



Approved
SNA
28/5/26

REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – FIFTH SESSION (2026)

PUBLIC PETITIONS COMMITTEE



REPORT ON-

CONSIDERATION OF PUBLIC PETITION NO. 29 OF 2025 BY MR. MUTUKU
KISING'U, AND OTHERS BEING RESIDENTS OF KITUI SOUTH CONSTITUENCY
REGARDING THE ENCROACHMENT OF COMMUNITY LAND BY KWS IN KITUI
SOUTH CONSTITUENCY

Directorate of Audit, Appropriations &

General-Purpose Committees

Clerk's Chambers

Main Parliament Buildings

NAIROBI

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

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ACRONYMS

CWCC	Community Wildlife Conservation Committees
HWC	Human Wildlife Conflict
ISK	The Institute of Surveyors of Kenya
KWS	Kenya Wildlife Service
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. 29 of 2025 by Mr. Mutuku Kising'u, and others being residents of Kitui South Constituency on the encroachment of community land by KWS in Kitui South Constituency.

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 Mr. Mutuku Kising'u, and others being residents of Kitui South Constituency

In consideration of the Petition, the Committee collected views from the petitioner, ministries of Lands, and that of Tourism & Wildlife, and conducted a site inspection visit.

The Committee observed that the KWS oversaw wildlife management at the reserve vide an MoU signed with the County Government of Kitui, who was the custodian of the land. There was a 700km disparity between the legal notice gazetted for the park and that stated in the Wildlife Conservation and Management Act.

The Committee recommends that the Ministries of Lands, Tourism & Wildlife and National Land Commission in liaison with the County Government of Kitui, and with full public participation, jointly re-survey the boundaries of the reserve and address the 700km disparity between the acreage on the legal notice of 1979 and the Wildlife Management and Conservation Act, within six (6) months of tabling of this report.

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, M.P.
Turbo Constituency

United Democratic Alliance (UDA)

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

**Wiper Democratic Movement-Kenya
(WDM-K)**

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

**Wiper Democratic Movement-Kenya
(WDM-K)**

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

United Democratic Alliance (UDA)

Hon. Beatrice Kadeveresia Elachi, CBS, M.P.
Dagoretti North Constituency

Orange Democratic Movement (ODM)

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

United Democratic Alliance (UDA)

Hon. Paul Biego Kibichiy. M.P.
Chesumei Constituency

United Democratic Alliance (UDA)

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

Independent

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

United Democratic Alliance (UDA)

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

**Wiper Democratic Movement-Kenya
(WDM-K)**

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

Jubilee Party (JP)

Hon. Suzanne Ndunge Kiamba, M.P.
Makueni Constituency

**Wiper Democratic Movement-Kenya
(WDM-K)**

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

United Democratic Alliance (UDA)

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. Felister Muiya

Public Communications Officer

Ms. Miriam Modo

Clerk Assistant I

Mr. Clinton Sindiga

Legal Counsel II

Mr. Arkan Mumin

Research Officer III

Ms. Fridah Ngari

Media Relations Officer

Mr. Collins Muhamba

Audio Officer

PART TWO

2. BACKGROUND TO THE PETITION

2.1 Introduction

4. Public Petition No. 29 of 2025 regarding the encroachment of community land by KWS in Kitui South Constituency was presented to the House on 1st October 2025 by the Rt. Hon. Speaker, on behalf of the Mr. Mutuku Kising'u, and others being residents of Kitui South Constituency.
5. The residents of Kitui South Constituency, are historically recognized as ancestral owners and customary occupants of land adjacent to and surrounding the Kitui wildlife conservation zones and have for generations exercised customary rights over grazing land, water points, settlement areas, cultural sites, and community-managed resources while coexisting peacefully with conservation agencies.
6. The Petitioner claims that without proper consultation, consent, public participation, nor compensation as required under the Constitution and the Land Act, KWS has allegedly encroached on and irregularly expanded into community land in multiple locations in Kitui South.
7. The Petitioner avers that the alleged encroachment has resulted in displacement, loss of access to grazing fields, disruption of farming activities, and restriction of movement, thereby undermining socio-economic rights of the affected residents who are majorly farmers.
8. The Petitioners decree that KWS officers have allegedly demarcated new areas as wildlife territory without following lawful procedures for compulsory acquisition, surveying, boundary variation, or gazettelement as required under national land laws; and, these actions have intensified and further increased the human-wildlife conflict in the affected areas.
9. Further attempts by the community to obtain clarification from KWS, the Ministry of Tourism and Wildlife, and relevant government offices have not yielded clear boundary maps, legal documents, or justification for the alleged expansions.
10. The petitioners are concerned of unlawful assaults, harassment, and violations of community rights by officers of the Kenya Wildlife Service (KWS), arising from recent incidents in which KWS personnel violently attacked members of the community within their own land in Kitui South Constituency

2.2 Petitioner's Prayers

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

- i) Undertakes a thorough investigation into the alleged irregular and unlawful expansion of Kenya Wildlife Service land boundaries in Kitui South Constituency;
- ii) Compels KWS to produce official maps, survey documents, gazette notices, and legal instruments supporting any land acquisition or boundary changes undertaken;
- iii) Directs the Ministry of Lands, the Survey of Kenya, and the National Land Commission to conduct a transparent boundary verification exercise with full community participation;
- iv) Ensures that any land irregularly taken from the community is restored, and that unlawful boundary markers are removed; and
- v) 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 Mr. Mutuku Kising'u, appeared before the Committee alongside members of the Mutha Petitioners on 4th March, 2026 and submitted as follows—

12. That the residents are ancestral owners and customary occupants of land adjacent to and surrounding the wildlife conservation zones in Kitui County. For generations, they have exercised customary rights over grazing land, water points, settlement areas, cultural sites, and community-managed resources, while coexisting with conservation agencies.
13. He alleged that, without proper consultation, consent, public participation, or compensation as required under the Constitution and the Community Land Act, the Kenya Wildlife Service (KWS) has encroached upon and irregularly expanded into community land in multiple locations within Kitui South.
14. He further stated that the alleged encroachment has resulted in displacement, loss of access to grazing fields, disruption of farming activities, and restriction of movement, thereby undermining the socio-economic rights of the affected residents, who are predominantly farmers.
15. The petitioner also indicated that KWS has demarcated new areas as wildlife territory without following lawful procedures for compulsory acquisition, surveying, boundary variation, or gazettelement, as required under the Constitution and relevant land laws. According to him, these actions have intensified and further increased human-wildlife conflict in the affected areas.
16. He stated that attempts by the community to obtain clarification from the Kenya Wildlife Service, the Ministry of Tourism and Wildlife, and the County Government of Kitui, as well as other relevant government offices, have not yielded clear boundary maps, legal documentation, or justification for the alleged expansions.

3.2. Site Visit

17. The Committee conducted a site visit on 17th April 2026 and observed that game reserve was under the jurisdiction of the Kitui County Government and that KWS had only been involved to offer technical support to the county.
18. The Committee further observed that KWS had not encroached the land but was working as per the instructions and terms of its MOU that it had with the county.

19. The Committee noted that there exists a disparity of 700 square kilometers between the acreage stated in the 1979 gazette notice and in the Wildlife Management and Conservation Act of 2013. This contrast in numbers was not only on the Kitui South acreage alone according to the KWS.

3.3. Ministry of Tourism and Wildlife

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

20. The 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.
21. Further, the 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.
22. 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.
23. 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.
24. 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 , provides that 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.

25. 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.
26. The Ministry in its submission informed the Committee that 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, Survey Plan F/R 345/45 and registered as parcel L.R No. 27728.
27. The reserve borders Tsavo East National Park on the northern sector and serves as a critical wildlife dispersal area. The aforementioned documents secure the reserve's tenure and provide an authoritative reference for cut-line establishment, infrastructure planning, and enforcement of protection measures.
28. On alleged expansion into community land and encroachment, the 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.
29. On the Boundary Alignment and Demarcation, the KWS 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.
30. Further, the Ministry informed the Committee that the Government is willing and available for any clarification to the community including availing of clear boundary maps and legal documents concerning the reserve.

3.4. Ministry of Lands, Public Works, Housing and Urban Development

The Principal Secretary vide written submissions responded to the prayers of the petitioner as follows:

31. In response to prayer (i) the PS avered that the investigation into the alleged irregular and unlawful expansion of KWS land boundaries in Kitui South Constituency falls primarily under the mandate of the County Government of Kitui. Hence the responsibility to initiate and undertake investigations into the alleged encroachment of community land within Kitui South Constituency primarily lies with the County Government of Kitui, which, as the custodian of community land under the Constitution of Kenya (2010) and the Community Land Act (2016), is mandated to protect and manage such land on behalf of the community. In carrying out this mandate, the County Government is required to act in collaboration with the Kenya Wildlife Service (KWS), the National Land Commission, and other relevant investigative and oversight authorities to verify land boundaries, assess the legality of any expansion, and ensure that all actions comply with the applicable legal and procedural frameworks.
32. On the prayer (ii) the State Department informed the Committee that the community, through the petitioner or its duly appointed representative, should formally engage the relevant institutions by making an official request or application to access the required information. This includes seeking official maps, survey documents, gazette notices, and any legal instruments from both the Kenya Wildlife Service (KWS) and the County Government of Kitui. Such a formal approach will facilitate the proper sourcing, verification, and provision of the necessary documentation to support any claims relating to land acquisition or boundary changes.
33. In response to prayer (iii) South Kitui National Reserve situated in Kitui County was gazetted vide Legal Notice No.186 of 29th August, 1979 with boundaries as shown in Boundary Plan No. 216/41 with an area of approximately 1,833 Km². The Reserve is surveyed under fixed surveys regime and registered as L.R No. 27798 on the approved survey plan, F/R 345/45. In the Eleventh Schedule (section 119a) of the Wildlife Conservation and Management Act Cap. 376 of 2013, the size of the Reserve is indicated as 1,133 Km². Upon due process the State Department is ready to undertake a resurvey to uphold the area contained in the Act.
34. Further the PS responded to prayer (iv) on the restoration of any land alleged to have been irregularly taken from the community, as well as the removal of unlawful boundary markers, can only be undertaken upon the completion of due process. This includes the formal request for boundary verification, subsequent survey and validation by the Ministry of Lands, the Survey of Kenya, and the National Land Commission, and confirmation of any irregularities. Where such findings are established, appropriate legal and administrative mechanisms will be invoked subject to applicable laws, procedures, and availability of resources to facilitate restoration and the

removal of any unlawful boundary demarcations, with the involvement of the affected community through public participation.

3.5. Institute of Surveyors of Kenya

The Institute of Surveyors of Kenya (ISK) submitted as follows vide written submissions:

35. ISK strongly supports the prayer for a transparent and independent boundary verification exercise. Such an exercise should be undertaken under the leadership of the Director of Surveys (Survey of Kenya) to:

- i. Compare existing Registry Index Maps (RIMs), survey plans, and deed plans with current ground positions; and
- ii. Re-establish and authenticate the original gazetted boundaries;
- iii. Identify and document any encroachments or irregular boundary alterations.

This process must be evidence-based and anchored on official survey records to ensure technical accuracy and legitimacy.

36. Any expansion of protected or conservation areas into community land must strictly comply with the Constitution of Kenya, 2010, and the Community Land Act. This includes:

- i. Prior informed consent of the affected communities;
- ii. Meaningful and documented public participation;
- iii. Lawful acquisition processes where applicable; and
- iv. Prompt, just, and full compensation for any deprivation of land rights.

Failure to adhere to these requirements renders such expansion procedurally and constitutionally defective.

37. Boundary changes affecting land tenure must be supported by proper documentation, including survey plans, gazette notices, and cadastral updates. The absence of such documentation creates uncertainty and increases the risk of disputes. ISK therefore supports the petitioners' request for production of all relevant survey and legal instruments justifying any boundary changes.

38. The reported displacement, loss of grazing land, and disruption of livelihoods underscore the importance of integrating land administration with socio-economic considerations. Surveying and boundary demarcation should not be undertaken in isolation from human settlement patterns and land use realities.

39. This dispute highlights systemic gaps in access to land information. ISK recommends that the Ministry of Lands through Survey of Kenya prioritize the digitization and public accessibility of geo-referenced cadastral data to enhance transparency and reduce overlapping claims.

PART FOUR

4. COMMITTEE OBSERVATIONS

40. The Committee observes that Article 62 of the Constitution of Kenya, 2010 clearly classifies protected areas, including game reserves, as public land. However, National Reserves such as South Kitui National Reserve are managed by County Governments on behalf of the people, in line with the devolved framework.
41. The Committee notes that Section 37 of the Wildlife Conservation and Management Act (WCMA) provides a clear procedure for any variation of boundaries or change of status of a National Reserve. This includes:
 - i. Recommendation by the relevant County Government,
 - ii. Consultation with the National Land Commission and the Kenya Wildlife Service, and Approval by Parliament. Such a process must strictly adhere to the law.
42. The Committee notes that the Petition raises credible concerns regarding possible encroachment on community land and lack of clarity on boundary demarcation. However, submissions by the Ministry indicate that the South Kitui National Reserve is legally gazetted with defined boundaries. The existence of conflicting claims points to possible gaps in boundary interpretation, mapping, or ground demarcation.
43. During the site visit to Kitui, the Committee observed that game reserve was under the jurisdiction of the Kitui County Government and that KWS had only been involved to offer technical support to the county.
44. The Committee further observed that KWS had not encroached the land but it was working as per the instructions and terms of its MOU that it has with the county.
45. The Committee noted that there exists a disparity of 700 square kilometers between the acreage stated in the 1979 gazette notice and in the Wildlife Management and Conservation Act of 2013.
46. The Committee observes that while the Ministry affirms the existence of survey plans and legal instruments, these have not been readily accessible or adequately communicated to the affected community, thereby fueling suspicion and mistrust.
47. The Committee observes overlapping mandates among the County Government of Kitui, KWS, the National Land Commission, and the Ministry of Lands has led to unclear accountability in addressing the dispute.

48. The Committee notes the Ministry's submission that there has been no encroachment beyond the gazetted boundaries and that the reserve is managed strictly within its legally defined limits. However, the Committee further observes that concerns raised by the community necessitate verification.

PART FIVE

5. COMMITTEE RECOMMENDATIONS

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

- i) On the prayer that the Public petitions Committee undertakes a thorough investigation into the alleged irregular and unlawful expansion of Kenya Wildlife Service land boundaries in Kitui South Constituency; **The Committee recommends that the Ministries of Lands, Tourism & Wildlife and the National Land Commission in liaison with the County Government of Kitui, and with full public participation involving the public and local political leadership, jointly re-surveys the boundaries of the reserve and addresses the 700 square km disparity between the acreage on the legal notice of 1979 and the Wildlife and Conservation Management Act, within six (6) months of tabling of this report.**
- ii) On the prayer that the Public Petitions Committee compels KWS to produce official maps, survey documents, gazette notices, and legal instruments supporting any land acquisition or boundary changes undertaken; **The Committee recommends that all documentation be harmonized during the re-survey as per prayer (i) above.**
- iii) On the prayer that the Public Petitions Committee directs the Ministry of Lands, the Survey of Kenya, and the National Land Commission to conduct a transparent boundary verification exercise with full community participation; **The Committee reiterates its recommendation in prayer (i) above.**
- iv) On the prayer that the Public Petitions Committee ensures that any land irregularly taken from the community is restored, and that unlawful boundary markers are removed; **the Committee recommends that any land outside the gazetted acreage, resulting from the re-survey, be reverted to the community.**

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: Thursday	
TABLED BY:	Hon. Maisori Marwa, MP Member, Public Petitions Committee
CLERK-AT THE-TABLE:	Irene Nduliku

ANNEXURES

- Annex 1: The Adoption List
- Annex 2: Public Petition No. 29 of 2025 by Mr. Mutuku Kising'u, and others being residents of Kitui South Constituency on the encroachment of community land by KWS in Kitui South Constituency
- Annex 3: Minutes of proceedings

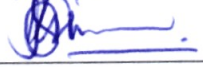
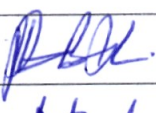
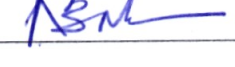
PUBLIC PETITIONS COMMITTEE

ADOPTION LIST

- (i) Consideration and adoption of the P/No. 29/2025 regarding encroachment of community land by the Kenya Wildlife Service (KWS) in Kitui County by residents of Kitui South Constituency.

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

DATE: 8/5/2026

	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, CBS, 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.	



**REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT (FOURTH SESSION)**

PUBLIC PETITION

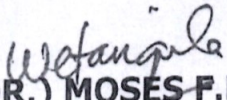
(No. 29 of 2025)

**REGARDING ENCROACHMENT OF COMMUNITY LAND BY THE KENYA
WILDLIFE SERVICE IN KITUI SOUTH CONSTITUENCY**

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 that presented by a Member.
2. **Honourable Members**, I wish to report to the House that my office has received a Petition from *Mr. Mutuku Kising'u of ID No. 1015818 and Others* being residents of Kitui South Constituency and affected by the encroachment of community land by the Kenya Wildlife Service (KWS) in Kitui County.
3. **The Petitioners** aver that residents are recognized as ancestral owners and customary occupants of land adjacent to and surrounding the Kitui wildlife conservation zones and have for generations exercised customary rights over grazing land, water points, settlement areas, cultural sites, and community-managed resources while coexisting with conservation agencies.
4. **Honourable Members**, the Petitioners state that without proper consultation, consent, public participation, nor compensation as required under the Constitution and the Community Land Act, KWS has allegedly encroached on and irregularly expanded into community land in multiple locations in Kitui South.
5. **The Petitioners** allege that this encroachment has resulted in displacement, loss of access to grazing fields, disruption of farming activities, and restriction of movement, thereby undermining socio-economic rights of the affected residents, who are majorly farmers.
6. **The Petitioners** indicate that KWS demarcation of new areas as wildlife territory without following lawful procedures for compulsory acquisition, surveying, boundary variation, or gazettment as required under the Constitution and relevant land laws; and, these actions have intensified and further increasing the human-wildlife conflict in the affected areas.

7. **The Petitioners** further state that attempts by the community to obtain clarification from KWS, the Ministry of Tourism and Wildlife, The County Government of Kitui and relevant government offices have not yielded clear boundary maps, legal documents, or justification for the alleged expansions.
8. **Honourable Members**, the Petitioners affirm that the issues in respect of which the Petition is raised are not pending before any court of law, constitutional or legal body.
9. **The Petitioners** therefore pray that the National Assembly through the Public Petitions Committee -
- (i) Undertakes a thorough investigation into the alleged irregular and unlawful expansion of Kenya Wildlife Service land boundaries in Kitui South Constituency.
 - (ii) Engages KWS and the County Government of Kitui to avail official maps, survey documents, gazette notices and legal instruments supporting any land acquisition or boundary changes undertaken.
 - (iii) Directs 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.
 - (iv) Ensures that any land irregularly taken from the community is restored and that unlawful boundary markers are removed.
 - (v) Makes any other recommendations or takes any actions it deems appropriate to address the plight of the Petitioners.
10. **Honourable Members**, having determined that the matters raised by the Petitioner are well within the authority of this House, I order that, pursuant to the provisions of Standing Order 227(1), this petition be committed to the Public Petitions Committee.
11. The Committee is required to consider the petition and report its findings to the House and the Petitioner in accordance with Standing Order 227(2).

I thank you!


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

Thursday, 4th December, 2025

MINUTES OF THE 36TH SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON FRIDAY, 8TH 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/2026/186:

PRELIMINARIES

The Chairperson called the meeting to order at 9:00 am and opening prayers were led by the Hon. Nerbert Muriuki, MP.

MIN./PPC/2026/187:

ADOPTION OF AGENDA

The proposed agenda was adopted having been proposed by Hon. Paul Biego Kibichiy, M.P and seconded by, Hon. Edith Vethi Nyenze, 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 public petition reports:**
 - (i) **Public Petition No. 29 of 2025 regarding encroachment of community land by the Kenya Wildlife Service in Kitui County by residents of Kitui South Constituency;**
 - (ii) **Public Petition No. 32 of 2025 regarding compensation of residents affected by the construction of the Embu Ring/Connector Road project in Embu County; and**
 - (iii) **Public Petition No. 5 of 2025 by Hon. Benard Kitur, M.P regarding illegal acquisition of parcels of land registered as Kapkakaran Farm in Nandi County.**
6. Any Other Business
7. Adjournment and Date of the Next Meeting

MIN./PPC/2026/188: CONFIRMATION OF MINUTES

This agenda item was deferred to the next sitting.

MIN./PPC/2026/189: CONSIDERATION AND ADOPTION OF REPORTS ON VARIOUS PUBLIC PETITIONS

- a) **Public Petition No. 29 of 2025 regarding encroachment of community land by the Kenya Wildlife Service in Kitui County by residents of Kitui South Constituency.**

The Committee considered and adopted the Draft Report unanimously 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 Public petitions Committee undertakes a thorough investigation into the alleged irregular and unlawful expansion of Kenya Wildlife Service land boundaries in Kitui South Constituency;** the Committee recommends that the Ministries of Lands, Tourism & Wildlife and National Land Commission in liaison with the County Government of Kitui , and with full public participation, jointly re-surveys the boundaries of the reserve and addresses the 700km disparity between the acreage on the legal notice of 1979 and the Wildlife and Conservation Management Act, within six (6) months of tabling of this report.
- (ii) **On the prayer that the Public Petitions Committee compels KWS to produce official maps, survey documents, gazette notices, and legal instruments supporting any land acquisition or boundary changes undertaken;** the Committee noted that the County Government of Kitui was the custodian of the land, and reiterates its recommendation on prayer (i) above.

- (iii) **On the prayer that the Public petitions Committee directs the Ministry of Lands, the Survey of Kenya, and the National Land Commission to conduct a transparent boundary verification exercise with full community participation;** the Committee reiterates its recommendation that the Ministries of Lands, Tourism & Wildlife and National Land Commission in liaison with the County Government of Kitui, with full public participation, jointly re-surveys the boundaries of the reserve and addresses the 700km disparity between the acreage on the legal notice of 1979 and the Wildlife and Conservation Management Act, within six (6) months of tabling of this report.
- (iv) **On the prayer that the Public Petitions Committee ensures that any land irregularly taken from the community is restored, and that unlawful boundary markers are removed;** the Committee recommends that any land outside the gazetted acreage, resulting from the re-survey, be reverted to the community.

b) Public Petition No. 32 of 2025 regarding the compensation of residents affected by the construction of the Embu Ring/Connector project in Embu County.

- i) Investigate the status of compensation for all PAPs along Embu Hospital-Kathangariri-Kianjokoma-Kanja-Runyenjes-Siakago Road including the reasons for the delay or non-payment, the accuracy and fairness of the valuation reports and the legal status of the compulsory acquisition; **the Committee notes that KeRRA had indeed admitted liability and cited exchequer constraints as the reason for delay. The valuation reports were done as per the law, save for delayed payments.**
- ii) On the prayers that the National Assembly recommends prompt and fair compensation for all PAPs in accordance with Article 40(3) of the Constitution and the Land Act; **the Committee recommends that the National Treasury and KeRRA ensures inclusion of the compensation monies in the FY 2026/27 budget and should settle the outstanding dues within ninety (90) days of the subject financial year, failure to which interest accrues from date of possession as per section 117 of the Land Act.**
- iii) Makes any other recommendations or takes any actions it deems appropriate to address the plight of the petitioners; **the Committee recommends that upon settlement of the compensation, KeRRA must ensure that the caveat placed on portions of title deeds of those affected are lifted immediately.**

c) Public Petition No. 5 of 2025 by Hon. Benard Kitur, M.P regarding illegal acquisition of parcels of land registered as Kapkaron farm in Nandi County.

The adoption of the Draft Report was deferred pending receipt of a written response from, and a meeting with, the National Land Commission concerning the current status of proceedings relating to

Historical Injustice Claim No. NLC/HLI/374/2021, particularly in light of the principle of timelines under fair administrative action.

MIN./PPC/2026/190: ADJOURNMENT AND DATE OF THE NEXT MEETING

There being no other business, the meeting was adjourned at 4:30 p.m.

Sign: 

Date 28/05/26

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

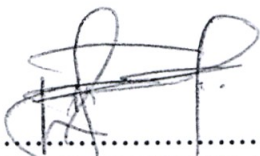
The Committee observed the need for KWS to undertake a comprehensive review and verification of all its boundaries to clearly establish the precise acreage under its jurisdiction and to eliminate any ambiguity regarding potential encroachment into community land.

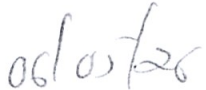
Committee Resolution

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


HON. MUCHANGI KAREMBA, CBS, M.P.

CHAIRPERSON, PUBLIC PETITIONS COMMITTEE



MINISTRY OF TOURISM AND WILDLIFE

STATE DEPARTMENT FOR WILDLIFE

Office of the Principal Secretary

Telephone: +254-20-3926000
email: pswildlife@tourism.go.ke
www.tourism.go.ke
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.

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 a critical 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.

2.2 Alleged 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.

2.3 Boundary Alignment and Demarcation

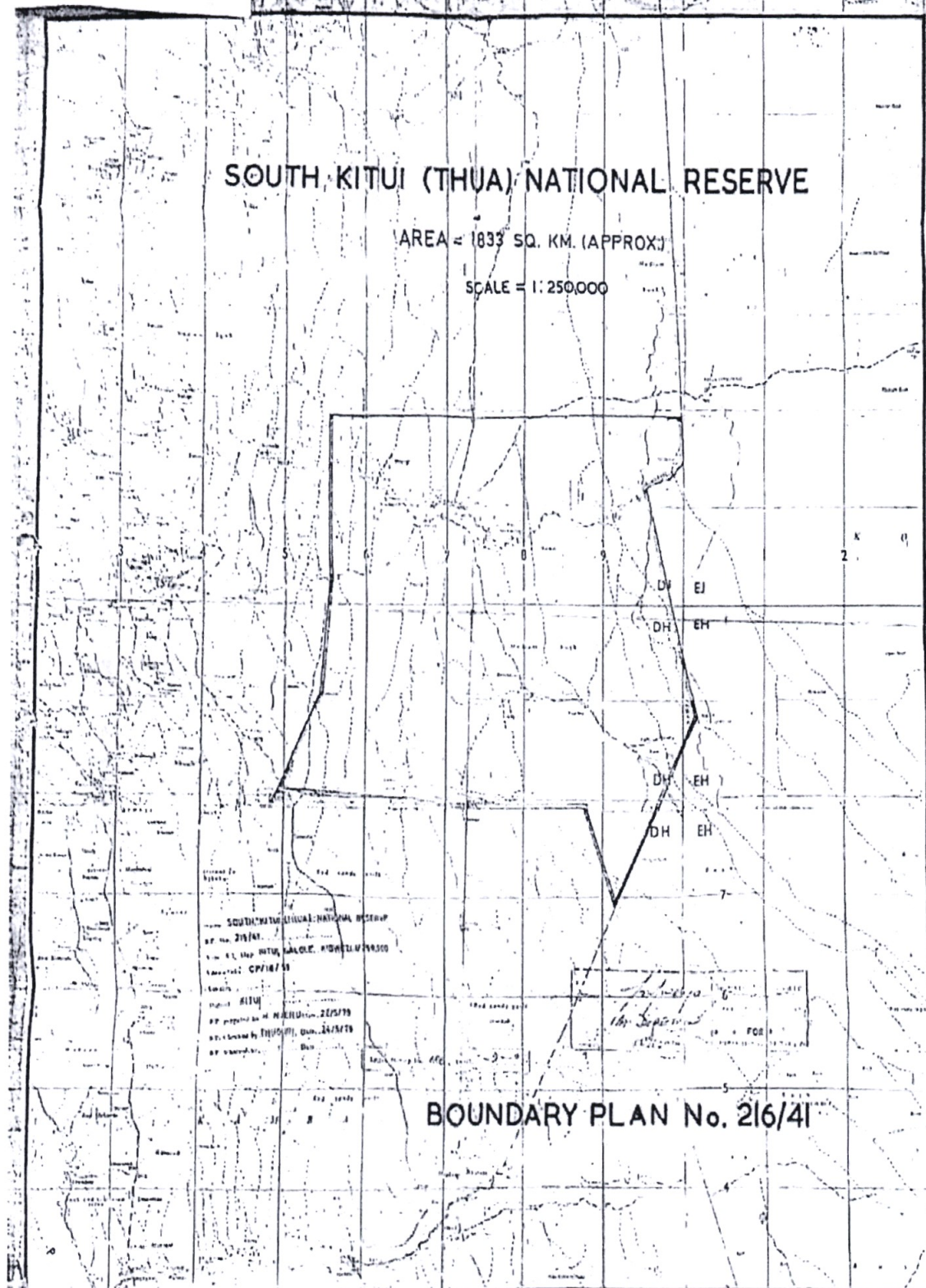
The service has not acquired any land outside the gazetted boundaries of the reserve. If there exists any boundary overlap, the Government is ready to enter into negotiations with the community to resolve any complaints or concerns raised by the community. The Government is ready to carry out a joint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

2.4 Government 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.



Boundary Plan 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 Kiitu (Thund) National Reserve, Nairobi.

SCHEDULE

THE SOUTH KITU NATIONAL RESERVE

All that area of land situated south east of Kiitu Town and adjoining the northern boundary of Tsavo East National Park, in Kiitu 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 Kiitu National Reserve.

SCHEDULE

THE NORTH KITU NATIONAL RESERVE

All that area of land situated north of Kiitu Town and adjoining the southern boundary of Meru National Park, in Kiitu 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

- These Regulations may be cited as the Parliamentary and Presidential Elections (Amendment) Regulations, 1979.
- The Parliamentary and Presidential Elections Regulations, hereinafter called the principal Regulations, are amended in regulation 4 by deleting the word "language" in the third line and substituting "and Swahili languages".
- 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.

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

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

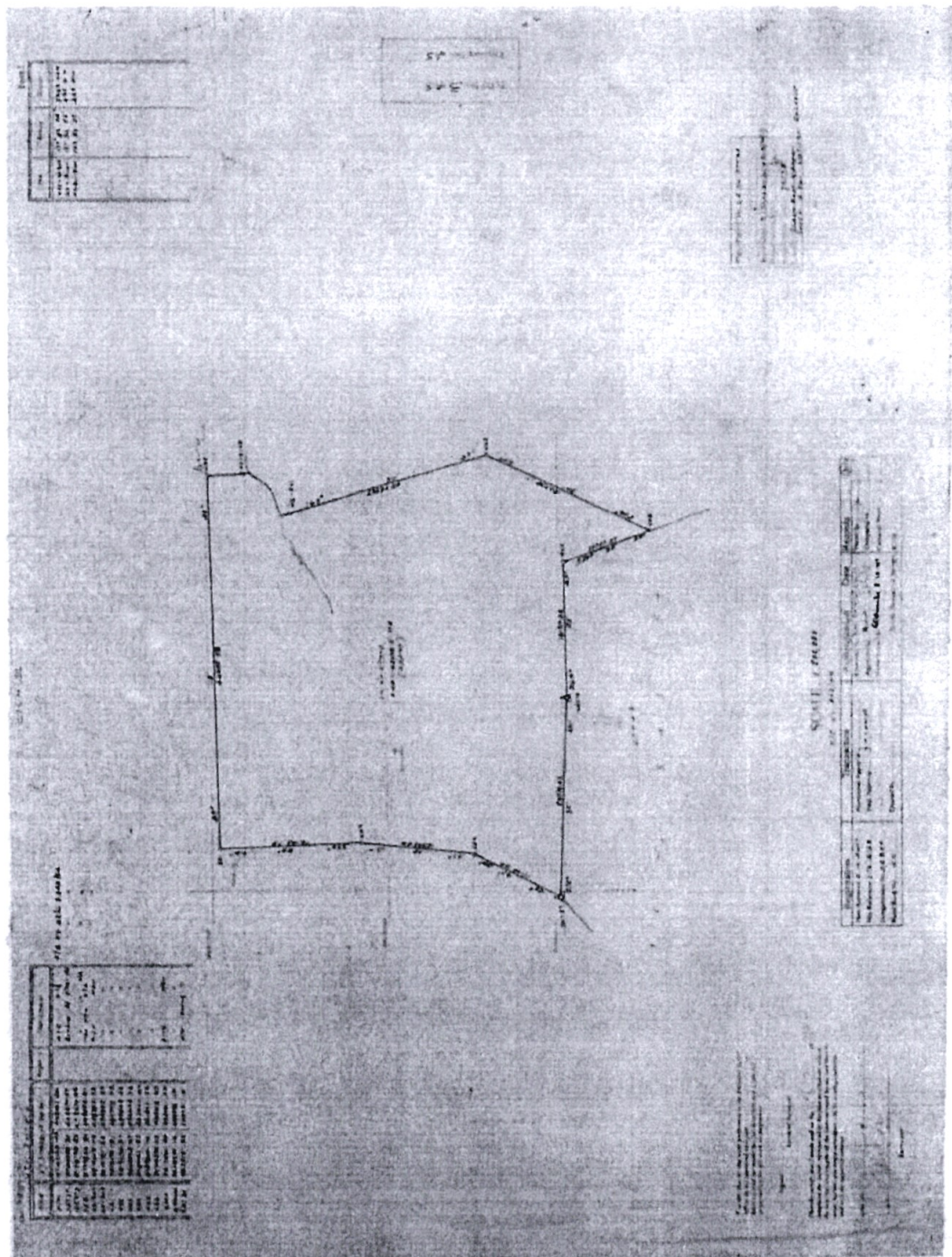
- The principal Regulations are amended by adding the following new regulation—

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

- 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, the Kenya Certificate of Education/examination in the English language



Survey Plan



REPUBLIC OF KENYA

MINISTRY OF LANDS, PUBLIC WORKS, HOUSING AND URBAN DEVELOPMENT

**MEETING WITH THE PUBLIC PETITIONS COMMITTEE ON THE FOLLOWING
VARIOUS PETITION**

Honourable Chair,

Pursuant to a letter REF: NA/DAA&GPC/PPC/2026/063 dated 30th March 2026 the Public Petitions Committee invited the Principal Secretary State Department for Lands and Physical Planning to a meeting on 16th April, 2026 to provide information on the following petitions;

1. P/No.14/2025 by Hon. (Capt.) Ruweida Obo, MP on recognition and protection of the traditional and cultural rights of the Kiwaiyu Island Community.
2. P/No.29/2025 by Mr. Mutuku Kising'u and others being residents of Kitui South Constituency regarding encroachment of community land by KWS in Kitui South Constituency.
3. P/No.16/2025 by speaker of the County Assembly of Taita Taveta Hon Anselm Mwadime recategorization of Tsavo East and Tsavo West National Parks.

RESPONSES

1. P/No.14/2025 by Hon. (Capt) Ruweida Obo, MP On recognition and protection of the traditional and cultural rights of the Kiwaiyu Island Community.

Summary of the petition

The Petitioner, a resident of Kiwaiyu Island in Kiunga Ward, Lamu East Constituency, asserts that the area is ancestral land that has sustained the local indigenous community for generations. The community relies on artisanal fishing, mangrove conservation, and sustainable use of marine resources, and has historically maintained a strong tradition of environmental stewardship. This has helped preserve the fragile ecosystems within the Kiunga Marine National Reserve, a protected area managed by the Kenya Wildlife Service.



REPUBLIC OF KENYA

MINISTRY OF LANDS, PUBLIC WORKS, HOUSING AND URBAN DEVELOPMENT
STATE DEPARTMENT FOR LANDS AND PHYSICAL PLANNING
OFFICE OF THE PRINCIPAL SECRETARY

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pslandskenya@gmail.com

Ardhi House
1st Ngong Avenue
P.O. Box 30450-00100
NAIROBI, Kenya

Ref. No. SDLPP/1/10/(69)

15th April, 2026

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

Dear Clerk,

INVITATION TO A MEETING WITH THE PUBLIC PETITIONS COMMITTEE

Reference is made to your letter Ref: NA/DAA&GPC/PPC/2026/063 dated 30th March, 2026 inviting me to appear before the Public Petitions Committee on the above subject matter.

This is to inform you that due to unavoidable circumstances I will not be able to attend and, therefore, request that you reschedule the meeting to a later date.

Forwarded herewith please find our response for your perusal and further necessary action.

Thank you for your continued support and cooperation.

Yours sincerely,

Hon. Generali Nixon Korir, CBS
PRINCIPAL SECRETARY

Copy to: The Cabinet Secretary
Ministry of Lands, Public Works, Housing and Urban Development

The Principal Secretary
State Department for Parliamentary Affairs

 **ardhisasa**
Shamba Laho, Hoti Safi!
ardhisasa@ardhi.go.ke

However, the petitioner raises concern that private developers have recently encroached on this protected marine reserve, carrying out unauthorized developments and commercial activities in violation of environmental and conservation laws. There are also allegations of fraudulent title deeds and irregular land allocations that falsely claim private ownership within the reserve, despite its protected legal status under relevant legislation.

These unlawful activities are said to have caused serious environmental harm, including the destruction of coral reefs, disruption of fish breeding areas, and loss of mangrove forests, all of which threaten biodiversity and the community's livelihoods. Additionally, the developments risk displacing the Kiwaiyu community and undermining their cultural heritage and long-established way of life. The petitioner further notes that the matter has not been brought before any court or legal body prior to this petition.

The petitioner therefore prays that the National Assembly, through the Public Petitions Committee, make inquiries into all matters raised in this Petition and recommends:

- i. Recognition and protection of the traditional and cultural rights of the Kiwaiyu Island community as environmental custodians and stakeholders in marine conservation;
- ii. Investigation into encroachment, fraudulent land allocations, and illegal developments within the Kiunga Marine National Reserve, with a view to restoring compliance with environmental and conservation laws;
- iii. The immediate revocation of any fraudulent or irregular title deeds or leases issued within the Marine Reserve and the removal of illegal investors and developments from the protected area;
- iv. Development of a community-based co-management framework between the Kenya Wildlife Service, the Ministry of Environment, and the local Kiwaiyu community to promote sustainable use, protection, and equitable benefit-sharing from marine resources; and
- v. Measures to strengthen marine reserve governance systems to prevent future encroachments, enhance environmental protection, and uphold the integrity of protected marine ecosystems in Kenya.

Response

Honourable Chair, in response to this petition we wish to state the following;

The protection of the traditional and cultural rights of the Kiwaiyu Island Community is firmly grounded in the Constitution of Kenya, 2010, notably Articles 11, 44, and 56, which impose an obligation on the State to recognize, promote, and safeguard the cultural heritage and rights of minority and marginalized

communities. In this regard, the Ministry of Gender, Culture, the children service, under the State Department for Culture, The Arts and Heritage serve as the principal department at the National level, bearing primary responsibility for the formulation, coordination, and implementation of policies and programmes aimed at the preservation and promotion of cultural heritage.

This mandate is complemented by key State Institutions, including the National Museums of Kenya, established under the National Museums and Heritage Act, which is charged with the protection and conservation of Kenya's cultural heritage, and the National Land Commission, which addresses historical land injustices and administers Community Land rights that are intrinsically linked to cultural identity and heritage. Further, oversight is provided by the Kenya National Commission on Human Rights, which monitors, investigates, and reports on violations of fundamental rights, including cultural rights.

At the devolved level, the County Government of Lamu is responsible for the implementation of National Policies and the protection and promotion of cultural heritage within its jurisdiction, including the integration of cultural considerations into county planning and development frameworks.

Honourable Chair, there are indeed private individuals and entities who have over time been allocated land in Kiwaiyu island. From our records, we have established the following;

i. L.R. No. 13557

This parcel was allocated as a fishing camp site measuring approximately 11 Hectares in favour of Loreb Kenya Limited vide a letter of allotment Ref. 114564/40 dated 17th November, 1994 on a 99-year lease-term with effect from 1st December, 1994. A copy of the letter of allotment is marked **annexure 1**. The land was surveyed and issued L.R. No. 13557 measuring 12.57 Hectares. A lease document was processed and forwarded for registration vide a letter dated 10th August, 1995 by the then Commissioner of Lands marked **annexure 2**.

ii. L.R. No. 26708

This parcel was allocated as a surveyed Hotel site measuring approximately 3.970 Hectares in favour of Property Partnership Company Limited vide a letter of allotment Ref. 98294 dated 10th December, 2002 on a 99-year lease-term with effect from 1st December, 2002. A copy of the letter of allotment is marked **annexure 3**. A lease document was processed and forwarded for registration vide a letter Ref.243479 dated 10th January, 2003 by the then Commissioner of Lands marked **annexure 4**.

iii. L.R. No. 26709

This parcel was allocated as a surveyed Hotel site measuring approximately 6.812 Hectares in favour of Property Partnership Company Limited vide a letter of allotment Ref. 91622 dated 10th December, 2002 on a 99-year lease-term with effect from 1st December, 2002. A copy of the letter of allotment is marked **annexure 5**. A lease document was processed and forwarded for registration vide a letter Ref.243478 dated 10th January, 2003 by the then Commissioner of Lands marked **annexure 6**.

iv. L.R. No. 28105

This parcel was allocated as a cottage plot measuring approximately 35 Hectares in favour of Nightshade Properties Limited vide a letter of allotment Ref. 114564/ dated 6th January, 2003 on a 99-year lease-term with effect from 1st January, 2003. A copy of the letter of allotment is marked **annexure 7**. The land was surveyed and issued L.R. No. 28105 measuring 38.03 Hectares. A lease document was processed and forwarded for registration vide a letter Ref. 243931/13 dated 28th January, 2009 by the then Commissioner of Lands marked **annexure 8**.

v. L.R. No. 28109

This parcel was allocated as a cottage plot measuring approximately 59 Hectares in favour of Nightshade Properties Limited vide a letter of allotment Ref. 114564/ dated 6th January, 2003 on a 99-year lease-term with effect from 1st January, 2003. A copy of the letter of allotment is marked **annexure 9**. The land was surveyed and issued L.R. No. 28109 measuring 46.57 Hectares. A lease document was processed and forwarded for registration vide a letter Ref. 243932 dated 28th January, 2009 by the then Commissioner of Lands marked **annexure 10**.

vi. Unsurveyed Hotel Site 'A' Kiwaiyu Island

The plot measures approximately 6.92 Hectares. A letter of allotment Ref. 98294/123 dated 22nd May, 1992 was issued in favour of Bookmart Limited on a 99- year lease-term with effect from 1st June 1992. The offer was neither accepted nor paid for. A copy of the letter of allotment is marked **annexure 11**.

vii. Unsurveyed Hotel Site 'C' Kiwaiyu Island

The plot measures approximately 7.20 Hectares. A letter of allotment Ref. 98294/125 dated 22nd May, 1992 was issued in favour of Olesimu Cultivations Limited on a 99- year lease-term with effect from 1st June, 1992. The offer was accepted and paid for. A title document was not processed. A copy of the letter of allotment is marked **annexure 12**.

viii. L.R. No. 25786

This parcel was allocated as a camp site measuring approximately 0.87 Hectares in favor of Kassim Shahari Ali vide a letter of allotment Ref. 30657/IV dated 28th January, 1998 on a 99-year lease-term with effect from 1st January, 1998. A copy of the letter of allotment is marked **annexure 13**. The land was surveyed and issued L.R. No. 25786 measuring 0.8703 Hectares. A lease document was processed and forwarded for registration vide a letter Ref. 223127/14 dated 10th June, 2002 by the then Commissioner of Lands marked **annexure 14**.

A copy of the Part Development Plan (PDP) that was relied upon to make the allocations is marked **annexure 15**.

Honourable Chair, it is important to note that the then Kenya Anti-Corruption Commission as evidenced by a letter Ref. KACC/INV.6/16/1Vol LVII/ (90) dated 14th April, 2009. However, we are not privy to the findings of the investigation. A copy of the letter is marked **annexure 16**.

Honourable Chair, we are still trying to trace more allocations of land in Kiwaiyu Island. It is however worth noting that the entire Kiwaiyu island is situated within Kiunga Marine National Reserve measuring 250 square kilometers as established vide Legal Notice No. 291 of 26th October 1979. The same acreage (250sqkm) was retained in the Eleventh Schedule (section 119a) of the Wildlife Conservation and Management Act Cap. 376 of 2013. It therefore follows that all the allocations undertaken by the then Commissioner of Lands and the resultant title documents are null and void ab-initio and have no force of law whatsoever.

2. P/No.29/2025 by Mr. Mutuku Kising'u and others being residents of Kitui South Constituency regarding encroachment of community land by KWS in Kitui South Constituency.

Summary of the Petition

The Petitioner, on behalf of the residents of Kitui South Constituency, states that the community has been adversely affected by the alleged encroachment of community land by the Kenya Wildlife Service (KWS) within Kitui County. The residents, being ancestral owners and customary occupants of land adjacent to and surrounding the Kitui Wildlife Conservation Zone, have for generations exercised customary rights over grazing lands, water points, settlement areas, cultural sites, and other community-managed resources, while co-existing with conservation agencies.

The Petitioner further avers that KWS has allegedly encroached upon and irregularly expanded into community land in several locations within Kitui South Constituency without adequate consultation, consent, or public participation, as

required by law. This encroachment has reportedly led to displacement of residents, loss of access to grazing fields, disruption of farming activities, and restriction of movement, thereby undermining the socio-economic rights of the affected communities, the majority of whom are farmers.

Additionally, the Petitioner contends that the demarcation of additional areas as wildlife conservation zones was undertaken without adherence to lawful procedures, including compulsory acquisition processes, proper surveying, boundary variation, and gazettment. This has exacerbated human-wildlife conflict within the area. Efforts by the community to seek clarification from the relevant authorities have not yielded any substantive response.

The petitioner therefore prays that the National Assembly through the Public Petitions Committee.

- i. Undertakes a thorough investigation into the alleged irregular and unlawful expansion of Kenya Wildlife Service land boundaries in Kitui South Constituency.
- ii. Engage KWS and the County Government of Kitui to avail official maps, survey documents, gazette notices and legal instruments supporting any land acquisition or boundary changes undertaken.
- iii. Directs the Ministry of Land, The Survey of Kenya and the National Land Commission (NLC) to conduct a transparent boundary verification exercise in line with public participation from the community.
- iv. Ensure that any land irregularly taken from the community is restored and that unlawful boundary markers are removed.
- v. Make any other recommendation or take any action it deems appropriate to address the plight of the petitioners.

Response

Honourable Chair, in responses to question (i), the investigation into the alleged irregular and unlawful expansion of KWS land boundaries in Kitui South Constituency falls primarily under the mandate of the County Government of Kitui. Hence the responsibility to initiate and undertake investigations into the alleged encroachment of community land within Kitui South Constituency primarily lies with the County Government of Kitui, which, as the custodian of community land under the Constitution of Kenya (2010) and the Community Land Act (2016), is mandated to protect and manage such land on behalf of the community. In carrying out this mandate, the County Government is required to act in collaboration with the Kenya Wildlife Service (KWS), the National Land Commission, and other relevant investigative and oversight authorities to verify land boundaries, assess the legality of any expansion, and ensure that all actions comply with the applicable legal and procedural frameworks.

Honourable Chair, in responses to question (ii) the community, through the petitioner or its duly appointed representative, should formally engage the relevant institutions by making an official request or application to access the required information. This includes seeking official maps, survey documents, gazette notices, and any legal instruments from both the Kenya Wildlife Service (KWS) and the County Government of Kitui. Such a formal approach will facilitate the proper sourcing, verification, and provision of the necessary documentation to support any claims relating to land acquisition or boundary changes.

Honourable Chair, in response to question (iii) South Kitui National Reserve situated in Kitui County was gazetted vide Legal Notice No.186 of 29th August, 1979 with boundaries as shown in Boundary Plan No. 216/41 with an area of approximately 1,833 Km². The Reserve is surveyed under fixed surveys regime and registered as L.R No. 27798 on the approved survey plan, F/R 345/45. In the Eleventh Schedule (section 119a) of the Wildlife Conservation and Management Act Cap. 376 of 2013, the size of the Reserve is indicated as 1,133 Km². Upon due process the State Department is ready to undertake a resurvey to uphold the area contained in the Act.

Honourable Chair, in response to question (iv) the restoration of any land alleged to have been irregularly taken from the community, as well as the removal of unlawful boundary markers, can only be undertaken upon the completion of due process. This includes the formal request for boundary verification, subsequent survey and validation by the Ministry of Lands, the Survey of Kenya, and the National Land Commission, and confirmation of any irregularities. Where such findings are established, appropriate legal and administrative mechanisms will be invoked subject to applicable laws, procedures, and availability of resources to facilitate restoration and the removal of any unlawful boundary demarcations, with the involvement of the affected community through public participation.

Honourable Chair, in response to question (v) the relevant authorities may make further recommendations or take appropriate actions to address the concerns of the petitioners, subject to established legal frameworks, due process, and available resources, while ensuring the involvement of the affected community and relevant stakeholders.

3. P/No.16/2025 by speaker of the County Assembly of Taita Taveta Hon Anselm Mwadime recategorization of Tsavo East and Tsavo West National Parks.

The petition by Hon. Anselm Mwadime, Speaker of the County Assembly of Taita Taveta, calls for the reclassification of Tsavo East and Tsavo West National Parks into National Reserves. The parks are currently designated as national parks under the Wildlife Conservation and Management Act, with approximate areas of 11,747 and 9,065 square kilometres respectively. The petitioner argues that this classification denies the County Government of Taita Taveta the opportunity to

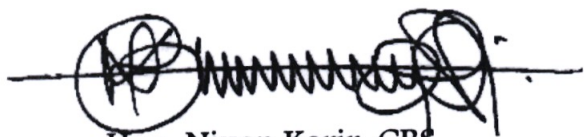
benefit from revenue generated within the parks and limits its role in conserving and managing biodiversity. He further claims that this amounts to discrimination contrary to Article 27 of the Constitution, as other counties benefit from national reserves within their jurisdictions. While maintaining that wildlife management should remain under the Kenya Wildlife Service (KWS), the county expresses readiness to develop policies and strategies to enhance resource management and revenue generation if the parks are reclassified as national reserves. The petitioner therefore prays that the National Assembly through the Public Petitions Committee.

1. Amend by inserting a new schedule to the Wildlife Conservation and Management Act Chapter 376 of the laws of Kenya with categorization of the National Parks and National Reserves based on the definition under section of the act.
2. The proposed amendment bills should also categorize Tsavo National Parks as a National Reserve for the part that falls within the boundaries of Taita Taveta County.
3. 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

Response

Honourable Chair, the matters raised in this petition fall under the purview of the Ministry of Tourism and Wildlife and the National and County Government Co-ordinating Summit.

Honourable Chair, we submit.



Hon. Nixon Korir, CBS
PRINCIPAL SECRETARY

15th April, 2026

Telegrams: "LANDS", Na
Telephone: Nairobi 71805



REPUBLIC OF KENYA

REGISTERED

DEPARTMENT OF LANDS

P.O. Box 30089

NAIROBI

17th November, 1994

Loreb Kenya L.
P.O. Box 7006,
NAKURU

Ref. No. 114564/40

SIR(S)/MADAM, RE: FISHING CAMP SITE - KIWAIYU ISLAND LAMU

LETTER OF ALLOTMENT

I have the honour to inform you that the Government, on behalf of
County Council, hereby offers you a grant of the above plot shown edged red on the
attached plan No. subject to your formal written acceptance of the
following conditions and to the payment of the charges as prescribed hereunder:

AREA: 11.00 hectares (approximately).

TERM: 99 years from the 1-12-94

STAND PREMIUM: Sh. 190,000.00

ANNUAL RENT: Sh. 38,000.00

Subject to adjustment on survey, but
there is no claim for reduction in area on
survey.

GENERAL: This Letter of Allotment is subject to, and the grant will be made under
the provisions of, the Government Lands Act (Cap. 280 of the Revised
Edition the Laws of Kenya) and title will be issued under the Registration
of Titles Act (Cap. 281) or the Registered Land Act (Cap. 300).

SPECIAL CONDITIONS: See attached.

2. I should be glad to receive your acceptance of the attached conditions together with
banker's cheque for the amount as set out below within thirty (30) days of the postmark:

	Sh.
Stand Premium	190,000.00
Rent from 1-1-1994 to 31-12-94	3,167.00
Conveyancing Fees	1,250.00
Registration Fees	250.00
Rates	
Stamp Duty	5,776.00
Survey Fees	on demand
Road and Road Drains	"
Others	Planning fees
	5,700.00

Receipt No. Less Deposit

This letter supercedes my previous TOTAL Sh.
one ref. 114564/36 of 25th March, 1994

206,143.00

[P.T.O.]

If acceptance and payment respectively are not received within the said thirty (30) days from the date hereof the offer herein contained will be considered to have lapsed.

If the above plot is still unsurveyed at the time you commence building you should exercise the greatest care to ensure that any building or other works are contained within the boundaries of the plot for should you inadvertently overstep the aforesaid boundaries the cost of removal and reconstruction must be borne by you.

The issue of the Government grant or lease will be undertaken as soon as circumstances permit.

Your full name(s) in BLOCK LETTERS should be given for the purpose of the grant which will be submitted later to you. The attached special conditions form part of the offer which should be accepted in writing. *The govt. shall not accept any liability whatsoever in the event of prior commitment or otherwise.*

I have the honour to be,
Sir(s)/Madam,
Your obedient servant,

Authority: *Govt.*
102749/4GA/SLO (co)4

Z.A. Mabea

for Commissioner of Lands

ENCL.

COPY TO: P/S Ministry of Lands and Settlement, Nairobi

The Director of Surveys, Nairobi.

The Town Clerk.

The Clerk to the Council, County Council of *Lamu*

The District Commissioner.

The Director of Physical Planning, Nairobi.

District Land Officer. *K11121*

O/C Land Rents *2/8/95*

Rates Assistant.

The Accountant. *Noted 10/8/95 C 984456*

O/C Records.

Senior Plan Record Officer. *All to note.*

Plot File. *Noted 28/7/95*

ANNEXURE 2

82

10th Aug.

95.

Registrar of Titles,
Box 80053,
NOMBASA.

LR. 13567-LAMU.

Enclosed herewith please find the above grant duly signed
and stamped for your registration.

Registration fees of Kshs. 250/- has been paid vide
receipt No. 994456 of 24/11/94.

Sagvi S.M
for: COMMISSIONER OF LANDS

C.C.

Land Officer,
Box 80053,
NOMBASA.

Loveb (B) Ltd.,
Box 7006,
NAKURU. (Call on the above Registry for your title.)

Original plus Grant collected
by. M. Barclay

1/D 13971789/70
11/8/95

243479
ANNEXURE 3

REPUBLIC OF KENYA

Telegrams: "LANDS", Nairobi

Telephone: Nairobi 718050/9

Property Partnership Co. Ltd.

P.O. Box 76465

NAIROBI

REGISTERED

DEPARTMENT OF LANDS

P.O. Box 30089

NAIROBI

.....10..December....., 20..02..

Ref. No. 98294

SIR(S)/MADAM,

L.R. NO.26708 - LAMU ISLAND

LETTER OF ALLOTMENT

I have the honour to inform you that the Government, on behalf of County Council, hereby offers you a grant of the above plot shown edged red on the attached plan No. subject to your formal written acceptance of the following conditions and to the payment of the charges as prescribed hereunder:

AREA. 3.970 hectares (approximately).

TERM: 99 years from the 1.12.2002

STAND PREMIUM: Sh. 120,000

ANNUAL RENT: Sh. 24,000

} Subject to adjustment on survey, but there is no claim for reduction in area on survey.

GENERAL: This Letter of Allotment is subject to, and the grant will be made under the provisions of, the Government Lands Act (Cap. 280 of the Revised Edition the Laws of Kenya) and title will be issued under the Registration of Titles Act (Cap. 281) or the Registered Land Act (Cap. 300).

SPECIAL CONDITIONS: See attached.

2. I should be glad to receive your acceptance of the attached conditions together with banker's cheque for the amount as set out below within thirty (30) days of the postmark:

	Sh.
Stand Premium	120,000
Rent from 1.12.2002 to 31.12.2002	2,000
Conveyancing Fees	1,250
Registration Fees	250
Kates on demand	
Stamp Duty	5,280
Survey Fees	"
Road and Road Drains	"
Others approval fee	2,000
	planning fee

3,600

Receipt No. Less Deposit

TOTAL Sh.

134,380.00

RECEIVED

SECTION

19/12/02

If acceptance and payment respectively are not received within the said thirty (30) days from the date hereof the offer herein contained will be considered to have lapsed.

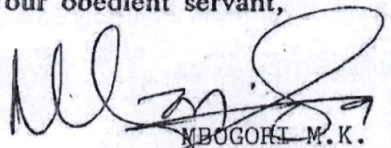
If the above plot is still unsurveyed at the time you commence building you should exercise the greatest care to ensure that any building or other works are contained within the boundaries of the plot for should you inadvertently overstep the aforesaid boundaries the cost of removal and reconstruction must be borne by you

The issue of the Government grant or lease will be undertaken as soon as circumstances permit.

Your full name(s) in BLOCK LETTERS should be given for the purpose of the grant which will be submitted later to you. The attached special conditions form part of the offer which should be accepted in writing. The Government shall not accept any liability whatsoever in the event of prior commitment or otherwise.

I have the honour to be,
Sir(s)/Madam,
Your obedient servant,

Authority: Government
102749/4GA


MBOGORI M.K.
for Commissioner of Lands

ENCL.

TO: P/S Ministry of Lands and Settlement, Nairobi

The Director of Surveys, Nairobi.

The Town Clerk.

The Clerk to the Council, County Council of Lamu

The District Commissioner. Lamu

The Director of Physical Planning, Nairobi.

District Land Officer. Lamu

O/C Land Rents.

Rates Assistant.

The Accountant. — *Noted at 10/11/02*

O/C Records. — *Noted at 19/12/02*

Senior Plan Record Officer. — *All to note.*

Plot File. — *AMIRAS 24/12/02*

ANNEXURE 4

2R3W79

10th January, 03



The Registrar of Titles
MOMBASA

Thro'

The Principal Land Registrar
NAIROBI

RE: LR.NO. 26708 - KIWAYU ISLAND

Forwarded herewith a Grant duly stamped for your further action.

Registration fees of Kshs.250/= has been paid vide receipt no.F.258866 dated 20/12/2002.

mm
Only to be
for: COMMISSIONER OF LANDS

C.C

Property Partnership Ltd
P.O. Box 76465
NAIROBI

(Please call on the above registrar for
collection of your Grant.)

Document received by John Mwariduka
Mbuti ID NO. 6557020 ON

10/1/03
[Signature]
10/01/03

Forwarded

C.L.R.

10/1/2003

13

2434/78
ANNEXURE 5
2

REPUBLIC OF KENYA

Telegrams: "LANDS", Nairobi
Telephone: Nairobi 718050/9

REGISTERED

DEPARTMENT OF LANDS
P.O. Box 30089
NAIROBI

Property Partnership Ltd.
P.O. Box 76465
NAIROBI

10th December 2002

Ref. No. 91622



SIR(S)/MADAM,

L.R. NO.26709 - 1

LETTER OF ALLOTMENT

I have the honour to inform you that the Government, on behalf of County Council, hereby offers you a grant of the above plot shown edged red on the attached plan No. subject to your formal written acceptance of the following conditions and to the payment of the charges as prescribed hereunder:

AREA: 6.812 hectares (approximately).

TERM: 99 years from the 1.12.2002

STAND PREMIUM: Sh. 150,000

ANNUAL RENT: Sh. 30,000

} Subject to adjustment on survey, but
there is no claim for reduction in area on
survey.

GENERAL: This Letter of Allotment is subject to, and the grant will be made under the provisions of, the Government Lands Act (Cap. 280 of the Revised Edition the Laws of Kenya) and title will be issued under the Registration of Titles Act (Cap. 281) or the Registered Land Act (Cap. 300).

SPECIAL CONDITIONS: See attached.

2. I should be glad to receive your acceptance of the attached conditions together with banker's cheque for the amount as set out below within thirty (30) days of the postmark:

	Sh.
Stand Premium	150,000
Rent from 1.12.2002 to 31.12.2002	1,500
Conveyancing Fees	1,250
Registration Fees	250
Rates on demand	
Stamp Duty	6,600
Survey Fees	"
Road and Road Drains	"
Others approval fee	2,000
.. .. . planning fee	4,500

Receipt No. Less Deposit

TOTAL Sh. 167,100.00

If acceptance and payment respectively are not received within the said thirty (30) days from the date hereof the offer herein contained will be considered to have lapsed.

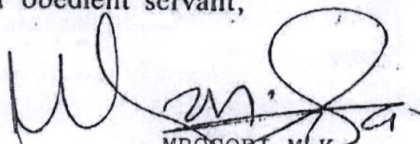
If the above plot is still unsurveyed at the time you commence building you should exercise the greatest care to ensure that any building or other works are contained within the boundaries of the plot for should you inadvertently overstep the aforesaid boundaries the cost of removal and reconstruction must be borne by you.

The issue of the Government grant or lease will be undertaken as soon as circumstances permit.

Your full name(s) in BLOCK LETTERS should be given for the purpose of the grant which will be submitted later to you. The attached special conditions form part of the offer which should be accepted in writing. The Government shall not accept any liability whatsoever in the event of prior commitment or otherwise.

I have the honour to be,
Sir(s)/Madam,
Your obedient servant,

Authority: Government
1027484GA



MBOGRI M.K.

for Commissioner of Lands

ENCL.

TO: P/S Ministry of Lands and Settlement, Nairobi

The Director of Surveys, Nairobi.

The Town Clerk.

The Clerk to the Council, County Council of Lamu

The District Commissioner, Lamu

The Director of Physical Planning, Nairobi.

District Land Officer, Lamu

O/C Land Rents.

Rates Assistant.

The Accountant.

O/C Records.

Senior Plan Record Officer.

Plot File.

All to note.

ANNEXURE 6

12

243478

10th January, 03

The Registrar of Titles
NOMBASA

Thro'

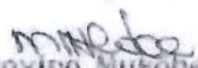
The Principal Land Registrar
NAIROBI

Forwarded File.
F.O. C.R. 10/1/2003.

RE: LR.NO. 26709 - KIWAYU ISLAND

Forwarded herewith a Grant duly stamped for your further action.

Registration fees of Kshs.250/= has been paid vide receipt no.F.258867 dated 20/12/2002.


Onyino Mukobe
for: COMMISSIONER OF LANDS

C.C

Property Partnership Ltd
P.O. Box 76465
NAIROBI

(Please call on the above registrar for collection of your Grant.)

Document received by John Mwanjulu
Mbui ID NO. 0507020 on 10/1/03


REPUBLIC OF KENYA

Telegrams: "LANDS", Nairobi
Telephone: Nairobi 718050/9
NIGHTSHADE PROPERTIES LTD.
P.O. BOX 80326
MOMBASA

REGISTERED

DEPARTMENT OF LANDS

P.O. Box 30089

NAIROBI

6th January, 2003

Ref. No. 114564/

SIR(S)/MADAM, RE: UNS. COTTAGE PLOT NO. T -LAMU (KIWAYU ISLAND)

LETTER OF ALLOTMENT

I have the honour to inform you that the Government, on behalf of County Council, hereby offers you a grant of the above plot shown edged red on the attached plan No. LMU/1161.11.97 subject to your formal written acceptance of the following conditions and to the payment of the charges as prescribed hereunder:

AREA. 35 hectares (approximately).
TERM: 99 years from the 1.1.2003
STAND PREMIUM: Sh. 240,000/-
ANNUAL RENT: Sh. 48,000/-
Subject to adjustment on survey, but there is no claim for reduction in area on survey.

GENERAL: This Letter of Allotment is subject to, and the grant will be made under the provisions of, the Government Lands Act (Cap. 280 of the Revised Edition the Laws of Kenya) and title will be issued under the Registration of Titles Act (Cap. 281) or the Registered Land Act (Cap. 300).

SPECIAL CONDITIONS: See attached.

2. I should be glad to receive your acceptance of the attached conditions together with banker's cheque for the amount as set out below within thirty (30) days of the postmark:

	Sh.
Stand Premium	240,000.00
Rent from 1.1.2003 to 31.12.2003	48,000.00
Conveyancing Fees	1,250.00
Registration Fees	250.00
Rates on demand	-
Stamp Duty	10,560.00
Survey Fees on demand	-
Road and Road Drains	-
Others Approval fees	2,000.00
Planning fees	7,200.00

Receipt No. Less Deposit
TOTAL Sh. 309,260.00



P.T.O

4
If acceptance and payment respectively are not received within the said thirty (30) days from the date hereof the offer herein contained will be considered to have lapsed.

If the above plot is still unsurveyed at the time you commence building you should exercise the greatest care to ensure that any building or other works are contained within the boundaries of the plot for should you inadvertently overstep the aforesaid boundaries the cost of removal and reconstruction must be borne by you

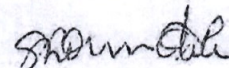
The issue of the Government grant or lease will be undertaken as soon as circumstances permit.

Your full name(s) in BLOCK LETTERS should be given for the purpose of the grant which will be submitted later to you. The attached special conditions form part of the offer which should be accepted in writing. The Government shall not accept any liability whatsoever in the event of prior commitment or otherwise.

I have the honour to be,
Sir(s)/Madam,
Your obedient servant,

Authority: Govt.

F. 114564


R.O. OLUDO

for Commissioner of Lands

ENCL.

TO: P/S Ministry of Lands and Settlement, Nairobi

The Director of Surveys, Nairobi.

The Town Clerk.

The Clerk to the Council, County Council of LAMU

The District Commissioner, LAMU

The Director of Physical Planning, Nairobi.

District Land Officer, KILIFI

O/C Land Rents.

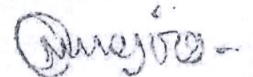
Rates Assistant.

The Accountant.

O/C Records.

X Senior Plan Record Officer.
Plot File.

All to note.

 - ANYIDA - 12/02/03



ANNEXURE 8

(14)

Republic of Kenya

MINISTRY OF LANDS

Telegrams "LANDS", Nairobi
Telephone: Nairobi 02718050
When replying please quote

DEPARTMENT OF LANDS
1ST NGONG AVENUE
OFF NGONG ROAD
P.O. Box 30089
NAIROBI.

Ref: 243931/13

Date: 28th January 2009

The Registrar of Titles
MOMBASA

Thro'

The Chief Land Registrar
NAIROBI

Forwarded duly
28-1-09

CHIEF LAND REGISTRAR

GRANT FOR LR No. 28105 - N. E. LAMU

Forwarded herewith is the above Grant duly signed and stamped for your registration.

Registration fees of Khs 250/= was paid vide receipt number F.276244 of 22nd January 2003.

S. G. Gikonyo

S. G. Gikonyo

For: **COMMISSIONER OF LANDS**

cc

Nightshade Properties Ltd - (You may collect your Grant in Mombasa
P. O. Box 80326 Registry)
MOMBASA

c.c. (2)
The island was gazetted
as a marine Park vide
S.O. 291 of 4th Oct 1979
A. S. S. S.

4
C/O Mr. [illegible]

I have received a copy of
the grant for the land.

Telegrams: "LANDS", Nairobi
Telephone: Nairobi 718050/9

REPUBLIC OF KENYA

REGISTERED

DEPARTMENT OF LANDS

P.O. Box 30089

NAIROBI

BURGANDU PROPERTIES LTD.

P.O. BOX 80326

MOMBASA

Ref. No. 114564/

6th January, 2003

SIR(S)/MADAM,

RE: UNS. COTTAGE PLOT NO. N- LAMU (KIWAYU ISLAND)

LETTER OF ALLOTMENT

I have the honour to inform you that the Government, on behalf of _____ County Council, hereby offers you a grant of the above plot shown edged red on the attached plan No. LMU.1161.11.97 subject to your formal written acceptance of the following conditions and to the payment of the charges as prescribed hereunder:

AREA. 59 hectares (approximately).
TERM: 99 years from the 1.1.2003
STAND PREMIUM: Sh. 360,000/-
ANNUAL RENT: Sh. 72,000/- } Subject to adjustment on survey, but there is no claim for reduction in area on survey.

GENERAL: This Letter of Allotment is subject to, and the grant will be made under the provisions of, the Government Lands Act (Cap. 280 of the Revised Edition the Laws of Kenya) and title will be issued under the Registration of Titles Act (Cap. 281) or the Registered Land Act (Cap. 300).

SPECIAL CONDITIONS: See attached.

2. I should be glad to receive your acceptance of the attached conditions together with banker's cheque for the amount as set out below within thirty (30) days of the postmark:

	Sh.
Stand Premium	360,000.00
Rent from 1.1.2003 to 31.12.2003	72,000.00
Conveyancing Fees	1,250.00
Registration Fees	250.00
Rates	-
Stamp Duty	15,840.00
Survey Fees on demand	-
Road and Road Drains on demand	-
Others Approval fees	2,000.00
Planning fees	10,000.00
Receipt No. Less Deposit	
TOTAL Sh.	462,140.00

[P.T.O.]

If acceptance and payment respectively are not received within the said thirty (30) days from the date hereof the offer herein contained will be considered to have lapsed.

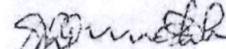
If the above plot is still unsurveyed at the time you commence building you should exercise the greatest care to ensure that any building or other works are contained within the boundaries of the plot for should you inadvertently overstep the aforesaid boundaries the cost of removal and reconstruction must be borne by you

The issue of the Government grant or lease will be undertaken as soon as circumstances permit.

Your full name(s) in BLOCK LETTERS should be given for the purpose of the grant which will be submitted later to you. The attached special conditions form part of the offer which should be accepted in writing. The government shall not accept any liability whatsoever in the event of prior commitment or otherwise.

I have the honour to be,
Sir(s)/Madam,
Your obedient servant,

Authority: Govt.
F. 114564


R.O. OLUDO

.....
for Commissioner of Lands

ENCL.

Y TO: P/S Ministry of Lands and Settlement, Nairobi

The Director of Surveys, Nairobi.

The Town Clerk.

The Clerk to the Council, County Council of LAMU

The District Commissioner, , LAMU

The Director of Physical Planning, Nairobi.

District Land Officer, , KILIFI

O/C Land Rents.

Rates Assistant.

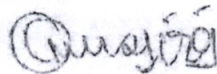
The Accountant.

O/C Records.

X Senior Plan Record Officer.

Plot File.

} All to note.

 - AMIRA - 12/02/03.



ANNEXURE 10.

Republic of Kenya

MINISTRY OF LANDS

Telegrams "LANDS", Nairobi
Telephone: Nairobi 02718050
When replying please quote

DEPARTMENT OF LANDS
1ST NGONG AVENUE
OFF NGONG ROAD
P.O. Box 30089
NAIROBI.

Ref: 243932

Date: 28th January 2009

The Registrar of Titles
MOMBASA

Thro'

The Chief Land Registrar
NAIROBI

GRANT FOR LR NO. 28109

Forwarded herewith is the above Grant duly signed and stamped for your registration.

Registration fees of Khs 250/= was paid vide receipt number F 276245 of 22nd January 2003.

S. G. Gikonyo

S. G. Gikonyo

For: **COMMISSIONER OF LANDS**

cc

Burgandy Properties Ltd
P. O. Box 80326

MOMBASA

- (You may collect your Grant in Mombasa Registry)

New file 141710
ANNEXURE II
(2)

REPUBLIC OF KENYA

Telegrams: "Lands", Nairobi
Telephone: Nairobi 728060
Bookmart Ltd.,
P.O. Box 41061
NAIROBI 98294/123.

DEPARTMENT OF LANDS
P.O. Box 30089
NAIROBI

22nd May, 1992



Ref. No.

REGISTERED

SIR(S)/MADAM,

INS. HOTEL SITE 'A' - KIWAIYU ISLAND

LETTER OF ALLOTMENT

I have the honour to inform you that the Government hereby offers you a grant of
above quoted plot shown edged red on the attached plan
No. 98294/120A subject to your formal written acceptance of the following
conditions and to the payment of the charges as prescribed hereunder:—

AREA: 6.92 hectares or acres (approximately)
99 years from the 1.6.92
TERM:
STAND PREMIUM: Sh. 238,000.00
47,600.00 } Subject to adjustment on survey.
ANNUAL RENT: Sh.

GENERAL: This Letter of Allotment is subject to, and the grant will be made under the
provisions of the Government Lands Act, (Cap. 280 of the Revised Edition
the Laws of Kenya) and title will be issued under the Registration of Titles
Act, (Cap. 281).

SPECIAL CONDITIONS: See attached.

2. I should be glad to receive your acceptance of the attached conditions together with
your cheque for the amount as set out below:—

	Sh.
Stand Premium	238,000.00
Rent from 1.6.92 to 31.12.92	23,800.00
Conveyancing Fees	500.00
Registration Fees	100.00
Rates, proportion of (provisional)	on demand
Stamp Duty	10,600.00
Survey Fees	2,290.00
Road and Road Drains	on demand
Sewers	on demand

Receipt No.

Less Deposit

Noted
24/5/92

If acceptance and payment respectively are not received within days from the date hereof the offer herein contained will be considered to have lapsed.

If the above plot is still unsurveyed at the time you commence building you should exercise the greatest care to ensure that any building or other works are contained within the boundaries of the plot for should you inadvertently overstep the aforesaid boundaries the cost of removal and reconstruction must be borne by you.

The issue of the Government Grant will be undertaken as soon as circumstances permit.

Your full name(s) in BLOCK LETTERS should be given for the purpose of the draft grant which will be submitted later for your acceptance. sent to you after registration.

x

Authority to allocate
P/102749/5/III/164
and 98294/117.

I have the honour to be,

Sir(s)/Madam;

Your obedient servant,

G.K. Somba-Kivalya
(G.K. Somba-Kivalya)
for Commissioner of Lands

ENCL.

COPY TO:— P/s. Ministry of Lands & Housing, Nairobi

The Director of Surveys, Nairobi.

The Town Clerk,

The Clerk to the Council, County Council of

The District Commissioner, Lamu

The Town Planning Adviser, Nairobi.

The City Valuation Officer, City of Nairobi. D.L.O. Lamu/Kilifi

O/C Land Rents.

Rates Assistant. Noted *24-9-92*

The Accountant.

O/C Records.

Senior Plan Record Officer.

Plot File.

all to note please.

Noted *24/9/92*

New file 14/7/12
ANNEXURE 12
(3)

REPUBLIC OF KENYA

Telegrams: "Lands", Nairobi
Telephone: Nairobi 728060

Olesimu Cultivations Ltd.

P.O. Box 41061

NAIROBI

Ref. No. 98294/125



DEPARTMENT OF LANDS

P.O. Box 30089

NAIROBI

22nd May, 1992

REGISTERED

SIR(S)/MADAM/

INS. HOTEL SITE "C" - KIWATU ISLAND

LETTER OF ALLOTMENT

I have the honour to inform you that the Government hereby offers you a grant of
..... above quoted plot shown edged red on the attached plan
No. 98294/120A subject to your formal written acceptance of the following
conditions and to the payment of the charges as prescribed hereunder:—

AREA: 7.26 hectares or acres (approximately)

TERM: 99 years from the 1/6/92

STAND PREMIUM: Sh. 244,000/- } Subject to adjustment on survey.

ANNUAL RENT: Sh. 48,000/- }

GENERAL: This Letter of Allotment is subject to, and the grant will be made under the provisions of the Government Lands Act, (Cap. 280 of the Revised Edition the Laws of Kenya) and title will be issued under the Registration of Titles Act, (Cap. 281).

SPECIAL CONDITIONS: See attached.

2. I should be glad to receive your acceptance of the attached conditions together with your cheque for the amount as set out below:—

	Sh.
Stand Premium	244,000/-
Rent from 1/6/92 to 31/12/92	24,400/-
Conveyancing Fees	500/-
Registration fees	100/-
Rates, proportion of (provisional) Payable on demand	
Stamp Duty	10,500/-
Survey Fees	2,290/-
Road and Road Drains Payable on demand	
Sewers	

Receipt No. Less Deposit

TOTAL

Sh

Accepted
26/5/92

If acceptance and payment respectively are not received within³⁰ days from the date hereof the offer herein contained will be considered to have lapsed.

If the above plot is still unsurveyed at the time you commence building you should exercise the greatest care to ensure that any building or other works are contained within the boundaries of the plot for should you inadvertently overstep the aforesaid boundaries the cost of removal and reconstruction must be borne by you.

The issue of the Government Grant will be undertaken as soon as circumstances permit.

Your full name(s) in BLOCK LETTERS should be given for the purpose of the draft grant which will be submitted later for your acceptance. sent to you, after registration.

I have the honour to be,

Sir(s)/Madam,

Your obedient servant,

Authority to allocate
V.102749/V/III/164 and
96294/117

G.S. KIMBA-KIVALYA
for Commissioner of Lands

ENCL.

COPY TO:—

The Permanent Secretary, Ministry of Lands and Housing, NAIROBI

The Director of Surveys, Nairobi.

The Town Clerk,

The Clerk to the Council, County Council of

The District Commissioner, LNDU

The Town Planning Adviser, Nairobi.

The City Valuation Officer, City of Nairobi.

O/C Land Rents. — Noted 23/9/92

Rates Assistant.

The Accountant.

O/C Records.

Senior Plan Record Officer.

Plot File.

The Director, Physical Planning Department

NAIROBI

The District Land Officer, KILIFI

All to note please.

Noted 24/9/92

223/24

new file
ANNEXURE 13

REPUBLIC OF KENYA

DEPARTMENT OF LANDS

REGISTERED

P.O. Box 30089

Telegrams: "LANDS", Nairobi
Telephone: Nairobi 718050/9
KASSIM SHAHAR ALI
P.O. KIWAYUU

NAIROBI

28th Jan.

, 1998

Ref. No. 30657/IV

SIR(S)/MADAM,
RE: UNS. EXISTING CAMP SITE - KIWAYUU - LAMU
LETTER OF ALLOTMENT

I have the honour to inform you that the Government, on behalf of _____
County Council, hereby offers you a grant of the above plot shown edged red on the
attached plan No. _____ subject to your formal written acceptance of the
following conditions and to the payment of the charges as prescribed hereunder:

AREA. 0.87 hectares (approximately).
TERM: 99 years from the 1 - 1 - 98
STAND PREMIUM: Sh. 100,000
ANNUAL RENT: Sh. 20,000
} Subject to adjustment on survey, but
there is no claim for reduction in area on
survey.

GENERAL: This Letter of Allotment is subject to, and the grant will be made und
the provisions of, the Government Lands Act (Cap. 280 of the Revis
Edition the Laws of Kenya) and title will be issued under the Registrati
of Titles Act (Cap. 281) or the Registered Land Act (Cap. 300).

SPECIAL CONDITIONS: See attached.

2. I should be glad to receive your acceptance of the attached conditions together with
banker's cheque for the amount as set out below within thirty (30) days of the postmark:

	Sh.
Stand Premium	100,000/=
Rent from 1-1-98 to 31-12-98	20,000/=
Conveyancing Fees	1,250/00
Registration Fees	250/00
Rates .. on demand	-
Stamp Duty	4,400/00
Survey Fees on demand	
Road and Road Drains .. on demand	
Others Approval Fees	2,000/=
Planning Fees	3,000/=

Receipt No. _____ Less Deposit _____
TOTAL Sh. 130,900/=



for ...

18.1.0

If acceptance and payment respectively are not received within the said thirty (30) days from the date hereof the offer herein contained will be considered to have lapsed.

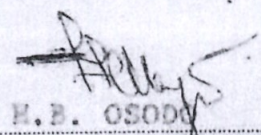
If the above plot is still unsurveyed at the time you commence building you should exercise the greatest care to ensure that any building or other works are contained within the boundaries of the plot for should you inadvertently overstep the aforesaid boundaries the cost of removal and reconstruction must be borne by you.

The issue of the Government grant or lease will be undertaken as soon as circumstances permit.

Your full name(s) in BLOCK LETTERS should be given for the purpose of the grant which will be submitted later to you. The attached special conditions form part of the offer which should be accepted in writing. The Government shall not accept any Liability in the event of any prior commitment or otherwise.

I have the honour to be,
Sir(s)/Madam,
Your obedient servant,

Authority: GOVT. (30657/IV/13


H.B. OSODU

for Commissioner of Lands

ENCL.

Y TO: P/S Ministry of Lands and Settlement, Nairobi

The Director of Surveys, Nairobi.

The Town Clerk.

The Clerk to the Council, County Council of LANU

The District Commissioner. - LANU

The Director of Physical Planning, Nairobi.

District Land Officer. KILIFI - LANU

O/C Land Rents.

Rates Assistant.

The Accountant.

O/C Records.

Senior Plan Record Officer.

Plot File.

All to note.

3/8/00
@unijio - AMIRA-26/12/2001

ANNEXURE 14

14

22/12/16

10th June, 2017

The Registrar of Titles
NO BASA

Three

The Chief Land Registrar
NAIROBI

CHIEF LAND REGISTRAR

RE: LR NO. 25786 - NIWAYU ISLAND 11A/01

Forwarded herewith a Grant duly signed and stamped for your further action.

Registration fee of 250/- has been paid receipt no. E.556226 dated 4/8/2016.



minde

ONYINGO MACHOBE
for: COMMISSIONER OF LANDS

C.C

Kusile Shabari Ali
P.O. Box 70
FAZA

Collected by
Gatya (Ned)

NB

12/16/02

ANNEXURE 15

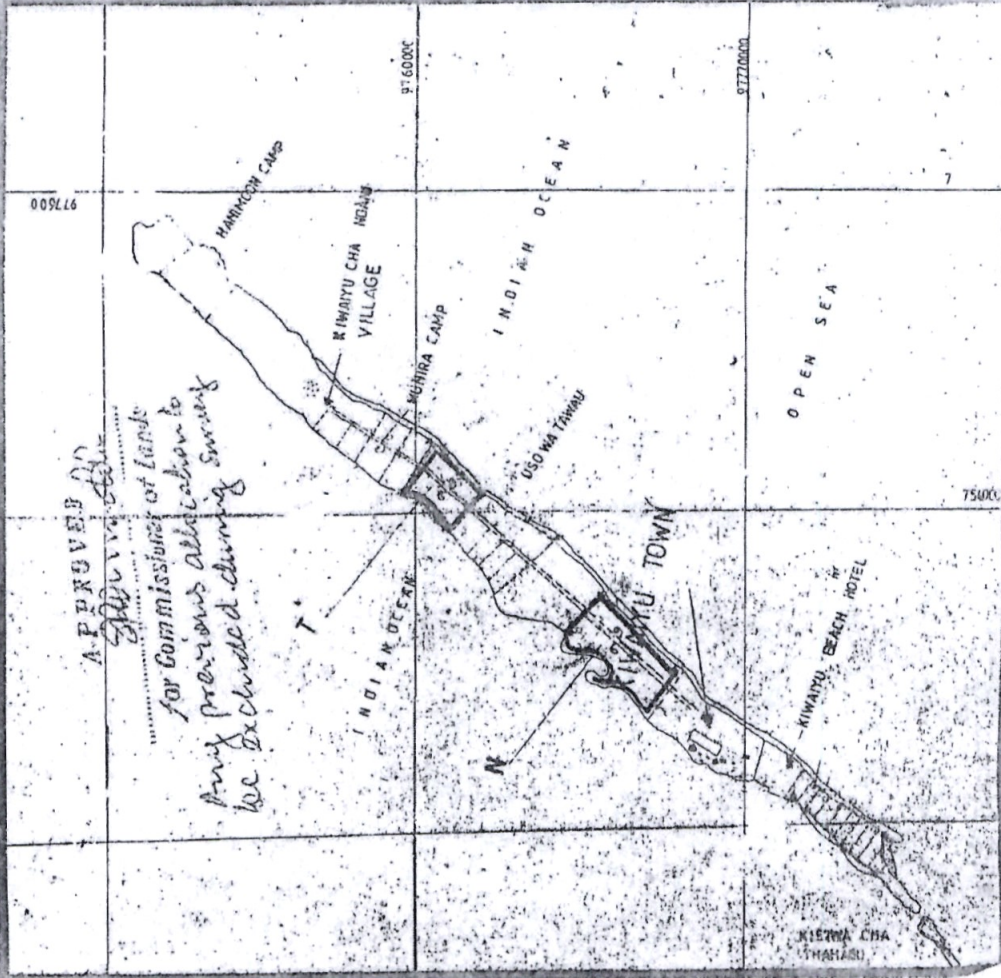
 PROPOSED COTTAGES T AREA 50HA APPROX N AREA 50HA APPROX		MINISTRY OF LANDS AND SETTLEMENT PHYSICAL PLANNING DEPT	
KIWAYU INLAND		PART DEVELOPMENT PLAN	
 SCALE 1 : 50 000 DATE 24.2.97 PREPARED BY W. L. LOKA DRAWN BY S. F. MURUGUMU		DEPARTMENTAL REF No. LMU 116147.97	
CERTIFIED		DIRECTOR	
APPROVED		COMMISSIONER OF LANDS	
APPROVED DEVELOPMENT PLAN No		DATE	

APPROVED

for Commission of Lands

and previous allocation to

be excluded during survey



KENYA ANTI-CORRUPTION COMMISSION

ANNEXURE 16

INTEGRITY CENTRE
(Valley Rd. / Millimani Rd. Junction)
P.O. Box 61130
00200 - NAIROBI, Kenya



Tel.: 254 (020) 2717318/310722
Fax: 254 (020) 2719757
Email: kacc@integrity.go.ke
Website: www.kacc.go.ke

When replying please quote:

Ref: KACC/INV.6/16/1Vol LVII/(90)

14th April 2009

Commissioner of Lands
Ministry of Lands
P.O. BOX 30450
NAIROBI



Dear Sir,

RE: PARCEL DOCUMENTS

This Commission is carrying out investigations into the process of acquiring plot LR no. 28105 North East Lamu belonging to Kenya Wildlife service (Kiunga Marine National Reserve)

Kindly furnish us with the following:-

1. General file
2. Correspondence file
3. Title file
4. All relevant information regarding the plot.
5. Survey Computational file
6. All correspondence regarding these plots

2. CLAO Inst. Mr Karuki
Urgently act on C/Ls
instructions.

SACL
15/4/09

Further, Note that there has been various other excisions from the said Marine National Reserve Islands. Through this letter we wish to ask your office and the Director of Surveys to provide us with all New Grant allocation details together with all Surveys carried out in the said reserved Islands after 4th October 1979. Mean while we also request you to suspend any further allocations/issuance of Title deeds in these Islands as per legal notice no 291 of 4th October 1979 until our investigations are completed.

4) SLO (Rust.)

LR 13557 - f. 114564
26709 - f. 243478
26710 - No card
26711 -
26706 -

You may refer to f. 141712/1
141712/1
141712/1

On The Frontline Against Corruption

What are the file
numbers for LR 26710
13557, 26706, 26709, 26711

15/4/09

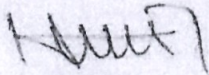
18
We acknowledge receipt of two un certified copies of files LR 26686, and LR 26707. However we have not received for LR Nos. 28105, 26710, 13557, 26706, 26709 and LR 26711 which we urgently need to complete our investigations.

From the Director of Surveys, we have received two computational files for LR 26686 and LR 26707. These were 2002 allocations. For this year we have not received any especially LR 28105 surveyed in January among others. This serves as a reminder to the Director of Surveys.

Your assistance as you **caveat** any dealings on the Title deeds issued on this particular National Marine Reserve especially LR 28105 issued with Title deed on 2nd February 2009 is highly appreciated.

Our officers Wilfred Mutiga and Ignatius Wekesa are available to collect the information

Yours faithfully,



H.M MWITHIA
FOR: DIRECTOR/CHIEF EXECUTIVE
HMM/wgm

CC: Director of Surveys.
10th floor Ardhi House - Nairobi

COUNTY GOVERNMENT OF KITUI

Cell phone:
0702615888/ 0702615444
Email: kituicounty@kenya.go.ke



Annex Building,
Off Savani Road
P.O BOX 33 – 90200
KITUI

OFFICE OF THE DEPUTY GOVERNOR

REF: CGKTI/ODG/ADM/10/9

16th April, 2026

**Clerk of the National Assembly
P.O Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings**

COUNTY GOVERNMENT OF KITUI SUBMISSIONS TO THE PUBLIC PETITION COMMITTEE ON ENCROACHMENT OF COMMUNITY LAND BY KWS IN KITUI SOUTH CONSTITUENCY -PETITION NO.29 OF 2025

Your letter referenced DAA&GPC/PPC/2026/079 dated 14th April 2026 refers.
We write to submit as hereunder.

Introduction

South Kitui National Reserve is located to the North of Tsavo East National Park, South Kitui Game Reserve is an area of thicket grassland, acacia savannah. The reserve is well known for multiple species of notable animals that relocate between the Tsavo East National Park and South Kitui Game Reserve. These include lion, elephants, buffalos, leopard, lesser kundu and

primates that make the place worth preservation to protect wildlife species from getting into extinction.

Establishment of South Kitui (Thua) National Reserve

The legal procedure for the establishment of game reserves was laid down in the Wildlife Conservation and Management Act Cap 376 of 1976. It provided that the final step of the establishment of a game reserve is the publishing of a legal notice in the Kenya Gazette. Based on this law, the then Minister for Tourism and Wildlife, Mr. M. J. Ogutu signed Legal Notice no.186 on 29th August 1979, which was published on 7th September 1979 in the Kenya Gazette, establishing The South Kitui (Thua) National Reserve. (See appendix 1).

Size of the Reserve

The size of South Kitui National Reserve is 1833 square kilometers as provided in boundary plan No: 216/41 (see appendix 2), as referenced in legal notice number 186 of 7th September 1979. There has been no changes to boundary plan no.216/41 to date.

Ownership of South Kitui National Reserve

The Constitution of Kenya 2010 section 33 of the 6th schedule, provided sufficient guidance on transition and succession of assets and liabilities from the defunct local authorities to County Governments. In line with this provision, the County Government of Kitui inherited all assets and liabilities belonging to the defunct County Council of Kitui.

Wildlife Conservation and Management Acts

The Wildlife Conservation and Management Act Cap 376 of 1976 established the South Kitui National Reserve. Subsequently, Legal Notice no.186 of 1979 gazetted the boundary plan number 216/41 showing the size as 1833 square Kilometers.

Schedule 11 of the Wildlife Conservation and Management Act of 2013 shows South Kitui National Reserve covering an area of 1133 square kilometers, which is a reduction from the original size of 1833 square kilometers. There is no legal provision for the reduction.

Response to petition number 29 of 2025 on encroachment of community land in Kitui South Constituency by KWS

The County Government of Kitui has established that the said encroached community land is part of South Kitui National Reserve. The South Kitui National Reserve is a protected conservation area managed by the County Government of Kitui in collaboration with Kenya Wildlife Service (KWS) as per the Memorandum of Understanding dated 22nd of March, 2024. (See Appendix 3)

Boundary verification for South Kitui National Reserve

In the petition 9 (iii) Kitui County Government as custodian of the game reserve on behalf of the people of Kitui, should be included in any boundary verification exercise in addition to Survey of Kenya, Ministry of Lands and the National Lands Commission.

Conclusion

As per the Legal Notice No. 186 of 1979, the size of South Kitui National Reserve is 1833 square kilometers and it has never been legally reduced nor has any part thereof been legally ceded to any individual or entity. Hence any persons or entity occupying any land within the boundaries of the gazetted game reserve do so illegally and should vacate with immediate effect to allow conservation and restoration.



H. E. Augustine W. Kanani

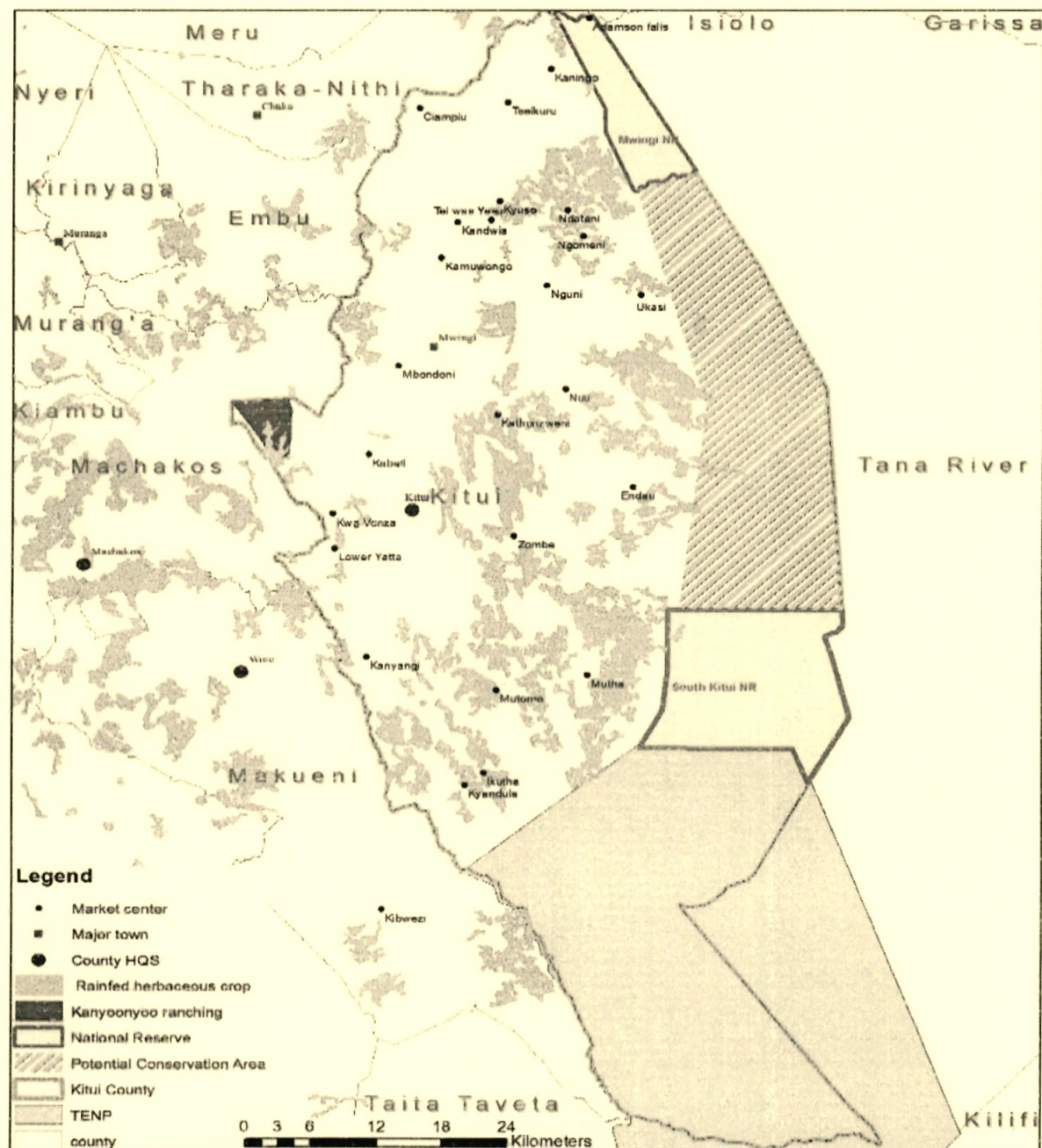
**The Deputy Governor and CECM, Tourism, Hospitality and Game Reserves
Kitui County**

Copy to: **H. E. The Governor,
Kitui County**



Gazette Notice
29-08-1979.pdf

Map on South Kitui and Mwingi N.R



THE HISTORY OF THE
CITY OF BOSTON
FROM 1630 TO 1880
BY
JOHN B. HENNINGSEN
OF THE
BOSTON PUBLIC LIBRARY
PUBLISHED BY THE
BOSTON PUBLIC LIBRARY
1880

THE HISTORY OF THE
CITY OF BOSTON
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BOSTON PUBLIC LIBRARY
PUBLISHED BY THE
BOSTON PUBLIC LIBRARY
1880

SOUTH KITUI (THUA) NATIONAL RESERVE

AREA = 1833 SQ. KM. (APPROX.)

SCALE = 1:250,000

From SOUTH KITUI (THUA) NATIONAL RESERVE
S.P. No. 216/41
Title N.T. Map KITUI, SALOLE, KIWIZI 1:250,000
Copyright: C.P. 18/79

District KITUI
S.P. prepared by H. N. KIRUMU 22/5/79
S.P. checked by THUGUTU Date 26/5/79
S.P. checked by Date

BOUNDARY PLAN No. 216/41



MOU KWS.pdf

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 Kiitui (Thua) National Reserve.

SCHEDULE

The South Kiitui (Thua) National Reserve

All that area of land situated south east of Kiitui Town and adjoining the northern boundary of Tsavo East National Park, in Kiitui 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 Kiitui National Reserve.

SCHEDULE

The North Kiitui National Reserve

All that area of land situated north of Kiitui Town and adjoining the southern boundary of Meru National Park, in Kiitui 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. 188

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, hereinafter called the principal Regulations, are amended in regulation 4 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 (i) and substituting the following—

(1) A presiding officer shall require any person applying 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/the East African Certificate of Education/examination in the English language.

North Kiitui & S. Kiitui

REPUBLIC OF KENYA
MINISTRY OF LANDS



Land Adjudication & Settlement Dept
Mutomo District
P.O. Box 141-90201
MUTOMO

03/03/2017

REF: LA MUT/ADM/NOT/VOL 1/125

**LAND ADJUDICATION ACT CHAPTER 284, LAWS OF KENYA NOTICE OF
ESTABLISHMENT OF AN ADJUDICATION SECTION NGAANI ADJUDICATION
SECTION MUTHA LOCATION, MUTHA DIVISION MUTOMO SUB COUNTY**

Under section 5 of land adjudication act cap 284, I the land Adjudication officer Mutomo Adjudication Area do here by declare Ngaani Sub-Location, Mutha location Mutha division Mutomo Sub County to be an adjudication section of which the perimeter boundaries are as follow:-

The boundary commence at foot of Mutha hills then the boundary turns Eastwards along Ngaani and Kantene sub locational boundary, then runs up to Thua river from here it crosses Thua river then it turns Northwards Direction up to Kalikuvu stream from here it turns Eastwards along Kuthuvu stream which is the locational boundary of Endau and Mutha then goes up to Mikuyuni foot path then the boundary turns Westwards along Mikuyuni foot path which is the locational boundary of Mutha and Waldena. Then it crosses Thua river up to Kitui South game reserve from here the boundary turns Northwards along locational boundary of Mutha and Ndakani then it runs up to Kanzokea hills then it turns North wards along locational boundary of Ndakani and Mutha up to point of commencement (foot of Mutha hills).

All persons having interest in land within this Adjudication section will be ascertained and recorded in accordance with the provisions of the land adjudication act and any person claiming any such right or interest is requested to present his/her claim to the recording officer either in person or by duly authorized agent within a period of four (4) months from the dates of this notice.

In accordance with section 30 of the act, with effect from the date of this notice except with the prior consent in writing of the adjudication officer, no person shall institute and no court shall hear any proceedings whatsoever in which any right or interest in land within this Adjudication section is called in question until the adjudication register for this adjudication section has become final in all respect under section 29 of the act.

Dated: 03/03/2017

LINUS NJORIA

**SUB COUNTY LAND ADJUDICATION & SETTLEMENT OFFICER
MUTOMO/KUTHA SUB - COUNTIES**

CC

- 1 The director of Land Adjudication & Settlement
P O Box 30297- Nairobi
- 2 County Commission-Eastern province
- 3 Sub-County Commission-Mutomo District
- 4 The officer, Ministry of lands /Infrastructure &urban development- Kitui
- 5 Area chief Mutha location
6. Antony General Kenya
7. The senior resident magistrate Mutomo
- 8 The registrar High Court of Kenya, Nairobi
- 9 All the county commissioners
10. All chiefs Mutomo district
- 11 Land secretary Nairobi
12. Officer commanding the Kenya army
13. Officer commanding the Kenya navy
14. Officer commanding the Kenya air force
15. The inspector of the police
16. The commission of the prison
17. The director of survey
- 18 The district information officer Kitui (please give this notice widest publicity in both radio and news papers).

COPY TO:

	NAME	ID	SIGN
1	FREDRICK H. MWETOKA	4641420	Signature
2	SIMON W. MWOSTA	3882892	Signature
3	MWSTACE N. NOUNAT	12645430	Signature
4	ALEX K. KUKKO	22129150	Signature
5	SILVESTER M. MUMYOKU	10207230	Signature
6	DAVID M. NZEKI	32154296	Signature
7	SAMMY K. KAMUWA	9582617	Signature
8	RHODA N. NZAU	9583638	Signature
9	VERONICA K. MWEE	2060040	Signature
10	MUTUA KAMUKO	22570109	Signature
11	JAMES K. KIEMA	6483405	Signature
12	JOHN K. MWASYA	0653761	Signature
13	JACOB KIVAVA	10678282	Signature
14	ZIPORAR K. MWITKE	34724394	Signature
15	JAMES KIMYENE	12645519	Signature
16	STEPHEN T. MWTHAN	28825074	Signature
17	MURE KYUTHA	29471042	Signature
18	KAMBUA NGALA	12961116	Signature
19	CHARLES MWSYA	6817883	Signature
20	PATRICIA IVUTHA	34717006	Signature
21	DENNIS M. KeryUTHA	38771930	Signature
22	ZIPORAR K. MBITHIKA	350850737	Signature
23	MUKAT WAMBWA	36753703	Signature
24	JOSEPH M. MUTIA	7428295	Signature
25	ESTHER K. MATITHA	12645812	Signature
26	STANLEY K. KAMUNYU	34752537	Signature
27	KATHERINE N. MANZE	6482497	Signature
28	MALIA I. KENYANUSYU	28381030	Signature
29	MUNAN. MULATYA	2842036	Signature
30	KAVUTHA MWTHAN	33467699	Signature
31	PASCAL M. MWOTVI	11424013	Signature
32	DAVID W. JAMES	41852381	Signature
33	KIMWELI MWLI	38364946	Signature

34	TITUS N. MUKYA	2470400	TN2
35	MWENDE MURSYA	30890512	MM
36	DANIEL M. MUSAU	23842546	DMM
37	CYRUS M. NGATI	27296843	CNB
38	MILATYA KIMU	30957994	MB
39	JOHN KILONGU	13093682	JK
40	KYALO MUEA	41428046	KM
41	DAVID M. MURSYA	3044616	DM
42	NZOKI MWANGANG	13445351	NMW
43	KOLI NZENGE	13093742	KNZ
44	THOMAS MUBUNA	13993753	TM
45	DENNIS K. MUSEMBI	36290849	DM
46	ELICAH KIMU	29557951	EL
47	MANWE NITEKO	13096683	MS
48	MALIA MUKU	36890314	MM
49	ANNA MATUKU	710361542	AN
50	MILUNA MURIA	31295477	MM
51	JOSEPH MUTHANI	30942889	JS
52	PAUL M. MUKU	40702907	PM
53	POLINA N. KIBWA	35441481	PK
54	TELESIA I. KILILE	6482485	TKI
55	KESKO KIMUHI	9073601	KK
56	MWENDE MUBUNA	—	MM
57	JEDIDAH K. MAKAU	6482825	JMK
58	SAMANY M. MUKONYA	9428959	SM
59	KILONZO MURIA	7429001	KM
60	MUBANGARI K. MUKU	6494369	MM
61	KABIMO M. KETONGA	6618528	KB
62	KIEMA KIPUSYA	21814474	KE
63	MUNIVA KITU	35339061	MK
64	PATRICK M. KIMONYA	6494765	PK
65	WINFRED M. MURSYA	237864085	WM
66	SELINA A. SCHIENG	2828754	SD

67	OWESNUS M. KAVAKU	22260083	DRK
68	PATRICK MUSINGU	29819834	PM
69	SELWA MUBILA	33504243	fm
70	JUNIOR MWANZI	—	4
71	ABITHA MWAMBU	12961703	TM
72	MUTHANI MASHI	13093865	TR
73	KWESO KWUKU	—	KK
74	MARY M YUMAA	37038986	umy
75	JOSHUA K. MWANGWANGI	7414832	JICA
76	TAARU KIMED	29472392	—
77	MUEA MUBI	32079309	mm
78	KETUKU W. NGUNZE	6482687	RWN'
79	DWIT N. KASIMU	28825852	RK
80	LOICE K. KASIMU	242877	LRK
81	PATRICK WATIA MUBILA	27437157	PMW
82	JUMA MYHAMA	3883848	JM
83	ALEX N. MWUKA	33882711	AWM
84	PETER M. ISANGI	10094711	—
85	SOLOMON K. KILUWA	35827520	SKK
86	MAUR M. NZUKU	6494014	mmz
87	PETER MUBA KALWA	444867	MM
88	DAVID M. KINYUWA	28086665	DRK
89	TITUS K. KINYUWA	26665907	TRK
90	SAMMY WANBUA M	3700032	SW
91	NGOLESI NGUI	13093795	MM
92	FAITH M. MUNGUJI	30744660	Fma
93	KALALA MWANIKI	—	km
94	KATUKU NZAKI	—	KAI
95	MWANDUKA MWATHE	—	mm
96	MUKI MUEA	23914004	mm.
97	WOLI MUBA	—	IVin
98	KISWA MUBAWKA	3172258	km
99	MUBAMU MUBAVA	7388179	mmmm

Name	ID	Sign
Paul Muya	9468945	
Jacob Kanyad	9426936	
Jakus Kimira	1823570	
Kyutha moi	5261443	
Adong Harrison	3479933	
Kipng'et Kithoko	10752829	
Benjamin Kithoi	6818670	
William Kithoko	26504195	
Oreemus Muthoki	202041109	
Samson Kipnuth	13722425	
Dennis Muthici	32854271	
Musa Muthiya	27053474	
Muthikiz Muthi	600494990	
Muthaka Muthika	28355285	
Muthaka Muthi	0758259	
Paul Kithoko	33857088	
George K. Kithoko	32250223	
Philip Komus	241471826	
Samuel Muthika	27602474	
Leiden K. Muthika	42126633	
Saszi Doka	126405750	
David K. Muthika	3118671	
Jacob Muthika	36660542	
Musto Muthi	24426021	
Muko Muthika	32929275	
Daniel Kiko	29579697	
Benson K. Muthika	37325722	
David Akula	32087793	
David Muthika	35608868	
Barz Komus	423204196	
Musango Kithoko	6481587	
Kithoko Barz	38399672	
Muema Muthika	14460221	
Muema	22446874	

	NAME	ID NO.	SIGN
134	HARISON MWALIMU	32124242	
135	MATUKU MWANIA	6483524	MATUKU
136	POUL WAMBUA	11103861	PLH
137	DANCAN KIVUKU	12961832	
138	MWANIA MATUKU	13093621	
139	ROBERT MUTITANI	6488239	
140	KITONGA NDONGU	38699937	
141	JOSHT Mwendwa Kinyokya	8675951	
142	MWANGO MUTISO	26237938	
143	NDONGU MUASYA	6475512	N
144	JOEL Mwendwa	27995462	
145	MWALIMU MUASYA	6495159	M
146	JAMES KIZYENGE	3221170	J
147	MWANGU KIVUKU	35042833	
148	TITUS MWANGANE	155165838	
149	SAMUEL NDUNDA	24374664	
150	MUTUA PATRIC	26819562	
151	JONATHAN KYULE	38287045	
151	FESTUS M. KAVOI	10752859	
152	MARIA KASINA	30870969	
153	KASINA KIOKO	6683491	
154	JULIANA KIWAMBUA	35338699	
155	ADAM KINYENZE	25421527	
156	KYULE MATIA	12641155	
157	MAKANYANGA K. MUTIO	6494071	
158	PETER M. MUASYA	23911612	
159	MUSEMBI MUTUA	24377858	
160	MUTINDA MATIHANO	30099027	
161	KYULE MUTIA	12645511	
162	KALUNA KIVUKU	20582892	
163	ALEX K. KYULE	36778115	
164	BREKE K. NDONGU	34158503	
165	NDASH Mwangi TITO	11277520	

NAMES

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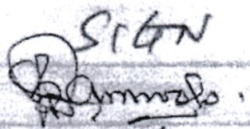
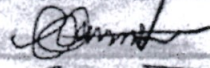
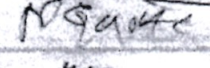
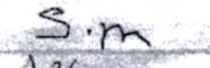
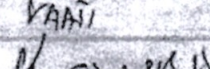
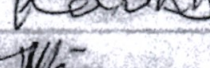
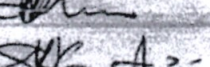
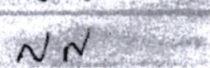
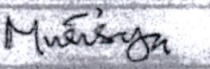
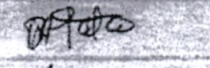
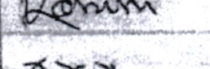
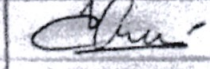
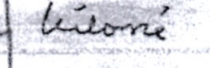
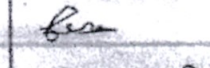
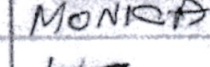
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166	MORIS K. MULATTA	6482466	SP
167	MUSEE WAMBWA	29515180	SP
168	TOM KIMANYI	27986440	SP
169	ROSE M. MOTIE	9583695	SP
170	KISAKU I KUTU	34162196	SP
171	RAMIC M. MWEDWA	21422327	SP
172	JULIUS K. MUKUMBA	21142839	SP
173	RICHARD S. KIMWEL	21550008	SP
174	MWAMBU SYENGO	13096702	SP
175	JULIUS MAMUNDU	10095733	SP
176	WAMBWA NZONGI	12961165	SP
177	JOHN NYAMAI	11050444	SP
178	ALPHONSE GENDU	702416821	SP
179	MWANJA KATHENGE	9932610	SP
180	MWANDUKA MWOSYA	6494115	SP
181	DOMINIC W. MOSYA	9583666	SP
182	MULWA M. MALONZA	6494808	SP
183	JOSEPH M. NG'ECU	8820811	SP
184	MUTINDA KATHENGE	9445424	SP
185	MUTIA MBITI	20550046	SP
186	JAMES MUSAU	13837408	SP
187	ERICK K. MUEA	34555515	SP
188	TOBIAS M. TENO	37117224	SP
189	JENES K. MUTINDA	13093839	SP
190	JOSEPH KATHENGE	38542149	SP
191	NDIVO MUKUVA	21801197	SP
192	MUSEMBEY MOSYA	52987919	SP
193	JULIUS K. KISAKA	27242796	SP
194	SAMUEL K. KIFOMBA	7425078	SP
195	PENINATH. K. MUTINDA	34945272	SP
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197	DAVID M. NYAMAI	32104422	SP
198	DERIC M. MULATTA	41265239	SP

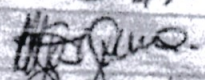
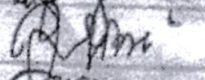
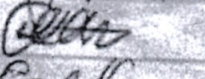
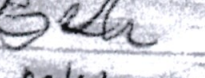
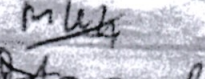
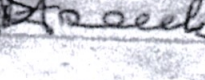
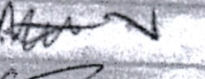
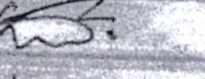
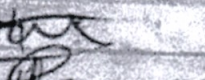
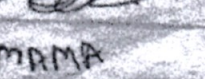
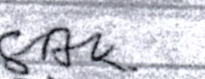
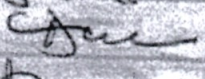
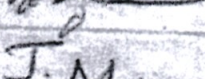
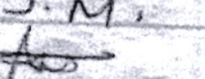
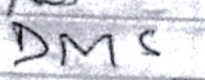
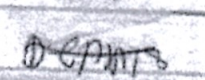
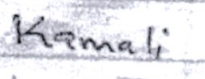
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202	Lucy	Gingeli	82597082	14
203	Mumbi	Munishi	40876412	15
204	Etiabehi	Muthika	6482795	16
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	NAMES	IDA	SIGNS
231	JEREMIAH KASLO NZUMBI	14455602	HR
232	BUNCAN WAMBWA MUSEE	4641290	HR
233	LIRAH KATUKU TIUS	37059485	HR
234	JULIUS KWEMA	18780963	HR
235	ELIZABETH M MUTUKU	23948586	HR
236	VAMBA KYULE	29876561	HR
237	JANE YAAI NIOKA	33328858	HR
238	BOCAS MBIE SYAKA	35609619	HR
239	MALIA NZUSYO	13093871	HR
240	PAUL MAUNGA	12643879	HR
241	JENNIFER KOK MWAMZAO	80931017	HR
242	MOI MUTIE	28972398	HR
243	BENJAMIN MUSA	4931017	HR
244	MAHO MUGIMBI	12961612	HR
245	PETER MBO MUSEMBEI	28573648	HR
246	KYUSYA SINGI	30888321	HR
247	STEPHEN MUSEMBEI KITAA	8172048	HR
248	SAMSON MANKI	11355425	HR
249	JANE KALIKYE MUTUA	20134853	HR
250	MUTATI NZIOKA	13506224	HR
251	STEPHEN KINKILI KINKANLA	13444401	HR
252	ANASTACIA MBULE MUTUA		HR
253	MUMU NABUNGA	28586557	HR
254	CAROLINE YAAI MUTUA	34751391	HR
255	SAMUEL KINGANG'A	4640137	HR
256	JACKSON MAWOO BWANA	6495007	HR
257	MOSES KYULU MUKYITHA	26719148	HR
258	NTOKI PHILIP	28235896	HR
259	CHRISTINE NABUNGA	34573796	HR
260	NABUNE MUTHAM		HR
261	MUKUVI MUTUA KARELU	13093659	HR
262	KODZA MUGIMBI	26639601	HR
263	EZEKIEL NAMBUNGA	2145691	HR

	NAME	ID NO.	SIGN
264	MWANGANGI MATUKU	13093003	Matuku
265	MABUKU MUTINDA	10322735	Mutinda
266	MUKI MUTINDA	13780537	Muki
267	KIMEU JOHN	29729741	John
268	DENNIS NDUNDU	36268992	Dennis
269	MAKULI KINYALA	14458771	Makulo
270	FESTUS MWANGANGI	20952129	Festus
271	KITHITU KYOSI	103610126	Kithitu
272	TABIHA MUKU		
273	KAMENE KALUKU	30609625	
274	SAMSON MALII	8365609	Samson
275	ELIJA NYAMAI	33882538	Elia
276	MUTUA KINYUNZU	32211185	Mutua
277	MWANZUI MUNYOKI	6482807	
278	MARGARET WILLY	36827271	Margaret
279	PETER NGUTHA	25556056	Peter
280	SIMON MAIMA	24442921	Simon
281	MUSEMBI KIMANZI		
282	STEPHEN MUTISYA	37048731	Stephen
283	MUTUA MUSANGO	9930339	Mutua
284	PENINA GIDEON	30943938	Penina
285	KAMBUA NGOMO	33454120	Kambua
286	TONNY NGUTHA	41545556	Tonny
287	KELVIN MWIKYA	28763438	Kelvin
288	VASTI MUVEA	13093858	Vasti
289	KIMAKU KYALUMA	37557341	Kimaku
290	MAJOMBA MWALIMU	37661199	Majomba
291	BENTETTER MWATHI	28387482	Bentetter
292	SHADRACK MUKUMBI	32987672	Shadrack
293	ELIZABETH MUTINDA	27514045	Elizabeth
294	MWENDE DAVID	35335148	Mwende

	NAME	ID NO	SIGN
295	Wilfred Kamwolo Musya	16029068	
296	Antony Muthangya	29483289	
297	Ngutha Muli	6483209	
298	Mburi Musyoka	22829329	
299	James Kithuku	9147517	
300	Sarina Jackson	6494843	
301	Musenya Matheri	26715817	
302	Vaati Muthami	12645422	
303	Kamundu Kibuku	6246665	
304	Michael M. Ngarula	4641218	
305	Samuel Kisanjau Kamuti	10679383	
306	Kawengi Kinyamasyo	1556653	
307	Hduku Nyamai	26621363	
308	Mutiya Maseso	13783495	
309	Syala Muli	24767307	
310	Nelson Mwathi Ngoo	0527931	
311	Simon Wambua Kinyamasyo	31434238	
312	Syala Mutambuki	23859502	
313	Kanini Mbili	12645594	
314	Kamene Mutia	12961877	
315	Agnes Mungu Mahusi	35932326	
316	Samuel Kimani Kiti	643279	
317	Laveka Simon	9933607	
318	Wambui Mutunga	10206154	
319	Daniel Kilile	11209520	
320	Samson Kilonzi Mutambuki	21153478	
321	NZambia Bangi	21827588	
322	Monica Kanza Juma	13763439	
323	Kaluki Mulwa	9933605	
324	Ngilee Mutambuki	28305128	
325	Mwanduka Musya	8365786	
326	Musele Kitei	33420591	
327	Karutha Peter	20995656	

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328 Akingi Reuben		
329 John Muthami David	38734477	Muthami
330 Rose Kutha Mwaudo	29881613	pdg
331 Francis Isha Mwaniki	11051402	Shwani
332 Nzoka Kimanzi	6605466	Nzoka
333 Jane Kisamwa	37039602	JANE
334 Mary Isha	33836786	Mary
335 Amos Katangu Mbuti	2052 20582856	Amos
336 Kambua Mwaka	31885808	Kambua
337 Koli Michael		
338 Muinde Maitiga	28213477	Muinde
339 Mwema Kyusa Mwangangi	6482839	Mwema
340 Ngenesi Musingi	6482084	Nges
341 Mary Thambu		Mary
342 Josephine Thambu		Joe
343 Martha Maurice	29483295	Martha
344 Kaki Muthiani	30413149	Kaki
345 Mwaia Mutambuki	12961231	Mwaia
346 Rachael Muthai	34204068	Rachael
347 Sabina Kaman		Sabina
348 Josephine Makiti	38801738	Joe
349 Mueni Mueke	8677044	Mueni
350 Josephine Simon	36776982	Joe
351 Joyce Mumbwa Muthiori	28392058	Joe
352 Muthiori Mwandu	10435278	Joe
353 Mwalika Muliunga	6388963	Mwalika
354 Isack Kalorwe Mwangi	33081246	Isack
355 Katuku Kyenza	27774212	Katuku
356 Magdalene Simon	27656007	Mag
357 Kithyoni Kyenza	35609045	Kithyoni
358 David Mbarati Ndema	40875099	David
359 Musango Nzonzwe		
360 Mueni Nzomo		

	NAME	ID NO	SIGN
361	LAWRENCE KAKUMA	20585948	
362	MWANITHI NYAMAI	3022713	
363	IKUTHU MWANITHI	29076909	
364	MWANITHI IKUTHU	32013434	
365	JOSHUA MULI	41788563	
366	JOSIAH MUTHANGYA	11208950	
367	KYALUMA MUSA	30223052	
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369	MBWIKA KITHUKU	20583982	
370	KISANGAU MULONZYA	13096695	
371	JOSEPH NATIA	12961029	
372	GEOFFREY MUTUKU	24481325	
373	THOMAS MUTAVA	8635544	
374	HOPE MATUKU	38232069	
375	NDATI MASAI	34704277	
376	JENIFER KINYENZE	31500511	
378	KISOTI KASOA	25624423	
379	FAITH MUSEMBEI	85339145	
380	SIMON KITHUKU	12725839	
381	JONATHAN MUTISYA	32836607	
382	ALEX MATUKU	26878961	
383	JONATHAN MUSYOKA	36533427	
384	MWANGANGI NGUI	22408271	
385	MATUKU KILONZO	30894825	
386	JAMES MWIKYA	12448702	
387	DANIEL JOHN	39052978	
388	DANIEL SAMMY	38822146	
389	DENNIS MUSEMBI	39052752	
390	JACKSON MUSEMBI	26762982	
391	ELIZABETH KAMALI	10305684	
392	NGWENI MBUVI	7427939	
393	MWANZIA MUTHAMI	27800085	
394	KYALO KINYENZE	27508655	

NAME	ID No	Sign
395 MWANTHI KATHARE	10752809	Michael
396 KYALO KAVOI	20825175	Old
377 KUTHUKA KATHERA	8365635	Old
378 GIDEON MUYANGA	11277572	My
399 JULIANA MUTATI	32108988	Julians
400 MAURICE MUTATI	24385122	Julia
401 ERUSTUS MWAKAVI	12645443	Julia
402 KING'ONDU KILIKE	12961093	Julia
403 KITHOME MAKE TI	6482662	grouse
404 RICHARD MAINDU	20228452	Julia
405 NDIVO KILONZI	24406785	Julia
406 MUNYOKI MUSEMBI	38300960	Julia
407 PAUL MUYANGA	12645444	Julia
408 KATUKU PATRICK	12961706	Katuku
409 SUSAN KATHUMULA	26880978	Susan
410 GABRIEL MUSHOKA	11007366	Angela
411 KINHUNZU MWALIMU	26882336	Bon Face
412 SOPHIA MUTHANGA	13587573	Sophy
413 ISIKA MUTANGA	24189239	Julia
414 ELVIS KILUNDA	40692740	Julia
415 MUTUWI KAMUNZU	32161860	Julia
416 ROBERT MUMBO	35902215	Robert
417 MUTINDA MULUMA	37516001	Bob
418 MUTIA MULUMA	37515995	Off
419 MUTHEI NDAMBURI	27987431	Muthe
420 JUSTUS MUSAHA	12645808	Musa
421 WAMBURA MWANDUKA	28439768	Mut. T.
422 PHILIP KIMANZI	4640538	Philip
423 BENSON MUMUMBI	32343264	Julia
424 DAVID MUTHAKI	11519054	Julia
425 JOHN MWEMA	2698464	John
426 KAMBURA MUSEMBI		
427 DAVID MUSAANGA	32534261	David

	NAMES		PHONE	ID NO	
428	Sammy	Kihorho	0727574716	4041193	✗
429	Grace	Mutuo	0790222705		
430	Junia	Musya	0700506437	2263690	✗
431	Kambua	Mwema	0768069500	33504634	✗
432	Voling	Ngundu	0757257916	33420561	✗
433	Daina	Mbilu	0715036487	35335112	✗
434	Malia	Junia	0792816751	21196509	✗
435	Faith	Murzyu	0715573607	38381924	✗
436	Ndunga	zyengo	073225589	30894997	✗
437	Betrand	kyalisi	0710543562	20864773	✗
438	Kasyoka	Mutuku	-	-	
439	Eliza	Mwama	0768449326	35043017	✗
440	Juliana	Mbevo	0701104795	6482207	✗
441	Mwikali	Peter	0714228232	36329121	✗
442	Kobeta	Mutaki	0703390094	12962926	✗
443	Kaviti	Mutuku		0162020	✗
444	Muthini	Mutimbu			✗
445	Kitorunga	Muthami	0707547538	34882124	✗
446	Kahunda	Sammy	-		✗
447	Malia	Kuena	0796200821	12961052	✗
448	Mumbua	Mutiso	0702635049	33355218	✗
449	Komu	Kithuku		6483369	✗
450	Musangi	Kakuda	0743447595	13093856	✗
451	Ndinda	Kiswili	0740423420	35609562	✗
452	Lena	Kuema	0114601684	39702303	✗
453	Kambua	Mutuku			✗
454	Mwathi	Mwangigi	0707718233	6494173	✗
455	Katungu	Nziku	0111226571		✗
456	Kanza	Pilihi	0740224585	33520329	✗
457	Samon	wambua			✗
458	Aphia	Musembi	0790479045	2947407	✗
459	Syombua	Nyamai	0716756104		✗
460	Kase mbi	Muthami	0768125431	36193637	✗

NAME

(1)

SIGN

461	ALEX MUTANGA	33840542	108
462	JAMES M. NLEGO		
463	ERIC M. MUKWANA	26888848	✓
464	CHARLES M. Kewikya	38351936	11
465	JOHN M. NZUKI	28835277	✓
466	MUTANGA MATUKU	40492302	de
467	BENJAMIN KILINDA	38677893	HA
468	STEPHEN JOHN	24495862	RA
469	PHILIP N. MAMUNDU	7521680	✓
470	DIKU KYUNDA	26747573	HA
471	MUTISYA MWANGO	33132380	✓
472	MURICA MUTHUKA	34703718	✓
473	PATRICIA K. MALINDU	24412468	Ad.
474	KINYENZE KAMUNDU		gum
475	IAN KINYENZE	218919049	Out for
476	JACOB MUTUA MUTATI	25268430	MUTATI
477	ALEX KULA	25741133	✓
478	MUTUNGU KULA	23376209	AD
479	LINDA MUTUNGU	28112246	✓
480	DENNIS KULA	21001676	De
481	DAVID ISAAC		
482	DERICK M. MULATYA	41265239	
483	MUTIA KISENGI	23737223	

NAMES

I.D

Sign

484	KAMENE MUCUMA	30871068	W.D.
485	DANIEL M. MOSEMBI	3536585	W.D.
486	PERIS M. MUTINDA	38443589	W.D.
487	JACKLINE K. MUTINDA	38588595	W.D.
488	PATRICIAH M. MUTINDA	32289674	W.D.
489	CHRISTOPHER M. MUTINDA	37976108	W.D.
490	MUTINDA J. MATUKU	78654470	W.D.
491	ADAMBUKI MBITHUKA	13096703	W.D.
492	JOAN MUSEMA	28778464	W.D.
493	MONICAH K. MOSEMBI	36289363	W.D.
494	MOSEMBI C. KASYOKA	634916259	W.D.
495	RICHARD MASILA	27561059	W.D.
496	ELIUD KIMANI	39627802	W.D.
497	JAMES MOSYA	25791469	W.D.
498	PHILIP MUTIA	742902	W.D.
499	PROMINER M. PHILIP	9072155	W.D.
500	Sammy M. PHILIP	29374051	W.D.
501	MICHAEL A. PHILIP	3013904	W.D.
502	PATRICK M. KIMBU	21588701	W.D.
503	FRANCIS M. KALOKO	34158759	W.D.
504	John Samson	37298332	W.D.
505	SAMSON MANJILA		W.D.

Name		ID
506	Musi: Kikums	95 85 836
507	Sarg: Wllia	376 5752
508	Mwende Ryaro	232 12152
509	Mwende Rhugya	38 82 8140
510	Amos m. Musuku	39060427
511	Chingine Kikira	1058 7092
512	Kitemi Mbaath	2378 4960
513	Musingi: mwaka	23137467
514	Mutho Raka	30679480
515	Lucy Pau	376 25752
516	Bonface Mue	1185 6752
517	Samungu Kamuti	9277550
518	Benson Kikemut	27642541
519	Shorek M. Mbuvi	29872334
Sign		
Mwaka		
✓		
Mw		
Amos		
CK		
GJS		
✓		
LC		
Bfsl		
✓		
Bfsl		

		PHONE	ID
34 ⁵¹	Muthiri wambua		
320 35	Queen Kivuku		
521 36	Mumba Mbwika		12645609
522 37	Faith K. Matili	074862983	12645495
523 38	Lucy Singi	0703445471	34751339
524 39	Mukai Musagangi	0111675149	2060963
525 40	Domy Mali	0799570384	34924020
526 41	Mbindyo Kamuti	0797357771	41224354
527 42	Nyiva Mutua	0748334682	35335/38
528 43	Mazy Kyusya		
529 44	Kyusya Nyamai		
530 45	Mutua Nyamai		
531 46	Lekyo Ndimu wambua		
532 47	Samson Kamuti		
533 48	Mutua Kamuti		
534 49	Kiloo Kamuti		
535 50	Kalonzo Kibangau	0116547567	
536 51	Muhuma Kisangau	0769568983	
537 52	Tori wambua		
538 53	Felisters Musembi	0769146513	35984744
539 54	Piliip Nyamai		
540	Musyoka Mulavu	0763877157	
541	Ester Manzi	0701438968	37050324
542	Mwema Ndundu	0797128704	20585458
543	Kyalo Musyoka	0721331281	32285034
544	Faith Mumbo	0708907535	33386832
546	Mutua Ndumbule	0728577123	
547	Matee Moi	0728577123	
548	Munyiva Mawioo Bwana		6482104
549	Tamo Kithaka	0717125433	26690773
550	Murguti Matong'o		
551	Musyoka Kisangau	072599563	
552	Ngui Maundu		

553	MUSUMBI SETA	26405750	26405750	MS	✓
554	MULI SHATA	0572997	0572997	MS	✓
555	KUTHONGA MUMBA	8365876	8365876	✓	✓
556	DENNIS M. MURIN	21813934	21813934	DRUM	✓
557	WABETA	13780952	13780952	6	✓
558	MATUKU K. MUB	6483745	6483745	MUBA	✓
559	COTAKES NDEMA				
560	SHAMUK MUBHUKU	26819369	26819369	SM	
561	MUBHUKU KESANGA	3108890	3108890	MS	
562	MUMBA	3088722	3088722	MUB	
563	LETA MUBUKU	23212502	23212502	MUB	
564	NETA MOUNU	1053630	1053630	MUB	
565	BENJAMIN M. LATH	3186114	3186114	BL	
566	ISKA MUBHUKU			+	
567	IRAB M. LATH	37016440	37016440	+	
568	MUB	33504046	33504046	+	
569	PETER K. NDEBI	3023707	3023707	MUB	
570	GINN M. MUBA	32312411	32312411	PH	
571	MUNGA KUSA			PH	
572	VATHI KULE	33471069	33471069	MUB	
573	NETA SHAMBA	12645768	12645768	MS	
574	KIGUN MUBHUKU	94187351	94187351	MS	
575	DAK N. MUBHUKU	34724081	34724081	MS	
576				MS	

ELEVENTH SCHEDULE

(s.119(a))

NATIONAL PARKS, MARINE PROTECTED AREAS AND
SANCTUARIES

National Parks (N.P)

Park Name	Area in Sq. Km		Park Name	Area in Sq. Km
1. Tsavo East N. P.	11,747	16	Mt. Elgon N. P	169
2. Tsavo West N. P.	9,065	17	Saiwa Swamp N. P.	2
3. Aberdares N. P.	765.7	18	Ndere Island N.P.	42
4. Mt. Kenya N. P.	715	19	Malka Mari N. P.	876
5. Lake Nakuru N. P.	181	20	Chyulu Hills N. P.	736
6. Amboseli N. P.	392	21	Central Island N. P.	5
7. Nairobi N. P.	117	22	Ruma N. P.	120
8. Meru N. P.	870	23	Arabuko N. P.	6
9. Kora N. P.	1,787			
10. South Island N.P.	39		Marine Parks	
			Mombasa Marine N. P.	26.093
11. Mt. Longonot N. P.	52	24		
12. Hell's Gate N. P	68	25	Watamu Marine N. P	10
13. Oldonyo Sabuk N. P.	18	26	Mpunguti N. P.	28
14. Marsabit N. P	68	27	Malindi Marine N.P.	6
15. Sibiloi N. P.	1,570			

National Reserves (NR)

Reserve Name	Area in Sq. Km	Reserve Name	Area in Sq. Km
1. Marsabit N. R.	1,564	19. Boni N. R.	1,339
2. South Turkana N. R.	1,019	20. Dodori N. R.	877
3. Nasalot N. R.	194	21 Tana River Primate N. R	169
4. Losai N. R.	1,806	22. Shimba Hills N. R.	192
5. Shaba N. R.	239	23. Chepkital N. R.	178.2

6. Samburu N. R.	165	24. Nyambene N. R.	640.6
7. Buffalo Springs N. R.	131	25. Mt. Kenya N. R.	2,124
8. Bisinadi N. R.	606	26. Tsavo Road & Railways N. R.	212
9. Rahole N. R.	1,270	27. Nga Ndethia N. R.	212
10. North Kitui N. R.	745	28. Laikipia N. R.	165
11. Lake Bogoria N. R.	107		
12. Kamnarok N. R.	87.7	Marine Reserves	
13. Kerio Valley N. R.	66		
14. Kakamega N. R.	44.7	29. Malindi Marine N. R.	213
15. Masai Mara N. R.	1,510	30. Watamu Marine N. R.	32
16. South Kitui N. R.	1,133	31. Mombasa Marine N. R.	200
17. Mwea N. R.	68	32. Mpunguti Marine N. R.	11
18. Arawale N. R.	533	33. Kiunga Marine N. R.	250
		34. Diani-Chale Marine N. R.	165

National Sanctuary (NS)			
1. Maralal N.S. (Km2)	5	3. Ondago Swamp (ha)	24.8
2. Lake Simbi (Ha)	41.7	4. Kisumu Impala N. S.	0.34



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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 (Thua) National Reserve.

SCHEDULE

THE SOUTH KITUI (THUA) NATIONAL RESERVE

All that area of land situated south east of Kitui Town and adjoining the northern boundary of Tsavo 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.

North Kitui & S. Kitui



MEMORANDUM OF UNDERSTANDING

BETWEEN

COUNTY GOVERNMENT OF KITUI

AND

KENYA WILDLIFE SERVICE

ON

**WILDLIFE CONSERVATION AND MANAGEMENT
OF PROTECTED AREAS AND CONSERVANCIES IN
KITUI COUNTY**

MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY GOVERNMENT OF KITUI AND KENYA WILDLIFE SERVICE

This memorandum of understanding (hereinafter referred to as the "MOU" is made on the 28th day of MARCH 2024 between: -

1. The County Government of Kitui, established under article 176(1) of the Constitution of Kenya, 2010, of P. O. Box 33 – 90200, Kitui (hereinafter referred to as the "County"); and
2. Kenya Wildlife Service, a body corporate established under the Wildlife Conservation and Management Act 2013 (No 47 of 2013), of P. O. Box 40241 – 00100, Nairobi (hereinafter referred to as "KWS") ;

WHEREAS-

- (a) The Wildlife Conservation and Management Act bestows on KWS the responsibility of conserving and managing wildlife in Kenya.
- (b) The Constitution and the Wildlife Conservation and Management Act 2013 vests on the County Government the management of National Reserves.
- (c) The County and KWS are desirous of collaborating to ensure proper management of the game reserves as laid out in the jointly prepared management plans (herein referred to as the plans).
- (d) KWS and the County are mutually desirous of conserving and sustainably utilizing the reserves' ecological unit for the benefit of present and future generations.
- (e) The County and KWS intent to collaborate through this MoU in the management of the County game reserves and are committed to furthering and strengthening the said collaboration.
- (f) The County and KWS are convinced that a unified and integrated management system with holistic management objectives is the most appropriate and beneficial mechanism for achieving conservation and sustainable use of the county game reserves and for generating optimal economic benefits.
- (g) The County and KWS will work together with other stakeholders in the development of plans; which will provide a framework for achieving the unified and integrated management of the county game reserves.
- (h) The County and KWS have complementary skills, capacity, and mandates that, when combined, form a powerful and winning force for implementing the plans.

- (i) The County and KWS believe that a formal memorandum will provide the framework for effective and efficient collaboration in the implementation of the plans and for ensuring the long-term conservation and sustainable use of the biodiversity and natural resources of the game's reserves.

NOW THIS MEMORANDUM WITNESSES AS FOLLOWS:

1. DEFINITION AND INTERPRETATION.

In the memorandum of understanding, unless inconsistent with the context, or otherwise specified, the following words and phrases will have the meanings set out below-

- 1.1 **"Effective date"** means the date of this MOU.
 - 1.2 **"Game reserves"** means South Kitui National Reserve and Mwingi National Reserve.
 - 1.3 **"Conservation area"** means a tract of land, with notable environmental, natural features, biological diversity, cultural heritage, or historical importance that is protected by law against undesirable changes
 - 1.4 **"Conservancy"** means land set aside by an individual landowner, body corporate, group of owners, or community for purposes of wildlife conservation in accordance with the provisions of the Wildlife Conservation and Management Act 2013
 - 1.5 **"Eastern Conservation Area"** means a complex of protected areas comprising Meru National Park, Kora National Park, Mwingi National Reserve, Bisanadi National Reserve, Rahole National Reserve, KWS Community wildlife Service Stations and adjacent private and communal lands.
 - 1.6 **"Tsavo Conservation Area"** means a complex of protected and other wildlife areas in comprising Tsavo West National Park, Tsavo East National Park, Chyulu Hills National Park and South Kitui National Reserve, KWS Community Wildlife Service Stations, Amboseli National Park, and adjacent private and communal lands.
 - 1.7 **"MOU"** means this memorandum of understanding as amended or modified from time to time by the mutual consent of the parties in accordance with the procedure contained in clause 10.
 - 1.8 **"Term"** means the period of ten (10) years commencing on the effective date.
-

- 1.9 Any reference in this MOU to a "party" will mean either the County or KWS and any such reference to "parties" will, as the case may be, mean all or any of them.

2. MAIN PURPOSE OF COLLABORATION

The purpose of this MOU is to provide a framework for collaboration between the County and KWS to bring about effective and efficient implementation of the County game reserves and Conservancies management plans, especially in the following aspects.

- 2.1 Realizing the County game reserves' purpose statement and ensuring the conservation of the County game reserves exceptional resource values.
- 2.2 Implementing and enforcing the County game reserves zonation schemes, incorporating the alternative management use, prescriptions on tourism access, activities, and facilities defined for each management zone.
- 2.3 Implementing the County game reserves and conservancies management programmes; Tourism Development and Management, Ecological Management, Community Partnerships and Conservation Education, Protected Area operations & Security Management.
- 2.4 This includes the realization of the programme purposes and management objectives, the application of programme strategic principles, and the implementation of management actions as defined in each programme.
- 2.5 Implementing the initial 3-year activity plans drawn from the 10-year plans and subsequent activity plans that are later defined.

3. AREAS OF COOPERATION

In order to achieve the main purpose referred to in Article 2 above, the parties will, subject to the applicable laws:

- 3.1 Jointly constitute a technical committee to oversee the implementation of the management plans and iron out any other issue that may arise during implementation.
 - 3.2 Implement the activity plans drawn from the 10-year plans where each party has been assigned in accordance with a defined timeframe.
 - 3.3 Agree on the wildlife species to translocate to County game reserves and conservancies.
-

3.4 Meet at least twice a year together to review progress under this MoU and to define the specific obligations, inputs, and activities to be delivered by each of the parties in the following financial year in accordance with the 3-year activity plans. The County will take the lead in convening these meetings although either party can initiate the meetings.

3.5 Inform and consult with one another on any activities that they plan to undertake, or of which they are aware and are outside the scope of or not included in the management plans and/or the annual obligations, inputs, or activity frameworks prepared in accordance with clause 3.4 and which are likely to significantly impinge on the achievement of any of the plan's management objectives, or which are counter to the plan's management; prescriptions for any part of the County game reserves and conservancies.

3.6 Promote harmonious cooperation with one another in the management of the County game reserves and facilitate coordination and collaboration amongst all relevant stakeholders.

4. RESPONSIBILITIES OF THE COUNTY GOVERNMENT OF KITUI

The County will, subject to the applicable laws:

4.1 Facilitate the establishment of a wildlife conservation section/unit, which will be responsible for steering the County's management activities in the county game reserves and conservancies, and supporting conservation initiatives throughout the County.

4.2 Take the lead in the general management of the County game reserves as established in the annual obligation, inputs, or activity framework established pursuant to clause 3.4.

4.3 Make financial provisions in annual budgets for carrying out improvements and maintenance to the roads and other infrastructure in the County game reserves.

4.4 Mobilize internal resources to facilitate review of County game reserves and conservancies' management plans.

4.5 Mobilize internal resources for the translocation of agreed animal species to county game reserves and conservancies.

4.6 Post rangers within the county game reserves and conservancies with the responsibility for law enforcement and enhancing security in the conservation areas.

4.7 Raise awareness and promote the importance of the county game reserves and conservancies with the relevant communities, and mitigate human-wildlife conflicts when they arise.

4.8 Take measures to prevent the encroachment of livestock, settlement and/or cultivation into any part of the county game reserves and conservancies.

4.9 Encourage and support communities neighboring the county game reserves to develop land use plans that will promote the conservation of wildlife, facilitate the continued movement of wildlife along wildlife corridors, and enhance the sustainable use of natural resources.

5. RESPONSIBILITIES OF KWS

KWS will, subject to the applicable laws:

5.1 Support the county in carrying out law enforcement and security operations throughout the county game reserves and conservancies, especially in those areas being utilized by visitors or where illegal activities are severe and threaten the game reserves' and conservancies' exceptional resource values. The parties are however cognizant of the fact that the high cost of law enforcement operations and the remoteness and difficulty in accessing some parts of the game reserves will necessarily limit the ability of KWS to provide a high level of security throughout the area.

5.2 Support the county in the management and monitoring of the county game reserves' and conservancies ecological systems, habitats, and species, as set out in the plans' ecological management programme.

5.3 Support the county with appropriate equipment, plants, and other resources for carrying out improvements to roads and other infrastructure within the game reserves and conservancies in order to enhance tourism access and experiences and to facilitate security and law enforcement operations, within the constraints of available infrastructure and finances.

5.4 Support the county to train county security rangers and reserve management wardens.

5.5 Promote and where feasible, assist with the development of tourism activities in the county game reserves and conservancies in so far as these are in accordance with the plans' management objectives and prescriptions, in order to improve tourism revenues to the county and to enhance the conservation and effective management of these areas as integral components of the wider Eastern Conservation Area (ECA) and Tsavo Conservation Area (TCA).

5.6 Translocate agreed-upon wildlife species to county game reserves and conservancies with funding provided by the county and /or other partners.

5.7 Use the county game reserves and other protected areas in the county as sites for translocating agreed-upon wildlife species from other overstocked parks/reserves using KWS funding.

5.8 Provide the necessary technical assistance in the development, interpretation, and implementation of a management plan for the county game reserves and conservancies.

5.9 Promote good relations with the county game reserves' neighboring communities through the implementation of management actions set in the plans' community partnership and education programme, including enhancing community benefits from the game reserves, mitigating human-wildlife conflicts, supporting social projects that enhance community livelihoods, and raising awareness about the county game reserves purpose and values.

6. MANAGEMENT AND ACCESS TO COUNTY GAME RESERVES

6.1 In accordance with the plan, the county game reserves will be managed by the County in collaboration with KWS.

6.2 The county will in consultation with KWS decide a rated visitor entrance fee structure for the county game reserves.

6.3 The county will collect and retain entrance fees for all visitors entering the county game reserves, and provide access through the county game reserves.

6.4 There will be uniform application of all zonal management prescriptions as defined in the plan, as well as of protected area guidelines and regulations, tourism concession arrangements, and environmental impact assessment requirements in all constituent protected areas making up the County. Protected area guidelines and regulations and tourism concession arrangements will be drawn from KWS game policies and procedures. Environmental impact assessment requirements will be drawn from the regulations laid down by National Environment Management Authority (NEMA) from time to time.

6.5 The County will be responsible for the overall management of the County game reserves and conservancies' tourism products, including management of recreational activities, production of promotional materials, and maintenance of campsites and facilities.

7. LIMITATIONS

- 7.1 This MOU in no way restricts either of the parties from participating in any activity with other organizations or individuals.

8. SCOPE AND NATURE OF MOU

Nothing herein contained will constitute or be construed to be, or create, a legal partnership or agency between the parties. Neither party will have the power or right to act as an agent or representative of the other, or to transact business or incur obligations on the name of the other party or for the account of the other party or to pledge the credit of the other party or any joint credit. Neither party will be bound by any acts, representation, or conduct of the other party in this respect.

9. DURATION OF MOU

- 9.1 This MOU will come into effect when executed by the parties for one term.
9.2 This MOU may be amended at any time by the mutual written consent of the parties.
9.3 The parties will review the MOU at least once every five (5) years to determine whether it should be revised, renewed, or canceled.

10. TERMINATION OF THE MOU

- 10.1 Either party may terminate this MOU by issuing a three (3) months' written notice to the other party.
10.2 Termination of this MoU will not affect any on-going projects under this MoU.
10.3 In the event of this MoU being terminated, each party will be solely responsible for the payment of any expenses it has incurred pursuant to the termination.

11. SETTLEMENT OF DIFFERENCES

Any differences between the Parties arising out of the interpretation, application and implementation of this Memorandum of Understanding will be resolved amicably by consultations and negotiations. In case of failure to resolve the difference, parties will refer the matter to the Office of the Attorney General and Department of Justice for mediation.

12. LEGAL STATUS OF THE MOU

This MoU is not intended and does not create any legally binding obligations on either Party and where the Parties intend to create such legally binding obligations they will negotiate and conclude such formal legal agreement as applicable.

13. FUNDING AND RESOURCES

The conduct of activities under this Memorandum of Understanding will be funded on terms to be mutually determined and agreed upon and will be subject to the availability of funds and other resources of the parties.

14. CONFIDENTIALITY

i) All the information relayed by the Parties under the Memorandum of Understanding shall be considered strictly confidential and shall not be disclosed to third parties, without the prior written consent of the Party from which it was originated.

ii) The confidentiality clause shall survive the termination of the MoU.

15. NOTICES

Any and all correspondence made or notices to be sent or required to be made under this Memorandum of Understanding will be in writing, signed by the Party giving such notice (claim or demand) and will be delivered personally, by registered mail to the other Party at its addresses set forth herein below or at such other addresses as such other Party may subsequently notify.

The County Secretary

County Government of Kitui

P.O. Box 33-90200, Kitui

KITUI

Tel: 0702 615 888; 0702 615 444; 0731 717 100

Website: www.kitui.go.ke

Email: info@kitui.go.ke

The Director General

Kenya Wildlife Service

P.O. Box 40241 - 00100

NAIROBI

Tel: +254 (20) 2379407

+254 (20) 2379408

+254 (20) 2379409

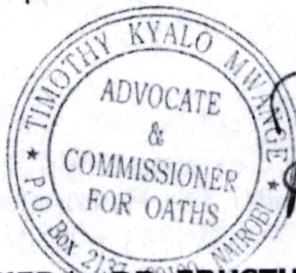
Email: kws@kws.go.ke

IN WITNESS WHEREOF the parties hereto have executed this Memorandum of Understanding on the day, month and year first herein above written.

SIGNED by H.E. DR. JULIUS MALOMBE, EGH.

Duly authorized for and on behalf of
COUNTY GOVERNMENT OF KITUI.

In the presence of:



A handwritten signature in black ink, appearing to be "Julius Malombe", written over a horizontal line.

Governor Kitui County

This 22 Day of 03 2024

SIGNED by DR. ERUSTUS KANGA, EBS, HSC.

Duly authorized for and on behalf of
KENYA WILDLIFE SERVICE

In presence of:



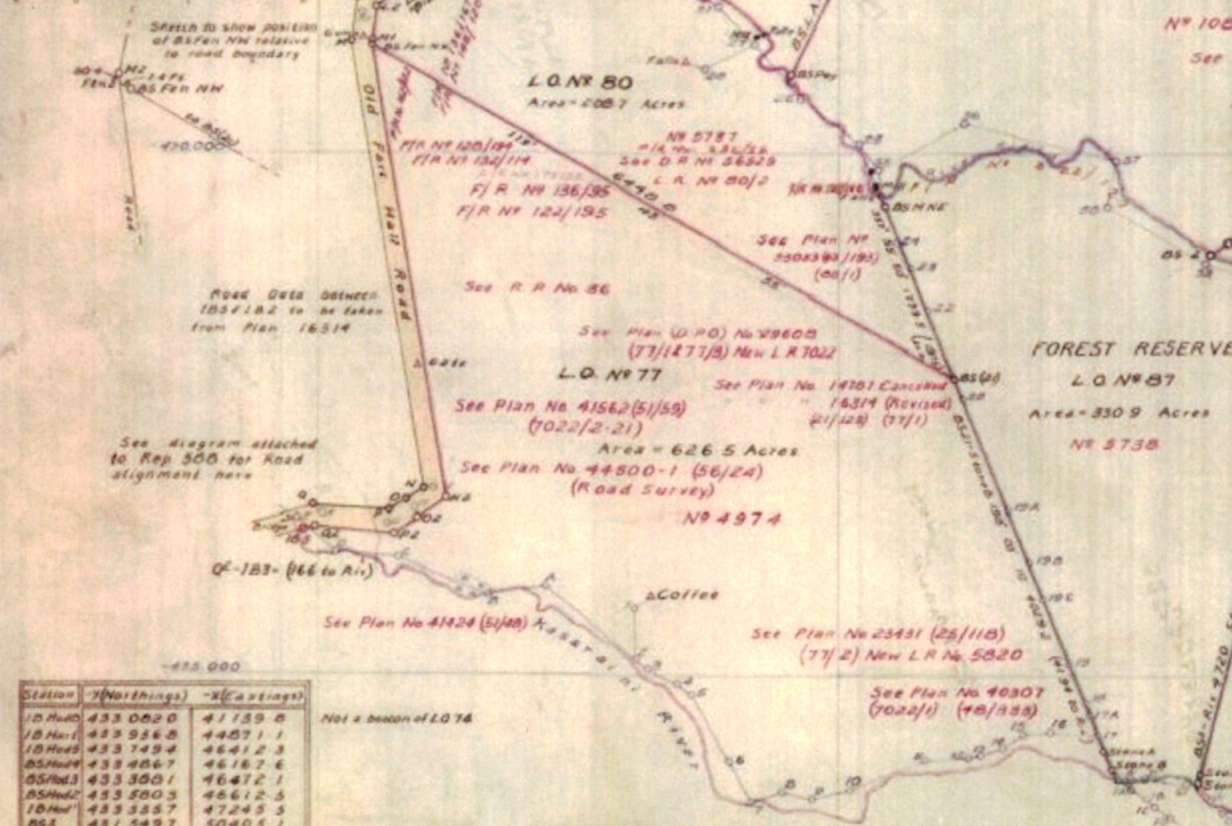
A handwritten signature in black ink, appearing to be "J. Musika", written over a horizontal line.

Director General

This 27 Day of 03. 2024

Counters Meridian to Equator 4.37°E Longitude
 1955

Name	Y (Northings)	X (Eastings)	Height	Class of Base
Remond	419 231.9	61 402.6		
TRND26	421 543.0	64 026.3		
WMA24	427 098.2	48 948.3		
TRND25	417 522.2	43 926.7		
TRND20	439 245.1	42 721.5		
ADND24	427 098.2	35 100.0		
ADND20	425 901.7	24 547.0		
Minister	444 529.9	31 594.4		
High	438 030.9	40 704.4		
Camp	437 587.5	40 055.2		
Bayat	434 448.0	44 226.9		
Hudman	433 245.3	40 067.2		
Fally	429 143.2	56 473.7		
Burns	428 856.3	59 555.8		
Bade	432 035.3	59 031.3		
Coffee	434 230.4	56 014.0		
Hawitz	425 272.2	55 107.2		
BS (60)	426 420.3	43 540.3		
BS (60)C	426 303.6	43 047.7		
BS (60)	423 367.6	49 536.0		
BS (6)	424 073.6	49 300.7		
BS (4)	425 920.4	33 780.0		
BS (6)SL	420 750.3	40 055.3		
BS (6)SL	420 833.0	47 912.7		
BS (6)	420 065.3	47 965.9		
BS (6)	430 663.6	44 326.3		
BS (6)	431 052.6	43 539.1		
BS (6)	432 000.9	41 465.3		
BS (6)	432 474.7	40 671.7		
BS (6)	432 550.2	40 510.5		



Station	Y (Northings)	X (Eastings)
10 Hud	433 002.0	41 139.0
10 Hud	433 956.8	44 071.1
10 Hud	433 749.4	46 412.3
BS Hud	433 486.7	46 167.6
BS Hud	433 300.1	46 472.1
BS Hud	433 500.3	46 612.5
10 Hud	433 335.7	47 245.5
BS	431 549.7	50 405.1
BS	430 374.7	51 422.4
BS	430 070.0	51 250.5
BS (6)	430 497.0	54 556.7
BS (6)	432 166.2	53 002.5
BS (6)	428 964.7	59 480.5
BS (6)	429 275.3	55 455.9
Stone A	435 727.7	52 448.2
Stone B	435 903.4	52 376.5
Stone X	436 029.1	51 525.4
Stone Y	435 952.0	51 508.0
BS Hud	435 935.4	41 103.1
BS Hud	435 446.4	41 100.2
Penk	420 965.5	59 479.2
18 Hud	420 073.3	58 742.0
18	427 300.4	50 526.1
SE	427 940.3	57 710.2
GE	427 710.1	57 147.9
7E	427 342.6	56 775.4
70SE	426 705.0	56 495.3

Station	Y (Northings)	X (Eastings)
9E	426 410.1	55 965.8
10E	425 698.4	55 785.5
11E	425 322.2	55 439.7
13E	425 250.6	54 970.4
14E	424 273.0	51 941.0
15E	423 396.6	49 252.2
16	423 510.9	41 005.2

I hereby certify that it is a genuine copy, and so the G. & S. 1868
 completed the survey represented by this plan in which are written
 the bearings and heights of the lines, arranged by me, and that the
 survey has been executed in accordance with the existing regulations
 and with the approved scheme.

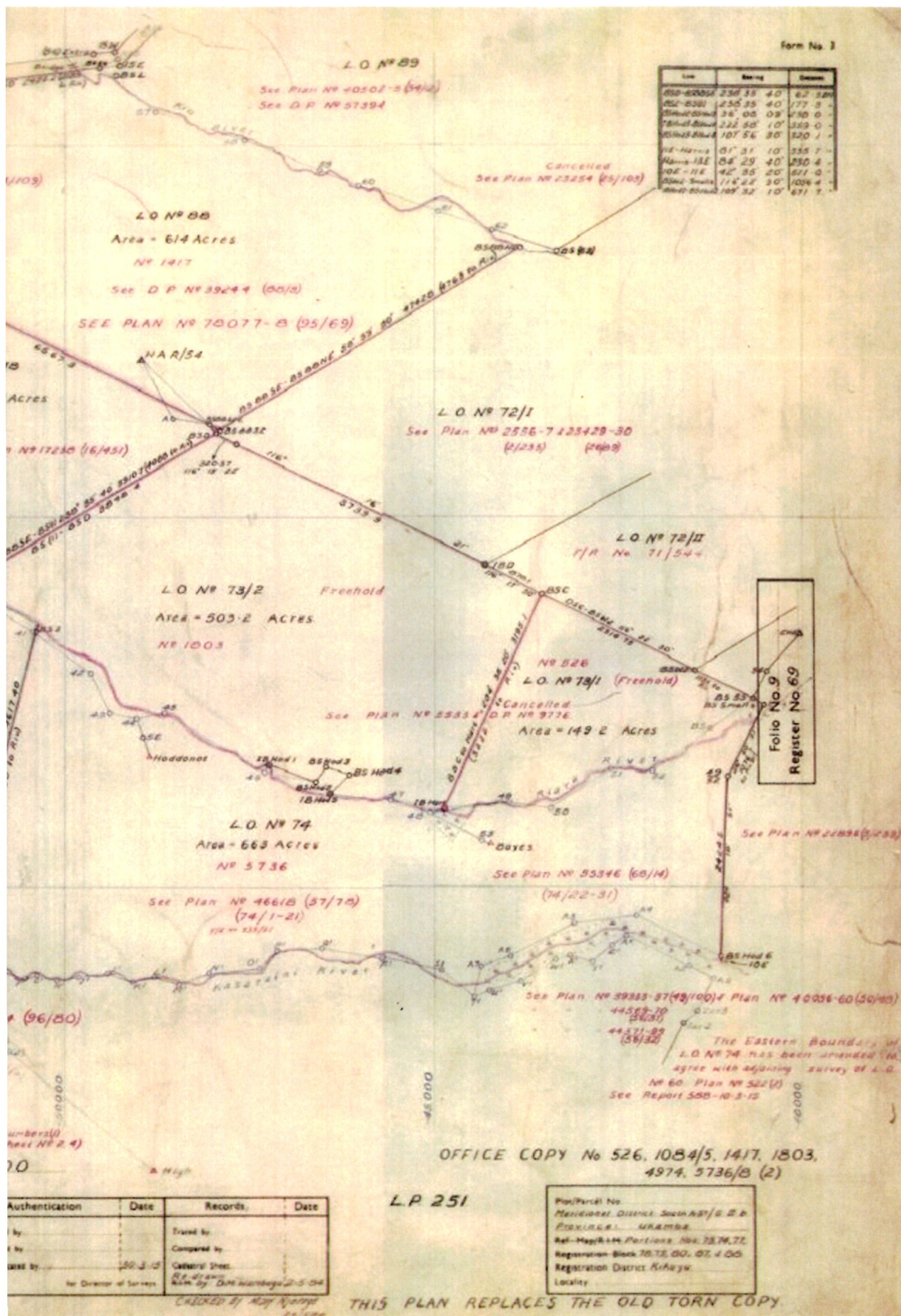
(Sd) L.O. Gubbins
 District Surveyor

Original Plan Passed 30-3-1975

Registration	Transactions
Date Received	Receipt No. 508
File Reference	Final Approval
Computations No. 490	
Field Book No. 400	Checked by

SCALE 1/10

ANNEXURE 1





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



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.

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 gazettement 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 area 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

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

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.

**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 gazettment 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

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.

**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**

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.

- 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