

1. Legal and Regulatory Compliance

Key Legal Requirements

- Community Land Act (2016) Ensures that community land is properly registered before any project is undertaken.
- Wildlife Conservation and Management Act (2013) Governs how wildlife conservancies should be established and managed.
- Environmental Management and Coordination Act (EMCA, 1999) Mandates environmental assessments before projects begin.
- The Constitution of Kenya (2010) Articles 10 (public participation), 63 (community land rights), and 69 (environmental protection) must be adhered to.

Practical Steps.

Step 1 **Obtain Legal Approvals Secure Community Land** Registration · Seek Kenya Wildlife Service (KWS) approval before establishing a conservancy. · Work with the County Government and the • Conduct an Environmental Impact Assessment (EIA) National Land Commission (NLC) to register the and submit it to the National Environment community land before launching a conservancy. Management Authority (NEMA). Ensure that all conservancy personnel (rangers, · Engage community land management committees managers) comply with the National Police Service Ac (CLMCs) as per Section 7 of the Community Land Act. Step 3 **Develop a Legally Binding Management Agreement** • Draft clear governance structures for the conservancy, outlining: 1. Decision-making processes 2. Conflict resolution mechanisms 3. Financial accountability measures

Have the agreement approved by the County Government and validated by the community.

4. Equitable community benefits



2. Ensure Genuine and Inclusive Public Participation

Provide **full disclosure** of the conservancy's impact on land,

resources, and livelihoods.

Key Legal Requirements

- Article 10 of the Constitution Requires that all public decisions be participatory and inclusive.
- Section 87 of the County Government Act Guides how public participation should be conducted.
- Community Land Act, Section 8 Mandates that communities must approve land-use decisions.

Practical Steps. Step 1 Step 2 **Keep Detailed Records of Public Participation Organize Public Participation Meetings** · Document meeting minutes, attendance lists, and signed · Conduct early and consistent consultations in local consent agreements. languages. • Publish a community feedback report, showing how their · Ensure that pastoralists, elders, women, youth, and persons concerns were addressed. with disabilities (PWDs) are involved. · Use community radio, barazas (public meetings), and social media to reach the community. Step 4 Step 3 **Hold Annual Review Meetings** Use Free, Prior, and Informed Consent (FPIC) oversight committee with Establish a conservancy • The community must agree to the conservancy voluntarily. community representation.

· Conduct yearly audits on community involvement and

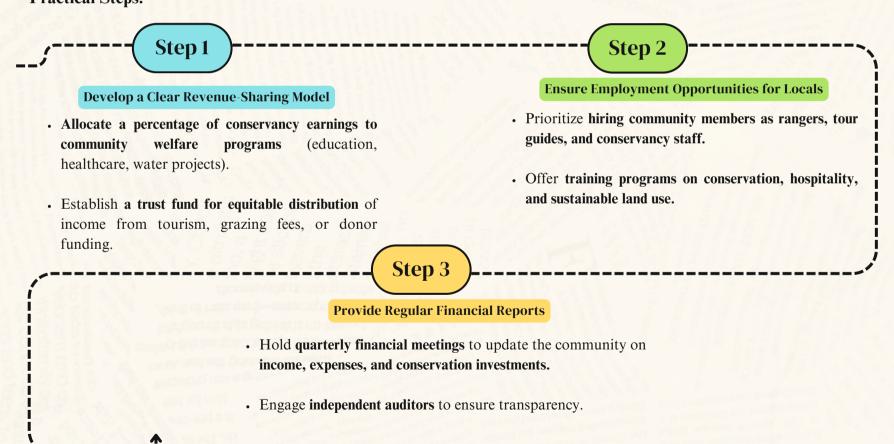
adjust policies accordingly.



3. Transparent and Equitable Resource Sharing

Key Legal Requirements

- Community Land Act (2016), Section 13 Ensures that benefits derived from land use are fairly distributed.
- Wildlife Conservation and Management Act (2013), Section 76 Requires conservancies to share revenues with the community.
 Practical Steps.





4. Lawful and Regulated Security Operations

Key Legal Requirements

- National Police Service Act (2011) Outlines who can carry firearms and conduct security operations.
- Wildlife Conservation and Management Act (2013) Defines the role of community rangers.
- Kenya's Arms Act (Cap 114) Regulates the licensing of firearms.

Practical Steps.

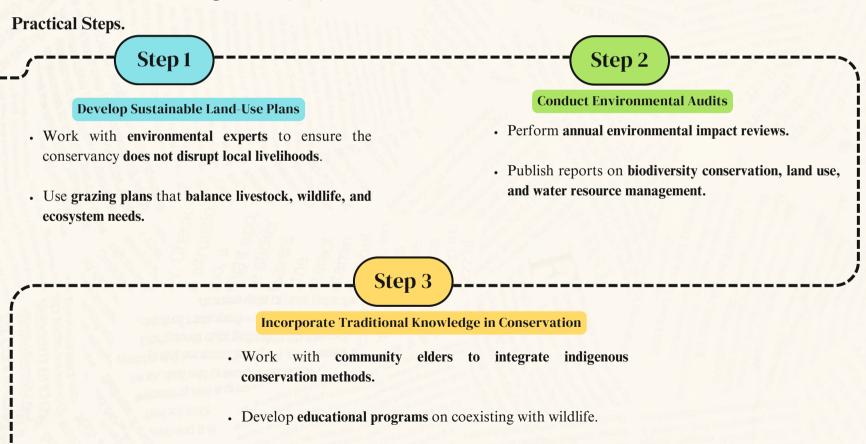
Step 1 Step 2 **Prevent Militarization of Conservancies Ensure Rangers Are Legally Recognized** Rangers should not be used intimidate · Seek formal recognition from KWS for community communities. rangers. · Ensure that all rangers receive police-approved · Any security action must comply with human rights training. standards. • Work with national security agencies to regulate firearm usage. Step 3 **Establish a Community Security Committee** • Create a grievance redress mechanism for resolving conflicts. • Involve local leaders in security decisions to prevent misuse of power.



5. Sustainable Environmental and Wildlife Management

Key Legal Requirements

- Environmental Management and Coordination Act (EMCA, 1999) Requires that conservation activities must be environmentally sustainable.
- Article 42 of the Constitution Guarantees the right to a clean and healthy environment.
- · Wildlife Conservation and Management Act (2013), Section 76 Ensures that wildlife resources benefit local communities.

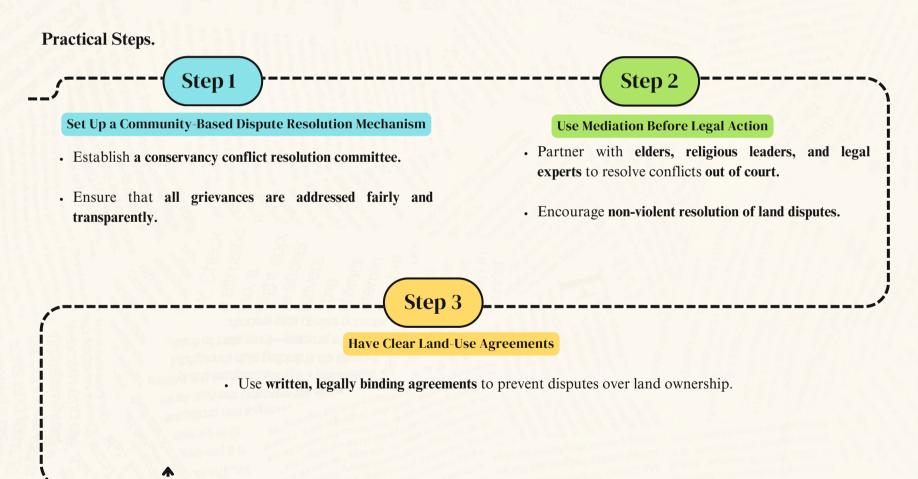




6. Fair Dispute Resolution Mechanisms

Key Legal Requirements

- Community Land Act (2016), Section 23 Encourages alternative dispute resolution (ADR) for land conflicts.
- · Constitution of Kenya, Article 159(2)(c) Promotes use of mediation and arbitration.





Conclusion: How to Avoid Legal Challenges

To prevent legal disputes like NRT faced in the Osman case, community conservancies must:

- Obtain all necessary legal approvals before starting operations.
- Ensure full, documented public participation in decision-making.
- Guarantee fair and transparent revenue sharing with community members.
- Avoid use of unauthorized security forces and ensure lawful ranger operations.
- Develop sustainable environmental practices that benefit both the community and biodiversity.
- Resolve disputes fairly and inclusively through mediation.

By following these practical legal and governance steps, conservancies can build trust, prevent conflicts, and contribute to sustainable conservation that respects community rights.