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REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

13TH PARLIAMENT – SECOND SESSION – 2023

DEPARTMENTAL COMMITTEE ON TOURISM AND WILDLIFE

.....

REPORT ON THE CONSIDERATION OF

THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL *(NATIONAL ASSEMBLY BILL NO. 3 OF 2023)*

BY HON. RUWEIDA MOHAMMED OBO, M.P.

THE NATIONAL ASSEMBLY
PAPERS LAID
DATE: 19 OCT 2023
DAY: THURS 19th Oct, 2023
TABLED BY: HON KAREKE MBIURI, MP CHAIR, TOURISM & WILDLIFE
CLERK-AT THE-TABLE: A. SHIBUKO

CLERK'S CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI **OCTOBER, 2023**

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CHAIRPERSON'S FOREWORD

This report contains proceedings of the Departmental Committee on Tourism and Wildlife on its consideration of the Wildlife Conservation and Management (Amendment) Bill *(National Assembly Bills, No. 3 of 2023)* which was published on 22nd February 2023. The Bill went through First Reading on Wednesday, 5th July 2023 and was thereafter committed to the Departmental Committee on Tourism and Wildlife for consideration and reporting to the House pursuant to the provisions of Standing Order 127(1).

The Bill contains two clauses and seeks to amend the Wildlife Conservation and Management Act, No. 47 of 2013 to include shark, stone fish, whale and sting ray among the wildlife species in respect of which compensation may be paid for injury or death. If enacted into law, the legislative intervention will provide the legal framework for compensation of persons injured or killed by shark, stone fish, whale and sting ray.

Pursuant to standing order 127(3), the Departmental Committee to which a Bill is committed is mandated to facilitate public participation on the Bill through appropriate mechanisms including inviting submission of memoranda, holding public hearings, consulting relevant stakeholders and consulting experts on technical subjects relating to the objects and reasons for the Bill.

Following placement of advertisements in the print media on Wednesday 5th July 2023, seeking public and stakeholder views on the Bill pursuant to Article 118 of the Constitution and Standing Order 127(3), the Committee received four (4) Memoranda from the Ministry of Wildlife, Tourism and Heritage, the Kenya Wildlife Service, the Council of Governors and the Kenya Wildlife Conservancies Association.

The Committee also invited stakeholders for a public participation meeting on the Bill, where members of the public appeared before the Committee and made oral submissions.

Majority of the stakeholders were of the view that the amendments proposed through the Bill are necessary to promote equality by remedying the prevailing discriminatory compensation for attacks by land-based wildlife in exclusion of victims of attacks by marine-based wildlife, whose poison, as narrated by the residents of Lamu is more potent and therefore more expensive to treat. The residents also observed that treatment for attacks by marine-wildlife occasions life altering implications such as amputation of affected body parts, numbness and loss of functions among others.

Hon. Ruweida Mohammed Obo, M.P. appeared before the Committee on 17th August 2023 and made submissions in support of the Bill. The honorable member submitted that over the years coastal residents have been victims of injury or death caused by sharks, stone fish, whales and sting rays. She noted that fishing is the main economic activity for the communities that reside along the coastal shore and they therefore encounter sharks, stone fish, whales and sting rays while fishing or going about their daily chores in their ancestral environment.

In considering the Bill, the Hon. Members observed that the legislation would promote compliance with Article 27 of the Constitution by promoting equality and freedom from discrimination through compensation of victims of attacks by both land-wildlife and marine-wildlife.

The Committee is grateful to the Office of the Speaker of the National Assembly and the Office of the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. The Committee further wishes to thank the sponsor of the Bill, Hon. Ruweida Mohammed Obo, M.P., Members of the Departmental Committee on Tourism and Wildlife for their contribution and all stakeholders who submitted comments on the Bill. Finally, I wish to express my appreciation to the Honorable Members of the Committee and the Secretariat who made useful contributions towards consideration of the Bill and production of this report.

On behalf of the Departmental Committee on Tourism and Wildlife and pursuant to the provisions of Standing Order 199 (6), it is my pleasant privilege and honour to present to this House the Report of the Committee on its consideration of the Wildlife Conservation and Management (Amendment) Bill *(National Assembly Bills, No. 3 of 2023)*.

It is my pleasure to report that the Committee has considered the Wildlife Conservation and Management (Amendment) Bill *(National Assembly Bills, No. 3 of 2023)* and has the honor to report back to the National Assembly with the recommendation that the Bill **be approved as proposed.**

HON. KAREKE MBIUKI, M. P.
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON TOURISM AND WILDLIFE

PART ONE

1.1 ESTABLISHMENT AND MANDATE OF THE COMMITTEE

1. The Departmental Committee on Tourism and Wildlife is established pursuant the provisions of Article 124 of the Constitution and Standing Order 216 of the National Assembly Standing Orders.
2. Pursuant to Standing Order 216(5), the mandate and functions of the Committee are as follows—

a. To 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. To study the programme and policy objectives of ministries and departments and the effectiveness of the implementation;
c. (ba) on a quarterly basis, monitor and report on implementation of the national budget in respect of its mandate;
d. To study and review all legislation referred to it;
e. To study, assess and analyse the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;
f. To 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;
g. Vet and report on all appointments where the Constitution or any other law requires the National Assembly to approve, except those understanding Order 204 (Committee on Appointments)
h. To examine treaties, agreements and conventions;
i. To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
j. To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and,
k. To examine any questions raised by Members on a matter within its mandate.

3. The Committee oversights the following Ministries, Departments and Agencies;

a. Ministry of Tourism and Wildlife
b. The State Department for Wildlife
c. The State Department for Tourism.
d. Kenya Tourism Board (KTB),
e. Tourism Finance Cooperation (TFC)
f. Kenya Utalii College (KUC)
g. Kenyatta International Convention Centre (KICC)
h. Tourism Fund (TF)
i. Kenya Safari Lodges and Hotels Limited (KSLH)
j. Tourism Regulatory Authority (TRA)
k. Brand Kenya Board (BKB)
l. Kenya Wildlife Service (KWS)
m. Tourism Research Institute (TRI)
n. Wildlife Research Training Institute (WRTI)
o. Kenya National Archives and Documentation Service (KNADS)
p. National Heroes Council (NHC)
q. Wildlife Clubs of Kenya (WCK)
r. Ushanga Kenya Initiative (UKI).

4. Pursuant to Standing Order 216 as read together with the Second Schedule to the Standing Orders, the Committee is mandated to deal with matters relating to tourism and tourism promotion and management, tourism research and wildlife management.

1.2 COMMITTEE MEMBERSHIP

1. The Committee was constituted by the House on 27th October 2022 and comprises of the following Members—

Chairperson
Hon. Mbiuki Japhet Miriti Kareke, CBS MP
Maara Constituency
UDA Party

Vice-Chairperson
Hon. Wanjiku John Njuguna, MP
Kiambaa Constituency
UDA Party

Members

Hon. Obo, Ruweida Mohamed, MP
Lamu East Constituency
Jubilee Party

Hon. Abubakar Talib Ahmed, MP
Nominated Member
Wiper Party

Hon. Kiprono, Mutai Alfred, MP
Kuresoi North Constituency
UDA Party

Hon. Mugabe Innocent Maino, MP
Likuyani Constituency
ODM Party

Hon. Gichuki, Edwin Mugo, MP
Mathioya Constituency
UDA Party

Hon. Karambu Elizabeth, MP
Meru (CWR)Constituency
UDA Party

Hon. Chebor Paul Kibet, MP
Rongai Constituency
UDA Party

Hon. Kilel Richard Cheruiyot, MP
Bomet Central Constituency
UDA Party

Hon. Bedzimba Rashid Juma, MP
Kisauni Constituency
Orange Democratic Party

Hon. Abdi Ali, MP
Ijara Constituency
NAP-K Party

Hon. Ruku, Geoffrey Kariuki Kiringa, MP
Mbeere North Constituency
UDA Party

Hon. Shake, Peter Mbogho, MP
Mwatate Constituency
JP Party

Hon. Abdi, Khamis Chome, MP
Voi Constituency
WDM-K Party

1.3 COMMITTEE SECRETARIAT

2. The Committee is facilitated by the following Secretariat: -

Head of Secretariat
Ms. Hellen Masiyoi Kina
Clerk Assistant I

Ms. Violet Ouma
Clerk Assistant III

Mr. Peter Mwaura
Principal Legal Counsel

Mr. Oscar Onsongo
Research Officer II

Mr. Benard Muthuri
Serjeant-at-Arms II

Mr. Samuel Nyambei
Serjeant-at-Arms I

Mr. Rodgers Kilungya
Audio Officer I

Ms. Terry Ondiko
Fiscal Analyst III

Mr. Hillary Mageka
Media Relations Officer II

Mr. David Ng'eno
Research Officer II

PART TWO

2.0 HUMAN-WILDLIFE CONFLICT IN KENYA

2.1 BACKGROUND AND INTRODUCTION

3. Human-wildlife conflict (HWC) occurs when animals pose a direct and recurring threat to the livelihood or safety of humans. Humans resort to killing animals in self-defence or as pre-emptive or retaliatory killings.
4. Killing of wildlife by humans in self-defence or retaliation in Kenya offends paragraph 22 of Part 1 of the Fourth Schedule to the Constitution which provides for establishment of a durable and sustainable system of development, including, in particular protection of animals and wildlife.
5. The killing of wildlife by humans also has negative impacts on the protection and conservation of wildlife including extinction of species.
6. Climate change a specific and critical threat to wildlife and yet, an underappreciated amplifier of human–wildlife conflict, as it exacerbates resource scarcity, alters human and animal behaviours and distributional patterns, thereby increasing human–wildlife encounters.
7. Human wildlife conflict is likely to continue unabated due to climate change, growth in human populations and the resultant loss of natural habitat for wildlife.

2.2 SITUATIONAL ANALYSIS

8. Section 25 of the principal Act sets the following threshold for compensation for personal injury or death or damage to property by any wildlife listed under the Third Schedule to the Act—

   (a) Five million shillings in case of death;

   (b) Three million shillings in case of injury occasioning permanent disability; and

   (c) A maximum of two million shillings for any other injury, depending on the extent of injury.

9. Section 75 of the principal Act provides for mutual coexistence between humans and wildlife and protects of the rights and privileges of communities living adjacent to conservation and protected areas by providing that every decision and determination relating to a matter of conservation and management of wildlife resources shall be exercised in a manner that is not prejudicial to the rights of communities neighbouring conservation and protected areas.
10. The prevailing mechanism for compensation for human-wildlife is yet to fully achieve the object for which it was established due to the pending backlog of compensation claims occasioned by insufficient funding.
11. Lack of adequate funding for human-wildlife conflict continues to delay the gains of compensation for human-wildlife conflict in the conservation and management of Kenya's wildlife and natural resources and promotion of Kenya's tourism.
12. Poverty is an additional underlying catalyst of human-wildlife conflict since communities living adjacent to conservation and protected areas often venture into wildlife territory in search of livelihood to sustain themselves including food through activities such fishing and hunting, gathering plant produces including fruits and firewood, pastoral practices and other activities akin to communities neighbouring conservation and protected areas.

13. It is against this background that the victims of attacks by marine wildlife in Lamu and indeed the people of Lamu through their Honourable Member seek amendment of the principal Act to provide for compensation for attacks by shark, stone fish, whale and sting ray.
14. According to a report by the Lamu East Beach Management Unit, at least two hundred (200) people were attacked by marine wildlife particularly sharks, stingrays, starfish and water snakes between 2020 and 2022, ten (10) of whom lost their lives due to the attacks.

2.3 COMPARATIVE ANALYSIS

15. Under the South African jurisprudence human-wildlife conflict is described as a complex multi-layered form of conflict that occurs where human-animal interactions lead to conflict between people and wildlife. The species mostly involved in conflict in South Africa are buffalo, lion, elephant, hippo and crocodile.
16. According to reports from the South African National Parks' Compensation Scheme, since its establishment in 2008, a total of one million four hundred Rands (R1,4 million) has been paid out as compensation for human wildlife conflict to one hundred and fifty five (155) claimants for injury or death, and one hundred and eighty four (184) claimants for loss of livestock
17. In India, thousands of people live around India's wildlife reserves and are therefore victims of human wildlife conflict which manifests in the form of crop and property damage, livestock predation, and human injury which sometimes results in death.
18. It is estimated that state governments spend an estimated five million United States dollars ($5 Million) annually to compensate victims of wildlife-related damages to property and life.
19. In Namibia, the revised national human-wildlife conflict management policy for 2018 to 2027 stipulates those one hundred Namibian dollars (N$100 000) is payable for funeral expenses, and three thousand Namibian dollars (N$3 000) for a cow or bull, while eight hundred Namibian Dollars (N$800) and below is payable for the loss of a goat or sheep.
20. As for crop damage by wildlife in Namibia, farmers are compensated two hundred and fifty Namibian dollars (N$250) for one quarter of a hectare, and one thousand Namibian dollars (N$1 000) for one hectare.

PART THREE

3.0 OVERVIEW OF THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL, (NATIONAL ASSEMBLY BILL No. 3 OF 2023)

3.1 INTRODUCTION AND BACKGROUND

21. The Wildlife Conservation and Management (Amendment) Bill (National Assembly Bill No. 3 of 2023) "hereinafter referred to as the "Bill" seeks to amend the Wildlife Conservation and Management Act, No. 47 of 2013 (hereinafter referred to as "the principal Act") to include shark, stone fish, whale and sting ray among the wildlife species in respect of which compensation may be paid for injury or death.
22. Compensation with respect to injury or death occasioned by a shark, stone fish, whale or sting ray was previously provided for in the principal Act but the provision was deleted through Statute Law (Miscellaneous Amendments) Bill (National Assembly Bills, No. 18 of 2018).
23. Article 69 of the Constitution mandates the State to ensure sustainable exploitation, utilization, management and conservation of the environment and natural resources including wildlife and ensure equitable sharing of the benefits that accrue therefrom.
24. Compensation for human wildlife conflict is a mechanism for implementation of the requirement for equitable sharing of the benefits that accrue form sustainable exploitation, utilization, management and conservation of wildlife.
25. The Bill seeks to amend the principal Act to provide for compensation of persons injured or killed by the specified marine wildlife. This will provide a framework for implementation of the obligation of the State in terms of Article 69 of the Constitution to ensure the sustainable management and conservation of Kenya's natural marine resources.
26. Paragraph 22 of Part 1 of the Fourth Schedule to the Constitution assigns the function for protection of animals and wildlife to the National Government.
27. The principal object of the Wildlife Conservation and Management Act, 2013 is to provide for the protection, conservation, sustainable use and management of wildlife in Kenya.
28. Section 18 of the principal Act provides for the establishment and mandate of Community Wildlife Conservation Committees as follows—

    a. to review and recommend payment of compensation on claims resulting from loss or damage caused by wildlife; and

    b. develop and implement, in collaboration with the Service and Community Wildlife Associations, mechanisms for mitigation of human wildlife conflict.

29. Section 25 of the principal Act provides for compensation for personal injury or death or damage to property and sets the threshold for compensation as below—

    a. five million shillings, in the case of death;

    b. three million shillings in the case of injury occasioning permanent disability; and

    c. a maximum of two million shillings, depending on the extent of injury in the case of any other injury.

30. Section 75 of the principal Act provides for mutual co-existence of humans and wildlife and requires that every decision and determination on a matter of conservation and

management of wildlife resource shall not be exercised in a manner prejudicial to the rights and privileges of communities living adjacent to conservation and protected areas.

31. The rights and privileges of communities living adjacent to conservation and protected areas are therefore protected by the Constitution of Kenya and prevailing statutory law.

3.2 REVIEW OF THE BILL

a. The Bill contains two clauses and seeks to amend Part A of the Third Schedule to the Wildlife Conservation and Management Act, No. 47 of 2013 to provide for compensation with respect to injury or death occasioned by a shark, stone fish, whale or sting ray.
b. Clause 1 provides the short title of the Bill.
c. Clause 2 seeks to amend Part A of the Third Schedule to the principal Act to provide for compensation with respect to injury or death occasioned by a shark, stone fish, whale or sting ray.
d. Pursuant to Article 186 of the Constitution as read together with paragraph 22 of Part 1 of the Fourth Schedule to the Constitution, the national government is mandated to protect Kenya's environment and natural resources with a view to establishing a durable and sustainable system of development, including fishing, hunting and gathering, and protection of animals and wildlife.
e. The Bill does not confer on the Cabinet Secretary powers to make regulations neither does it limit any fundamental right or freedom, nor does it delegate any other legislative power.
f. The Bill does not affect the functions of county governments as set out in the Fourth Schedule to the Constitution and is therefore not a Bill concerning county governments.
g. The Bill is not a Money Bill within the meaning of Article 114 of the Constitution.

PART FOUR

4.0 PUBLIC PARTICIPATION AND STAKEHOLDER CONSULTATION

1. The Bill went through First Reading on Wednesday, 5th June 2023 and was thereafter committed to the Departmental Committee on Tourism and Wildlife on 5th July 2023 for consideration and reporting to the House pursuant to the provisions of Standing Order 127(1).
2. An invitation for submission of Memoranda on the Wildlife Conservation and Management (Amendment) Bill (National Assembly Bill, No. 3 of 2023) was made through print media on Friday 7th July 2023.
3. Relevant Stakeholders were also invited for a meeting with the committee to make submissions on the proposed amendment.
4. The Committee also held a public hearing meeting with the residents of Lamu at Faza grounds in Lamu County on 8th September 2023 where residents from Kiunga, Mtangawanda, Bahamisi, Pate, Siu, Shangarubu, Shangashakani, Tshundwa, Mbwajumwali, Myabogi and Kizingitini made oral submissions in support of the proposed amendment.
5. The Committee identified Lamu county as the preferred region for conduct of public hearing on the Bill due to the prevalence of conflict between humans and marine wildlife along the Kenyan coastal shoreline
6. The Committee received submissions from the following stakeholders—

    a. The Ministry of Tourism, Wildlife and Heritage *(Annexure 1);*
    b. The Kenya Wildlife Service *(Annexture 2);*
    c. The Council of Governors *(Annexure 3);*
    d. The Kenya Wildlife Conservancies Association *(Annexure 4);*
    e. Residence of Lamu County; and
    f. The Office of the Attorney-General

7. The public and the stakeholders submitted as follows—

4.1 RESIDENTS OF LAMU COUNTY

32. At a public hearing meeting with the Committee, residents of Lamu County, submitted as follows—

1. Over time, several residents of the Coastal region have been injured or killed by sharks, stone fish, whale or sting ray while fishing or engaging in other activities along the beach.

2. The marine-wildlife also attack local and foreign tourists on tour to the Kenyan Coast.

3. Stone fish and stingrays camouflage on the sand and hence not easily visible, they attack and injure victims upon close contact.

4. Victims of attacks by stingrays are subjected to immense social and economic suffering since it may take up to three or six months for the wounds to heal.

5. The residents observed that the sometimes the attacks occasion permanent inabilities, disabilities or both.

6. The also stated that poison excreted by marine wildlife is more potent than poison expelled by land-based wildlife. As such, persons injured by poisonous marine wildlife often have their fingers, hands, legs or other body parts amputated to save their lives.

7. It is discriminatory for the government to compensate victims of land-based wildlife in exclusion of coastal residents who are attacked by sharks, stone fish, whale or sting ray and other marine wildlife.

CLAUSE 2

33. The residents of Lamu County supported the amendment proposed in Clause 2 of the Bill.

Committee Observations/Recommendation

34. The Committee observed that—

(a) Article 27 of the Constitution provides for equality and freedom from discrimination and, states that the State shall not discriminate directly or indirectly against any person on any ground.

(b) the compensation of persons injured or killed by land-based wildlife in exclusion of persons injured by marine-based wildlife offends Article 27 of the Constitution since it perpetuates the unequal and discriminatory treatment of residents of Lamu; and

Therefore, agreed to the submissions by the residents of Lamu County.

4.2 THE MINISTRY OF WILDLIFE, TOURISM AND HERITAGE

35. In their Memorandum and at a meeting held with the Committee on Thursday 24th August 2023, the Ministry submitted that it is mandated to provide strategic policy, direction and leadership on matter relating to the conservation and management of wildlife in Kenya.

CLAUSE 2

36. The Ministry supported the amendment proposed in Clause 2 and noted that it was important to ensure compensation of victims of both land-based and marine wildlife.
37. The Ministry also stated that it was conducting a comprehensive review of the principal Act which would addresses the issues sought to be remedied through the in the Bill.

Committee Observations/Recommendation

38. The Committee observed that—

(a) Article 95 of the Constitution mandates the National Assembly to deliberate on and resolve issues of concern to the people and enact legislation.

(b) the on-going review of the principal Act by the Ministry should not be advanced as a ground to impede the legislative mandate of the House; and

Therefore, agreed with Ministry that there was need to amend the law to provide for commensurate treatment of victims of attacks by land-based wildlife and victims of attacks by marine-based wildlife.

4.3 THE OFFICE OF THE ATTORNEY-GENERAL

39. In their Memorandum the Office of the Attorney-General noted that the Bill does not raise any constitutional issues but observed that Ministry of Tourism and Wildlife is undertaking a wholesome review of the principal Act and therefore sought re-consideration of the Bill in light of the on-going review by the line Ministry.

CLAUSE 2

40. The Office of the Attorney-General supported the amendment proposed in Clause 2 to provide for commensurate compensation of victims of both land-based and marine wildlife.

Committee Observations/Recommendation

41. The Committee observed that—
    (a) the on-going review of the principal Act by the Ministry should not be advanced as a ground for re-consideration of the Bill by the House; and

Therefore, did not agree with the request by the Office of the Attorney-General for reconsideration of the Bill.

4.4 KENYA WILDLIFE SERVICE

42. In their Memorandum and at a meeting held with the Committee on Thursday 17th August 2023, the Kenya Wildlife Service submitted as follows—
43. The Service is established under section 6 of the principal Act and, mandated to—

    (a) conserve and manage national parks, wildlife conservation areas, and sanctuaries under its jurisdiction.
    (b) provide security for wildlife and visitors in national parks, wildlife conservation areas and sanctuaries; and
    (c) set up County Wildlife Conservation Committees in respect of each county.

CLAUSE 2

44. The Service did not support the amendment proposed in Clause 2 of the Bill. It submitted that pending compensation claims relating to human-wildlife conflict currently stand at an estimated Kes. 700 million shillings due to claims filed in court by victims of human-wildlife conflict.

Committee Observations/Recommendation

45. The Committee observed that section 25 of the principal Act provides for compensation of victims of human-wildlife conflict and therefore did not agree to the submission by the Service.

Additional Proposals for Amendment of the Principal Act

46. The Service also submitted that section 25(1) of the principal Act grants discretion to victims of human-wildlife conflict to launch claims before the relevant County Wildlife Conservation and Compensation Committee or file cases in court seeking compensation.
47. The Service therefore proposed that section 25(1) of the principal Act be amended to delete the word "may" and substitute therefor the word "shall" to oust the appellate jurisdiction of courts on matters relating to human-wildlife conflict.

Committee Observations/Recommendation

48. The Committee observed that the amendment proposed to section 25(1) would deny victims of human-wildlife their right to access to justice and therefore rejected the proposed additional amendment.

4.5 COUNCIL OF GOVERNORS

CLAUSE 2

49. In their Memorandum, the Council of Governors acknowledged the first reading of the Bill but did not indicate whether they were in support of the Bill or not. Instead, the Council of Governors submitted additional proposals for amendment of the principal Act, as below—

Additional Proposals for Amendment of the Principal Act

50. That the management of national reserves and sanctuaries be reformed to develop mechanisms for benefit sharing from revenue, levies and other charges related to wildlife with the concerned local communities.
51. That section 2 of the principal Act be amended—
    (a) in the definition of the term *"national park"* to provide for management of national parks by the national government.

    (b) in the definition of the term *"national reserve"* to provide for management of national reserves by the county governments.

    (c) to provide for definition of the term *"sanctuary"* and management of sanctuaries by the county governments.

    (d) to provide for definition of the term *"county park"* and provide for management of county parks by the county governments; and

    (e) to provide for definition of the term *"trans-frontier or trans-boundary conservation area"* and provide for management of trans-frontier or trans-boundary conservation areas by the county governments.

Committee Observations/Recommendation

52. The Committee observed that—
    (a) Paragraph 22 of Part 1 to the Fourth Schedule to the Constitution assigns the role of making policies on protection of the environment and natural resources and establishment of a durable and sustainable system of development, including, in particular protection of animals and wildlife to the national government.

    (b) Paragraph 10 of Part 2 of the Fourth Schedule to the Constitution assigns the county governments, the role of implementing policies made by the national government on protection of the environment and natural resources; and

Therefore, rejected the amendment proposed to section 2 of the principal Act

53. That section 7 of the principal Act be amended to include county governments as beneficiaries of the levies and charges collected by the Service.

Committee Observations/Recommendations

54. The Committee observed that—
    a. Pursuant to Paragraph 22 of Part 1 to the Fourth Schedule to the Constitution, the national government is responsible for establishing policies for a durable and sustainable system of development, including, protection of animals and wildlife.

b. Pursuant to Paragraph 10 of Part 2 to the Fourth Schedule to the Constitution, the county governments are responsible for implementation of the policies for a durable and sustainable system of development, including, protection of animals and wildlife upon adoption of such policies by the national government; and,

Therefore, rejected the amendment proposed to section 7of the principal Act.

2. That section 8 of the principal Act be amended to—

a. provide for representation of the respective county governments in the membership of County Wildlife Conservation Committees and set out their functions to avoid duplication; and
b. provide for representation of the Council of Governors in the membership of the Board of Trustees.

Committee Observations/Recommendations

55. The Committee observed that—
a. Pursuant to Paragraph 10 of Part 2 of the Fourth Schedule to the Constitution, the county governments are responsible for implementation of national policies for a durable and sustainable system of development, including, protection of animals and wildlife; and

Therefore, rejected the proposed amendment to section 8 of the principal Act.

56. That section 18 of the principal Act be amended to provide for the renaming of "*Community Wildlife Conservation Committees*" as "*County Wildlife Conservation and Compensation Committees*".

Committee Observation/Recommendation

57. The Committee observed that—
a. The proposed amendment seeks to cure the prevailing ambiguity and provide clarity in naming of the Committee; and,
b. The proposed amendments offends Article 118 of the Constitution and the provisions of Standing Order 133(5) in that it proposes to unreasonably expand the subject of the Bill.

Therefore rejected the amendment proposed to section 18 of the principal Act.

58. That section 32 of the principal Act be amended to require the Service to consult the county governments in making recommendations to the Cabinet Secretary for declaration of any un-alienated public land or any land purchased or otherwise acquired by the national government as a national park.

Committee Observations/Recommendations

59. The Committee observed that—
a. Paragraph 22 of Part 1 to the Fourth Schedule to the Constitution assigns the mandate for establishment of systems for sustainable exploitation, utilisation, management and conservation of the environment and natural resources to the national government.

b. Pursuant to Paragraph 10 of Part 2 of the Fourth Schedule to the Constitution the county governments are responsible for implementation of national government policies on conservation and management of natural resources; and

Therefore, rejected the proposed amendment to section 32 of the principal Act.

60. That section 33 of the principal Act be amended to require the Service to consult the county governments in making recommendations for declaration of a wetland that is an important habitat or ecosystem for wildlife conservation as a protected wetland.

Committee Observations/Recommendations

61. The Committee observed that—

a. Paragraph 22 of Part 1 to the Fourth Schedule to the Constitution vests the mandate for management and conservation of the environment and natural resources to the national government.
b. The two levels of government may however work-jointly under the inter-governmental cooperation provided under the Inter-Governmental Relations Act, 2012; and

Therefore, rejected the proposed amendment to section 33 of the principal 33 of the principal.

62. That a multi-sectoral Committee comprised of representatives from both levels of government be established and mandated to consider matters relating to the protection, conservation and management of wildlife, capacity building on human wildlife conflict, policy and legislative review and compensation for human-wildlife conflict.

Committee Observations/Recommendations

63. The Committee observed that—

1. despite human-wildlife conflict being a matter of great national interest, the prevailing legislative and administrative measures do not guarantee sufficient protection for the rights of all communities living adjacent to conservations and protected areas in terms of section 75 of the principal Act;
2. the proposed amendments offends Article 118 of the Constitution and the provisions of Standing Order 133(5) in that it proposes to unreasonably expand the subject of the Bill; and,

Therefore, recommended that the proposal for establishment of a Multi-Sectoral Committee on Human Wildlife Conflict may —

i. be considered during conduct of the Inquiry on Human Wildlife Conflict by the Committee; and
ii. also be taken into account by the Ministry as part of its wholesome overhaul of the principal Act.

4.6 KENYA WILDLIFE CONSERVANCIES ASSOCIATION

64. In their Memorandum, the Kenya Wildlife Conservancies Association submitted as follows—

1. The government has made commendable achievements in increasing allocations to the compensation Fund and establishing the insurance scheme as contemplated under section 24 of the principal Act.

2. The provision for compensation with respect to injury or death occasioned by shark, stone fish, whale or sting ray was deleted from part A of the Third Schedule to the principal Act via Statute Law (Miscellaneous Amendments) Act, No. 18 of 2018.
3. Shark, stone fish, whale and sting ray present an opportunity and a threat to coastal residents who engage in activities such fishing and conservation and management of marine resources.
4. Injuries caused by marine wildlife result in long term wounds which are expensive to treat.

CLAUSE 2

65. The Association supported enactment of the Bill to re-instate compensation with respect to injury or death caused by shark, stone fish, whale or sting ray.

Committee Observations/Recommendations

66. The Committee agreed with the submission by the Association that compensation for injury or death caused by the specified marine wildlife should be made to avoid discrimination and promote equality in compensation of victims of human-wildlife conflict.

Additional Proposals for Amendment of the Principal Act by the Kenya Wildlife Service

67. The principal Act be amended to provide for re-instatement of "snakes, wild dogs and wild pigs" in the wildlife species in respect of which compensation may be paid for injury or death.

Committee Observations/Recommendations

68. The Committee observed that the proposed amendment offends Article 118 of the Constitution and the provisions of Standing Order 133(5) in that it proposes to unreasonably expand the subject of the Bill; and therefore, did not agree to the proposed amendment to provide for re-instatement of "snakes, wild dogs and wild pigs" in the wildlife species in respect of which compensation may be paid for injury or death.

PART FIVE

5.0 COMMITTEE OBSERVATIONS

69. Having considered the Kenya Wildlife Conservation and Management (Amendment) Bill, (National Assembly Bills, No. 3 of 2023), the Committee observed as follows—

1. Human-wildlife conflict is a matter of great national interest which affects communities living adjacent to conservations and protected areas and, the Ministry should therefore consider the proposed establishment of Multi-Sectoral Committee on Human Wildlife Conflict during review of the principal Act.

2. Enactment of the Bill will have several potential gains to the country, including—

2.1. Provision of a legislative framework for compensation in respect of injury or death occasioned by shark, stone fish, whale or sting ray; and

2.2. Providing a legislative framework for compliance with Article 27 of the Constitution through promotion of equal and non-discriminatory treatment of victims of attacks by land-based wildlife and marine-based wildlife.

70. The adverse impacts of climate change on wildlife and other natural resources are likely to exacerbate the incidents of human wildlife conflict. Thus the need to amend the principal Act to provide a non-discriminatory legislative framework for compensation of victims of attacks by land-based wildlife and marine-based wildlife

PART SIX

6.0 COMMITTEE RECOMMENDATION

71. The Committee having reviewed the Kenya Wildlife Conservation and Management (Amendment) Bill, (National Assembly Bills, No. 3 of 2023), recommends that the House approves the Bill with amendments.

Signed.....**Date**.18/10/23.....

HON. KAREKE MBIUKI, M. P.
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON TOURISM AND WILDLIFE

ANNEXTURE1:
MINUTES

REFERENCES

1. Constitution of Kenya, 2010 (kenyalaw.org)
2. The Wildlife Conservation and Management Act, No. 47 of 2013 (kenyalaw.org)
3. Human-wildlife conflict: Parliament to probe unpaid claims of over Ksh.5B (citizen. Digital)
4. https://ntvkenya.co.ke/news/state-backs-bill-to-pay-victims-of-whale-shark-attacks/
5. https://barakafm.org/2023/09/12/victims-of-marine-wildlife-attacks-in-lamu-demand-equal-compensation/
6. https://www.facebook.com/100064733196911/posts/pfbid02SKSPr8VsoCgziNNm3UEgBoz7LCUVR18iriDWe5dg1BaaEBcKBmopQbhgBR17epqFl/?mibextid=I6gGtw
7. https://www.facebook.com/100064733196911/posts/pfbid02bhJ5D1NCmSDRZ3nH5tSktg8b5kBTivJucFwjCgAkaicFgj3LSZBenHdidBJmVLE3l/?mibextid=I6gGtw
8. State fights Bill on whale, shark victim payments - Business Daily (businessdailyafrica.com)
9. Revised National Policy on Human Wildlife Conflict Management in Namibia, 2018 to 2027.
10. Tourists troop to Lamu to see 'swimming lions', but many leave disappointed (citizen.digital)
11. PA00XGJQ.pdf (usaid.gov)
12. Lamu marine wildlife victims pleads with state for compensation (the-star.co.ke)
13. compensation for human wildlife conflict in india - Search (bing.com) https://reference.jrank.org/diets/Food_Safety.html

MINUTES OF THE 45TH SITTING OF THE DEPARTMENTAL COMMITTEE ON TOURISM AND WILDLIFE HELD AT GARDEN SUITE 3 SIXTH FLOOR HILTON GARDEN INN, MACHAKOS COUNTY ON FRIDAY, 13TH OCTOBER ,2023 AT 10:00 AM.

PRESENT

1. Hon. Mbiuki, Japhet Miriti Kareke, CBS, M.P. - Chairperson
2. Hon. Wanjiku, John Njuguna, M.P. - Vice Chairperson
3. Hon. Obo, Ruweida Mohamed, M.P.
4. Hon. Kailemia, Elizabeth Karambu, M.P.
5. Hon. Kilel, Richard Cheruiyot, M.P.
6. Hon. Ruku, Geoffrey Kariuki Kiringa, M.P.
7. Hon. Mugabe, Innocent Maino, M.P.
8. Hon. Eng. Abdi, Khamis Chome, M.P.
9. Hon. Abubakar, Talib Ahmed, M.P.

ABSENT WITH APOLOGY

1. Hon. Bedzimba, Rashid Juma, M.P.
2. Hon. Abdi, Abdi Ali, M.P
3. Hon. Gichuki, Edwin Mugo, M.P
4. Hon. Kiprono, Mutai Alfred, M.P.
5. Hon. Shake, Peter Mbogho, M.P.
6. Hon. Paul Chebor, M.P.

COMMITTEE SECRETARIAT

1. Ms. Hellen Kina - Clerk Assistant I/Lead Clerk
2. Ms. Violet Ouma - Clerk Assistant III
3. Ms. Terry Ondiko - Fiscal Analyst III
4. Mr. Peter Mwaura – Principal Legal Counsel
5. Mr. Oscar Onsongo _ Research Officer III
6. Mr. Rodgers Kilungya – Audio Officer
7. Mr. Samuel Nyambei – Serjeant-at-arms

AGENDA

1. Prayers
2. Adoption of the Agenda
3. Confirmation of minutes of previous sittings.
4. Matters Arising
5. Consideration and Adoption Report on the Wildlife Conservation and Management (Amendment) Bill,2023
6. Any other business
7. Adjournment and date of next meeting

MIN. NO. NA/TW/2023/ 214: PRELIMINARIES

The Chairperson called the meeting to order at 10.25 am. The agenda was adopted having been proposed by Hon. Talib Ahmed, MP. and Seconded by Hon. Hon. Ruku, Geoffrey Kariuki Kiringa, M.P.

MIN. NO. NA/TW/2023/215: CONFIRMATION OF THE MINUTES OF THE PREVIOUS SITTING.

Agenda deferred to next sitting.

MIN. NO. NA/TW/2023/216: CONSIDERATION AND ADOPTION OF REPORT ON THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL,2023

1. The Committee was taken through the draft report on the proposed Wildlife Conservation and Management (Amendment) Bill (National Assembly Bills No.3 of 2023) by Hon. Obo, Mohamed Ruweida MP by the Legal Counsel attached to the Committee.

2. Under the proposal for establishment of multi- sectoral Committee comprising of representatives from both levels of government by the Council of Governors to consider matters relating to protection, conservation and management of wildlife, capacity building, policy and legislative review and compensation for human wildlife conflict, the Committee resolved as follows—
    a. The matter be dealt with during the consideration of human wildlife conflict inquiry.
    b. The Committee can be formed by the Ministry during the wholesome review of the entire act as proposed by the Ministry.

COMMITTEE OBSERVATIONS

Having considered the Kenya Wildlife Conservation and Management (Amendment) Bill, (National Assembly Bills, No. 3 of 2023), the Committee observed that enactment of the Bill will have several potential benefits to the country, including—

1. Human-wildlife conflict is a matter of great national interest which affects communities living adjacent to conservations and protected areas and, the Ministry should therefore consider establishing the proposed Multi-Sectoral Committee on Human Wildlife Conflict during review of the principal Act.

2. Enactment of the Bill will have several potential gains to the country, including—

i. Provision of a legislative framework for compensation in respect of injury or death occasioned by shark, stone fish, whale or sting ray; and

ii. Providing a legislative framework for compliance with Article 27 of the Constitution through promotion of equal and non-discriminatory treatment of victims of attacks by land-based wildlife and marine-based wildlife.

3. The adverse impacts of climate change on wildlife and other natural resources are likely to exacerbate the incidents of human wildlife conflict. Thus the need to amend the principal Act to provide a non-discriminatory legislative framework for compensation of victims of attacks by land-based wildlife and marine-based wildlife

COMMITTEE RECOMMENDATIONS

The Committee having reviewed the Kenya Wildlife Conservation and Management (Amendment) Bill, *(National Assembly Bills, No. 3 of 2023)*, recommends that the House **approves the Bill with amendments.**

3. The Committee adopted the report having been proposed by Hon. Abubakar Talib M.P. and Seconded by Hon. Innocent Maino Mugabe, M.P.

MIN. NO. NA/TW/2023/217: ANY OTHER BUSINESS

The Secretariat was tasked to sermon the Ministry of Tourism and Wildlife to appear before the Committee and respond on the issues of concern in matters compensation of victims of human wildlife conflict.

MIN.NO/T&W/2023/218: DATE OF NEXT MEETING

There being no other business the meeting was adjourned at 12:28 pm. The next meeting will be held at Garden Suite 3 on Friday 13th October, 2023 at 2.00 p.m

SIGNED..... DATE 18/10/23

HON. MBIUKI, JAPHET MIRITI KAREKE, CBS, M.P - CHAIRPERSON

ANNEXTURE 2: ADOPTION LIST

THE NATIONAL ASSEMBLY
13TH PARLIAMENT – 2ND SESSION (2023)

DEPARTMENTAL COMMITTEE ON TOURISM AND WILDLIFE
ADOPTION LIST OF THE REPORT ON THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.3 OF 2023)

	HON. MEMBER	SIGNATURE
1.	The Hon. Japhet Kareke Mbiuki, CBS M.P. **(Chairperson)**	
2.	The Hon. John Njuguna Wanjiku , M.P.**(Vice-Chairperson)**	
3.	The Hon. Obo, Ruweida Mohamed, MP	
4.	The Hon. Bedziba Rashid Juma, M.P.	
5.	The Hon. Kailemia Elizabeth Karambu, M.P.	
6.	The Hon. Richard Kilel Cheruiyot, M.P.	
7.	The Hon. Alfred Mutai Kiprono, M.P.	
8.	The Hon. Abdi Abdi Ali, M.P.	
9.	The Hon. Gichuki, Edwin Mugo , M.P.	
10.	The Hon. Geoffrey Kariuki Kiringa , M.P.	
11.	The Hon. Paul Chebor, M.P.	
12.	The Hon. Peter Shake Mbogo, M.P.	
13.	The Hon. Innocent Mugabe Maino, M.P.	
14.	The Hon. Eng. Abdi Khamis Chome, M.P.	
15.	The Hon. Abubakar Talib Ahmed, M.P.	

ANNEXTURE 3: BILL

SPECIAL ISSUE

Kenya Gazette Supplement No. 17 (National Assembly Bills No. 3)

REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2023

NAIROBI, 22nd February, 2023

CONTENT

NATIONAL ASSEMBLY
DIRECTORATE OF LEGAL SERVICES
RECEIVED
04 APR 2023
P. O. Box 41842 - 00100,
NAIROBI

PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER, NAIROBI

THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL, 2023

A Bill for

AN ACT of Parliament to amend the Wildlife Conservation and Management Act, 2013

ENACTED by the Parliament of Kenya, as follows—

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

2. The Third Schedule to the Wildlife Conservation and Management Act, 2013 is amended in Part A by inserting the following new words immediately after the word "Buffalo"– Amendment of the Third Schedule to No. 47 of 2013.

"Shark

Stone fish

Whale

Sting ray"

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The principal object of this Bill is to amend the Wildlife Conservation and Management Act, No. 47 of 2013 to include sharks, stone fish, whales and sting rays among the wildlife species in respect of which compensation as a result of death and injury may be paid. This will ensure that persons who live along water bodies are entitled to payment of compensation as a result of death and injury from the specified wildlife species.

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

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

Statement of how the Bill concerns county governments

The Bill does not concern county governments in terms of Article 109(5) of the Constitution as it does not contain provisions that affect the functions and powers of the county governments as set out in the Fourth Schedule to the Constitution.

Part 1 of the Fourth Schedule to the Constitution provides that protection of the environment as well as the protection of animals and wildlife is a national government function.

Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill shall not occasion additional expenditure of public funds.

Dated the 22nd February, 2023.

RUWEIDA MOHAMED OBO,
Member of Parliament.

The Third Schedule to No. 47 of 2013 which it is proposed to amend

THIRD SCHEDULE

[Section 25, Act No. 18 of 2018, Sch.]

WILDLIFE SPECIES IN RESPECT OF WHICH COMPENSATION MAY BE PAID

A. Death and Injury

Elephant
Lion
Leopard
Rhino
Hyena
Crocodile
Cheetah
Buffalo

B. Crop, livestock and property damage

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

ANNEXTURE 4: LETTER FROM CLERK

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote

Ref: NA/DDC/T&W/2023/026

3rd August 2023

Ms. Silvia Museiya Kihoro
Principal Secretary
State Department for Wildlife
Ministry of Tourism and Wildlife
20th Floor, Block A, NSSF Building
NAIROBI

Dr. Erustus Kanga (HSC)
Director General
Kenya Wildlife Services
Kenya Wildlife Services Headquarters Langata
NAIROBI

Dear Dr Kanga

REF: STAKEHOLDER ENGAGEMENT ON THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2023) BY THE DEPARTMENTAL COMMITTEE ON TOURISM AND WILDLIFE

The Departmental Committee on Tourism and Wildlife is established pursuant to Standing Order 216 and is mandated *inter alia 'to study and review all legislation referred to it'*.

Pursuant to the cited mandate, the Committee is in the process of considering the Wildlife Conservation and Management (Amendment) Bill (National Assembly Bill No. 3 of 2023) (*copy attached*).

The Bill seeks to amend the Wildlife Conservation and Management Act, No 47 of 2013, to include sharks, stonefish, whales and stingrays among the wildlife species in respect of which compensation as a result of death and injury may be paid. The Bill will ensure that persons who live along water bodies are entitled to payment of compensation as a result of death and injury from the specified species.

In compliance with the provisions of Article 118 (1) (b) of the Constitution, the Committee invites you for a meeting to discuss the said Bill. The meeting will be held on **Thursday, 10th August 2023** at a venue to be communicated in Nairobi or its environs.

You are requested to send electronic copies of your submissions to the Committee by **Tuesday, 8th August 2023** and appear before the Committee with (20) hard copies.

The liaison officers for this meeting are **Ms. Hellen Kina** who may be contacted on tel. no. **0727707754** or email: hellen.kina@parliament.go.ke or **Ms. Violet Ouma** on tel. no. **0717702497** or email: violet.ouma@parliament.go.ke

Yours

JEREMIAH NDOMBI, MBS
FOR: CLERK OF THE NATIONAL ASSEMBLY
Copy to:

Mrs. Peninah Malonza OGW,
Cabinet Secretary Ministry of Tourism, Wildlife and Heritage
Tourism Fund Building
P.O. Box 30430-00100
NAIROBI

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote

Ref: NA/DDC/T&W/2023/028 **9th August, 2023**

Ms. Mary Mwiti
Chief Executive Officer
Council of Governors
2nd Floor, Delta House
Waiyaki Way, Westlands
NAIROBI

Dickson Kaelo
Chief Executive Officer
Kenya Wildlife Conservation Association (KWCA)
Magadi Tenting Centre
Seminary Road, off Magadi Road
NAIROBI

Dear Ms Mwiti

REF: STAKEHOLDER ENGAGEMENT ON THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2023) BY THE DEPARTMENTAL COMMITTEE ON TOURISM AND WILDLIFE

Our letter, **Ref: NA/DDC/T&W/2023/025** dated **3rd August 2023** on the above subject refers (*copy attached*).

This is to inform you that, due to some unforeseen circumstances, the Committee has rescheduled the earlier planned meeting to **Thursday, 17th August 2023** to be held in the **Committee Room** on **5th floor, Continental House, Parliament Buildings** at **10.00 am**. All other aspects of the meeting remain as earlier communicated in our correspondence.

The liaison officers this meeting are **Ms. Hellen Kina** who may be contacted on tel. no. **0727707754** or email: hellen.kina@parliament.go.ke or **Ms. Violet Ouma** on tel. no. **0717702497** or email: violet.ouma@parliament.go.ke .

Yours

JEREMIAH NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

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Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote

Ref: NA/DDC/T&W/2023/028 **9th August, 2023**

Ms. Mary Mwiti
Chief Executive Officer
Council of Governors
2nd Floor, Delta House
Waiyaki Way, Westlands
NAIROBI

Dickson Kaelo
Chief Executive Officer
Kenya Wildlife Conservation Association (KWCA)
Magadi Tenting Centre
Seminary Road, off Magadi Road
NAIROBI

Dear Mr Kaelo

REF: STAKEHOLDER ENGAGEMENT ON THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2023) BY THE DEPARTMENTAL COMMITTEE ON TOURISM AND WILDLIFE

Our letter, **Ref: NA/DDC/T&W/2023/025** dated **3rd August 2023** on the above subject refers (*copy attached*).

This is to inform you that, due to some unforeseen circumstances, the Committee has rescheduled the earlier planned meeting to **Thursday, 17th August 2023** to be held in the **Committee Room** on **5th floor, Continental House, Parliament Buildings** at **10.00 am**. All other aspects of the meeting remain as earlier communicated in our correspondence.

The liaison officers this meeting are **Ms. Hellen Kina** who may be contacted on tel. no. **0727707754** or email: hellen.kina@parliament.go.ke or **Ms. Violet Ouma** on tel. no. **0717702497** or email: violet.ouma@parliament.go.ke .

Yours

JEREMIAH NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

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Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote

Ref: NA/DDC/T&W/2023/029 **9th August, 2023**

Ms. Silvia Museiya Kihoro
Principal Secretary
State Department for Wildlife
Ministry of Tourism and Wildlife
20th Floor, Block A, NSSF Building
NAIROBI

Dr. Erustus Kanga (HSC)
Director General
Kenya Wildlife Services
Kenya Wildlife Services Headquarters Langata
NAIROBI

Dear Ms Kihoro

REF: STAKEHOLDER ENGAGEMENT ON THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2023) BY THE DEPARTMENTAL COMMITTEE ON TOURISM AND WILDLIFE

Our letter, **Ref: NA/DDC/T&W/2023/026** dated **3rd August 2023** on the above subject refers (*copy attached*).

This is to inform you that, due to some unforeseen circumstances, the Committee has rescheduled the earlier planned meeting will now be held on **Thursday, 17th August 2023** in **Committee Room** on **5th floor, Continental House, Parliament Buildings** at **10.00 am**. All other aspects of the meeting remain as earlier communicated in our correspondence.

Further, pursuant to Standing Order 44(2)(c) the **Hon. Tungule Kenneth Kazungu, MP** on 3rd August, 2023 requested for a Statement from the Chairperson, Departmental Committee on Tourism and Wildlife regarding Human/Wildlife conflict in parts of Ganze Constituency.

In this regard, the Committee requests for a comprehensive written response from the Cabinet Secretary for Tourism, Wildlife and Heritage on the specific issues raised by the Honourable Member in his request. The full text of the Statement request is forwarded herewith.

The Committee requests that a written response be submitted through the Clerk of the National Assembly, email address cna@parliament.go.ke on or before **Wednesday, 23rd August 2023** to enable the Committee Chairperson report to the House.

The Committee's Liaison officers on this subject are **Ms. Hellen Kina** who may be contacted on tel. no. **0727707754** or email: hellen.kina@parliament.go.ke or **Ms. Violet Ouma** on tel. no. **0717702497** or email: violet.ouma@parliament.go.ke

Yours

SERAH M. KIOKO, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Copy to:

Mrs. Peninah Malonza OGW
Cabinet Secretary Ministry of Tourism, Wildlife and Heritage
Tourism Fund Building
P.O. Box 30430-00100
NAIROBI

THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

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www.parliament.go.ke/the-national-assembly

When replying, please quote

Ref: Ref: NA/DDC/T&W/2023/031 **24th August, 2023**

Mr. Shadrack J. Mose
Solicitor General
Office of the Attorney-General and Department of Justice
Sheria House, Harambee Avenue
NAIROBI

Mr. Joash Dache, MBS
Chief Executive Officer
Kenya Law Reform Commission
Reinsurance Plaza, 3rd Floor
NAIROBI

Dear Sir,

RE: REQUEST FOR SUBMISSION OF VIEWS ON THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2023) BY THE DEPARTMENTAL COMMITTEE ON TOURISM AND WILDLIFE

The Departmental Committee on Tourism and Wildlife is established under the National Assembly Standing Orders 216 and is mandated to *inter alia*, ***"consider all legislation referred to it and report back to the House".***

Pursuant to this mandate, the Committee is considering the Wildlife Conservation and Management (Amendment) Bill (National Assembly Bill No. 3 of 2023) sponsored by the Hon. Obo Ruweida Mohamed, MP *(Copy attached).*

In compliance with the provisions of Article 118 (1) (b) of the Constitution, the Committee seeks your views on the Bill to inform decision making during its consideration.. It will be appreciated if your views are received on or before **Wednesday 6th September, 2023.**

Our contact persons on this subject are **Ms. Hellen Kina** who may be contacted on tel. no. **0727707754** or email: hellen.kina@parliament.go.ke or **Ms. Violet Ouma** on tel. no. **0717702497** or email: violet.ouma@parliament.go.ke .

Yours Sincerely

SERAH KIOKO, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Copy to: **Hon. Justin B.N. Muturi, EGH**
Attorney General
Sheria House
Harambee Avenue
P.O Box 401112-00100
NAIROBI

ANNEXTURE 5: SUBMISSIONS

DIRECTOR RECEIVED
17 AUG 2023
Directorate of Departmental Committees

NATIONAL ASSEMBLY
RECEIVED
17 AUG 2023
CLERK'S OFFICE
P. O Box 41842, NAIROBI

MINISTRY OF TOURISM, WILDLIFE & HERITAGE
State Department of Wildlife
Office of the Principal Secretary

Telegrams: "NATURE", Nairobi

Telephone: 0254-20- 2724725/2724646
Email: pswildlife@tourism.go.ke
Website: www.tourism.go.ke

NSSF Building, Bishop Rd. Block A 21st Floor, Eastern Wing
Ngong Rd 5th Avenue
P. O. BOX 41394-00100
NAIROBI

Ref: SDW/1/49 Vol.X

8th August, 2023

THE SENATE CLERK'S OFFICE
RECEIVED
17 AUG 2023
P.O. Box 41842 - 00100, NAIROBI

King
Hellen Okadia
pls facilitate
17/8/23

J.M Nyegenye, CBS
Clerk of the National Assembly
Parliament Building
P. O. Box 41842-00100
NAIROBI

Dear

RE: STAKEHOLDER ENGAGEMENT ON THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2023) BY THE DEPARTMENTAL COMMITTEE ON TOURISM AND WILDLIFE

Reference is made to the above mentioned subject and your letter Ref. NA/DDC/T&W 2023/026 dated 3rd August,2023.

Our attention is drawn to the Wildlife Conservation and Management (Amendment) Bill,2023 of Wednesday, February 22nd 2023 introduced by Hon. Ruweida Mohammed Obo.

The Bill seeks to amend the Wildlife Conservation and Management Act, No. 47 of 2013, to include sharks, stone fish, whales and sting ray among the wildlife species in respect of which compensation as a result of death and injury may be paid. This will ensure that persons who live along water bodies are entitled to payment of compensation as a result of death and injury from the specified wildlife species.

We are requesting for the withdrawal of the Bill on the basis that the Ministry is currently carrying out a Comprehensive Review of the Wildlife Conservation and Management Act No.47 of 2013 as sanctioned by the Cabinet. The proposed amendments are being looked into comprehensively and it is in the interest of the public to carry out this comprehensive review with the view of repealing the current Act and coming up with a new law that effectively addresses the issues being proposed to avoid piece meal amendments.

The Ministry is collating submissions for inclusion in the new Bill and these proposals should be forwarded to the Ministry for them to be harmonized with others to enable the Ministry develop a Comprehensive Legal Instrument that enables a unified approach in Conservation and Management of Wildlife.

By this letter, we are confirming that we will avail ourselves for the meeting as per your request.

Yours

Silvia Museiya
PRINCIPAL SECRETARY

Copy to: Cabinet Secretary
Ministry of Tourism, Wildlife & Heritage
NSSF Building
NAIROBI

KENYA WILDLIFE SERVICE

KWS/DG/223/1

8th August, 2023

Clerk of the National Assembly
Main Parliament Buildings
P. O. Box 41842-00100
NAIROBI

Dear Sir,

STAKEHOLDER ENGAGEMENT ON THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO 3 OF 2023) BY THE DEPARTMENTAL COMMITTEE ON TOURISM AND WILDLIFE

We acknowledge receipt of your letter dated 3rd August, 2023 under Ref: NA/DDC/T&W/2023/026.

The above matter refers whereof there is a proposal to amend the Third Schedule of the Wildlife Conservation and Management Act, 2013 (the Act) by inserting the following new words:-
- Shark
- Stone Fish
- Whale
- Sting Ray

These animals are to be added to the schedule of animals against which compensation is paid if a person suffers injury or death resultant of an encounter.

The animals currently in the schedule are:
- Elephant
- Lion
- Leopard
- Rhino
- Hyena
- Crocodile
- Cheetah
- Buffallo

P.O. Box 40241 - 00100, Nairobi, Kenya
+254 (020) 2379407/8/9-15
+254 735 663 421
+254 726 610 508/9
kws@kws.go.ke
www.kws.go.ke

the animals under schedule 3A of the Wildlife Conservation and Management Act, 2013 and Kenya Wildlife Service owes court awards of more than Ksh. 700 million from other animals outside the schedule such as Hippo's and snakes where parties choose to pursue compensation under the common law by virtue of the provisions of Section 25 (1) of the Act that is deemed to allow parties to pursue compensation either through the Wildlife Committees or through courts. There is therefore limited resources to illicit an increment in animals for which compensation ought to be paid.

Sharks, Whales and Sting Rays are inhabitants of the deep sea and are rarely cited at the shores if at all; stone fish on the other hand inhabit coral reefs and shallows of the pacific and Indian ocean. A person who gets attacked by any of these animals would have had to purposely venture into their natural habitat of and disturbed their peace noting that all the said creatures are not known to attack humans unless provoked.

This fact compounded with the fact that these are creatures that are not limited to a country's territorial jurisdiction and are migratory in nature would expose the service to a litany of cases hard to prove and probably from persons out to harm these very creatures and at unsustainable proportions adding more burden to an already failing compensation process . Additionally, it should be noted that the Service does not have the capacity to monitor and control movements of Whales, Sharks, Sting rays and Stone fish in the ocean.

In any case injuries and death caused by these said creatures is negligible worldwide if at all and the Kenyan Coast is not flagged as exhibiting these animals as problematic species. Including these creatures in schedule 3A of the Act shall only act to further burden the tax payer. These Amendments therefore should not be allowed for being unjustifiable and expensive for the country, the Ministry of Tourism, Wildlife and Heritage and the Service.

Parliament should however be moved to amend section 25(1) of the act so as to replace the word may with shall so as to oust the court's jurisdiction over human- wildlife conflict.

Further amendments should be made to strengthen the compensation county committees so as to make them more effective and efficient.

On the issue of protection of Kenya's coastal inhabitants the Service has been sensitizing the coastal communities on whales, sharks, sting rays, stone fish and other animals of our great ocean so as to avoid encounters and encourage conservation of marine life.

Yours Faithfully,

Dr. Erustus Kanga, HSC
DIRECTOR GENERAL

Copy to: **Hon. Peninah Malonza, OGW**
The Cabinet Secretary
Ministry of Tourism, Wildlife and Heritage
NAIROBI

Hon. Silvia Museiya Kihoro
Principal Secretary
Ministry of Tourism, Wildlife and Heritage
State Department for Wildlife
NAIROBI

Encl.

DDC-11
14/08/23

COUNCIL OF GOVERNORS

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

Tel: (020) 2403314, 2403313
E-mail: info@cog.go.ke

Our Ref: COG/2/18 Vol. 6 (130)

10th August 2023

Hellen Kina
p/s
14/8/23

Mr. Samuel Njoroge
Clerk of the National Assembly
Parliament Buildings
NAIROBI

Dear Mr. Njoroge

STAKEHOLDER ENGAGEMENT ON THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) (NATIONAL ASSEMBLY BILL NO.3 OF 2023 BY THE DEPARTMENTAL COMMITTEE ON TOURISM AND WILDLIFE

Reference is made to your letter dated 3rd August 4 2023 Ref.NA/DDC/T&W/2023/025 inviting the Council of Governors to a meeting with the Departmental Committee on Tourism and Wildlife to discussion the Wildlife Conservation and Management (Amendment) Bill 2023.

The Council appreciates the invitation extended to participate in the discussion of the said Bill.

Regrettably, due to significant involvement of the Council in planning the Devolution Conference scheduled for August 15th – 19th 2023 in Eldoret, we wish to inform you that we are unable to attend the meeting. We kindly request that the meeting is rescheduled to the week after the Conference to allow for our participation. In the meantime, please find attached our revised memorandum on the Wildlife Conservation and Management Act 2013 for your consideration.

Our secretariat staff Mr. Ken Oluoch, ken.oluoch@cog.go.ke / 0721967672 or Ms. Wendy Mutania, wendy.mutania@cog.go.ke / 0703113735 are available for any further clarifications.

Please accept the assurance of our highest esteem and consideration.

Yours sincerely,

Mary Mwiti
Chief Executive Officer

DIRECTOR
RECEIVED
14 AUG 2023
Directorate of Departmental Committees

NATIONAL ASSEMBLY
RECEIVED
11 AUG 2023
CLERK'S OFFICE
P.O. Box

COUNCIL OF GOVERNORS

LEGISLATIVE MEMORANDUM ON THE WILDLIFE CONSERVATION AND MANAGEMENT ACT 2013

To The

National Assembly

From

THE COUNCIL OF GOVERNORS

MEMORANDUM ON THE WILDLIFE CONSERVATION AND MANAGEMENT ACT 2013

The Council of Governors,

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

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

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

A. PREVAILING LEGAL FRAMEWORKS

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

It is on the basis of the above fundamental objects and principles by a constitutionally mandated entity that the County Governments note as below;

B. ROLE OF COUNTY GOVERNMENTS IN WILDLIFE MANAGEMENT.

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

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

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

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

C. COMMENTS ON SPECIFIC PROVISIONS

Clause	Provision	CoG' proposal	Justification for amendment and recommendation
Definition **National Park**	Means an area of land and/or sea especially dedicated to the protection and maintenance of biological diversity, and of natural and associated cultural resources, and managed through legal or other effective means;	**Amend the section to read;** Means an area of land and/or sea especially dedicated to the protection and maintenance of biological diversity, and of natural and associated cultural resources, and managed through legal or other effective means ,**and managed by the National government**	It is important to ascertain whose responsibility it is to manage the national parks in compliance with the Constitution as stipulated above.

Definition **National Reserve**	means an area of community land declared to be a national reserve under this Act or under any other applicable written law	**Amend the section to read** means an area of community land declared to be a national reserve under this Act or under any other applicable written law; **And managed by the County government**	It is important to ascertain whose responsibility it is to manage the national reserves in compliance with the Constitution as stipulated above.
Definition **Sanctuary**	*Interpretation missing*	-	It is important to define Sanctuaries and ascertain whose responsibility it is to manage the sanctuaries
Definition **Trans-frontier/trans-boundary conservation area**	Means the area or component of a large ecological region that straddles the boundaries of two or more countries…	**Amend the section to read as follows:** Means the area or component of a large ecological region that straddles the boundaries of two or more countries or **Counties**	To ensure all affected Counties are involved in the management of shared natural resources
Section 7 (e)	The Service shall collect revenue levies and charges due to the national government from wildlife and, as appropriate, develop mechanisms for benefit sharing with communities living in wildlife areas	**Amend the clause to read as follows:** The Service shall collect revenue levies and charges due to the national government from wildlife and, as appropriate, develop mechanisms for benefit sharing with communities living in wildlife areas.	The County governments play a critical role in wildlife conservation and therefore should receive some benefit from management of these resources. The President H.E Dr. William Ruto made pronouncement recently

		Further, the service shall, as appropriate, develop mechanisms for benefit sharing from revenue, levies and charges from wildlife with communities and Counties within their jurisdiction	in the Taita Taveta County that a 50/50 revenue sharing framework for Counties hosting National Parks should be fast tracked and implemented.
Section 8 **(new proposed section)**		**Insert a new section;(Section 8)** providing for the membership and functions of the County Wildlife Conservation Committee	It is imperative that the membership and functions of the County Wildlife Conservation are clearly set out in the Act in order to ascertain their roles and avoid duplication.
Section 8 **Board of Trustees**	The members of the Board of Trustees shall comprise…	**Amend the section to include;** …one person nominated by the Council of Governors and appointed by the Cabinet Secretary	To ensure there is County representation in the Board charged with fulfillment of mandates prescribed in the Act
Section 18 **Communit y Wildlife Conservati on Committe es**	Community Wildlife Conservation Committee…	**Amend the section by replacing Community Wildlife** Conservation Committees with **County Wildlife Conservation and compensation Committee**	To align the section with the other provisions of the Act in order to ensure clarity.

Clause 32 **Declaration of a National Park**	The Cabinet Secretary may, upon the recommendation of the Service, after consultation with the National Land Commission, and following proper public consultation, and with the approval of the National Assembly, by notice in the *Gazette* declare— a) any un-alienated public land; or b) any land purchased or otherwise acquired by the Government, to be a National Park	**Amend the section to read as follows:** ... The Cabinet Secretary may, upon the recommendation of the Service, **after consultation with** the **County Governments within its jurisdiction** and the National Land Commission, and with the approval of the National Assembly...	County governments hold public land in trust for the people of Kenya as is provided in Article 62 (2) of the Constitution and therefore should be consulted within their jurisdiction
Clause 33 **Conservation and Management of Wetlands**	The Cabinet Secretary shall, on recommendation of the Service, in consultation with the National Land Commission, by notice in the *Gazette*, declare a wetland that is an important habitat or ecosystem for wildlife conservation a protected wetland	**Include;** The Cabinet Secretary may, upon the recommendation of the Service, **after consultation with** the **County Governments within its jurisdiction** and the National Land Commission, by notice in the Gazette, declare a wetland that is an important habitat or ecosystem for wildlife conservation a protected wetland	County governments hold public land in trust for the people of Kenya as is provided in Article 62 (2) of the Constitution and therefore should be consulted within their jurisdiction

Third Schedule **Wildlife Species in respect to which compensation may be paid**	A. Death and Injury	***To include:*** 1. Snake	Given the rise in human-wildlife conflicts driven by prevalent snake populations in specific regions, it is vital to consider the inclusion of snakes as an eligible wildlife category for compensation.
	B. Crop, Livestock and property damage	***To include:*** 2. Monkeys	The substantial impact of monkey populations on affected communities underscores the urgency for legal recognition and compensation provisions.

C. Recommendation

The Council proposes a joint committee with representation from both levels of governments that will look into matters of protection, conservation and management of wildlife, capacity building, human and wildlife conflict policy and legislation development and compensation in cases of human-wildlife conflict.

Kenya Wildlife Conservancies Association (KWCA)
P.O. Box 1038-00517
Cell:+254 708 418 522
Email: info@kwcakenya.com
Magadi Tenting Centre, Seminary Road off Magadi Road, Nairobi, Kenya

KWCA
Kenya Wildlife Conservancies Association
Living nature. Living people

21st July, 2023

Clerk of the National Assembly
P.O Box 41842-00100,
Nairobi, Kenya.

Helen Kina
p/c facilitate
25/7/23

Attn: Chair, Committee on Tourism and Wildlife

RE: MEMORANDUM ON THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2023) BY KENYA WILDLIFE CONSERVANCIES ASSOCIATION (KWCA)

Pursuant to the call to the public and stakeholders for submission of memoranda on Wildlife Conservation and Management (Amendment) Bill (National Assembly Bill No. 3 Of 2023), KWCA in consultation with and on behalf of its 184 member wildlife conservancies spread across 30 counties in Kenya submits this memorandum.

KWCA HEREBY SUBMITS AS FOLLOWS:

1. KWCA commends the government, led by the State Department for Wildlife, for the progressive efforts in addressing human wildlife conflict, including increased allocation for compensation funds and the developing insurance scheme.

2. KWCA notes the concerns by Coastal communities on the withdrawal of the following marine wildlife species from the third schedule to which compensation is payable- Sting ray, Sharks, Whales and Stone Fish; vide the Statutes Law (Miscellaneous Amendment) Act No. 18 of 2018.

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DIRECTOR
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3. KWCA supports the National Assembly Bill No. 3 of 2023, that seeks to reinstate the marine species above for compensation when they occasion human injury or death. These wildlife species are a threat to communities especially conducting fishing and communities involved in marine species conservation including mangroves in the Coastal Kenya.
   The injuries occasioned by these species impact long-term wounds and injuries, are expensive to treat and hinder the affected communities from their day to day livelihood activities for a long duration.

4. In addition, KWCA recommends for reinstatement of the following wildlife species for which compensation is payable: **snakes, wild dogs and wild pigs.** Venomous snake bites continue impacting significant number of communities and Kenya population. These species on othe other hand, have faced increased threats due to retaliatory killings by communities in the absence of compensation for damages and losses occasioned by the species.

Below is the specific recommendations for consideration in relation to 4 above;

NO.	ISSUE	RATIONALE.	SUGGESTED CHANGES!
1	**Venomous snakes, wild dogs and wild pigs** continue to cause significant threat to human life and loss of livelihoods especially in some parts of the Country such as Baringo, Taita Taveta and North Eastern Kenya.	**Snakes** have caused considerable human fatalities especially in regions where they are most prone. These regions include the counties of Baringo, Taita Taveta and North Eastern Kenya . **Wild dogs** and **Wild pigs** continue to significantly contribute to the loss of human life, livestock and crops. As a result populations of **wild dogs** and **wild pigs** are in severe decline, and their lack of inclusion in the list	Insert the following wildlife species in respect to which compensation may be paid; A. **venomous snakes** - death and injury B. **wild dog** – death and injury C. **wild pig** – death, injury crop, livestock and property damage

		of animals to which compensation may be provided increases the risk of further decline due to potential retaliation. Further, this worsens the way that people in communities and the general public feel about conservation.	

Yours Sincerely,

DICKSON KAELO

CHIEF EXECUTIVE OFFICER

REPUBLIC OF KENYA

OFFICE OF THE ATTORNEY-GENERAL
&
DEPARTMENT OF JUSTICE

DDC.HW
26/09

Our Ref: AG/LDD/161/1/35 **22nd September 2023**

Helen Kina
to facilitate
27/9/23

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

ATTN: MS. HELLEN KINA
MS. VIOLET OUMA

RE: THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2023) BY THE DEPARTMENTAL COMMITTEE ON TOURISM AND WILDLIFE

Reference is made to your letter dated 24th August 2023 under ref NA/DDC/T&W/2023/031 and received in our office on 29th August 2023 on the Wildlife Conservation and Management (Amendment) Bill (National Assembly Bill No. 3 of 2023) sponsored by Hon. Obo Ruweida Mohamed.

We have reviewed the legislative proposal and note that it does not raise constitutional issues. We consulted the Ministry of Tourism, Wildlife and Heritage as responsible line Ministry on the legislative proposal and it observes that the Act needs to be amended to include sharks, stone fish, whales and sting rays. However, the Ministry requests that since it currently undertaking a comprehensive review of the Act, any proposals to the Act be harmonised with the current review process by the Ministry to enable them develop a comprehensive and unified new bill.

In light of the foregoing, we request that the legislative proposal be reconsidered in light of the recommendation from the Ministry of Tourism, Wildlife and Heritage and allow for the consolidation and harmonization of the review process.

MAUREEN ODENDO
SENIOR PARLIAMENTARY COUNSEL
FOR: ATTORNEY-GENERAL

NATIONAL ASSEMBLY
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26 SEP 2023
CLERK'S OFFICE
P.O. Box 41842, NAIROBI

SHERIA HOUSE, HARAMBEE AVENUE
P.O. Box40112-00100, NAIROBI, KENYA. TEL: +254 20 2227461/2251355/07119445555/0732529995
E-MAIL: info.statelawoffice@kenya.go.ke WEBSITE: www.attorney-general.go.ke

DEPARTMENT OF JUSTICE
CO-OPERATIVE BANK HOUSE, HAILLE SELLASIE AVENUEP.O. Box 56057-00200, Nairobi-Kenya TEL: Nairobi 2224029/ 2240337
E-MAIL: legal@justice.go.ke WEBSITE: www.justice.go.ke

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