

POST SC66 NATIONAL REPORTING

**IMPLEMENTATION OF KENYA'S NATIONAL IVORY ACTION PLAN TOWARDS
COMBATING ILLEGAL IVORY TRADE**



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NIAP REPORTING TO SC70

The Secretariat reported to SC65 that, clear progress had been made by most of the 8 Parties identified at CoPas of 'Primary Concern' but with many concrete activities underway to support the NIAP implementation

SC65 recommended in SC65 Sum.10 (b) to (f) that the 8 Parties revise NIAPs as necessary and continue implementation between SC65 and SC66. Details of the recommendations adopted by the SC 65 are as contained in SC65 Sum 10.

b) encourage the eight Parties to review and, as necessary, revise their NIAPs, including the milestones and timeframes and, where possible, to include indicators to measure the impacts of actions in the NIAPs (e.g. through data on elephant poaching levels; number of ivory seizures; successful prosecutions; progress on paragraph d) under "Regarding trade in elephant specimens" of Resolution Conf. 10.10 (Rev. CoP16); and changes to legislation), based upon any new identified needs and these Parties' own evaluations of progress. . In doing so, the eight Parties are further encouraged to take into consideration the evaluation of the Secretariat, in particular the actions where progress was rated as 'challenging' or 'unclear';

c) request the eight Parties to continue to implement their NIAPs between SC65 and SC66, in accordance with the milestones and timeframes in each NIAP, and including any revisions made to their NIAPs as referred to in recommendation b) above;

d) request the Parties of "Primary Concern" to report on the further measures taken to implement their NIAPs to the Secretariat by 15 September 2015 and in the format used for the Secretariat's evaluation of the progress reports as presented in the Annex to document SC65 42.2, so that the Secretariat can make the reports available to the Standing Committee and convey any recommendations it may have, as appropriate, at SC66;

e) request the Secretariat to evaluate the reports submitted in compliance with the recommendation in paragraph d), including its footnote, and convey its findings and recommendations at SC66 in the format as submitted to SC65; and

f) taking into consideration the reports and the Secretariat's evaluation, the Standing Committee will, at its 66th meeting, decide whether Parties have substantially achieved their NIAPs 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

The Standing Committee did not direct any of the Parties of 'primary concern' except Thailand, to submit a revised NIAP to the Secretariat.

Kenya submitted to the Secretariat in accordance with the recommendations of the SC65, its report on 15 September 2015 for the consideration of the SC66 at its meeting on 11-15 January 2016. Having assessed the report, the Secretariat indicated that, Kenya alongside China (including Hong Kong SAR, China), the Philippines, Thailand and Viet Nam had 'substantially achieved' their NIAPs.

However as the identification of the Parties of 'primary concern', 'secondary concern' and 'importance to watch' in the poaching of elephants and illegal trade in ivory is derived from the findings of the ETIS analysis and identification of Kenya together with the other 7 as Parties of

‘Primary concern’ was based on ETIS report prepared for the 16th meeting of the Conference of the Parties (CoP16) and the next comprehensive MIKE and ETIS reports would be prepared for the 17th meeting of the Conference of the Parties (CoP17, South Africa, September 2016)., the Secretariat believed that, the ETIS analysis—and not completed implementation of a NIAP –is best-placed to indicate whether a Party continues to be implicated in the illegal ivory trade and remains of ‘primary concern’, and noted that in the absence of this data, the Secretariat considered that it would be challenging for the Standing Committee to determine at the SC66 if Parties remain of ‘primary concern’.

The Assessment by the CITES Secretariat on the reports from the identified countries would inform decisions of the Standing Committee if a given country had substantially achieved its targets in the NIAP and if such country could be exited from participating in the NIAP process.

As at time of the 17th Meeting of the Conference of the Parties (CoP17), October 2016, Kenya’s implementation of the five (5) overarching objectives (thematic areas of focus) had been rated substantially achieved. CITES CoP17 approved a 5-steps procedure to guide on participation of Parties in the NIAP Process -Guidelines to the National Ivory Action Plans Process. The last step of the guidelines is on exit from the NIAP process by those countries that substantially achieve their NIAP implementation.

The CoP 17 directed the Standing Committee to initiate in its next meeting, the process of evaluating the affected countries with a view to determining on exit from the NIAP process. Further, CoP17 Meeting directed the Secretariat through Decision 17.80 to convene a meeting of representatives of Parties concerned with development and implementation of NIAP to review the development and implementation of the NIAP and *inter alia* exchange experiences and best practices, identify opportunities that promote long-term collaboration among enforcement authorities for cross-border collaboration and regional cooperation, joint actions and resource mobilization and discuss shared challenges and technical assistance needs.

The Secretariat together with the Government of Mozambique convened the above meeting to take place in Maputo on 1-4 May 2018. The meeting brought together representatives from Angola, Cambodia, Cameroon, China and Hong Kong SAR, Congo, DR Congo, Egypt, Ethiopia, Gabon, Kenya, Lao Peoples Democratic Republic, Malawi, Malaysia, Mozambique, Nigeria, Philippines, Qatar, Thailand, Togo, Uganda, United Republic of Tanzania and Vietnam. Kenya was represented in this meeting and shared its experiences in the implementation of its NIAP. Kenya reported that it believed it had fully achieved its NIAP and would be looking forward to the evaluation of its achievements at SC70 and determination by the Standing Committee that it (Kenya) be exited from the process.

Step 5 on Completion of a NIAP and exit from NIAP process, of the Guidelines to the National Ivory Action Plans Process [Annex 3 of Resolution Conf. 10.10 (Rev. CoP17)], guides that:


- a. Parties should inform the Secretariat when they have assessed 80% of their NIAP actions as ‘substantially achieved and all remaining NIAP actions as on track’.
- b. The Secretariat will, in consultation with relevant experts (e.g. ICCWC and its members), evaluate the implementation reported by the Party, including through country missions, as required.
- c. If the Secretariat, in consultation with relevant experts is satisfied that the Party concerned has implemented all NIAP actions as reported and ETIS analysis no longer



identifies the Party, the Secretariat will recommend that the Party has achieved its NIAP and recommend to the Standing Committee that the Party exits the NIAP Process




This report presents to the Secretariat for assessment and subsequent reporting to the SC70, Kenya's efforts (presented in the matrix annexed hereto) in the implementation of the NIAP and especially the additional actions implemented post SC66 to present. Actions implemented since formulation of the NIAP have been reported in 2014 and 2015. This report is informed by the Decisions of CoP17 regarding NIAP process and therefore seeks to initiate the process for the assessment of Kenya at the SC70 as per Step 5 of the Guidelines to the National Ivory Action Plans Process; on Completion of a NIAP and exit from the NIAP process


The Secretariat is requested to review the additional actions reported to have been implemented post SC66 and advice SC70 accordingly on Kenya's achievements and the determination that it should exit from the NIAP process. The matrix below shows Kenya's reporting to SC66 and additional actions implemented post SC66 to present. ***The additional actions are highlighted in bold and italics font.***



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> <p>Additional actions post SC 66</p> <p><i>Gazettement in November, 2017, of key regulations under the Wildlife Conservation and Management Act, 2013; the Government Trophies Regulations, as efforts in the management of all game trophies in Kenya. The subsidiary legislation regulates the identification, preservation, storage and disposal of government trophies under section 83(4) of the Wildlife Conservation and Management Act, 2013.</i></p>	<p>THE WILDLIFE CONSERVATION AND MANAGEMENT ACT (No. 47 of 2013)</p> <p>IN EXERCISE of the powers conferred by section 83(4) of the Wildlife Conservation and Management Act, 2013, the Cabinet Secretary for Environment and Natural Resources, makes the following Regulations:-</p> <p>WILDLIFE CONSERVATION AND MANAGEMENT (GOVERNMENT TROPHIES) REGULATIONS, 2017</p> <p>PART 1- PRELIMINARY</p> <p>Citation and commencement</p> <p>1. (1) These Regulations may be cited as Wildlife Conservation and Management (Government Trophies) Regulations, 2017.</p> <p>(2) These Regulations shall come into force on the date of their publication in the Kenya Gazette.</p> <p>Interpretation</p> <p>2. In these Regulations, unless the context otherwise requires –</p> <p>“Act” means the Wildlife Conservation and Management Act, No. 47 of 2013;</p> <p>“authorized officer” has the same meaning as under the Act;</p> <p>“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to wildlife;</p> <p>“Environment Impact Assessment” means a systematic examination conducted to determine whether or not a programme, activity or project will have any adverse impacts on the environment;</p> <p>“government trophies” means a trophy declared to be a government trophy under the provisions of section 83 of the Wildlife Conservation and Management Act;</p> <p>“person” means a natural or juristic person; and</p> <p>“Service” means the Kenya Wildlife Service established under section 6 of the Wildlife Conservation and Management Act, No. 47 of 2013.</p> <p>Application</p> <p>3. These Regulations shall apply to the identification, preservation, storage and disposal of government trophies under section 83(4) of the Act.</p> <p>1</p>


Theme	Evaluation	Implemented and Reported actions	Reference documentation
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 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</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 crime is helping in this case</p>  <p>Principal Secretary, Ministry of Environment and Natural Resources inspecting guard of honor</p>

Theme	Evaluation	Implemented and Reported actions	Reference documentation
		<p>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 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>Additional actions post SC 66</p> <p><i>Training in 2017, for gazettement, of 23 special wildlife prosecutors to enhance conviction rates and enhance prosecution period;</i></p> <p><i>Training and gazettement of officers as Scenes of crime officers 2016, 2017 and 2018 to enhance management of all wildlife crime scenes for proper investigations and evidence gathering;</i></p> <p><i>Continuous forwarding to Director of Public Prosecutions (DPP) within 24hrs, all cases of major wildlife trophy seizures/confiscations and arrests for purposes of coordination of</i></p>	<p>mounted by 500 newly trained ranger recruits in July 2014 at KWS Law Enforcement Academy, Manyani.</p> <p>Additional 592 rangers graduated from the Law Enforcement Academy in October 2015 for deployment in the field</p> <p>Pass out parade for the trained rangers was held on 27 October 2015</p>   <p>Scene of Crime Officers' training, 2017 & 2018</p>

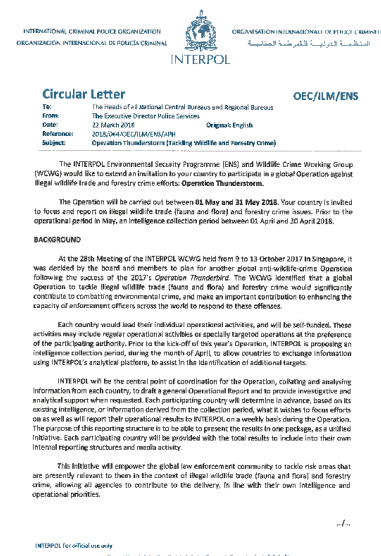

Theme	Evaluation	Implemented and Reported actions	Reference documentation
		<p>wildlife prosecutions</p> <p><i>In 2016 A Rapid Reference Guide for the Investigation and Prosecution of Wildlife Related Offences Including Standard Operating Procedures and Sample Charges Edition) referenced as; Wildlife Offences in Kenya, Points to Prove</i></p> <p><i>In 2016, the Judiciary formulated Sentencing Policy Guidelines in response to challenges of sentencing in administration of Justice</i></p>	
<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>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>Forensic and Genetics Laboratory technician collecting ivory sample for DNA profiling</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</p>	 <p>(Above) Cabinet Secretary, Ministry of Environment and Natural Resources unveiling the Forensics and Genetics Laboratory, May 2015</p>  <p>(Below) Cabinet Secretary being briefed on how forensic analysis process is conducted in the lab</p>

Theme	Evaluation	Implemented and Reported actions	Reference documentation
		horns for population profiling and construction of DNA reference library for the Forensics and GENETICS Laboratory	
National-Level enforcement actions, investigations and national interagency collaboration and coordination/ Inventory of National stockpiles of elephant ivory and Rhino horns	<p><u>Progress Rating</u></p> <p>Substantially achieved</p> <p><u>SC65 Rating</u></p> <p>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>

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		 <p>Inventory team taking measurements(weight, length, & circumference at base) of the ivory to make entry in the inventory system</p> <p>Additional actions post SC 66</p> <p><i>Continued use of Asset management system such as Trophy registers and trophy requisitions to ensure traceability and accountability of each individual ivory trophy in real time.</i></p> <p><i>Conduction of both routine and regular DNA profiling of</i></p>	 <p><i>Cabinet Secretary, Ministry of Environment & Natural Resources participating in the national ivory and rhino horn inventory using Tablet-based software</i></p>

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		<i>seized/confiscated ivory and rhino horns, the latter is done in collaboration with University of Pretoria.</i>	
National-Level enforcement actions, investigations and national interagency collaboration and coordination	<p>Progress Rating Substantially achieved, , Ongoing(routine)</p> <p>SC65 Rating Substantially achieved/on track (strengthen law enforcement capacity)</p>	<p>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>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 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>Progress Rating Substantially achieved</p> <p>SC65 Rating Substantially achieved/</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>Additional actions post SC 66</p>	 <p>KWS team training Canine received from Government of Israel – June 6th, 2015</p>



Theme	Evaluation	Implemented and Reported actions	Reference documentation
		<p><i>Formation, staffing and equipping of a One-stop border post investigation units in five (5) international border entry points i.e. Malaba border post, Busia border post, Isebania border post, Namanga border post & Taveta border post to facilitate and enhance detections of transnational wildlife crimes and smuggling</i></p> <p><i>Conduction and participation in Inter-Agency wildlife crimes forums with agencies such as Interpol's National Bureau, Office of the Director of Public Prosecutions (ODPP), Police, National Intelligence Service, Prisons etc.</i></p> <p><i>Inter-Agency Wildlife Law Enforcement Forums have been institutionalized such as Wildlife cyber-crime unit, Wildlife Intelligence covert operations, joint inter-agency operations etc. The inter-agency operations are conducted routinely either weekly, monthly, quarterly etc depending on alarm raised</i></p> <p><i>Continuous collaborative law enforcement operations (both covert and overt) are conducted with, Kenya Revenue Authority-Customs), Police, Border Authorities, Sea and Air Ports Authorities (Kenya Ports Authority & Kenya Airports Authority), Immigration Department, INTERPOL and National Intelligence Service (NIS).</i></p>	

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International and Regional wildlife law enforcement collaboration	<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 border collaboration</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> <p>Additional actions post SC 66</p> <p><i>There has been regional meetings of Directors of Wildlife and Ministers responsible for wildlife to jointly discuss elephant poaching crisis and illegal trade in ivory that were convened during this period</i></p> <p><i>There have also been meetings of Ministers under auspices of Lusaka Agreement, Regional Wildlife Enforcement Agency to discuss threats to elephants and support implementation of the Ivory Action Plan on reducing illegal ivory trade.</i></p> <p><i>Kenya participated in the just concluded Wildlife African Regional Meeting (WARM) in South Africa which was about combating transnational wildlife crime within the Southern African region with an aim of exchanging ideas in addressing</i></p>	 <p>Circular Letter To: The Heads of all National Central Bureaus and Regional Bureaus From: The Executive Director Public Services Date: 22 March 2018 Reference: 2018/044/CEU/LAM/EN/OPS Subject: Operation Thunderbolt (Targeting Wildlife and Forestry Crime)</p> <p>OEC/ILM/ENS</p> <p>The INTERPOL Environmental Security Programme (ENS) and Wildlife Crime Working Group (WCWG) would like to extend an invitation to your country to participate in a global Operation against illegal wildlife trade and forestry crime efforts. Operation Thunderbolt.</p> <p>The Operation will be carried out between 01 May and 31 May 2018. Your country is invited to forces and report on illegal wildlife trade (fauna and flora) and forestry crime issues. Prior to the operational period in May, an intelligence collection period between 01 April and 30 April 2018.</p> <p>BACKGROUND</p> <p>At the 28th Meeting of the INTERPOL WCWG held from 9 to 13 October 2017 in Singapore, it was decided by the board and members to plan for another global anti-wildlife-crime Operation following the success of the 2017's Operation Thunderbolt. The WCWG identified that a global Operation to tackle illegal wildlife trade (fauna and flora) and forestry crime would significantly contribute to combating environmental crime, and make an important contribution to enhancing the capacity of enforcement officers across the world to respond to these offences.</p> <p>Each country would lead their individual operational activities, and will be self-funded. These activities may include regular operational activities or specially targeted operations at the presence of the participating authority. Prior to the kick-off of this year's Operation, INTERPOL is proposing an intelligence collection period, during the month of April, to allow countries to exchange information using INTERPOL's encrypted platform, to assist in the identification of additional targets.</p> <p>INTERPOL will be the central point of coordination for the Operation, collecting and sending information from each country, to draft a general Operational Report and to provide investigation and analytical support when requested. Each participating country will determine in advance, based on its existing intelligence, or information derived from the collection period, what it wishes to focus efforts on as well as will report their operational results to INTERPOL on a weekly basis during the Operation. The purpose of this reporting structure is to be able to present the results in one package, as a unified initiative. Each participating country will be provided with the total results to include into their own internal reporting structures and media activity.</p> <p>This initiative will empower the global law enforcement community to tackle risk areas that are primarily relevant to them in the context of illegal wildlife trade (fauna and flora) and forestry crime, allowing all agencies to contribute to the delivery, in line with their own intelligence and operational priorities.</p> <p>INTERPOL for official use only</p> <p>المنظمة الدولية للشرطة الجنائية - Interpol General Secretariat 237 Quai Charles de Gaulle 91024 Evry France T +33 (0)1 67 33 70 00 F +33 (0)1 67 33 70 01</p>  <p>Wildlife African event Pretoria, South Africa, 18 - 20 April 2018</p> <p>Agenda</p> <p>Date of publication: 1 April 2018 Original: English Available in: English Reference: 2018/051/OEC/LAM/EN/OPS/ILM</p> <p>INTERPOL for official use only</p>

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		<p><i>the transnational wildlife crimes</i></p> <p><i>Kenya participated in International wildlife crime operation code named “Operation Thunderstorm” which took place from 1st March, 2018 to 30th March, 2018, and was coordinated by the INTERPOL, France.</i></p>	

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Outreach, awareness education	Public and	<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>Additional actions post SC 66</p> <p>The Government together with Kenya Airways and USAID has partnered under the project dubbed Reducing Opportunities for Unlawful Transport of Endangered Species (ROUTES). The initiative is on training staff on how to detect and stop wildlife trafficking. This includes Global transportation systems to help break these illegal chains of unlawful transportation of endangered species</p> <p>The partnership with the National Airline Courier, is aimed at</p>	 <p>Itital community(Amboseli/Tsavo Ecosystem) hands over on 30th May, 2015, to the KWS – Asistant 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</p>  

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		<p><i>enhancing outreach, public awareness and education in the fight against wildlife trafficking. This has resulted in Kenya Airways signing a declaration on zero tolerance on wildlife crimes on its flight and staffs. The airline has in effort to raise awareness about the illegal wildlife trade, placed placards and documentaries in its flights.</i></p> <p><i>Additional action post SC 66</i></p> <p><i>3-day Interagency retreat on building greater synergies in implementation of wildlife related Multilateral Environmental Agreements(MEAs) organized and coordinated by the State Department for Wildlife, Ministry of Tourism and Wildlife was held in mid-April 2018 to raise awareness among focal points of the various MEAs and other stakeholders on the country's progress in implementation of the wildlife-related MEAs including implementation of NIAPs</i></p>	
International campaigns targeting ivory reduction	<p><u>Progress Rating</u> Substantially completed, On-going(routine)</p> <p><u>SC65 Rating</u> Unclear for sensitizing airlines and Couriers</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 their cargo to combat illegal trafficking of elephant ivory and</p>	

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International and Regional wildlife law enforcement collaboration	<p>Progress Rating Substantially achieved</p> <p>SC65 Rating Unclear for cross border collaboration</p>	<p>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 campaigns.</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 Republic of Tanzania and Mozambique in the first week of</p>	  <p>Inventory and DNA sampling of ivory seized in 2013 at Mombasa Port destined to Asia</p>

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		<p>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</p> <p><i>Additional actions post SC 66</i></p> <p><i>Kenya participates in routine cross border meetings with United Republic of Tanzania and Uganda. In April 2018 Kenya participated in a Wildlife Cross border meeting in Tanzania where Intelligence, Investigation and Operations Departments of the Wildlife Agencies of both countries were represented</i></p> <p><i>East Africa Community strategy plan(2017-2021) on combating illegal trade and trafficking of wildlife and wildlife products</i></p>	

1. NOTES TO THE REPORT AND CONCLUSIONS

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 believes that it has substantially achieved implementation of its NIAP and that it should exit from the process.

As it exits from the NIAP process, Kenya remains committed to continued implementation of actions towards combating elephant poaching, illegal trade in and trafficking of elephant ivory in particular and wildlife in general.

POST SC66 NATIONAL REPORTING

IMPLEMENTATION OF KENYA'S NATIONAL IVORY ACTION PLAN TOWARDS COMBATING ILLEGAL IVORY TRA



Kenya Wildlife Service

CITES Wildlife Management Authority for Kenya

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POST SC66 ADDITIONAL ACTIONS AND ACHIEVEMENTS FOR NATIONAL IVORY ACTION PLAN (NIAP) PROGRESS REPORT TO CITES SC70

A. Legislation and Regulations

1. Gazettement of the Wildlife Conservation and Management of Government Trophies Regulations, in November, 2017 as efforts in the management of all game trophies in Kenya led by Kenya Wildlife Service, the national wildlife authority. The subsidiary legislation provides for the identification, preservation, storage and disposal of government trophies under section 83(4) of the Wildlife Conservation and Management Act, 2013;
2. Training in 2017, for gazettement, of 23 special wildlife prosecutors to enhance conviction rates and enhance prosecution period;
3. Training and gazettement of officers as Scenes of crime officers 2016, 2017 and 2018 to enhance management of all wildlife crime scenes for proper investigations and evidence gathering;
4. Continuous forwarding to Director of Public Prosecutions (DPP) within 24hrs, all cases of major wildlife trophy seizures/confiscations and arrests for purposes of coordination of wildlife prosecutions;
5. Development and publishing in 2017, of a Kenya Wildlife Service Standard Operating Procedures (SoP) for prosecution and code of conduct booklet for wildlife prosecutors ;
6. Development in partnership with AWF and publishing in 2017, of Canine Evidence Guideline booklet for proper evidence collection and submission in court by canine officers, wildlife investigators and prosecutors;
7. Several National meeting of prosecutors to review wildlife prosecution cases took place with Kenya Wildlife Service playing a key role in such forums, actions plans developed in such forums have been implemented accordingly;
8. Establishment of Court Users Committees around the country which is a pivotal forum in developing and strategizing on how best wildlife crimes investigations and prosecutions can be handled and enhanced as deterrent measures for wildlife offenders. All law enforcement agencies including Kenya Wildlife Service are represented in the Committees;

THE WILDLIFE CONSERVATION AND MANAGEMENT ACT

(No. 47 of 2013)

IN EXERCISE of the powers conferred by section 83(4) of the Wildlife Conservation and Management Act, 2013, the Cabinet Secretary for Environment and Natural Resources, makes the following Regulations:-

WILDLIFE CONSERVATION AND MANAGEMENT (GOVERNMENT TROPHIES) REGULATIONS, 2017

PART 1- PRELIMINARY

Citation and commencement

- (1) These Regulations may be cited as Wildlife Conservation and Management (Government Trophies) Regulations, 2017.
- (2) These Regulations shall come into force on the date of their publication in the Kenya Gazette.

Interpretation

- In these Regulations, unless the context otherwise requires –

“Act” means the Wildlife Conservation and Management Act, No. 47 of 2013;

“authorized officer” has the same meaning as under the Act;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to wildlife;

“Environment Impact Assessment” means a systematic examination conducted to determine whether or not a programme, activity or project will have any adverse impacts on the environment;

“government trophies” means a trophy declared to be a government trophy under the provisions of section 83 of the Wildlife Conservation and Management Act;

“person” means a natural or juristic person; and

“Service” means the Kenya Wildlife Service established under section 6 of the Wildlife Conservation and Management Act, No. 47 of 2013.

Application

- These Regulations shall apply to the identification, preservation, storage and disposal of government trophies under section 83(4) of the Act.

Wildlife conservation and management (Government Trophies) Regulations, 2017





Wildlife scene of crime officers' training, 2016, 2017, 2018

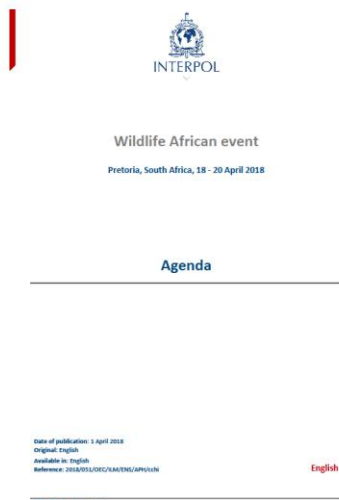
B. National –level enforcement actions, investigation and national inter-agency collaboration and coordination

1. Conduction of both routine and regular DNA profiling of seized/confiscated ivory and rhino horns, the latter is done in collaboration with University of Pretoria, South Africa under a Memorandum of Understanding;
2. Recruitment of additional 500 ranger force in 2016 to enhance anti-poaching operations and other relevant duties geared towards wildlife conservation and management;
3. Formation, staffing and equipping of a One-stop border post investigation units in five (5) international border entry points i.e. Malaba border post, Busia border post, Isebania border post, Namanga border post & Taveta border post to facilitate and enhance detections of transnational wildlife crimes and smuggling;
4. Conduction and participation in Inter-Agency wildlife crimes forums with agencies such as Interpol's National Bureau, Office of the Director of Public Prosecutions (ODPP), Police, National Intelligence Service, Prisons etc;
5. Applications of various other legislations such as proceeds of crimes act are applied together with wildlife legislation to enhance wildlife crime charges and prosecutions;
6. Wildlife crimes offenders are also fingerprinted with the aim of treating it as "serious crime" when organized criminal groups are involved;
7. Continued use of Asset management system such as Trophy registers and trophy requisitions to ensure traceability and accountability of each individual ivory trophy in real time;
8. **Inter-Agency Wildlife Law Enforcement Forums** have been institutionalized such as Wildlife cyber-crime unit, Wildlife Intelligence covert operations, joint inter-agency operations etc. The inter-agency operations are conducted routinely either weekly, monthly, quarterly etc depending on alarm raised;

9. Continuous **collaborative law enforcement operations** (both covert and overt) are conducted with, Kenya Wildlife Service, Kenya Revenue Authority-Customs), Police, Border Authorities, Sea and Air Ports Authorities (Kenya Ports Authority & Kenya Airports Authority), Immigration Department, INTERPOL and National Intelligence Service (NIS).

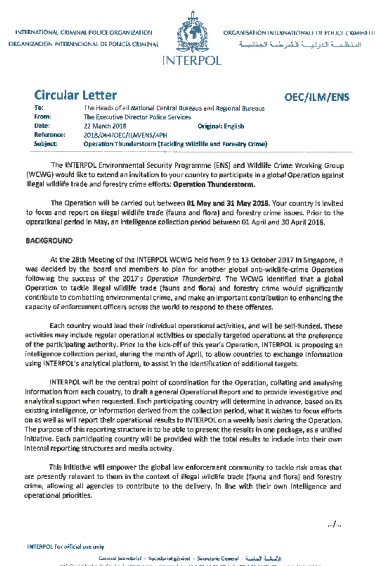
C. International and regional wildlife enforcement collaboration

1. There has been constant and synchronized Cross border meetings, trainings, workshops and Strategic operations on elephant security for Kenya-Tanzania and Kenya-Uganda which also included other contrabands smuggled in between those countries, modus operandi and detection methods eg. Kenya Wildlife Service with funding from International Fund for Animal Welfare (IFAW) organized coordinated and facilitated an International cross border training at the Namanga, Kenya (KE-TZ International border) in January, 2018 where officers from Kenya and Tanzania cordially participated with representatives from Customs, Police, Wildlife Agencies and Immigration Departments from both countries. The training was geared towards wildlife smuggling techniques, ability to identify wildlife contrabands, modus operandi, evidence gathering and scene of crime management;
2. Kenya participates in various routine cross border meetings with Tanzania and Uganda, and in April 2018 Kenya participated in a Wildlife Cross border meeting in Tanzania where Intelligence, Investigation and Operations Departments from both countries Wildlife Agencies were represented;
3. Kenya participated in the just concluded Wildlife African Regional Meeting (WARM) in South Africa which was about combating transnational wildlife crime within the Southern African region with an aim of exchanging ideas in addressing the transnational wildlife crimes.



Invitation by INTERPOL to Kenya Wildlife Service to attend the Wildlife African Regional meeting, Pretoria, S.A. 2018

- Kenya has participated in the International wildlife crime operation code named “Operation Thunderstorm” which started on 1st March, 2018 to 30th March, 2018, and coordinated by the INTERPOL, France where over 300 hundred countries also participated.



Invitation by INTERPOL to Kenya Wildlife Service to participate in the International code named Operation Thunderstorm, 2018

D. Outreach , Public awareness and education

1. On the awareness strategy, Kenya undertook several campaigns with both National and International focus in collaboration with internationally recognized persons/ celebrities focusing on demand reduction in consumer States. E.g. Kenyan celebrity Ms. Lupiter Nyong'o has been on the world famous magazines advocating for anti-poaching activities.
2. Kenya participates in the annual World Wildlife Day on 3rd OF March every year, where Kenya Wildlife Service ensures that public is educated and informed on wildlife crimes activities and to abhor the same, these events which are marked strategically in different areas with thematic objectives ensures that the public participates through entertainments, placards, posters, school participations, essay competitions, gatherings etc.
3. Kenya's first Lady H.E Margret Kenyatta commissioned sensitization training at JKIA which is Kenya's main exit/entry point and where most of the Wildlife contrabands are passing through while on transit.



Pictorials of Kenya's First Lady and other dignitaries in an International sensitization training on Wildlife crimes at JKIA, 2017

4. Kenya Wildlife Service has partnered with its National Airline Courier, Kenya Airways in outreach, public awareness and education in the fight against wildlife trafficking. This has resulted in Kenya Airways signing a declaration on zero tolerance on wildlife crimes on its flight and staffs. The airline has also placed placards and documentaries in its flights.



PRESS RELEASE

Kenya Airways Takes Action on Zero-Tolerance Policy Through Staff Training and Awareness Raising

Nairobi, March 1, 2018.... Kenya Airways has worked with the USAID Reducing Opportunities for Unlawful Transport of Endangered Species (ROUTES) Partnership to hold a training for staff on how to detect and stop wildlife trafficking.

The national carrier is among a total of 89 airlines and organizations which have signed up to the United for Wildlife Transport Taskforce Buckingham Palace Declaration against illegal wildlife trade.

Speaking during the Awareness Training on Combating of Wildlife Trafficking at the Kenya Airways Pride Centre in Nairobi, Her Excellency, First Lady of the Republic of Kenya Margaret Kenyatta said: "I applaud this initiative that stands out as an innovative measure that includes the global transportation systems to help break these illegal chains of unlawful transportation of endangered species."

ROUTES, supported by the United States Agency for International Development (USAID), is a public-private partnership that brings together government agencies, the transportation and logistics industry, and international conservation, development and law enforcement organizations and donors to disrupt wildlife trafficking activities. As a partner of ROUTES, Kenya Airways supports its commitment toward a zero-tolerance policy on wildlife trafficking and increases its commitments as a signatory to the United for Wildlife Transport Taskforce Buckingham Palace Declaration to protect endangered species from illegal trade and transportation.

"Wildlife trafficking is a transportation-intensive activity and smugglers carrying illegal wildlife and wildlife products need to interact with airport and airline staff at multiple points during the journey," said Michelle Owen, ROUTES Lead. "Increasing the ability of staff to identify and report suspicious activities linked to wildlife trafficking is crucial for stopping traffickers that abuse the transport sector."

Commenting during the same event, Sebastian Mkwizi, Kenya Airways Group Managing Director and CEO said: "This initiative underlines our unquestionable commitment to zero tolerance policy against illegal wildlife trafficking and trade. It is vital that the private sector work in collaboration with all the government agencies and international partners to scale up the response to conservation challenges. Kenya Airways is a key player in the industry and we stand for sustainable tourism."

Kenya's National courier's press release on combating wildlife crime & trafficking on it's airlines & hub

E. National Reporting to CITES Secretariat and Standing Committee of CITES

This report is made in accordance with Step 5 of the Guidelines to the National Ivory Action Plans Process; on Completion of a NIAP and exit from the NIAP process

KWS/8016 Vol.XXII

28 June 2018


Mr. David **MORGAN**
Officer-in-Charge
CITES Secretariat
International Environment House
15 -Chemin des Anemones
Geneva
SWITZERLAND

Dear *David,*

NATIONAL IVORY ACTION PLAN (NIAP) IMPLEMENTATION REPORT TO SC70

In accordance with Step 5 of the Guidelines to the National Ivory Action Plan (NIAP) Process with regard to Completion of and exit from NIAP process as contained in Annex 3 of Resolution Conf. 10.10 (Rev. CoP17), we hereby submit for the consideration of the Secretariat and subsequently the 70th meeting of the Standing Committee (SC70), report on implementation of our National Ivory Action Plan post SC66.

Yours *Sincerely*


JULIUS KIMANI
DIRECTOR GENERAL

Attch.