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THE SENATE

TWELFTH PARLIAMENT

THIRD SESSION

SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND
NATURAL RESOURCES

REPORT ON THE PETITION CONCERNING FINANCIAL/ BUDGETARY
SUPPORT TO WILDLIFE CONSERVANCIES FOR SUSTAINABLE
CONSERVATION AND COMMUNITY DEVELOPMENT

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

OCTOBER, 2019

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List of Abbreviations/ Synonyms

1. AGM - Annual General Meeting
2. CLF - Conservancy Livelihoods Fund
3. CS - Cabinet Secretary
4. GDP - Gross Domestic Product
5. KES - Kenya Shillings
6. KIHBS - Kenya Integrated Household Budget Survey
7. KWS - Kenya Wildlife Service
8. NRT - Northern Rangelands Trust
9. VAT - Value Added Tax

PREFACE

Mr. Speaker sir,

The Standing Committee on Lands, Environment and Natural Resources is established pursuant to Standing Order No. 218(3). As set out in the Second Schedule, the Committee's assigned subject matter is to consider all matters relating to lands and settlement, housing, environment, forestry, wildlife, mining, water resource management and development.

Committee Membership

- | | |
|---------------------------------------|--------------------|
| 1. Sen. Mwangi Paul Githiomi, 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. Mwaruma Johnes, M.P. | - Member |
| 6. Sen. Sylvia Kasanga, M.P. | - Member |
| 7. Sen. Ndwiga Peter Njeru, M.P, EGH. | - Member |
| 8. Sen. Halake Abshiro, M.P. | - Member |
| 9. Sen. Boy Issa Juma, M.P. | - Member |

This Committee's report is on the Petition concerning financial/ budgetary support to Wildlife Conservancies for sustainable conservation and community development. The petition relates to the alleged grabbing of public utility and private land at the said area. This report contains the determined prayers of the petitioners, observations and recommendations.

The petitioners submitted their prayers pursuant to Articles 37 and 119 of the Constitution and guided by the provisions of the *Petition to Parliament (Procedure) Act* and the *Senate Standing Orders*.

The Petitioners prayed that the Senate urgently investigate this matter and make appropriate recommendations thereon. Among the proposals made by the Petitioners is that the Senate -

- 1) Enumerates a fiscal policy, legislation and strategy for financial support for Wildlife Conservancies so as to promote the protection and conservation of over 65% of wildlife resources which are outside slated protected areas;
- 2) Set up an incentives Scheme to encourage community participation in wildlife conservation and for securing identified critical wildlife migratory routes, corridors and dispersal areas for sustainable wildlife conservation and management;
- 3) Set up a national wildlife conservation fund to secure national and international resources to support conservation of wildlife in Kenya; and
- 4) Approve the creation of a budget line within the County governments to enable counties promote the conservation of habitats and species as well as ensuring sustainable utilization of the environment and natural resources within respective counties.

The Petition

Pursuant to the Senate Standing Orders No. 220 (1) and 224(b) the Speaker of the Senate reported to the Senate a petition presented through the Clerk of Senate by 99 petitioners from various conservancies all over the country. The petition concerns financial/ budgetary support to wildlife conservancies for sustainable conservation and community development. Pursuant to standing order 226(1), the petition stood committed to the Land, Environment and Natural Resources Committee.

The Committee undertook to investigate and determine the prayer of the petitioner pursuant to standing order 226 of the Senate Standing Orders. It also received submissions from the Petitioners and the Ministry of Tourism and Wildlife.

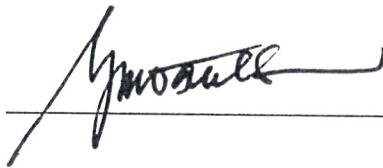
ACKNOWLEDGEMENT

The Committee acknowledges the time and considerable effort made by all parties who volunteered information before it. I would also like to express my gratitude to my colleagues for their thoughtful and considerate contributions to the matter. Further the Committee is indebted to the Office of the Speaker and the Clerk of the Senate for facilitating the work of the Committee in undertaking its mandate. We also recognize the commitment and dedication of the Committee Secretariat 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 Senate Standing Committee on Land, Environment and Natural resources in relation to the Petition concerning financial/ budgetary support to wildlife conservancies for sustainable conservation and community development.

Signed: _____



Date: _____

23-10-2019

SEN. MWANGI PAUL GITHIOMI, M.P. - CHAIRPERSON
SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND
NATURAL RESOURCES

CHAPTER I

INTRODUCTION

1.0 The right to petition

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

1.1 Background to the Petition

Pursuant to standing order 226 (1) of the Senate standing Orders the petition was presented and submitted, through the Clerk, by 99 Petitioners. The Petition concerns financial/ budgetary support to wildlife conservancies for sustainable conservation and community development. It was then committed to the Standing Committee on Land, Environment and Natural resources for consideration and determination.

The petitioners raised the following salient issues in their petition-

1. That there are over 160 community and private conservancies spread across 28 counties within which most of the country's biodiversity hotspots (Northern Kenya, Maasai Mara, Amboseli, Tsavo, Mount Kenya area, Athi-Kapiti plains, Rift Lakes, Western Kenya and Coastal Belt) are located.
2. That the above biodiversity hotspots are Kenya's key wildlife areas in form of savannas, grasslands, forests and wetlands whose contribution to the national economy mainly through wildlife tourism, live supporting ecosystem services and development of local livelihoods and infrastructure has been significant.
3. That the biodiversity areas are under constant threat of depletion and extinction owing to pressure to serve the needs of increasing human population and

subsequent needs including settlements, food, industrial and infrastructural development and more so from effects of climate change.

4. That the loss of the biodiversity possesses dire risks to the nation, manifested in food insecurity, loss of tourism earnings for the country, marginalization action of local communities and poverty due to lost livelihoods and resource conflicts among local communities who compete for the scare natural resources.
5. That wildlife conservancies are local initiatives that are spread across twenty-eight (28) counties that have developed in the past four decades through support by Kenya Wildlife Service and other partners out of the need to enable communities and landowners to address rapid biodiversity loss, multitude of threats to wildlife, ecosystems and rural livelihoods and are reversing negative trends through restoration and protection of critical ecosystems and species.
6. That while National Parks and Reserves account for 8% of conservation land, wildlife conservancies in addition account for 11 % of Kenya's landmass covering an area of 6.5 million Ha., protected over 65% of the wildlife and support the country achieve Aichi target no. 11 of the Convention on Biodiversity to which Kenya is a signatory, which requires State parties to increase their areas of projection of biodiversity to 17%.
7. That following recognition that wildlife conservancies complement State Protected Areas by creating connectivity of habitats through migratory corridors, conservancies were finally recognized by the Wildlife Conservation and Management Act, 2013.
8. That conservancies contribute 10 the country's development blueprint, Vision 2030 and its flagship projects; which recognizes the importance of sustainable resource use and development, especially of land, biodiversity, and ecosystems and subsequently identities use of wildlife conservancies to secure wildlife migratory Ionics and corridors and reclaiming them as a basis for revenue enervation in the tourism sector.
9. That while State Protected Areas (national parks and national reserves) are an essential part of conservation, a multi- pronged approach to complement them through conservancies, is needed to ensure long term conservation of biodiversity and habitats for future growth and economic development of the country and the counties within which the conservancies occur.
10. That despite conservancies cushioning the abuse mentioned adverse conditions undermining conservation of biodiversity, sustainable land management and

adaptability; to climate change, they face great impediments of financial sustainability, institutional stability and functional continuity.

11. That wildlife conservancies rely on about 80% of their financing from temporary and un-predictable donors and about 11% from commercial activities such as wildlife-based tourism, livestock sales and payment for ecosystem services to support the management costs of wildlife which require significant investment in institution building, infrastructure operations, and program support.
12. That recognizing that heavy reliance on unpredictable and short-term donor funds makes community conservancies vulnerable and unsustainable, it is a strategic imperative that the government acts quickly to address the gap through the implementation of targeted financial support to registered wildlife conservancies.
13. That the Constitution obligates both National and County governments to promote the conservation of habitats and species as well as ensuing sustainable utilization of the environment and natural resources alongside the right to all citizens for a clean environment.
14. That further the Wildlife Management and Conservation Act requires the government to undertake measures to facilitate community-based natural resources management practices in wildlife conservation and management.
15. That the Community Land Act, 2016, provides for recognition, protection and facilitation of community land rights including sound administration and management of community land including environmental and natural resources management.
16. That it is therefore imperative that the national government and the county governments take deliberate measures, policy and financial, and set up the necessary legal regime to ensure that conservancies' landowners and communities involved in wildlife conservation and management are supported by both national and county governments.
17. That the conservancies are organized through a national umbrella body at the national level known as 'Kenya Wildlife Conservancies Association' which is fully aware and supportive of the undersigned petition of its membership or 160 conservancies.

CHAPTER 2

APPROACH OF THE COMMITTEE

The Members of the Committee reviewed all documents related to issues raised by the petitioners and analyzed the issues to be determined from the prayers of the petitioners. . The Committee invited the petitioners to provide information to help determine the prayers in the petition. The Committee further invited the Cabinet Secretary for Tourism and Wildlife to respond to the concerns of the Petitioners. The Committee also conducted a site visit on 21st February, 2019.

The sole objective of the Committee was to obtain as much information and facts on the subject matter so as to reply to the prayers of the petitioners conclusively and make recommendations on all issues pertaining to the petition.

2.1 Committee Proceedings

i. Deliberative sessions

In the exercise of its mandate, the Committee held deliberative sessions with the following:

- (a) The Petitioners, and
- (b) Ministry of Tourism and Wildlife.

ii. Documents review

The Committee reviewed documents presented by the petitioners and annexed to this report. (*Annex II*)

iii. Site visit to various conservancies

During the tour, the Committee visited and held meetings with the management board of-

1. Nasuulu Community Conservancy;
2. Sera Conservancy;
3. Kalama Conservancy; and
4. Northern Rangelands Trust.

The Committee received the following submissions from these entities-

1. Northern Rangelands Trust (NRT)

They submitted as follows-

- a) Community conservancies is community-based organizations created to support the management of community-owned land for the benefit of livelihoods and are legally registered entities, governed by a representative Board of Directors and run by a locally-staffed management team.
- b) The Northern Rangelands Trust is a, an umbrella organization for community conservancies with a mission to develop resilient community conservancies, which transform people's lives, secure peace and conserve natural resources.
- c) NRT sources funds and donors for member conservancies, provide advice and guidance on management, support a wide range of training, monitor performance, and work as an independent third party in support of conservancy partnerships with county and national government, investors and development partners.
- d) NRT was composed of 39 member conservancies and the chairpersons of the all member conservancies comprised the board.
- e) Each conservancy's commercial revenue, which is also made up of tourism income, is split 60:40, with 40% going towards conservancy operating costs and 60% constituting the conservancy's Community Fund – spent according to community priorities agreed at the Annual General Meeting (AGM).
- f) There is a Conservancy Livelihoods Fund (CLF) which was established in 2015 to benefit conservancy members. Each member conservancy makes a proposal to NTR to access the fund.

2. THE NASUULU CONSERVANCY COMMUNITY

They submitted as follows-

- a) The Conservancy located in Samburu county, was established in 2010, is owned by four local communities- Borana, Somali, Turkana and Samburu
- b) The conservancy is engaged in –
 - i) Environment and wild life conservation

- ii) Solving grazing issues among the pastoral communities reducing clan clashes
 - iii) Cohesion between local communities
 - iv) Reducing Human wildlife conflict by creating awareness among the communities on the importance of wildlife
 - v) Source of employment for the young people from the local community.
- c) The challenges faced by the conservancy included-
- i) High operating cost of running the conservancy
 - ii) Over- reliance on donor funding that was no longer sustainable
 - iii) No title deed for the community land
 - iv) No income generating for the conservancy
 - v) No recognition by both levels of government although the conservancy had greatly helped in community empowerment and in its peaceful coexistence.
- d) The suggested way forward included-
- i) Recognition by the county and national governments
 - ii) Sustainable funding by the Government through a budget line
 - iii) Help in the construction of tourist hotel for the conservancy to support it in income generating
 - iv) Title deed for the community land.

3. THE SERA WILDLIFE CONSERVANCY

They submitted as follows-

- a) The conservancy is located in Samburu and has an area of approximately 340,000 hectares, of which 51,740 hectares are given to wildlife conservation, home to Sera Rhino Sanctuary, East Africa's first community-owned rhino conservation
- b) The conservancy was set up in 2001, partly as a means to provide common ground for reparation between historically rival ethnic groups the Samburu, Rendille and Turkana
- c) It is community owned with an objective of providing security for wildlife and people.

- d) The conservancy has a board with membership of 30 and 90 staff comprising of rangers (26), rhino monitors (16), electric fence maintenance (23), gatekeepers (10), radio operators (7) and drivers (4).
- e) The challenges faced by the conservancy included-
 - i) Dependency on donor funding
 - ii) Low salaries for the rangers, which is a demotivating factor for the risky job they undertake
 - iii) Inadequate housing for staff.
 - iv) Inadequate training for the rangers including use of firearm handling skills.
 - v) Other operational expenses such as frequent vehicle maintenance costs due to the bad roads
- f) The suggested way forward included-
 - i) Sustainable funding to conservancies by the Government
 - ii) Improvement of roads in the area

4. THE KALAMA CONSERVANCY COMMUNITY

They submitted as follows-

- a) The Kalama Conservancy is located in Samburu County covers an area 4890 hectares, sub-divided into grazing, settlement and conservancy and had a title deed.
- b) Managed by a board, it has 56 staff headed by a manager.
- c) The conservancy owns Samburu lodge which is within the Conservancy which is a source of revenue and an airstrip inside.
- d) The Conservancy was involved in-
 - i) Improving services for community development
 - ii) Access to Education through the provision of scholarship to needy students, adult education to improve literacy level and construction of classrooms
 - iii) Building Peace and Security in collaboration with the local administration
 - iv) Conserving Wildlife through Reducing poaching, increasing wildlife numbers and diversity of species
 - v) Support women enterprise through diversification of the beadwork products

- e) The Challenges faced by the conservancy included-
 - i) High operating cost
 - ii) High expectations and demand from the local community.
 - iii) Encroachment to the conservancies.
 - iv) Urgent need to employ more staff especially rangers to safeguard wildlife
 - v) Donor funding may not be sustainable in future.
- f) The suggested way forward included-
 - i) Sustainable funding from the Government
 - ii) Improvement of the airstrip to advance tourism activities



Figure 1: Committee members, Petitioners and local leaders together with other stakeholders from Samburu County Government on 21st February, 2019.



Figure 2: Committee interrogating the Cabinet Secretary, ministry of Tourism and Wildlife and other officers in the Ministry regarding the aforementioned Petition on 16th May, 2019.

CHAPTER 3

SUBMISSIONS TO THE COMMITTEE

3.1 Submissions by the Petitioners

The Petitioners submitted as follows-

1. Kenya's 2010 Constitution under Article 42 guarantees a clean and healthy environment to its citizens. Article 60 and 69 requires that the environment is protected for the benefit of present and future generations, and demands sustainable and productive management of land resources, sound conservation and protection of ecologically sensitive areas, sustainable exploitation, utilization, management and conservation of the environment and natural resources, and equitable sharing of the accruing benefits.
2. There exist a massive spatial overlap between high wildlife density and ecological sensitive areas on one hand and poor local communities, degraded lands and commonplace human wildlife conflict, on the other. Wildlife populations in Kenya are decreasing at an alarming rate and in most wildlife areas communities, owing to lack of benefits and absence of compensation are driving land uses changes that ultimately will replace wildlife.
3. According to Kenya Integrated Household Budget Survey 2016 (KIHBS), the Counties with wildlife occupy 18 of the poorest 23 Counties in Kenya. The average poverty rate for this counties at 56.3% is far higher than the national average of 47.2%. Poor access to infrastructure, dependence on weather dependent food sources, low access to employment opportunities and occasional reliance on relief food characterize these communities.
4. In Northern Kenya and parts of the North Rift Counties, where resource use conflict, armed cattle rustling and inter-tribal skirmishes threatens peace and order, families are displaced, sink further into poverty and consequently participate in environmental degrading activities.

5. By 2016, Kenya had lost an average of 68% of its wildlife (DRSRS Data) in four decades. In addition to the severe overall rates of decline, some species have declined by as much as 88%. By 2013, seven wildlife species across Kenya were classified as critically endangered, 19 as endangered and 37 as vulnerable with 44 ecosystems currently recognized as endangered (Ogutu *et al* 2018). Unless drastic improvements are urgently made, this loss is expected to continue to escalate with serious consequences to the country's tourism industry and natural resource base.
6. Wildlife loss outside state protected areas undermines the growth of Kenya's wildlife tourism and compromises the sector's ability to contribute towards attaining Vision 2030, Sustainable Development Goals and Convention on Biodiversity's Aichi targets.
7. Wildlife loss leads to loss of jobs, loss of income (rural households and support sectors) loss of foreign exchange and paints a bad image for Kenya which in turn leads to reduction in tourist arrivals as tourist shift to competing destinations.
8. According to a World Bank report, Tourism is a key sector of Kenya's economy, with wide backward and forward linkages and pro-poor distributional impacts, Tourism contributes between 8-14 percent to Kenya's GDP, with highly pro-poor distributional impacts in rural areas. In 2017, Kenya earned KES 11.9Billion with 1.47million visitor's majority of whom visited Kenya's Parks, Reserves and Conservancies. Wildlife tourism contributes 70% of gross tourism earnings and 10% of formal employment (Tourism Blue Print 2018).
9. National Parks and Reserves and Sanctuaries, managed by KWS and the County Governments are the foundation to Kenya's conservation efforts. While more funding should be made available to KWS to secure our Parks and Reserves, Gazetted protected areas comprise 8% of the country's land mass, alone the Parks and Reserves are inadequate as up to 65% of the wildlife is found in private and community lands. It is in community lands where wildlife faces the most urgent threats.

10. The Wildlife Conservation and Management Act 2013 provides an enabling environment to address this challenge. Section 4 of the act provides that wildlife conservation shall be devolved to the owners and managers of land, wildlife conservation as a recognized land use and benefits of wildlife conservation shall be derived by the land user in order to offset costs and ensure the value and management of wildlife do not decline. Further Section 39 and 40 identifies wildlife conservancies and community wildlife associations as key institutions to involve in wildlife conservation to ensure community and wildlife needs are harmonized.
11. Wildlife compete for the same piece of land as agriculture, and other land based land uses, while agriculture benefits from subsidized, equipment, fertilizers, seeds and machinery, no such support exists for wildlife conservation, given the choice landowners will opt to fence off their land or lease for cultivation, this is the leading cause of human wildlife conflict in Kenya, in which both people and wildlife are losers.
12. Wildlife Conservancies has internationally been applauded as a transformational approach to securing community livelihoods and wildlife conservation in Kenya. 160 conservancies spread across 28 Counties have secured 6.5million acres of land (11% of Kenya's landmass) for community development and space for wildlife conservation.
13. Community conservancies represent 89% of the land area under conservancies. Together with 12 Regional Associations, 707,460 Households with an estimated 5 million people are involved and benefitting, 4,800 conservancy jobs have been created, and an additional 2,991 community rangers employed to support KWS rangers in law enforcement, wildlife and community security. Through this community policing partnership approach, many ecosystems in the country have recorded lowest levels of poaching.
14. The Wildlife Conservancies host 142 tourism facilities providing the tourism sector with 2,397 tourist beds. Narok and Laikipia host 55% of conservancy camps

and lodges while 77% of the tourist beds are in Narok, Kajiado, Laikipia and Nakuru County. In 2017, over 110,000 tourist beds were hosted in conservancies and KES 700 million invested in community household income including over 140 million in community socio-development projects in health, water and education.

15. Wildlife Conservancies are community institutions, they entrench democracy and community led development, the management board and conservancy staff serve the community development and conservation interests. Social cohesion and peace is promoted and natural resource use conflict minimized. In the implementation of conservancy programs, communities are enabled to participate in conservation related income generations, value addition of locally produced goods and services. Wildlife Conservancies therefore has the best potential to contribute to rural development and addressing local poverty creating safety net for families and communities while restoring peace and security particularly in insecurity prone areas of northern Kenya.
16. Wildlife Conservancies create unique tourism products, facilities and activities for tourist, this intern creates employment to local youth, income to protect wildlife reduce KWS law enforcement burden, benefit rural communities and while contributing to food security, better access to health, water, education and development of infrastructure for rural communities, often not reached by government services. This contributes to the government of Kenya Big 4 development agenda.
17. To secure and support these community conservancies and preserve the progress already made, adequate budgetary support should be provided to support wildlife Conservancies for Sustainable Conservation and Community Development.
18. By making it economically viable for landowners and local communities living in rich wildlife areas to voluntarily participate in land uses that supports community development and prevent environmental destruction, National and County government financial and technical support is vital. The following should be taken into account-

- i) **Conservancy fiscal policy:** While wildlife conservation is a national function, management of wildlife to benefit local land owners and communities is devolved to land users and county government where wildlife occurs. Land owners and communities undertaking this function require financial support to effectively implement this mandate. With Compensation for costs incurred by communities is currently not being met, save for death caused by wildlife, and with limited direct support coming from National and County sources, most communities may in time opt to convert their land into non sustainable uses. Kenya's 2018 budget policy statement 143 promotes mainstreaming conservancies into the tourism value chain. To this effect, a wildlife conservancy's fiscal policy was necessary to guide national and government support. The government of Kenya stands to benefit from increased tourist numbers attracted into well managed wildlife conservancies.
- ii) **Conservancies Incentives Scheme:** Efficiently managing a conservancy to the level of an internationally recognized tourism destination, requires procurement of expensive equipment for the conservancy rangers and managers. This equipment includes uniforms, communication and tracking equipment, wildlife monitoring equipment, fencing and transport. Without such equipment conservancies may not attract the increasingly security conscious tourist who opt for more secure destinations in neighboring countries. Conservancies further require incentives that attract investments and reduce costs associated to establishing a conservancy. Stump duty exemption for land leased to conservancies, Land Rates waivers, VAT exemption and zero rating for basic goods procured for conservancy management and direct budgetary funding from County governments will provide a much needed boost to conservancies in Kenya.
- iii) **National Wildlife Conservation fund:** To secure private and community held land for wildlife conservation, ecotourism and community development, conservancies undertake a land lease or land management agreements with the community. Tourism and other enterprise come into play to generate income,

however many conservancies are in areas with low tourism potential. Since the inception of conservancies in the 1990s, conservancies have relied on resources from donor grants, philanthropist and charities. This funding option though useful is unstable, unpredictable and dependent on the conservancy ability to link with the international network. Many conservancies in Kenya are unsustainable and at a risk of collapse before reaching levels of attracting investments.

iv) **County Wildlife Conservation Budget line:** In order to fully implement the Wildlife Act 2013, and particularly to set up the devolved structures at the County level and to increase County government participation in wildlife and environmental conservation, the national government approval for creation of a budget line at the County governments to promote the conservation of habitat and species as well as ensuring sustainable utilization of the environment and natural resources within respective counties.

They further submitted that-

- i) 60% of Wildlife population live outside the protected areas with the local communities
- ii) Human Wildlife Conflict can be managed by the empowering of the Conservancies and the communities living within since they interact with wildlife on a daily basis.
- iii) Wildlife corridors are equivalently closing at a very first rate.
- iv) They operate 160 conservancies without any government support.
- v) There are no incentives as compared to other sectors within the country e.g. Agriculture, tourism etc.
- vi) They are involved in promoting peace and also managing of range lands.
- vii) They recommended the establishment of a fund and a policy to support this sector.

3.2 Submissions by Ministry of Tourism and Wildlife

The Cabinet Secretary submitted as follows-

- i) Whereas the Wildlife Conservation and Management Act 2013 under section 23 (4) establishes the Wildlife Conservation Trust Fund, the ministry was still in the process of finalizing amendments through the National Assembly to operationalize the fund.
- ii) The ministry was aware of the challenges facing most the conservancies but it was also important to note that some of the conservancies, such as Olepejeta make more money from Wildlife than livestock.
- iii) KWS on its own is equally facing a myriad of challenges, given its large budget of up to Kshs. 8 Billion and personnel emolument at 5 Billion, giving them a deficit of up to 2 Billion. Further between 2014 and 2018, to cater for human wildlife conflict they are owed 8 Billion while the institution receives a paltry Kshs 500,000,000/= per year to cater for compensation.

CHAPTER 5

COMMITTEE FINDINGS

The Committee made the following observations in line with the prayers of the Petitioners as follows-

1. According to a World Bank report, tourism contributes between 8-14 percent to Kenya's GDP, with highly pro-poor distributional impacts in rural areas. In 2017, Kenya earned Kshs 11.9 billion with 1.47 million visitor's majority of whom visited Kenya's Parks, Reserves and Conservancies. Wildlife tourism contributes 70% of gross tourism earnings and 10% of formal employment (Tourism Blue Print 2018).
2. The Wildlife Conservancies host 142 tourism facilities providing the tourism sector with 2,397 tourist beds. Narok and Laikipia host 55% of conservancy camps and lodges while 77% of the tourist beds are in Narok, Kajiado, Laikipia and Nakuru County. In 2017, over 110,000 tourist beds were hosted in conservancies and KES 700 million invested in community household income including over 140 million in community socio-development projects in health, water and education.
3. National Parks and Reserves and Sanctuaries, managed by KWS and the County Governments are the foundation to Kenya's conservation efforts. Gazetted protected areas comprise only 8% of the country's land mass and 35% of wildlife. Wildlife Conservancies which have been internationally applauded as a transformational approach to securing community livelihoods and wildlife conservation in Kenya, consisting of 160 conservancies spread across 28 Counties, have secured 6.5million acres of land (11% of Kenya's landmass) for community development and space for wildlife conservation. 65% of the wildlife is found outside the government protected areas an in private and community lands.
4. It is in community lands where wildlife faces the most urgent threats. Wildlife loss outside state protected areas undermines the growth of Kenya's wildlife tourism and compromises the sector's ability to contribute towards attaining Vision 2030, Sustainable Development Goals and Convention on Biodiversity's Aichi targets.

5. The Wildlife Conservation and Management Act 2013 recognizes the conservation and management of wildlife outside protected areas. Section 4 of the act provides that wildlife conservation shall be devolved to the owners and managers of land, wildlife conservation as a recognized land use and benefits of wildlife conservation shall be derived by the land user in order to offset costs and ensure the value and management of wildlife do not decline. Further Section 39 and 40 identifies wildlife conservancies and community wildlife associations as key institutions to involve in wildlife conservation to ensure community and wildlife needs are harmonized.
6. Wildlife Conservancies are community institutions, they entrench democracy and community led development, the management board and conservancy staff serves the community development and conservation interests. Social cohesion and peace is promoted and natural resource use conflict minimized. In the implementation of conservancy programs, communities are enabled to participate in conservation related income generations, value addition of locally produced goods and services. Wildlife Conservancies therefore has the best potential to contribute to rural development and addressing local poverty creating safety net for families and communities while restoring peace and security particularly in insecurity prone areas of northern Kenya.
7. Wildlife Conservancies create unique tourism products, facilities and activities for tourist, this intern creates employment to local youth, income to protect wildlife reduce KWS law enforcement burden, benefit rural communities and while contributing to food security, better access to health, water, education and development of infrastructure for rural communities, often not reached by government services. This contributes to the government of Kenya Big 4 development agenda.
8. Some of the challenges facing wildlife conservation such as human wildlife conflict, habitat loss, land degradation and loss of wildlife corridors can be mitigated by empowering of the Conservancies and the communities leaving

within these conservancies and around the protected areas since they interact with wildlife on a daily basis and understand them.

9. The Conservancies accrue benefits to the communities and wildlife. They are beneficial in a numbers of ways. These include: improving services for community development, access to education for some children through the award of scholarships to needy students, adult education to improve literacy level and construction of classrooms, contribution to maintenance of peace and security, reducing incidences of poaching and support women enterprise through diversification of income generating activities. Other benefits such as solving grazing issues among the pastoral communities reducing clan clashes, cohesion between local communities and reducing Human wildlife conflict by creating awareness among the communities on the importance of wildlife and being a source of employment for many people.
10. Community conservancies face a number of challenges. Some of these include: budgetary constraints, high operations costs, lack of clear policy guide, high expectations and demand from the local community, shortage of rangers, encroachment t to the conservancies, lack of title deeds and dependency on donor funding and lack of policy guideline to recognize conservancies.

CHAPTER 6

COMMITTEE RECOMMENDATIONS

The committee recommends as follows-

1. The Ministry of Tourism and Wildlife should formulate a policy and strategies to support and further recognize conservancies as important players in wildlife conservation and management. This policy and strategies should detail not only budgetary support but also provide for incentives, skills transfer, human resource and other investments so as to promote the protection and conservation of over 65% of wildlife resources which are outside government protected areas.
2. The Ministry of Tourism and Wildlife should operationalize the Wildlife Conservation Trust Fund as provided for under section 23(4) of the Wildlife Conservation and Management Act 2013. Proceeds from this fund should be partly used to help the needs of the community wildlife conservancies to support the conservation of wildlife in Kenya.
3. While wildlife conservation is a national function, management of wildlife to benefit local land owners and communities is devolved to land users and county governments. It is recommended that the Ministry should provide conditional grants to the concerned county governments to enable counties promote the conservation of habitats and species as well as ensuring sustainable utilization of the environment and natural resources within respective counties.

MINUTES OF THE 27TH MEETING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON WEDNESDAY, 23RD OCTOBER, 2019 IN COMMITTEE ROOM 10, MAIN PARLIAMENT BUILDING AT 9.00 AM.

MEMBERS

1. Sen. Mwangi Paul Githiomi, M.P.
2. Sen. Prengei Victor, M.P.
3. Sen. Godana Hargura, M.P.
4. Sen. Ndwiga Peter Njeru, EGH, M.P.
5. Sen. George Khaniri, MGH, M.P.
6. Sen. Boy Issa Juma, M.P.
7. Sen. Halake Abshiro, M.P.

PRESENT

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

ABSENT WITH APOLOGY

1. Sen. Mwaruma Johnes, M.P. - Member
2. Sen. Sylvia Kasanga, M.P. - Member

IN ATTENDANCE

SENATE SECRETARIAT

1. Mr. Victor Bett - Clerk Assistant
2. Ms. Caroline Cheruiyot - Legal Counsel
3. Mr. Abdalla Mbore - Sergeant at arms
4. Mr. Eugene Luteshi - Audio Recording

MINUTE SEN/SCLN/157/2019: PRELIMINARIES

The meeting was called to order at 11.30am by the Chairperson followed by a word of prayer.

MINUTE SEN/SCLN/158/2019: ADOPTION OF AGENDA

The agenda was therefore proposed by Sen. Halake Abshiro, M.P. and seconded by Sen. Godana Hargura, M.P as follows.

1. Preliminaries;
 - *Prayer*
 - *Chairpersons remarks*
2. Adoption of the agenda;
3. Adoption of Committee Reports;
4. Any other Business;
5. Date of the next meeting;
6. Adjournment.

MINUTE SEN/SCLNDR/159/2019:

CONFIRMATION OF MINUTES

The Minutes of the 24th sitting held on 25th September, 2019 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. Godana Hargura, M.P. respectively.

The Minutes of the 20th sitting held on 12th August, 2019 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Halake Abshiro, M.P. and seconded by Sen. Boy Issa Juma, M.P. respectively.

The Minutes of the 11th sitting held on 4th April, 2019 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. Boy Issa Juma, M.P. respectively.

The Minutes of the 5th sitting held on 20th February, 2019 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.

MINUTE SEN/SCLNDR/160/2019:

MATTERS ARISING

There were no matters arising.

MINUTE SEN/SCLNDR/161/2019: ADOPTION OF COMMITTEE REPORTS

The following reports were adopted by the Committee:

- (a) Report on the Petition regarding Adverse environmental and social effects arising from the construction of Phase 2A of the Standard Gauge Railway (Nairobi – Naivasha Section);

The report was adopted after having been proposed and seconded by Sen. Godana Hargura, M.P. and Sen. Halake Abshiro, M.P. respectively.

- (b) Report on the Petition regarding Budgetary support to Wildlife Conservancies for sustainable conservation and community development;

The report was adopted after having been proposed and seconded by Sen. Prengei Victor, M.P. and Sen. Boy Issa Juma, M.P. respectively.

- (c) Report on the Petition regarding Alleged unlawful deprivation of a parcel of land situated in Kaputiei North, Kajiado County;

The report was adopted after having been proposed and seconded by Sen. Godana Hargura, M.P. and Sen. Ndwiga Peter Njeru, M.P. respectively.

- (d) Report on the Petition regarding Ownership of Mgeno Land Reserve;

The report was adopted after having been proposed and seconded by Sen. Godana Hargura, M.P. and Sen. Prengei Victor, M.P. respectively.

- (e) Report on the Petition regarding Non-payment of compensation for land compulsorily acquired to construct Mwatate-Taveta-Holili Road;

The report was adopted after having been proposed and seconded by Sen. Boy Issa Juma, M.P. and Sen. Halake Abshiro, M.P. respectively.

- (f) Report on the Petition regarding the Alleged grabbing of the part of the land allocated for settlement of the Petitioners at Kiang'ombe Squatters Settlement Scheme in Thika sub-County, Kiambu County

The report was adopted after having been proposed and seconded by Sen. Ndwiga Peter Njeru, M.P. and Sen. Halake Abshiro, M.P. respectively.

- (g) Report on the Petition regarding the effects of iron ore mining at Kishushe in Taita Taveta County.

The report was adopted after having been proposed and seconded by Sen. Prengei Victor, M.P. and Sen. Ndwiga Peter Njeru, M.P. respectively.

- (h) Report regarding the Committee's participation in the 8th World Water Conference held in Brasília, Brazil from 18th – 23rd March, 2018;

The report was adopted after having been proposed and seconded by Sen. George Khaniri, M.P. and Sen. Boy Issa Juma, M.P. respectively.

- (i) Report regarding the Committee's participation in the 14th Annual General Meeting (AGM) of the Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development (IGF) on Modern Mining Law and Policy 16th – 18th October, 2018.

The report was adopted after having been proposed and seconded by Sen. George Khaniri, M.P. and Sen. Prengei Victor, M.P. respectively.

- (j) Report regarding the Committee's participation in the 18th meeting of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Conference of the Parties (CoP 18) that was held in Geneva, Switzerland from 17th – 28th August, 2019.

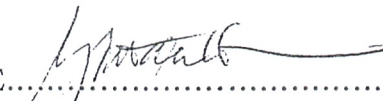
The report was adopted after having been proposed and seconded by Sen. Boy Issa Juma, M.P. and Sen. Prengei Victor, M.P. respectively.

MINUTE SEN/SCLNDR/162/2019: ANY OTHER BUSINESS;

There were no other matters discussed during the meeting.

MINUTE SEN/SCLNLR/163/2019: DATE OF NEXT MEETING;

The meeting was adjourned at 10.29 am and the next meeting was to follow thereafter.

SIGNATURE.......... DATE.....23-10-2019.....

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

MINUTES OF THE 17TH MEETING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON WEDNESDAY 3RD JULY, 2019 IN COMMITTEE ROOM 10, MAIN PARLIAMENT BUILDING AT 11.00AM.

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. Godana Hargura, M.P.
6. Sen. Boy Issa Juma, M.P.

PRESENT

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

ABSENT WITH APOLOGY

1. Sen. Sylvia Kasanga, M.P.
2. Sen. George Khaniri, MGH, M.P.
3. Sen. Ndwiga Peter Njeru, EGH. M.P.

- Member
- Member
- Member

IN ATTENDANCE

A. SENATORS

1. Sen. Charles Kibiru, MP
2. Sen. Anuar Loitiptip, MP

- Senator, Kirinyaga County
- Senator, Lamu County

B. MINISTRY OF LANDS AND PHYSICAL PLANNING

1. Hon. Gideon M. Mungaro
2. Mr. Daniel Kithuuka
3. Dr. Eustace N. Kithumbi
4. Mr. Owino Jacob Cattwright
5. Mr. Charles Githenya
6. Ms. Juliana Mutua
7. Ms Gertrude K. Rapong'o
8. Mr. A. A. Ombima
9. Mr. Geoffrey Kibowen
10. Mr. Paul Ndung'u

- CAS
- D/DLAO
- SADLAS
- SLRO
- D/Director Land Administration
- D/Director Physical Planning
- Asst. Director Physical Planning
- Liaison Officer
- Snr. Land Surveyor
- Snr. Land Surveyor

C. NATIONAL LAND COMMISSION

1. Ms. Kabale Tache
2. Mr. Francis Bor
3. Mr. Dennis Mutungi
4. Mr. Benard Cherutich
5. Ms. Judy Kirior

- Ag. CEO/ Sec. NLC
- DCS NLC
- Co-ordinator NLC
- D/D Finance and Accounting
- PA Ag. CEO

D. SENATE SECRETARIAT

- | | |
|-------------------------|-------------------|
| 1. Mr. Yussuf Shimoy | - Clerk Assistant |
| 2. Mr. Jeremy Chabari | - Legal Counsel |
| 3. Ms. Joyce Chelang'at | - Audio Recording |

MINUTE SEN/SCLNENR/097/2019: PRELIMINARIES

The meeting was called to order at 11.06 am by the Chairperson followed by a word of Prayer.

MINUTE SEN/SCLNENR/098/2019: ADOPTION OF AGENDA

The agenda was therefore proposed by Sen. Prengel Victor, MP and seconded by Sen. Godana Hargura, MP as follows;

1. Preliminaries;
 - *Prayer,*
 - *Chairpersons remarks*
2. Adoption of the agenda;
3. Confirmation of Minutes;
4. Meeting with the Cabinet Secretary Ministry of Lands and Physical Planning and CEO National Land Commission on Statements and Petitions before the Committee;
5. Any other Business;
6. Date of the next meeting;
7. Adjournment.

MINUTE SEN/SCLNENR/099/2019: CONFIRMATION OF MINUTES

The confirmation of Minutes was deferred to the next housekeeping meeting.

MINUTE SEN/SCLNENR/100/2019:

MEETING WITH THE CABINET SECRETARY MINISTRY OF LANDS AND PHYSICAL PLANNING AND CEO NATIONAL LAND COMMISSION ON STATEMENTS AND PETITIONS BEFORE THE COMMITTEE;

The Committee was informed that the Cabinet Secretary for the Ministry was not available and that the Chief Administrative Secretary, Hon. Gideon Mung'aro, was to represent her during the deliberations.

The Committee noted that most of the matters under consideration required policy directions hence the presence of the Cabinet Secretary in person and resolved to schedule another meeting to give the Cabinet Secretary an opportunity to attend.

The Committee directed the Ministry to submit comprehensive responses on all the matters (petitions and statements) it sought through its earlier communications within three (3) weeks.

Further, the Committee requested the following additional information within the same duration-

1. The Ministry's position and policy, if any, on demolitions and way leaves;
2. Update on the whether the Ministry has identified parcel of land to resettle the persons evicted from Marmanet Forest in 1988 in Laikipia;
3. The process, status and progress of titling of colonial villages in the Country particularly the 30 villages in Nyandarua County; and
4. Information on actions the Ministry has taken on all the titles recommended for revocation by the National Land Commission in regard to Lamu County.

Consequently, the meeting was adjourned without any further discussions.

MINUTE/ SEN/SCLNDR/101/2019: ANY OTHER BUSINESS

Sen. Johnson Sakaja was requested to write a letter to the Committee indicating all issues he has on matters land to enable the Committee to deal with them conclusively.

MINUTES/SEN/SCLNDR/102/2019: ADJOURNMENT

The meeting was adjourned at 12.02 pm. The date of the next meeting was to be called on notice.

SIGNATURE.....  DATE 25-07-2019

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

MINUTES OF THE 3RD MEETING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON WEDNESDAY, 13TH FEBRUARY, 2019 IN COMMITTEE ROOM 10, MAIN PARLIAMENT BUILDING AT 9.00 AM.

MEMBERS

1. Sen. Mwangi Paul Githiomi, M.P.
2. Sen. Mwaruma Johnes, M.P.
3. Sen. Halake Abshiro, M.P.
4. Sen. Godana Hargura, M.P.

PRESENT

- Chairperson
- Member
- Member
- Member

ABSENT WITH APOLOGY

1. Sen. Prengei Victor, M.P.
2. Sen. George Khaniri, MGH, M.P.
3. Sen. Ndwiga Peter Njeru, EGH. M.P.
4. Sen. Slyvia Kasanga, M.P.
5. Sen. Boy Issa Juma, M.P.

- Vice Chairperson
- Member
- Member
- Member
- Member

IN ATTENDANCE

SENATOR

1. Sen. Charles Kibiru - Senator, Kirinyaga County

NATIONAL ASSEMBLY MEMBERS

1. Hon. Kabinga Wachira - MP (Mwea Constituency)

MINISTRY OF LANDS

1. Hon. Gideon M. Mungaro - CAS
2. Mr. Michael Nyamai - Snr. Ass. Dir. Land Adj.
3. Mr. Peter K. Waithaka - Ag. Dep. Adj
4. Mr. Charles Muemi - D/Director Valuation
5. Mr. Edward Kosgei - Dir. Land Admin.
6. Mr. Charles Githenya - D/Director Land Administration
7. Mr. Owino Jacob Cattwright - SLRO
8. Mr. Paul Ndung'u - Ag. Ass. Director
9. Mr. Kamau J.H.M - CLAO
10. Mr. A. A. Ombima - Liaison Officer
11. Ms. Juliana Mutua - D/Director Physical Planning

SENATE SECRETARIAT

1. Mr. Victor Bett - Clerk Assistant
2. Mr. Ahmed Odhowa - Principal Researcher
3. Mr. Mitchell Otoro - Legal Counsel
4. Ms. Hawa Abdi - Seargent at Arms
5. Mr. Nimrod Ochieng' - Audio Recording
6. Ms. Sharon Eleman - Intern

MINUTE SEN/SCLNR/012/2019: PRELIMINARIES

The meeting was called to order at 9.30am by the Chairperson followed by a word of prayer. Thereafter introductions followed.

MINUTE SEN/SCLNR/013/2019: ADOPTION OF AGENDA

The agenda was therefore proposed by Sen. Godana Hargura, M.P. and seconded by Sen. Mwaruma Johnes, M.P as follows.

1. Preliminaries;
 - *Prayer,*
 - *Chairpersons remarks*
2. Adoption of the agenda;
3. Confirmation of Minutes;
4. **Meeting with the CS Lands & Physical Planning and the NLC on Statements and Petitions before the Committee;**
5. Any other Business;
6. Date of the next meeting;
7. Adjournment.

MINUTE SEN/SCLNR/014/2019:

MEETING WITH THE CS LANDS & PHYSICAL PLANNING AND THE NLC ON STATEMENTS AND PETITIONS BEFORE THE COMMITTEE

Ministry of Lands and Physical Planning

The Chief Administrative Secretary made his presentation as follows:

- A. Response to Statement as requested in the Senate by Sen. Kibiru Charles, MP

STATUS OF ISSUANCE OF TITLE DEEDS FOR MWEA RICE FARMERS IN KIRINYAGA COUNTY

- **The actual acreage of Mwea Irrigation Scheme land in Kirinyaga County.**

The Committee was informed that Mwea Irrigation Scheme was set apart vide *Gazette Notice Nos 3097 and 3099 dated 5th July 1960*. The *Gazette Notice No. 3097* set apart acreage of 8,480 acres while the *Gazette Notice No. 3099* set apart 7,120 acres for irrigation scheme.

Other *Gazette Notices* relating to the Irrigation Scheme are as tabulated below:

Gazette Notice	Date	Size (Acres approx.)	Purpose
3098	05.07.1960	22	Mwea/Tebere Scheme Canal
3100	05.07.1960	27	Draining of Nguka swamp
3102	05.07.1960	9.6	Dam to protect Nguka Irrigation Beds

3101	05.07.1960	25	Kiruara Drainage way
3103	05.07.1960	0.8	Drainage furrows protecting Nguka Dam
3090	26.07.1960	60	Main Thiba Water Canal Serving Mwea/Tebere Scheme
3096	26.07.1960	125	Mwea Tebere Scheme Village and Agricultural officer's house and staff lines
3093	26.07.1960	10	Protection of Head works
3095	26.07.1960	54	Mwea/Tebere scheme village and tree plantation

The total area of Mwea Irrigation scheme is therefore 15,933 Acres approximately.

- **Status of surveying, beaconing and mapping of the Mwea Irrigation Scheme.**

The Committee was informed that the area in question is covered by Topographical Map Sheet SK 135/2-Embu (see Annex 2). Besides this, the Ministry has no records to indicate that the land has ever been surveyed.

- **Status of preparation of title deeds for the parcels of land owned by Mwea rice farmers.**

The Committee was informed that by virtue of Gazette Notices Nos. 3090, 3093, 3095, 3096, 3097, 3098, 3100, 3101, 3102, 3103 of 1960; the area known as Mwea/Tebere Irrigation Area in the Kirinyanga District of the Central Province was designated as a national irrigation scheme. Pursuant to Section 14 (2) of the Irrigation Act, Cap 347, the title or interest in such land is vested in the National Irrigation Board.

The Committee is not in agreement with most of the issues as presented by the Ministry, terming them as inaccurate and that a visit to the ground would possibly shed more light. A view that was also shared by the Senator, Kirinyaga County and the MP Mwea whose constituency Mwea Irrigation Scheme is in.

The Committee therefore made the following resolutions:

- i.) Invite the Ministry of Agriculture, National Irrigation Board and Ministry of Lands and Planning.
- ii.) Visit the Mwea Irrigation Scheme

B. Response to Petitions

1. PETITION BY THE RESIDENTS OF GILGIL TOWNSHIP CONCERNING ALLEGED GRABBING OF PUBLIC UTILITY AND PRIVATE LAND AT LELESHA, GILGIL TOWNSHIP, IN NAKURU COUNTY.

The Committee was informed that the claim by the petitioners that the Anti-Stock Theft Unit (ASTU) officers invaded and occupied approximately 40 acres of land, part

of which included residential plots that had already been allocated to individuals is not true and that 118 acres were zoned off for the ASTU from the land set aside for public purpose. It is therefore proper for the ASTU to occupy the land.

Further the CAS informed the Committee that the Petitioners in their Petition want the original Approved Development Plan to be upheld, including safeguarding of the public utility land as well as the allotted residential plots in which the CAS responded by informing the Committee that Gilgil Development Plan No. 91 (the Plan) zoned the land into 8 broad approved development uses as follows:

USE	APPROXIMATE ACRES
Residential	379892.2
Industrial	123.5
Educational	6707.4
Recreational	28.6
Public purpose	4029.5
Commercial	152.9
Public utilities	17
Transportation	299
Total Acreage	391,250.1

The Committee therefore made the following resolutions:

- i.) To conduct a site visit with the Ministry of Lands and Planning and the County Government of Nakuru to the meeting at a date to be communicated.

2. PETITION ON THE RESETTLEMENT OF THE MINORITY NGEREK COMMUNITY FOLLOWING THEIR PROPOSED EVICTION FROM SOUTH NANDI FOREST, IN NANDI COUNTY.

The Committee was informed by the CAS that the resettlement exercise was undertaken by the Office of the President and involved Ngerek and Koiben communities who settled in Ngerek and Koiben villages in South Nandi.

Since the settled area was rocky, hilly and served as a water catchment, the Government decided to resettle the two communities in Kapkangani and New Koiben areas, respectively. The Koiben community would be resettled on 266.8 Ha and the Ngerek Community on 455.4 Ha. This was in exchange of land previously held by the two communities in South Nandi Forest.

The resettlement programme was to be carried out in two phases:

- a.) Phase one involved resettlement of the Koiben Community at New Koiben/Chepkuma area and this was successfully completed.

- b.) Phase two would involve resettlement of the Ngerek Community but was accompanied by the following challenges:
- i). political interference;
 - ii). some original allottees sold their plots;
 - iii). The Ngerek community attempted to forcefully occupy the parcels allocated to them but this led to clashes in 2002;
 - iv). The Ngerek are still occupying their original land (Ngerek Hill) as they did not surrender their title deeds to the Kenya Forest Services as earlier agreed.

The Ministry therefore informed the Committee that; in these circumstances, there is need for engagement between the local leadership and relevant government agencies to resolve the issue.

The Committee therefore made the following resolutions:

The Ministry of Lands and Physical Planning should organise a team, visit the area and spearhead the engagement between the Local Leadership and the relevant Government agencies and report back to the Committee within 3 months.

3. PETITION BY RESIDENTS OF KIANG'OMBE SQUATTERS SETTLEMENT SCHEME IN THIKA SUB-LOCATION, KIAMBU COUNTY, CONCERNING ALLEGED GRABBING OF LAND ALLOCATED FOR THEIR SETTLEMENT.

The Committee was informed that the Ministry has a part development plan (PDP) for Kiang'ombe village departmental reference No.TKA/4/03/2A prepared on 30/10/2009, certified by the Director of Physical Planning on 4/12/2013 and approved on 4/12/2013 as approved Development Plan No. 365.

There are 585 plots allocated in total in the PDP out of which 13 are set aside for public utilities as shown in the table below:-

USE	NO. OF PLOTS	AREA IN HA
Residential and Commercial	574	17.277
Transport	1	6.226
Churches	2	0.189
Conservation area	1	1.775
Garbage collection plant	1	0.028
Dispensary	1	0.179
Nursery schools	3	0.399
Police post	1	0.105
Proposed primary school	1	1.176
	585	27.304

The approved part Development Plan was prepared and published as per the requirements of the Physical Planning Act Cap 286 and superseded PDF NO. KBU/93/22 of 19.10.1993 and TKA/4/03/2 of 21.11.2003.

However the CAS seeked leave for two weeks to furnish the committee with a ground report as to who is in occupation of the parcels set aside for public utilities.

The Committee therefore made the following resolutions:

- i.) **To invite the Petitioners**
- ii.) **The Ministry of Lands and Physical Planning to forward the actual map indicating the allocations;**
- iii.) **The Ministry of Lands and Physical Planning to visit the area together with the Committee to ascertain facts on the Parcels of Land.**

4. PETITION FROM EVICTEES OF MARMANET FOREST IN LAIKIPIA COUNTY CONCERNING THEIR COMPENSATION AND RESETTLEMENT.

The Committee was informed that the matter is currently before the National Land Commission for resolution. They committed to follow up with the National Land Commission and were seeking more time to also consult with other relevant government agencies.

The Committee however had the following concerns:

- How comes that the forest has not been degazetted but titles are there?
- Who exactly was allocated the parcels of land?
- What was the basis of issuing out the titles?

The Committee therefore made the following resolutions:

- i.) **To invite the Petitioners**
- ii.) **The Ministry of Lands and Physical Planning to follow up with NLC and report back to the Committee on the Status;**
- iii.) **The Committee would also engage the National Land Commission & the Kenya Forest Service.**
- iv.) **The Committee to visit the area to ascertain facts in the alleged forest.**

5. PETITION TO THE SENATE CONCERNING UNLAWFUL DEPRIVATION OF A PARCEL OF LAND IN KAPUTEI NORTH KAJIADO (KJD/KAJIADO/KAPUTIEI NORTH/28126).

Mr. DAVID MUNGAI NG'ANG'A, the petitioner claims the parcel belongs to his wife JECINTA NJERI NGANGA, while his neighbor claims to be the owner of the property. The petitioner wants the ownership of the land to be reinstated.

The Committee was informed that according to the records, the above parcel is registered to JECINTA NJERI NGANGA of ID 3243898 and title deed issued. (Annex 1)

There is no ownership dispute as the land in question belongs to JECINTA NJERI NGANGA. It is therefore clear that the petition touches on a boundary dispute. In terms of section 18 (2) of the Land Registration Act, a proprietor of registered land with a boundary dispute is obliged to first seek redress or resolution from the land registrar.

The petitioner should thus lodge a formal boundary dispute at the Kajiado lands office for the same to be resolved.

The Committee therefore made the following resolutions:

In view of the Petition being at the Senate, that Committee directs that the Registrar goes to the site and assist the Petitioner.

6. PETITION TO THE SENATE CONCERNING MGENO RESERVE LAND REGISTRATION NUMBER 3880/3

The Petitioner is a resident of Mwatate Constituency, in Taita Taveta County. The Petitioner's prayers are:

- To have members of Mgeno committee gazetted;
- The Government to survey and register Mgeno community land and issue title deeds and
- Revoke titles illegally issued.

The Committee was informed that all parcels subdivided from LR. No. 3880 including LR. No. 3880/3 was surrendered to the Government for Community Settlement. LR. No. 3880/3 was allocated except some 6000 acres (south of the Railway line). Titles were issued to the community or beneficiaries under the MODAMBOGHO ADJUDICATION SECTION.

The un-alienated part of LR. No. 3880/3 (approx. 6000 acres), was sparsely inhabited until recently when people started moving in. The National Youth Service (NYS) is currently occupying approximately 300 acres of the un-alienated land. LR. No. 3880/3 borders Community Land measuring approximately 7300 acres-popularly known as "Mgeno Grazers". It also borders Mugeno Ranch LR. No. 12178 measuring 20,920 Ha.

Further, the Committee was informed that the Ministry has embarked on a Rapid Response Initiative (RRI) to ensure titles are issued for the remaining 6000 acres in LR 3880/3. (Attached is a sketch showing the referenced parcels).

The Committee therefore made the following resolutions:

- i.) To invite the Petitioners;**
- ii.) The Ministry of Lands and Physical Planning to visit the area together with the Committee to ascertain facts on the disputed Parcels of Land.**

National Land Commission

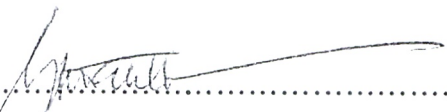
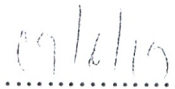
The Committee did not receive any apologies from the NLC and resolved to re-invite them again once new commissioners are sworn to office.

MINUTE SEN/SCLNR/015/2019: ANY OTHER BUSINESS;

There was no other business discussed.

MINUTE SEN/SCLNR/016/2019: DATE OF NEXT MEETING;

The meeting was adjourned at 11.35 am and the next meeting was to be held thereafter.

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

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

MINUTES OF THE 34TH MEETING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON WEDNESDAY, 8TH AUGUST, 2018 IN COMMITTEE ROOM 10, MAIN PARLIAMENT BUILDING AT 9.00 AM.

MEMBERS

1. Sen. Mwangi Paul Githiomi, M.P.
2. Sen. Prengei Victor, M.P.
3. Sen. Halake Abshiro, M.P.
4. Sen. Slyvia Kasanga, M.P.
5. Sen. Ndwiga Peter Njeru, EGH. M.P.
6. Sen. George Khaniri, MGH, M.P.

PRESENT

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

1st October

ABSENT WITH APOLOGY

1. Sen. Mwaruma Johnes, M.P. - Member
2. Sen. Godana Hargura, M.P. - Member
3. Sen. Boy Issa Juma, M.P. - Member

IN ATTENDANCE

1. Mr. John K. I,
2. Mr. Francis Nkoitoi,
3. Mr. Joel Tonkei,
4. Mr. John N. Tingwoi,
5. Mr. Kip Ole Polos,
6. Mr. Habiba Tadicha,
7. Mr. Omar G. Dida,
8. Mr. Dickson Ole Kaelo,
9. Mr. John Kamanga,
10. Mr. Daniel Sopia,
11. Mr. Tom Lalampaa,
12. Mr. Jackson Mwato,
13. Mr. Donald Bongosa,
14. Mr. Issa Gedi,
15. Josephine Elaine,
16. Mr. Patrick Lepakio,
17. Ms. Golichajarso,

WILDLIFE CONSERVANCIES PETITIONERS

- Lumo Conservancy,
Mara North Conservancy,
Ol Kiramatian Conservancy,
Masol Community Conservancy,
Il Ngwesi Community Conservancy,
Biliqo-Bulesa Community Conservancy,
Nasuulu Community Conservancy,
CEO, Kenya Wildlife Conservancy Agency,
Leader,
Leader,
Chairperson, Kenya Wildlife Conservancy Agency,
Ecosystem Trust,
Chairperson, Taita Taveta Conservancies,
North Coast Coordinator,
Nakuprat Conservancy
Chairman Songa Conservancy
Biligocjae

SENATE SECRETARIAT

1. Mr. Victor Bett - Committee Clerk
2. Mr. Hassan Odhwa - Principal Researcher
3. Mr. Mitchell Otoro - Legal Counsel
4. Mr. Wilson Bosumet - Sergeant at arms
5. Mr. Alex Rithi - Media Relations

MINUTE SEN/SCLN/188/2018: PRELIMINARIES

The meeting was called to order at 9.30am by the Chairperson followed by a word of prayer.

MINUTE SEN/SCLNR/189/2018: ADOPTION OF AGENDA

The agenda of the meeting was adopted with amendments to allow beginning with agenda 5 then come back to agenda 4 after the guests have arrived. The agenda was therefore proposed by Sen. George Khaniri, MGH, M.P. and seconded by Sen. Halake Abshiro, M.P.

1. Preliminaries;
 - *Prayer,*
 - *Introductions*
 - *Chairpersons remarks*
2. Adoption of the agenda
3. Meeting with the Petitioners on the Petition by representatives of the Community Wildlife Conservancies.
4. Any other Business;
5. Date of the next meeting;
6. Adjournment.

MINUTE SEN/SCLNR/190/2018: CONFIRMATION OF MINUTES

The Confirmation of minutes was deferred to the next Committee meeting.

MINUTE SEN/SCLNR/191/2018: MEETING WITH THE PETITIONERS ON THE PETITION BY REPRESENTATIVES OF THE COMMUNITY WILDLIFE CONSERVANCIES

The meeting began by Sen. Halakhe Abshiro taking the Committee through the Petition being the sponsor informing the Committee that indeed there exists a gap to conservation. She informed the Committee that Communities need to be empowered for them to adequately continue with the conservation of these protected areas.

Thereafter the Chairperson of the Community Ranches informed the Committee that;

- 60% of Wildlife is out there with the local communities;
- Human Wildlife Conflict can be managed by the empowering of the Conservancies and the communities leaving within since they interact with wildlife on a daily basis.
- Wildlife corridors are equivalently closing at a very first rate.
- They operate 160 conservancies without any government support.
- There are no incentives as compared to other sectors within the country e.g. Agriculture, tourism etc.
- They are involved in promoting peace and also managing of range lands.
- They informed the Committee that they need support for;
 - Conservation management and operations; and
 - Running of Conservancy programmes e.g. rangelands translating to an average of Kshs. 10M per conservancy.

- They informed the Committee that the only way of understanding what they are going through and involved in is by the Committee visiting a number of conservancies.
- They are therefore seeking establishment of a fund and a policy to anchor this.

(Presentation attached)

The Committee therefore resolved to:

- (a) Conduct a visit to selected Wildlife conservancies to ascertain and familiarize with the concerns as raised by the Petitioners;
- (b) Invite all relevant stakeholders to a meeting with the Committee to address the issues as raised by the Petitioners;

MINUTE SEN/SCLN/192/2018: ANY OTHER BUSINESS;

There was no other business discussed in the meeting.

MINUTE SEN/SCLN/193/2018: DATE OF NEXT MEETING;

The meeting was adjourned at 10.58am and the next meeting was scheduled for Thursday, 9th August, 2018.

SIGNATURE.....for ..... DATE.....12/9/18.....

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



MINUTES OF THE 13TH MEETING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON THURSDAY, 16TH MAY, 2019 IN COMMITTEE ROOM 10, MAIN PARLIAMENT BUILDING AT 9.30 AM.

MEMBERS

1. Sen. Mwangi Paul Githiomi, M.P.
2. Sen. Prengei Victor, M.P.
3. Sen. Halake Abshiro, M.P.
4. Sen. Godana Hargura, M.P.
5. Sen. Ndwiga Peter Njeru, EGH. M.P.
6. Sen. Boy Issa Juma, M.P.

PRESENT

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

ABSENT WITH APOLOGY

1. Sen. George Khaniri, MGH, M.P. - Member
2. Sen. Mwaruma Johnes, M.P. - Member
3. Sen. Sylvia Kasanga, M.P. - Member

IN ATTENDANCE

MINISTRY OF TOURISM AND WILDLIFE

1. Hon. Najib Balala, EGH, - CS, Tourism and Wildlife
2. Mr. Joseph K. Boinnet - CAS, Tourism and Wildlife
3. Mr. Mulei Muia - Dir. of Communications
4. Mr. Ali Kaka - Wildlife Advisor
5. Mr. Augustine Oundo - WLO
6. Ms. Doreen M. - Ag. Principal Legal Officer
7. Brg. (Rtd.) John Waweru - Director General, KWS
8. Dr. Patrick Omondi - Ag. Director Research & Innovation
9. Dr. Erastus Kanga - Ag. Director, Partnership &

SENATE SECRETARIAT

1. Mr. Victor Bett - Clerk Assistant
2. Mr. Mitchell Otoro - Legal Counsel
3. Ms. Joyce Chelangat - Audio Recording
4. Mr. Abdallah Mboore - Sergeant At Arms
5. Ms. Sharon Eleman - Intern

MINUTE SEN/SCLENR/072/2019: PRELIMINARIES

The meeting was called to order at 9.45am by the Chairperson followed by a word of Prayer.

MINUTE SEN/SCLNR/073/2019: ADOPTION OF AGENDA

The agenda was therefore proposed by Sen. Halake Abshiro, M.P. and seconded by Sen. Godana Hargura, M.P as follows;

1. Preliminaries;
 - *Prayer,*
 - *Chairpersons remarks*
2. Adoption of the agenda;
3. Confirmation of Minutes;
4. Meeting with the Cabinet Secretary Tourism and Wildlife on:
 - **Petition concerning financial/ budgetary support to wildlife conservancies for sustainable conservation and community development and**
 - **Statement on the outbreak of anthrax at the Lake Nakuru National Park.**
5. Any other Business;
6. Date of the next meeting;
7. Adjournment.

MINUTE SEN/SCLNR/074/2019: CONFIRMATION OF MINUTES

The Minutes of the 12th sitting held on 15th May, 2019 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Halake Abshiro, M.P. and seconded by Sen. Godana Hargura, M.P. respectively.

MINUTE SEN/SCLNR/075/2019:

Meeting with the Cabinet Secretary Tourism and Wildlife;

A. Petition concerning financial/ budgetary support to wildlife conservancies for sustainable conservation and community development

The Committee received submissions from the CS who informed the Committee that Whereas the Wildlife Conservation and Management Act 2013 under section 23 (4) establishes the Wildlife Conservation Trust Fund, they are still in the process of finalizing amendments through the National Assembly to operationalize the fund.

The CS further informed the Committee that he is aware of the challenges facing most the conservancies but it is also important to note that some of the conservancies, e.g Olepejeta make more money from Wildlife than Livestock and nobody is monitoring them and thus the need to have a policy which is currently being prepared.

The CS informed the Committee that KWS on its own is equally facing a myriad of challenges, given its large budget of up to 8Billion and personnel emolument at 5Billion, giving them a deficit of up to 2Billion. Further between 2014 and 2018, to cater for human wildlife conflict they are owed 8Billion yet they only receive 500,000,000/= per year to cater for these.

B. Statement on the outbreak of anthrax at the Lake Nakuru National Park.

The CS presented as follows:

1. CAUSE OF ANTHRAX

Anthrax is an acute to per-acute, highly contagious disease of domestic and wild animals, to which man is also susceptible. It is caused by a Gram positive, encapsulated, rod shaped, soil-borne and spore forming bacterium called *Bacillus anthracis*. The bacterium is abundant in endemic areas.

Bacillus anthracis spores are highly resistant to adverse environmental conditions, low temperature, heat, desiccation and disinfection. They can survive for many years in contaminated soils, pond water and muddy pools as well as in animal products such as bones and hides. Spores form once the vegetative forms in an infected animal or carcass are exposed to oxygen in the atmosphere. The spores germinate once ingested by an animal to cause the disease.

Anthrax is usually characterized by sudden death and the presence of the causal agent, *Bacillus anthracis*, in the blood and body fluids towards the terminal phase of the disease. Before death, animals may manifest anorexia (off feed), staggering and falling, as well as tremors and convulsions. However, clinical signs are rarely noticed in infected animals.

The principal lesions after death are:

- Rapidly decomposing carcass with a bloated abdomen
- Dark tarry blood stained exudates from all natural orifices/openings
- Absence of rigor mortis
- Un-clotted intravenous blood
- Septicemia indicated by small petechial hemorrhages throughout the body
- Oedema/subcutaneous swelling mainly neck and throat

Anthrax outbreaks are usually characterized by very high mortality rates that range between 70-100% in domestic and wild herbivorous species.

2. RISK FACTORS CONTRIBUTING TO ANTHRAX OUTBREAK IN LAKE NAKURU NATIONAL PARK

Amongst the risk factors known to contribute to anthrax outbreaks are drought, lack of fodder, overstocking/overpopulation and dusty crowded areas. These factors, particularly

drought and overstocking by buffaloes in the Park, are thought to have played a significant contribution to the current outbreak. Prolonged drought and overstocking results in depletion of pasture, forcing animals to graze closer to the soil that is potentially infested with spores.

Flood plains and low lying areas along rivers and muddy pools and banks of water bodies are also areas prone to outbreaks. In the current outbreak, most mortalities occurred in the few remaining watering points in the Park, especially on muddy springs along the shores of the lake. Spores usually concentrate in mud pools and on the banks of water bodies in the dry season as water recedes and animals are forced to drink from such areas.

In addition, anthrax high risk areas include those where previous outbreaks have occurred. The Park has previous history of a serious outbreak in July 2015 when 669 buffaloes, 5 black rhinos, 3 white rhinos and 1 Rothschild giraffe died. Other herbivorous species were also affected including 4 elands, 4 impalas, 2 Thompson gazelles, a warthog and a waterbuck.

3. CURRENT OUTBREAK

Sporadic buffalo mortalities were recorded in March 2019 and the veterinary team was called to investigate the possible causes. On Tuesday 2nd April 2019, a laboratory report was received of a confirmed case of anthrax in a buffalo that had died on 29th March 2019. Previous samples taken from dead buffaloes had tested negative for anthrax. A veterinary team was immediately dispatched to investigate any other mortalities that may occur and also oversee implementation of prevention and control measures of anthrax.

The following day on 3rd April 2019, a total of 7 buffalo carcasses were discovered. These also tested positive for anthrax at the Regional Veterinary Investigation Laboratory in Nakuru. These mortalities were of great concern due to the threats to biodiversity and other park operations. These necessitated mobilization of resources including personnel, equipment and financial to contain the potential outbreak at an early stage. Recommended anthrax control measures commenced on 4th April 2019.

So far we have recorded 145 buffalo deaths due to anthrax.

4. EFFECT OF THE OUTBREAK ON THE LOCAL COMMUNITIES AND THEIR LIVESTOCK

Anthrax is a notifiable disease by Law, and has prescribed and enforced control procedures. It is also a List B disease of the World Organization for Animal Health (OIE), and all countries are obliged to send records of all anthrax outbreaks to OIE.

The Directorate of Veterinary Services (DVS) in the State Department of Livestock was immediately notified of this outbreak, and has been provided regular updates to date. The DVS, being the national focal point for the OIE, has been transmitting this updates to the OIE.

Another aim of sharing the information with the DVS was for the Directorate to institute surveillance and monitoring of livestock in areas outside the Park, to ensure the health of the local communities and their livestock.

5. STRATEGIES UNDERTAKEN TO CONTAIN THE OUTBREAK

Immediately the first case was confirmed through laboratory tests on 2nd April 2019, a veterinary team was dispatched to Lake Nakuru National Park. This team was to undertake surveillance and investigate all causes of mortalities and institute appropriate prevention and control measures for anthrax.

Control procedures similar to those in livestock are difficult, if not impossible, to apply or enforce on free ranging wildlife. For instance quarantine though very-effective in controlling anthrax in livestock, is difficult to implement in a wildlife setting. Unrestricted movement of wild animals within a protected area can be a complication as infected animals can move great distances and establish new foci of infections. Vaccination in wildlife is also beset by logistical and practical difficulties of administering vaccines.

The control measures being employed are aimed at breaking the cycle of infection and consist of various strategies. The objective of these measures is to reduce soil contamination thereby preventing new outbreaks and limiting incidence when they occur. No single action, however efficient, is sufficient to control the disease. The following are the control methods being employed.

(a) Surveillance

Continuous mortality monitoring by use of both ground teams assisted by aerial surveillance as well as foot patrols by rangers was put in place immediately and has been undertaken daily since the first case was confirmed on 2nd April 2019. This enhanced monitoring has facilitated early detection of carcasses before they are dismembered by scavengers thus causing environmental contamination.

(b) Disposal of carcasses

Quick and timely disposal of carcasses is one of the most important measures for control of anthrax. Dead animals are the primary sources of environmental contamination and therefore carcasses should be disposed of intact by incineration or burial. Carcasses should not be opened to prevent sporulation of the bacteria.

Burning may provide challenges in wildlife due to lack of suitable fuel, and risks of fire within protected areas especially during drought situations as was the case during the current outbreak. Thus, only carcasses in difficult areas not reachable by plants and equipment used for disposal are being burnt.

Burial is being done in pits that are deep enough (at least 2 metres deep, and chloride of lime applied liberally on the carcasses) and covered to prevent spores being brought to the surface by scavengers and soil erosion. Heavily contaminated soils are also buried

with the carcasses. The graves are then heaped with murrain and rocks to prevent digging by burrowing scavengers as well as to discourage growth of vegetation on them. This is also aimed at preventing animals from mud wallowing on them when it rains. The graves are also marked to prevent accidental excavation in future.

(c) Outbreak site management

Environmental decontamination is also done as spores can persist and remain viable for many years. This is achieved by ensuring carcass sites and equipment is disinfected using suitable disinfectants such as 5% formalin and 5% hypochlorite.

(d) Vaccination

Vaccination of low-density and endangered wildlife species is recommended during anthrax outbreaks. Priority was first given to the white rhinoceroses which has similar feeding habits and interacts more with the buffalo in grazing areas. All the 15 white rhinos were vaccinated within a few days after the outbreak.

Thereafter, 63 of the 67 black rhinoceroses were vaccinated. The four remaining animals are in difficult terrains with valleys, thick vegetation and high canopies. It has been very difficult to vaccinate them.

(e) Education to the public

The Park management partnered with the local administration to provide information about anthrax to the local communities. They were informed to avoid consumption of meat from sick or dead animals, including wildlife.

Additionally, personnel involved in the disposal of carcasses were informed on the modes of transmission, care of skin abrasions and personal hygiene. They were provided with Personal Protective Equipment for use while handling carcasses. Prophylaxis medication was also done to prevent human infections.

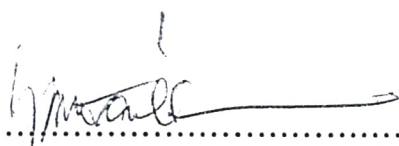
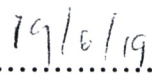
The Committee was satisfied with the response provided by the Cabinet Secretary and the requestor of the Statement who was in attendance at the meeting was also contented with the response provided.

MINUTE/ SEN/SCLNRP/076/2019: ANY OTHER BUSINESS

There was no other business discussed.

MINUTES/SEN/SCLNRP/077/2019: ADJOURNMENT

The meeting was adjourned at 1:15 pm. The date of the next meeting was to be called on notice.

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

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