agricultural expansions.

1.11 Research Limitations

This research faces several limitations, as the complexity and scope of the legal and regulatory frameworks related to human-wildlife conflict may limit the feasibility of a thorough examination of every relevant aspect within the confines of this study. Consequently, the research may need to focus on particular areas or legal provisions, which might restrict the breadth of analysis.

Additionally, obtaining current and comprehensive data on human-wildlife conflict incidents and law enforcement responses could be challenging, potentially affecting the accuracy of the findings. Limited access to insights from key stakeholders such as government officials, conservationists, and local communities may further constrain the depth of analysis regarding practical implementation challenges. Despite these limitations, efforts will be made to mitigate biases and address gaps through rigorous methodological approaches and data triangulation to enhance the reliability and validity of the research outcomes.

1.12 Chapter Breakdown

Chapter one introduces the study by elaborately introducing the complex problem of human-wide life conflict in Kenya, accelerated through habitat loss, urban expansion, and competition for resources. The chapter discusses the conflicts on local communities and wildlife based on existing legal frameworks, including the Wildlife Conservation and Management Act of 2013. This chapter sets up the objectives of the research questions and hypothesis as it highlights some important concepts such as habitat fragmentation and sustainable land-use planning.

Chapter Two investigates the understanding and addressing of human-wildlife conflict in Kenya. To do so, the chapter will delve into the key drivers of human-wildlife conflict; these would be what causes it to happen. Furthermore, I will look at the impact of human-wildlife conflict on its surroundings; this will include, but not be limited to the social and cultural aspects. This chapter will conclude by looking at the various mitigation strategies available to combat HWC.

Chapter Three addresses the legal and policy framework for wildlife conservation in Kenya. To do so, it is spilt into a theme-based analysis to better link the various causes/themes to legal and policy frameworks; in addition, I also shed light on the gaps and challenges in the legal

framework in relation to HWC. This chapter concludes on a lighter note, addressing the roles of local communities as well as non-state actors when it comes to HWC.

Chapter Four focuses on the effectiveness of enforcement mechanisms and improvement strategies pertaining to HWC. To illustrate this, I assess two different jurisdictions (Botswana and South Africa) in a comparative light. Additionally, this chapter discusses adaptive management in the form of strategies of mitigation, as well as drawing examples from two other jurisdictions to provide insight on how to better engage local communities.

Chapter Five summarizes the findings about the study and gives recommendations. It calls for reforming legal frameworks, increasing community involvement, and including advanced technologies in conflict mitigation strategies. The chapter concludes by calling for sustained research and collaboration by stakeholders for sustainable coexistence between humans and wildlife.

CHAPTER 2: UNDERSTANDING AND ADDRESSING HUMAN-WILDLIFE CONFLICT IN KENYA

2.1 Introduction

Human-wildlife conflict in Kenya is multivariable and can present a huge danger to wildlife, as well as take a toll on people's lives economically, environmentally, socially, and even culturally. Causes, consequences, and potential mitigation strategies that could offer people and wildlife coexistence are presented herein. Kenya's population growth, climate change, and development make HWC an even more pressing issue to address in order to preserve biodiversity, promote sustainable development, and enhance the quality of life for impacted communities.

2.2 Key Drivers of Human-Wildlife Conflict

2.2.1 Habitat Encroachment and Land Use Changes

One of the primary causes of HWC in Kenya is habitat invasion. Agricultural production, house construction, and other infrastructure are the main causes of habitat loss as a result of human population growth into wildlife ranges. Elephants and other animals are being driven out of their protected regions by agricultural activity in places like the Maasai Mara in pursuit of food, which damages and destroys crops.²⁰ Road building exacerbates this by splintering ecosystems and restricting animal mobility. For instance, both lions and elephants have more challenges while attempting to traverse their customary migration paths, which raises the likelihood of violence.²¹

This problem is made worse by urbanization, which increases habitat fragmentation and brings wildlife closer to populated areas.²² Animals like hyenas and leopards, who have been uprooted from their natural habitats, occasionally find themselves in densely populated metropolitan areas where conflicts are inevitable. Nairobi's near vicinity to Nairobi National Park serves as one

²⁰Musimbi M, 'Factors influencing human-wildlife conflict in communities around the park: A case of Lake Nakuru National Park,' 2013.

²¹Koech FC, 'An assessment of human-wildlife conflicts within the Kitengela wildlife dispersal area, Kajiado County, Kenya,' October 2018.

²² International Fund for Animal Welfare, 'Human-wildlife conflict in Kenya,' 23 December 2024, <<https://www.ifaw.org/ca-en/journal/human-wildlife-conflict-kenya>>.

illustration of this, since human development has been encroaching on the park's buffer zones, raising the possibility of confrontations between people and animals.²³

Kenya's highway infrastructure development is another factor contributing to the issue. For example, significant wildlife corridors²⁴ like Nairobi National Park are traversed by the Standard Gauge Railway. Even with underpasses and overpasses as mitigations, animal migration is disturbed, and they are currently in conflict with the communities.

2.2.2 Climate Change

The extended drought and weather variations make resources scarcer. Elephants are frequently compelled to move to farmlands during dry seasons in quest of food and water, much like in other areas like Tsavo²⁵. Conflicts are on the rise as a result. Due to changes in rainfall and forest cover, these creatures' typical habitats are being disrupted by climate change. As a result, the animals seek nourishment from people. Climate change-induced changes in wildlife movement and distribution intensify competition for limited resources, leading to more conflict.²⁶

Climate change and further habitat loss increase the impact of each on biodiversity. For example, protracted droughts cause wetlands and other vital ecosystems to dry up, which serves as a source of water for both people and wildlife. As a result, there is frequently a risk of harmful interactions, such as when elephants damage crops or infrastructure.²⁷

Key species' migratory patterns are being impacted by climate change. For example, wildebeests in the Maasai Mara, which typically cross during times of the year when there is more rainfall and, consequently, more vegetation available, are forced to alter their routes as weather patterns change. In addition to upsetting the established biological balances, this has increased the closeness of farms and grazing areas to wildlife.

²³ Machoka LN, 'Factors influencing human-wildlife conflict in communities surrounded by protected areas: A case of Kenyan Wildlife Service focusing on the Maasai Mara National Reserve, Narok County, Kenya,' 2017.

²⁴ Kamau PK, Mbaria JG, and Koichi K, 'Human-wildlife conflict in Kenya', 2012.

²⁵ WWF Kenya, 'Human-wildlife conflict, one of the greatest threats to wildlife species,' <<https://www.wwfkenya.org/?232430/Human-wildlife-conflict-one-of-the-greatest-threats-to-wildlife-species>>.

²⁶ United Nations Environment Programme, 'Balancing climate, conflict and community in Kenya,' <<https://www.unep.org/news-and-stories/story/balancing-climate-conflict-and-community-kenya>>.

²⁷ Crawford A, Campbell I, Dalrymple S, and Craig R, 'Climate change and conflict: Lessons from community conservancies in Northern Kenya,' International Institute for Sustainable Development, November 2009.

2.2.3 Socioeconomic Factors

Communities are more vulnerable to wildlife invasions when they are impoverished and rely heavily on agriculture.²⁸ Around the protection area, farmers like those from Taita Taveta consistently suffer losses due to either livestock predation or crop devastation by elephants. Investing in preventative measures becomes challenging as a result of these losses, which further force many families into poverty.²⁹ As an example, farmers that are unable to purchase sophisticated deterrent technology and more effective predator-proof fences³⁰ resort to deadly means of controlling animals, such as poisoning or traps.

The severity of HWC is further influenced by socioeconomic disparities. The underprivileged may be left to suffer the most from wildlife-related losses because wealthier communities may have access to mitigating options like insurance plans and sophisticated farming methods. This discrepancy emphasizes the necessity of inclusive policies that target the particular difficulties faced by vulnerable groups.³¹

In places like Laikipia County, where raising cattle is a significant source of income, the financial strain is heavy. Livestock become easy prey for lions and hyenas in such a situation, resulting in significant losses. As the community wants greater help and compensation, the dispute has strained relations between wildlife officials and pastoralist groups.³²

2.2.4 Cultural and Traditional Practices

In certain cases, traditional behaviours are used to perpetrate or influence HWC. Predation is more likely since pastoralist groups frequently graze sheep in places with a high concentration of

²⁸ Esiromo E, 'An assessment of human-wildlife conflict: A case of Ol Donyo Sabuk National Park, Machakos County,' 2012.

²⁹ WWF Kenya, 'Prevent human-wildlife conflict,' <https://www.wwfkenya.org/our-work/our-campaigns/prevent_human-wildlife_conflict/>.

³⁰ WWF Kenya, 'Prevent human-wildlife conflict,' <https://www.wwfkenya.org/our-work/our-campaigns/prevent_human-wildlife_conflict/>.

³¹ Scofield Associates, 'Human-wildlife conflict: Causes, impacts, mitigation strategies and opportunities,' <<https://scofieldassociates.co.ke/human-wildlife-conflict-causes-impacts-mitigation-and-opportunities/>>.

³² ACCORD, 'Wildlife-community conflicts in conservation areas in Kenya – ACCORD,' 10 February 2020, <<https://www.accord.org.za/ajcr-issues/wildlife-community-conflicts-in-conservation-areas-in-kenya/>>.

wildlife. Cultural values that prioritize cattle above other sources of income exacerbate this.³³ Indigenous conflict-resolution techniques have become nothing more than shadows due to the disintegration of traditional norms that formerly encouraged cohabitation with animals.

Many Kenyan people have historically integrated animals into their cultural and spiritual lives and coexisted happily with them.³⁴ However, traditional practices have been undermined, and attitudes have shifted as modernization and economic pressures have taken centre stage. Conflict is made worse by communities' current emphasis on short-term survival and financial gain rather than long-term cohabitation.

2.3 Impacts of Human-Wildlife Conflict

2.3.1 Social Impacts

HWC disturbs people's everyday routines and causes worry and terror in the communities. Social cohesiveness is lost, and revenue is decreased when people relocate for safety.³⁵ Since some schools are located close to animal habitats, parents frequently forbid their kids from going.³⁶ Depression and PTSD are long-term psychological traumas brought on by the constant dread of animals. People who live close to Tsavo National Park, for instance, frequently record encounters with lions and elephants, which can cause stress and alter behaviour.³⁷

In addition, HWC's psychological effects extend beyond immediate danger. Social interactions are further strained when families experience sadness and resentment after losing loved ones or valuable possessions to animal occurrences.³⁸ Women and children are disproportionately

³³ Koech FC, 'An assessment of human-wildlife conflicts within the Kitengela wildlife dispersal area, Kajiado County, Kenya,' October 2018.

³⁴ Bond J and Mkutu K, 'Exploring the hidden costs of human-wildlife conflict in Northern Kenya,' *African Studies Review* 61 (1), 2018, 33–54.

³⁵ Machoka LN, 'Factors influencing human-wildlife conflict in communities surrounded by protected areas: A case of Kenyan Wildlife Service focusing on the Maasai Mara National Reserve, Narok County, Kenya,' 2017.

³⁶ Blair AG and Meredith TC, 'Community perception of the real impacts of human-wildlife conflict in Laikipia, Kenya: Capturing the relative significance of high-frequency, low-severity events,' *Oryx* 52 (3), 2017, 497–507.

³⁷ Machoka LN, 'Factors influencing human-wildlife conflict in communities surrounded by protected areas: A case of Kenyan Wildlife Service focusing on the Maasai Mara National Reserve, Narok County, Kenya,' 2017.

³⁸ Scofield Associates, 'Human-wildlife conflict: Causes, impacts, mitigation strategies and opportunities,' <<https://scofieldassociates.co.ke/human-wildlife-conflict-causes-impacts-mitigation-and-opportunities/>>.

impacted since they are typically in charge of gathering firewood and water, frequently in places frequented by wildlife, making them more vulnerable and vulnerable to assaults.³⁹

Moreover, HWC also makes disputes between communities worse. Conflicts over resource use and management, as well as accountability for safety, arise in places where wildlife corridors traverse community lands. For instance, competing for the same grazing and water resources that wildlife frequently targets causes conflicts between pastoralist and agricultural people in places like Narok.⁴⁰

2.3.2 Economic Impacts

HWC has significant economic effects, particularly in tourism and agriculture.⁴¹ Farmers suffer financial losses because of lions and other predators⁴² preying on livestock and elephants invading crops.⁴³ Accordingly, Samburu is not an exception, since the economic setback results in cattle predation, causing pastoralist communities to lose precious animals that frequently serve as their main source of income. Its cumulative repercussions include greater food insecurity and poverty as a result of losses.⁴⁴

Another victim of HWC is the tourism industry. Attacks on visitors or local populations around game reserves and national parks deter travel, which leads to cancellations and lost income.⁴⁵ Given the importance of tourism revenue in supporting conservation, this affects not just nearby companies but also conservation more broadly.⁴⁶ For instance, the Maasai Mara depends on

³⁹ Machoka LN, 'Factors influencing human-wildlife conflict in communities surrounded by protected areas: A case of Kenyan Wildlife Service focusing on the Maasai Mara National Reserve, Narok County, Kenya,' 2017.

⁴⁰ Scofield Associates, 'Human-wildlife conflict: Causes, impacts, mitigation strategies and opportunities,' <<https://scofieldassociates.co.ke/human-wildlife-conflict-causes-impacts-mitigation-and-opportunities/>>.

⁴¹ Scofield Associates, 'Human-wildlife conflict: Causes, impacts, mitigation strategies and opportunities,' <<https://scofieldassociates.co.ke/human-wildlife-conflict-causes-impacts-mitigation-and-opportunities/>>.

⁴² Seddon D, 'Laikipia Predator Project: Adaptations of lion behavioural ecology in response to a conflict landscape,' WildCRU, <<https://www.wildcru.org/research/laikipia-predator-project-adaptations-of-lion-behavioural-ecology-in-response-to-a-conflict-landscape/>>.

⁴³ Wanyoro C, 'Farmers count losses as elephants destroy crops in Meru,' Nation, 25 January 2023, <<https://nation.africa/kenya/counties/meru/farmers-count-losses-as-elephants-destroy-crops-in-meru>>.

⁴⁴ Kenya Climate Directory, 'A comparison between human-carnivore conflicts and local community attitudes toward carnivores in Westgate Community Conservancy, Samburu, Kenya,' <<https://www.kenyaclimatedirectory.org/resources/670588ef300dc>>.

⁴⁵ Nick, 'Wildlife conservation Kenya: How exactly tourism affects conservation,' Tsavo Trust, 22 October 2021, <<https://tsavotrust.org/wildlife-conservation-kenya-how-exactly-tourism-affects-conservation/>>.

⁴⁶ Ministry of Health, Kenya Health Financing Strategy, 2020-2030, Abridged version, 2020, <http://guidelines.health.go.ke:8000/media/Kenya_Health_Financing_Strategy_Abridged_Version_2020-2030.pdf>.

tourism-generated income to support anti-poaching efforts and community conservancies, but this revenue is at risk⁴⁷ when HWC incidents garner media attention.

2.3.3 Environmental Impacts

HWC perpetuates the destruction of biodiversity and habitat fragmentation. Retribution killing of predators often has ecological knock-on effects that interfere with ecosystems and cause an overpopulation explosion of prey species in the wild⁴⁸. The removal of top predators, such as lion, compromises an ecosystem's integrity through disruptions within food webs thereby triggering an interactive chain of events. For example, overgrazing will result in higher levels of soil erosion and lower levels of plant cover if herbivore numbers are not controlled.⁴⁹

Because fewer significant habitats are accessible because of human activities like land conversion to agriculture, these issues are made worse.⁵⁰ Deforestation, wildlife corridor loss, and wetland degradation all undermine attempts to preserve ecological equilibrium. Elephant migrations in Amboseli have been severely impacted by the loss of their migratory routes, becoming increasingly reliant on farms and escalating conflicts as a result.⁵¹

2.3.4 Cultural Impacts

As a result, longstanding links between communities and animals have been undermined by safety concerns and financial losses. For instance, the Maasai's adoption of practices like fencing to preserve cattle despite traditional beliefs has weakened their spiritual bond with animals. In addition to having an impact on communities' identities, this kind of cultural change also reduces support for conservation efforts that rely on local participation and expertise⁵².

⁴⁷ Ministry of Tourism and Wildlife, The Task Force on Human-Wildlife Compensation Schemes: Product design and claim administration process, July 2020, <<https://tourism.go.ke/wp-content/uploads/2020/07/Task-Force-Report-2.pdf>>.

⁴⁸ International Fund for Animal Welfare, 'Human-wildlife conflict in Kenya,' 23 December 2024, <<https://www.ifaw.org/ca-en/journal/human-wildlife-conflict-kenya>>.

⁴⁹ Scofield Associates, 'Human-wildlife conflict: Causes, impacts, mitigation strategies and opportunities,' <<https://scofieldassociates.co.ke/human-wildlife-conflict-causes-impacts-mitigation-and-opportunities/>>.

⁵⁰ WWF Kenya, 'Human-wildlife conflict, one of the greatest threats to wildlife species,' <<https://www.wwfkenya.org/?232430/Human-wildlife-conflict-one-of-the-greatest-threats-to-wildlife-species>>.

⁵¹ International Fund for Animal Welfare, 'Human-wildlife conflict in Kenya,' 23 December 2024, <<https://www.ifaw.org/ca-en/journal/human-wildlife-conflict-kenya>>.

⁵² Koech FC, 'An assessment of human-wildlife conflicts within the Kitengela wildlife dispersal area, Kajiado County, Kenya,' October 2018.

Intergenerational information transfer has been undermined by the disappearance of cultural customs that honour cohabitation, such as storytelling and coming-of-age ceremonies that include animals. Coexistence is made more difficult by the possibility that the next generation would grow up viewing animals as a threat rather than as a part of their history⁵³.

2.4 Mitigation Strategies

2.4.1 Land Management and Wildlife Corridors

Fragmentation can be lessened by efficient land use planning, such as the establishment of wildlife corridors⁵⁴. Conflicts between humans and elephants were reduced in the Amboseli Ecosystem when corridors were created because it allowed animals to migrate safely. These habitats are crucial because they allow animals to roam freely across their fragmented landscapes, avoiding human-populated regions and, consequently, conflict⁵⁵.

It is on this that significant ecosystems should be preserved and restored, where governments and environmental groups place a high premium. Policies that promote sustainable land use, such as rewilding and agroforestry initiatives, reduce the consequences of habitat loss. This needs to be done in cooperation with local communities to make sure that such programs correspond to their needs and goals⁵⁶.

2.4.2 Community-Based Conservation

Involving local communities in conservation fosters coexistence. By giving locals control over the management and benefits of wildlife resources, community-based projects like conservancies in the Maasai Mara reduce retaliation against troublesome animals and promote sustainable

⁵³ Koech FC, 'An assessment of human-wildlife conflicts within the Kitengela wildlife dispersal area, Kajiado County, Kenya,' October 2018.

⁵⁴ Kenya Wildlife Service (KWS), National Wildlife Conservation and Management Policy, 2017, Section 4.2.

⁵⁵ Mwacharo, John, 'Managing Human-Wildlife Conflict Through Community Engagement – Nature Kenya,' 4 March 2024.

⁵⁶ Mwacharo, John, 'Managing Human-Wildlife Conflict Through Community Engagement – Nature Kenya,' 4 March 2024.

land-use practices⁵⁷. Through revenue-sharing plans and job openings, these conservancies provide financial incentives to help communities see wildlife as a resource rather than a danger⁵⁸.

Campaigns for education and awareness also aid in dispelling myths about animals⁵⁹. By demonstrating to the local community, the financial and environmental advantages of conservation, these initiatives foster a sense of stewardship in them. Involving women and young people in hands-on conservation initiatives that promote participatory decision-making and increase community resilience advances this⁶⁰.

2.4.3 Technological and Financial Interventions

Early warning systems and electric fences are two examples of technologies that help keep wildlife out of human areas⁶¹. Motion-activated alarms, GPS tracking, and drone surveillance are other cutting-edge technologies. For local communities to effectively employ these technologies, capacity-building initiatives must be implemented in tandem with them.

Compensation for livestock and crop losses is one of the financial systems that lessens economic constraints and leads to retaliatory killings. Trust between communities and conservation authorities is bolstered by equitable and prompt compensation plans, such as those offered by the Kenya Wildlife Service. Microfinance and insurance are made available to farmers so they may invest in preventative measures⁶².

⁵⁷ Masaimara.Com, 'Conservation Masai Mara-Wildlife Protection and Community Support in Kenya's Masai Mara National Reserve and Conservancies,' <<https://www.masaimara.com/conservation-masai-mara.php>>.

⁵⁸ Rashid, Md. Harun Ar, 'Strategies to Solve Conflicts and Promote Coexistence Between Humans and Wildlife,' Library & Information Management, 13 September 2024.

⁵⁹ Oduor, Francis, Dasel Mulwa Kaindi, George Abong, Faith Thuita, and Céline Termote, 'Community-Based Conservation Strategies for Wild Edible Plants in Turkana County, Kenya,' Conservation 5 (1): 1, 2024.

⁶⁰ Mwacharo, John, 'Managing Human-Wildlife Conflict Through Community Engagement – Nature Kenya,' 4 March 2024.

⁶¹ Ministry of Tourism and Wildlife, The Task Force on Human-Wildlife Compensation Schemes: Product design and claim administration process, July 2020, <<https://tourism.go.ke/wp-content/uploads/2020/07/Task-Force-Report-2.pdf>>.

⁶² Ministry of Health, Kenya Health Financing Strategy, 2020-2030, Abridged version, 2020, <http://guidelines.health.go.ke:8000/media/Kenya_Health_Financing_Strategy_Abridged_Version_2020-2030.pdf>.

2.4.4 Climate Resilience Measures

Promoting sustainable farming methods and water conservation increases communities' ability to withstand resource shortages brought on by climate change, which can reduce the risks to HWC during droughts. The creation of community-managed water sites and integrated water resource management lessen conflict between animals and humans for limited supplies. Agroecological methods that put biodiversity and soil health first can also increase agricultural output while reducing environmental damage⁶³.

2.4.5 Legal and Policy Frameworks

This scenario necessitates addressing the deterioration of HWC-related legislative frameworks and law enforcement. Policies that encourage land-use patterns that are favourable to wildlife, control urban growth, and penalize unlawful murders would improve conservation balance. A roadmap for incorporating this into the nation's development agenda through the right stakeholders is provided by the National Wildlife Strategy 2030⁶⁴.

2.5 Conclusion

Kenya's wildlife-human conflict is a complex problem brought on by habitat loss, climate change, socio economic hardships, and cultural change. Only comprehensive approaches that strike a balance between the demands of people and the preservation of animals can resolve such disputes. Cooperation between local residents, conservation organizations, and governments would lead to coexistence and progress. Kenya can set the standard for peaceful cohabitation of people and animals by taking a comprehensive strategy that prioritizes fostering resilience, inclusiveness, and innovation.

⁶³ Kenya Climate Directory, 'A comparison between human-carnivore conflicts and local community attitudes toward carnivores in Westgate Community Conservancy, Samburu, Kenya,' <<https://www.kenyaclimatedirectory.org/resources/670588ef300de>>.

⁶⁴ National Wildlife Strategy 2030, Ministry of Tourism and Wildlife, <<https://www.tourism.go.ke/wp-content/uploads/2018/06/WILDLIFE-STRATEGY2030-Final-V1-Online.pdf>>

CHAPTER 3: LEGAL AND POLICY FRAMEWORK FOR WILDLIFE CONSERVATION AND MANAGEMENT IN KENYA

3.1 Introduction

This gives a review of the legal and policy frameworks governing wildlife conservation and management in Kenya. The review is conducted along thematic areas of interest, including land use conflicts, habitat fragmentation, human-wildlife encounters, economic losses from wildlife, community involvement, and legal and institutional challenges within these contexts. Key legislation in this area includes the Wildlife Conservation and Management Act of 2013⁶⁵, Forest Conservation and Management Act of 2016⁶⁶, and the National Wildlife Conservation and Management Policy of 2017⁶⁷, whose roles in the minimizing of human-wildlife conflict and ensuring sustainable conservation shall be emphasized in this discussion. The chapter further explores how such frameworks address the socio-economic impacts of wildlife on local communities and how to infuse local and traditional knowledge into modern conservation strategies.

3.2 A Theme-Based Analysis

Theme 1: Land Use Conflicts

The main aim of the 2012 Land Act in Kenya is to provide for sustainable administration and management of land and land-based resources⁶⁸. It encompasses allocation, compulsory acquisition, and management of public, private, and community land⁶⁹. However, since its implementation, the act has posed serious implications for human-wildlife conflict in Kenya. The conversion of natural rangelands into agricultural lands and human settlements has reduced the available habitat for wildlife, hence increasing the chances of contact between humans and wildlife, especially around the edges of protected parks⁷⁰. With increased conversion of land for agriculture, wildlife such as elephants and buffaloes often raid crops, leading to conflicts with

⁶⁵ Kenya Law, Wildlife Conservation and Management Act, 2013.

⁶⁶ Kenya Law, Forest Conservation and Management Act, 2016.

⁶⁷ Kenya Wildlife Service (KWS), National Wildlife Conservation and Management Policy, 2017.

⁶⁸ Kenya Law, *Land Act*, 4 May 2012.

⁶⁹ Kenya Law, *Land Act*, 4 May 2012.

⁷⁰ Scofield Associates, *Human-wildlife Conflict: Causes, Impacts, Mitigation Strategies and Opportunities*, n.d., <<https://scofieldassociates.co.ke/human-wildlife-conflict-causes-impacts-mitigation-and-opportunities/>>

farmers. This is especially true in places like the Maasai Mara, since raiding by elephants on crops is increasingly becoming a problem⁷¹.

Poor urban and rural planning has negatively affected dispersal wildlife areas, hence leading to increased human-wildlife conflict⁷². As human populations grow and expand into natural habitats, competition for things like food and water increases, further exacerbating the conflicts. Additionally, changes in climate have altered the availability of food and water, forcing animals to migrate over large distances in search of resources, often bringing them into closer contact with human settlements⁷³. The economic consequences of human-wildlife conflict can be severe for rural communities, with crop and livestock losses due to wildlife incursions being devastating for subsistence farmers. Efforts to mitigate these conflicts include better land-use planning, community-based conservation initiatives, and compensation schemes for those affected by wildlife damage⁷⁴.

In Kenya, land use conflicts are primarily engendered by the competition of human activities such as agriculture and urban development, with wildlife habitats. The Wildlife Conservation and Management Act (WCMA) of 2013 attempts to resolve these through the designation of wildlife conservation zones, including sanctuaries, national parks, and reserves⁷⁵. These zones are very important in preventing habitat encroachment and thus allowing wildlife to prosper. The WCMA also provides for the establishment of dispersion zones, which are areas that are designated to facilitate wildlife movement, and wildlife corridors, which are man-made or natural pathways made to enable wildlife to move freely through fragmented habitats, that will enhance the free movement of animals between different habitats, consequently reducing the cases of human-wildlife conflicts⁷⁶. The Forest Conservation and Management Act 2016 complements this by providing principles for sustainable forest management, highly important in

⁷¹ Scofield Associates, *Human-wildlife Conflict: Causes, Impacts, Mitigation Strategies and Opportunities*, n.d., <<https://scofieldassociates.co.ke/human-wildlife-conflict-causes-impacts-mitigation-and-opportunities/>>

⁷² International Fund for Animal Welfare, *Human-wildlife Conflict in Kenya*, 23 December 2024, <<https://www.ifaw.org/international/journal/human-wildlife-conflict-kenya>>

⁷³ Scofield Associates, *Human-wildlife Conflict: Causes, Impacts, Mitigation Strategies and Opportunities*, n.d., <<https://scofieldassociates.co.ke/human-wildlife-conflict-causes-impacts-mitigation-and-opportunities/>>

⁷⁴ International Fund for Animal Welfare, *Human-wildlife Conflict in Kenya*, 23 December 2024, <<https://www.ifaw.org/international/journal/human-wildlife-conflict-kenya>>

⁷⁵ Iucn, 'Kenya - Iucn Green List,' 30 October 2020, <<https://Iucngreenlist.Org/Country/Kenya/>>

⁷⁶ Kenya Wildlife Conservancies Association, 'status Of Wildlife Conservancies In Kenya | Kwca,' 14 April 2021, <<https://KwcaKenya.Com/Conservancies/Status-Of-Wildlife-Conservancies-In-Kenya/>>

the conservation of forest habitats, a key aspect of wildlife⁷⁷. The National Wildlife Conservation and Management Policy of 2017 has further integrated wildlife conservation into national development planning, with a focus on land use planning to be done in a way that creates wildlife corridors and minimizes conflicts from human encroachment⁷⁸.

Land use conflict in Kenya is induced mainly through urban expansion and agricultural intensification. For instance, encroachment by farmland into wildlife corridors disrupts the movement of animals, hence increasing human-wildlife interactions⁷⁹. The WCMA has a provision for creating wildlife corridors so that such conflicts are minimized by keeping the connectivity of different habitats. These corridors will not be ways but vital lifelines for species in their migration, breeding, and feeding⁸⁰. The 2016 Forest Conservation and Management Act further emphasizes retaining forested areas as key wildlife habitats, thereby minimizing the chances of conflict by securing essential ecosystems⁸¹. The Nairobi National Park - Athi-Kapiti Plains Corridor is a good example of a wildlife corridor, created in pursuant to the WCMA, this corridor allows wildlife to move between Nairobi National Park and the Athi-Kapiti Plains. It is crucial for the migration of species such as zebras and wildebeests, especially during the dry season. Additionally, the Tsavo East - Tsavo West Corridor, which connects Tsavo East and Tsavo West National Parks, facilitating the movement of elephants and other large mammals. It helps maintain genetic diversity and reduces human-wildlife conflict by providing a safe passage for animals⁸².

The holistic approach of the National Wildlife Conservation and Management Policy, 2017, integrates the goals of conservation with broader national development. It recognizes that land use planning cannot be done successfully unless the demands of conservation and development

⁷⁷ Kenya Law Reports, The Forest Conservation And Management Act 2016.

⁷⁸ Ministry Of Environment And Natural Resources, Conserving Connectivity – Protecting Wildlife Corridors And Dispersal Areas In Kenya, July 2017.

⁷⁹ Masai Mara Website, ‘wildlife Corridors - Masai Mara National Reserve Kenya’,
<<https://Masaimara.Ke/Wildlife-Corridors/>>

⁸⁰ The Nature Conservancy, ‘community-Led Conservation Grows In Kenya’,
<<https://Www.Nature.Org/En-Us/About-Us/Where-We-Work/Africa/Stories-In-Africa/Community-Led-Conservation-Kenya/>>

⁸¹ Kenya Law Reports, The Forest Conservation And Management Act 2016.

⁸² Kenya Wildlife Service, *Report on Wildlife Corridors and Dispersal Areas*, <<https://www.kws.go.ke/node/376>>

are balanced, and it promotes sustainable land use practices, like creating wildlife corridors to lessen conflicts between animal and human populations⁸³.

Theme 2: Habitat Fragmentation

One of the most concerning dangers to Kenyan wildlife is still habitat fragmentation, which is frequently utilized for agricultural and infrastructural development⁸⁴. In order to address this issue, the WCMA of 2013 established wildlife corridors, which guarantee biological interconnectedness. These kinds of corridors are crucial for preserving genetic variety and allowing organisms to move, procreate, and feed⁸⁵. Through community-based conservation programs that prioritize the preservation of continuous habitats⁸⁶, the National Wildlife Conservation and Management Policy of 2017 promotes habitat preservation. By helping to conserve wetlands, which are essential habitats for many species, the Ramsar Convention on Wetlands helps to lessen habitat fragmentation and the conflicts that come with it on a global scale⁸⁷.

Roads, railroads, and urbanization have all contributed to the increased fragmentation of animal habitats, separating populations and altering their normal activities. This issue is addressed by the WCMA's emphasis on the establishment of wildlife corridors, which provide animals with a safe route across fragmented habitats⁸⁸. Preventing animal populations from becoming isolated, which can result in inbreeding and decreased genetic diversity, is made possible by this legal protection. The National Wildlife Conservation and Management Policy of 2017 further

⁸³ Ministry Of Environment And Natural Resources, Conserving Connectivity – Protecting Wildlife Corridors And Dispersal Areas In Kenya, July 2017.

⁸⁴ Masai Mara Website, 'wildlife Corridors - Masai Mara National Reserve Kenya', <<https://Masaimara.Ke/Wildlife-Corridors/>>

⁸⁵ The Nature Conservancy, 'community-Led Conservation Grows In Kenya', <<https://Www.Nature.Org/En-US/About-Us/Where-We-Work/Africa/Stories-In-Africa/Community-Led-Conservation-Kenya/>>

⁸⁶ G. Kathleen, "Approaches To Community-Based Conservation In Kenya: Case Studies From Amboseli, Maasai Mara, And Laikipia".

⁸⁷ The Convention On Wetlands, 'the Importance Of Wetlands', <<https://Www.Ramsar.Org/About/Our-Mission/Importance-Wetlands.>>

⁸⁸ The Nature Conservancy, 'community-Led Conservation Grows In Kenya', <<https://Www.Nature.Org/En-US/About-Us/Where-We-Work/Africa/Stories-In-Africa/Community-Led-Conservation-Kenya/>>

strengthens this by promoting the creation of community-based conservation areas as buffer zones that connect disparate habitats⁸⁹.

Wetland habitats are typically left out of larger conservation plans, although the Ramsar Convention on Wetlands⁹⁰ offers a crucial forum for their protection. In addition to serving as vital habitats for several species, wetlands can act as organic barriers against habitat fragmentation. In order to lessen conflicts between humans and animals that result from habitat loss and fragmentation, such a situation necessitates the sustainable use and protection of these wetlands via the support of initiatives to maintain biological integrity and connectivity⁹¹.

Theme 3: Human-Wildlife Encounters

Human-wildlife conflict is usually frequent in the process of wild animals entering into the human space as a result of causing damage and/or threatening humans. In an effort to reduce negative impacts like these, some losses have gained financial compensation through the Wildlife Compensation Scheme⁹² established by WCMA for reducing retaliation on wildlife among such communities⁹³. In order to address a major contributing factor to the rise in human-wildlife contacts associated with poaching and illicit trade, the Convention on International Trade in Endangered animals of Wild Fauna and Flora (CITES) regulates the trading of endangered animals⁹⁴. By encouraging coexistence tactics, educating the public about the value of wildlife protection, and integrating local people in wildlife management⁹⁵, Community Wildlife Associations (CWAs) play a critical role in this topic⁹⁶.

⁸⁹ G. Kathleen, “Approaches To Community-Based Conservation In Kenya: Case Studies From Amboseli, Maasai Mara, And Laikipia”.

⁹⁰ The Convention On Wetlands, ‘the Importance Of Wetlands’,
<<https://www.ramsar.org/about/our-mission/importance-wetlands>>

⁹¹ M. Waikwa, ‘inside State’s Sh14bn Human-Wildlife Conflict Compensation Plan,’ Nation, 13 April 2024.
<<https://Nation.Africa/Kenya/Counties/Laikipia/Inside-State-S-Sh14bn-Human-Wildlife-Conflict-Compensation-Plan-4589184>>

⁹² Kenya Law, Wildlife Conservation and Management Act, 2013, Section 25.

⁹³ Murithi J, An assessment for the legal tools for management of human-wildlife conflicts within Mt. Kenya National Park, in Meru County, Kenya, 2018.

⁹⁴ Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), 1979.

⁹⁵ Machoka LN, ‘Factors influencing human-wildlife conflict in communities surrounded by protected areas: A case of Kenyan Wildlife Service focusing on the Maasai Mara National Reserve, Narok County, Kenya,’ 2017.

⁹⁶ Kenya Law, Wildlife Conservation and Management Act, 2013, Section 40.

Conflict between people and animals typically develops when people live next to protected areas or wildlife habitats. This results in increased occurrences of crop-raiding by elephants or predators, including lions, and enhances hostility between communities and wildlife. On this course, WCMA presents the Wildlife Compensation Scheme as a way for compensation for the communities through which economic loss experienced due to such conflicts will be incurred⁹⁷. This scheme is crucial in fostering coexistence by removing the economic burden from affected people and minimizing retaliatory killings of wildlife.

CITES plays a complementary role to this by eliminating illegal trade in wildlife, which exacerbates human-wildlife conflict. Poaching of endangered species such as elephants and rhinos for their tusks and horns increases human-wildlife encounters with poachers entering into wildlife ranges. CITES helps reduce the incentives for illegal hunting and subsequent human-wildlife conflicts by regulating this trade through a system of permits and certifications⁹⁸. Community Wildlife Associations enhance these efforts by engaging local communities in conservation activities, fostering a sense of ownership, and promoting strategies for peaceful coexistence⁹⁹.

Theme 4: Economic Losses from Wildlife

Communities may face significant hardships due to crop damage and livestock predation among other forms of economic loss attributed to wildlife. WCMA, through the Wildlife Compensation Scheme¹⁰⁰, tries to lighten these burdens by providing for financial restitutions of losses incurred, hence adopting an attitude much more tolerant towards wildlife¹⁰¹. This is further emphasized in the 2017 National Wildlife Conservation and Management Policy, which encourages benefit-sharing arrangements whereby benefits arising, such as through tourism, are shared economically¹⁰². These are further complemented by the Convention on Biological Diversity (CBD) through ensuring sustainable use and equitable distribution of benefits accruing from

⁹⁷ Kenya Law, Wildlife Conservation and Management Act, 2013, Section 26.

⁹⁸ HWCTF, 'Policies', < <https://www.hwctf.org/policydatabase>>.

⁹⁹ Murithi J, An assessment for the legal tools for management of human-wildlife conflicts within Mt. Kenya National Park, in Meru County, Kenya, 2018.

¹⁰⁰ Kenya Law Reports, The Wildlife Conservation And Management Act 2013.

¹⁰¹ U.S. Fish & Wildlife Service, 'CITES; U.S. Fish & Wildlife Service,' 16 July 2024, <<https://www.fws.gov/international-affairs/cites>>

¹⁰² Ministry Of Environment And Natural Resources, The National Wildlife Conservation And Management Policy, April 2017.

biodiversity to address some of the economic challenges faced by communities living adjacent to wildlife¹⁰³.

The economic impact of wildlife on local communities may be huge, as most of their livelihoods are based on agriculture and livestock farming. Crop loss due to foraging animals or livestock loss due to predation can be very disastrous for household incomes. The Wildlife Compensation Scheme is an important safety net provided for these communities in compensation for such losses verified¹⁰⁴. Kenya's wildlife compensation program performs in a variety of ways. Although it was intended to mitigate the adverse effects of human-wildlife conflict by providing compensation to those impacted, its execution has always been fraught with difficulties. Its efficacy was frequently hindered by bureaucratic roadblocks, inadequate funding, and claim processing delays. Current initiatives to streamline the procedure by including a digital platform for compensation hold promise for improving the efficiency and timeliness of this process¹⁰⁵.

The CWCC reviews, verifies, and recommends awards on the compensation claims, which are then forwarded to the Director-General of KWS, who presents the approved claims to the Ministerial Wildlife Conservation & Compensation Committee for final validation¹⁰⁶. The Ministry of Tourism and Wildlife receives funds from the National Treasury to facilitate the payment of approved compensation. Compensation must be sought for those affected through a defined process. The incident must be reported to the nearest KWS station within 24 hours of the incident's occurrence. A KWS officer verifies the claim and provides the claimant with a compensation form, which the claimant must fill out and return to the nearest KWS office within 30 days¹⁰⁷.

Concerns have been raised over the sufficiency of compensation for various losses. Many victims still believe the compensation is insufficient to match their true losses, even if the sums

¹⁰³ Ministry Of Environment And Natural Resources, Conserving Connectivity – Protecting Wildlife Corridors And Dispersal Areas In Kenya, July 2017.

¹⁰⁴ Kenya Law Reports, The Wildlife Conservation And Management Act 2013.

¹⁰⁵ Maina W, 'Inside State's Sh14bn Human-wildlife Conflict Compensation Plan,' Nation, 13 April 2024, <https://nation.africa/kenya/counties/laikipia/inside-state-s-sh14bn-human-wildlife-conflict-compensation-plan-4589184>.

¹⁰⁶ Musyoka F and Musyoka F, 'How to Get KWS Compensation for Damage Caused by Wildlife,' Kenyans.Co.Ke, 30 March 2021, <https://www.kenyans.co.ke/news/63841-how-get-compensation-kws-damage-caused-wildlife>.

¹⁰⁷ Musyoka F and Musyoka F, 'How to Get KWS Compensation for Damage Caused by Wildlife,' Kenyans.Co.Ke, 30 March 2021, <https://www.kenyans.co.ke/news/63841-how-get-compensation-kws-damage-caused-wildlife>.

have grown over time, for instance, the payout for death has gone from Kshs. 200,000 to Kshs. 5 million. In addition, the lengthy claims procedure and payment delays make it more difficult to obtain compensation. Even if reforms have been implemented to increase the scheme's efficiency, more work must be done to guarantee that victims of Kenya's human-wildlife conflict receive just compensation on schedule¹⁰⁸. Monetary benefits from the WCS therefore play a fundamental role in cushioning communities against possible economic hardships, hence fostering negative attitudes towards wildlife¹⁰⁹.

While the 2017 National Wildlife Conservation and Management Policy does a notch higher in creating mechanisms that ensure benefit sharing and includes communities living next to the reserves and parks within the conservation of their natural resources for ecotourism, the policy allows more conducive environments through engagement of communities in tourism ventures and revenue sharing from wildlife-related activities¹¹⁰. These are further enhanced by the CBD, which advocates for fair and equitable sharing of benefits arising from the use of biodiversity, thereby responding to the economic concerns of communities affected by wildlife¹¹¹.

Theme 5: Community Involvement

The involvement of communities in wildlife management is very vital, especially where conflicts between humans and wildlife occur. WCMA fosters the establishment of Community Wildlife Associations, which empower local people to be actively involved in the management of wildlife¹¹². These associations develop tailored wildlife management plans that address specific community needs and conservation goals. The National Wildlife Conservation and Management Policy of 2017 also ensures involvement in such a way that the conservation efforts shall benefit the local populations¹¹³. Non-Governmental Organizations supplement these efforts with the

¹⁰⁸ Maina W, 'Inside State's Sh14bn Human-wildlife Conflict Compensation Plan,' Nation, 13 April 2024, <https://nation.africa/kenya/counties/laikipia/inside-state-s-sh14bn-human-wildlife-conflict-compensation-plan-4589184>.

¹⁰⁹ U.S. Fish & Wildlife Service, 'cites | U.S. Fish & Wildlife Service,' 16 July 2024, <<https://www.fws.gov/international-affairs/cites>>

¹¹⁰ Ministry Of Environment And Natural Resources, The National Wildlife Conservation And Management Policy, April 2017.

¹¹¹ Ministry Of Environment And Natural Resources, Conserving Connectivity – Protecting Wildlife Corridors And Dispersal Areas In Kenya, July 2017.

¹¹² Kenya Wildlife Conservancies Association, 'Kenya Wildlife Conservancies Association,' 3 October 2022, <<https://kwakenya.com/>>

¹¹³ Ministry Of Environment And Natural Resources, Conserving Connectivity – Protecting Wildlife Corridors And Dispersal Areas In Kenya, July 2017.

required financial and technical support to the communities for effective mitigation strategies in human-wildlife conflict and coexistence in harmony¹¹⁴.

Active participation of local communities in conservation efforts is a cornerstone of successful human-wildlife conflict management. CWAs, as promoted by the WCMA, provide a platform for communities to engage directly in the management of wildlife resources¹¹⁵. By involving local populations in decision-making processes and conservation planning, these associations help build trust and cooperation between conservation authorities and communities¹¹⁶.

Community involvement, through integrating local knowledge and practices into conservation strategies, has also been called for in the National Wildlife Conservation and Management Policy of 2017. For the most part, it realizes that success is going to depend on the level of support and participation by local communities¹¹⁷. The NGOs are vital in giving essential support through technical expertise, financing, and capacity-building programs that would enable the community to adopt and sustain mitigation measures against human-wildlife conflicts¹¹⁸.

Theme 6: Legal and Institutional Challenges

Despite the complete legal framework that WCMA and other related statutes have established, enforcement still poses a huge challenge in Kenya. These activities have been hindered by a limited resource base, lack of finances, and generally weak capacity on the part of institutions such as KWS in conducting effective conservation and human-wildlife conflict mitigation¹¹⁹. While the Forest Conservation and Management Act of 2016 identifies institutions' support of forest conservation, it again stresses challenges that are seen in realising sustainable practice amidst competing demands on land use¹²⁰. These gaps in enforcement and resource allocation

¹¹⁴ G. Kathleen, "Approaches To Community-Based Conservation In Kenya: Case Studies From Amboseli, Maasai Mara, And Laikipia".

¹¹⁵ Kenya Wildlife Conservancies Association, 'Kenya Wildlife Conservancies Association,' 3 October 2022, <<https://Kwakenya.Com/>>

¹¹⁶ Kenya Wildlife Conservancies Association, 'Kenya Wildlife Conservancies Association,' 3 October 2022, <<https://Kwakenya.Com/>>

¹¹⁷ Ministry Of Environment And Natural Resources, Conserving Connectivity – Protecting Wildlife Corridors And Dispersal Areas In Kenya, July 2017.

¹¹⁸ G. Kathleen, "Approaches To Community-Based Conservation In Kenya: Case Studies From Amboseli, Maasai Mara, And Laikipia".

¹¹⁹ WKA Advocates, "Land Ownership Rights and Recent Land Disputes in Kenya." WKA, 25 January 2025, <<https://www.wka.co.ke/land-ownership-rights-and-recent-land-disputes-in-kenya.>>

¹²⁰ Yamano, Takashi, and Klaus D, "Land Conflicts in Kenya: Causes, Impacts, and Resolutions", January 2006.

point toward strengthening the institutional frameworks, increasing financial and technical support to make the legal measures effective in mitigating human-wildlife conflict¹²¹.

In most cases, the effectiveness of the legal framework in managing human-wildlife conflicts is usually weakened by the practical challenges related to enforcement¹²². As the main organization in charge of protecting wildlife, the KWS suffers tremendously from a lack of resources, which restricts the agency's ability to do its job¹²³. Among the major problems that impact the effectiveness of the agency's law enforcement capabilities are a lack of equipment, limited manpower, and a lack of budget¹²⁴.

This is evidenced by the Forest Conservation and Management Act of 2016, which calls for strong support in each respect to accomplish the goals in view. However, these good ideas have mostly run into a problem of implementation due to the competing demands for land use across agriculture and urban development. The challenges such as the need to enhance institutional capacity, increased financial investment in the field of conservation, and coordination among a wide range of stakeholders to transform legal frameworks into concrete actions are confronted¹²⁵.

3.3 Gaps and Challenges in the Legal Framework

Notwithstanding Kenya's extensive legislative framework, there are still several holes and difficulties in the way laws and regulations pertaining to HWC are being implemented. One of the primary issues is the inadequate application of current legislation. Implementing and monitoring HWC mitigation measures effectively is hampered by enforcement organizations like KWS's lack of money, staff, and capacity¹²⁶.

¹²¹ Obrein, Cpt. Robert, et al, "Emerging Threats and Competing Land Use Types: The Balance Between Development and Conservation; A Case of the Tsavo Ecosystem".

¹²² Mumbo, O, "Environmental Conservation in Kenya: Challenges of Enforcement by the Devolved System of Governance". Strathmore Law School, 2017.

¹²³ Muigua, K, "Implementing Constitutional Provisions on Natural Resources and Environmental Management in Kenya".

¹²⁴ Okoth, Anyango E, Ngachi S, and Onyango D, "African Environmental Defenders: A Handbook for Environmental and Land Rights Defenders in Kenya".

¹²⁵ Kenya Law Reports, The Forest Conservation and Management Act 2016.

¹²⁶ Global Environment Facility, 'Advancing Human-Wildlife Conflict Management Effectiveness in Kenya Through an Integrated Approach,' 9 February 2024.

The insufficiency of compensation for wildlife-related losses is another significant obstacle. Communities are supposed to be compensated for their losses under the Wildlife Compensation Scheme; however, the allocated funds are typically insufficient to fulfil all claims. Additionally, the compensation is typically given after a lengthy period of time, which makes things more difficult financially for the affected individuals and communities¹²⁷. This can result in animosity and retaliatory behaviour against wildlife, which is detrimental to conservation efforts.

Urbanization, infrastructural development, and agricultural growth have resulted in habitat fragmentation, which is another significant influence. Setting up wildlife corridors and dispersing zones typically encounters land use rivalry and a lack of cooperation among stakeholders, according to WCMA¹²⁸. The incidence of HWC is increased by this type of fragmentation, which also disrupts animal mobility.

Involving the community more in wildlife management and conservation is also necessary. Although the WCMA allows for the creation of CWAs, these associations have not always been implemented consistently. A lot of communities don't have the tools, education, and assistance they need to take part in conservation activities¹²⁹. For HWC mitigation methods to be successful, community engagement must be strengthened, and active participation in decision-making processes must be guaranteed.

Another issue facing the legal system is how to incorporate traditional knowledge and methods into contemporary conservation initiatives. The traditional ecological knowledge of many local people is significant and can help with HWC management. However, official conservation planning frequently ignores or undervalues this knowledge¹³⁰. Traditional knowledge may be incorporated into legal and regulatory frameworks to improve the efficacy of mitigation solutions for HWC and to encourage more inclusive and culturally sensitive conservation methods¹³¹.

¹²⁷Global Environment Facility, 'Advancing Human-Wildlife Conflict Management Effectiveness in Kenya Through an Integrated Approach,' 9 February 2024.

¹²⁸Mwacharo, J, 'Managing Human-Wildlife Conflict Through Community Engagement – Nature Kenya,' 4 March 2024.

¹²⁹Mwacharo, J, 'Managing Human-Wildlife Conflict Through Community Engagement- Nature Kenya,' 4 March 2024.

¹³⁰Food and Agriculture Organization, 'Human-Wildlife Conflict Management,' <<https://www.fao.org/4/i1048e/i1048e04.pdf>>.

¹³¹Food and Agriculture Organization, 'Human-Wildlife Conflict Management,' <<https://www.fao.org/4/i1048e/i1048e04.pdf>>.

3.4 Role of Local Communities and Non-State Actors

HWC management in Kenya heavily relies on local communities and non-state entities, such as NGOs. It has been determined that community-based conservation strategies are a successful way to encourage human and animal cooperation¹³². These strategies foster a sense of ownership and accountability by giving local communities the chance to participate in the management and preservation of wildlife¹³³.

In the Maasai Mara, for example, community conservancies¹³⁴ have been established to involve local communities in wildlife conservation¹³⁵. These conservancies provide economic incentives to communities through tourism revenue-sharing, which helps offset the costs of living with wildlife¹³⁶. Communities that directly benefit from wildlife conservation are more likely to support and engage in HWC mitigation efforts.

NGOs also provide the much-needed financial assistance, technical assistance, and capacity-building for HWC management in local communities and government organizations. Other groups, such as the African Wildlife Foundation and Nature Kenya, are carrying out a variety of initiatives to lower HWC and guarantee sustainable land-use practices. To lessen an excessive reliance on agriculture and animals, some of these efforts include creating predator-proof enclosures, creating early warning systems, and encouraging alternate forms of income.

Effective mitigation methods can only be developed and implemented via partnerships between local communities, NGOs, and the government. In this sense, collaborations in best practices, resources, and expertise improve the overall efficacy of the conservation endeavour¹³⁷. By

¹³²G. Kathleen, Approaches to Community-Based Conservation in Kenya: Case Studies from Amboseli, Maasai Mara, and Laikipia.

¹³³Rashid, Md. Harun Ar, 'Strategies to Solve Conflicts and Promote Coexistence Between Humans and Wildlife,' Library & Information Management, 13 September 2024.

¹³⁴Masaimara.Com, 'Conservation Masai Mara-Wildlife Protection and Community Support in Kenya's Masai Mara National Reserve and Conservancies,' <<https://www.masaimara.com/conservation-masai-mara.php>>.

¹³⁵G. Kathleen, Approaches to Community-Based Conservation in Kenya: Case Studies from Amboseli, Maasai Mara, and Laikipia.

¹³⁶Rashid, Md. Harun Ar, 'Strategies to Solve Conflicts and Promote Coexistence Between Humans and Wildlife,' Library & Information Management, 13 September 2024.

¹³⁷G. Kathleen, Approaches to Community-Based Conservation in Kenya: Case Studies from Amboseli, Maasai Mara, and Laikipia.

cooperating, stakeholders will be able to resolve the intricate, multidimensional problems that HWC presents, improving the sustainability of human-wildlife cohabitation.

In places where traditional customs and cultural values are crucial to animal protection, community involvement is especially crucial. For instance, community-based conservation initiatives have effectively combined contemporary conservation methods with traditional Maasai traditions in the Amboseli habitat¹³⁸. In addition to lowering HWC, this strategy has improved the Maasai people's traditional bonds with animals.

Education and awareness are two more crucial elements of community-based HWC management. To properly cohabit with wildlife, communities will need to get a greater understanding of animal behaviour and the advantages of conservation¹³⁹. A new generation of conservationists who are drawn to preserving Kenya's natural heritage may be produced via programs that educate children and young people about wildlife conservation¹⁴⁰.

In this regard, local communities' and non-state actors' contributions are still crucial to Kenya's efforts to solve HWC. Through community-based conservation programs, technical assistance from NGOs, and cooperation within government agencies, these important players play a major role in the creation and application of successful HWC mitigation solutions¹⁴¹. Through promoting community engagement and integrating traditional knowledge, Kenya is attempting to raise awareness among its citizens about the need of wildlife conservation for a healthy coexistence of people and animals.

3.5 Conclusion

The legal and policy frameworks in Kenya for wildlife conservation represent a complex interaction in trying to balance ecological integrity with human development needs. However, amidst the wide scope of legislation in laws like the WCMA, challenges persist with regard to

¹³⁸Oduor, Francis, Abong D, Thuita F, and Termote C, 'Community-Based Conservation Strategies for Wild Edible Plants in Turkana County, Kenya,' *Conservation* 5 (1): 1, 2024.

¹³⁹Oduor, Francis, Abong D, Thuita F, and Termote C, 'Community-Based Conservation Strategies for Wild Edible Plants in Turkana County, Kenya,' *Conservation* 5 (1): 1, 2024.

¹⁴⁰Mwacharo, J, 'Managing Human-Wildlife Conflict Through Community Engagement – Nature Kenya,' 4 March 2024.

¹⁴¹Rashid, Md. Harun Ar, 'Strategies to Solve Conflicts and Promote Coexistence Between Humans and Wildlife,' *Library & Information Management*, 13 September 2024.

enforcement and distribution of resources towards addressing human-wildlife conflict issues. In sum, engaging the community and non-state actors, besides traditional knowledge integration, may emerge as important critical aspects influencing an uptick in conservation performance. This chapter, while describing all those significant strides in policy formulation, calls for stronger institutional support, financial investment, and collaborative approaches in dealing with the many-faceted challenges of wildlife conservation in Kenya if the bigger vision of coexistence between humans and wildlife is to be realized.

CHAPTER FOUR: INNOVATIVE LEGAL AND POLICY INTERVENTIONS FOR HUMAN-WILDLIFE CONFLICT MITIGATION

The problem of human-wildlife conflict is a serious threat that affects both conservation efforts and people. This chapter examines legal and policy measures that can be used to support the idea of sharing wildlife with humans and demonstrates the importance of adaptive approaches for cooperation and conflict resolution. This paper examines the legal and policy frameworks that are currently in place, identifies the requirements for sustainable solutions that will help to meet the needs of people and conserve wildlife, and then analyses case studies and examples of successful interventions before presenting an evaluation of the best practices and the conclusions derived from them.

It also emphasizes how crucial it is to develop fresh methods and tactics, such as utilizing technology, involving the community, and managing natural resources, in order to establish effective and long-lasting conflict resolution processes. Due to this study we will, further, be able to comprehend the significance of legislative and policy advances in the management of human-wildlife conflict.

4.1 Effectiveness of Enforcement Mechanisms and Improvement Strategies

Most of the wildlife conservation in Kenya is done by the Kenya Wildlife Service (KWS). In order to prevent human-wildlife conflict, KWS undertakes numerous activities such as the deployment of wildlife rangers and community scouts, the use of technology such as GPS monitoring, and the deployment of drones to track animal movements. However, several factors still threaten the effectiveness of these enforcement measures¹⁴².

Firstly, there is insufficient funding and resources provided to KWS. The meagre financial resources limit the agency's ability in effective patrolling of the expansive conservation areas, infrastructure, and community-based conservation programs. In fact, the limitation affects responding quickly to conflict incidents and maintaining fences and water points that have a great effect on mitigating conflicts. For example, electric fences, which are very effective in

¹⁴² Mbaiwa, Joseph E. "Human-Wildlife Conflicts in the Okavango Delta, Botswana: What are Sustainable Management Options?" PULA: Botswana Journal of African Studies, vol. 32, no. 1, 2018.

preventing the entry of wild animals into human habitations, are often not maintained well due to lack of adequate funds. Further, insufficient personnel and equipment impact patrolling and monitoring negatively, hence making anti-poaching and other anti-crime operations ineffective¹⁴³.

Another area of improvement is the compensation scheme for losses on account of wild animals. While the WCMA of 2013 offers compensation, the procedure is sometimes long and cumbersome, increasing discontent among impacted communities. The compensation procedure includes claims verification, damage assessment, and payment approval, which might take a long period. Streamlining of the compensation process and timely compensation could increase community support for conservation efforts. Additionally, increasing transparency and accountability in the compensation process could help build trust between communities and conservation authorities¹⁴⁴.

In addition, effective enforcement also requires robust community engagement and education. Many communities living near wildlife habitats rely on agriculture and livestock for their livelihoods, making them particularly vulnerable to wildlife-related losses. The most relevant intervention is providing them with alternative livelihoods and economic opportunities that reduce dependency on natural resources and lessen the chances of conflict. Examples are in the promotion of sustainable agricultural practices, training and support for alternative income-generating activities, and developing community-based tourism initiatives. These may all help diversify livelihoods and reduce pressure on natural resources. In addition, the involvement of local communities in conservation and decision-making processes also helps to ensure that policies are framed in line with their needs and priorities; hence their support for conservation is improved¹⁴⁵.

Most significantly, the use of technology is another critical aspect of effective enforcement. The ability of KWS to monitor the movement of wildlife and quickly respond to incidents of conflict

¹⁴³ Dunnink, J.A., Hartley, R., Rutina, L., Alves, J., Franco, A.M.A. “A Socio-Ecological Landscape Analysis of Human–Wildlife Conflict in Northern Botswana.” *Oryx*, 2020.

¹⁴⁴ Scofield Associates. “Human-Wildlife Conflict: Causes, Impacts, Mitigation Strategies and Opportunities.” <<https://scofieldassociates.co.ke/human-wildlife-conflict-causes-impacts-mitigation-and-opportunities/>>

¹⁴⁵ Raymond. “Challenges Faced in Wildlife Conservation Efforts in Kenya - Kenyan Travel & Tourism Blog.” Kenyan Travel & Tourism Blog, 22 October 2023, <<https://livinglovingkenya.com/challenges-faced-in-wildlife-conservation-efforts-in-kenya/>>

can be further enhanced by using GPS tracking, drones, and other technological tools. For example, drones can quickly cover big areas and provide real-time information on wildlife locations to support conflict prevention through early warnings to communities when dangerous animals are present. In addition, technology can enhance data collection and analysis for better decision-making and more focused interventions¹⁴⁶.

4.2 Comparative Analysis with Frameworks in Botswana and South Africa

Despite having differed legal and regulatory systems, South Africa and Botswana employ comparable strategies to settle disputes between humans and animals. Human-animal conflicts are well managed by a system that Botswana has put in place, especially in the Okavango Delta. To reduce disputes, the government uses a combination of land zonation and compensation mechanisms. Land zonation is the process of allocating discrete zones for wildlife and human activity to reduce overlap and conflict¹⁴⁷. Botswana, for example, has constructed wildlife corridors that allow animals to travel between protected regions while avoiding human populations. These corridors are crucial for preserving biological connectedness and lowering the possibility of human-wildlife conflict¹⁴⁸. Meanwhile in Kenya, the main legislative frameworks governing conflict resolution and wildlife conservation in Kenya are the Forest Conservation and Management Act of 2016 and the Wildlife Conservation and Management Act (WCMA) of 2013. These rules place a strong emphasis on community engagement, habitat conservation, and making up for losses caused by animals.

Additionally, in Botswana, community compensations have been provided on a timely and appropriate basis to balance wildlife losses, therefore fostering community support for conservation¹⁴⁹. The compensation procedure in Botswana is generally smooth: there are clear standards on what to claim and when to expect reimbursement, resulting in minimal delays and

¹⁴⁶ Koech, F.C. “An Assessment of Human-Wildlife Conflicts within the Kitengela Wildlife Dispersal Area, Kajiado County, Kenya,” October 2018.

¹⁴⁷ Mbaiwa J.E., “Human-Wildlife Conflicts in the Okavango Delta, Botswana: What are Sustainable Management Options?” PULA: Botswana Journal of African Studies, vol. 32, no. 1, 2018.

¹⁴⁸ Seddon D, “Identifying and Protecting Key Wildlife Corridors in KAZA,” WildCRU, <<https://www.wildcru.org/news/identifying-and-protecting-key-wildlife-corridors-in-kaza/>>

¹⁴⁹ “Botswana- Statutory Law - Human Wildlife Conflict,” SWM Programme, <<https://www.swm-programme.info/en/legal-hub/botswana/human-wildlife-conflict>>.

quick aid to injured persons¹⁵⁰. In relation, Kenya too has a combination of strategies that it uses on this accord, including the WCS and the community involvement, however implementation is usually harder due to bureaucratic hurdles. Furthermore, community-based natural resource management projects in Botswana are among the initiatives that have included local communities in the conservation process and decision-making¹⁵¹. These have been shown to improve sustainable resource use and minimize conflict by delivering direct benefits to the community through animal protection¹⁵².

Similarly, South Africa has also implemented extensive regulations to address human-wildlife conflict, notably in areas such as Kruger National Park. Conflicts are managed in the country by a combination of fencing, community interaction, and compensation. South Africa's fencing approach is erecting physical barriers that keep wildlife from invading human settlements. These fences are frequently electrified and require constant maintenance to ensure their efficacy¹⁵³. Avoiding encounters with large animals like buffaloes and elephants, which may seriously harm homes and crops, has been made easier by fencing¹⁵⁴.

Thus, the goal of South African community engagement initiatives is to include local people in conservation initiatives and decision-making. For instance, South Africa has established community forums where residents may voice their concerns and assist in establishing conservation policies¹⁵⁵. These forums help communities and conservation officials communicate and work together, which boosts trust and support for conservation efforts¹⁵⁶. In Kenya, local groups participate in the conservation process and decision-making through community-based

¹⁵⁰ Ghana News Agency, "Botswana to Review Compensation Policies for Human-wildlife Conflict Victims," January 23, 2025,

<https://gna.org.gh/2025/01/botswana-to-review-compensation-policies-for-human-wildlife-conflict-victims/>.

¹⁵¹ Mbaiwa J.E. "Community-Based Natural Resource Management in Botswana," in Van der Duim R., Lamers M., van Wijk J. (eds), *Institutional Arrangements for Conservation, Development and Tourism in Eastern and Southern Africa*, Springer, Dordrecht, 2015.

¹⁵² Chitsove E, Madebwe T. "Community Based Natural Resources Management in Botswana," *Journal of African Law*, 2024.

¹⁵³ Guidelines for Community Engagement in Southern African Development, SADC Secretariat, 5 November 2018.

¹⁵⁴ Pekor A., "Fencing Africa's Protected Areas: Costs, Benefits, and Management Issues," 2019.

¹⁵⁵ South African Institute of International Affairs. "Elevating the Role of Communities in Conservation Management Areas," September 12, 2023,

<https://saiia.org.za/research/elevating-the-role-of-communities-in-conservation-management-areas/>.

¹⁵⁶ International Fund for Animal Welfare. "Human-Wildlife Conflict in South Africa," October 4, 2024, <https://www.ifaw.org/au/journal/human-wildlife-conflict-south-africa>.

conservation initiatives¹. However, there are continuous attempts to enhance community involvement and benefits, and the efficacy of these programs might differ.

In essence, Botswana's and South Africa's compensation schemes are comparable in that they offer prompt and fair reimbursement for losses caused by animals, unlike in Kenya, as much as the Wildlife Compensation Scheme is in place it is usually a slow and gruelling process due to lack of funds and overall delays in processing the claims. In order to identify areas for improvement and make sure that policies are updated to reflect evolving circumstances¹⁵⁷, the government also has a well-established system for tracking and evaluating the effectiveness of its conflict reduction measures¹⁵⁸. Additionally, South Africa has adopted cutting-edge strategies to provide alternative livelihoods for those residing close to wildlife regions, such as encouraging ecotourism and employing agricultural methods that are friendly to wildlife¹⁵⁹.

4.2.1 Lessons for Kenya: What can we learn from South Africa & Botswana

There are certain things that Kenya may learn from South Africa and Botswana, even if their legal and policy systems are similar¹⁶⁰. For instance, putting in place a more efficient and successful compensation system, like the one in Botswana, might increase public support for conservation efforts in Kenya¹⁶¹. Furthermore, increasing the usage of land zonation and physical barriers, as shown in South Africa, may assist to lessen the frequency and intensity of human-wildlife confrontations¹⁶². Kenya might also benefit from developing community forums

¹⁵⁷ Ghana News Agency, "Botswana to Review Compensation Policies for Human-wildlife Conflict Victims," January 23, 2025,

<https://gna.org.gh/2025/01/botswana-to-review-compensation-policies-for-human-wildlife-conflict-victims/>.

¹⁵⁸ AR Managing Editor, "Addressing Human-Wildlife Conflicts in Africa: Strategies for Conservation and Coexistence," African Researchers Magazine, March 19, 2024,

<https://www.africanresearchers.org/addressing-human-wildlife-conflicts-in-africa-strategies-for-conservation-and-coexistence/>.

¹⁵⁹ AR Managing Editor, "Addressing Human-Wildlife Conflicts in Africa: Strategies for Conservation and Coexistence," African Researchers Magazine, March 19, 2024,

<https://www.africanresearchers.org/addressing-human-wildlife-conflicts-in-africa-strategies-for-conservation-and-coexistence/>.

¹⁶⁰ "Botswana- Statutory Law - Human Wildlife Conflict," SWM Programme, <https://www.swm-programme.info/en/legal-hub/botswana/human-wildlife-conflict>.

¹⁶¹ Ghana News Agency, "Botswana to Review Compensation Policies for Human-wildlife Conflict Victims," January 23, 2025,

<https://gna.org.gh/2025/01/botswana-to-review-compensation-policies-for-human-wildlife-conflict-victims/>.

¹⁶² Pekor A., "Fencing Africa's Protected Areas: Costs, Benefits, and Management Issues," 2019.

and other participatory procedures to guarantee that local inhabitants are actively engaged in conservation initiatives and decision-making processes¹⁶³.

To summarize, while Kenya has built a comprehensive legal and regulatory framework to manage human-wildlife conflict, various problems prevent its successful implementation. Learning from Botswana and South Africa's experiences, particularly in areas like compensation systems and land zonation, should help Kenya's attempts to reduce disputes and foster long-term cohabitation between humans and animals¹⁶⁴. Addressing resource restrictions, bureaucratic roadblocks, and socioeconomic variables is critical to the successful implementation of human-wildlife conflict policy in Kenya. Furthermore, including climate change concerns into conflict resolution tactics and supporting adaptive management measures can assist to guarantee that policies remain robust and successful in the face of changing environmental circumstances¹⁶⁵.

4.3 Proposed Adaptive Legal Mechanisms - Adaptive Management

A strategy to manage natural resources that is both dynamic and methodical, adaptive management places a strong emphasis on learning and adapting via iterative decision-making. Adaptive management in the context of conflict between humans and animals entails ongoing evaluation of the efficacy of legislative and policy interventions as well as the required modifications in response to fresh data and evolving circumstances. Given the dynamic nature of ecological, social, and economic elements in Kenya, this strategy is especially pertinent to the country's human-wildlife conflict¹⁶⁶.

In legal and policy contexts, adaptive management necessitates a framework that is adaptable and sensitive to shifting ecological conditions and conflict dynamics. Conventional static legal

¹⁶³ South African Institute of International Affairs. "Elevating the Role of Communities in Conservation Management Areas," September 12, 2023, <<https://saiia.org.za/research/elevating-the-role-of-communities-in-conservation-management-areas/>>.

¹⁶⁴ Mbaiwa J.E., "Human-Wildlife Conflicts in the Okavango Delta, Botswana: What are Sustainable Management Options?" PULA: Botswana Journal of African Studies, vol. 32, no. 1, 2018.

¹⁶⁵ AR Managing Editor, "Addressing Human-Wildlife Conflicts in Africa: Strategies for Conservation and Coexistence," African Researchers Magazine, March 19, 2024, <<https://www.africanresearchers.org/addressing-human-wildlife-conflicts-in-africa-strategies-for-conservation-and-coexistence/>>.

¹⁶⁶ IUCN SSC Guidelines on Human-Wildlife Conflict and Coexistence, HWCTF, <<https://www.hwctf.org/guidelines>>.

frameworks frequently fall short in addressing the intricacies and unpredictability of relationships between people and animals. Laws and regulations must thus be flexible enough to take advantage of emerging possibilities and difficulties. Incorporating procedures for routine evaluation and modification of legal documents is part of this, as is encouraging cooperation amongst many stakeholders, such as local people, government entities, conservation groups, and researchers¹⁶⁷.

4.3.1 Recommendations for Flexible Laws that Respond to Ecological Changes and Conflict Dynamics

Kenyan human-wildlife conflict management requires the creation of adaptable legislation that can take into account shifting ecological conditions and conflict dynamics. The following are some important suggestions:

Firstly, periodically examine and update legal frameworks; this is because policies and laws pertaining to conflicts between people and animals should have clauses allowing for frequent review and change. In tackling new issues, this guarantees that legal tools stay applicable and efficient. By revising the Wildlife Conservation and Management Act (WCMA) of 2013, for example, it would be able to integrate new scientific evidence and best practices by requiring a review every five years¹⁶⁸.

Secondly, integration of the Adaptive Management Principle; Laws should specifically include provisions for adaptive management, which emphasize the need for constant observation, evaluation, and adjustment of management tactics. Developing adaptive management strategies with clear goals, monitoring protocols, and decision-making techniques can help achieve this¹⁶⁹.

Additionally, the flexibility and responsiveness of legislative frameworks can be improved by decentralizing wildlife management and including local people in decision-making procedures.

¹⁶⁷ Best Practices #2.11: Human Wildlife Conflict Management, Honeyguide, <<https://www.honeyguide.org/wp-content/uploads/2021/09/Human-Wildlife-Conflict-Management-toolbox-2.11.pdf>>.

¹⁶⁸ Best Practices #2.11: Human Wildlife Conflict Management, Honeyguide, <<https://www.honeyguide.org/wp-content/uploads/2021/09/Human-Wildlife-Conflict-Management-toolbox-2.11.pdf>>.

¹⁶⁹ Tarikregad, "Human-Animal Conflict: Understanding, Mitigation, and Coexistence," Animal Behavior Corner, May 4, 2024, <<https://animalbehaviorcorner.com/human-animal-conflict-understanding-mitigation-and-coexistence/>>.

In many areas, community-based natural resource management (CBNRM) initiatives have been effective in lowering conflict and advancing conservation by giving local communities the authority to manage and profit from animal resources. CBNRM projects should be strengthened and supported by legal frameworks that offer incentives for community engagement and clear instructions.

Furthermore, the Integration of Innovation and Technology; Using innovation and technology together can improve the efficacy of adaptive management in conflicts between people and animals. For example, remote sensing, drones, and GPS tracking can enhance animal movement monitoring and conflict hotspot identification. Adoption of these technologies should be aided by legal frameworks that establish rules for their usage and guarantee that all pertinent parties may access the data gathered¹⁷⁰.

Finally, the use of conflict resolution protocols; The implementation of effective conflict resolution protocols is necessary to settle disputes between humans and wildlife. Legal frameworks should address alternative dispute resolution (ADR) methods including mediation and arbitration to resolve conflicts between local communities and wildlife authorities. These processes should be transparent, open, and culturally sensitive to guarantee that all parties have an equal opportunity to present their cases and reach amicable agreements¹⁷¹.

4.3.2 Combining International Best Practices with Treaty Requirements

Upholding treaty obligations and incorporating international best practices would fortify Kenya's legal and regulatory framework for resolving human-animal disputes. In essence, it is important to consider the following:

To begin with, human-animal conflict management best practices and recommendations have been produced by international organizations, including the International Union for Conservation of Nature (IUCN). IUCN SSC Guidelines on Human-Wildlife Conflict and Coexistence include examples of helpful recommendations for conflict analysis, mitigation, and prevention methods.

¹⁷⁰ Mitigating Human-Wildlife Conflict, Wild at Life,
<<https://wildatlife.org/proj/human-wildlife-conflict-mitigation/>>

¹⁷¹ “Adaptive Management to End Human-Wildlife Conflict,” May 7, 2015,
<<https://sites.utexas.edu/wildlife/2015/05/07/adaptive-management-to-end-human-wildlife-conflict/>>

These suggestions might be used by Kenya to enhance its legal and policy framework, ensuring that it complies with international standards and incorporates established conflict resolution procedures¹⁷².

In the second instance, Kenya has signed several international treaties and agreements impacting on wildlife conservation and human-animal conflict resolution. Some of them include the Ramsar Convention on Wetlands, the Convention on Biological Diversity, and the Convention on International Trade in Endangered Species of Wild Fauna and Flora. The national laws and policies should incorporate the provisions of such treaties to comply. The CBD, for example, strongly emphasizes the need for development of biodiversity in such a way as to ensure involvement of local people in conservation practices. Kenya should thus strengthen the legal system where necessary to ensure that law and policy facilitate implementation of obligations arising from them¹⁷³.

In addition, gaining knowledge from comparative experiences: Kenya may benefit from other nations' experiences that have effectively handled conflicts between people and animals. To reduce violence, for example, Botswana and South Africa have put in place efficient measures including land zonation, compensation plans, and community involvement programs. Kenya may improve its legal and policy framework by looking at these models and modifying pertinent procedures for the Kenyan setting. Identifying possible weaknesses and opportunities for enhancement in current laws and regulations may also be facilitated by comparative analysis¹⁷⁴.

Moreover, the effective application of adaptive legal procedures depends on the development of the ability of the parties engaged in the management of animal-human conflicts. Training in adaptive management, conflict resolution, and technology usage is part of this for law enforcement, community leaders, and wildlife managers. It is recommended that legal frameworks incorporate provisions for capacity-building programs and allot funds for efforts related to education and training¹⁷⁵.

¹⁷² EmreCan, Özgün, "How to Design Better Human-Wildlife Conflict Management Plans?" Istanbul University, 2024.

¹⁷³ Policies, HWCTF, <<https://www.hwctf.org/policies>>.

¹⁷⁴ Policies, HWCTF, <<https://www.hwctf.org/policies>>.

¹⁷⁵ Vivas, Michelle a. Urrea, "Political Ecology and Environmental Conflicts: The Struggle Over Natural Resources," Harvard ALI Social Impact Review, October 1, 2024,

Lastly, local communities, governmental organizations, non-governmental organizations, and research institutions are just a few of the parties that must cooperate in order to manage human-wildlife conflict efficiently. Such collaborations ought to be facilitated and advanced by legal frameworks that explicitly outline roles and obligations, promote information sharing, and aid collaborative initiatives. For instance, creative conflict reduction initiatives may be financed and carried out through public-private partnerships¹⁷⁶.

Essentially, the creation of flexible legal frameworks is essential to the efficient handling of conflicts between people and animals in Kenya. To address the dynamic and complex nature of human-wildlife interactions, Kenya can improve its legal and policy framework by implementing adaptive management principles, making sure that legal frameworks are regularly reviewed and revised, involving local communities, utilizing technology, and integrating international best practices and treaty obligations. These initiatives will support conservation and human well-being by helping people and wildlife live in harmony¹⁷⁷.

4.4 Involvement of Local Communities: A Key to Conflict Mitigation

The involvement of local communities towards reducing these conflicts is very central for effective conservation. Communities typically tend to understand better the environment in which they reside, and they develop a kind of traditional knowledge base which may be of great benefit in managing wildlife and its resources sustainably¹⁷⁸. Further, it may ensure a kind of sense of ownership and responsibility for the wildlife, should these communities be taken along in projects for their conservation¹⁷⁹.

CBC approaches emphasize appropriate involvement of the local people in the management and conservation process. The all-inclusive nature of this process therefore ensures that conservation

<<https://www.sir.advancedleadership.harvard.edu/articles/political-ecology-environmental-conflicts-struggle-over-natural-resources>>.

¹⁷⁶ Garmestani, Ahjond S., Allen, Craig R., and Benson, Melinda H., “Can Law Foster Social-Ecological Resilience?” *Ecology and Society*, June 2013, Vol. 18, No. 2..

¹⁷⁷ Stockholm Resilience Centre, “Governance of Social-Ecological Systems in an Increasingly Uncertain World Needs to Be Collaborative, Flexible and Learning-Based,” Stockholm University.

¹⁷⁸ Scofield Associates, ‘Human-wildlife conflict: Causes, impacts, mitigation strategies and opportunities,’ <<https://scofieldassociates.co.ke/human-wildlife-conflict-causes-impacts-mitigation-and-opportunities>>.

¹⁷⁹ Sarinke, Parpoika, “Strategies Adopted by Amboseli National Park on Management of Human Wildlife Conflict in Kenya,” 2020.

activities meet the interests and priorities of the community for better reception and cooperation. This situation reduces conflict between conservation officials and local people as it ensures that the former earn confidence from the latter through decision-making processes. Additionally, it equips these communities with the skills, information, and experience needed to manage their resources responsibly for sustainable development¹⁸⁰.

4.4.1 Examples of Effective Projects in South Africa & Botswana:

THE CAPE LEOPARD TRUST: South Africa.

The Cape Leopard Trust is a NGO in South Africa, and its main focus is the conservation of the elusive leopard, as well as, its habitat. This trust has been actively involved in educating, conserving and researching the co-existence of humans and animals, since 2004.

In addition, CLT, through collaboration, whilst conducting its sustainable use of natural resources, makes it easier to maintain a more peaceful relationship between wildlife and farmers. Through strategies, such as the use of predator proof cages and use of guard dogs, CLT plays a prevalent role in reducing livestock predation by the leopards and other carnivorous predators. However, there still exists a fight over resources and human activities slowly encroach further on natural animal habitats.¹⁸¹

Habitat fragmentation puts the leopard population at a serious risk and due to this it also reduces genetic diversity because of individual isolation of the predators. The trust research, focusing in on the Fynbos Biome, the needs of the habitats and the movement patterns of these predators, this helps in identifying ways to mitigate the habitat fragmentation, by ways of wildlife corridors, that may help restore or protect the leopard, and in essence the formation of private reserves also furthers this mission.

Leopard depredation of livestock typically results in human versus nature clashes. Through a general management approach emphasizing more on livestock management than on the control

¹⁸⁰ Koech FC, 'An assessment of human-wildlife conflicts within the Kitengela wildlife dispersal area, Kajiado County, Kenya,' October 2018.

¹⁸¹ Cape Leopard Trust, 'Human Wildlife Conflict,' The Cape Leopard Trust, 25 August 2022, <<https://capeleopard.org.za/research/conservation/conflict>>

of predators, CLT attempts to address such conflicts. This is done through empowering farmers to properly manage their animals and utilizing non-lethal deterrents. To promote awareness of the ecological need for leopards and coexistence, the CLT conducts community outreach proactively.¹⁸²

Predation by wildlife costs farmers a lot of money. Because it is aware of the financial strain that livestock losses may have on individuals, the CLT strives to mitigate the effects by providing farmers with support or compensation plans. Giving farmers prompt, effective, and appropriate remuneration will undoubtedly lessen their financial burden and enable them to take part in conservation. Additionally, the CLT has engaged in alternative livelihoods like ecotourism, which may boost local economies and advance conservation objectives.¹⁸³

Community participation is an important part of the CLT's conservation strategy. The organization regularly engages the community via outreach and education programs, promoting animal and environmental protection. The CLT builds long-lasting connections by providing communities with the knowledge and tools they need to coexist peacefully with wildlife and including them in conservation decision-making. To discuss problems and share best practices, community forums and workshops are often organized.

The intricate institutional and legal structure in which the CLT operates frequently makes conservation more difficult. For this reason, CLT collaborates with governmental organizations, other non-governmental organizations, and academic institutions to advocate for laws that support the preservation of wildlife. To ensure that such initiatives are supported by favorable legislative frameworks, the organization seeks to expand the legal protections granted to leopards and their habitats. Strong institutional ties can increase capacity to address conservation issues in an efficient manner.¹⁸⁴

¹⁸² Cape Leopard Trust, 'The Cape Leopard Trust,' The Cape Leopard Trust, <<https://capeleopard.org.za/research/conservation>>

¹⁸³ Cape Leopard Trust, 'The Cape Leopard Trust,' The Cape Leopard Trust, <<https://capeleopard.org.za/>>

¹⁸⁴ Cape Leopard Trust, *IMPACT REPORT 2022*, <https://capeleopard.org.za/images/assets/annual_reports/2022_The_Cape_Leopard_Trust_Impact_Report_V02.pdf>

This trust is well-suited to tackle these complex issues in leopard conservation. The CLT demonstrates that in order to ensure the long-term survival of leopards and biodiversity in the area, conservation requires a cooperative and scientifically grounded approach given the issues of land-use conflict, habitat fragmentation, human-wildlife contact, financial losses for farmers, community involvement, and legal obstacles.

THE OKAVANGO DELTA: Botswana.

One of the biggest inland deltas, known for its fauna and very specific ecology is the Okavango Delta, in Botswana. Here, as part of the ODMP (Okavango Delta Management Plan, they have implemented land zonation strategies to preserve and manage the area. These zonation strategies aim to address a variety of issues such as but not limited to human-wildlife interaction, land use disputes and community engagement.

Conflicts over land use in the Okavango Delta result from conflicting demands on human settlements, agriculture, and conservation. By allocating particular zones for various occupations, the land zonation program reduces these tensions. While buffer zones allow for regulated human activity like agriculture and habitation, core conservation areas are reserved for wildlife and tourists. Conflicts between stakeholders are reduced and direct rivalry for resources is lessened by this spatial separation. Wildlife in the Okavango Delta is also seriously threatened by habitat fragmentation. In order to solve this problem, the land zonation plan preserves and improves the wildlife corridors that link protected areas. By permitting animals to easily migrate across environments, these corridors maintain genetic variety and lower the possibility of isolated populations. The project contributes to maintaining the biological integrity of the delta by protecting continuous ecosystems¹⁸⁵.

Conflicts frequently result from human-animal interactions, especially when wildlife invades agricultural areas or populated areas. By explicitly defining regions for human activity and wildlife protection, the zonation plan lessens these interactions. In order to keep animals out of regions where humans predominate, the plan also calls for actions including building physical

¹⁸⁵ Darkoh MBK and Mbaiwa JE, 'Land-use and resource conflicts in the Okavango Delta, Botswana,' University of Botswana.

barriers and putting in place community-based monitoring systems¹⁸⁶. These initiatives support coexistence and reduce harmful encounters. Local communities may suffer greatly from wildlife-related economic losses like crop destruction and livestock predation.

Through a compensation plan that offers impacted individuals financial help, the land zonation program remedies these losses. The program eases financial strains and promotes favourable attitudes toward wildlife conservation by making up for farmers' losses. Additionally, the program encourages other forms of money generation that support conservation initiatives, including ecotourism¹⁸⁷.

Engaging the community is crucial in order for conservation programs to be successful. Using the CBNRM (Community-based Natural Resource Management) initiative, the local personnel are implementing the zonation plan made specifically for the Okavango Delta, and by doing this, these communities then take part in initiative and influence decisions.¹⁸⁸

The project increases local support for conservation and sustainable development by integrating communities in the management of natural resources and distributing the financial gains from tourism.¹⁸⁹ In the Okavango Delta, implementing land zonation also requires negotiating intricate institutional and legal structures. By coordinating laws and policies pertaining to conservation and land use, the project tackles these issues. Collaboration between government agencies, non-governmental groups, and local communities ensures that the zonation plan is properly implemented and adapted to changing conditions. The effort improves the delta's overall governance by promoting collaboration and bolstering institutional capacity.¹⁹⁰

¹⁸⁶ Gumbrecht T, McCarthy J, and McCarthy TS, 'Channels, wetlands and islands in the Okavango Delta, Botswana, and their relation to hydrological and sedimentological processes,' *Published online in Wiley InterScience*, DOI: 10.1002/esp.1008.

¹⁸⁷ Mbaiwa JE, 'Human-wildlife conflicts in the Okavango Delta, Botswana: What are sustainable management options?' *PULA: Botswana Journal of African Studies* 32(1), 2018, 22.

¹⁸⁸ Efd Initiative, 'Economic Value of the Okavango Delta, Botswana, and Implications for Management of Water and Wildlife,' 1 January 2009, <<https://www.efdinitiative.org/research/projects/economic-value-okavango-delta-botswana-and-implications-management-water-and>>

¹⁸⁹ Mbaiwa JE, 'Human-wildlife conflicts in the Okavango Delta, Botswana: What are sustainable management options?' *PULA: Botswana Journal of African Studies* 32(1), 2018, 22.

¹⁹⁰ Darkoh MBK and Mbaiwa JE, 'Land-use and resource conflicts in the Okavango Delta, Botswana,' University of Botswana.

An all-encompassing strategy for managing and safeguarding one of the most distinctive ecosystems on Earth is the Okavango Delta land zonation program. The effort encourages sustainable conservation and development by tackling land use disputes, habitat fragmentation, human-wildlife interactions, economic losses, community engagement, and legal issues. The land zonation approach guarantees the long-term preservation of the Okavango Delta's biodiversity and the welfare of its residents via meticulous planning and proactive community involvement.

4.4.2 Benefits of Empowering Indigenous and Rural Communities through Participatory Governance

Conservation and community development are complemented through the empowerment of rural and indigenous peoples in participatory governance. In conditions of participatory government, residents are involved in active decision-making regarding natural resource management.¹⁹¹ This approach strengthens the effectiveness and sustainability of conservation by making sure that it responds to the needs and concerns of the community.¹⁹²

Primarily, involving local people in conservation initiatives increases their likelihood of supporting and taking part in them. Better conservation outcomes will arise from this, including increased wildlife populations, habitat restoration, and less poaching.¹⁹³ Because community-based anti-poaching organizations include residents in wildlife conservation, they have, for example, been quite effective in reducing the occurrence of poaching in several places.¹⁹⁴

Additionally, local populations might benefit socioeconomically from participatory government. In these situations, including people into conservation efforts improves access to essential services like healthcare and education, creates jobs, and generates revenue from sustainable

¹⁹¹ Community Based Anti-Poaching Units (CBAPUs) for the Asian Elephant Conservation, January – December 2019, <https://elephantconservation.org/wp-content/uploads/2022/10/Final-report_January_December_2019.pdf>

¹⁹² Community Based Anti-Poaching Units (CBAPUs) for the Asian Elephant Conservation, January – December 2019, <https://elephantconservation.org/wp-content/uploads/2022/10/Final-report_January_December_2019.pdf>

¹⁹³ Community-based approaches to tackling poaching and illegal wildlife trade, Five case studies of community-based approaches in Tanzania from the People Not Poaching Initiative, <<https://www.peoplenotpoaching.org/sites/default/files/uploads/2021-12/Communities%20Tackling%20Poaching%20and%20IWT%20in%20Tanzania.pdf>>.

¹⁹⁴ Osmani S R, 'Participatory Governance: An Overview of Issues and Evidence' in Participatory Governance and the Millennium Development Goals, United Nations Department for Economic and Social Affairs, 2008, 1-45.

tourism.¹⁹⁵ These advantages are crucial in lowering poverty and, thus, raising the standard of living for those who reside in these kinds of communities.¹⁹⁶

Undoubtedly, community-level participatory governance may strengthen the community's ability to withstand socioeconomic and environmental stresses.¹⁹⁷ To support conservation and community livelihoods in the long term, it would be crucial that community involvement in natural resource management greatly increase their ability to adapt to shifting circumstances, such as climate change and economic fluctuations¹⁹⁸.

Furthermore, the use of traditional knowledge and methods, which are frequently at the core of sustainable resource management, are also protected with the aid of participatory governance. Conservation efforts can benefit greatly from the profound knowledge that local indigenous and rural groups possess about their environments¹⁹⁹. By including these groups in the decision-making process, it is possible to combine traditional knowledge with contemporary conservation methods, leading to more practical and culturally relevant solutions²⁰⁰

Lastly, better governance and accountability in the management of natural resources might result from participatory governance²⁰¹. Communities are more likely to hold authorities responsible for their actions and guarantee that resources are administered fairly and openly when they participate in decision-making processes. This can enhance the overall efficacy of conservation efforts and lessen corruption²⁰².

Community-based conservation, at its most basic, involves the active participation of local communities in managing resources and mitigating conflict to realize long-term conservation

¹⁹⁵ Alam M, 'What Is Participatory Government? Definition, Model, Importance, and Examples,' IdeaScale, April 2, 2024, <<https://ideascale.com/blog/what-is-participatory-government/>>.

¹⁹⁶ Chirwa P W, Kozanayi W, Uisso A J, Tshidzumba R P, Babalola F D and Amusa T O, 'Socio-economic Factors, Policy and Governance Systems Influencing Multifunctional Landscapes?.'

¹⁹⁷ Krick E, 'Participatory Governance Practices at the Democracy-Knowledge-Nexus' 60 *Minerva* 4, 2022.

¹⁹⁸ "Traditional Governance Systems – Participedia," <<https://participedia.net/method/5214>>.

¹⁹⁹ Fischer F, 'Participatory Governance: From Theory to Practice,' Oxford University Press eBooks, 2012.

²⁰⁰ College of Liberal Arts & Sciences, University of Florida, *Community Conservation Governance: Theory and Practice*, 2023.

²⁰¹ Community Conservation Research network, *Governance and Community Conservation*, <<https://www.communityconservation.net/wp-content/uploads/2016/01/Governance-and-Community-Conservation-Guidebook-1.pdf>>

²⁰² Karanja M N, 'Good Governance And Community Participation As Tools To Make Environmental Enforcement And Compliance Happen'.

outcomes. Various projects throughout Kenya and beyond show the importance of participatory governance for the devolution of authority to rural and indigenous peoples²⁰³. Indeed, this might provide communities with the necessary tools, resources, and information to manage natural resources more effectively and achieve the dual goals of conservation and community development. This will in turn enhance sustainability in the coexistence between human beings and wild animals²⁰⁴.

4.5 Mitigation of Human-Wildlife Conflict in Kenya: A Multi-Stakeholder Approach

Human-wildlife conflict in Kenya is a modern threat to human life and biodiversity. It requires commercial sector, NGO, and governmental strategy supplementing the local, community-based approaches²⁰⁵. Therefore, it becomes relevant that multi-stakeholder engagement, education, and traditional ecological knowledge inclusion must receive focused research attention in reducing HWC²⁰⁶.

HWC is a problem whose solution requires cooperation among different actors at various levels. The most active actor and driver is the government to formulate and implement policies that ensure the conservation of wildlife but also protect the safety and well-being of local people. For instance, the National Wildlife Strategy of Kenya 2030 states that effective collaboration between state and non-state actors can achieve sustainable wildlife conservation²⁰⁷.

Additionally, NGOs help by supplying the required information, materials, and carrying out mitigation initiatives locally. The commercial sector, particularly those in the travel and agricultural industries, may contribute by offering cash and innovative solutions for resolving

²⁰³ NRGI, Measurement and Assessment of Natural Resource Governance Benchmarking and Ranking to Identify Reform Priorities, March 2015.

²⁰⁴ World Wildlife Fund, “TNRC Practice Note Building Transparency and Accountability in Natural Resource Management (NRM): the Role of Social Accountability and Civic Participation in Addressing Corruption in the NRM Sector,” <https://www.worldwildlife.org/pages/tnrc-practice-note-building-transparency-and-accountability-in-natural-resource-management-nrm-the-role-of-social-accountability-and-civic-participation-in-addressing-corruption-in-the-nrm-sector>.

²⁰⁵ Ministry of Tourism and Wildlife, National Wildlife Strategy 2030, 2018, <https://www.tourism.go.ke/wp-content/uploads/2018/06/WILDLIFE-STRATEGY2030-Final-V1-Online.pdf>.

²⁰⁶ Kenya Wildlife Conservancies Association, National Wildlife Strategy 2030, 16 June 2018, <https://kwcakenya.com/download/national-wildlife-strategy-2030/>.

²⁰⁷ Kenya Wildlife Conservancies Association, Conservancies in Kenya, 21 December 2021, <https://kwcakenya.com/conservancies/>.

these disputes²⁰⁸. Due to their high susceptibility to HWC, local communities possess knowledge and customs that might be included in conflict resolution techniques²⁰⁹.

Furthermore, the establishment of community conservancies in Kenya is a good illustration of multi-stakeholder cooperation in this area. Local communities oversee these conservancies with assistance from the government and non-governmental organizations²¹⁰. They provide the locals with chances to profit economically from wildlife through ecotourism and other sustainable sources of income, which deters them from taking revenge for wildlife killings²¹¹.

Essentially, in order to alter attitudes and actions toward animals, educational efforts and public awareness activities are crucial. These initiatives can decrease unfavourable encounters with wildlife and promote a sense of responsibility by informing communities about the ecological and financial advantages of animal protection²¹². To spread knowledge and involve the public in conservation initiatives, schools, community centres, and media outlets can be used²¹³.

One excellent example is the "Lion Guardians" program in Kenya, which teaches the Maasai warriors there how to keep an eye on lions and avoid any confrontations with cattle. In addition to educating the public on lion behaviour, it enables active community participation in lion conservation, which reduces lion killings²¹⁴. More precisely, WWF Kenya's donation of predator-proof bomas²¹⁵ and other cutting-edge solutions, such as predator deterrent lights, has

²⁰⁸ Kenya Wildlife Conservancies Association, Conservancies in Kenya, 21 December 2021, <<https://kwakenya.com/conservancies/>>.

²⁰⁹ The Nature Conservancy, 'Community-led conservation grows in Kenya', <<https://www.nature.org/en-us/about-us/where-we-work/africa/stories-in-africa/community-led-conservation-kenya/>>.

²¹⁰ Northern Rangelands Trust, Northern Rangelands Trust, 27 January 2025, <<https://www.nrt-kenya.org/>>.

²¹¹ Global Environment Facility, Advancing human-wildlife conflict management effectiveness in Kenya through an integrated approach, 9 February 2024, <<https://www.thegef.org/projects-operations/projects/11153>>

²¹² WWF Kenya, 'Prevent human-wildlife conflict', <https://www.wwfkenya.org/our-work/our-campaigns/prevent_human-wildlife_conflict/>.

²¹³ African Researchers Magazine, 'The Human Wildlife Co-Existence Research Network', 19 May 2024, <<https://www.africanresearchers.org/the-human-wildlife-co-existence-research-network-hwcrn-has-launched-in-east-ern-africa-to-promote-multi-stakeholder-collaborations-and-bolster-progress-on-human-wildlife-relationships-on-the-continen/>>.

²¹⁴ Lion Guardians, 'Home - Lion Guardians', 17 October 2024, <<https://lionguardians.org/#>>.

²¹⁵ Eanhs, The, 'Predator-proof bomas – a new dimension in human-wildlife conflict resolution' Nature Kenya, 6 January 2021, <<https://naturekenya.org/2021/01/06/predator-proof-bomas-a-new-dimension-in-human-wildlife-conflict-resolution/>>.

improved human-wildlife cohabitation and decreased livestock predation over the years as conservators try to utilize conventional ecological methods²¹⁶.

Traditional Ecological Knowledge, or TEK, is the wisdom and customs that indigenous and local groups have evolved through years of interaction with their environment. Incorporating TEK into HWC management offers sustainable and culturally relevant solutions²¹⁷. TEK includes knowledge about animal behaviour, seasonal patterns, and effective deterrent methods that have been honed over centuries²¹⁸. Furthermore, the usage of traditional livestock cages, known as "bomas," that are reinforced with thorny shrubs to keep cattle safe from predators is an excellent illustration of how TEK operates. This approach has been effective in lowering cattle losses and decreasing disputes when combined with contemporary strategies like predator-proof fencing²¹⁹. Traditional methods like the Maasai's rotational grazing system have also assisted in preserving the harmony between cattle and wildlife²²⁰.

Essentially, to regard the complete incorporation of TEK into formal governance structures, a number of policy proposals may be made. The first of these is that the government must directly engage local communities in decision-making processes in order to acknowledge and appreciate the importance of TEK. Advisory committees of representatives from indigenous tribes can help with this. Second, in order to guarantee TEK's preservation and broader use, regulations ought to encourage its documentation and distribution. Last but not least, funds have to be set aside to assist community-led conservation projects that make use of TEK²²¹.

²¹⁶ WWF Kenya, 'Prevent human-wildlife conflict',

https://www.wwfkenya.org/our-work/our-campaigns/prevent_human-wildlife_conflict/.

²¹⁷ Mwangi G.N, 'Effectiveness of using indigenous knowledge in human-wildlife conflict management in Sagala, Taita Taveta, Kenya', November 2015.

²¹⁸ Werdel T. J, Matarrita-Cascante D, and Lucero J. E, 'State of traditional ecological knowledge in the wildlife management profession', Journal of Wildlife Management 88,2024.

²¹⁹ Manoa N, Tagg D, and Manoa N, 'Keeping lions out: Using predator-proof bomas to protect livestock in Kenya' Oryx – The International Journal of Conservation, 19 May 2022.

²²⁰ Aarhus University, '2019: Cattles effect on wild herbivores grazing patterns on the East African savanna' <https://mgmt.au.dk/maasaimarascience/student-projects/2019-cattles-effect-on-wild-herbivores-grazing-patterns-on-the-east-african-savanna/>.

²²¹ fundsforNGOs, 'Sample proposal on "Strengthening urban governance for resilience: Policy and institutional approaches"' 18 October 2024, <https://www.fundsforngos.org/proposals/sample-proposal-on-strengthening-urban-governance-for-resilience-policy-and-institutional-approaches/>.

4.6 Conclusion

To sum up, resolving human-wildlife conflict in Kenya necessitates a comprehensive strategy that incorporates cooperation amongst many stakeholders, educational initiatives, and the incorporation of traditional ecological knowledge. It is feasible to develop sustainable solutions that benefit both humans and animals by cooperating and utilizing the advantages of each stakeholder.

Overall, Kenyan human-wildlife conflict is a problem that calls for multifaceted solutions. Climate change, resource competitiveness, and habitat encroachment are major factors that necessitate flexible legal and policy frameworks. There is optimism thanks to lessons learned from South Africa and Botswana on democratic government, land-use planning, and expedited compensation. Strategies for sustainable cohabitation may be developed using community-based methods enhanced by traditional ecological knowledge. Finally, a multi-stakeholder platform offers a cooperative approach to striking a balance between the demands of human well-being and conservation. Kenya can create a robust paradigm for balancing the interests of people and wildlife by implementing these steps.

CHAPTER 5: SUMMARY OF FINDINGS, RECOMMENDATIONS, AND CONCLUSION

5.1 Summary of the Findings

This chapter summarizes the findings of research done in terms of strategic recommendations on how to conclude HWC in Kenya. It points to various dynamics that play a role in HWC, assessing existing legal frameworks and showing ways of better conflict management with sustainable coexistence of human populations and their wildlife.

The findings point to habitat loss, primarily caused by expanding urbanization, agricultural intensification, and infrastructure development, as one of the leading causes of HWC in Kenya. There is high fragmentation of habitat, mostly resulting from rapid urbanization around Nairobi and its southern frontiers, which has pushed wildlife into closer proximity with human settlements. This is evidenced by rising conflict incidents characterized by crop damage, livestock depredation, and menace to human life. Besides, the socio-economic factor of poverty and reliance on agriculture increases these conflicts and makes communities more prone to wildlife incursions and less capable of effectively deterring them.

The impacts brought about by HWC are multi-fold, affecting both the socio-economic statuses of communities and the ecological balance of ecosystems. These include impacts of a social nature through the displacement of people, causing psychological stress and safety concerns; of an economic nature because of crop losses, livestock depredation, and reduced tourism income; and ecological, as in biodiversity loss, disrupted ecosystems through the retardation of key species populations due to retaliatory killings, hence upstaging the natural balances.

The review of Kenya's legal frameworks, particularly the WCMA 2013, reveals that while there is a significant stride in the addressing of HWC, there is also a number of critical gaps regarding the way enforcement and resource allocation go. The Act provides for compensation and conflict resolution mechanisms; however, delays in compensation and lack of enforcement weakened its application. Community participation through Community Wildlife Associations has shown some promise, though their inconsistent implementation and lack of resources have curtailed their potential.

Lessons are drawn from Botswana and South Africa regarding integrated approaches that merge legal measures, community engagement, and timely compensation in an attempt to reduce HWC. The experiences of Botswana in applying wildlife corridors and adequate compensation schemes and of South Africa's community-based natural resource management provide the necessary lessons for Kenya.

5.2 Recommendations

Firstly, HWC requires policy enhancement in addressing the implementation gaps in the WCMA to achieve efficiency in compensation. Timely compensation with less process will help build trust and reduce retaliatory kills of wildlife. Second, it is about strengthening community-based approaches through capacity building, financial support, and integrating traditional knowledge into conservation strategies. Indeed, empowering local communities with the wherewithal and incentives to coexist with wildlife can help create sustainable conservation efforts. Further, the adoption of new technologies such as GPS tracking, drones, and early warning systems can improve wildlife monitoring, hence reducing situations that could lead to conflicts before they happen. Sharing the costs through public-private partnerships in financing and implementing such technologies eases this financial burden off agencies like the Kenya Wildlife Service.

5.3 Conclusion

Regarding the management of human-wildlife conflict in Kenya, conclusively we should go further to call for a multifaceted strategy that balances ecological integrity with the demands of human growth. Through the implementation of technology, community involvement, and legal and policy loopholes, Kenya may strengthen its ability to dwell peacefully with its diverse animal heritage. In addition to contributing to the current conversation on healthy human-wildlife cohabitation, this research offers a road map for legislators, environmentalists, and attorneys to follow as they negotiate the challenges of HWC in Kenya.

Success over the longer term will come from developing partnerships among government agencies, local communities, and non-state actors. It is possible that this could lead to better resource mobilization, enhanced enforcement of laws related to conservation, and communities being supported in what they need to design and implement effective conflict mitigation

strategies. Furthermore, traditional ecological knowledge can contribute to the modern practice of conservation in making those strategies culturally sensitive and contextually appropriate.

For the future, HWC dynamics, in addition to the effectiveness of the policy should continue. Therefore, this enables adaptive management as well as the refinement of strategies that best address any emerging challenges. In the near future, these results will provide lessons for devising holistic approaches towards wildlife conservation and ensure that a good population of humans and wildlife exist side by side with each other harmoniously.

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