

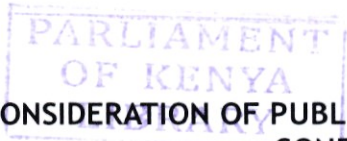
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SNA
25/11/24

Rt. Hon. Speaker
The report is in order.
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THE NATIONAL ASSEMBLY


**THIRTEENTH PARLIAMENT - THIRD SESSION - 2024
PUBLIC PETITIONS COMMITTEE**



REPORT ON-

**CONSIDERATION OF PUBLIC PETITION NO. 43 of 2023 REGARDING HUMAN-WILDLIFE
CONFLICT IN KEIYO NORTH CONSTITUENCY**

NOVEMBER, 2024

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|  THE NATIONAL ASSEMBLY PAPERS LAID | | | |
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| TABLED BY: | Hon. Nimrod Mbar (Chairperson) | | |
| CLERK-AT THE-TABLE: | Lomale | | |

**Directorate of Legislative & Procedural Services
Clerk's Chambers
Main Parliament Buildings
NAIROBI**

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CHAIRPERSON'S FOREWORD

On behalf of the Public Petitions Committee and pursuant to the provisions of Standing Order 227, it is my pleasant privilege and honour to present this House the Report of the Public Petitions Committee on Public Petition No. 43 of 2023 regarding Human-Wildlife Conflict in Keiyo North Constituency. The Petition was presented to the House pursuant to Standing Order No. 225 (2) (a) by the Hon. Adams Kipsanai, M.P. on behalf of the residents of Keiyo North Constituency.

The Petitioner prayed that the National Assembly through the Public Petitions Committee recommends expeditiously erect perimeter fences along the un-fenced areas bordering and in particular in Rimoi Sublocation, Kiptuilong and Kamogich Locations of Tambach Ward; Chegilet and Kabulwo Sublocations and Keu Location of Esmoo Ward in Keiyo North Constituency; increases the number of Kenya Wildlife Service posts or camps in the affected human-wildlife conflict areas bordering the reserve for efficient surveillance and prompt response to distress calls on stray wildlife to human settlements among others.

The Committee observed an alarming increase in human-wildlife conflict caused by elephants and leopards among other animals reflecting the inadequacy of existing wildlife management strategies and there have been incidents of crop destruction, livestock predation, and threats to human safety within the area.

The Committee recommends that the County Government of Elgeyo Marakwet in collaboration with the KWS, and community stakeholders establish a comprehensive plan for fencing specific areas identified areas within FY 2025/2026 to enhance the safety of local communities against wildlife invasions.

The Committee is thankful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support offered during the consideration of the Petition. The Chairperson expresses gratitude to the Members of the Committee and the Secretariat for their devotion and commitment to duty during the consideration of the Petition.

On behalf of the Committee and pursuant to the provisions of Standing Order 199, I now wish to table the report before the House.


HON. NIMROD MBITHUKA MBAI, M.P.
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

Date: 20/4/2024

PART ONE

1 PREFACE

1.1 Establishment and Mandate of the Committee

The Public Petitions Committee was established under the provisions of Standing Order 208A with the following terms of reference:

- (a) Considering all public petitions tabled in the House;
- (b) Making such recommendations as may be appropriate with respect to the prayers sought in the petitions;
- (c) Recommending whether the findings arising from consideration of a petition should be debated; and
- (d) Advising the House and reporting on all public petitions committed to it.

1.2 Committee Membership

The Public Petitions Committee was constituted in October 2022 and comprises the following Members:

Chairperson

Hon. Nimrod Mbithuka Mbai, M.P.
Kitui East Constituency
United Democratic Alliance (UDA)

Vice Chairperson

Hon. Janet Jepkemboi Sitienei, M.P.
Turbo Constituency
United Democratic Alliance (UDA)

Hon. Patrick Makau King'ola, M.P.
Mavoko Constituency
**Wiper Democratic Movement-Kenya
(WDM-K)**

Hon. Edith Vethi Nyenze, M.P.
Kitui West Constituency
**Wiper Democratic Movement-Kenya
(WDM-K)**

Hon. Ernest Kivai Ogesi Kagesi, M.P.
Vihiga Constituency
Amani National Congress (ANC)

Hon. Maisori Marwa Kitayama, M.P.
Kuria East Constituency
United Democratic Alliance (UDA)

Hon. Joshua Chepyegon Kandie, M.P.
Baringo Central Constituency
United Democratic Alliance (UDA)

Hon. John Walter Owino, M.P.
Awendo Constituency
Orange Democratic Movement (ODM)

Hon. Bernard Muriuki Nebart, M.P.
Mbeere South Constituency
Independent

Hon. Bidu Mohamed Tubi, M.P.
Isiolo South
Jubilee Party (JP)

Hon. Caleb Mutiso Mule, M.P.
Machakos Town Constituency
Maendeleo Chap Chap Party (MCCP)

Hon. John Bwire Okano, M.P.
Taveta Constituency
**Wiper Democratic Movement-Kenya
(WDM-K)**

Hon. Peter Mbogho Shake, M.P.
Mwatate Constituency
Jubilee Party (JP)

Hon. Sloya Clement Logova, M.P.
Sabatia Constituency
United Democratic Alliance (UDA)

Hon. Suzanne Ndunge Kiamba, M.P.
Makueni Constituency
**Wiper Democratic Movement-Kenya
(WDM-K)**

1.3 Committee Secretariat

The Public Petitions Committee was facilitated members of the secretariat:

**Lead Clerk
Mr. Ahmed Kadhi
Principal Clerk Assistant II**

**Ms. Anne Shibuko
First Clerk Assistant**

**Ms. Miriam Modo
First Clerk Assistant**

**Mr. Willis Obiero
Clerk Assistant III**

**Mr. Isaac Nabiswa
Legal Counsel II**

**Ms. Patricia Gichane
Legal Counsel II**

**Mr. Martin Sigei
Research Officer III**

**Ms. Roselyne Njuki
Senior Serjeant-at-Arms**

**Mr. Paul Shana
Serjeant-at-Arms**

**Mr. Calvin Karungo
Media Relations Officer III**

**Mr. Peter Mutethia
Audio Officer**

PART TWO

2 BACKGROUND TO THE PETITION

2.1 Introduction

1. Public Petition No. 43 of 2023 regarding Human-Wildlife Conflict in Keiyo North Constituency was presented to the House on 10th August 2023 by the Member for Keiyo North Constituency, Hon. Adams Kipsanai, M.P. on behalf of residents of Keiyo North Constituency.
2. The Petitioners stated that in the recent past, residents of Rimoi Sublocation, Kiptuilong and Kamogich locations of Tambach Ward; Chegilet and Kabulwo sublocations and Keu Location of Esmoo Ward in Keiyo North Constituency have experienced increased cases of invasions and attacks by elephants resulting in loss of lives and livestock, destruction of crops and properties in the said areas.
3. Most areas of Esmoo and Tambach Wards in Keiyo North Constituency and in particular the schools and public institutions bordering the Rimoi Game Reserve remain unfenced hence making it easier for the wild animals to stray out of the reserve.
4. The inaction by the Kenya Wildlife Service and in particular the failure or delay in responding to distress calls from residents has been worrying. Despite the numerous cases of human-wildlife conflict having been reported to the relevant authorities, the victims affected are yet to be compensated and all efforts to resolve the matter have been futile.

2.1 Prayers

5. The Petitioners prayed that the Committee—

- (i) Ensures that the Government intervenes to cause the Kenya Wildlife Service and other agencies to expeditiously erect perimeter fences along the unfenced areas bordering and in particular in Rimoi Sublocation, Kiptuilong and Kamogich Locations of Tambach Ward; Chegilet and Kabulwo Sublocations and Keu Location of Esmoo Ward in Keiyo North Constituency;
- (ii) Recommends that the Government increases the number of Kenya Wildlife Service posts or camps in the affected human-wildlife conflict areas bordering the reserve for efficient surveillance and prompt response to distress calls on stray wildlife to human settlements;
- (iii) Recommends that policy regarding human-wildlife conflict is effected properly and in particular expeditious and timely compensation of victims and their families for loss of lives and livestock; and destruction of property and crops;
- (iv) Recommends that the Kenya Wildlife Service undertake Corporate Social Responsibility (CSR) to communities around the reserve and in particular

through drilling and renovation of school boreholes, scholarships and job opportunities among others.

PART THREE

3 STAKEHOLDERS' SUBMISSIONS ON THE PETITION

3.1 Petitioner

On Thursday 21st March 2024, the Member for Keiyo North Constituency, Hon. Adams Kipsanai appeared before the Committee and submitted as follows:

6. The land where the game reserve is had been surrendered under lease by the community for a period of twenty-five (25) years which has come to an end. However, in the second phase, the community requested for new terms of engagement while surrendering the land to the county government. The land was about 66-kilometre square.
7. The KWS had engaged the then Keiyo County Council to hive off the land for a conservancy to be run by the KWS. However, the beneficiaries did not benefit from any compensation apart from the park generating tourism for the government. Therefore, the locals were concerned that instead of benefiting from the game reserve, they were suffering from killings and destruction by the same animals, a trend which was alarming.
8. There were public amenities including schools, churches, and police around the area but not inside the land inhabited by the animals.
9. KWS had engaged the community, and it was willing to surrender the land back to the community through the County Government of Elgeyo Marakwet. The engagement was because of the petition but all along the KWS had not responded to the issues raised by the people.

3.2 Ministry of Tourism and Wildlife

On Wednesday 24th April 2024, the Principal Secretary, State Department for Wildlife, Ms. Silvia Museiya accompanied by the Deputy Director, Kenya Wildlife Service, Mr. Samuel Tokore appeared before the Committee and submitted as follows—

10. Kenya has a rich diversity of wildlife making it an ultimate tourist destination with benefits of wildlife tourism. However, it is impossible to contain wildlife within specific physical boundaries.
11. Data on species movements and behaviors showed that majority of the wildlife species utilize both protected areas and areas outside whereas others reside outside the protected areas where they cause negative interactions with people due to competition for resources leading to human wildlife conflict. Such interactions sometimes result in death of humans, injury to humans, predation on livestock, destruction of property and threats to humans.

12. Human-wildlife conflicts (HWC) and poaching are twin threats facing wildlife conservation in Kenya. Kenya Wildlife Service (KWS) has therefore placed high premium on its activities to address these twin challenges. Consequently, KWS has managed to control poaching which had reached alarming levels as at 2013.
13. Rimoi National Reserve gazetted in January 1983, occupies about 66 sq kms forming part of an important habitat and dispersal area for elephants migrating between Nasolot and south Turkana national reserves. The Reserve occupies 66sq kms. It is also a mating and breeding area as well as a migratory corridor for the herds of elephants.
14. Due to its proximity to Rimoi National Reserve to the south, Keiyo North Constituency has human-wildlife conflicts cases being one of the key elephant habitats within the country.
15. The wildlife species recorded in Rimoi are Elephants, Giraffes, Zebras, Leopards, Pangolins, and White crocodiles, Warthogs, Baboons, Vervet monkeys, Aardvark, Porcupines, Serval cats and Hyenas.
16. Human-wildlife conflict is often experienced in areas along Kerio valley including adjacent areas of Rimoi National Reserve and gazetted forest areas within the county. It is majorly attributed to drought which impacts on wildlife in Rimoi National Reserve and Kerio valley as they search for food and water resulting to conflicts such crop destruction and predation with isolated cases of human death and injury.
17. Keiyo North experiences high Human-Elephant Conflict in the month of May, June, July and October due to drought situations experienced during these months hence the elephants move out in search of forage extending all the way to Biretwo and Fluorspar in Keiyo south.
18. In the last one year, reported human-wildlife conflicts within Keiyo North constituency were as follows: sixteen (16) crop destruction incidents by elephants, ten (10) livestock predation incidents by leopards, one human injury incident by an elephant, one human death incident by an elephant and four property destruction incidents by elephants.
19. The major causes of human-wildlife conflict in the area include drought, encroachment on wildlife corridors, dilapidated game-proof fences, farming and irrigation leading to extensive abstraction of water, insecurity, illegal human activities and settlement and inadequate legislation and enforcement of rules.
20. To address the challenges of human-wildlife conflict, the KWS has engaged in; problem animal control, wildlife drive operations, wildlife barriers, awareness creation, compensation and CSR activities.
21. A total of 769 claims have been launched between 2014 and 2021 out of which 178 have been paid at about Kshs. 65 million. However, 336 claims have been approved and valued at about Kshs. 29 million which are awaiting funding. Further, two death claims have been paid partially with a balance of Kshs. 8

million while 89 claims have been deferred for clarification and 166 claims rejected. The KWS has also availed Kshs. 30,000 per death, caused by human-wildlife conflict, to deceased families.

22. The KWS has availed funds to construct Kabulwo secondary school, Rimoi Dispensary at Kshs. 2.5 million and a museum at St. Patrick High School Iten at Kshs. 10 million.
23. Compensation was administered through the County Wildlife Compensation Committee, responsible for verifying the authenticity of claims. However, under a new Wildlife Compensation Scheme, there is a proposed shift towards processing compensation at the ward level. This process was characterized by its lengthy and cumbersome nature, with verification alone sometimes taking up to five years. Initially, claimants would manually locate a Kenya Wildlife Service (KWS) warden to submit claim forms. In instances of damage, cases were reported to both the police and KWS, along with local NGAO officials. In cases of fatalities, a doctor's autopsy report was required to confirm the cause of death as a wildlife attack.
24. In Elgeyo Marakwet, the County Wildlife Compensation Committee had not convened any meetings since 2021, resulting in delays in processing claims for 2022, 2023, and 2024. Consequently, addressing such delays necessitated a new compensation approach involving a scheme administrator and digitalization of the process. The piloting of the new scheme was underway in six hotspot counties, with the Ministry engaging county officers to expedite responses, empowered by *boda boda* and digital platforms to enhance efficiency. These efforts were prompted by the inadequate number of KWS officers, with the last recruitment occurring in 2015, leading to staff shortages for conservation efforts even before addressing human-wildlife conflict issues.
25. The operational budget constraints facing KWS, including insufficient funds for vehicles, machinery, and human resources, were compounded by the fact that over 20% of the country consists of protected areas, national parks, reserves, and conservancies.
26. Human-wildlife conflict often occurred outside protected areas. There was delay in compensation as pending claims from 2014-2016, were yet to be resolved in 2024. These delays were partly due to the National Treasury allocating funds for compensation without timely disbursement. For instance, in the Financial Year 2023/2024, out of the Kshs960 million allocated for human-wildlife compensation, only Kshs480 million had been disbursed. To address these delays in disbursement, the Ministry was advocating for compensation allocations to be included under recurrent expenditure monthly.
27. The role of the County Wildlife Compensation Committee appeared bureaucratic in nature, given that the bulk of the work—verification in cases of injuries, fatalities, and agricultural damage—was carried out by medical professionals or agriculture officers. Consequently, there was a pressing need to modernize legislation to streamline such bureaucratic processes.

28. The substantial accumulation of pending bills stemmed from systemic neglect over the years. Although the National Treasury had been allocating Kshs900 million annually, an additional Kshs3 billion pledged by the President would significantly bolster these efforts. Urgency in compensating victims was paramount, as it would swiftly inject funds into their pockets, alleviating immediate concerns surrounding food security resulting from wildlife-induced crop and livestock destruction.
29. The law stipulated a payment of Kshs5 million for fatalities and Kshs3 million for injuries or bodily harm. However, compensation for crop and livestock damage was evaluated by an agricultural officer. The Kshs30,000 provided initially by KWS through generated revenue served as an interim consolation to assist with burial expenses while the process for acquiring the full Kshs5 million compensation was underway.
30. Nonetheless, certain claims had been rejected due to fraudulent attempts, particularly when livestock deaths were attributed to other causes contrary to the claim. Additionally, claims would be returned whenever inconsistencies arose between the autopsy report and the information provided, or if the information provided was deemed insufficient, with the expectation that accurate information would be provided in due course.
31. The existing compensation form lacked provisions for such localized data unless modifications were made to segregate compensation at both the constituency and ward levels. Currently, the claim forms are generic to the county, but efforts are underway within the Ministry to streamline the process. This includes plans to ensure that once a claim is submitted, it is directed to the appropriate ward and subcounty levels, thus enhancing efficiency in the compensation process.
32. The Ministry would prioritize the rehabilitation of the 32 km fence and was considering the addition of an extra corridor to the north. The Kenya Wildlife Service (KWS) was actively working to mark all wildlife corridors, thereby ensuring connectivity within wildlife habitats. Additionally, the KWS has committed to enhancing patrols in the area following the training of recruits, aimed at reducing instances of human-wildlife conflict. Moreover, the KWS plans to bolster awareness and educational programs within the community to encourage reporting and prompt responses.
33. Furthermore, the KWS was in dialogue with the county government to devise effective strategies for addressing the challenges faced by communities in the area. Notably, the mitigative efforts implemented by the KWS had resulted in a reduction in human-wildlife conflict incidents, facilitated by the ongoing rehabilitation of damaged fences daily until the construction of a new perimeter fence was completed.
34. Kenya's commitment to multilateral environmental agreements, such as the Convention on Biological Diversity, included a pledge to designate 30% of the country's land for biodiversity preservation. However, legislative shortcomings existed, particularly on compensable wildlife, which only included a limited

number of species like elephants, rhinos, and buffalos, despite the potential for harm from other species, including marine wildlife.

35. There was need to ringfencing the budget for human-wildlife conflict compensation and supporting KWS, as current funding was insufficient. County legislations also revealed gaps, particularly regarding national reserves which fell under their jurisdiction. Many counties lacked policies to govern reserve operations, leading to issues such as the potential establishment of schools within reserves. Out of the twenty-eight (28) national reserves in the country, only four generated revenues for county governments, while others lacked management structures, fencing, demarcation, land title deeds, gates, or outposts. Thus, county governments needed to develop policies to operationalize such reserves, including allocating dedicated budgets to ensure their effective management and benefit to local communities.
36. Tourism revenue was instrumental in funding both recurrent (86%) and development budgets. Moreover, the Tourism Promotion Fund, which collected a percentage of revenue from both domestic and international tourists, had been funding various activities related to human-wildlife conflict mitigation. Specifically, KWS had allocated approximately Kshs300 million for fencing projects in critical human-wildlife conflict hotspots, as identified through mapping efforts. The second phase of this project will encompass Rimoi National Reserve. Furthermore, the PS urged Committee Members representing constituencies affected by human-wildlife conflict to actively engage with the Ministry to address these challenges effectively.
37. Areas managed by NGOs' conservancies were not designated protected areas under KWS jurisdiction. No gazetted protected areas under KWS were being managed by NGOs. The Northern Rangelands Trust (NRT) oversaw approximately 24 conservancies, expanding even to coastal regions. However, these conservancies were established through private arrangements, wherein landowners registered with the NRT, a legal entity operating in Kenya. While there had been some issues regarding the NRT, they had generally handled benefit sharing with communities more effectively.
38. Communities within these conservancies, governed by their land management committees under the Community Land Act 2016, decided on land utilization, management, grazing plans, and when to engage with supporting NGOs. Private and community conservancies, including the NRT, had united under the Kenya Wildlife Conservancies Association (KWCA), comprising 215 member organizations and 12 regional associations. These associations, such as the Maasai Mara Wildlife Conservancy Association and Taita Taveta Wildlife Conservancy Association, had their own governance structures.
39. Given the property rights established under Article 40, the Ministry had limited authority in these matters. Instead, it focused on capacity building for conservancy members, facilitating registration through KWS, and developing management plans while respecting property rights. These management plans incorporated a mixed-use land system, enabling coexistence of livestock, wildlife, tourism, and agriculture.

40. The KWS prioritized enforcement strategy operating on two fronts: first, ensuring wildlife remains within protected areas and designated corridors, and second, ensuring people were kept out of KWS protected areas for their safety.

Vide a letter Ref. SDW/8/17/1 and dated 5th July 2024, the Principal Secretary, State Department for Wildlife submitted as follows—

41. The Government through KWS was engaging closely with County Government towards the rehabilitation of the 32km fence around Rimoi National Reserve with 5-strand game proof fence.
42. KWS has put up patrol bases in Rimoi Sub-location, Kabulwo sub-location and the neighbouring Tot location in Marakwet East Constituency with an additional KWS rangers mobile patrol team based in Iten KWS County headquarters which frequently gives reinforcement to areas when needed.
43. The Ministry launched a digital claim administration process that will ensure victims of human wildlife conflict are compensated promptly. The scheme is being administered in collaboration with a consortium in the private sector. The scheme will reduce the backlog of compensation cases to victims in areas experiencing high HWC.
44. KWS will undertake more CSR in line with the requests made from the Constituency subject to funds availability.
45. The Ministry proposed marking out the Rimoi Reserve boundary with permanent concrete posts, community to cease illegal activities in the reserve, construction of an access road (2.5 km) from Kabulwo Town to the proposed Kabulwo Revenue Gate, and desilting of water pans within the reserve to ensure consistent water supply for wildlife.

PART FOUR

4 COMMITTEE OBSERVATIONS

46. Upon hearing from the Petitioner and the Ministry of Tourism and Wildlife, the Committee observed that—


- (i) The initial surrender of the land by the community for the game reserve was meant to benefit both the local population and wildlife conservation efforts, but this has not yielded the expected benefits.
- (ii) There is an alarming increase in human-wildlife conflict caused by elephants and leopards among other animals reflecting the inadequacy of existing wildlife management strategies.
- (iii) There have been incidents of crop destruction, livestock predation, and threats to human safety within the area.
- (iv) There is inadequate community engagement and awareness in the mitigation of human wildlife conflict.
- (v) The seasonal nature of human-elephant conflicts, particularly during drought months (May, June, July, and October), necessitates a more dynamic approach to wildlife management that considers environmental conditions. Strategies should be adaptive, accounting for wildlife movement patterns influenced by seasonal changes in resource availability.
- (vi) The backlog of compensation claims indicates systemic inefficiencies within the KWS and highlights the urgency for timely processing of claims to support affected communities. The committee emphasizes the need for increased funding and streamlined processes to address approved claims and support families impacted by human-wildlife conflicts.
- (vii) The need for perimeter fencing along the unfenced areas bordering the game reserve. This gap in infrastructure makes it easier for elephants and other wildlife to stray into human settlements, leading to conflicts.

PART FIVE

5 COMMITTEE RECOMMENDATIONS


47. Pursuant to the provisions of Standing Order 227, the Committee recommends that—

- (i) The County Government of Elgeyo Marakwet in collaboration with the KWS, and community stakeholders establish a comprehensive plan for fencing specific areas identified areas within FY 2025/2026 to enhance the safety of local communities against wildlife invasions.
- (ii) The Ministry of Tourism and Wildlife allocates resources to increase the number of KWS posts or camps in the identified human-wildlife conflict areas bordering the Rimoi Game Reserve and other human wildlife conflict areas to facilitate effective monitoring of wildlife movements and swift response to distress calls from residents. The KWS should establish a community liaison mechanism to improve communication and foster trust with the local population.
- (iii) The Ministry of Tourism and Wildlife reviews the existing policies regarding compensation framework for human-wildlife conflict victims by establishing an expedited process for claims related to loss of lives, livestock, and property including provision for regular and clear updates on the status of claims.
- (iv) The Kenya Wildlife Service develops and implements a robust CSR program aimed at addressing the needs of communities surrounding the Rimoi Game Reserve by prioritizing activities proposed by the community.
- (v) The Kenya Wildlife Service to identify and secure all the wildlife corridors across the country and ensures due compensation to the victims of human-wildlife conflict.

Signed:  Date: 27/11/2024

THE HON. NIMROD MBITHUKA MBAI, M.P.

CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

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|  THE NATIONAL ASSEMBLY PAPERS LAID | |
| DATE: 27 NOV 2024 | |
| DAY: <u>Wednesday</u> | |
| TABLED BY: | Hon. Nimrod Mbai (Chairperson) 14 |
| CLERK-AT THE-TABLE: | <u>Lornale</u> |

ANNEXURES

- Annex 1: The Adoption List
- Annex 2: Public Petition No. 43 of 2023 regarding Human-Wildlife Conflict in Keiyo North Constituency
- Annex 3: Minutes of the 13th Sitting of 2024 held on 21st March, 2024
- Annex 4: Minutes of the 29th Sitting of 2024 held on 24th April, 2024
- Annex 5: Letter Ref. SDW/8/17/1 dated 5th July 2024
- Annex 6: Minutes of 60th Sitting of 2024 held on 9th November 2024



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT - THIRD SESSION - 2024
PUBLIC PETITIONS COMMITTEE

ADOPTION SCHEDULE
OF THE REPORT ON CONSIDERATION OF PUBLIC PETITION NO. 43 OF 2023
REGARDING HUMAN-WILDLIFE CONFLICT IN KEIYO NORTH CONSTITUENCY

DATE.....9TH NOVEMBER 2024.....

We, the undersigned Honourable Members of the Public Petitions Committee, do hereby affix our signatures to this Report on the consideration of **Public Petition No. 43 of 2023 regarding Human-Wildlife Conflict in Keiyo North Constituency** to confirm our approval and confirm its accuracy, validity and authenticity:

| NO. | NAME | DESIGNATION | SIGNATURE |
|-----|--|------------------|-----------|
| 1. | Hon. Nimrod Mbithuka Mbai, M.P. | Chairperson | |
| 2. | Hon. Janet Jepkemboi Sitienei, M.P. | Vice Chairperson | |
| 3. | Hon. Patrick Makau King'ola, M.P. | Member | |
| 4. | Hon. Joshua Chepyegon Kandie, M.P. | Member | |
| 5. | Hon. John Walter Owino, M.P. | Member | |
| 6. | Hon. Ernest Ogesi Kivai, M.P. | Member | |
| 7. | Hon. Maisori Marwa Kitayama, M.P. | Member | |
| 8. | Hon. Edith Vethi Nyenze, M.P. | Member | |
| 9. | Hon. Bidu Mohamed Tubi, M.P. | Member | |
| 10. | Hon. Caleb Mutiso Mule, M.P. | Member | |
| 11. | Hon. (Eng.) Bernard Muriuki Nebart, M.P. | Member | |
| 12. | Hon. Peter Mbogho Shake, M.P. | Member | |
| 13. | Hon. Suzanne Ndunge Kiamba, M.P. | Member | |
| 14. | Hon. John Bwire Okano, M.P. | Member | |
| 15. | Hon. Sloya Clement Logova, M.P. | Member | |

For Speaker, you may approve. Approved, OPS 9/8/23



Approved SNA 9/8/23

REPUBLIC OF KENYA

**THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT (SECOND SESSION)**

PUBLIC PETITION

(No. 43 of 2023)

**REGARDING HUMAN WILDLIFE CONFLICT IN KEIYO NORTH
CONSTITUENCY**

I, the UNDERSIGNED, on behalf of the residents of Keiyo North Constituency;

DRAW the attention of the House to the following:

1. **THAT**, in the recent past, residents of *Rimoi Sub location, Kiptuilong and Kamogich Locations of Tambach Ward; Chegilet and Kabulwo Sub locations and Keu Location of Esmoo Ward in Keiyo North Constituency* have experienced increased cases of invasions and attacks by elephants resulting in loss of lives and livestock, destruction of crops and properties in the said areas;
2. **THAT**, most areas of *Esmoo and Tambach Wards in Keiyo North Constituency* and in particular the schools and public institutions bordering the *Rimoi Game Reserve* remain un-fenced hence making it easier for the wild animals to stray out of the reserve;
3. **THAT**, the inaction by the Kenya Wildlife Service and in particular the the failure or delay in responding to distress calls from residents has been worrying;
4. **THAT**, the despite numerous cases of human - wildlife conflict having been reported to the relevant authorities, the victims affected are yet to be compensated;
5. **THAT**, all efforts to resolve the matter have been futile; and;

NATIONAL ASSEMBLY
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09 AUG 2023
SPEAKER'S OFFICE
NAIROBI.

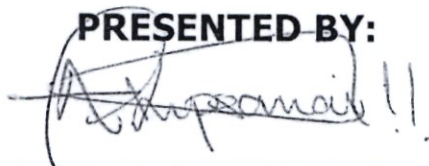
6. **THAT**, the matter in respect of which this petition is made is not pending before any Court of law or constitutional or legal body.

THEREFORE, your humble petitioners pray that the National Assembly through the Public Petitions Committee;

- i. Ensure that the Government intervene to cause the Kenya Wildlife Service and other agencies to expeditiously erect perimeter fences along the un-fenced areas bordering and in particular in *Rimoi Sub location, Kiptuilong and Kamogich Locations of Tambach Ward; Chegilet and Kabulwo Sub locations and Keu Location of Esmoo Ward in Keiyo North Constituency*;
- ii. Recommends that the Government increases the number of Kenya Wildlife Service posts or camps in the affected human - wildlife conflict areas bordering the reserve for efficient surveillance and prompt response to distress calls on stray wildlife to human settlements;
- iii. Recommends that policy regarding human - wildlife conflict is effected appropriately and in particular expeditious and timely compensation of victims and their families for loss of lives and livestock; and, destruction of property and crops;
- iv. Recommends that the Kenya Wildlife Service undertake Corporate Social Responsibility (CRS) to communities around the Reserve and in particular through drilling and renovation of School boreholes, scholarships and job opportunities among other; and,
- v. Makes any other recommendation or action it deems fit in addressing the plight of the Petitioners.

And your **PETITIONERS** will ever pray.

PRESENTED BY:



THE HON. ADAMS KIPSANAI, MP

MEMBER FOR KEIYO NORTH CONSTITUENCY

DATE: 15/04/2023



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

MINUTES OF THE 13TH SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON THURSDAY, MARCH 21, 2024, IN COMMITTEE ROOM 25, 5TH FLOOR, BUNGE TOWERS, PARLIAMENT BUILDINGS AT 12.00 NOON

PRESENT

- | | | |
|---|---|------------------|
| 1. Hon. Janet Jepkemboi Sitienei, M.P. | - | Vice Chairperson |
| 2. Hon. Joshua Chepyegon Kandie, M.P. | | |
| 3. Hon. John Walter Owino, M.P. | | |
| 4. Hon. Maisori Marwa Kitayama, MP | | |
| 5. Hon. (Eng.) Bernard Muriuki Nebart, M.P. | | |
| 6. Hon. Edith Vethi Nyenze, M.P. | | |
| 7. Hon. Suzanne Ndunge Kiamba, M.P. | | |
| 8. Hon. John Bwire Okano, M.P. | | |

APOLOGIES

- | | | |
|--------------------------------------|---|-------------|
| 1. Hon. Nimrod Mbithuka Mbai, M.P. | - | Chairperson |
| 2. Hon. Patrick Makau King'ola, M.P. | | |
| 3. Hon. Ernest Ogesi Kivai, M.P. | | |
| 4. Hon. Caleb Mutiso Mule, M.P. | | |
| 5. Hon. Bidu Mohamed Tubi, M.P. | | |
| 6. Hon. Peter Mbogho Shake, M.P. | | |
| 7. Hon. Sloya Clement Logova, M.P. | | |

IN ATTENDANCE

Hon. Adams Kipsaai, M.P. - Petitioner

SECRETARIAT

- | | | |
|-----------------------|---|-----------------------------|
| 1. Mr. Ahmed Kadhi | - | Senior Clerk Assistant |
| 2. Ms. Roselyn Njuki | - | Senior Serjeant-at-Arms I |
| 3. Ms. Miriam Modo | - | Clerk Assistant I |
| 4. Mr. Willis Obiero | - | Clerk Assistant III |
| 5. Mr. Martin Sigei | - | Research Officer III |
| 6. Mr. Calvin Karungo | - | Media Relations Officer III |
| 7. Mr. Peter Mutethia | - | Audio Officer |

MIN./PPETC/2024/ 088: PRELIMINARIES

The Chairperson called the meeting to order at 09:00 a.m. and proceedings began with prayers by Hon. Edith Vethi Nyenze, M.P.

MIN./PPETC/2024/089: ADOPTION OF AGENDA

AGENDA

1. Prayer
2. Adoption of the Agenda
3. Confirmation of minutes of previous sittings
4. Matters Arising
5. Meeting with the CS, Ministry of Public Service, Performance and Delivery Management regarding consideration of—
 - *Public Petition regarding Gazettement of Rachuonyo North as a hardship Area*
 - *Public Petition No. 57 of 2023 regarding Gazettement of Nyatike West, Nyatike North and Nyatike South Sub-Counties as Hardship Areas*
 - *Public Petition No. 71 of 2023 regarding Gazettement of Chepalungu Sub County as a Hardship Area*
 - *Public Petition No. 70 of 2023 regarding Hardship Allowance and Affirmative Action for Teachers in Chonyi Sub County*
6. Consideration of Public Petition No. 43 of 2023 regarding Human Wildlife Conflict in Keiyo North Constituency
 - *Meeting with the Petitioner (Hon. Adams Kipsanai, MP)*
7. Any Other Business
8. Adjournment

The Agenda was adopted to constitute business having been proposed by Hon. Edith Vethi Nyenze, M.P. and seconded by Hon. Suzanne Ndunge Kiamba, M.P.

MIN./PPETC/2024/090: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

The minutes of the 9th Sitting held on 14th March, 2024 were confirmed as true record of the proceedings having been proposed by Hon. Edith Vethi Nyenze, M.P. and seconded by Hon. Joshua Chepyegon Kandie, M.P.

The minutes of the 10th Sitting held on 19th March, 2024 were confirmed as true record of the proceedings having been proposed by Hon. Edith Vethi Nyenze, M.P. and seconded by Hon. John Walter Owino, M.P.

MIN./PPETC/2024/091: MEETING WITH THE CS, MINISTRY OF PUBLIC SERVICE, PERFORMANCE AND DELIVERY MANAGEMENT

The CS was to appear regarding the consideration of—

- i. Public Petition regarding Gazettement of Rachuonyo North as a hardship Area;
- ii. Public Petition No. 57 of 2023 regarding Gazettement of Nyatike West, Nyatike North and Nyatike South Sub-Counties as Hardship Areas;
- iii. Public Petition No. 71 of 2023 regarding Gazettement of Chepalungu Sub County as a Hardship Area; and

- iv. Public Petition No. 70 of 2023 regarding Hardship Allowance and Affirmative Action for Teachers in Chonyi Sub County.

Vide a letter Ref. No. MPSG&DM/3/7 and dated 20th March 2024, the CS had communicated apologies for being unable to attend the meeting in person and requested the Committee to accept written submissions which were adequate and comprehensive to address the concerns raised in the petitions.

The Committee deliberated on the matter and rejected the written submissions and resolved to reschedule the meeting with the CS to allow him appear in person. This would allow Members to interrogate the responses.

MIN./PPETC/2024/092:

CONSIDERATION OF PUBLIC PETITION NO. 43 OF
2023 REGARDING HUMAN WILDLIFE CONFLICT IN
KEIYO NORTH CONSTITUENCY

Meeting with Hon. Adams Kipsanai, MP

The Hon. Kipsanai appeared before the Committee and submitted as follows that—

- i. In the recent past, residents of Rimoi Sub Location, Kiptuilong, and Kamogich Locations of Tambach Ward; Chegilet and Kabulwo Sub Location and Keu Location of Esmoo Ward in Keiyo North Constituency had experienced increased cases of invasions and attacks by elephants resulting in loss of lives and livestock, destruction crops and properties in the said areas.
- ii. Most areas of Esmoo and Tambach Wards in Keiyo North Constituency and in particular the schools and public institutions bordering the Rimoi Game Reserve remain un-fenced hence making it easier for the wild animals to stray out of the reserve. For example, elephants often came out of the park and interfered with human activities especially during the dry seasons when they are looking for water points.
- iii. The land where the game reserve was had been surrendered under lease by the community for a period of twenty-five (25) years which had come to an end. However, in the second phase, the community requested for new terms of engagement by surrendering the land to the county government.
- iv. The inaction by the Kenya Wildlife Service (KWS) and in particular the failure or delay in responding to distress calls from residents had been worrying;
- v. Despite numerous cases of human-wildlife conflict having been reported to the relevant authorities, the victims affected are yet to be compensated and all efforts to resolve the matter have been futile.

The Petitioner prayed that the Committee—

- i. Ensures that the Government intervenes to cause the Kenya Wildlife Service and other agencies to expeditiously erect perimeter fences along the unfenced areas bordering and in particular in Rimoi Sub Location, Kiptuilong and Kamogich Locations of Tambach Ward; Chegilet and Kabulwo Sub Locations and Keu Location of Esmoo Ward in Keiyo North Constituency.
- ii. Recommends that the Government increases the number of Kenya Wildlife Service posts or camps in the affected human-wildlife conflict areas bordering the reserve for efficient surveillance and prompt response to distress calls on stray wildlife to human settlements.
- iii. Recommends that policy regarding human-wildlife conflict is effected appropriately and in particular expeditious and timely compensation of victims and their families for loss of lives and livestock; and, destruction of property and crops.
- iv. Recommends that the Kenya Wildlife Service undertake Corporate Social Responsibility (CRS) to communities around the Reserve and in particular through drilling and renovation of School boreholes, scholarships and job opportunities among other.
- v. Makes any other recommendation or action it deemed fit in addressing the plight of the petitioners.

Committee Concerns

Regarding whether the area in **question was gazetted for wildlife or tourism**, the petitioner stated that the KWS had engaged the then Keiyo County Council to hive off the land for a conservancy to be run by the KWS. However, the benefits did not benefit from any compensation apart from the park generating tourism for the government. Therefore, the locals were concerned that instead of benefiting from the game reserve, they were suffering from killings and destruction by the same animals, a trend which was alarming.

Regarding whether there were **human settlements with the area**, the Petitioner stated that the Petitioner indicated that there were public amenities including schools, churches, police around the area but not inside the land inhabited by the animals.

Regarding whether the KWS had **engaged the community for any proposals**, the petitioner, stated that KWS had engaged the community and it was willing to surrender the land back to the community through the County Government of Elgeyo Marakwet. The engagement was as a result of the petition but all along the KWS had not responded to the issues raised by the people.

Regarding the exact acreage of the land, the Petitioner stated that the land was about 66-kilometer square.

Regarding the way forward, the petitioner stated that the community's interest was resolution of the human-wildlife conflict, compensation, and protection of the residents.

Committee Resolution

After the deliberations, the Committee resolved that the petitioner provides additional information and evidence including claims on compensation for crop destruction.

MIN./PPETC/2024/093:

ADJOURNMENT AND DATE OF NEXT MEETING

The Chairperson adjourned the meeting at 10:30 a.m. The next meeting will be held on Monday 25th March, 2024 at 9.00 a.m.

for Sign: 

(CHAIRPERSON)

Date: 09-04-2024



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

MINUTES OF THE 29TH SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON WEDNESDAY, APRIL 24, 2024, IN COMMITTEE ROOM 25, 5TH FLOOR, BUNGE TOWER, PARLIAMENT BUILDINGS AT 12.00. P.M

PRESENT

- | | | |
|---|---|------------------|
| 1. Hon. Nimrod Mbithuka Mbai, M.P. | - | Chairperson |
| 2. Hon. Janet Jepkemboi Sitienei, M.P. | - | Vice Chairperson |
| 3. Hon. Maisori Marwa Kitayama, MP | | |
| 4. Hon. Ernest Ogesi Kivai, M.P. | | |
| 5. Hon. Bidu Mohamed Tubi, M.P. | | |
| 6. Hon. (Eng.) Bernard Muriuki Nebart, M.P. | | |
| 7. Hon. Peter Mbogho Shake, M.P. | | |
| 8. Hon. Caleb Mutiso Mule, M.P. | | |

APOLOGIES

1. Hon. Patrick Makau King'ola, M.P.
2. Hon. Joshua Chepyegon Kandie, M.P
3. Hon. John Walter Owino, M.P.
4. Hon. Edith Vethi Nyenze, M.P.
5. Hon. Suzanne Ndunge Kiamba, M.P.
6. Hon. Sloya Clement Logova, M.P.
7. Hon. John Bwire Okano, M.P.

SECRETARIAT

- | | | |
|-------------------------|---|-------------------------------|
| 1. Mr. Ahmad Kadhi | - | Clerk Assistant I |
| 2. Ms. Anne Shibuko | - | Clerk Assistant I |
| 3. Ms. Patricia Gichane | - | Legal Counsel II |
| 4. Mr. Isaac Nabiswa | - | Legal Counsel II |
| 5. Ms. Felistas Muiya | - | Public Communications Officer |
| 6. Mr. Martin Sigei | - | Research Officer III |
| 7. Mr. Calvin Karungo | - | Media Relations Officer III |
| 8. Mr. Peter Mutethia | - | Audio Officer |

IN ATTENDANCE

MINISTRY OF TOURISM &WILLIFE AND KENYA WILDLIFE SERVICE

- | | | |
|--------------------------|---|-------------------------------|
| 1. Ms. Silvia Museiya | - | Principal Secretary, Wildlife |
| 2. Mr. Samuel Tokore | - | Deputy Director, KWS |
| 3. Dr. John Chumo | | |
| 4. Dr. Richard Chepkwony | | |

KENYA RAILWAYS CORPORATION

1. Mr. Asava Kadima - General Manager, Human Resource and Administration
2. Mr. Nicholas Kikuvi
3. Mr. Stanely Gitari

MIN./PPETC/2024/ 185: PRELIMINARIES

The Chairperson called the meeting to order at 12:00 p.m. and proceedings began with prayers by Hon. Ernest Kagesi, M.P.

MIN./PPETC/2024/186: ADOPTION OF AGENDA

AGENDA

1. Prayer
2. Adoption of the Agenda
3. Confirmation of minutes of previous sittings
4. Matters Arising
5. Consideration of Public Petition No.43 of 2023 on Human Wildlife conflict in Keiyo North Constituency
 - Meeting with Kenya Wildlife Service (KWS)
 - Meeting with CS, Ministry of Tourism & Wildlife
6. Consideration of Public Petition No.50 of 2023 on Delayed Payment of Pension by the Kenya Railways Corporation
 - Meeting with Kenya Railways Corporation (KRC)
7. Any Other Business
8. Adjournment

The Agenda was adopted to constitute business having been proposed Hon. Peter Mbogho Shake, M.P. and seconded by Hon. Bernard Muriuki, M.P.

MIN./PPETC/2024/187: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

The Agenda was deferred.

MIN./PPETC/2024/188: CONSIDERATION OF PUBLIC PETITION NO.43 OF 2023 ON HUMAN WILDLIFE CONFLICT IN KEIYO NORTH CONSTITUENCY

Meeting with the Ministry of Wildlife & Tourism and Kenya Wildlife Service

The Principal Secretary, State Department for Wildlife, Ms. Silvia Museiya accompanied by the Deputy Director, Kenya Wildlife Service, Mr. Samuel Tokore appeared before the Committee and submitted as follows—

Overview

1. Human-wildlife conflict presented a longstanding challenge addressed by the Ministry through allocation of budgets and numerous mitigations. Despite occasional delays, the government was committed to compensating the victims. Notably, in the Financial Year 2022/2023, the government allocated Kshs 908 million, followed by Kshs 960 million in the Financial Year 2023/2024 for compensation, in addition to various other mitigation measures. These include initiatives such as fencing, provision of water sources, community education and awareness programs, and restoration of affected environments to mitigate degradation in wildlife areas, thereby reducing the need for wildlife to venture into community areas in search of water and forage.
2. Concerning Rimoi National Reserve, the focus of the Petition, it was crucial to recognize that while the Kenya Wildlife Service (KWS) and the national government oversee and manage approximately thirty-one (31) national parks, national reserves fell under the jurisdiction of county governments. Rimoi, specifically, was under the purview of the County Government of Elgeyo Marakwet. Nevertheless, KWS plays a supporting role in assisting county governments with the administration, operation, and management of national reserves.

Background

3. Kenya had a rich diversity of wildlife making it an ultimate tourist destination with benefits of wildlife tourism. However, it was impossible to contain wildlife within specific physical boundaries.
4. Data on species movements and behaviors showed that majority of the wildlife species utilized both protected areas and areas outside whereas others reside outside the protected areas where they cause negative interactions with people due to competition for resources leading to human wildlife conflict. Such interactions sometimes result in death of humans, injury to humans, predation on livestock, destruction of property and threats to humans.
5. Human-wildlife conflicts (HWC) and poaching are twin threats facing wildlife conservation in Kenya. Kenya Wildlife Service (KWS) has therefore, placed high premium on its activities to address these twin challenges. Consequently, KWS has managed to control poaching which had reached alarming levels as at 2013.
6. Due to its proximity to Rimoi National Reserve to the south, Keiyo North Constituency had human conflicts cases being one of the key elephant habitats within the country.

Rimoi National Reserve case

7. Rimoi National Reserve gazetted in January 1983, occupied about 66 sq kms formed part of an important habitat and dispersal area for elephants migrating between Nasolot and south Turkana national reserves. The Reserve occupies 66sq kms. It was also a mating and breeding area as well as a migratory corridor for the herds of elephants.

8. The wildlife species recorded in Rimoi were Elephants, Giraffes, Zebras, Leopards, Pangolins, and White crocodiles, Warthogs, Baboons, Vervet monkeys, Aardvark, Porcupines, Serval cats and Hyenas.

Human Wildlife Conflict

9. Human wildlife conflict was often experienced in areas along Kerio valley including adjacent areas of Rimoi National Reserve and gazetted forest areas within the county. It was majorly attributed to drought which impacted on wildlife in Rimoi National Reserve and Kerio valley as they search for food and water resulting to conflicts such crop destruction and predation with isolated cases of human death and injury.
10. Keiyo North experienced high Human-Elephant Conflict in the month of May, June, July and October due to drought situations experienced during these months hence the elephants move out in search of forage extending all the way to Biretwo and Fluorspar in Keiyo south.
11. In the last one year, reported human wildlife conflicts within Keiyo North constituency were as follows—
 - (a) Sixteen (16) crop destruction incidents by elephants
 - (b) Ten (10) livestock predation incidents by leopards
 - (c) One (1) human injury incident by an elephant
 - (d) One (1) Human death incident by an elephant
 - (e) Four (4) property destruction incidents by elephants
12. The major causes of human wildlife conflict in the area included drought, encroachment on wildlife corridors, dilapidated game-proof fences, farming and irrigation leading to extensive abstraction of wate, insecurity, illegal human activities and settlement, and inadequate legislation and enforcement of rules.
13. To address the challenges of human wildlife conflict, the KWS had engaged in problem animal control, wildlife drive operations, wildlife barriers, awareness creation, compensation, and CSR activities.
14. Regarding compensation, a total of 769 claims had been launched between 2014 and 2021 out of which 178 had been paid at about Kshs65 million. However, 336 claims were approved valued at about Kshs 29 million which were awaiting funding. Further, two death claims were paid partially with a balance of Kshs8 million while 89 claims were deferred for clarification and 166 claims were rejected. The KWS also availed Kshs 30,000 per death caused by human wildlife conflict to deceased families.
15. Regarding CSR activities, the KWS availed funds to construction of Kabulwo secondary school, Rimoi Dispensary at Kshs2.5 million and a museum at St. Patrick High School Iten at Kshs 10 million.

Committee Concerns

16. Regarding the **process of compensating victims of human-wildlife conflict**, the PS outlined that compensation was administered through the County Wildlife Compensation Committee, responsible for verifying the authenticity of claims. However, under a new Wildlife Compensation Scheme, there is a proposed shift towards processing compensation at the ward level. This process was characterized by its lengthy and cumbersome nature, with verification alone sometimes taking up to five years. Initially, claimants would manually locate a Kenya Wildlife Service (KWS) warden to submit claim forms. In instances of damage, cases were reported to both the police and KWS, along with local NGAO officials. In cases of fatalities, a doctor's autopsy report was required to confirm the cause of death as a wildlife attack.

In Elgeyo Marakwet, the County Wildlife Compensation Committee had not convened any meetings since 2021, resulting in delays in processing claims for 2022, 2023, and 2024. Consequently, addressing such delays necessitated a new compensation approach involving a scheme administrator and digitalization of the process. The piloting of the new scheme was underway in six hotspot counties, with the Ministry engaging county officers to expedite responses, empowered by *boda boda* and digital platforms to enhance efficiency. These efforts were prompted by the inadequate number of KWS officers, with the last recruitment occurring in 2015, leading to staff shortages for conservation efforts even before addressing human-wildlife conflict issues.

The operational budget constraints facing KWS, including insufficient funds for vehicles, machinery, and human resources, were compounded by the fact that over 20% of the country consists of protected areas, national parks, reserves, and conservancies.

Furthermore, human-wildlife conflict often occurred outside protected areas. The Ministry's lateness in compensation was evident in its handling of claims from 2014-2016, still unresolved in 2024. These delays were partly due to the National Treasury allocating funds for compensation without timely disbursement. For instance, in the Financial Year 2023/2024, out of the Kshs960 million allocated for human-wildlife compensation, only Kshs480 million had been disbursed. To address these delays in disbursement, the Ministry was advocating for compensation allocations to be included under recurrent expenditure on a monthly basis.

17. Regarding the **role of the County Wildlife Compensation Committee**, the PS highlighted the role of the County Wildlife Compensation Committee, noting its existence as indicative of legislative gaps. This acknowledgment stemmed from the realization that the committee's function appeared bureaucratic in nature, given that the bulk of the work—verification in cases of injuries, fatalities, and agricultural damage—was carried out by medical professionals or agriculture officers. Consequently, there is a pressing need to modernize legislation to streamline such bureaucratic processes.

18. In response to the **pressing need to compensate victims of human-wildlife conflicts**, the PS committed to addressing all outstanding bills, currently under review by the Pending Bills Verification Committee, amounting to Kshs10 billion. The substantial accumulation of pending bills stemmed from systemic neglect over the years. Although the National Treasury had been allocating Kshs900 million annually, an additional Kshs3 billion pledged by the President would significantly bolster these efforts. Urgency in compensating victims was paramount, as it would swiftly inject funds into their pockets, alleviating immediate concerns surrounding food security resulting from wildlife-induced crop and livestock destruction.

19. Regarding the **compensation amounts for death resulting from wildlife incidents**, the PS clarified that the law stipulated a payment of Kshs5 million for fatalities and Kshs3 million for injuries or bodily harm. However, compensation for crop and livestock damage was evaluated by an agricultural officer. The Kshs30,000 provided initially by KWS through generated revenue served as an interim consolation to assist with burial expenses while the process for acquiring the full Kshs5 million compensation was underway.

Nonetheless, certain claims had been rejected due to fraudulent attempts, particularly when livestock deaths were attributed to other causes contrary to the claim. Additionally, claims would be returned whenever inconsistencies arose between the autopsy report and the information provided, or if the information provided was deemed insufficient, with the expectation that accurate information would be provided in due course.

20. Regarding the **specific compensation for Keiyo North Constituency**, the existing compensation form lacked provisions for such localized data unless modifications were made to segregate compensation at both the constituency and ward levels. Currently, the claim forms are generic to the county, but efforts are underway within the Ministry to streamline the process. This includes plans to ensure that once a claim is submitted, it is directed to the appropriate ward and subcounty levels, thus enhancing efficiency in the compensation process.

21. Regarding **capacity building and actions in place at Rimoi National Reserve**, the Ministry pledged to prioritize the rehabilitation of the 32 km fence and was considering the addition of an extra corridor to the north. The Kenya Wildlife Service (KWS) was actively working to mark all wildlife corridors, thereby ensuring connectivity within wildlife habitats. Additionally, the KWS has committed to enhancing patrols in the area following the training of recruits, aimed at reducing instances of human-wildlife conflict. Moreover, the KWS plans to bolster awareness and educational programs within the community to encourage reporting and prompt responses.

Furthermore, the KWS was in dialogue with the county government to devise effective strategies for addressing the challenges faced by communities in the area. Notably, the mitigative efforts implemented by the KWS had resulted in a reduction in human-wildlife conflict incidents, facilitated by the ongoing

rehabilitation of damaged fences on a daily basis until the construction of a new perimeter fence was completed.

22. Regarding the **mitigation measures undertaken by KWS in Keiyo North Constituency**, the PS emphasized that wildlife remained a significant driver of the Kenyan economy. As a shift from previous strategies that focused solely on fencing parks and forests, the Ministry and KWS were actively supporting communities residing outside protected areas. This support included the fencing of schools and community areas to safeguard them from wildlife encounters.
23. Regarding the **gaps in legislation and enforcement efforts**, the PS underscored the importance of KWS enforcement actions in protecting wildlife from encroachment by local communities. Kenya's commitment to multilateral environmental agreements, such as the Convention on Biological Diversity, included a pledge to designate 30% of the country's land for biodiversity preservation. However, legislative shortcomings existed, particularly on compensable wildlife, which only included a limited number of species like elephants, rhinos, and buffalos, despite the potential for harm from other species, including marine wildlife.

Additionally, the PS emphasized the necessity of ringfencing the budget for human-wildlife conflict compensation and supporting KWS, as current funding was insufficient. County legislations also revealed gaps, particularly regarding national reserves which fell under their jurisdiction. Many counties lacked policies to govern reserve operations, leading to issues such as the potential establishment of schools within reserves. Out of the 28 national reserves in the country, only four generated revenues for county governments, while others lacked management structures, fencing, demarcation, land title deeds, gates, or outposts. Thus, county governments needed to develop policies to operationalize such reserves, including allocating dedicated budgets to ensure their effective management and benefit to local communities.

24. In response to the Committee's inquiry about **the possibility of reinvesting tourism revenue into compensating victims of human-wildlife conflict** without relying solely on the National Treasury, the PS agreed that utilizing tourism revenue could indeed contribute to compensation efforts. Notably, tourism revenue had already been instrumental in funding both recurrent (86%) and development budgets. Moreover, the Tourism Promotion Fund, which collected a percentage of revenue from both domestic and international tourists, had been funding various activities related to human-wildlife conflict mitigation. Specifically, KWS had allocated approximately Kshs300 million for fencing projects in critical human-wildlife conflict hotspots, as identified through mapping efforts. The PS highlighted that the second phase of this project will encompass Rimoi National Reserve. Furthermore, the PS urged Committee Members representing constituencies affected by human-wildlife conflict to actively engage with the Ministry to address these challenges effectively.

25. Regarding whether KWS had relegated its mandate to allow NGOs engage in conservation, the PS clarified that areas managed by NGOs' conservancies were not designated protected areas under KWS jurisdiction. No gazetted protected areas under KWS were being managed by NGOs. The Northern Rangelands Trust (NRT) oversaw approximately 24 conservancies, expanding even to coastal regions. However, these conservancies were established through private arrangements, wherein landowners registered with the NRT, a legal entity operating in Kenya. While there had been some issues regarding the NRT, they had generally handled benefit sharing with communities more effectively.

Communities within these conservancies, governed by their land management committees under the Community Land Act 2016, decided on land utilization, management, grazing plans, and when to engage with supporting NGOs. Private and community conservancies, including the NRT, had united under the Kenya Wildlife Conservancies Association (KWCA), comprising 215 member organizations and 12 regional associations. These associations, such as the Maasai Mara Wildlife Conservancy Association and Taita Taveta Wildlife Conservancy Association, had their own governance structures.

Given the property rights established under Article 40, the Ministry had limited authority in these matters. Instead, it focused on capacity building for conservancy members, facilitating registration through KWS, and developing management plans while respecting property rights. These management plans incorporated a mixed-use land system, enabling coexistence of livestock, wildlife, tourism, and agriculture.

26. Regarding the **preventive approach to human-wildlife conflict**, the PS highlighted that KWS prioritized enforcement efforts on the ground. This enforcement strategy operates on two fronts: first, ensuring wildlife remains within protected areas and designated corridors, and second, ensuring people were kept out of KWS protected areas for their safety.
27. In response to the Committee's inquiry about the **specific actions taken by the Ministry regarding the prayers in the petition concerning Rimoi National Reserve**, the PS acknowledged that the submission did not provide detailed information on KWS efforts in Keiyo North Constituency. Therefore, the Ministry and KWS committed to presenting a comprehensive report on the action points and commitments related to Rimoi National Reserve within one week.

Committee Resolution

28. After deliberations, the Committee resolved to grant the Ministry and KWS the opportunity to submit a comprehensive report addressing various action points raised in the petition within one week.

Meeting with Kenya Railways Corporation (KRC)

The General Manager, Human Resource and Administration, Mr. Asava Kadima on behalf of the Managing Director, Kenya Railways Corporation appeared before the Committee and submitted as follows—

29. Mr. Mocheo resigned from the services of the Corporation on 5th February 1995 to join University of Nairobi as an Assistant Accountant. As such, the KRC considered that he was disqualified from pension benefit payable by the Corporation as under CAP 397 section 81 (Kenya Railways Corporation Pensions Regulations) due to the nature of exit.
30. The ex-staff sought legal redress on the same claim at the Employee and Labor Relations Court under Case No. 487 of 2011 and No. 306 of 2013. In both cases, a ruling was made in favour of the Corporation. Consequently, it was the Corporation's view that there were no awards by the Court applicable to the Corporation.
31. It was trued that the claimant was an employee of Kenya Railways Corporation for seventeen (17) years, from 8th January 1968 as a Trainee Clerk to 30th April 1985 as an Assistant Station Master.
32. The claimant made an application for the Accounts Assistant position through the Managing Director, Kenya Railways and was later invited for an interview. Upon being offered the position, he tendered his resignation, which the Managing Director, Kenya Railways Corporation accepted, and further authorized his transfer of service to the University of Nairobi where he worked for twenty-two (22) years until his retirement in 2006.
33. That there was an agreement between the University of Nairobi and Kenya Railways Corporation for the latter to pay the claimant's pension for the seventeen (17) years of service at Kenya Railways. However, the payment was being processed.
34. That it was not true that Mr. Mocheo was unaware of any cheque made and he had not been filling the census forms as alleged since there are no documents to support that claimant's assertion that he was filling the census forms.
35. It is in record that the claimant requested to have the initial cheque replaced and the same was being processed. The Corporation was not aware of the claimant's computations resulting to a pension rate of Kshs 9,002.45 per month instead of Kshs. 527.20 as computed by the Corporation.

Committee Concerns

36. The Committee questioned why the KRC had not transferred the entitlement to the University of Nairobi (UON) without a cheque being issued. The General Manager explained that there had been an engagement with the University of Nairobi in 1985, during Mr. Mocheo's tenure at KRC, for them to take over and assume ownership of the service. However, this engagement did not conclude until 2006 when Mr. Mocheo retired. In response to UON's query regarding the absence of a cheque accompanying the statement, KRC clarified that it did not respond to the letter, but instead decided that rather than transferring money to UON, KRC would pay directly. KRC requested time to provide a comprehensive response after consultations.
37. Regarding Mr. Mocheo's claim that his entitlement was computed incorrectly, the KRC stated that they factored in his last salary as one of the considerations in calculating his pension under the defined benefit scheme, which amounted to Kshs527 at the time. However, the trustees of the Kenya Railways Scheme had approved annual increases to the pension, with the initial pension being Kshs1000 and the current pension standing at approximately Kshs6000 as of 2008, not Kshs527.
38. Regarding the calculation of Mr. Mocheo's gratuity, the KRC submitted that the lump sum gratuity payment was determined based on the years worked and was not disputed. The gratuity was calculated up to the point he was leaving the KRC, and there was no disagreement regarding the gratuity amount.
39. Regarding the engagement with Mr. Mocheo and the offer from KRC, the Corporation pledged to provide Mr. Mocheo with his rightful pension up to date, amounting to Kshs6500 monthly from 2008 when he joined the payroll, along with any outstanding arrears. However, it was deemed necessary for the three parties involved - UON, KRC, and Mr. Mocheo - to engage in a tripartite discussion to synchronize the agreed pension terms for the retired employee's benefit.
40. Regarding efforts made to invite Mr. Mocheo for negotiations, the General Manager stated that the last attempt occurred when Mr. Mocheo visited to inquire about his cheque in January 2023. However, he did not receive the payment, and the finance team provided an explanation, which was undergoing internal resolution.

Committee Resolution

After deliberations, the Committee resolved that the Kenya Railways Corporation submits a comprehensive response within two weeks to reconcile the issues raised by the Petitioner, including proposing an agreeable and practical framework for conclusively paying Mr. Mocheo's pension.

MIN./PPETC/2024/190:

ADJOURNMENT AND DATE OF NEXT MEETING

The Chairperson adjourned the meeting at 1:00 p.m. The next meeting will be held on Tuesday, 30th April 2024 at 10:00 a.m.

Sign: 

(CHAIRPERSON)

Date: 05-06-2024



MINISTRY OF TOURISM AND WILDLIFE
STATE DEPARTMENT FOR WILDLIFE
OFFICE OF THE PRINCIPAL SECRETARY

Telephone: +254-20-3926000
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When replying please quote:

NSSF Building Bishop Rd., Block 'A'
21st Floor, Eastern Wing
P. O. Box 41394 00100
NAIROBI

5th July, 2024

Ref: SDW/8/17/1

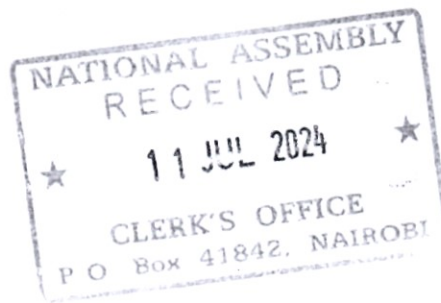
Mr. Samuel Njoroge
Clerk of the National Assembly
National Assembly
P.O BOX 41842-00100
NAIROBI

ADDITIONAL INFORMATION ON PUBLIC PETITION NO. 43 OF 2023
REGARDING HUMAN-WILDLIFE CONFLICTS IN KEIYO NORTH
CONSTITUENCY

Reference is made to your letter Ref. No. KNA/DLPS/PPETC/CORR/2024/127 dated 20th June, 2024 on the above subject.

The purpose of this letter is to forward the attached response regarding Human-Wildlife conflict in Keiyo North constituency raised by Hon. Adams Kipsanai, MP

Silvia Museiya, CBS
PRINCIPAL SECRETARY.



Encl.

② Head ARS
to deal
signature
12/7

③ Kadhi
Please
deal
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1st/24

① DLPS
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REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

MINUTES OF THE 60TH SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON SATURDAY, NOVEMBER 09, 2024, IN MEDUSA 2 ROOM, ENGLISH POINT MARINA AT 10.00. A.M

PRESENT

- | | | |
|---|---|------------------|
| 1. Hon. Nimrod Mbithuka Mbai, M.P. | - | Chairperson |
| 2. Hon. Janet Jepkemboi Sitienei, M.P. | - | Vice Chairperson |
| 3. Hon. Maisori Marwa Kitayama, MP | | |
| 4. Hon. Edith Vethi Nyenze, M.P. | | |
| 5. Hon. (Eng.) Bernard Muriuki Nebart, M.P. | | |
| 6. Hon. Suzanne Ndunge Kiamba, M.P. | | |
| 7. Hon. Ernest Ogesi Kivai, M.P. | | |
| 8. Hon. Joshua Chepyegon Kandie, M.P. | | |
| 9. Hon. Bidu Mohamed Tubi, M.P. | | |
| 10. Hon. Peter Mbogho Shake, M.P. | | |

APOLOGIES

1. Hon. Patrick Makau King'ola, M.P.
2. Hon. John Walter Owino, M.P.
3. Hon. Caleb Mutiso Mule, M.P.
4. Hon. John Bwire Okano, M.P.
5. Hon. Sloya Clement Logova, M.P.

SECRETARIAT

- | | |
|-------------------------|------------------------------|
| 1. Mr. Samuel Kalama | Principal Clerk Assistant II |
| 2. Mr. Ahmad Kadhi | Principal Clerk Assistant II |
| 3. Ms. Roselyn Njuki | Senior Sergeant at Arms I |
| 4. Ms. Anne Shibuko | Clerk Assistant I |
| 5. Ms. Patricia Gichane | Legal Counsel II |
| 6. Mr. Issaac Nabiswa | Legal Counsel II |
| 7. Mr. Willis Obiero | Clerk Assistant III |
| 8. Ms. Nancy Akinyi | Research Officer III |
| 9. Mr. Benson Muchiri | Audio Officer |
| 10. Mr. Calvin Karungo | Media Relations Officer III |

MIN./PPETC/2024/379: PRELIMINARIES

The Chairperson called the meeting to order at 10:00 a.m. and proceedings began with prayers by Hon. Suzanne Kiamba, M.P.

MIN./PPETC/2024/380: ADOPTION OF AGENDA

AGENDA

1. Prayer
2. Adoption of the Agenda
3. Confirmation of minutes of previous sittings
4. Matters Arising
5. Consideration of Public Petition No. 50 of 2023 regarding delayed payment of pension by the Kenya Railways Corporation
6. Consideration of Public Petition No. 46 of 2023 regarding payment of retirement dues and pension for retired teachers
7. Consideration of Public Petition No. 43 of 2023 regarding Human Wildlife Conflict in Keiyo North Constituency
8. Any Other Business
9. Adjournment

The Agenda was adopted to constitute business having been proposed by Hon. Janet Sitienei, M.P. and seconded by Hon. Bidu Tubi, M.P.

MIN./PPETC/2024/381: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

The agenda was deferred.

MIN./PPETC/2024/382: CONSIDERATION OF PUBLIC PETITION NO. 50 OF 2023 REGARDING DELAYED PAYMENT OF PENSION BY THE KENYA RAILWAYS CORPORATION

Observations

The Committee considered the draft report and observed that:

- i. The Kenya Railways Corporation's delay in processing Mr. Mocheo's pension for his seventeen (17) years of service, by failing to remit his pension to the University of Nairobi or promptly complete the necessary processing, violated Mr. Mocheo's rights under sections 5 and 6 of the Pensions Act (Cap. 189).
- ii. The Kshs. 527.20 per month offered by the Corporation was unreasonable as calculated using his last salary in the year 2006.
- iii. The Kenya Railways Corporation failed to transfer Mr. Mocheo's pension benefits for the eighty (18) years of service to the University despite the request made by the University.

Recommendations

Pursuant to the provisions of Standing Order 227, the Committee recommended that—

- i. On the prayers that the Committee inquires into the matter and recommends an appropriate mechanism for resolving the matter for the benefit of the petitioner; and recommends payment of the delayed pension of Mr. Benson Asiago Mocheo, the Committee recommends that, the Kenya Railways Corporation promptly and adequately pays the pension owed to Mr. Mocheo for his seventeen (17) years of service within thirty (30) days of the report being tabled.
- ii. On the prayer that the Committee recommends action be taken on all those involved in the continued violation of Mr. Benson Asiago Mocheo's right to fair administrative action as provided under the Constitution of Kenya 2010

and the Fair Administrative Act No.4 of 2016, the Committee notes that the primary issue raised in the petition pertains to the delayed payment of pension, attributed to the Corporation. Therefore, the Committee recommends that the Corporation initiates administrative procedures to identify and deal with any negligence or fault by the officers responsible for processing the pension.

- iii. The Kenya Railways Corporation fast-tracks any other pending pension payment owed to its former employees.

MIN./PPETC/2024/383: CONSIDERATION OF PUBLIC PETITION NO. 46 OF 2023 REGARDING PAYMENT OF RETIREMENT DUES AND PENSION FOR RETIRED TEACHERS

The Committee considered the draft report and noted that for comprehensive consideration of the Petition, there was need to include written submission by the National Treasury in the Report invite the Retirement Benefits Authority to give additional insight into the management of pension.

The secretariat would look into the Retirement Benefits Act and the Public Service Super Annuation Scheme Act with a view to come up with a legislative proposal to tackle challenges faced in the pension industry.

MIN./PPETC/2024/384: CONSIDERATION OF PUBLIC PETITION NO. 43 OF 2023 REGARDING HUMAN WILDLIFE CONFLICT IN KEIYO NORTH CONSTITUENCY

Observations

The Committee considered the draft report and observed that:

- i. The initial surrender of the land by the community for the game reserve was meant to benefit both the local population and wildlife conservation efforts, but this has not yielded the expected benefits.
- ii. There is an alarming increase in human-wildlife conflict caused by elephants and leopards among other animals reflecting the inadequacy of existing wildlife management strategies.
- iii. There have been incidents of crop destruction, livestock predation, and threats to human safety within the area.
- iv. There is inadequate community engagement and awareness in the mitigation of human wildlife conflict.
- v. The seasonal nature of human-elephant conflicts, particularly during drought months (May, June, July, and October), necessitates a more dynamic approach to wildlife management that considers environmental conditions. Strategies should be adaptive, accounting for wildlife movement patterns influenced by seasonal changes in resource availability.
- vi. The backlog of compensation claims indicates systemic inefficiencies within the KWS and highlights the urgency for timely processing of claims to support affected communities. The committee emphasizes the need for increased funding and streamlined processes to address approved claims and support families impacted by human-wildlife conflicts.

- vii. The need for perimeter fencing along the unfenced areas bordering the game reserve. This gap in infrastructure makes it easier for elephants and other wildlife to stray into human settlements, leading to conflicts.

Recommendations


Pursuant to the provisions of Standing Order 227, the Committee recommended that—

- i. The County Government of Elgeyo Marakwet in collaboration with the KWS, and community stakeholders establish a comprehensive plan for fencing specific areas identified areas within FY 2025/2026 to enhance the safety of local communities against wildlife invasions.
- ii. The Ministry of Tourism and Wildlife allocates resources to increase the number of KWS posts or camps in the identified human-wildlife conflict areas bordering the Rimoi Game Reserve and other human wildlife conflict areas to facilitate effective monitoring of wildlife movements and swift response to distress calls from residents. The KWS should establish a community liaison mechanism to improve communication and foster trust with the local population.
- iii. The Ministry of Tourism and Wildlife reviews the existing policies regarding compensation framework for human-wildlife conflict victims by establishing an expedited process for claims related to loss of lives, livestock, and property including provision for regular and clear updates on the status of claims.
- iv. The Kenya Wildlife Service develops and implements a robust CSR program aimed at addressing the needs of communities surrounding the Rimoi Game Reserve by prioritizing activities proposed by the community.
- v. The Kenya Wildlife Service to identify and secure all the wildlife corridors across the country and ensures due compensation to the victims of human-wildlife conflict.

MIN./PPETC/2024/386:

ADJOURNMENT AND DATE OF NEXT MEETING

The Chairperson adjourned the meeting at 01:00 p.m. The next meeting will be held on Saturday, 9th September 2024 at 02:00 p.m.

For
Sign: 

(CHAIRPERSON)

Date.....19-11-2024.....