



**UNIVERSITY OF NAIROBI**  
**DEPARTMENT OF DIPLOMACY AND**  
**INTERNATIONAL STUDIES**

**THE INTERNATIONAL WILDLIFE CONSERVATION AGREEMENTS AND  
PROTECTION OF COMMUNITY RIGHTS: A CASE STUDY CONSERVATION IN  
ISIOLO, KENYA.**

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**DECLARATION**

I declare to the best of my knowledge that this Research Project is my original work and that all the sources that I have used have been acknowledged.

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## **DEDICATION**

This thesis is dedicated to my lovely wife and wonderful son Fareed and my daughter Tasneem.

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## **LIST OF ABBREVIATIONS**

NLBI:	Non-Legally Binding Instrument
UNFF:	United Nations Forum on Forests
ECOSOC:	United Nations Economic and Social Council
IPF:	Intergovernmental Panel on Forests
FPIC:	Free, Prior, and Informed Consent)
UNDRIP:	United Nations Declaration on the Rights of Indigenous Peoples
CoP:	Conference of the Parties
IUCN:	International Union for Conservation of Nature
CITES:	Convention on International Trade in Endangered Species of Wild Fauna and Flora
SPSS:	Statistical Package for Social Sciences
UNDRIP:	United Nations Declaration on the Rights of Indigenous Peoples
TANAPA:	Tanzania National Parks Authority
NPNP:	National Policies for National Parks
IUCN:	International Union for the Conservation of Nature and Natural Resources
UNESCO:	United Nations Educational, Scientific, and Cultural Organization
CBD:	Convention on Biological Diversity
CMS:	Convention on Migratory Species
KWS:	Kenya Wildlife Service
(NRT)	Northern Rangelands Trust

## ABSTRACT

The rights of indigenous peoples and local communities have been largely overlooked in global biodiversity conservation despite established international legal standards to protect them in environmental management and conservation. The global conservation movement has instead made unprecedented alterations in natural raw materials as well as their influence on the ecosystem vital for the survival of native populations and societies, especially in arid and semi-arid lands (ASALs). This research aims to carry out a comprehensive analysis of the important international treaties and conventions and their legal instruments that safeguard the native communities' privileges around the globe and evaluate the extent to which the provisions of these instruments have been applied in the implementation of community-based wildlife conservation in Isiolo, Kenya. Employing qualitative research methodology based on fractionally structured interviews, respondent's observations, as well as documentary review, this research seeks to understand how community conservancies are developed, the unexpected outcomes wildlife conservation produces, and the power dynamics between conservation organizations and communities the inequalities these often entail. The conservancies are key in the country as they attract tourists. They enable the government to collect revenue that is crucial for the smooth running of the economy. The surrounding communities are crucial for the success of the conservancies as their corporations enables smooth running of the wildlife services. The conservancies are formed from the legal frameworks put in place internationally and locally. The surrounding community feels insecure as the government owns most of the land in Isiolo. The community is scared of the government cutting them out of all the profits and grazing land as well. The community leaders are the link between the government and the community. This would ensure that their grievances are put across efficiently.

## CHAPTER ONE

### INTRODUCTION

#### 1.1 Background to the Study

Conservancies are significant in maintaining the integrity of animal habitats and better lives for stakeholder populations. Conservancies hence are seen as a form of development that improves the lives of the animals as well as those of the community and other stakeholders. The features of successful conservancies and the techniques used to achieve them hence have become an interest of both international and domestic laws. Society or community-oriented conservancy, a federal agency (reserve-like conservation group), and a completely private conservation group are the 3 kinds of conservancy schemes (sanctuary-like). Each necessitates a legal contract to establish a legal framework regarding conservancies' land usage and strategic planning.<sup>1</sup>

Across Africa, wildlife conservation is common and the practice has been steadily growing since around the 2000s. Globally there has been a gradual increase in tension between the indigenous rights groups and large environmental organizations like the World Wildlife Foundation, Conservation International, as well as the Nature Conservancy. The tension has been brought about by the accusations of corporate cooptation posing as conservation.<sup>2</sup>

The argument has therefore been whether international and national policy framework was required for the creation of successful conservancies. Community-oriented conservancies have generally evolved despite lacking legislative frameworks from the government in countries like

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<sup>1</sup> Lekalkuli, Lordman K., Factors influencing the emergence of community wildlife conservancies: a case of Isiolo District, (Kenya, University of Nairobi, Kenya. 2011)

<sup>2</sup> Jobber P., Transboundary Protected Areas, The Viability of Conservation Strategies, (Harworth Press, London,2009)

Kenya, South Africa, and others, and have therefore pioneered the idea at the grassroots level. Government structures and legal tools have guided the growth and features of others, such as Zimbabwe, Tanzania, and Mozambique.

Because 70% of wild animals in Kenya wildlife are not enclosed in national parks, community lands are vital to the survival of Kenya's prized species including elephants, lions, rhinos, and migratory herd animals, as well as iconic landscapes, water sources, and cultures. Kenya's future prosperity is dependent on a healthy wildlife population and a burgeoning tourism sector, but these community areas are under threat from infrastructural development, human population growth, and changing land-use patterns, all of which are contributing to fragmentation.<sup>3</sup>

Just like any other profitable project in Africa, conservation in the Northern part of Kenya has attracted international non-governmental organizations, hugely funded especially to carry out conservation efforts. The organizations have been mandated by law to adhere to human and land rights of communities, peace, and improvement of livelihoods. In 2004 the Northern Rangelands Trust (NRT) was developed as a lead agency to help communities in northern Kenya build Community Conservancies. The main goal was to create flexible community-based conservancies which improve people's livelihoods, promote peace, and protect natural resources by developing community-based enterprises (Conservancies), developing effective communications among societies, the authorities, as well as the private industry, promoting discussion among traditionally troubled societies, soliciting donations for Conservation groups, offering guidance and mentoring, promoting a variety of coaching, and serving as an equitable lender between the investors and the conservation agencies.<sup>4</sup>

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<sup>3</sup> Abdullahi. B.H., Wildlife conservation or sanctioned land grab? The simmering crisis in Northern Kenya, (2019).

<sup>4</sup> Ibid.

Communal conservancies have existed in North Kenya from 1995, when the first conservation areas, Il Ngwesi and Namunyak, in Laikipia and Samburu Counties, were developed. Before Kenya's updated Wildlife Act 2013 act was passed in early 2014, community-based conservancies weren't legally regarded as a kind of land utilization. The procedure of coming up with community conservation areas as well as its forms of functioning has matured for nearly twenty years due to a lack of a legal structure.<sup>5</sup>

In Kenya, there has been a change in the modes of conservancy hence the need to review the existing laws to conform with the international law. This is essential in guiding future law, which must now keep up with practical realities that exist to ensure that conservancies may thrive. It must reflect the wide range of conservancy models that have emerged across the nation, while also promoting sustainability and encouraging high management standards. As the demand for mentoring and managing the procedure creating conservancies and the elements that create a successful conservancy grows, it is necessary to give direction on the procedure need to create a conservancy as well the relevant resources that make a fruitful conservancy.<sup>6</sup>

Wildlife conservation in Kenya is now turning into a lucrative business. Wildlife conservation is key to the tourism sector with wildlife-based tourism alone ranked among the three main contributors to the GDP of the country. But the highly coveted sector betrays the underlying simmering tension and the not-so-rosy state of affairs especially in Isiolo County and its environs where a whole lot of indigenous communities feel the threat of losing their ancestral lands and their sole source of livelihood which is mainly linked to pastoralism. This study will therefore analyze the role of international treaties and conventions in shaping conservation in Isiolo.

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<sup>5</sup>Doyle, K. M. & Nyaundi, K. M., Community Land Options Framework. Report to The Nature Conservancy and Northern Rangelands Trust, (2013)

<sup>6</sup> Ibid.

## **1.2 Research problem statement**

Isiolo County is located in the upper Eastern part of Kenya. It is part of the former Eastern province about 285 kilometers North of Kenya's capital Nairobi. The county occupies an area of 25,336.1 square kilometers making it one of the smallest with just two constituencies but also the richest counties in Northern Kenya. The county is mainly known for its abundant and spectacular landscapes. Its geographical location also makes the county play a central role in terms of trade bordering a total of seven other counties. Wildlife is a tourism attraction in Isiolo county.

Wildlife remains Kenya's major pillar of tourism, which generates Sh160 billion in income each year. Therefore conservancies have become an important aspect of the Kenyan economy. To this end, protected animal conservation areas cover roughly 8% of Kenya's landmass, according to Kenya Wildlife Service (KWS) data. In establishing a case for conservancies, NRT cites five interwoven elements. Insecurity, poverty, social isolation, natural resource depletion, population expansion, and climate change, according to the report, need a new approach to conservation.

Despite the benefits of conservancies to the nation and the local community, there is increasing tension between the conservancies and the indigenous community in Isiolo. Given that conservancy Act as property allocated for wildlife conservation and other appropriate land uses by a community, private individual, group of owners, or corporation. In Isiolo, the locals devised a land-use policy and established boundaries for settlement, grazing, and conservation; the group ranch had its committee, while the conservancy had its own. Land ownership has long been a source of distrust in Isiolo; unlike in Samburu, where the property is mostly held by the community, land in Isiolo is mostly owned by the government, which makes residents nervous since conservancies are seen as a kind of land alienation. This has created resentment and tension between conservationists and the indigenous community. This, therefore, warrants the



investigation of the operations of the conservancies' vis-à-vis the rights of the indigenous community in Kenya, with specific emphasis on Isiolo County which is the melting pot of all conservancies.

### **1.3 Research Questions**

- i. What do the various International conventions regarding Wildlife conservation say?
- ii. How were the Wildlife conservancies in Isiolo established?
- iii. What are the rights of the indigenous people of Isiolo in wildlife conservation?

### **1.4 Objective of the Study**

#### **1.4.1 General objectives**

The general aim of the research is to study international wildlife conservation agreements and the protection of community rights in Isiolo county, Kenya.

#### **1.4.2 Specific objectives**

- i. Examining various International conventions and treaties on Wildlife conservation
- ii. To evaluate how Wildlife conservancies in Isiolo were established.
- iii. To evaluate the rights of the indigenous people vis-à-vis the need to set up Wildlife conservancies.

### **1.5 Literature review**

#### **1.5.1 Theoretical review**

##### **Marxist Theory**

According to Marxist Theory which was advanced by Karl Marx, conflict arises due to the rivalry amongst parties for scarce resources. According to Marx, socio-economic institutions are tools

that are used in the struggle between classes and are often employed to perpetuate disparity as well as the upper class's supremacy. This notion perceives that the difference between members in the society is along with financial endowment or class, on one hand, the proletariat which are the working class, and on the other the bourgeois who are the ruling class.<sup>7</sup> This theory can be used to explain the struggle between the local community and the conservationist. The conservancy in Isiolo has been taken over by the commercial entities acting as a conservancy.

### **Relative deprivation theory**

This theory which was advanced by Ted Robert Gurr in 1970, advanced from the work of John Dillard seeks to understand the socio-psychological characteristics of why people become aggressive. According to Gurr, the disparity between actual and predicted demands causes irritation or frustration. Dollard argues that frustration is an element of violence. Frustration mainly breeds when someone is hindered from attaining what he or she desires to achieve. This creates an unsettling mental peace and anxiety which can only be relieved by directing violence towards the source of the irritation. Concerning the study, the local community around the Isiolo Conservation are frustrated because they feel deprived by the activities of the conservation. This leads to frustration which has led to tension between conservationists and the local community.<sup>8</sup>

### **Frustration Aggression Theory**

This theory is closely linked to the theory of relative deprivation. Ted Gurr writes a book, *Why Men Rebel?* which points out why individuals sometimes choose violence. Gurr investigates the mental frustration-aggression concept. It claims that the frustration-aggression process is the

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<sup>7</sup> Ernest M., *An Introduction to Marxist ECONOMIC THEORY*, (Australia, Resistance Books 2002)

<sup>8</sup> Andrey V. Korotayev and Alisa R. Shishkina, *Relative Deprivation as a Factor of Sociopolitical Destabilization: Toward a Quantitative Comparative Analysis of the Arab Spring Events*,

basic cause of the inherent potential for violence. Tension does not always cause violence, according to Gurr, however whenever it lasts long enough and is intense enough, it frequently leads to rage and, finally, violence. This theory points out the potential of how the tension between the local community and conservationists can lead to potential rebellion or violence.

## **1.5.2 Empirical review**

### **1.5.2.1 International Laws on wildlife conservation**

There are several international agreements on wildlife conservancies. the Convention on International Trade in Endangered Species (CITES), the Convention on Migratory Species (CMS), the Convention on Biological Diversity (CBD), the Ramsar Convention, and the World Heritage Convention. However, international laws on wildlife conservation lack the centralized legislative unlike the domestic legal framework that is centralized, hence there exist several challenges in its execution.<sup>9</sup>

Wildlife accords, which vary from treaties that protect specific species to accords that protect regional species, are the oldest examples of international environmental legislation. The majority of wildlife treaties have emphasized wild animal species conservation and preservation above long-term management. Pre-colonial African societies had no concept of wildlife conservation, which is defined as the preservation of wildlife. As a consequence of dwindling animal populations, conservation ideas were included in African law as early as the 1900s. The 1933 Convention Relative to the Preservation of Fauna and Flora in Their Natural State, approved by

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<sup>9</sup> Borgström S., Legitimacy issues in Finnish wolf conservation. *Journal of Environmental Law*(2012) 24: 451–476

colonialists and predicated on the establishment of conservation areas, is Africa's greatest prominent international conservation agreement.<sup>10</sup>

Despite the fact that the Convention on the Protection of World Cultural and Natural Heritage does not directly address animal conservation, it has the ability to protect unique wildlife habitats. 102 It was the first international environmental treaty to acknowledge the global community's overriding interest in the management of domestic resources, and it was passed in 1972 at the United Nations Educational, Scientific, and Cultural Organization (UNESCO) general assembly.<sup>11</sup>

Following the independence of numerous African nations from their previous colonizers in the 1960s, a new conservation movement was required to lay the groundwork for national legislation and to coordinate conservation activities across borders. When it came to drafting a new agreement, the London Convention was viewed as a good place to start. Many of the London Convention's ideas were accepted by the African Convention on the Conservation of Nature and Natural Resources, which was prepared by the Organization of African Unity nations with aid from the International Union for the Conservation of Nature and Natural Resources (IUCN). The African Treaty, which has been labeled "the most comprehensive international convention on wildlife conservation ever created," is primarily focused on animal conservation. The African Union, as previously indicated, accepted a revised version of the Convention in 2003. The Preamble to the Convention recalls international environmental law themes from the Stockholm

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<sup>10</sup> International Union For The Conservation Of Nature (IUCN), United Nations List Of National Parks And Protected Areas (1982).

<sup>11</sup> UNESCO, Convention for the Protection of the World Cultural and Natural Heritage - Adopted on 16 Nov. 1972, reprinted in 11 I.L.M. 1358 (1972)

Declaration in 1972 through the United Nations Conference on Environment and Development in 1992.<sup>12</sup>

Uganda, like most African countries, has a number of laws governing wildlife protection and management. The Constitution of the Republic of Uganda of 1995, for example, states that environmental sustainability must be encouraged. Uganda's natural resources must be handled in such a manner that they satisfy the development and environmental needs of present and future generations of Ugandans, according to Objective XXVII. Article 245 of the Constitution gives Parliament the right to act on this subject. Article 237 imposes similar responsibilities. The National Environment Legislation of 1995 is another statute that pertains to wildlife preservation and associated issues. This statute's section 73(2) provides for the conservation and sustainable use of wildlife.<sup>13</sup>

Tanzania's National Environmental Policy strives to safeguard and appropriately utilize wildlife resources. Tanzania's more specific Wildlife Policy declares among its proclaimed goals the continuation and growth of protected areas, promotion of conservation outside the core regions, devolution of wildlife management tasks to local people, and prohibition of illicit wildlife exploitation. The National Policies for National Parks (NPNP), created by the Tanzania National Parks Authority (TANAPA) Board of Trustees in 1994, are another key policy for wildlife conservation in Tanzania. One of the most innovative ideas recommended by this policy statement is the participation of communities surrounding animals in wildlife resource planning and benefit-sharing.<sup>14</sup>

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<sup>12</sup> African Convention on the Conservation of Nature and Natural Resource - Adopted in July 2003

<sup>13</sup> Ibid

<sup>14</sup> The United Republic of Tanzania, Ministry of Natural Resources and Tourism, Wildlife Division, Revised Wildlife Act, 2004, Task Force Draft, Dar Es Salaam May 2004

*Article 21(3)* of Kenya's 2010 Constitution requires all government agencies to meet the needs of vulnerable groups in society, such as members of *minority* or *marginalized* communities.<sup>15</sup> Therefore, considering the historically marginalized position of communities in the affected area in this instant case, and because the communities' bargaining power is weak vis-à-vis institutional actors like *Lewa Wildlife Conservancy* and *Northern Rangelands Trust*, it is the responsibility of the government (national and county governments) to step in and protect the interests of these communities in the exploitation of their natural resources by *Lewa Wildlife Conservancy* and *Northern Rangelands Trust*.

*The exploitation of natural resources* *Article 69 1)* imposes an obligation upon the state to ensure that natural resources, in this case, the land and wildlife therein, are exploited, utilized, managed, and conserved sustainably and in a way that guarantees equal distribution of the benefits accruing therefrom. The provision further emphasizes that such sustainability and equitable benefit can only be achieved by encouraging management, protection, and conservation system that entails effective public participation.<sup>16</sup>

Kenya revised and enacted the Wildlife Policy Act, commonly referred to as the Wildlife Conservation and Management Act, which became effective in January 2014, intending to enhance conservation as well as rendering it more viable. Community-based conservation teams will be established within the amended law to ensure that societies benefit from biodiversity. Nevertheless, habits are evolving faster; where once migratory herders had enough space to pursue rains and pastures while coexisting happily with animals, conventional wildlife habitats

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<sup>15</sup>The constitution of Kenya (2010)

<sup>16</sup> Ibid

are increasingly threatened by intensive human forces. Landowners may get resentful of animals and eradicate them if compensation is not provided.<sup>17</sup>

In theory, the Community Land Act protects territories in Isiolo and other parts of the north of Kenya. The Legislation provides herding populations the power to control their property while fully acknowledging their ancestral heritage and unique administration and lifestyle practices. It acknowledges, preserves, and facilitates the certification of communal land ownership, as well as their operation and maintenance, along with their ownership and conversions. It also covers the management of the ecosystems and biodiversity on communal lands, and the settlement of issues, along with herding groups' customs and beliefs about land. Simultaneously, very little initiative has been taken to enhance knowledge of the Act's terms among pastoralist communities. Furthermore, the National Land Commission as well as the corresponding county governments have yet to commence the procedure of registering communal land and putting the policy into effect. This has provided organizations like the NRT with enough opportunity to mislead societies for their benefit.<sup>18</sup>

### **1.5.2.2 Literature on Conservation**

Lucy Emerton assesses the economic impacts of community wildlife conservation for communities in Africa. The proposal argues that, while the primary objective is a value-based strategy, indigenous societies may not be motivated or have the capability to protect wildlife if they don't gain from it. Conservation advantages don't always imply that regional economic benefits will be generated, and they are not similar to giving economic incentives for protection.

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<sup>17</sup>Doyle, K. M. & Nyaundi, K. M.,

Community Land Options Framework. Report to The Nature Conservancy and Northern Rangelands Trust, (2013)

<sup>18</sup> Abudulghafur, F., Influence of Kenya Wildlife Conservation Education Program on Reducing Human-Wildlife Conflict, (University of Nairobi, Kenya, 2013)

due to the vague definition of environmental gains, determining if conservation efforts have rendered populations in nature reserves financially better off is challenging. There have been just a handful of instances in which an economic evaluation of the effects of wildlife protection has been conducted. According to the article, many think that if the indigenous communities accrue gains then it implies that the initiative has been effective in conserving and developing the environment. If one wants to evaluate the contribution of the wildlife conservancy programs, he or she should analyze far much more than only the benefits gained by pastoralist communities.<sup>19</sup>

The studies indicate that a variety of other economic elements should be included in benefit-oriented methods to communal wildlife conservation, as well as used to assess its effectiveness. At the very least, such considerations include the expenses of wildlife and their dispersion, the amount and structure of community gains, the extent to which societies possess financial endowment and control over wildlife conservation, utility, and gain generation, and the larger legislative factors that discourage the use of biodiversity as a tool of making profits for the community. Factors that are adequate to guarantee that people are much better off financially in the company of wildlife and have exposure to it. Conditions which can assess whether members of the society are comfortable financially in the company of animals and have the financial endowment needed to support and help will most likely differ among different communities.

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<sup>19</sup>Lucy Emerton; The Nature of Benefits and the Benefits of Nature: Why Wildlife Conservation Has Not Economically Benefitted Communities in Africa; Paper No. 9, Institute for Development Policy and Management, University of Manchester.



Natural resources are vital for African nations, according to the International Environmental Law Research Centre. Local people, as is commonly recognized, rely on natural resources to sustain their everyday demands. As a result, it emphasizes the importance of incorporating regional community demands into environment protection, which is mostly absent in existing protection and conservation policies, that were drafted in the colonial era. International laws have played an important role in creating pre-colonial and post-colonial environment protection strategies as a result of the globalization of environmental issues. Whereas prior international environmental pacts, like the 1900 and 1933 international treaties, asserted governmental conservation efforts which exempted human interaction, the latest advancements turn to an increased awareness of the need for non-state players' participation as well as a strong focus on a comprehensive environmental management framework. Domestic legislation in African nations has been seen as sluggish to accommodate this particular advancement, as previously stated. Native community involvement in natural resource management is ineffective in attaining long-term and equal benefits. The article supports this argument using Kenya's wildlife conservation initiatives as a case study that highlights the necessity to incorporate members of the community and putting in place frameworks to guarantee the sustainability of societal activities in resource management.

Finally, the paper emphasizes the importance of recruiting community involvement in identifying and safeguarding their resource entitlements. Even where societies have historically sustainably controlled their resources, their initiatives have gone unnoticed due to the negligence and skepticism of communities as efficient environmental stewards in the pursuit of economic productivity. In other cases, societies' socio-economic, and political structures have been dissolved, and their functions have been assumed by independent or government agencies.

Bernhard Gissibl focusing on hunting and associated conservation policies in colonial East Africa argue that colonialism was more of a “political ecology “that essentially pertained to the land and its properties”. He makes it clear that the conservation of East Africa’s animals became a central concern of the German civilizing mission, at once justifying colonization and shaping colonial policy. Gissibl shows that attention to animals and conservation scrambles the usual temporal and geographical boundaries of German imperialism. <sup>20</sup>He argues that hunting was, in terms where Germans and Africans cooperated and shared knowledge and experience. German bureaucrats acted within established networks of African “big men” who translated their control over the ivory trade into political capital. He recognizes that the years of German rule (1885–1914) marked a definitive change in human-animal relations in East Africa and that current hunting and conservation practices are indelibly marked by the age of the German empire. Gissibl describes instances of “conservationist internationalism” where officials in German East Africa and British Kenya codeveloped conservation practices that continue to shape land use in contemporary East Africa. Finally, the article traces the formulation of German ideas of nature between colony and colonial empire. Gissibl shows that the movements in pre-World War I Germany were shaped by East Africa, as the German interest in Africa’s landscapes and wildlife shaped metropolitan perceptions of the loss of wildlife at home.

### **The Northern Rangelands Trust**

The Northern Rangelands Trust (NRT) was founded in 2004 as a central agency tasked with helping communities in north Kenya build Communal Conservation areas. Its objective was

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<sup>20</sup>Bernhard Gissibl, *The Nature of German Imperialism; Conservation and the Politics of Wildlife in Colonial East Africa*. Berghahn Books;2016

to create adaptive local conservancies which would alter livelihoods, ensure peace, and promote conservation simultaneously. It does so by establishing community institutions (Conservancies), establishing effective communication links between members of the society, the government, and the private industry, facilitating conversation between traditionally conflicted communities, soliciting donations for Conservancies, and supplying guidance and mentoring. Promoting a variety of learning opportunities and serving as a neutral mediator in negotiations between Conservation areas and investment firms. It also keeps track of progress, offering feedback and quality control to sponsors and collaborators. As of 2014, the NRT had expanded to 27 Local Conservancies in 9 different Counties in northern Kenya, comprising 3 million ha of territory and represented roughly 250,000 people.<sup>21</sup>

Conservancies were enshrined in law as a legal type of land-use in 2013 within the Wildlife Conservation and Management Act 2013, which defined Conservancies as "territory reserved by personal landholders, organizations, groups of landlords, or the general public for wildlife conservation; before this, Conservancies seemed to have no state rights, and the advancement of Conservancies in Kenya has occurred in the absence of legal frameworks. A Community Conservancy, according to NRT, is an organization owned and operated by the community that aspires to promote environmental sustainability, land management, and the lifestyles of its members across a defined section of land that they have historically owned or used. The term 'land set-apart' implies that territory has been set aside specifically, but NRT Conservancies expand on current land use and merge lives with sustainability; they do not impose strict limits or restrict people from utilizing the land. Instead of using the name Conservancy to characterize the area actually, NRT focuses on the Conservancy as an entity that oversees the area. NRT argues

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<sup>21</sup> Lekalkuli, Lordman K., Factors influencing the emergence of community wildlife conservancies: a case of Isiolo District, (Kenya, University of Nairobi, Kenya, 20110

that the long-term viability of protection on communal land is dependent on the development of robust, well-managed community-owned entities that safeguard native landlords' conservation responsibilities and privileges, as well as fair benefits to societies from conservation. Each of the NRT conservancies is currently being certified according to the Wildlife Act of 2013.<sup>22</sup>

### **Rights of indigenous people**

On Thursday, September 13, 2007, the Un General Assembly enacted the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). This UN Declaration on the Rights of Indigenous Peoples was approved by the General Assembly almost a decade ago. Ever since the four nations who voted against the Pact have changed their minds and currently endorse it. The Declaration is currently the most substantial international treaty on native communities' freedoms. It offers a universal framework of minimum criteria for the sustenance, integrity, and welfare of the nation's native groups, as well as expanding on current civil liberties and basic rights requirements.<sup>23</sup>

Although indigeneity is recognized in international treaties, it is still a contentious issue in many regions, particularly African nations. This is since the phrase "indigenous peoples" has a convoluted politics and economics perspective. The Maasai, for instance, have dominated the claims to be native inhabitants in Kenya. Indigeneity is also claimed by the Ogiek, a Kalenjin linguistic cluster. In settlements filled with white people like America, Australia, and New Zealand, the distinction is apparent. Nevertheless, the situation is messier in alienated post-colonial nations, who are subjects of a catastrophic, hegemonic, and racial international legal

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<sup>22</sup> Ibid

<sup>23</sup> Fabricius C. and Eddie K., Rights, Resources and Rural Development, (Cromwell Press Ltd United Kingdom, 2012)

system and government system. While I agree with the core aspect of ethnic heritage, I think it has to be examined further. Africa e is an excellent arena for discussion.<sup>24</sup>

Native groups in Africa are rapidly moving to the court for legal retribution for infringement of their liberties. Most indigenous groups have gone to the courts to assert their rights to native homelands as well as cultural identity and historical conservation. Because land rights are linked to their liberty to heritage, religion, and cultural domains, such demands have been constitutionally stated as cultural freedoms. This paper examines ways structuring these issues under the umbrella of native communities' entitlements to culture may give some of the most marginalized groups novel legal channels to contest the mainstream socio-cultural and development agendas enforced by governmental bodies in Kenya and Uganda. By so doing, the study discusses ways lawsuits and the application of international obligations can aid in the development of new constitutional interpretations of a set of constitutional standards that allows for a broader interpretation of economic and social rights, including a traditional cultural system of land use. The study contends that native groups' acknowledged entitlements to cultural integrity can provide a meaningful legal strategy not only in Kenya and Uganda but across Africa.<sup>25</sup>

Nomadic tribes, hunters, and gatherings identify as minority or native populations because of their practices or socioeconomic structures (Makoloo, 2005). They claim that the nation forbids the rule of lands, legal frameworks, and morals that are crucial for the societies' survival, and they have requested which community land presidencies be recognized (Makoloo, 2005). Their feeling of exclusion is exacerbated according to how they view to be historical iniquities, as

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<sup>24</sup><https://www.standardmedia.co.ke/article/2000207371/indigenous-groups-still-marginalised-in-kenya>

<sup>25</sup> Kanyinke S and Gibert J., Litigating indigenous peoples' cultural rights: Comparative analysis of Kenya and Uganda, ( online publishers, 2018)

evidenced by prejudice in the sort of denial of available political legitimacy and other social services, and discriminatory expulsion from their native homelands without proper resettlement strategies. This makes such people homeless and landless.<sup>26</sup>

Human Rights Watch, WITNESS, and the Endorois' attorneys stated today that a judgment by the African Commission on Human and People's Rights denouncing the deportation of the Endorois folks from their territory in Kenya is a landmark win for native groups throughout Africa. On February 4, 2010, the Commission found that the Endorois' expulsion from their native homelands for sustainable tourism was a violation of their civil liberties.

The Endorois, a nomadic pastoralist group, were displaced from their houses at Lake Bogoria in central Kenya in the 70s to give space for a wildlife park and tourism infrastructure.

The Panel ruled that this expulsion, with limited remuneration, breached the Endorois' freedom to own property, healthcare, heritage, religions, and resources as a native population in the first judgment by an international court to declare a violation of the right to growth. Kenya was instructed to return the Endorois to their ancestral land and recompense them for the hardships they had suffered.<sup>27</sup>

### **Disparities in the literature review**

The above-reviewed literature gives an overview of conservation in the world and Kenya specifically, the laws guiding conservation, the rights of the indigenous community, and finally conservation in Isiolo. This is important as it gives a background on the study topic. However, there is a lack of proper insights concerning the role of global treaties in the setup and operation of conservancies in Isiolo. This explains the lack of reliable information on the conservation and

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<sup>26</sup> Nyang'ori O., & Madiha M., Baseline Study On Indigenous Peoples' Land Rights in Nakuru County, (2019)

<sup>27</sup>Ibid

international legal frameworks. This study hence will fill this gap by analyzing the role of international law in the formation and operation of conservancies.

### **1.6 Research Hypotheses**

- i. conservancies in Isiolo are guided by International conventions on wildlife conservation
- ii. Conservancies in Isiolo have generated revenue for both the County government and the local communities.
- iii. In Isiolo, there is a confrontation between indigenous peoples' rights and conservancies.

### **1.7 Vindication and Importance of the Study**

This research has scholarly as well as practical implications which will be beneficial in solving the problems facing the indigenous communities in Isiolo County in Kenya. Its findings will be useful both to the people of Isiolo county, the Government of Kenya as well as other regions with similar challenges.

#### **1.7.1 Academic Justification**

This paper's conclusions attempt to close the gap between theoretical and practical concepts. The research will be instrumental in developing a foundation of academic skills which will govern not only other scholars in connecting the dots which may have been insufficiently addressed but will also serve as a foundation for future studies. The newly acquired insights will have a substantial impact on studies in the areas of international conservation and minority rights.

#### **1.7.2 Policy Justification**

The results and conclusions of this research provide a foundation for policy formulation for numerous stakeholders concerning Conservation in Kenya. First, this study will examine the various International conventions and treaties on Wildlife conservation, further, it will find out

how wildlife conservancies in Isiolo were established and the rights of the indigenous people vis-à-vis the need to set up Wildlife conservancies. Therefore, the findings of the study will inform policymakers on the interaction between international law and conservancies and how the tension between locals and conservancies can be addressed amicably through international law. This will lead to the formation of a legal framework that will successfully address the existing challenges

### **1.7.3 Justification to the public**

The study's findings will also be significant to the indigenous communities in Isiolo. This will help empower such communities in understanding the benefits and demerits of conservancies which will in turn help in creating further rules of engagement.

### **1.8 Theoretical framework**

According to Marxist Theory which was advanced by Karl Marx, conflict arises due to the rivalry between involved parties over the scarce resources. According to Marx, socio-economic institutions are a tool that is used in the struggle between classes and is often used to sustain the disparities and maintain the status of the upper class in society. This concept views the community as being divided into various economic classes, on one hand, the proletariat which are the working class, and on the other the bourgeois who are the ruling class.<sup>28</sup> This theory can be used to explain the struggle between the local community and the conservationist. The conservancy in Isiolo despite being positive has also created tension between the local community and the conservancies. The study also used relative deprivation by Gurr, frustration arises due to the discrepancy between the actual and expected wants. Dollard argues that frustration is an element of violence. Frustration hence comes about when one is hindered from

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<sup>28</sup> Ernest M., An Introduction to Marxist ECONOMIC THEORY, (Auatrlia, Resistance Books 2002)



attaining his or her objectives. This distorts the mental peace of the subject making him or her direct anger towards the deterrence feel relieved.<sup>29</sup> Concerning the study, the local community around the Isiolo Conservation are frustrated because they feel deprived by the activities of the conservation. This leads to frustration which has led to tension between conservationists and the local community. Another theory that was used was the Frustration-aggression theory which evaluates the mental frustration-aggression concept which states that the basic cause of the human capacity for violence is the frustration-aggression mechanism. Frustration usually does trigger a violent reaction in most cases, Gurr says, although when it lasts for long and its impact also lasts long, it enhances anger which eventually triggers violence. This theory evaluates the potential of how the tension between the local community and conservationists can lead to potential rebellion or violence. It is therefore important to apply international law in addressing these challenges to ensure that the conservancies continue to operate at optimal without infringing on the rights of the indigenous communities. This will be a win-win for both parties.

## **1.9 Research Methodology**

### **1.9.1 Research Design**

This research used a combination of both the qualitative and quantitative research design. The study has adopted an expose case study and which involved doing a case study to expose the hidden activities that take place in the conservancies in Isiolo County. A mixed approach of qualitative and quantitative research designs was used because it helped in doing an in-depth and extensive study of the study topic.<sup>30</sup> It also allowed the study to do a comparison between similar

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<sup>29</sup> Andrey V. K. and Alisa R. S, Relative Deprivation as a Factor of Sociopolitical Destabilization: Toward a Quantitative Comparative Analysis of the Arab Spring Events,

<sup>30</sup> Mugenda, O. M. & Mugenda, A.G., Research Methods: Quantitative & Qualitative Approaches. (Nairobi, Kenya: Acts Press, 2003)

types of facts about the study. The study also adopted a survey study which will be suitable for collecting a large amount of data in a limited time.

### **1.9.2 Data Collection**

First-hand data was gathered through semi-structured interviews that was distributed by the researcher and close and open-ended questionnaires will be administered to the respondents. Semi-structured interviews was used because it allowed a focused two-way communication between the interviewer and the interviewee while at the same time helping the researcher to obtain insights on specific issues where both close and open-ended questions was used the questionnaire, the questionnaire helped to collect a large amount of information in minimal time and can also be effective.<sup>31</sup> Interview schedules was used to get more responses and accuracy of the information hence minimal bias. Secondary data was gathered from published and unpublished sources, including the internet, journals, previous research articles, and books, to supplement the background and theoretical components of this study.

### **1.9.3 Sample Size and Sampling procedure**

The research utilized a simple, random, and functional sample. Simple random was employed to prompt the general public while purposive sampling was used to prompt targeted entities like conservationists, government agencies. Different samples was used for this study, including keyinformants who are specialists in conservation matters; reporters; community members, and some of the conservationists. Both probability and Non-probability sampling will be used.

The target population is 800. Sample size was arrived through the Yamane Sampling technique using the formula Yamane sampling formula of  $n = \frac{N}{1 + N(e)^2}$

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<sup>31</sup> Flick, U., *Introducing research methodology: A beginner's guide to doing a research project.* (Sage, 2015)

n will be the sample size

N will be the population under study

e will be the margin error (it could be 0.10, 0.05 or 0.01)

$$n = N / (1 + N(e)^2)$$

$$n = 800 / (1 + 800(0.05)^2)$$

$$n = 800 / (1 + 800(0.0025))$$

$$n = 800 / (1 + 2)$$

$$n = 800 / 3$$

$$n = 267$$

#### **1.9.4 Data Analysis and Presentations**

This entailed the presentation of data analytics and the interpretation of the findings. The first-hand data collected was analyzed quantitatively and qualitatively. The responses from the respondents will be edited to ensure completeness and consistency. The study also utilized the Statistical Package for Social Sciences (SPSS) in the evaluation of quantitative data from close-ended questions where upon completion of the analysis, data; pie charts, bar graphs tables was used to present the data.

#### **Research Ethical Considerations**

Before a random person qualifies to be a respondent he/she were informed on the objectives, methods, and desired benefits of this research. No individual was allowed to become part of this research unless one is made aware and availed with the choice to issue consent of engaging in

the research. The prospective respondents should not be manipulated or enticed in any way to engage in the research. The confidentiality and privacy of the respondents was maintained and there was no information that was revealed about the identity of any individuals who were included in this final report.

### **1.10 Chapter outline**

In Chapter One, the main focus of the study has been introduced and given the problem that motivates the research. The section additionally highlighted the goals guiding the study, the vindication of the study, and also given a literature review on the topic where various works of scholars have been highlighted and the theories founding the foundation of the study provided as well as the study hypotheses and methodology.

Chapter two will examine the various International conventions and treaties on Wildlife conservation.

Chapter 3 will evaluate how the conservation in Isiolo was established.

Chapter 4 will look at the rights of the indigenous people vis-à-vis the need to set up Wildlife conservancies.

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Chapter 5 will provide the summary, conclusion, and recommendations of the study

## **CHAPTER TWO**

### **THE VARIOUS INTERNATIONAL CONVENTIONS AND TREATIES ON WILDLIFE CONSERVATION**

#### **2.1 Introduction**

The previous chapter of the study formed the introductory part. This chapter will look at the first objective of the study which is the various international conventions and treaties on wildlife conservation. Wildlife conservation just like any other sphere is guided by various international, regional, and domestic laws in form of treaties and conventions. Wildlife is an important aspect of the environment hence it must be protected by laws and regulations to govern its conservation. Not all dangers to wildlife and the environment can be addressed at the national level; international collaboration is essential to battle these threats and improve protection for species and their habitats. When it comes to combating the illicit international traffic in endangered species, ensuring the conservation of migratory species and their habitats, and addressing climate change and its detrimental influence on the environment and wildlife, the collaboration between countries is the most effective means of protection. The quantity and diversity of legal instruments demonstrate the range of the potential provided by international wildlife law. The different ways in which these tools might help to save the environment.

#### **2.2 Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)**

CITES convention is a voluntary international agreement signed by nations and regional economic integration organizations.<sup>32</sup> In 1963, participants of the International Union for

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<sup>32</sup>Borgström S. 2012. Legitimacy issues in Finnish wolf conservation. *Journal of Environmental Law* 24: 451–476

Conservation of Nature (IUCN) adopted a bill that led to the birth of the CITES convention. The International Union for Conservation of Nature (IUCN) is a membership organization that comprises both state and private organizations. According to Reeve (2004), it provides public, private, and NGOs with information and enabling advancements, economic progress, and environmental conservation to coexist.<sup>33</sup> The CITES went into effect in July 1975. There are presently 183 members in the group including nations and regional blocs. CITES' objective is to guarantee that global trade in endangered plants and animals species does't threaten the existence of these species. The CITES Headquarters is situated in Geneva, Switzerland, and is controlled by the United Nations Environment Programme (UNEP). Serving, advising, and planning are all roles that the Agreement serves in its operation. The CITES Conference of the Parties (CoP) is the primary policy-making organ for the Treaty, and it is made up of all of the Convention's members. The 17th CoP meeting took place in Johannesburg, South Africa, in 2016. India held the third version of the CoP in 1981. CITES convection is enforceable in court, but it does not fill the role of a nation's domestic law. Instead, it creates a structure that every member should observe in enacting local policies to guarantee that CITES is enforced on a regional level.<sup>34</sup>

The CITES regulates international trade in collections of certain species by setting limitations. Licensing systems are used to permit the importation, exportation, and entry of organisms protected by the Treaty. Every Convention signatory must nominate one or more Management organs to monitor the licensing and registration scheme and one or more Biological Experts to counsel them on the effects of trade on the organisms' welfare. Profiles of species that

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<sup>33</sup> Reeve R (2004) 'The CITES treaty and compliance: progress or jeopardy?' Chatham House Briefing Paper 04/01, Royal Institute of International Affairs, London.

<sup>34</sup> Bowman M. 2000. The effectiveness of international nature conservation agreements. Pages 105–151 in Anker HT, Basse EM, eds. Land Use and Nature Protection. Djøf

have acquired different levels or kinds of refuge against over-exploitation can be found in Appendices I, II, and III of the CITES Convention.<sup>35</sup>

It provides an inventory of the CITES' top vulnerable flora and fauna. This list includes gorillas, white rhinos, sea turtles, female slipper orchids, and huge pandas, to name a few. In Appendix 1, there are now 931 species recognized. Such species are threatened, and the Convention on International Trade in Endangered Species (CITES) prohibits imports and exports on collections of these species unless they are imported for non-profit purposes, like a scientific investigation. Reeve (2001) argues that in some situations, trading could occur if it is authorized by the issuing of both an importation and an exportation permit.<sup>36</sup>

It encompasses species that aren't exactly endangered currently but could become threatened in the future if the trade isn't tightly controlled. This Appendix includes several CITES species, notably the US ginseng, paddlefish, endangered lions, American alligators, mahogany, and several corals. As of now, there are 34,419 species in the appendix. It also includes "look-alike" species, which are those whose commercial collections mimic those designated for threatened species. The issuance of an exporting license or re-export permit might influence imports or exports in Appendix-II organisms specimens. Such species do not demand an importation license under CITES. Certificates or licenses are only be provided if the relevant agencies are convinced that specific criteria are fulfilled, most especially that trade will not endanger the existence of biodiversity.<sup>37</sup>

It is a group of species introduced at the request of a Party that already manages trade in the species but needs cooperation from other nations to counteract excessive or unlawful

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<sup>35</sup> Bowman M, Redgwell C, Davies P. 2010. *Lyster's International Wildlife Law*, 2nd ed. Cambridge University Press.

<sup>36</sup> Reeve R (2001) Verification mechanisms in CITES', Chapter Eight of Findlay F & O Meier, O.

<sup>37</sup> López-Bao JV, et al. 2015. Toothless wildlife protection laws. *Biodiversity and Conservation* 24: 2105–2108

exploitation. Map turtles, walruses, and Cape stag beetles are among the species covered in the Appendix. There are currently 147 species on the list of endangered species. International trade involving collections of the species listed in Appendix 3 is only allowed if the relevant licenses or certifications are produced. According to Dickson (2002), some species are not acknowledged in the listings yet they ought to be considered.<sup>38</sup>

Only the Conference of the Parties (CoP) has the right to add or eliminate species from Appendix I and II, as well as to relocate species between the appendices. Species may, nonetheless, be added to or withdrawn from Appendix III freely by any Party at any time.<sup>39</sup>

According to Oldfield (2003), CITES regulates worldwide trade in almost 35,000 flora and fauna species.<sup>40</sup> Typically, international trading trade is banned for 3% of these species. The other 97 percent of international trading is regulated to ensure that it is legal, long-lasting, and accountable.

Many good conservation results have arisen from international legal instruments, including the designation of protected areas in compliance with international responsibilities; similarly passed national laws controlling wildlife exploitation; greater importance given to conservation concerns on national and international agendas; and the absorption of technical advice established by Conferences of the Parties (COPs) and other treaty bodies into national and international policy.<sup>41</sup>

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<sup>38</sup> Dickson B (2002) 'International Treaties, Conservation And Development: The Case Of CITES', ODI Natural Resource Perspectives No. 74, London, January

<sup>39</sup> *ibid*

<sup>40</sup> Oldfield S Ed. (2003) *Online-Trade in Wildlife: Regulation for Conservation, Fauna and Flora International/Resource Africa/Traffic/Earthscan, London*

<sup>41</sup> *ibid*



### **2.3 Declaration on the Rights of Indigenous Peoples**

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was drafted on 13<sup>th</sup> September 2007 by the United Nations.<sup>42</sup> Member states convened to vote for or against the bill. A large proportion, 144/159, of the member states supported the bill. Only four countries, the United States, Canada, Australia, and New Zealand did not support the bill. 11 member countries including Burundi, Kenya, Russia, Colombia, and Nigeria among others did not turn up for the conference.

After a few years, the four states which did not support the UN Declaration have changed their minds and currently endorse it. The Act is now the most exhaustive multilateral convention concerning indigenous peoples' liberties. It establishes a worldwide framework for defining standards for the sustenance, respect, and welfare of the world's indigenous inhabitants, while also building on existing fundamental human rights and freedoms as they relate to indigenous peoples' specific situations.

Indigenous populations have long voiced their concerns about conventional conservation initiatives, which usually fail to include indigenous communities' rights and expertise in the creation of conservation zones, resulting in thousands of inhabitants being displaced and destroying their lives.

Indigenous populations have a critical role in environmental protection. They account for almost 5percent of the planet's population and inhabit, possess, or administer an estimated 2 billion square kilometers. They account for almost 5% of the world population and inhabit, possess, or control roughly 20% to 25% of the planet's geographical land. This geographical region contains the majority of the world's surviving biodiversity, as well as roughly 40% of all land

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<sup>42</sup> UN General Assembly, United Nations Declaration on the Rights of Indigenous Peoples: resolution / adopted by the General Assembly, 2 October 2007, A/RES/61/295, available at: <https://www.refworld.org/docid/471355a82.html> [accessed 19 September 2021]

conservation areas and biologically undamaged ecosystems. Between 1980 and 2000, the size of conservation areas increased, from 8.7 million square kilometers to 16.1 million square kilometers. This percentage is significantly greater in north and south America, where it may reach as far as 90% in Central America.<sup>43</sup> Indigenous communities' territories are incredibly valuable for sustainability since roughly 65% of them have still not been actively exploited, in contrast to 44% of other areas.

Indigenous populations' stewardship of the environment and biodiversity, as well as their entitlements to lands and resources, are, nevertheless, unacknowledged. They are frequently subjected to the detrimental aspects of conservation efforts, that are frequently centered on the notion of conserving biodiversity, habitat, and natural scenery whilst keeping humans from such places. Ever since the formation of the novel government conservation area in the US, Yellowstone Park, in 1872, as well as the successive Yosemite National Park in 1890, where the federal government savagely evicted Indigenous People residing in or reliant on the regions' wealth, conservation programs around the globe have usually led to the in serious violations of indigenous populations' liberties. Forceful eviction from their homes; prosecution and damage of living standards; denial of entitlements to land, rivers, and resources, as well as holy places; and assaults and extrajudicial executions of environmental activists are only a few examples.

Many indigenous people have been persecuted and evacuated as a consequence of conservation area management's exclusions approach, which is founded on the premise that human activities are incompatible with conservation. According to James (2002), Fortress conservation is the term used to describe this technique.<sup>44</sup> The Baka people from Cameroon<sup>45</sup> and the Maasai

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<sup>43</sup> Ibid

<sup>44</sup> James I. (2002), *Fortress Conservation: The Preservation of the Mkomazi Game Reserve, Tanzania*

<sup>45</sup> Thomas P. (2017), *Living on the edge: Cameroon's Baka Pygmies face an uncertain future*

from Tanzania<sup>46</sup> who are among the victimized indigenous communities. According to research, conservation has been a common form of expropriation of indigenous communities' lands and entitlements, which some researchers call green-grabbing. The need to combat global warming and fulfill socio-economic objectives has escalated displacement, putting excessive demands and consequences on indigenous populations, especially in the Sub - Saharan region.

Indigenous person's land and housing privileges are not acknowledged and safeguarded by legislation in certain jurisdictions because the legal framework doesn't acknowledge customary policies in respect to owning, managing, and use of land and resources. They haven't matched up to real activities, aside from legal constraints for protecting native communities' rights in conservation situations. Whereas indigenous populations are competent environmentalists who engage significantly in conservation projects, the traditional conservation strategy has been unfair to them. For efficient and consistent conservation that acknowledges native communities' rights, a new strategy is required.

#### **2.4 Free prior and informed consent of indigenous people.**

FPIC (Free, Prior, and Informed Consent) is a system as well as an approach by which indigenous groups and societies make their own group decisions on issues that concern them independently especially on the issue of relocation because of conservation.<sup>47</sup> Programs and initiatives relating to the use of their natural resources; and operations that may impact their national sovereignty, group identity, heritage, lives, national unity, and welfare, among other things, are all part of this collective policy-making technique. This idea also applies to the design of policies as well as the approval of legal and executive policies which have a significant impact on indigenous people.

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<sup>46</sup> Abdi L. Dahir (2018), Ecotourism is being used to displace one of East Africa's long-standing indigenous people

<sup>47</sup> Ibid

Free, Prior and Informed Consent (FPIC) is enforced via the allocation of comprehensive and factual data in a language that Indigenous populations and community groups understand easily; the liberty of indigenous people to conduct their domestic and collaborative decision-making processes and the acknowledgment and respect towards their democratic choices - including any settings they might have as an aspect of their decisions - and the efficient recording of the decision made.

(FPIC) is a cyclical procedure carried out in earnest to guarantee trust and respect as well as the involvement of indigenous people in decision-making? It is a practical instrument, not merely a procedural one, for ensuring the protection of Indigenous communities' group rights, particularly about property, lands, assets, and identity. According to Swiderska (202012), FPIC is critical for guaranteeing indigenous peoples' fair and equitable treatment involvement in governance and decision-making activities on issues that impact or involve them.<sup>48</sup> FPIC sets the groundwork for indigenous peoples to use their basic freedoms to debate and determine parameters underpinning regulations, programs, and operations like REDD+ which have a significant impact on their lives, traditions, and well-being.

The freedom of being notified and to grant or refuse permission is inextricably related to indigenous peoples' freedom of self and full participation in the choices that affect them. It must be overlooked that the mandate for deliberation and permission is lowered to a straightforward solution of either saying yes or no to policies which the indigenous people did not take part in the conceptualization and that do not recognize their hopes and dreams for progress when incorporated into a wider sense of collective governance and integrated democracy.

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<sup>48</sup> Swiderska, K., Shrumm, H., Hiemstra, W., Oliva, M. J., Kohli, K., Jonas, H., et al. (2012). Biodiversity and Culture: Exploring Community Protocols, Rights and Consent. Special issue of Participatory Learning and Action, Vol. 65. liedPublisher.

The acknowledgment of indigenous populations' substantial right to own land, regions, and assets in the nation's wider political and regulatory structure; the formation of institutional arrangements of both counties and indigenous populations; and the advancement of frequent pathways for communication, involvement, and deliberation will all be component of a governance approach to deliberation and assent. The need to engage and solicit FPIC is firmly rooted in comprehensive civil liberties and legislative framework which recognizes indigenous peoples' significant entitlements.

## **2.5 Convention on the Conservation of Migratory Species of Wild Animals (CMS)**

The Bonn Convention is another name for the CMS convection. It is the only international convention that prohibits the hunting or exploitation of wild creatures. At the moment, it protects 173 migratory species all across the globe. On November 1st, 1983, the Treaty went into effect. In 1984, the Cabinet was created to manage the Convention. The Treaty had 130 signatories as of November 1st, 2019, comprising 129 nations as well as the European Union. In November 2019, the Maldives became the newest member.<sup>49</sup>

Appendix I is a catalog of migratory biodiversity that is vulnerable or threatened. Countries agree to safeguard such animals by preserving or rehabilitating their ecosystems, eliminating migration impediments, and reducing other factors.<sup>50</sup>

The Convention's Appendix II covers migratory species that need conservation and protection, as well as those which might gain considerably from international collaboration. According to Dingle and Drake (2007), because of reasons like food, heat, and habitat, migratory species

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<sup>49</sup> Gillespie A. 2011. Conservation, Biodiversity and International Law. Edward Elgar

<sup>50</sup> Ibid

traverse one or more international territorial boundaries seasonally and predictably.<sup>51</sup> Its goal is to outline countries' responsibilities to protect species that reside inside or migrate through their country boundaries.

## **2.6 Convention on Biological Diversity (CBD)**

During the 1992 Rio de Janeiro Earth Summit, world leaders agreed on a cohesive plan for sustainability, guaranteeing that humanity meets their needs while simultaneously conserving a healthy and productive environment for future generations. The Convention on Biological Diversity was one of the most important accords signed in Brazil (CBD). The Convention on Biological Diversity is a worldwide judicial organization dedicated to the preservation of biodiversity, the self-sufficiency of its components, and the proper and equal distribution of the benefits derived from the use of biological resources. It has been officially ratified by 196 countries.<sup>52</sup>

The purposes of the Convention are to preserve biological variation, assure the protracted use of those elements, and offer an equitable sharing of the benefits of harnessing genetic resources. The Convention requires parties to adopt plans for biological diversity conservation and sustainable use, among other things. The UK meets its duty via Biodiversity Action Plans. This is a government-led effort. The Natural Environment and Rural Communities Act 2006 (England and Wales), the Nature Conservation (Scotland) Act 2004, and the Wildlife and Natural Environment (Northern Ireland) Act 2011 all impose a general responsibility on public entities to protect biodiversity.

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<sup>51</sup> Dingle H. and Drake V.A. 2007. "What is migration?" *BioScience*, 57: 113–121

<sup>52</sup> Doukakis P, Pikitch EK, Rothschild A, DeSalle R, Amato G, Kolokotronis S. 2012. Testing the effectiveness of an international conservation agreement. *PLOS ONE* 7 (art. e340907).

### **2.6.1 Aichi biodiversity targets**

During the Nagoya Summit, the Convention on Biological Diversity (CBD) approved the Aichi Biodiversity Targets. The Aichi Targets are a set of 20 demanding but feasible goals which make up a short-term strategy. They are categorized into strategic goals as follows. Objective A seeks to integrate species into all elements of the state and the public to address the underlying drivers of species extinction. Objective B seeks to minimize immediate species hazards and encourage long-term utilization. Objective C attempts to promote biodiversity, includes habitats, species, and biological variety. Objective D seeks to enhance everybody's access to the benefits of biodiversity and ecological processes. Objective E seeks to improve the effectiveness through participatory planning, information transfer, and learning programs.<sup>53</sup>

### **2.7 World Heritage Convention**

The World Heritage Convention is among the most important environmental conservation policies globally.<sup>54</sup> The Treaty was founded in 1972 with the core objective of defining and safeguarding the planet's cultural and historical heritage which has been determined to have Outstanding Universal Significance. It expresses a forward-thinking notion that some locations are so important that conserving them is not the role of one country, but also the role of the whole global order; and not just for this age, but also for coming generations. The World Heritage Fund's Operating Principles, that detail the protocols for new declarations, site preservation, and hazard, assist in the enforcement of the World Heritage Convention.<sup>55</sup>

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<sup>53</sup> Redpath SM, Gutiérrez RJ, Wood KA Young JC, eds. 2015. *Conflicts in Conservation: Navigating Towards Solutions*. Cambridge University Press

<sup>54</sup> Dennis Rodwell (2002), *The World Heritage Convention and the Exemplary Management of Complex Heritage Sites*, *Journal of Architectural Conservation* pp40-60

<sup>55</sup> Ibid

The Convention is overseen by the World Heritage Committee, which is supported by the UNESCO's World Heritage Centre, the Convention's secretariat, and three technical expert groups IUCN, ICOMOS, and ICCROM. The Advisory Committee on Natural Heritage is the International Union for Conservation of Nature. It maintains a database of classified spots and evaluates locations that have been submitted for consideration on the World Heritage List applying environmental approaches for choosing.<sup>56</sup>

The World Heritage Convention seeks to identify, protect, and conserve natural and cultural resources of international importance. Each State Party to the Convention may suggest a possible site to the Convention secretariat, together with an appropriate management plan. Among the UK's natural marvels are St Kilda (also culturally important); Giants Causeway; the Dorset and East Devon coasts; Henderson Island (part of the Pitcairn group of islands); and Gough Island (a part of the Tristan da Cunha group of islands)

## **2.8 Ramsar Convention**

The Ramsar Convention, which was formed in Ramsar Iran in 1971, categorizes wetlands. Several nations and non-governmental organizations drafted the agreement in the 1960s to protect migrating seabirds' wetland ecosystems. The Ramsar Convention was founded in 1975 as a contributor to global sustainable growth by conserving and correctly using all marshes via community, national, and global partnerships. By October 2020, the Ramsar Convention had 171 signatories. The Convention on Wetlands of International Importance, Particularly Waterbirds

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<sup>56</sup> Bowman M, Redgwell C, Davies P. 2010. Lyster's International Wildlife Law, 2nd ed. Cambridge University Press.



Habitat is the agreement's official title. The Ramsar Convention is the only multilateral convention that particularly covers one type of ecosystem, wetlands.<sup>57</sup>

Originally, the convention was intended to save seabird habitats. The agreement's coverage has grown over time to embrace all aspects of wetland conservation. The 171 signatory countries should declare adequate wetlands in their boundaries under the Ramsar Listing of Wetlands of International Importance. The ecosystems which have been designated should be preserved and maintained with great care. The parties concerned should use interconnected wetland systems responsibly and after proper consultation over the jurisdiction of more than one party to the contract.<sup>58</sup>

As of October 2020, there were 2406 ecosystems on the inventory of wetlands of global significance. The Ramsar Convention isn't a set of rules. The Regina Amendments of 1987 and the Paris Protocol of 1982 both made changes to the Ramsar Convention. The Montreux Record is a system that was developed in 1990 as part of the Ramsar consultation quest. It's a listing of Ramsar Sites which need to be handled immediately. In 1997, the first International Wetlands Day was celebrated. Each year on 2nd February, it honors the tenth anniversary of the Ramsar Convention and supports its goal. Every three years, the contractual signatories gather for a Conference of the Contracting Parties (COP).<sup>59</sup>

Birdlife International, Wetlands International, International Water Management Institute, IUCN, Wildfowl and Wetlands Trust, WWF, and the International Water Management Institute are among the six global agencies that aid the initiative. The convention includes a six-year long-

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<sup>57</sup>Ibid

<sup>58</sup> Scott KN. 2016. Non-compliance procedures and the implementation of commitments under wildlife treaties. Pages 414–436 in Bowman M, Davies P, Goodwin E, eds. Research Handbook on Biodiversity and Law. Edward Elgar

<sup>59</sup> Sanderson FJ, et al. 2020. Assessing the performance of EU nature legislation in protecting target bird species in an era of climate change. Conservation Letters 9: 172–180.

term strategy. The latest is the 4th Ramsar Convention Strategic Plan 2016-2024, which was accepted during the convention's 12th COP conference. The Ramsar Convention's governing group is made up of 18 participants that are chosen on every COP until the next COP elects recruits. The accord uses English, Spanish, and French as the main languages.<sup>60</sup>

The objective of the Ramsar Convention is defined by three cornerstones. The convention advocates responsible usage which seeks to ensure all wetlands are utilized responsibly. Moreover, the convention encompasses lists of globally significant wetlands which strives to assign relevant wetlands to the Ramsar List for effective conservation. The convention also promotes multilateral cooperation on multilateral wetlands, common biodiversity, and common wetland systems.<sup>61</sup>

Wetlands, according to the Ramsar Convention's holistic approach, are areas of a swamp, marsh, bog, or water, whether natural or constructed, permanent or seasonal, with water that is static or rushing, fresh or salt, and include areas of saltwater whose depth at low tide does not exceed six meters. Oceans and coastal regions, rivers, lagoons, and streams are all examples of wetlands. Rice farmlands, aquaculture ponds, and dams are examples of man-made wetlands.<sup>62</sup>

## **2.9 United Nations Forum on Forests (UNFF)**

During the 1992 Rio Earth summit, among the most crucial issues was global forest management. Great advances have been made in developing a worldwide regulatory framework

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<sup>60</sup> Trouwborst A. 2015. Global large carnivore conservation and international law. *Biodiversity and Conservation* 24: 1567–1588.

<sup>61</sup> Trouwborst A. Forthcoming. Large carnivore conservation under the Bern Convention, with special reference to the Balkan lynx. *Cat News*.

<sup>62</sup> *ibid*

for effective forest management ever since.<sup>63</sup> From 1995 to 1997, the Intergovernmental Panel on Forests (IPF) served as the primary framework for worldwide forest policy-making, while from 1997 to 2000, the Intergovernmental Forum on Forests (IFF) served as the primary framework for international forest legislation. The IPF/IFF proposals of action for effective forest management were an important outcome of these organizations. The UNFF was established to expand on the IPF and IFF's planning and implementation.

The United Nations Economic and Social Council (ECOSOC) established the United Nations Forum on Forests (UNFF) in October 2000 as a separate agency with the primary goal of encouraging the governance, preservation, and sustainable growth of all types of forest lands, as well as strengthening long-standing commitment to this end. As a consequence of the Rio Earth Summit, the UNFF's tasks have shifted. The UNFF is signed by all member nations of the United Nations, as well as specialized institutions.<sup>64</sup>

After extensive debate, the Forum's 7th Conference approved the milestone Non-Legally Binding Instrument (NLBI) on every variety of forest (NLBI) on April 28th, 2007. The tool is considered a turning point in history. It was the first time that all UN member nations met to discuss a global strategy for sustainable forest protection. The instrument is projected to have a significant impact on global collaborations and government initiatives to reduce deforestation and forest damage, enhance living standards, and alleviate poverty among forest-dependent people.<sup>65</sup> At the 11th UNFF conference in 2015, the instrument was dubbed the United Nations

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<sup>63</sup> Bonn Challenge. A Global Effort. Para. 1 & 2. Retrieved September 2021 from <http://www.bonnchallenge.org/content/challenge>

<sup>64</sup> Trouwborst A, Boitani L, Linnell JDC. 2017. Interpreting “favourable conservation status” for large carnivores in Europe: How many are needed and how many are wanted? *Biodiversity and Conservation* 26: 37–61.

<sup>65</sup> Besseau, P., Graham, S. and Christophersen, T. (eds.), 2018. Restoring forests and landscapes: the key to a sustainable future. Global Partnership on Forest and Landscape Restoration, Vienna, Austria.

Forest Instrument. Many nations have reaffirmed their commitment to the UNFI. Moreover, the UN General Assembly has ratified the UNFI.

### **2.10 African Elephant Conservation Act 1989**

Because the elephant population was declining and there was a significant illegal ivory trade, it was agreed in 1989 to undertake the utmost steps to minimize the trafficking and hunting of African elephants for their ivory. Some African governments had previously implemented conservation measures, but more were needed if the African elephant population was to continue to fall.<sup>66</sup> Illegal ivory trafficking from both the African and Asian elephants is still a concern, and restrictions have been imposed as a result of the reduction in the elephant population. The MOGATLE operation of INTERPOL is working to curb the illegal ivory trade.

The African Elephant Conservation Act ("Act"), passed by the United States Congress in 1989, aims to aid in the conservation and preservation of the African elephant by providing African nations and the CITES Secretariat with financial resources. The Act's purpose is to keep African elephant populations healthy. The African Elephant Conservation Fund is funded by the Secretary of the Interior for authorized initiatives involving African elephant research, conservation, management, or protection. The African Elephant Conservation Fund is established as a result of the Act.

### **2.11 Conclusion**

Because of their long-term, legally enforceable commitments on a trans boundary scale, international legal instruments may be major, if not crucial, implemented in the conservation arsenal, according to the chapter's conclusions. Following an understanding of why international

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<sup>66</sup> Wandesforde-Smith G. 2016. Looking for law in all the wrong places? Dying elephants, evolving treaties, and empty threats. *Journal of International Wildlife Law and Policy* 19: 365–381.

wildlife law is necessary and what can and cannot be expected from it. This might aid conservationists in enhancing the role of international wildlife legislation in biodiversity protection. Globally and in Africa there are a number of treaties and conventions that govern wildlife conservation. Most wildlife is endangered species due to their value, especially in the black market. As a result, wildlife conservancies serve a critical role in safeguarding plant and animal species as well as their ecosystems. The necessity of animal conservation has given rise to a variety of international treaties and conservations that have continued to play a vital role in wildlife protection.

## CHAPTER THREE

### THE ESTABLISHMENT OF WILDLIFE CONSERVANCIES IN ISIOLO

#### 3.1 Introduction

In the second chapter of the study, the various International conventions regarding Wildlife conservation were examined. This is because wildlife conservancies are a global practice hence there exist various international conventions on the same. This chapter will go ahead to look at the establishment of Wildlife conservancies in Isiolo. In Kenya's northern counties, conservancies are becoming more common. They are land areas set aside for wildlife protection, communal rangeland management, ecotourism, and other livelihood-related purposes. Pastoralists mostly inhabit these places, which are typically isolated and undeveloped. Isiolo is home to several Wildlife conservancies. However little is known on how the conservancies were established and the dynamics around having conservancies in Isiolo. This is what the chapter aims to examine.

#### 3.2 The legal framework on Wildlife conservation in Kenya

Wildlife in Kenya is a very important aspect of the country's natural assets that contribute greatly to the heritage and even to Gross Domestic Product (GDP) through tourism both local and foreign. It is a popular tourist destination, accounting for more than 12% of the country's Gross Domestic Product (GDP). In Kenya, tourism employs over 300,000 people. It is irrefutable that all of this is beneficial to Kenya's economy.<sup>67</sup>

In January 2014, Kenya approved a revised Wildlife Policy Act, also known as the Wildlife

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<sup>67</sup> Kaai, R., Shah, B., Gitari, E., Kahumbu, P., & Kang'ong'oi, B. (2015). *A guide to the Wildlife Act of Kenya 2013*. wildlifedirect. <https://wildlifedirect.org/wp-content/uploads/2017/02/A-Guide-to-the-Wildlife-Act-of-Kenya-2013.pdf>

Conservation and Management Act, into law in order to increase conservation and make it more sustainable. The new legislation created community conservation committees to guarantee that communities benefit from wildlife. This law was formulated in part to address the issue of loss of wildlife population numbers in the country by providing for further access to solutions to curb these decreased wildlife population numbers. As evidenced in research there is a direct correlation between community-based conservancies and wildlife population numbers. The Wildlife Conservation and Management Act 2013, set forth the restructuring of wildlife resource governance by separating regulation and management activities from research functions.<sup>68</sup>

The Kenya Wildlife Service is in charge of enforcing this rule, with assistance from the police and other government organizations. The Act passed in 2013 serves to outline the roles, responsibilities, offenses, and punishments for non-compliance that are all defined by the law. It further attempts to establish a fair and equitable interaction between humans and wildlife by guaranteeing that people can profit from wildlife without endangering ecosystems and habitats in turn ensuring they remain protected for future generations.<sup>69</sup>

Kenya's Community Land Act was approved in 2016 and the rules were implemented in 2018. Community land in pastoral regions must be accessible for members of the community to graze their cattle, according to the Act. Additionally, a registered community may designate special-purpose lands for purposes such as farmland, settlement, community conservation, access and right-of-way, cultural and religious places, urban development, and any other purpose that the community selects.

Kenya's land surface is covered by wildlife to the tune of 70%. The "Big Five"-elephant, rhino,

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<sup>68</sup> Campbell, J. (2014, June 11). *African wildlife conservation and Kenya's wildlife Policy Act*. Council on Foreign Relations. <https://www.cfr.org/blog/african-wildlife-conservation-and-kenyas-wildlife-policy-act>

<sup>69</sup> Kaai, R., Shah, B., Gitari, E., Kahumbu, P., & Kang'ong'oi, B. (2015). *A guide to the Wildlife Act of Kenya 2013*. wildlifedirect. <https://wildlifedirect.org/wp-content/uploads/2017/02/A-Guide-to-the-Wildlife-Act-of-Kenya-2013.pdf>

lion, buffalo, and leopard-are well-known throughout the country, as is the big wildebeest migration. Therefore, it is inevitable that there is bound to be human-wildlife interaction that may lead to conflict. Unfortunately, the majority of these wildlife areas occur in economically hardship areas of Kenya. This implies a need to educate the local people on the laws about wildlife conservation and also ways in which they can benefit from setting up conservancies in their localities. There is a provision for these communities to set aside land for wildlife conservancy and register it to earn revenue in terms of ecotourism opportunities that this provides.<sup>70</sup>

Due to devolution, county administrations in Kenya now have power over planning and land management, but the KWS and the federal government retain jurisdiction over wildlife.<sup>71</sup>

At the root of this is the issue of the centrality of the governance on wildlife and conservation matters. For there to be better results, the inclusion of the communities around wildlife areas is critical to improving the laws governing the same. Wildlife legislation in Kenya requires conservancies to be established, which limits their ability to meet development and human needs. To work with community conservancy activities, there is a need to combine broader legislative assistance, such as agriculture, forestry, health, education, and infrastructure.<sup>72</sup>

Policymakers would gain from creating an environment in which non-governmental organizations (NGOs) are incentivized to keep supporting localized experimentation and

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<sup>70</sup> Oduor, A. M. (2020). *Benefits and challenges of community-based wildlife conservancies in Kenya's Maasai Mara ecosystem*. ResearchGate.

[https://www.researchgate.net/publication/346026673\\_Benefits\\_and\\_challenges\\_of\\_community-based\\_wildlife\\_conservancies\\_in\\_Kenya%27s\\_Maasai\\_Mara\\_ecosystem](https://www.researchgate.net/publication/346026673_Benefits_and_challenges_of_community-based_wildlife_conservancies_in_Kenya%27s_Maasai_Mara_ecosystem)

<sup>71</sup> Cockerill, K. A., & Hagerman, S. M. (2020, May 15). *Historical insights for understanding the emergence of community-based conservation in Kenya: International agendas, colonial legacies, and contested worldviews*. Ecology and Society. <https://www.ecologyandsociety.org/vol25/iss2/art15/>

<sup>72</sup> Galvin, K. A., Beeton, T. A., & Luizza, M. W. (2018). *African community-based conservation: A systematic review of social and ecological outcomes*. Ecology and Society. <https://www.ecologyandsociety.org/vol23/iss3/art39/>



individualized adaptation strategies in the future. Increased capacity of local government and policies that promote community-based conservancies at all sizes will improve the community's ability to appreciate and profit from wildlife in ways that complement and respect local traditions, culture, and livelihoods. Because Kenya's governmental wildlife conservation law and policy tools foster local community co-management, the state may assist the exchange of knowledge among conservancies on best practices to boost tourist income production and sharing while decreasing the costs of human-animal conflicts.<sup>73</sup>

### **3.3 The Establishment of Conservancies in Kenya**

Community-oriented conservation initiatives often have been viewed as a resolution of the dispute between wildlife protection and community interests. Conservancies have an important function in improving the population numbers of wildlife as well as providing the communities around them with a source of revenue which in turn improves their livelihoods. This means that encouraging communities to establish conservancies is something that will undoubtedly benefit the country as a whole. Conservancies are now a recognized land use under the Wildlife Act of 2013, making them an appealing land use alternative for communities because they provide better land and resource rights as well as access to incentives.<sup>74</sup>

Kenya now has 166 conservancies spread over 28 counties (Kenya Wildlife Conservancies Association, 2016). They encompass an area larger than all of Kenya's national parks and are home to some of the most varied species in the country. Conservancies may be privately or

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<sup>73</sup> Glew, L., Hudson, M. D., & Osborne, P. E. (2010). Evaluating the effectiveness of community-based conservation in northern Kenya: a report to The Nature Conservancy. *Centre for Environmental Sciences, University of Southampton, Southampton, UK.*

<sup>74</sup> Jaldesa, H. A. (2017). *Sustainable management of community-based tourism: The case of community-based tourism projects in Isiolo county.* UoN Digital Repository Home. <https://41.204.161.209/bitstream/handle/11295/102220/HUQA%20ABDUBA%20JALDESA.pdf?sequence=1&isAllowed=y>

publically owned, or they can be established on communally owned property and governed by a community board. The Northern Rangelands Trust (NRT) is Kenya's biggest conservation organization (Kenya Wildlife Conservancies Association, 2016). "To develop resilient community conservancies that change people's lives, ensure peace, and protect natural resources," is the NRT's goal (Northern Rangelands Trust, n.d.). NRT was established in 2004 and now works with 39 community conservancies in northern Kenya. The Kenyan government and international donors are both supportive of NRT.<sup>75</sup>

A conservancy must be registered as a legal entity under Kenyan law before it can begin operating, employing staff, or engaging in agreements. Land ownership must be reflected in the legal entity. Limiting liability (for owners), developing better governance and management, improving donor confidence, and increasing responsibility and transparency are all advantages of registering as a legal corporation. The registration of the conservancy then allows it to become a legal entity which implies that it can enter into agreements with other organizations such as donors. This allows it to also set up a proper governance structure. The ownership and decision-making mechanisms, as well as the management organization, are all part of a conservancy's governance structure. The board of directors appointed is the main decision-making organ and serves in the interests of both the community and the wildlife around the conservancy.<sup>76</sup>

NRT is made up of people from the community, institutions, and the commercial sector. Local institutions operate the conservancies, which are manned by members of the community. Each one has a basic administrative staff that comprises a manager, community manager, accountant,

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<sup>75</sup> Kaai, R., Shah, B., Gitari, E., Kahumbu, P., & Kang'ong'oi, B. (2015). *A guide to the Wildlife Act of Kenya 2013*. wildlifedirect. <https://wildlifedirect.org/wp-content/uploads/2017/02/A-Guide-to-the-Wildlife-Act-of-Kenya-2013.pdf>

<sup>76</sup> Northern Rangelands Trust. (2020). *Status of wildlife report*. . <https://static1.squarespace.com/static/5af1629f12b13f5ce97ca0b5/t/5ef30ce79cd88370a4fce0e8/1592986882511/NRT+Status+of+Wildlife+Report+2020.pdf>

and security team. Individual villages or management units are represented by trustees elected by the community, who form a Conservancy Board that determines strategic management operations. A majority of the staff employed in NRT are Kenyan citizens, however, the funding for the same is largely from foreign sources. NRT typically tries to form long-term agreements with specific conservancies to provide consistent support for community enterprises and conservation management. This support enables the conservancy to keep running as well as benefit the community involved.<sup>77</sup>

### **3.4 The establishment of conservancies in Isiolo**

Isiolo County lies in the heart of Kenya, just north of Nairobi. It is inhabited by a multitude of pastoralist populations (Borana, Somali, Samburu, and Turkana), as well as agriculturalist Meru, who constitute the majority of Meru County, which is situated south of Isiolo. In Isiolo, the people largely practice pastoralism with the number of animal herds they keep outnumbering the human population by a large number. Due to this practice of pastoralism, the people in Isiolo greatly rely on movement in search of pasture, and water for their herds, an activity that requires the availability of vast acres of land. The land in this area is community-owned and land tenure is based on community land tenure. The Community Land Act (2016) recognized a provision that community land tenure is equal in status to private land tenure. This provision served to ensure that the community was involved in the matters to do with their land. The Community Land Act provides for the registration of communally held land and the payment of compensation solely to

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<sup>77</sup> Glew, L., Hudson, M. D., & Osborne, P. E. (2010). Evaluating the effectiveness of community-based conservation in northern Kenya: a report to The Nature Conservancy. *Centre for Environmental Sciences, University of Southampton, Southampton, UK.*

the registered group. The Act's implementation, on the other hand, has been sluggish.<sup>78</sup> The efficacy of private and community efforts is critical as the effective methods for wildlife conservation in Kenya. After multiple community-centered wildlife management achievements were documented under the title Communal Management Programme for Indigenous Resources(CAMPFIRE), the concept of community-oriented wildlife conservancy was taken from Southern African nations.

### **3.4.1 Biliqo-Bulesa Conservancy**

The BiliqoBulesa community wildlife conservancy was established in Merti SubCounty by Ian Crag in 2007 under the aegis of Northern Rangeland Trust (NRT). This was the county's first conservancy, paving the path for the formation of subsequent community-based conservancies throughout the county.<sup>79</sup>

BiliqoBulesa community conservancy came in as a welcome alternative to solve issues of poaching and reduce the cases of human-wildlife conflict for the people. It was also established with the issue of earning the community revenue to improve their standards of living through tourism and even the creation of employment. This conservancy spans over a very large area totaling 376,657 hectares. The population of people it serves is about 4,781 comprising of the ethnic group being the Borana people.<sup>80</sup>

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<sup>78</sup> Mkutu, K. (2020, June 17). *Security dynamics in conservancies in Kenya: The case of Isiolo county*. BICC Bonn International Centre for Conflict Studies.

[https://www.bicc.de/uploads/tx\\_bicctools/BICC\\_Working\\_Paper\\_3\\_2020\\_01.pdf](https://www.bicc.de/uploads/tx_bicctools/BICC_Working_Paper_3_2020_01.pdf)

<sup>79</sup> Butler, S. (2012). The future of conservation in Kenya. Retrieved October 5, 2013. From

<http://www.bbc.com/travel/futures/20120823>.

<sup>80</sup> Oduor, A. M. (2020, April 15). *Benefits and challenges of community-based wildlife conservancies in Kenya's Maasai Mara ecosystem*. ResearchGate.

[https://www.researchgate.net/publication/346026673\\_Benefits\\_and\\_challenges\\_of\\_community-based\\_wildlife\\_conservancies\\_in\\_Kenya%27s\\_Maasai\\_Mara\\_ecosystem](https://www.researchgate.net/publication/346026673_Benefits_and_challenges_of_community-based_wildlife_conservancies_in_Kenya%27s_Maasai_Mara_ecosystem)

### **3.4.2 Nakuprat-Gotu Conservancy**

In 2010, Nakuprat-Gotu was founded as the second community-based conservancy in the county of Isiolo. It spans over an area of 72,418 hectares and has a total population of 5,240 people. The main ethnic community groups here are the Borana and Turkana people. It is the third-largest conservancy in the county. In the year 2011, the third community-based conservancy for Isiolo county was established by the name Nasuulu. It is located at the heart of ethnic groups that comprise Borana, Samburu, Turkana, and Somali. It covers an area that spans over 34,568 Hectares of land and serves a population of approximately 4,262 people. In the same year, Leparua conservancy was established. It serves quite a large population of approximately 8,590 people and spans over an area of 33,550 hectares.<sup>81</sup>

In the period between 2016 and 2018, the latest community-based conservancy for the county of Isiolo was established named Oldonyiro. It has the largest population thus far in comparison to the conservancies in Isiolo county with an approximated number being 15,388 people. It spans over an area of 115,518 hectares in total. A majority of the conservancy serves the Samburu ethnic group of people with the rest being occupied by the Turkana. The establishment of the conservancies has seen a marked decrease in the incidences of poaching of wildlife in the county.<sup>82</sup>

### **3.4.3 Leparua Conservancy**

Leparua Conservancy is a tiny conservancy in Laikipia that was established in 2011 within the

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<sup>81</sup> Northern Rangelands Trust. (2020). *Status of wildlife report..*  
<https://static1.squarespace.com/static/5af1629f12b13f5ce97ca0b5/t/5ef30ce79cd88370a4fce0e8/1592986882511/NRT+Status+of+Wildlife+Report+2020.pdf>

<sup>82</sup> Snyman, S. 2012. Ecotourism joint ventures between the private sector and communities: an updated analysis of the Torra Conservancy and Damaraland Camp partnership, Namibia. *Tourism Management Perspectives* 4:127-135. <http://dx.doi.org/10.1016/j.tmp.2012.07.004>

Isiolo Holding Ground (also known as the Livestock Marketing Division or LMD), which is adjacent to Lewa Conservancy. The LMD is a 124,200-hectare government-owned parcel of property located near Isiolo town. It borders Laikipia, Samburu, and Meru counties and spans portions of Burat and Oldonyiro wards. It has long been utilized as a disease-control buffer zone, as well as a quarantining and livestock-marketing region. It is currently home to a diverse spectrum of inhabitants, along with a number of ethnic pastoral communities that regularly battle over pasture and water.

### **3.5 The Conservancies in Isiolo and the indigenous community**

The establishment of conservancies in Isiolo county has had a marked impact on the indigenous community in the area. The main impact is the benefits that have been accrued by the people due to the presence of conservancies in their area. With the establishment of conservancies, the people have been able to earn revenue from the conservancy tourism efforts that have emerged. These funds are then injected into community improvement endeavors such as the establishment of schools, digging of boreholes, and more. The communities in these conservancies have also greatly benefitted from the employment creation that has resulted from the conservancy activities including jobs such as tour guides and even service providers in the conservancies. This is through the training and equipping forums that are provided to the people.<sup>83</sup>

Community-based conservation institutions which promote comprehensive involvement in decision-making processes foster trust and conflict resolution. The indigenous communities in the conservancies have been able to develop better working relationships with one another and this has greatly reduced the cases of community conflict. They all share in the benefits of the

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<sup>83</sup> Jaldesa, H. A. (2017). *Sustainable management of community-based tourism: The case of community-based tourism projects in Isiolo county*. UoN Digital Repository Home. <https://41.204.161.209/bitstream/handle/11295/102220/HUQA%20ABDUBA%20JALDESA.pdf?sequence=1&isAllowed=y>

conservancy activities. Community-based conservation organizations also assisted in the maintenance of existing networks as well as the creation of new ones. This has been experienced mainly through the creation of employment that has allowed the people to stay and get jobs in their area without moving to other areas. Thus, strengthening their relationships and family ties.<sup>84</sup> Isiolo county has experienced a marked shift from the old pastoralist way of life to a more modern approach of earning a living for the indigenous people. This shift has seen the inclusion of women in job opportunities that were not there before. Wives are now working and assisting their husbands to earn a living for their families. Although this is sometimes frowned upon by the more conservative members of the community it has been of more benefit to the family by improving their living standards.<sup>85</sup>

The communities indigenous to the county of Isiolo have for many years been subject to the idea that they are very rural and backward. This has been perpetuated because they still practice many of their traditional activities and culture. It is crucial, however, that they continue to practice their culture since it acts as a valuable source of legacy for the community and encourages cultural tourism in the region. The positive response from tourists, government employees, professors, and students has contributed to increased community pride and a strong feeling of shared cultural identity and communal consciousness.<sup>86</sup>

In terms of the environment, the community-based conservancies in Isiolo have promoted the

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<sup>84</sup> Dyer, et al. 2014. Assessing participatory practices in community-based natural resource management: experiences in community engagement from southern Africa. *Journal of Environmental Management* 137:137-145. <http://dx.doi.org/10.1016/j.jenvman.2013.11.057>

<sup>85</sup> Jaldesa, H. A. (2017). *Sustainable management of community-based tourism: The case of community-based tourism projects in Isiolo county*. UoN Digital Repository Home. <https://41.204.161.209/bitstream/handle/11295/102220/HUQA%20ABDUBA%20JALDESA.pdf?sequence=1&isAllowed=y>

<sup>86</sup> Ade, A. D. (2017, May). *Assessment of factors affecting Isiolo County community wildlife conservancy with reference to ecotourism development in Kenya*. DSpace Home. <https://41.89.96.81/handle/123456789/2302>

protection of the existing flora and fauna. Studies conducted regarding natural resource use mapping have enhanced the understanding of the interaction of the indigenous communities and their environment. These studies involve the participation of the youth in the community thus providing them with a way to usefully spend their time and earn money. Such studies emphasize the importance of conservation efforts as well as show the interdependence that exists between the communities in these conservancies and their environment. Income generated from tourism in the conservancies also serves as a motivator to the indigenous people to continue with the conservation and protection of their environment.<sup>87</sup> Communities in conservancies have also benefited from improved hygiene and living conditions prompted by the increased presence of tourists in the conservancies. This is mainly through proper sanitation facility cleaning, hygiene considerations in food preparation as well as proper maintenance of their households.

To grasp the aspects of inclusion and exclusion related to conservancies, analyze pastoralists' conceptions of territoriality within their environment first, and then look at how conservancy management systems influence pastoralists. Pastoralists' main aim is to acquire as much land for farming as possible, to them they view conservancies as a waste of land for pasture. Pastoralist leadership has released a public communiqué demanding government aid in fixing difficulties uncovered while managing their lands. They are particularly keen for their community structures and regulations to be acknowledged in terms of biodiversity protection.

For instance, Certain pastoral communities have taken action in response to the widening gap between conservation organization aims and the eviction of local people from their pastures. On May 2, 2019, Isiolo residents rallied in support of a ban on all current and future conservation

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<sup>87</sup> Jaldesa, H. A. (2017). *Sustainable management of community-based tourism: The case of community-based tourism projects in Isiolo county*. UoN Digital Repository Home. <https://41.204.161.209/bitstream/handle/11295/102220/HUQA%20ABDUBA%20JALDESA.pdf?sequence=1&isAllowed=y>



activities by the Northern Rangelands Trust (NRT) in Isiolo County, as well as the dissolution of any existing property transactions between the county council and NRT. Pastoral communities are also asking for private wildlife conservation regulations to be established in order to safeguard communal properties across the county. The sticking point has always been that present arrangements sideline traditional resource governance methods that existed long before conservancies were established, which is the primary rationale for these requests. They also demanded that the government investigate reported extrajudicial executions of community members by NRT in the name of conservation, as well as NRT's focus on livestock destocking as a method for reducing land constraints.<sup>88</sup>

Many conservationists feel that conservancy actors should cooperate with various pastoral populations to establish "community conservancies" to maintain ownership and upkeep of conservation/ranch lands. These are intended to demonstrate that the land belongs to the community and that the benefits of conservation practices, as well as money produced through conservation tourism, will be given to it. However, in reality, this is not the case. In reality, the neighborhood is kept in the dark about the conservancy's top-down choices. As a result, sentiments of exclusion develop, which is counterproductive to community involvement.

### **3.6 Challenges of conservancies in Isiolo**

Despite the obvious benefits of community-based conservancies, the presence of conservancies in Isiolo county has had its fair share of challenges along the way since it first began in 2007. The major challenge is the fact that more than seventy-one percent of the population in the conservancy areas of Isiolo county are living below the poverty line. With this in mind, some

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<sup>88</sup>Glew, L., Hudson, M. D., & Osborne, P. E. (2010). Evaluating the effectiveness of community-based conservation in northern Kenya: a report to The Nature Conservancy. *Centre for Environmental Sciences, University of Southampton, Southampton, UK.*

rare and endangered wild herbivorous species were pursued and hunted for survival as an alternate food source. This practice is mainly practice due to the adverse climate conditions such as drought that plagues the area forcing the people to resort to poaching o these animals for food. Unrestricted sustenance Wildlife poaching will eventually result in environmental imbalance, the nearing annihilation of critically endangered species, and disturbance of the wildlife food chain. For the community conservation program in Biliqo-Bulesa to thrive, it is critical to put an end to the subsistence poaching culture. It is incumbent to all parties to implement steps to reduce subsistence poaching to protect the wildlife in the conservancies and address this problem.<sup>89</sup>

The infrastructure that exists in conservancies in the county is very poor. This is a challenge that is hindering the development and access of the areas in the conservancies. The only bridge between Isiolo town and the Biliqo-Bulesa conservancy region, situated at Gotu, is low-lying, patched on the riverbank, and impassable throughout flooding and rainy seasons, impeding free movement of people from and to the conservancy zones. The presence of poor mobile network communication in the county and the fact that roads in conservancies remain in a deplorable state has also affected the promotion of conservancy activities in the area. The involvement of local government in funding these infrastructure projects would greatly improve the tourism activities and the people in the conservancies.<sup>90</sup>

Pastoralist societies have a long history of human-wildlife conflict, which typically occurs when wild animals attack their sources of income. According to the Isiolo District Vision and Strategy, the human-wildlife conflict has been highlighted as a critical concern in the promotion of ecotourism development in the Merti Sub-County (2005-2015). The presence of conservancies

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<sup>89</sup> Ade, A. D. (2017, May). *Assessment of factors affecting Isiolo County community wildlife conservancy with reference to ecotourism development in Kenya*. DSpace Home. <https://41.89.96.81/handle/123456789/2302>

<sup>90</sup> Ibid

protects the more dangerous and predatory species of wildlife which in turn increase their population numbers. This increased population of predators puts pressure on their available food source causing them to attack the herds of the pastoralist communities in the conservancies. These attacks then cause human-wildlife conflict to increase.<sup>91</sup>

The problem of security in conservancies is a key one that must be addressed. It is more likely that people will not go to places where they are uncomfortable, and instead will cancel their vacation plans or travel to another destination. Insecurity is perpetuated by the ethnic conflicts that exist between neighboring communities. Such conflicts lead to insecurity which threatens the tourism efforts that are the goal of the conservancies in the county of Isiolo. Because similar community wildlife conservation initiatives are also underway in neighboring counties, security must be ensured for ecotourism operations to thrive. This is because residents must be involved in security issues and reconciliation with competing groups.<sup>92</sup> According to Erikson, tourism is a very delicate product that requires special attention because the destination's background, security, and safety concerns may cause tourists to change their minds about visiting, resulting in a loss of revenue for community projects.<sup>93</sup>

### **3.7 Conclusion**

In summary, Conservancies play a key and important role in Kenya. In Isiolo conservancies have become part and parcel of income-generating activities. The establishment of conservancies in Isiolo has conformed with the existing international and local legal framework. The biggest

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<sup>91</sup> Butler, S. (2012). The future of conservation in Kenya. Retrieved October 5, 2013. From <http://www.bbc.com/travel/futures/20120823>

<sup>92</sup> Ade, A. D. (2017, May). *Assessment of factors affecting Isiolo County community wildlife conservancy with reference to ecotourism development in Kenya*. DSpace Home. <https://41.89.96.81/handle/123456789/2302>

<sup>93</sup> Erikson, H. (2003). Rhetoric and marketing devices or potential and perfect partnership? Case Study of Kenyan ecotourism. (Mfs-Report). Umea University.

challenge however is the conflict between the local community and the conservancies as the indigenous community view conservancies as a threat to livelihood. As such, a conservation model must effectively incorporate traditional indigenous land governance systems while also properly implementing pastoralists' legal rights to decide and benefit from the use of their common lands. This, however, needs a coordinated strategy including non-governmental organizations, conservation organizations, national governments, county governments, and community participation where Community-based organizations must play a key role.

## **CHAPTER FOUR**

### **THE RIGHTS OF THE INDIGENOUS PEOPLE VIS-À-VIS THE NEED TO SET UP WILDLIFE CONSERVANCIES.**

#### **4.1 Introduction**

This chapter critically looks at the rights of the indigenous people vis-à-vis the need to set up wildlife conservancies. The chapter will focus on the subject of the principles and guidelines that direct indigenous people and their relationship with the conservation areas. A look into the conflicts that occur between indigenous people and the wildlife surrounding their communities will also be a major issue of concern in this chapter. Finally, this chapter will delve into the rights that exist for the indigenous people in conservancies and a critical appraisal of every aspect of recognizing the place of indigenous people while setting up conservancies.

#### **4.2 Demographic Characteristic of the Respondent**

This section presents the key demographic characteristics adopted by the study which include the response rate, gender of the respondents

##### **4.2.1 Response Rate**

The information was gathered via the administration of questionnaires and interviews with key informants such as staff at the major conservancies, community people, academicians, and some conservationists. A total of 100 questionnaires were distributed, with 72 of them returned. This equated to a 72 percent response rate, which is sufficient to produce a valid result for this research.

**Table 2.1: Response Rate**

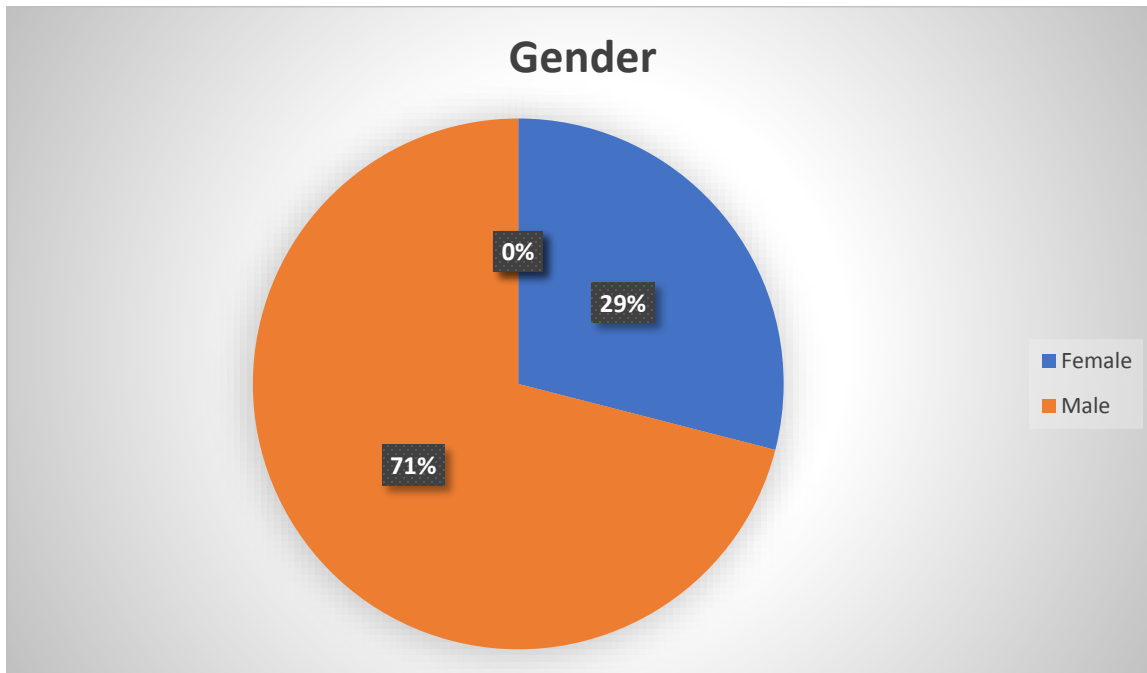
Target group	Sample (n)	Returned Questionnaires	Non Responsive
Personnel at the main conservancies	20	10	10
community members (Indeginious people)	20	20	0
Conservationists	10	4	6
Academicians	50	38	12

**Source: Author (2021)**

#### 4.2.2 Gender

Most of respondents were males at 71%, while the females were 29%, as presented in figure 2.1. The disparity of the two gender was due to the patriarchal nature of African society where the male as the head of the family tends to be the spokesperson of the family. The gender dynamics was important to this study because different social-economic activities affect gender differently.

**Figure 2.1 Gender of the respondents**



**Source: Field Data, 2021**

### 4.2.3 Age of the Respondents

A total of 72 respondents were interviewed which was a success, as they ranged from various personnel at the main conservancies; community members, Academicians, and some of the conservationists. The respondent's ages ranged from 20 to 62 years as indicated below.

**Table 2.2: Age Bracket of the Respondents.**

<b>Age Bracket</b>	<b>Frequency</b>	<b>Percentage</b>
20 – 33	12	17
34 – 42	38	53
43 – 58	15	21
59 – 62	7	9
<b>Total</b>	<b>72</b>	<b>100.0</b>

The bulk of the respondents were between the age of 20 – 33 years as shown by 17 percent, with the 34 – 42 years age bracket also having a substantial number of respondents at 53 percent, 43 – 58 were represented by 21 percent, and lastly, 59 – 62 percent were represented by 9 percent. It was critical to assess the respondents' educational level to determine whether or not they grasped the research study.

### 4.2.4 Education Background of the Respondents

Of the 72 respondents, Secondary certificates made up the majority of the responders, accounting for 63% of the total. The remaining respondents had a bachelor's degree. This demonstrated the correspondents' ability to comprehend, the subject of the research study. While 40% of respondents were senior management at their respective workplaces, the majority which was

60% were in junior management. This goes to show that the respondents were reliable in responding to the research study. The age of the respondents was important to the study since different sets of age are affected differently by human trafficking.

#### **4.3 Principles and guidelines for indigenous and protected areas**

The study established that the existing principles and guidelines on indigenous people and protected areas are a very important aspect when it comes to the preservation of flora and fauna that exist on the surface of the earth. The need for the consideration of indigenous people in the creation of protected areas first came up when the World Conservation Union (IUCN) held its 12<sup>th</sup> meeting in Kinshasa. The resolution urged governments and conservation organizations to recognize the worth of indigenous peoples' ways of existence and to find solutions for them to bring their lands into protected zones without relinquishing their rights or being displaced.<sup>94</sup> Protected areas are frequently thought to be incompatible with indigenous and other traditional peoples' rights and customs in their terrestrial, coastal/marine, and freshwater domains. However, this is not the case since for many of these indigenous communities, their main goal is to co-exist with their surroundings peacefully preserving their culture and traditions while still conserving the environment around them.

According to the study's Findings the principles that are set forth by the IUCN, have encompassed the rights of the native communities in protected areas as well as included the guidelines that should lead them in the proper conservation of the wildlife and natural resources available to them. The 5 principles set forth were:

There should be no inherent conflict between the aims of protected areas and the existence of

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<sup>94</sup> Luling, V. *From principles to practice Indigenous peoples and protected areas in Africa*. (2004). <https://www.forestpeoples.org/sites/fpp/files/publication/2010/10/forewordandintroeng.pdf>



indigenous and other traditional peoples inside and near their bounds. Furthermore, they must be recognized as legitimate, equivalent stakeholders in the design and implementation of conservation policies affecting their lands, territories, rivers, coastal waters, and other resources, particularly in the creation and maintenance of protected areas.

It is critical that the establishment and administration of protected areas affecting indigenous and other traditional peoples' lands and territories, as well as their waters, coastal seas, and other resources, are founded on complete respect for indigenous and other traditional peoples' rights to traditional, sustainable use of their lands and territories, waterways, and coastal seas, and other resources. Acceptance by indigenous and other traditional peoples of their responsibility to preserve biodiversity, ecological integrity, and natural resources in such protected areas should promote such agreements. In all instances impacting the mutual interests of protected areas and indigenous and other traditional peoples, the themes of decentralization, involvement, transparency, and responsibility should be addressed. According to the Study's findings, indigenous and other traditional peoples should be permitted to share completely and equitably in the benefits of protected areas, but the rights of other legitimate stakeholders should be respected.

Indigenous and other traditional peoples' rights to protected areas are frequently a matter of international responsibility because many of the lands, territories, waterways, coastal seas and other resources owned, occupied, or used by indigenous and other traditional peoples span national boundaries, as do many of the ecosystems that require conservation. These five principles, together with the 22 accompanying regulations, serve as a foundation for connecting indigenous and other traditional peoples, as well as planners and administrators of protected

areas..<sup>95</sup>

In Kenya, there are three categories of protected areas that are managed by wildlife statutes. National parks (administered by the Kenya Wildlife Service), national reserves (maintained by county governments), and conservancies are the three types of protected areas. National parks and reserves account for around 8% of the country's total land area. About 160 conservancies in Kenya safeguard about 11% of the country's area.<sup>96</sup> Based on this discovery, it is evident that the government has to concentrate more on how it handles the human-wildlife overlap that happens as a result of population growth and subsequent declines in wildlife populations owing to human encroachment. Indigenous people have over the years played a great role when it comes to the preservation and conservation of the biodiversity that is around them. Pastoralist tribes have long employed customary systems to maintain key resources like forests, water supplies, and dry season grazing refuges. To ensure that these contributions continue, people must have secure land and resource rights. This allows them to employ their traditional knowledge and management methods while also protecting themselves from external threats and administering their lands to meet the long-term requirements of current and future generations. Organizations for non-profits and the government are actively working together to develop a standardized legal framework for community conservancies since these conservation sites do not yet have a legal foundation in either protected areas policy or wildlife legislation.<sup>97</sup>

The Kenyan government needs to conduct a critical appraisal of the existing laws and create new

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<sup>95</sup> Colchester, M., Ferrari, M. F., Nelson, J., Kidd, C., Zaninka, P., Venant, M., Regpala, L., Balawag, G. T., Motin, B., & Lasimbang, B *Conservation and Indigenous Peoples: Assessing the Progress since Durban*. (2008) <https://www.forestpeoples.org/sites/fpp/files/publication/2010/08/wccconservationandipsinterimrepresept08eng.pdf>

<sup>96</sup> Tyrrell, P. (December 18). *Kenyan wildlife policies must extend beyond protected areas*. The Conversation. (2019) <https://theconversation.com/kenyan-wildlife-policies-must-extend-beyond-protected-areas-127821>

<sup>97</sup> Rights and Resources Initiative. *Protected areas and the land rights of indigenous peoples and local communities*. (2015) [https://rightsandresources.org/wp-content/uploads/RRIRReport\\_Protected-Areas-and-Land-Rights\\_web.pdf](https://rightsandresources.org/wp-content/uploads/RRIRReport_Protected-Areas-and-Land-Rights_web.pdf)

legislation that will incorporate the roles played by indigenous people in the fight to control the loss of biodiversity. The inclusion of indigenous people in the formulation of these laws is also very critical. The creation of new protected areas aside from the already existing ones is another issue that needs to be addressed. Many species require attention in locations where wildlife rules and legislation do not exist. To secure the survival of these species in Kenya, significant conservation activities outside of protected areas and beyond the existing policy focus are required.<sup>98</sup>

#### **4.4 The conflict between wildlife conservancies and indigenous people in Isiolo**

The majority of the respondents noted that human-animal conflict prevention is a significant issue for Kenyan conservationists, especially in areas near wildlife reserves with high population growth rates. Despite the wide taxonomic diversity of wildlife species, conflicts are most commonly caused by ungulate species such as elephants and carnivores, which are large-bodied and aggressive, and so their presence tends to cause conflict between humans and wildlife. Because practitioners have concentrated their efforts on eradicating unpleasant contacts rather than creating good partnerships, the emphasis on human-animal conflict has often been a hindrance to wildlife preservation. As a consequence of fighting for common natural resources, human-wildlife conflict (HWC) has an impact on people's food security and the well-being of humans and animals. Human-wildlife conflict is a major problem in emerging economies, affecting people from all backgrounds of life.<sup>99</sup>

Africa now has over 3000 protected areas (PAs) and more than 50 biosphere sanctuaries (i.e.,

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<sup>98</sup> Tyrrell, P. *Kenyan wildlife policies must extend beyond protected areas*. The Conversation.(2019)<https://theconversation.com/kenyan-wildlife-policies-must-extend-beyond-protected-areas-127821>

<sup>99</sup> Alio, M. A. *Land-use changes and human-wildlife conflict in Garba Tula Sub-County, Isiolo County, Kenya*. UoN Digital Repository Home(2018). <https://erepository.uonbi.ac.ke/handle/11295/105494>

protected areas established to conserve the biological and cultural diversity of a region). In terms of concentration and variety, Africa possesses the largest global reservoirs of wildlife populations relative to the rest of the world. Furthermore, African pastoralist groups are generally located in rural and impoverished locations that are plagued by drought and illness, making them particularly vulnerable to food insecurity. A number of worldwide developments have aided in the internationalization of human-wildlife confrontations. Exponential population growth, land-use alteration, species loss of habitat, environmental degeneration, and segmentation, renewed concentration in ecotourism and access to conservation areas, growing farmed animals populations and competitive exclusion of untamed plant-eaters, distribution and abundance of untamed prey, enhanced biodiversity numbers as an outcome of conservation efforts, and changing climate are just a few of the factors.<sup>100</sup>

Due to the huge number of mammals that walk freely in rangelands, pastoralists living in rangeland regions in Kenya are affected by wildlife disturbance and interference. According to Ade's research, the primary reasons for a confrontation involving wildlife and people include crop loss, rivalry for pasture and water, heightened illness risk amongst livestock, and outright danger to human security and life. The same study inferred that members of Samburu County have increased their human vigilance by using guarding animals, enclosed livestock barns, and hunting down undesirable species to reduce interference. The occurrences of human-wildlife conflict in pastoralist areas are increasingly an area of concern. This is due to the fact that it adds to the nation's extinction of wildlife species. The majority of these cases of human-wildlife conflict occur in the reserve borders where human settlement comes into contact with the

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<sup>100</sup> Distefano, E., *Human-wildlife conflict worldwide case studies*. Tanzania Natural Resource Forum (TNRF) | Improving Governance and Natural Resource Management in Tanzania (2015). [https://www.tnrf.org/files/E-INFO-Human-Wildlife\\_Conflict\\_worldwide\\_case\\_studies\\_by\\_Elisa\\_Distefano\\_no\\_date.pdf](https://www.tnrf.org/files/E-INFO-Human-Wildlife_Conflict_worldwide_case_studies_by_Elisa_Distefano_no_date.pdf)

wildlife lands. These areas are characterized by denser population numbers for humans who inadvertently encroach into wildlife territory in search of pasture, settlement land, and water.<sup>101</sup>

Conservation increases the population of predators, posing a threat to livestock, and so farmer complaints rise, increasing the risk of carnivores being murdered by the afflicted farmer. Pastoral nomads groups have quite a relatively long history of human-wildlife confrontation, which mainly occurs whenever wild creatures damage their income sources. In the absence of a defined compensation scheme and enough public education on the benefits of wildlife, vengeance assaults have grown common in wildlife conservation zones. Locals of Isiolo County resort to vengeance for any cattle destroyed by wild carnivores in conservancy areas. Livestock and wildlife conservation on the same land, as is the case in the community wildlife conservancy, will result in conflicts, according to Ogara et al, because proper resource sharing mechanisms are required to avoid any competitions that will end up challenging ecotourism, which is primarily based on wildlife.<sup>102</sup>

Suich et al stated that wildlife destruction of farm crops has been a serious issue of concern because farmers become hostile to wildlife, particularly elephants, when they destroy several acres of plant in the field, negating all of the effort and capital invested, as well as Kenya Wildlife Service's unwillingness to pay compensation. The Kenya Wildlife Service livestock and farmer compensation program did not work well with pastoral communities because frequent and consistent attacks by wildlife on their livelihood source are a threat to their survival and way of life. As a result, Maasai morans have resorted to killing lions instead of compensating, claiming

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<sup>101</sup> Ade, A. D. *Assessment of factors affecting Isiolo County community wildlife conservancy with reference to ecotourism development in Kenya*. DSpace Home.(2017) <https://41.89.96.81/handle/123456789/2302>

<sup>102</sup> Ogara, O., Seneiya, O., & Ongaro, E. (2013). Community-based conservation and Ecotourism as an Environmental management practice for climate change adoption in EwasoNyiro Arid Ecosystem, Samburu County Kenya. *Journal of Environmental Science and water resources*, 2(4), 106-111.

that it is to teach the lion a lesson that feasting on livestock is wrong and punishable by death. This attitude has strained relations between animals and nearby communities, leading to calls for relocation or the use of barbarous wildlife control tactics such as snaring, poisoning, and even indiscriminate slaughter, which are illegal under the law.<sup>103</sup>

Isiolo County, as earlier mentioned in the previous chapter, is home to a few wildlife conservancies. This means that indigenous communities in this area are not new to the idea of living in the neighborhood with wildlife surrounding them. However, the fervent efforts to come up with conservancies have been faced with the challenge of human-wildlife conflict which leads to problems for both involved. This includes the destruction of crops and killing of cattle as well as the attack of wildlife by the community due to frustrations. A study by Alio in Isiolo county investigated the effect of land-use changes, population increase, and pastoralism on human-wildlife conflicts. The study found that changes in land use through farming, construction of infrastructure, and settlements of people encroach into the wildlife areas and lead to more interactions between wildlife and people. Pastoralism was found to cause wild animal attacks when livestock is killed in search of pasture during the dry season. The increase in population on the other hand was found to cause encroachment leading to displacement and migration of some wildlife species in Isiolo County.<sup>104</sup>

For community-based conservancy efforts to prevail in Isiolo County, The importance of indigenous peoples in safeguarding the wildlife surrounding them can't be underestimated. All the issues that lead to human-wildlife conflict in the conservancies need to be addressed systematically and policy implementation to curb the indiscriminate killing of wildlife.

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<sup>103</sup>Suich, H., Child, B., and Spencely, A., Evolution & Innovation in wildlife conservation: Parks and game ranches to transfrontier conservation areas. Earth Scan, UK(2009)

<sup>104</sup> Alio, M. A.,. *Land-use changes and human-wildlife conflict in Garba Tula Sub-County, Isiolo County, Kenya*. (UoN Digital Repository Home, 2018). <https://erepository.uonbi.ac.ke/handle/11295/105494>

Indigenous communities require to receive adequate education and training on the importance of wildlife conservation and methods of living in harmony with the wildlife around them. Sensitization of the community against the practices of killing wildlife to ‘teach a lesson’ would go a great mile in improving relations between humans and wildlife in the conservancy areas of the county. The preservation of the existing wildlife in conservancies is not only of benefit to the environment but also serves as a way to safeguard the livelihoods of the people who earn a living from the existence of conservancies in the area through tourism revenues.<sup>105</sup>

#### **4.5 The rights of indigenous people under wildlife conservancies**

According to the responses from the respondent, indigenous peoples are sometimes viewed as conservation foes rather than custodians of the environment. Indigenous peoples' cultures are regarded as "uncivilized," and their lifestyles as "backward." The public's perceptions are reinforced by the current discriminatory conservation measures. These actions jeopardize the proper acknowledgment and appreciation of Indigenous Peoples' vital role and contributions to environmental protection and conservation.<sup>106</sup>

Indigenous people defend their land against encroachment and destructive exploitation. As a consequence, they might be ideal guardians of the landscapes and ecosystems which are also critical to efforts to prevent and adjust to the effects of global warming. This does, though, turn them into victims. Communities that take a stand against powerful economic and political

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<sup>105</sup> Colchester, M., Ferrari, M. F., Nelson, J., Kidd, C., Zaninka, P., Venant, M., Regpala, L., Balawag, G. T., Motin, B., & Lasimbang, B., *Conservation and Indigenous Peoples: Assessing the Progress since Durban*. (2018) <https://www.forestpeoples.org/sites/fpp/files/publication/2010/08/wccconservationandipsinterimrepsept08eng.pdf>

<sup>106</sup> Ivan. *Findings and recommendations: Redefining protected areas*. IPRI - Indigenous Peoples Rights International (2021) <https://indigenousrightsinternational.org/resources/publications/findings-and-recommendations-redefining-protected-areas>

interests risk serious consequences in many parts of the globe.<sup>107</sup>

Human-rights reforms, notably targeting Indigenous Peoples' rights, have driven an overlapping wave of change in the interaction between protected areas and community land rights, rather than conservation-related developments. Community-led conservation efforts in Kenya, such as the Ilmorog Conservancy in the Laikipia area has been effective in protecting a part of widely owned properties for wildlife and utilizing the proceeds to finance eco-tourism businesses. The added revenue far beyond offsets for the constraints on cattle herding and enhances the sturdiness of their land. Policy changes have resulted in higher recognition of Indigenous Peoples' and local communities' rights and engagement in conservation, and worldwide data reveals that protected areas' aims and governance are growing more diverse. Although communal land-tenure reform is being actively integrated into the global conservation agenda, this has not yet been done systematically.<sup>108</sup>

Because high-biodiversity regions often intersect with traditional lands, and because natural resource-dependent customary economies are vulnerable to changes in access or usage, indigenous peoples' rights are frequently critical for conservation and sustainable use of natural resources. Around a dozen arrests and fabricated accusations have been made against Indigenous Peoples human rights campaigners from the Ogiek and Maasai tribes in Kenya, and the Sengwer community has been subjected to a series of violent evictions.<sup>109</sup> This is an illustration of the difficulties that indigenous tribes face in preserving their traditional history and land which is legitimately theirs. National tenure and governance systems, that differ significantly in the regard

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<sup>107</sup> United Nations Environment Programme. *Indigenous People and nature: A tradition of conservation*. UNEP(2017)<https://www.unep.org/news-and-stories/story/indigenous-people-and-nature-tradition-conservation>

<sup>108</sup> Ibid.

<sup>109</sup> Ivan. *Findings and recommendations: Redefining protected areas*. IPRI - Indigenous Peoples Rights International (2021)<https://indigenousrightsinternational.org/resources/publications/findings-and-recommendations-redefining-protected-areas>



for and preservation of community land rights, continue to influence conservation protected-area policy and management practices.<sup>110</sup>

While everyone agrees that properly integrating human rights concepts into conservation is a good idea, there are numerous questions regarding how to get there. Human aspirations and rights must be balanced against the capabilities and restrictions of their natural environments, which have long been acknowledged as a problem for mankind and conservation. However, the necessity to guarantee that rules and regulations restricting humans' use of nature do not disproportionately affect people whose voices have been marginalized and neglected in the past has just lately become apparent. Native groups may, and often do, find themselves at the lowest social and economical pyramid in practically every civilization in which they dwell. The bulk of aboriginal peoples' communities worldwide confront the issue of being looked down on.<sup>111</sup>

Under wildlife conservancies in Isiolo county, the rights of the indigenous communities are still a major concern to the communities who call these areas their home. Policies in the country mainly seek to protect the biodiversity that exists and neglect the rights and freedoms as pertains to the indigenous people who live in the conservancy areas and whose role in conservation endeavors cannot be overlooked. The property is held interdependently in custody for the residents by the county administration of Isiolo County, and access is governed by a convoluted set of "overlapping rights that are continuously disputed and re-negotiated."<sup>112</sup>

Kenya's main land law is the Community Land Act, which was approved in 2016, as well as the regulations that took effect in 2018. According to the Act, pastoral groups have access to

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<sup>110</sup> Ibid

<sup>111</sup> Springer, J., Campese, J., & Painter, M., *Conservation and Human Rights: Key Issues and Contexts Scoping Paper for the Conservation Initiative on Human Rights(2011)* .

<https://www.ohchr.org/Documents/Issues/Environment/ImplementationReport/IUCN3.pdf>

<sup>112</sup> Boru, H., *State-sanctioned land grabs in Isiolo County*. The Elephant. (2021)

<https://www.theelephant.info/features/2021/07/02/state-sanctioned-land-grabs-in-isiolo-county/>

communal land for cattle grazing on pastoral grounds. According to the Act, registered communities may also "reserve special-purpose areas, like agricultural areas, habitation zones, community nature reserves, accessibility, and rights - of - way, religious and cultural locations, urbanization, or any other use determined by the community." This implies that communities such as pastoralists who reside in wildlife-prone areas have been given the freedom to set up the conservancies in their land to diffuse tensions from human-wildlife conflict and preservation of indigenous land.<sup>113</sup>

The Dhedha, a customary organization formed by Isiolo's Borana pastoralists, supervises the community's shared set of resources and ensures that the large tracts of land are used appropriately. To avoid placing strain on the rangelands, the Dhedha system guides where to graze throughout the wet, mid, and arid seasons. These policies control the use of common resources, enabling one society's resources to be pooled with another, particularly during periods of famine or distress. This is an example of how allowing the indigenous communities to practice their conservation efforts freely by allowing them their rights will in the end lead to more conservation of wildlife species in the Isiolo county conservancies and indigenous land surrounding the area.<sup>114</sup>

#### **4.6 Recognition of indigenous people when setting up wildlife conservancies**

There is a need to recognize the indigenous people when setting wildlife conservancies as was suggested by the majority of the respondents. Community conservation is based on the idea of empowering local people all over the world to reach their full potential as protectors of their

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<sup>113</sup> Frank, B.. *Human-wildlife conflicts and the need to include tolerance and coexistence: An introductory comment*. Taylor & Francis (2018).

<https://www.tandfonline.com/doi/full/10.1080/08941920.2015.1103388?scroll=top&needAccess=true>

<sup>114</sup> Boru, H. *State-sanctioned land grabs in Isiolo County*. The Elephant.

(2021)<https://www.theelephant.info/features/2021/07/02/state-sanctioned-land-grabs-in-isiolo-county/>

lands and resources, as well as designers of their future. The development of laws to guide wildlife management outside of protected areas has allowed Kenya Wildlife Service to acknowledge its inability to conduct hands-on management, as no conservation project can thrive without community support and participation. It is critical to recognize that wildlife requires space both inside and outside of the parks, which necessitates the implementation of appropriate policies and structures to ensure the parks have long-term viability. Only by landowners' willingness to tolerate wildlife in their lands can this space be preserved. Such an arrangement would result from forward-thinking legislation that encourages landowners to combine wildlife with other forms of land use, reaping a variety of benefits, including tourism.<sup>115</sup>

Scaling up biodiversity preservation to the rural environment also entails reducing human-wildlife conflict via the implementation of ideas, legislation, and activities that support coexistence by boosting gains and offsetting drawbacks to people who live with animals. Indigenous peoples from all over the globe have been driven away from their native homelands in the guise of ecotourism, such as the Maasai in Tanzania, and conservation, such as the Sengwer and Ogiek in Kenya. Indigenous peoples have been forced to forsake their customary lands and livelihoods as a result of large-scale development activities.<sup>116</sup>

Conservation projects have been included in the land-use practices of private landowners and communities as a method to make cash from wildlife without affecting their primary source of income. Out of need and opportunity, the devolution of conservation rights and duties is causing human-wildlife conflict to change away from a one-size-fits-all approach to wildlife

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<sup>115</sup> Kieti, D. M., Manono, G., & Momanyi, S., *Community conservation paradigm: The case studies of Mwaluganje elephant sanctuary and ILNgwesi community conservancy in Kenya*. Apache Tomcat( 2013) <https://41.89.160.13:8080/xmlui/handle/123456789/3080>

<sup>116</sup>Raygordetsky, G. *Indigenous Peoples defend earth's biodiversity—but they're in danger*. National Geographic(2018) <https://www.nationalgeographic.com/environment/article/can-indigenous-land-stewardship-protect-biodiversity->

management and toward more cooperative and domestic options.<sup>117</sup>

An identification of the critical role that is played by indigenous people in the success of community-based conservancies is important. In this case, it greatly increases the chances of success exponentially as compared to a system that excludes indigenous community participation in conservancy efforts. It has yet to be seen whether decision-making authority is shared equally in practice, allowing for the realization of the potential for collaborative joint management of conservancies. The inclusion of indigenous community leaders and representatives in the decision-making process of conservancies provides a body of knowledge and insight into the dynamics of the land use in the conservancy and the wildlife population located in them. Many of indigenous people's traditional conservation methods and tactics have been reduced in the last century or more due to a variety of consequences, many of which have been cumulative on both cultures and the environment.<sup>118</sup>

The role of indigenous peoples and local communities to conservation is seen as equal to that of other forms of nature reserves that have legally enforceable procedures in place to acknowledge indigenous peoples' and local communities' rights in natural resource management. In Kenya, the Kenya Wildlife Conservancies Association, created with the assistance of The Nature Conservancy and the Kenya Wildlife Service, has been essential in pressuring the Kenyan state to undertake indigenous land reforms.<sup>119</sup>

Policies restoring rights and duties for wildlife usage as well as management to communities

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<sup>117</sup>Western, D., Waithaka, J., & Kamanga, J. (2015, March). *Finding space for wildlife beyond national parks and reducing conflict through community-based conservation: The Kenya Experience*. <https://www.accafrica.org/wp-content/uploads/2015/08/PARK-CBC-Western-Waithaka-and-Kamanga-2015.pdf>

<sup>118</sup> *ibid.*

<sup>119</sup> Raygordetsky, G. *Indigenous Peoples defend earth's biodiversity—but they're in danger*. National Geographic(2018) <https://www.nationalgeographic.com/environment/article/can-indigenous-land-stewardship-protect-biodiversity->

must re-establish the underlying principles that have promoted coexistence and kept human-animal conflict at bay. The restoration of indigenous communities' rights in conservancies would mitigate the challenges associated with the denial of their rights by enabling them to play a more active and inclusive role in governance and policy formation that affects them. The re-established guidelines entail diverse conventional wildlife values which were viable and socially acceptable nationwide; new values like ecotourism and sustainable consumerist utilization; collaborative natural resource management on a large enough scale to maintain feasible wildlife populations; and conservation public schooling, such as traditional knowledge and skills for coexistence.<sup>120</sup>

A shift in the outdated thinking that indigenous people are an enemy to the progressive efforts towards wildlife conservation is needed. The incorporation of indigenous people in matters to do with conservancies setting up and organization structures not only benefits from their rich knowledge about the area but also allows them to have a voice in the matters to do with their ancestral land. Giving them a seat at the table ensures that the future generations in these indigenous communities have the assurance that conservation initiatives will preserve community land and cultural values will be protected.<sup>121</sup>

Without a doubt, the government serves a significant role in the spread of archaic notions that impede indigenous community rights. Hence, government policies that favor and include the rights and freedoms of indigenous communities need to be created. There is also a need for the government to provide security and protection of the existing conservancies to protect

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<sup>120</sup> Western, D., Waithaka, J., & Kamanga, J. (2015, March). *Finding space for wildlife beyond national parks and reducing conflict through community-based conservation: The Kenya Experience*. <https://www.accafrica.org/wp-content/uploads/2015/08/PARK-CBC-Western-Waithaka-and-Kamanga-2015.pdf>

<sup>121</sup> Kieti, D. M., Manono, G., & Momanyi, S., *Community conservation paradigm: The case studies of Mwaluganje elephant sanctuary and ILNgwesi community conservancy in Kenya*. Apache Tomcat (2013). <https://41.89.160.13:8080/xmlui/handle/123456789/3080>

communities in these areas as well as the wildlife located in them.<sup>122</sup>

#### **4.7 Conclusion**

This chapter has critically examined concerns concerning indigenous peoples' concepts and rules, as well as protected regions. A discussion of the principles and guidelines set forth by the IUCN. The effect that these principles pose and policies set forth by the government pertaining the same. The human-wildlife conflict that exists between indigenous communities in Isiolo county conservancies and the effect that these conflicts cause on both the human side and the wildlife and nature side of the divide. This chapter further sought a critical discussion into the rights that are owed to all indigenous communities in conservation areas and their various roles in the fight to promote wildlife conservation efforts. Finally, the chapter ends with a look at the importance of recognizing and admitting the role of indigenous communities in the creation of conservancies.

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<sup>122</sup> Alio, M. A. *Land-use changes and human-wildlife conflict in Garba Tula Sub-County, Isiolo County, Kenya*. UoN Digital Repository(2018). <https://erepository.uonbi.ac.ke/handle/11295/105494>

## CHAPTER FIVE

### FINDINGS, CONCLUSION, AND RECOMMENDATIONS

#### 5.1 Summary of Key Findings

According to the first objective, which looks into examining various International conventions and treaties on Wildlife conservation. Owing to their protracted legal binding obligations on a trans-national level, instruments of international law were determined to be major, if not crucial, instruments in the conservation repertoire. Following an understanding of why international wildlife law is necessary and what is achievable and not achievable from it, this might aid conservationists in enhancing the role of international wildlife legislation in biodiversity protection. Globally and in Africa there are a number of treaties and conventions that govern wildlife conservation. Most wildlife is endangered species due to their value, especially in the black market. As a result, wildlife conservancies serve a critical role in safeguarding plant and animal taxa as well as their ecosystems. The significance of wildlife conservation has given rise to a variety of international conventions and conservation efforts that have continued to contribute significantly to animal protection.

As stated by objective two which is meant to evaluate how Wildlife conservancies in Isiolo were established, it is evident that conservancies play a key and important role in Kenya. In Isiolo conservancies have become part and parcel of income-generating activities. The establishment of conservancies in Isiolo has conformed with the existing international and local legal framework. The biggest challenge however is the conflict between the local community and the conservancies as the indigenous community view conservancies as a threat to livelihood. As such, a conservation model must effectively incorporate conventional indigenous land governance systems while also properly implementing pastoralists' legal rights to decide and

benefit from the use of their common lands. This, however, needs a coordinated strategy including non-governmental organizations, conservation organizations, national governments, county governments, and community participation where Community-based organizations must play a key role.

According to objective three, that was meant to evaluate the rights of the indigenous people vis-à-vis the need to set up Wildlife conservancies. It investigates concerns concerning indigenous peoples' beliefs and norms, as well as protected regions. A discussion of the principles and guidelines set forth by the IUCN. The effect that these principles pose and policies set forth by the government pertaining the same. The human-wildlife conflict that exists between indigenous communities in Isiolo county conservancies and the effect that these conflicts cause on both the human side and the wildlife and nature side of the divide. This chapter further sought a critical discussion into the rights that are owed to all indigenous communities in conservation areas and their various roles in the fight to promote wildlife conservation efforts. Finally, the chapter ends with a look at the importance of recognizing and admitting the role of indigenous communities in the creation of conservancies.

## **5.2 Conclusion**

In Isiolo, conservancies are highly common due to the geographical setting of the area. Over the years, there has been conflicts between the indigenous communities and the Kenya wildlife services. The conservancies are used to protect wild animals from poachers and this brings conflict as the communities are restricted from using the land for grazing. This causes a big problem to the pastoralist communities as grazing is their major economic activity. Both parties have their best interest at heart and this makes it harder for them to come into a consensus. The indigenous communities want access to the animal conservancies but this also gives way for



poachers to get to the wild animals.

The wildlife conservancies, were formed due to international and local legal frameworks. The formation of the conservancies should factor in the communities way of living so as to blend in and avoid conflict. In Isiolo the indigenous communities feel threatened by the formation for these conservancies as they fear for their way of life. The wildlife conservancies are a source of revenue for the government as they attract tourist, which can be beneficial to the surrounding community. The formation of the conservancies cause conflict between both parties. This is because the two parties want different things.+

The rights of the indigenous communities should be factored in when forming the wildlife conservancies. When it pertains to the sustainable protection of wildlife, the community plays a critical role. The government should involve the surrounding community in making decisions pertaining the land. As the government owns most of the land in Isiolo, involving the community will reduce the risk of conflict. The rights of the indigenous communities allows them the chance to facilitate the forming and running of the wildlife conservancies.

### **5.3 Recommendations**

The indigenous communities in Isiolo, Kenya, get into conflicts with the Kenya wildlife services very often. The community seeks for the conservancies to be open to them, for grazing purposes. The government is against that idea as that gives the poachers access to the wild animals. In order to come into a consensus, the government and the community need to sit down and agree on favorable terms for both parties. The conservancies should have an area open for grazing that is far from the wildlife. This also prevents deaths by wildlife. This will ensure that the community is catered for and their animals have enough pasture.

The formation of the conservancies should be inclusive of the needs of the surrounding

community. The government should involve the community leaders to help the run and establish the conservancies. They are more aware of the geographical area hence they are key in helping the officers to navigate through.

The government should have in mind the economic activity of the indigenous communities so as to make decisions while factoring that in. The community leaders should be the link between the people and the government. This will ensure a uniform flow of information, hence reducing conflicts. The conservancies are essential, to the growth of tourism in the area.

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## **APPEDIX I: QUESTIONNAIRE**

### **THE ROLE OF INTERNATIONAL TREATIES AND CONVENTIONS IN SHAPING CONSERVATION IN ISIOLO.**

#### **PART 1: GENERAL INFORMATION**

**1. Please indicate your gender:**

Male ( )

Female ( )

**2. Age:**

19-30 Years ( )

31-40 years ( )

41-70 years ( )

**3. What is your highest level of education:**

Secondary ( )

College ( )

Undergraduate ( )

Graduate degree ( )

Post Graduate ( )

**PART II: OBJECTIVES**

**To examine the various International conventions and treaties on Wildlife conservation.**

6. Are you aware of any international conventions and treaties on Wildlife conservation?

.....  
.....  
.....

7. Have these international treaties and conventions been used in wildlife conservation in Kenya?

.....  
.....  
.....

8. if yes, in terms of adherence, kindly comment on the implementation of international treaties on wildlife in Kenya?

.....  
.....  
.....

**To evaluate how Wildlife conservancies in Isiolo were established.**

9. Briefly describe the wildlife conservancies in Isiolo?

.....  
.....

.....

10. How were they established?

.....

.....

.....

11. Has the establishment of Isiolo conservancies adhered to the International treaties and conventions on conservation?

.....

.....

.....

12 what have been some of the implications of the Wildlife Conservancies on the indigenous people in Isiolo?

.....

**To evaluate the rights of the indigenous people vis-à-vis the need to set up Wildlife conservancies.**

12. Briefly explain the relationship between the indigenous people and wildlife conservancies?

.....

.....  
.....

13. what level are the indigenous community involved in the conservancies?

.....  
.....  
.....

14 what are some of the challenges that ensure between the indigenous community and the conservationist?

.....  
.....  
.....

## APPENDIX 2: INTRODUCTION LETTER FROM IDIS, UNIVERSITY OF NAIROBI



**UNIVERSITY OF NAIROBI**  
Faculty of Social Sciences  
**Department of Diplomacy and International Studies**

Tel : (02) 318262  
Telefax : 254-2-245566  
Fax : 254-2-245566  
Website : www.uonbi.ac.ke  
Telex : 22095 Varsity Ke Nairobi, Kenya  
E-mail : director-idis@uonbi.ac.ke

P.O. Box 30197  
Nairobi  
Kenya

November 09, 2021

TO WHOM IT MAY CONCERN

RE: YUSSUF IBRAHIM- R50/35562/2019

This is to confirm that the above-mentioned person is a bona fide student at the Department of Diplomacy and International Studies (DDIS), University of Nairobi pursuing a **Master of Arts Degree in International Studies**. He is working on a research project titled, **"THE INTERNATIONAL WILDLIFE CONSERVATION AGREEMENTS AND PROTECTION OF COMMUNITY RIGHTS: A CASE STUDY CONSERVATION IN ISIOLO, KENYA"**.

The research project is a requirement for students undertaking Masters programme at the University of Nairobi, whose results will inform policy and learning.

Any assistance given to him to facilitate data collection for his research project will be highly appreciated.

Thank you in advance for your consideration.



**Professor Maria Nzomo**  
Ag. Chair, DDIS  
&  
Professor of International Relations and Governance

# APPENDIX 3: SIMILARITY INDEX REPORT

## Turnitin Originality Report

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research project By Yusuf Ibrahim

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