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Ref: ENV 05/20

Brig. (Rtd.) John Waweru,
The Director General,
Kenya Wildlife Service,
Langata Road.

18/04/2020

Dear Brig. (Rtd.) John Waweru,

RE: THE NAIROBI NATIONAL PARK DRAFT MANAGEMENT PLAN

We join dozens of other conservation entities in questioning the attempt by KWS to push through a critical document, during a period when meaningful public participation, as required by law, cannot be achieved due to restrictions on movement and gatherings occasioned by COVID-19.

I am writing on behalf of WildlifeDirect to raise concerns about the Nairobi National Park Management Plan (“the Draft NNPMP) whose deadline for public consultation is 19th April 2020. While we believe that this document is crucial not only in the management of the Nairobi National Park, we also recognize that it will set precedence in the management of other parks in the country. It is VITAL therefore that it’s development and gazettelement is conducted as a model and showcase of good governance, by adhering to all required legal procedures.

While we acknowledge that a park management plan is urgently needed for Nairobi National Park which has been operating without one since 2010, we believe that efforts to push the draft plan through during COVID-19 is in direct contravention of The Constitution, the Wildlife Conservation and Management Act (2013), the National Wildlife Strategy (2017) and the Kajiado County Spatial Plan.

Article 10 of The Constitution of Kenya proffers participation by the people as a fundamental principle of governance. This draft plan was developed from and is intended to be passed despite very limited public participation.

Secondly, we note that this plan focuses primarily on revenue generation through tourism rather than addressing the core mandate of KWS which is conservation as per the WCMA 2013, The main purpose of KWS is to “PROTECT” and manage the protected park. Any revenue generation should be incidental to conservation. This draft plan should therefore reflect the KWS Mission and Vision.

We are concerned that the Nairobi Park has never adequately addressed the community needs for access to benefits to the park and their desire for ecological integrity. Fencing the park will disrupt animal movements and the community’s association and important historical relationship with the park

The main objective of public participation is to enable the public to give meaningful input in the decision making process. It promotes democracy and adherence to Article 1, 10 (2), 33, 35, 61 and 69 of the Constitution. The **4th Schedule** of the WCMA specifically provides for the minimum requirements of public consultation that should be undertaken by KWS which includes publication of the proposal tabled in the Kenyan gazette and newspapers with national wide circulation (both participation during the development of the plan and after requesting for comments for the availed draft plan).

According to the draft plan, only four (4) consultative meetings were conducted and the stakeholder planning workshop meeting held was not conclusive as the venue and date was not publicized early enough to the public. Moreover, the publication of this draft was not made publicly available in the prescribed procedure.

Efficient public participation affords the public and key stakeholders an opportunity to understand the proposed plans and give detailed comments. Lack of an efficient public participation process leads to locking out views of the Kenyan public thus undermining the democratic process.

Another particular source of concern in the draft plan is the proposed construction of a high – end Eco lodge in the Park. Coupled with the fact that there is no justification for a high end lodge in the park (There are plenty of high end lodges and hotels in Nairobi and adjacent to the park), the construction of such a facility will have enormous negative impact to the integrity of the Park.

We have previously written to KWS about the impact of the Southern Bypass, the Standard Gauge railway (SGR), pipelines, power lines and major roads all of which have a negative effect on the park. Adding further infrastructure in the interior of the park strains it further and impacts on the ecological integrity of the park. The natural integrity of the park should be put foremost and that any additional infrastructure to an already SENSITIVE park shall have a huge detrimental effect.

The proposed plan shows a greater inclination towards tourism rather than conservation. Tourism should not be at the detriment of conservation. The contents of the plan are contradictory regarding the purpose of fencing. On one hand, the plan champions fencing as it would ensure that dangerous animals cannot access high density residential areas. On the other, the plan lists fencing as a pro to tourism as visitor satisfaction will be enhanced as the likelihood of viewing preferred wildlife would be high with animals contained in the park. It begs the question, what is the motivation behind fencing the park?

The investment approach seems to be primarily for the benefit of private investors and high end tourists but not for ordinary Kenyans and certainly, not the local community. The entire plan presupposes on big actions that will undermine the ecological integrity; from fencing to construction of lodges that do not take into account the deep rooted connection that many people have with Nairobi Park, as a historic icon of Nairobi,. The Nairobi National Park is a place of deep cultural and spiritual significance to many local communities and the plan does not consider the welfare of the wildlife its self.

These proposed developments will also irreversibly alter the aesthetic value of the park while also degrading the parks unique wildlife value.

We take this opportunity to remind you that the National Government has taken drastic actions banning all gatherings, including lockdowns and curfew, to limit the spread of the COVID – 19 virus making it impossible to convene stakeholders in order to respond to this proposal within the time stipulated. The intentional pursuit of management plan during these emergency times of COVID-19 which restricts opportunity for proper engagement, exchange, participation illustrates the intent to prevent and therefore disregard of input from the civil society and private sector.

This approach runs counter to the intentions and commitment of the Cabinet Secretary who promised the people of Kenya, in the national strategy, *to transform wildlife conservation by enlisting the help of citizens* whom he says should become the custodians of wildlife

We emphasize that the park is a public natural resource held in trust by the government. Critical changes or proposed development should be done in line with the laws of Kenya and efficient public participation.

Therefore, we recommend the immediate suspension of any further procedures regarding the Nairobi National Park Management Plan until the country' situation returns to normalcy. The extended time will allow stakeholders to properly study the draft plan and proffer recommendations to allow for meaningful public participation, conversations, and discussions once public gatherings are once again permitted.

We look forward to receiving your written undertaking on this request as soon as possible but in no event later than seven (7) working days from the date of receipt of this letter.

Yours Sincerely,



Dr. Paula Kahumbu, OGW

Chief Executive Officer, WildlifeDirect

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