



"A SALUTARY SECTION MAKES IT COMPULSORY TO REPORT THE WOUNDING OF ANY DANGEROUS ANIMAL." A KENYA RHINOCEROS. (Right) A HERD OF ELAND. THE FEMALES ARE NOW PROTECTED

A NEW GAME LAW FOR KENYA

By Captain KEITH CALDWELL, Honorary Game Warden, Kenya

A revision of the old laws which puts scarce species on the protection list and overhauls the system of licensing

THE Legislative Council of Kenya has just passed a Wild Animals Protection Ordinance. This law is, in effect, a new edition of the old Game Ordinance. The title has been changed partly because some folk always seem to connect the word "game" with millionaire sportsmen, pheasant battues and the like, and partly because the new Ordinance embraces a wider scope than the one it replaces. The problems attending conservation are constantly changing, and new legislation, to meet post-war conditions, was urgently needed.

The Royal Game List (*i.e.* animals completely protected throughout the Colony) has become formidable. Old friends such as Thomas' cob, yellow-backed duiker, aard wolf, pangolin and the rest reappear, and to them have been added a whole series of birds—herons, bitterns, all the turacos, and a number of others. Why this has been done is not very clear since all of them are plentiful. What is more, I have never heard of anyone wanting to shoot them. The bat-eared fox has also entered the list. This charming little animal has never previously been scheduled at all. It is very common and one would not have thought it necessary to make it Royal game. Roan antelope, now becoming very scarce in the Colony, get complete protection as do female eland. The eland, though it carries a poor trophy, has alas a great meat value, and accordingly has suffered severely. In future only males may be shot and only one on a full licence at that.

Leopard join elephant, rhino and other animals for which a special licence (£10 in this case) will be needed. In the old days leopard were vermin: then, as their skins became of greater value, they were put on a licence, first in unlimited numbers and finally as "one only." The action came almost too late. In many areas leopard were nearly exterminated, and as a result, baboon, safe from their normal predators, multiplied enormously. It is hoped that putting leopard on an expensive special licence will give them the extra protection they require to enable the balance of nature to be restored.

A very limited number of licences costing £10 each will be given to hunt lion in the tsetse fly country of the Masai Reserve. They have been completely protected there for a number of years and have increased so greatly that it is felt that a few might well be killed annually. As a result of having been regularly fed and photographed they have become comparatively confiding, and I am doubtful if a real sportsman would want to shoot one.

The price of visitor's full and fourteen-day licences has been reduced by 33½ per cent., *i.e.* to £50 and £10 respectively, but the cost of an elephant licence has gone up for all to £75 for the first elephant and £100 for the second. Kenya has the biggest ivory in Africa and, rightly, does not intend to allow its acquisition to be too profitable to the shooter. The fee for a rhino licence has, I am glad to say, risen from £10 to £15.

A new clause in the Ordinance states that if an elephant or rhino is wounded but not killed it shall count upon the shooter's licence, and a further salutary section makes it compulsory to report the wounding of any dangerous game animal. Failure to do so is an offence for which imprisonment, with or without a fine, is mandatory. The present Kenya Game Ordinance prescribed this severe penalty for any offence where rhino were concerned. The result has been admirable, and far more rhinoceroses are now seen than formerly. Opposition to this clause, largely inspired by those whose activities were circumscribed, has unfortunately been successful and has caused its omission from the new Ordinance.

At last, the meat hunter has been faithfully dealt with. The biltong trade is one of the most difficult to control: once an animal is cut up and dried out it is almost impossible to know what it is or how many beasts are represented in a lorry load of dried meat. The meat hunter always has a ready explanation, "My licence allows so many of this and that and the other. Here they are." The new Ordinance gives power to control the movement of dead game, and an order is about to be drafted forbidding the removal of more than a certain quantity of fresh meat and any dried meat out of any of the five principal game areas in the Colony.

An admirable and wise innovation is designed to give native authorities a genuine interest in their own game. Certain districts will be known as Controlled Areas and quite a considerable fee, additional to the licence, will be charged for each animal killed therein.



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The money is to go to the African District Councils, and it is hoped that they will connect cause and effect.

Directions will be issued to licensing officers laying down the qualifications necessary to obtain any particular licence and the type of weapon that may be used. The former of these directions will, I hope, put an end to the happy method whereby the applicant for an elephant licence used also to take one out for his sister, his cousin and his aunt, and then go off and kill four elephants whilst the actual licence holders sat quietly in camp. The latter direction will prevent obviously unsuitable rifles, *e.g.* low velocity .22, being used against game.

Penalties have gone up, and the maximum fine for the majority of offences is to be £250 instead of £100.

Drafting game legislation is a very difficult and tricky thing. No matter how carefully one sets about it, it is impossible to foresee every eventuality and slips may so easily occur. As an example, the "onus of proof" section has, I am sorry to say, been left out of the new Ordinance. I rather fancy the clause as first drafted was dropped as being too general and by accident a modified clause was never substituted. In this instance, broadly speaking, the "onus of proof" clause means that if anyone is charged with illegal possession of any trophy it is up to him to prove he got it legally. Without such a clause the Game Department has to prove the accused got it illegally, a very different thing and not always easy. Witness the following:—

Many years ago, acting on information received, we caught a Somali trader with a camel safari making for the border as hard as he could go. In the camel matts were found 150 rhino horns. He was charged with illegal possession, got two years imprisonment, and the horns were confiscated. In due course he appealed, and it was held that the Game Department had to prove that he had obtained the horns illegally. This was, of course, impossible, with the result that his sentence was quashed, and worse, the horns had to be returned to him!

I hope no one will think I am criticising. Game legislation is full of pitfalls and we have all fallen into them at some time or other. In the early 'twenties 10 buffaloes were allowed on a licence, and as their hides were of considerable value for native shields they were heavily hunted, and quite a lot of "browning" of herds took place. To stop all this we amended the schedule of what might be shot to read, buffalo 10, "males only," but quite forgot to put cows on the Royal Game list at the same time. The actual result was, of course, that the luckless cows became vermin! I am glad to say that no one, not even defending advocates, ever spotted this and we got convictions against a number of offenders.

The new Ordinance, taken as a whole, is an immense improvement on any of its predecessors. A few snags are sure to appear, but it does, at last, make it possible for the Game Department to get on terms with the man who takes out a licence to make a profit, and yet gives the genuine sportsman a good run for his money.

Wild life is disappearing and will, of course, continue to disappear wherever it conflicts with development. One of the chief aims of conservation is to retain it unimpaired in areas where it does no harm. I hope, and believe, that the new Kenya Game Ordinance will be successful in achieving this.