

KWS/8016 Vol. XXII

15 September 2015

The Secretary General,
CITES Secretariat
International Environment House,
Chemin des Anemones. CH-1219
Chatelaine, Geneva
SWITZERLAND

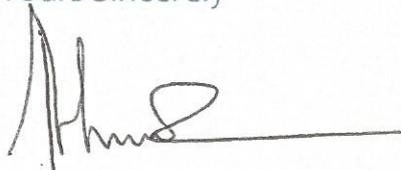
Dear Sir,

REPORTING ON IMPLEMENTATION OF NATIONAL IVORY ACTION PLAN

Notification to the Parties No. 2015/004 re: Agenda item 42 .1: Elephants:
National Ivory Action Plans - Actions by Parties of "Primary Concern", under
"Document SC65 Doc42.2" recommendation d). of document SC65
Com.7.refers

Attached please find Kenya's submission on same.

Yours Sincerely



Solomon KYALO
Head- CITES Implementation
Kenya Wildlife Service
FOR DIRECTOR- GENERAL

NATIONAL REPORTING

IMPLEMENTATION OF KENYA'S NATIONAL ACTION PLAN TO REDUCE ILLEGAL IVORY TRADE

Reporting in compliance with Recommendations of the SC65

By



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15 SEPTEMBER 2015

1. INTRODUCTION

Four quarterly reports on implementation of the National Ivory Action Plan for Kenya were submitted to the Secretariat on 31 July and 31 October 2013 and 31 January and 30 April 2014. The Secretariat assessed the reports and reported its observations to the SC65 at its meeting in July 2014.

The four quarterly reports against which the country was evaluated to determine levels of Government's commitments in combating illegal trade in ivory were rated comprehensive. Other countries assessed were United Republic of Tanzania, and Uganda as source countries for illegal ivory, Malaysia, the Philippines and Vietnam as transit countries and Thailand and China and Hong Kong SAR as destination countries for illegally traded ivory.

Out of the 14 actions that Kenya identified, listed in the Action Plan and committed to implement 8 were rated as “substantively implemented”, 4 as being “on track” and 2 as being “unclear”.

The SC65 considering recommendation (d) of Document SC65 Doc 42.2 (*“Request the eight Parties to report on the further measures taken to implement their NIAPs to the Secretariat by 30 May 2015 and in the format used for the Secretariat’s evaluation of the progress reports as presented in the Annex, so that the Secretariat can make the reports available to the Standing Committee and convey any recommendations it may have, as appropriate, at SC66”*); decided that the actioning of these plans would continue over the next year following which the Standing Committee would decide whether Parties have substantially achieved their plans and should no longer be considered of primary concern; or have made progress but remain of primary concern; or have made insufficient progress and require compliance measures.

With the positive evaluation of Kenya with regard to efforts in combating elephant poaching and illegal trade in ivory, Kenya requested the Standing Committee to review by the 66th meeting of the Standing Committee (now scheduled for January 2016) the country's classification with a view to removing it from the infamous group of 8 countries of “Primary concern”.

Since SC65 Kenya has made significant efforts directed at reviewing the actions already reported on and revision of those that were rated as unclear and be refocused for implementation to ensure country’s continued surveillance towards controlling elephant poaching and illegal trafficking of ivory and other wildlife products.

This report therefore responds to recommendations of the SC65 as contained in Document SC65. Doc 42.2 as communicated to Parties under CITES Notification to Parties No.2015/004 of 16 January 2015 and presents outcomes of additional actions implemented and achievements realized since the reporting on 30 April 2014.

The table below presents under the various broad thematic areas of the NIAP, a self assessment report on the efforts the country has put and actions implemented towards

combating illegal ivory trade and also highlights the additional actions that have been implemented since last reporting.

Theme	Evaluation	Implemented and Reported actions	Reference documentation
Legislation and Regulations	<p>Progress Rating Substantially achieved- the Principal law.</p> <p>SC65 Rating Substantially achieved</p>	<p>There is comprehensive primary legislation for wildlife conservation and management; The Wildlife Conservation and Management Act, 2013 and related other legislation. Currently drafting and discussion in Parliament, of subsidiary legislation/regulations for operationalization of the principal Act is ongoing.</p> <p>Drafting of these subsidiary legislation/regulations is in advanced stages with several consultative meetings having been held and resulting drafts reviewed twice by stakeholders. The drafts are in the process of stakeholder validation and eventually submitted to the Cabinet Secretary responsible for Wildlife for Gazetment in accordance with the provisions of the Act. Key subsidiary legislation being drafted include: Protection of Endangered and threatened Ecosystems, Habitats and Species Regulations 2015 under Section 116 (2) (f) of the Act; Wildlife Security Operations Regulations, 2015 under Section 112 (8) of the Act; Licensing and Wildlife User rights Regulations, 2015 ; Implementation of Wildlife-related Treaties, Convention and Agreements Regulations , 2015 etc.</p>	
1.1 Legislation and Regulations / Reduce period for prosecution of wildlife crime	<p>Progress Rating Substantially achieved</p> <p>SC65 Rating On track</p>	<p>There exist a good wildlife crimes penalty framework, and major wildlife offences are treated as a serious crime. The penalties applied are usually proportional to the offence. When the Draft legislation is finalized, implementation of the Wildlife Conservation and Management Act, 2013 as the principal national legislation will be made more effective. Min Penalty; USD 100,000</p> <p>As reported in 1st quarter of implementation of the NIAP, other than the Wildlife Conservation and Management Act, 2013, other relevant legislation is routinely enforced in the wildlife sector. Such legislation include the East African Customs Management Act, 2004, Environmental Management and Coordination Act</p>	<p>Two high profile cases on illegal trafficking of ivory (case of seizure of ca. 2 tones of ivory in Mombasa in June 2014) are being prosecuted using the Wildlife Conservation and Management Act, 2013 and their successful prosecution will add impetus in fighting wildlife crime not only in Kenya abut globally.</p> <p>Application of the high penalties provided for in the Wildlife Act,. 2013 and classification of wildlife crime as serious</p>

Theme	Evaluation	Implemented and Reported actions	Reference documentation
		<p>1999 and Proceeds of Crime Ant-Money Laundering Act (POCAMLA).</p> <p>In application of this legislation, prosecution and sentencing guidelines for wildlife crime-related offences are clearly defined, and are being routinely applied with the Office of the Director of Public Prosecutions taking lead.</p> <p>There have been several meetings bringing Prosecution and judiciary personnel together to sensitize them on wildlife crime and threats to wildlife populations. Such meetings have created a high-level of awareness in the judiciary, of wildlife crime-related charges and sentencing guidelines, and the need to ensure verdicts handed down are appropriate</p> <p>The country has sufficient, trained and dedicated wildlife and environmental crime prosecutors for the workload. While majority of the prosecutors are at the Office of the Director of Public Prosecutions, a special unit at the ODPP has been set up to specifically deal with wildlife crime prosecution. The Wildlife Management Authority also has a Wildlife Prosecution Unit that is also responsible for prosecution and works closely with the ODPP, on wildlife crime prosecution</p> <p>Sufficient wildlife agency staff has been trained on scene of crime and evidence collection and chain of custody as part of the steps in wildlife crime prosecution</p> <p>There are adequate intelligence and investigations procedures in place, and they are being routinely and effectively applied</p> <p>The Wildlife Management Authority has paramilitary trained staff responsible for dealing with wildlife crimes. Though not optimally</p>	<p>crime is helping in this case</p>  <p><i>Principal Secretary, Ministry of Environment and Natural Resources inspecting guard of honor mounted by 500 newly trained ranger recruits in July 2014 at KWS Law Enforcement Academy, Manyani.</i></p> <p><i>Additional 592 rangers will graduate and pass out from the Law Enforcement Academy in October 2015 for deployment in the field</i></p> <p>(Pass out parade was held on 27 October 2015)</p>

Theme	Evaluation	Implemented and Reported actions	Reference documentation
<p>National-Level enforcement actions, investigations and national interagency collaboration and coordination/</p> <p>DNA profiles of national populations and seized ivory</p>	<p>Progress Rating Substantially achieved</p> <p>SC65 Rating On track</p>	<p>staffed, the personnel is sufficient and have sufficient training, status and authority, including adequate powers of arrest as conferred by the Wildlife Act, 2013 and other related legislation. Additional rangers (592) recruited in April 2015 to increase law enforcement efforts are being trained in the Kenya Wildlife Service Law Enforcement Academy, Manyani and are due for deployment in October 2015</p> <p>The country has commissioned in May 2015, and operationalised, its national forensic and Genetics laboratory, and build significant capacity for collecting and handling forensic and DNA evidence which is now regularly used in prosecution especially Rhino poaching cases and bushmeat trade. The Laboratory is now establishing a DNA reference library and a database of DNA profiles of the country's Rhinoceroses and elephant population</p>  <p><i>Forensic and Genetics Laboratory technician collecting ivory sample for DNA profiling</i></p> <p>During the national inventory of elephant ivory and rhino horns, all ivory seizures of >500 Kg not sampled in 2013 were sampled for DNA analysis to establish the origin of the ivory contraband. This was in addition to sampling the normal government stockpile of elephant ivory and Rhino horns for population profiling and construction of DNA reference library for the Forensics and GENETICS Laboratory</p>	 <p><i>(Above) Cabinet Secretary, Ministry of Environment and Natural Resources unveiling the Forensics and Genetics Laboratory, May 2015</i></p>  <p><i>(Below) Cabinet Secretary being briefed on how forensic analysis process is conducted in the lab</i></p>

Theme	Evaluation	Implemented and Reported actions	Reference documentation
<p>National-Level enforcement actions, investigations and national interagency collaboration and coordination/ Inventory of National stockpiles of elephant ivory and Rhino horns</p>	<p>Progress Rating Substantially achieved</p> <p>SC65 Rating Substantially completed/On track (regarding ivory stockpile registration)</p>	<p>Between 13 July – 27 August, the country undertook an independent national electronic inventory and audit of stockpile storage and management system of elephant ivory and Rhino. Using a tablet-based technology to inventorise all elephant ivory and rhino horns held in the country, a complete database has been established. In addition, trophy management software is in the process of being installed for future management and storage of the stockpile. Other agencies The National Police Service, Kenya Revenue Authority, Kenya Ports Authority, Office of the Director of Public Prosecutions, The Judiciary , Lusaka Agreement Task Force, CITES Secretariat, UNEP , Audit Firms such as Ernest and Young, Non-Government Organizations such as Stop Ivory, Save The Elephants, Wildlife Direct, African Wildlife Foundation, Born Free Foundation were participated in the national inventory exercise.</p> <p>The inventory and audit would form the basis of future audit of the stockpile and inform decision on disposal of the stocks.</p> <p>The inventory and audit will also form basis of accurate reporting to the CITES on the status and levels of stockpile of the two trophies the country would be holding by end of every year</p>	 <p>Banner on commissioning by Cabinet Secretary, of national elephant ivory and rhino horn inventory on 21 July 2015</p>  <p>Cabinet Secretary, Ministry of Environment & Natural Resources</p>
			

Theme	Evaluation	Implemented and Reported actions	Reference documentation
		 <p data-bbox="655 803 1465 857">Inventory team taking measurements (weight, length, & circumference at base) of the ivory to make entry in the inventory system</p>	<p data-bbox="1486 233 2022 289"><i>Resources participating in the national ivory and rhino horn inventory using Tablet-based software</i></p>
<p data-bbox="69 865 384 1068">National-Level enforcement actions, investigations and national interagency collaboration and coordination</p>	<p data-bbox="405 865 615 898">Progress Rating</p> <p data-bbox="405 938 625 1036">Substantially achieved, Ongoing (routine)</p> <p data-bbox="405 1117 615 1149">SC65 Rating</p> <p data-bbox="405 1157 636 1320">Substantially achieved/on track (strengthen law enforcement capacity)</p>	<p data-bbox="657 865 1467 1255">A national-level inter-agency collaboration bringing together various law enforcement agencies to combat wildlife crime has been established and is operating effectively. Senior officers from the National Police Service, General Service Unit and Directorate of Criminal Investigation are deployed to the Wildlife Management Authority as Liaison officers for enhanced collaboration among the agencies. In February 2015 LATF together with Wildlife management Authority and with funding from the Government of Canada conducted a law enforcement officers training workshop in Mombasa, for the agencies involved in combating wildlife crime</p> <p data-bbox="657 1295 1467 1393">Similarly, the Law enforcement agencies have deployed law enforcement officers to work with Customs officers at Sea ports, Airports, exit points and transit points and regularly train them</p>	

Theme	Evaluation	Implemented and Reported actions	Reference documentation
	<p>Progress Rating Substantially achieved</p> <p>SC65 Rating Substantially achieved/</p>	<p>on wildlife permitting procedures and requirements, detection of illegally traded wildlife through identification of wildlife specimens and fraudulently issued /forged trade Permits and certificates</p> <p>At the Sea ports and Airports, the Wildlife Management authority has deployed special law enforcement Unit; the Canine Unit with sniffer and tracker dogs trained in detection of rhino horns and elephant ivory.</p> <p>Capacity of the teams in these critical entry and exit points has been enhanced in 2015 following acquisition of more Canines from the Government of Israel in June 2015</p>	 <p><i>KWS team training Canine received from Government of Israel – June 6th, 2015</i></p>
<p>International and Regional wildlife law enforcement collaboration</p>	<p>Progress Rating Substantially achieved, on-going (routine surveillance across borders, of profiled wildlife criminals)</p> <p>SC65 Rating Challenging-strengthen regional policy collaborations, On track for international investigative collaboration, Unclear for cross</p>	<p>There are established formal regional and international wildlife crime collaboration mechanisms and they are regularly used for sharing intelligence, and carrying out investigations. One such arrangement is the Lusaka Agreement Task Force and the International Police(Interpol)</p> <p>Under the auspices of Lusaka Agreement Task Force and Interpol, wildlife enforcement officers participated in 2014 and 2015, activities directed at combating illegal trade in wildlife. Sharing of intelligence information and profiling of ivory traffickers helped in arresting in United Republic of Tanzania, one of those believed to be kingpins of ivory trafficking in Kenya now under custody</p>	

Theme	Evaluation	Implemented and Reported actions	Reference documentation
<p>Outreach, awareness education</p> <p>Public and</p>	<p>border collaboration</p> <p>Progress Rating Substantially achieved, On-going(Routine-continuous engagements)</p> <p>SC65 Rating Unclear for cross border collaborations, on track for strengthening local enforcement capacity, on track for wildlife crime reporting system</p>	<p>Communities neighboring wildlife protected areas and those in wildlife dispersal areas are regularly engaged in law enforcement activities and enlisted to provide support for law enforcement activities at most sites. Community sensitization on threats of poaching to security of the wildlife and economy of the communities is regularly done through well organized conservation walks such as the Jim Nyamu walk and campaigns such as the Hands off our elephants reported on in the 2 quarter report.</p> <p>Communities in Community managed wildlife conservancies and those adjacent to wildlife protected areas are involved in monitoring illegal human activities negatively affecting wildlife and data is collected, collated and analyzed at most sites and is used to inform law enforcement operations targeting combating such wildlife crimes. This close engagement with the communities have resulted into active participation of the communities including providing key intelligence information that has led to recovery of poached elephant ivory or prevented wildlife crime from taking place in those community lands</p>	 <p><i>Iltilal community(Amboseli/Tsavo Ecosystem) hands over on 30th May, 2015, to the KWS – Assistant Director, Southern Conservation Area and Deputy Park Warden Amboseli N. Park , 2 pieces of Ivory removed by poachers from a dead elephant and found hidden</i></p>
<p>International campaigns targeting ivory reduction</p>	<p>Progress Rating Substantially completed, On-going(routine)</p> <p>SC65 Rating Unclear for sensitizing airlines and</p>	<p>Working with UNEP-African Elephant Fund Steering Committee Secretariat, efforts have been made to bring on board, Yaya Toure (Cote d'Ivoire) a football celebrity to develop targeted campaign messages to help reaching out to consumer countries to reduce demand of elephant ivory.</p> <p>Other campaigns have been targeted at Airlines and major courier companies to sensitize them on threat of illegal ivory trade to elephant populations across their range and call upon them to cooperate to ensure they do not carry ivory. Airlines already reached out to are ensuring enhanced surveillance of</p>	

Theme	Evaluation	Implemented and Reported actions	Reference documentation
International and Regional wildlife law enforcement collaboration	<p>Couriers</p> <p>Progress Rating Substantially achieved</p> <p>SC65 Rating Unclear for cross border collaboration</p>	<p>their cargo to combat illegal trafficking of elephant ivory and other wildlife products.</p> <p>There are formal mechanisms in place for transboundary law enforcement cooperation especially between Kenya and United Republic of Tanzania and Kenya and Uganda, and these are being effectively and routinely implemented.</p> <p>Several of Cross –Border meetings were held in 2014 between Kenya and United Republic of Tanzania to address increased poaching in the transboundary parks of Tsavo-Mkomazi and Masai-Mara- Serengeti ecosystems. These engagements saw reduced levels of poaching in the two areas in 2015</p>	
International and Regional wildlife law enforcement collaboration	<p>Progress Rating Substantially achieved, On going to reach out to all relevant States aiming at reducing demand for ivory and Rhino horn</p> <p>SC65 Rating On track for international investigative collaboration, Substantially achieved for international demand reduction</p>	<p>There have been deliberate efforts to reach out to other Parties especially the Ivory and Rhino horn consumer States to create awareness targeted at reducing demand for elephant and rhino products.</p> <p>In second quarter of 2015, two missions were made to China and Thailand by a high –level delegation led by the Director General of the Wildlife Management Authority. Outcomes of the mission in China were on agreement for enhanced cooperation between the two Governments towards fighting poaching and illegal trafficking of ivory and rhino horn. A copy of joint press statement released during the Mission is annexed.</p> <p>In November 2014, the Government accepted to receive and host a high-level delegation from Vietnam and discuss how best to cooperate and fight poaching and illegal trafficking especially of Rhino Horns.</p> <p>In October 2015, the Government of Vietnam invited Government of Kenya to a Multilateral Dialogue, together with United</p>	  <p><i>Inventory and DNA sampling of ivory seized in 2013 at Mombasa Port destined to Asia</i></p>

Theme	Evaluation	Implemented and Reported actions	Reference documentation
	campaigns.	Republic of Tanzania and Mozambique in the first week of November 2015, on Cooperation for Transnational Wildlife Crime Prevention. The Kenya delegation confirmed will visit and would be presenting Government of Vietnam for discussion and possible signing, a draft MoU initiated during the Vietnamese visit in November 2014	

2. NOTES TO THE REPORT AND CONCLUSIONS

The concerted efforts the Government has put since last reporting have seen reduced levels of poaching of elephant and trafficking of ivory. For the period 2014/2015 Poaching has reduced by over 40%

The full application of the provisions of the wildlife law, the Wildlife Conservation and Management Act, 2013 more so the prescribed tough penalties for wildlife crimes and also application of other laws such as the East African Community Customs Management Act, 2004 to prosecute wildlife crime have significantly helped in fighting wildlife crime in the country.

Kenya would remain available to provide any further information regarding implementation of its NIAP, the Standing Committee may require to fully appraise the country's efforts in combating elephant poaching and illegal ivory trade.

KENYA AND CHINESE WILDLIFE AUTHORITIES AGREE ON COOPERATION

BEIJING, CHINA: Kenya and Chinese wildlife authorities have agreed on a number of areas for cooperation in wildlife conservation.

A Kenya Wildlife Service goodwill delegation currently in China on a wildlife conservation campaign held a closed-door meeting with counterparts in the State Forestry Administration (SFA) and the CITES Management Authority and wildlife conservation associations.

The two authorities took stock of gains in conservation and outstanding challenges as well as discussed diverse areas of potential co-operation, including staff exchanges, joint research into poaching and endangered species, intelligence sharing and tourism promotion. KWS and SFA jointly agreed to begin the process of an exchange programme between Kenyan and Chinese national parks and reserves. Further, both parties agreed to organize several joint trainings before the end of this year. Additionally, the Chinese Academy of Sciences is also offering scholarships to Kenyan students interested in wildlife conservation research.

Mr William Kiprono, the Acting KWS Director General, said Kenya and China faced common challenges in conservation, noting that China had been successful at protecting the giant panda and in infrastructure development, which Kenyan national parks need.

“We all realize that if we don’t take urgent and decisive action today, we risk losing our endangered heritage and future generations will not forgive us for losing iconic species under our watch.”

Mr Yan Xun, the SFA Deputy Director General, who led the SFA team, said the Chinese People’s Congress was in the process of amending the law to tackle emerging challenges in

fighting wildlife crime. He called for more global resources to be allocated to conservation. He asked: “The proceeds from the one-off sale in 2008 are expected to go towards conservation of wild elephants in Africa but what about proceeds of the pre-CITES sales before 1989? He wondered where the ivory from an estimated 10 million elephants in Africa in the colonial era had gone since by 1980s, the number had dropped to about 700,000 and currently stands at just below 500,000.

The visit by KWS officials to China is part of the implementation of Kenya’s national ivory action plan that provides for international collaboration and partnership in combating illegal trade in ivory.

The plan was developed in response to recommendations endorsed at the 63rd of the CITES Standing Committee (Bangkok, March 2013), at which Kenya and China were identified among eight countries of ‘primary concern’ in the poaching of elephants and the illegal trade in ivory. Others in the same league were Malaysia, Philippines, Thailand, Uganda, Tanzania and Viet Nam. Kenya is keen on taking measures that will enable it get out of the list of eight and has enacted a new wildlife law with tough penalties on wildlife criminals as well as created a much coordinated approach among the various security agencies in tackling wildlife crime.

Mr Kiprono thanked the Chinese wildlife authorities for cooperation in the COBRA II operation that won a joint CITES commendation and destruction of six tonnes of its ivory in Dongguan in January as well as the temporary moratorium on importation of ivory carvings into the Chinese market.

Last year, China and Kenya were awarded the CITES Secretary-General’s Certificates of Commendation for their exemplary collaboration that led to the dismantling of an international criminal syndicate smuggling ivory from Kenya to China. This collaborative work took place in January 2014, during Operation COBRA II, an international wildlife law enforcement operation involving 28 countries. It resulted in the extradition of a Chinese national from Kenya to China (the first-ever extradition of a Chinese national for

involvement in wildlife crime) and in the arrest of more than 20 smugglers and domestic ivory traders in China who were implicated in the criminal activities of the syndicate. The certificates acknowledge the strong cooperation that underpinned the operation, including the daily exchange of real-time intelligence.

“We are confronting a serious global challenge of transnational crime and obviously more needs to be done – but we are starting to see the benefits of the collective efforts that are underway addressing the entire illegal supply chain and tackling both demand and supply,” Mr said.

Over the past two years, a number of countries, including Kenya, Ethiopia, Belgium, Chad, China, Hong Kong SAR, China, Czech Republic, Gabon, France, Philippines, and the USA, have destroyed stockpiles of illegally traded elephant ivory and rhino horn that have been seized and confiscated.

These events have been used as unique opportunities to draw public attention to the scale, nature and impacts of the serious crimes that lie behind these confiscations and to act as a deterrent to illegal trade. Each of these events have seen the country concerned publicly express its determination to bring the illegal trade to an end and provided the opportunity to send out a clear message that people who invest in this contraband face an ever increasing risk of detection and serious punishment.