



*Approved
SNA
28/5/26.*

**REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY**

THIRTEENTH PARLIAMENT – FIFTH SESSION

PUBLIC PETITIONS COMMITTEE



REPORT ON-

**CONSIDERATION OF P/NO.3 OF 2025 REGARDING ALLEGED ILLEGAL
ACQUISITION OF TRUST LAND L.R NO 249 OF 1963 BY THE GOVERNMENT IN
TAITA TAVETA COUNTY**



**Directorate of Audit Appropriations &
General Purpose Committees**

Clerk's Chambers

Main Parliament Buildings

NAIROBI

MAY, 2026

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CHAIRPERSON'S FOREWORD

On behalf of the Public Petitions Committee and pursuant to the provisions of Standing Order 227, it is my pleasant privilege and honor to present to this House the Report of the Committee on Public Petition No. 3 of 2025 regarding the alleged illegal acquisition of Trust Land L.R. No 249 of 1963 by the Government in Taita Taveta County.

The petition was presented to the House pursuant to Standing Order No. 225 (2) (a) by the Honorable John Bwire, M.P on behalf of the Petitioner.

The Committee undertook this inquiry by listening to the stakeholders and receiving written submissions from the Ministry of Land, Public Works, Housing and Urban Development, the National Land Commission and the Ministry of Tourism & Wildlife.

The Committee considered the Petition and observed that the land is defined as L.N No.249 of 1963(Legal Notice) was part of Tsavo West National Park.

The committee recommends that the petitioners formally lodge a claim of historical land injustice to the National Land Commission.

The Committee appreciates the Offices of the Speaker and Clerk of the National Assembly for providing guidance and necessary technical support, without which its work would not have been possible. The Chairperson expresses gratitude to the Committee Members 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 lay the Report on the Table of 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 is 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

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

Lead Clerk
Mr. Victor Weke
Principal Clerk Assistant II

Ms. Miriam Modo
First Clerk Assistant

Mr. Benard Toroitich
Third Clerk Assistant

Ms. Kafuyai Wamae
Third Clerk Assistant

Mr. Clinton Sindiga
Legal Counsel II

Ms. Nancy Akinyi
Research Officer III

Mr. Arkan Mumin
Research Officer III

Ms. Roselyne Njuki
Principal Serjeant-at-Arms

Mr. Paul Shana
Serjeant-at-Arms

Mr. Pascal Valerian
Hansard Officer III

Mr. Collins Mahamba
Audio Officer III

Ms. Felistus Muiya
Public Communication Officer

Ms. Fridah Ngari
Media Relations Officer III

PART TWO

2 BACKGROUND OF THE PETITION

2.1 Introduction

3. Pursuant to Article 119 of the Constitution, every person has the right to petition parliament to consider any matter that is within its authority. Standing Order 227 of the National Assembly gives the Public Petition Committee mandate to respond by way of a report to the petitioner within ninety calendar days of committal of the petition to the Committee.
4. The Petition was reported to the House by the Hon. John Bwire, M.P.
5. The Petitioner is representing members of Nyario ya Kididi cha Bhatubheta Culture Community who are residents and users of a Trust Land Reference L.R No.249 of 1963 which they use for the purposes of grazing and farming.
6. The Community occupied the Trust Land until sometime in 1982 when there was a severe drought that claimed human life and livestock; and, as a result, the Community left the area and relocated to the lowlands near River Lumi.
7. The Community continued using the said Trust land as a traditional shrine for prayers and circumcision until sometime in 2022 when they were arrested and harassed by rangers from Kenya Wildlife Service (KWS) on allegations of trespass
8. After negotiations between local political leaders and KWS, the arrested members of the Community were released but on firm instructions that they should not trespass on the Trust Land on grounds that the area is part of Tsavo West National Park and is a protected area.
9. Vide a letter dated 17th August 2023, the Community sought information from the Director for Land Administration on the legal status of the Trust Land; and, on the 18th August 2023, they were expressly informed that the land is still Trust Land.
10. The Community forwarded the aforesaid information from the said Director to the KWS and requested to be allowed to continue using the Trust Land as their shrines and grazing area.
11. The KWS declined and insisted that the Trust Land is part of Tsavo West National Park and that it is a protected area.

12. In the recent past, the KWS has started fencing the Trust Land completely cordoning it off from the Community, and all efforts to have the matter resolved has not been fruitful;

2.2 Prayers

13. The Petitioners prayed that the National Assembly, through the Public Petitions Committee-

- i) Inquires into the legal status of the land *L.R. No. 249 of 1963* and recommends for the settlement of the squatters within Taveta Constituency; and
- ii) Makes any other recommendations that it may deem fit in addressing the plight of the Petitioners.

PART THREE

3 STAKEHOLDERS' SUBMISSIONS ON THE PETITION

3.1 Ministry of Tourism & Wildlife

Ms. Rebecca Miano, the CS, Ministry of Tourism and Wildlife, appeared before the Committee on Thursday, 14th April, 2026 and submitted as follows -

14. On the issue of the claim that LN.249 of 1963 as trust land reserved by Government of Kenya as grazing and farming land for natives in Taita Taveta, the land is currently part of Tsavo West National Park and it is not a trust land. The land in question falls inside the southern part of the Tsavo West National Park in Taita Taveta adjoining Kajiado County boundary. The land measures approximately 3,723 acres as defined by Boundary Plan 204/28 as an addition to Tsavo National Park in 1970.
15. The use of the land ceased from its previous uses to conservation land use as a protected area since the date it was incorporated as part of Tsavo National Park in 1970. The KWS is mandated to protect the park from any form of trespass into the Wildlife Protected Areas. This action is aimed at ensuring harmonious human-wildlife co-existence by mitigating possible areas of conflict. The service undertakes fencing within the boundaries of the National Park to safeguard both wildlife and the communities.
16. The KWS declined the request by the community to utilize the land because no other land use is permitted in this gazetted national park apart from wildlife conservation and connected purposes.

3.2 Ministry of Lands, Public Works, Housing and Urban Development

The Principal Secretary, Ministry of Lands, Hon. Generali Nixon Korir, presented written submissions to the committee on 9th March, 2026. He submitted as follows-

17. According to the Ministry's records, the referenced parcel of land falls in Trust land (now Community Land) within Taita Taveta District. It is defined as I. N No. 249 of 1963 (Legal Notice). It measures approximately 3723 acres as defined by boundary plan 179/37.
18. The key steps of registering a Community Land are as follows;

- i) Presentation of the inventory through CLA 6 to the Cabinet Secretary.
- ii) Cabinet secretary to gazette an adjudication programme.
- iii) A notice of intention to survey through form CLA 7 for a period of 60 days.
- iv) After elapse of 60 days the surveyor prepares a cadaster
- v) Community land proceeds to registration.
- vi) Issuance of title deed (certificate of registration -Form CLA 4.

19. Nyario ya Kididi cha Bhatuweta community should liaise with the County Government of Taita Taveta to ensure that the inventory is forwarded to the Cabinet Secretary for Ministry of Lands, Public Works, Housing and Urban Development.

3.3 National Land Commission

The Commission Secretary, Ms. Kabale Tache, MBS presented a written submission to the committee on Tuesday, 10th March, 2026. She submitted as follows –

- 20. Records indicate that NLC received a total of forty-one (41) historical land injustice claims from Taita Taveta County. However, as at 21st September, 2021, Nyario ya Kididi Bhatubheta Culture Community had not lodged any claim before the commission in relation to the matters raised in the petition.
- 21. Claims relating to historical land injustices are handled within the legal framework established under Article 67(2) (e) of the of the Constitution of Kenya as read with the relevant provisions of the NLC Act. In this regard, parliament amended the law to provide an opportunity for individuals and communities who had not previously filed claims relating to historical land injustices to do so within the prescribed framework.
- 22. Should the Nyario ya Kididi Bhatubheta Culture Community choose to file a claim before the Commission, the claim will be subjected to an admissibility assessment to determine whether it satisfies the legal threshold and the criteria set out under the applicable law and regulations governing historical land justice claims. This process is necessary to establish whether the matter falls within the Commission's mandate and whether it is properly before the Commission for determination.
- 23. Where the claim satisfies the adminisibility criteria, NLC will proceed to institute the appropriate investigative process including an investigative hearing for the purpose of

inquiring into the facts and circumstances of the claim and making such findings and recommendations as may be warranted in law. However, where the claim does not need the admissibility requirements, the claimants will be dully advised and guided on the appropriate institution, forum or legal avenue through which the matter may be pursued.

24. The Commission's position is that the issues raised by the petitioners have not been presented before it as a formal historical land injustice claim, and therefore the Commission has not had an opportunity to consider the matter within the statutory process provided under the law.

PART FOUR

4 COMMITTEE OBSERVATIONS

25. Upon reviewing and considering the submissions by the petitioners, NLC and the Ministry of Lands, Public Works, Housing and Urban Development and the Ministry of Tourism & Wildlife, the Committee observed that—
- i) The parcel of land defined as L.N No. 249 of 1963(Legal Notice) measuring approximately 3723 acres as defined by boundary plan 179/37, was now a protected area within Tsavo West National Park under the custody of KWS.
 - ii) The NLC acknowledged that the matter was a historical injustice case. However, it had not been formally presented to it as a claim.

PART FIVE

5 COMMITTEE RECOMMENDATIONS

26. Pursuant to the provisions of Standing Order 227, the Committee responds to the Petition as follows—

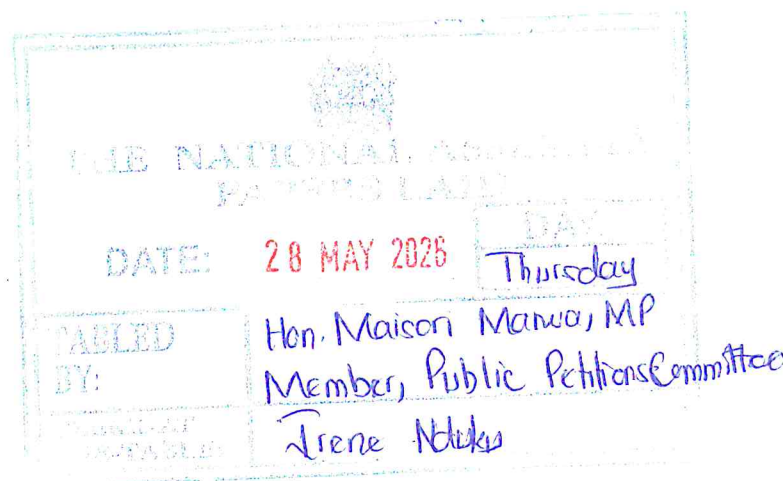
- i) On the prayers that the National Assembly inquires into the legal status of the land L.R No.249 of 1963; **the committee found that the said land LN.249 of 1963 is part of Tsavo West National Park and is a protected area for purposes of wildlife conservation.**

- ii) On the prayer that the National Assembly makes any other recommendations that it may deem fit in addressing the plight of the Petitioners; **the committee recommends that the Nyario ya Kididi cha Bhatuweta community presents the matter before the National Land Commission as a formal historical land injustice claim.**

Signed: _____ *M. Muchangi* _____ Date: 28/05/26.

HON. MUCHANGI KAREMBA, CBS, M.P.

CHAIRPERSON, PUBLIC PETITIONS COMMITTEE



ANNEXURES

Annexure 1:	Adoption List
Annexure 2:	Public Petition No.3 of 2025 Regarding Alleged Acquisition of Trust Land LR No.249 of 1963 by the Government in Taita Taveta County
Annexure 3:	Minutes of Proceedings



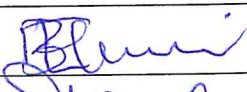
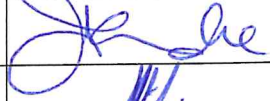
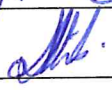
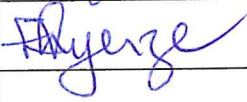

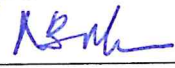
PUBLIC PETITIONS COMMITTEE

ADOPTION LIST

(i) Consideration and adoption of the P/No. 3 of 2025 alleged illegal acquisition of Trust Land L.R. No 249 of 1963 by the Government in Taita Taveta County presented by Hon. John Bwire, MP.

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

DATE: 6/5/2025

	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.	

