

REPUBLIC OF KENYA



PARLIAMENT

THE SENATE

TWELFTH PARLIAMENT

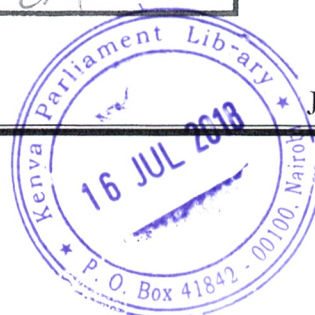
SECOND SESSION, 2018

SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND
NATURAL RESOURCES

REPORT ON THE PETITION REGARDING THE OPERATIONALIZATION OF
THE WILDLIFE CONSERVATION AND MANAGEMENT ACT, 2013 BY THE
CHAIRPERSONS OF COUNTY WILDLIFE CONSERVATION AND
COMPENSATION COMMITTEES

PAPERS LAID	
DATE	21/06/2018
TABLED BY	Chairperson
COMMITTEE	L, G, E, NR
CLERK AT THE TABLE	CM

Clerk's Chambers,
Parliament Buildings,
P. O. Box 41842-00100,
NAIROBI.



JUNE, 2018

COY
Recommended for approval
for training.

Ep
19/06/18

Approved
[Signature]
20/6/2018

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CHAIRPERSON'S FOREWORD

Mr. Speaker sir,

I am pleased to present and table the report on the Petition by the Chairpersons of the County Wildlife Conservation and Compensation Committees to the Senate regarding non-operationalization of the provisions of the Wildlife Conservation and Management Act, 2013 pursuant to standing order 226 of the Senate Standing Orders, which contains the determined prayers of the petitioner and recommendations.

The Standing Committee on Land, Environment and Natural Resources is established under the standing order 212(3) of the Senate Standing Orders. The mandate and the functions of the committee are set out under the Second Schedule to the Senate Standing Orders to consider all matters relating to lands and settlement, housing, environment, forestry, wildlife, mining, water resource management and development. Pursuant to the standing order 226 of the Senate Standing Orders, the Committee is mandated to consider and report on any petition committed to it by the House.

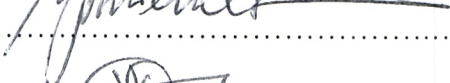
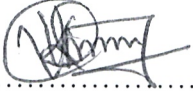
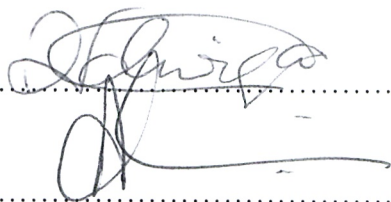
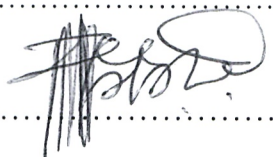
The petitioners submitted their prayers pursuant to Articles 37 and 119 of the Constitution and in line with the provisions of the Petition to Parliament (Procedure) Act, 2012 and the Senate Standing Orders. The prayers of the petitioners were based on alleged non-operationalization of the provisions of the Wildlife Conservation and Management Act, 2013.

Current Committee Membership

The Committee is comprised of the following members;

- | | | |
|----|--------------------------------------|--------------------|
| 1. | Sen. Mwangi Paul Githiomi, EGH, M.P. | - Chairperson |
| 2. | Sen. Prengei Victor, M.P. | - Vice Chairperson |
| 3. | Sen. George Khaniri, MGH, M.P. | - Member |
| 4. | Sen. Godana Hargura, M.P. | - Member |
| 5. | Sen. Ndwiga Peter Njeru, EGH, M.P. | - Member |
| 6. | Sen. Halake Abshiro, M.P. | - Member |
| 7. | Sen. Boy Issa Juma, M.P. | - Member |
| 8. | Sen. (Arch.) Sylvia Kasanga, M.P. | - Member |
| 9. | Sen. Mwaruma Johnes, M.P. | - Member |

We, Members of the Standing Committee on Land, Environment and Natural Resources do hereby affix our signatures to this Report to affirm the correctness of the contents and support for the Report –

- | | | |
|----|--------------------------------------|--|
| 1. | Sen. Mwangi Paul Githiomi, EGH, M.P. |  |
| 2. | Sen. Prengei Victor, M.P. |  |
| 3. | Sen. Godana Hargura, M.P. | |
| 4. | Sen. George Khaniri, MGH, M.P. | |
| 5. | Sen. Ndwiga Peter Njeru, EGH, MP. |  |
| 6. | Sen. Halake Abshiro, M.P. | |
| 7. | Sen. Boy Issa Juma, M.P. | |
| 8. | Sen. (Arch.) Sylvia Kasanga, M.P. | |
| 9. | Sen. Mwaruma Johnes, M.P. |  |

The Petition

On 10th October, 2017 pursuant to standing order 224 (2) (b) of the Senate Standing Orders, the Speaker of the Senate reported to the House a petition presented through the Clerk of the Senate by Mr. Ali Shebwana Bwana, Rev. Isaac Ngiri Muringih, Ms. Susan Sagina Adongo, Mr. Adan Yusuf Deis and Ms. Dorcas Waithera Mbugua who were then the chairpersons of the County Wildlife Conservation and Compensation Committees for Lamu, Embu, Nairobi, Wajir and Nakuru counties respectively and who also claimed to represent the other 42 chairpersons.

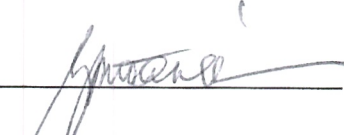
The Committee considered the prayers of the petitioners. The Committee in the process procured evidence, reviewed documents and invited stakeholders. The evidence obtained from these exercises informed the determination of the prayers of the petitioners by the Committee.

Acknowledgement

The Committee wishes to acknowledge the time and considerable effort made by all parties who volunteered information to help determine the prayers of the petitioners. I also wish to express my gratitude to the members of the Committee for their thoughtful and engaged contribution to the matter. Further the Committee is indebted to the Office of the Speaker and the Clerk of the Senate for facilitating this activity. I also wish to recognize the commitment and dedication of the staff of the Committee that made the work of the Committee and the production of this report possible.

Mr. Speaker Sir,

It is now my pleasant duty to table the report of the Standing Committee on Land, Environment and Natural Resources, in relation to the petition pursuant to the Senate Standing Order 226(2).

Signed:  Date 14-06-18

Sen. Mwangi Paul Githiomi, EGH, MP

CHAIRMAN, STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES

List of Abbreviations/ Synonyms

1. CCCWCCCs - Council of Chairpersons of County Wildlife Conservation and Compensation Committees
2. CS – Cabinet Secretary
3. CWCCCs - County Wildlife Conservation and Compensation Committees
4. CWCCCs - County Wildlife Conservation and Compensation Committees
5. KWS – Kenya Wildlife Service
6. SRC – Salaries and Remuneration Commission

Chapter 1

Introduction

1.0 Background to the petition

1. The Standing Committee on Land, Environment and Natural Resources is mandated under the standing order 226 of the Senate Standing Orders to consider and report on any petition committed to it by the House.
2. On 10th October, 2017, pursuant to standing order 224 (2) (b) of the Senate Standing Orders, the Speaker of the Senate reported to the Senate a Petition presented through the Clerk of the Senate by Mr. Ali Shebwana Bwana, Rev. Isaac Ngiri Muringih, Ms. Susan Sagina Adongo, Mr. Adan Yusuf Deis and Ms. Dorcas Waithera Mbugua who were then the chairpersons of the County Wildlife Conservation and Compensation Committees for Lamu, Embu, Nairobi, Wajir and Nakuru counties respectively and who also claimed to represent the remaining 42 chairpersons.

1.1 The Petition

3. The petitioners are essentially petitioning the Senate to see to the operationalization of some provisions of the Wildlife Conservation and Management Act (No. 47 of 2013).
4. The petitioners drew the attention of the Senate to the following-
 - (1) *That they were on 6th March, 2015 appointed chairpersons of their respective County Wildlife Conservation and Compensation Committees by the then Cabinet Secretary for Environment, Water and Natural Resources for a term of three years effective 27th February, 2015.*
 - (2) *That despite being inducted, attending stakeholder engagements and fulfilling their duties under the Act, they were yet to be paid their allowances as stipulated under section 21 of the Act. This, they claimed, may be attributed to a standoff between the parent ministry, which is required to settle the allowances, and the Salaries and Remuneration Commission, which is required to determine the allowances payable.*
 - (3) *That they have not been supplied with the necessary resources to enable them carry out their functions as stipulated under section 19 of the Act, which includes the funds necessary to settle the outstanding compensation claims before their respective committees;*
 - (4) *That the responsible Cabinet Secretary is yet to make regulations necessary for the performance of their functions under the Act;*

- (5) *That they faced numerous challenges in the course of the execution of their duties, among them lack of consultation in the formulation of policies, regulations and guidelines affecting the sector as required by law as well as other operational and administrative challenges.*
- (6) *Further that despite trying to have their concerns addressed by the relevant parties, their efforts have not borne fruit thus their resorting to petitioning the senate to ensure that their concerns are properly addressed.*
5. In their Petition, the petitioners pray that the Senate investigates this matter with a view to ensuring that-
- (1) *The CWCCC Chairpersons and members are paid their monthly honoraria from the 27th February 2015 to the remainder of their term;*
- (2) *Funds are provided to facilitate the CWCCC activities in the counties as provided for in the Wildlife Conservation and Management Act;*
- (3) *Adequate participation during the formulation of wildlife conservation and compensation guidelines and regulations;*
- (4) *Funds are provided to the CWCCC to clear compensation backlog and feedback meetings as per Wildlife Conservation and Management Act; and*
- (5) *Additional funds are provided for wildlife conservation sector to improve quality and performance of the Kenya Wildlife Service.*

1.2 The right to petition

6. The right of Kenyan citizens to petition public authorities and Parliament is a right guaranteed under Articles 37 and 119 of Constitution. This right is governed by the Petition to Parliament (Procedure) Act 2012 as well as the Standing Orders of the Senate. The right to petition is an essential citizen participatory tool, as it provides an avenue for Members of Parliament and citizens to interact on the issues that concern citizens and also demonstrates that Parliament is prepared to directly intervene on issues of concern in order to promote and protect the rights of citizens.

1.3 The basis of the petition

7. The petitioners in this case are the chairpersons of the County Wildlife Conservation and Compensation Committees appointed in accordance with section 18 of the Wildlife Conservation and Management Act, 2013. The chairpersons were appointed vide Legal Notice No. 22 of 6th March, 2015 together with 4 community representatives and who

received their letters of appointment sometime in June 2015. Their letters of appointment clearly spelt out their duties and responsibilities

8. Section 18 of the Wildlife Conservation and Management Act establishes County Wildlife Conservation and Compensation Committees in each county and provides its membership while section 19 of the Act provides their functions.
9. Section 16(2), (1)(b) and (c) of the Wildlife Conservation and Management Act provide that—

(1) At least three months before the commencement of each financial year, the Board or Trustees shall cause to be prepared estimates of revenue and expenditure of the Service for the ensuing year.

(2) The annual estimates shall make provision for the estimated expenditure of the Kenya Wildlife Service for the financial year, and in particular, the estimates shall provide for—

(b) payment of salaries, allowances, pensions, gratuities and other charges in respect of the county wildlife conservation and compensation committees, as the case may be;

(c) payment of allowances in respect of the County Wildlife Conservation and Compensation Committees;

10. Section 16(3) of the Wildlife Conservation and Management Act on the other hand provides that *“The members of the County Wildlife Conservation and Compensation Committee shall be paid such allowances as may be approved by the Cabinet Secretary on the advice of the Salaries and Remuneration Commission”*.



11. Section 21 of the Wildlife Conservation and Management Act provides that *“A member of the County Wildlife Conservation and Compensation Committee shall be entitled to be paid such allowances as the Salaries and Remuneration Commission may determine”*.

12. Article 230(4) of the Constitution provides clarity as it states—

The powers and functions of the Salaries and Remuneration Commission shall be to—

(a) set and regularly review the remuneration and benefits of all State officers; and

(b) advise the national and county governments on the remuneration and benefits of all other public officers.

13. Section 25(3) and (5) of the Wildlife Conservation and Management Act addresses the issue of compensation and provides that—

(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.

(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.

13. With regard to making regulations and the requirement for public participation in the law making under this Act, Section 25(7) thereof provides that “*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*” whereas the Constitution under Article 69(1)(d) provides that “*the state shall encourage public participation in the management, protection and conservation of the environment*” while Article 232(1)(d) of the Constitution as read together with sub-article (2)(a) provides that the value and principle of involving the people in the process of policy making applies to all State organs in both levels of government.

2.0 The approach

The Committee analyzed the Petition committed to it by the House and purposed to respond to the prayers of the petitioners. The Committee invited the petitioners, the Kenya Wildlife Service, the Salaries and Remuneration Commission and the Cabinet Secretary responsible for Tourism and Wildlife. The sole objective of the Committee was to respond to the prayers of the petitioners conclusively.

2.1 Issues for determination from the prayers of the petitioners

To respond to the petitioner's prayers the Committee analysed the petition and set to determine whether: -

1. the County Wildlife Conservation and Compensation Committees were legally entitled to the payment of allowances and honoraria for the performance of their roles and responsibilities under the law and circumstances underlying non-payment of their allowances and honoraria;
2. the County Wildlife Conservation and Compensation Committees were properly facilitated in carrying out their function under the Act; and
3. the Cabinet Secretary involved the public and other stakeholders in the formulation of the policies and regulations in the wildlife sector.

2.2 Committee Proceedings

The committee held deliberative sessions and reviewed documents at the centre of the prayers of the petitioners to determine the issues raised therein.

i. Deliberative sessions

In the exercise of its mandate the Committee held deliberative sessions to closely examine and hear presentations from petitioners, The Kenya Wildlife Service and the Cabinet Secretary for Tourism and Wildlife. The Minutes of these sessions as well as the documents and evidence presented to the committee are annexed to the report.

ii. Documents review

The Committee reviewed documents presented to it by the different parties. The documents tabled by the parties have been annexed to this report.

3.1 Submissions from the Petitioners, representatives of the Council of Chairpersons of County Wildlife Conservation and Compensation Committees (CWCCCs)

On prayer 1 of the petition that the CWCCC Chairpersons and members are paid their monthly honoraria from 27th February 2015 to the remainder of their respective term, the petitioners:

- (a) informed the Committee that their positions were advertised in the local dailies in form of two advertisements, for the 47 positions and later for 3 Positions. The advertisements indicated their statutory functions (*Refer to Annex 1 and 2*);
- (b) referred to the Kenya Gazette Vol. CXVII – No. 22 of 6th March, 2015 indicating their respective appointments as Chairpersons to the respective CWCCCs in various counties (*Refer to Annex 3*);
- (c) referred to a sample of appointment letter Ref: DENR/EMC/41/2/(43) dated 5th May, 2015 from the Cabinet Secretary, Ministry of Environment, Water and Natural Resources appointing them to their respective portfolios as chairpersons of the various CWCCCs (*Refer to Annex 4*);
- (d) referred to a circular dated 24th September, 2015 from the Kenya Wildlife Service inviting them for an induction training for county wildlife conservation and compensation committee members running from 1st October, 2015 to 6th October, 2015 (*Refer to Annex 5*);
- (e) referred to an unsigned letter Ref: KWS/3005.1 dated 16th November, 2015 indicating correspondence to the Cabinet Secretary for Environment, Natural Resources and Regional Development Authorities from their Director General indicating modalities and guidance for payment of their allowances (*Refer to Annex 6*);
- (f) referred to an unsigned letter dated 28th July, 2016 from the Forum of Chairpersons of CWCCCs requesting the Attorney General to appeal to the Kenya Wildlife Service to pay them their honoraria (*Refer to Annex 7*);
- (g) shared with the Committee unsigned letters they wrote to the President’s Chief of Staff and to the President indicating their frustrations regarding their unpaid honoraria (*Refer to Annex 8 and 9*);
- (h) referred to a letter from the office of the Ombudsman dated 29th August, 2016 to Dr. Margaret Mwakima, Permanent Secretary in the State Department of Natural Resources,

Ministry of Environment and Natural Resources written on behalf of the CWCCCs (*Refer to Annex 10*);

- (i) referred to a response from the State Department of Natural Resources, Ministry of Environment and Natural Resources Ref: DENR/8/15/2/44 dated 21st September, 2016 the office of the Ombudsman indicating that the Ministry had written to the Salaries and Remuneration Commission (SRC) but SRC had only authorized payment of daily subsistence allowance and sitting allowances to the chairpersons of the CWCCCs and declined to authorize the payment of monthly honoraria, advising that the Ministry was appealing to SRC to revise their decision (*Refer to Annex 11*);
- (j) referred to a letter dated 29th September, 2016 to the President's Chief of Staff and Secretary to the Cabinet from chairpersons of the CWCCCs lamenting the refusal by the Office of the Permanent Secretary, State Department of Natural Resources, Ministry of Environment and Natural Resources (*Refer to Annex 12*); and
- (k) finally referred to the proposed Wildlife Conservation and Management (Amendment) Bill, 2017 that proposed fundamental amendments to the position and functions of the CWCCCs. (*Refer to Annex 13 and 14*).

On prayer 2 of the petition that funds are provided to facilitate the CWCCC activities in the counties as provided under the Wildlife Management and Conservation Act 2013, the petitioners:

- (a) informed the Committee of their challenges in fulfilling their mandate advising that they had made a report dated 9th May, 2016 to the Cabinet Secretary, Ministry of Environment, Natural Resources and Regional Development demonstrating the same (*Refer to Annex 15*);
- (b) referred to an unsigned report from the chairpersons of CWCCCs to the Principal Secretary for Natural Resources dated 31st May, 2016 highlighting the challenges faced by CWCCCs in undertaking their functions (*Refer to Annex 16*);
- (c) submitted minutes of a meeting of chairpersons of various CWCCCs with Dr. Margaret Mwakima, Permanent Secretary in the State Department of Natural Resources, Ministry of Environment and Natural Resources together with other Ministry officials in the Ministry Boardroom in Nairobi discussing the matter of their honoraria (*Refer to Annex 17*);

- (d) submitted a newspaper excerpt illustrating Dr. Margaret Mwakima, Permanent Secretary in the State Department of Natural Resources, Ministry of Environment and Natural Resources meeting some of the CWCCC chairpersons (*Refer to Annex 18*);
- (e) referred to a letter from the SRC to Dr. Richard Lesiyampe, Principal Secretary, Ministry of Environment, Water and Natural Resources Ref. SRC/TS/AG/3/17/16(14) dated 16th December, 2014 on the allowances for CWCCC members where the Commission advised on the payment of sitting allowances (*Refer to Annex 19*);
- (f) also referred to another letter from SRC to Dr. Richard Lesiyampe, Principal Secretary, Ministry of Environment, Water and Natural Resources Ref. SRC/TS/AG/3/17/16(19) dated 30th January, 2015 advising the Ministry not pay monthly honoraria to CWCCC chairpersons as they do not qualify for such under the law (*Refer to Annex 20*);
- (g) shared a circular on payment of honoraria to CWCCC chairpersons from the Acting Director General of Kenya Wildlife Service instructing field assistants not to pay monthly honoraria to CWCCCs dated 11th December, 2015 dispatched following the advice from SRC (*Refer to Annex 21*);
- (h) referred to notes of a meeting the CWCCC chairpersons held with Director of Wildlife Conservation on the issue of monthly honoraria (*Refer to Annex 22*); and
- (i) made reference to a letter from the CWCCC chairpersons to the Cabinet Secretary, Ministry of Environment, Natural Resources and Regional Development requesting an update on the progress of the settlement of their monthly honoraria (*Refer to Annex 23*).

On prayer 3 of the petition that there be adequate participation during the development of Wildlife Conservation and Compensation guidelines and regulations, the petitioners:

- (a) provided a letter from the Kenya Wildlife Service to all CWCCCs Ref: KWS/BRM/PAPF/1 dated 23rd June, 2016 requesting their written comments on the Draft Management Plan Guidelines for Protected Areas in Kenya (*Refer to Annex 24*);
- (b) shared an advert from the Cabinet Secretary, Ministry of Environment and Natural Resources dated 2nd June, 2017 calling for public views on the National Wildlife Conservation and Management Strategy (*Refer to Annex 25*);
- (c) referred to a letter of invitation from the Kenya Wildlife Service to the CWCCC Chairperson for Nakuru County dated 28th April, 2017 Ref: KWS/3005.1 Vol. III inviting her to a

validation workshop of the revised National Wildlife Conservation and Management Policy at the KCB Leadership Centre, Karen (*Refer to Annex 26*);

- (d) shared a letter from the CWCCC chairpersons to the Director General of the Kenya Wildlife Service dated 12th August, 2016 stating that the chairpersons would not be giving individual views on the Draft Management Plan Guidelines for Protected Areas in Kenya and would rather have the Service organise a two day workshop to engage them collectively (*Refer to Annex 25*); and
- (e) shared a letter from the Ministry of Environment and Natural Resources Ref: DENR/1/13 dated 26th January, 2017 to all the CWCCC chairpersons requesting them to attend a workshop organised by the Ministry and give their input on the National Wildlife Policy (*Refer to Annex 28*).

On prayer 4 of the petition that funds be provided to the CWCCCs to clear compensation backlog and conduct feedback meetings as per the Wildlife Conservation and Management Act, 2013, the petitioners:

- (a) submitted an excerpt of an online article from the Standard Media Group stating that 35 Million Shillings had been released for Taita Taveta County to compensate wildlife deaths (*Refer to Annex 29*);
- (b) referred to another excerpt of an online article from the Standard Media Group highlighting the plight of people with outstanding wildlife compensation claims surpassing 1 Billion Shillings (*Refer to Annex 30*); and
- (c) shared a letter from the CWCCC chairpersons to the Cabinet Secretary, Ministry of Environment, Natural Resources and Regional Development requesting the Ministry to open an e-Citizen Portal for Wildlife compensation claims to make it easy for citizens follow up their wildlife compensation claims (*Refer to Annex 31*).

On prayer 5 of the petition that additional funds are provided for the wildlife conservation sector to improve quality and performance of the Kenya Wildlife Service, the petitioners referred to the Office of the Auditor General's Report on the Kenya Wildlife Service for the Year ended 30th June 2016 and an unauthenticated statement on the Mismanagement of the Wildlife Sector in Kenya (*Refer to Annex 32 and 33*).

3.2 Submissions from the Cabinet Secretary for Tourism & Wildlife, Hon. Najib Balala

The Cabinet Secretary, who was accompanied by the Principal Secretary for Wildlife, Dr. Margaret Mwakima and various directors, began by taking the Committee through his presentation and informing the Committee that indeed the Act has some loopholes that need to be filled (*Refer to Annex 34*).

Following his presentation, members were able to surmise that the Ministry has paid all members of the CWCCCs their sitting allowances as directed by SRC. They have however not paid the honoraria requested by the petitioners as SRC denied the proposal to pay the same, stating that the only amounts payable to the petitioners was the sitting allowances. The payments were made through the Kenya Wildlife Service which is present in each county and facilitates the work of the CWCCCs.

The Committee requested the Ministry to furnish it with the list of allowances paid and to whom they were paid, noting to show any outstanding balances.

Chapter 4

Committee Observations

The Committee noted that most of the advertisements for the position of chairperson to the CWCCCs were not clear on whether they were part time or full time positions as had been alleged by the petitioner. Further scrutiny of the advertisements indeed showed reference to the position advertised being a part time position. This was confirmed by the Cabinet Secretary, Ministry of Tourism and Wildlife who stated that the positions were only part time as committee members and as such could not have been advertised as full time positions. A perusal of the Act also shows that its intention was for the chairpersons to hold part time positions.

The Committee also noted the backlog of pending compensations as matter of worrying concern. It agreed that the backlog needed to be cleared to facilitate the payment of outstanding compensation claims and assist those adversely affected by the prevalent wildlife human conflict. The Committee also appreciated that CWCCCs needed to be properly facilitated to ensure they deliver their mandate as stipulated under the Act.

The Committee further noted that there seemed to be adequate consultations with the CWCCCs in the making of regulations as evidenced by the letter from the Kenya Wildlife Service calling CWCCCs to give their views on the guidelines as well as the advertisement published in the dailies calling for public participation. The claim by the petitioner that there was no adequate public participation therefore could not stand.

The Committee lauded the CWCCC chairpersons' initiative to request the Ministry to utilize the e-Citizen portal to assist complainants follow up their claims digitally. The Committee resolved to follow up with the Ministry on the steps they are taking to enhance the digital growth of the Ministry on matters compensation.

The Committee determined as follows with regard to the prayers of the petitioners:

On the first prayer of the Petition that the CWCCC Chairpersons and members are paid their monthly honoraria from 27th February 2015 to the remainder of their respective terms, the Committee determined that the prayer could not succeed as the Wildlife Conservation and Management Act does not provide for the payment of honoraria to CWCCC Chairpersons. Any such payment would be an illegality unless the Act is amended to provide for the same, and in which case the payment would only accrue after such an amendment. The Committee agreed that the mandate of the CWCCCs under the Act was wide and that proper remuneration ought to be paid to all the CWCCCs members who do not draw a monthly salary from either level of government. Their hands were however tied by the law and they could not make a determination contrary to the Act.

The Committee noted that contrary to the claims made by the petitioners that they had not been paid their allowances as provided under the Act, they had been paid all allowances under the Act and their only outstanding claim was for the payment of the monthly honoraria. Indeed the petitioners did not adduce evidence to support their claim of non-payment of allowances. The Cabinet Secretary for Tourism did confirm that all allowances due to the petitioners and indeed all members of the CWCCCs for the meetings they had undertaken had been settled. The Committee therefore determined that the members of the CWCCCs had received their allowances as stipulated by the Act and advised by the Salaries and Remuneration Commission.

On the second prayer of the Petition that funds be provided to facilitate the CWCCC activities in counties as provided under the Act, the Committee determined that this is a valid prayer, noting the importance of CWCCCs in counties, especially with respect to resolving disputes on the prevalent human wildlife conflict.

On the third prayer of the Petition that there be adequate participation during the development of Wildlife Conservation and Compensation guidelines and regulations, the Committee determined that adequate public participation was undertaken in the formulation of the guidelines and regulations. The Cabinet Secretary for tourism and wildlife provided the Committee evidence

that the Ministry not only invited the public for their views through newspaper advertisements but also specifically wrote to the CWCCC chairpersons requesting for their input in the same.

On the fourth prayer of the Petition that funds be provided to the CWCCCs to clear compensation backlog and conduct feedback meetings as per the Act, the Committee determined that it was extremely valid and of key importance. The Committee, noting the importance of compensation of victims and families of victims of wildlife conflict, agreed that the issue of outstanding compensation ought to be prioritized and the payments be made forthwith. The Committee noted that victims and their families were suffering due to the delay in the settlement of the outstanding claims.

On the fifth and final prayer of the Petition that additional funds are provided for the wildlife conservation sector to improve quality and performance of the Kenya Wildlife Service, the Committee determined that it was valid, noting that the lack of funds contributed to the Service's inability to facilitate and provide adequate resources for the CWCCCs to perform their duties and pay compensation to victims and their families, as the case may be.

1. The Wildlife Conservation and Management Act to be amended to remove inconsistencies and streamline it, to provide a proper mechanism for the remuneration of the unsalaried members of the CWCCCs commensurate with their functions under the Act;
2. The Cabinet Secretaries responsible for wildlife and the National Treasury to, within three (3) months, issue a report on the establishment and utilisation of the Wildlife Compensation Scheme in accordance with section 24 of the Wildlife Conservation and Management Act;
3. The Cabinet Secretary responsible for wildlife to forthwith and in any case, within six (6) months, settle all valid and outstanding compensation claims as stipulated under section 25 (3) of the Wildlife Conservation and Management Act to alleviate the continued suffering of victims and their families;
4. The Cabinet Secretary responsible for wildlife to, within six (6) months, provide funds to the various CWCCCs to facilitate the settlement of all valid and outstanding compensation claims as stipulated under section 25 (5) of the Wildlife Conservation and Management Act to alleviate the continued suffering of the affected claimants;
5. The Cabinet Secretary responsible for wildlife to provide adequate funds to the Kenya Wildlife Service to enable it facilitate CWCCC activities in each county;
6. Kenya Wildlife Service to provide adequate resources for the performance of CWCCC functions under the Wildlife Conservation and Management Act;
7. The Cabinet Secretary responsible for wildlife to conduct adequate public participation before formulating any regulations or guidelines; and
8. The Cabinet Secretary responsible for wildlife to provide an online platform, preferably on the *eCitizen* portal, for the submission and tracking of compensation claims under the Wildlife Conservation and Management Act.

MINUTES OF THE 19TH MEETING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON THURSDAY, 14TH JUNE, 2018 IN SENATE DINNING, NEW WING, MAIN PARLIAMENT BUILDING AT 10.00 AM.

MEMBERS

1. Sen. Mwangi Paul Githiomi, M.P.
2. Sen. Prengei Victor, M.P.
3. Sen. Mwaruma Johnes, M.P.
4. Sen. Halake Abshiro, M.P.
5. Sen. Ndwiga Peter Njeru, EGH. M.P.

PRESENT

- **Chairperson**
- **Vice Chairperson**
- Member
- Member
- Member

ABSENT WITH APOLOGY

1. Sen. George Khaniri, MGH, M.P. - Member
2. Sen. Slyvia Kasanga, M.P. - Member
3. Sen. Boy Issa Juma, M.P. - Member
4. Sen. Godana Hargura, M.P. - Member

IN ATTENDANCE

1. Mr. Victor Bett
2. Mr. Mitchell Otoro
3. Mr. Wilson Bosumet
4. Ms. Joyce Chelang'at

SENATE SECRETARIAT

- Committee Clerk
- Legal Counsel
- Seargent at arms
- Audio Officer

MINUTE SEN/SCLNENR/104/2018: PRELIMINARIES

The meeting was called to order at 10.30 am by the Chairperson followed by a word of prayer.

MINUTE SEN/SCLNENR/105/2018: ADOPTION OF AGENDA

The agenda of the meeting was adopted after it was proposed by Sen. Ndwiga Peter Njeru, M.P. and seconded by Sen. Prengei Victor, M.P.

1. Preliminaries;
 - *Prayer,*
 - *Remarks by the Chairperson*
2. Adoption of the agenda;
3. Confirmation of Minutes
4. Matters Arising
5. **Adoption of Petition Reports**
6. Any other Business;
7. Date of the next meeting.
8. Adjournment

The confirmation of Minutes of the 18th sitting held on 7th June, 2018 were deferred to such a time that the Committee will be able to deal with housekeeping and members present at the meeting are present.

The Minutes of the 17th sitting held on 6th June, 2018 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Prengei Victor, M.P. and seconded by Sen. Mwaruma Johnes, M.P. respectively.

The Minutes of the 16th sitting held on 29th May, 2018 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Prengei Victor, M.P. and seconded by Sen. Halake Abshiro, M.P. respectively.

The Minutes of the 15th sitting held on 16th May, 2018 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Prengei Victor, M.P. and seconded by Sen. Halake Abshiro, M.P. respectively.

The Minutes of the 14th sitting held on 10th May, 2018 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Prengei Victor, M.P. and seconded by Sen. Halake Abshiro, M.P. respectively.

The Minutes of the 13th sitting held on 9th May, 2018 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Prengei Victor, M.P. and seconded by Sen. Halake Abshiro, M.P. respectively.

The Minutes of the 12th sitting held on 5th April, 2018 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Mwaruma Johnes, M.P. and seconded by Sen. Halake Abshiro, M.P. respectively.

The Minutes of the 11th sitting held on 4th April, 2018 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Ndwiga Peter Njeru, M.P. and seconded by Sen. Halake Abshiro, M.P. respectively.

The Minutes of the 10th sitting held on 4th April, 2018 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Ndwiga Peter Njeru, M.P. and seconded by Sen. Halake Abshiro, M.P. respectively.

The Minutes of the 9th sitting held on 15th March, 2018 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Ndwiga Peter Njeru, M.P. and seconded by Sen. Prengei Victor, M.P. respectively.

The Minutes of the 8th sitting held on 14th March, 2018 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Mwaruma Johnes, M.P. and seconded by Sen. Prengei Victor, M.P. respectively.

The Minutes of the 7th sitting held on 13th March, 2018 were deferred to such a time that the Committee will be able to deal with housekeeping and members present at the meeting are present.

The Minutes of the 6th sitting held on 13th March, 2018 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Ndwiga Peter Njeru, M.P. and seconded by Sen. Prengei Victor, M.P. respectively.

The Minutes of the 5th sitting held on 1st March, 2018 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Ndwiga Peter Njeru, M.P. and seconded by Sen. Mwaruma Johnes, M.P. respectively.

The Minutes of the 3rd sitting held on 27th February, 2018 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Prengei Victor, M.P. and seconded by Sen. Mwaruma Johnes, M.P. respectively.

MINUTE SEN/SCLNR/107/2018: MATTERS ARISING

There were no matters arising.

MINUTE SEN/SCLNR/108/2018: ADOPTION OF PETITION REPORTS

(a) Petition by twenty (20) Petitioners and sponsored by the Senator of Muranga, County Sen. Irungu Kangata MP, on the proposed Mitubiri Sanitary Landfill Project

The Committee adopted the Petition report after it was proposed and seconded by Sen. Prengei Victor, M.P. and seconded by Sen. Mwaruma Johnes, M.P. respectively.

(b) Petition by the by the Council of Chairpersons of County Wildlife Conservation and Compensation Committees (CWCCC) regarding alleged non operationalization of certain provisions of the Wildlife Conservation and Management Act 2013 (WCMA, 2013)

The Committee adopted the Petition report after it was proposed and seconded by Sen. Prengei Victor, M.P. and seconded by Sen. Ndwiga Peter Njeru, M.P. respectively.

(c) Petition by Mr. Taratisio Ileri Kawe on the Enactment of a single legislation on the protection and sustainable management of water resources, water sources and riparian zones in Kenya.

The Committee adopted the Petition report after it was proposed and seconded by Sen. Prengei Victor, M.P. and seconded by Sen. Halake Abshiro, M.P. respectively.

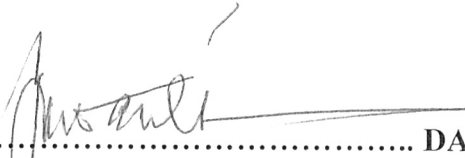
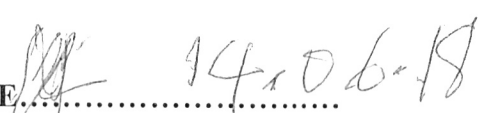
MINUTE SEN/SCLNR/109/2018: ANY OTHER BUSINESS;

1. The Committee received a letter from the speaker asking the Committee to do a prepublication scrutiny of the Natural Resources (Benefit Sharing) Bill, 2018 sponsored by Sen. (Dr.) Agnes Zani. The Committee resolved to meet the Sponsor on **Wednesday, 27th June, 2018.**

2. The Committee was notified of the new Petitions that were committed to the Committee by the Secretariat.
3. The discussed the invitation by NEMA to participate in the commemoration of the world day to combat desertification as a guest in Oldonyo Nyokie school, Magadi area, Kajiado County on 17th June, 2018. The Committee found out that the invitation has come in late to enable attendance and that the event happening on a weekend affects the attendance of members.
4. The Committee discussed the proposed invitation by Gatsby Africa for a half day workshop with the Committee and the Committee resolved to have the Workshop held on **Tuesday, 26th June, 2018.**

MINUTE SEN/SCLNR/110/2018: DATE OF NEXT MEETING;

The meeting was adjourned at 11.35 am and the date of the next meeting was scheduled for Tuesday, 19th June, 2018.

SIGNATURE.......... DATE..........

(CHAIRPERSON: SEN. MWANGI PAUL GITHIOMI, EGH, MP.)