



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

Approved
SNA
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THIRTEENTH PARLIAMENT – FIFTH SESSION – 2026
PUBLIC PETITIONS COMMITTEE



REPORT ON-
CONSIDERATION OF PUBLIC PETITION NO. 16 OF 2025 BY THE SPEAKER OF
THE COUNTY ASSEMBLY OF TAITA TAVETA, HON. ANSELM MWADIME
REGARDING THE RECATEGORIZATION OF TSAVO EAST AND TSAVO WEST
NATIONAL PARKS

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 28 MAY 2026	
DAY: Thursday	
TABLED BY:	Hon. Maisori Marwa, MP Member, Public Petitions Committee
CLERK-AT THE-TABLE:	Irene Nduku

Directorate of Audit, Appropriations &
General-Purpose Committees
Clerk's Chambers
Main Parliament Buildings
NAIROBI

MAY, 2026

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ACRONYMS

KWS	-	Kenya Wildlife Service
CWCC	-	Community Wildlife Conservation Committees
HWC	-	Human Wildlife Conflict
NLC	-	National Land Commission
WCMA	-	Wildlife Conservation and Management Act

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 to this House the Report of the Public Petitions Committee regarding Public Petition No. 16 of 2025 regarding the recategorization of Tsavo East and Tsavo West National Parks. The petition was presented to the House pursuant to the provisions of Standing Order No. 225 (2) (a) by the Hon Speaker, on behalf of the Speaker of the County Assembly of Taita Taveta, Hon. Anselm Mwadime.

The petitioner prayed that the Committee recommends that the National Assembly amends the Wildlife Conservation and Management Act by recategorizing National Parks and National Reserves in the Eleventh Schedule of the Act so as to enhance conservation efforts

In consideration of the Petition, the Committee collected views from the petitioner, county executive, Ministry of Tourism and Wildlife and the National Land Commission.

The Committee observed that the Tsavo span across multiple counties and represented one large complex eco system that was indivisible. However, host communities ought to benefit from revenue generated from natural resources domiciled in their localities.

The Committee recommends that the Committee recommends that the Ministry of Wildlife and the County Government of Taita Taveta under the auspices of the Intergovernmental Relations Technical Committee explore the application of Article 187 of the Constitution to facilitate structured framework of sharing of specific functions, including revenue management, community engagement, and ancillary services.

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. MUCHANGI KAREMBA, CBS, M.P.
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

PART ONE

1. PREFACE

1.1 Establishment and Mandate of the Committee

1. The Public Petitions Committee was established under the provisions of Standing Order 208A with the following terms of reference:
 - i) considering all public petitions tabled in the House;
 - ii) making such recommendations as may be appropriate with respect to the prayers sought in the petitions;
 - iii) recommending whether the findings arising from consideration of a petition should be debated; and
 - iv) advising the House and reporting on all public petitions committed to it.

1.2 Committee Membership

2. The Public Petitions Committee was first constituted in October 2022 and reconstituted in March 2025 and comprises the following Members:

Chairperson

Hon. Muchangi Karemba, CBS, M.P.
Runyenjes Constituency

United Democratic Alliance (UDA)

Vice Chairperson

Hon. Janet Jepkemboi Sitienei, CBS, M.P.
Turbo Constituency

United Democratic Alliance (UDA)

Hon. Ntwiga Patrick Munene, M.P.
Chuka Igambang'ombe Constituency

United Democratic Alliance (UDA)

Hon. Patrick Makau King'ola, M.P.
Mavoko Constituency

Wiper Democratic Movement-Kenya
(WDM-K)

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

Independent

Hon. Edith Vethi Nyenze, M.P.
Kitui West Constituency

Wiper Democratic Movement-Kenya
(WDM-K)

Hon. Paul Byego Kibichiy
Chesumei

United Democratic Alliance (UDA)

Hon. Maisori Marwa Kitayama, M.P.
Kuria East Constituency

United Democratic Alliance (UDA)

Hon. Peter Irungu Kihungi, M.P.
Kangema Constituency

United Democratic Alliance (UDA)

Hon. Joshua Chepyegon Kandie, M.P.
Baringo Central Constituency

United Democratic Alliance (UDA)

Hon. John Bwire Okano, M.P.
Taveta Constituency

Wiper Democratic Movement-Kenya
(WDM-K)

Hon. Beatrice Kadeveresia Elachi, M.P.
Dagoreti North Constituency

Orange Democratic Movement (ODM)

Hon. Peter Mbogho Shake, M.P.
Mwatate Constituency

Jubilee Party (JP)

Hon. Suzanne Ndunge Kiamba, MP
Makueni Constituency

Wiper Democratic Movement-Kenya
(WDM-K)

Hon. Sloya Clement Logova, M.P.
Sabatia Constituency

United Democratic Alliance (UDA)

1.3 Committee Secretariat

3. The Public Petitions Committee is facilitated by the following members of the secretariat:

Mr. Victor Weke
Principal Clerk Assistant II

Mr. Benard Kipchumba
Clerk Assistant III

Ms. Kafuyai Wamae
Clerk Assistant III

Ms. Nancy Akinyi
Research Officer III

Ms. Roselyn Njuki
Senior Sergeant at Arms

Ms. Felistus Muiya
Public Communications Officer

Mr. Pascal Valerian
Hansard Officer III

Ms. Miriam Modo
Clerk Assistant I

Mr. Clinton Sindiga
Legal Counsel Officer II

Mr. Arkan Mumin
Research Officer III

Ms. Fridah Ngari
Media Relations Officer

Mr. Collins Mahamba
Audio Officer

Mr. Paul Shana
Serjaent at Arms

PART TWO

2. BACKGROUND TO THE PETITION

2.1 Introduction

4. Public Petition No. 16 of 2025 regarding the recategorization of Tsavo East and Tsavo West National Parks was presented to the House on 1st October 2025 by the Rt. Hon. Speaker, on behalf of the Speaker of the County Assembly of Taita Taveta, Hon. Anselm Mwadime.
5. The Petitioner states that the Eleventh Schedule to the Wildlife Conservation and Management Act categorizes the Tsavo East National Park and Tsavo West National Park as national parks with total coverage of 11,747 square kilometers and 9,065 square kilometers respectively.
6. The Speaker of the County Assembly of Taita Taveta avers that the current categorization of the two national parks denies the County Government of Taita Taveta the opportunity to protect and maintain the biological diversity and its associated resources.
7. The Petitioner claims that the current classification of the two national parks is discriminatory to the people of Taita Taveta and contrary to the provisions of Article 27 of the Constitution as other counties collect revenues from their established national reserves.
8. The Petitioner asserts that Taita Taveta County is eager to harness the resources within the Tsavo region, excluding wildlife, whose management and protection it is willing to leave under the exclusive mandate of the Kenya Wildlife Service. Additionally, the county expresses readiness to develop policies and strategies aimed at enhancing the management and revenue generation from the parks.
9. The Speaker of the County Assembly decree that the current categorization of the National Parks has not allowed the County Government of Taita Taveta to benefit from the revenue share collected by the Kenya Wildlife Service (KWS).
10. Further the Petitioners seek the intervention of the National Assembly to amend the Wildlife Conservation and Management Act by recategorizing National Parks and National Reserves in the Eleventh Schedule of the Act so as to enhance conservation efforts.

2.2 Petitioner's Prayers

The Petitioner prayed that the National Assembly, through the Public Petitions Committee –

11. Sought the intervention of the National Assembly to amend the Wildlife Conservation and Management Act by recategorizing National Parks and National Reserves in the Eleventh Schedule of the Act so as to enhance conservation efforts.
12. Make any other appropriate recommendations it deems fit in addressing the plight of the petitioner.

PART THREE

3 STAKEHOLDERS' SUBMISSIONS

3.1. The Petitioner

The Petitioner, the Speaker of the County Assembly of Taita Taveta, Hon. Anselm Mwadime appeared before the Committee 18th November, 2025 and submitted as follows—

13. The petition was passed by a resolution of the full County Assembly of Taita Taveta on Tuesday, 9th April 2024, following a motion by Hon. Jimmy Mwamidi, MCA. The Petition was founded on the constitutional rights enshrined in:
 - i) Article 119: The right to petition Parliament.
 - ii) Article 27: The right to equality and freedom from discrimination.
 - iii) Article 37: The right to present petitions to public authorities.
14. He submitted that the listing of Tsavo East (11,747 km²) and Tsavo West (9,065 km²) as "National Parks" in the Eleventh Schedule of the Wildlife Conservation and Management Act is fundamentally discriminatory. He cited counties like Kajiado, which manages Amboseli National Park and thereby benefits directly from its revenues.
15. The petitioner also emphasized that the current legal framework prevented Taita Taveta County from receiving any share of the revenue collected by the Kenya Wildlife Service (KWS) from the Tsavo parks, despite the parks occupying approximately 62% of the county's land mass. This, he argued, severely constrains the county's own-source revenue generation.
16. He further stated that the county was not seeking to manage wildlife, which it acknowledged should remain under the exclusive mandate of the KWS. Instead, it seeks to "tap on the resources in the Tsavo save for the game," referring to other land-based resources like minerals, which they are currently barred from exploiting due to the park's protected status.
17. The petitioner also informed the Committee that numerous attempts and engagements with KWS and the national government on revenue sharing had been futile, thus the petition to Parliament as the only viable recourse to address the matter.
18. Regarding how world-class conservation standards would be maintained under the proposed new management structure. The petitioner proposed a dual-responsibility framework, emphasizing that the Kenya Wildlife Service would retain exclusive mandate over wildlife security, management and protection, while the County Government would focus on land management and non-wildlife resources, thereby ensuring conservation standards remained uncompromised.
19. On the specific revenue-sharing mechanism that the county envisioned with KWS, the petitioners clarified that while the county had studied comparative models such as the case of Kajiado County, the detailed revenue-sharing formula would be developed through subsequent legislation and tripartite negotiations involving the county government, KWS and the national government, with the immediate priority being the legal recategorization that would enable such financial discussions.
20. The petitioner identified mineral resources and tourism infrastructure development as primary non-wildlife resources, while assuring the Committee that any exploitation would be subject to rigorous Environmental Impact Assessment processes as required by law, with strict adherence to environmental sustainability principles.

21. On whether the petition sought recategorization of the entire Tsavo ecosystem or only portions within Taita Taveta County boundaries. The petitioner clarified that the recategorization would apply only to sections falling within Taita Taveta County, noting that KWS would continue its integrated ecosystem management across the entire Tsavo landscape regardless of the change in categorization status for specific portions of the national parks.
22. The petitioner asserted the constitutional right of Taita Taveta residents to benefit from the natural resources within their territory, on par with the privileges enjoyed by other counties that host national game reserves. Thus, the petition sought to rectify historical economic disparities and ensure fair distribution of resources among all regions.
23. The petitioner prayed that the National Assembly amend the Wildlife Conservation and Management Act, Chapter 376, to achieve the following-
 - i) Insert a new schedule to the Act that clearly delineates the categorizations of National Parks and National Reserves based on the definitions in Section 2 of the Act.
 - ii) Specifically, recategorize the portions of Tsavo National Park that fall within the territorial boundaries of Taita Taveta County from a "National Park" to a "National Reserve."
 - iii) Introduce a new section in the principal Act to legally protect the areas listed in the new schedule from arbitrary recategorization in the future.

3.2. Ministry of Tourism and Wildlife

Ms. Rebecca Miano, the Cabinet Secretary, Ministry of Tourism and Wildlife, appeared before the Committee on 14th April 2026 and submitted as follows—

24. The Constitution of Kenya, 2010 and the Wildlife Conservation and Management Act (WCMA) provide the legal framework governing the ownership, classification and management of protected areas, including national parks and national reserves, and define the respective roles of the National and County Governments.

Classification of National Parks as Public Land vis a vis classification of National Reserves as Public and/or community land.

25. Under Article 62 of the Constitution of Kenya (2010), national parks and government animal sanctuaries are classified as public land. Article 62(1) (d) and 62 (3) specifically provides that national parks shall vest in and be held by the national government in trust for the people of Kenya and shall be administered on their behalf by the National Land Commission.
26. Section 3(1) of the Wildlife Conservation and Management Act Cap 376 (hereinafter referred to as "WCMA") defines a "national park" as an area of land/or sea specially dedicated to the protection and maintenance of biological diversity, and of natural and associated cultural resources, and managed through legal or other effective means whereas a "national reserve" is defines as an area of community land declared to be a national reserve under this Act or under any other applicable law.
27. It therefore follows that an interpretation of the provisions cited above demonstrates that a National Reserve can only exist on community land, whereas a National Park, pursuant to Article 62(1)(d) and Article 62(3) of the Constitution, exists solely as public land vested in and held by the National Government in trust for the people of Kenya, and not for any specific community or county. There is no evidence that the public land on which the Tsavo National Parks are established has been lawfully converted to community land. Consequently, the proposal to recategorize the National Parks as National Reserves would not be consistent with the constitutional and statutory framework governing the classification and management of protected areas in Kenya.
28. The Constitution distributes the management of natural resources between the two levels of government through the Fourth Schedule, futher the Constitution of Kenya, 2010 assigns responsibility for the protection

of the environment and natural resources, including wildlife, to the National Government under Part 1 of the Fourth Schedule. In particular, Function 22 provides that the National Government is responsible for the protection of animals and wildlife with a view to establishing a durable and sustainable system of development.

29. County Governments primarily implement national government policies on natural resources and environmental conservation as provided under Part 2 of the Fourth Schedule. However, the Wildlife Conservation and Management Act (Cap. 376) provides a framework for cooperative governance in wildlife conservation by assigning the management of National Reserves to County Governments while the National Government, through the Kenya Wildlife Service (KWS), retains responsibility for the management of National Parks and overall wildlife protection.
30. While the Kenya Wildlife Service (KWS) is established under an Act of Parliament, namely the Wildlife Conservation and Management Act (Cap. 376), its mandate is fully aligned with constitutional requirements; KWS is a uniformed and disciplined service mandated to enforce wildlife laws and related statutes, and to ensure compliance with conservation regulations.
31. KWS works with county governments and communities to manage wildlife corridors and dispersal lands outside formal protected areas. Section 18 of WCMA establishes Community Wildlife Conservation Committees (CWCC) in each county. The Act already devolves participation. Taita Taveta has a seat at the table through its CWCCC to manage human-wildlife conflict and compensation claims. This demonstrates that the County Government of Taita Taveta is not excluded or discriminated against in the management of the national parks

Sustainability, Economic Viability and Ecological Integrity

32. The National Government is incurring high cost of managing massive ecosystems like the Tsavos. It bears the full cost of security and infrastructure especially to manage and conserve the endangered wildlife species which was near extinction in the country and now recovering. To demonstrate the high cost of wildlife management, KWS receives government subventions and further leverages support from conservation partners to supplement funding for the protection and management of wildlife resources.
33. In support of black rhino recovery and enhanced conservation outcomes, over USD 4.7 million (approximately KSh 606 million) is currently being invested in Tsavo West National Park by the National Government through a partnership with the Kenya Rhino Range Expansion Program. This investment is directed towards advanced security systems, including AI-enabled surveillance cameras, drones, upgraded fencing, and improved ranger housing within the Tsavo sanctuaries. These interventions are aimed at strengthening protection measures and securing sustainable conservation of Kenya's wildlife heritage.
34. The petition by Taita Taveta appears to treat the Tsavo Parks as localized asset belonging to a single county. In reality, Tsavo is a trans-boundary ecosystem shared by four counties. Re-categorizing it would necessitate splitting the park into three different management regimes, creating ecological instability and inevitable inter-county disputes over the resource. The current status as a National Park is the only way to ensure equitable benefit for all host counties and all Kenyans, as per Article 62 of the Constitution.
35. The Tsavo National Parks covers a total area of approximately 2,291,800 hectares, comprising of Tsavo East, Tsavo West, and Chyulu Hills National Parks. These three parks span across four counties, namely Taita Taveta, Makueni, Kitui and Tana River. The table below presents the distribution of the total wildlife area attributable to each county.

County	Approx. Area (HA)	% Area of the park in the county
Taita Taveta	1,062,800	46
Makueni	118,800	5
Kitui	801,300	35
Tana River	308,900	13

36. The Tsavo ecosystem is a single, indivisible ecological unit, if the park is re- categorized to satisfy Taita Taveta, the other shared counties (Kitui, Makueni and Tana River) would legally be entitled to demand their "slice" of management and this would trigger a boundary and resource dispute between the counties. By keeping the park under National Government (KWS) management, the state acts as a neutral arbiter, ensuring the resource is managed for the national good rather than becoming a source of inter- county conflict over boundaries and tourism entry points.
37. **The Impact:** This would lead to the fragmentation of the ecosystem. Wildlife does not recognize county boundaries. Managing one park under four different county laws/revenue systems would create a bureaucratic nightmare, disrupt migration corridors, and weaken anti-poaching efforts.
38. **Summary/ Conclusion:** The Tsavo Parks being an asset under the constitution and WCMA, the revenue accrued supports not only these parks but other paper parks and reserves that plays key role in biodiversity conservation of the country and do not generate any revenue.

These paper parks and reserves include:

- | | |
|---|-----------------------------------|
| i) Arabuko Sokoke National Park | xix) Rimoi National Reserve |
| ii) Kora National Park | xx) Kanyaboli National Reserve |
| iii) Laikipia (Eland Downs) National Park | xxi) lake Simbi Sanctuary |
| iv) Malka Mari National Park | xxii) Losai National Reserve |
| v) Arawale National Reserve | xxiii) Maralal Sanctuary |
| vi) Bisanadi National Reserve | xxiv) Naivasha Wildlife Sanctuary |
| vii) Boni National Reserve | |
| viii) Chepkitala National Reserve | |
| ix) Dodori National Reserve | |
| x) Laikipia National Reserve | |
| xi) Mwea National Reserve | |
| xii) Ngai-Ndeithiya National Reserve | |
| xiii) Mwingi National Reserve | |
| xiv) Nyambene National Reserve | |
| xv) Ondago Swamp Sanctuary | |
| xvi) Rahole National Reserve | |
| xvii) Diani Chale National Reserve | |
| xviii) Nasolot National Reserve | |

39. As National Parks (Public Land), the benefits from the revenue generated are currently shared equally by all Kenyans through the National Treasury. Giving it to one county would create a "privileged class" of county, which is exactly what Article 27 prohibits.
40. Because the resource is trans-boundary (crossing multiple counties), it loses its "local" character and becomes a "national" resource. The Constitution mandates that such resources be managed by the National Government to ensure standard protection levels across county lines and coordinate across these borders effectively. Further, it would lead to Ecological Fragmentation; wildlife migration doesn't stop at county lines. Splitting management between Taita Taveta, Kitui, Makueni and Tana River would lead to uncoordinated policies, making it impossible to manage these parks as a single, functional ecosystem.
41. Recategorization would down grade its premier status (value) of being national parks, this might then affect its ecological integrity, and tourism value.
42. The ecosystem borders other counties such as Kwale Kilifi which are experiencing high human wildlife conflict (HWC) due to Tsavos. The recategorization may affect the management of HWC in these areas and beyond.
43. The Tsavo ecosystem has employed staff from all over the country in a spirit inculcate regional balance and equitable sharing and responsibility towards these National assets. The recategorization would mean loss of jobs for other Kenyans.
44. The Tsavo ecosystem encompasses critical national water catchment areas, including Mzima Springs and the Chyulu Hills, which supply water to a significant portion of the Coast region. Any transfer of management of the Park to a county government could undermine the National Government's constitutional mandate to protect critical water sources, as provided under Section 22(c) of the Fourth Schedule to the Constitution of Kenya. Given the strategic importance of these water towers to national water security, their protection remains a matter of national interest.
45. Reduced Security & Anti-Poaching: National Reserves often allow for human settlement or grazing. This "diluted" status increases human- wildlife conflict and makes anti-poaching operations significantly harder to enforce compared to the strict "no-entry" rules of a National Park.
46. On benefit sharing with the county of Taita Taveta, the Government through KWS have conducted a number of Corporate Social Investments (CSI) to communities in Taita Taveta county.
47. The Service has cumulatively constructed 457.4 kilometres of electric fencing across identified human-wildlife conflict hotspot areas within Taita Taveta County to mitigate conflict between people and wildlife, at an estimated cost of Kshs 914,800,000.00.

3.3. TAITA TAVETA COUNTY GOVERNMENT

On 27th April, 2026 H.E Andrew Mwadime, the Govenor, Taitata Taveta County, submitted as follows;

48. The Petition seeks the recategorization or restructuring of Tsavo East and Tsavo West National Parks (Taita Taveta portion) to enable equitable sharing of benefits with the host community. Taita Taveta County hosts a significant portion of the Tsavo ecosystem but does not receive a structured share of the revenue generated.
49. The County Government stated that while the current classification supports conservation objectives, it excludes the County and its residents from meaningful economic participation, despite bearing the costs of conservation such as human-wildlife conflict and loss of livelihoods.
50. This raises a key legal issue as to whether the current framework aligns with constitutional principles on equitable resource sharing, public trust in land, and benefit sharing under Articles 174, 62, 69, and 187.
51. The County Government found that there is no transparent or enforceable revenue-sharing mechanism, resulting in economic exclusion and weakened community support for conservation. The law, however, provides viable remedies including recategorization to a National Reserve, transfer or sharing of functions under Article 187, or a hybrid model supported by an intergovernmental framework.
52. The Governor, therefore recommended a review of the current classification, amendment of the Wildlife Conservation and Management Act to provide for structured revenue sharing, establishment of a Joint Revenue Account for accountability, and development of a national policy on benefit sharing. Addressing this imbalance is necessary to align conservation with constitutional principles, enhance community participation, and ensure sustainable management of wildlife resources.

3.4. NATIONAL LAND COMMISSION

On 30th April, the Secretary/Chief Executive officer, National land Commission, Ms. Kabale Tache Arero, MBS submitted as follows;

53. National Parks are public land under the trusteeship of the National Government, administered and managed on behalf of the National Government by the National Land Commission in line with Article 62(3) of the Constitution.
54. Constitutionally, the protection of wildlife is a national government function under paragraph 22 (b) of the Fourth Schedule to the Constitution. Currently, Wildlife management or protection is performed by the Kenya Wildlife Service, a National Government agency with clear mandates and functions provided under Section 7 of the Wildlife Conservation and Management Act 2013,
55. including inter alia: Conserve and manage wildlife in Kenya (both within and outside protected areas), enforce wildlife laws and regulations, including anti-poaching efforts, Protect endangered and threatened species, Manage national parks, national reserves (in some cases), and sanctuaries.

Therefore, jurisdictional markings in relation to land and functions are clearly established under the Constitution.

56. While national parks are public land, national reserves are situated on community land, with the latter trustee being the relevant county governments (not national government) although KWS provides technical support and backstopping in terms of wildlife protection within national reserves.

Consequently, the Commission does not support the proposed recategorization of Tsavo National Park due to the following reasons:

57. The proposal contravenes Article 62(3) of the Constitution, which provides that all national parks are public land, that are held in trust by the National Government, and administered on its behalf by the National Land Commission. In addition, national parks are the highest protection that can be accorded to ecosystems hosting unique and substantial biodiversity resources such as wildlife and recategorization undermines this authority, and portends serious risks and threats to wildlife and biodiversity resources.
58. Kenya's national parks are indeed a symbol of unity and equity. Resources accruing from conservation of national parks are equitably shared through the exchequer to support even counties that are less endowed with (or completely lack) wild resources and therefore do not feel left out (excluded) from mainstream development or starved of funds. Recategorization will automatically contribute to inequality and discrimination – result in benefiting few counties rather than the nation.
59. The National Government has inherent capacity that is tested and proven over time, contrary to counties – which still require capacity building by the national government in accordance with Fourth schedule (paragraph 32 of the National Government functions).
60. Further, Wildlife management and protection is a specialized field requiring unique skills, knowledge and experience to effectively execute and realize sustainable outcomes. It will require more time to build capacity for the intended recategorization to enable uptake of knowledge, technical skills and ability to management and protect Kenya's wildlife under the proposed regime.
61. While the Constitution envisages transfer of functions from one of government to another under Article 187 of the Constitution, there are critical conditions that must be met to fulfil this provision and this includes the fact that the recipient government must demonstrate capacity to effectively perform the function better than the donor government.
62. The National Government has established strong and reliable networks and partners and is able to surmount budgetary challenges required to protect wildlife through leveraging on the partners resources and opportunities therein. It is critical and noteworthy to state that Wildlife conservation is a very resource intensive venture, requiring a 'big picture' vision as protecting the country's

heritage beyond revenue since most times, more input revenue is pumped to conservation rather than collected.

63. Recategorization undermines biodiversity conservation and reduces Kenya's visibility in the global conservation map, contrary to what it is known for at the regional and global spaces. This will therefore hurt Article 2(5) and 2 (6) of the Constitution since Kenya is a signatory to many international treaties and conventions governing wildlife conservation including the convention on biological diversity (CBD), Convention on Internationally Threatened and Endangered Species (CITES), among others.
64. Recategorization sets a wrong precedence and promotes social and environmental chaos– since there are many similar requests and agitations by several counties such as Meru, Nakuru, Nairobi, etc. It will open a Pandora box that will not be easy to close.
65. Public lands including national parks must jealously be protected and safeguarded for future generations in line with the Constitution and parliament has a duty under Article 68(c)(v) to protect, conserve and ensure equitable access to all public land including our National Parks. Recategorization goes against this provision and spirit since it will require conservation and reduce public land size for all citizens' equitable access in line with Article 60(1(a) of the Constitution.
66. In summary, this petition is in bad faith, sets wrong precedence and perpetuates inequity in relation to access to public land and goes against the doctrine of public trust. Parliament is duty-bound with the responsibility of protecting and safeguarding public resources including public land under the Constitution and it must stamp its authority in discharging this solemn duty for, and behalf of, all Kenyans

PART FOUR

4 COMMITTEE OBSERVATIONS

67. The Committee observes that the Constitution of Kenya, 2010 and the Wildlife Conservation and Management Act (WCMA) provide a clear and unambiguous framework on the classification and management of protected areas. In particular, Article 62 explicitly designates National Parks as public land vested in the National Government, while National Reserves are established on community land.
68. The Committee notes that there exists a clear legal distinction between National Parks and National Reserves. National Parks, including Tsavo East National Park and Tsavo West National Park, are exclusively public land under the National Government, whereas National Reserves are community land managed at the county level.
69. The Committee observes that under the Fourth Schedule (Part 1, Function 22), the National Government bears the primary responsibility for the protection and management of wildlife resources. This mandate justifies the continued management of National Parks by the Kenya Wildlife Service.
70. The Committee notes that County Governments play a complementary role in implementing national policies and managing National Reserves. Further, mechanisms such as Community Wildlife Conservation Committees ensure that counties, including Taita Taveta, actively participate in wildlife governance. The Committee therefore finds no evidence of exclusion or discrimination against the County Government.
71. The Committee observes that the Tsavo ecosystem is a single, interconnected ecological unit spanning multiple counties. Reclassification would result in fragmentation of this ecosystem, disrupt wildlife migration corridors, and undermine coordinated conservation efforts.
72. The Committee notes that the Tsavo ecosystem extends across Taita Taveta, Kitui, Makueni, and Tana River counties, thereby qualifying it as a national resource rather than a localized asset. Its management at the national level ensures neutrality and prevents potential inter-county disputes.
73. The Committee notes that revenues generated from National Parks are pooled and redistributed nationally, supporting conservation efforts across the country, including non-revenue generating protected areas. Reclassification would undermine this equitable sharing framework.
74. The Committee notes that reclassification could trigger competing claims among counties sharing the ecosystem, leading to boundary disputes, revenue conflicts, and governance challenges.
75. The Committee however notes that host communities ought to benefit from income generated from natural resources domiciled in their localities.

PART FIVE

5 COMMITTEE RECOMMENDATIONS

27. Pursuant to the provisions of Standing Order 227, the Committee responds to the petitioner as follows -

On the Prayer that the National Assembly amends the Wildlife Conservation and Management Act by recategorizing National Parks and National Reserves in the Eleventh Schedule of the Act so as to enhance conservation efforts; **The Committee rejects the prayer.**

However, the Committee recommends that the Ministry of Tourism and Wildlife initiates engagement with the County Government of Taita Taveta (and other counties within the Tsavo eco-system) under the auspices of the Intergovernmental Relations Technical Committee to explore the application of Article 187 of the Constitution to facilitate structured framework of sharing of specific functions, including revenue management and sharing, community engagement, and ancillary services, within ninety (90) days of tabling of this report.

Signed: _____ Date: 28/05/26.

THE HON. KAREMBA MUCHANGI, CBS, M.P.
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 28 MAY 2026	
DAY: <u>Thursday</u>	
TABLED BY:	<u>Hon. Maïson Marway MP</u>
CLERK-AT THE-TABLE:	<u>Irène Nduku</u>
<u>Member, Public Petitions Committee</u>	

ANNEXURES

Annexure 1:	Adoption List
Annexure 2:	Public Petition No. 16 of 2025 regarding the recategorization of Tsavo East and Tsavo West National Parks
Annexure 3:	Minutes of Proceedings

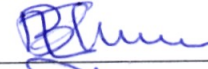
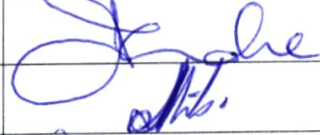
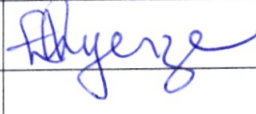
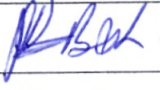
PUBLIC PETITIONS COMMITTEE

ADOPTION LIST

- (i) Consideration and adoption of the P/No.16 of 2025 regarding recategorization of Tsavo East and Tsavo West National Parks by Speaker of the County Assembly of Taita Taveta, Hon. Anselm Mwadime.

We, the undersigned, hereby affix our signatures to this Report to affirm our approval:

DATE: 01/5/2026

	HON. MEMBER	SIGNATURE
1.	Hon. Muchangi Karemba, CBS, M.P.(Chairperson)	
2.	Hon. Janet Jepkemboi Sitienei, CBS, M.P.(Vice Chairperson)	
3.	Hon. Patrick Makau King'ola, M.P.	
4.	Hon. Beatrice Kadeveresia Elachi, CBS, M.P.	
5.	Hon. Joshua Chepyegon Kandie, M.P.	
6.	Hon. Maisori Marwa Kitayama, M.P.	
7.	Hon. Edith Vethi Nyenze, M.P.	
8.	Hon. Patrick Ntwiga Munene, M.P.	
9.	Hon. Paul Biego Kibichy, M.P.	
10.	Hon. (Eng.) Bernard Muriuki Nebart, M.P.	
11.	Hon. Peter Mbogho Shake, M.P.	
12.	Hon. Suzanne Ndunge Kiamba, M.P.	
13.	Hon. John Bwire Okano, M.P.	
14.	Hon. Sloya Clement Logova, M.P.	
15.	Hon. Peter Irungu Kihungi, M.P.	



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

CONVEYANCE OF PUBLIC PETITION

(No. 16 of 2025)

**REGARDING RECATEGORIZATION OF TSAVO EAST AND TSAVO
WEST NATIONAL PARKS**

1. **Honourable Members**, Article 119 of the Constitution accords any person the right to petition Parliament to consider any matter within its authority. Further, Standing Order 225(2)(b) requires the Speaker to report to the House any Petition other than those presented by a Member.
2. In this regard, **Honourable Members**, I wish to report to the House that my office has received a Petition from the Speaker of the County Assembly of Taita Taveta, Hon. Anselm Mwadime of *P.O. Box 1142-80304 Wundanyi*, calling for classification of the Tsavo East and Tsavo West National Parks as national reserves.
3. The Petitioner states that the Eleventh Schedule to the Wildlife Conservation and Management Act categorizes the Tsavo East National Park and Tsavo West National Park as national parks with total coverage of 11,747 square kilometers and 9,065 square kilometers respectively.
4. **Honourable Members**, the Speaker of the County Assembly of Taita Taveta avers that the current categorization of the two national parks denies the County Government of Taita Taveta the opportunity to protect and maintain the biological diversity and its associated resources.
5. The Petitioner claims that the current classification of the two national parks is discriminatory to the people of Taita Taveta and contrary to the provisions of Article 27 of the Constitution as other counties collect revenues from their established national reserves.

6. **Honourable Members**, the Petitioner asserts that Taita Taveta County is eager to harness the resources within the Tsavo region, excluding wildlife, whose management and protection it is willing to leave under the exclusive mandate of the Kenya Wildlife Service. Additionally, the county expresses readiness to develop policies and strategies aimed at enhancing the management and revenue generation from the parks.
7. The Speaker of the County Assembly further avers that the current categorization of the National Parks has not allowed the County Government of Taita Taveta to benefit from the revenue share collected by the Kenya Wildlife Service (KWS).
8. **Honourable Members**, in light of the foregoing, the Petitioners seek the intervention of the National Assembly to amend the Wildlife Conservation and Management Act by recategorizing National Parks and National Reserves in the Eleventh Schedule of the Act so as to enhance conservation efforts.
9. **Honourable Members**, having established that the matter raised in the Petition is well within the authority of this House, and are not pending before any court of law, constitutional or legal body, I hereby commit the Petition to the Public Petitions Committee for consideration pursuant to Standing Order 208A.
10. The Committee is required to consider the Petition and report its findings to the House and to the Petitioner in accordance with Standing Order 227(2).

I thank you.


THE RT. HON. (DR.) MOSES M. WETANG'ULA, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY

Date

MINUTES OF THE 33RD SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON WEDNESDAY, 6TH MAY, 2026 IN BAOBAB CONFERENCE ROOM, SERENA HOTEL, MOMBASA COUNTY AT 9:00 A.M.

PRESENT

- | | | |
|--|---|-------------------------|
| 1. Hon. Eric Muchangi Karemba, CBS M.P. | - | Chairperson |
| 2. Hon. Janet Jepkemboi Sitienei, CBS, M.P. | - | Vice-Chairperson |
| 3. Hon. Beatrice Kadeveresia Elachi, CBS, M.P. | | |
| 4. Hon. Joshua Chepyegon Kandie, M.P. | | |
| 5. Hon. Maisori Marwa Kitayama, M.P. | | |
| 6. Hon. (Eng.) Bernard Nebart Muriuki, M.P. | | |
| 7. Hon. Edith Vethi Nyenze, M.P. | | |
| 8. Hon. Paul Biego Kibichiy, M.P. | | |

APOLOGIES

1. Hon. Patrick Makau King'ola, M.P.
2. Hon. Suzanne Ndunge Kiamba, M.P.
3. Hon. Peter Irungu Kihungi, M.P.
4. Hon. Peter Mbogho Shake, M.P.
5. Hon. Sloya Clement Logova, M.P.
6. Hon. Patrick Ntwiga Munene, CBS, M.P.
7. Hon. John Bwire Okano, M.P.

IN-ATTENDANCE

SECRETARIAT

- | | | |
|--------------------------|---|-------------------------------|
| 1. Mr. Victor Weke | - | Principal Clerk Assistant II |
| 2. Ms. Miriam Modo | - | Clerk Assistant I |
| 3. Mr. Bernard Toroitich | - | Clerk Assistant III |
| 4. Ms. Kafuyai Wamae | - | Clerk Assistant III |
| 5. Mr. Clinton Sindiga | - | Legal Counsel II |
| 6. Ms. Nancy Akinyi | - | Research Officer III |
| 7. Mr. Arkan Mumin | - | Research Officer III |
| 8. Mr. Collins Mahamba | - | Audio Officer |
| 9. Ms. Felistas Muiya | - | Public Communications Officer |
| 10. Mr. Rose Njuki | - | Serjeant-at-Arms |

MIN./PPC/2026/171:

PRELIMINARIES

The Chairperson called the meeting to order at 9:00 am and said the opening prayer.

MIN./PPC/2026/172:

ADOPTION OF AGENDA

The proposed agenda was adopted having been proposed by Hon. Paul Biego, M.P and seconded by, Hon. Beatrice Elachi, M.P.

AGENDA

1. Prayer and Preliminaries
2. Adoption of the Agenda
3. Confirmation of previous Minutes
4. Matters Arising
5. **Consideration and Adoption of the following Reports on: -**
 - (i) **Public Petition No. 81 Of 2023 By Hon. Owen Yaa Baya CBS, M.P regarding gazetting of Kaya Forest as Forest Areas under the Forest Conservation and Management Act 2016;**

- (ii) **Public Petition No. 78 of 2023 regarding National Health Insurance Fund Ineligible “Incurred But Not Reported” (IBNR) Claims of over Kenya Shillings 21 Billion; and**
- (iii) **Public Petition No. 16 of 2025 by the Speaker of the County Assembly of Taita Taveta, Hon. Anselm Mwadime regarding the recategorization of Tsavo East and Tsavo West National Parks**

- 6. Any Other Business
- 7. Adjournment and Date of the Next Meeting

MIN./PPC/2026/173: CONFIRMATION OF MINUTES

This agenda item was deferred.

MIN./PPC/2026/174: CONSIDERATION AND ADOPTION OF REEPORTS ON VARIOUS PUBLIC PETITIONS

- (a) **Public Petition No. 81 of 2023 By Hon. Owen Yaa Baya CBS, M.P regarding gazetting of Kaya Forest as Forest Areas under the Forest Conservation and Management Act 2016;**
The Committee considered and adopted the Draft Report unanimously with amendments to recommendation (1) having been proposed by the Hon. Joshua Kandie, MP and seconded by the Hon. Nerbert Muriuki, MP as follows –

- (i) **On the prayer that the Committee recommends to the relevant Ministry or State Government Department to identify Kaya Forest areas along the coastal counties of Kwale, Mombasa and Kilifi;** the Committee recommends that the Ministry of Environment, Climate Change and Forestry, through the Kenya Forest Service, expedites the ongoing process of identifying, surveying, and mapping all remaining Kaya Forest areas along the coastal counties of Kwale, Mombasa, and Kilifi. This exercise to be conducted in collaboration with the National Museums of Kenya, respective County Governments, Kaya Elders, and local communities, should be completed within one (1) year of tabling of this report. The 13 un-gazetted Kayas identified in Kwale and Kilifi Counties, as well as those in Mombasa County that currently lack protection should be gazetted within ninety (90) days of tabling of this report.
- (ii) **On Prayer that the Committee recommends gazettelement of Kaya Forest as a forest area under the Forest Conservation and Management Act, 2016;** the Committee recommends that the Cabinet Secretary for Environment, Climate Change and Forestry immediately initiates the gazettelement of all identified Kaya forests as forest areas under the Forest Conservation and Management Act, 2016. The gazettelement process should respect the existing legal status of Kayas already designated as National Monuments under the National Museums and Heritage Act, ensuring dual protection rather than replacement.
- (iii) **On Prayer that the Committee recommends that during the gazettelement process, management respects the needs of individual Kayas and integrates the conservation of natural and cultural resources and traditional and non-traditional management;** the Committee recommends that during and after gazettelement, management plans for Kaya forests be developed through participatory processes involving Kaya Elders, local communities, National Museums of Kenya, and other stakeholders. The Ministry of Environment, Climate Change and Forestry should ensure that Part V (Sections 48-52) of the FCMA, 2016 regarding community participation in sustainable forest management is fully implemented. Traditional management practices, cultural ceremonies, and spiritual activities of the Mijikenda community should be explicitly protected and facilitated within gazetted Kaya forests.

(iv) The Committee further recommends as follows that the Ministry of Gender, Culture and Children Services reviews the Forest Conservation and Management Act, 2016 and the National Museums and Heritage Act, 2006 to identify and address any legislative gaps that may hinder integrated management of cultural and natural heritage sites, and submits proposals to address identified gaps within six (6) months of tabling of this report.

(b) Public Petition No. 78 of 2023 regarding National Health Insurance Fund Ineligible “Incurred But Not Reported” (IBNR) Claims of over Kenya Shillings 21 Billion

The Committee considered and adopted the Draft Report unanimously with amendments to recommendation (1) having been proposed by the Hon. Paul Biego, MP and seconded by the Hon. Nerbert Muriuki, MP as follows –

(i) **On the Prayer that the Committee compels the Board of Management and the Chief Executive Officer to prepare financial statements that give a true and fair view of the state of affairs;** the Committee notes that financial statements of the National Hospital Insurance Fund (NHIF) and its successor, the Social Health Authority (SHA) have been annually submitted to the National Assembly and recommendations by the relevant Committee of the House considered.

(ii) **On the prayer that the Committee further compels the Board of Management and the Chief Executive Officer of NHIF to identify healthcare providers who benefited from ineligible IBNR claims;** the Committee recommends that the Office of the Auditor-General conducts a forensic audit on the entirety of IBNR funds set aside since inception and eventual payments made, within six (6) months of tabling of this report.

(iii) **On the prayer that the Committee intervenes to have recovery of funds where payments are found to be inauthentic;** the Committee recommends that the outcome of the aforementioned forensic audit be awaited.

(c) Public Petition No. 16 of 2025 by the Speaker of the County Assembly of Taita Taveta, Hon. Anselm Mwadime regarding the recategorization of Tsavo East and Tsavo West National Parks

The Committee unanimously considered and adopted the Draft Report with the following recommendations having been proposed by the Hon. Janet Sitienei, MP and seconded by the Hon. Marwa Kitayama, MP –

On the Prayer that the National Assembly to amend the Wildlife Conservation and Management Act by recategorizing National Parks and National Reserves in the Eleventh Schedule of the Act so as to enhance conservation efforts; the Committee rejects the prayer. However, the Committee recommends that the Ministry of Wildlife and the County Government of Taita Taveta under the auspices of the Intergovernmental Relations Technical Committee explore the application of Article 187 of the Constitution to facilitate structured framework of sharing of specific functions, including revenue management, community engagement, and ancillary services.

MIN./PPC/2026/175:

ADJOURNMENT AND DATE OF THE NEXT MEETING

There being no other business, the meeting was adjourned at 12:30 p.m.

Sign:

Date 28/05/26

HON. MUCHANGI KAREMBA, CBS, M.P.
CHAIRPERSON, PUBLIC PETITIONS COM

**MINUTES OF THE 30TH SITTING OF THE PUBLIC PETITIONS COMMITTEE
HELD ON TUESDAY, 28TH APRIL, 2026 IN COMMITTEE ROOM 25, 5TH FLOOR
BUNGE TOWER AT 11:40 A.M.**

PRESENT

1. Hon. Muchangi Karemba, CBS M.P. - **Chairperson**
2. Hon. Maisori Marwa Kitayama, M.P.
3. Hon. Paul Biego Kibichiy, M.P.
4. Hon. Joshua Chepyegon Kandie, M.P.
5. Hon. Suzanne Ndunge Kiamba, M.P.
6. Hon. Edith Vethi Nyenze, M.P.

APOLOGIES

1. Hon. Janet Jepkemboi Sitienei, CBS, M.P. - **Vice-Chairperson**
2. Hon. Beatrice Kadeveresia Elachi, CBS, M.P.
3. Hon. Patrick Ntwiga Munene, CBS, M.P.
4. Hon. John Bwire Okano, M.P.
5. Hon. Patrick Makau King'ola, M.P.
6. Hon. (Eng.) Bernard Nebart Muriuki, M.P.
7. Hon. Peter Irungu Kihungi, M.P.
8. Hon. Peter Mbogho Shake, M.P.
9. Hon. Sloya Clement Logova, M.P.

IN-ATTENDANCE

SECRETARIAT

1. Mr. Victor Weke - Principal Clerk II
2. Ms. Miriam Modo - Clerk Assistant I
3. Ms. Kafuyai Wamac - Clerk Assistant III
4. Mr. Clinton Sindiga - Legal Counsel II
5. Ms. Nancy Akinyi - Research Officer III
6. Mr. Arkan Mumin - Research Officer III
7. Mr. Collins Mahamba - Audio Officer
8. Ms. Felistas Muiya - Public Communications Officer
9. Ms. Fridah Ngari - Media Relations Officer

TAITA TAVETA COUNTY

1. H.E Andrew Mwadime - Governor
2. Mr. Jimmy Mwamidi - Budget Chair, County Assembly
3. CPA Mwazo Elijah - CECM-FCP
4. Mr. Laban Kinyai - CCO
5. Mr. Ngeti R.M. - Director-Lands
6. Mr. Hezron Mbogo - Personal Assistant, Governor
7. Ms. Christina Zighe - CECM-LPPM
8. Mr. Richard Kisengi - CEO, Taita Taveta Investment & Development Corporation

MIN./PPC/2026/155: PRELIMINARIES

The Vice Chairperson called the meeting to order at 11:40 am and said a word of prayer.

MIN./PPC/2026/156: ADOPTION OF AGENDA

The proposed agenda was adopted hereunder having been proposed by Hon. Edith Vethi Nyenze, M.P and seconded by, Hon. Beatrice Kadeveresia Elachi, CBS, M.P

AGENDA

1. Prayer & Preliminaries;
2. Adoption of the Agenda;
3. Confirmation of the Previous Minutes;
4. Matters Arising.
5. **Meeting with the County Government of Taita Taveta on Petition by the Speaker of the County Assembly of Taita Taveta, Hon. Anselm Mwadime regarding recategorization of Tsavo East and Tsavo West National Parks.**
6. Any other Business
7. Adjournment

MIN./PPC/2026/157: CONFIRMATION OF MINUTES

The agenda item was deferred to the next sitting.

MIN./PPC/2026/158: MEETING WITH THE COUNTY ASSEMBLY OF TAITA TAVETA COUNTY.

H.E. Andrew Mwadime appeared before the Committee and submitted as follows –

- a) He stated that the core issue under consideration is not conservation, but rather equitable access to revenue derived from public resources held in trust for the people. He emphasized that land is a primary factor of production, and the continued exclusion of Taita Taveta County from deriving economic benefits from land and natural resources within its territory undermines both constitutional principles and economic justice.
- b) He further submitted that, in law, a community is a recognizable group of persons bound by shared identity or shared interests, whether cultural, ancestral, social, economic, environmental, or geographic. He stated that the people of Taita Taveta constitute such a community, being the host community to Tsavo East National Park and the Taita Taveta portion of Tsavo West National Park.
- c) He contended that the current legal and policy framework sidelines the host community and excludes it from meaningful participation and benefit-sharing. He further argued that it fails to meet the constitutional requirement of equitable benefit sharing and does not provide an enforceable mechanism for revenue sharing.
- d) He submitted that this has resulted in a legal and economic structure where a community bearing the costs of conservation is denied access to the benefits derived from resources within its own territory.
- e) He further stated that the law already provides remedies and urged the Committee to recommend the following, that:

- i. Tsavo East National Park and the Taita Taveta portion of Tsavo West National Park be recategorized or restructured to enable lawful revenue sharing;
- ii. Wildlife Conservation and Management Act be amended accordingly;
- iii. Transfer or sharing of functions be effected under Article 187 of the Constitution;
- iv. A legally binding Joint Revenue Account be established; and
- v. Parliament exercises its full mandate to ensure effective implementation of the above measures.

Committee Observations

- a) The Committee observed that a majority of petitions originating from the coastal region have largely revolved around issues of human-wildlife conflict.
- b) The Committee further observed that there are allegations suggesting inconsistency in the application of the law, with perceptions that Maasai Mara appears to receive more favourable treatment compared to other national parks such as Meru National Park, Amboseli National Park, and the Tsavo National Parks.
- c) The Committee also observed that the Kenya Wildlife Service (KWS) has not provided sufficient information demonstrating transparency in its Corporate Social Responsibility (CSR) activities.

Committee Resolutions

- a) The Committee directed the Secretariat to write to the Kenya Wildlife Service (KWS) requiring a comprehensive written submission detailing the full and exhaustive list of CSR activities undertaken in all counties hosting or surrounding national parks across the country.
- b) The Committee further directed that the Kenya Wildlife Service (KWS) submits to the Committee detailed revenue data collected from all national parks for purposes of review and oversight.

MIN./PPC/2026/159:

ADJOURNMENT

There being no other business, the meeting was adjourned at 2:00 p.m. The next meeting will be held on Wednesday 29th April at a venue to be confirmed.

Sign:

Date 06/05/2026

HON. MUCHANGI KAREMBA, CBS, M.P.

CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

MINUTES OF THE 28TH SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON THURSDAY, 14TH APRIL, 2026 IN COMMITTEE ROOM 25, 5TH FLOOR, BUNGE TOWER AT 11:40 A.M.

PRESENT

- | | | |
|--|---|-------------------------|
| 1. Hon. Janet Jepkemboi Sitienei, CBS, M.P. | - | Vice-Chairperson |
| 2. Hon. Beatrice Kadeveresia Elachi, CBS, M.P. | | |
| 3. Hon. Joshua Chepyegon Kandie, M.P. | | |
| 4. Hon. Suzanne Ndunge Kiamba, M.P. | | |
| 5. Hon. Edith Vethi Nyenze, M.P. | | |
| 6. Hon. Patrick Ntwiga Munene, CBS, M.P. | | |
| 7. Hon. John Bwire Okano, M.P. | | |

APOLOGIES

- | | | |
|---|---|--------------------|
| 1. Hon. Muchangi Karemba, CBS M.P. | - | Chairperson |
| 2. Hon. Maisori Marwa Kitayama, M.P. | | |
| 3. Hon. Patrick Makau King'ola, M.P. | | |
| 4. Hon. (Eng.) Bernard Nebart Muriuki, M.P. | | |
| 5. Hon. Peter Irungu Kihungi, M.P. | | |
| 6. Hon. Paul Biego Kibichiy, M.P. | | |
| 7. Hon. Peter Mbogho Shake, M.P. | | |
| 8. Hon. Sloya Clement Logova, M.P. | | |

IN-ATTENDANCE

NATIONAL ASSEMBLY

Hon. (CAPT) Ruweida Mohamed Obo, MP

SECRETARIAT

- | | | |
|--------------------------|---|-------------------------------|
| 1. Mr. Victor Weke | - | Principal Clerk Assistant II |
| 2. Ms. Miriam Modo | | Clerk Assistant I |
| 3. Mr. Bernard Toroitich | - | Clerk Assistant III |
| 4. Mr. Clinton Sindiga | - | Legal Counsel II |
| 5. Ms. Nancy Akinyi | - | Research Officer III |
| 6. Mr. Arkan Mumin | - | Research Officer III |
| 7. Mr. Pascal Valerian | - | Hansard Reporter II |
| 8. Mr. Collins Mahamba | - | Audio Officer |
| 9. Ms. Felistas Muiya | - | Public Communications Officer |
| 10. Ms. Fridah Ngari | - | Media Relations Officer |

MINISTRY OF TOURISM AND WILDLIFE

- | | | |
|------------------------|---|---|
| 1. Ms. Rebecca Miano | - | Cabinet Secretary, Ministry of Tourism & Wildlife |
| 2. Ms. Silvia Museiya | - | PS, State Department for Wildlife, Min. of Tourism & Wildlife |
| 3. Prof. Erastus Kanga | - | DG, KWS |
| 4. Ms. Benta Musima | - | CMLS, KWS |
| 5. Ms. Joycelyn Makina | - | SAD, KWS |
| 6. Mr. Collins Nthuni | - | AD-Land Management |
| 7. Mr. Hassan Bashir | - | Assistant Director |
| 8. Mr. James Gichui | - | PA, PS |

- | | | |
|-------------------------|---|---------------------|
| 9. Ms. Patricia Saurei | - | Ministry of Tourism |
| 10. Mr. Gideon Nyambuga | - | SWO |
| 11. Ms. Florence Kanana | - | DD PHWC |

MIN./PPC/2026/145: PRELIMINARIES

The Vice Chairperson called the meeting to order at 11:40 am and said a word of prayer.

MIN./PPC/2026/146: ADOPTION OF AGENDA

The proposed agenda was adopted hereunder having been proposed by Hon. Edith Vethi Nyenze, M.P and seconded by, Hon. Beatrice Kadeveresia Elachi, CBS, M.P

AGENDA

1. Prayer & Preliminaries;
2. Adoption of the Agenda;
3. Confirmation of the Previous Minutes;
4. Matters Arising;
5. **Meeting with the CS, Ministry of Tourism and Wildlife on the following Petitions-**
 - a) **Public Petition by the Speaker of the County Assembly of Taita Taveta, Hon. Anselm Mwadime on the re-categorisation of Tsavo East and Tsavo West National Parks.**
 - b) **Public Petition by the Hon. John Bwire, MP on alleged acquisition of Trust Land L.R. No 249 of 1963 by the Government in Taita Taveta County by (Taveta Constituency).**
 - c) **Public Petition by the Hon. (Capt.) Ruweida Obo, MP on the recognition and protection of the Traditional and Cultural Rights of the Kiwayu Island Community; and**
 - d) **Public Petition by the Residents of Kitui South Constituency on the encroachment on community land by the Kenya Wildlife Service in Kitui County.**
6. Any other Business; and
7. Adjournment

MIN./PPC/2026/147: CONFIRMATION OF MINUTES

This agenda item was deferred to the next sitting.

MIN./PPC/2026/148: MEETING WITH THE CABINET SECRETARY, MINISTRY OF TOURISM AND WILDLIFE.

The Cabinet Secretary for the Ministry of Tourism and Wildlife Ms. Rebecca Miano, appeared before the Committee and submitted as follows:

- i. **Public Petition by the Speaker of the County Assembly of Taita Taveta, Hon. Anselm Mwadime regarding the re-categorisation of Tsavo East and Tsavo West National Parks.**
 - a) The role of the Kenya Wildlife Service (KWS) is to enforce wildlife laws and related statutes, and to ensure compliance with conservation regulations. In addition, KWS collaborates with county governments and local communities in the management of wildlife corridors and dispersal areas outside formally protected zones.
 - b) The petition by Taita Taveta County appears to treat the Tsavo National Parks as localized assets belonging to a single county. However, Tsavo constitutes a transboundary ecosystem

shared across multiple counties, and therefore cannot be administered as a county-specific resource.

- c) The proposed re-categorisation of Tsavo would necessitate the fragmentation of the park into multiple management regimes, which would likely undermine ecological integrity, disrupt wildlife migration corridors, and give rise to inter-county disputes over resource control and benefit-sharing. The current designation of Tsavo as a National Park remains the most viable framework for ensuring equitable benefit-sharing among all host counties and safeguarding the national interest, in accordance with Article 62 of the Constitution.
- d) The Ministry therefore urged the Committee to dismiss the petition on the grounds that it contravened the constitutional mandate of the National Government under the Fourth Schedule (Part 1, Section 22), which assigns responsibility for the protection of the environment and natural resources to the national level. Further, the Ministry relied on Article 62(1)(d) and Article 62(3) of the Constitution of Kenya, 2010, which classify national parks as public land vested in the national government for the benefit of all citizens.
- e) The Ministry also requested the Committee to reject the allegation of discrimination under Article 27 of the Constitution. The classification of Tsavo National Parks as public land does not constitute discriminatory treatment but rather reflects a rational and necessary policy distinction aimed at preserving a transboundary ecosystem shared by counties including Taita Taveta, Kitui, and Tana River.
- f) Finally, the Ministry urged the Committee to uphold the ecological integrity of the Tsavo ecosystem by maintaining a unified national management regime. Such an approach is essential to prevent fragmentation of wildlife habitats, ensure consistency in conservation standards, and strengthen anti-poaching efforts. The Committee may further consider referring the matter to the Intergovernmental Relations Technical Committee (IGRTC) for structured intergovernmental engagement and resolution of the issues raised.

Committee Observations

- a) The Committee observed that the Amboseli transited to Kajiado County and a similar framework can be done for Tsavo where by the counties involved benefit from the park.
- b) The list of Corporate Social Investments done by KWS does not cover all the counties that share Tsavo.

Committee Resolution

The Ministry to submit a comprehensive and disaggregated report on all Corporate Social Investments undertaken within the Tsavo ecosystem, indicating beneficiary counties.

ii. Public Petition by the Hon. John Bwire regarding alleged acquisition of Trust Land L.R N0. 249 of 1963 by the Government of Taita Taveta County.

- a) On the claim that L.R. No. 249 of 1963 was designated as trust land reserved for grazing and farming by local communities in Taita Taveta County, the Ministry submitted that the land in question currently forms part of Tsavo West National Park and therefore no longer constitutes trust land.

- b) The land is situated within the southern section of Tsavo West National Park, adjoining the Kajiado County boundary, and measures approximately 3,723 acres as defined under Boundary Plan No. 204/28. It was incorporated into Tsavo National Park in 1970, at which point its use transitioned from communal grazing and farming to conservation as a protected area.
- c) The Kenya Wildlife Service (KWS), pursuant to its statutory mandate, is responsible for the protection and management of all gazetted wildlife protected areas. This includes preventing encroachment and unauthorized land use within national parks. The Service undertakes measures such as boundary demarcation and fencing to safeguard both wildlife and adjacent communities, thereby promoting harmonious human–wildlife coexistence and mitigating conflict.
- d) The Ministry further submitted that no alternative land use is permissible within a gazetted national park other than wildlife conservation and related purposes. Consequently, the request by the community to utilise the land for grazing or settlement was declined in accordance with the applicable legal and regulatory framework.

Committee Observations

- a) The Committee observed that the relevant Gazette Notice formalizing the incorporation of L.R. No. 249 of 1963 into Tsavo National Park is not readily available within the records of the Ministry of Lands.
- b) The Committee noted that the submissions by the Ministry did not comprehensively address all the concerns raised by the petitioner and were therefore unsatisfactory.
- c) The Committee further observed apparent inconsistencies in the manner in which similar cases such as the management of Amboseli—have been handled in comparison to Tsavo.

Committee Resolution

The Committee directed the Ministry of Tourism and Wildlife, in collaboration with the Kenya Wildlife Service (KWS), to prepare and submit a comprehensive and well-documented response within two (2) weeks. The submission should include all relevant legal instruments, gazette notices, historical records, and policy justifications relating to the status and management of L.R. No. 249 of 1963 for the Committee’s consideration.

iii. Public Petition by the Hon. (Capt.) Ruweida Obo, M.P regarding recognition and protection of the traditional and cultural rights of the Kiwayu Island community.

- a) The Ministry, through the Kenya Wildlife Service (KWS), submitted that the Service has consistently supported the harmonious coexistence between indigenous communities and marine wildlife conservation initiatives within Kiwayu Island and the wider Kiunga Marine National Reserve.
- b) It was noted that most investors operating within Kiwayu Island have engaged directly with local community groups and individuals, and do not have formal lease arrangements with KWS. Consequently, there are currently no existing leases between KWS and the investors within the Island.
- c) The Ministry further submitted that irregular land allocations occurred within parts of the Reserve beginning in 1994. KWS has since taken steps to address this issue and has reported all such irregular allocations to the relevant authorities, including the Ministry of Lands, the

National Land Commission (NLC), and the Ethics and Anti-Corruption Commission (EACC). The Service is actively pursuing the revocation of the illegal allocations and titles.

- d) Additionally, the Service has developed a Management Plan for the Kiunga Marine National Reserve covering the period 2025–2035. The Plan was formulated through a consultative process, during which the existence of indigenous community settlements in Kiwayu Island was acknowledged. It further outlines proposals aimed at promoting sustainable coexistence between local communities and marine conservation efforts.
- e) The Ministry indicated its willingness to engage with relevant agencies and stakeholders to develop a structured roadmap for recognising and formalising land rights of indigenous community members residing in Kiwayu Island, while ensuring the continued protection of the marine ecosystem.

Committee Observations

- a) The Committee observed that the designation of the area as a marine reserve may not have been preceded by adequate public participation, particularly involving the affected local communities.
- b) The Committee noted that the Ministry's submissions did not sufficiently demonstrate awareness of the current realities and challenges in Kiwayu Island, and therefore did not fully address the concerns raised by the petitioner.

Committee Resolution

The Committee directed the Ministry of Tourism and Wildlife, in collaboration with KWS, to prepare and submit a comprehensive and updated response within two (2) weeks. The response should specifically address issues of public participation, land tenure, investor arrangements, and the protection of cultural and community rights in Kiwayu Island.

iv. Public Petition No.29/2025 by residents of Kitui South Constituency regarding the encroachment of community land by KWS in Kitui County

- a) The Ministry, through the Kenya Wildlife Service (KWS), submitted that the Service has partnered with the Kitui County Government in the management of the reserve, owing to its ecological significance as part of a wildlife corridor linking Tsavo National Park, South Kitui National Reserve, and Kora National Park.
- b) It was further submitted that KWS, in collaboration with the County Government, manages only the legally gazetted reserve and does not extend its operations into community land parcels. The Service indicated that it has undertaken measures aimed at promoting sustainable coexistence between wildlife and local communities, including land use management strategies that balance conservation objectives with community interests.
- c) The Ministry emphasized that KWS has not acquired any land outside the gazetted boundaries of the reserve. However, in instances where boundary overlaps or disputes may arise, the Government remains open to engaging with affected communities to resolve such issues through dialogue and negotiation.

Committee Observation

The Committee observed the need for KWS to undertake a comprehensive review and verification of all its boundaries to clearly establish the precise acreage under its jurisdiction and to eliminate any ambiguity regarding potential encroachment into community land.

Committee Resolution

The Committee resolved to undertake a site visit to Kitui South Constituency to verify the status of the land in question, ascertain the extent of the alleged encroachment, and engage directly with stakeholders on the ground.

MIN./PPC/2026/149: ADJOURNMENT

There being no other business, the meeting was adjourned at 2:15 p.m.

Sign:



Date

06/05/26

HON. MUCHANGI KAREMBA, CBS, M.P.

CHAIRPERSON, PUBLIC PETITIONS COMMITTEE



MINISTRY OF TOURISM AND WILDLIFE

STATE DEPARTMENT FOR WILDLIFE

Office of the Principal Secretary

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When replying please quote:

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

Ref: SDW/1/47/1

11th March, 2026

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

Dear

RESPONSE TO THE NATIONAL ASSEMBLY PUBLIC PETITIONS COMMITTEE ON A PUBLIC PETITION

Reference is made to your letter Ref: NA/DAA&GPC/PPC/2026/019 dated 16th February, 2026 on the above subject matter.

The purpose of this letter therefore, is to forward the attached report in regards to the under listed Petitions tabled before the Public Petitions Committee:

1. P/No. 16/2025 by Speaker of the County Assembly of Taita Taveta, Hon. Anselm Mwadime regarding recategorization of Tsavo East and Tsavo West National Parks;
2. P/No.29/2025 by residents of Kitui South Constituency regarding encroachment of community land by the Kenya Wildlife Service (KWS) in Kitui County the boundaries of a road reserve and protection of ancestral land.

Yours

Silvia Museiya, CBS
PRINCIPAL SECRETARY



**MINISTRY OF TOURISM & WILDLIFE
STATE DEPARTMENT FOR WILDLIFE**

**RESPONSE TO THE PUBLIC PETITIONS COMMITTEE ON A
PUBLIC PETITION: RECATEGORIZATION OF TSAVO EAST AND
WEST NATIONAL PARK & ENCROACHMENT OF COMMUNITY
LAND BY THE KENYA WILDLIFE SERVICE IN KITUI SOUTH
CONSTITUENCY**

11TH MARCH, 2026

MEETING WITH THE PUBLIC PETITIONS COMMITTEE ON A PUBLIC PETITION: RECATEGORIZATION OF TSAVO EAST AND WEST NATIONAL PARK.

The Ministry of Tourism and Wildlife (MoTW) acknowledges **receipt** of the petition submitted by the Speaker of the County Assembly of Taita Taveta, Hon. Anselm Mwadime regarding the proposed recategorization of Tsavo East and West National Parks;

In response to the petition, we state as follows;

The Constitution of Kenya, 2010 and the Wildlife Conservation and Management Act (WCMA) provide the legal framework governing the ownership, classification and management of protected areas, including national parks and national reserves, and define the respective roles of the National and County Governments.

1. Classification of National Parks as Public Land vis a vis classification of National Reserves as Public and/or community land.

Under Article 62 of the Constitution of Kenya (2010), national parks and government animal sanctuaries are classified as public land. Article 62(1) (d) and 62 (3) specifically provides that national parks shall vest in and be held by the national government in trust for the people of Kenya and shall be administered on their behalf by the National Land Commission.

Section 3(1) of the Wildlife Conservation and Management Act Cap 376 (hereinafter referred to as "WCMA") defines a "national park" as an area of land/or sea specially dedicated to the protection and maintenance of biological diversity, and of natural and associated cultural resources, and managed through legal or other effective means whereas a "national reserve" is defines as an area of community land declared to be a national reserve under this Act or under any other applicable law.

It therefore follows that an interpretation of the provisions cited above demonstrates that a National Reserve can only exist on community land, whereas a National Park, pursuant to Article 62(1)(d) and Article 62(3) of the Constitution, exists solely as public land vested in and held by the National Government in trust for the people of Kenya, and not for any specific community or county. There is no evidence that the public land on which the Tsavo National Parks are established has been lawfully converted to community land. Consequently, the proposal to recategorize the National Parks as National Reserves would not be consistent with the

constitutional and statutory framework governing the classification and management of protected areas in Kenya.

2. Devolution of Functions (The Fourth Schedule)

The Constitution distributes the management of natural resources between the two levels of government through the Fourth Schedule:

National Government Role

The Constitution of Kenya, 2010 assigns responsibility for the protection of the environment and natural resources, including wildlife, to the National Government under Part 1 of the Fourth Schedule. In particular, Function 22 provides that the National Government is responsible for the protection of animals and wildlife with a view to establishing a durable and sustainable system of development.

County Government Role

County Governments primarily implement national government policies on natural resources and environmental conservation as provided under Part 2 of the Fourth Schedule. However, the Wildlife Conservation and Management Act (Cap. 376) provides a framework for cooperative governance in wildlife conservation by assigning the management of National Reserves to County Governments while the National Government, through the Kenya Wildlife Service (KWS), retains responsibility for the management of National Parks and overall wildlife protection.

3. Role of the Kenya Wildlife Service (KWS)

While the Kenya Wildlife Service (KWS) is established under an Act of Parliament, namely the Wildlife Conservation and Management Act (Cap. 376), its mandate is fully aligned with constitutional requirements;

- i. **Enforcement:** KWS is a uniformed and disciplined service mandated to enforce wildlife laws and related statutes, and to ensure compliance with conservation regulations.
- ii. **Collaboration:** KWS works with county governments and communities to manage wildlife corridors and dispersal lands outside formal protected areas. Section 18 of WCMA establishes Community Wildlife Conservation Committees (CWCC) in each county. The Act already devolves participation. Taita Taveta has a seat at the table through its CWCCC to manage human-wildlife conflict and

compensation claims this demonstrates that the County Government of Taita Taveta is not excluded or discriminated against in the management of the national parks.

Sustainability, Economic Viability and Ecological Integrity

The National Government is incurring high cost of managing massive ecosystems like the Tsavos. It bears the full cost of security and infrastructure especially to manage and conserve the endangered wildlife species which was near extinction in the country and now recovering. To demonstrate the high cost of wildlife management, KWS receives government subventions and further leverages support from conservation partners to supplement funding for the protection and management of wildlife resources.

In support of black rhino recovery and enhanced conservation outcomes, over USD 4.7 million (approximately KSh 606 million) is currently being invested in Tsavo West National Park by the National Government through a partnership with the Kenya Rhino Range Expansion Program. This investment is directed towards advanced security systems, including AI-enabled surveillance cameras, drones, upgraded fencing, and improved ranger housing within the Tsavo sanctuaries. These interventions are aimed at strengthening protection measures and securing sustainable conservation of Kenya's wildlife heritage.

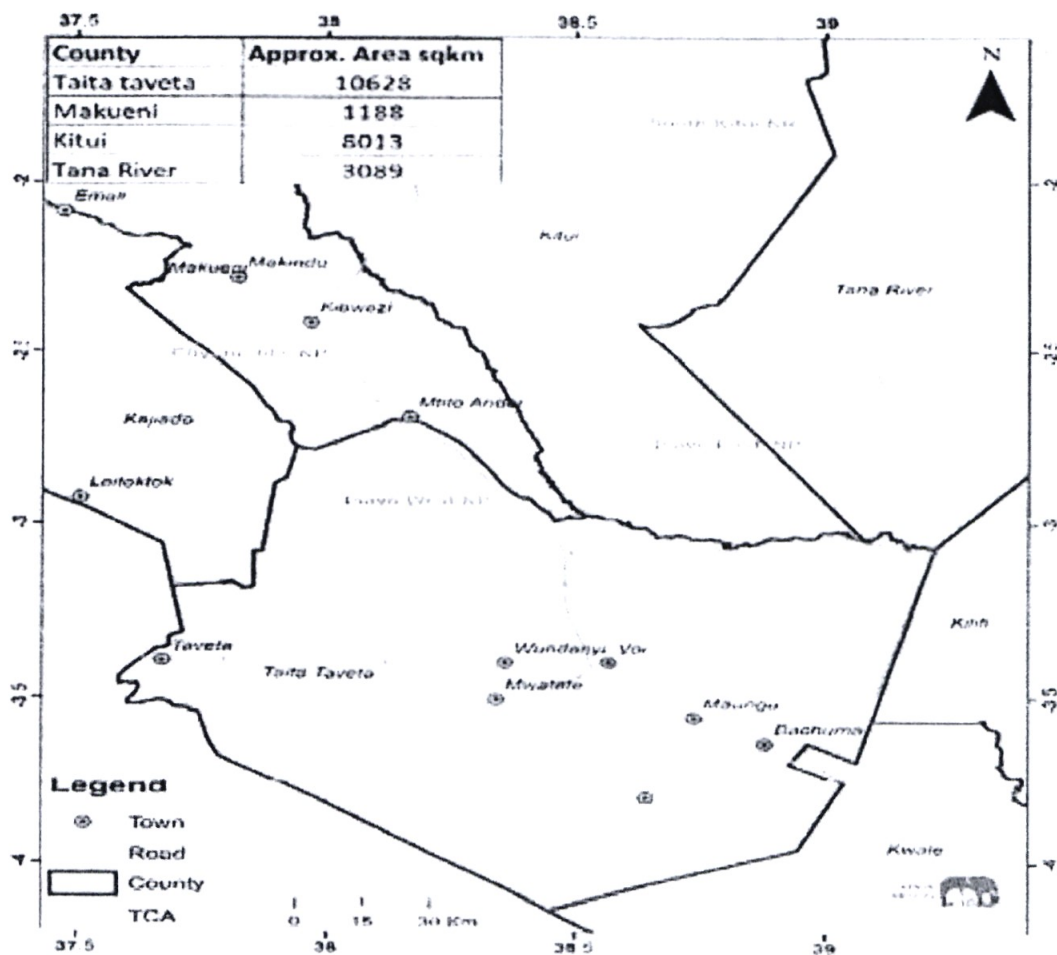
Ecological Integrity

The petition by Taita Taveta appears to treat the Tsavo Parks as localized asset belonging to a single county. In reality, Tsavo is a trans-boundary ecosystem shared by four counties. Re-categorizing it would necessitate splitting the park into three different management regimes, creating ecological instability and inevitable inter-county disputes over the resource. The current status as a National Park is the only way to ensure equitable benefit for all host counties and all Kenyans, as per Article 62 of the Constitution.

The Tsavo National Parks covers a total area of approximately 2,291,800 hectares, comprising of Tsavo East, Tsavo West, and Chyulu Hills National Parks. These three parks span across four counties, namely Taita Taveta, Makueni, Kitui and Tana River. The table below presents the distribution of the total wildlife area attributable to each county.

County	Approx. Area (HA)	% Area of the park in the county
Taita Taveta	1,062,800	46
Makueni	118,800	5
Kitui	801,300	35
Tana River	308,900	13

The geographical extent of the parks within each county is further illustrated in the map below.



The Tsavo ecosystem is a single, indivisible ecological unit, if the park is re-categorized to satisfy Taita Taveta, the other shared counties (Kitui,

Makueni and Tana River) would legally be entitled to demand their "slice" of management and this would trigger a boundary and resource dispute between the counties. By keeping the park under National Government (KWS) management, the state acts as a neutral arbiter, ensuring the resource is managed for the national good rather than becoming a source of inter-county conflict over boundaries and tourism entry points.

The Impact

This would lead to the fragmentation of the ecosystem. Wildlife does not recognize county boundaries. Managing one park under four different county laws/revenue systems would create a bureaucratic nightmare, disrupt migration corridors, and weaken anti-poaching efforts.

Summary/ Conclusion

The Tsavo Parks being an asset under the constitution and WCMA, the revenue accrued supports not only these parks but other paper parks and reserves that plays key role in biodiversity conservation of the country and do not generate any revenue.

These paper parks and reserves include:

- i. Arabuko Sokoke National Park
- ii. Kora National Park
- iii. Laikipia (Eland Downs) National Park
- iv. Malka Mari National Park
- v. Arawale National Reserve
- vi. Bisanadi National Reserve
- vii. Boni National Reserve
- viii. Chepkitale National Reserve
- ix. Dodori National Reserve
- x. Laikipia National Reserve
- xi. Mwea National Reserve
- xii. Ngai-Ndeithiya National Reserve
- xiii. Mwingi National Reserve
- xiv. Nyambene National Reserve
- xv. Ondago Swamp Sanctuary
- xvi. Rahole National Reserve
- xvii. Diani Chale National Reserve
- xviii. Nasolot National Reserve
- xix. Rimoi National Reserve
- xx. Kanyaboli National Reserve

- xxi. Lake Simbi Sanctuary
- xxii. Losai National Reserve
- xxiii. Maralal Sanctuary
- xxiv. Naivasha Wildlife Sanctuary

1. As National Parks (Public Land), the benefits from the revenue generated are currently shared equally by all Kenyans through the National Treasury. Giving it to one county would create a "privileged class" of county, which is exactly what Article 27 prohibits.
2. Because the resource is trans-boundary (crossing multiple counties), it loses its "local" character and becomes a "national" resource. The Constitution mandates that such resources be managed by the National Government to ensure standard protection levels across county lines and coordinate across these borders effectively. Further, it would lead to Ecological Fragmentation; wildlife migration doesn't stop at county lines. Splitting management between Taita Taveta, Kitui, Makueni and Tana River would lead to uncoordinated policies, making it impossible to manage these parks as a single, functional ecosystem.
3. Recategorization would down grade its premier status (value) of being national parks, this might then affect its ecological integrity, and tourism value.
4. The ecosystem borders other counties such as Kwale Kilifi which are experiencing high human wildlife conflict (HWC) due to Tsavos. The recategorization may affect the management of HWC in these areas and beyond.
5. The Tsavo ecosystem has employed staff from all over the country is in a spirit inculcate regional balance and equitable sharing and responsibility towards these National assets. The recategorization would mean loss of jobs for other Kenyans.
6. The Tsavo ecosystem encompasses critical national water catchment areas, including Mzima Springs and the Chyulu Hills, which supply water to a significant portion of the Coast region. Any transfer of management of the Park to a county government could undermine the National Government's constitutional mandate to protect critical water sources, as provided under Section 22(c) of the Fourth Schedule to the Constitution of Kenya. Given the strategic importance of these water towers to national water security, their protection remains a matter of national interest.
7. Reduced Security & Anti-Poaching: National Reserves often allow for human settlement or grazing. This "diluted" status increases human-wildlife conflict and makes anti-poaching operations significantly

harder to enforce compared to the strict "no-entry" rules of a National Park.

8. On benefit sharing with the county of Taita Taveta, the Government through KWS have conducted the following Corporate Social Investments (CSI) to communities in Taita Taveta county;

DATE	PURPOSE	PROCESSED AMOUNT	FY
7/22/2025	Maktau Primary School wiring and electrical installation	779,963.00	2025-26
11/11/2025	Ngongodinyi Primary School water tanks	550,000.00	2025-26
11/26/2025	Construction of two classrooms and laboratory block at Kone Secondary School	8,039,440.00	2025-26
1/16/2026	Funds for drilling and equipping of a borehole at Kone	9,935,880.00	2025-26
2/16/2026	Waterpan desilting and perimeter fence for Kone Primary School	13,348,000.36	2025-26
8/8/2024	Funds for ongoing community project at Ushambe Valley Conservancy	797,700.00	2024-25
8/8/2024	Funds for Lake Jipe Primary school electric fence & 2 classrooms block	6,452,750.00	2024-25
10/16/2024	Proposed equipping of borehole at Njukini in Taita Taveta County	9,660,000.00	2024-25

DATE	PURPOSE	PROCESSED AMOUNT	FY
10/16/2024	Funds for the proposed rehabilitation of classrooms with electric fence perimeter at Maktau Primary School	6,500,000.00	2024-25
1/16/2025	CSR-road maintenance in Ushumba Valley Conservancy	2,534,420.00	2024-25
4/16/2025	Youth sports in Voi constituency	704,000.00	2024-25
6/10/2024	Funds to drill the borehole at Ushumbe Valley Conservancy	10,000,000.00	2023-24
6/14/2024	Facilitation of stakeholders meeting on Kone conflict	753,400.00	2023-24
6/19/2024	Facilitation for community sensitization on site handing over of electric fence	517,200.00	2023-24
3/16/2022	Funds to facilitate Community Support Project-clearing pending Wama Taita Timber Sales.	289,726.00	2021-22
6/17/2022	Funds to facilitate rehabilitation of boreholes damaged by wildlife	50,000.00	2021-22
6/28/2022	Funds to facilitate HWC mitigation strategy	292,000.00	2021-22

DATE	PURPOSE	PROCESSED AMOUNT	FY
26/3/2019	Funds for wildlife drive in Gicheha Farm	100,000.00	2018-19
24/10/2017	Funds for construction of Ndovu Maternity wing	3,202,333.00	2017-18
24/10/2017	Funds for bore-hole power connection in Mwamko Mashinani	1,000,000.00	2017-18
24/10/2017	Funds for fencing of Oldonyo Lengai Primary School	1,600,000.00	2017-18
24/10/2017	Funds for Enkonorei community water projects	2,400,000.00	2017-18
16/2/2018	Funds for purchase of water tank for Kanaani Community	235,000.00	2017-18
27/2/2018	Funds for repair of community infrastructure damaged	420,000.00	2017-18
TOTAL		80,161,812.36	

The Service has cumulatively constructed 457.4 kilometres of electric fencing across identified human-wildlife conflict hotspot areas within Taita Taveta County to mitigate conflict between people and wildlife, at an estimated cost of **Kshs 914,800,000.00**.

Description	Km	Year	Type	Strand
Maktau - Ndii	68.7	2014	Intermediate	9

Jipe - Salaita	30.5	2007	Intermediate	5
Ngulia Rhino Sanctuary	50.0	1986	Intermediate	9
Ndolwa - Muhoho Farm	38.0	2025	Outrigger	4
Ziwani - Lolasiti	34.0	2024-2025	Intermediate	4
Bachuma - Dakote	45.7	2010	Intermediate	5
Ndii - Ndara	27.2	1995	Intermediate	5
Sobo Rhino Sanctuary	42.8	2012	Intermediate	6
Maktau Bura Fence	31.5	1997	Intermediate	5
Bura Kamtonga	24.0	2018	Intermediate	8
Mgeno - Izera	25.0	2024-2025	Intermediate	4
Izera - Kasgau	20	2025	Intermediate	4
Muange - Athi	20	2024-2025	Intermediate	4
Total	457.4			

Prayers to the Departmental Committee

In light of the constitutional, statutory, and ecological evidence presented, the MoTW humbly requests that the Honorable Committee:

1. Dismisses the petition for the re-categorization of Tsavo East and West National Parks on the grounds that it violates the National Government's mandate under the Fourth Schedule (Part 1, Section 22) to protect nature and wildlife for the benefit of all 47 counties and Article 62(1) (d) and 62 (3) of the Constitution of Kenya 2010.
2. Reject the claim of discrimination under Article 27, affirming that the classification of these parks as Public Land (Article 62) is a rational and

necessary differentiation required to protect a trans-boundary ecosystem shared by Taita Taveta, Kitui, and Tana River.

3. Uphold the ecological integrity of the Tsavo ecosystem by maintaining a unified national management regime, thereby preventing the fragmentation of wildlife corridors and the dilution of anti-poaching standards.
4. Direct the matter to the Intergovernmental Relations Technical Committee (IGRTC) to resolve some concerns raised.

MEETING WITH THE PUBLIC PETITIONS COMMITTEE ON A PUBLIC PETITION: ENCROACHMENT OF COMMUNITY LAND BY THE KENYA WILDLIFE SERVICE IN KITUI SOUTH CONSTITUENCY

The Ministry of Tourism and Wildlife (MoTW) acknowledges the petition from the residents of Kitui South Constituency in regards to encroachment of Community land by Kenya Wildlife Service (KWS) in Kitui County;

In response to the petition, we state as follows;

1. Legal Framework

1.1 Constitution of Kenya 2010

Article 62 describes Public Land to include *inter alia* government forests other than Community forests, game reserves, water catchment areas, National Parks, government animal Sanctuaries and specially Protected Areas. South Kitui National Reserve is under the jurisdiction of the County Government on behalf of the people of Kitui.

1.2 Wildlife Conservation and Management Cap 376

Section 37 of the Wildlife Conservation and Management Act Cap 376 hereinafter referred to as "WCMA") talks about variation of boundaries or revocation of a National Reserve. It stipulates that a variation of the National Reserve or declaration of a wildlife conservation area shall cease to be a National Reserve or change the status from a National Reserve shall only be considered by the Cabinet Secretary where a proposal is recommended by the relevant County Government after consultation with the National Land Commission and the service in accordance with subsection (2) and is subsequently approved by a resolution of parliament. The relevant County Government, The National Land Commission and the Service shall not recommend any such proposal unless they are satisfied that such variation of the boundary or cessation of National Reserve proposed by the notice shall not: -

- (i) Endanger any rare, threatened or endangered species;
- (ii) Interfere with the migration and critical habitat of the wildlife;
- (iii) Adversely affect its value in provision of environmental goods and services, and,
- (iv) Prejudice biodiversity conservation, cultural site protection, or its use for educational, ecotourism, recreational, health and research purposes.

Further, the proposal for variation/cessation needs to be subjected to an Environmental Impact Assessment in accordance with the provisions of the Environmental Management and Coordination Act Cap 387 Laws of Kenya; and public consultation in accordance with the Fourth Schedule has to be undertaken in relation to the proposal. The affected reserve is expected to shrink in acreage.

1.3 National Land Commission Act Cap 281

In pursuant to article 67(2) of the Constitution and part II section 5(1) of National Land Commission Act Cap 281 Laws of Kenya (, the commission shall among other functions mentioned manage public land on behalf of both National and County Government as well as conduct research related to land and the use of natural resources, make recommendations to appropriate authorities and give consent for alienation of any public land by the National and County Government according to article 67(3) of the constitution.

1.4 Land Act Cap 280

The Commission and consult existing institutions dealing with conservation shall maintain part II of the Land Act Cap 280 Laws of Kenya Section 11 on conservation of ecological sensitive public land. The Commission shall identify areas that are within Public land and demarcate and take any justified action on those areas and act to prevent environmental degradation and climate change.

Part II section 19 subsection (1) and (2) provides that the commission shall make rules and regulations for the Commission to protect critical ecosystem and involve stakeholders in management and utilization of land based natural resources.

2. RESPONSE TO PETITIONERS MATTERS

2.1 Establishment of South Kitui National Reserve and The Role of Kenya Wildlife Service (KWS)

KWS is established by an Act of Parliament, Wildlife Conservation and Management Act, cap. 376 ("WCMA"), and its mandate is aligned with the constitutional requirements. South Kitui National Reserve (SKNR) being one of the National Reserves was established vide Legal Notice No.186 of 29th August, 1979 and covers an area of approximately 1,833 Square Kilometers and falls under the Kitui County Government. The boundaries of the Reserve are defined on Boundary Plan No. 216/41 and approved

Survey Plan F/R 345/45 registered as parcel L.R No. 27728. The reserve borders Tsavo East National Park on the Northern sector and serves as acritical Wildlife dispersal area. These documents secure the reserve's tenure and provide an authoritative reference for cut-line establishment, infrastructure planning, and enforcement of protection measures.

2.2Alleged Expansion into Community land and Encroachment

KWS has partnered with Kitui County Government in managing the reserve due to wildlife and the corridor running from Tsavo National Park through South Kitui National Reserve towards Kora National Park. The Service and County Government of Kitui manages the legally gazetted area as a reserve and does not extend into Community land parcels. The Service has done its level best to ensure sustainable coexistence between the wildlife and community including issues of land management for different uses and benefits.

2.3Boundary Alignment and Demarcation

The service has not acquired any land outside the gazetted boundaries of the reserve. If there exists any boundary overlap, the Government is ready to enter into negotiations with the community to resolve any complains or concerns raised by the community. The Government is ready to carry out a joint boundary alignment survey with all stakeholders concern.

2.4Government Clarification to the Community

The Government is willing and available for any clarification to the community including availing of clear boundary maps and legal documents concerning the reserve.

ANNEXES

1. Boundary Plan No. 216/41
2. Legal Notice No. 186 of 29th August, 1979
3. Survey Plan No. F/R 345/45.

[illegible]

SOUTH KITUI (THUA) NATIONAL RESERVE

AREA = 1833 SQ. KM. (APPROX.)

SCALE = 1:250,000

BOUNDARY PLAN No. 216/41

LEGEND

1. SOUTH KITUI (THUA) NATIONAL RESERVE
 2. DISTRICT
 3. 1:1, THE KITUI, MACHAKOS, MOMBASA
 4. GENERAL: CP/18/78
 5. 1:1, THE KITUI, MACHAKOS, MOMBASA
 6. 1:1, THE KITUI, MACHAKOS, MOMBASA
 7. 1:1, THE KITUI, MACHAKOS, MOMBASA
 8. 1:1, THE KITUI, MACHAKOS, MOMBASA
 9. 1:1, THE KITUI, MACHAKOS, MOMBASA

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 8. 1:1, THE KITUI, MACHAKOS, MOMBASA
 9. 1:1, THE KITUI, MACHAKOS, MOMBASA

SOUTH KITUI (THUA) NATIONAL RESERVE

AREA = 1833 SQ. KM. (APPROX.)

SCALE = 1:250,000

SOUTH KITUI (THUA) NATIONAL RESERVE
 OF NO. 216/41
 IN THE KITUI DISTRICT, KENYA
 General: CP/18/58
 Date: 18/11/58
 By: [Signature]
 For: [Signature]
 Approved by: [Signature]
 Date: 24/11/58
 By: [Signature]

BOUNDARY PLAN No. 216/41

Legal Notice No. 186

THE WILDLIFE (CONSERVATION AND MANAGEMENT) ACT

(Cap. 376)

DECLARATION OF A NATIONAL RESERVE

IN EXERCISE of the power conferred by section 18 (1) of the Wildlife (Conservation and Management) Act, the Minister for Tourism and Wildlife declares the area set forth in the Schedule to be a National Reserve to be known as South Kitui (Thana) National Reserve.

SCHEDULE

THE SOUTH KITUI (THANA) NATIONAL RESERVE

All that area of land situated south east of Kitui Town and adjoining the northern boundary of Tavo East National Park, in Kitui District, Eastern Province, the boundaries of which are more particularly delineated, edged purple, on Boundary Plan No. 216/41 which is signed and deposited in the Survey Records Office, Survey of Kenya, Nairobi.

Dated this 29th day of August, 1979.

M. J. OGUTU,

Minister for Tourism and Wildlife.

Legal Notice No. 187

THE WILDLIFE (CONSERVATION AND MANAGEMENT) ACT

(Cap. 376)

DECLARATION OF A NATIONAL RESERVE

IN EXERCISE of the power conferred by section 18 (1) of the Wildlife (Conservation and Management) Act, the Minister for Tourism and Wildlife declares the area set forth in the Schedule to be a National Reserve to be known as North Kitui National Reserve.

SCHEDULE

THE NORTH KITUI NATIONAL RESERVE

All that area of land situated north of Kitui Town and adjoining the southern boundary of Meru National Park, in Kitui District, Eastern Province, the boundaries of which are more particularly delineated, edged purple, on Boundary Plan No. 216/40 which is signed and deposited in the Survey Records Office, Survey of Kenya, Nairobi.

Dated this 29th day of August, 1979.

M. J. OGUTU,

Minister for Tourism and Wildlife.

Legal Notice No. 185

THE NATIONAL ASSEMBLY AND PRESIDENTIAL ELECTIONS ACT

(Cap. 7)

IN EXERCISE of the powers conferred by section 34 of the National Assembly and Presidential Elections Act, the Attorney-General makes the following Regulations—

THE PARLIAMENTARY AND PRESIDENTIAL ELECTIONS (AMENDMENT) REGULATIONS, 1979

1. These Regulations may be cited as the Parliamentary and Presidential Elections (Amendment) Regulations, 1979.

2. The Parliamentary and Presidential Elections Regulations, 1974 by deleting the word "language" in the third line and substituting "and Swahili languages".

3. Regulation 19A of the principal Regulations is amended by adding the following proviso—

Provided that any person who was a candidate in the previous election in that constituency may require the returning officer to allot to him the same symbol as was allotted to him in such previous election.

4. Regulation 31 of the principal Regulations is amended by deleting paragraph (1) and substituting the following—

(1) A presiding officer shall require any person appearing for a ballot paper to produce his identity card issued under the Registration of Persons Act.

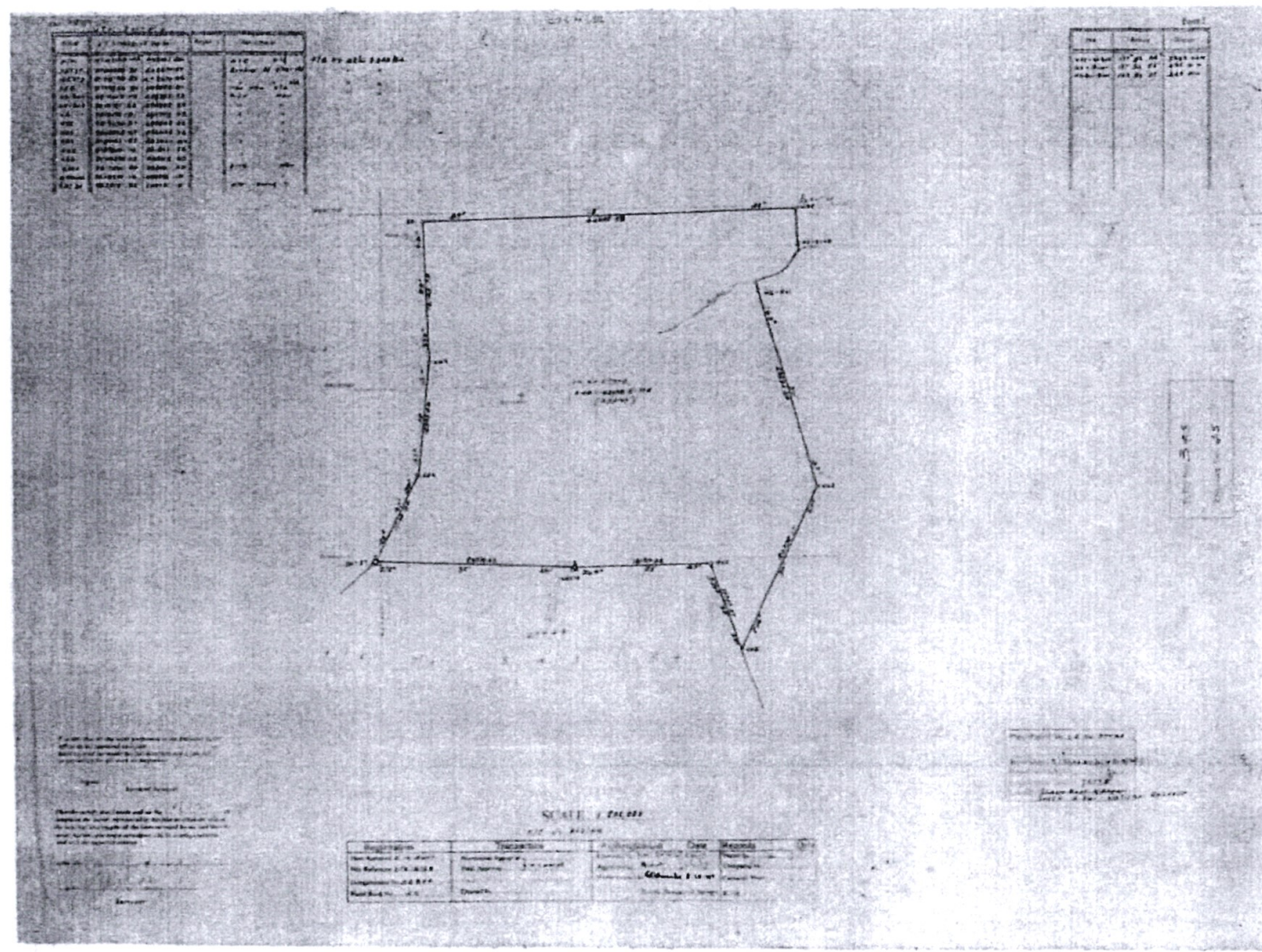
5. The principal Regulations are amended by adding the following new regulation—

56. The return of expenses and statutory declaration referred to in section 181 of the Act shall be in Forms 21 and 22.

6. The First Schedule to the principal Regulations is amended in Form 10—

(a) by deleting the fourth subparagraph of paragraph 3 and substituting the following—

I have passed the General Certificate of Education, the Cambridge Overseas School Certificate for the African Certificate of Education/examination in the English language



COUNTY GOVERNMENT OF TAITA TAVETA



COUNTY ASSEMBLY OF TAITA TAVETA

OFFICE OF THE CLERK

P.O. Box 1142-80304

Wundanyi

Telephone: 0718703359/0732604811

Email: clerk@taitatavetaassembly.go.ke

TTCA/ADM/3/29/Vol.3/ (096)

17th November, 2025

The Clerk of the National Assembly
Parliament Buildings
Nairobi

RE: SUBMISSION OF PETITION AND SUPPORTING DOCUMENTS

I write to formally transmit the enclosed petition together with the accompanying written submission for consideration by the National Assembly. The documents set out the issues raised, the legal and policy basis for the request, and the specific reliefs sought.

Kindly acknowledge receipt before the appropriate committee in accordance with the Standing Orders. We remain available to provide any further clarification or appear before the committee should it be required.

Thank you for your attention to this matter.

A handwritten signature in blue ink, consisting of a series of loops and a trailing flourish.

CPA GADIEL M. MAGANGA

CLERK TO THE TAITA TAVETA COUNTY ASSEMBLY

**PETITION BY MEMBERS OF THE COUNTY ASSEMBLY OF TAITA
TAVETA FOR THE AMENDMENT OF THE WILDLIFE MANAGEMENT AND
CONSERVATION ACT, CAP 376 OF THE LAWS OF KENYA**

The Clerk
National Assembly
Parliament Buildings
Email: cna@parliament.go.ke
Nairobi, Kenya

**PETITION BY THE COUNTY ASSEMBLY OF TAITA TAVETA FOR THE
AMENDMENT OF THE WILDLIFE MANAGEMENT AND CONSERVATION
ACT, CAP 376 OF THE LAWS OF KENYA**

LEGAL FOUNDATIONS OF THE PETITION

**CONSTITUTION OF KENYA – ARTICLE 1, 2, 3(a) & 4 – SOVEREIGNTY
OF THE PEOPLE OF KENYA**

**CONSTITUTION OF KENYA – ARTICLE 27 – EQUALITY AND FREEDOM
FROM DISCRIMINATION**

**CONSTITUTION OF KENYA – ARTICLE 37- RIGHT TO PRESENT
PETITIONS TO PUBLIC AUTHORITIES**

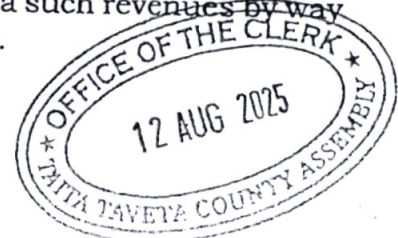
**CONSTITUTION OF KENYA – ARTICLE 60(1) (a) - EQUITABLE ACCESS
TO LAND**

**CONSTITUTION OF KENYA – ARTICLE 119(1) – RIGHT TO PETITION
PARLIAMENT**

**PETITIONS TO PARLIAMENT (PROCEDURE) ACT CHAPTER 7 E OF THE
LAWS OF KENYA**

**We the undersigned Members of Taita Taveta County Assembly do hereby
draw the attention of the House to the following;**

1. **THAT** the current categorization of the Tsavo as a national park within the definitions of the words “National park” and “National reserve” assigned by the **WILDLIFE CONSERVATION AND MANAGEMENT ACT CHAPTER 376 OF THE LAWS OF KENYA** is discriminatory to the People of Taita Taveta and contrary to section 27 of the Constitution of Kenya as it gives other counties and its people the advantage of collecting revenue from established National Reserves and denies the people of Taita Taveta such revenues by way of categorization of Tsavo as a National Park.



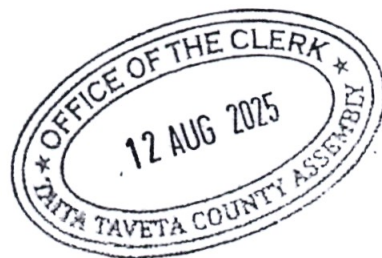
**PETITION BY MEMBERS OF THE COUNTY ASSEMBLY OF TAITA
TAVETA FOR THE AMENDMENT OF THE WILDLIFE MANAGEMENT AND
CONSERVATION ACT, CAP 376 OF THE LAWS OF KENYA**

2. **THAT**, Taita Taveta County is keen on tapping on the resources in the Tsavo save for the game which management and protection it is willing to leave to the exclusive mandate of the Kenya Wildlife Service.
3. **THAT**, Taita Taveta County is keen on tapping on the resources in the Tsavo save for the game which management and protection it is willing to leave to the exclusive mandate of the Kenya Wildlife Service.
4. **THAT** the matters being of a legislative nature to fall squarely under the mandate and authority of this parliament (National Assembly)
5. **THAT** other efforts and attempts to have the matter of revenue sharing between the County Government of Taita Taveta and the Kenya wildlife service have thus far not bore any fruits.
6. **THAT** matters petitioned herein are not pending before any court of law.

HEREFORE your humble petitioners pray that:-

1. **THAT**, the WILDLIFE CONSERVATION AND MANAGEMENT ACT CHAPTER 376 OF THE LAWS OF KENYA be amended by inserting a new schedule to the Act with categorizations of the National Parks and National Reserves based on the definitions under section 2 of the Act.
2. **THAT**, the proposed Amendment Bill should also categorize Tsavo National Park as an National Reserve for the part that falls within the boundaries of Taita Taveta County.
3. **THAT** a new section be introduced to protect areas listed in the new schedule from change of categorization as listed in the amended law vide the new schedule.

And your PETITIONERS will ever pray.



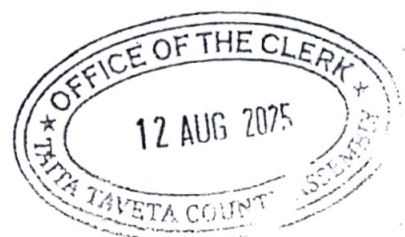
PETITION BY MEMBERS OF THE COUNTY ASSEMBLY OF TAITA
TAVETA FOR THE AMENDMENT OF THE WILDLIFE MANAGEMENT AND
CONSERVATION ACT, CAP 376 OF THE LAWS OF KENYA

Name of Petitioner

Full Address National ID

Signature

Jimmy Mwangi TICA 12545726
 Duncan Wangari TICA 27334289
 Anthony Wangari TICA 20396225
 Mabbhi O. Kihubwa TICA 29432631
 James M. Mwangi TICA 244748
 Daniel M. Kimuyu TICA 13222863
 Azhar D.H. TICA 23138223
 Margaret Kawuki TICA 8464424
 Brayson M. Mwangi TICA 4654246
 Lilian Mwangi TICA 24926096
 SARUNA N. KUSANIA TICA 21328231
 Hope Anisa Mwangi TICA 8916663
 Peter Shambi TICA 20082751
 JOSEPH KENYATTA TICA 21633689
 Rose SARIKI TICA 24662402
 ISAAC MATOLO TICA 28840073



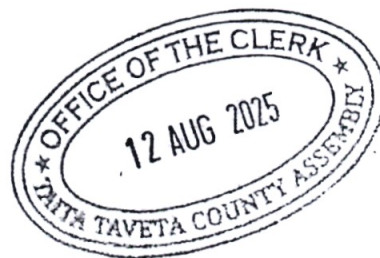
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DECLARATION BY MEMBERS OF THE COUNTY ASSEMBLY OF TAITA
TAVERET FOR THE AMENDMENT OF THE WILDLIFE MANAGEMENT AND
CONSERVATION ACT, CAP 376 OF THE LAWS OF KENYA

Name of Petitioner	Full Address	National ID	Signature
Jimmy Mwachibi	TICA	12545726	[Signature]
Duncan Mwangira	TICA	27834229	[Signature]
Andrew Mwangi	TICA	20396225	[Signature]
Mabishi D. Kibuka	TICA	29432631	[Signature]
Josiah M. Kibuka	TICA	2444248	[Signature]
Daniel M. Kimani	TICA	13822863	[Signature]
Antae D. H.	TICA	2312823	[Signature]
Margaret Kavuki	TICA	8464424	[Signature]
Benson M. Mwachibi	TICA	4654246	[Signature]
Lillian Mwangi	TICA	24426076	[Signature]
Sandra N. Kusania	TICA	2132821	[Signature]
Thore Kusi Mwachibi	TICA	846663	[Signature]
Peter Shambi	TICA	2082761	[Signature]
Joseph Kibuka	TICA	21633689	[Signature]
Rose Sanyal	TICA	24662402	[Signature]
Isaac Maitolo	TICA	20540073	[Signature]



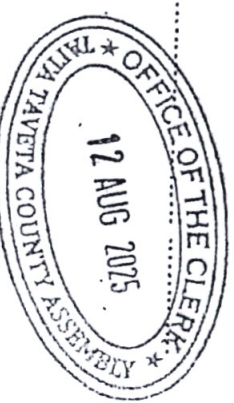
RETURN BY MEMBERS OF THE COUNTY ASSEMBLY OF TAVETA
 TAVETA FOR THE AMENDMENT OF THE WILDLIFE MANAGEMENT AND
 CONSERVATION ACT, CAP 376 OF THE LAWS OF KENYA

Name of Petitioner

Full Address National ID

Signature

PATRIKA LHO MUMATHI	Box 75	299 88004	<i>[Signature]</i>
LAURENCE MACHIA	Uko wa	230400	<i>[Signature]</i>
Stephen Muga	570 001	23162314	<i>[Signature]</i>
Rose Shingiro	131 401	23938198	<i>[Signature]</i>
MUSAHA MIM. 19050	237 IDNEID	22831114	<i>[Signature]</i>
Mahmud Omar	23	VO1 27124571	<i>[Signature]</i>
Lilian Kidai	18 Wanga	26240541	<i>[Signature]</i>
Gerard Mwendu	18 Wanga	22502807	<i>[Signature]</i>
Amulhon Kinyili	TICA	16126829	<i>[Signature]</i>
Angem Chao	136 Mbatia	25569215	<i>[Signature]</i>
HARISH SHIRAZA SHAM	135 TAVETA	27808826	<i>[Signature]</i>
NEWTON KIPUR SHAM	1217 WUNDU	25101905	<i>[Signature]</i>
MONEY MURATO	TICA	27200456	<i>[Signature]</i>
Amos Mwakila	2780317	29805342	<i>[Signature]</i>



REPUBLIC OF KENYA
COUNTY GOVERNMENT OF TAITA TAVETA



COUNTY ASSEMBLY OF TAITA TAVETA
THIRD ASSEMBLY- FOURTH SESSION

OFFICE OF THE SPEAKER

**TECHNICAL COMMITTEE ON THE PETITION FOR RECATEGORIZATION OF
THE TSAVO NATIONAL PARKS**

SUBMISSION ON THE RECATEGORIZATION OF THE TSAVO EAST AND WEST
NATIONAL PARKS AND DEVOLVED MANAGEMENT OF THE PARKS

*SUBMITTED FOR CONSIDERATION BY THE NATIONAL ASSEMBLY COMMITTEE
ON PUBLIC PETITIONS*

NOVEMBER 18, 2025

- iv) The National Government has established strong and reliable networks and partners and is able to surmount budgetary challenges required to protect wildlife through leveraging on the partners resources and opportunities therein. It is critical and noteworthy to state that Wildlife conservation is a very resource intensive venture, requiring a 'big picture' vision as protecting the country's heritage beyond revenue since most times, more input revenue is pumped to conservation rather than collected.
- v) Recategorization undermines biodiversity conservation and reduces Kenya's visibility in the global conservation map, contrary to what it is known for at the regional and global spaces. This will therefore hurt Article 2(5) and 2 (6) of the Constitution since Kenya is a signatory to many international treaties and conventions governing wildlife conservation including the convention on biological diversity (CBD), Convention on Internationally Threatened and Endangered Species (CITES), among others.
- vi) Recategorization sets a wrong precedence and promotes social and environmental chaos– since there are many similar requests and agitations by several counties such as Meru, Nakuru, Nairobi, etc. It will open a Pandora box that will not be easy to close.
- vii) Public lands including national parks must jealously be protected and safeguarded for future generations in line with the Constitution and parliament has a duty under Article 68(c)(v) to protect, conserve and ensure equitable access to all public land including our National Parks. Recategorization goes against this provision and spirit since it will require conservation and reduce public land size for all citizens' equitable access in line with Article 60(1(a) of the Constitution.

In summary, this petition is in bad faith, sets wrong precedence and perpetuates inequity in relation to access to public land and goes against the doctrine of public trust. Parliament is duty-bound with the responsibility of protecting and safeguarding public resources including public land under the Constitution and it must stamp its authority in discharging this solemn duty for, and behalf of, all Kenyans.

Honourable Chair and Honourable Committee Members, I submit

Kabale Tache Arero, MBS

SECRETARY/CEO

endangered and threatened species, Manage national parks, national reserves (in some cases), and sanctuaries. Therefore, jurisdictional markings in relation to land and functions are clearly established under the Constitution.

While national parks are public land, national reserves are situated on community land, with the latter trustee being the relevant county governments (not national government) although KWS provides technical support and backstopping in terms of wildlife protection within national reserves.

Consequently, the Commission does not support the proposed recategorization of Tsavo National Park due to the following reasons:

- i) The proposal contravenes Article 62(3) of the Constitution, which provides that all national parks are public land, that are held in trust by the National Government, and administered on its behalf by the National Land Commission. In addition, national parks are the highest protection that can be accorded to ecosystems hosting unique and substantial biodiversity resources such as wildlife and recategorization undermines this authority, and portends serious risks and threats to wildlife and biodiversity resources.
- ii) Kenya's national parks are indeed a symbol of unity and equity. Resources accruing from conservation of national parks are equitably shared through the exchequer to support even counties that are less endowed with (or completely lack) wild resources and therefore do not feel left out (excluded) from mainstream development or starved of funds. Recategorization will automatically contribute to inequality and discrimination – result in benefiting few counties rather than the nation.
- iii) The National Government has inherent capacity that is tested and proven over time, contrary to counties – which still require capacity building by the national government in accordance with Fourth schedule (paragraph 32 of the National Government functions). Further, Wildlife management and protection is a specialised field requiring unique skills, knowledge and experience to effectively execute and realize sustainable outcomes. It will require more time to build capacity for the intended recategorization to enable uptake of knowledge, technical skills and ability to management and protect Kenya's wildlife under the proposed regime. While the Constitution envisages transfer of functions from one of government to another under Article 187 of the Constitution, there are critical conditions that must be met to fulfil this provision and this includes the fact that the recipient government must demonstrate capacity to effectively perform the function better than the donor government.

**2) PETITION NO. 16/2025 BY SPEAKER OF THE COUNTY ASSEMBLY OF
TAITA TAVETA HON.ANSLEM MWADIME REGARDING
RECATORIZATION OF TSAVO EAST AND TSAVO WEST NATIONAL
PARKS**

PETITIONERS' CLAIM

Honourable Chair and Honourable Members,

The Petitioners aver that the current classification of Tsavo East and Tsavo West as National Parks under the Wildlife Conservation and Management Act 2013 denies the County Government of Taita Taveta the opportunity to benefit from the resources within the parks, including revenue accruing from conservation and tourism activities.

In addition, the Petitioners contend that the existing categorization is discriminatory to the people of Taita Taveta County and contrary to Article 27 of the Constitution, as it denies them benefits that are otherwise accessible to other counties hosting national reserves.

They further aver that the County Government is desirous of harnessing and managing the resources within Tsavo, and is willing to leave wildlife conservation and protection to the Kenya Wildlife Service while pursuing policy and administrative measures to enhance local revenue generation and economic benefits from the parks.

The Petitioners also assert that the current framework has not facilitated equitable revenue sharing between the Kenya Wildlife Service and the County Government, thereby limiting the County's ability to derive meaningful economic benefits from the parks.

Accordingly, the Petitioners seek intervention by the National Assembly to amend the Wildlife Conservation and Management Act to allow for reclassification of Tsavo East and Tsavo West National Parks, so as to enable enhanced access to resources, equitable benefit-sharing, and improved socio-economic outcomes for the people of Taita Taveta County.

OUR RESPONSE

Hon Chair, National Parks are public land under the trusteeship of the National Government, administered and managed on behalf of the National Government by the National Land Commission in line with Article 62(3) of the Constitution.

Constitutionally, the protection of wildlife is a national government function under paragraph 22 (b) of the Fourth Schedule to the Constitution. Currently, Wildlife management or protection is performed by the Kenya Wildlife Service, a National Government agency with clear mandates and functions provided under Section 7 of the Wildlife Conservation and Management Act 2013, including inter alia: **Conserve and manage wildlife in Kenya** (both within and outside protected areas) , **enforce wildlife laws and regulations**, including anti-poaching efforts, **Protect**

OUR RESPONSE

Honourable Chair on Prayer (i), Undertake a thorough investigation into the alleged irregular and unlawful expansion of Kenya Wildlife Service land boundaries in Kitui South Constituency;

The Commission notes that the National Reserve has an existing survey and boundary plans, established through fixed survey methodology, and which defines its spatial extent. However, allegations of encroachment or unlawful expansion necessitate a structured and evidence-based investigation by the Commission jointly with the affected parties.

In this regard, the Commission is of the view that a joint inter-agency investigation should be undertaken involving the National Land Commission, the Kenya Wildlife Service, the Survey of Kenya, and the County Government, to interrogate the claims and establish the factual and legal status of the boundaries.

This process shall be guided by the Survey Act (Cap 299) and applicable land laws, and will include review of survey records, boundary plans, gazette notices, and other legal instruments to determine whether any irregular or unlawful expansion has occurred. Additionally, a ground verification of the claims will be undertaken during the investigative field mission to ascertain the material facts. Once the NLC-led technical investigation is completed, the committee will be invited to the ground to make their observations and also apprise themselves with the matter.

Honourable Chair on Prayer (iii), Direct the Ministry of Lands, the Survey of Kenya, and the National Land Commission to conduct a transparent boundary verification exercise in line with public participation from the community;

The Commission reiterates the need for a transparent boundary verification exercise to conclusively address the dispute. In this regard, a joint re-survey and boundary re-establishment exercise will be undertaken by the relevant agencies in accordance with the Survey Act (Cap 299).

The process shall adhere to the principles of public participation as required under Articles 10 and 232 of the Constitution, and will result in a harmonized and authenticated boundary delineation to guide appropriate administrative and legal action.

**1) PETITION NO. 29 of 2025 BY RESIDENTS OF KITUI SOUTH
CONSTITUENCY REGARDING ENCROACHMENT OF COMMUNITY
LAND BY KWS IN KITUI SOUTH CONSTITUENCY**

PETITIONER'S CLAIM

Honourable Chair and Honourable Members,

The Petitioners aver that they are the ancestral owners and customary occupants of land adjacent to and surrounding the wildlife conservation zones in Kitui South Constituency, and have, for generations, exercised customary rights over grazing areas, water points, settlement areas, cultural sites, and other community-managed resources while coexisting with conservation agencies.

The Petitioners contend that the Kenya Wildlife Service (KWS) has, without proper consultation, consent, public participation, or compensation as required under the Constitution and the Community Land Act, encroached upon and irregularly expanded into community land in several locations within Kitui South.

They further allege that the said encroachment has resulted in displacement of residents, loss of access to grazing fields, disruption of farming activities, and restriction of movement, thereby undermining the socio-economic rights and livelihoods of the affected communities.

The Petitioners also assert that the demarcation of additional areas as wildlife territory by KWS has not followed the lawful procedures relating to compulsory acquisition, surveying, boundary variation, or gazettelement as prescribed under the Constitution and relevant land laws. They further state that these actions have exacerbated human-wildlife conflict in the affected areas.

Background

South Kitui National Reserve (SKNR) is one of the National Reserves in Kenya that was established vide Legal Notice No.186 of 29th August, 1979 and covers an area of approximately 1,833 Square Kilometers. Jurisdictionally, it falls under the Kitui County Government as the custodian/trustee of this (community)land. The boundaries of the Reserve are defined on Boundary Plan No. 216/41 and approved Survey Plan F/R 345/45 registered as parcel L.R No. 27728. The reserve borders Tsavo East National Park on the Northern sector and serves as a critical Wildlife dispersal area. Indeed, the final registration, informed by survey and boundary plans provide the requisite tenure security for the reserve in terms of the spatial extent and the delimitations

Act (as amended, 2025), operationalizing Article 68(c)(v) of the Constitution. The Commission is currently properly constituted to undertake this task and protect legitimate private interest/rights while securing broader public (conservation) environmental rights.

This process will be undertaken in collaboration with the Ministry of Lands and the Ministry of Environment, KWS, and will interrogate the validity or otherwise of titles, allocation processes, and compliance with environmental and conservation laws.

Honourable Chair on Prayer (iii) the immediate revocation of any fraudulent or irregular title deeds or leases issued within the Marine Reserve and ensures the removal of illegal investors and developments from the protected area;

The Commission notes that there exist irregular land allocations within parts of the Reserve dating back to 1994. The Commission will investigate these allocations in accordance with the law, pursuant to its mandate under Section 14 of the National Land Commission Act (as amended, 2025), to review grants and dispositions of public land.

In this regard, the Commission shall examine the legality or otherwise of the purported grants and, where found to be illegal or irregular, make appropriate recommendations, including directing the Registrar to effect cancellation in line with the law.

Honourable Chair on Prayer (v) measures to be put in place to strengthen marine reserve governance systems so as to prevent future encroachments, enhance environmental protection, and uphold the integrity of protected marine ecosystems in Kenya.

The Commission prioritizes land tenure security especially for the minority, marginalized and indigenous community in Kiwayu Island as a key governance intervention in order to bolster their land rights. In this regard, the Commission identified the challenge as structural in nature, and which that require policy intervention including land conversion. Consequently, the Commission is working in collaboration with the County Government of Lamu to support the preparation of physical and land use development plans, as well as the survey plans and demarcation of areas occupied by the local community.

This process is aimed at facilitating the lawful conversion of land from public to community, to enable adjudication and registration in accordance with the law. Currently, the land is public and any settlements and/or occupation is unlawful. The Commission is of the view that securing community land rights will not only protect the livelihoods of the indigenous population but will also strengthen land governance, enhance accountability, and promote sustainable management of land and marine resources within the Reserve. Consequently, balancing community land rights and conservation goals remain a major focus area for the Commission in order to promote the bundle of rights on land.

Kenya and outstands as part of the larger **biodiversity hotspot** in the **Western Indian Ocean**.

Generally, there are about 51 Islands within the confines of Kiunga Marine National Reserve boundary and **Kiwayu** is one of them. Kiwayu Island occupies an approximate area of **465 Hectares**. Currently, there are villages / human settlements and their ancillary land uses within this island, which is still a protected area.

OUR RESPONSE

Honourable Chair on Prayer (i) recognition and protection of the traditional and cultural rights of the Kiwayu Island community as environmental custodians and stakeholders in marine conservation;

The Commission notes that Kiwayu Island is inhabited largely by the Bajuni community, whose livelihoods are closely tied to the marine ecosystem, including fisheries, mangrove resources, and small-scale subsistence farming. The Commission further recognizes the importance of safeguarding the community's traditional and cultural linkages to the land and marine resources.

In this regard, the Commission is of the view that the rights and interests of the local community can be recognized and protected within the existing conservation legal frameworks, through structured support and coordinated management by the National Government, particularly the Kenya Wildlife Service, in collaboration with the County Government, and with the Commission providing the leadership and strategic direction to this discourse. The aim is to strike the delicate balance between conservation and land tenure security.

The Commission emphasizes that a balanced approach is required to harmonize community livelihoods with conservation objectives, including the regulation of resource use within the reserve to ensure sustainability. It is the Commission's position that, with appropriate policy, legal, and administrative measures, the community's traditional and cultural rights can be accommodated without undermining the ecological integrity of the marine reserve.

Honourable Chair on Prayer (ii) investigation into encroachment, fraudulent land allocations and illegal developments within Kiunga Marine National Reserve, with a view to restoring compliance with environmental and conservation laws;

The Commission notes with concern the existence of tourism developments within Kiwayu Island, supported by purported lease arrangements whose legitimacy remains unverified though preliminary findings indicate possible encroachment and unlawful occupation by private developers within the protected area.

There is need for a comprehensive investigation into the legality of these interests through the Commission's quasi-judicial mandate on review of grants and dispositions of public land, pursuant to Section 14 of the National Land Commission

1) PETITION NO. 14 of 2025: REGARDING RECOGNITION AND PROTECTION OF THE TRADITIONAL AND CULTURAL RIGHTS OF THE KIWAYU ISLAND COMMUNITY

PETITIONER'S CLAIM

Honourable Chair and Honourable Members,

The Petitioners state that Kiwayu Island, situated within the Kiunga Marine National Reserve in Lamu East Constituency, constitutes their ancestral land, and has been occupied by the local community for generations and supports their livelihoods through traditional activities such as artisanal fishing and sustainable use of marine resources.

The Petitioners further contend that the community has historically acted as custodians of the marine ecosystem through responsible environmental stewardship, contributing to the preservation of biodiversity within the Reserve.

The Petitioners allege that, in recent years, there has been encroachment into the protected marine reserve by private developers undertaking unauthorized developments and commercial activities, in contravention of applicable environmental and conservation laws. They further claim that there have been instances of fraudulent title deeds and irregular land allocations purporting to confer private ownership within the protected area.

It is the Petitioners' position that these actions have resulted in environmental degradation, including destruction of coral reefs, mangrove forests, and fish breeding areas, thereby undermining both biodiversity and the community's source of livelihood.

Additionally, the Petitioners assert that the gazettelement of the area as a National and Marine Reserve has effectively denied the community their constitutional rights to land ownership and development, despite their long-standing occupation of the land. They further allege that the land is being leased to third parties, including foreigners, to the exclusion of the indigenous community.

Consequently, the Petitioners seek intervention by the National Assembly to address the alleged encroachments, investigate irregular allocations, and secure recognition and protection of their traditional and cultural land rights, including the registration of the land as community land and restoration of their rights of occupation and use.

Background

Kiunga Marine National Reserve (KMNR), situated in Lamu County was established in 11th June 1979 vide legal Notice No. 291 of 26th October 1979 under the Boundary Plan No.216/39. This Reserve which lies South of the Kenya/Somalia border in Lamu County, covers **25,000 Hectares**.

In this regard, Kiunga Marine National Reserve is a gazetted marine protected area. Further, this protected are is also recognized as a **UNESCO Biosphere Reserve** with a 60 km coral reef barrier, seagrass beds, supporting endangered dugongs, sea turtles, and massive seabird colonies. It has the largest mangrove ecosystem in



NATIONAL LAND COMMISSION

Honourable Chairperson and Honourable Members, the Clerk of the National Assembly vide letter Ref. NA/DAA&GPC/PPC/2026/063 dated 30th March, 2026 invited the Commission Secretary/CEO of the National Land Commission to appear before this Committee to make submissions on three (3) Petitions, namely:

- 1) Petition No. 14 of 2025 – Recognition and Protection of the Traditional and Cultural Rights of the Kiwayu Island Community – Lamu County
- 2) Petition No. 29 of 2025 – Encroachment of Community Land by the Kenya Wildlife Service (KWS) in Kitui South Constituency – Kitui County ; and
- 3) Petition No. 16 of 2025 – Recategorization of Tsavo East and Tsavo West National Parks – Taita Taveta County

Further reference is made to the Commission's letter Ref. NLC/LAM/PPC/2026/04(1) dated 14th April, 2026, through which the Commission sought additional time to prepare comprehensive responses.

The Commission is grateful for the additional time granted and has since finalized its review. Attached herewith are the Commission's written submissions in respect of the three (3) Petitions.



REPUBLIC OF KENYA

NATIONAL LAND COMMISSION

**SUBMISSIONS TO THE PUBLIC PETITIONS COMMITTEE TO
ADDRESS THE KEY ISSUES RAISED AND PRAYERS SOUGHT IN
PETITIONS NOS. 14, 29 & 16 OF 2025**

By:

**KABALE TACHE ARERO, MBS
COMMISSION SECRETARY/CEO**

THURSDAY, 30TH APRIL 2026

**PETITION BY MEMBERS OF THE COUNTY ASSEMBLY OF TAITA
TAVETA FOR THE AMENDMENT OF THE WILDLIFE MANAGEMENT AND
CONSERVATION ACT, CAP 376 OF THE LAWS OF KENYA**

The Clerk
National Assembly
Parliament Buildings
Email: cna@parliament.go.ke
Nairobi, Kenya

**PETITION BY THE COUNTY ASSEMBLY OF TAITA TAVETA FOR THE
AMENDMENT OF THE WILDLIFE MANAGEMENT AND CONSERVATION
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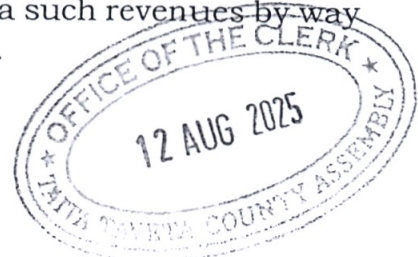
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**We the undersigned Members of Taita Taveta County Assembly do hereby
draw the attention of the House to the following;**

1. **THAT** the current categorization of the Tsavo as a national park within the definitions of the words “National park” and “National reserve” assigned by the **WILDLIFE CONSERVATION AND MANAGEMENT ACT CHAPTER 376 OF THE LAWS OF KENYA** is discriminatory to the People of Taita Taveta and contrary to section 27 of the Constitution of Kenya as it gives other counties and its people the advantage of collecting revenue from established National Reserves and denies the people of Taita Taveta such revenues by way of categorization of Tsavo as a National Park.



**PETITION BY MEMBERS OF THE COUNTY ASSEMBLY OF TAITA
TAVETA FOR THE AMENDMENT OF THE WILDLIFE MANAGEMENT AND
CONSERVATION ACT, CAP 376 OF THE LAWS OF KENYA**

2. **THAT**, Taita Taveta County is keen on tapping on the resources in the Tsavo save for the game which management and protection it is willing to leave to the exclusive mandate of the Kenya Wildlife Service.
3. **THAT**, Taita Taveta County is keen on tapping on the resources in the Tsavo save for the game which management and protection it is willing to leave to the exclusive mandate of the Kenya Wildlife Service.
4. **THAT** the matters being of a legislative nature to fall squarely under the mandate and authority of this parliament (National Assembly)
5. **THAT** other efforts and attempts to have the matter of revenue sharing between the County Government of Taita Taveta and the Kenya wildlife service have thus far not bore any fruits.
6. **THAT** matters petitioned herein are not pending before any court of law.

HEREFORE your humble petitioners pray that:-

1. **THAT**, the WILDLIFE CONSERVATION AND MANAGEMENT ACT CHAPTER 376 OF THE LAWS OF KENYA be amended by inserting a new schedule to the Act with categorizations of the National Parks and National Reserves based on the definitions under section 2 of the Act.
2. **THAT**, the proposed Amendment Bill should also categorize Tsavo National Park as an National Reserve for the part that falls within the boundaries of Taita Taveta County.
3. **THAT** a new section be introduced to protect areas listed in the new schedule from change of categorization as listed in the amended law vide the new schedule.

And your PETITIONERS will ever pray.



PETITION BY MEMBERS OF THE COUNTY ASSEMBLY OF TAITA
TAVETA FOR THE AMENDMENT OF THE WILDLIFE MANAGEMENT AND
CONSERVATION ACT, CAP 376 OF THE LAWS OF KENYA

Name of Petitioner

Full Address National ID

Signature

Jimmy Mwachisi	TICA	12545726	
Duncan Wangara	TICA	27334289	
Anthony Wangari	TICA	20396225	
Mabshi P. Kibuka	TICA	29432651	
James M. Mwachisi	TICA	244748	
Daniel M. Kimuyu	TICA	13522863	
Ashar A.H	TICA	2313223	
Margaret Kawuki	TICA	8464424	
Brayson M. Mwachisi	TICA	4654246	
Lilian Mwachisi	TICA	24926096	
SARUNA N. KUSANIA	TICA	21328831	
HOPE ANISA MWAKIO	TICA	8914663	
Peter Shambi	TICA	20082751	
JOSEPH KENYATTA	TICA	21633689	
Rose Saruni	TICA	24662402	
ISAAC MATOLO	TICA	28840073	



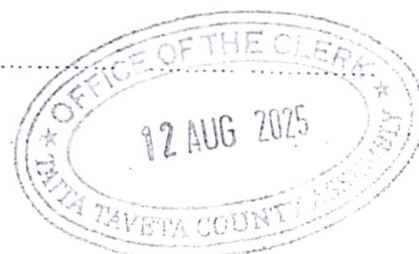
PETITION BY MEMBERS OF THE COUNTY ASSEMBLY OF TAITA
TAVETA FOR THE AMENDMENT OF THE WILDLIFE MANAGEMENT AND
CONSERVATION ACT, CAP 376 OF THE LAWS OF KENYA

Name of Petitioner

Full Address National ID

Signature

PATRIKA CHAO MWACHINDI	Box 75	29988004	
LAWRENCE MWAUTH	460 VOI	2379920	
Stephen Mwaia	570 VOI	23182314	
Rose SHINGIRA	131 VOI	23938198	
RISPA M.M. ICHOSO	237 TAVETA	2287114	
Mahamud Omar	23 VOI	27124871	
Lilian Kidai	18 Wengha	26240541	
Gerard Mwendes	18 Wengha	22502507	
Anthony Ginyili	TTCA	16126824	
Azeem Chao	138 MWAITE	25869215	
HAKIMA TAIKA-TA SARIM	135 TAVETA	27808826	
NEWTON KITHUR SARIM	1207 WUNDANYI	25501705	
Nancy Mwaia	TTCA	27222456	
Amos Mwaia	27-80317	29805342	



Third Assembly
(No. 020)

Third Session
(082)

COUNTY GOVERNMENT OF TAITA TAVETA



COUNTY ASSEMBLY OF TAITA TAVETA

THIRD ASSEMBLY – THIRD SESSION

ORDER PAPER

TUESDAY, APRIL 9, 2024 AT 9:30 A.M

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath;
2. Communication from the Chair;
3. Messages;
4. Petitions;
5. Papers; (*As listed in the Appendix*)
6. Notices of Motion; (*As listed in the Appendix*)
7. Statements; (*As listed in the Appendix*)



8. MOTION: RESOLUTION TO PETITION THE NATIONAL ASSEMBLY TO AMEND THE WILDLIFE CONSERVATION AND MANAGEMENT ACT CHAPTER 376 OF THE LAWS OF KENYA FOR THE RECATEGORIZATION OF TSAVO NATIONAL PARK TO A GAME RESERVE (Hon. Jimmy Mwamidi, MCA, Chairperson, Budget, Finance & Appropriations Committee)

THAT, pursuant to Articles 27 and 119 of the Constitution of Kenya, 2010, this County Assembly resolves to petition the National Assembly vide the **annexed draft petition** for the National Assembly to intervene and ensure: -

*Denotes Orders of the Day

- i. **THAT**, the **WILDLIFE CONSERVATION AND MANAGEMENT ACT CHAPTER 376 OF THE LAWS OF KENYA** be amended by inserting a new schedule to the Act with categorizations of the National Parks and National Reserves based on the definitions under section 2 of the Act.
- ii. **THAT**, the proposed Amendment Bill should also categorize Tsavo National Park as a National Reserve for the part that falls within the boundaries of Taita Taveta County.
- iii. **THAT**, an additional section be introduced to protect areas listed in the new schedule from decategorization as listed in the amended law and new schedule.
- iv. **THAT**, the current categorization of the Tsavo as a National Park is discriminatory to the People of Taita Taveta and contrary to Article 27 of the Constitution of Kenya as it gives other counties and its people the advantage of collecting revenue from established National Reserves and denies the people of Taita Taveta such revenues by way of categorization of Tsavo as a National Park.
- v. **THAT**, Taita Taveta County is keen on tapping on the resources in the Tsavo save for the game which management and protection is willing to leave to the exclusive mandate of the Kenya Wildlife Service.
- vi. **THAT**, the matter petitioned is not pending before any court of law.
- vii. **THAT**, other efforts and attempts to have the matter of revenue sharing between the County Government of Taita Taveta and the Kenya Wildlife Service have thus far not bore any fruits.

CONCERNED THAT, the County Government of Taita Taveta is yet to realize meaningful own source revenue collection, categorization of Tsavo as a National Park denies the people of Taita Taveta the right to tap into resources endowed to them.

APPREHENSIVE that the petitioned amendment if passed into law would catapult the revenue fortunes for Taita Taveta County, **I URGE** this County Assembly to resolve that the National Assembly be petitioned as captioned in this motion for the benefit of the people of Taita Taveta.

The Speaker: Mhe. Shambi.

Hon. Peter Shambi (MCA, Nominated): Thank you, Mr. Speaker, Sir. I beg to give notice of the following Motion:

Aware that, the County Government owns several equipment including plant, machinery and motor vehicles;

Acknowledging that, most of the equipment were purchased several years ago and have since become inefficient and prone to breakdowns; while some were subjected to wrong use, lack of service and lack of spare parts;

Further aware that, a number of County motor vehicles are lying in a sorry state at the County Garage and in other garages in Voi Town;

Cognizant that, the County Government spends huge sums of money in maintaining and repairing these equipment;

Appreciating that, Sections 163 and 164 of the Public Procurement and Asset Disposal Act No. 33 of 2015 provides for the procedure of disposing unserviceable, obsolete equipment or assets, which among other things include formation of a committee to verify and process all disposal recommendations in liaison with the relevant heads of procurement.

Concerned that, failure to explore the disposal mechanisms provided for in law to dispose the unserviceable vehicles and obsolete equipment, the County Government shall continue incurring unjustified expenses on maintenance of the equipment.

Now therefore, pursuant to the provisions of Sections 163, 164, 165 and 166 of the Public Procurement and Asset Disposal Act, 2015, this House resolves that the County Government of Taita Taveta considers disposing unserviceable vehicles and obsolete equipment to save the County Government from unnecessary expenditure on maintenance and repairs.

Thank you, Mr. Speaker.

APPROVAL OF THE REPORT ON THE VETTING OF COUNTY SECRETARY SELECTION PANEL
NOMINEES

Hon. Dorcas Mlughu: Thank you, Mr. Speaker, Sir. I beg to give notice of the following Motion:

That, this Third County Assembly approves the Report of Select Committee on Administration, Security, Devolution, Public Participation, Community Services and Drugs Control on the vetting of County Secretary Selection Panel nominees laid on the Table of this House on 9th April 2024, Morning Sitting no. 020 and its recommendations thereof.



Thank you, Mr. Speaker.

The Speaker: Next Order.

STATEMENT

CESS WAIVERS TO CONTRACTORS DOING THE MTO MWAGODI – WUNDANYI ROAD AND THE RICE MILLING PLANT AND PLANT ROAD IN TAVETA

Hon. Dorcas Mlughu: Thank you, Mr. Speaker, Sir. In line with the parliamentary best practices, precedents and conventions, and pursuant to the provisions of the Third County Assembly of Taita Taveta Standing Order no. 42(2)(c) relating to the Order no. 7 (Statements), I beg to seek the following Statement from the Budget and Appropriations Committee:

There has been communication from the County Treasury to the effect that the contractor(s) doing the rice milling plant in Taveta and the road to the same have been given tax waiver on account of cess on construction materials while there is scanty information regarding the Mto Mwagodi –Wundanyi road.

The statement by the Committee should give the following information to this House:

1. Justification for waivers given on account of each of the projects captioned above.
2. The expected total waiver on account of each project.
3. Waivers accessed on account of each project thus far.
4. Name and title of the officer who approved each of the waivers.

Thank you, Mr. Speaker.

The Speaker: The Chairperson of the Budget and Appropriations Committee, comment on the Statement and give timelines on when you will report to the House on the Statement sought.

Hon. Jimmy Mwamidi (MCA, Wundanyi/Mbale): Thank you, Mr. Speaker, Sir. Considering the fact that this is a document and processes generated within the executive arm of the County Government, we should be able to give feedback within seven days from today. Thank you, Mr. Speaker.

The Speaker: Statement seeker, is the response sufficient?

Hon. Dorcas Mlughu: Thank you, Mr. Speaker, Sir. It is sufficient.

The Speaker: Next Order.

MOTION

RESOLUTION TO PETITION THE NATIONAL ASSEMBLY TO AMEND THE WILDLIFE CONSERVATION AND MANAGEMENT ACT CHAPTER 376 OF THE LAWS OF KENYA FOR THE RE-CATEGORIZATION OF TSAVO NATIONAL PARK TO A GAME RESERVE



The Speaker: Hon. Jimmy Mwamidi.

Hon. Jimmy Mwamidi: Thank you, Mr. Speaker, Sir, for the opportunity to present this Motion to the House for consideration and approval.

I beg to move the following Motion:

That, pursuant to Article 27 and 119 of the Constitution of Kenya (CoK), 2010, this County Assembly resolves to petition the National Assembly vide the annex draft petition for the National Assembly to intervene and ensure that the Wildlife Conservation and Management Act Chapter 376 of the Laws of Kenya be amended by inserting a new schedule to the Act with categorization of the national parks and national reserves based on the definition under Section two of the Act.

The proposed Amendment Bill should also categorize Tsavo National Park as a national game reserve for the part that falls within the boundaries of Taita Taveta County. That an additional section be introduced to protect areas listed in the new schedule for re-categorization as listed in the amended law and new schedule.

That the current categorization of Tsavo as a National Park is discriminatory to the people of Taita Taveta and contrary to Section 27 of the CoK, 2010, as it gives other counties and its people the advantage of collecting revenue from established National reserves and denies the people of Taita Taveta such revenue by way of categorization of Tsavo as a National Park.

That Taita Taveta County is keen on tapping on the resources of Tsavo, same for the game which management and protection it is willing to leave to the exclusive mandate of the Kenya Wildlife Services (KWS).

That the matter petitioned is not pending before any court of law.

That other attempts and efforts to have the matter of revenue sharing between the County Government of Taita Taveta and the KWS have thus far not bore any fruits.

Concerned that, the County Government of Taita Taveta is yet to realize meaningful own source revenue collection; the categorization of Tsavo as a National Park denies the people of Taita Taveta the right to tap into resources endowed to them.

Apprehensive that, the petition amendment if passed into law will catapult the revenue resources for Taita Taveta County. I urge this County Assembly to resolve that the National Assembly be petitioned as captioned in this Motion for the benefit of the people of Taita Taveta County.

I invite Hon. Peter Shambi to second this Motion. Thank you, Mr. Speaker, Sir.



Hon. Peter Shambi: Thank you, Mr. Speaker, Sir. I beg to second the Motion. This debate has been in the limelight since independence. Recently, the President visited and directed that this County should benefit from at least 50% of the revenue generated from Tsavo. However, as Hon. Jimmy Mwamidi has mentioned, although it is said to be a work in progress, we have not seen any tangible progress on the matter.

Therefore, as the community living within Taita Taveta County, we believe we would be greatly advantaged by the re-categorization of Tsavo National Park into a game reserve. If I may, I would like to highlight two reasons why I am convinced that this needs to happen.

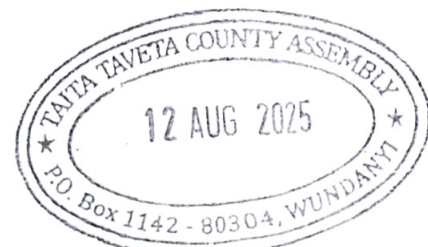
First, our neighbours in Kajiado County are successfully managing the Amboseli National Park, which was re-categorized long ago and placed under the management of the County Government of Kajiado. Amboseli and Tsavo share almost a similar ecosystem, and Taita Taveta County and Kajiado County are also neighbours. If the Government could entrust Kajiado County with managing Amboseli as a game reserve, I see no reason why the same cannot be done for us with Tsavo National Park.

There is a saying, *"What is good for the goose is good for the gander."* The people of Kajiado are human beings just like those of Taita Taveta; we all breathe the same air. If it was right for the Government to re-categorize Amboseli National Park, then it should equally be right to re-categorize Tsavo National Park.

There have been ongoing debates on how to strengthen devolution in this country. Currently, some six counties are struggling to sustain themselves due to limited resources from the Consolidated Fund. We have a solution as a County. We have 62% of our land owned by the natives of Taita Taveta County. Therefore, if it is difficult for the Government to increase our budget, regardless of the formula they choose, then the time has come for them to re-categorize Tsavo National Park, give us our equitable share from the national government, and hand over the remaining portion of the park for us to manage.

It is well known that this national park hosts the "Big Five" and numerous other species that attract tourists. This alone is a significant revenue-generating pillar. Secondly, within the Tsavo ecosystem we also have vast land-based resources, including precious, semi-precious, and industrial minerals.

If we are given control of the national park, I can assure you, Honourable Members, that this County will flourish, our economy will thrive, our children will have access to better education, and our level of economic independence will rise. As things stand today, we live in conditions that feel as though we are in an age of slavery. The time to redeem ourselves is now, and it is through this Motion that we will reclaim and manage the resources within Tsavo for the benefit of our people and for generations to come.



I therefore urge my fellow Honourable Members to stand united and support this Motion with vigour, so that the re-categorization becomes a reality. With those remarks, I beg to second. Thank you, Mr. Speaker, Sir.

(Question proposed)

The Speaker: Honourable Members, the Floor is open for debate.

Hon. Kimuyu Daniel (MCA, Mahoo): Ahsante sana, Mhe. Spika. Ninachukua fursa hii kuchangia Hoja iliyo mbele yetu. Kwanza kabisa, ninampongeza Mhe. Jimmy Mwamidi kwa kuwasilisha Hoja hii katika kipindi ambacho Kaunti yetu inakabiliwa na changamoto kubwa ya ukosefu wa fedha za kutosha kuendesha shughuli zake.

Ninaunga mkono Hoja hii kwa dhati, nikisisitiza kwamba imewasilishwa kwa wakati unaostahili. Ni muhimu kwamba sheria inayosimamia mbuga za wanyama na taratibu za usimamizi wake ibadilishwe, ili nasi tuwe na nafasi ya kuzisimamia mbuga hizi, kama ambavyo Kaunti ya Kajiado inavyosimamia Mbuga ya Wanyama ya Amboseli.

Ni dhahiri kuwa Kaunti ya Taita Taveta inaendelea kuishi katika hali ya uchochole, ilhali tuna maeneo yenye rasimali nyingi zinazoweza kuinua uchumi wetu, lakini yamezuiwa kikatiba na pia kutokana na urithi wa mfumo wa kikoloni. Kupitia msukumo wa Bunge hili, tunaweza kulishawishi Bunge la Kitaifa kubadilisha sheria husika, ili mbuga ambazo zipo ndani ya maeneo yetu, na ambazo zinachukua sehemu kubwa ya ardhi ya Taita Taveta, ziwe chini ya usimamizi wa Kaunti yetu. Hatua hii itatupa uwezo wa kupata mapato kupitia ushuru wa mbuga hizo, kuinua uchumi, na kutoa huduma bora zaidi kwa jamii yetu.

Ni wazi kwamba suala hili linahitaji msukumo wa pamoja, kwa sababu njia nyingi tayari zimejaribiwa. Ni vyema pia tukikumbuka kuwa kilio chetu kilimfikia Rais, na akalitaja wazi alipokuwa hapa. Hata hivyo, ili lisibaki tu kuwa kauli ya kisiasa, kupitia Hoja hii Bunge hili lina nafasi ya kisheria kusukuma mabadiliko ya sheria ili kuhakikisha usimamizi wa mbuga hizi unapewa, kwa sehemu moja, Kaunti ya Taita Taveta, na mapato yake yachangie moja kwa moja katika kuinua uchumi wetu.

Kwa hivyo, ninaunga mkono kikamilifu na ninaomba Waheshimiwa wenzangu kwamba, suala hili ni lizito na sisi tuna nguvu ya kiasi, ila pia nguvu yetu ya kisheria iko. Tunapoenda kusukuma kwa njia ya kisheria, basi kilio chetu kitafikia Bunge la Kitaifa na kuweza kuona ya kwamba wametekeleza.

Sioni tofauti yoyote kati ya sisi na wananchi wa Kaunti ya Kajiado, ambao walipokea rasmi mamlaka ya kusimamia Mbuga ya Wanyama ya Amboseli. Wakati umefika tutoe sauti zetu kwa nguvu na tutumie vyombo vya kisheria kuhakikisha nasi tunapata haki ya kusimamia mbuga kubwa tulizo nazo hapa Taita Taveta.



Kwa hivyo, ninaomba Waheshimiwa Wenzangu tusimame pamoja na kuunga mkono Hoja hii, ili njia hii iweze kutupeleka kwenye mustakabali wa kiuchumi ulio salama na thabiti kwa Kaunti yetu.

Ahsante, Mhe. Spika.

Hon. Amos Makalo (MCA, Kasigau): Thank you, Mr. Speaker, Sir. I beg to support this Motion. We hope that the Petition will go through and the National Assembly will look at the plight, requests and prayers, for the benefit of the residents and the Taita Taveta County.

Again, I also want to congratulate and appreciate the Motion mover, Hon. Jimmy Mwamidi, and even those who have spoken in support of this Motion. Looking at the weight and the injustice that this County has undergone, land is one of the factors of production and if you have no land, you cannot be able to produce. It is unfair for Taita Taveta because if you look at the proportion of the land occupied by ranches and National Park, you will realize that whatever is left in the hands of the residents of Taita Taveta for production, is very little and unfair. That is why this Motion needs to go through to the National Assembly, considering that 62% of the land sits on national parks and it is unfair to the people of Taita Taveta.

Since devolution, if you look carefully, you will realize that most of the resources that this County is endowed with have remained in the hands of the National Government. Look at the minerals, they are not fully devolved and that disadvantages us. The National Park which is 62% of the land belongs to the National Government, but when it comes to revenue, this County is disadvantaged because I do not really understand whether it forms part of the formula for revenue sharing. But if it was part of it, this County should be receiving a huge amount of money. That one has not happened. That tells us the only route left for us is the wise decision that was arrived at, by Hon. Jimmy Mwamidi to bring this Motion.

Let us look at the wild animals. We once attended a meeting with the KWS and they confirmed that 70% of these wild animals reside outside the National Park. Let us look at the effects they cause to the people. If today you go to areas affected, including Kasigau, and you ask them whether the National Park is a blessing or a curse, they will tell you it is a curse.

They do not feel like they need it because the damages that have been done by these wild animals is too much and they cannot see the benefits thereof, because the benefits go to the National Government and they are shared nationally by every resident, yet those suffering from the effects of these wild animals are the residents of Taita Taveta County who border these national parks. They need to feel the benefits and the only way is for the National Assembly to consider this Petition and allow this reserve to go back to the residents so that we can feel the benefits of having this land under the national reserve and our people can get jobs.



If you look at how the jobs are spread, recently I saw a job advert and if you look at the data of how employment was done even historically, our people have been disadvantaged because at the national level, our people will be subjected to a competitive recruitment process that will end up disadvantaging them. On how these jobs are spread across, I feel that for the people of Taita Taveta to benefit from this, the park should be converted to a national reserve. We are supporting this Motion and we will look forward to our National Assembly considering it, because by doing so, they will have done justice to the people we represent and this County. Thank you, Mr. Speaker.

Hon. Anisa Mwakio (MCA, Nominated): Ahsante sana, Mhe. Spika kwa kunipatia nafasi hii ili nami niongeze sauti yangu kwenye mjadala huu. Kabla sijazungumza, ninaomba nitoe kongole kwa aliyeleta Hoja hii, Mhe. Jimmy Mwamidi, na niseme imekuja kwa muda unaofaa. Kama vile walionitangulia kuzungumza wamesema, 62% ya ardhi ya Mtaita na Mtaveta, imekaliwa na mbuga za wanyama na hatuoni faida yake sisi kama watu wa Taita na Taveta. Huwa inaniumiza roho sana nikifikiria zile raslimali ziko ndani ya mbuga la wanyama, ni nyingi ambazo zinaweza kufanya Taita na Taveta iwe tajiri kiasi cha kwamba inaweza kulisha hata Kenya nzima. Kama ni madini, tuko nayo, kama ni maji, yako kwetu, na mengineyo pia. Lakini tukiangalia ile faida inakuja kwa Mtaita na Mtaveta, hakuna. Ile faida huwa tunapata ni hasara. Kwa mfano, vile Mhe. Amos Makalo amesema, hata ukulima katika mashamba yetu hautusaidii. Tunalima kwa bidii kabisa tukiwa na njaa, lakini mvunaji ni ndovu. Sasa imefika wakati tuangalie njia mbadala ya kuhakikisha ya kwamba hizi raslimali ambazo ziko katika ardhi kubwa ya Mtaita na Mtaveta zimeleta faida, ili kuimarisha maisha yao.

Nikiangalia zile sheria ambazo ziliwekwa za kumiliki madini ambazo ziko chini ya ardhi, bado tuko chini ya ukoloni, kwa sababu tunaambiwa kile kiko chini ya mita sita ni cha serikali. Lakini suala kubwa ni kwamba, ukienda sehemu zingine, raslimali zao ni zao wenyewe, wanazimiliki wenyewe na wanauza wenyewe kwa faida yao na watu wao. Lakini raslimali zote ambazo ziko Taita Taveta, zimeshikiliwa katika kikapu kimoja cha miliki ya Serikali Kuu. Kwa hivyo, mimi ninaona ulikuwa ni ujanja tuambiwe tumekombolewa kutoka kwa ukoloni, lakini bado kuna minyororo imetufunga ndani ya ukoloni kupitia kwa sheria za madini ya Mtaita na Mtaveta.

Tukiangalia Taita Taveta, ni nambari moja na ni kati ya Kaunti zilizo na raslimali za kuleta utajiri mwingi zaidi lakini Taita Taveta ndiyo inaongoza katika umaskini. Mimi naona tuko na suluhisho katika huu Mjadala, hii mbuga iregeshwe chini ya miliki ya Mtaita na Mtaveta ili kama wengine tumiliki, tuhifadhi, tuvune na tuuze mali zetu wenyewe kwa faida ya Mtaita na Mtaveta ili tujikomoe na hii hali ya umaskini.

Kajiado ni jirani na wamepewa hiyo miliki, kwani wao walimpea nini Mungu ambacho sisi tumemnyima? Sauti kubwa tukiona imekua, huanza kama sauti ndogo tu na hapa katika huu mjadala, hii sauti watu wanaanza kuona ni ndogo sana lakini mapokezi yake ndani ya Taita na Taveta yatakuwa makubwa zaidi na nina imani tukipitisha Hoja hii katika Bunge la Taita Taveta, sioni kama Bunge kuu la Kitaifa litakua na sababu ya kutunyima, kwa sababu sisi tumeanza kwa



udogo wetu, tutaomba wapokee kwa ukubwa ili kuhakikisha hata Mtaita pia amekombolewa kwa njia moja ama nyingine.

Tunahitaji ukombozi, kwa sasa hivi Mtaita na Mtaveta kuweka chakula cha mara moja kwa nyumba imekua ni tatizo na tumeketia raslimali kubwa zaidi. Kwani ni nini ambacho Mtaita na Mtaveta hawezi kufanya watu wengine wanafanya? Ninaunga mkono Hoja hii 100% na ndio mlango wa kwanza wa kujikomboa kama mwananchi wa Taita na Taveta.

Ninawaomba, Waheshimiwa wenzangu, tuunge mkono Hoja hii na itakapopita, tusiiachie hapa hapa, tuko na Kamati ya Utekelezaji, waifuatilie unyo unyo na hata ikiwezekana kama tutaomba kikao na hata Rais wa Nchi, hata na Bunge Kuu la Kitaifa ili tuhakikishe majadiliano haya hayaishii hapa Taita tu kwenye makaratasi lakini tuyafuatilie ili tuhakikishe kwamba ile haki tunadai, kwa sababu sitaki kusema tunaomba kwa sababu iko, imemfikia mwananchi wa Taita na Taveta atoke kwenye minyororo ya umaskini na daima tutaishi maisha mazuri kama sehemu zingine. Ninaunga mkono Hoja hii. Ahasante, Mhe. Spika.

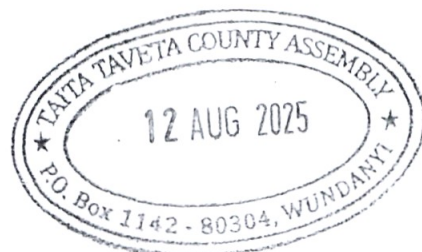
Hon. Stephen Nzai (MCA, Marungu): Ahsante sana, Mhe. Spika. Kwanza kabisa ningependa kushukuru Mheshimiwa wa Wundanyi/Mbale kwa kuleta Hoja hii kwa wakati unaofaa. Taita Taveta, tumeonewa sana kwa miaka nyingi na tunashukuru kwa sababu Rais mwenyewe ndiye alikuja na akatoa kauli ya kwamba watu wa Kaunti ya Taita Taveta wamefikia wakati mzuri ili na wao pia wajivunie mali yao ambayo ni mbuga za wanyama za Tsavo mashariki na magharibi ambazo iko katika Kaunti ya Taita Taveta.

Tuko na historia kadhaa, mababu zetu wamekua wakiishi ndani ya hizo mbuga, lakini walisikiza Serikali na wakaenda kuishi nje kwa ajili ya mbuga wakiona watafaidi ama kizazi kijacho kinaweza kufaidi.

Nikiangalia Tsavo East ni kubwa mara tisa ya Maasai Mara. Ukubwa wake ni kilomita 13,700 hiyo ni sawa na ekari 1,300,070. Ukiangalia Tsavo West, ukubwa wake ni kilomita 9,000 na iko na milango tatu na zote zinatengeneza pesa. Tuko na lango la Miasenyi, Voi na Sala, hizo zote ni pesa ambazo zinaingia kila kukicha. Tukiangalia Tsavo West, tuko na milango minne; Lake Jipe, Mtito Andei, Chyullu na Maktau na zote zinaingiza pesa.

Sisi Wataita tunajulikana ni wangwana sana na tunafuata sheria kila kukicha ndiposa hata ndovu zikiingia kwa mashamba, sisi tunafuata sheria, ng'ombe zikiliwa na simba, tunafuata sheria, yaani kila kitu. Wenzetu ng'ambo ile, ole wake ndovu aingie shambani ama simba ale mifugo, hawatataka kujua hadi serikali iwasikize.

Tunaomba sisi kama viongozi wa Kaunti ya Taita Taveta hata kama Rais alitoa kauli, sisi pia tuweze kuamka na kusukuma Bunge la Kitaifa liweze kusukuma pia ili tuone ni lini Mtaita na Mtaveta ataweza kufaidi mbuga na mali ambayo iko hapa katika Kaunti ya Taita Taveta. Ni hivi tu majuzi ambapo Waziri wa Madini na wa Utalii, Dkt. Alfred Mutua, alikua hapa, na wote wako na mambo mazuri. Wanaweza kuja na mambo mazuri lakini badaye watakaofaidi si watu wa Kaunti ya Taita Taveta bali ni watu wa kutoka nje.



Ni sisi kama viongozi tusimame kidete, tuhakikishe ya kwamba kama kweli wanataka kufungulia mbuga hii mwananchi, CBOs na Cooperatives zilizo hapa ziweze kufaidika katika Kaunti ya Taita Taveta. Ni sisi kama viongozi pia tuweze kusimama kidete na tuhakikishe ni wananchi wa Taita Taveta wataweza kufaidi bali si watu kutoka nje maana miaka yote tumeona na tunadanganywa na tunaongelehwa mambo mazuri na tunakubali lakini wale wanaofaidi ni watu wa nje.

Haya mambo ni mazuri sana na ninaona Tsavo East inatengeneza zaidi ya Shilingi bilioni 60 kwa mwaka. Hizo ni pesa nyingi sana na tukipewa hata asili mia hamsini kama Kaunti ya Taita Taveta, ninajua hatutakua na shida ya barabara, zile za Kaunti tutaziweka kokoto zote na tutaziweka lami, hatutakuwa na shida ya maji, uajiri na biashara pia zitanoga, watoto wetu watasoma kuanzia shule za chekechea hadi vyuo vikuu bila kulipa ndururu kama tunaweza kupewa asili mia ambayo tuliahidiwa.

Ni ombi langu kwamba muhula huu ambao tumepewa kama Waheshimiwa wa Kaunti ya Taita Taveta pamoja na wale wa Serikali kuu, tuweze kusimama kidete na tuhakikishe ya kwamba hii ndoto imetimia ndiposa mwananchi wa Kaunti ya Taita Taveta aweze kufaidi. Tunaona ya kwamba pesa ambazo zinakuja kutoka Serikali kuu, ni chache mno na zote ni kama zinaenda kwa matumizi lakini ukiangalia upande wa miradi hakuna. Siku ile tutakubaliwa mgao katika mbuga, nafikiri Taita Taveta tutakua wa kwanza katika Kaunti zote za Kenya.

Juzi, Gavana wa Kajiado alikuwa kwangu Marungu na aliongea mambo mazuri na akasema ya kwamba yeye kama Gavana ametoka hizo sehemu na ako karibu na Rais, aliahidi na akasema ya kwamba kuna mambo mazuri amesikia ya kwamba haya maneno karibuni yataenda kuwa sawa. Kama Gavana kutoka nje ameongea haya katika Kaunti yetu ya Taita Taveta, tunaamini ya kwamba hayo mambo yote yako katika mchakato na yataweza kutekelezwa.

Tunamshukuru Mheshimiwa wa Wundanyi na jambo hili tusiliwachie hapa, ila kama viongozi tuweze kusimama nalo. Ninaunga mkono Hoja hii mara mia kwa mia. Ahsante, Mhe. Spika.

The Speaker: Mhe. Rose.

Hon. Rose Shingira (MCA, Nominated): Thank you, Mr. Speaker, Sir. I beg to support this Motion so that Taita and Taveta people can benefit from their own natural resource. It is with a heavy heart that we stand here to beg for our own resources which are God given. At the moment, if Tsavo National Park was a game reserve, we could have a lot of revenue.

The situation in the Tsavo National Park is pathetic, when you move all over the world in the parks, there are places set aside where tourists can seat and enjoy and also if they feel like easing themselves, they have a good environment for that. In our National Parks it is pathetic, it is only in Mdanda rock and one cannot use it. How can you tell the tourists to go to the bushes and ease themselves? It is wrong, they do not feel it because they do not own it but once it is given back to the people of Taita and Taveta, we are going to take good care of our game reserve and we are



also going to take good care of our people. There is an upcoming recruitment exercise with 900 posts.

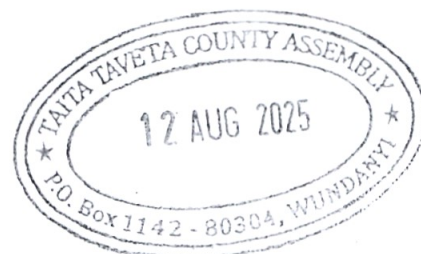
Wait and see the people who will be given these posts, the people of Taita Taveta will not reach even 20% and where they are now they are listening to us, 62% of the land of the people of Taita Taveta is Tsavo National Park, let the 70% which is 630 posts come from the people of Taita and Taveta, the 270 posts can be given to the rest of Kenyans. In the Tsavo National Park, we conserve the environment through carbon credit, if this National Park was part of us all the money from carbon credit could be revenue for Taita Taveta.

We could benefit from land rates, and a 100% revenue, or we could give the National Government 30% and Taita Taveta 70%. I believe that H.E. the President of this Republic of Kenya is part of us in Taita Taveta, he is our brother here and we expect him to champion this resolution from the leaders of Taita Taveta. I hope the way he champions the housing levy finances is the same way he will champion for Tsavo National Park to be a game reserve to benefit the people of Taita Taveta. I urge all Hon. Members from the National Assembly to hear our cry so that they can help the Mwananchi of Taita Taveta if we are part of this country called Kenya. I strongly beg to support and I hope our cry will be heard soonest possible. Thank you, Mr. Speaker.

The Speaker: Honourable Members, I invite the Motion mover to reply.

Hon. Jimmy Mwamidi: Thank you, Mr. Speaker, Sir, for the opportunity and even before I reply I want to thank all the Members of this County Assembly for the overwhelming support for this Motion, and I believe even those who are absent today because of some exigencies are all in total support. I believe, from the mood of the House, 100% of all the Members including those without the ability to speak on the Floor of the House, that is our technical team, and the people of Taita Taveta who are listening are in support of this Motion. The preamble of the CoK, 2010, gives power to decide the destiny of Kenya to the people of Kenya, and for the rest of us, as leaders, our role is to steer or guide that realization, and by God's grace in 2010 the CoK, 2010, was amended and it gave birth to what we are enjoying today, called the devolved government, and this devolved government did not separate the Counties from the National Government but it meant the Kenyan Government remains one Government with a devolved part of it, for the ease of administering things and wealth creation to the people of Kenya as envisaged in the spirit of the preamble of the CoK, 2010.

It is on those grounds that sometimes I feel so sad when I imagine that it is 60 years since independence and there are portions of this County including Taita Taveta in which I am a proud MCA that cannot access the full benefits of their own land and environment, I support the National Government initiative that every County should seek ways and means of supporting itself, it is time that we stop over dependence on the National Government. It is time that the County of Taita Taveta takes its children to school, takes care of its medical health needs and its feeding needs.



It is very well canvassed by my fellow Hon. Members, it is indeed possible for the people of Taita Taveta to take care of themselves, but unfortunately as the Chairperson for Budget, Finance and Appropriations Committee in this Honorable House, for two years I have struggled to be a part of developing a budget for this County. We have in the Report the advice from the transition authority that said, to run smoothly the activities of Taita Taveta, we need a minimum of at least 4,000 employees and that was 10 years ago when the Report was developed in 2013, but up to date we only have a minimum of 3,000 employees and a budget cost of Ksh. 3.5 billion which is 75% of our budget against the guidance of 35% of our budget for salaries and wages. I see agitation all over. As the Motion mover, I know I have 15 minutes and I am within my time. Kindly protect me or guide me otherwise. May I continue in the deliberations, it is quite an emotive issue that I would not wish to be stopped in ...

(Interruption)

The Speaker: Hon. Jimmy, you have only five minutes.

Hon. Jimmy Mwamidi: Thank you, Mr. Speaker, Sir. I would wish to utilize four of those five minutes because I am also seeking...

(Interruption)

The Speaker: Not for you, you have utilized some of your time so you have only maybe 30 seconds or one minute.

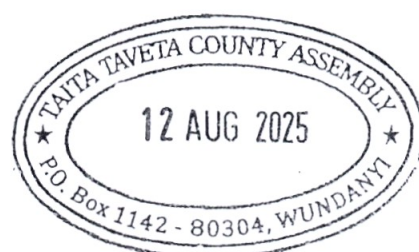
Hon. Jimmy Mwamidi: Thank you, Mr. Speaker, Sir. Okay, in the interest of everything I know matters have been canvassed by everyone. I would wish to stop there, but before I stop, I want to say that whatever I am seeking in this Motion is not a new thing in Kenya. So, the National Government through the National Assembly should not hesitate to immediately approve my Motion and change the law because we can leapfrog and roll out because we have examples as given out by Hon. Peter Shambi of the Narok and Kajiado Counties which are running theirs. It is not going to be a new thing, it is not like anyone will be required to create a new structure for this, apart from just handing it over to Taita Taveta. With those few remarks, I am hesitant to give timelines but we should have this re-categorization as early as yesterday. I beg to reply. Thank you, Mr. Speaker.

(Question put and agreed to)

ADJOURNMENT

The Speaker: Honourable Members, there being no other Business, the House stands adjourned until Tuesday, 9th April 2024 at 2:30 p.m.

(The House rose at 12:30 p.m.)



APPENDICES

PAPERS

1. REPORT OF THE SELECT COMMITTEE ON ADMINISTRATION, SECURITY, DEVOLUTION, PUBLIC PARTICIPATION, COMMUNITY SERVICES AND DRUGS CONTROL ON THE VETTING OF COUNTY SECRETARY SELECTION PANEL NOMINEES

NOTICES OF MOTION

1. NOTICE OF MOTION: ADOPTION AND APPROVAL OF THE REPORT OF THE SELECT COMMITTEE ON ADMINISTRATION, SECURITY, DEVOLUTION, PUBLIC PARTICIPATION, COMMUNITY SERVICES AND DRUGS CONTROL ON THE VETTING OF COUNTY SECRETARY SELECTION PANEL NOMINEES (Hon. Dorcas Mlughu, MCA, Chairperson, Administration, Security, Devolution, Public Participation, Community Services and Drugs Control Committee)

THAT, this Third County Assembly adopts and approves the report of Select Committee on Administration, Security, Devolution, Public Participation, Community Services and Drugs Control on the vetting of County Secretary Selection Panel nominees laid on the table of this House on 9th April, 2024, Morning Sitting No.020 and its recommendations thereof.

2. NOTICE OF MOTION: DISPOSAL OF UNSERVICEABLE VEHICLES & OBSOLETE EQUIPMENT (Hon. Peter Shambi, Nominated MCA, Chairperson, Committee on Implementation)

AWARE THAT, the County Government owns several equipment including plant, machinery and motor vehicles;

ACKNOWLEDGING THAT, most of the equipment were purchased several years ago and have since become inefficient and prone to breakdowns; while some were subjected to wrong use, lack of service and lack of spare parts;

FURTHER AWARE THAT, a number of County motor vehicles are lying in a sorry state at the County Garage and in other garages in Voi town;

COGNIZANT THAT, the County Government spends huge sums of money in maintaining and repairing these equipment;

APPRECIATING THAT, Sections 163 and 164 of the Public Procurement and Asset Disposal Act No. 33 of 2015 provides for the procedure of disposing unserviceable, obsolete equipment or assets, which among other things include formation of a committee to verify and process all disposal recommendations in liaison with the relevant heads of procurement.

CONCERNED THAT, failure to explore the disposal mechanisms provided for in law to dispose the unserviceable vehicles and obsolete equipment, the County Government shall continue incurring unjustified expenses on maintenance of the equipment.

NOW THEREFORE, pursuant to the provisions of Sections 163, 164, 165 and 166 of the Public Procurement and Asset Disposal Act, 2015, this House **RESOLVES** that the County Government of Taita Taveta considers disposing unserviceable vehicles and obsolete equipment to save the County Government from unnecessary expenditure on maintenance and repairs.

STATEMENTS

1. STATEMENT: CESS WAIVERS TO CONTRACTORS DOING THE MTO MWAGODI – WUNDANYI ROAD AND THE RICE MILLING PLANT AND PLANT ROAD IN TAVETA (Hon. Dorcas Mlughu, MCA, Chairperson, Administration, Security, Devolution, Public Participation, Community Services and Drugs Control Committee)

MR. SPEAKER SIR, in line with the parliamentary best practices, precedents and conventions, and pursuant to the provisions of the Third County Assembly of Taita Taveta Standing Order No. 42(2) (c) relating to the Sitting's ORDER NO. 7 (STATEMENTS), I rise to seek a Statement from the Budget and Appropriations Committee.

MR. SPEAKER SIR, there has been communication from the County Treasury to the effect that the contractor(s) doing the rice milling plant in Taveta and the road to the same have been given tax waiver on account of cess on construction materials while there is scanty information regarding the Mto Mwagodi –Wundanyi road .

MR. SPEAKER SIR, the statement by the Committee should give the following information to this House;

- (1) Justification for waivers given on account of each of the projects captioned above.
- (2) The expected total waiver on account of each project.
- (3) Waivers accessed on account of each project thus far.
- (4) Name and title of the officer who approved each of the waivers.

COUNTY GOVERNMENT OF TAITA TAVETA



COUNTY ASSEMBLY OF TAITA TAVETA

THIRD ASSEMBLY – THIRD SESSION

TUESDAY, APRIL 9, 2024 AT 9:30 A.M

VOTES AND PROCEEDINGS

1. The House assembled at 11:28 a.m.
2. The Proceedings were opened with prayer.
3. **PRESIDING:** The Speaker.

4. **PAPERS:**

Order for papers read;

The following paper was laid;

1. REPORT OF THE SELECT COMMITTEE ON ADMINISTRATION, SECURITY, DEVOLUTION, PUBLIC PARTICIPATION, COMMUNITY SERVICES AND DRUGS CONTROL ON THE VETTING OF COUNTY SECRETARY SELECTION PANEL NOMINEES

(Hon. Dorcas Mlughu, MCA, Chairperson, Administration, Security, Devolution, Public Participation, Community Services and Drugs Control Committee)

5. **NOTICE OF MOTION:**

Order for notice of motion read;

The following notice of motion was notified;

1. NOTICE OF MOTION: ADOPTION AND APPROVAL OF THE REPORT OF THE SELECT COMMITTEE ON ADMINISTRATION, SECURITY, DEVOLUTION, PUBLIC PARTICIPATION, COMMUNITY SERVICES AND DRUGS CONTROL ON THE VETTING OF COUNTY SECRETARY SELECTION PANEL NOMINEES (Hon. Dorcas Mlughu, MCA, Chairperson, Administration, Security, Devolution, Public Participation, Community Services and Drugs Control Committee)

THAT, this Third County Assembly adopts and approves the report of Select Committee on Administration, Security, Devolution, Public Participation, Community



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(Hon. Dorcas Mlughu, MCA, Chairperson, Administration, Security, Devolution, Public Participation, Community Services and Drugs Control Committee)

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FURTHER AWARE THAT, a number of County motor vehicles are lying in a sorry state at the County Garage and in other garages in Voi town;

COGNIZANT THAT, the County Government spends huge sums of money in maintaining and repairing these equipment;

APPRECIATING THAT, Sections 163 and 164 of the Public Procurement and Asset Disposal Act No. 33 of 2015 provides for the procedure of disposing unserviceable, obsolete equipment or assets, which among other things include formation of a committee to verify and process all disposal recommendations in liaison with the relevant heads of procurement.

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obsolete equipment to save the County Government from unnecessary expenditure on maintenance and repairs.

*(Hon. Peter Shambi, Nominated MCA, Chairperson,
Committee on Implementation)*

6. STATEMENT:

Order for statements read;

The following statements were sought:

1. STATEMENT: CESS WAIVERS TO CONTRACTORS DOING THE MTO MWAGODI – WUNDANYI ROAD AND THE RICE MILLING PLANT AND PLANT ROAD IN TAVETA (Hon. Dorcas Mlughu, MCA, Chairperson, Administration, Security, Devolution, Public Participation, Community Services and Drugs Control Committee)

MR. SPEAKER SIR, in line with the parliamentary best practices, precedents and conventions, and pursuant to the provisions of the Third County Assembly of Taita Taveta Standing Order No. 42(2) (c) relating to the Sitting's ORDER NO. 7 (STATEMENTS), I rise to seek a Statement from the Budget and Appropriations Committee.

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MR. SPEAKER SIR, the statement by the Committee should give the following information to this House;

- (1) Justification for waivers given on account of each of the projects captioned above.
- (2) The expected total waiver on account of each project.
- (3) Waivers accessed on account of each project thus far.
- (4) Name and title of the officer who approved each of the waivers.

*(Hon. Dorcas Mlughu, MCA, Chairperson, Administration, Security, Devolution,
Public Participation, Community Services and Drugs Control Committee)*

7. MOTION:

Order for motion read;

The following motion was moved:

1. MOTION: RESOLUTION TO PETITION THE NATIONAL ASSEMBLY TO AMEND THE WILDLIFE CONSERVATION AND MANAGEMENT ACT CHAPTER 376 OF THE LAWS OF KENYA FOR THE RECATEGORIZATION OF TSAVO NATIONAL PARK TO A GAME RESERVE (Hon. Jimmy Mwamidi, MCA, Chairperson, Budget, Finance & Appropriations Committee)

THAT, pursuant to Articles 27 and 119 of the Constitution of Kenya, 2010, this County Assembly resolves to petition the National Assembly vide the **annexed draft petition** for the National Assembly to intervene and ensure: -

- i. **THAT**, the **WILDLIFE CONSERVATION AND MANAGEMENT ACT CHAPTER 376 OF THE LAWS OF KENYA** be amended by inserting a new schedule to the Act with categorizations of the National Parks and National Reserves based on the definitions under section 2 of the Act.
- ii. **THAT**, the proposed Amendment Bill should also categorize Tsavo National Park as a National Reserve for the part that falls within the boundaries of Taita Taveta County.
- iii. **THAT**, an additional section be introduced to protect areas listed in the new schedule from decategorization as listed in the amended law and new schedule.
- iv. **THAT**, the current categorization of the Tsavo as a National Park is discriminatory to the People of Taita Taveta and contrary to Article 27 of the Constitution of Kenya as it gives other counties and its people the advantage of collecting revenue from established National Reserves and denies the people of Taita Taveta such revenues by way of categorization of Tsavo as a National Park.
- v. **THAT**, Taita Taveta County is keen on tapping on the resources in the Tsavo save for the game which management and protection is willing to leave to the exclusive mandate of the Kenya Wildlife Service.
- vi. **THAT**, the matter petitioned is not pending before any court of law.
- vii. **THAT**, other efforts and attempts to have the matter of revenue sharing between the County Government of Taita Taveta and the Kenya Wildlife Service have thus far not bore any fruits.

CONCERNED THAT, the County Government of Taita Taveta is yet to realize meaningful own source revenue collection, categorization of Tsavo as a National Park denies the people of Taita Taveta the right to tap into resources endowed to them.

APPREHENSIVE that the petitioned amendment if passed into law would catapult the revenue fortunes for Taita Taveta County, **I URGE** this County Assembly to resolve that the National Assembly be petitioned as captioned in this motion for the benefit of the people of Taita Taveta.

*(Hon. Jimmy Mwamidi, MCA, Chairperson,
Budget, Finance & Appropriations Committee)*

(Hon. Peter Shambi, Nominated MCA)

Question proposed;
Debate Arising;
Question put and agreed to.

And the time being 12:30 p.m., the Speaker adjourned the House without Question put pursuant to the Standing Orders.

8. HOUSE ROSE: 12:30 p.m.

MEMORUNDUM

The Speaker will take the Chair on Tuesday,
9th April, 2024, at 2:30 p.m.

--x--

APRIL 9, 2024

COUNTY ASSEMBLY DEBATES

COUNTY ASSEMBLY OF TAITA TAVETA

THIRD ASSEMBLY - THIRD SESSION

THE HANSARD

Sitting no. 020

Tuesday, April 9, 2024

The House met at 11:28 a.m. in the County Assembly Chamber

[The Speaker (Hon. Wisdom Mwamburi) in the Chair]

PRAYER

QUORUM

The Speaker: Honourable Members, I confirm that we have Quorum to proceed with the Sitting. Clerks, read the Orders of the day.

PAPER LAID

REPORT ON THE VETTING OF COUNTY SECRETARY SELECTION PANEL NOMINEES

The Speaker: Hon. Dorcas Mlughu.

Hon. Dorcas Mlughu (MCA, Rong'e): Thank you, Mr. Speaker, Sir. I beg to lay the following Paper on the Table of the House:

Report of the Select Committee on Administration, Security, Devolution, Public Participation, Community Services and Drugs Control on the vetting of County Secretary Selection Panel nominees.

Thank you, Mr. Speaker.

(Hon. Dorcas Mlughu laid the Paper on the Table of the House)

NOTICES OF MOTION

DISPOSAL OF UNSERVICEABLE VEHICLES AND OBSOLETE EQUIPMENT



- iii. **THAT**, an additional section be introduced to protect areas listed in the new schedule form decategorization as listed in the amended law and new schedule.
- iv. **THAT**, the current categorization of the Tsavo as a National Park is discriminatory to the People of Taita Taveta and contrary to Article 27 of the Constitution of Kenya as it gives other counties and its people the advantage of collecting revenue from established National Reserves and denies the people of Taita Taveta such revenues by way of categorization of Tsavo as a National Park.
- v. **THAT**, Taita Taveta County is keen on tapping on the resources in the Tsavo save for the game which management and protection is willing to leave to the exclusive mandate of the Kenya Wildlife Service.
- vi. **THAT**, the matter petitioned is not pending before any court of law.
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APPREHENSIVE that the petitioned amendment if passed into law would catapult the revenue fortunes for Taita Taveta County, **I URGE** this County Assembly to resolve that the National Assembly be petitioned as captioned in this motion for the benefit of the people of Taita Taveta.

This is to bring to your attention the foregoing resolution and to present the Petition for necessary action.



CPA. GADIEL M. MAGANGA
CLERK TO THE COUNTY ASSEMBLY OF TAITA TAVETA

Encls: Petition by the County Assembly of Taita Taveta to The National Assembly to amend The Wildlife Conservation and Management Act Chapter 376 of The Laws of Kenya for the recategorization of Tsavo National Park to a Game Reserve

cc: H.E The Governor
County Government of Taita Taveta

DLT
Please deal.
20/08/25

Heal PR5
to acknowledge
register and process
20/08/25

COUNTY GOVERNMENT OF TAITA TAVETA



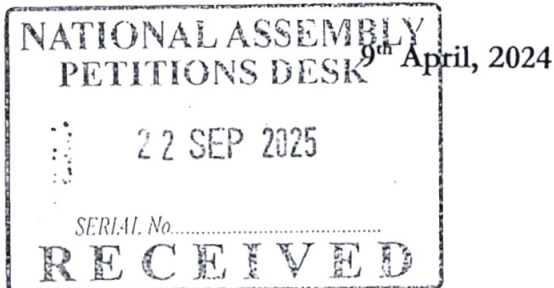
COUNTY ASSEMBLY OF TAITA TAVETA
OFFICE OF THE CLERK

P.O. Box 1142-80304
Wundanyi

Telephone: 0718703359/0732604811
Email: clerk@taitatavetaassembly.go.ke

TTCA/CS/7/Vol. 7 (108)

The Clerk
National Assembly
Parliament Buildings
Email: cna@parliament.go.ke
Nairobi, Kenya



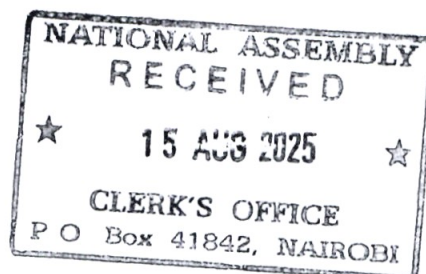
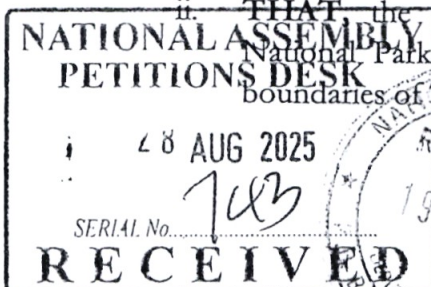
RE: RESOLUTION TO PETITION THE NATIONAL ASSEMBLY TO AMEND THE WILDLIFE CONSERVATION AND MANAGEMENT ACT CHAPTER 376 OF THE LAWS OF KENYA FOR THE RECATEGORIZATION OF TSAVO NATIONAL PARK TO A GAME RESERVE

Pursuant to the provisions of Article 37 & 119 of the Constitution of Kenya, 2010 as read together with the provisions of the Petition to Parliament (Procedure) Act, No. 22 of 2012, and upon a Motion filed by the Chairperson of Budget, Finance & Appropriations Committee, Hon. Jimmy Mwamidi, the County Assembly of Taita Taveta on Tuesday, 9th April, 2024 resolved as follows-

THAT, pursuant to Articles 27 and 119 of the Constitution of Kenya, 2010, this County Assembly resolves to petition the National Assembly vide the **annexed draft petition** for the National Assembly to intervene and ensure: -

- i. **THAT**, the **WILDLIFE CONSERVATION AND MANAGEMENT ACT CHAPTER 376 OF THE LAWS OF KENYA** be amended by inserting a new schedule to the Act with categorizations of the National Parks and National Reserves based on the definitions under section 2 of the Act.

- ii. **THAT** the proposed Amendment Bill should also categorize Tsavo National Park as a National Reserve for the part that falls within the boundaries of Taita Taveta County.



4. Support County Capacity

THAT the National Assembly recommends that the Government should provide grants, technical assistance, and training to help Taita Taveta County build capacity for the Park management especially during the phased transition process.

5. Public Communication and Stakeholder Engagement

THAT the National Assembly directs the responsible ministries and agencies to undertake comprehensive stakeholder consultations (in villages, conservancies, local government, businesses, and among all stakeholders) and public participation across Taita Taveta County to build trust, buy-ins, and clarity on the issue. These agencies should further publicly communicate the benefits of re-categorization, including how revenues will be shared, used, and audited.

6.0 CONCLUSION

The re-categorization of Tsavo East and West National Parks is not merely an administrative reclassification - it is a moral, economic, and strategic imperative for Taita Taveta County and Kenya. By embracing a management model that gives the county a genuine stake in governance and revenue, national authorities can unlock transformational development, strengthen conservation outcomes, and address long-standing inequities.

Narok County's experience with the Maasai Mara demonstrates that devolved conservation, when done right, yields enormous dividends including the increased county revenue, better transparency, community empowerment, and sustainable wildlife management. Taita Taveta is ready to walk the same path, not as a passive host, but as an equal partner.

The County Assembly of Taita Taveta reiterates its commitment to sustainable wildlife conservation, community empowerment and development of national interests. The County Assembly believes that a collaborative, inclusive and equitable approach to the management of the Tsavo national parks will promote socio - economic development within the County and uphold constitutional principles of devolution, public participation and intergovernmental cooperation.

The County Assembly therefore urges the National Assembly to consider this submission favorably and initiate legislative, policy and administrative measures that support this re-categorization process for inclusive, locally rooted conservation in Kenya's national parks.

Management Act and such other related statutes to review tenure issues, and enabling legislation for shared management and fair compensation mechanisms.

7. Integrated Conservation & Conflict Mitigation Strategy: A long term integrated ecological and human-wildlife co-existence plan should be developed and implemented that prioritizes human-wildlife conflict mitigation, community livelihoods, early warning systems, compensation schemes, habitat corridors, and long-term ecological resilience.

5.0 PRAYERS TO THE NATIONAL ASSEMBLY

In light of the issues outlined above, the County Assembly of Taita Taveta humbly seeks the following interventions from the National Assembly:

1. Formation and gazettelement of a Joint Advisory Taskforce

THAT the National Assembly approves establishment of a technical working group by the Cabinet Secretary of Tourism and Wildlife including representatives from Taita Taveta County Government (Assembly and Executive), KWS, Ministry of Tourism & Wildlife, National Lands Commission (NLC), NGOs, community conservancies and other relevant stakeholder, to design and oversee the recategorization of the Parks as well as a management framework, determine revenue-sharing formula, set governance structures, and develop a legal roadmap for re-categorization.

2. Amending of Legal and Policy Frameworks to Re-categorize the Park

THAT the National Assembly initiates and supports review and amendments of the relevant laws such as the Wildlife Conservation and Management Act, the Tourism Act, and related laws, to re-categorize the Tsavo National Parks to National Reserves² and recognize and facilitate county-level management of the Tsavo National parks. This would enact policies to guarantee a minimum percentage of tourism revenue flows to host counties, modeled on successful counties such as Narok.

3. Implementing Transparent Revenue Systems

THAT the National Assembly recommends that the County Government of Taita Taveta rolls out a unified, digitized ticketing and revenue-collection platform such as using KAPS or similar trusted agency to ensure robust, traceable revenue flows consequently leading to accountability and efficiency in collecting revenues. Further conduct of annual audits and publish revenue-distribution reports should be done by the County Government.

² Refer to Section 34 of the Wildlife Conservation Management Act, 2013

4. Support County Capacity

THAT the National Assembly recommends that the Government should provide grants, technical assistance, and training to help Taita Taveta County build capacity for the Park management especially during the phased transition process.

5. Public Communication and Stakeholder Engagement

THAT the National Assembly directs the responsible ministries and agencies to undertake comprehensive stakeholder consultations (in villages, conservancies, local government, businesses, and among all stakeholders) and public participation across Taita Taveta County to build trust, buy-ins, and clarity on the issue. These agencies should further publicly communicate the benefits of re-categorization, including how revenues will be shared, used, and audited.

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2. Conservation and Conflict Mitigation

With greater local buy-in and financial stake, the county can invest in conflict-mitigation mechanisms: fencing, early-warning systems, compensation funds, and community wildlife scouts. This would also support habitat management, corridor protection, and long-term ecological sustainability.

3. Strategic National Interest

From Kenya's broader conservation strategy, devolved management helps distribute responsibility, build local capacity, and reduce burden on central institutions. It can be framed as a pilot for a modern, inclusive conservation paradigm

4.0 OFFICIAL SUBMISSIONS OF THE COUNTY ASSEMBLY OF TAITA TAVETA

Based on the above background and analysis, the County Assembly of Taita Taveta strongly proposes /supports re-categorization of Tsavo East and West National Parks, on the following principles:

1. Recognition of Management by the County: The National Park Management framework should be restructured and be put under the Taita Taveta County Government to be responsible for planning, setting policies, decision-making, governance, budget priorities, and conservation targets.

2. Equitable Revenue Sharing: A legally binding revenue-sharing formula must be established, mirroring the Mara model or adapted to local contexts, ensuring Taita Taveta receives a fair and predictable share of tourism income.

3. Creating a Community Development Fund: A fixed portion of park revenues should support a dedicated community fund developed to finance infrastructure, education, human- wildlife conflict mitigation, and wildlife livelihoods.

4. Strengthening Local Conservation Capacity: The County's Wildlife and Conservation capacity should be enhanced through investment in a County Wildlife Unit, community conservancies and partnerships with conservancies to manage wildlife-related risks and opportunities in partnership with KWS.

5. Transparency & Accountability in Revenue Collection: Revenue should be collected through a robust system (e.g., digital ticketing, revenue-tracking) to minimize leakages, as has been done in Narok County with KAPS.

6. Legal and Policy Review: Initiate a joint county-national taskforce to review the legal framework of Tsavo parks, including re-classification under the Wildlife Conservation and

The Kajiado experience provides a template for negotiation, transition planning, community involvement, and intergovernmental mechanisms that Taita Taveta can adopt as it seeks re-categorization of the Tsavo National Parks.

3.4 COMPARATIVE COST FOR TAITA TAVETA

The Total area of the Tsavo East and West National parks is 20,812 km². ¹Taita Taveta County contributes approximately 10,650 km² which translates to roughly 51% of the total Tsavo land mass. Taita Taveta County has a total area of 17,084 km² which has surrendered **62%** of its mass of land to accommodate the Tsavo East and Tsavo West National Parks. This makes Taita Taveta County the single biggest contributor of the Mass of land lying in the Tsavos.

Comparatively, Kajiado County total land mass is 21,292.7 km² and contributes 392 km² of its land mass to make the total area of the Amboseli National Park. This makes only **1.84 %** of Kajiado's County land area.

Narok County's land Mass is 17, 933 km² while the Masai Mara National Reserve area is 1,510 km² which is **8.4%** of Narok County's land mass.

Taita Taveta County contributes far more land to a National park than Narok and Kajiado counties combined. Taita Taveta county bears the largest conservation burden of any county in Kenya. Yet its revenue share, benefit sharing agreements and local opportunities do not match the scale of its contribution.

3.5 IMPLICATIONS FOR RE-CATEGORIZATION/ MANAGEMENT

1. Governance and Institutional Reform Advantages

By adopting a management model, Taita Taveta can ensure that its voices are heard in planning decisions - on zoning, infrastructure, tourist capacity, and conservation strategy. This would also help align national conservation priorities with local development goals.

1. Economic Development and Local Empowerment

Re-categorization would unlock more resources for community-level tourism: conservancies, community-run campsites, cultural tourism, and employment. These could generate stable income, reduce conflict, and make conservation more sustainable by tying livelihoods to protection.

¹ Source: The Kenya Wildlife Conservation and Management Act, 2023- Eleventh Schedule.

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2. A Strong Precedent for Taita Taveta County

Kajiado's successful claim and receipt of Amboseli sets a powerful national precedent showing that counties can rightfully seek greater involvement in the management of natural resources within their boundaries—including national parks.

3. Evidence That Counties Have Capacity and Readiness to Manage Parks

The national government's approval to transfer Amboseli to Kajiado confirms that counties possess the institutional capacity, governance structures, and administrative readiness to manage park functions when supported by proper frameworks.

4. Transition Can Begin Even Before Full Management Takes Effect

Kajiado shows that the process can start with frameworks, intergovernmental agreements, capacity-building, and joint committees, long before counties assume full day-to-day management. This staged model is directly applicable to Taita Taveta.

5. Community Attitudes Change When Devolution Conversations Begin

Before the transition talks began, Kajiado communities were increasingly hostile, encroaching on the park, and killing wildlife due to feeling excluded and unrewarded.

When the discussion about reverting Amboseli to the county started, community support for conservation increased, demonstrating that inclusivity improves environmental protection.

6. Community Inclusion Strengthens Conservation

The shift in community behaviour around Amboseli proves that when people are recognized as stakeholders, they become active protectors of wildlife and park resources - an important lesson for Tsavo management.

7. Early Gains Show That Counties Provide Better Local Legitimacy

Even before full management begins, local involvement under county leadership already yields higher trust, ownership, and compliance. This is critical for resolving the longstanding tensions around Tsavo.

8. Devolution Helps Address Historical Injustices

The Amboseli transition acknowledges past grievances related to land loss, exclusion, and unequal benefit-sharing - issues similar to those faced by Taita Taveta with the Tsavo National Parks.

9. A Blueprint for Taita Taveta County's Pursuit of Re-categorization

1. Narok collects a significant percentage of its own source revenue annually from the Mara Reserve under normal operations, a figure confirmed by the Narok County Governor.
2. The revenue-sharing model between the Mara Conservancy and Narok County is well-defined: 55% of fees go to the county government, 36% to the conservancies, and 7.5% to the contracted revenue-collection agency, Kenya Airports Parking Services (KAPS).
3. Narok's own-source revenue has grown significantly, from around Sh 1.3 billion to Sh 5.1 billion in F/Y 2024/25, under recent reforms, driven largely by tourism earnings.
4. Narok County is targeting a collection of Ksh 6.7 billion for the F/Y 2025/2026.
5. Narok County got a whopping 91% of its Own Source Revenue from the Mara Reserve Collections in the Financial Year 2024/2025.
6. Moreover, Narok has institutionalized joint management: under its management plan, it employs a unified ticketing and revenue-collection system (via KAPS) that reduces leakages and increases transparency.
7. To foster equitable development, Narok established a standardized lease for all land owners and also designates \$40 out of \$200 per tourist fees to a community support fund for local Maasai group ranches bordering the Mara.
8. These measures show that counties can practically benefit from tourism, institutionalize conservation funding, and even reinvest in community development when there is structured and legally backed revenue-sharing.
9. Narok County has a workforce of over 5,300 employees with rangers only being over 700, a testament to the socio-economic benefits to the local population. The Reserve has 50 Tourism facilities in the reserve and more than 100 outside the Reserve.
10. In Narok County, local communities have established community owned limited companies that operate safari vehicles and run all game drives within the Maasai Mara National Reserve. This model ensures that a significant portion of tourism revenue directly benefits the host communities while strengthening their participation in the management and conservation of the Reserve.

3.3 LESSONS FROM KAJIADO COUNTY AND THE AMBOSELI MODEL

The following are key lessons from Kajiado County that strengthen Taita Taveta's position

1. Proof That Park Handover to Counties Is Legally and Administratively Possible:

The transfer of Amboseli National Park to Kajiado County demonstrates that devolving management of protected areas is feasible within existing laws, including the Constitution, Intergovernmental Relations Act, and Wildlife Conservation and Management Act.

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The **WCMA** also establishes a statutory pathway for devolved management: **Section 32** allows the Cabinet Secretary to declare national parks or amend their status, and **Section 35** permits counties to manage national reserves within their jurisdiction. Environmental safeguards are reinforced under the **Environmental Management and Coordination Act (EMCA)**, which requires Environmental Impact Assessments, socio-economic studies, and public participation for policies or actions with significant environmental effects.

The **Intergovernmental Relations Act (IGRA), 2012** provides mechanisms for structured consultation, cooperation, and formal agreements between national and county governments. **Sections 7–10** mandate intergovernmental consultations; **Sections 19–22** enable inter-county collaboration; **Sections 26–28** guide transfer or delegation of functions under **Article 187**; **Section 52** establishes a Transition Management Committee; and **Section 55** provides mediation and arbitration mechanisms.

County-level legal support comes from the **County Governments Act**, which empowers County Assemblies to legislate on devolved functions (**Sections 5 and 8**), mandates gazetting of county legislation and intergovernmental agreements (**Section 24**), and designates the Governor as the county's representative in such agreements (**Section 30**). **Section 115** ensures public participation in all county planning processes. Financial integrity for managed functions is reinforced under the **Public Finance Management Act (PFM)**, particularly **Sections 149, 157, and 160–164**, which require transparent resource management, joint revenue accounts, and audits.

Finally, emerging policies—including the **Wildlife Conservation and Management (Amendment) Bill, 2025**, the **National Wildlife Strategy 2030**, and the National Tourism Policy—further support devolved conservation, sustainable management, and equitable community benefit-sharing, providing a robust legal and policy foundation for the reclassification and local management of Tsavo.

3.0 ANALYSIS AND RATIONALE FOR RECATEGORYISATION

3.1 WHAT RE-CATEGORIZATION MEANS

Re-categorization refers to changing the legal status, management framework, or governance structure of the national parks in a way that allows for management, increased county involvement, or new protected-area designations (e.g., national park-county conservancy hybrids). Such a change can embed Taita Taveta County as a formal partner in planning, benefit-sharing, and decision-making in the Tsavo Conservancy Area.

3.2 LESSON FROM NAROK COUNTY AND THE MARA MODEL

Narok County offers a compelling precedent. The Maasai Mara is not just an iconic wildlife destination, but also a powerful fiscal engine for the county:

4. **Under-utilized Economic Potential:** The County faces severe limitations in spatial development and infrastructure growth because most of its land remains under strict national government management due to the Parks. This land cannot be used for agriculture or settlement. This limits the county's ability to raise revenue or develop economically on that land. Opportunities for community-based tourism, conservancies, jobs, and value addition remain underdeveloped because of capacity gaps and insufficient financial flows.
5. **Sustainability risks due to weak local ownership:** Without locally anchored governance, park-management risks become more acute, with the disconnect occasioned by weak local ownership and community support, creating a sense of exclusion, thus undermining their willingness to support conservation efforts and leading to increased hostility. As a result, illegal activities ranging from sabotage, poaching, encroachment, illegal grazing, charcoal burning, bushmeat hunting and resource extraction become more prevalent driven by both economic need and perceived injustice. Without meaningful participation, benefit-sharing, or recognition of community rights, national park management faces escalating security, sustainability and conservation risks.

2.3 LEGAL FRAMEWORK

The proposed reclassification and management of Tsavo East and West is grounded in the **Constitution of Kenya, 2010** and a suite of complementary statutes and policies. **Article 42** guarantees the right to a clean and healthy environment, while **Articles 61 and 62** define land categories and establish national parks as public land held in trust by the national government. **Articles 62(2) and 62(3)** regulate vesting and disposal of public land. **Articles 10, 40, 47, and 69** impose duties on the State to ensure public participation, fair administrative action, equitable benefit-sharing, sustainable resource use, and protection of future generations. **Articles 174, 185–187**, and the Fourth Schedule establish devolved governance structures relevant to land and environmental management.

Before any land conversion, Tsavo must first be reclassified from a national park to a wildlife reserve, in accordance with **Section 34 of the Wildlife Conservation and Management Act (WCMA), 2013**. **Section 34(1)(b)** empowers the Cabinet Secretary to revoke or reclassify a protected area, while **Section 34(2)(a), (b), and (c)** require:

- a formal recommendation from the relevant wildlife authority;
- evidence-based justification for the reclassification; and
- public participation and consultation with affected communities.

The **WCMA** also establishes a statutory pathway for devolved management: **Section 32** allows the Cabinet Secretary to declare national parks or amend their status, and **Section 35** permits counties to manage national reserves within their jurisdiction. Environmental safeguards are reinforced under the **Environmental Management and Coordination Act (EMCA)**, which requires Environmental Impact Assessments, socio-economic studies, and public participation for policies or actions with significant environmental effects.

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2.2 PROBLEM STATEMENT

The Tsavo East and West National Parks were established through mass land alienation that displaced the indigenous communities of Taita Taveta without compensation, consultation, or resettlement. Since their creation in 1948, the people of Taita Taveta have borne disproportionate burden of conservation.

Despite being a host to the Tsavo East and Tsavo West national parks, Taita Taveta County has over the decades, experienced historical injustices which have manifested in various forms:

1. **Governance Exclusion/ Participation:** The county has limited representation in the daily management, planning, and strategic decision-making of Tsavo parks. The governance of the park remains highly centralized with minimal involvement of local communities and the County institutions. This exclusion deprives the residents a voice in matters that directly affect their livelihoods, cultural heritage, and security. As a result, critical decisions on resource use, access, conservation priorities and benefit sharing are made without local insights thus creating mistrust and weakening community support. The absence of structured local governance participation undermines local transparency and accountability and dilutes opportunities for responsive and effective conservation management.
2. **Unequal Revenue Sharing:** Despite hosting one of the largest protected areas in Kenya, and bearing the social, economic and environmental costs, local communities and the Taita Taveta County Government receives neither fair revenues nor meaningful decision-making authority over conservation. Current financial arrangements do not channel sufficient funds from tourism back to the county. This imbalance denies residents meaningful benefits from the natural resources within their own county and reinforces the exploitation and historical injustices. This limits local development and weakens the ability of the county to invest in community development, anti-conflict measures, and conservation infrastructure.
3. **High Local Costs and burdens:** Communities within and adjacent to Tsavo continue to bear considerable and disproportionately high costs from the presence of the park including historical loss of ancestral land, persistent human-wildlife conflict leading to loss of lives and permanent disability, loss of livestock, crop damage, and inadequate compensation or mitigation support. Mechanisms for relief remain slow, insufficient or inaccessible. This imbalance deepens feelings of injustice, erodes community goodwill and weakens support for conservation thus ultimately threatening the long term co-existence between people and wildlife.

1.0 EXECUTIVE SUMMARY

Tsavo East and West National Parks form a critical part of Kenya's wildlife and tourism heritage, yet the full socio-economic benefits accruing from their tourism potential are not equitably shared with the host county, Taita Taveta. The County Government of Taita Taveta supports a re-categorization of these parks to enable enhanced management, stronger local participation, and fairer benefit-sharing. Learning from successful models such as Narok County, which has leveraged the Maasai Mara's tourism potential to significantly boost its own-source revenue and invest in development, Taita Taveta calls on the national government, Kenya Wildlife Service (KWS), and other stakeholders to establish mechanisms that give the county greater agency in governance and revenue distribution. We propose a joint technical taskforce of the National Government and the County Government of Taita Taveta, a legal review, and institutional reforms that will align conservation with local economic development. This re-categorization is not only a matter of justice for Taita Taveta, but also a strategic opportunity for national conservation policy to embrace devolved conservation as a driver of sustainable development.

2.0 BACKGROUND AND CONTEXT

2.1 TAITA TAVETA COUNTY

Taita Taveta County is uniquely positioned. It is home to the larger portion of Tsavo East and Tsavo West National Parks, which is amongst Kenya's largest and most ecologically significant reserves. Despite this, the county currently plays a limited role in park governance and receives minimal direct economic benefit relative to the value of wildlife tourism. As conservation pressures, human-wildlife conflict, and community expectations rise, the question of re-categorization has emerged as both a practical and moral imperative.

Under the current regime, the Kenya Wildlife Service (KWS) holds primary control over park management, operations, and revenue collection. **This centralized arrangement often bypasses meaningful county input, leaving Taita Taveta marginalized in decision-making even though its residents bear the brunt of wildlife-related costs, such as conflict, livestock losses, and opportunity costs.**

Meanwhile, the national conversation has shifted. **There is growing recognition that counties should have a stronger voice in conservation governance, especially when their land, resources, and people are directly affected.**

The petition submitted by Taita Taveta County Assembly to the National Assembly on **22nd September, 2025** underscores this demand: local leaders and citizens insist on a governance model that respects both conservation goals and local development needs.

2.2 PROBLEM STATEMENT

The Tsavo East and West National Parks were established through mass land alienation that displaced the indigenous communities of Taita Taveta without compensation, consultation, or resettlement. Since their creation in 1948, the people of Taita Taveta have borne disproportionate burden of conservation.

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**REPUBLIC OF KENYA
COUNTY GOVERNMENT OF TAITA TAVETA**



**COUNTY ASSEMBLY OF TAITA TAVETA
THIRD ASSEMBLY- FOURTH SESSION**

OFFICE OF THE SPEAKER

**TECHNICAL COMMITTEE ON THE PETITION FOR RECATEGORIZATION OF
THE TSAVO NATIONAL PARKS**

**SUBMISSION ON THE RECATEGORIZATION OF THE TSAVO EAST AND WEST
NATIONAL PARKS AND DEVOLVED MANAGEMENT OF THE PARKS**

***SUBMITTED FOR CONSIDERATION BY THE NATIONAL ASSEMBLY COMMITTEE
ON PUBLIC PETITIONS***

NOVEMBER 18, 2025

Name of Petitioner

Signature

~~W. B. Shirley~~

NAFSA

~~SECRET~~

...

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Done

[Handwritten signature]

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A handwritten signature in black ink, appearing to be "AG".

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