



**REPORT OF RETREAT**

**ON**

**BUILDING GREATER SYNERGIES IN IMPLEMENTATION OF WILDLIFE –RELATED  
MULTILATERAL ENVIRONMENTAL AGREEMENTS (MEAs)**

**AMBOSELI SERENA SAFARI LODGE  
AMBOSEI NATIONAL PARK**

**17-18 APRIL 2018**

## INTRODUCTION

The State Department for Wildlife in the Ministry of Tourism and Wildlife, jointly with the Kenya Wildlife Service, convened a 2-day retreat on 17-18 April 2018 at the Amboseli Serena Safari Lodges on implementation of wildlife-related Multilateral Environmental Agreements (MEAs) in the country. This was made possible with financial support from the Conservation Alliance of Kenya and its membership.

The Objectives of the retreat were to:

### Broad Objectives

- i. Review the country performance at past Conference of the Parties of the MEAs in, preparation for and participation in the CoPs of respective MEAs;
- ii. Review progress in implementation of outcomes thereof;
- iii. Discuss a framework for building greater synergies among the National Focal points, implementing Agencies for the various wildlife -related MEAs and stakeholders towards a better coordination in implementation of the MEAs in the country.

### Specific Objectives

- a) Report on national implementation of each wildlife –related MEA by National Focal Points
  - The 17th meeting of the CITES Conference of the Parties (CITES CoP17) held in Johannesburg, South Africa, September –October 2016;
  - The 12<sup>th</sup> Meeting of the Conference of the Parties to the Convention on Conservation of Migratory Species of Animals (CMS CoP12) held in the Philippines Oct-Nov 2017
  - A debrief on 69<sup>th</sup> meeting of CITES Standing Committee(SC69) held in Geneva, Nov 2017;
  - Progress in implementation of Decisions and Resolutions affecting the country;
  - Preparations for next meetings of MEAs- Thirteenth Meeting of the Conference of the Parties to Ramsar Convention (Ramsar CoP13), October 2018 in Dubai, United Arabs Emirates and 70<sup>th</sup> Meeting of the Standing Committee of CITES (SC70), October, 2018 in Sochi, Russia
- b) Develop a framework to enhance synergies among stakeholders and improve national implementation of wildlife–related MEAs;
- c) Enhance education and awareness about Wildlife related MEAs that Kenya is signatory to;
- d) Develop a joint Plan of Action for implementation of wildlife- related MEAs.

At the end of the retreat, the participants agreed on a way forward in implementation of the objectives. This way forward is presented at the end of this report

## OPENING STATEMENTS

During the Opening session of the retreat, remarks were made by Mr. XX, the Kenya Wildlife Service (KWS) Assistant Director in charge of Southern Conservation Area; Ms. Lucy Waruinge, the Chair of the Conservation Alliance of Kenya (CAK); Dr. Khayota(?), representative of the DG National Museums of Kenya (NMK); (name?), representative of DG Kenya Fisheries Service (KFS); Dr. Samuel Kasiki representing the DG Kenya Wildlife Service (KWS); and Dr. Patrick Omondi representing the SDW.

The Principal Secretary, State Department for Wildlife Dr. Margaret Mwakima delivered the key note address and officially opened the Forum. Highlights of the remarks are presented below:

### **Welcome remarks by Mr. Daniel Onsembe, KWS Assistant Director, Southern Conservation Area SCA**

- The Assistant Director briefed that, the Amboseli National Park was a small Park covering an area of 392km<sup>2</sup> but its management is through an Integrated Ecosystem approach influencing an area of 5000km<sup>2</sup>
- Further, the Park is a designated UNESCO Man and Biosphere Reserve hence was an appropriate venue for the retreat.

### **Remarks by Lucy Waruingi, Chair Conservation Alliance of Kenya (CAK)**

- The chair indicated that many people are ignorant about MEAs relevant in Kenya's and this retreat will help the participants to be better informed about MEA/COPs and be able to contribute to development of the country position as well as implementation of resulting outcomes of the COPs.
- She is looking forward to the development of joint strategies for implementation of MEAs with the NGO sector and a framework for reporting on the outcomes there-of.

### **Remarks by Dr. Beatrice Khayota, representative of DG, National Museums of Kenya (NMK)**

- The NMK is a Multidisciplinary research institution focusing on cultural and biodiversity, with diverse expertise including research on Birds, wetlands, mycology and has the best museum's collection in Africa.
- As a result of the above, NMK is uniquely placed in supporting implementation of MEAs as CITES Scientific Authority, Community Education and Public Awareness (CEPA) focal point of RAMSAR, Convention on Migratory Species (CMS), Convention of Biological Diversity (CBD) as well as UNESCO World Heritage Convention (UNESCO-WHC, cultural heritage sites).

- Further, NMK is a member of various scientific committees with roles including policy formulation, organizing with other partners, international celebrations including world wetlands day.
- As part of supporting MEA implementation, NMK has created a DNA reference library to aid combating wildlife crime by providing scientific and DNA evidence to KWS and other law enforcement agencies to support prosecution.

**Remarks by Joseph Mahonga, representative of DG Kenya Fisheries Service (KFS)**

- KFS is a recently established agency under Fisheries Act 2016. As a focal point for the International Whaling commission of the International Convention on Regulations of Whaling(ICRW), KFS were pleased to be part of the retreat. KFS was in the process of formulating regulations for implementation of the Act.
- In its process of formulating the regulations to actualize the Act, KFS will be undertaking public participation and consultation in accordance with the requirements of the Constitution.
- KFS is planning a Scientific conference in May 2019

**Remarks by Dr. Samuel Kasiki representative of DG KWS**

On behalf of the Director General, Dr. Samuel Kasiki welcomed the participants to the Amboseli National Park, a KWS- managed Protected Area and to the retreat

Dr. Kasiki, recalling that, after CITES CoP17 in South Africa in 2016, it had been planned that there would be a debriefing meeting immediately after to provide to the stakeholders a feedback from the CITES CoP and this did not take place, he noted that this meeting was long overdue

He mentioned that, one of the major challenges in implementation and reporting on MEAs was getting the data required to prepare country reports.

He expressed that as an implementing agency for all the wildlife-related MEAs, KWS was committed to performing its role in matters MEAs and was looking forward to fruitful discussion and a plan of action going forward.

**Remarks by Dr. Patrick Omondi, State Department for Wildlife, Ministry of Tourism and Wildlife.**

In his remarks, Dr. Omondi emphasized on strengthening synergies and linkages among MEA implementing agencies and partners for enhanced implementation of the wildlife related MEAs and their effective National reporting. He then went on to welcome the Principal Secretary, State Department for Wildlife, to deliver the opening keynote address.

**Keynote address by Dr. Margaret Mwakima, Principal Secretary, State Department for Wildlife Ministry of Tourism and Wildlife**

The Principal Secretary noted that the meetings of the Conference of the Parties (COPs) for respective MEAs are held in cycles of two to three years. Implementation of MEAs has

several stages within the cycle, these include Preparation of Country Positions, actual participation in the COP by Country delegations and Implementation of outcomes of the meetings and National reporting thereof.

However, there has been no adequate coordination of the MEAs process consequently, the State Department of Wildlife has established a MEAs coordination unit in the office of the Director Research, Monitoring and Strategic Initiatives. This unit is tasked to ensure the adequate National Preparations prior to the MEA meetings, Country representation and participation, Articulation of Country positions/Stand, implementation and follow-up of decisions and resolutions of the MEAs and reporting at National level and to the secretariats of the MEAs.

All the above processes are important for the common good of Wildlife, Biodiversity, the Country and its people.

It has been noted that implementation of and reporting on CITES has been very effective especially making reference to preparations for CITES COP 17. The preparations of Country positions and delegation to the COP started early, leading to a well prepared and coordinated team that articulated the country's common position effectively at the COP.

The PS called on the participants to keenly and candidly discuss and with the aim of developing a framework with the required structures to guide on the best way to implement the wildlife related MEAs and their reporting.

The PS reiterated that the State Department of Wildlife was committed to ensuring that the required resources were mobilized towards effective implementation of the wildlife related MEAs and that the recommendations as outcomes of the retreat with clear way forward were very critical to the initiative of a coordinated approach to the Wildlife – related MEAs implementation in the country .

## PRESENTATIONS

The National focal points for the various wildlife related MEAs and present in the retreat made presentations on Status of Implementation of MEAs under their jurisdiction, focusing on the following areas

1. Preparations for the immediate past meetings,
2. Outcomes of the meetings,
3. Implementation of Outcomes,
4. National reporting on progress in implementation
5. Challenges in implementation,
6. Calendar of events 2018/2019

**Presentation on Convention on Conservation of Migratory Species of Animals (CMS) - Memorandum of Understanding (MOU) on Raptors by Dr. Charles Musyoki**

- The Convention on the Conservation of Migratory Species of Animals was signed at Bonn, on 23<sup>rd</sup> June 1977, it calls for international cooperation to conserve migratory species.
- Under CMS, there are a number of Taxa specific MOUs among them the raptors, Dugongs, Sea Turtles, Sharks that promote internationally coordinated actions to achieve favorable conditions for conservation of migratory species to reverse the decline where and when possible.
- The CMS Raptors MOU came into effective on 1st Nov, 2008 and it is a legally binding agreement. The MOU covers 93 species of birds of prey and owls; the birds occur in 132 range states in Africa, Europe and Asia.
- The MOU is administered by coordinating Unit based in Abu Dhabi, United Arab Emirates (UAE) which is funded and hosted by Environment Agency, of Abu Dhabi on behalf of UAE.
- A Technical Advisory Group (TAG) was formed with members drawn from the signatory countries. KWS is the implementing agency.

## Challenges

The key challenges in implementation of the MOU include

- Limited domestication of decisions of CMS at National Level
- There is more focus on “Charismatic” Species such as Elephant and Rhinos at the expense of other species of conservation priority e.g. Vultures vs Elephant thus the need to change perception of Kenyans. Consequently there is need to find a way of profiling other species.
- There is a lack of proper coordination among relevant agencies in planning and implementation of the needed interventions to address threats to the raptors. Further, there is need to consolidate efforts and enhance international cooperation towards the conservation of raptors across their range.

## **Presentation on Convention on Conservation of Migratory Species of Animals (CMS) - Memorandum of Understandings (MOUs) on Dugongs, Sharks (29 species) and Sea Turtles (3 species) by Dr. Mohammed Omar**

- The Dugong MOU covers the western Indian Ocean range, the Sea Turtles MOU covers Indian Ocean South East Asia thus IOSEA MOU on Sea Turtles Conservation and their habitats, while the Sharks MOU more inclusive as the range of sharks is global.
- Other marine related Taxa MOUs but which Kenya is not a signatory yet include
  - Coral Reef and sea grass strategy for Coral Reef conservation
  - Sea Turtle Strategy
  - Mangrove management plan
  - Shoreline strategy

- The dugong is a species that recorded to have the biggest population decline. In 2007 census 10 animals were sighted, however in the 2016 census only 2 were sighted in Lamu and South Coast. Later, in 2017, one dugong was reported dead and the specimen collected and preserved at NMK.

### **Presentation on International Convention for the Regulation of Whaling (ICRW) Convention Joseph Wala Mahogah (KFS) and Mohamed Omar (KWS)**

- An agreement signed in 1946 to provide for the proper conservation of whale stocks to allow for an orderly development of the whaling industry. The Convention is administered by International Whaling Commission (IWC) that governs the commercial, scientific aboriginal subsistence whaling practices of its members.
- The Fisheries Department and its successor, the Kenya Fisheries Service is the implementing agency in accordance with the mandate under Fisheries Act, Cap 378 and now Fisheries Act, 2016 and represented in the IWC by two Commissioners

Challenges to implementation of International whaling convention and MoUs related to Marine Taxa

- Marine parks cover less than 1% against international standards of 10%
- Conservancies are difficult to implement in the marine context because of the Transboundary Context
- Need ICZM policy and action plan
- Lamu most important nesting site for turtles. The development of Lamu port is in conflict with marine conservation e.g the area is an important site for turtles breeding and blue whale and dugong sites for feeding.

### **PLENARY / DISCUSSION / REACTIONS ON THE THREE PRESENTATIONS**

#### **Observations**

- It seems a lot of strategies and action plans need to be developed therefore the impression is that things are deteriorating
- There is need to self-evaluate the capacity to implement the action plans and strategies
- Need to look at approach; Sometimes action plans compete against each other
- How is the aerial census for dugongs carried out?
- How do we update the aerial census data?
- With the opportunity presented by the Blue Foundation of 2 million Euro, has Kenya put in request for funding? And if so, has the request taken into consideration the need for partnership with other stakeholders.
- Need for report on progress on the respective MEAs

## **Response/ observations/Reactions**

- There is need to have a strategy for the 107 species that require special attention similar to that given to elephants and rhinos.
- Multi species action plans need to be developed and implemented by having a focal point at the management authority coordinating activities.
- Fund raising needs to be undertaken to support efforts.
- The implementation of strategies is segmented, hence the need for consolidation of efforts;
- Monitoring in marine habitats is very difficult and expensive, the data collection is majorly opportunistic;
- Blue Action Fund Kenya is involved with several consortium e.g. TNC, WIOMSA
- Blue economy is broad and includes conservation and tourism not only consumptive
- Need to protect the environment
- Whales are protected by law; there exist an international Moratorium on Whaling
- Several cases have been documented on the illegal killings, drivers of the killings and responses to the killings.
- There is information on killing of vultures through poisoning but as non-targets. It was noted that there are no provisions in the law to criminalize wildlife poisoning, thus a challenge in management the threat.
- Partnership initiatives between the State Department, Nature Kenya and Birdlife International are in place towards vulture conservation, these need to be supported and reinforced.
- Aerial assessment of dugong was accompanied by a social assessment
- Despite the huge investment in Wildlife Monitoring including conducting population census, it's difficult to get the right statistics on the populations and distribution especially the marine species.
- Need to raise publicity of Dugong the way it was done for Sudan, the last male of the Northern White Rhino species
- Information is hoarded and held back by communities
- CMS put emphasis on bush
- Need to take the census data to the next level
- Wildlife matters are so broad and of interest to so many stakeholders that they require coordination of a State department
- Have a national policy and implementation strategy on marine protected areas and species
- Unregulated Blue economy is a threat to wildlife conservation considering the key mandate of KFS is farming fish but outside of protected areas and overharvesting and exports from areas adjacent the protected areas can be detrimental to the survival of the natural populations of fisheries species.
- KFS and KWS need to partner in management of the marine species and their habitats ; Blue carbon can be explored as a strategy and opportunity for fisheries development and marine protection



- There is need to review the Fisheries Act and involvement of stakeholders in the formulation of regulations under the Act to ensure the legislation is responsive to both fisheries development and fisheries species and habitat conservation agenda.
- Need for synergies among all conservation partners and stakeholders

### CITES Presentation; the Convention on International Trade in Endangered Species of Wild Fauna and Flora

- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES ) is an international legal framework with common procedural mechanisms for the effective regulation of international trade in listed species that operate on the basis of a system of permits and certificates.
- It combines wildlife and trade themes with a legally binding instruments for achieving conservation and sustainable use objectives. This framework and common procedural mechanism are now used by 183 countries to regulate and monitor international trade in listed species.
- The Convention also establishes the strictest control of international commercial trade in species threatened with extinction, and for an effective regulation of international trade in others.
- The main objective of CITES is regulation of international trade in endangered species of wild fauna and flora through a System of Permits and Certificates. It was signed in Washington D.C on 3 March 1973 and entered into force in 1975. For Kenya it entered into force in March 13 1979 following deposition of instruments of ratification on 13 December 1978.
- KWS is the designated Management Authority (MA) and Scientific Authority (SA) and National Museums of Kenya (SA) are the CITES Authorities for Kenya for purposes of implementing the Convention.
- The parties make decisions through two organs: The Conference of the Parties (meeting of all Parties) and Standing Committee. Parties submit proposals to the Standing Committee and CoP on how implementation of the Convention should be improved. The proposals are discussed and adopted forming decisions of the Parties. There is Commitment by Parties (signatory States) to ensure no species becomes threatened by international trade.
- Species subject to CITES regulation are divided amongst three Appendices –I, II & III
- **Appendix I:** all species threatened with extinction, which are or may be affected by trade. For Appendix I listed species, international trade is generally prohibited. For Appendix I listed species to be traded, it MUST first be down listed to Appendix II through a proposal to CoP that must achieve 2/3 majority Party Support
- **Appendix II :** all species which although not necessarily now threatened with extinction may become so unless trade in specimen of such species is subject to strict regulation in order to avoid utilization incompatible with their survival and

other species which must be subject to regulation in order that trade in specimens of certain species may be brought under effective control.

- Appendix III : all species which any Party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation and as needing the cooperation of other Parties in the control of trade.

### Outcomes of Kenya's submission to Cop 17, Johannesburg, South Africa , September-October 2016

- Kenya submitted a total of fourteen (14) proposals for the consideration of the CoP17. These proposals were on the African elephant, African Pangolins, Thresher Sharks, African Rosewood (*Dalbergia*) tree species, two species snakes (Vipers) endemic to Kenya and Pygmy Chameleons.
- Draft decisions and resolutions were on conservation of and trade in elephant specimens, conservation of the East African sandalwood tree species and conservation of African tree species and combating illegal wildlife trade conducted through the internet.

PROPOSAL TO CoP17 & OUTCOMES	
1. <b>CoP17 Prop. 16 ( as it relates to CoP17 Prop. 14 and CoP17 Prop. 15):</b> Inclusion of all populations of <i>Loxodonta africana</i> in Appendix I through the transfer from Appendix II to Appendix I of the populations of Botswana, Namibia, South Africa and Zimbabwe; submitted by Kenya and other countries and supported by 28 other countries being members of the African Elephant Coalition -The Proposal did not achieve the required 2/3 votes and so were the other elephant listing proposals one by Namibia and the other by Namibia and Zimbabwe both seeking to delete the annotations to the Appendix II listing	
2. <b>CoP17 Prop. 27:</b> Inclusion of the African pygmy chameleons of the genera <i>Rhampholeon spp. and Rieppeleon spp.</i> in <b>Appendix II</b> . This proposed inclusion is in accordance with Article II paragraph 2(a) of the Convention, satisfying Criterion B, and Annex 2(a) of Res. Conf. 9.24 (Rev. CoP16). <b>Proposal Submitted together with USA, Nigeria and others</b> The proposal was accepted/adopted by consensus	
3. <b>CoP17 Prop. 34:</b> Inclusion of the Mt. Kenya Bush Viper <i>Atheris desaixi</i> in Appendix II in accordance with Article II, paragraph 2 (a), and Resolution Conf. 9.24 (Rev. CoP16), Annex 2 a. The proposal was accepted/adopted by consensus	
4. CoP17 Prop. 12 : Proposal to Transfer African Pangolins ( <i>Manis</i> ) from Appendix II to Appendix I (Co-Sponsored with Nigeria, Gabon, South Africa , USA among others) This proposal was accepted /adopted by consensus. In addition, decisions on measures to be implemented by range States in collaboration with the CITES Secretariat, as a back up to the listing of the species to ensure illegal trade in pangolins specimens is controlled were adopted, see link: <a href="https://cites.org/sites/default/files/eng/cop/17/Com_II/E-CoP17-Com-II-19.pdf">https://cites.org/sites/default/files/eng/cop/17/Com_II/E-CoP17-Com-II-19.pdf</a> .	
5. CoP 17 Prop.43: Proposal for Inclusion of Thresher Sharks ( <i>Alopias spp</i> ) in Appendix II (co-sponsored with European Union, Sri Lanka and others) This proposal was accepted/adopted after being subjected to a Secret Vote with results; 108 Yes Vote, 29 NO vote and 5 Abstention Vote	
6. CoP17 Prop. 55: Proposal for Inclusion of <i>Dalbergia spp</i> in Appendix II (co-sponsored with European Union, Guatemala and others);	

<b>PROPOSAL TO CoP17 &amp; OUTCOMES</b>
This proposal was amended to provide for annotations to exempt <i>inter alia</i> up to 10kg shipment of processed artefacts/carvings and was accepted/adopted by consensus
<b>DRAFT DECISIONS AND RESOLUTIONS</b>
<p>7. CoP17 Doc 84.2 : Draft Decision on Decision –Making Mechanism for a process of trade in ivory; This proposal was accepted/adopted based on the proposal CoP17 Doc. 84.1 by the Secretariat in essence terminating discussion on a mechanism for trade in ivory, see link: <a href="https://cites.org/sites/default/files/eng/cop/17/Com_II/SR/E-CoP17-Com-II-Rec-03-R1.pdf">https://cites.org/sites/default/files/eng/cop/17/Com_II/SR/E-CoP17-Com-II-Rec-03-R1.pdf</a></p>
<p>8. CoP17 Doc. 57.2 : Draft Resolution on Closure of Domestic Markets for elephant ivory; as it also relates to CoP17 Doc 27 Annex 1 submitted by USA.</p> <p>This proposal was accepted/adopted with amended text developed by a Working Group of Committee II of the CoP following a suggested text developed by delegation of Kenya and delegation of US to harmonize the texts of the Doc 57.2 and Doc 27. Final text of the adopted decision is found in Document CoP17 Com.II.41 on the link: <a href="https://cites.org/sites/default/files/eng/cop/17/Com_II/E-CoP17-Com-II-41.pdf">https://cites.org/sites/default/files/eng/cop/17/Com_II/E-CoP17-Com-II-41.pdf</a></p>
<p>9. CoP17 Doc 57.3: Ivory Stockpiles: Proposed Revision of Resolution Conf. 10.10 (Rev CoP16) on trade in elephant specimens</p> <p>This proposal was accepted/adopted with amended text developed by a Working Group of Committee II of the CoP. However, the word “Destruction” was not included in the text feeding into revision of Res. Conf. 10.10 (Rev CoP 16) but instead the word “disposal” was used. See the link: <a href="https://cites.org/sites/default/files/eng/cop/17/Com_II/E-CoP17-Com-II-41.pdf">https://cites.org/sites/default/files/eng/cop/17/Com_II/E-CoP17-Com-II-41.pdf</a></p>
<p>10. CoP17 Doc. 57.4 : Trade in live elephants: Proposed Revision of Resolution Conf. 10.10 (Rev CoP16); This proposal was accepted/adopted with amended text developed by a Working Group of Committee II of the CoP and the text fed into revision of Res. Conf. 10.10 (Rev CoP 16) ; see link: <a href="https://cites.org/sites/default/files/eng/cop/17/Com_II/E-CoP17-Com-II-41.pdf">https://cites.org/sites/default/files/eng/cop/17/Com_II/E-CoP17-Com-II-41.pdf</a></p>
<p>11. CoP17 Doc.29: Draft Resolution on combating wildlife cybercrime (e-commerce); This proposal was accepted/adopted with additional text introducing two Decisions. Details of the Decisions adopted are found in Document CoP17 Comm. II.36, see link, <a href="https://cites.org/sites/default/files/eng/cop/17/Com_II/E-CoP17-Com-II-36.pdf">https://cites.org/sites/default/files/eng/cop/17/Com_II/E-CoP17-Com-II-36.pdf</a></p>
<p>12. CoP17 Doc. 65: Draft Decision to extent Decisions 16.153 &amp;16.154 on the East African Sandalwood, <i>Osyris lanceolata</i>.</p> <p>This proposal was accepted/adopted with additional two (2) Decisions. Details of the text are found in Document CoP17 Comm.I.8 ; see link <a href="https://cites.org/sites/default/files/eng/cop/17/Com_I/E-CoP17-Com-I-o8.pdf">https://cites.org/sites/default/files/eng/cop/17/Com_I/E-CoP17-Com-I-o8.pdf</a></p>

## IMPLEMENTATION OF DECISIONS AND RESOLUTIONS – WORKING GROUPS

Sixty-ninth meeting of the Standing Committee established Working Groups as directed by the CoP17 and called on Parties to register their interests in participating in different sessions ally, in the work of the Working Groups. Among the Working Groups of interest to the country and for which the country delegation to SC69 requested Kenya to be listed to participate in are;-

- Working Group on Cybercrime (with **Kenya appointed Chair of the Working Group** Ms. Wangui Gikui Gichuhi, the Senior Prosecutions Counsel as the country representative and Chair of the Working
- Working Group on Livelihoods and Food Security
- Working Group on Rural Communities
- Working Group on Appropriate and Acceptable Destinations
- Working Group on Electronic Systems and Information Technologies
- Working Group on Cheetahs
- Working Group on African Lion
- Working Group on Resolution Conf. 10.9 on Consideration of Proposals for the transfer of African elephant from Appendix I to Appendix II
- Working Group on Livelihoods
- Working Group on World Wildlife Day
- Working Group on Disposal of confiscated specimens of CITES listed species
- Working Group on Rhinoceroses

**Presentation on LA, Lusaka Agreement Presentation; Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora,**

**by Mr. John Ringera**

- The Lusaka Agreement(LA) concluded on 10 December 1996, is an inter-governmental agreement aimed at facilitating cooperative activities in/among Party States including carrying out investigations on violations of national laws pertaining to illegal trade in wild fauna and flora
- is a regional Agreement
- Idea of a “regional enforcement agency” was conceived in Zambia in 1992 with countries inspired by the need to pursue poachers and traffickers beyond national border;
- UNEP took lead role in negotiating text of LA (Lusaka Final Act 1994) which eventually entered into force in 1996; Accession is open to all African countries.
- Kenya is the Seat of the Agreement with the Secretariat- Lusaka Agreement Task Force (LATF) being hosted at Kenya Wildlife Service hqs;
- Enforcement operations commenced 1999 when member countries send enforcement officers and signing of Hqs Agreement with GoK;
- The LATF has Legal mandate to coordinate “collective” enforcement action within the member countries and beyond such actions include
  - Hot-pursuit across national borders;

- Cross-border wildlife security liaison meetings;
- Specialized training for enforcement officers;
- Sharing of 'alerts' with other global enforcement agencies (Interpol, WCO, ASEAN-WEN, etc) for prompt enforcement action;
- Maintenance of regional wildlife enforcement database - WEMS;
- Regional and global enforcement operations;
- Repatriation of seized wildlife products to country of origin;
- Deportation of poachers/traffickers to face trial.

### **Status of country implementation of the Agreement**

The country has met its obligations under

- Headquarters Agreement: - Land to build offices for the Secretariat (LATF)
- Office accommodation
- Financial obligations, Kenya has been ahead of all other member countries
- Designated KWS as its National Bureau (Focal Point)
- Support towards holding of GC meetings
- Technical assistance to other Parties
- Data/information management
- Law enforcement training (Law Enforcement Academy, Manyani)
- Curriculum development (enforcement training)

### **LATF Challenges in facilitating Implementation of the Agreement**

- Financial challenges – most member countries not meeting their financial obligations
- Stagnant membership
- Dwindling donor support - mainly towards enforcement operations & capacity building)
- Response to requests for data, participation in development of PoW for LATF, etc
- Slow/non-response by other governments eg: MLA requests

In an effort to manage the challenges, a Consultancy has been engaged to review the performance of the Secretariat in its operations and advise on possible re-engineering including institutional restructuring. This is ongoing and outcomes are expected to be presented to the 12<sup>th</sup> Governing Council meeting in May 2018

The Focal point for the Agreement-KWS is developing a Country Position for submission to the Governing Council at its 12<sup>th</sup> meeting

### **Ramsar Convention Presentation by Jane Macharia, NMK**

- The Convention on Wetlands (popularly known as the Ramsar Convention) was signed in Ramsar, Iran in 1971, Kenya signed and ratified it in 1990

- It provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources.
- It covers all aspects of wetland conservation and wise use, recognizing wetlands as ecosystems that are extremely important for biodiversity conservation in general and for the wellbeing of human communities.
- Lake Nakuru was the first designated Ramsar sites in the country. Other listed sites include Lake Bogoria (2000), Lake Naivasha (1995), Lake Baringo (2000) , Tana Delta (2012) and Lake Elmentaita (2005)

### Obligations of the Government

- Ensure wise use of all wetlands in the country
  - Success indicator here is development & application of a national Wetland Policy
- Enlist more sites into the Ramsar list
  - Of international importance and ensure their appropriate management
  - Foster international cooperation in management of transboundary wetlands

### Challenges in implementation

- Limited resources
- Inadequate levels of enforcement of laws governing use of wetlands
- Lack of coordinated approach towards implementation
- No structured Feedback mechanism from COPs to site

### Suggestions on How to overcome the challenges

- Allocate resources to the National focal points for implementation of the conventions goals
- Encourage resource mobilization/fundraising in order to enhance implementation support portfolio
- Promote incentive measures that encourage the application of the wise use provisions of the Convention , to communities
- Enhanced Information dissemination

## CBD-Nagoya Protocol Presentation by Kavaka MUKONYI

The presentation highlighted on the Concept of Nagoya as :

- Sustainable utilization; Equity, Economy and Environmental quality;
- Biodiversity has been identified as key natural Capital and principle asset-base for development , growth and sustainable development at global level;
- Proceeds from Research &Development on biological resources estimated at USD 900 Billion annually while tourism landscapes generate USD 300 billion;
- financial sector loss of USD 1-1.5 trillion whereas loss of biodiversity estimated at USD 2-5 trillion per year globally

The permitting system

- The ABS permitting system proposed under CBD where legal clarity and certainty is affirmed under Nagoya protocol
- Key provisions under CBD ,Article 1 objective- conservation, sustainability, equitable benefits on utilization of genetic resources, use of terms ,Article 2 -biological, genetic resources, country of origin ,biotechnology
- CBD Article 15 on access to genetic resource (ABS permits) -15 (1), sovereignty, 15 (2) incentives –facilitated access,15 (3) provider as country of origin –in-situ or accordance with CBD acquisition of PIC and MAT. Article 15 (4) Access subject to MAT and 15 (5) subject to PIC, 15 (7) each party to take **legislative ,administrative** or policy measures

Article 6 of Nagoya

- Article 6 (1) –Article 15 of the CBD
- Article 6 (3) establishment of provider measures for legal, policy and institution arrangements, for (a) legal clarity, certainty and transparency (e) evidence of Access permit for PIC and establishment of MAT and Notify ABS-CH (f and g) establish rules procedures criteria for PIC and MAT with where possible involving local communities subject to domestic legislation. Article 14 (c) access permits issued as evidence for PIC and establishment of MAT to be submitted to ABS-CH. Article 17 (2) permit issued as per article 6 (3e) shall constitute IRCC and manner of IRCC guided in 17 (4);
- Special consideration for supportive manner with other Conventions –article 4 e.g. ITPGRFA –SMTA, Article 8 non-commercial research and pathogens under WHO.
- ABS measures /procedures exist however, there is currently no substantive law specific on ABS; implementation of ABS provisions is managed under various laws:
  - EMCA Amendment Act 2015, ABS regulation 2006
  - Kenya Constitution 2010
  - Wildlife Act 2013
  - Biosafety Act 2012
  - Science Technology and Innovation Act 2012



- Seed and plant variety Act 2016
- Forest Act 2016
- TK and Cultural expression 2016
- IP laws –KIPI,KECOBO,KEPHIS

### **Institutional arrangements**

Clarity certainty, transparency in permits in institutional arrangements and procedures/ criteria based provider/user measures, legal, policy, institutional strategies, guidelines, procedures

Designation of National Focal Point, Competent authorities , ABS Clearing House, Check points and Publishing authority

### **Stakeholder perceptions on implementation of Nagoya**

- ✓ Various stakeholder recommendations on the need for coordinated approach, inclusive stakeholder participation and country fully engagements in agenda setting and decision making process from concept to final product.
- ✓ Country lacks proper negotiators establishment and capacity building. New to the game challenges with seasoned and lack background information
- ✓ Disparity in country positions and drafting of COP decisions
- ✓ Negotiators encounter agenda for the first time .No authoritative knowledge ,therefore no or weak interventions
- ✓ Developing countries have no clear or inappropriate coordination mechanism e.g. the AU versus EU for example.
- ✓ Inadequate funding and vulnerability of developing to be preyed on by developed influencing decisions
- ✓ Inadequate political ownership of the process to be domesticated in National frameworks.

### **Plenary/Discussions**

- Need to move to the next step and get better prepared including preparing country delegation to articulate ABS issues
- Enforcement needs to be paramount
- NAGOYA PROTOCOL
  - Law on co ownership of research findings and outcomes
  - Free prior and informed consent (PIC)
  - Need for professional counsel e.g. Legal, financial, advisory lobbying through the diplomatic corps more robust input.
  - MEA and our stand relative to all African Union leadership from Kenya
  - Gap in the Fisheries Act ; how will it be addressed
  - Kenya to develop a national listing criteria
  - Conflict of law
  - If Crocodiles and Hippos are considered as fisheries under the Fisheries Act, could KFS consider compensation for Human –Wildlife Conflict resulting from the two species?
  - Harmonization of laws relating to natural resource management



- Set up a section in the AG's office to coordinate formulation of laws relating to natural resources
- What level of stakeholder engagement was done when formulating the Fisheries Act, 2016?
- Strengthen coordination to decision making
- Need to have proper designation of focal points for MEAs based on roles and mandates in implementation of the respective MEAs.

#### Role of African Union

- Has eight (8) commissions  
Issues of wildlife are dealt by the Rural Economy and Agriculture Commission thus given low priority.
- African Union to relook at the placement of the wildlife issues under the commissions
- African Union 2063 strategy has some relation with Wildlife, Last preamble mentions wildlife
- Kenya wildlife Service/ Kenya Fisheries Service needs to have a sit down when developing guidelines issues will be addressed and sorted out
- CITES are there provisions can be waived in order to tighten systems
- Need to prepare differently for CITES to look at it from a business perspective
- Preach to the unconverted and think outside the box
- Constitution says all MEA forms part of the constitution
- Connect our initiatives to the agendas of the government
- Cabinet secretary is waiting for the recommendation inter agency conflicts can be sorted at cabinet level
- Identify champions who need to attend the COP and Have better preparation
- Can we qualify /value of natural capital
- Identify champions of these MEA
- Each MEA is specialized
- Need to take up the UNESCO WHS/MAB in a more focused way
- Need to deliberately encourage and motivate the top position in MEAs
- These discussions can help improve the national strategy being formulated
- There are other aspects of wildlife utilization that can be used to benefit communities apart from hunting
- What is Government position on GMO's?
- When do we set up our national agenda apart from basic compliance with the MEA
- Develop a national database on skills of the people who can be champions of various MEA
- Develop strong partnerships between private sector and Government
- Need to harmonize systems on genetic material
- How do we use the CITES?
- How do we coordinate participation lead person for conventions?
- There is need to benchmark within Kenya
- Waivers and incentive are being discussed at various levels

- GMO Ministry of Agriculture and Biosafety Authority controls this but we are entitled to
- Material exchange for research purposes
- Taskforce /wildlife strategy

## **WAY FORWARD.**

The participants were divided into groups and tasked to discuss and recommend how implementation of the wildlife-related MEAs should be best managed.

The first task was for the groups to identify the Challenges encountered when implementing the MEAs, recommend interventions that could be applied to address the challenge, identify the would be right agents of the change needed and who should lead in implementation of the interventions, recommend the expected outputs (what each action need to produce) and the expected timelines for completion of the recommended actions,

The second task was to develop the Terms of Reference (ToR) for structural units that would be established to coordinate implementation of the MEAs. An additional task was to suggest a 3-year work plan with specified activities for implementation and an accompanying budget.

The results of the group discussions are presented in the matrices below as Annex 1 and Annex 2. The State Department for Wildlife will review the recommendations contained therein with a view to advising on putting in place a mechanism for implementation of the recommendations/ proposals.

A table showing all planned meetings for the wildlife –related MEAs for the period 2018-2019 was prepared to inform country preparations for such meetings. The table is presented as Annex 3.

## Annex 1. COORDINATING IMPLEMENTATION OF WILDLIFE RELATED MULTILATERAL ENVIRONMENTAL AGREEMENTS (MEAs)

The participants agreed to the following actions for implementation as presented in the matrix below:

Objectives:

1. To review the country performance at past CoPs of MEAs in preparation for and participation in the CoPs of respective MEAs;
2. To review progress in implementation of outcomes thereof;
3. To discuss a framework for building greater synergies among the National Focal points, implementing Agencies for the various wildlife -related MEAs and stakeholders towards a better coordination in implementation of the MEAs in the country.

### Action Plan to Achieve Objective Three

SN	Challenge	Intervention actions (what can be done to address the challenge?)	Agent of change (who should lead the activity?)	Output (what do we want each action to produce?)	Completion date
1	<b>Framework for co-ordination</b>	<ul style="list-style-type: none"> <li>▪ Establishment of a MEA Inter-ministerial Committee coordinated by CS responsible for Wildlife ;</li> <li>▪ Establishment of a MEAs inter-ministerial/interagency*/private sector Committee coordinated by PS responsible for Wildlife;</li> <li>▪ Establishment of Technical /Experts* Committees for each MEA coordinated by the CEO of the designated Implementing</li> </ul>	<ul style="list-style-type: none"> <li>▪ State Dept for Wildlife</li> <li>▪ State Dept. for Wildlife</li> <li>▪ Relevant State Agencies</li> <li>▪</li> <li>▪</li> </ul>	<ul style="list-style-type: none"> <li>▪ ToRs for each establishment</li> <li>▪ inventory of stakeholders for each MEA</li> <li>▪ Status of wildlife – related MEAs including their placements and implementation</li> </ul>	By 18 June 2018

		<p>Agency /Administrative Authority for the MEA</p> <ul style="list-style-type: none"> <li>▪ Establishment of a Wildlife –related MEA Secretariat at the Ministry responsible for Wildlife to support the coordination framework</li> </ul>	<ul style="list-style-type: none"> <li>▪</li> <li>▪</li> <li>▪ State Dept. for Wildlife</li> </ul>	<p>effectiveness determined</p> <ul style="list-style-type: none"> <li>▪ calendar of events for each MEA and establishment</li> <li>▪ Inter- Agency-Inter-department cooperation and collaboration</li> <li>▪ Database of issue experts</li> <li>▪ Min. of FA to gets more involved</li> </ul>	
2	<b>Preparation for MEAs meetings</b>	<ul style="list-style-type: none"> <li>▪ Coordination of process by Focal Points as Leads</li> <li>▪ Min. of FA’s active participation at National and international levels</li> <li>▪ All actors/stakeholder involvement at all stages</li> </ul> <p><b>Creation of a roadmap</b> which includes 1) calendar of events for that year and timelines (.COP, Dec CBD after the identification</p> <p><b>Receipt of letter</b> from Focal Point</p>	Lead ministry	<p>Know the timelines of what will be needed per meetings</p> <p>Share all the information of Focal Points of each MEA</p> <ul style="list-style-type: none"> <li>▪ Position papers</li> <li>▪ Well prepared delegation</li> </ul>	

		Informing about the Convention Timelines			
		<b>BRIEFING DOCUMENT</b> Introducing the Convention and what issues are upcoming  ID each focal point of each MEA  Identify the teams who will attend the meetings  And create budgets for participation		Prepare and share with all the stakeholders  Call for proposals ( here you will give proposals on certain issues and then collate it and group it.) our need is to get timely info of views from both public and private sector), we also need to allocate budgets for teams, the proposals should be part of the road map	
		Lead agencies have relevant draftsmen/WOMEN prepare and disseminated the proposals		First Draft the proposals disseminate the (i) timetable (ii) proposals Second ,Get info from Stakeholders via Stakeholders forum  Third, Set an agenda for Interministerial Preparatory meetings	

				Country position paper is the main output	
3	<b>Implementation &amp; national reporting on MEAs</b>	<ul style="list-style-type: none"> <li>Coordinated reporting by the different players attending the MEAs at the national level</li> <li>The implementation progress only to be done by the State agency thus making others not aware.</li> <li>Sharing of reports on implementation progress to other players</li> <li>Adequate Financial resources and manpower provided to enable implementation and effective reporting</li> </ul> <p>Validation of report</p>	The State Agency designated as focal point through the respective technical committee;	<ul style="list-style-type: none"> <li>One coordinated report. The report will inform that national status of wildlife report which has component on reporting progress of implementing treaties</li> <li>Sharing of the report collectively generated to member of the technical committee</li> <li>Terms of reference (objectives, work plan &amp; deliverables) on how to undertake collective implementation and reporting</li> <li>Government to create annual budget line to enable working of the technical committees, implementation</li> <li>Validation process of report at all levels of new structure created</li> </ul>	Two weeks from mission

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4	<b>Linking science to policy</b>	<p>Establishment of MEAs specific technical committees which will include in Broad representation:</p> <ul style="list-style-type: none"> <li>Species research and conservation experts and other experts e.g. legal, protocol, business/entrepreneurship experts</li> </ul> <p>-Converting scientific materials into policy documents for ease of interpretation</p> <p>-Using media to publicize MEAS and country position and drum up public support`</p> <ul style="list-style-type: none"> <li>Establishment of National /Experts Technical Committees for respective MEA</li> </ul>	Respective Lead agencies for each MEAs	<p>Country guidance on the provisions of MEAs</p> <p>Developing proposals for country's position</p> <p>Collecting and collating information on MEAs in respect of Kenya</p> <p>Mobilizing public support for country position</p> <p>Enhancing public Participation and good will on MEAs</p> <p>Enhanced public education and awareness on MEAs</p>	Develop a work plan with timelines
5	<b>Awareness creation and knowledge management</b>	<ul style="list-style-type: none"> <li>Who is responsible for implementation</li> </ul> <p><b>The MEAs</b></p>	<ul style="list-style-type: none"> <li>What are MEAs</li> <li>Which ones has Kenya ratified</li> <li>What are the implications for govt. agencies and pubic</li> <li>Collection of all MEAs materials to agencies</li> </ul>	<ul style="list-style-type: none"> <li>Increased awareness of MEAs and necessary preparation for MEAs conventions</li> <li>Creation of program of awareness</li> </ul>	

		<b>The Legislation</b>	<ul style="list-style-type: none"> <li>• What laws are in place that relate to MEAs</li> <li>• Which agencies are the focal points/lead</li> <li>• Which agencies or national issues are affected</li> <li>• Identification of depository of MEAs copies to be supplied to secretariat by focal points</li> </ul>	<ul style="list-style-type: none"> <li>• Material and workshops to create capacity of agencies</li> <li>• Building capacity on negotiation and core competence skills for MEAs</li> <li>• New teams at MEAs to be adequately prepared to ensure participation</li> <li>• Lobbying of foreign missions, N/A and private sector</li> </ul>	
		<b>Advocacy and Lobbying Sensitization</b>	<ul style="list-style-type: none"> <li>• Lobbying –at all levels- political, county and agencies</li> <li>• Public forums-on ratification of conventions and legislation</li> </ul> <p>Marches and demonstration</p>		
6	<b>Youth engagement and empowerment in MEA Processes</b>	<p>At High School and lower levels-</p> <ul style="list-style-type: none"> <li>• Strengthen curriculum to include MEA implementation in a language they can understand</li> <li>• Encourage establishment and joining of environmental and wildlife clubs</li> </ul>	Office of the PS and the MEA focal point at the Ministry		



		<ul style="list-style-type: none"> <li>Ministry and partners to sponsor environmental challenge competitions</li> <li>KWS to make it easier for children to access Parks</li> </ul> <p>At Tertiary and University level</p> <ul style="list-style-type: none"> <li>Guest lecturers by conservation experts in the field</li> <li>Research and mentorship opportunities</li> <li>Internships</li> </ul> <p>At Post campus and Young professionals</p> <ul style="list-style-type: none"> <li>Establish a “Youth Caucus on MEAs” recognized by ministry and represented at the MEA preparation, negotiation and implementation levels</li> </ul> <p>Support research grants for youth and collaborations</p>			
		<p><b>With leading experts in the field</b></p> <ul style="list-style-type: none"> <li>Identify what interests the youth and tie in implementation of MEAs to this interest eg Nagoya Protocol</li> <li>Support youth led organizations in the NGO sector and private sector</li> <li>Ministry to create, through consultations with youth caucus and the MEA secretariat for succession planning</li> <li>Include youth Caucus members as assistants apprentice in global MEA meetings</li> </ul>			
7					

	<p><b>Community engagement and empowerment</b></p> <ul style="list-style-type: none"> <li>▪ the MEA Focal Point needs to be engaged to identify the groups or communities where MEA is relevant</li> <li>▪ Identify umbrella organization like KWCA, Amboseli Ecosystem Trust, CFAs, and Community Wildlife Associations</li> <li>▪ The implementing organizations to activate and implement some of the bodies and implement them</li> </ul> <p>Develop a database of established organs, document the case studies and success stories</p> <p>Keep on updating the case studies and share out information for awareness and replicated</p> <p>Use the focal Point and the Focal institution develop participatory structures to engage the communities</p> <p>A business plan or incentive framework needs to be developed to ensure sustainability</p> <p>Look for the opportunities to benefit from the biodiversity resources such as funding under the MEAs</p> <p>Consider carbon trading that is happening in some parts of Kenya</p> <p>Link communities with the technical expertise to assist in empowering the communities and enhance their benefits</p> <p>Promote wise use of natural resources</p> <p>Promote the understanding of national laws and regulations</p>			
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		<p>The ministry needs to spearhead the dissemination of the information through its website and ministerial newsletters</p> <p>Promote beneficial PPPs</p> <ul style="list-style-type: none"> <li>■</li> </ul>			
8	<b>Global engagement</b>	During COP - Interaction with international players during COPs with strategies for engagement	<p>Proper preparedness of those going to negotiate positions / relevant expertise</p> <p>Need for capacity building</p> <p>Accredit the right individuals and teams to COPs</p>	Focal points for MEAs and technical points	
		Global interaction – before COP meetings and Continued engagement post COPs– follow up for long lasting collaborations	Targeted post COP meetings, conferences, exchange of technical information	<p>Focal points for MEAs</p> <p>MEAs co-ordination secretariat, focal points</p>	
		Mapping players– to support lobbying efforts. This includes Understanding of other country positions on the common issues and strategies to work with them and possible trade-offs	State, non-state actors, NGOs and CBOs along the relevant MEAs	MEAs co-ordination secretariat, focal points and MFA	
		Shared understanding and access of information & docs of the issues at the international level	<p>i. Preparation of country briefs and wide dissemination in non-technical format</p> <p>ii. MFA to share information with high</p>	MFA, MEAs co-ordination secretariat, focal points	

			commissions/embassies and COPs Leverage social media to share information		
		Engagement with political and economic blocks regional continental blocks for shared concerns: EAC AU, Bilateral at various levels (focal points, ministerial presidential	Get representatives of the regional blocks to attend meetings Organize targeted side events to Africa specific issues (e.g. Africa Parks congress)	MFA with focal points and MEAs co-ordination secretariat	
		MFA – a mechanism to enhance proper engagement with MFA for full briefings on country positions with all their diplomats.	Timely briefings required to respective embassies in countries hosting COPs	Ministry responsible for MEAs in consultation with MFA	

Notes: 1.

1. Agencies include Government, Non-Government and Private sector institutions and organizations/entities
2. Technical /experts are individuals with respective competencies and drawn from all sectors both government and private sector
3. ToRs to include among others depending on functions:
  - Briefing to relevant Committees of Parliament,
  - briefing to Council of Governors(CoG),
  - presenting country positions to a National Stakeholders meeting for validation etc

## Annex 2. Terms of Reference for Coordination Framework Units

### Framework for co-ordination – Terms of Reference & Program of Work & Budget

SN	Intervention actions (what can be done to address the challenge?)	Terms of Reference	3-Year Program of Work	3-Year operational Budget
1.	Establishment of a MEA Inter-ministerial Committee coordinated by CS responsible for Wildlife ;	<ul style="list-style-type: none"> <li>- Consider and review country position on MEAs</li> <li>- Advise on cabinet position on country positions on MEAs</li> <li>- Submit country positions for approval by the cabinet</li> <li>- Mobilizing and providing budgetary support for subscriptions and operations of MEA agenda</li> <li>- Monitor implementation of decisions on MEAs agenda</li> </ul>		<b>Budget Items:</b>  Inter-ministerial committee retreat  Mobilizing other government support  Domestication of ratified conventions  Kes .13,500,000

		<ul style="list-style-type: none"> <li>- Receive and review progress reports from the chaired by the PS in charge of the department in charge of Wildlife</li> <li>- Regional and global lobbying for support of country positions on MEA agendas</li> <li>- Provide feedback to the PS inter-ministerial inter agency committee from cabinet on country positions and MEA agendas</li> <li>- Advise on country priorities on MEAs</li> <li>- Mobilize political goodwill for country positions on MEA agendas at all levels</li> <li>- Provision of financial resources to domesticate ratified conventions and treaties</li> </ul>		
2.	Establishment of a MEAs inter-ministerial/interagency*/private sector Committee coordinated by PS responsible for Wildlife;	<ul style="list-style-type: none"> <li>▪ Repository of the MEAs calendars</li> <li>▪ Coordinate and receive reports from the MEAs technical groups.</li> </ul>	Regular meetings every 6 months and special meeting can be called on need basis	Budgets based on MEAs calendars

		<ul style="list-style-type: none"> <li>▪ Building consensus on country positions of MEAs</li> <li>▪ Provide oversight role and implementation of MEAs action plans e.g reporting , adoption and dissemination</li> <li>▪ The team will be meeting every six (6) months and depending with task they can call for special meetings</li> </ul> <p>(on need basis)</p> <ul style="list-style-type: none"> <li>▪ The committee will report to the inter-ministerial committee shared by the CS</li> <li>▪ Communicate country position on MEAs</li> <li>▪ Lobby and buying of the country position at regional and international level</li> <li>▪ Approve appropriate and relevant delegates for accreditation e.g Negotiators???</li> </ul>	<p>Develop annual work plan and budget</p> <p>Establish MEAs technical committees</p>	
3.	Establishment of Technical /Experts* Committees for each MEA coordinated by the CEO of the designated Implementing Agency /Administrative Authority for the MEA	<ul style="list-style-type: none"> <li>▪ Create Awareness about existence and implementation status of various MEA</li> <li>▪ Preparation of Country Position</li> <li>▪ Review previous outcomes and progress , implementation/domestication</li> <li>▪ Identify species requiring listing</li> <li>▪ Feedback mechanism</li> </ul>	<ul style="list-style-type: none"> <li>▪ Report on Review and Evaluation</li> <li>▪ Convene Teams for varied MEA's</li> <li>▪ Mechanisms for Consultation</li> </ul>	15-20million for 3 years

		<ul style="list-style-type: none"> <li>▪ Update endangered species list</li> <li>▪ Create National Consultative process</li> <li>▪ Representation of Kenya in Interim/Intersessional Committee</li> <li>▪ Education Awareness and Advocacy</li> <li>▪ Monitoring and Evaluation Indicators</li> <li>▪ Mediation &amp; Arbitration Mechanisms</li> <li>▪ Ensuring Private/Public Partnership to ensure best available science</li> </ul>	<ul style="list-style-type: none"> <li>▪ Education Awareness and Advocacy</li> <li>▪ Update Endangers Species List</li> </ul>	
4.	Establishment of a Wildlife –related MEA Secretariat at the Ministry responsible for Wildlife to support the coordination framework	<p style="text-align: center;"><b>Terms of Reference (ToRs)</b></p> <ol style="list-style-type: none"> <li>1. Develop a Strategic Plan for implementation of Wildlife related MEAs</li> <li>2. To establish the organogram/Structure of the secretariat (Establishing the structure and functions of the different positions);</li> <li>3. Develop and implement Standard Operating Procedures (SoPs) of coordinating implementation of Wildlife related MEAs</li> <li>4. Overall Coordination , support and facilitation of the operations of the MEA Committees and MEA processes</li> <li>5. Liaison with the depository department on the Wildlife related MEA’s on items such as reports with the purpose of information sharing; (Liaison and depository of MEA processes; information,</li> </ol>		<p><b>Budget Items</b></p> <ol style="list-style-type: none"> <li>1. Personnel- with knowledge and skills in MEA implementation, legal n IT expert, Admin and Finance experts.</li> <li>2. Meetings- budget to be determined by number of meetings and duration of meetings,</li> <li>3. Travel, accommodation</li> <li>4. Office set up and facilitation</li> </ol>



		<p>Decisions and Resolutions of MEAs, calendar of meetings etc.</p> <ol style="list-style-type: none"> <li>6. Develop and communicate a calendar of events for all MEA events with the intention to trigger preparations;</li> <li>7. Hold an inventory of the different *stakeholders related to the MEA's;</li> <li>8. To set up, maintain and make available a list of FAQ and approved responses;</li> <li>9. To prepare funding requests for implementation of and participation in MEAs and communicate to the relevant financier;</li> <li>10. Follow up and communicate decisions and resolutions passed by the relevant MEA committees;</li> <li>11. Preparing/set agenda, Identify gaps and issues that require deliberations across the four (4) Committees (TOR for technical committee)</li> <li>12. To perform any other tasks directed to it by other Committees;</li> </ol>		
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### Annex 3 : MEAs International Calendar of events (Planned meetings) 2018-2019

Meeting dates	Body	Venue	National Preps Dates	submission of working documents	Agenda /Positions/Issues
<b>CITES CONVENTION</b>					
16-17 July 2018	Animals Committee (AC30)	Geneva	Briefing Document by 30 June 2018	17 May 2018	<a href="https://www.cites.org/eng/com/ac/30/index.php">https://www.cites.org/eng/com/ac/30/index.php</a>
20-26 July 2018	Plants committee (PC24)	Geneva	Briefing Document By 30 June 2018  Africa Region Report preparation by 5 July 2018	21 May 2018	<a href="https://www.cites.org/eng/com/pc/24/index.php">https://www.cites.org/eng/com/pc/24/index.php</a>  <ul style="list-style-type: none"> <li>- Annotations #15 - <i>Dalbergia spp</i></li> <li>- Implementation of Decisions on East African Sandalwood (<i>Osyris lanceolata</i>) and EU funding for African Tree Species</li> </ul>
01-05 October 2018	Standing Committee(SC 70)	Sochi Russia	Stakeholder meetings Beginning 10 June 2018	2 August 2018	<a href="https://www.cites.org/eng/com/sc/index.php">https://www.cites.org/eng/com/sc/index.php</a>  <ul style="list-style-type: none"> <li>- Exit from NIAP Process</li> <li>- Remove Resolution Conf. 10.9 on Transfer of elephants from Appendix I to II</li> <li>- AEF Administration</li> </ul>

					<ul style="list-style-type: none"> <li>- Combating Wildlife cybercrime</li> <li>- Closure of domestic Ivory markets</li> </ul>
10-22 Nov 2018	CBD COP 14	Sharm El-Sheil, Egypt	Preparations meetings beginning 24 April 2018		<ul style="list-style-type: none"> <li>- African Common Strategy for Combating Illegal Wildlife Trade (AU –Led strategy) Exhibition event</li> </ul>
23 May 2019	COP 18	Colombo, Sri Lanka		24 December 2018	<a href="https://www.cites.org/eng/cop/index.php">https://www.cites.org/eng/cop/index.php</a> <ul style="list-style-type: none"> <li>- Include Giraffe spp in Appendix II; Consultations of EU with Range States</li> <li>-</li> </ul>
<b>CBD -NAGOYA PROTOCOL</b>					
2-7 July 2018	22 <sup>ND</sup> Meeting of SBSTTA				
9-13 July 2018	2 Meeting of SBI				
24-26 April 2018	Compliance Committee				<a href="https://www.cbd.int/meetings/ABSCC-02">https://www.cbd.int/meetings/ABSCC-02</a>
<b>LUSAKA AGREEMENT</b>					

28-30 May 2018	12 <sup>th</sup> Governing Council meeting of Parties	Nairobi	- Existence of LATF to implement LA
June, 2018	Planning workshop for Africa/Asia enforcement operation	Vietnam	
April, 2018	Counter Trafficking Organized Crime (C-TOC) planning workshop in	Tanzania and Maputo	
<b>INTERNATIONAL CONVENTION FOR THE REGULATION OF WHALING (ICRW/IWC)</b>			
May 2019	Scientific Conference	Nairobi	
<b>CONVENTION ON CONSERVATION OF MIGRATORY SPECIES OF ANIMALS</b>			
10 April 2018	14 <sup>th</sup> Meeting of the AEWA Technical Committee	UNEP/AEWA Secretariat, Bonn	
29 May 2018	3 <sup>rd</sup> Meeting of the Sessional Committee of the Scientific Council	UNEP/CMS Secretariat, Bonn	

(SsC-SC3)			
03 July 2018	13th Meeting of The AEWA Standing Committee	UNEP/AEWA Secretariat, The Hague	
10 October 2018	4th Global Illegal Wildlife Trade Conference	London	
23 October 2018	48th Standing Committee Meeting of CMS	UNEP/CMS Secretariat Bonn	
04 December 2018	AEWA 7th Meeting of Parties(MOP7)		
10 December 2018	CMS Sharks MOU: 3rd Meeting of Signatories (MOS3)	Monaco	
<b>RAMSAR-THE WETLANDS CONVENTION</b>			

23 - 27 April 2018	54th Meeting of the Standing Committee (SC54)	Gland, Switzerland		
21- 29 October 2018	The 13th Meeting of the Conference of the Parties(CoP13)	Dubai, the United Arab Emirates,		<a href="http://sdg.iisd.org/events/13th-meeting-of-the-conference-of-the-contracting-parties-to-the-ramsar-convention-on-wetlands-cop13/">http://sdg.iisd.org/events/13th-meeting-of-the-conference-of-the-contracting-parties-to-the-ramsar-convention-on-wetlands-cop13/</a>
<b>INTERNATIONAL UNION OF CONSERVATION OF NATURE (IUCN)</b>				
November 2019	1 <sup>st</sup> Meeting of Africa Parks Congress	Nairobi		

## Annex i: Retreat Expectations

- To Internalize CITES and MEAs.
- Meet objectives
- No shifting of ministries to hear more from global MEAs
- The institutional De-fragmentation challenge
- To learn and develop a country position
- Practical solutions to challenges
- Practical way forward in synergies and implementation
- Have a shared vision in implementation
- Develop a mechanism of consolidating efforts/expertise hence strong position
- Develop a mechanism for developing country position
- Update information
- Healthy discussion coordination and implementation
- Greater synergies between public and private sectors
- Greater teamwork
- Actual implementation of MEAs
- Youth understand MEAs
- Engage youth in conservation
- Implementation MEAs up to county level
- Synergies
- Structure in multilateral approach avoid duplication
- Practical solutions
- Synergies between different institutions and to enhance enforcement
- A difference from the policies
- Simplified methods of implementation
- To know where we are and forge a way forward

- Internalize MEAs and involve community
- Have clear guidelines and place of youth in MEAs involvement
- Tie science/research
- To understand other MEAs eg. CBD, RAMSAR etc and how they operate
- Find ways of addressing challenges in implementation of MEAs
- To understand how other MEAs are structured and get to learn some lessons from wildlife related MEAs to (benchmark) Exchange experiences
- Working in structured and coordinated approach to develop the country position
- Framework to enable coordination/communicate how we implement MEA and for preparation country position.
- How to engage local communities in MEAs implementation
- Coordination between different ministries
- How do we engage communities and implement MEAs at National Law level.
- How researchers can't work together to develop a country position
- Establish networks and synergies
- Implementation of elephant action plans
- Come up with strategies our human resource can drive the Kenyan agenda at international agenda.
- Need to prioritize in the country position in MEA
- Institutionalize coordination of MEA with Government taking lead
- Need for a common position for country as far as MEAs
- Patriotism in dealing with genetic resources.
- Strategy on how to develop youth /others succession planning strategy of MEAs
- Bring all players together to understand them to know calendar of meetings where they are to be held and prepare a joint country position. All to be involved in MEAs and is implementation
- Importance of the MEAs and moving forward to benefit more nationally.
- To have a national calendar of MEAs, when they are coming up and what is the participation of a country.
- Adopt a multilateral approach to implementation of MEAs in a transparent manner to avoid overlap and duplication.



Annex ii: Participants list

Retreat Towards Building Greater Synergies in Implementation of Wildlife 17 <sup>th</sup> – 18 <sup>th</sup> April, 2018- Serena Amboseli , Amboseli National Park RSVP List as at 6 <sup>th</sup> April, 2018				
	Name	Title	Organization	Telephone/Email
1.	Dr. Margaret <b>MWAKIMA</b>	Principal Secretary	State Department of Wildlife	<a href="mailto:pswildlife@tourism.go.ke">pswildlife@tourism.go.ke</a>
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3.	Dr. Patrick <b>OMONDI</b>	Director Research , Monitoring and Strategic Initiatives	Min. of Tourism and Wildlife	<a href="mailto:poduor2003@yahoo.co.uk">poduor2003@yahoo.co.uk</a>
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5.	Solomon <b>KYALO</b>	Head, CITES Implementation	Kenya Wildlife Service	<a href="mailto:cites@kws.go.ke">cites@kws.go.ke</a>
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15.	Dr. Beatrice <b>KHAYOTA</b>	Focal Point for CITES/CBD/Plants	National Museums of Kenya	<a href="mailto:bkhayota@hotmail.com">bkhayota@hotmail.com</a>
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17.	Dr. Oliver <b>NASIRWA</b>	Snr. Scientist-Birds	National Museums of Kenya	

18	Dr Joyce <b>JFWA</b>	Snr Scientist-Mycology	National Museums of Kenya	
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24				
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35	Prof. Jared A. <b>ONYARI</b>	EIA Lead Expert	Gusii Network Association	
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40	Tim <b>OLOO</b>	Country Director	Born Free Foundation	
41	James <b>ISICHE</b>	Regional Director	IFAW	
42	Dr. Winne <b>KIIRU</b>		Elephant Protection Initiative	
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## Annex iii: Retreat Program



**Ministry of Tourism and Wildlife**

**State Department for Wildlife**

### **PROVISIONAL RETREAT AGENDA AND PROGRAM**

**Theme: COORDINATING IMPLEMENTATION OF WILDLIFE RELATED MULTILATERAL ENVIRONMENTAL AGREEMENTS (MEAs)**

Venue: Serena Amboseli Lodge, Amboseli National Park

**Date: 17 - 18 April 2018**

Time: 08h30-13h00|14h00-17h00

AGENDA ITEMS	DISCUSSIONS	FACILITATOR	TIME
<b>Monday 16 April 2018</b>	<b>Travel and Hotel check-in</b>	<b>Angela</b>	<b>08h00</b>
<b>Tuesday 17 April 2018</b>			
<b>Opening Remarks and Presentation of Retreat Objectives</b>	<ul style="list-style-type: none"> <li>- Retreat Objectives &amp; Expected Outcomes</li> <li>- Introductions and representations</li> <li>- Remarks by Chair, CAK</li> <li>- Remarks by Representative, DG NMK</li> <li>- Remarks by DG, Kenya Fisheries Service</li> <li>- Remarks by Rep, Min. of Tourism and Wildlife</li> <li>- Official Opening by Principal Secretary, State Dept for Wildlife</li> </ul>	Dr. Samuel KASIKI (KWS)          Dr. Patrick OMONDI	<b>08hr30-09h00</b>

Presentations on MEAs	Overview of Wildlife –related MEAs Kenya is Party to	Dr. Samuel Kasiki, DD-BR&M(KWS)	09hr00-09hr30
	Presentation on CMS & AEWA Implementation	CMS/AEWA Focal Point	09hr30-10hr00
TEA BREAK 10H00-10H30			
Presentations on MEAs	- Presentation on CITES Implementation	CITES Focal Point	10hr30-11hr00
	- Presentation on RAMSAR implementation	RAMSAR Focal Point	11hr00-11hr30
	- Presentation on LA implementation		
	- Presentation on IWC implementation	LA National Bureau Focal	11hr30-12hr00
	- Presentation on UNESCO-WHC Implementation	IWC Focal Point	12hr00-12hr30
	- Presentation on CBD & Related Protocols – case of NAGOYA Protocol	WHC Focal Point	12hr30-13hr00
	The presentations will focus on how the respective MEA is administered and implemented in the country and what challenges the Focal points experience with respect to implementation and national reporting	CBD Focal Point/NAGOYA Protocol	13hr00-13hr30

<b>LUNCH BREAK 13H30-14H30</b>			
<b>OUTCOMES OF RECENT MEETINGS OF MEAs- DISCUSSIONS</b>	- CMS CoP12 Country preparations and outcomes of the CoP	CMS Focal Point & Delegation to CoP12	<b>14hr30-15hr30</b>
	- CITES CoP17 country preparations and outcomes of the CoP	CITES Focal Point & Delegation to CoP17	<b>15hr30-16hr30</b>
	- CITES SC69 country preparations and outcomes of meeting  <i>Discussion will aim at recalling how the country prepared its positions to the past CoP meetings and the outcomes of the country proposals thereof. Also progress in the implementation of outcomes of the meetings especially those affecting the country</i>	CITES Focal Point & Delegation to SC69	<b>16hr30-</b>
	<b>TEA/COFFEE BREAK 16H30-17H00</b>		
	<b>Wednesday 18 APRIL 2018</b>		
<b>Plan of Action</b>	- Calendar of Activities for MEAs, 2018-2019	MEA Focal Points	<b>08hr30-09hr00</b>
<b>DISCUSSIONS ON PREPARATIONS FOR NEXT COPs &amp; RELATED MEETINGS</b>	- Preparations for CITES SC70 (Sochi, Russia October 2018) - Preparations for CITES CoP18 (Colombo, Sri Lanka, May 2019)	CITES Focal Point	<b>09hr00-10hr00</b>
	- Preparations for CMS CoP13	CMS Focal Point	<b>10hr00-10hr30</b>
<b>TEA/COFFEE BREAK 10H30-11H00</b>			
	- Preparations for UNESCO –WHC	MEA Focal Points	<b>11hr00-11hr30</b>

	<ul style="list-style-type: none"> <li>- Preparations for RAMSAR Meeting , DUBAI</li> <li>- Preparations for other MEAs CoPs</li> </ul> <p><i>Discussion will aim at developing a framework for national preparations of country proposals/positions to MEAs meetings ensuring participation of and contributions from all relevant stakeholders. Also involvement of such stakeholders in implementation of outcomes of the meetings and contributing to national reporting on progress in implementation of Decisions and Resolutions of the meetings</i></p>		
	<b>Establishment of National Committees</b> <ul style="list-style-type: none"> <li>- Membership</li> <li>- Roles &amp; Terms of Reference</li> <li>- Work plans</li> <li>- Budgets</li> </ul>	State Dept of Wildlife	<b>11hr30-13hr00</b>
<b>LUNCH BREAK 13H00-14H00</b>			
<b>WAY FORWARD</b>	<b>Way Forward</b>	State Dept of Wildlife	<b>14hr00-16hr00</b>
<b>CLOSING SESSION</b>	<ul style="list-style-type: none"> <li>- Remarks by Ag. DG, KWS</li> <li>- Remarks by Chair, CAK</li> <li>- Remarks by DG, Kenya Fisheries Services</li> <li>- remarks by DG, -NMK</li> <li>- Remarks</li> <li>- Closing by PS, State Dept for Wildlife</li> </ul>		<b>15hr00-16hr00</b>
<b>Thursday 19 April 2018</b>	<b>Hotel check –out and travel</b>		<b>08hr00</b>