

*Paper laid
By the hon
on Tues, 23/10/18
@moye*

**PERFORMANCE AUDIT REPORT ON
EFFECTIVENESS OF MEASURES PUT IN PLACE
BY KENYA WILDLIFE SERVICES IN
PROTECTING WILDLIFE**



MINISTRY OF TOURISM AND WILDLIFE

JUNE 2018

Vision

Effective accountability in the management of public resources and service delivery.

Mission

Audit and report to stakeholders on the fairness, effectiveness and lawfulness in the management of public resources for the benefit of the Kenyan People.

Core Values

Independence

Integrity

Professionalism

Innovation

Team Spirit

Motto

Enhancing Accountability

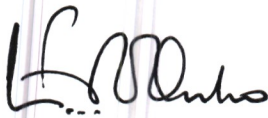
FOREWORD BY THE AUDITOR GENERAL

I have the honour to present this performance audit report which assessed the effectiveness of measures put in place by the Ministry of Tourism and Wildlife through the Kenya Wildlife Services in curbing Wildlife Insecurity in the country. My Office carried out the audit under the mandate conferred to me by the Public Audit Act, 2015 Section 36. The Act mandates the Office of the Auditor – General to examine the Economy, Efficiency and Effectiveness with which public money has been expended pursuant to Article 229 of the Constitution.

Performance, financial and continuous audits form the three pillar audit assurance framework that I have established to give focus to the varied and wide scope of the audit work done by my Office. The framework is intended to provide a high level of assurance to stakeholders that public resources are not only correctly disbursed, recorded and accounted for, but that their use results in positive impacts on the lives of all Kenyans. The main goal of performance audits is to ensure effective use of public resources and promote services delivery to Kenyans.

The audit has a natural resources and environmental management perspective on the importance of management and conservation of wildlife resources given that there has been high level of wildlife insecurity which has threatened the survival of most species. Wildlife accounts for 90% of safari tourism earnings which is the second largest sector of Kenya's economy. I am hopeful that corrective action will be taken in line with recommendations in the report. The recommendations will contribute towards the realization of the provisions of Articles 42, 69, 70 and 71 of our Constitution, which calls for better management of the environment for the benefit of all Kenyans.

The report shall be tabled in Parliament in accordance with Article 229 (7) of the Constitution. I have, as required in Section 36 (2) of the Public Audit Act, submitted the original copy of the report to Parliament. In addition, I have remitted copies of the report to the Cabinet Secretary, Ministry of Tourism and Wildlife, Principal Secretary, National Treasury, Chief Executive Officer, Kenya Wildlife Services and the Secretary, Presidential Delivery Unit.



FCPA Edward R.O. Ouko, CBS
AUDITOR – GENERAL

30 June, 2018

TABLE OF CONTENTS	
FOREWORD	i
LIST OF TABLES	iii
LIST OF FIGURES	iii
GLOSSARY OF TERMS	iv
LIST OF ABBREVIATIONS	iv
EXECUTIVE SUMMARY	v
CHAPTER 1 BACKGROUND TO THE AUDIT	1
Introduction.....	1
Motivation for the Audit.....	1
CHAPTER 2 DESIGN OF THE AUDIT	2
Audit Objective.....	2
Scope of the Audit	2
Methods Used to Gather Audit Evidence	2
Assessment Criteria.....	2
CHAPTER 3 DESCRIPTION OF THE AUDIT AREA	3
Statutory Mandates, Legislations and Regulations.....	3
Physical description of Audit Area.....	4
Process Description.....	5
Sources of funding	7
CHAPTER 4 FINDINGS OF THE AUDIT	9
Delay in the Implementation of the 2013 Wildlife Act.....	9
Non-implementation of management plans to provide security to the wildlife	9
Inadequate Prosecution capacity.....	9
Inadequate Investigation and Intelligence capacity	10
Inadequate Ranger/Area coverage	11
Surveillance & Patrolling.....	11
Stakeholder collaboration	13
Incomplete and Delayed operationalization of CWCCC.....	13
Inadequate Mechanisms to Address Human Wildlife Conflict.....	13
Insufficient Monitoring and Evaluation.....	14
Community involvement.....	14
Delays in putting up intensive protective Zones (IPZ)	14
CHAPTER 5 CONCLUSION	16
CHAPTER 6 RECOMMENDATIONS	17
ANNEXURES	19
Annexure 1: Documents reviewed and Information Obtained	19
Annexure 2: KWS Organizational Structure.....	20
Annexure 3: KWS Management Response to Audit Findings & Conclusions	21

LIST OF TABLES

Table 1: KWS Revenue	7
Table 2: KWS Expenditure	8
Table 3: Comparison between Revenue and Expenditure	8
Table 4: Management plan Status	9
Table 5: Number of animal deaths resulting from human wildlife conflict	9
Table 6: Animal deaths resulting from poaching	9
Table 7: Intelligence Staffing levels	10
Table 8: Condition of vehicles in Tsavo and Meru	12
Table 9: Repeat Poaching Offenders	12
Table 10: Unpaid compensation cases 2014-2016	13
Table 11: Number of death and Injuries 2012-2014	14

LIST OF FIGURES

Figure 1: Process description of Conservation stewardship	6
Figure 2: Process description of Human Excellence	7
Figure 3: Pending cases vs Concluded cases	10

LIST OF ABBREVIATIONS

AWF	-	African Wildlife foundation
CITES	-	Convention on International Trade in Endangered Species
CWCCC	-	County Wildlife Conservation and Compensation Committee
EIA	-	Environmental Impact Assessment
EMCA	-	Environment Management and Coordination Act
GPS	-	Global Positioning System
IFAW	-	International Fund for Animal Welfare
INTOSAI	-	International Organization of Supreme Audit Institutions
IPZ	-	Intensive protective zones
ISSAI	-	International Standards for Supreme Audit Institutions
KWS	-	Kenya Wildlife Services
LEA	-	Law enforcement academy
MIST	-	Management Information System
SEM	-	Strategy Execution Management
WGEA	-	Working Group on Environmental Audit

GLOSSARY OF TERMS

Encroachment – Unlawful entering (gradual and without permission) upon the land and property designated for wildlife

Endangered Species - Is a species which has been categorized as likely to become extinct. Endangered (EN), as categorized by the *International Union for Conservation of Nature* (IUCN) Red List, is the second most severe conservation status for wild populations in the IUCN's schema after Critically Endangered (**CR**).

Ex-situ - the preservation of components of biological diversity outside their natural habitats. This involves conservation of genetic resources, as well as wild and cultivated or species, and draws on a diverse body of techniques and facilities.

Human wildlife conflict – the interaction between wildlife and people and the resultant negative impact on people and/or their resources, or wild animals and/or their habitat.

In-situ - the on-site conservation or the conservation of genetic resources in natural populations of plant or animal species.

Wildlife Insecurity – this includes all risks to the lives and continuity of wildlife species especially through human intervention such as poaching, human wildlife conflict and destruction of habitat.

EXECUTIVE SUMMARY

INTRODUCTION

1. This is a performance audit conducted by the Office of the Auditor - General (Kenya) on the measures put in place by the Kenya Wildlife Service in protecting wildlife in Kenya. Section 36 of the Public Audit Act, 2015 mandates the Auditor - General to conduct Performance Audits and report to Parliament on the effectiveness in the use of public funds pursuant to Article 229 of the Constitution.
2. Kenya Wildlife Service (KWS) conserves and manages Kenya's wildlife for the Kenyan people and the world. KWS is a state Corporation established by an Act of Parliament, Cap. 376 with the mandate to conserve and manage wildlife in Kenya, and to enforce related laws and regulations including;
 - Stewardship of National Parks and Reserves, including security for wildlife within and outside protected areas.
 - Oversight of wildlife conservation and management outside protected areas, including those under local authorities, community and private sanctuaries;
 - Conservation, education and training.
 - Conducting and coordinating all research activities in the field of wildlife conservation and management and ensuring application of research findings in conservation planning, implementation and decision making.
 - Developing mechanisms for benefit sharing with communities living in wildlife areas.
 - Promoting and undertaking extension service programs intended to enhance wildlife conservations, education and training.
3. KWS manages about 8% of the Kenya's land mass in protected area for wildlife conservation. Protected areas are gazetted landscapes/seascapes that have been surveyed, demarcated and gazetted either as National Parks and/or National Reserves. In Kenya, protected areas embrace various types of ecosystems namely: forests, wetlands, savannah, marine, semi-arid and arid.
4. The protected areas comprises 23 National Parks; Mt. Kenya, Amboseli, South Island, Saiwa swamp, Sibiloi, Ruma, Ol Donyo Sabuk, Ndere island, Mount Longonot, Mount Elgon, Meru, Marsabit, Kora, Chyulu Hills, Central Island, Tsavo West, Lake Nakuru, Tsavo East Nairobi, Aberdares and Hells gate, 31 National Reserves, 4 marine National Parks, 6 marine National Reserves and 6 national sanctuaries.

Audit Objective

5. The audit sought to assess the effectiveness of the measures put in place by Kenya Wildlife Service in curbing wildlife insecurity

Audit Scope

6. The audit focused on wildlife conservation and management measures by the government through KWS. The audit involved a visit to the KWS headquarters and 5 national parks that included: Meru, Tsavo East, Tsavo West, Nakuru and Aberdares to obtain relevant information on wildlife security, community involvement and capacity building for wildlife security. The focus was for a period of five years from 2012 to 2016. The period was considered sufficient in order to establish the trend on wildlife security.

Methods Used to Gather Audit Evidence

7. The team conducted the audit in accordance with Performance Auditing guidelines issued by the International Organization of Supreme Audit Institutions, (INTOSAI) and Performance audit Manuals and other procedures established by Office of Auditor- General (OAG).

Summary of Audit Findings

- a) **Delay in the implementation of the 2013 Wildlife Act.**
 8. The implementation of the Act has been slow with sections such as benefits sharing, formation of county wildlife conservation committee, establishment of county wardens, establishment of wildlife endowment fund, management plans have not been effected 3 years after the Act came into force. The delay in implementation of the Act was attributed to KWS failure to put in place an implementation guideline to ensure that the Act is operational and fully implemented within a specified timeframe.
- b) **Non-implementation of management plans to provide security to the Wildlife**
 9. Most of the parks did not have management plans and those that had were outdated with the most recent one running from 2002 to 2012. These outdated management plans result in annual work plans that have failed to tackle the current challenges such as lenient penalties, poor law enforcement, conflicting policies and inadequate stakeholder's participation facing wildlife conservation as well as failing to take up the opportunities brought about by the new Act. Some of the conservation areas have drafts management plans which are not being

used since they had not gone through the whole process as required.

c) Inadequate Prosecution capacity

10. As at the time of the audit, KWS had only 3 special prosecutors for the entire country. However, only 2 were available. The management attributed this to limited resources and transfer of one prosecutor. In 2013, wildlife cases amounted to 435 against 3 prosecutors in place. The prosecutors are unable to handle all the wildlife crime cases coming in every year, therefore cases are delegated to regular police prosecutors. These regular police prosecutors are not specialized in wildlife crimes and do not fully understand the severity of the crimes.

d) Inadequate Investigation and Intelligence capacity

11. The Intelligence unit is under capacitated with only 200 officers instead of the required 368 giving a shortfall of 46%, whereas the investigation unit has 115 personnel yet needs 203 giving a deficit of 43%. Quality of personnel should be enhanced through constant training and exposure. Despite this, only 75% of the officers have undergone the basic training needed, with the rest not getting any additional form of training at all.
12. KWS security surveillance covers the entire country through overt and covert means and in liaison with other law enforcement agencies, including areas where they are not physically stationed. The department has inadequate surveillance equipment. Furthermore, the unit has no tools or technology available to use in their work and are fully dependent on human intelligence which can be highly unreliable. This is especially so since 46% of the personnel do not even have the basic training to enhance their human skills.

e) Inadequate Ranger/Area coverage

13. For effective management of wildlife as a natural resource there should be adequate ranger/area coverage. The ideal ranger coverage should be one ranger for every 6 km². Currently KWS does not have a formula or standard that determines the ranger/area coverage. KWS has a total workforce strength of 3,569 rangers for both protected and non-protected areas which is about 48,000 km². This means an individual ranger currently takes care of 14 km² in protected areas alone which is grossly inadequate. KWS has a Ranger deficit of 550 and has led to continued loss of wildlife through poaching and through the human wildlife conflict.

f) Surveillance & patrols

14. There were various challenges in carrying out

surveillance and patrols. 90% of poaching occurs at night yet the rangers are not equipped with light sensitive equipment such as thermal imagers or advanced night vision equipment to improve the capability for night operations. At Nakuru National park for example, challenges are exacerbated by the urban proximity and technologically superior poachers hence the need to update technology used in prevention of poaching. The park is entirely surrounded by an electric fence that does not always have current flow, hence compromising the security. CCTV cameras had been installed in various points along the fence to enhance surveillance.

15. Inadequate surveillance and patrols increases the risk of poaching incidents. Furthermore, the reduced rate of capturing poachers increases the probabilities of repeat poaching offenders. As at the time of audit there were 9 cases of repeat offenders.

g) Stakeholder collaboration

16. Cases of disagreements with stakeholders was reported. In Mountain conservation area, KWS was in conflict with Ol Pejeta conservancy management which led to translocation of animals from the conservancy to another conservancy. In the Eastern conservation area KWS had limited access to Lewa conservancy, contrary to the Constitution, which stipulates KWS is the custodian of Kenya's wildlife. KWS therefore is unable to monitor the conservation and management strategies of the Lewa conservancy. In Tsavo national park there was notable stakeholder collaboration.

h) Incomplete and Delayed operationalization of County Wildlife Conservation and compensation committee

17. KWS only set up 35 committees instead of 47 in November, 2015 almost 2 years after the Act coming into force. Furthermore, the 35 committees that were set up were yet to be operationalized.
18. Nobody has been compensated for either loss of life or property damage since 2013 even though compensation cases have been presented for consideration. The community has also not benefitted from the benefit sharing scheme envisioned by the Act. Due to lack of awareness, compensation and benefits sharing, the community has not fully embraced wildlife conservation and rather than being seen as a community resource, they view wildlife as KWS-owned. This has led to increased Human Wildlife Conflict (HWC) as well as opportunistic poaching.

i) Inadequate Mechanisms to Address Human Wildlife Conflict

19. Wildlife crime has been on the increase especially in the areas outside wildlife protected areas where people resort to poaching as a result of poverty, human-wildlife conflict and demand for wildlife products in the illegal market, amongst other factors. Data on deaths and injuries resulting from HWC indicate a rise in the incidences.

j) Insufficient monitoring and evaluation

20. KWS management did not provide progress and performance reports on programs such as community sensitization, endangered, vulnerable and threatened species strategies, annual work plans, monitoring of illegal elephants and Management Information System (MIST). A good Strategy Execution Management (SEM) system should provide tools for measuring performance, tracking progress of initiatives and performing in-depth analysis to determine sources of problems and opportunities for improvement. The implementation of the SEM was to be undertaken immediately but had not been done at the time of the audit. Monitoring and evaluation tools with clear objectives on tracking progress, achievements, strengths and weaknesses in anti-poaching programs were absent or could not be substantiated
21. Product Improvement and Quality Assurance (PIQA) department's staff indicated that they were unable to effectively conduct their activities in their annual work plan due to budget cuts and hence did not effectively carry out monitoring and evaluation. The organization cannot effectively evaluate their performance neither can it identify areas of weakness and strengths for overall improvement. This means problems that arise cannot be detected and addressed in good time.

k) Community Involvement

22. Community sensitization and awareness is mostly undertaken by Non-Governmental Organizations (NGOs) like African Wildlife foundation (AWF), International Fund for Animal Welfare (IFAW), Zoology Society of London (ZSL), Tsavo Trust, Red Cross and Big Life, despite this being a key responsibility for KWS mandated in the law. KWS management attribute this dependency on a limited budget. It is important that local communities are sensitized on KWS functions in order to create a good rapport with them. In many cases the community members shift their confidences from KWS to the NGO's and give information to NGO's rather than KWS yet KWS is the custodian of Kenya's wildlife. KWS cannot respond to risks in real time as they don't get adequate and timely information to combat the risks.

l) Delays in putting up intensive protective Zones (IPZ)

23. KWS was to achieve the objective of 750 black rhinos by end of 2016 from 623 in 2011 thus achieving at least 5% national growth and less than 1% man induced and disease related deaths. The last census for the rhino was done on December 2015 and there were 678 black rhinos and 444 white rhinos, totaling 1122 Rhinos. This implied that they did not meet their target of 757 black rhinos.
24. KWS has established rhino sanctuaries across the country both in the parks and in private conservancies. In Nakuru National park the entire park has been designated as a rhino sanctuary. The operations that ensure the security of the rhino therefore by default cover the entire park and the other animals in the park. The sanctuary at Tsavo East had just been completed at the time of audit but was not operational as they were waiting for translocation of the identified rhinos and an official opening. At Aberdares there was an IPZ at Solio Ranch (a private ranch within the Aberdares region) that was fully operational. At Meru National park the Rhino sanctuary was said to be operational but it was in need of a major repair as some fencing had fallen off. Delays in putting up intensive protective zones in the major National Parks leads to continuous loss of the endangered species through poaching.

Conclusion

25. The KWS security measures have not been effective in curbing wildlife insecurity as there has been continued loss of wildlife through poaching and HWC. Between 2010 and 2015 KWS lost 1,607 animals through HWC and 465 through poaching. This has been mainly because of the following:
- a) KWS has delayed in operationalizing the Wildlife Act. 2013 which has in turn affected various functions that are key to wildlife security such as formation of CWCCC, establishment of county wardens, wildlife endowment fund and management plans
 - b) The KWS has not adequately built capacity in critical departments that enhance wildlife security such as Prosecution, Intelligence and Investigation as well as Field Rangers. All the departments lack sufficient staff and many of them have only received basic training at KWS field training school in Manyani and do not possess advanced training in their line of work. The departments had no access to modern equipment that are necessary for surveillance, intelligence gathering, monitoring, evidence gathering and securing of crime scenes.

- c) KWS has not effectively involved the community in wildlife security, this is due to the lack of instituting the CWCCC which is supposed to facilitate this. HWC has increased in communities living around the parks, leading to destruction of property, loss and injury of wildlife and humans as well as opportunistic poaching.
 - d) Despite the aforementioned challenges faced by KWS, they have managed to enhance rhino security through the establishment of rhino sanctuaries in all the parks visited. The security measures put in place in these sanctuaries also offer security to the rest of the wildlife in the parks.
- 29. KWS needs to develop and put in place protocols, methodologies and tools for effective assessment and monitoring of wildlife conservation and management throughout the country to enable measurement of their performance and identify performance risks and how to mitigate them.
 - 30. KWS should give priority to formation of County Wildlife Conservation and Compensation Committee (CWCCC) in all the counties as it is responsible for carrying out critical functions and mandate of the service. It is key in bringing together all relevant stakeholders within the county, develop and implement, in collaboration with community wildlife associations, mechanisms for mitigation of human wildlife conflict.

Recommendations

- 26. KWS should put in place an implementation structure and guidelines with timelines on when various sections are to be operationalized, what should be done and assign responsibilities.
- 27. KWS should develop innovative and proven ways of securing animals e.g. by electronic tagging of endangered species, tagging of tusks and rhino horns, staining of tusks to render them impractical for the market among other methods.
- 28. KWS should develop a ranger/area coverage standard to guide on recruitment and deployment in order to enhance wildlife security, enhance advanced trainings relevant to the different departments as well as acquire modern equipment that enhances security operations in the parks.
- 31. The conservation areas should draw up and gazette management plans that are up to date, relevant and address current wildlife security issues.
- 32. KWS should open the migratory paths for animals so as to reduce the human wildlife conflict.

Chapter 1

1.0 BACKGROUND TO THE AUDIT

Introduction

- 1.1 The Kenya Wildlife Service (KWS) is a State Corporation established under Cap 376, Laws of Kenya, with the mandate to conserve and manage wildlife in Kenya, and to enforce related laws and regulations.
- 1.2 In the past, Kenya experienced high levels of wildlife insecurity which threatened the survival of most species. The period before the establishment of the Kenya Wildlife Service (KWS) in 1989 was characterized by massive poaching, insecurity in the parks, inefficiency and low morale within the Game Department of the Ministry, the precursor to KWS. This was partly attributed to inadequate support in conservation and managing Kenya's wildlife. In response to those challenges, a dedicated and disciplined KWS was created. This has brought about a considerable improvement in wildlife security and helped to stabilize the wildlife and tourism sectors.
- 1.3 The Sessional Paper No.10 of 2012 on Kenya Vision 2030 recognizes that Wildlife accounts for 90% of safari tourism and 75% of total tourism earnings. The main challenges in wildlife conservation are: poaching; human-wildlife conflicts; habitat destruction; and, changes in land use patterns. The challenges are further compounded by incomplete information on wildlife census and species dynamics. These factors are aggravated by reduction in dispersal areas and blockage of migration corridors for areas bordering parks. Continued reduction in wildlife and critical habitats can undermine sustained growth in the tourism sector and reduce competitiveness with other countries.

Motivation for the Audit

- 1.4 The following factors motivated the Auditor-General in carrying out the audit:

- a) Tourism industry is the second largest sector of Kenya's economy, accounting for 21 per cent of total foreign exchange earnings and 12 per cent of Gross Domestic Product (GDP) making it significant for the country's growth and development. Wildlife forms the backbone of Kenya's tourism industry, accounting for 90 per cent of safari tourism and about 75 per cent of total tourist earnings.
- b) Wildlife insecurity has been highlighted as a persistent problem in both international and local media as well as conservation groups and affected community groups. The issue has been documented severally in two of the largest newspapers in the country in the year 2014-17 i.e. the standard (16th August, 2016) and the Daily Nation (4th March, 2017), as well as international ones such as Reuters (5th June, 2014) and the telegraph.
- c) Frequent incidences of Elephant and Rhino poaching have led to poaching being declared a national disaster and a threat to achieving sustainable biodiversity goal as outlined in Kenya Vision 2030 development programme.
- d) The negative impact of Human wildlife conflicts on humans and their property as well as animals and their habitat motivates the Office to seek solutions to mitigating these impacts.
- e) Kenya is a signatory to CITES Convention, with the responsibility of abiding by these internationally agreed rules that regulate the import, export and transshipment of protected flora and fauna.

CHAPTER 2

DESIGN OF THE AUDIT

Audit Objective

2.1 The audit objective was to “assess the effectiveness of the measures put in place by Kenya Wildlife Service in curbing wildlife insecurity”.

Scope of the Audit

2.2 The audit focused on wildlife conservation and management measures by the government through KWS. The audit involved a visit to the KWS headquarters and 5 national parks of : Meru, Tsavo East, Tsavo West, Nakuru and Aberdares to obtain relevant information on wildlife security, community involvement and capacity building for wildlife security. The focus was for a period of five years from 2012 to 2016. The period was considered sufficient in order to establish the trend on wildlife security.

Methods Used to Gather Audit Evidence

2.3 The audit was conducted in accordance with Performance Auditing guidelines issued by the International Organization of Supreme Audit Institutions, (INTOSAI), and Performance audit Manuals and other procedures established by Office of Auditor- General (OAG). The audit evidence was gathered through documentary review, interviews and observation. The list of documents reviewed and information obtained from the documents is as shown in **Annexure 1**.

Assessment Criteria

2.4 The assessment criteria used is as follows:

- a) Kenya, as a signatory of CITES is obligated to follow these internationally agreed rules that regulate the import, export and transshipment of protected flora and fauna.
- b) The Fourth Schedule of the Constitution of Kenya Part 1 22(b) mandates the national government with the protection of the environment and natural resources with a view to establishing a durable and sustainable system of development, including, in particular protection of animals and wildlife.
- c) Wildlife Conservation and Management Act of 2013 stipulates that KWS shall:
 - i. Conserve and manage national parks, wildlife conservation areas and sanctuaries under its jurisdiction;
 - ii. Provide security for wildlife in national parks, wildlife conservation areas and sanctuaries;
 - iii. Set up a county wildlife conservation committee in respect of each county;
 - iv. Undertake and conduct enforcement activities such as anti-poaching operations, wildlife protection, intelligence gathering, investigations and other enforcement activities for the effective carrying out of their mandate.

CHAPTER 3

DESCRIPTION OF THE AUDIT AREA

Statutory Mandates, Legislations and Regulations

Wildlife Conservation Act, 2013

3.1 An Act of parliament that provides for the protection, conservation, sustainable use and management of wildlife in Kenya for connected purposes. The Act applies to all wildlife resources on public, community and private land and Kenya territorial waters. The Act came into force on January 10th 2014. The law was aimed at improving the protection, conservation, sustainable use and management of the country's wildlife resources.

3.2 The law was drafted with a view to addressing the loss of wildlife which had exacerbated despite high profile conservation efforts, by various institutions. This loss in wildlife resources was attributed in varying proportions to a combination of policy, institutional and market failures. This new law provides for restructured governance of wildlife resources by separating the regulation and management functions from those of research. Furthermore, new structures such as the County Wildlife Conservation and Compensation Committee (CWCCC) have been established at the County level in accordance with the schedule IV of the Constitution of Kenya 2010. The Act also sets out important principles that include:

- a) Effective public participation in the management of wildlife resources, thereby setting a basis for the strengthening of community based natural resources management.
- b) Use of the ecosystem approach in the management of wildlife
- c) Equitable sharing of benefits accruing from wildlife resources by Kenyans
- d) Sustainable utilization

3.3 Penalties for wildlife crime have been significantly increased from the old Act as outlined below:

- a) Dealing in trophies or keeping trophies of wildlife (other than endangered species) - a fine of Kshs 1 million or imprisonment for 5 years (Section 95)
- b) Hunting of wildlife for subsistence (other than endangered species) – a fine of Ksh 30,000 or imprisonment for six months (Section 97)

- c) Hunting for bush-meat trade, in possession of or dealing in meat of wildlife (other than endangered species) – fine of KSh 200,000 or imprisonment for one year (Section 98)
- d) Sport-hunting of critically endangered species and elephants (Schedule 6 & 9) – Ksh 20 million or imprisonment for life (section 96)
- e) other endangered and vulnerable animals (Schedule 6 & 9) – Ksh 5 million or imprisonment for 5 years
- f) all other mammals and birds (Schedule 9) - Ksh 1 million or imprisonment for 2 years

3.4 Offences with respect to National Parks or Reserves which carry penalties (fines or imprisonment) include, being in possession of a firearm or traditional weapon, entering with livestock without authorization (Section 102).

Environmental Management and Coordination Act 1999

3.5 The Act provides for the legal and administrative co-ordination of the diverse sectoral initiatives, including management and conservation of wildlife so as to improve the national capacity for the management of biodiversity and the environment in general. The Authority shall, in consultation with the relevant lead agencies, prescribe measures adequate to ensure the conservation of biological resources in-situ and in this regard shall issue guidelines for:

- a) Land use methods that are compatible with conservation of biological diversity;
- b) The selection and management of protected areas so as to promote the conservation of the various terrestrial and aquatic ecosystems under the jurisdiction of Kenya;
- c) Selection and management of buffer zones near protected areas;
- d) Special arrangements for the protection of species, ecosystems and habitats threatened with extinction

3.6 The Authority shall, in consultation with the relevant lead agencies—

- a) Prescribe measures for the conservation of biological resources ex-situ especially for those species threatened with extinction;
- b) Ensure that species threatened with extinction which are conserved ex-situ are re- introduced into their native habitats and ecosystems

where: —

- i. The threat to the species has been terminated; or
- ii. A viable population of the threatened species has been achieved.

Wildlife Policy 2011

3.7 The Policy provides a framework for conserving, in perpetuity, Kenya's rich diversity of species, habitats and ecosystems for the well-being and benefit of its people and the global community. The Objectives and Priorities are to:

- a) Conserve Kenya's wildlife resources as a national heritage.
- b) Provide legal and institutional framework for wildlife conservation and management throughout the country.
- c) Conserve and maintain viable and representative wildlife populations in Kenya.
- d) Develop protocols methodologies and tools for effective assessment and monitoring of wildlife conservation and management throughout the country.
- e) Promote partnerships, incentives and benefit sharing to enhance wildlife conservation and management.
- f) Promote positive attitudes towards wildlife and wildlife conservation and Management

Physical description of Audit Area

Kenya Wildlife Service (KWS)

3.8 The Kenya Wildlife Service (KWS) conserves and manages Kenya's wildlife for the Kenyan people and the world. It is a State Corporation established by an Act of Parliament Cap 376 with the mandate to conserve and manage wildlife in Kenya, and to enforce related laws and regulations. Functions, broad objectives and initiatives of KWS include:

- a) Stewardship of National Parks and Reserves, this includes security for wildlife within and outside protected areas;
- b) Oversight of wildlife conservation and management outside protected areas, including those under local authorities, community and private sanctuaries;
- c) Conservation education and training;

- d) Conduct and co-ordinate, all research activities in the field of wildlife conservation and management and ensure application of research findings in conservation planning, implementation and decision making;
- e) Develop mechanisms for benefit sharing with communities living in wildlife areas;
- f) To promote and undertake extension service programs intended to enhance wildlife conservations education and training.

3.9 KWS manages about 8% of the Kenya's land mass in protected area for wildlife conservation. Protected areas are gazetted landscapes/seascapes that have been surveyed, demarcated and gazetted either as National Parks and/or National Reserves. In Kenya, protected areas embrace various types of ecosystems namely: forests, wetlands, savannah, marine, semi-arid and arid. The protected areas comprise of 23 National Parks which are Mt. Kenya, Amboseli, South Island, Saiwa swamp, Sibiloi, Ruma, Ol Donyo Sabuk, Ndere island, Mount Longonot, Mount Elgon, Meru, Marsabit, Kora, Chyulu Hills, Central Island, Tsavo West, Lake Nakuru, Tsavo East Nairobi, Aberdares and Hells gate, 31 National Reserves, 4 marine National Parks, 6 marine National Reserves and 6 national sanctuaries see **appendix II**.

3.10 In addition, KWS manages over a hundred field stations/ outposts outside the protected areas. As noted above protected areas in Kenya are categorized either as parks or reserves. The distinction between the two categories is: in parks there is complete protection of natural resources and the only activities allowed are tourism and research. On the other hand, in reserves, human activities are allowed under specific conditions. These activities are for instance fishing in marine reserves or firewood collection in terrestrial reserves.

3.11 In Kenya most of the wildlife is found outside Protected Areas, because the majority of protected areas are not fully fenced, and hence wildlife moves in and out of these areas in search of pasture and water. When they leave protected areas, they interact with people on private and community land causing human wildlife conflict. This therefore requires that KWS undertakes a strategic partnership with communities living in wildlife areas.

KWS Vision & Mission

3.12 The vision of KWS is "To save the last great species and places on earth for humanity". The

mission is to sustainably conserve, manage, and enhance Kenya's wildlife, its habitats, and provide a wide range of public uses in collaboration with stakeholders for posterity"

Organizational structure

- 3.13 KWS Parks, Reserves and stations operations are at two levels; KWS Headquarters in Nairobi and at the field level.

KWS headquarters

- 3.14 The main roles at this level are to: advise, facilitate and coordinate activities in the field. Functions at the Headquarters are organized into Divisions. The management of parks, reserves and stations falls under the Wildlife & Community Service division

Wildlife & Community Service Division

- 3.15 The goal of the division is to enhance wildlife conservation & management inside and outside protected areas in partnership with communities & stakeholders through a skilled & equipped workforce. The organization is comprised of both uniformed and non-uniformed personnel. Anti-poaching unit consists mainly of the uniformed personnel of which there are 633 and are distributed along different departments including wildlife protection, intelligence, Investigation, Canine unit, major crime and prosecution. The organization structure can be found in **Annexure 2**. In the Conservation areas, field units are stationed inside the parks in order to effectively carry out patrols. These are referred to as platoons and are trained in weapon handling, have arresting powers, tracking, first aid, crime scene handling etc. that is essential for the field.

Departments in the division

- 3.16 The following are departments in the division
- Parks & Reserves department- conservation and management of wildlife in protected areas
 - Community Wildlife Service department- conservation and management of wildlife outside protected areas
 - Conservation Education department- public awareness and education
 - Regulatory & Compliance Affairs department- regulation of the wildlife industry;
 - Community Enterprise Department – establishment and management of economically viable wildlife based enterprises

Conservation Areas

- 3.17 To ensure the effective management of all the protected areas spread all over the country, Kenya Wildlife service has decentralized authority, resources and activities by creating eight conservation areas of; Western, Mountain, Tsavo, Southern, Coast, Central Rift, Northern and Eastern.

- 3.18 Each of the areas is headed by an Assistant Director, with several parks and reserves headed by wardens reporting to the Assistant Directors. Area strategy aims at:

- Enhancing devolution of activities and resources,
- Enhancing KWS's presence country wide,
- Increasing KWS influence beyond protected areas,
- Improved collaboration with communities and stakeholders
- Increased management efficiency and effectiveness

Process Description

- 3.19 For KWS to successfully undertake their wildlife conservation mandate they have come up with three priority areas which are:

- Conservation stewardship
- Peoples excellence
- Collaborative partnership

Conservation Stewardship

- 3.20 To achieve conservation stewardship, KWS operations are divided into two:

- Species management
- Biodiversity, research and monitoring.

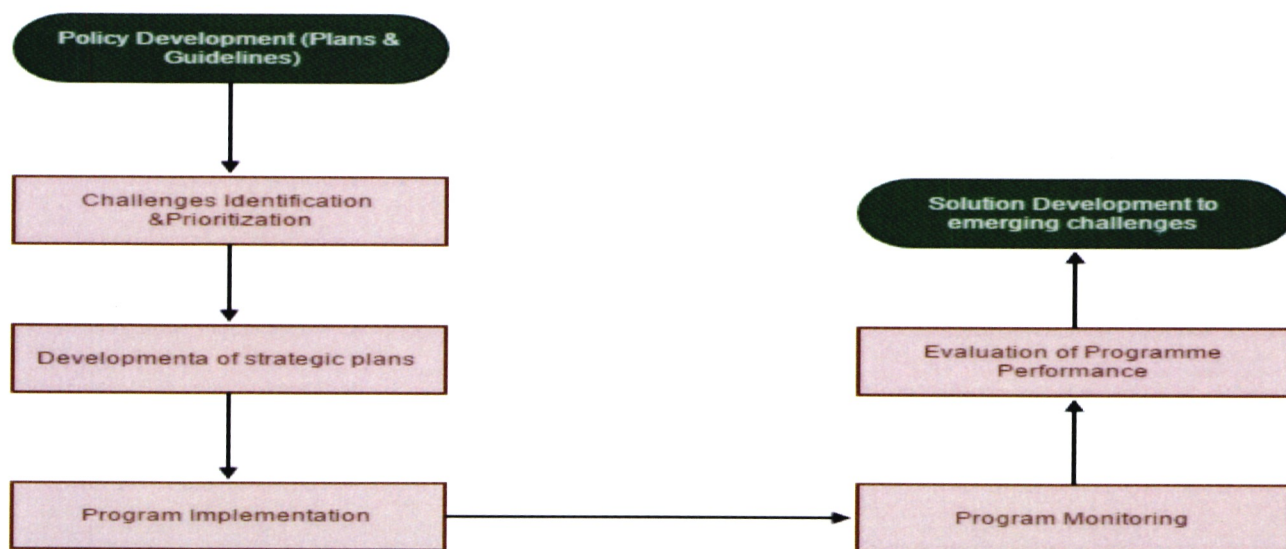
i. Species management.

- 3.21 The overall objective is to:

- Spearhead the conservation and management program of wildlife.
- Coordinate the recovery efforts of endangered wildlife species.
- Influence policies and decisions on conservation and management of internationally shared species and populations.

3.22 In order to fulfill their core mandate of conservation stewardship KWS undertakes various steps which include Policy development which involves drawing up of plans and guidelines, identification and prioritization of challenges, development of strategic plans, Implementation of plans through programs, monitoring of these programs, evaluation of program performance and development of solutions to any emerging challenges. The process is presented in a **Figure 1**.

Figure 1: Process description of Conservation stewardship



ii. Biodiversity, Research and Monitoring

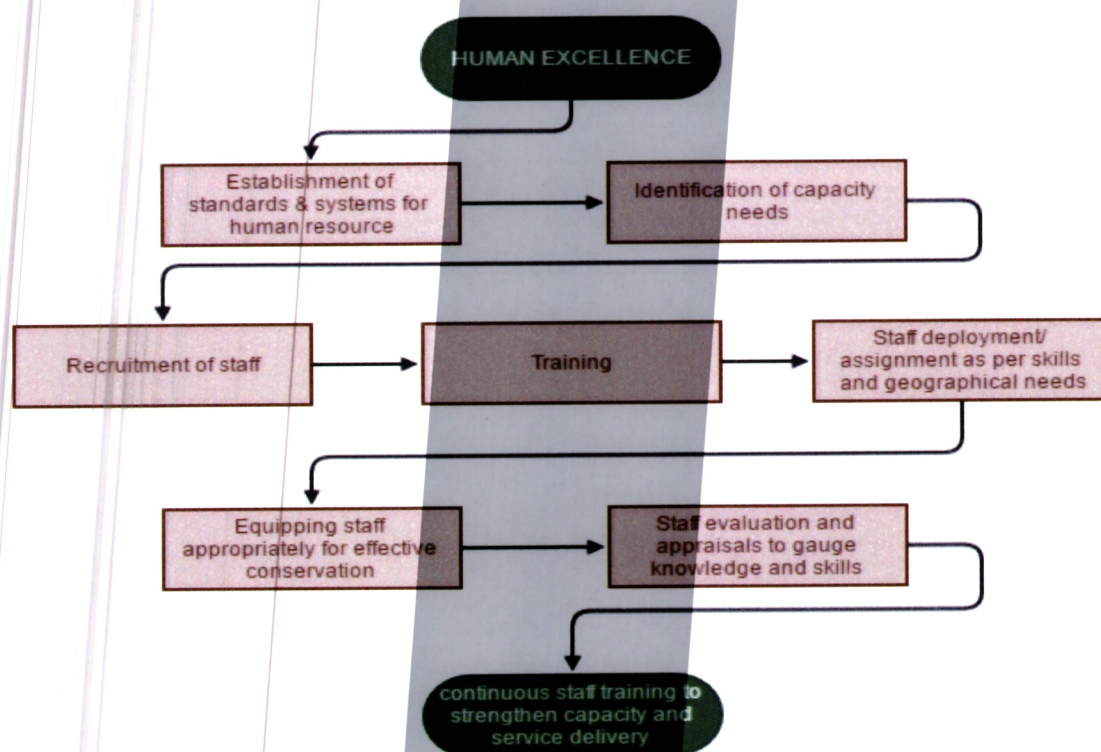
3.23 The Department conducts all research activities in the field of wildlife conservation and application of the research findings. Conservation planning, implementation and decision making are achieved by:

- Coordinating the preparation and implementation of ecosystem plans.
- Preparing and implementing national park management plans.
- Assisting and advising in the preparation of management plans for community and private wildlife conservancies and sanctuaries.
- Administering and coordinating international protocols, conventions and treaties regarding wildlife in all its aspects in consultation with the Cabinet Secretary responsible for wildlife conservation.

Human excellence

3.24 KWS establishes standards and systems that support human resource capacity. This is in certifications, service delivery, collection systems, ICT, remuneration, security, research, park management and training. After recruitment the staff equipped with up to date knowledge and skills on conservation both on and off field. Deployment and assignment of the staff is done according to skill, geographical need and wildlife insecurity threat levels. Appropriate and modern equipment should then be assigned to the employees for effectiveness in wildlife conservation. Evaluation and appraisal of the staff is done to gauge relevant knowledge and skill application in their work stations. Continuous training is done to strengthen capacity and improve service delivery in conservation. The process of human excellence is as shown in **Figure 2**.

Figure 2: Process description of Human Excellence



Collaborative partnerships

3.25 Since wildlife conservation and management can only be achieved with support of other stakeholders, KWS enhances partnerships with customers and stakeholders such as the National Government. The County Government, the Kenya Police, The Criminal Investigation Department, other Ministries, Donors, Corporate Entities, International NGOs etc. through initiatives such as capacity-building of communities and stakeholders, management of human-wildlife conflict, evaluation of impact of Corporate Social Citizenship, organization of the wildlife industry and development of mechanisms for benefit sharing with communities living in wildlife areas. Communities are also engaged in the participation of the development of management plans in various conservancies at the grass root level.

Sources of funding

Funding for anti-poaching

3.26 The operations of conservation and management activities are financed from the revenues received by KWS from park entry fees, boarding charges, interest etc. and government grants, and from donor funding. KWS revenues have been on the decline since 2012 due to low tourism performance that has been greatly affected by insecurity. To address the shortfall, the government has supplemented by providing grants which has seen a continuous rise in total revenue in all the years as shown in Table 1. KWS expenditure for the period 2012 to 2015 is as shown in Table 2 while the comparison between revenue and expenditure for this period is as shown in Table 3.

Table 1: KWS Revenue

Year	Revenue		Grants		Total Kshs (000)
	Amount Kshs (000)	%	Amount Kshs (000)	%	
2011	4,129,874	75.8	1,321,123	24.2	5,450,997
2012	4,775,116	70.9	1,959,714	29.1	6,734,830
2013	4,361,913	65.3	2,313,873	34.7	6,675,786
2014	4,063,075	63.6	2,329,146	36.4	6,392,221
2015	2,910,987	42.0	4,025,579	58.0	6,936,566

Table 2: KWS Expenditure

Year	Salaries & allowances Kshs (000)	Operating & Maintenance Kshs (000)	Depreciation Kshs (000)	Community Services Kshs (000)	Training & Development Kshs (000)	Auditor fees Kshs (000)
2011	2,468,684	2,721,173	374,470	85,550	207,104	3,543
2012	2,755,276	2,951,778	432,991	122,557	197,268	3,543
2013	3,309,959	2,750,934	470,414	139,204	150,955	5,000
2014	3,644,655	2,565,112	490,663	133,177	97,806	7,060
2015	3,757,268	2,730,209	429,815	93,185	146,783	840

OAG Analysis of KWS Financial Statements

The expenditure of KWS exceeds the revenue in all the 5 years except in the year 2012 as indicated in the analysis below causing a deficit. The items are as shown below, indicating that recurrent items consume most of the revenue with salaries and allowances carrying the bulk of it.

Table 3: Comparison between Revenue and Expenditure

Year	Revenue Kshs (000)	Expenditure Kshs (000)	Surplus/(Deficit) Kshs (000)
2011	5,450,997	5,860,524	-409,527
2012	6,734,830	6,463,413	271,417
2013	6,675,786	6,826,466	-150,680
2014	6,392,221	6,938,473	-546,252
2015	6,936,566	7,158,10	-221,534

OAG Analysis of KWS Financial Statements

CHAPTER 4

FINDINGS OF THE AUDIT

Delay in the Implementation of the 2013 Wildlife Act

- 4.1 The legal framework tool used by KWS is the Wildlife Conservation and Management Act, 2013 that came into force on 10th January 2014. The Act includes subsidiary regulations that guide its implementation in areas such as Wildlife Research, Access, Incentives and Benefit Sharing and Wildlife Security Operations.
- 4.2 Interviews with management indicate that despite the Act resulting in the repeal of the previous Act, the implementation of the new Act has been slow with sections such as benefits sharing, formation of county wildlife conservation committee, establishment of county wardens, establishment of wildlife endowment fund, management plans have not been effected 3 years after the Act coming into force. The delay in implementation of the Act was attributed to KWS failure to put in place an implementation guideline to ensure that the Act is operational and fully implemented within a specified timeframe. The effects of this delay is further discussed in the findings below.

Non-implementation of management plans to provide security to the wildlife

- 4.3 According to the wildlife Conservation and Management Act, 2013, KWS is supposed to provide security to the wildlife in National parks, conservation areas and sanctuaries through preparations and implementations of management plans. The management plans contain goals, objectives, strategies, management issues and concerns that guide the ecosystem for the duration of the plan. The audit established that most of the parks did not have management plans and those that had they were outdated with the most recent one running from 2002 to 2012 as shown in **Table 4**. These outdated management plans result in annual work plans that have failed to tackle the current challenges facing wildlife conservation e.g. lenient penalties, poor law enforcement, conflicting policies and inadequate stakeholder's participation and general lack of specific sectoral management plans as well as failing to take up the opportunities brought about by the Act.

Table 4: Management plan Status

PARK	MANAGEMENT PLAN	STATUS
Tsavo	2008-2018	Not gazzeted
Nakuru	20012-2012	Outdated
Meru	Not available	
Aberdares	2002-2012 & 2010-2020	Outdated & Not gazzeted

OAG Analysis of KWS data

- 4.4 Some of the conservation areas have drafts management plans which were not been used since they had not gone through the whole process as required such as Aberdares Management Plan (2010-2020), Tsavo Management Plan (2008-2018) that have been approved by the director but have not been gazzetted. These management plans have not been reviewed as required by the Act part (iv) 19e. This has continued the risk of the wildlife's vulnerability to insecurity as is shown by continued loss of wildlife to HWC and poaching in **Table 5** and **6**.

Table 5: Number of animal deaths resulting from human wildlife conflict

Animals	2010	2011	2012	2013	2014	2015	Total
Elephants	187	289	384	302	164	96	1,422
Lions	0	3	3	1	0	3	10
Total	208	318	414	361	199	107	1,607

Table 6: Animal deaths resulting from poaching

Animals	2010	2011	2012	2013	2014	2015	Total
Buffalos	9	14	8	11	10	18	70
Elephants	47	64	69	34	58	64	336
Leopards	0	0	2	2	0	1	5
Giraffes	3	2	1	1	1	1	9
Hippos	3	11	2	9	1	6	32
Elands	0	1	0	1	0	1	3
Rhinos	21	29	30	59	35	11	185
Total	62	95	85	59	70	94	465

Source: OAG Analysis of KWS data

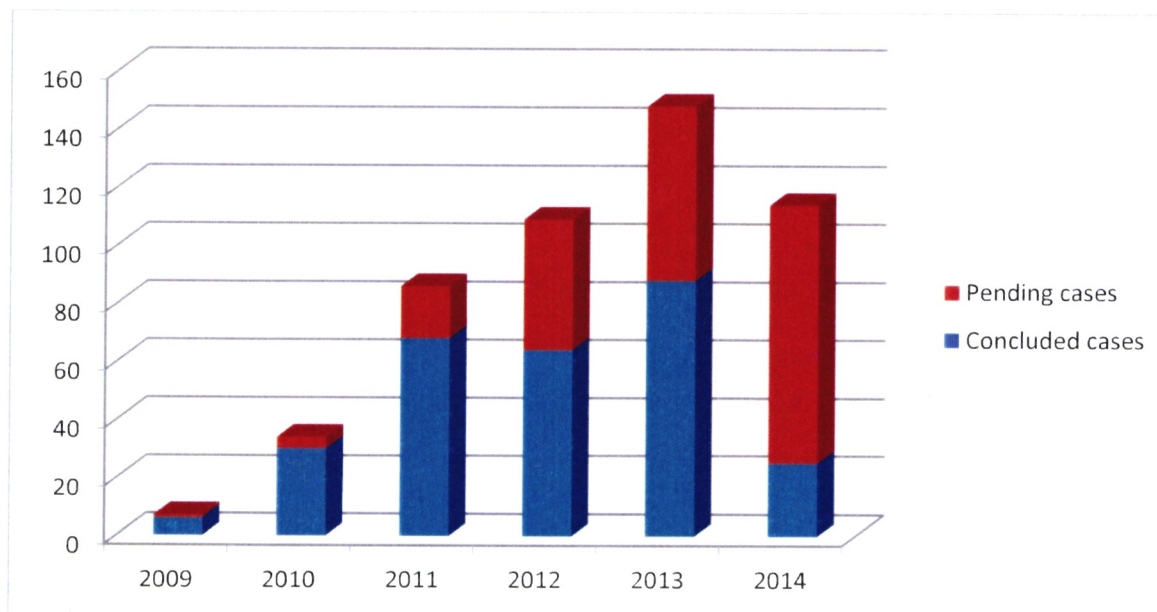
Inadequate Prosecution capacity

- 4.5 According to Section 107(1), of the wildlife Act, 2013 the Director of Public Prosecutions may designate special prosecutors to prosecute wildlife offences. The audit established that KWS had only employed 3 special prosecutors for the entire country after the implementation of the Act but only had 2 at the

time of audit. This was due to limited resources and transfer of one prosecutor.

4.6 In 2013, there were 435 wildlife cases against 3 prosecutors in place. The limited number of prosecutors are unable to handle all the wildlife crime cases which are then delegated to regular police prosecutors. According to interviews with the KWS prosecutor, these prosecutors are not specialized in wildlife crimes and do not fully understand the severity of the crimes. Furthermore, they have other regular crimes that may be deemed more urgent and important such as criminal cases which take precedence over wildlife crimes. This has led to delay in prosecution of wildlife cases, lost cases due to insufficient evidence. **Figure 3**, shows the concluded cases against the pending ones in the following calendar years.

Figure 3: Pending cases vs Concluded cases



Source: OAG Analysis of KWS data

Inadequate Investigation and Intelligence capacity

4.7 According to Section 7(k) of the wildlife Act. 2013, KWS should undertake and conduct enforcement activities such as intelligence gathering, investigations and other enforcement activities for the effective carrying out of the provisions of the Act. The intelligence and investigation work hand in hand to gather information on security risks to the parks in particular poaching. The audit revealed that the unit is under capacitated with only 200 officers instead of the required 368 giving a shortfall of 46%, as shown in **Table 7**, whereas the investigation unit has 115 personnel yet needs 203 giving a deficit of 43%. Interviews with KWS management attribute this to inadequate resources.

Table 7: Intelligence Staffing levels

S/No.	Cadre	Current	Establishment/ Requirement	Shortfall
	Officers	43	45	2
	Intelligence Assistants (NCOs)	60	123	63
	Intelligence Operators (Rangers)	97	200	103
Total		200	368	168

Source: OAG Analysis of KWS staff establishment

4.8 According to interviews with KWS management the effectiveness of an intelligence network is very much dependent on the caliber of its personnel. The quality of the personnel should be enhanced through constant training and exposure despite, this only 75% of the officers have undergone the basic intelligence training needed, with the rest not getting any form of intelligence training at all. According to interviews with KWS management and document review, training is planned and budgeted for, but these are not carried out due to

inadequate funding.

4.9 The audit shows that less than 25% officers have had access to training in advanced courses in intelligence and investigation. For example, in Nakuru, in the intelligence and investigation unit only one officer had been trained in handling scenes of crime. In Tsavo the management have had to engage professionals from National Museum of Kenya to deal with crime investigation due to the incapacity of their rangers.

4.10 KWS security surveillance covers the entire country through overt and covert means and in liaison with other law enforcement agencies, including areas where they are not physically stationed. The department has inadequate surveillance equipment. Furthermore, the unit has no tools or technology available to use in their work and are fully dependent on human intelligence which can be highly unreliable. This is especially so since 46% of the personnel do not even have the basic training to enhance their human skills. For example, in Nakuru, interviews revealed that the investigation unit has only one investigator tool box whose contents need constant replenishment. The audit found that most items were lacking at the time of the audit. The toolbox has almost 100 items and needs a regular budget to sustain it yet this has not been availed. The unit relies on regular police in their line of work as the unit has inadequate capacity and resources. This slows down their work as the regular police prioritize other crimes over wildlife crimes.

Inadequate Ranger/Area coverage

4.11 For effective management of wildlife as a natural resource there should be adequate ranger/area coverage. According to the interviews with the management of KWS, the ideal ranger coverage should be one ranger for every 6 km². The audit team was informed that the rangers are deployed to various areas such as;

- Wildlife protection – securing wildlife through patrols, observation points
- Intelligence – collect and collate intelligence
- Investigation – Handling wildlife crime, arrests and prosecution
- Problem animal Control – Handle human wildlife issues
- Tourism – Providing security to visitor facilities and tourists
- General Duties – Providing escorts and safety of Service assets

4.12 The ranger deployment in the Service is determined and based on the prevailing threats at that period and tend to be dynamic in nature rather than the physical distance of the land /protected area. The audit found that most of the conservation efforts by KWS are labour intensive with rangers having to physically manage the parks and use of air patrol to supplement. Currently KWS does not have a formula or standard that determines the ranger/area coverage. KWS has a total workforce strength of 3,569 rangers for both protected and non-protected areas which is about 48,000km² that means an individual ranger currently takes care of 14 km² in protected areas alone which is grossly inadequate. Through interviews the team was informed that the ranger deficit currently stands at 550 rangers. Inadequate ranger coverage has led to continued loss of wildlife through poaching and human wildlife conflict.

Surveillance & Patrolling

4.13 According to Section 7(k) of the Wildlife Act 2013, KWS should undertake and conduct enforcement activities such as anti-poaching operations, wildlife protection and other enforcement activities for the effective carrying out of the provisions of this Act. To achieve the above function KWS rangers conduct high profile foot, vehicle and aerial patrols as well as installing surveillance equipment and procedures.

4.14 Interviews with KWS staff in conservation areas visited indicate that there were various challenges to carrying out surveillance and patrols. For example in Nakuru aerial patrols have been halted for more than a year because the park no longer has its own aircraft. Aerial patrols are dependent on availability of a pilot and aircraft from other parks. In Tsavo East and Meru many of the cars are unserviceable as shown in the **Table 8**:

Table 8: Condition of vehicles in Tsavo and Meru

National Park	Type of Vehicle	No. of Vehicles	Serviceable	Unserviceable
Meru National Park	TYT LC P/UP	20	15	5
	TYT H/TOP	3	3	0
	D/CABS	8	4	4
	SALOON	3	1	2
	LORRY LIGHT	2	0	2
	LORRY HEAVY	2	2	0
	BUS 62 PAX	1	1	0
	Sub total	39	18	13
Tsavo National Park	All Vehicles	53	34	17
	TOTAL	92	52	30

Source: OAG Analysis

- 4.15 Interviews with rangers indicate that 90% of poaching occurs at night yet the rangers are not equipped with light sensitive equipment such as thermal imagers or advanced night vision equipment to Improve the capability for night operations. Interviews with Nakuru National Park management reveal that challenges in the park are exacerbated by the urban proximity and technologically superior poachers hence the need to update technology used in prevention of poaching. The park is fully fenced with an electric fence that does not always have current flow, hence compromising the security it could offer. CCTV camera had been installed in various points along the fence to enhance visibility however physical verification revealed that it has blind spots and at the time of audit several of the cameras were not transmitting data due to technological inadequacies.
- 4.16 In Tsavo and Meru parks, the vastness of the parks hindered timely and effective patrols due to limited number of rangers and vehicles. Equipment such as cameras, trip alarms and drones would help in securing the park. In Nakuru the required number of night vision googles is 50 yet the park only has 21, accounting for less than half the required number.
- 4.17 Inadequate surveillance and patrols increase the risk of successful poaching incidents, leading to continued loss of wildlife. Furthermore, the reduced rate of capturing poachers increases the probabilities of repeat poaching offenders. As at the time of audit there were 9 cases of repeat offenders as shown in **Table 9**:

Table 9: Repeat Poaching Offenders

R e p e a t offender	Number of Cases	Law court	Offence
Offender	3	Nanyuki Nakuru Kibera	Dealing in rhino horns and elephant tusks
Offender	2	Milimani	Dealing in rhino horns and elephant tusks
Offender	2	Kibera	Dealing in rhino horns and elephant tusks
Offender	2	Isiolo Kibera	Dealing in elephant tusks
Offender	2	Wundanyi	Dealing in elephant tusks
Offender	2	Voi	Dealing in elephant tusks
Offender	2	Voi	Dikdik carcass
Offender	2	Kibera	Dealing in elephant tusks

Source: OAG Analysis

Stakeholder collaboration

4.18 According to the KWS strategic plan for 2012-2017, KWS was supposed to enhance collaboration with stakeholders so as to embrace wildlife conservation. The audit established that there were various issues in achieving this collaboration. In Mountain conservation area, KWS was in conflict with Ol Pejeta management conservancy, which led to translocation of animals from the conservancy to another conservancy. In the Eastern conservation area, the audit found out that KWS had limited access to Lewa conservancy. This was contrary to the Constitution which stipulates that KWS is the custodian of Kenya's wildlife. KWS therefore is unable to monitor the conservation and management strategies of the Lewa conservancy.

4.19 However, in Tsavo national park there was notable stakeholder collaboration as described below: The Tsavo conservation area was working with stakeholders like David Sheldrick Trust (DST), African Wildlife Foundation (AWF), World Wide Fund, International Fund for Animal Welfare (IFAW) Big Life, Zoological Society of London, Maasai Wildlife Conservation Trust, Tsavo Trust, Save the Elephants International, Eden Trust and the ranch owners.

4.20 Interviews indicate that stakeholders assisted KWS mainly with fuel for their operations, wildlife conservation awareness, veterinary issues, collaring elephants, wildlife corridor protection, de-snaring activities, data collection, rhino monitoring, aerial reconnaissance, compensation through local based compensation program and sensitization of the Wildlife Act 2013.

4.21 According to the wildlife Act. 2013, section 19d, KWS through the CWCCC should bring together all relevant stakeholders within the county to harness their participation in the planning and implementation of projects and programs related to protection, conservation and management of wildlife in the county. However, these activities were organized and coordinated by the stakeholders. KWS was not in full control of what the stakeholders were doing as it had been left at the discretion of the stakeholders to undertake activities of their choice.

Incomplete and Delayed operationalization of County Wildlife Conservation and Compensation Committee

4.22 According to Section 7(c) of Part II in the Act, KWS shall set up a County Wildlife Conservation and Compensation Committee (CWCC) in respect to each county. The CWCC committee was supposed

to bring the community on board in wildlife conservation through engagement, awareness, coordination, mitigation of Human Wildlife Conflict (HWC), compensation and benefit sharing. Review of document indicates that KWS only set up 35 committees instead of 47 in November, 2015 almost 2 years after the Act came into force. Furthermore, the 35 committees that were set up were yet to be operationalized.

4.23 Interviews with Assistant Directors revealed that nobody has of yet been compensated for either loss of life or property damage since 2013, the cases for compensation presented for consideration are presented in **Table 10**. The community has also not benefitted from the benefit sharing scheme envisioned by the Act. Due to lack of awareness, compensation and benefits sharing the community has not fully embraced wildlife conservation and rather than being seen as a community resource, they view wildlife as KWS owned. This has led to increased human wildlife conflict (HWC) as well as opportunistic poachers who move in to take the ivory when elephants are killed. This is especially common in Eastern Conservation Area.

Table 10: Unpaid compensation cases 2014-2016

Type of case	Number Cases	Cost of Compensation in ksh.
Human Injury	2,029	990,188,000
Human Death	274	1,245,200,000
Total	2,303	2,235,388,000

Source: OAG Analysis

Inadequate Mechanisms to Address Human Wildlife Conflict

4.24 According to the wildlife Act. 2013 Section 19(h), KWS through CWCC committee shall develop and implement, in collaboration with community wildlife associations, mechanisms for mitigation of human wildlife conflict. According to Kenya National Action Plan on wildlife conservation of 2015, wildlife crime has been on the increase especially in the areas outside wildlife protected areas where people resort to poaching as a result of poverty, human-wildlife conflict and demand for wildlife products in the illegal market, amongst other factors.

4.25 Documentary review of data on deaths and injuries resulting from HWC is as shown in **Table 11**. The table shows that number of injuries increased from 913 in 2102 to 1496 in 2014.

Table 11: Number of death and Injuries 2012-2014

Year	Death	Injuries
2012	172	913
2013	199	1409
2014	170	1496

Source: OAG analysis

4.26 Interviews with KWS management reveal that delays in compensation, longer and drier climatic conditions, infrastructure development affecting migratory routes and protected areas as is the case in Tsavo and Nairobi National parks respectively. Population pressure as well as dwindling resources are also a major cause of the continued HWC. Due to poor land use planning, farming is done very close to the parks hence attracting animals to the produce. Drier conditions lead more grazers into the parks which can also give opportunities for poaching. The above issues have led to increase of human and animal interaction, thus making the wildlife more susceptible to conflict with humans as well as opportunistic poachers.

4.27 According to KWS' Strategic Plan, one of the objectives was to shorten the compensation process from 6 months to 3 months. The audit established that this had not been achieved and in fact the time had increased because no compensation had been done since 2014. At the time of the audit 2,303 cases were still pending awaiting compensation. KWS management informed the audit that this was treasury's docket and not KWS. KWS mandate was to gather data of affected persons and disburse funds as received.

Insufficient Monitoring and Evaluation

4.28 According to the Wildlife Act, 2013 section 64, the Cabinet Secretary may develop monitoring mechanisms and set indicators to determine; a) sound management of wildlife resources in Kenya and (b) trends affecting Kenya's wildlife conservation and management. Furthermore, the Wildlife's Policy 2011 major objective and priority is to develop protocols methodologies and tools for effective assessment and monitoring of wildlife conservation and management throughout the country.

4.29 However, KWS management did not provide progress and performance reports on programs such as community sensitization, endangered, vulnerable and threatened species strategies, annual work plans, monitoring of illegal elephants and Management Information System (MIST).

4.30 The KWS strategic plan for 2012-2017 spells out the Implementation of an Automated Tool for

Strategy Execution. A good Strategy Execution Management (SEM) system will provide the tools for measuring performance, tracking progress of initiatives and performing in-depth analysis to determine sources of problems and opportunities for improvement. The implementation of the SEM was to be undertaken immediately but had not been done at the time of the audit. Monitoring and evaluation tools with clear objectives on tracking progress, achievements, strengths and weaknesses in anti-poaching programs were absent or could not be substantiated.

4.31 Interviews with staff from the Product Improvement and Quality Assurance (PIQA) department revealed that they were unable to effectively conduct their activities in their annual work plan due to budget cuts and hence did not effectively carry out monitoring and evaluation. The organization cannot effectively evaluate their performance neither can it identify areas of weakness and strengths for overall improvement. This means problems that arise cannot be detected and addressed in good time.

Community involvement

4.32 According to the Wildlife Act, 2013 section 19(d) KWS, through the CWCCC, should bring together all relevant stakeholders within the county to actively harness their participation in the planning and implementation of projects and programs related to the protection, conservation and management of wildlife resources in the county.

4.33 The audit found that to a great extent Community sensitization and awareness is mostly undertaken by Non-Governmental Organizations (NGOs) like African Wildlife Foundation (AWF), International Fund for Animal Welfare (IFAW), Zoology Society of London (ZSL), Tsavo Trust, Red Cross and Big Life, despite this being a key responsibility for KWS mandated in the law. Interviews with KWS management attribute this dependency on a limited budget. It is important that local communities are sensitized on KWS functions in order to create a good rapport with them. In many cases the community members shift their confidence from KWS to the NGO's and give information to NGO's rather than KWS yet KWS is the custodian of Kenya's wildlife. KWS cannot respond to risks in real time as they don't get adequate and timely information to combat the risks.

Delays in putting up intensive protective Zones (IPZ)

4.34 KWS was to achieve the objective of 750 black rhinos by end of 2016 from 623 in 2011 thus achieving at least 5% national growth and less

than 1% man induced and disease related deaths. According to the Wildlife Act 2013 section 49, KWS may develop and implement recovery plans for the conservation and management giving priority to rare, endangered and threatened species.

- 4.35 According to the Conservation and Management Strategy (2012-2016), KWS was supposed to establish Intensive protective zones for rhinos as they are in more critical danger and fewer in number than other wildlife. The intention is to have these zones fenced off and ranger units located as close to individual animals as possible. Platoons are set up close to monitor movement and security of the rhinos in the area. The strategic objectives here to emphasize population expansion, monitoring for management, protection and law enforcement, biological management, awareness and public support and enhancement of coordination. If this is to be on track, then there should be 757 black rhinos by 2015. The information obtained by the audit team revealed that the last census for the rhino was done on December 2015 and there were 678 black rhinos and 444 white rhinos making a total of 1122.

- 4.36 Physical verification established that KWS has established rhino sanctuaries across the country both in the parks and in private conservancies. In Nakuru National park the entire park has been designated as a rhino sanctuary. The operations that ensure the security of the rhino therefore by default cover the entire park and the other animals in the park. The sanctuary at Tsavo East had just been completed at the time of audit but was not operational as they were waiting for translocation of the identified rhinos and an official opening. At Aberdares there was an IPZ at Solio Ranch (a private ranch within the Aberdares region) that was found to be fully operational. At Meru National park the Rhino sanctuary was said to be operational but it was in need of a major repair as some fencing had fallen off. Delays in putting up intensive protective zones in the major National Parks leads to continuous loss of the endangered species through poaching.

CHAPTER 5

Conclusion

- 5.1 The KWS wildlife security measures have been ineffective in curbing wildlife insecurity as there has been continued loss of wildlife through poaching and Human Wildlife Conflict (HWC). Between 2010 and 2015 KWS lost 1,607 animals through HWC and 465 through poaching. This has been mainly because of the following:
- 5.2 KWS has delayed in operationalizing the Wildlife Act 2013 which has in turn affected various functions that are key to wildlife security such as formation of CWCCC, establishment of county wardens, wildlife endowment fund and management plans.
- 5.3 KWS has not adequately built capacity in critical departments that enhance wildlife security such as Prosecution, Intelligence and Investigation as well as Field Rangers. All the departments lack sufficient staff and many of them have only received basic training at Manyani with no advanced training in their line of work. The departments had no access to modern equipment that are necessary for surveillance, intelligence gathering, monitoring, evidence gathering and securing of crime scenes.
- 5.4 KWS has not sufficiently involved the community in wildlife security as a result of delays in establishing CWCCC which is a framework for community involvement. HWC has increased in communities living around the parks, leading to destruction of property, loss and injury of wildlife and humans as well as opportunistic poaching.
- 5.5 Despite the challenges enumerated above, KWS, has managed to enhance the Rhino security through the establishment of Rhino sanctuaries in all the parks visited. The security measures put in place in these sanctuaries also offer security to the rest of the wildlife in the parks.

CHAPTER 6

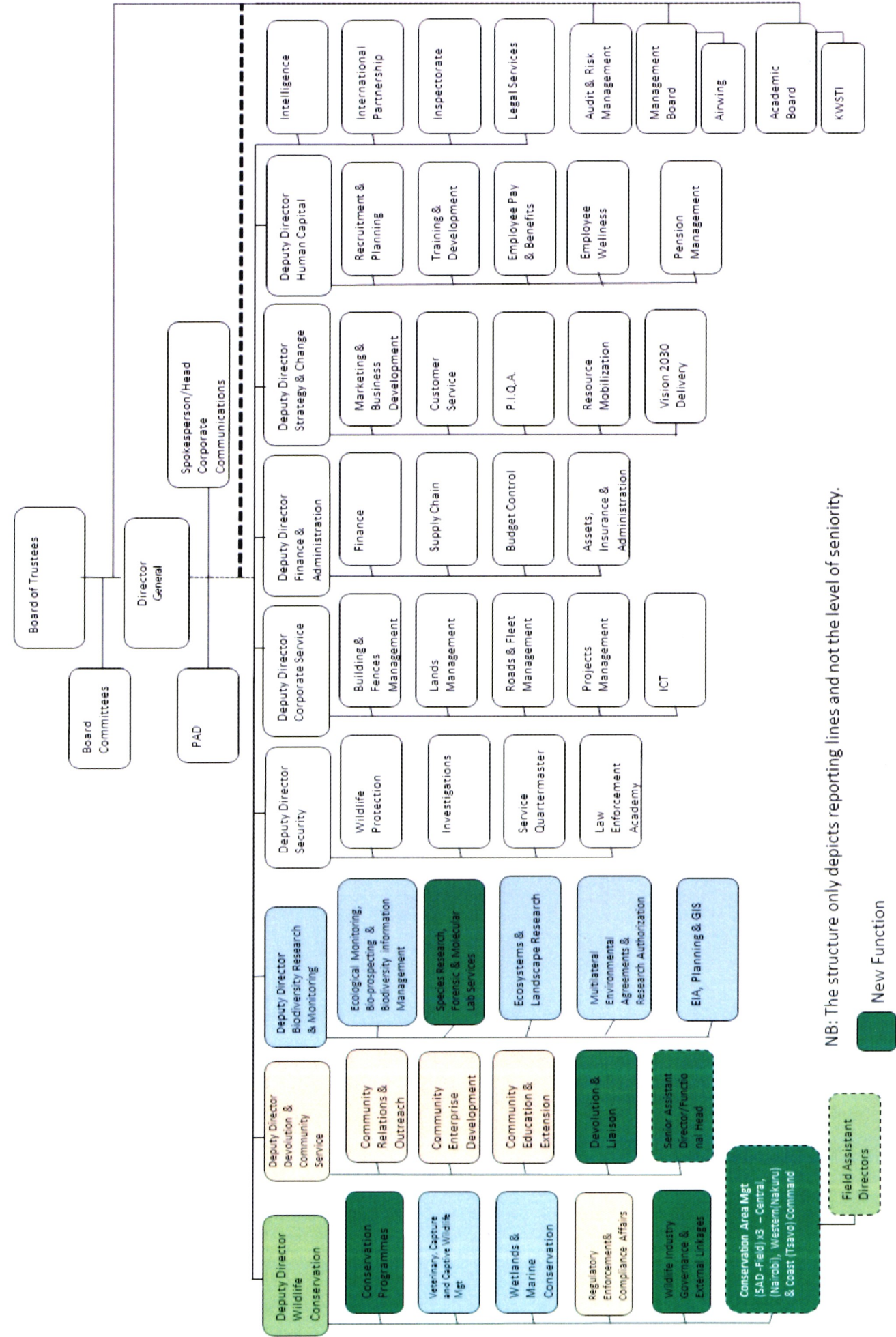
RECOMMENDATIONS

- 6.1 KWS should put in place an implementation structure and guidelines with timelines on when various sections of the Act are to be operationalized, what should be done and assign responsibilities.
- 6.2 KWS should develop innovative and proven ways to secure animals e.g. by electronic tagging of endangered species, tagging of tusks and rhino horns, staining of tusks to render them impractical for the market among other methods.
- 6.3 KWS should develop a ranger/area coverage standard to guide on recruitment and deployment in order to enhance wildlife security, enhance advanced trainings relevant to the different departments as well as acquire modern equipment that enhances security operations in the parks.
- 6.4 KWS needs to develop and put in place protocols, methodologies and tools for effective assessment and monitoring of wildlife conservation and management throughout the country to enable measurement of their performance and identify performance risks and how to mitigate them.
- 6.5 KWS should prioritize the formation of County Wildlife Conservation and Compensation Committee (CWCCC) in all the counties as it is responsible for carrying out critical functions and mandate of the service. It is key in bringing together all relevant stakeholders within the county, develop and implement, in collaboration with community wildlife associations, mechanisms for mitigation of human wildlife conflict.
- 6.6 The conservation areas should be drawn up and gazette management plans that are up to date, relevant and address current wildlife security issues.
- 6.7 KWS should open the migratory paths for animals so as to reduce the human wildlife conflict.

Annexures

Annexure 1: Documents reviewed and Information Obtained

Document	Information derived
The Constitution of Kenya, 2010	Rights of Kenyans in regards to environment and OAG's mandate in carrying out the audit
The Wildlife Conservation and Management Act, 2013	Guiding principles of the devolution of conservation and management of wildlife to landowners and managers in areas where wildlife occurs, through in particular: • the recognition of wildlife conservation as a form of land-use, • better access to benefits from wildlife conservation, and • adherence to the principles of sustainable utilization.
Sessional paper No. 10 of 2012 on Kenya Vision 2030	The understanding of wild animals in their natural habitat and the main challenges in wildlife conservation
Strategic plans, policies and goals and objectives in managing protected areas	Framework for conserving, in perpetuity, Kenya's rich diversity of species, habitats and ecosystems for the well-being and benefit of its people and the global community, the Objectives and Priorities



NB: The structure only depicts reporting lines and not the level of seniority.

Annexure 3: KWS Management Response to Audit Findings & Conclusions

Audit Findings	Responses by KWS Management	Auditors Comments
Delay in the implementation of the 2013 Wildlife Act Interviews with KWS management indicated that despite the new Act being gazetted, the implementation has been slow with sections such as benefits sharing, formation of county wildlife conservation committee, establishment of county wardens, establishment of wildlife endowment fund, management plans have not been effected 3 years after the Act coming into force. The delay in implementation of the Act was attributed to KWS failure to put in place an implementation guideline to ensure that the act is operational and implemented within a specified timeframe.	Management agreed with the finding Section 116 of the Wildlife Conservation and Management Act, 2013 required several regulations to be enacted to give full effect to the Act. Eighteen (18) draft regulations have been approved by KWS Board of Trustee and forwarded to the Attorney General for gazettelement and publication after being subjected to national validation forum	The audit findings remain as reported. However, the Office appreciates the actions taken by the management.
Non-implementation of management plans to provide security to the wildlife The audit established that most of the parks did not have management plans and those that were available were not current with the most recent one running from 2002 to 2012. This resulted in annual work plans that have failed to tackle current challenges facing wildlife conservation and management as well as failing to take up the opportunities brought about by the new Act. Some of the conservation areas have draft management plans which were not in use as they were yet to go through the whole process as required. These was evidenced by Aberdares Management Plan (2010-2020) and Tsavo Management Plan (2008-2018) that have been approved by the Director but had not been gazetted, but had not been reviewed as required by Part (iv) 19e of the Act. This has continued to pose a risk and wildlife's vulnerability to insecurity.	Management agreed with the finding Development and revision of protected area management plans has been hampered by budgetary constraints as funds allocated to management planning for protected areas are grossly inadequate to support the rollout of the participatory planning process. However, since 2014, KWS has been developing or reviewing at least two protected area management plans per year with funding support from donors. KWS and its stakeholders have developed management plan guidelines for protected areas in Kenya which were finalized and endorsed in 2016 by stakeholders and later approved by KWS BOT and submitted for gazettelement in 2017. Once	The management concurs with our findings which remains as reported. The Office appreciates the actions that have been taken by the KWS management. The audit findings remains as reported.

Audit Findings	Responses by KWS Management	Auditors Comments
	gazzetted, the guidelines will be the planning standards for developments of protected area management in Kenya.	
Inadequate Investigation and Intelligence capacity The audit revealed that the intelligence unit is understaffed having only 200 officers instead of the required 368 resulting in a shortfall of 168 or 46% whereas the investigation unit has 115 personnel against a requirement of 203 giving a deficit of 43%. Interviews with KWS management revealed that the effectiveness of an intelligence network is very much dependent on the calibre of its personnel which should be enhanced through constant training and exposure. Despite this, only 75% of the officers have undergone the basic training needed, with the rest not having any form of training at all. The audit revealed that less than 25% officers have had access to training in advanced courses in intelligence and investigation KWS security surveillance covers the entire country through overt and covert means and in liaison with other law enforcement agencies, including areas where they are not physically stationed. The unit relies on regular police in their line of work as the unit has inadequate capacity and resources. This slows down their	Management agreed with the finding Investigation department is operating at a deficit to the optimum staffing levels due to freeze on recruitment in the last three years and resignation of officers. The unit has since recruited ten (10) rangers to bridge the shortage and plans are underway to recruit more investigators. KWS at the time had 59 intelligent officers and untrained in intelligence trade craft and since then, all the 59 officers have been trained. Advance intelligence training have been planned for August and September 2017. KWS uses professionals from other government agencies such as police, national museum of Kenya and the government chemist to provide expertise evidence where necessary. We rely on police experts (ballistic, document, fingerprint examiners) and	The finding remains as reported. The Office notes that ten (10) rangers are not sufficient to bridge the gap. The finding remains as reported. The office appreciates the efforts being taken by the management The Office commends the collaboration with the police and other stakeholders in evidence expertise. However, the

Audit Findings	Responses by KWS Management	Auditors Comments
work as the regular police prioritize other crimes over wildlife crimes The department has inadequate surveillance equipment. Furthermore, the unit has no tools or technology available to use in their work and are fully dependent on human intelligence which can be highly unreliable. This is especially so since 46% of the personnel do not even have the basic training to enhance their human skills	government chemist due to legal requirements. We also rely on NMK for identification of ivory due to their expertise. Lack of appropriate tools such as scene of crime kits, transport and storage facilities is one of the major challenges when combating wildlife crimes, the, major impediment is budgetary allocation.	finding remains as reported. The audit finding remains as reported
Inadequate Ranger/Area coverage Interviews with the management of KWS indicated that the ideal ranger coverage should be one ranger for every 6 km². The ranger deployment in the service is determined and based on the perceived threats and tend to be dynamic in nature rather than the physical distance of the land /protected area. The audit found that most of the conservation efforts by KWS are labour intensive with rangers having to physically manage the parks and use of air patrol to supplement. Currently, KWS does not have a formula or standard that determines the ranger/area coverage. KWS has a strength of 3,569 rangers for both protected and non-protected areas which is about 48,000 km² that means an individual ranger currently takes care of 14 km² in protected areas alone which is grossly inadequate. Interviews with KWS management indicated that the ranger deficit currently stands at 550 rangers. The inadequate ranger coverage has contributed to continued loss of wildlife through poaching and through the human wildlife conflict.	Management agreed with the finding Although the conventional approach requires rangers to deploy based on certain formula as the best practice, our scenario is different due to dynamics of wildlife protection experienced, therefore ranger deployment becomes situational (dynamic) based on several factors as; wildlife movement and territory, seasonality of the year (wet and dry season), terrain and vegetation cover and threats experienced.	The Management has not adequately addressed the finding. The finding remains as reported.

Audit Findings	Responses by KWS Management	Auditors Comments
Failure in carrying out Surveillance & patrolling Interviews with rangers indicated that 90% of poaching occurs at night yet the rangers are not equipped with light sensitive equipment such as thermal imagers or advanced night vision equipment to improve the capability for night operations. Interviews with Nakuru National Park management indicated that challenges in the park are exacerbated by the urban proximity and technologically superior poachers hence the need to update technology used in prevention of poaching.	Management agreed with the finding Acquisition of night vision devices to enhance our operation during the night has been ongoing. However financial challenges have hindered us from achieving our objectives and being efficient at night.	The audit finding remains as reported.
Stakeholder collaboration The audit established issues in achieving this collaboration. In Mountain conservation area, KWS was in conflict with Ol Pejeta conservancy management which led to translocation of animals from the conservancy to another conservancy. In the Eastern conservation area the audit found out that KWS had limited access to Lewa conservancy, contrary to the constitution which stipulates KWS is the custodian of Kenya's wildlife. KWS therefore is unable to monitor the conservation and management strategies of the Lewa conservancy	Management disagreed with the finding KWS undertakes conservation and management of wildlife in collaboration with stakeholders on various programs built on structured engagements guided by existing legal framework. This is undertaken with supervision and direction by KWS officers in charge of various conservation programs and at no time are stakeholders left to undertake of their choice with no control from KWS	In the absence of any legal engagement/MoU to guide the structure of engagement, it was not possible to determine the extent of collaboration. The finding remains as reported.
Incomplete and Delayed operationalization of County Wildlife Conservation and Compensation Committee According to the Part II Section 7(c) of the Wildlife Act 2013, KWS shall set up a County Wildlife Conservation and Compensation Committee (CWCCC) in each county. The committee was supposed to bring the community on board in wildlife conservation through engagement, awareness,	Management agreed with the finding Before the operationalization of the committees it was imperative for members of these committees to be inducted on the roles and understanding of the contents of the new act and its obligations for their smooth running and	The Office appreciates KWS efforts to operationalize all the 47 CWCCC. The audit findings remain as reported

Audit Findings	Responses by KWS Management	Auditors Comments
coordination, mitigation of HWC, compensation and benefit sharing. Review of documents indicated that KWS set up 35 committees instead of 47 in November, 2015 almost 2 years after the Act coming into force. Furthermore, the 35 committees that were set up were yet to be operationalized. Interviews with Assistant Directors revealed that nobody has of yet been compensated for either loss of life or property damage since 2013. The cases for compensation presented for consideration amounted to Ksh. 2,235,388,000 for injury and deaths	implementation of the act. This was done in two phases with first targeting 35 counties comprising HWC zones and the second phase of the remaining 12 counties. As such of the 47 CWCCC are now operational Management disagrees with the finding. All pending cases before enactment of the Act 2013 had been processed and presented to the ministry for payment. A total of 230 million was released to the victims, injured and killed by wildlife as from January 2013 to march 2015, while funds amounting to Kes. 2,235,388,000 were approved by county wildlife conservation and compensation committee for payments in favor of 274 debts and 2029 injury cases. The same had been approved by the ministerial wildlife compensation committee. By mid-2017, KWS had received a further 230 million towards death cases caused by wildlife specified in schedule III of the Act. Many other cases of injuries caused by wildlife such as predation, crop and property destruction have been recommended for payment by the 47 county committees. KWS awaits the release of these funds by the state.	KWS management did not provide evidence of the released funds at the time of the audit nor at the time of the response. Therefore, the finding remains as reported. The office shall verify this information in a follow up audit.
Absence of benefit sharing scheme especially in Eastern Conservation Area.	Management disagreed with the finding	

Audit Findings	Responses by KWS Management	Auditors Comments
The community has also not benefitted from the benefit sharing scheme envisioned by the Act. Due to lack of awareness, compensation and benefits sharing the community has not fully embraced wildlife conservation and rather than being seen as a community resource, they view wildlife as KWS owned. This has led to increased human wildlife conflict (HWC) as well as opportunistic poachers who move in to take the ivory when elephants are killed. This is especially common in Eastern Conservation Area.	KWS has encouraged the establishment of community conservancies as a form of economic nature based enterprises where local communities in group ranches and or private land set their land a side for ecotourism activities such as lodges, tented camps and wildlife viewing sites to tap on tourism revenues. The establishment of conservancies has seen the realization of increased direct benefits to local people. So far there exists approximately 20 community owned conservancies that generate revenue which is shared among the land owners. In return the local people co-exists peacefully and adopt wildlife conservation as viable land use option	The Office appreciates KWS efforts in involving the communities through the conservancies. However, the audit notes the inadequacies in these efforts. The audit finding remains as reported.
Inadequate Mechanisms to Address Human Wildlife Conflict According to Kenya National Action Plan on wildlife conservation of 2015, wildlife crime has been on the increase especially in the areas outside wildlife protected areas where people resort to poaching as a result of poverty, human-wildlife conflict and demand for wildlife products in the illegal market, amongst other factors. Review of data on deaths and injuries resulting from human wildlife conflict indicates a rise in incidents. Interviews with KWS management revealed delays in compensation, longer and drier climatic conditions, infrastructure development affecting migratory routes and protected areas as is in the case of Tsavo and Nairobi National	Management outlines efforts made to address the finding. KWS is committed to significantly reducing the cases of human wildlife conflict and works together with other stakeholders including the county government in this area and outlines the efforts made to minimize the conflicts.	The audit finding remains as reported.

Audit Findings	Responses by KWS Management	Auditors Comments
parks. Population pressure as well as dwindling resources are also a major cause of the continued human wildlife conflict. Due to poor land use planning, farming is done very close to the parks hence attracting animals to the produce. Drier conditions lead more grazers into the parks which can also give opportunities for poaching. These issues led to increase of human and animal interaction, thus making wildlife more susceptible to conflict with humans as well as opportunistic poachers.		
Delayed compensation Interviews with KWS management revealed delays in compensation. According to KWS' strategic plan one of the objectives was to shorten the compensation process from 6 months to 3 months. The audit established that this had not been achieved and in fact the time had increased because no compensation had been done since 2014. At the time of the audit 2,303 cases were still pending awaiting compensation.	Management agrees with the finding. Compensation as a process is not entirely in the hands of KWS. The initiative to shorten compensation timeframe has not been achieved due to the above as well as it took a while for the systems to be put in place to guide the Act.	The finding remains as reported.
Insufficient monitoring and evaluation KWS management did not provide progress and performance reports on programs such as community sensitization, endangered, vulnerable and threatened species strategies, annual work plans, monitoring of illegal elephants and management information system (MIS). The KWS strategic plan for 2012-2017 spells out the implementation of an Automated Tool for Strategy Execution Management. A good Strategy Execution Management (SEM) system will provide the tools for measuring	Management outlines efforts made to address the finding. KWS procured a consultant to undertake a National Wildlife status report. The resultant report will form the baseline for monitoring and reporting on wildlife cases and situations in the country. It is expected to be completed in 2017. A new strategic plan 2017 – 2022 is expected to be done by 2017 and is expected to address the gaps in the 2012 -2017 strategic plan complete with monitoring and evaluation plan. It is also expected to contain a	The Office notes the intentions of KWS management to address the findings and will follow up on the implementation of these during the follow up audit.

Audit Findings	Responses by KWS Management	Auditors Comments
performance, tracking progress of initiatives and performing in-depth analysis to determine sources of problems and opportunities for improvement. The implementation of the SEM was to be undertaken immediately but had not been done at the time of the audit. Monitoring and evaluation tools with clear objectives on tracking progress, achievements, strengths and weakness in anti-poaching programs were absent or could not be substantiated	performance management strategy which will lay emphasis on performance evaluation. Deliberate efforts will be made towards setting aside funds specifically for the M&E function of the organization.	
Community members shifting allegiance to NGOs thus KWS cannot respond to risks in real time. The audit found that to a great extent Community sensitization and awareness is mostly undertaken by Non-Governmental Organizations (NGOs) like African Wildlife Foundation (AWF), International Fund for Animal Welfare (IFAW), Zoology Society of London (ZSL), Tsavo Trust, Red Cross and Big Life, despite this being a key responsibility for KWS mandated in the law. Interviews with KWS management attribute this dependency on a limited budget. It is important that local communities are sensitized on KWS functions in order to create a good rapport with them. In many cases the community members shift their confidence from KWS to the NGO's and gives information to NGO's rather than KWS yet KWS is the custodian of Kenya's wildlife. KWS cannot respond to risks in real time as they don't get adequate and timely information to combat the risks.	Management disagrees and outlines efforts made to address the finding. KWS is engaging communities around wildlife ranges to participate in wildlife conservation and assist in giving information which will lead to curbing of wildlife crimes. These includes; conservation awareness programmes, community enterprise development, HWC resolution, training of community rangers, funding of community development projects amounting to 636 million between 2006 and 2014, creation of the devolution of the community service division etc.	KWS management did not provide evidence of the released funds at the time of the audit nor at the time of the response. Therefore, the finding remains as reported. The Office shall verify this information in a follow-up audit.
Delays in putting up Intensive Protective Zones (IPZ) KWS was to achieve the objective of 750 black rhinos by end of 2016 from 623 in 2011 thus achieving at least 5% national growth and less	Management agrees and outlines reasons for the delay. At the end of 2016, black rhino population stood at 696 against the projected population of 750;	The Office appreciates the efforts made by

Audit Findings	Responses by KWS Management	Auditors Comments
than 1% man induced and disease related deaths. The information obtained by the audit team revealed that the last census for the rhino was done on December 2015 and there were 678 black rhinos and 444 white rhinos making a total of 1122. This implied that they did not meet their target of 757 black rhinos. Physical verification established that KWS has established Rhino sanctuaries across the country both in the parks and in private conservancies. In Nakuru National park the entire park has been designated as a rhino sanctuary. The operations that ensure the security of the rhino therefore by default cover the entire park and the other animals in the park. The sanctuary at Tsavo East had just been completed at the time of audit but was not operational as they were waiting for translocation of the identified rhinos and an official opening. At the Aberdares Park, there was an IPZ at Solio Ranch (a private ranch within the Aberdares region) that was found to be fully operational. At Meru National park the Rhino sanctuary was said to be operational but it was in need of a major repair as some fencing had fallen off. Delays in putting up intensive protective zones in the major National Parks leads to continuous loss of the endangered species through poaching.	Southern white rhino 450 and northern white rhino 3. This is attributed to poaching, lack of secure space for expansion, disease outbreaks etc. Aberdare IPZ project not undertaken due to technical reasons and limited finances for construction of the fence. This is to be revisited in the current rhino strategy being developed (2018 – 2022) with a clear implementation plan. Tsavo east rhino sanctuary constructed and equipped with necessary infrastructure but translocation not undertaken in November/December 2016 due to prolonged droughts. Meru NP rhino sanctuary extension not undertaken due to inadequate finances. Donors have been engaged to secure the necessary resources to undertake the extension.	KWS to address the finding.

CONTACTS

Office of the Auditor-General

Address: P.O. Box 30084-00100, NAIROBI.

Telephone: +254 796 52 85 60

E-mail: info@oagkenya.go.ke

Website: www.oagkenya.go.ke



@OAG_Kenya



Office of the Auditor-General Kenya