



The Kenyan Compensation Experience

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The following case study was put together using a framework designed to help gathering information on lessons learnt globally on the financial, institutional and structural components required to have sustained success in tackling Human Wildlife Conflict.

1. HISTORY AND CONTEXT OF HWC RESOLUTION IN KENYA

Whose schemes are included in this case study?

The National government scheme and examples of private conservancy schemes in: the Mara Triangle; and the Amboseli-Tsavo region [specifically the Mbirikani Group Ranch].

What is your [the author's] relationship with the scheme?

Please mention your name and position

The following case study was collated by E. Bowen-Jones for IIED with information and comments from Mordecai Ogada, who has been reviewing carnivore compensation in Kenya for the Panthera Foundation; and additional input from Leela Hazzah who has recently completed her PhD in an area running a large compensation program in Kenya. It also draws on published sources – particularly the evaluation of one particular private scheme by Maclennan *et al* 2009.

What are the objectives of these schemes?

The Wildlife (Conservation and management) Act, 1976, part 9, section 62, states: *where any person suffers any bodily injury from or is killed by any animal, the person injured or in the case of a deceased person, any other person who was dependant upon him at the date of his death, may make application to a district committee established by this section, for the award of compensation for the injury or death.*

More recently the Ministry of Tourism's 2007 final draft Wildlife Policy states its intent to expand upon this to: *develop and implement innovative and effective mechanisms for prompt and adequate compensation for crops, livestock, property, injury and loss of life.* The author has not found evidence that this expanded remit is being put into practice, and Ogada *pers. comm.* suggests this is due to the complexity of reforming the above Act.

The killing of lions – which are a primary focus of the private compensation schemes discussed herein – is legal if the perpetrator can prove that it was in defense of life or property [according to Maclennan *et. al.* 2009].

In the Amboseli-Tsavo region the Mbirikani Group Ranch's Predatory Compensation Fund [MPCF] was established with the primary objective of reversing the "decline in lion numbers by increasing ranch members' tolerance of predators to prevent retaliatory lion killing after depredation incidents". Whilst, "a secondary objective was to foster an improvement in livestock husbandry, so as to minimize carnivore-livestock conflict" [Maclennan *et al.* 2009].

Meanwhile, in the Mara Triangle at least one private scheme focuses on providing ways of preventing the occurrence of predator-livestock conflicts [Ogada 2011a].

It should be noted that both of these schemes are being operated on individual conservancies within larger landscapes without these mechanisms being operated across them. They are purely taken herein as illustrating the national scenario.

How long have the schemes in question been in operation, and when did they start?

National attempts to address HWC through monetary compensation were instigated after the ban on hunting in 1977, including compensation for crop damage, which was suspended in 1989 because the system became unworkable. Widespread cheating on claims, high administration

costs and lack of disburseable funds were cited as the main reasons for its failure (Thouless 1994).

Since the end of monetary compensation the Kenya Wildlife Service (KWS) has tried to establish community welfare projects in areas adjacent to National Parks to give communities direct benefits from conservation. However, Ogada *pers. comm.* reports that KWS needs to do more to 'make the connection' in people's minds between the projects and conservation.

Meanwhile, Amboseli-Tsavo's MPCF was established in April 2003, and one of the Mara Triangle's private conservancy [hereinafter referred to as 'the Mara'] introduced compensation in 2006.

Are these schemes still in operation?

All of the private livestock compensation schemes cited herein as well, theoretically, the national compensation scheme for human injury or loss of life remain in operation. [It should be noted that the Mara scheme initially ran for 15 months, was suspended due to problems with managing claims and expenditure, and was then reinitiated in 2009].

Are the schemes species-specific? Or do they deal with multiple species?

According to Ogada *pers. comm.* compensation payments in the Mara are only made for livestock killed by lions and leopards [although it remains unclear whether this is a rule, or the product of difficulties in verifying the kills attributed to elephants and spotted hyenas]. In reality leopards are responsible for 53% of a total of 239 livestock killed; lions are responsible for 38%; and elephant* and hyena 5% and 4% respectively [Ogada 2011a].

The MPCF pays livestock compensation for lions, leopards, jackals, and cheetah, as well as 50% of this rate for hyena kills.

* which occurs when elephants become agitated meeting livestock [and people] at essential water-holes

2. TYPE OF INTERVENTIONS

Does that national HWC response include any of the following **mitigation measures**?

If so please tick the appropriate boxes and give a brief description of the interventions in question.

Compensation [financial or non-financial]

Yes; although Ogada [2011a] notes that due to the lack of clear legal status for non-state/statutory compensation, they are often termed 'consolation' payments - ostensibly because the amount being paid out is 'not equivalent to the loss'.

Insurance

No

Performance/ incentive payments

No

Additional benefits being provided to HWC affected communities [e.g. under CBNRM]

Obunde *et al* 2005 list CBNRM type approaches [many of which will be being carried out around National Parks, as explained above] as including (i) Conservation of biodiversity resource areas (COBRA) through which classrooms, water dams, cattle dips, health centers, and boreholes have been constructed, and (ii) Conservation of resources through enterprises (CORE) that

supports setting up business enterprises in rural localities; they also mention (i) Tourist viewing; (ii) Safari hunting; (iii) Game cropping; and (iv) Capture of live animals [but don't suggest that benefits accrue from the afore mentioned activities specifically to the victims of HWC].

How are the above benefits being linked to HWC resolution?

i.e. how are you making the link between community benefits and conservation, and are the beneficiaries being differentiated on the basis of the level of HWC they experience?

It seems likely that the above aren't specifically linked to HWC, but are more generic i.e. there aren't stratified benefits to those most affected by HWC. Ogada *pers comm.* notes that conservation enterprises share conservation profits with communities, but don't necessarily share the responsibilities for generating them, and usually only make direct linkage to HWC at the behest of donors.

Does your scheme, or the wider project scenario it sits within, include any **preventative measures**?

Please provide brief detail in the appropriate boxes:

Fencing	Graham <i>et al</i> [2009] list various preventative measures that are being used to reduce Human Elephant Conflict including more novel farm-based techniques including the use of chili grease fences around farms, electrified fences [in Laikipia, a district-wide electric fence is being constructed to separate the majority of smallholder land from the ranches and conservancies]. Fencing and use of bomas are required in the Mara Triangle, and some of the cost picked up by the Conservancy itself, all of which helps to reduce carnivore conflict, Ogada 2011a.
Guarding	
Voluntary resettlement	
Land-use strategies	
Others	Graham, <i>et al</i> 2009, report the use of watchtowers, fires, ditches and loud noises, fireworks and powerful electric lights as elephant deterrents.

Does your scheme, or the wider project scenario it sits within, include any **reactive measures**?
e.g. lethal removal

Obunde *et al* 2005 state "game shooting has *historically* been used as a way of reducing human-wildlife conflicts in various parts of Kenya. Buffalos and elephants *have* often controlled through shooting. For example, in the 1960s, when shooting was commonly used, as many as 1,525 buffalos and 722 elephants were killed in a single year". As noted above, lethal removal of lions is also still legal, although, Huzzah *pers. comm.* states that Amboseli's MPCF doesn't include any such measures.

Describe the schemes being focussed upon, detailing how the various elements work together and any dependencies that there may be therein

e.g. land-use planning ensuring that compensation payments are kept to a reasonable level

The government scheme is budgeted via, and is meant to be paid out by, district-level administrations once an incident has been verified by KWS personnel [Ogada, *pers. comm.*].

The Mara Triangle compensation scheme was re-started in 2009 after trials from 2006-2008 demonstrated the need for more rigorous payment rules. Now if community members are to be compensated for cattle lost to predators when inside bomas, then these must be secured with a chain link fence [Ogada 2011a]. And, indeed, the Mara Conservancy has agreed to pay for 50% of the chain link fence needed to secure bomas within 5km of the Triangle's border. [Although, as Ogada *pers. comm.* notes, that this cost has escalated because the chain link is now being used to fence entire homesteads and not just the boma [since the chain has become a status symbol irrespective of predation being suffered].

The MPCF is only open to registered members of Mbirikani Group Ranch, and Maclennan *et. al.* 2009 claims are accepted if the carcass of the livestock is on or within 1.5 km of the ranch.

3. PROCESS

Whose idea was it to initiate this scheme, and why?

i.e. what stimulated its inception e.g. was the statutory authority involved not taking sufficient action; were levels of HWC escalating, etc.

Ogada (2011a) recounts that HWC mitigation in Kenya has its origins in the colonial Game Department, when there was very little consideration for ecological realities and or attempts to foster coexistence with local communities, and poisoning was used to 'control' hyenas and jackals, as well as herbivores including wild pigs, waterbuck and porcupine. In the 1980s the statutory, National compensation scheme was established because HWC was becoming a serious challenge to wildlife conservation in areas with a rapidly growing human population.

As for the private schemes Ogada suggests that most are financially motivated hence focusing on lions that are considered the most attractive animal to tourists. He suggests that this might be why such schemes persist in the face of widespread evidence that compensation schemes are neither effective nor sustainable [Nyhus *et al* 2003].

Lions in Maasai areas are killed in retaliation after killing livestock, sometimes in defense of livestock, and sometimes as part of a rite of passage (manhood) ritual, known as Olomayio (Hazzah, 2006). In Mbirikani, Amboseli 46 lions were killed by Maasai between 2001 and 2002, and this led to the establishment of the Mbirikani Predator Compensation Fund (MPCF) by the Maasailand Preservation Trust (MPT) [Maclennan *et. al.* 2009]

How were potential beneficiaries involved in the design of the schemes?

In initial negotiations with community leaders, designing MPCF, MPT proposed that claims for animals killed while "stray" (left out- side of bomas overnight) should not be accepted. This was rejected by the ranch members, who said that they would continue killing predators in the absence of payment for strays [Maclennan *et. al.* 2009].

Were/are there any important legal or institutional challenges that needed to be overcome to establish/ better implement the schemes, or was/is the existing system sufficiently supportive?

The statutory government scheme is based upon a fixed budget allocation for each district, and expenditure is not subsequently accounted for (since it's difficult to budget for unknown levels of upcoming HWC). Therefore, the district administrators have been able to 'divert' the money. People have therefore stopped reporting incidents, and the government stopped allocating the money. Thus, the national scheme has never formally stopped and a legal 'limbo' now exists that allows private compensation schemes to be operated [Ogada, *pers. comm.*].

How could any challenges you have mentioned be overcome

On a macro-level Hazzah *et al* 2009 encapsulate the problem for wild animals living outside protected areas in Kenya as having "no positive economic value; they are only an expensive nuisance to the people who lose crops, livestock, and occasionally human life. This negative situation can only be reversed through reforms at the national level that would allow rural people

to profit economically from ecotourism or other wildlife-based enterprises. Properly managed trophy hunting, with profits transparently distributed to community members, could generate significant income and attendant good will towards wildlife, but has been unavailable as a conservation option in Kenya since 1977”.

4. STRUCTURE AND COSTS OF THE SCHEME

What was the overall set-up cost for the schemes, and where did this money come from?

Please list any major one-off items required for the initial establishment.

Hazzah *pers comm.* notes that MPCF’s start-up money came from wealthy donors—mostly from the US, followed by funds from National Geographic Society, KWS, etc. But, that she also believes the group ranch itself contributes 20%-30% of livestock payments

What are the annual costs of running your scheme?

Although many of these figures don’t appear to be publically available, Ogada [2011b] asserts that the overall costs of conserving lions in the Amboseli-Tsavo area are far beyond other parts of the country because of the impact of monetary compensation.

According to Maclennan *et al* 2009 with payments for cattle at 13,500 Kenya Shillings - US\$192.86 [at the February 2007 exchange rate], goats and sheep at \$28.57 (2000 Ksh) and donkeys at \$85.71 (6000 Ksh) “the mean annual cost of conserving a lion on Mbirikani averages over \$3400 for compensation, plus another \$2800 for the costs of lion population monitoring”.

What were the main components of this cost? e.g. staff time, labour, etc

What is the total payout from the schemes to-date?

If possible also tell us how many incidents it has been used to mitigate/ how many pay-outs there have been

The trial Mara scheme in 2006 suffered 249 head of livestock lost and compensated for in 15 months [Ogada 2011a].

Maclennan *et al.* 2009 record that “over the 1094 days of MPCF operation between 2003-2006 “1694 claims were submitted covering 754 cattle, 80 donkeys and 1844 sheep/goats. Eight hundred and fifteen ranch members (18%) have lodged claims. At least one claim was lodged on 72% of days (789 days)”. Estimating from one of the graphs in the afore mentioned paper the total payout was something like US\$90,000 - considerably less than the total market value of the livestock predated, which can again be approximated at around US\$170,000.

How are these costs funded?

E.g. local government revenues; central government funding stream; tourism levy; or donor finance?

The majority of these funds are donor derived, according to Ogada [*pers. comm.*] this being confirmed by Maclennan *et al* [2009]’s account which records 30% of MPCF’S compensatory payments being derived from the conservancy’s income [selling of raw materials, land rents and conservation fees], leaving 70% plus all operations costs to come from other sources [which Hazzah *pers. comm.* confirms are external donors].

Are the sources of funding permanent or time-limited?

And if so how many years are costs currently assured for?

Private conservancies seem to be financing compensation through their own budgets – although much, if not all, of this might be through donor derived and therefore unsecured [Ogada *pers. comm.*].

How is it decided who benefits from the scheme?

e.g. eligibility criteria – such as minimum time of residence; geographic limits, etc.

The National, statutory, scheme is meant to apply to anyone who is injured/ killed, as per the 1976 Wildlife Act; whereas in the Mara Triangle payments are only made to registered heads of the household and boma within the 5km of the conservancy. Registration being conditional on animal husbandry and efforts to fortify bomas (e.g.: those who attempt to minimize predation) [Ogada, 2011a]. MPCF seems to be open to all registered members of Mbirikani Group Ranch, without the conditionality on husbandry [MacLennan *et al* 2009].

How did you work out what level of payment/compensation was appropriate, and is this amount subject to review [*if so when and how?*]

There a theoretically capacity to review the amount of statutory compensation [as suggested by the Ministry of Tourism's (2007)] but this is apparently hindered by the complicated bureaucracy of changing the wildlife legislation under which compensation sits e.g. the 1976 Wildlife Act [Ogada, *pers. comm.*]. And, Obunde *et al* [2005] reported that 50% of farmers interviewed thought that current statutory compensation for loss of human life and should be adjusted from Ksh 30,000 to Ksh 1.84 million.

MPCF set their compensation levels in via annually negotiated renewable contracts with the Group Ranch Committee [GRC], and Hazzah *pers. comm.* relates how they have had to change their penalty system in response to community demands. "For example in March 2010 the payment of a cow increased from Ksh 15,000/ to Ksh 20,000 and there is talk in the communities that it may increase again".

How are any perverse incentives that might have been identified as arising from the schemes or any opportunities for/ instances of abuse being dealt with?

In the Mara payment of compensation is now *entirely* contingent on good husbandry. According to [Ogada 2011a] the conditions required for payment include: carcass not being moved from scene; presence of spoor at the scene confirmed by the investigation officer; reporting of the Incident by noon of next day; photo of the scene by investigation officer; mandatory veterinary necropsy for verification if fraud is suspected; carcass needing to be within 1km of boma; lions and leopard will be paid 100% (hyena, jackal, etc are assumed to be due to negligence); animal husbandry check (fence material, fence height, dog, herdsman). Payments are made quarterly, and accompanied by a credit note copies of which are kept by the owner, veterinarian, and Conservancy management to avoid any potential for disputing payment.

In the Amboseli area, MacLennan *et al.* 2009, document how penalties *on full payment* are "structured to encourage people to livestock from straying from their boma (corral)". If no negligence is found the claimant receives the full value specified by MPCF. If the livestock are taken from a poorly constructed boma (defined as less than 4 feet high) then the claimant receives 30% of the valuation. If the owner has let the animal stray, he/she receives 50% of the MPCF value of the animal. If the verification officer is satisfied that the case is genuine he issues a promissory note; if the claimant is thought to have deliberately *tried to mislead* MPCF a fine results, or the claim isn't awarded. Payouts are made every second month. A review process exists so that "if a claimant is unhappy with the verification he/she can make a complaint to an Advisory Committee which comprises one elected elder from each zone and two women who represent the women of the ranch. On payout day, this committee arbitrates contentious cases and advises MPCF whether the claimants need to have their claims revised".

However, the net result has been that 55% of the total claims paid up to September 2009 were for stray livestock, even if these were at a reduced amount.

MPCF's staggered penalty payout system does seem to have avoided some potential perverse incentives in that, according to MacLennan *et al.* [2009], there was no correlation between the average market price of cattle and the number of claims per month, suggesting that people were not intentionally bringing about depredation so as to take advantage of favorable market conditions.

However, Hazzah *pers. comm.* notes that MPCF would do better sticking to making payments at market value since this would make it easier to avoid any potential for 'blackmail' from the communities [e.g. threats to kill lions if payments are not made on stray animals, etc.], and that this should be combined with improving transparency about funding sources e.g. to allow the communities to understand the difficulty of fund-raising.

She suggests that this would reduce killing lions as a sign of protest if the communities don't get the amount requested per livestock or if the program runs out of funds.

Theoretically, if lions, leopards, jackals, and cheetah, hyena, elephant or buffalo are killed illegally, those responsible are meant to be fined and compensation withheld from all the MPCF members of the zone in which the incident took place for a two-month period. However, data on fines actually collected for predator killing or false claims are not available, although Hazzah *pers. comm.* confirms that at least three people who participated in a lion killing did pay fines.

How is the scheme administered; what are the different roles and responsibilities of the different groups involved?

E.g. which is the lead organisation, and who is responsible for outreach/field implementation?

National scheme – Kenyan Wildlife Service verifies the claim, but the government, through the provincial administration is in charge of payment; whilst the Mara triangle and MPCF schemes are run by the conservancies in question.

Do the institutions involved have sufficient capacity to run the scheme effectively?

Hazzah *pers. comm.* states that she believes MPCF does have the capacity to run the programme effectively; whereas KWS clearly doesn't have the capacity or will to run the National scheme.

5. OUTCOMES

What are the main achievements of the schemes to-date; and what have the key challenges been?

Achievements

In the Mara Triangle Ogada [2011a] observes that local support for the protection of lions began with the implementation of a Cattle Compensation Scheme, and that "despite the attendant problems, the compensation has mitigated conflict and has seen a reported increase of 50% in the lion population since 2001" (as cited in the Mara Conservancy lion compensation report 2009).

Challenges

Hazzah et al. [2009] describe a "loss of tolerance for predators in Maasailand of southern Kenya" amongst pastoralists that "has resulted in a precipitous drop in lion numbers and suggest that this conflict is rooted not only in actual losses, but in actual and perceived vulnerability linked to land use changes, lost territory, and imposition of conservation measures".

Nationally, knowledge of the Mara and Amboseli livestock compensation schemes has spread rapidly, and [according to Ogada 2011a] is already causing some discontent as far as Samburu and Laikipia, in the North, where equivalent schemes don't exist.

Ogada [2011b] reports that in the Amboseli/Tsavo area the number of livestock kills from lions were the 4th biggest livestock predators, with 6% of livestock kills compared to hyenas at 59%. The proportions of compensation claims attracted by the species were 10% for lions and 40% for hyenas. Thus, the proportion of claims for livestock killed by lions was 60% higher than the proportion of actual kills for which they were responsible. This is presumably because lion kills result in greater payouts than hyenas.

Meanwhile, stronger disincentives are probably required to make compensation [or equivalent HWC] schemes both more effective and more sustainable [as cited in Maclennan *et. al.* 2009]. More rigorous law enforcement and prosecution would probably reduce lion killing (Hazzah, 2006) and would permit cessation of payments for stray livestock, as simply killing all predators would no longer be a viable response from the community.

There would, also, have to be adaptation of rules and procedures should predator populations increase in future.

Whilst Huzzah *pers. comm.* cites financial sustainability as one of the biggest challenge to existing compensation schemes.

Are the schemes mentioned achieving their objectives?

Ostensibly there seems to be divergent opinion as to how effective predator compensation in Kenya is [leaving the national statutory compensation aside from the standpoint that this isn't effective since it isn't being paid].

Ogada 2011b – analyzing lion conservation from macro perspective suggests that lions appear to be in steeper decline in the wider Amboseli-Tsavo landscape than in areas where there are no active compensation schemes [possibly tallying with suggestions that lions may have be targeted by local communities because they are perceived to be of greatest importance to KWS/ conservationists]. Therefore, he suggests that compensation doesn't appear to be working from the perspective of conserving this region's lions [Ogada 2011b], despite possible localized successes.

From a more geographically focused perspective Huzzah notes that the MPCF has reduced lion killing within its focal area substantially from 2007 levels due to multi-layered conservation efforts on Mbirikani Group Ranch (including MPCF, Lion Guardians and research, game scouts, etc.) although killing did increase within MPCF's area in Jan 2010 when 16 lions were killed in Southern Olgulului over six months. This happened in post-drought conditions when livestock depredation increased substantially creating conditions where MPCF on its own may not be enough to prevent lion killing.

And, both perspectives tally Maclennan *et al* [2009]'s conclusion that “between 2001 and 2006 there was a reduction in the number of lions killed on Mbirikani Group Ranch, at least in part as a result of the MPCF being in place – thus achieving its primary objective. However the evaluation noted that “this success has to be tempered with the knowledge that the current lion population is very low and that annual off-take from the Mbirikani lion population, often when they move onto neighboring properties, is still unsustainable”.

The same authors concluded that it seemed unlikely that MPCF was achieving its secondary objective of improving husbandry at least 2.31% of the ranch's herd being predated annually, matching the rate being taken from ranches adjacent to Tsavo National Park. The authors suggested that this might be due to herders tending to be young and inexperienced, whilst the distances over which stock have to range [due to the arid nature of the environment] precluded being able to house them securely every night.

How/ is the impact of the schemes focussed upon being measured?

I.e. what indicators are used?

Through monitoring lion populations.

Are the schemes cost-effective compared to other options that could have been selected?

And, if there were other more cost-effective options available why didn't you opt for these?

The schemes involved are private initiatives that haven't necessarily been considered in light of broader policy options, and Hazzah *pers. comm.* suggests that MPCF is neither cost effective nor sustainable, plus that although it was implemented as a short term fix to halt lion killing, stopping the program will be much more difficult then originally thought. Meanwhile, Maclennan

et al 2009 suggest that “low wages in Kenya might make it economical for MPCF to pay professional livestock herders” in areas with high stray livestock depredation” [rather than making large pay-outs for stray stock].

Do the benefits to the local population/ communities from the schemes compare to the costs they incur as a result of problem animals?

Ogada [2011a] asserts that at the heart of HWC in Kenya is the basic, ongoing, inequality of one section of human society being perceived to be benefiting directly from wildlife (the tourist industry) while another section is only suffering the costs of living with wildlife. He notes that it is also an unfortunate fact that the fastest way for communities living with wildlife to get attention is to kill some charismatic wildlife. This being one of the reasons why the majority of lions killed in the Amboseli area are speared to death, rather than poisoned. Thus, there is a perception [as well as, in many areas, a reality] that the benefits accrued from the geographically patchy compensation schemes [both national and private] available aren't sufficient.

Meanwhile, the national statutory compensation scheme is meant to pay about US\$400 to the family of those injured or killed (Wanjau, writing on crocodile conflict, 2002), which is insufficient to cover funeral expenses or hospital bills (Obunde *et al* 2005). Nor does the scheme take into consideration the impact of such incidents on dependent children who are often taken out of school because of lack of funds to pay their fees.

In contrast, in Amboseli, the compensation scheme has become a way to get cash from livestock, as illustrated by a dispute at the end of the 2009-2010 drought, when the community demanded an increase in payments because the lions were “now eating fat cattle” [Ogada *pers. comm.*]

How can this be assessed?

e.g. via community perceptions or level of satisfaction; or, through assessment of [financial/ nonfinancial] costs and benefits; are you using opportunity costs, and are you including wider benefits from CBNRM schemes, etc.

Obunde *et al* 2005 states that “in many parts of Kenya, local communities often live in the vicinity of areas that support even as high as 90 per cent of wildlife yet they receive as little as less than 1 per cent of foreign exchange earnings derived from wildlife-based tourism”. The measurement of benefit seems, almost exclusively, financial.

Are there affected communities or individuals that are not benefiting from the scheme and why?

Obunde *et al* 2005 note how 20% of claims in their sample from Laikipia and Nyandarua Districts were rejected while one third of the respondents had *statutory* claims accepted but did not receive actual payment, and that consequently, most of the farmers no longer think that monetary compensation should be one of the options of resolving human-wildlife conflicts, particularly crop raising. Whilst MPCF excludes those who don't own livestock [according to Hazzah *pers. comm.*].

What percentage of households affected by problem animals are currently benefiting from the scheme?

What are the key lessons learnt so far from Kenya's HWC mitigation?

As far as National statutory compensation goes, the government does not have the capacity or accountability to properly execute such a scheme.

Meanwhile, with 55% of claims being paid out MPCF for 'stray' losses where good husbandry hasn't been practiced in the Amboseli-Tsavo area by, Hazzah suggests that sticking to penalties from day one is crucial. This reflects Maclennan *et al*'s [2009] account of how, although the obvious solution is to stop paying stray claims 'thereby removing the subsidy for poor live- stock husbandry', this 'may not be feasible, as ranch members threaten they would respond by killing

all carnivores (very effective poison is readily available)'. [Furthermore – as Hazzah *et al.* [2009] observe “just one intolerant individual who sets out poison can kill many predators, even if most of the community disagrees with his actions”].

The latter authors note “the future of carnivore conservation in this region depends on a better understanding of the nuances of HWC and a concerted effort to address appropriate cultural and community-level institutions, chiefly by providing economic benefits to local people who engage in *positive* conservation activities”. This chimes with experience within the Mara Triangle that suggests that cost sharing is the highly beneficial in achieving greater participant accountability.

Has explicitly addressing HWC through compensation been the right approach to take, or would it have been better dealt with more circumspectly

E.g. as part of a suite of other conservation issues, where expectations of success would have been lower?

Ogada *pers. comm.* suggests that seeking ways of enhancing existing livelihoods rather than, effectively, giving out cash handouts, is required. He goes further to say that this would avoid the perpetuation of what has become a paternalistic culture generated by ignoring the fact that if, for instance, the Maasai didn't know how to live with lions, there would be no lions in Maasailand.

Similarly, Hazzah *pers comm.* suggests that performance payments and schemes that include community involvement and decision-making throughout might prove more beneficial than compensation.

Ogada [2011a] notes that Laikipia District, with no compensation scheme in place but trials of various livestock management/housing methods as well as education and awareness initiatives [through the Predator Project] remains one of Kenya's most viable unprotected wildlife habitats, despite “having a vast human-wildlife interface and attendant conflicts”. He asserts that this is probably due tourism facilities being established that provide genuine income from wildlife to pastoralist communities.

Hazzah *et al* [2009] – analyzing community interview data from Mbirikani Group Ranch – concluded, “compensating an individual repeatedly did not necessarily result in a more favorable view towards the program or conservation efforts in general. However, failing to compensate people each time their livestock are attacked could be highly detrimental, causing additional resentment towards carnivores and conservation efforts”.

6. THE FUTURE OF THE SCHEME

What factors might affect the life and future effectiveness of this scheme?

The socio-political problems of isolated attempts at implementing non-standardised compensation schemes without a broader regulatory framework suggest that one needs to be imposed, otherwise the secondary consequences for conservation are likely to be severe e.g. the decline of lions nationally because of local failures in compensation.

Ogada [2011b] suggests that the policy vacuum in Kenya with regards compensation should be replaced with a complete ban on all privately run compensation schemes. His thesis is that there needs to be a ‘package’ of mitigation measures that would include education campaigns, community development projects and swift, precise problem animal control where necessary.

He further asserts that compensation at the scale required is simply unaffordable – something that is backed up by Hazzah, *pers comm.* and made more awkward, as she observes, by the constantly changing value of livestock which gives rise to periodic discontent amongst livestock owners

How will the schemes in question be funded over the long term?

E.g. could it be bought into any central government budget allocations; is there the potential to establish a Trust Fund; could Payment for Ecosystem Services come into play, etc.?

The Ministry of Tourism's 2007 final draft Wildlife Policy, based on a review of the current Wildlife Act states an intent to: *Establish a Wildlife Compensation Fund managed by management trustees; and, Ensure that wildlife user rights' holders contribute to the wildlife compensation fund.* However, Ogada *pers. comm.* maintains that although a trust fund might work in theory, in practice the Kenya govt. is not transparent enough to handle this. And, that money for "accidents" like HWC cannot be budgeted or planned leading to serious management problems.

The conservancy schemes will be presumably continue to be funded via external donor monies, unless the overall regulatory framework in Kenya is altered.

How will/ could the schemes in question be managed over the long term?

I.e. is there potential for it to be administered by local government, or devolved through local community structures?

Ogada *pers comm.* recounts that the Mara conservancy management has confronted problems with the level of claims that could potentially mean their scheme becoming unsustainable through the new conditionalities noted, and their ongoing development of improved livestock management techniques including housing methods and guard dogs, which may increase the sustainability of their scheme.

Do you think the schemes in question will succeed, or fail – as so many others have? [Please explain your response]

The Amboseli MPCF scheme runs the risk of collapse if it doesn't address the 'elephant' in its scheme, which is that the community's view it as a way to turn their livestock into easy cash. In Ogada's view, despite the scheme paying less than the 'market value' of livestock they don't account for the difficulty in selling livestock that can make compensation into an attractive option; and in the process are undermining a long-established Maasai tradition of effective stock protection.

The ongoing legal limbo created by the 'paper National scheme' will continue to be viewed as inadequate or irrelevant if it doesn't pay out on most of its claims, and at a level that represents a more considered value of human life; or, unless it is officially wound-up.

And, the Mara scheme, despite being potentially successful, risks contributing to the warping of community perceptions about the value of wildlife since it isn't part of a coherent wider system.

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