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PARLIAMENT OF KENYA



ELEVENTH PARLIAMENT- FOURTH SESSION- 2016

NATIONAL ASSEMBLY

DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL
RESOURCES

REPORT ON THE PETITION BY HON.SARAH KORERE, MP ON BEHALF OF
RESIDENTS OF LAIKIPIA NORTH SUB-COUNTY REGARDING HUMAN
WILDLIFE CONFLICT

CLERK'S CHAMBERS

PARLIAMENT BUILDINGS

NAIROBI

NOVEMBER, 2016



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ABBREVIATIONS/ACRONYMS

KWS - Kenya Wildlife Service

CWCCC - County Wildlife Conservation and Compensation Committee

CHAIR'S FOREWORD

The Petition was tabled before the House by Hon. Sarah Korere, M.P on behalf of residents of Laikipia North Sub-County. The Petition relates to the human-wildlife conflict in the sub-county. Pursuant to Standing Order 227 (1) the petition was committed to the departmental Committee on Environment and Natural Resources for consideration.

In considering the Petition the Committee held meetings with the Petitioner Hon. Sarah Korere, MP who appeared on behalf of the residents of Laikipia North Sub-County. The Committee carried out a fact finding visit to Kakamega County on 5th August, 2016.

The Committee wishes to register its appreciation to the offices of the Speaker and the Clerk of the National Assembly for the support accorded to the Committee in the execution of its mandate.

On behalf of the Committee and pursuant to Standing Order 227 (2) of the National Assembly, I now have the honor to present the Committee Report on the Petition.

Hon. Amina Abdalla, CBS, MP

EXECUTIVE SUMMARY

In this report the Committee has considered and responded to the specific prayers of the residents of Laikipia North Sub-County regarding human – wildlife conflict in the area. The Committee held meetings with the Nominated Member of Parliament Hon. Sarah Korere, M.P who informed the Committee that the residents of Laikipia North have been suffering for a long from human-wildlife conflict and victims of the conflict were yet to be compensated. She further stated that the activities of residents had been curtailed as they could not venture out at dusk for fear of attack by wildlife.

The Committee also received submissions from an official of Kenya Wildlife Service, Mr. Michael Kipkeu who informed the Committee that the Ministry of Environment and Natural Resources was yet to receive money from the National Treasury for compensation to victims of human-wildlife conflict. The amount pending as claims is in excess of Kshs. 4.8 billion.

The Committee recommends that the Kenya Wildlife Service should include in its budget funds to fence DolDol, Kiwanja, Ilkinyei and Ol-arjiju Primary Schools and other schools next to Mukogodo forest. The Committee also recommends that Ministry of Environment and Natural Resources should compensate all victims of human-wildlife conflict and also the schools affected. The Ministry should also invest in awareness creation that the Ministry of Ministry of Environment and Natural Resources is the compensating agency and not the Kenya Wildlife Service.

MANDATE

The Departmental Committee on Environment and Natural Resources is established under the National Assembly Standing Orders No. 216(1).

The functions and mandate of the Committee are contained under Standing Order 216(5) and include, to:-

- a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
- b) Study the program and policy objectives of the Ministries and departments and the effectiveness of the implementation;
- c) Study and review all legislation referred to it;
- d) Study, access and analyze the relative success of the Ministries and Departments as measured by the results obtained as compared with its stated objectives;
- e) Investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
- f) Vet and report on all appointments where the constitution or any law requires the National Assembly to approve, except those under Standing Order 204; and
- g) Make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

The Committee oversees issues to do with climate change, environment management and conservation, forestry, water resource management, wildlife, mining and natural resources, pollution and waste management amongst others.

OVERSIGHT

In executing its mandate, the Committee oversees the following Government Departments namely:-

- i. The State department for Water Services;
- ii. The State Department of Environment;
- iii. The State Department for Natural Resources; and
- iv. The State Department of Mining

MEMBERS OF THE COMMITTEE

The Committee comprises the following members:-

Chairperson	The Hon. Amina Abdalla, CBS M.P.
Vice chairperson	The Hon. Alexander Kosgey, M.P.
	The Hon. Alice Ng'ang'a, M.P.
	The Hon. Samuel Ndiritu, M.P.
	The Hon. Opiyo Wandayi, M.P.
	The Hon. (Dr.) Ejidius Njogu Barua, M.P.
	The Hon. Jude Njomo, M.P.
	The Hon. Moitalel Ole Kenta, M.P.
	The Hon. Kathuri Murungi, M.P.
	The Hon. Sunjeev Birdi, M.P.
	The Hon. Jackson K. Rop, M.P.
	The Hon. Abdi Noor Ali, M.P.
	The Hon. Joyce Emanikor, M.P.
	The Hon. Abdulaziz Farah, M.P.
	The Hon. Ronald Tonui, M.P.
	The Hon. (Dr.) Reginalda Wanyonyi, M.P.
	The Hon. Gideon Mwiti, M.P.
	The Hon. Hassan Dukicha, M.P.
	The Hon. Charles G. Mongare, M.P.
	The Hon. (Dr.) Wilber K. Ottichilo, M.P.
	The Hon. Richard Makenga, M.P.
	The Hon. George Ogalo, M.P.
	The Hon. (Major) Muluvi Mutua, M.P.
	The Hon. Mohamed, Diriye M.P.
	The Hon. Peter Kinyua, MP.
	The Hon. Shukran Hussein Gure, M.P.
	The Hon. Joyce Lay, M.P.

COMMITTEE SECRETARIAT

The Committee is serviced by the following Members of Staff:

Ms. Tracy Chebet Koskei	Clerk Assistant II
Mr. Hassan A. Arale	Clerk Assistant III
Mr. Ronald Walala	Legal Counsel II
Mr. James Muguna	Research Officer III
Ms. Amran Mursal	Fiscal Analyst III

PRAYERS OF THE PETITIONERS

The petitioners prayed that the National Assembly, through the Departmental Committee on Environment and Natural Resources:

- (i) Intervenes to ensure that the Ministry of Environment and Natural Resources, through Kenya Wildlife Service (KWS) expeditiously fences Mukogodo Forest to keep off the elephants from straying to human settlements where they cause harm and destruction;
- (ii) Ensures that KWS compensates schools, victims and affected families for loss of lives and destruction of damages caused and schools affected to be fenced using electric fence; and
- (iii) Recommends to the Ministry of Environment and Natural Resources to increase KWS posts in the area for efficient surveillance and quick response to distress calls whenever elephants stray to human settlements.

However during a meeting with the Committee, the Honourable Sarah Korere, M.P requested that the Committee does not honour the first prayer that requested to have Mukogodo Forest fenced. The Same sentiments were voiced by the petitioners during the Committee's public hearing forum held on 7th October, 2016 at the Ilpolei Manyatta Cultural Centre.

RESPONSE TO PRAYERS OF THE PETITIONERS

Following its investigations and various meetings and after taking into account the prayers of the petitioners, the Committee responds as follows:

1. The Committee therefore recommends that the Kenya Wildlife Service should include in its budget funds to fence DolDol, Kiwanja, Ilkinyei and Ol-arjiju Primary Schools and other schools next to Mukogodo forest;
2. The Ministry of Environment and Natural Resources should compensate all victims of human-wildlife conflict and also the schools affected. The Ministry should also invest in awareness creation that the compensating agency is the Ministry of Environment and Natural Resources and not the Kenya Wildlife Service;
3. The Kenya Wildlife Service should establish a sub-station in Dol Dol and engage more community wardens. This will increase the response rate during incidences of human wildlife conflict.

Further the Committee recommends that:

4. The Ministry of Environment and Natural Resources through the Kenya Wildlife Service should immediately map out all blocked historical migratory Corridors and initiate efforts to reclaim them;
5. The Ministry of Environment and Natural Resources should develop a mechanism to ensure that the CWCCCs are facilitated to have regular meetings so as to hasten processing of claims for compensation.

1.0 Introduction

On Thursday, 27th July, 2016, Hon. Sarah Korere, MP presented a petition on behalf of residents of Laikipia North Sub- County regarding human wildlife conflict.

The petition sought to draw the attention of the House to the following, that:-

- (i) Residents of Laikipia North Sub- County have been engaged in human and wildlife conflict for a long period;
- (ii) The Wildlife Conservation and Management Act, 2013 contemplates formulation of innovative measures for mitigating human wild-life conflict and compensating victims of human wild-life conflicts;
- (iii) The said Act provides that in mitigating human wildlife conflicts, precedence shall be accorded to the rights and privileges of communities living adjacent to conservation and protected areas;
- (iv) Residents of various group Ranches in Laikipia North Sub-County have been battling incessant attacks by elephants, resulting in human and livestock deaths; injuries and destruction of crops and property in the region;
- (v) Recently elephants attacked school children from Dol Dol, Kiwanja, Ilkinyei and Ol-arjiju primary schools, among others, thereby forcing children to skip school in fear of the danger posed by the elephants on the loose;
- (vi) The elephants have not just taken over the community's watering points thus obstructing residents from accessing water for domestic and livestock use but have also been destroying key public installation such as school fences and water pipes thus triggering endless human wildlife conflict;
- (vii) In late May 2014 disillusioned residents of Laikipia County staged peaceful demonstration against inaction by the KWS, only to be fiercely dispersed by police who shot live bullets in the air ,leaving several people injured;

- (viii) Between 2013 and 2016, about thirteen people had lost their lives after being attacked by elephants yet only one of the victim's families has so far been compensated;
- (ix) Efforts by the local leaders to amicably resolve the perennial stalemate with the management of the KWS have been met with futility and frustration.

The petitioners prayed that the National Assembly, through the Departmental Committee on Environment and Natural Resources:

- (i) Intervenes to ensure that the Ministry of Environment and Natural Resources, through Kenya Wildlife Service (KWS) expeditiously fences Mukogodo Forest to keep off the elephants from straying to human settlements where they cause harm and destruction;
- (ii) Ensures that KWS compensates schools, victims and affected families for loss of lives and destruction of damages caused and schools affected to be fenced using electric fence; and
- (iii) Recommends to the Ministry of Environment and Natural Resources to increase KWS posts in the area for efficient surveillance and quick response to distress calls whenever elephants stray to human settlements.

2.0 Submissions and Evidence

Having been seized of the Petition, the Committee commenced its consideration by meeting the petitioners who were represented by Hon. Sarah Korere, M.P and members of the public on diverse dates. During the meetings, written and oral evidence was adduced as recorded hereunder:-

2.1 Fact Finding Visit and Meeting with the residents of Laikipia North

On 7th October, 2016 the Committee held a public hearing forum at the Ilpolei Manyatta Cultural Centre. The Committee received the following submissions:

I Submission by the Member for Laikipia North, Hon. Mathew Lempurkel, M.P

- (i) The problem of human wildlife conflict was a major catastrophe that needed the urgent attention of the National Government and the County Government.

- (ii) He however objected the prayer to fencing of the Mukogodo forest noting that the residents have guarded the forest for long and it could be against their rights since they use the forest for various activities;
- (iii) He called for KWS to be more proactive in the area and engage in more Corporate Social Responsibility activities; and
- (iv) He also asked that the residents be given more slots during the recruitment of rangers as they have always interacted with wildlife and conserved them.

II. Submission by Hon. Sarah Korere, M.P

Hon. Korere submitted that:

- (i) The prayer that recommended the fencing of the Mukogodo forest would not be considered. She informed the meeting that she had requested the same when she appeared before the Committee;
- (ii) There was serious human wildlife conflict in the area that needed the urgent attention of the National Government;
- (iii) The residents of Laikipia North have co-existed with wildlife and there are no cases of poaching in the area;
- (iv) The response by KWS was very slow when the residents reported injuries and even deaths however when an elephant or any other wildlife was killed or injured KWS would arrive immediately;
- (v) School children had been affected as they were forced to go to school late and came back home early in fear of attacks; their performance had also been affected;
- (vi) The residents' activities had also been curtailed as the elephants and other wildlife roam in the villages in the evenings;
- (vii) There was need for more rangers to be dispatched to the area and also engage more community wardens;
- (viii) Migratory routes had been blocked by the big ranchers and requested the Committee to ensure the corridors were reopened.

III. Submission by Simon Kirinyapa –Former Chief

Mr. Kirinyapa informed the meeting that the major cause of the human wildlife conflict was as a result of fencing of the migratory corridors by the white settlers. He further submitted that elephants attacked schools children from Dol Dol, Kiwanja, Ilkinyei and Ol-arjiju primary

schools, among others, thereby forcing children to skip school in fear of the danger posed by the elephants on the loose.

Mr. Kirinyapa requested for the re-establishment of the migratory corridors and also provision of watering points for the elephants and other wildlife at different areas in the forest.

IV. Submission by Terma Karmushu – Chairman, Ilmamusu Mukogodo Forest Association

Mr. Karmushu pointed out that the Community had lived harmoniously with wildlife and had always conserved the Mukogodo forest through traditional ways passed down from their ancestors. He also stated that there was need to control the movement of elephants as they not only result to human wildlife conflict but they also spread a lot of vegetation especially of a plant known as “Opicha” through their stool. He noted that the plant was spreading at an alarming late.

The CFA Chairman stated that the white settlers had behaviour of chasing the elephant out of their ranches during the dry seasons where they end up causing conflicts to the residents.

He requested the KWS to speed up the opening of the fenced white settlers land to allow for free movements of the elephants.

V. Submission by the Kataka Matunge- former councillor

Mr. Matunge submitted that when a person was killed there was no response by the KWS however if an elephant is killed the response was too fast. He said that the Government had taken wildlife more important than it citizens. He further said that if the situation does not change they could result to killing the elephants. He also called for the compensation of the affected families as the compensation process was taking too long.

VI. Submission by Mr. James Legei, Chairman, Makerian Group Ranch

Mr. Legei informed the meeting that the residents were not being protected from wildlife yet nearby there many rangers protecting rhinos at the Ol Joggi ranch. This he said made the residents feel as if their lives were less important than that of the animals.

He further informed the meeting that elephants control watering points and had destroyed water pipes. He requested that watering points for the elephants be provided in the forest. There was therefore need to provide boreholes for the community. Mr. legei called for the opening of migratory corridors which have been blocked by private ranchers.

VII. Submission by Mr. Michael Kipkeu, Kenya Wildlife Service Director of Community Conservation

Mr. Kipkeu submitted that:

- (i) He appreciated the Laikipia North residents because of their harmonious co-existence with wildlife and the area even has four conservancies managed by the community;
- (ii) Laikipia has a lot of cases of human –wildlife conflict because animals used the area to go to other parks such as Amboseli, Meru, Mt. Kenya
- (iii) The Kenya Wildlife Service is in the process of mapping migratory corridors and engaging various stakeholders on how to reopen the historical migratory corridors;
- (iv) KWS was also working on a program to fence all affected schools in Laikipia North sub-county
- (v) KWS would also through its Corporate Social Responsibility programme engage the community on where to construct dams;
- (vi) A KWS station would be brought to Dol Dol as this will hasten response to all cases of human-wildlife conflict. There were also plans to arm more community wardens;
- (vii) The Committee should push for the release of Kshs. 4.8 billion from Treasury so as to offset all pending claims of human wildlife conflict. All processes had been completed and the Ministry of Environment and Natural Resources was awaiting for the funds to be disbursed from the treasury so that they can make the compensations;
- (viii) The committee should also push for funding to the County Wildlife Conservation and Compensation Committee to facilitate the Committee to have more sittings. So far only committees in 35 CWCCCs had managed to have a sitting.

VIII. Submission Virginia Wahome- Chairperson, Laikipia County Wildlife Conservation and Compensation Committee

Ms. Wahome informed the meeting that Chairpersons of CWCCCs took office in March 2015 and had only managed to have one sitting only since then. She said Only 35 CWCCCs had managed to have one sitting. She further stated that the CWCCCs had tried in vain to get facilitation from the Ministry of Environment and Natural Resources and had even contacted the Office of the Ombudsman. Ms. Wahome requested the Committee to intervene to ensure that the CWCCCs were facilitated countrywide as the citizens expected them to handle their issues yet they were not getting any financial support from the government.

3.0 Committee Observations

1. During its various interactions with the Hon. Sarah Korere, M.P and the residents of Laikipia North Sub-county, the Committee received requests to withdraw the prayer to fence Mukogodo forest. According to the Community, fencing the forest would deny them access to the forest, the Committee therefore honoured the request to withdraw the prayer;
2. The lives of residents of Laikipia North have been greatly affected especially with school going children facing a great deal of challenge to access schools;
3. The Committee in its report on the budget estimates for the Financial Year 2016 /2017 recommended that the National Treasury allocates Kshs. 4.8 billion to go towards offsetting pending claims of compensation for victims of human-wildlife. The Committee however notes that only Kshs. 180 million was allocated towards the same. This amount is very little given the amount of accumulating pending bills;
4. Blockage of migratory corridors needed to be addressed as it was fueling the increase in cases of human wildlife conflict;
5. Section 18 of the Wildlife Conservation and Management Act, 2013 provides for the establishment of the County Wildlife Conservation and Compensation Committees in each county. During its investigations, the Committee established that while the CWCCCs were gazetted in March 2015 and since then only some have managed to have a meeting while others have not had a single sitting due to lack of facilitation by the Ministry of Environment and Natural Resources.


4.0 Response to the Prayers of the Petitioners

In response to the prayers by the Petitioners, the Committee recommends that:-

1. The Kenya Wildlife Service should include in its budget funds to fence DolDol, Kiwanja, Ilkinyei and Ol-arjiju Primary Schools and other schools next to Mukogodo forest;
2. The Ministry of Environment and Natural Resources should compensate all victims of human-wildlife conflict and also the schools affected. The Ministry should also invest in awareness creation that the Ministry of Environment and Natural Resources is the compensating agency and not the Kenya Wildlife Service;
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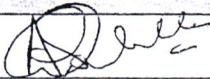

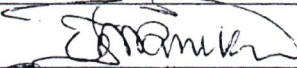
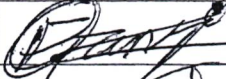

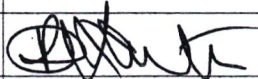
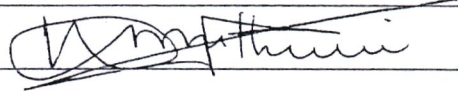

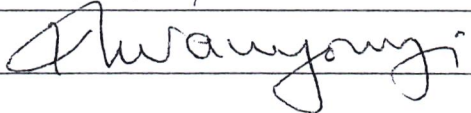
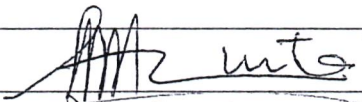

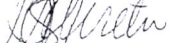
Signed..........Date.....17/11/2016.....

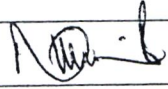
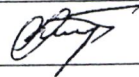

Hon. Amina Abdalla, CBS, MP

Chairperson, Departmental Committee on Environment and Natural Resources

**COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES
NATIONAL ASSEMBLY**

**ADOPTION LIST OF THE REPORT REGARDING HUMAN-WILDLIFE
CONFLICT IN LAIKIPIA NORTH SUB-COUNTY ON TUESDAY 17TH NOVEMBER,
2016 IN CPA ROOM.**

	NAME	SIGNATURE
1	Hon. Abdalla, Amina, MP, CBS-CHAIRPERSON	
2	Hon. Alexander Kosgey, MP Vice Chairperson	
3	Hon. Dukicha, Hassan Abdi, MP	
4	Hon. Emanikor, Joyce Akai, MP	
5	Hon. Ganya, Francis Chachu, MP	
6	Hon. Geni, Charles Mongare, MP	
7	Hon. Gure, Shukra Hussein, MP	
8	Hon. Ole Kenta, Richard Moitalel, MP	
9	Hon. Mohamed, Diriye Abdullahi, MP	
10	Hon. Murungi, Kathuri, MP	
11	Hon. Ogalo, George Oner, MP	
12	Hon. Sunjeev Kour Birdi, MP	
13	Hon. Tonui, Ronald Kiprotich, MP	
14	Hon. Dr. Wanyonyi, Reginalda N, MP	
15	Hon. Farah, Abdulaziz Ali, MP	
16	Hon. Dr. Barua, Ejidius Njogu, MP	
17	Hon. Irea, Gideon Mwiti, MP	
18	Hon. Muluvi, Marcus Mutua, MP	
19	Hon. Wandayi James Opiyo, MP	
20	Hon. Ndiritu, Samuel Mathenge, MP	

21	Hon. Ottichilo, Wilber Khasilwa, MP	
22	Hon. Rop, Jackson Kipkorir, MP	
23	Hon. Abdinoor, Mohammed Ali, MP	
24	Hon. Ng'ang'a, Alice Wambui, MP	
25	Hon. Peter Kinyua, MP	
26	Hon. Richard Makenga, MP	
27	Hon. Jude Njomo, MP	
28	Hon. Joyce Lay, M.P	

Annex I: THE PETITION

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**Directorate of Legislative
and Procedural Services**

MEMO

TO : DIRECTOR, COMMITTEE SERVICES
FROM : PRINCIPAL CLERK ASSISTANT
DATE : 27TH JULY, 2016
SUBJECT : PUBLIC PETITIONS

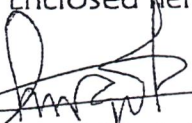
*✓ Tracy Chebet
2. Samuel Kalana
PKS TWA
UP NA
28/7/16*

The above-mentioned subject matter refers.

On 27th July 2016, the following Petitions were presented: -

- (i) Petition presented by the Hon. Sarah Korere, MP regarding human-wildlife conflict; and
- (ii) Petition presented by the Hon. Geoffrey Odanga, MP regarding decongestion of Busia and Malaba Towns.

Enclosed herewith, please find the Petitions for your action.


Lucy Wanjohi

Encl.

Copy to: Clerk of the National Assembly

Director, Legislative and Procedural Services

Chair, Departmental Committee on Transport, Public Works and Housing

Chair, Departmental Committee on Environment and Natural Resources

Approved.

BWA
SNA
21/11/16

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT (FOURTH SESSION)

PUBLIC PETITION

REGARDING HUMAN-WILDLIFE CONFLICT IN LAIKIPIA NORTH
SUB-COUNTY

I, **THE UNDERSIGNED**, on behalf of the residents of Laikipia North Sub-County,

DRAW the attention of the House to the following:-

1. **THAT**, the Wildlife Conservation and Management Act, 2013 contemplates formulation of innovative measures for mitigating human-wildlife conflict and compensating victims of human-wildlife conflict;
2. **THAT**, the said Act provides that in mitigating human-wildlife conflict, precedence shall be accorded to the rights and privileges of communities living adjacent to conservation and protected areas;
3. **THAT**, residents of various group ranches in Laikipia North Sub-County have been battling incessant attacks by elephants, resulting in human and livestock deaths; injuries and destruction of crops and property in the region;
4. **THAT**, recently, elephants attacked school children from Dol Dol, Kiwanja, Ilkinyei and Ol-arjiju Primary schools, among others, thereby forcing children to skip school in fear of the danger posed by the elephants on the loose;
5. **THAT**, further, the elephants have not just taken over the community's watering points thus obstructing residents from accessing water for domestic and livestock use but have also been destroying key public installations such as school fences and water pipes thus triggering endless human-wildlife conflict;
- ~~6. **THAT**, in late May, 2014, disillusioned residents of Laikipia County staged lawful and peaceable demonstrations against inaction by the KWS, only to be fiercely dispersed by police who shot live bullets in the air, leaving several people injured;~~

PUBLIC PETITION
REGARDING HUMAN-WILDLIFE CONFLICT IN LAIKIPIA NORTH
SUB-COUNTY

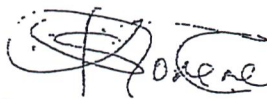
7. **THAT**, between 2013 and 2016, about thirteen (13) people have lost their lives after being attacked by elephants, yet only one of the victim's family has so far been compensated;
8. **THAT**, efforts by the local leaders to amicably resolve the perennial stalemate with the management of the Kenya Wildlife Service (KWS) have been met with futility and frustration;
9. **THAT**, the matter in respect of which this Petition is made is not pending before any court of law or constitutional body.

THEREFORE, your humble Petitioners **PRAY** that the National Assembly, through the Departmental Committee on Environment and Natural Resources:-

- (i) intervenes to ensure that the Ministry of Environment and Natural Resources, through Kenya Wildlife Service (KWS) expeditious fences Mukogodo Forest to keep off the elephants from straying to human settlements where they cause harm and destruction;
- (ii) ensures that KWS compensates schools, victims and affected families for loss of lives and destruction of damages caused and schools affected to be fenced using electric fence; and
- (iii) recommends to the Ministry of Environment and Natural Resources to increase KWS posts in the area for efficient surveillance and quick response to distress calls whenever elephants stray to human settlements.

And your **PETITIONERS** will ever pray.

PRESENTED BY,



HON. SARAH LEKORERE, MP
NOMINATED MEMBER OF PARLIAMENT

DATE: ...05/07/2016.....

Annex II: Minutes of the Committee's Deliberation

MINUTES OF THE 80TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES, HELD ON THURSDAY 17TH NOVEMBER, 2016 AT 10.00 AM IN CPA ROOM, PARLIAMENT BUILDINGS.

PRESENT

1. Hon. Abdalla Amina, M.P. – Chairperson
2. Hon. Alexander Kosgey, M.P. – Vice Chairperson
3. Hon. Emanikor Joyce, M.P.
4. Hon. Ganya Francis Chachu, M.P.
5. Hon. Geni Charles Mong'are, M.P.
6. Hon. Ole Kenta Richard Moitalel, M.P.
7. Hon. Kathuri Murungi, M.P.
8. Hon. Tonui Ronald Kiprotich, M.P.
9. Hon. Dr. Wanyonyi Reginalda N. M.P.
10. Hon. Muluvi Marcus Mutua, M.P.
11. Hon. Ndiritu Samuel Mathenge, M.P.
12. Hon. Abdinoor Mohammed Ali, M.P.
13. Hon. Peter Kinyua, M.P.
14. Hon. Jude Njomo, M.P.
15. Hon. Wandayi James Opiyo, M.P.

APOLOGIES

1. Hon. Rop Jackson Kipkorir, M.P.
2. Hon. Dukicha Hassan Abdi, M.P.
3. Hon. Irea Gideon Mwiti, M.P.
4. Hon. Joyce Lay, M.P.
5. Hon. Gure Shukran Hussein, M.P.
6. Hon. Farah, Abdulaziz Ali, M.P.
7. Hon. Ottichillo K. Wilber, M.P.
8. Hon. Mohamed Diriye Abdullahi, M.P.
9. Hon. Dr. Barua Ejidius Njogu, M.P.
10. Hon. Richard Makenga, M.P.
11. Hon. Ogalo George Oner, M.P.
12. Hon. Ng'ang'a Alice Wambui, M.P.
13. Hon. Sunjeev Kaur Birdi, M.P.

IN-ATTENDANCE - SECRETARIAT

1. Ms. Tracy Chebet Koskei - Clerk Assistant II
2. Mr. Hassan A. Arale - Clerk Assistant III
3. Mr. James Muguna - Resercher
4. Mr. Wilson Angatangoria - Serjeat at Arms

MIN.NO. DC/ENR/276/2016: PRELIMINARIES

The meeting was called to order at 10.30 am after which prayers were said. The Chair then welcomed the members to the meeting.

MIN.NO. DC/ENR/179/2016: CONFIRMATION OF MINUTES:

- (i) The Minutes of the 70th Sitting were confirmed as a true record of the proceedings after being proposed by Hon. Ole Kenta M.P and seconded by Hon., M.P.
- (ii) The Minutes of the 71ST Sitting were confirmed as a true record of the proceedings after being proposed by Hon. Tonui Ronald Kiprotich, M.P and seconded by Hon. Dr. Reginalda Wanyonyi, M.P.
- (iii) The Minutes of the 72nd sitting were confirmed as a true record of the proceedings after being proposed by Hon Dr. Reginalda Wanyonyi., M.P., and seconded by Hon. Marcus Makau Muluvi, M.P.
- (iv) The Minutes of the 73rd Sitting were confirmed as a true record of the proceedings after being proposed by Hon. Ole Kenta, M.P and seconded by Hon. Ndiritu Samuel Mathenge, M.P.
- (v) The Minutes of the 74th Sitting were confirmed as a true record of the proceedings after being proposed by Hon. Opiyo Wandayi James, M.P and seconded by Hon. Dr. Reginalda Wanyonyi, M.P
- (vi) The Minutes of the 75th Sitting were confirmed as a true record of the proceedings after being proposed by Hon. Tonui Ronald Kiprotich , M.P and seconded by Hon. Moitalel Ole Kenta, M.P.
- (vii) The Minutes of the 76th Sitting were confirmed as a true record of the proceedings after being proposed by Hon.Dr. Reginalda Wanyonyi, M.P and seconded by Hon. Charles Geni Mogare, M.P.

MIN.NO. DC/ENR/180/2016: MATTERS ARISING,

Under 70th Minutes Hon. Ronald Tonui was erroneously recorded as absent though present and the secretariat was asked to amend the error.

Under the minute of the 71st sitting the members observed that there is the need to have a field visit on the standard gauge railway in Nairobi national park.

Under the minute of 73rd sitting the committee observed that the sub-committee was already in existence.

Under the minutes of the 76th sitting Hon. Reginalda Wanyonyi was erroneously recorded as absent though present and the secretariat was asked to amend error.

MIN.NO. DC/ENR/264/2016 of the 76th sitting a sub-committee is constituted to pursue the 2 Billion shillings meant for water pans and boreholes to ensure it is used for right purpose.

MIN.NO. DC/ENR/277/2016: ADOPTION OF THE REPORT ON THE INQUIRY OF THE IMPACT OF SGR TO THE ENVIRONMENT IN THE TSAVO CONSERVANCY AREA:

The members having considered the report in to the inquiry of the impact of SGR to the environment in the Tsavo conservancy area adopted it as the true reflection of the committee's deliberation after it was proposed and seconded by Hon. Joseph Kinyua and Hon. Marcus Mutua Muluvi respectively.

MIN.NO. DC/ENR/278/2016: ADOPTION OF THE REPORT ON THE PETITION BY HON.SARAH KORERE,M.P ON BEHALF OF THE RESIDENTS OF LAIKIPIA NORTH SUB-COUNTY REGARDING HUMAN/ WILDLIFE CONFLICT AND :

The report on the human/ wildlife conflict in Laikipia North Sub-County was adopted as the true records of the committee deliberation after it was proposed and seconded by Hon. Dr. Reginalda Wanyonyi and Hon. Joseph Kinyua respectively.

MIN.NO.DC/ENR/279/2016 ANY OTHER BUSINESS:

The following were discussed, that,

1. There is need to invite the cabinet secretary Ministry of environment and natural resources to brief the committee on ratification of Paris agreement on climate change.
2. The week starting Monday 21st of November, 2016 the committee is invited for the Kenya water week 2016 in KICC Nairobi.
3. On Wednesday 23rd November, 2016 between 8-9.30 am in mini-chambers County Hall Dr. Carlos Rodriquez former minister of environment Costa Rica will share his experiences in conservation and therefore all committee members and other parliamentarians are invited .
4. On Thursday night 24th November, 2016 the chair of the committee Hon .Amina Abdalla will be honoured for her role in championing conservation therefore all the committee members were invited.
5. On 5th December the committee will visit Kiambu County on the petition concerning pollution and establishment of Gioto dumpsite in Hekima Estate, Kiambu County.
6. On 9TH December, 2016 the committee will visit Kajiado County on a Public petition by the residents of Kajiado North Constituency regarding closure and relocation of Ngong dumpsite by Hon. Joseph Manje, M.P Member for Kajiado Constituency.
7. On Tuesday 22nd November 2016 the committee will consider the report on the petition on illegal grazing in Tsavo west National Park and human wildlife conflict in Mwatate constituency.
8. On Thursday 24th November, 2016 the committee will consider the report on the consideration of the hydrologist bill 2016.

MIN.NO.DC/ENR/280/2016 ADJOURNMENT:

There being no other business the meeting was adjourned at 10.56pm.

SIGNED.....
(Chairperson)

DATE.....

MINUTES OF THE 57th SITTING OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES, HELD ON TUESDAY 2ND AUGUST, 2016 AT 10.00 AM IN THE CPA ROOM, PARLIAMENT BUILDING.

1. Hon. Abdalla Amina, M.P. – **Chairperson**
2. Hon. Alexander Kosgey, M.P. – **Vice Chairperson**
3. Hon. Emanikor Joyce, M.P.
4. Hon. Ganya Francis Chachu, M.P.
5. Hon. Ole Kenta Richard Moitalel, M.P.
6. Hon. Mohamed Diriye Abdullahi, M.P.
7. Hon. Kathuri Murungi, M.P.
8. Hon. Sunjeev Kaur Birdi, M.P.
9. Hon. Tonui Ronald Kiprotich, M.P.
10. Hon. Farah, Abdulaziz Ali, M.P.
11. Hon. Dr. Barua Ejidius Njogu, M.P.
12. Hon. Muluvi Marcus Mutua, M.P.
13. Hon. Ndiritu Samuel Mathenge, M.P.
14. Hon. Ottichillo K. Wilber, M.P.
15. Hon. Rop Jackson Kipkorir, M.P.
16. Hon. Abdinoor Mohammed Ali, M.P.
17. Hon. Peter Kinyua, M.P.
18. Hon. Richard Makenga, M.P.
19. Hon. Joyce Lay, M.P.
20. Hon. Isaac Mwaura, M.P.

APOLOGIES

1. Hon. Zuleikha Hassan, M.P.
2. Hon. Irea Gideon Mwiti, M.P.
3. Hon. Jude Njomo, M.P.
4. Hon. Geni Charles Mong'are, M.P.
5. Hon. Ogalo George Oner, M.P.
6. Hon. Ng'ang'a Alice Wambui, M.P.
7. Hon. GureShukra Hussein, M.P.
8. Hon. Dukicha Hassan Abdi, M.P.
9. Hon. Dr. Wanyonyi Reginalda N. M.P.

IN-ATTENDANCE - SECRETARIAT

1. Ms. Tracy Chebet Koskei – Clerk Assistant
2. Mr. Hassan A. Arale – Clerk Assistant

MIN.NO. DC-ENR/191/2016:

PRELIMINARIES

The meeting was called to order at 10.30 am after which prayers were said. The Chair then welcomed the members to the meeting.

MIN.NO. DC-ENR/192/2016: MEETING HON. SARAH KORERE, M.P ON THE PETITION REGARDING HUMAN/WILDLIFE CONFLICT IN LAIKIPIA SUB-COUNTY

The honorable Member presented a public petition regarding human-wildlife conflict in Laikipia North Sub-County on behalf of the residents drew the attention of the members to the following,

1. THAT, the wildlife Conservation and Management Act, 2013 contemplates formulation of innovative measures for mitigating human wildlife conflict and compensating victims of human wildlife conflict;
2. THAT, the said Act provides that in mitigating human- wildlife conflict precedence shall be accorded to the rights and privileges of communities living adjacent to conservation and protected areas;
3. THAT, residents of various group ranches in Laikipia North Sub-County have been battling incessant attacks by elephants, resulting in human and livestock deaths; injuries and destructions of crops and property in the region;
4. THAT, recently elephants attacked school children from DolDol, Kiwanja, Ilkinyei and Ol-arjiju Primary schools among others, thereby forcing children to skip school in fear of the danger posed by the elephants on the loose.
5. THAT, further elephants have not just taken over the community's watering points thus obstructing residents from accessing water for domestic and livestock use but have also been destroying key public installations such as school fences and water pipes thus triggering endless human- wildlife conflict;
6. THAT, in late May, 2014, disillusioned residents of Laikipia county staged lawful and peaceable demonstrations against inaction by the KWS, only to be fiercely dispersed by police who shot live bullets in the air, leaving several people injured;
7. THAT, between 2013 and 2016 about thirteen (13) people have lost their lives after being attacked by elephants, yet only one of the victims family has so far been compensated;
8. THAT, efforts by the local leaders to amicably resolve the perennial stalemate with the management of the Kenya Wildlife Service (KWS) have been met with futility and frustration;

Therefore the petitioners pray that, the National Assembly through the departmental Committee on Environment and Natural Resources:-

- i. Intervenes to ensure that, the Ministry of Environment and Natural Resources, through Kenya Wildlife Services (KWS) expeditious fencing of schools outside Mukogodo Forest to keep off the elephants from straying settlements where they cause harm and destruction;
- ii. Ensures that KWS compensates schools, victims and affected families for loss of lives and destruction of damages caused and schools affected to be fenced using electric fence; and
- iii. Recommends to the Ministry of Environment and Natural Resources to increase KWS posts in the area for efficient surveillance and quick response to distress calls whenever elephants stray to human settlements.

In addition to the above, the petitioner informed the committee that one woman was killed outside her homestead and suggested that, the forest should not be fenced but suggested that elephants migratory routes cut off by big ranches which are privately owned should be opened up.

COMMITTEE RESOLUTIONS:

The committee resolved as follows;

1. To invite Kenya Forest Service and Kenya Wildlife Service to give more information on the matters raised by the petitioner. —
2. To visit Laikipia North sub-county on the 1st – 3rd September 2016 for a fact finding.

MIN.NO.DC/ENR/193/2016:

ANY OTHER BUSINESS

The following were deliberated by the members, that,

1. There is need to monitor, evaluate and review the implementation of water projects being handled by the Water Services Boards. It was resolved that the C.E.O's of all Water Services Boards need to appear before the Committee;
2. There is need to develop a draft Waste Management Bill, it was resolved that the Committee should engage a consultant for guidance;
3. The Members of the Committee who had taken a visit to Ijara Constituency regarding the Petition on the irregular gazettement of Boni/Ijara Forest briefed the committee on their findings. The secretariat to follow up with the Kenya Forest Service on the Minutes of the alleged public participation they carried out in Ijara.

MIN.NO.DC/ENR/194/2016:

ADJOURNMENT

There being no other business the meeting was adjourned at 12.33 pm.

SIGNED.....
(Chairperson)

DATE.....15/9/16.....

Annex III: Submission by residents of Laikipia North Sub-County

ILMAMUSI MUKOGODO FOREST ASSOCIATION

P.O BOX 263-10400

Nanyuki

Email:ilmamusiforest4@gmail.com

+254 724740283



TO THE PARLIAMENTARY DEPARTMENTAL
COMMITTEE ON ENVIRONMENT AND NATURAL
RESOURCES:

7th October 2016

Dear Sir/Madam,

**RE: ILMAMUSI MUKOGODO FOREST ASSOCIATION (CFA) MEMORUNDAM TO THE
PARLIAMENTARY DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL
RESOURCES REGARDING HUMAN WILDLIFE CONFLICT AND FENCING OF MUKOGODO FOREST
IN LAIKIPIA NORTH SUB-COUNTY:**

Introduction and back ground information on ILMAMUSI Community Forest Association

Mukogodo Forest Reserve covers an area of (30,189ha) and is one of the remaining dry lands forest in Kenya. It provides vital grazing pasture for the Maasai community; it's a life-supporting system composing of diverse biological and edaphic resources that are of local and national importance. The community has a traditional culture governance system that has ensured the conservation of the forest for many years. The forest is subdivided into four (4) areas corresponding to the group ranches boundaries'. Traditional rotation grazing systems have been used for many years and its actually proofing to be the best practice of land use.

ILMAMUSI CFA was formed as an umbrella organization by the four group ranches Namely **Iingwesi, Makurian, Mukogodo** and **Sieku** in Laikipia North of Laikipia County to coordinate and manage environmental and conservation issues within and outside the Mukogodo forest.

The CFA is a legal registered entity with the office of the registrar of societies under the AG office as an Association. The CFA launched its first Management Plan in 2008 for 10 years. Later in December 2014 the CFA signed a Management Agreement with the Kenya Forest Service (KFS) who are in charge of all forests in the Kenya to co-o manage the forest.



The Ilmamsi CFA Position on the petition on HWC before the National parliament

Following a wide consultation and series of meetings attended by leaders of the four group ranches surrounding Mukogodo forest-Makurian group ranch, IIngwesi II group ranch, Kuri Kuri group ranch and Lekuruki Group ranch together with community members of the mention group ranches and representatives from Borana Conservancy, Lewa wildlife Conservancy, Northern Rangeland's Trust, Laikipia Wildlife Forum, who are our partners and key implementers in the above management plan we therefore agreed to develop and present this joint memorandum to the parliamentary departmental committee on environment and natural resource in regards to the petition that is before parliament on issues of human wildlife conflict and fencing of Mukogodo forest in Laikipia north sub-county as way to address the matter.

The CFA remain firm and committed in the implementation of the management plan and we therefore call for the support of national government, county government, private sectors and donor agencies for financial and non financial resources which are not readily available within the community to ensure the user rights of communities are actualized and enable communities to benefit more.

The CFA stands for good governance which involves making and implementing decisions enhanced accountability, transparency, rule of law, equity and inclusivity in the conservation and management of these natural resources so as to meet the demands of a rapid growing population. Implementation of the management plan for the Mukogodo forest will ensure security of people, wildlife, livestock and natural resources.

As an institution that is recognize by Kenyan law, and Mandated by the Forest Act of 2005 to co-manage Mukogodo Forest with Kenya Forest Service (KFS) and other stakeholders, we wish to inform the parliamentary committee that we were not consulted in the petition that is before parliament in regards to human wildlife conflict and which among many things advocates for the fencing of Mukogodo forest as a solution.

Although the petitioner raised legitimate concerns on human wildlife conflict in Laikipia North Sub-county, The Fencing of Mukogodo forest to mitigate Human wildlife conflict in Laikipia North Sub-county will not be a solution for the following reasons;

- **Mukogodo forest is a unique forest and different from other forests in the country as people have lived in the forest since time immemorial and have coexisted well with wildlife for Many decades.**
- **Wildlife species are not only found in the Forest but in the entire 13 community group ranches all in Laikipia North Sub-county and therefore fencing of Mukogodo forest will not be a solution**
- **Incidences of Human wildlife conflict within the forest are very minimal despite many settlements and pastoralists activities within the forest for many years.**

We therefore feel the solution to human wildlife conflict is not fencing mukogodo forest but there are other measures that could be taken to address the matter which could be friendly to both wildlife and people to bring harmony in the Sub-County.

Interventions & recommendations:

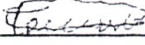
Opening of wildlife Migratory corridors, Fencing all institutions of learning within and outside the forest and also fencing human settlements within and outside the forest as contained in the petition are much welcome.

In conclusion, we reiterate that fencing of Mukogodo Forest will be disastrous, disruptive to the peaceful coexistence of human and wildlife in Laikipia North-Sub County and will worsen the current situation. We hope you will seriously consider this memorandum.

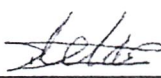
As members of ILMAMUSI CFA board and leaders of group ranches who have been involved in protecting and conserving the Forest for many years, we append our signatures in support of this Memorandum;

ILMAMUSI MUKOGODO FOREST ASSOCIATION
P. O. Box 263, TIMAU
PIN: P051 440474A
TEL: 0724 740 283

Tema Karmushu ----CFA Chairman

Sign  Date: 7/10/16

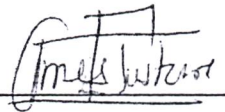
Lela Kinyaga-----Il Ngwesi Group ranch Chairman

Sign  7/10/16

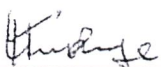
James K. Legei-----Makurian Group ranch Chairman

Sign  7/10/16

James Lentula-----Kuri kuri Group ranch Chairman

Sign  7/10/16

Kataka Matunge-----Lekurruki Group ranch Chairman

Sign  7/10/2016

CC

Department of Natural Resources,

Ministry of Environment & Natural Resources

Kenya Forest Service

Kenya Wildlife Service

REPUBLIC OF KENYA

THE SOCIETIES RULES, 1968

(Rule 4)

CERTIFICATE OF REGISTRATION NO. 29239

I, TOM A. O. OGWENO, ASST. DY. Registrar of Societies, hereby certify that I have this day registered the IL MAMUSI MUKOGODO FOREST ASSOCIATION.

under section 10 of the Societies Act:

Dated at NAIROBI this 18th day of August, 2008

ASST. DY. Registrar of Societies



ILMAMUSI MUKOGODO FOREST ASSOCIATION
P. O. Box 263, TIMAU
PIN: P051440474A
TEL: 0724 740 283

Date:.....

FOREST MANAGEMENT AGREEMENT

BETWEEN

KENYA FOREST SERVICE

AND

IL MAMUSI MUKOGODO FOREST ASSOCIATION

Dated this 16th Day of December 2014

This agreement is made this ^{16th}.....day of December..... 2014.

BETWEEN Kenya Forest Service, a state corporation established under the Forests Act, 2005 and of P.O. Box 30513-00100, **Nairobi** in the Republic of Kenya (hereinafter referred to as "the Service") and charged with the overall mandate of ensuring sustainable management and conservation of Kenyan forests and forest resources for the socio-economic development of the country, including promotion of community participation in conservation and management of state forests

AND

IL Mamusi Mukogodo Forest Association of P.O. Box 263-10402, Timau, Kenya in the Republic of Kenya (hereinafter referred to as "the Association") registered under the Societies Act, Cap 108, vide Certificate of Registration No: 29239 dated 18th August 2008, attached hereto as Annex 1 and has the interest of managing and conserving Mukogodo forest reserve as per the Association's Constitution attached hereto as Annex 2 and pursuant to the Participatory Forest Management Plan approved by the Director on 27th August 2008.

WHEREAS:

Both parties have agreed to carry out their respective duties aimed at sustainable management and conservation of Mukogodo forest reserve in accordance with the provisions of the Forests Act, 2005, pursuant to the following terms.

1. OBJECTIVES AND PURPOSE

- (a) The Parties enter into this Agreement for the purposes of granting the Association permission to participate in the conservation and management of Mukogodo Forest Reserve located in Laikipia Forest Zone as per the attached site-specific management plan attached hereto as Annex 5.
- (b) The forest area comprises 30,189 hectares and its boundaries are better described in the sketch map, attached hereto as Annex 3.
- (c) The sketch map and the management plan form an integral part of this agreement.

2. ASSIGNMENT OF RIGHTS UNDER THIS AGREEMENT

- (a) The Association may only assign its rights/responsibilities under this agreement with the written approval of the Service.
- (b) The Service through the Director shall not approve any assignment that will be in conflict with the main objectives and purpose set out in this agreement.
- (c) The Association is liable for all the activities, acts and omissions of the assignees of its rights under the agreement.

3. DURATION

This Agreement shall last for a period of **Five (5)** years commencing on the date of signing.

4. AUTHORISED ACTIVITIES

- (a) The Association may carry out those activities outlined in the site-specific forest management plan.

- (b) The Association may, with the prior written approval of the Service, enter into partnership or agreements with other persons for the purposes of ensuring efficient and sustainable conservation and management of the forest area.

5. BASIC WARRANTIES OF THE SERVICE

- (a) The forest area is a state forest.
- (b) At the time of entering into this agreement, the property rights attached to the forest area consist of :
- (i) The easements, rights of way, servitudes, mineral rights, or other claims of records listed in Annex 4;
 - (ii) Any customary rights established under section 22 of the Forests Act; and
 - (iii) The right of ownership by the Service and the Government.

And these rights shall remain during the tenure of this agreement.

6. BASIC WARRANTIES OF THE ASSOCIATION

- (a) The Association is duly registered by the Registrar of Societies and is validly existing and in good standing.
- (b) The Association shall retain its power, ability and competence in carrying out its rights and obligations under this agreement.

7. RIGHTS OF THE SERVICE

- (a) This agreement is subject to the provisions of the Forests Act, 2005.
- (b) The Service may inspect records kept by the Association from time to time.
- (c) The Association shall advise the Service as soon as possible of any changes in the Constitution, Leadership and anything else deemed significant.

8. RIGHTS OF THE ASSOCIATION

The Association, its members, servants, employees and agents shall have the right to enter the forest area for the purposes of carrying out activities to fulfill the requirements of this agreement.

9. USER RIGHTS

- (a) The Association shall have the following user rights:-
- (i) Eco-tourism and recreational activities
 - (ii) Seedling production
 - (iii) Seed collection
 - (iv) Scientific and education activities
 - (v) Water abstraction
 - (vi) Collection of medicinal herbs
 - (vii) Collection of wild fruits and vegetables
 - (viii) Grass/fodder harvesting and grazing
 - (ix) Bee keeping and honey harvesting
 - (x) Fuel wood collection

- (xi) Collection of materials from dead trees for subsistence use
- (xii) Sand collection
- (xiii) Butterfly farming
- (xiv) Fish farming
- (xv) Carbon trading
- (xvi) Other benefits which may from time to time be agreed upon between the Association and the Service.

(b) Subject to Section 47 of the Forests Act, the Service through the Director may, in consultation with the Association, make rules regulating the performance of any of the above user rights.

(c) The grant of the user rights shall not exclude the Association or its members from paying such fees, taxes and levies required for the exercise of the right or carrying out of activity or by any law.

(d) The grant of the user rights shall not exclude the Association from complying with other laws.

10. OBLIGATIONS OF THE SERVICE

(a) The Service shall allow access to the forest area of the Association, its members, servants, employees and agents for the purposes of carrying out activities to fulfill the requirements of this agreement provided that such access is done in an orderly manner, on designated paths, routes and roads and without committal of any offences under the Forests Act, 2005 or regulations or under any law.

(b) The Service shall monitor, evaluate and offer technical expertise on the implementation of the site-specific management plan.

11. OBLIGATIONS OF THE ASSOCIATION

(a) The Association shall protect, conserve and manage the forest or part thereof pursuant to this management agreement and the provisions of the approved management plan for the forest.

(b) The Association shall protect sacred groves and protected trees.

(c) The Association shall assist the Service in enforcing the provisions of the Forests Act and any rules and regulations made pursuant thereto, in particular in relation to illegal harvesting of forest produce and hunting of game.

(d) The Association shall inform the Service if the Association becomes aware of any developments, changes and occurrences within the forest which are critical for the conservation of biodiversity.

(e) The Association shall take precautions against occurrence of fire and where it occurs, help in fire fighting.

(f) The Association shall maintain a roll of its members, agents, servants and employees and shall update the same regularly and furnish the details of the roll to the Service upon request.

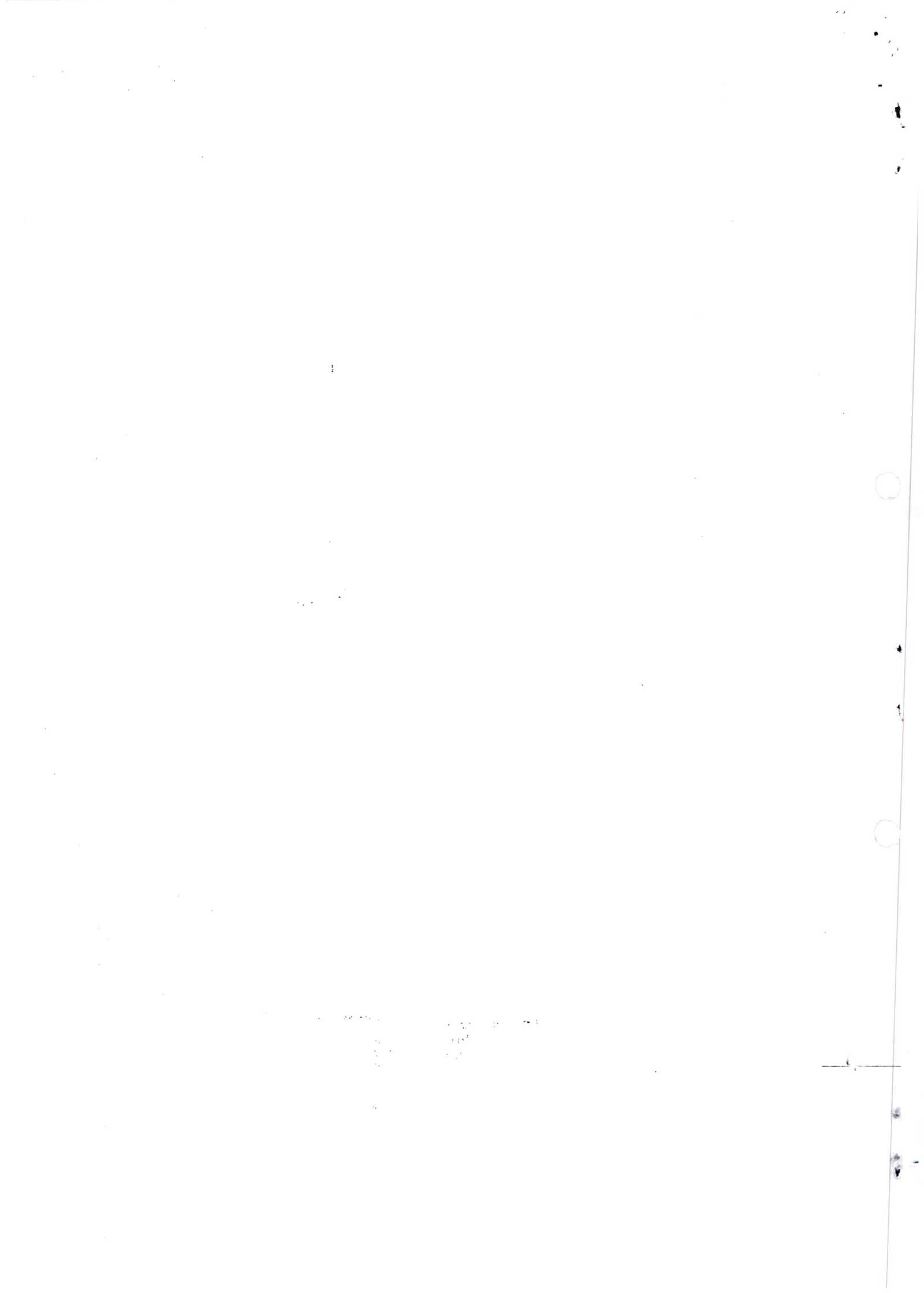
- (g) The Association shall keep written records of all activities conducted in the forest area and preserve those records for at least six years from when first written or throughout the duration of this agreement whichever is longer.
- (h) Where the Association engages in commercial activities, the Association shall comply with all the laws for the time being in force governing such activities, and any violation of those laws shall be considered to be a breach of this agreement.

12. INDEMNITY, RISK AND LIABILITY

- (a) The Association shall indemnify the Service against all losses, claims, demands, actions, proceedings, damages, costs or expenses or other liability arising in any way from this agreement or any breach of any of the obligations on the part of the Association contained in this agreement or the exercise or purported exercise of the rights given herein.
- (b) The Association shall provide adequate security for its members, employees, servants and agents and shall ensure that precaution and other necessary measures are taken to protect themselves against risks such harm from wildlife, fires, rivers, falling trees and other objects associated with management of the forest.
- (c) In this regard, the Service is not liable for any injury, loss or damage occurring to the Association, its members, employees, servants, agents, goods or equipment while inside the forest.

13. TERMINATION OR WITHDRAWAL OF USER RIGHT

- (a) The Service may terminate this agreement in the following circumstances:
 - (i) Where the Association is deregistered;
 - (ii) Where the Association breaches any of the terms and conditions of this agreement and mediation methods have failed;
 - (iii) Where the Service considers termination as necessary for purposes of protecting and conserving biodiversity;
 - (iv) Where the Association itself so requests.
- (b) The Service may withdraw a particular user right in the following circumstances:
 - (i) Where the Association breaches any of the terms and conditions of this Agreement;
 - (ii) Where the Service considers withdrawal as necessary for purposes of protecting and conserving biodiversity;
 - (iii) Where the Association itself so requests.
- (c) Where the Service intends to terminate this agreement or to withdraw a particular user right, it shall give the Association thirty (30) days notice in writing to show cause why the management agreement should not be terminated or the user right so withdrawn. During this period, this agreement or the right in question shall be suspended, as the case may be.



14. DISPUTE RESOLUTION

- (a) In the event of any dispute, question, or disagreement arising from or relating to this Agreement, the parties hereto shall use their best efforts to settle the dispute, question, or disagreement. To this end, they shall consult and negotiate with each other in good faith and, recognizing their mutual interests, attempt to reach a just and equitable solution satisfactory to both parties.
- (b) Where the Association is aggrieved by the decision of the Service on the implementation of this agreement, it may within thirty (30) days after being notified of the decision, appeal to the Board of the Service against the decision.
- (c) Notwithstanding the above provisions with respect to dispute resolution, any party aggrieved under this Agreement may upon thirty (30) days notice refer the matter in dispute to the National Environment Tribunal pursuant to Section 63 (2) of the Forests Act, 2005.

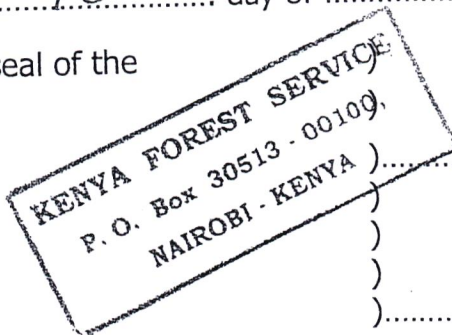
15. RELATIONSHIP OF PARTIES

- (a) This agreement does not create any kind of joint venture or partnership between the parties.
- (b) This agreement does not make either party the agent of the other.
- (c) This agreement does not give the Association exclusive possession of the forest area or any part thereof nor is it intended to create a lease or tenancy in any way whatsoever.

IN WITNESS WHEREOF the Parties hereto have caused this Agreement to be executed and sealed on the 16th day of December 2014.

SEALED with the common seal of the
KENYA FOREST SERVICE

David K. Mbugua
Director



[Handwritten signature]

In the presence of:
Corporation Secretary

[Handwritten signature]

SIGNED for and on behalf of the
IL MAMUSI Mukogodo Forest Association

John Lemurua Napei
Chairperson

ILMAMUSI MUKOGODO FOREST ASSOCIATION
P. O. Box 263, TIMBU
PIN: P0514404744
TEL: 0724 740 288

[Handwritten signature]

In the presence of:
Josephat Lerandi Siapan
Secretary

Date:.....

[Handwritten signature]

Benson Kataka Lemureyani
Treasurer

[Handwritten signature]

2.3.2 Topography

The landscape contains rugged terrains characterized by hill masses of between 10 and 40% slope. The elevation ranges between 1600-2100 meters above sea level.

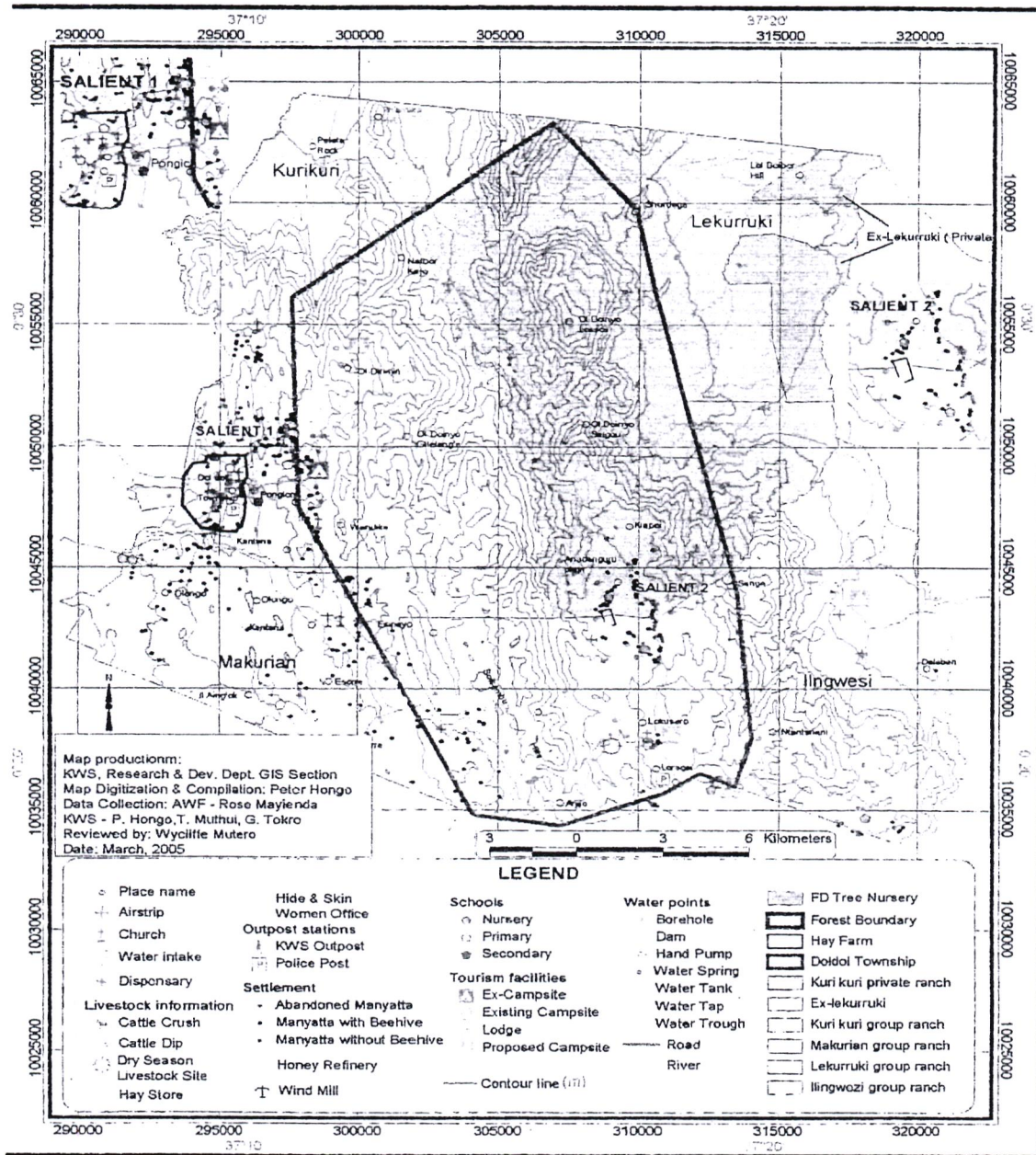


Fig.2 Topography of Mukogodo Landscape



REPUBLIC OF KENYA

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When replying please quote



NATIONAL ASSEMBLY

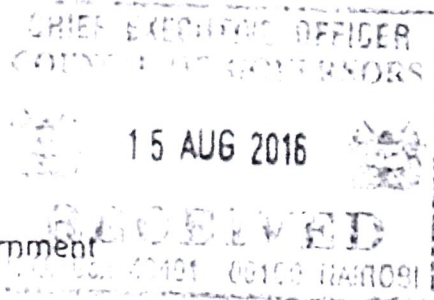
Clerk's Chambers
National Assembly
Parliament Buildings
P.O. Box 41842 -00100
NAIROBI, Kenya

KNA/DC-ENR/2016(46)

9th August, 2016

Dr. Margaret Mwakima
Principal Secretary,
State Department for Natural Resources,
Ministry of Environment & Natural resources
NAIROBI

Dr. (Eng.) Karanja Kibicho, CBS
Principal Secretary
Ministry of Interior & Coordination of National Government
Harabee House
NAIROBI



Dear *Government,*

RE: FIELD VISIT BY THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT & NATURAL RESOURCES

The Departmental Committee on Environment and Natural Resources is established by Standing Order 216 of the National Assembly and mandated, amongst others, 'to investigate into, inquire into, and report on all matters relating to the mandate, management activities, administration, operations and estimates of the assigned ministries and departments'.

The Committee is considering a petition regarding Human-wildlife conflict in Laikipia North Sub-County (copy attached). The petition was presented by Hon. Sarah Korere, M.P. The Committee during its Sitting of 2nd August, 2016 resolved to carry out a fact finding visit to Laikipia County from Thursday, 1st to Sunday, 4th September, 2016.

A public hearing Forum will be held at Kiwanja, in Mukogodo area on Friday, 2nd September, 2016 at 10.00 am. This is therefore, to inform you of the Committee's intended visit and to request you to avail officers to guide the Committee during the visit. The Ministry of Interior and Coordination of National Government is requested to provide and coordinate security during the visit.

Yours *Sincerely,*
Michael Sialai

MICHAEL SIALAI, EBS
For: CLERK OF THE NATIONAL ASSEMBLY

BWA
SMA
21/7/16



THE NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT (FOURTH SESSION)

PUBLIC PETITION

REGARDING HUMAN-WILDLIFE CONFLICT IN LAIKIPIA NORTH
SUB-COUNTY

1. THE UNDERSIGNED, on behalf of the residents of Laikipia North Sub-County,

DRAW the attention of the House to the following:-

1. THAT, the Wildlife Conservation and Management Act, 2013 contemplates formulation of innovative measures for mitigating human-wildlife conflict and compensating victims of human-wildlife conflict;
2. THAT, the said Act provides that in mitigating human-wildlife conflict, precedence shall be accorded to the rights and privileges of communities living adjacent to conservation and protected areas;
3. THAT, residents of various group ranches in Laikipia North Sub-County have been battling incessant attacks by elephants, resulting in human and livestock deaths; injuries and destruction of crops and property in the region;
4. THAT, recently, elephants attacked school children from Dol Dol, Kiwanja, Ilkinyei and Ol-arjiju Primary schools, among others, thereby forcing children to skip school in fear of the danger posed by the elephants on the loose;
5. THAT, further, the elephants have not just taken over the community's watering points thus obstructing residents from accessing water for domestic and livestock use but have also been destroying key public installations such as school fences and water pipes thus triggering endless human-wildlife conflict;
6. ~~THAT, in late May, 2014, disillusioned residents of Laikipia County staged lawful and peaceable demonstrations against inaction by the KWS, only to be fiercely dispersed by police who shot live bullets in the air, leaving several people injured;~~

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PUBLIC PETITION
REGARDING HUMAN-WILDLIFE CONFLICT IN LAIKIPIA NORTH
SUB-COUNTY

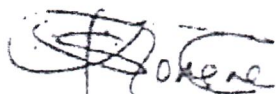
7. THAT, between 2013 and 2016, about thirteen (13) people have lost their lives after being attacked by elephants, yet only one of the victim's family has so far been compensated;
8. THAT, efforts by the local leaders to amicably resolve the perennial stalemate with the management of the Kenya Wildlife Service (KWS) have been met with futility and frustration;
9. THAT, the matter in respect of which this Petition is made is not pending before any court of law or constitutional body.

THEREFORE, your humble Petitioners PRAY that the National Assembly, through the Departmental Committee on Environment and Natural Resources:-

- (i) intervenes to ensure that the Ministry of Environment and Natural Resources, through Kenya Wildlife Service (KWS) expeditious fences Mukogodo Forest to keep off the elephants from straying to human settlements where they cause harm and destruction;
- (ii) ensures that KWS compensates schools, victims and affected families for loss of lives and destruction of damages caused and schools affected to be fenced using electric fence; and
- (iii) recommends to the Ministry of Environment and Natural Resources to increase KWS posts in the area for efficient surveillance and quick response to distress calls whenever elephants stray to human settlements.

And your PETITIONERS will ever pray.

PRESENTED BY,



HON. SARAH LEKORERE, MP
NOMINATED MEMBER OF PARLIAMENT

DATE: ...05/07/2016...

