

FROM LAND TO LEADERSHIP

A Guide to Establishing and Managing Community Conservancies



NATURAL
JUSTICE

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ABBREVIATIONS

AWF
BCPs
CBOs
CIDPs
CLA
CLF
CLMC
DANIDA
EIA
FPIC
IPLCs
KFS
KWS
NEMA
NFDs
NLC
NRT
SEAs

African Wildlife Foundation
Bio-Cultural Protocols
Community Based Organizations
County Integrated Development Plans
Community Land Act
Community Livelihood Funds
Community Land Management Committee
Danish International Development Agency
Environmental Impact Assessment
Free, Prior, and Informed Consent
Indigenous Peoples and Local Communities
Kenya Forestry Services
Kenya Wildlife Services
National Environment Management Authority
Northern Frontier Districts
National Land Commission
Northern Rangeland Trust
Strategic Environmental Assessments

KEY TERMS & DEFINITIONS

Conservancy refers to any land set aside by an individual landowner, corporate body, group of owners, or community for wildlife conservation, in accordance with the provisions of the Wildlife Conservation and Management Act, 2013.

Community conservancy refers to any land set aside by a community for wildlife conservation in accordance with the provisions of the Wildlife Conservation and Management Act, 2013.

Community, as defined by Section 2 of the Community Land Act, 2016, refers to a consciously distinct and organized group of users of community land who are citizens of Kenya and share any of the following attributes–

- common ancestry;
- similar culture or unique mode of livelihood;
- socio-economic or other similar common interest;
- geographical space;
- ecological space; or
- ethnicity.

Community Land means any land declared to be community land under Article 63(2) of the Constitution of Kenya 2010, or any land converted into community land under any law.

Land Use means the function or functions for which humans use an area of land.

Land Tenure means the terms and conditions under which access to land rights are acquired, retained, used, disposed of, or transmitted, whether temporarily or permanently.

Land tenure rules mean the ways through which property rights to land are allocated, transferred, used, or managed in a given society.

Land Ownership means rights by individuals, bodies corporate, group of owners or communities to own land.

Land registration refers to the process of making an entry, note, or record of an interest in community land into the Land Register.

Stakeholder means any person or institution that has an interest in a community conservancy and can either affect or be affected by the conservancy.

Apartheid used in this guide to mean a wildlife conservation policy that is founded on the idea of separating people from the wildlife conservation which is undertaken within the protected areas.



EXECUTIVE SUMMARY

Colonialism introduced the Western conceptions of wildlife conservation in Kenya. This was achieved through the promulgation of uniform laws and policies, which became enforceable over the entire territory. The development and application of such laws and policies were neither consultative nor uniformly acceptable among members of the different **indigenous peoples' communities and local communities (IPLCs)**. In addition, the contents of such laws and policies were generally foreign to the IPLCs' understanding of wildlife conservation, given that they were often borrowed from Western values.

Therefore, colonialism introduced a top-down approach to wildlife conservation in Kenya, which culminated in the concept of exclusive wildlife conservation through the 'protected areas' approach. As a result, the implementation of wildlife conservation programs resembled an apartheid system, as they were detached from the day-to-day lives of members of the IPLCs. This led to a degree of indifference towards wildlife conservation by many members of the IPLCs. The colonial policy of wildlife conservation continues to be implemented today through the concept of protected conservation areas such as game parks and game reserves. These wildlife protected areas are located within public lands, also known as public tenure.

However, it is now recognized that conservation efforts cannot be processes exclusively driven by the government within the limited protected areas. In this regard, the emerging trend has been to encourage individuals and communities to become active participants in wildlife conservation initiatives. In Kenya, these initiatives have gained traction through the concept of conservancies. Conservancies provide private individuals and community members with the rights and opportunities to participate in wildlife conservation outside the system of protected areas. As such, wildlife conservation is understood as a collaborative effort between the state and its citizens.

Conservancies have now received statutory support through both the **Wildlife Conservation and Management Act (WCMA) 2013** and the **Community Land Act (CLA) 2016**. Conservancies exist in two forms: private and community conservancies. This Guide focuses on community conservancies. It aims to provide guidance to community members who wish to establish conservancies within their communally held lands. Therefore, the Guide is intended as a simple toolkit to assist community members in setting up and managing conservancies on their communally owned lands, after registration.

CHAPTER 1

INTRODUCTION TO COMMUNITY CONSERVANCIES



INTRODUCTION

The **Wildlife Conservation and Management Act (WCMA)** defines a wildlife conservancy “as land set aside by an individual landowner, corporate body, group of owners or a community for purposes of wildlife conservation in accordance with the provisions of this Act¹”. This definition is further reiterated by the Community Land Act (CLA) 2016 which defines a conservancy as “a form of land use that involves the reservation of special purpose areas for, among other purposes, community conservation areas²”. Being a form of land use, conservancies serve to complement conservation measures undertaken by the Government within protected areas of either the national parks or game reserves.

The above statutory definition, however, incorporates all types of conservancies, i.e., privately-owned and communally owned conservancies. The difference between these two forms of conservancies arises from the nature of the land tenure, i.e., rights of access and use of land, under which the conservancy is established. By comparison, a community conservancy, to which this guide relates, is a conservancy established on land owned by members of a community, as provided for under **Article 63 of the Constitution of Kenya, 2010**. This type of tenure is often referred to simply as communal tenure. On the other hand, private conservancies are those conservancies established on privately-owned land.

Tenure security is assured through land registration. In the context of establishing community conservancies, we advise that communities should be encouraged to establish conservancies only after the registration of the community lands on which they intend to establish such conservancies.

“In the context of establishing community conservancies, we advise that communities should be encouraged to establish conservancies only after the registration of the community lands on which they intend to establish such conservancies.”

WHY REGISTER LAND FIRST?

In addition to ensuring tenure security, registration provides community members with clear evidence of ownership of their rights and interests in the land. It also allows the State to guarantee title and offer indemnity for any errors in the Register, reducing risks for community members. Furthermore, registration helps prevent conflicts over land ownership by ensuring that the rightful members of the community are officially recognized as the owners of the land.

1. Section 3 of the Wildlife Conservation and Management Act 2013
2. Section 29(1) of the Community Land Act 2016

Guiding Principles

The WCMA 2013 highlights the role of conservancies in wildlife conservation. Some of the guiding principles include the following:

1. DEVOLUTION OF CONSERVATION AND MANAGEMENT OF WILDLIFE

The establishment of conservancies serves as one of the ways in which wildlife conservation and management are shared with landowners and managers in areas with wildlife resources. As a result, it serves as an important mechanism for the decentralization and devolution of wildlife conservation and management. The devolution of wildlife conservation and management marks a shift from the long-held legal framework established since the declaration of the protectorate status over present-day Kenya, when wildlife conservation and management became centralized.

The Act established devolved wildlife conservation institutions, such as County Wildlife Conservation and Compensation Committees, in contrast to the previous legal framework, which prescribed a heavily centralized wildlife conservation system. Devolution of wildlife conservation benefits communities in two ways.

First, it provides communities with the opportunity to become active participants in the country's wildlife conservation agenda. Through this initiative, local communities become directly involved and, therefore, take ownership of the wildlife conservation process. This shift makes wildlife conservation more people-centric, in contrast to the previous government-centric approach, where conservation was largely concentrated in public lands through government initiatives.

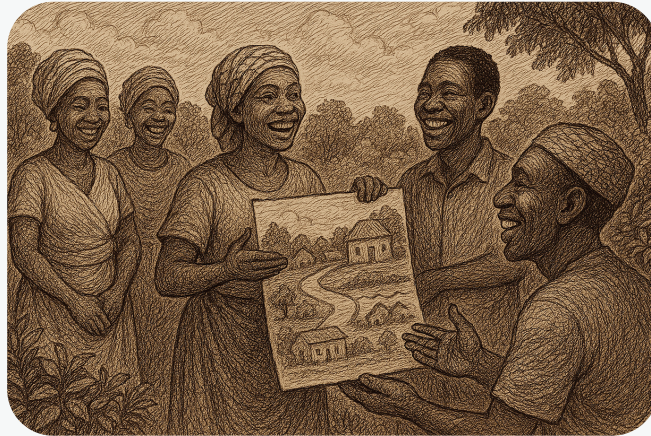
Second, community conservancies offer numerous untapped investment opportunities, particularly in hospitality and eco-tourism. Community members can capitalize on these opportunities, generating income through employment and other income-generating activities.

2. PARTICIPATION BY THE CITIZENS

The establishment of community conservancies has a binding effect on all members of the relevant community regarding land use. Once the conservancies are registered, the land use plan created becomes binding for all members. As a result, this restricts the types of land use available to community members.



Given the significant impact that land use within conservancies has on community members, it is essential that all processes leading to the establishment of community conservancies be as highly consultative and participatory as possible. Such participation ensures that the land use plans adopted by the community consider the needs and interests of the majority of its members. Therefore, the establishment of community conservancies must involve effective public participation from all stakeholders. The requirement for public participation is also crucial as a constitutional requirement.



It is noted that public participation is still not very effective in several community conservancies. One contributing factor arises from the fact that many conservancies operate as **community-based organizations (CBOs)**. Since CBOs lack independent legal personalities, it has been observed that “oftentimes, their officials run the outfits in a non-consultative manner with most members being left out of the decision-making process” Therefore, communities planning to establish conservancies need to be cautious when dealing with CBOs, as these organizations are often dominated by their officials. From discussions with several respondents, it emerged that many complained about being sidelined in the decision-making processes of the conservancies, with Annual General Meetings (AGMs), if held, often serving only to tick a box.

3. Sustainability in the Utilization of Wildlife Resources

Sustainable use of resources refers to using such resources in a way that meets the needs of the present generation without compromising the ability of future generations to meet their own needs. Therefore, sustainable use requires the present generation to balance their needs and interests with the needs of future generations.

Sustainability should be integrated into the utilization of wildlife resources, such as through community conservancies, as is the case here. In the context of wildlife resources within community conservancies, one way communities can incorporate sustainable use is by reinvesting a portion of the income generated from these resources back into conservation efforts. This approach would help ensure that the resources remain protected and do not become endangered

4. Equitable Benefit Sharing of Wildlife Resources

Benefit-sharing is the concept that the benefits derived from the utilization of wildlife resources should be shared between local communities and other citizens. It involves the commitment to channel returns to the locality from where natural resources have been exploited. This is generally considered necessary to integrate economic, social, and environmental considerations in the conservation and management of wildlife resources.

Benefit-sharing programs can be implemented through both monetary and non-monetary methods. Monetary forms of benefit-sharing involve establishing mechanisms to ensure that the financial returns from the utilization of wildlife resources are shared with members of the community conservancies in predetermined ways. Implementation of monetary forms of benefit-sharing can, for example, include revenue sharing, preferential rates, property taxes, equity sharing/full ownership, and development funds.

On the other hand, non-monetary forms of benefit-sharing involve integrating project benefits into local development strategies for members of the community conservancies. Implementation of non-monetary benefit-sharing includes, for example, livelihood restoration and enhancement, community development, and catchment development.

For this principle to be realized, all benefits arising from the utilization of wildlife resources within community conservancies must be shared equitably among all members of the relevant conservancy. Equitability in the sharing of such resources, for instance, must consider the opportunity costs that members of the community conservancies have foregone in their lands due to the establishment of the community conservancy, as well as injuries or losses suffered from interactions with wildlife, among other similar considerations

5. Offsetting Wildlife Management Costs with Conservation Benefits

This arises from the need to balance the benefits from community conservancies with the costs involved in managing wildlife. It requires that the conservation and management of wildlife within the conservancies be financially and/or business viable. Wildlife conservation is an expensive undertaking, so it is only through efficient management of the conservancies that communities will be able to realize benefits, enabling them to implement principles such as benefit-sharing.

Significance of Community Conservancies to Communities

1. Creation of Sustainable Livelihoods and Entrepreneurship Opportunities among Community Members

Conservancies provide employment to members of the local communities where they are established. These communities also function as business entities, generating benefits that trickle down to members in various forms, particularly through benefit-sharing. As a result, well-run community conservancies can play a significant role in creating sustainable livelihoods for community members. Respondents shared that some members of their communities, for example, are “employed by the lodges as security officers, drivers, housekeepers, rangers, among other positions”. By offering employment opportunities to local community members, the conservancies contribute to providing sustainable livelihoods for these communities.

In addition, community conservancies offer valuable opportunities for members of local communities to acquire practical business skills. The day-to-day management and operation of the conservancies involve ongoing training, both on the job and through formal training programs. This training empowers community members to run the conservancies competently as business enterprises. Such training provides permanent life skills to community members, thereby empowering them and building their capacities.

“We are employed by the lodges as security officers, drivers, housekeepers, rangers, among other positions. They also offer bursaries to OUR school-going children, which ensures their access to secondary education”

Respondent



2. Improvement of Access to Services

Community conservancies can improve access to services through benefit-sharing. For example, the investments associated with community conservancies bring benefits such as healthcare, water, schools, and educational services. Many respondents noted that “the conservancies offer bursaries to their school-going children, which ensures their access to secondary education, much more than before the establishment of the conservancies.”

Additionally, some conservancies assist in paving local access roads to improve ease of access to the lodges. These efforts help with movement and access, particularly in remote areas. As a result, the services provided by the conservancies significantly supplement the government’s development efforts.

3. Community Participation in Wildlife Conservation

Community conservancies play a crucial role in enhancing wildlife conservation practices among local communities. They help demystify wildlife conservation by connecting it to the communities, in contrast to the traditional approach that detaches conservation from local involvement by focusing on protected areas. As a result, community conservancies establish valuable wildlife conservation partnerships between the government(s) and local communities.

Several respondents interviewed during the development of this guide noted that, through community conservancies, local communities have come to appreciate the benefits of wildlife conservation. As a result, community members now understand that wildlife conservation efforts should be a joint responsibility between the government and society. Previously, wildlife conservation within protected areas seemed exclusionary, leading local communities to fail to recognize their own responsibilities and roles in the conservation process.



As a result, community members now understand that wildlife conservation efforts should be a joint responsibility between the government and society.

The government's recognition of the role of local communities in the country's wildlife conservation has been legally validated through statutory enactments. For example, Section 13(3), read together with Section 29(1) of the Community Land Act (CLA) 2016, grants members of a community the power to reserve special purpose areas for community conservation. Similarly, Section 20 of the Act requires registered communities to engage in the sustainable conservation of land-based natural resources within their community lands. These provisions are further supported by Section 39 of the Wildlife Conservation and Management Act (WCMA) 2013, which explicitly permits communities to establish community conservancies on their land(s). The statutory provisions are then implemented through each community's by-laws and rules.

4.Potential Reduction of Resource-Based Conflicts

As previously explained, the establishment of community conservancies leads to improved livelihoods through the creation of employment opportunities and other economic activities within and around the conservancies. It is important to note that many of the areas where community conservancies are established are also known as violent flashpoints, with much of the violence stemming from disputes over access to resources.

By fostering improved economic activities, conservancies have the potential to reduce conflicts, as more people become gainfully employed, leaving fewer young men available to engage in acts of violence. Additionally, the employment opportunities provided by the conservancies offer monetary benefits and help facilitate the restocking of livestock. This, in turn, has the net effect of minimizing conflicts and contributes to peacebuilding efforts in these regions.

5. Enhanced Gender Mainstreaming into Conservancy Management and Activities

Most community conservancies are located within the former Northern Frontier Districts (NFDs), predominantly among pastoralist communities. In these communities, patriarchy is deeply entrenched in the social fabric, and decision-making, particularly regarding land use and the management of community conservancies, is often dominated by male members. Historically, women were excluded from key decision-making processes, including those related to the management of community conservancies

However, interviews with community members reveal a recent gender-sensitive shift. Quite importantly, some conservancies have adopted a strategy of reserving nomination slots for women in management positions. This approach became necessary due to the recognition that local communities may not elect women to management roles because of socio-cultural biases. The nomination process thus helps to ensure that women are represented in leadership and management positions within the conservancies



CHAPTER 2

COMMUNITY CONSERVANCIES

Community Land Tenure System

Communal tenure system must be held or be the type used by the relevant community in undivided shares. Land with communal tenure.

Land Which Constitutes Community Land

1. Land which is lawfully registered in the name of group representatives under the provisions of any law;
2. Land which is lawfully transferred to a specific community by any process of law;
3. Any other land that is declared to be community land by an Act of Parliament; and,
4. Land that is:-
 - Lawfully held, managed or used by specific communities as community forests, grazing areas or shrines;
 - Ancestral lands and lands traditionally occupied by hunter-gatherer communities; or
 - Lawfully held as trust land by the county governments, but not including any public land held in trust by the county government under Article 62 (2).
 - Land held by groups in accordance with the Repealed Land (Group Representatives) Act and the Trust Lands Act is part of community land.

REGISTRATION OF COMMUNITY LAND

The process of registering community land is critical for the establishment of community conservancies, as these conservancies must be established on registered community lands. Only after registration can community members proceed to establish conservancies on such lands. The registration process is led by the Community Land Management Committee (CLMC), which is established under Part III of the Community Land Act 2016.

Registration of Community Land

Steps in the Registration Process for Community Lands

The registration process may arise from either unregistered community lands or from the former group ranches.

REGISTRATION OF COMMUNITY LANDS

The process involves the following stages;

1. Notification of the Community Land Registrar: The community notifies the Community Land Registrar of its intention to register the land using the prescribed Form CLA 1. The notification must be signed by at least 15 members of the community, who must also pay the prescribed fee.
2. Confirmation of Availability: The Registrar confirms the availability of the land for which the community has applied for registration. This involves checking existing records and maps to ensure the land matches the one the community seeks to register.
3. Public Notice: The Cabinet Secretary issues a public notice in the media and at sub-county offices about the land whose interests are sought for registration by the community. The notice is for the purpose of adjudication and registration of the community land.
4. Public Meetings and Sensitization: The Land Adjudication Officer calls for public meetings to sensitize the community on the commencement of demarcation, survey, and registration of the community land.
5. Establishment of Boundaries and Adjudication: The relevant Community Land Management Committee establishes the boundaries and carries out the adjudication of the community land.
6. Inspection of Adjudication Records: The Community Land Register, consisting of adjudication records and maps, is inspected.
7. Resolution of Disputes: Any disputes arising from the adjudication of the community land are resolved.
8. Publication of Maps and Checking of Records: The adjudication maps are published, and the adjudication records are checked.
9. Registration and Issuance of Certificate of Finality: The community land is registered, and the Director of Land Adjudication and Settlement issues a Certificate of Finality.
10. Final Registration: The Certificate of Finality is forwarded to the Registrar of Community Land along with the Adjudication Register for final registration. The land is registered, and either a Certificate of Title or a Certificate of Lease is issued.

How to Set Up a Community Conservancy

The **Community Land Act (CLA)** and its subsidiary legislation, the **Community Land Regulations 2017**, stipulate that the general affairs of community land are to be governed by the **Community Land Management Committee (CLMC)**. The Regulations provide general rules and procedures that regulate the management and administration of community land with the aim of achieving the greatest practicable social and economic benefits for the members.

While the CLMC is the governing body for registered communities, creating conservancies on unregistered community land under the CLA is proving challenging. This is because, according to the CLA, the County Government is entrusted with holding all unregistered community land on behalf of the communities. Furthermore, the County Government is prohibited from selling, disposing of, transferring, converting for private purposes, or in any other way disposing of any unregistered community land. Once the community land is registered, the respective registered community assumes the management and administrative functions outlined under the CLA.

Before making the decision to set up a community conservancy, community members should consider the administrative process involved in its creation, as well as the beneficial legal opportunities it offers. Key considerations include the ease of setting up the conservancy and the legal advantages it provides, such as the power to enter into contracts and own property.

It is important to emphasize that the decision to create a community conservancy must be free from external influence and should originate within the community, after thoroughly considering and evaluating all available options. This decision must be inclusive and participatory. The registration process of various legal entities will assist the community in choosing the best structure to establish a conservancy that protects their tenure security, safeguards their rights and livelihoods, and ensures their full, free, and fair participation in all decisions that impact their land and natural resources.

CONSIDERATIONS FOR COMMUNITIES BEFORE THE ESTABLISHMENT OF CONSERVANCIES.

- Conducting legal empowerment for the benefits of establishing conservancies including capacity of the conservancy to generate revenue and create direct household benefits and identify who is responsible for this.
- Seek assistance from both state and non-state actors.
- Benchmark with other communities who have established conservancies.
- Identify reasons for establishing the conservancy; this could be for ecological, social, and economic reasons.
- Build consensus to ensure communities support creation of conservancy.
- Mapping and harmonizing boundaries and setting aside land for conservancy purposes.
- Understand the administrative and legal process involved in the creation of conservancies and legal opportunities provided.
- Transparent and equitable sharing benefit plans.
- Establish mechanisms for the equitable sharing of both costs and benefits arising from the establishment and management.

In practice, involving CLMC members as part of the existing conservancy board members, or vice versa, presents challenges such as power struggles and internal politics. However, some communities with established community conservancies, led by conservancy board members, have found ways to navigate these challenges. They have adopted amicable solutions to address the issues while ensuring compliance with the provisions of the Community Land Act (CLA), particularly regarding the roles of CLMC members in the management of community land.

One way to address this challenge is by including some CLMC members as part of the conservancy board. For example, during the elections for the conservancy board of the **Naibunga Central Community Conservancy**, which was created by the community members of **Nkiloriti**, **Kijabe**, and **Musul** community lands, the Chairpersons of the CLMCs from these three communities were elected as board members.

In other instances, some community conservancies have fully adopted CLMC members as their conservancy board members. The **Lekurruki** and **Il'Ngwesi** community conservancies serve as examples of this approach.

Considerations for Communities before the Establishment of Conservancies.

Given the potential for clashes in roles and responsibilities between the conservancy board members and the CLMC members, particularly with regard to the administration and management of community conservancies (which statutorily falls under the purview of the CLMC members), the best model for managing a conservancy is to have the CLMC oversee the conservancy's affairs. This approach helps to ensure clarity in decision-making and management, while also upholding the statutory roles and responsibilities of the CLMC members.

WHAT OPTIONS DO COMMUNITIES HAVE?

The CLA and its regulations establish the CLMC as the governing body of the community, granting it the powers and responsibilities to manage and administer registered community land. A registered community is expected to have a community assembly composed of all adult members. The quorum for decision-making by the community must be no less than two-thirds of the community assembly. This requirement is crucial because decisions that could significantly impact the status of community land, such as the creation of a community conservancy, must be made in a participatory, inclusive, and transparent manner.

Legal options of registering a Community Conservancy

1.COMMUNITY CONSERVANCY AS A COMMUNITY BASED ORGANIZATION (CBO)

A CBO (Community-Based Organization) is a community-run, non-governmental, non-profit, and non-political organization formed to address local socio-economic challenges. Currently, several community conservancies, particularly in Northern Kenya, operate as CBOs. The registration of CBOs is handled by the Ministry of Labour and Social Protection, and it typically takes five (5) working days for a Certificate of Registration to be issued.





Registering as a Community Conservancy



STEP 1: DRAFT THE CBO'S CONSTITUTION

The community must prepare a constitution outlining the mission, goals, and objectives of the organization.

STEP 2: APPROVAL & COMMITMENT:

Once the draft is approved, every community member should receive a copy and sign it, indicating their commitment to the terms and conditions.

STEP 3: ELECT CBO OFFICIALS

A meeting must be conducted with at least two-thirds of the community members in attendance to elect the CBO officials, including the Chairman, Vice-Chair, Secretary, and Treasurer.

STEP 4: DOCUMENT THE MEETING

The minutes of the meeting, which include the decision to seek registration, and a list of the elected officials must be attached to the application form.



Registering as a Community Conservancy

STEP 5: SUBMIT THE APPLICATION

The completed application for registration should be submitted to the Sub-county's Labour and Social Protection Offices, Sub-county's Public Service, or a Huduma Centre.

STEP 6: SUBMIT REQUIRED DOCUMENTS

The registration form must be accompanied by:

- Minutes of the meeting seeking registration and a list of the elected officials.
- A list of community members with their personal details (e.g., Identity number, position in the organization) and duly signed.
- The CBO's constitution or by-laws.

STEP 7: PAYMENT OF THE REQUISITE APPLICATION FEE.

2. COMMUNITY CONSERVANCY AS NON-GOVERNMENTAL ORGANIZATION (NGO)

Community conservancies can also be registered as non-governmental organizations (NGOs). An NGO is defined as a private, voluntary association of individuals or groups that is not driven by profit or commercial purposes. NGOs are typically organized on national or international levels to serve the public interest and promote social welfare, development, charity, or research. They can operate in a variety of sectors, including but not limited to health, relief, agriculture, education, industry, and the provision of amenities and services. By registering as an NGO, community conservancies can access funding and resources aimed at enhancing their conservation efforts and promoting sustainable development within local communities.

To register as an NGO, the community must provide the following:

- **Cover letter requesting for registration.**
- **Duly executed Form 3 in original Forms.**
- **Duly executed Form 1.**
- **Two colored passport size photographs of the proposed officials and two other board members.**
- **The Name Reservation Form duly approved and paid.**
- **The Constitution of the NGO in Triplicate, signed by the proposed officials and at least two other board members.**
- **Minutes authorizing the filing of the application for registration with a specific agenda and resolution**

In addition to the documents mentioned earlier, the following information is required when making an application for the registration of a proposed NGO:

1. **Officers of the organization: A list of the individuals holding positions within the organization.**
2. **Head office and postal address: The physical location and mailing address of the organization's main office.**
3. **Sectors of proposed operations: The areas or sectors in which the organization intends to operate (e.g., wildlife conservation, forestry).**

- Districts, divisions, and locations: The specific geographical areas where the organization's activities will take place.
- Proposed average annual budget: An estimate of the financial resources required to run the organization each year.
- Duration of activities: The expected timeframe for the organization's operations or specific projects.
- Sources of funding: A list of where the organization plans to source its funding (e.g., grants, donations, fundraising events)
- National and international affiliation and certificates of incorporation: Any formal connections the organization has with other entities or affiliates, both within the country and internationally, along with the necessary legal documentation of the organization's incorporation.
- Other information as prescribed by the Board: Any additional information that may be required by the regulatory authority.

3.COMMUNITY CONSERVANCY AS A TRUST

A trust is also a suitable option for a community conservancy. The decision to establish a community conservancy should be unanimous and inclusive, given the extensive legal and administrative issues involved in registering a trust in Kenya.

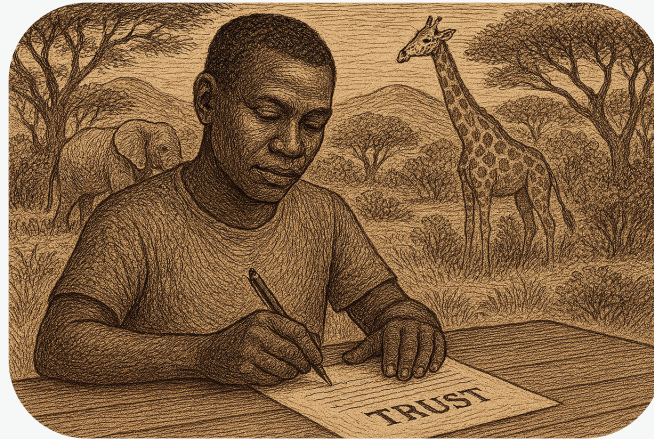
A trust is a legal relationship between a settlor (the creator of the trust), a trustee (the protector of the trust), and a beneficiary. The parties to a trust can be either individuals or legal entities. In this arrangement, the settlor transfers legal ownership of assets to the trustee, who holds the assets for the benefit of the beneficiaries.

The registration process for a trust is complex and costly, taking between twelve to thirty-six months. Additionally, operationalizing the trust incurs costs such as drafting the Trust Deed, completing the required registration processes, and paying the associated costs and taxes. Running the trust also attracts administrative expenses, including compensating trustees for their services.

Trusts are created through a Trust Deed, which governs the relationship between the settlor and the trustee. The Deed outlines the objectives of the trust, the properties held under the trust, the powers of the trustees, and the administration of the trust. The Trust Deed serves as proof of ownership for the properties within the trust. To take effect, it must be registered and stamped by the Lands Registry in accordance with the **Registration of Documents Act (Cap. 285)** of the Laws of Kenya.

In Kenya, trusts are created under one of the following laws:

- a) The **Trustee Act (Cap. 167, Laws of Kenya)** (“TA”), which outlines the duties and powers of a trustee under a trust; or
- b) The **Trustees Perpetual Succession Act (Cap. 164, Laws of Kenya)** (“TPSA”), which provides for the creation and incorporation of trustees as a body corporate, defines the structure of trust operations and trustees’ duties, and accommodates various types of trusts, including charitable, non-charitable, and family trusts.



Forms of Registration of a Trust

The registration of a trust may take two forms:

- i) Registration under the Registration of Documents Act (Cap. 285, Laws of Kenya), which does not make the trust a body corporate; or
- ii) Registration under the Trustees Perpetual Succession Act (TPSA), in which the trust becomes a separate legal entity (corporate body). However, a trust can begin implementing its objectives as a simple trust. After registration under the Registration of Documents Act, a certified copy of the trust deed and a petition for incorporation must be submitted to the Ministry of Lands for incorporation.

It is important to note that the TPSA was amended to streamline the registration of trusts, transferring administrative duties from the Cabinet Secretary to the Principal Registrar of Documents.

While registration of a trust, particularly a charitable trust under the TPSA, is ideal for community conservancies, the process of registering and managing a trust can be complex and costly, which may make it unsuitable as a structure for a community conservancy.

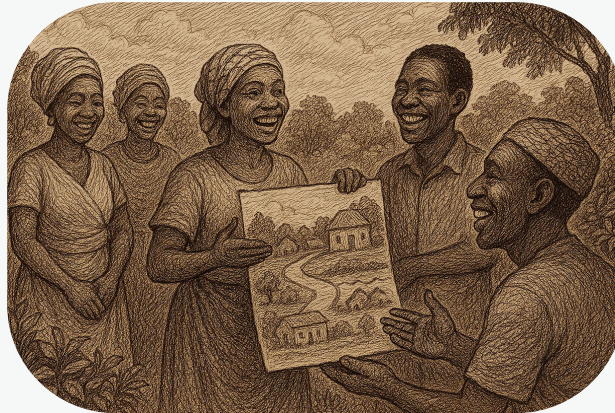
Requirements for registration of a Trust in Kenya.

- 1.Trust Deed.
- 2.Objectives of the Trust.
- 3.Names of the Trustees in Full.
- 4.Postal addresses of the Trustees.
- 5.Proposed Physical address of the Trust. Address includes road, plot number, town, county.
- 6.Copy of ID / Passport of the Trustees.
- 7.The Petition to the Minister.
- 8.Minutes appointing the Trustees.
- 9.Seal of the Trust
- 10.The Financial statement of the Trust.
- 11.CV of the Trustees / employees.
- 12.Passport photos of the Trustee.
- 13.Statement of donor funding
- 14.Copy of title documents showing ownership of immovable property owned by the trust
- 15.Copy of PIN certificate of the Trustees.

4.COMMUNITY CONSERVANCY AS A COOPERATIVE SOCIETY

A cooperative society is an organized group of people who come together for various socio-political and economic reasons. It is one of the most suitable structures for registering a community conservancy due to the ease of the registration process and its straightforward management.

The structure of a cooperative consists of members, a committee or board of directors, and administrators. In the case of a community conservancy, the members are the registered members of the community. The committee or board of directors may consist of the Community Land Management Committee (CLMC) or elected conservancy board members responsible for managing the conservancy.



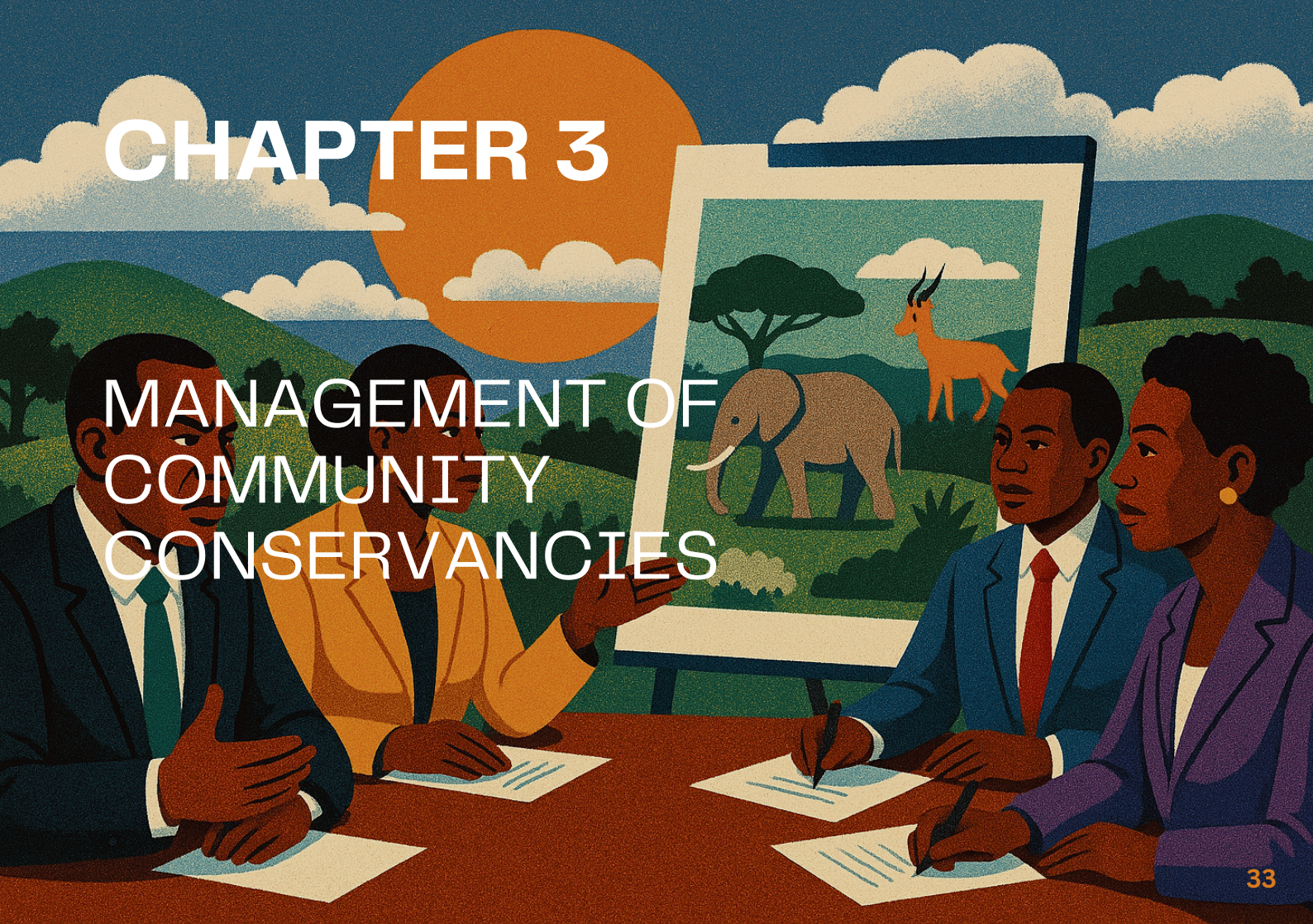
The Cooperative Societies Act stipulates that a member of a cooperative society—who, in the case of a community conservancy, is a registered community member—must own at least one share and has the right to vote.

The registration of a cooperative society is overseen by the Registrar of Societies under the Office of the Attorney General and the Department of Justice. The registration process is as follows:

- **Drafting the Society's Constitution** – The constitution must comply with the legal provisions of the Societies Act (Cap. 108) and the Societies Rules. It should outline the society's objectives, rules, and procedures for governance.
- **Name Reservation** – Submit an application letter to the Registrar requesting the reservation of the proposed society name. The applicant can propose up to three name options.
- **Filling Form A** – This form provides key information about the society, including its name, objectives, class of persons eligible for membership, and the total number of members.
- **Filling Form B** – This form requires details about the society's physical office location and postal address.
- **Signatures of Officials** – Both Form A and Form B must be signed by the society's proposed officials, including the Chairperson, Secretary, and Treasurer.
- **Submission of Additional Documents** – The Registrar may request additional supporting documents, if necessary.
- **Lodging the Application** – Submit the completed forms, constitution, and any additional required documents to the Registrar of Societies, along with the prescribed registration fee.

CHAPTER 3

MANAGEMENT OF COMMUNITY CONSERVANCIES



Management and Governance of the Community Conservancies

1.1 GOVERNANCE FRAMEWORK IN COMMUNITY CONSERVANCIES

A proper governance structure in a community conservancy establishes key aspects such as management, decision-making, and ownership, which are critical for the smooth operation of the conservancy.

Key Considerations for Communities When Deciding on a Governance Framework for Conservancies:

- **Existing Governance Framework** – Assess the current governance structure and the individuals or groups involved.
- **Stakeholder Representation** – Identify other stakeholders, such as government agencies, NGOs, and community leaders, and determine their roles within the governance framework.
- **Drafting By-Laws/Regulations** – Clearly define duties and responsibilities in the management of the conservancy.
- **Establishment of Thematic Management Committees** – Create specialized committees, such as a Conservation Committee and a Grazing and Settlement Committee, to oversee different aspects of conservancy management.
- **Tenure of Office for Committees** – Implement rotational terms to ensure inclusivity and prevent monopolization of leadership roles.
- **Roles and Responsibilities** – Define the duties of conservancy board members and thematic committees to ensure accountability and efficiency.

Understanding governance arrangements in conservancies requires analyzing different governance models, as these structures vary between private and community conservancies.

In addition to ensuring tenure security, registration provides community members with clear evidence of ownership of their rights and interests in the land. It also allows the State to guarantee title and offer indemnity for any errors in the Register, reducing risks for community members. Furthermore, registration helps prevent conflicts over land ownership by ensuring that the rightful members of the community are officially recognized as the owners of the land.

Comparing Conservancy Governance Approaches

CONSULTATIVE COMMUNITY GOVERNANCE	COMMUNITY LED SHARED GOVERNANCE	PRIVATE LED SHARED GOVERNANCE
MANAGEMENT		
The community is at the core of managing and administering the conservancy. Decision-making, as well as the assignment of duties and responsibilities in daily operations, follows a consultative process. While the community may seek input from key external stakeholders, such as state and non-state actors or private entities, it is not obligated to incorporate their recommendations into its final decisions.	The community leads the governance of the conservancy, but key stakeholders such as the county government and private actors also play substantive roles in its management and decision-making.	The community entrusts full management including controlling the finances of the conservancy to a single private actor.
AUTHORITY AND GOVERNANCE POWERS		
The community holds full decision-making and implementation powers, exercised through the Community Land Management Committee (CLMC). Il'ngwesi and Lekurruki community conservancies have aligned their governance structures with the Community Land Act. Through a participatory process, the Community Assembly decided to have CLMC members oversee their conservancies	The community oversees the management of their conservancy through local management committees, while other key stakeholders also play a substantive role. For example, in the Naibunga Conservancy, both the CLMC and the conservancy committee are involved in its management.	Authority and management are vested with a private actor.

Comparing Conservancy Governance Approaches

CONSULTATIVE COMMUNITY GOVERNANCE	COMMUNITY LED SHARED GOVERNANCE	PRIVATE LED SHARED GOVERNANCE
ADVANTAGES		
<p>Collective empowerment of community due to strong participatory process.</p> <p>There is no uncertainty about who is in control.</p> <p>Communal governance of resources follows a set of rules and regulations.</p>	<p>Multilevel governance structure enhances checks and balances, transparency, and accountability.</p> <p>Enables strong community ownership and enables strong participatory processes that enhances community ownership and commitment.</p>	<p>From a private sector perspective, this model is necessary for effective risk management.</p>
DISADVANTAGES		
<ul style="list-style-type: none"> • Securing investment, particularly investment with respect to conservancy-based such as tourism may be difficult to achieve. • Management of the conservancy may be vulnerable to the competing interests and social pressure of the communities particularly in the absence of clear distinction between conservancy management and governance. • However, to curb competing interests and social pressure in the management of a conservancy, the community in the by-laws/constitution should provide an elaborate benefit sharing plan that takes into consideration the principles of fairness and transparency; equitable sharing of benefits can only be achieved when it is an explicit objective of the benefit-sharing plan. In addition, the obligations and the roles and responsibilities of those involved in the management of a conservancy should be clearly outlined to avoid overlapping and duplicity. 	<p>Possibility of contrasting interests between the community and other external key stakeholders which may undermine the authority of the community.</p>	<p>There is bound to be conflict between the private actor and the community due to shifting interests and expectations of the</p>

GUIDING PRINCIPLES IN THE GOVERNANCE OF COMMUNITY CONSERVANCIES

Community conservancies operate within networks of actors that span various levels and scales, which may also include external stakeholders in the conservation space. In addition to adhering to relevant legislation, the governance of community conservancies should align with eight key principles of environmental governance, which are often used to assess the effectiveness of governance in different contexts.

To foster equity, these principles can guide decision-makers at all levels in designing effective and efficient administrative and management structures for conservancies. The eight principles are legitimacy, transparency, accountability, inclusiveness, fairness, integration, capability, and adaptability.

A well-defined arrangement that clarifies ownership, decision-making responsibilities, and the management structure of a community conservancy ensures transparent and equitable representation of the community, including minority groups such as youth and women.



Governance Principles for Community Conservancies

LEGITIMACY

The management of the conservancy must be validly elected/nominated by the members of the community and validity of the governing authority as conferred by a democratic statute

TRANSPARENCY

The rules, processes and structure through which decisions are made about the conservancy, the way the decisions are implemented and enforced, the way that competing interests in conservancy are managed must be open and easily accessible to members of the community

ACCOUNTABILITY

Community conservancies are not only accountable to the members but also funders and partners.

INCLUSIVENESS

Participatory decision making. Enhancing the effectiveness and sustainability of community conservancies requires better understanding of local community participation and perceptions of their socioeconomic outcomes.



Governance Principles for Community Conservancies



FAIRNESS

Respect to all stakeholders' views

INTEGRATION

Coordination across different governance levels.

CAPABILITY

The systems and resources that facilitate delivery on responsibilities

ADAPTABILITY

A Community conservancy should offer diversified livelihood and strategy for climate change adaptation and resilience. Communities should consider expanding alternative livelihood enterprises beyond wildlife and tourism. E.g. Conservation agriculture,

Examples of how Communities have incorporated Governance Principles.

INCLUSIVENESS



A proper management structure that ensures the inclusivity of community members in decision-making leads to positive socioeconomic outcomes. Inclusivity facilitates the integration of local interests at the community level and helps protect women and minorities from exclusion and disenfranchisement.

The Community Land Act provides for the inclusion of interest groups, such as women and youth, through the establishment of the Community Land Management Committee (CLMC). This ensures that diverse voices are represented and that decision-making processes are fair and equitable.

Section 30(3) of the CLA provides that women, youth, minority, marginalized groups have the right to equal treatment in all the dealings in community land. Il'Ngwesi Community Conservancy through CLMC has developed an elaborate inclusive institutional system for management of the conservancy and for allocating collective decision-making responsibilities and governance of resources to different local committees. The Musul Community Land Management Committee in Laikipia County consists of five women and amongst them, a woman was elected as the treasurer of the committee.

Examples of how Communities have incorporated Governance Principles.



LEGITIMACY

The legitimacy of a conservancy is contingent on whether its governing authority was validly elected or nominated by the community members. The Community Land Act (CLA) mandates that CLMC members serve as the governing authority responsible for the administration and management of community land. This requirement ensures the establishment of a legitimate governance structure through the CLMC.

Community members seeking to establish a community conservancy can leverage this requirement by electing CLMC members in accordance with the CLA to serve as the governing authority for their conservancy. It is important to note that the community members themselves establish the legitimacy of the conservancy through the appointment of the CLMC.

Tips for Communities

One important lesson is that setting up a conservancy requires significant time and effort. This includes identifying an ideal area to establish the conservancy, which involves numerous community meetings for planning and strategizing. The community should start planning as early as possible to ensure that time-consuming processes, such as land geo-referencing, are prioritized. This process must align with both national and county spatial plans. Another key consideration is the development of by-laws, regulations, or a constitution that will regulate the management and administration of the conservancy.

When partnering with external organizations, particularly for funding, the management of the conservancy should consistently advocate for local needs and negotiate as equal partners, rather than being passive recipients of conditional assistance. From the onset, the management of the conservancy should ensure the inclusion of community members in all decision-making processes.

Power dynamics in community conservancies can affect the establishment process. For instance, field research in Isiolo County reveals that conservancy governance structures in Laikipia and Samburu counties vary. Some conservancies operate with a two-tier governance structure, while others entrust management solely to the CLMCs.

In a two-tier governance structure, both the CLMC and conservancy board members manage the conservancies. In this system, conservancy board members are often appointed through the influence of external organizations.

Examples of conservancies with this governance model include the **Meibae Conservancy** and the **Naibunga Conservancy Trust** in Samburu and Laikipia counties, respectively. In the case of **Naibunga Conservancy Trust**, which is an association of nine community conservancies that are part of the larger Mukogodo pastoral system—including **Tiamamut, Kijabe, Koija, Ilmotiok, Musul, Nkiloriti, Morupusi, Ilpolei, and Munishoi**—the conservancy board members consist of the chairpersons of the nine conservancies. This has led to conflict between the CLMC and the conservancy board, which ultimately affects the operations of the conservancy. Considering this, the conservancy has formally made the consideration to use the CLMC to manage its affairs.

A community-led shared governance structure that is collaborative with other stakeholders, while not interfering with the autonomy of the community, is ideal for achieving maximum benefits. This structure facilitates large-scale investments, such as carbon trading, and donor funds aimed at win-win development strategies that do not have serious implications for the community.

Management Plans

UNDERSTANDING OF A MANAGEMENT PLAN

A Management Plan (MP) is a document setting out the management approach and goals, alongside the decision-making outline to be applied in a conservancy for a given period.

It is a requirement under section 44 of the Wildlife Conservation & Management Act, (2013) that conservancies alongside other protected areas be managed in accordance with a Management Plan (MP). The Act requires that a management plan be submitted to KWS by a conservancy seeking licensing and registration.

SIGNIFICANCE OF A MANAGEMENT PLAN

The rationale for using a management plan to run a conservancy include the following:

- To identify the objective and targets of establishing the conservancy and the activities to be undertaken to achieve the set targets.
- To identify the factors that may influence the achievement of the objectives of the conservancy.
- To identify the monitoring and surveillance requirements
- It describes the management and processes required to achieve the set objectives.
- To maintain continuity of effective management
- It acts as a communication tool between the conservancy and external stakeholders.
- It serves as a guide for conflict resolution.

FEATURES OF AN EFFECTIVE MANAGEMENT PLAN

A good management plan should contain the following features:

- Be simple but conclusive of the conservancy activities.
- Clearly identify the objectives of site management.
- Enable the management of the conservancy to implement the objectives set therein.
- Identify and define the monitoring and surveillance requirements.
- Maintain continuity of effective management
- Identify and quantify the resources required to manage a site. This information is what is used to support and justify bids for resources.
- Enable communication within and between sites and organizations, and between organizations and individuals.
- Demonstrate that management is effective and efficient.
- Identify the forum for resolving conflicts and disputes.

Preparing a Management Plan Document



STEP 1

The Community conservancy through the management board which may co-opt technical expertise maps out the available resources in the proposed conservancy comprising the land resource and the natural resources found therein.



STEP 2

The objectives and goals of establishing the conservancy should then be set out together with the prioritized activities to be undertaken. The anticipated impediments in undertaking the conservancy activities should also be identified at this stage.



STEP 3

The goals and objectives should then be subjected to public participation by the entire conservancy membership.



STEP 4

From the participatory sessions, follows the delineation of zones in the conservancy consisting of the grazing zones, wildlife zone, settlement zones, and business enterprise zones among others.



STEP 5

A budget for the resources required for each zone is developed and a determination is made of the zones requiring external intervention for their development.



STEP 6

The draft Management Plan should be approved by the management board and validated by the membership in the Annual General Meeting (AGM).

Important Points to Note for Community Conservancies in the Process of Developing a Management Plan:

- A management plan is a working document as such should be simplified and summarized to enable the conservancy to easily focus on their key objectives.
- Whenever appropriate, maps should be used to supplement the text. They could be included in the individual sections or placed at the end alongside any appendices.
- The date when each section is completed should be recorded, along with the name of the author.
- Most community conservancies are yet to comply with the legal requirement for development of a management plan owing to the capital intensity required as well as its technical nature that require specialized expertise.

BUSINESS PLANS AND ENTERPRISE

One of the objectives of establishing a community conservancy is for economic empowerment through creating revenue channels both for the conservancy's operational costs as well as income to its membership. As such at the onset, there is a need for a community conservancy to have a business plan for sustainability of its operations.

Community conservancies through developing business plans can generate revenues using the resources available in the conservancy. These include:

- Tourism activities
- Agricultural products
- Tree nurseries
- Carbon trading
- Micro-enterprise

Beyond own source revenue, other sources of income which conservancies ought to target in sustaining their operations include:

- 1.County and National governments grants
- 2.Strategic partnership with local and international investors
- 3.Local and international conservation and development organizations
- 4.Individual investors and donors

For example, the County Assembly of Samburu approved the Samburu County Community Conservancies Fund, Act, 2019. The Bill seeks to fund community owned conservancies and in the year 2019 funded community conservancies to a tune of Ksh 1.2 Million. Community Conservancies in Samburu County have also benefited from development projects initiated through **Conservancy Livelihood Funds (CLF)** facilitated by **Northern Rangelands Trust (NRT)**. Through business enterprises, the livelihoods of conservancy members are greatly improved. The income generated from the conservancy can be invested in education facilities, medical expenses, water infrastructure, and facilities as well as supporting member's individual ventures.

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CONSERVANCY WILDLIFE MANAGEMENT

One of the pre-conditions for registration of a conservancy by Kenya Wildlife Service (KWS) is a concrete plan for providing security to the wildlife in the conservancy.

A conservancy is required to have scouts who conduct patrols taking stock, monitoring wildlife movements, and preventing human-wildlife conflict. KWS assists in training of conservancy wardens.

Where a conservancy wishes to involve itself in consumptive utilization of wildlife, a special license is required to be obtained from KWS as well as inclusion of the consumptive utilization activity in the Management Plan.

Activities that promote conservation of natural resources and habitats in the conservancy include:

Grazing plans should outline designated grazing zones and promote rotational grazing to conserve grass for dry seasons and minimize wildlife-livestock interaction and potential conflicts.

Fencing projects can help reduce human-wildlife conflict and protect vital resources, such as watering points, from overuse.

Habitat restoration involves rehabilitating degraded gullies, replanting grass and trees in eroded areas, and removing weeds and invasive species.

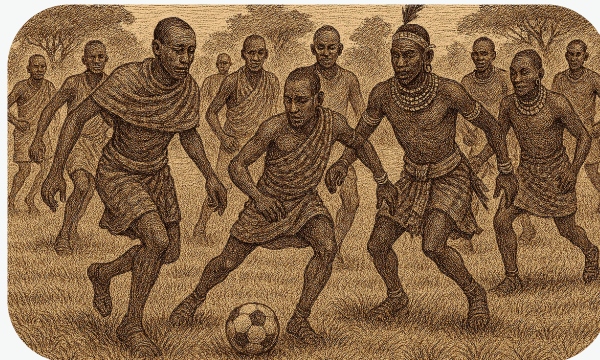
Reforestation and forest protection should include the development of a forest management plan to regulate the use of forest products and establish rules for logging and firewood collection. This also involves replanting indigenous trees.



SECURING THE CONSERVANCY

Community conservancies serve as important avenues for promoting peaceful co-existence among different communities living within the same conservancy. They create opportunities for dialogue, allowing various groups to interact and build relationships. It is desirable for conservancies to establish peace committees to facilitate meetings between different communities, especially those with a history of conflict. These committees should include individuals with recognized conflict resolution skills, as well as elders from the respective communities.

Inter-conservancy meetings should be organized regularly to promote cohesion through activities such as peer engagements, sports, micro-economic activities and financial literacy training.



Inter-conservancy meetings should be organized regularly to promote cohesion through activities such as peer engagements, sports, micro-economic activities and financial literacy training.

Community conservancies, through scouts and wardens trained with the assistance of the Kenya Wildlife Service (KWS), should provide security for both residents and visitors within the conservancy. While KWS and the Kenya Police have overall responsibility for security within their respective jurisdictions, conservancy scouts and wardens are responsible for collaborating with these agencies and have the primary duty of maintaining security within the conservancy.

Conservancy wardens and scouts also have the responsibility to report any incidents of poaching or criminal activity within the conservancy to KWS and the National Police Service. To further enhance security, permanent outposts manned by conservancy rangers should be established within the conservancies.

CONTRACTING WITH INVESTORS

It is common for conservancies to enter into private–community partnerships for tourism investment and management. Tourism partnerships are formalized through contracts between investors and a community conservancy.

To secure the interests of community conservancies in negotiating contracts with investors, the following interventions are recommended:

- Prior to engagement with investors, community conservancy management should be sensitized through free prior informed consent sessions to build conservancies' capacities to engage with investors successfully and effectively.
- Sensitized of the community especially the CLMC and conservancy committee on the provisions of the Constitution and the CLA, 2016. And the subsequent Regulations thereto
- Enlisting the support of independent professional advisors at the earliest possible opportunity to draft contracts on their behalf.
- Prior to contracting extensive engagements between the parties should take place. It should be made clear to the investor how they are expected to engage with the community.
- Due diligence should be undertaken on the investor's antecedents and track record before contracting.

CRITICAL CONTRACT CLAUSES THAT COMMUNITIES SHOULD PAY CLOSE ATTENTION TO

In practice certain clauses are skewed towards investors and thus close regard should be given to these clauses during review of draft contracts. Some of the contentious clauses identified include:

1. **"The Investor is appointed as the sole operator and manager of the Lodge and all tourism activities within the Conservancy and all other related activities as are necessary and usual in the opinion of the investor for similar establishments..."**

The above exclusivity clause is an example of a restrictive provision that should be avoided, as it effectively transfers all tourism activities to the investor. It is recommended that the community conservancy retain the right to participate in some tourism activities, to be agreed upon in the contract.

2. **"The investor shall in its sole discretion determine the policy to be followed in connection with its management of the Lodge and Tourism activities at the Lodge and the Conservancy throughout the term of this agreement."**

It is recommended that the community be involved in the formulation of such policies to ensure shared decision-making.

3. **"The investor is permitted to construct a dwelling house within the Conservancy to be occupied by the directors of the investor company, their families and friends during the subsistence of this agreement but the house shall in no way be used for commercial purposes or in any manner that compromises the commercial competitiveness or viability of the lodge."**

The clause is ambiguous and mischievous as it may be impossible to distinguish between the family & friends of the directors of the investor company from the tourists. It is recommended a definite number of family and friends be determined upon entering the contract.

4. **"The investor may at its discretion waive the bed-night fees for Travel agents, officials, professional advisers, directors of the investor company of official duty and a reasonable number of their family members and friends and such other persons as the investor may determine..."**

This clause is both detrimental to the income of the community conservancy and ambiguous. It is recommended that such a clause be avoided entirely or, if necessary, that allowable waivers be clearly specified.

5. **"The parties shall review the fees payable under the terms of this agreement, five years after the date of this agreement taking into account the historic, prevailing and likely economic conditions and performance of the lodge."**

The period of five years for review is inordinate and it is recommended that such reviews be conducted more frequently, preferably two years.

Other recommendations that communities should look out for include:

- Exclusivity clauses that restrict the community from contracting with other parties.
- Provisions relating to development control arrogating power to make development control decisions exclusively on the investor.
- Forfeiture provisions for breach of contractual terms such as surrender of livestock that trespass on the leased portions.
- Punitive force majeure clauses.
- Lopsided termination clauses
- Local content provisions to cater for locally available manpower and supplies.
- Clauses on extraction of resources within the leased portions.
- Benefit sharing clauses should be explicit as to whether the benefit to accrue to the community is fixed or variable rent.

Role of State Agencies in Setting up Community Conservancies

Introduction

In relation to establishment of conservancies, the following are the key stakeholders and roles played in setting up conservancies:

NATIONAL LEAD AGENCIES

1. THE KENYA WILDLIFE SERVICE (KWS)

The Kenya Wildlife Service is the lead national agency at the very heart of conservation and establishment of community conservancies. Its specific roles provided by law include:

- Harmonization of laws and procedures pertaining to registration of conservancies.
- Registration of community conservancies.
- Advising the National Land Commission (NLC) and other agencies on the creation of community conservancies
- Approving applications for renewal of certificates of registration regarding community conservancies.
- Collaborating with communities in governance and security issues.

What benefits should a community conservancy expect to accrue upon registration with KWS?

The benefits that accrue to a community conservancy upon registration with KWS are set out in the Wildlife Conservation & Management (Access, Incentives and Benefit Sharing) Regulations 2016). These include:

- Formal recognition of the conservancies' contribution to conservation through setting up a conservancy as a land use
- Access to tax and fiscal incentives such as: tax waivers on imported capital supplies for conservation; tax rebates on conservation activities as well as land rates waivers
- Access to technical and financial support through the Wildlife Endowment Fund.
- Training of Community Wildlife Scouts who are subsequently granted powers of arrest like those of KWS rangers.
- Facilitation for provision of National Police Reservists and arming of trained and registered Community Wildlife
- Facilitate participation of community conservancies in advocacy on wildlife matters for instance through national and regional conservancy associations
- Incorporate conservancies into Wildlife Conservation and Compensation

REQUIREMENTS TO REGISTER A COMMUNITY CONSERVANCY WITH KWS

These are set out in the Wildlife Conservation & Management (Access, incentives, and benefit sharing) Regulations (2016).

The documents required to be submitted include:

- Copy of Title Document/Lease Agreement for the proposed area for setting up
- Articles and Memorandum of Association or the equivalent Constitutive documents for the corporate body set up to run the conservancy.
- Minutes of members agreeing to the registration of the conservancy with KWS
- Registration certificate of the corporate body
- Register and record of community wildlife scouts.
- A receipt of payment of the prescribed fee or proof of waiver of such fees.
- A management plan of the conservancy.
- Any other document or information that KWS may consider.

APPLICATION FOR WILDLIFE USER RIGHTS

A user rights license enables a community conservancy to use and benefit from wildlife in their conservancy. A conservancy should apply for user rights based on the objectives of establishing the conservancy thus where a conservancy's primary objective is conservation of habitat for livestock keeping, then they may not require a user rights license.

User rights are classified into consumptive and non-consumptive use of wildlife as set out in section 80 of the Wildlife Conservation and Management Act (2013)

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- A management plan of the conservancy.
- Any other document or information that KWS may consider.

Consumptive User Rights	Non-Consumptive User Rights
<ul style="list-style-type: none">• Game farming of listed species• Game Ranching• Live sale of game-farmed species• Research involving off-take.• Cropping of game farmed and game ranching species.• Culling in a conservation area as a management tool	<ul style="list-style-type: none">• Wildlife base tourism• Commercial photography and filming• Educational purposes• Research purposes.• Cultural purposes• Religious purposes

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2. KENYA FORESTRY SERVICE (KFS)

The Kenya Forestry Service is established under the Forest Conservation and Management Act (2016). Its overall function is to conserve, protect and manage all public forests. As such its role in conservancies is limited as community conservancies are envisioned to be in community land.

KFS can however enter into forest management agreements with communities that neighbor public forests for the management of these forests.

What should Communities expect from KFS?

- Collaboration in management of public and community forests.
- Collaborations in security of the conservancies.

3. THE NATIONAL ENVIRONMENTAL MANAGEMENT AUTHORITY (NEMA)

In relation to community conservancies, the National Environmental Management Authority plays the following roles.

- Conducting Strategic Environmental Assessments (SEAs) as part of the process that goes into formulation of management plans.
- SEAs are the range of approaches used to integrate environmental considerations into policies, plans and programs.
- SEAs evaluate the relationship and linkage alongside economic and social considerations.
- SEAs adopt a comprehensive and participatory approach bringing on board all major stakeholders with a bearing on the proposed policies, plans and programs.

WHAT SHOULD COMMUNITY CONSERVANCIES EXPECT FROM NEMA?

- Undertaking of Environmental Impact Assessment (EIA) in respect of specific projects within the conservancies requiring approval.
- Advise communities on the suitability of proposed projects within the conservancies.

4.THE MINISTRY OF LANDS (NATIONAL GOVERNMENT)

Upon application for the registration of a specified territory as community land, the Cabinet Secretary is required to issue a public notice to that effect to the media as well as to the relevant sub-county office concerning the land that a community seeks to register as community land.

5. COUNTY GOVERNMENT

County governments are mandated to hold unregistered community land in trust on behalf of local communities. Where such land is held in trust, the County Government is not permitted to sell, transfer, or interfere with the land in any other way.

What Communities should expect from County Governments.

- Oversight of the proper planning and use of community land
- Formulation of County Integrated Development Plans (CIDPs) that incorporate specific steps and actions the county will undertake in conservation efforts.
- Obtaining and approving land use plans from registered communities
- Financial support to conservancies through County Conservancies Fund.
- Organizing meetings for community sensitization on demarcation and survey of community land through the County Land Adjudication office.
- Ensuring that all community members are registered and have their shares in the community land.

Role of Non-State Actors

Private Sector Stakeholders primarily take the form of donors, investors and umbrella associations involved in conservancy and conservation efforts. They tend to work alongside the communities in setting up and managing conservancies.

Key roles that non-state actors play include.

- Sensitization of communities on conservation and proposed projects in community lands.
- Sensitization of communities on conversion of unregistered land to registered community land.
- Community engagement at various levels of the FPIC process and before and during implementation of projects and activities on community lands.
- Conservancy associations act as go-betweens with communities and investors.
- Conservancy associations also play a key role in brokering contracts between investors/donors and communities in respect of projects and activities on their lands.

Due to the capital intensity required to establish a community conservancy, it is imperative that communities seek support from government, donors, and other external actors.

Donor organizations such as the Northern Rangelands Trust (NRT), the Danish International Development Agency (DANIDA), and the African Wildlife Foundation have played a major role in the establishment of community conservancies. These organizations act as a bridge between development agencies and donors on one hand, and communities on the other, by facilitating community access to resources and enabling them to benefit from their natural assets.

Donor organizations facilitate communities through:

- 1.Raising funds from donors.
- 2.Providing technical advice on managing conservancy activities.
- 3.Facilitating training and contracts between conservancies and investors.



Incorporating Traditional Knowledge and Cultural Practices to address Climate Change & Biodiversity Challenges

The traditional knowledge and cultural practices by various communities including the indigenous peoples have helped them work with nature in unique and reliable ways. Their knowledge, skills and practices entrenched in the culture and traditions of communities are essential in addressing climate change and biodiversity loss.

Significance of Traditional Knowledge and cultural practices in addressing climate change and biodiversity loss

Traditional knowledge forms part of a community's culture and spiritual identity. It consists of developed and sustained know-how and practices that are often passed down from one generation to the next. Examples of such knowledge include traditional land and water management practices and food security strategies.

For instance, the Borana of Isiolo County have, since time immemorial, conserved grazing fields for dry seasons through a traditional grazing system known as the Dedha System. The Samburu community is in the process of developing a biocultural community protocol over their indigenous livestock breeds, asserting their rights to these genetic resources and their role in biodiversity management.

The Protection of Traditional Knowledge and Cultural Expressions Act (No 33 of 2016) has since been enacted by parliament to give effect to Articles 11, 40 and 69(1) (c) and to provide a framework for the protection and promotion of traditional knowledge and cultural expressions. The objective of the Act, on one hand, is to empower communities to commercially benefit from the use of traditional knowledge and cultural expressions by external parties and on the other hand prevents misappropriation of community's traditional knowledge and cultural expressions without free, prior, and informed consent.

Strategies of incorporating traditional knowledge to climate change adaption and prevention of biodiversity loss

1. Identification and Documentation of Indigenous Knowledge through Bio-cultural community protocols.

This can be achieved through a concept known as Bio-cultural Community Protocols (BCPs). BCPs are instruments that set out clear terms and conditions for governments, and the private, research, and non-profit sectors to follow when engaging with Indigenous Peoples and Local Communities (IPLCs) and accessing their local resources and knowledge. They are developed through culturally rooted, participatory decision-making processes within the communities and are grounded in the communities' customary norms, values, and laws. Each community protocol is distinct, reflecting the unique biological and cultural diversity of the community that develops it.

(A template outlining the basic contents and elements of a BCP is included in the annexures below.)

2. PATENTING OF TRADITIONAL KNOWLEDGE

This can be done through the Kenya Industrial Property Institute (KIPI), which has a Traditional Knowledge and Genetic Resources Unit (TR & GR-UNIT) dedicated to the protection of indigenous knowledge. The institute also investigates matters related to bio-piracy. Under the Wildlife Conservation and Management Act (WCMA) 2013, bio-piracy includes the exploration of biological resources without the knowledge or consent of the owning communities, and without fair compensation and benefit-sharing.

Therefore, for communities to effectively utilize their traditional knowledge in addressing climate change and the biodiversity crisis, they not only need to patent this knowledge but also report any cases of bio-piracy involving the use of their knowledge in the creation of products or processes. Doing so empowers communities and strengthens their role in the climate change discourse.

3. BIO-PROSPECTING AND RELATED ACTIVITIES

The concept of bioprospecting is enshrined in both the Convention on Biological Diversity (CBD) and the domestic laws in Kenya. Generally, it involves the exploration of biological resources for commercial benefits. This may also include the use of biotechnology to make certain products or processes. For centuries, communities have discovered various sustainable uses for their natural resources thus crystallizing their knowledge on the environment.

The communities can directly engage in bioprospecting to demonstrate sustainable uses of natural resources. Alternatively, traditional knowledge can also be used to tackle climate change through agreements for benefit-sharing plans between communities and the investors. The consent and compensation to the community is a matter of right under the Constitution, the WCMA 2013 and as reinforced by the National Wildlife Strategy 2030 and the Wildlife Policy 2020.

1. PROMOTION OF CONSERVATION EDUCATION AND SENSITIZATION ON TRADITIONAL KNOWLEDGE

For communities to pass the rich biodiversity to their generations, it is prerequisite upon them to build capacity by educating the present generation on conservation approaches. This can happen through inter alia; community information campaigns, enrollment of elderly people into teaching initiatives and public awareness.

The 3rd Strategic Pillar of the four identified by the Government in the National Wildlife Strategy 2030 is the 'Engagement for All Kenyans.' It stretches beyond education to the modification of curriculum to attain conservation goals and effective public participation.

As such, communities should participate in all environmental initiatives to share their knowledge as well as contribute to development of other strategies.

Section 8 of the Climate Change Act 2016 acknowledges the place of education in climate change mitigation by mandating the Climate Change Directorate to coordinate the implementation of the gender and intergenerational climate change education, consultation and learning at both levels of government.

2. INTEGRATION OF TRADITIONAL KNOWLEDGE WITH SCIENCE

Various communities have sustained their diverse ecosystems without the reliance upon scientific evidence and the results are impressive. However, to maximize on the output of these efforts in the modern era, a co-dependency between indigenous knowledge systems and science is required. The integration is widely recognized under the CBD and Kenya's National Wildlife Strategy 2030.

Essentially, climate change presents various scientific problems which can be properly assessed and tackled through evidence-based research. The special knowledge possessed by the communities can be used to trigger scientific research into various aspects of climate change mitigation. Introducing scientific methods in the utilization of traditional knowledge is equally important as incorporating traditional knowledge in scientific studies.

3. EXCHANGE OF INFORMATION

For the enhancement of climate change resilience, holders of traditional knowledge need to engage the local as well as the global communities in a culture of sharing relevant information. Article 17 of the Convention on Biological Diversity recognizes that the effects of climate crisis are not exclusive hence the need to share technical, scientific, indigenous, and traditional knowledge.

This strategy requires a balance between the intellectual property rights of the communities and the global solidarity in the climate change discourse. Communities sharing such information can also get assistance in collecting, harmonizing, and organizing their information in presentable and usable ways.

The aspect of information and knowledge sharing is also encapsulated in the National Climate Change Action Plan. The Climate Change Directorate and the ministry responsible for the environment commit to employ knowledge harvesting techniques to capture and share climate change information, including information on local traditional knowledge, especially from women and the elderly. The documentation of traditional knowledge by the communities can enable effective sharing and realization of these goals.

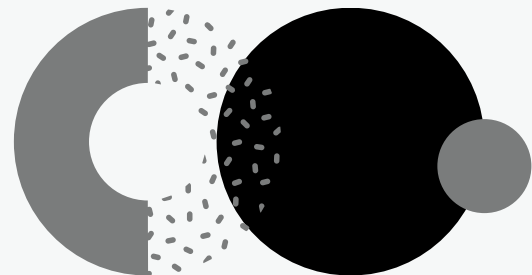
Conclusion

Establishing a community conservancy is an elaborate and intensive process that requires meticulous preparation and execution of key steps to ensure its success.

Chapter One of the guide has described the concept of community conservancies, their significance, and the guiding principles for their formation. It has demystified community land tenure systems and the registration and conversion processes.

Chapter Two emphasizes good governance practices that are essential for the effective management of a community conservancy. It outlines considerations that community conservancies should take into account when forming their governance structures, as well as the legal options available for registering community conservancies as legal entities.

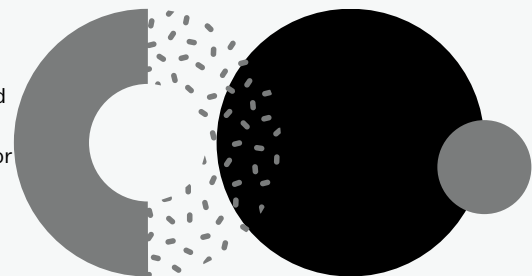
Chapter Three provides a description of management planning, collaboration with stakeholders, and important factors the community should consider when contracting with investors. It is advised that community conservancies develop management plans to efficiently run their conservancies. Since management plans are often quite technical, communities should seek support from the Kenya Wildlife Service (KWS) and other professionals in the sector to obtain the necessary technical assistance. When contracting with investors, communities should be cautious about contractual clauses that could be detrimental to their interests. It is recommended that contracts be simplified, and the community fully engaged to understand the effects and implications of each clause.



Recommendations

For the effective establishment, operationalization, and management of community conservancies, the following recommendations are made for consideration:

- Free, Prior, Informed Consent (FPIC) is a key principle in the creation of conservancies. Therefore, effective participation by community members at every step is encouraged.
- There is an urgent need to develop regulations on contract negotiations that promote fair and equal benefit-sharing, ensuring community interests are prioritized.
- The governance structures and records of community conservancies should be accessible for scrutiny by members to curb corruption and abuse of power in the management of conservancies.
- Financial resources and technical support should be mobilized to assist communities in developing management plans, contracts with investors, and business plans.
- Regulation 28 of the Community Land Regulations (2017) must be implemented, which mandates the development and rollout of a national program for public education and awareness on the provisions of the Community Land Act.
- Deliberate efforts should be made to ensure decision-making at the community level is as inclusive as possible, particularly in terms of gender and youth involvement.
- Financial literacy programs and sensitization on the financial aspects of conservancies are recommended for community members.
- County governments should enact bylaws and regulations aligned with the Community Land Act for the management of community conservancies.
- A merger of traditional knowledge with contemporary knowledge in the management and governance of conservancies is recommended, recognizing and incorporating existing traditional practices.



ANNEXTURE

Annex 001

Introduction

This section identifies the community in question, its historical background/origin, its area of settlement and its values and traditions and its need for a BCP.

1. Community Identity and Organisation

This part of the document introduces and provides for the definition of the community, its leadership, its organizational and decision-making structures, and processes.

It also contextualizes the cultural and historical identity of the Community describing the nexus between such aspects with the Community's natural environment, resources, and knowledge.

2. Traditional/Indigenous Knowledge

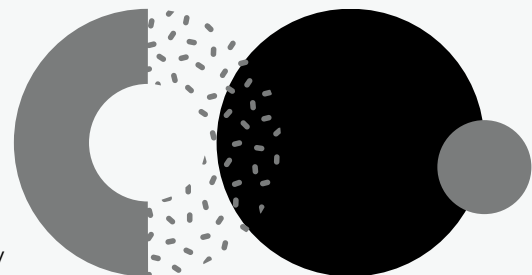
This part captures the specific facts about the community's indigenous or traditional knowledge linked to its biological resources. For instance, the special skills and know-how of the community can be identified in relation to medicinal plants, sustainable agricultural and ecological management methods as well as their incorporation into the community's culture. Additionally, details concerning the practices related to the exploitation, preservation, and protection of traditional knowledge are also stated.

3. Biological and Genetic Resources

The section identifies and includes the information about local flora and fauna, as well as genetic resources, and the special features which contributes to ecological diversity and warrants sustainable management.

4. Community-Based Conservation Mechanisms

This section entails a description of community-based natural resource management systems and how they employ their knowledge and innovations to promote the conservation (i.e. in situ conservation and sustainable use) of indigenous flora and fauna and all genetic resources.



5. Cultural Sustainability Strategies

This part outlines the values and principles entailed in the Community's ways of life, culture, spirituality, and customary law and elaborates how they influence the community's relationship with its natural resources and the external environment.

6. Rights and Obligations of the Community

The section asserts the rights, duties, privileges, and duties the community has over their traditional knowledge and biodiversity. Such rights should be asserted upon consideration of their customary law as domestic, regional and international law.

7. Free, Prior and Informed Consent

The section identifies the legal and practical processes for obtaining the Community's prior informed consent before the exploitation of their biological resources and traditional knowledge by any person.

This part should clearly outline what is reasonably understood by the Community as free consent in the light of the standards set in international environmental laws.

8. Conditions for Access Rights

This entails the terms and conditions prescribed by the Community to govern access to their lands, resources, and knowledge. It may involve processes such as the procedures for Free, Prior and Informed Consent (FPIC) and community consultation mechanisms.

9. Benefit-Sharing Plan

The section determines the manner of sharing any profits and other derivative benefits emanating from the exploitation of the community's traditional knowledge and genetic resources.

The Benefit-Sharing Plan is designed in conformity with the principles of equity and is essential for determining the formula for sharing the benefits not only amongst community members but also with outsiders such as partners and investors.

10. Dispute Resolution and Grievance Mechanisms

This part of the BCP lays out the structural and procedural aspects for the resolution of conflicts and handling of complaints and grievances associated with access and usage rights, community participation, equitable sharing of benefits among other aspects.

11. Challenges

It is also important for the BCP to incorporate mechanisms for which different stakeholders can engage the community on the specific issues and challenges facing them and their efforts towards the sustainable exploitation of their resources. For instance, the Protocol can investigate the challenges the community face with unrecognized rights, unfair benefit sharing plans resulting from power imbalance and the complications related to the nature of traditional knowledge.

12. Effective Capacity Building

The BCP entails the mechanisms to be employed in improving the Community's capacity and ability in fields like dispute resolution, intellectual property rights and the documentation of traditional knowledge. Such efforts can seek to incorporate traditional education mechanisms into Science in order to blend the age-old practices with new innovation synonymous with technological advancement and development.

13. Community Affirmation

This is the conclusive part of the BCP where the Community reiterates its resolve to adopt the Protocol for themselves and future generations in a bid to conserve and protect their biological resources, traditional knowledge and cultural values.

The affirmation also summarizes the Community's common aspirations as well as their desire to ensure inclusive and engaging environmental management practices, now and into the future.

Annex 002

Template Format of a Contract Between Community Conservancy and an Investor

1. Heading

This section identifies the type of contract, it could take the form of: Lease, Concession, License or Grant of Easement,

2. Introductory Paragraph

This section identifies the parties to the contract by their full legal names. It also indicates the defined names that will be used later when referring to the parties, For example:

'This Lease dated 31 September 2023 BETWEEN

a) Y, a Community Conservancy... (the 'Lessor'); and

b) ABC LTD, a limited liability company incorporated in Kenya (the 'Lessee').

3. Recitals

The recitals set the context for the agreement, are useful aids to its interpretation. Usually preceded by the word 'WHEREAS'

The recitals sets out the purposes of the contract and aids in the interpretation of the contract in the event of disputes.

4. Definitions

This part contains a listing of defined terms. They simplify complicated terms used in the contract and once defined, may be used throughout the successive provisions with reference to the definitions only.

5. Substantive Provisions

This part contains the pledges that each party has made to the other. Substantive provisions are normally presented through headings and sub- headings. Substantive provisions comprise of the following headings and subheadings:

- **Covenants**– establish rights and duties (and roles and responsibilities) of the parties.
- **Conditions**– activate or modify rights and duties established.
- **Warranties**– capture statements of fact made by one party and relied upon by another party.
- **Waivers and Releases**– extinguish rights and duties.

Leases and other contracts that govern continuing relationships feature specific sections that delineate events of default, procedures for declaring a default, and the remedies available to a non- defaulting party ('innocent party') upon declaration of default.

6. Severability Clause

This clause provides that if a court declares any part of a contract void, the remainder of the contract remains unaffected, fully binding and enforceable. If, therefore, a court finds and declares one provision void or unenforceable, the court will usually treat the other provisions of the contract as still in force.

7. Choice of Law

This identifies and states the national law the parties wish to govern the contract in all respects, including interpretation and enforcement. It is particularly significant where the parties to the contract are from different jurisdictions, or the agreement performed in a country different from which the contract is entered into. (The Carbon Sale Agreement between Wildlife Works Carbon and the various Taita Ranches is an apropos example. The carbon credits were to be sold in the United States by a United States incorporated company, but the contract was entered into in Kenya).

8. Modification/Amendment

Most written contracts require that any changes, amendments or modifications also be in writing, and further that the document/instrument amending the contract be subject to the same signing formalities as the principal agreement.

9. No Waiver

Usually provides that the failure of a party to insist on strict performance in one instance does not amount or constitute a waiver of the right of that party to insist on strict and exact performance if the default is repeated or persists.

10. Merger ('Entire Agreement') Clause

This clause indicates that the contract is the final and complete agreement of the parties with respect to the transaction.

It locks out additional or different terms from another source– usually oral terms, including representations made during the negotiations leading to the contract.

11. Assignment and Delegation

Applies where the parties may want to expressly prohibit, permit or restrict the assignment of the contract, the rights arising under it or delegation of the contract duties to a third party.

12. Survivability

This provision deals with the effect, the incapacity or death of one or more of the parties will have upon the continued validity of the contract and who may enforce it.

13. Payments Clause

This Clause is crucial especially when the contract involves monetary transactions. The relevant terms should be clearly stated, including the amount, frequency and method of payment.

14. Third Party Rights

This provision states the fate of any third parties who are not parties to the contract but may be entitled to various benefits and rights.

15. Notices

Most contracts provide for notices, for example in relation to an event of default, termination, etc. The notice provision will describe to whom the notice must be sent or served, where, and by what means.

16. Termination Clause

This provision is important as it specifies the conditions under which the contract between the Parties can be terminated by either or both parties, and the form and period of notice required for termination.

17. Dispute Resolution Clause

This Clause appreciates the Parties' commitment to peaceful resolution of disputes and outlines how any disputes will be handled, whether through Traditional Dispute Resolution Mechanisms, negotiation, mediation, conciliation, arbitration or court action.

18. Liquidated Damages

A liquidated damages clause determines in advance the measure of damages if a party breaches the agreement.

19. Force Majeure.

This clause provides of consequences in the Natural disasters, war, government actions & labor disputes are commonly included in the list.

20. Execution

The portion provide a place for the parties to the contract, and witnesses, to sign. It is good practice for the parties to sign or place their initials on every page.

21. Appendices

Commercial contracts over community conservancy resources should include an appendix containing exhibits and schedules. The Appendices contain documents that are relevant to, but not part of, the agreement itself.

22. Schedules

A Schedule consists of important but large or detailed information that would make the contract bulky if included in the main body.

Annex 003

Adopted from Alexander, M. (2005). The CMS Management Planning Guide. CMS Consortium, Talgarth, Wales, UK.
Available at: www.esdm.co.uk/cm

TITLE
<p>The Management Plan for XYZ Conservancy</p> <p>The Management Plan of XYZ Community Conservancy situated at ABC County, Sub County, Location, Village within the Republic of Kenya.</p>
VISION STATEMENT & EXECUTIVE SUMMARY
<p>Vision statement</p> <p>The Vision Statement encapsulates and captures the overview of the intended objectives, goals, and purpose of setting up the conservancy.</p> <p>Executive summary</p> <p>The Executive Summary entails an overview of all the key elements of the Management Plan. It is advisable that the Executive Summary be completed upon completion of all other sections for the purposes of proper and precise alignment with the elements.</p>
POLICY STATEMENTS
<p>Policy Statements reflect the collective values, needs, preferences and goals of the community establishing the conservancy. They can also include the legal, moral, and other obligations and rights that may arise from legislation, cultural practices, or other factors. The conservancy may adopt a general policy aimed at protecting wildlife or more specific policies relating to species of wildlife.</p>

GENERAL DESCRIPTION

Introduction

This section provides a general background of the facts about the history of the establishment and purpose of the conservancy, while highlighting the role played by the Community and key stakeholders in its establishment.

Geographical Location

This section describes the geographical position of the Conservancy, along with main access routes. It may include a map and any other additional information that may help the outsiders locate or access the Conservancy.

Area Covered

This section entails a legal description of the area covered by the Conservancy which may include or officially recognize customary land boundaries and/or natural boundaries e.g. rivers, river basins, mountain ranges etc.

Key Objectives

A brief statement of general and specific Conservancy Management goals and objectives is provided under this section.

Land Tenure and Ownership

The type of land tenure system applicable to the Community Conservancy may be contained in this section. The Plan might clarify that the land is communally owned and set aside for conservation purposes.

Duration of the Plan

The time period for which the plan is valid, and the date of commencement may be specifically outlined in this section.

Physical Infrastructure

It entails a list and description of all major buildings and any other artificial structures. The Plan may also indicate their unique features and purpose. A map(s) can be used to present this section.

Species Covered by the Plan

In cases where the Plan seeks to cover all species of flora and fauna within the Conservancy, the Plan might state so and maybe provide a list of key species. Similarly, if the Plan is targeted at specific species, it should clearly state so.

GENERAL DESCRIPTION

In this Chapter, a brief outline of the organisational and management structures and systems is provided. This can include the offices of staff members and details of their powers and responsibilities.

Relevant Legal Framework

The laws (national, international, or even customary) governing the operations of the Conservancy may be briefly explained. This may also include the intra-institutional policies and regulations adopted by the Conservancy.

Key Management Institutions

The main institutions and offices responsible for the management of the Conservancy are identified and described.

Organisation of Management Institutions

Besides outlining the roles and responsibilities of the relevant institutions, the Plan may indicate their position in the hierarchy of governance. The hierarchy may be demonstrated by a chart.

Security Personnel and Equipment

This section may include an overview of the security measures taken at the Conservancy. It may encapsulate the powers, duties, and responsibilities of security personnel e.g. rangers, scouts etc. in the management of the conservancy. Details concerning their recruitment and training may also be provided.

External Enforcement Agencies

The place of other complementary institutions like the police, rangers and governmental bodies in the enforcement or oversight of the governance systems of the Conservancy is categorically explained.

ENVIRONMENTAL MANAGEMENT

This chapter contains the physical and climatic environment of the Conservancy as well as the biological information of the flora and fauna.

Climate and Habitat

This section entails an all-encompassing comprehension of the environmental and climatic dynamics. It states facts concerning aspects such as rainfall patterns, type of habitat, vegetation type, temperature variations, and soil types, explaining their effect on the ecosystems of the Conservancy.

Flora and Fauna

The details on the identity and (approximate) number of key species present in the Conservancy may be given. It may also include an historical description of the Conservancy's ecological biodiversity or with specific reference to certain species.

Cultural Environment

This part deals with the impact of the local Community's values, cultural heritage, and conservation practices, stating their impact on the establishment, purpose and future of the Conservancy.

Historical Features

It entails a record of any historical features or remains within the Conservancy, and their implications on its management. This may include ancient monuments, community infrastructure etc.

Past and Present Land Use

This section is an appreciation of the type of land use before and after the establishment of the Conservancy on the said land.

Past Community-Led Conservation Efforts

The section chronicles the past initiatives, projects and practices by the Community to conserve their ecological biodiversity. Besides, the strengths and weaknesses of such efforts may be highlighted.

Management of Human-Wildlife Conflict

In this section, the strategies for mitigating and addressing conflicts between the local communities and wildlife are set out clearly.

Mitigation of Key Environmental Hazards

The Plan describes how the Conservancy seeks to handle identifiable hazards which threaten to undermine the ecosystem.

STAKEHOLDERS AND LOCAL COMMUNITIES

This chapter is used to describe the current (at time of plan preparation) persons, entities, or communities with interest in the Conservancy. An overview of the diverse stakeholders, their roles, rights, interests is given.

Description of Stakeholders and Local Communities

Upon their identification, the Plan proceeds to describe the stakeholders including local communities and how they influence the management of the Conservancy.

Rights and Obligations of Stakeholders

This section delineates and articulates the specific legal entitlements and accompanying responsibilities of each of the stakeholders in the Community Conservancy. The overriding objectives of the Plan may also be emphasised to strike a balance between personal interests and the collective interests of the conservancy.

Benefits Accrued by Stakeholders

This section should include the positive impact the Conservancy different stakeholders. It describes in detail, how the local community, public institutions, enterprises, and others gain from the activities of the Conservancy.

Community Welfare Initiatives

The proposed and/or ongoing projects or initiatives aimed at impacting the local communities and contributing to their social and economic wellbeing may be considered in this section.

Stakeholder Management Practices

It describes all key past and present initiatives taken in an attempt to improve relationships with stakeholders, successful or otherwise.

TOURISM AND ACCESS RIGHTS

This chapter outlines the key regulatory and other aspects touching on access to the conservancy and in particular, tourism.

Tourist Carrying Capacity

The section prescribes restrictions on the number of visitors and tourism facilities that the Conservancy can hold without undermining conservation efforts. It is informed by the need to strike a balance between the benefits of tourism and conservation.

Tourism Partnerships

The current external entities and individuals partnering with the Conservancy for investment in tourism activities and conservation are disclosed alongside their nature of business and role in management of the Conservancy.

Regulation of Tourism Activities

The section provides legal and regulatory statements for responsible and sustainable tourism practices. It focuses on the tourists and visitors' conduct, interaction with the ecological biodiversity and the community.

Access by Tourists

It includes a description of the modes of transport, security measures and availability of tour guides. It may also encapsulate the conditions for access and state the payments or other consideration, if any.

Tourism Products

This section sets an array of the offers, benefits and experiences available for potential tourists. It lists the tourist attraction sites and relevant flora and fauna which tourists are enabled to access at the Conservancy.

Other Uses of the Conservancy Land

The Plan should include a section detailing the diverse uses of the Conservancy. It may consider activities such as livestock grazing, research, and cultural shrines, communal bee-keeping and other commercial activities.

TOURISM AND ACCESS RIGHTS

The chapter expressly states the methods and strategies for the execution of the planned activities and functions. This chapter also includes a performance management and oversight framework.

EXECUTION OF THE PLAN

This section allocates specific proposed initiatives to specific stakeholders or staff members of the conservancy. It may also outline the responsibilities of the management in execution and the systems necessary for the cooperation, performance and delegation of functions.

OVERSIGHT AND PERFORMANCE MANAGEMENT

The section prescribes mechanisms aimed at promoting the effective and sustainable governance of the Conservancy. The procedures for ensuring good performance e.g. regular assessment are adopted. It may also entail the administrative approaches to be taken in aligning staff performance with the objectives of the Conservancy.

CONCLUSION

Community conservancies can adopt the template subject to necessary modifications and improvements and also make reference to the Wildlife Conservation and Management Act (2013), Schedule 5.