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Rt. Hon. Speaker
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J. M. Nyegenye, C.B.S.,
Clerk of the senate/secretary, PSC
Date: 01/08/24

THIRTEENTH PARLIAMENT

THIRD SESSION, 2024

SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL
RESOURCES

COMMITTEE REPORT

ON

THE WILDLIFE CONSERVATION
AND MANAGEMENT (AMENDMENT) BILL 2023
(SENATE BILLS NO. 46 OF 2023)

PARLIAMENT
OF KENYA
LIBRARY

Clerk's Chambers,
First Floor,
Parliament Buildings,
NAIROBI.

JULY, 2024

DATE	07-08-2024
TABLED BY	SEN. METHU
COMMITTEE	
CLERK AT THE TABLE	ANGELA

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LIST OF ABBREVIATIONS AND ACRONYMS

CECM -County Executive Committee Member

COG -Council of Governors

LIST OF ANNEXURES

1. Minutes
2. Committee Stage Amendments
3. Copy of the newspaper advertisement for public participation
4. Wildlife Conservation and Management (Amendment) Bill, 2023(Senate Bills No. 46 of 2023)
5. Stakeholder submissions

PREFACE

Establishment of the Committee

The Standing Committee on Land, Environment and Natural Resources is established under standing order 228(3) of the Senate Standing Orders. The mandate and the functions of the Committee are set out under the Fourth Schedule of the Senate Standing Orders which mandates the Committee to consider all matters relating to lands and settlement, environment, forestry, wildlife, mining, water resource management and development.

Membership of the Committee

The Committee is comprised of the following members -

1. Sen. John Muhia Methu, MP - **Chairperson**
2. Sen. (Dr.) Steve Lelegwe Ltumbesi, CBS, MP - **Vice - Chairperson**
3. Sen. William Cheptumo Kipkiror, CBS, MP
4. Sen. Johnes Mwashushe Mwaruma, MP
5. Sen. Issa Juma Boy, MP
6. Sen. Agnes Kavindu Muthama, MP
7. Sen. Wamatinga Wahome, MP
8. Sen. Mariam Sheikh Omar, MP
9. Sen. Beatrice Akinyi Ogola, MP

Mr. Speaker,

The Wildlife Conservation and Management (Amendment) Bill (Senate Bills No. 46 of 2023) (*Refer to Annex IV*), aims to enhance the current wildlife management framework by ensuring County Wildlife Conservation and Compensation Committees receive necessary funding and set a twelve-month deadline for wildlife-related compensation. Further, the objective is to streamline compensation processes, reinforce local community

involvement, and establish clearer guidelines for benefits sharing from conservation areas. The amendments focus on improving responsiveness and accountability within wildlife conservation efforts in Kenya.

Mr. Speaker Sir,

The Bill was published on 10th October, 2023, and read a First Time in the Senate on 14th February, 2024. Following the First Reading in the Senate, the Bill stood committed, pursuant to standing order 145(1) of the Senate Standing Orders, to the Standing Committee on Land, Environment and Natural Resources for facilitation of public participation.

Subsequently, the Committee, pursuant to Article 118(1) (b) of the Constitution and standing order 145(5) of the Senate Standing Orders, invited submissions from members of the public on the Bill via an advertisement in the Standard and the Daily Nation Newspapers on Friday, 16th February, 2024 (*Refer to Annex III*).

CHAIRPERSON'S FOREWORD

This report contains proceedings of the Standing Committee on Land, Environment and Natural Resources on its consideration of the Wildlife Conservation and Management (Amendment) Bill (Senate Bills No. 46 of 2023) which was published on 10th October, 2023(*Refer to Annex IV*). The Bill went through the First Reading on 14th February, 2024 and was thereafter committed to the Land, Environment and Natural Resources Committee for consideration and reporting to the House pursuant to the provision of Standing Order 127.

The introduction of the Wildlife Conservation and Management (Amendment) Bill (Senate Bills No. 46 of 2023) comes amid mounting difficulties in Kenya related to the protection and management of wildlife, most notably the rise in documented instances of conflict between humans and wildlife in recent times. Tensions between the local community and wildlife conservation activities have increased as a result of these disputes, which have also resulted in property and human casualties. It is imperative that these disputes be resolved successfully in order to guarantee that the families impacted by these occurrences receive prompt and equitable compensation.

The purpose of the Bill is to restore confidence between local communities and wildlife management authorities by recommending changes that guarantee timely compensation procedures and improved governance frameworks. It aims to provide a more open, responsible, and effective framework for managing wildlife resources and resolving conflicts between people and animals while also acknowledging the crucial role that the Wildlife Conservation and Compensation Committees play in maintaining wildlife conservation efforts. The proposed revisions show a deliberate attempt to strike a balance between the rights and welfare of communities residing close to wildlife areas and the needs of conservation.

Mr. Speaker,

It is now my pleasant duty, pursuant to standing order 148 of the Senate Standing Orders, to present the Report of the Standing Committee on Land, Environment and Natural Resources on the Wildlife Conservation and Management (Amendment) Bill (Senate Bills No. 46 of 2023).

Signed: _____



Date: _____

29/7/2024

SEN. JOHN MUHIA METHU, MP

CHAIRPERSON

**STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL
RESOURCES**

CHAPTER ONE

INTRODUCTION

1.0 Purpose of the Bill

The objective of the Wildlife Conservation and Management (Amendment) Bill (Senate Bills No. 46 of 2023), is to enhance the current wildlife management framework by ensuring County Wildlife Conservation and Compensation Committees receive necessary funding and set a twelve-month deadline for wildlife-related compensation. It aims to streamline compensation processes, reinforce local community involvement, and establish clearer guidelines for benefits sharing from conservation areas. The amendments focus on improving responsiveness and accountability within wildlife conservation efforts in Kenya.

2.0 Background

The Wildlife Conservation and Management (Amendment) Bill (Senate Bills No. 46 of 2023), is presented against a backdrop of rising challenges in wildlife conservation and management within Kenya, notably the recent increase in documented cases of human-wildlife conflict. These conflicts have not only led to loss of life and property but have also heightened tensions between local communities and wildlife conservation initiatives. There is an urgent need to address these conflicts effectively, ensuring that families affected by such incidents are compensated in a timely and fair manner.

Consequently, to ensure prompt compensation processes and better governance structures, the Bill seeks to rebuild trust between local communities and wildlife management authorities. It acknowledges the essential role of the Wildlife Conservation and Compensation Committees in sustaining wildlife conservation efforts and seeks to establish a more transparent, accountable, and efficient framework for managing wildlife resources and resolving human-wildlife conflicts. The proposed amendments reflect a

concerted effort to balance conservation needs with the rights and well-being of communities living in proximity to wildlife habitats.

3.0 Overview of the Bill

The Bill contains the following seven (7) clauses:

Clause 1 of the Bill provides for the long title of the Bill.

Clause 2 of the Bill seeks to amend Section 21 of the Act by inserting a new section 21A which seeks to introduce a requirement for the Cabinet Secretary to provide adequate funds for Community Wildlife Conservation Committees and ensure compensation is paid within twelve months of determination by these committees.

Clause 3 of the Bill seeks to amend section 23 of the Act which deals with the establishment, composition and purpose of the Wildlife Conservation Trust Fund. The amendment specifically proposes to modify subsection 23(2)(c) by specifying that among the four representatives of the governing board from the private sector, one of them shall be a person nominated by the Council of County Governors. Additionally, the clause aims to expand the objectives of the Fund within Section 23(4) by adding a new mandate: The Fund should also support local communities that are adversely affected by wildlife conservation and management activities.

Clause 4 of the Bill proposes to amend Section 24 of the Act. The amendment aims to specifically designate the Cabinet Secretary, rather than the broader term 'Government', as responsible for establishing the Wildlife Compensation Scheme. Additionally, it clarifies that the funding for this scheme shall consist of monies allocated annually by the National Assembly. This proposal seeks to ensure there is a clear line of responsibility and funding for wildlife compensation.

Clause 5 of the Bill proposes to amend section 25(3) of the Act which provides for the compensation for personal injury or death or damage to property. The amendment aims to provide that the Cabinet Secretary, upon considering the recommendations of the County Wildlife Conservation and Compensation Committees, will be required to pay the compensation to the claimant within twelve (12) months of receiving the recommendations.

Additionally, this clause seeks to amend section 25 (4) by clarifying that the Kenya Wildlife Service, upon receiving the recommendations on a claim from the County Wildlife Conservation and Compensation Committees, they shall process the payment for compensation. Currently, sub-section (4) provides for the Service to give 'due consideration' of such recommendations.

Further, the amendment seeks to amend section 25 (5) by requiring the County Wildlife Conservation and Compensation Committees to review claims, award and pay within twelve months.

Clause 6 of the Bill seeks to amend Section 76(4) of the Wildlife Conservation and Management Act by deleting the existing subsection and introducing a new requirement for the Cabinet Secretary. Under the proposed amendment, when establishing guidelines for incentives and benefit-sharing, the Cabinet Secretary must ensure that at least five percent of the benefits derived from national parks and reserves are distributed to local communities that are adjacent to or adversely affected by conservation activities within these areas. Furthermore, the amendment specifies that the calculation of this minimum percentage of benefits should be based on the total gross revenue and fees generated from the respective protected areas.

Clause 7 of the Bill seeks to amend the Third Schedule of the Wildlife Conservation and Management Act. The amendment intends to expand the list of wildlife species eligible for compensation in the event of death or injury by including additional species: poisonous snakes, dangerous snakes, sharks, stonefish, whales, stingrays, and wild pigs.

4.0 Consequences of the Bill

Overall, the Wildlife Conservation and Management (Amendment) Bill (Senate Bills No. 46 of 2023), seeks to create a more harmonious and sustainable coexistence between humans and wildlife in Kenya, while ensuring that the rights and well-being of local communities are protected and enhanced.

The proposed Bill aims to address several critical issues in wildlife conservation and management as follows:

- i. The bill seeks to mitigate the rising incidents of human-wildlife conflict, which have led to loss of life, injuries, and damage to property. By introducing better management practices and more effective conflict resolution mechanisms, the bill aims to reduce the frequency and severity of these conflicts.
- ii. One of the primary goals of the bill is to ensure that families affected by human-wildlife conflicts receive timely and fair compensation. This would help to alleviate the financial and emotional burden on affected communities and demonstrate the government's commitment to their welfare.
- iii. By establishing more transparent, accountable, and efficient governance structures, the bill aims to rebuild trust between local communities and wildlife management authorities. This improved relationship is crucial for the success of wildlife conservation initiatives, as community support and cooperation are essential.
- iv. The bill acknowledges the vital role of the Wildlife Conservation and Compensation Committees in sustaining conservation efforts. By enhancing the framework within which these committees operate, the bill seeks to ensure more effective and sustainable management of wildlife resources.
- v. The amendments reflect a concerted effort to balance the needs of wildlife conservation with the rights and well-being of communities living near wildlife

habitats. This balanced approach is essential for long-term conservation success and for maintaining the socio-economic stability of affected communities.

- vi. The bill proposes the establishment of more transparent and accountable mechanisms for managing wildlife resources and resolving conflicts. This increased accountability is expected to enhance the effectiveness of conservation programs and ensure that resources are used appropriately.
- vii. By proposing reforms to the existing governance structures, the bill aims to create a more efficient and effective system for wildlife conservation and management. This includes better coordination among various stakeholders and clearer lines of responsibility and accountability.

CHAPTER TWO

PUBLIC PARTICIPATION

2.1 Attendance by Stakeholders

10. The Committee, pursuant to Article 118 of the Constitution and standing order 145(5) of the Senate Standing Orders, invited submissions from members of the public on the Bill via an advertisement in the Standard and Daily Nation Newspapers on Friday, 16th February, 2024 (*Refer to Annex III*).

The Committee received submissions from the following stakeholders-

- 1) Ministry of Tourism, Wildlife and Heritage
- 2) Council of Governors (COG)
- 3) County Government of Kilifi
- 4) Mwambogo wa Mcharo
- 5) Nature Kenya

11. The Committee considered the submissions from the aforementioned Stakeholders and has attached them to the Report. (*Refer to Annex V*).

12. The Committee held a total of the four (4) Meetings and attached to this report are the corresponding record of proceedings. (*Refer to Annex I*)

3.1 Submissions from stakeholders and committee observations and determinations on stakeholder proposals

13. The Committee received submissions on specific clauses of the Bill and made various observations and determinations on each proposal as follows-

A. Ministry of Tourism, Wildlife and Heritage

14. The Committee received overall submissions from the Ministry of Tourism, Wildlife and Heritage on the Wildlife Conservation and Management (Amendment) Bill, 2023 (Senate Bills No. 49 of 2023) (*Refer to Annex V*) as follows-

- (a) The experience from implementing the Wildlife Conservation and Management Act (WCMA) 2013 has revealed its many serious shortcomings, including inconsistencies in definitions as well as use and application of terms and phrases, high and unsustainable costs of implementation, especially on compensation claims, poor and confusing cross-referencing between the body of the Act, various sections and the schedules, typographical errors and redundancies and lack of clarity on roles and responsibilities of the implementing institutions;
- (b) Piecemeal attempts to revise the Act have failed to cure its many shortcomings. It also causes considerable uncertainty in the application of the law, and inconveniences stakeholders and institutions involved in law reform. It has emerged that nothing short of a comprehensive revision of the Act would suffice. These calls for a complete overhaul of the WCMA in order to address the emerging issues and challenges.
- (c) There is a draft Bill to comprehensively review the Wildlife Conservation and Management Act No.47 of 2013 being undertaken. The proposed amendments are being looked into comprehensively and it is in the interest of the public and relevant stakeholders to carry out this comprehensive review with the view of

repealing the current Act and coming up with a new law that effectively address the issues being proposed to avoid piece meal amendments.

(d) In view of the above, the request is for the withdrawal of the Wildlife Conservation and Management (Amendment) Bill, 2023 (Senate Bills No. 46 of 2023) and the Wildlife Conservation and Management (Amendment) Bill, 2023 (Senate Bills No. 49 of 2023) and request Honourable Senators to forward the proposed amendments to the Ministry for inclusion in the new Bill being developed.

15. His Excellency the President on 23rd August, 2023 issued a Directive to transfer Amboseli National Park to County Government of Kajiado. Consequently, through the Kenya Gazette Vol. CXXVI- No. 22- Page 586-587 dated 23rd February, 2024, the Cabinet Secretary, Ministry of Tourism and Wildlife appointed an Advisory Committee on the transfer of the Amboseli National Park to the County Government of Kajiado with clear terms of reference. The Committee deliberation is at an advance stage and the report shall be ready in due course.

16. However, after deliberations between the Committee and the Cabinet Secretary, it was agreed that the Committee would proceed with considering the proposed Bills and that the Ministry would support the Bill, as the Ministry's proposed versions of the Bills are not yet ready.

B. Council of Governors

17. In the memorandum, (*Refer to Annex V*). The Council of Governors (COG) proposed the following amendments to the Bill-

1. *Clause 3*

a) Propose –

18. This clause be amended in sub-clause (a) by providing that at least two representatives should be nominated by the Council of Governors;

19. **Justification-** The proposed amendment seeks to enhance the representation of county governments to ensure the meaningful participation of counties in the decision-making processes of the Fund.

Committee's Observation/Recommendation

20. The Committee adopted the proposal from the Council of Governors. To further promote gender inclusivity and equitable representation, the Committee recommended that the two representatives nominated by the Council of Governors shall comprise one man and one woman. This inclusion of both a man and a woman aligns with the principles of gender equality and balanced representation, fostering diverse perspectives in the governance of the Fund.

b) Propose-

21. This clause be amended by inserting a provision that the purpose of the Wildlife Conservation Trust Fund shall be to provide funds for financial support to county governments for the implementation of wildlife conservation and management initiatives within their respective jurisdictions.

22. **Justification-** Section 35(2) of the Wildlife Conservation and Management Act confers county governments the responsibility of management of the national reserves therefore including this additional purpose, the Wildlife Conservation Trust Fund would not only support national level conservation effects but also empower county governments to actively participate in and contribute to wildlife conservation and management efforts within their jurisdictions, ultimately promoting the sustainable management of Kenya's diverse wildlife resources.

Committee's Observation/Recommendation

23. The Committee adopted this proposal to provide that the purpose of the Fund shall include facilitating county government-based initiatives. Noting that Section 35(2) of the Wildlife Conservation and Management Act confers county governments the

responsibility of managing national reserves, including this additional purpose in the Wildlife Conservation Trust Fund will not only support national level conservation efforts but also empower county governments to actively participate in and contribute to wildlife conservation and management efforts within their jurisdictions.

2. *Clause 6*

24. **Propose** –

- i. That sub clause (4) be amended to provide that the Cabinet Secretary shall, in formulating the guidelines, ensure that the guidelines comply with the condition that fifty (50) percent of the benefits from National Parks shall be allocated to the host County Governments;

25. **Justification**- This is in line with the Presidential directive made regarding the 50:50 sharing of benefits from the National Parks between the National and host county governments recognizing the crucial role counties play in wildlife conservation and management. There are only 2 planning authorities i.e. national and county government, as such any community support should be channelled through the county governments.

Consequently, county governments as part of their mandate to coordinate community participation in local governance, are tasked with ensuring that a percentage of the benefits accrued from national parks is shared with local communities based on mutually agreed terms.

Committee's Observation/Recommendation

26. The Committee did not carry this proposal due to the complexity involved in the manner of implementation. Allocating fifty percent of the benefits from National Parks to host County Governments presents significant administrative and logistical challenges. The current framework and processes may not adequately support such a distribution, potentially leading to inefficiencies and difficulties in ensuring equitable

benefit-sharing. Additionally, the proposal might require extensive restructuring of existing guidelines and mechanisms, which could impede effective wildlife conservation and management efforts. Therefore, while the intent of the proposal is commendable, the practicalities of its implementation necessitate further consideration and refinement.

3. *General*

a) **Propose** –

27. There is need to harmonize the provisions of the Bill to maintain the terminologies used in the Principal Act, that is, County Wildlife Compensation Committees rather than the reference to Community Wildlife Compensation Committees.
28. **Justification**- To mitigate potential confusion arising from disparate frameworks.

b) **Propose**-

29. There is need for a comprehensive review of the Wildlife Conservation and Management Act.
30. **Justification**- The Council acknowledges multiple amendments to the Wildlife Conservation and Management Act of 2013. In light of this, the Council advocated for a comprehensive review exercise aimed at consolidating all proposed amendments into a singular Bill, thereby streamlining legislative modifications for enhanced clarity and coherence.

Committee's Observation/Recommendation

31. The Committee noted the comments and resolved that the consolidation of the Bills would be pursued in consultation with the respective sponsors, subject to their agreement.

C. COUNTY GOVERNMENT OF KILIFI

32. In the memorandum (*Refer to Annex V*), the County Government of Kilifi proposed the following amendments to the Bill-

1. *Clause 3*

33. **Propose** – The fund should support counties to conduct awareness to communities to embrace formation of conservancies and wildlife disposal grazing area (education and awareness).

34. **Justification**- This will increase wildlife disposal land compared to the existing percentages.

Committee's Observation/Recommendation

35. The Committee did not carry this proposal as the previously adopted proposal from the Council of Governors already encompasses the objectives outlined by the County Government of Kilifi.

2. *Clause 7*

36. **Propose** – The following animals should be included for compensation in case they cause death:

- i) Snakes
- ii) Hippos

37. **Justification**- These are equally animals' worthy of conservation. Specifically, unlike other animals, hippos have caused death or injury around the Sabaki River Mouth. Being one of the major attractions, Hippos graze off the river and at times cause injury or death of humans and therefore risk being wiped if no compensation is done.

Committee's Observation/Recommendation

38. The Committee concurred with the proposal and observed that the inclusion of snakes and hippos for compensation in case they cause death had already been captured in the Bill.

D. MWAMBAGO WA MCHARO

39. In the memorandum (*Refer to Annex V*), the following were the proposed amendments to the Bill-

1. *General*

40. **Propose-** The locals bordering game parks and reserves be trained and deployed to perform the duties of reserve rangers akin to reserve police in cattle rustle prone areas, and the government should set aside a kitty to fund the initiative.

41. **Justification-** It is evident that KWS do not have enough rangers to cover the vast ranges of land occupied by wild animals bordering human settlements and farms. The deployment of such reserve rangers will be able to respond within minimum time and repulse animals back to their habitats before they (animals) cross to human settlements and farms. The initiative will also help contain wildlife poaching.

Committee's Observation/Recommendation

42. The Committee noted that the Comments were general in nature and will be addressed in subsequent engagements with the relevant Ministry.

E. NATURE KENYA

43. In the memorandum (*Refer to Annex V*), Nature Kenya proposed the following amendments to the Bill-

1. *Clause 5*

44. **Propose-** The County Wildlife Compensation Committee needs to have enough staff, including economists, and resources such as vehicles to lead technical aspects of valuation and verification of claims and a sufficient budget to enable operations.

45. **Justification-** It is difficult for a committee without staff to effectively verify the numerous claims in order to forward recommendations to Kenya Wildlife Service or the Cabinet Secretary for processing payment. The Committee should receive complaints and within a set timeline forward to an office that has the capability to verify and value the damage. KWS should be given the capacity to verify claims, award appropriate compensation, process the payment for compensation, pay to the claimant directly and be held accountable in case of misuse of compensation of funds.

Committee's Observation/Recommendation

46. The Committee did not carry this proposal. The proposal is of an administrative nature, which need not be provided for in law. Furthermore, the staff who serve the committee are under the relevant Ministry.

2. *Clause 6*

(a) **Propose-** The Bill should clearly define “benefit sharing” to mean “*the sharing of any benefits arising from the exploitation of natural resources within parks or reserves in a fair and equitable manner where the costs accruing to communities conserving the resource, as the most important custodians, are offset for local communities to see net benefits from natural resources projects in order to preserve the natural resources*”. There should be adequate incentives for local communities as they bear the greatest responsibility towards protection of natural resources.

(b) **Propose-** The Bill should clearly define the term “revenue” to mean “*profits after costs of park or reserve management are met by the manager of the resource.*” Recognise that natural resources do not manage themselves, hence the cost incurred by management agencies need to be met before the sharing of benefits accrued. The managers include mandated government agencies, national non-governmental and civil society organizations, and others who can demonstrate their contribution to

conservation and management of natural resources. It makes no sense for the national government to be receiving revenue from a park that is poorly managed because of lack of financial resources.

(c) **Propose-** Recognize the principle of costs and cost sharing. Those managing conservation areas incur huge costs including human injuries, death, livestock predation and destruction of property. Those costs should be included to cushion communities that have suffered without any form of compensation.

47. **Justification-** Ineffective benefit sharing mechanisms for benefits from wildlife is a root cause of conflicts that have resulted in the quest to legally downgrade Amboseli National Park to a reserve is a wrong approach. It was reiterated that a fair and equitable benefit sharing and allocation formula with adequate support to communities and area managers to raise more revenue is the long term solution.

Committee's Observation/Recommendation

48. The Committee did not carry this proposal as the terms "benefit sharing" and "revenue" have their ordinary meanings and do not require further definition within the Bill.

3. *Clause 7*

49. **Propose-** Wildlife species in respect of which compensation may be paid – snakes and marine species added to the list are almost impossible to manage and control, especially with current resources. The Government needs to commit more tax payers' resources to ensure equity in wildlife management.

50. **Justification-** The Institute for Primate Research recently indicated that it plans to roll out the first anti-venom produced in an African country, an initiative believed to be more realistic and impactful compared to the current proposal by the Bill. The proposed amendment to the Third Schedule needs evaluation considering whether:

1. KWS is able to manage and control these species with current staffing and resources, to avoid weakening the ability of KWS to perform its mandate.
 2. The government is capable of budgeting, allocating and timely disbursing monetary resources required annually to sustain compensation of the extremely high human injury or death through snake bite claims.
51. The proposed section 25(3) to read “the cabinet secretary shall consider the recommendations made under subsection (2) and where appropriate within twelve months of recommendations, pay compensation to the claimant...” is an outright indicator that compensations may be delayed by other factors.

Committee’s Observation/Recommendation

52. The Committee did not agree with this proposal as it does not address the current needs and realities faced by Kenyans affected by snake bites.

4. *General*

53. **Propose-** There needs to be synergy in reviewing the Wildlife Conservation and Management Act 2013 to save public resources and maximize on stakeholder and expert engagement. Piecemeal amendments may weaken this important law.

54. **Justification-** Having two separate bills at the Senate targeting amendment to the Wildlife Conservation and Management Act, 2013, in particular section 76, is concerning.

Committee’s Observation/Recommendation

55. The Committee noted the comments and resolved that the matter of consolidation of the Bills would be done in consultation with the respective Sponsors of the Bills if they agree to consolidate.

CHAPTER THREE

COMMITTEE OBSERVATIONS

The Committee made the following observations in line with its consideration of the Wildlife Conservation and Management (Amendment) Bill 2023 –

56. **Clause 3**

- (a) The Committee observed that there was need to increase the number of representatives nominated by the Council of Governors to sit in the governing body of the Wildlife Conservation Trust Fund from one to two. To further promote gender inclusivity and equitable representation, the Committee recommended that the two representatives nominated by the Council of Governors should comprise one man and one woman. This inclusion aligns with the principles of gender equality and balanced representation, fostering diverse perspectives in the governance of the Fund.
- (b) The Committee observed that there was need to include facilitating county government-based initiatives as one of the purposes of the Wildlife Conservation Trust Fund. Noting that Section 35(2) of the Wildlife Conservation and Management Act confers county governments the responsibility of managing national reserves, this inclusion will support national level conservation efforts and empower county governments to actively participate in and contribute to wildlife conservation and management efforts within their jurisdictions.

CHAPTER FOUR
COMMITTEE RECOMMENDATIONS

57. The Committee having reviewed the Wildlife Conservation and Management (Amendment) Bill 2023 and conducted public participation, made the following recommendation and attached to this report are the Committee stage amendments. *(Refer to Annex II):*

58. **Clause 3**

- (a) The Committee recommended amending this clause by increasing the number of representatives nominated by the Council of Governors to sit in the governing body of the Wildlife Conservation Trust Fund from one to two, ensuring one man and one woman to promote gender inclusivity and equitable representation.

- (b) The Committee recommended further amending this clause to include ‘facilitating county government-based initiatives’ as one of the purposes of the Wildlife Conservation Trust Fund, to support conservation efforts and empower county governments in wildlife management within their jurisdictions.

APPENDICES

- Annex I: Minutes of the meetings**
- Annex II: Committee Stage Amendments**
- Annex III: Newspaper Advert**
- Annex IV: Wildlife Conservation and Management (Amendment) Bill,
2023 (Senate Bills No. 46 of 2023)**
- Annex V: Stakeholder Submissions/Public Views**

ANNEX I - MINUTES



MINUTES OF THE TWENTY EIGHTH (28TH) SITTING OF THE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON TUESDAY, 23RD JULY, 2024 IN COMMITTEE ROOM 8, FIRST FLOOR, BUNGE TOWER BUILDING AT 9:00 AM

PRESENT

- | | |
|---|--------------------|
| 1. Sen. John Muhia Methu, MP | - Chairperson |
| 2. Sen. (Dr.) Steve Lelegwe Ltumbesi, CBS, MP | - Vice Chairperson |
| 3. Sen. Agnes Kavindu Muthama, MP | - Member |
| 4. Sen. Beatrice Akinyi Ogola, MP | - Member |
| 5. Sen. Mariam Sheikh Omar, MP | - Member |

ABSENT WITH APOLOGIES

- | | |
|--|----------|
| 1. Sen. William Cheptumo Kipkiror, CBS, MP | - Member |
| 2. Sen. Issa Juma Boy, MP | - Member |
| 3. Sen. Johnes Mwashushe Mwaruma, MP | - Member |
| 4. Sen. Wamatinga Wahome, MP | - Member |

IN ATTENDANCE

1. Mr. Victor Bett
2. Ms. Ivy Nyambura
3. Ms. Angela Kagunyi
4. Ms. Shirley Milimu
5. Ms. Sarah Rukwaro

SECRETARIAT

- Clerk Assistant I
- Clerk Assistant III
- Legal Counsel II
- Audio Officer III
- Serjeant at Arms

MINUTE SEN/LENR/139/2024:

PRELIMINARIES

The Chair called the meeting to order at 9.10 am. This was followed by a word of prayer.

MINUTE SEN/LENR/140/2024:

ADOPTION OF AGENDA

The agenda was adopted after having been proposed by Sen. Beatrice Akinyi Ogola, MP and seconded by Sen. Agnes Kavindu Muthama, MP as follows-

1. Prayer;
2. Adoption of the Agenda;
3. **Consideration of Committee Reports on:**

- i. *The Wildlife Conservation and Management (Amendment) Bill, 2023 (Senate Bills No. 46 of 2023); and*
 - ii. *The Wildlife Conservation and Management (Amendment) Bill, 2023 (Senate Bills No. 49 of 2023).*
4. Any Other Business; and
 5. Date of the Next Meeting and Adjournment.

MINUTE SEN/LENR/141/2024:

**CONSIDERATION OF THE COMMITTEE
REPORT ON THE WILDLIFE
CONSERVATION AND MANAGEMENT
(AMENDMENT) BILL, 2023 (SENATE
BILLS NO. 46 OF 2023)**

The Secretariat took the Committee through the draft committee report highlighting submissions on proposed amendments and proposals from the following institutions and individuals;

- i. *Ministry of Tourism, Wildlife and Heritage*
- ii. *Council of Governors (COG)*
- iii. *County Government of Kilifi*
- iv. *Mwambogo wa Mcharo*
- v. *Nature Kenya*

The Committee having reviewed the Wildlife Conservation and Management (Amendment) Bill 2023 (Senate Bills No. 46 of 2023) and conducted public participation, made the following recommendations:

Clause 3

- (a) The Committee recommended amending this clause by increasing the number of representatives nominated by the Council of Governors to sit in the governing body of the Wildlife Conservation Trust Fund from one to two, ensuring one man and one woman to promote gender inclusivity and equitable representation.
- (b) The Committee recommended further amending this clause to include ‘facilitating county government-based initiatives’ as one of the purposes of the Wildlife Conservation Trust Fund, to support conservation efforts and empower county governments in wildlife management within their jurisdictions.

The Committee adopted the report having been proposed and seconded by Sen. Beatrice Akinyi Ogola, MP and Sen. (Dr.) Steve Lelegwe Ltumbesi, CBS, MP respectively.

MINUTE SEN/LENR/142/2024:

**CONSIDERATION OF THE COMMITTEE
REPORT ON THE WILDLIFE
CONSERVATION AND MANAGEMENT
(AMENDMENT) BILL, 2023 (SENATE
BILLS NO. 49 OF 2023)**

The Secretariat took the Committee through the draft committee report highlighting submissions on proposed amendments and proposals from the following institutions;

- i. Ministry of Tourism, Wildlife and Heritage;*
- ii. Council of Governors (COG) and*
- iii. Nature Kenya*

The Committee having reviewed the Wildlife Conservation and Management (Amendment) Bill, 2023 (Senate Bills No. 49 of 2023) and conducted public participation, made the following recommendation:

New Clause 2A

The Committee recommended amending the Wildlife Conservation and Management (Amendment) Bill, 2023 (Senate Bills No. 49 of 2023), to require county governments managing national reserves to develop and implement an up-to-date management plan and a revenue generation plan. This amendment will align the management requirements for national reserves with those of national parks, marine protected areas, wildlife conservancies, and sanctuaries, ensuring consistent and effective management across all protected areas.

The Committee adopted the report having been proposed and seconded by Sen. Agnes Kavindu Muthama, MP and Sen. Beatrice Akinyi Ogola, MP respectively.

MINUTE SEN/LENR/143/2024

ANY OTHER BUSINESS

There was no other business discussed.

MINUTE SEN/LENR/144/2024

**ADJOURNMENT AND DATE OF NEXT
MEETING**

The meeting was adjourned at 10:10 am. The date of the next meeting was to be called on notice.

Signed  _____ Date 29/07/24

SEN. JOHN MUHIA METHU, MP

CHAIRPERSON,

**STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL
RESOURCES**



MINUTES OF THE TWENTY SEVENTH (27TH) SITTING OF THE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON THURSDAY, 18TH JULY, 2024 IN COMMITTEE ROOM 4, FIRST FLOOR, MAIN PARLIAMENT BUILDING AT 11:00 AM

PRESENT

- | | |
|---|--------------------|
| 1. Sen. John Muhia Methu, MP | - Chairperson |
| 2. Sen. (Dr.) Steve Lelegwe Ltumbesi, CBS, MP | - Vice Chairperson |
| 3. Sen. Johnes Mwashushe Mwaruma, MP | - Member |
| 4. Sen. Wamatinga Wahome, MP | - Member |
| 5. Sen. Mariam Sheikh Omar, MP | - Member |
| 6. Sen. Beatrice Akinyi Ogola, MP | - Member |

ABSENT WITH APOLOGIES

- | | |
|--|----------|
| 1. Sen. William Cheptumo Kipkiror, CBS, MP | - Member |
| 2. Sen. Issa Juma Boy, MP | - Member |
| 3. Sen. Agnes Kavindu Muthama, MP | - Member |

IN ATTENDANCE

A. FRIEND OF THE COMMITTEE

- | | |
|-------------------------------|-------------------------|
| 1. Sen. Fatuma Dullo, CBS, MP | -Senator, Isiolo County |
|-------------------------------|-------------------------|

B. SECRETARIAT

- | | |
|------------------------|--------------------------------|
| 1. Mr. Victor Bett | - Clerk Assistant I |
| 2. Ms. Ivy Nyambura | -Clerk Assistant III |
| 3. Ms. Angela Kagunyi | - Legal Counsel II |
| 4. Ms. Janice Naserian | - Research Officer III |
| 5. Ms. Lydia Kagumba | -Public Communications Officer |
| 6. Mr. Jack Lemeteki | - Media Relations Officer |
| 7. Ms. Shirley Milimu | - Audio Officer III |
| 8. Ms. Sarah Rukwaro | - Serjeant at Arms |

MINUTE SEN/LENR/132/2024: PRELIMINARIES

The Chair called the meeting to order at 11.28 am. This was followed by a word of prayer.

MINUTE SEN/LENR/133/2024: ADOPTION OF AGENDA

The agenda was adopted after having been proposed by Sen. (Dr.) Steve Lelegwe Ltumbesi, CBS, MP and seconded by Sen. Johnes Mwaruma, MP as follows-

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of Previous Minutes;
4. Matters Arising;
5. **Meeting with the National Land Commission Chairperson to consider a Bill, eight (8) Statements and four (4) Petitions pending before the Committee;**
6. Any Other Business; and
7. Date of the Next Meeting and Adjournment.

MINUTE SEN/LENR/134/2024: CONFIRMATION OF PREVIOUS MINUTES

The Committee confirmed the following minutes -

- i. Minutes of the nineteenth (19th) sitting held on Tuesday, 14th May, 2024 at 8.00 am as proposed by Sen. Beatrice Akinyi Ogola, MP and seconded by Sen. Mariam Sheikh, MP respectively;
- ii. Minutes of the twentieth (20th) sitting held on Friday, 14th June, 2024 at 9.00 am as proposed by Sen. Beatrice Akinyi Ogola, MP and seconded by Sen. Johnes Mwashushe Mwaruma, MP respectively;
- iii. Minutes of the twenty first (21st) sitting held on Friday, 14th June, 2024 at 2.00 pm as proposed by Sen. (Dr.) Steve Lelegwe Ltumbesi, CBS, MP and seconded by Sen. Mariam Sheikh Omar, MP respectively;
- iv. Minutes of the twenty second (22nd) sitting held on Saturday, 15th June, 2024 at 9.00 am as proposed by Sen. Beatrice Akinyi Ogola, MP and seconded by Sen. Johnes Mwashushe Mwaruma, MP respectively;

- v. Minutes of the twenty third (23rd) sitting held on Saturday, 15th June, 2024 at 2.00 pm as proposed by Sen. (Dr.) Steve Lelegwe Ltumbesi, CBS, MP, and seconded by Sen. Beatrice Akinyi Ogola, MP respectively;
- vi. Minutes of the twenty fourth (24th) sitting held on Sunday, 16th June, 2024 at 9.00 am as proposed by Sen. Mariam Sheikh Omar, MP, and seconded by Sen. Beatrice Akinyi Ogola, MP respectively; and
- vii. Minutes of the twenty sixth (26th) sitting held on Tuesday, 25th June, 2024 at 9.00 am as proposed by Sen. (Dr.) Steve Lelegwe Ltumbesi, CBS, MP and seconded by Sen. Mariam Sheikh Omar, MP respectively.

MINUTE SEN/LENR/135/2024: MATTERS ARISING

There were no matters arising from the previous minutes.

MINUTE SEN/LENR/136/2024: MEETING WITH THE NATIONAL LAND COMMISSION CHAIRPERSON TO CONSIDER A BILL, EIGHT (8) STATEMENTS AND FOUR (4) PETITIONS PENDING BEFORE THE COMMITTEE

The Chairperson began noting the presence of the National Land Commission (NLC) and requested directed that a round of introductions be done. Thereafter, members raised a point of order regarding the delay in circulation of responses by the NLC which was done as the meeting was ongoing. The concern was that members did not get adequate time for Members to interrogate the responses thoroughly.

Further, the Committee through in the presence of the requester, expressed dissatisfaction with the tabled response on a Statement requested regarding the status of compensation to landowners displaced in the construction of the Horn of Africa Gateway Development Project. The requestor noted that the other than the response having taken too long it was inadequate as it lacked a detailed list of individuals compensated as well as the actual figures.

The NLC responded by conveying apologies on the delay in transition of responses attributed to internal challenges such as budgetary and logistical constraints. The Committee was informed that the Commission would be sending a team to go and assess the status from 22nd July, 2024 and therefore request for additional time to enable them give a comprehensive response.

The Committee gave guidance to NLC that, there was need for additional comprehensive responses on all the pending legislative matters sent to the Commission.

On further deliberation the Committee resolved that-

1. The National Land Commission sends additional comprehensive responses on the, eight (8) Statements and four (4) Petitions within seven (7) days as the Committee expressed dissatisfaction with the tabled responses;
2. A meeting is scheduled with the National Land Commission in the next fourteen (14) days to respond to the aforementioned Statements and Petitions; and
3. Communication done to the National Land Commission highlighting the key areas on the memoranda submitted regarding the Land (Amendment) Bill, 2022 (National Assembly Bills No.40 Of 2022).

MINUTE SEN/LENR/137/2024

ANY OTHER BUSINESS

There was no other business discussed.

MINUTE SEN/LENR/138/2024

ADJOURNMENT AND DATE OF NEXT MEETING

The meeting was adjourned at 12:21 pm. The next meeting shall be called by notice.

Signed _____



Date 18/7/24

SEN. JOHN MUHIA METHU, MP
CHAIRPERSON
STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL
RESOURCES.



MINUTES OF THE TWENTY THIRD (23RD) SITTING OF THE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON SATURDAY, 15TH JUNE, 2024 IN PRIDE INN PARADISE HOTEL, MOMBASA COUNTY AT 2:00 PM

PRESENT

- | | |
|---|--------------------|
| 1. Sen. John Muhia Methu, MP | - Chairperson |
| 2. Sen. (Dr.) Steve Lelegwe Ltumbesi, CBS, MP | - Vice Chairperson |
| 3. Sen. Johnes Mwashushe Mwaruma, MP | - Member |
| 4. Sen. Issa Juma Boy, MP | - Member |
| 5. Sen. Agnes Kavindu Muthama, MP | - Member |
| 6. Sen. Wamatinga Wahome, MP | - Member |
| 7. Sen. Mariam Sheikh Omar, MP | - Member |
| 8. Sen. Beatrice Akinyi Ogola, MP | - Member |

ABSENT WITH APOLOGIES

- | | |
|--|----------|
| 1. Sen. William Cheptumo Kipkiror, CBS, MP | - Member |
|--|----------|

IN ATTENDANCE

SECRETARIAT

- | | |
|-----------------------|---------------------------------|
| 1. Mr. Victor Bett | - Clerk Assistant I |
| 2. Ms. Ivy Nyambura | - Clerk Assistant III |
| 3. Ms. Angela Kagunyi | - Legal Counsel II |
| 4. Mr. John Gichia | - Research Officer III |
| 5. Ms. Lydia Kagumba | - Public Communications Officer |
| 6. Mr. Jack Lemeteki | - Media Relations Officer |
| 7. Ms. Shirley Milimu | - Audio Officer III |
| 8. Ms. Sarah Rukwaro | - Serjeant at Arms |

MINUTE SEN/LENR/113/2024:

PRELIMINARIES

The Chair called the meeting to order at 2.07 pm. This was followed by a word of prayer.

MINUTE SEN/LENR/114/2024: CONSIDERATION OF PUBLIC VIEWS MATRIX OF THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 46 OF 2023)

The Legal counsel took the Committee through the public views matrix as submitted by the following stakeholders –

- i. Council of Governors (COG)
- ii. County Government of Kilifi
- iii. Mwambago wa Mcharo
- iv. Nature Kenya

A. Clause 3

i. COG

Propose

This clause be amended in sub-clause (a) by providing that at least two representatives should be nominated by the Council of Governors;

Committee Determination

The Committee adopted the proposal from the Council of Governors. To further promote gender inclusivity and equitable representation, the Committee recommended that the two representatives nominated by the Council of Governors shall comprise one man and one woman.

Propose-

This clause be amended by inserting a provision that the purpose of the Wildlife Conservation Trust Fund shall be to provide funds for financial support to county governments for the implementation of wildlife conservation and management initiatives within their respective jurisdictions.

Committee Determination

The Committee adopted this proposal to provide that the purpose of the Fund shall include facilitating county government-based initiatives.

ii. County Government of Kilifi

Propose –

The fund should support counties to conduct awareness to communities to embrace formation of conservancies and wildlife disposal grazing area (education and awareness).

Committee Determination

B. *Clause 5*

i. **Nature Kenya**

Propose-

The County Wildlife Compensation Committee needs to have enough staff, including economists, and resources such as vehicles to lead technical aspects of valuation and verification of claims and a sufficient budget to enable operations.

Committee Determination

The Committee did not carry this proposal. The proposal is of an administrative nature, which need not be provided for in law. Furthermore, the staff who serve the committee are under the relevant Ministry.

C. *Clause 6*

i. **COG**

Propose –

That sub clause (4) be amended to provide that the Cabinet Secretary shall, in formulating the guidelines, ensure that the guidelines comply with the condition that fifty (50) percent of the benefits from National Parks shall be allocated to the host County Governments;

Committee Determination

The Committee did not carry this proposal due to the complexity involved in the manner of implementation. Allocating fifty percent of the benefits from National Parks to host County Governments presents significant administrative and logistical challenges.

ii. **Nature Kenya**

(a) **Propose-**

The Bill should clearly define “benefit sharing” to mean “*the sharing of any benefits arising from the exploitation of natural resources within parks or reserves in a fair and equitable manner where the costs accruing to communities conserving the resource, as the most important custodians, are offset for local communities to see net benefits from natural resources projects in order to preserve the natural resources*”.

There should be adequate incentives for local communities as they bear the greatest responsibility towards protection of natural resources.

(b) **Propose-**

The Bill should clearly define the term “revenue” to mean “*profits after costs of park or reserve management are met by the manager of the resource.*” Recognise that natural resources do not manage themselves, hence the cost incurred by management agencies need to be met before the sharing of benefits accrued. The managers include mandated government agencies, national non-governmental and civil society organizations, and others who can demonstrate their contribution to conservation and management of natural resources. It makes no sense for the national government to be receiving revenue from a park that is poorly managed because of lack of financial resources.

(c) **Propose-**

Recognize the principle of costs and cost sharing. Those managing conservation areas incur huge costs including human injuries, death, livestock predation and destruction of property. Those costs should be included to cushion communities that have suffered without any form of compensation.

Committee Determination

The Committee did not carry this proposal as the terms “benefit sharing” and “revenue” have their ordinary meanings and do not require further definition within the Bill.

D. *Clause 7*

i. **County Government of Kilifi**

Propose –

The following animals should be included for compensation in case they cause death:

- i) Snakes
- ii) Hippos

Committee Determination

The Committee concurred with the proposal and observed that the inclusion of snakes and hippos for compensation in case they cause death had already been captured in the Bill.

ii. **Nature Kenya**

Propose-

Wildlife species in respect of which compensation may be paid – snakes and marine species added to the list are almost impossible to manage and control, especially with current resources. The Government needs to commit more tax payers' resources to ensure equity in wildlife management.

Committee Determination

The Committee did not agree with this proposal as it does not address the current needs and realities faced by Kenyans affected by snake bites.

E. *General*

i. **COG**

Propose –

There is need to harmonize the provisions of the Bill to maintain the terminologies used in the Principal Act, that is, County Wildlife Compensation Committees rather than the reference to Community Wildlife Compensation Committees.

Propose-

There is need for a comprehensive review of the Wildlife Conservation and Management Act.

Committee Determination

The Committee noted the comments and resolved that the consolidation of the Bills would be pursued in consultation with the respective sponsors, subject to their agreement.

ii. **Mwambago Wa Mcharo**

Propose-

The locals bordering game parks and reserves be trained and deployed to perform the duties of reserve rangers akin to reserve police in cattle rustle prone areas, and the government should set aside a kitty to fund the initiative.

Committee Determination

The Committee noted that the Comments were general in nature and will be addressed in subsequent engagements with the relevant Ministry.

iii. Nature Kenya

Propose- There needs to be synergy in reviewing the Wildlife Conservation and Management Act 2013 to save public resources and maximize on stakeholder and expert engagement. Piecemeal amendments may weaken this important law.

Committee Determination

The Committee noted the comments and resolved that the matter of consolidation of the Bills would be done in consultation with the respective Sponsors of the Bills if they agree to consolidate.

MINUTE SEN/LENR/115/2024

ANY OTHER BUSINESS

There was no other business discussed.

MINUTE SEN/LENR/116/2024

**ADJOURNMENT AND DATE OF
NEXT MEETING**

The meeting was adjourned at 4:23 pm. The next meeting was scheduled for Sunday, 16th June, 2024 at 9.00 am.

Signed _____



Date 18/7/24

SEN. JOHN MUHIA METHU, MP

CHAIRPERSON

**STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL
RESOURCES.**



MINUTES OF THE NINETEENTH (19TH) SITTING OF THE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON TUESDAY, 14TH MAY, 2024 IN COMMITTEE ROOM 4, FIRST FLOOR, BUNGE TOWER AT 8:00 AM

PRESENT

- | | |
|-----------------------------------|---------------|
| 1. Sen. John Muhia Methu, MP | - Chairperson |
| 2. Sen. Agnes Kavindu Muthama, MP | - Member |
| 3. Sen. Wamatinga Wahome, MP | - Member |
| 4. Sen. Mariam Sheikh Omar, MP | - Member |
| 5. Sen. Beatrice Akinyi Ogola, MP | - Member |

ABSENT WITH APOLOGIES

- | | |
|---|--------------------|
| 1. Sen. (Dr.) Steve Lelegwe Ltumbesi, CBS, MP | - Vice Chairperson |
| 2. Sen. William Cheptumo Kipkiror, CBS, MP | - Member |
| 3. Sen. Johnes Mwashushe Mwaruma, MP | - Member |
| 4. Sen. Issa Juma Boy, MP | - Member |

IN ATTENDANCE

A. SENATORS – (Friends to the Committee)

- | | |
|----------------------------------|--------------------------|
| 1. Sen. Lenku Ole Kanar Seki, MP | –Senator, Kajiado County |
|----------------------------------|--------------------------|

B. MINISTRY OF TOURISM & WILDLIFE

- | | |
|---------------------------------|-------------------------|
| 1. Hon. (Dr.) Alfred Mutua, EGH | –Cabinet Secretary |
| 2. Mr. John L. Ololtua | –PS, Tourism |
| 3. Mr. Munyithya Kimwele | –ADT Tourism |
| 4. Dr. Richard Chepkwony | –Director, PHWC |
| 5. Mr. John Chumo | -SC-SDW |
| 6. Mr. Eric Kamanga | –Communications Officer |

SECRETARIAT

- | | |
|-----------------------|-----------------------|
| 1. Mr. Victor Bett | - Clerk Assistant I |
| 2. Ms. Ivy Nyambura | - Clerk Assistant III |
| 3. Ms. Angela Kagunyi | - Legal Counsel II |
| 4. Mr. John Gichia | –Research Officer III |

- | | |
|------------------------|---------------------------------|
| 5. Ms. Janice Naserian | - Research Officer III |
| 6. Ms. Lydia Kagumba | - Public Communications Officer |
| 7. Mr. Jack Lemeteki | - Media Relations Officer |
| 8. Ms. Shirley Milimu | - Audio Officer III |
| 9. Ms. Sarah Rukwaro | - Serjeant at Arms |

MINUTE SEN/LENR/093/2024: PRELIMINARIES

The Chair called the meeting to order at 8.27 am. This was followed by a word of prayer.

MINUTE SEN/LENR/094/2024: ADOPTION OF AGENDA

The agenda was adopted after having been proposed by Sen. Mariam Sheikh Omar, MP and seconded by Sen. Agnes Kavindu Muthama, MP as follows -

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of Previous Minutes;
4. Matters Arising;
5. **Meeting with the Cabinet Secretary, Ministry of Tourism, Wildlife and Heritage to consider (*Committee Paper 14*)-**
 - i. **The Wildlife Conservation and Management (Amendment) Bill (Senate Bills No. 46 of 2023); and**
 - ii. **The Wildlife Conservation and Management (Amendment) Bill, 2022 (Senate Bills No. 49 of 2023)**
6. Any Other Business; and
7. Date of the Next Meeting and Adjournment.

MINUTE SEN/LENR/095/2024: CONFIRMATION OF PREVIOUS MINUTES

The confirmation of the previous minutes was deferred to the next meeting.

MINUTE SEN/LENR/096/2024: MATTERS ARISING

There were no matters arising due to the deferment of confirmation of the previous minutes.

MINUTE SEN/LENR/097/2024: MEETING WITH THE CABINET SECRETARY, MINISTRY OF TOURISM, WILDLIFE AND HERITAGE TO CONSIDER TWO (2) BILLS BEFOR ETHE COMMITTEE

The Committee was taken through the digest of the following Bills highlighting the purpose, background and general overview as follows-

I. The Wildlife Conservation and Management (Amendment) Bill (Senate Bills No. 46 of 2023)

The above Bill is sponsored by Sen. Johnes Mwaruma, MP and was introduced on the floor of the House by way of First reading on 14th February, 2024 and thereafter committed to the Committee.

Its objective is to enhance the current wildlife management framework by ensuring County Wildlife Conservation and Compensation Committees receive necessary funding and set a twelve-month deadline for wildlife-related compensation.

Further, it aims to streamline compensation processes, reinforce local community involvement, and establish clearer guidelines for benefits sharing from conservation areas. The amendments focus on improving responsiveness and accountability within wildlife conservation efforts in Kenya.

II. The Wildlife Conservation and Management (Amendment) Bill, 2022 (Senate Bills No. 49 of 2023)

The above Bill is sponsored by Sen. Lenku Ole Kanar Seki, MP and was introduced on the floor of the House by way of First reading on 21st March, 2024 and thereafter committed to the Committee.

Its objective is to enable joint management and revenue-sharing of national parks between county governments hosting these parks and the National Government.

The amendments aim to ensure that host counties benefit financially from the parks within their jurisdiction, thereby enhancing local economic impact and promoting equitable distribution of resources generated from wildlife conservation activities.

The Chairperson then invited the Cabinet Secretary, Ministry of Tourism, Wildlife and Heritage to present their submissions on the aforementioned Bills before the Committee.

The Cabinet Secretary began by stating that the Ministry had observed a lot of shortcomings from the implementation of the Wildlife Conservation and Management Act (WCMA) 2013 that indeed needed to be addressed for the Act to suffice. He went on to inform the Committee that there was a draft Bill in the works to review the Wildlife Conservation and Management Act No. 47 of 2013 currently being undertaken by the Ministry.

In view of the above, the Cabinet Secretary, requested for the withdrawal of the aforementioned Bills to give the Ministry time to complete their Bill which he stated would include proposals from both Bills before being brought to Parliament for consideration.

The Committee turned down the request stating that it was not in the Ministry's purview to persuade the Sponsors of the Bills to withdraw their Bills as they are expected to facilitate the public participation process before tabling a report in the House.

Sen. Lenku Ole Kanar Seki, MP, who is the sponsor of the Wildlife Conservation and Management (Amendment) Bill, 2022 (Senate Bills No. 49 of 2023), agreed with the sentiments of the Committee to proceed with the public participation process to get further views and insights from the public and take the Ministry's response as their submission of memoranda to the above Bills rather than withdrawing the Bills.

Members engaged the Cabinet Secretary on issues of Human Wildlife Conflict (HWC) and the Committee was informed that the Ministry is currently compensating verified claims of victims of HWC in totality as directed by the President. He went on to inform the Committee of the Ministry's plans to boost tourism in various Counties around the country.

On concluding the chairperson commended the Ministry on a 100% response rate on the Statements requested to the Committee relating to the Ministry's mandate.

MINUTE SEN/LENR/098/2024

ANY OTHER BUSINESS

There was no other business discussed.

MINUTE SEN/LENR/099/2024

ADJOURNMENT AND DATE OF NEXT MEETING

The meeting was adjourned at 9:53 am. The next meeting was scheduled for Thursday, 16th May, 2024 at 9.00 am.

Signed _____



Date 18/7/2024

SEN. JOHN MUHIA METHU, MP

CHAIRPERSON
STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL
RESOURCES.

ANNEX II – COMMITTEE STAGE AMENDMENTS

29th July, 2024

The Clerk of the Senate
Parliament Buildings
NAIROBI

**RE: COMMITTEE STAGE AMENDMENTS TO THE WILDLIFE
CONSERVATION AND MANAGEMENT (AMENDMENT) BILL, 2023
(SENATE BILLS NO. 46 OF 2023).**

NOTICE is given that Sen. John Muhia Methu, the Chairperson to the Standing Committee on Land, Environment and Natural Resources, intends to move the following amendments to the Wildlife Conservation and Management (Amendment) Bill, 2023 (Senate Bills No. 46 of 2023), at the Committee Stage—

CLAUSE 3

THAT clause 3 of the Bill be amended—

- (a) in paragraph (a) by deleting the words “one of whom” appearing immediately after the words “inserting the words” and replacing therefor the words “one man and one woman who”; and
- (b) in paragraph (b) by inserting the following sub-paragraph immediately after sub-paragraph (fa)—
 - (fb) facilitate county government-based initiatives.

Dated....., 2024.

Sen. John Muhia Methu,
Chairperson,
Committee on Land, Environment and Natural Resources.

ANNEX III – PUBLIC ADVERT

REPUBLIC OF KENYA



THIRTEENTH PARLIAMENT | THIRD SESSION THE SENATE

INVITATION FOR SUBMISSION OF MEMORANDA

At the sitting of the Senate held on Wednesday, 14th February, 2024, the Bills listed at the second column below were introduced in the Senate by way of First Reading and thereafter stood committed to the respective Standing Committees indicated at the third column.

Pursuant to the provisions of Article 118 of the Constitution and standing order 145 (5) of the Senate Standing Orders, the Committees now invite interested members of the public to submit any representations that they may have on the Bills by way of written memoranda.

The memoranda may be submitted to the Clerk of the Senate, P. O. Box 41842-00100, Nairobi, hand-delivered to the Office of the Clerk of the Senate, Main Parliament Buildings, Nairobi or emailed to clerk.senate@parliament.go.ke and copied to the email addresses of the respective Committee indicated at the fourth column below, to be received on or before **Friday, 1st March, 2024 at 5.00 p.m.**

Bill	Committee Referred To	Email Address
a) The Conflict of Interest Bill (National Assembly Bills No. 12 of 23)	Standing Committee on Justice, Legal Affairs and Human Rights	senatejlahrc@parliament.go.ke
b) The Gambling Control Bill (National Assembly Bills No. 70 of 2023)	Standing Committee on Labour and Social Welfare	laboursocialwelfarecomm.senate@parliament.go.ke
c) The Wildlife Conservation and Management (Amendment) Bill (Senate Bills No. 46 of 2023)	Standing Committee on Land, Environment and Natural Resources	landenvironcommittee.senate@parliament.go.ke
d) The Nuts and Oil Crops Development Bill (Senate Bills No. 47 of 2023)	Standing Committee on Agriculture, Livestock and Fisheries	agriculturelfcommittee.senate@parliament.go.ke
e) The Constitution of Kenya (Amendment) (No. 2) Bill (Senate Bills No. 52 of 2023)	Standing Committee on Justice, Legal Affairs and Human Rights	senatejlahrc@parliament.go.ke

The Bills may be accessed on the Parliament website at <http://www.parliament.go.ke/the-senate/house-business/bills>.

**J.M. NYEGENYE, CBS,
CLERK OF THE SENATE.**

ANNEX IV – THE BILL

SPECIAL ISSUE

Kenya Gazette Supplement No. 183 (Senate Bills No. 46)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

SENATE BILLS, 2023

NAIROBI, 10th October, 2023

CONTENT

Bill for Introduction into the Senate –	PAGE
The Wildlife Conservation and Management (Amendment) Bill, 2023	991

**THE WILDLIFE CONSERVATION AND
MANAGEMENT (AMENDMENT) BILL, 2023**

A Bill for

**AN ACT of Parliament to amend the Wildlife
Conservation and Management Act and for
connected purposes.**

ENACTED by the Parliament of Kenya, as follows —

1. This Act may be cited as the Wildlife Conservation and Management (Amendment) Act, 2023.

Short title.

2. The Wildlife Conservation and Management Act, in this Act referred to as “the principal Act”, is amended by inserting the following new section immediately after section 21 —

Insertion of
section 21A in
No. 47 of 2013.

Provision of
funds for
Community
Wildlife
Conservation
Committees.

21A (1) The Cabinet Secretary shall, in each financial year, provide adequate funds for the management of the affairs of each Community Wildlife Conservation Committee.

(2) The Cabinet Secretary shall, where no appeal has been lodged under this Act, ensure that compensation required to be paid under this Act is undertaken within twelve months of a determination by the respective Community Wildlife Conservation Committee.

3. Section 23 of the principal Act is amended —

Amendment of
section 23 of
No. 47 of 2013.

- (a) in subsection (2) by inserting the words “and one of whom shall be nominated by the Council of County Governors” immediately after the words “wildlife conservancy body” in paragraph (c); and
- (b) in subsection (4) by inserting the following new paragraph immediately after paragraph (f)—
 - (fa) provide support to local communities negatively affected by activities undertaken with respect to wildlife conservation and management.

4. Section 24 of the principal Act is amended in subsection (1) by — Amendment of section 24 of No. 47 of 2013.

- (i) deleting the word “Government” appearing in the introductory clause and substituting therefor the words “Cabinet Secretary”;
- (ii) deleting paragraph (a) and substituting therefor the following new paragraph —
 - (a) monies allocated annually for this purpose by the National Assembly;

5. Section 25 of the principal Act is amended — Amendment of section 25 of No. 47 of 2013.

- (a) in subsection (3) by inserting the words “within twelve months of the recommendations” immediately after the words “and where appropriate” in the introductory clause;
- (b) in subsection (4) by deleting the words “due consideration” appearing immediately after the words “the service for” and substituting therefor the words “the purpose of processing the payment for compensation”;
- (c) in subsection (5) by inserting the words “within twelve months” immediately after the words “award and pay” in the introductory clause; and
- (d) in subsection (6) by —
 - (i) deleting the word “either” appearing immediately after the words “of compensation by”; and
 - (ii) deleting the words “or the Service” appearing immediately after the words “and Compensation Committee”.

6. Section 76 of the principal Act is amended by deleting subsection (4) and substituting therefor the following new subsections— Amendment of section 76 of No. 47 of 2013.

- (4) The Cabinet Secretary shall, in formulating the guidelines, ensure that the

guidelines comply with the condition that a minimum of five percent of the benefits from national parks and national reserves shall be allocated to local communities neighbouring or negatively affected by activities undertaken for the preservation of the national parks.

(4A) The determination of the minimum percentage of the benefits to be allocated to local communities under subsection (4) shall be based on the gross total revenue and fees collected with respect to the protected area.

7. The Third Schedule to the principal Act is amended in Part A by inserting the words “poisonous snakes, dangerous snakes, shark, stone fish, whale, sting ray, wild pig” immediately after the word “buffalo”.

Amendment of
the Third
Schedule to No.
47 of 2013.

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The Bill seeks to amend the Wildlife Conservation and Management Act, No. 47 of 2013, in order to make further provision for the allocation of adequate facilities to County Wildlife Conservation and Compensation Committees established under the Act. It also provides a timeline of twelve months for the compensation for human death, human injury or crop and property damage caused by wildlife in accordance with the Act.

The Bill makes further provision for the payment of compensation and other entitlements due to local communities affected by wildlife in accordance with the Act. This is essential to enable counties perform their county functions as provided under Part 2 of the Fourth Schedule to the Constitution.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

This Bill does not delegate legislative powers nor does it limit fundamental rights and freedoms.

Statement on how the Bill concerns county governments

The Bill concerns county governments in that it makes further provision for the allocation of adequate facilities to County Wildlife Conservation and Compensation Committees in each county. It also provides timelines for the compensation by the Committees to victims of injury caused by wildlife in accordance with the Act. This will affect counties in the performance of their functions as listed under Part 2 of the Fourth Schedule to the Constitution.

The Bill makes further provision for the payment of compensation to local communities affected by wildlife in accordance with the Act. This is essential to enable counties perform their county functions as provided above. It also facilitates counties to perform their functions under paragraph 14 of the said Part 2 of the Fourth Schedule to the Constitution. The Bill therefore affects the functions and powers of county governments in terms of 110(1)(a) of the Constitution.

Statement that the Bill is not a money Bill, within the meaning of Article 114 of the Constitution

The Bill deals with matters other than those listed in the definition of a money Bill under Article 114 (3) of the Constitution and is therefore not a money Bill within the meaning of Article 114 of the Constitution.

Dated the 29th March, 2023.

JOHNES MWARUMA,
Senator.

Section 23 of No. 47 of 2013 that the Bill proposes to amend —

23. The Wildlife Conservation Trust Fund.

(1) There is established a Wildlife Conservation Trust Fund that shall be vested in a governing body established in accordance with subsection (2).

(2) The governing body referred to in subsection (1) shall serve as a public-private partnership and comprise —

- (a) a Chairperson being appointed by the President;
- (b) the Principal Secretary in the State Department for the time being responsible for matters relating to wildlife;
- (c) the Principal Secretary in the State Department for the time being responsible for matters relating to finance;
- (d) the Director-General of the Service who shall be the Secretary;
- (e) four representatives from the private sector, who shall have technical experience in either philanthropy, law, natural resources, finance, business and investment matters, one of whom shall be a representative nominated by an umbrella wildlife conservancy body; and
- (f) a representative from the office of the Attorney-General.

(3) There shall be paid into the Wildlife Conservation Trust Fund—

- (a) moneys appropriated by Parliament;
- (b) a proportion of such moneys as may be levied for payment of environmental services by beneficiaries in productive and service sectors, and for biodiversity offset schemes that compensate for conservation impacts as a contribution towards the Wildlife Conservation Trust Fund as the Cabinet Secretary may, upon the recommendation of the governing board, determine;
- (c) moneys for payment of environmental services and biodiversity offset schemes in which entities make payments directly to the Wildlife Conservation Trust Fund;
- (d) moneys from debt-for-nature transactions;
- (e) income from investments made by the governing board; and
- (f) such grants, donations, bequests or other gifts as may be made to the Fund.

(4) The purpose shall be to provide funds in order to—

- (a) develop wildlife conservation initiatives;
- (b) manage and restore protected areas and conservancies;
- (c) protect endangered species, habitats and ecosystems;
- (d) support wildlife security operations;
- (e) facilitate community based wildlife initiatives;
- (f) award wildlife conservation grants based on criteria to be established by the governing board; and
- (g) such other purposes as may be provided by the governing board.

(5) The Cabinet Secretary may, on recommendation of the Service, by notice in the *Gazette*, issue regulations and guidelines necessary and appropriate for the carrying out of the purposes of this section.

Section 24 of No. 47 of 2013 that the Bill proposes to amend—

24. The Wildlife Compensation Scheme.

(1) The Government shall establish a Wildlife Compensation Scheme that shall consist of—

- (a) monies specifically allocated for this purpose through the budget process;
- (b) an insurance scheme to be established by the Cabinet Secretary responsible for matters relating to finance; and
- (c) monies from any other source approved by the Cabinet Secretary for the time being responsible for matters relating to finance; and

(2) The Wildlife Compensation Scheme shall be used for financing compensation claims for human death or injury or crop and property damage caused by wildlife.

Section 25 of No. 47 of 2013 that the Bill proposes to amend—

25. Compensation for personal injury or death or damage to property.

(1) Where any person suffers any bodily injury or is killed by any wildlife listed under the Third Schedule, the person injured, or in the case of a deceased person, the personal representative or successor or assign, may launch a claim to the County Wildlife Conservation and Compensation Committee within the jurisdiction established under this Act.

(2) The County Wildlife Conservation and Compensation Committee established under section 18 shall verify a claim made under subsection (1) and upon verification, submit the claim to the Cabinet Secretary together with its recommendations thereon.

(3) The Cabinet Secretary shall consider the recommendations made under subsection (2) and where appropriate, pay compensation to the claimant as follows—

- (a) in the case of death, five million shillings;
- (b) in the case of injury occasioning permanent disability, three million shillings;
- (c) in the case of any other injury, a maximum of two million shillings, depending on the extent of injury.

(4) Any person who suffers loss or damage to crops, livestock or other property from wildlife specified in the Seventh Schedule hereof and subject to the rules made by the Cabinet Secretary, may submit a claim to the County Wildlife Conservation and Compensation Committee who shall verify the claim and make recommendations as appropriate and submit it to the Service for due consideration.

(5) The County Wildlife Conservation and Compensation Committee shall review the claim and award and pay a compensation valued at the ruling market rates:

Provided that no compensation shall be paid where the owner of the livestock, crops or other property failed to take reasonable measures to protect such crops, livestock or property from damage by wildlife or his land use practices are in compatible with the ecosystem-based management plan for the area.

(6) A person who is dissatisfied with the award of compensation by either the County Wildlife Conservation and Compensation Committee or the Service may within thirty days after being notified of the decision and award, file an appeal to the National Environment Tribunal and on a second appeal to the Environment and Land Court.

(7) The Cabinet Secretary may, by notice in the *Gazette*, prescribe such regulations and guidelines as are necessary and appropriate to carry out the purposes of this section.

Section 76 of No. 47 of 2013 that the Bill proposes to amend —

76. Guidelines on incentives and benefit-sharing.

(1) The Cabinet Secretary shall, upon advice by the Service, in consultation with the Commission on Revenue Allocation, formulate

guidelines regarding incentives and benefit sharing, and the nature and manner in which the same shall be distributed.

(2) The Cabinet Secretary shall publish in the *Gazette* within twenty-one days of the formulation rules and regulations to govern the regime on incentives and benefits.

(3) The guidelines under this section shall be subjected to public scrutiny at every stage of their formulation within the framework of the laws on devolution and land management.

(4) The guidelines on benefit sharing shall comply with the minimum conditions that a minimum of five per cent of the benefits from national parks shall be allocated to local communities neighbouring a park.

(5) Subject to Article 66 of the Constitution, private investments in conservancies shall benefit local communities and investors shall provide such benefits by applying various options including infrastructure, education and social amenities.

The Third Schedule of No. 47 of 2013 that the Bill proposes to amend —

THIRD SCHEDULE

[Section 25]

**WILDLIFE SPECIES IN RESPECT OF WHICH
COMPENSATION MAY BE PAID**

A. Death and Injury

Elephant
Lion
Leopard
Rhino
Hyena
Crocodile
Cheetah
Buffalo

B. Crop, livestock and property damage

Elephant
Lion
Leopard
Rhino
Hyena
Crocodile
Cheetah
Buffalo
Hippo
Zebra
Eland
Wildebeest
Snake
Wild dog

ANNEX V – STAKEHOLDER SUBMISSIONS



MINISTRY OF TOURISM & WILDLIFE

OFFICE OF THE CABINET SECRETARY

Submission on Receipt of Memoranda on the Wildlife Conservation and Management (Amendment) Bill, 2023 (Senate Bills No. 46 of 2023) and the Wildlife Conservation and Management (Amendment) Bill, 2023 (Senate Bills No. 49 of 2023)

13th May, 2024

The Clerk of the Senate through a letter Reference No. SEN/DSEC/DPEAC/LENR//2024(2)(38) dated 8th May, 2024 from the Senate Standing Committee on Land, Environment and Natural Resources requesting the Cabinet Secretary to make Submissions on the aforementioned Bills.

SUBMISSION ON WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL, 2023 (SENATE BILLS NO. 46 OF 2023) AND WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL, 2023 (SENATE BILLS NO. 49 OF 2023)

The experience from implementing the Wildlife Conservation and Management Act (WCMA) 2013 has revealed its many serious shortcomings, including inconsistencies in definitions as well as use and application of terms and phrases, high and unsustainable costs of implementation, especially on compensation claims, poor and confusing cross-referencing between the body of the Act, various sections and the schedules, typographical errors and redundancies and lack of clarity on roles and responsibilities of the implementing institutions.

Piecemeal attempts to revise the Act have failed to cure its many shortcomings. It also causes considerable uncertainty in the application of the law, and inconveniences stakeholders and institutions involved in law reform. It has emerged that nothing short of a comprehensive revision of the Act would suffice. These has call for a complete overhaul of the WCMA in order to address the emerging issues and challenges.

There is a draft Bill to comprehensively review the Wildlife Conservation and Management Act No.47 of 2013 being undertaken. The proposed amendments are being looked into comprehensively and it is in the interest of the public and relevant stakeholders to carry out this comprehensive review with the view of repealing the current Act and coming up with a new law that effectively address the issues being proposed to avoid piece meal amendments.

In view of the above, we are requesting for withdrawal of Wildlife Conservation and Management (Amendment)Bill, 2023 (Senate Bills No. 46

of 2023) and Wildlife Conservation and Management (Amendment) Bill, 2023(Senate Bills No. 49 of 2023) and request Honourable Senators to forward the proposed amendments to the Ministry for inclusion in the new Bill being developed.

ADDITIONAL INFORMATION

His Excellency the President on 23rd August, 2023 issued a Directive to transfer Amboseli National Park to County Government of Kajiado. Consequently, through the Kenya Gazette Vol. CXXVI- No. 22- Page 586-587 dated 23rd February, 2024, the Cabinet Secretary, Ministry of Tourism and Wildlife appointed an Advisory Committee on the transfer of the Amboseli National Park to the County Government of Kajiado with clear terms of reference. The Committee deliberation is at an advance stage and the report shall be ready in due course.

I submit.

A handwritten signature in black ink, appearing to read 'Alfred Mutua', written in a cursive style.

Hon. (Dr.) Alfred Mutua, EGH

DSFC
01-03-2024



COUNCIL OF GOVERNORS

Westlands Delta House 2nd Floor, Waiyaki Way.
P.O. BOX 40401-00100,
Nairobi.

Tel: (020) 2403314, 2403313
E-mail:

Our Ref: COG/2/18 Vol.7 (70)

26th February, 2024

J. M. Nyegenye, CBS
Clerk of the Senate
Senate
Nairobi

Dear Mr. Nyegenye

LETTER FORWARDING THE LEGISLATIVE MEMORANDUM ON THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO.46 OF 2023)

Greetings from the Council of Governors.

Reference is made to the invitation by the Senate to submit written memorandum on the above draft amendment Bill.

Attached herewith, please find a memorandum on the Wildlife Conservation and Management (amendment) Bill, 2023 for your consideration.

Please accept the assurance of our highest esteem and consideration.

Yours sincerely,

Mary Mwiti
Chief Executive Officer

① DSFC
DHS

② DDSEC
Kindly deal
04/03/2024

③ Mr. Bott
You are drawing
05/03/24

Kindly deal
Ep
01/03/2024



COUNCIL OF GOVERNORS

LEGISLATIVE MEMORANDUM ON THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL, 2023

TO THE

SENATE OF KENYA

FROM

THE COUNCIL OF GOVERNORS

The Council of Governors,

In recognition of Article 1(4) of the Constitution of Kenya, that sovereign power of the people is exercised at the national level and the county level;

In further recognition of Article 6 (2) that governments at the national and county levels are distinct; and

Aware of the need for coordination and consultation between the National Government and County Governments to ensure that legislation is aligned to the Constitution and reflects the spirit and objects of devolution.

A. PREVAILING LEGAL FRAMEWORKS

1. Article 2 (1) and 2 (2) of the Constitution of Kenya 2010 declares the supremacy of the Constitution of Kenya and obliges every state organ to exercise state authority only as provided for in the constitution.
2. Article 6 (2) of the Constitution which provides that the governments at the national and county levels are distinct and inter-dependant and shall conduct their mutual relations on the basis of consultation and cooperation
3. Article 186 provides for the respective powers and functions of national and county governments as set out in the Fourth Schedule.
4. Article 189 (2) of the Constitution provides that Governments at each level, and different governments at the county level, shall co-operate in the performance of functions and exercise of powers

B. ROLE OF COUNTY GOVERNMENTS IN WILDLIFE MANAGEMENT.

The Fourth Schedule of the Constitution of Kenya, 2010, clearly delineates the roles of both the National Government and County Governments where it states that County Governments shall implement specific National Government policies on wildlife management. On the other hand, the National Government shall protect the environment and natural resources with a view to establishing a durable and sustainable system of development, including the protection of animals, wildlife and water.

The interface between the role of the National Government and the County Governments on the protection of wildlife is evident. Consequently, both levels of government should consult each other on matters of wildlife in line with Article 6(2) of the Constitution which provides that the National Government and County Governments shall conduct their mutual relations on the basis of consultation and collaboration.

The Wildlife Act provides a restructured governance of wildlife resources in accordance with the Constitution of Kenya, 2010. Specifically, County Governments have a role in the management of national reserves (Section 35) and the County Wildlife Conservation and Compensation Committees (Section 18). These committees are required under the law to establish wildlife user rights, oversee implementation of management plans on community and private lands, and oversee equitable benefit sharing of wildlife resources and review compensation.

As such, the Council opines that it is important for the Wildlife Conservation and Management Act to be reviewed in its entirety to align to the Constitution of Kenya 2010 and the roles outlined for both levels of government. The council further makes the following proposals;

C. GENERAL COMMENTS ON THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL 2023

The Council hereby notes as follows on the Bill:

1. The Bill references the Community Wildlife Compensation Committees, whereas the principal Act establishes the County Wildlife Compensation Committees. It is therefore necessary to harmonize the provisions of these legislations to mitigate potential confusion arising from disparate frameworks.
2. The Council acknowledges multiple amendments to the Wildlife Conservation and Management Act of 2013. In light of this, the Council advocates for a comprehensive review exercise aimed at consolidating all proposed amendments into a singular bill, thereby streamlining legislative modifications for enhanced clarity and coherence.

COMMENTS ON SPECIFIC PROVISIONS

Clause	Provision	CoG' proposal	Justification for amendment and recommendation
Clause 6 Seeking to Amend Section 76 of the Principal Act	(4) The Cabinet Secretary shall, in formulating the guidelines, ensure that the guidelines comply with the condition that a minimum of five percent of the	<i>Amend the section to read as follows;</i> (4) The Cabinet Secretary shall, in formulating the guidelines, ensure that the guidelines comply with the condition that a fifty (50)	This is in line with the Presidential directive made regarding the 50:50 sharing of benefits from the National Parks between the National and host County Governments recognizing the crucial role Counties play in Wildlife

<p>benefits from national parks and national reserves shall be allocated to local communities neighboring or negatively affected by activities undertaken for the preservation of the national parks.</p>	<p>percent of the benefits from National Parks shall be allocated to the host County Governments</p>	<p>Conservation and management</p> <p>There are only 2 planning authorities i.e. National and County Government as such any community support should be channeled through the County governments</p> <p>Consequently, County Governments, as part of their mandate to coordinate community participation in local governance, are tasked with ensuring that a percentage of the benefits accrued from National Parks is shared with local communities based on mutually agreed terms.</p>
<p>Clause 23 The Wildlife Conservation Trust Fund</p>	<p>in subsection (2) by inserting the words “and one of whom shall be nominated by the Council of County Governors” immediately after the words “wildlife conservancy body” in paragraph (e)</p>	<p>Amend the section to read as follows; “at least two representatives nominated by the Council of County Governors”</p>
		<p>The proposed amendment seeks to enhance the representation of County Governments to ensure the meaningful participation of Counties in the decision-making processes of the Fund</p>

	<p>(4)The purpose shall be to provide funds in order to—</p>	<p><i>Amend the section to include as follows;</i></p> <p>h) Provide financial support to County Governments for the implementation of wildlife conservation and management initiatives within their respective jurisdictions.</p>	<p>Section 35 (2) of the Wildlife Conservation and Management Act confers County Governments the responsibility of management of the national reserves therefore including this additional purpose, the Wildlife Conservation Trust Fund would not only support national level conservation efforts but also empower County Governments to actively participate in and contribute to wildlife conservation and management efforts within their jurisdictions, ultimately promoting the sustainable management of Kenya's diverse wildlife resources.</p>
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COMMENTS ON THE WILDLIFE CONSERVATION AND MANAGEMENT ACT 2019

<p>Definition National Park</p>	<p>Means an area of land and/or sea especially dedicated to the protection and maintenance of biological diversity, and of natural and associated cultural</p>	<p><i>Amend the section to read as follows;</i></p> <p>Means an area of land and/or sea especially dedicated to the protection and maintenance of biological diversity, and of natural and associated cultural resources,</p>	<p>It is important to ascertain whose responsibility it is to manage the National Parks.</p>
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	resources, and managed through legal or other effective means;	and managed through legal or other effective means ,and managed by the National government	
<p>Definition National Reserve</p>	<p>means an area of community land declared to be a national reserve under this Act or under any other applicable written law</p>	<p>Amend the section to read means an area of community land declared to be a national reserve under this Act or under any other applicable written law; and managed by the County Government</p>	<p>It is crucial to indicate within the Act, the management of the National Reserves by the County Governments</p>
<p>Definition Trans-frontier/trans-boundary conservation area</p>	<p>Means the area or component of a large ecological region that straddles the boundaries of two or more countries...</p>	<p>Amend the section to read as follows: Means the area or component of a large ecological region that straddles the boundaries of two or more countries or Counties</p>	<p>To ensure all affected Counties are involved in the management of shared natural resources</p>
<p>Section 7 (e)</p>	<p>The Service shall collect revenue levies and charges due to the national government from wildlife and, as appropriate, develop mechanisms for benefit sharing with communities living in wildlife areas</p>	<p>Amend the clause to read as follows: The Service shall collect revenue levies and charges due to the national government from wildlife and, as appropriate, develop mechanisms for benefit sharing with communities living in wildlife areas.</p>	<p>The County governments play a critical role in wildlife conservation and therefore should receive some benefit from management of these resources</p>

		Further, the service shall, as appropriate, develop mechanisms for benefit sharing from revenue, levies and charges from wildlife with communities and Counties within their jurisdiction	
Section 18 Community Wildlife Conservation Committees	18. Each county shall have a County Wildlife Conservation and Compensation Committee, which shall consist of	<i>Amend the section to include;</i> a representative of the county government;	To reinstate representation of Counties within the Committees as previously provided for in the principal Act. This not only strengthens the collaborative efforts between national and county governments but also enhances the effectiveness and inclusivity of wildlife conservation and compensation processes at the local level,
Section 8 Board of Trustees	The members of the Board of Trustees shall comprise...	<i>Amend the section to include;</i> ...one person nominated by the Council of Governors and appointed by the Cabinet Secretary	To ensure there is County representation in the Board charged with fulfillment of mandates prescribed in the Act

<p>Clause 32</p> <p>Declaration of a National Park</p>	<p>The Cabinet Secretary may, upon the recommendation of the Service, after consultation with the National Land Commission, and following proper public consultation, and with the approval of the National Assembly, by notice in the Gazette declare—</p> <ul style="list-style-type: none"> a) any un-alienated public land; or b) any land purchased or otherwise acquired by the Government, to be a National Park 	<p><i>Amend the section to read as follows:</i></p> <p>... The Cabinet Secretary may, upon the recommendation of the Service, after consultation with the County Governments within its jurisdiction and the National Land Commission, and with the approval of the National Assembly...</p>	<p>County governments hold public land in trust for the people of Kenya as is provided in Article 62 (2) of the Constitution and therefore should be consulted within their jurisdiction</p>
<p>Clause 33</p> <p>Conservation and Management of Wetlands</p>	<p>The Cabinet Secretary shall, on recommendation of the Service, in consultation with the National Land Commission, by notice in the Gazette, declare a wetland that is an important habitat or ecosystem for wildlife conservation a protected wetland</p>	<p><i>Include;</i></p> <p>The Cabinet Secretary may, upon the recommendation of the Service, after consultation with the County Governments within its jurisdiction and the National Land Commission, by notice in the Gazette, declare a wetland that is an important habitat or ecosystem for</p>	<p>County governments hold public land in trust for the people of Kenya as is provided in Article 62 (2) of the Constitution and therefore should be consulted within their jurisdiction</p>

		wildlife conservation a protected wetland	
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D. RECOMMENDATION

The Council proposes a joint committee with representation from both levels of governments that will look into matters of protection, conservation and management of wildlife, capacity building, policy and legislation review and compensation in cases of human-wildlife conflict and specifically review of the current framework in a bid to align it with the Constitution of Kenya, 2010.

Subject WILDLIFE MANAGEMENT ACT AMENDMENT BILL

From mwambagho mcharo <m2mcharo@gmail.com>

To clerk senate <clerk.senate@parliament.go.ke>

Cc landenvironcommittee senate <landenvironcommittee.senate@parliament.go.ke>

Date Saturday February 24, 2024 10:41:36 AM

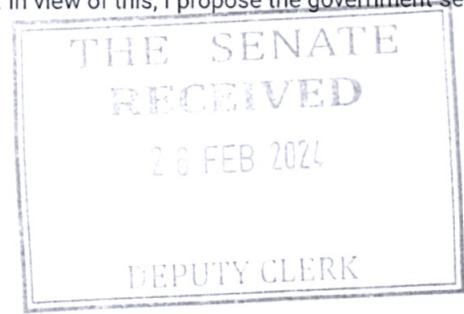


CAUTION: This Mail Originated from outside of the Organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

I wish to register my contribution to the wildlife management act amendment bill. In my contribution I wish to focus on methods that will mitigate on human wildlife conflict.

It is evident that KWS do not have enough rangers to cover the vast ranges of land occupied by wild animals bordering human settlements and farms. In view of this I propose that locals bordering game parks and reserves be trained and deployed to perform the duties of reserve rangers akin to reserve police in cattle rustle prone areas. The deployment of such reserve rangers will be able to respond within minimum time and repulse animals back to their habitats before they (animals) cross to human settlements and farms. The initiative will also help contain wildlife poaching. In view of this, I propose the government sets aside a kitty to fund the initiative.

MWAMBAGO WA MCHARO
RESIDENT TAITA TAVETA COUNTY



26.02.2024

① DSEC
DLS

② DSEC
Kindly deal
GWA

→
kindly deal.

27/02/2022

③ Mr. Bett
Please deal

27/02/24

Eg
26/02/2024

COUNTY GOVERNMENT OF KILIFI



OFFICE OF THE CHIEF OFFICER - TOURISM PROMOTION
DEPARTMENT OF TRADE, TOURISM PROMOTION AND COOPERATIVE
DEVELOPMENT

Email: hmwachiro@kilifi.go.ke
When replying please quote:

P.O. Box 519-80108
KILIFI, KENYA.

Our Ref: CG/KLF/DTTCD/TRM/2/VOL I/187

26th February, 2024.

Clerk of the Senate

RE: WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL 2023

The County Government of Kilifi wishes to contribute to the ongoing WCMA amendment as follows.

Section 23 of No. 47 of 2013 Provision of funds for Community Wildlife Conservation.

1. Contribution to section 23 article 4 PURPOSE OF THE FUNDS

Introduction of the WILDLIFE CONSERVATION TRUST FUND

In addition to the ALREADY noted purposes, we wish see the fund support counties to conduct awareness to communities to embrace formation of conservancies and wildlife disposal grazing area (education and awareness). This will increase wildlife disposal land as compare to the existing percentages.

2. Contribution to section 24. The Wildlife Compensation Scheme

3rd SCHEDULE ON COMPENSATION

A. Death and injury of persons

The following animals to be included for compensation in case they cause death

- i) Snakes
- ii) Hippos

Reasons. These are equally animals' worthy of conservation. Hence, it is important that they be included. Specifically, unlike other animals, Hippos have caused death or injury around the Sabaki River Mouth. Being one of the major attractions, Hippos risk being wiped if no compensation is done.

For example, Hippos graze off the river and at times cause injury or death of humans.

Yours faithfully,

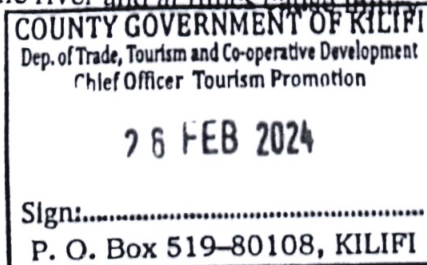
Herbert Mwachiro

Chief Officer

Tourism Promotion

Department of Trade, Tourism Promotion and Cooperative Development

County Government of Kilifi



Sign:.....
P. O. Box 519-80108, KILIFI

③ C.A. III - Land & Comm
Please deal
27/2/24

② D.D. SEC
kindly deal
28/02/2024

① D. SEC
D.L.G
kindly deal
27/02/24

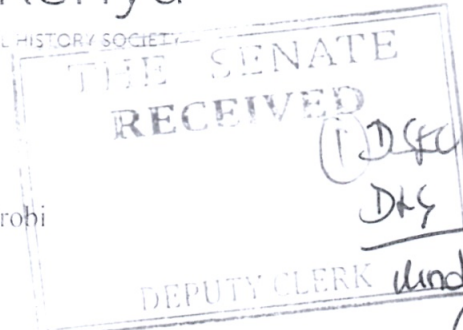


Nature Kenya

THE EAST AFRICA NATURAL HISTORY SOCIETY

National Museums of Kenya Museum Hill
P.O. Box 44486, 00100 GPO Nairobi
Tel: +254 (0)20 3537568
Cell: +254 (0)771 343138, (0)780 149200
Email: office@naturekenya.org
www.naturekenya.org

The Clerk of the Senate
P.O. Box 41842 – 00100, Nairobi



09 APR 2024

Handwritten: DDSEC BL, Kinsky deal, 14th March 2024, 11/04/2024

Dear Sir,

RE: Memoranda on the Wildlife Conservation and Management (Amendment) Bill (Senate Bills No. 46 of 2023)

Nature Kenya – the East Africa Natural History – having studied the above bill urges the Senate to aim at delivering a suitable, manageable, sustainable and tenable solution to human-wildlife conflict issues. Streamlining the compensation system is good but it will not cure the current problem.

The current bill fails to provide a solution to the **lack of enough money**, together with exaggerated claims, that are the major cause of the compensation system failure.

Amendment to section 25 of No. 47 of 2013: Compensation for personal injury or death or damage to property - The County Wildlife and Compensation Committee needs to have enough staff, including economists, and resources such as vehicles, to lead technical aspects of valuation and verification of claims, and a sufficient budget to enable operations.

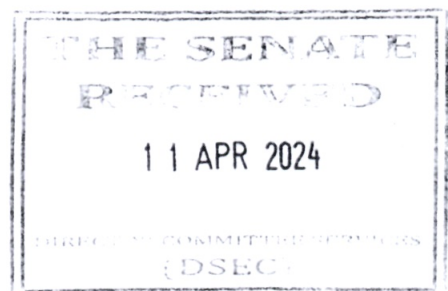
It is difficult for a committee without staff to effectively verify the numerous claims in order to forward recommendations to Kenya Wildlife Service or the Cabinet Secretary for processing payment. The Committee should receive complaints and within a set timeline forward to an office that has the capability to verify and value the damage. KWS should be given the capacity to verify claims, award appropriate compensation, *process the payment for compensation, pay to the claimant directly and be held accountable in case of misuse of compensation funds.*

Amendment of Third Schedule to No. 47 of 2013: Wildlife species in respect of which compensation may be paid – snakes and marine species added to the list are almost impossible to manage and control, especially with current resources. The government needs to commit more tax payers' resources to ensure equity in wildlife management.

The Institute for Primate Research recently indicated that it plans to roll out the first anti-venom produced in an African country, an initiative we believe is more realistic and impactful compared to the current proposal by the bill. The proposed amendment to the Third Schedule needs evaluation considering whether:

1. Kenya Wildlife Service (KWS) is able to manage and control these species with current staffing and resources, to avoid weakening the ability of KWS to perform its mandate.
2. The government is capable of **budgeting, allocating and timely disbursing monetary resources required** annually to sustain compensation of the extremely high human injury or death through snakebite claims. A proposed section 25 (3) to read "*the cabinet secretary shall consider the recommendations made under sub-section (2) and where appropriate within twelve months of the recommendations, pay compensation to claimant...*" is an outright indicator that compensations may be delayed by other factors.

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Amendment to section 76 of No. 47 of 2013: Guidelines on incentives and benefit sharing (Section 76 (4)) - Ineffective benefit sharing mechanisms for benefits from wildlife is a root cause of conflicts that have resulted in the quest to legally downgrade Amboseli National Park to a reserve – a wrong approach. We reiterate that a fair and equitable benefit sharing and allocation formula with adequate support to communities and area managers to raise more revenue is the long term solution. Nature Kenya recommends the following:

1. The bill should clearly define “benefit sharing” to mean, “*the sharing of any benefits arising from the exploitation of natural resources within parks or reserves in a fair and equitable manner where the costs accruing to communities conserving the resource, as the most important custodians, are offset for local communities to see net benefits from natural resources projects in order to preserve the natural resources*”. There should be adequate incentives for local communities as they bear the greatest responsibility towards protection of natural resources.
2. The bill should clearly define the term “revenue” to mean, “*Profits after costs of park or reserve management are met by the manager of the resource*”. Recognize that natural resources do not manage themselves, hence the cost incurred by management agencies need to be met before the sharing of benefits accrued. The managers include mandated government agencies, national non-governmental and civil society organizations, and others who can demonstrate their contribution to conservation and management of natural resources. It makes no sense for the national government to be receiving revenue from a park that is poorly managed because of lack of financial resources.
3. Recognize the principle of costs and cost sharing. Those managing conservation areas incur huge costs including human injuries, deaths, livestock predation and destruction of property. Those costs should be included to cushion communities that have suffered without any form of compensation.

Having two separate bills at the Senate targeting amendment to the Wildlife Conservation and Management Act 2013, in particular section 76, is concerning.

We call for synergy in reviewing the Wildlife Conservation and Management Act 2013 to save public resources and maximize on stakeholder and expert engagement. Piecemeal amendments will weaken this important law.

Yours Sincerely,



Dr. Paul Matiku,
Executive Director, Nature Kenya

CC: The Clerk of the National Assembly
The Departmental Committee on Tourism and Wildlife
The Standing Committee on land, environment and natural resources of the Senate
The Cabinet Secretary, Ministry of Tourism and Wildlife
The CEO, Conservation Alliance of Kenya
The Director General, Kenya Wildlife Service
Director, Institute of Primate Research