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**ELEVENTH PARLIAMENT- FIFTH SESSION- 2017**

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**DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES**

**REPORT ON THE PETITION BY RESIDENTS OF MWATATE CONSTITUENCY  
REGARDING HUMAN WILDLIFE CONFLICT AND ILLEGAL GRAZING IN TSAVO  
WEST NATIONAL PARK**

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**CLERK'S CHAMBERS**

**PARLIAMENT BUILDINGS**

**NAIROBI**

**MARCH, 2017**

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## ACRONYMS/ ABBREVIATIONS

- CWCCC - County Wildlife Conservation and Compensation Committee
- HWC - Human Wildlife Conflict
- KWS - Kenya Wildlife Service

## **CHAIRPERSON'S FOREWORD**

The petition regarding human-wildlife conflict and illegal grazing in Tsavo west National Park was tabled before the House by Hon. Andrew Mwadime, M.P. pursuant to Standing Order No. 225 (2)(a) on behalf of residents of Mwatate Constituency 20<sup>th</sup> July, 2016.

Pursuant to Standing Order 227 (1) the petition was committed to the departmental committee on Environment and Natural Resources for consideration and response to the petitioners as provided for under the Standing Orders. In considering the Petition, the Committee held meetings with the Hon. Andrew Mwadime, MP, who appeared on behalf of residents of Mwatate Constituency. The Committee also carried out a fact finding visit to the area on 8<sup>th</sup> October, 2016 where it received submissions from the residents.

The Committee established that the problem of human-wildlife conflict needed to be urgently addressed as residents living next to Tsavo National Park were suffering. There is also need for deployment of more Kenya Wildlife Service rangers to the area to provide more surveillance and increase response rate during incidences of human-wildlife conflict. It was also established that illegal grazing had increased in the Park especially during the drought season.

The Committee wishes to register its appreciation to the offices of the Speaker and the Clerk of the National Assembly for the support accorded to the Committee in the execution of its mandate.

Finally, it is my pleasant duty, on behalf of the Departmental Committee on Environment and Natural Resources to present this Report to the House pursuant to the provisions of Standing Order 227 (2).

**THE HON. AMINA ABDALLA, CBS, M. P.**

## EXECUTIVE SUMMARY

In this report the committee has considered and responded to the specific prayers of the residents of Mwatate Constituency, Taita Taveta County, regarding Human/Wildlife conflict and illegal grazing in Tsavo West National Park. The Committee having been seized of the matter held meeting with Hon. Andrew Mwadime, M.P who informed the committee of the constant conflict between the residents and the wildlife and illegal grazing in the park and hence the need to stop the illegal grazing and compensate the residents on the damages caused by the wildlife.

Subsequently a Sub-Committee was formed to undertake a fact finding visit to the area and get views from the residents of Mwatate Constituency. The Sub-Committee carried out the visit on 14<sup>th</sup> October, 2016. The Committee established that the problem of human-wildlife conflict needed to be urgently addressed as residents were suffering. There is also need for deployment of more Kenya Wildlife Service rangers to the area to provide more surveillance and increase response rate during incidences of human-wildlife conflict. It was also established that illegal grazing had increased in the Park especially during the drought season.

The Committee recommends that the Kenya Wildlife Service should deploy more officers to the Tsavo National Park to assist in manning the vast area; further, The Kenya Wildlife Service should invoke Section **102 (2)** and **102 (3)** of the Wildlife Conservation and Management Act, 2013 to deal with illegal herders, however during in times of drought or natural disasters, Section **102 (4)** of the Act should apply which requires that the Cabinet Secretary in consultation with Kenya Wildlife Service to make regulations on the same. The Committee also recommends that the Ministry of Environment and Natural Resources should seek funds to complete the fencing of Tsavo National Park.

## **MANDATE**

The Committee is established pursuant to the provisions of Standing Order No. 216, with the following Terms of Reference:-

- a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
- b) Study the program and policy objectives of the Ministries and departments and the effectiveness of the implementation;
- c) Study and review all legislation referred to it;
- d) Study, access and analyze the relative success of the Ministries and Departments as measured by the results obtained as compared with its stated objectives;
- e) Investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
- f) Vet and report on all appointments where the constitution or any law requires the National Assembly to approve, except those under Standing Order 204; and
- g) Make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

The Committee oversees issues to do with climate change, environment management and conservation, forestry, water resource management, wildlife, mining and natural resources, pollution and waste management amongst others.

## **OVERSIGHT**

In executing its mandate, the Committee oversees the following Government Departments namely:-

- i. The State department for Water Services;
- ii. The State Department of Environment;
- iii. The State Department for Natural Resources; and
- iv. The Ministry of Mining

## MEMBERS OF THE COMMITTEE

The Committee comprises of the following members:

<b>Chairperson</b>	The Hon. Amina Abdalla, CBS, M.P
<b>Vice Chairperson</b>	The Hon. Alexander K. Kosgey, M.P
	The Hon. Alice Ng'ang'a, M.P
	The Hon. Samuel Ndiritu, M.P
	The Hon. Opiyo Wandayi, M.P
	The Hon. Dr. Ejidius Njogu Barua, M.P
	The Hon. Jude Njomo, M.P
	Hon. Moitalel Ole Kenta, M.P
	The Hon. Kathuri Murungi, M.P
	The Hon. Sunjeev Birdi, M.P
	The Hon. Jackson K. Rop, M.P
	The Hon. Abdi Noor Ali, M.P
	The Hon. Joyce Emanikor, M.P
	The Hon. Abdulaziz Farah, M.P
	Hon. Ronald Tonui, M.P.
	The Hon. (Dr.) Reginalda Wanyonyi, M.P
	The Hon. Gideon Mwiti, M.P
	The Hon. Hassan Dukicha, M.P
	The Hon. Chachu Ganya, M.P
	The Hon. Richard Makenga, M.P
	The Hon. Charles G. Mongare, M.P
	The Hon. (Dr.) Wilber K. Ottichilo, M.P
	The Hon. George Ogalo, M.P
	The Hon. (Major) Muluvi Mutua, M.P
	The Hon. Mohamed, Diriye M.P
	The Hon. Peter Kinyua, MP
	The Hon. Shukran Hussein Gure, M.P
	The Hon. Joyce Lay, M.P
	The Hon. Zuleikha Hassan Juma, M.P

## **COMMITTEE SECRETARIAT**

Ms. Tracy Chebet Koskei

**Clerk Assistant II**

Mr. Hassan Arale

**Clerk Assistant III**

Mr. Ronald Walala

**Legal Counsel II**

Mr. James Muguna

**Research Officer III**

Ms. Amran Mursal

**Fiscal Analyst III**

## **LIST OF RECOMMENDATIONS:**

In response to the prayers sought by the petitioners the Committee recommends that:

1. The Kenya Wildlife Service should deploy more officers to the Tsavo National Park to assist in manning the vast area;
2. The Kenya Wildlife Service should invoke Section *102(2)* and *102 (3)* of the Wildlife Conservation and Management Act, 2013 to deal with illegal herders, however during times of drought or natural disasters, Section *102 (4)* of the Act should apply which requires that the Cabinet Secretary in consultation with Kenya Wildlife Service to make regulations on the same;
3. The Ministry of Environment and Natural Resources should seek for funds to complete the fencing of Tsavo National Park; and,
4. The Ministry of Environment and Natural Resources should develop a land use management plan in consultation with the County Wildlife Conservation and Compensation Committee and provide resources for its implementation.



## 1.0 INTRODUCTION

On 20<sup>th</sup> July, 2016 the Member for Mwatate Constituency, Hon. Andrew Mwadime, M.P presented a petition on behalf of the residents of Mwatate. The Petition was in regard to illegal grazing in Tsavo West National Park and Human wildlife conflict. The Tsavo's are the largest wildlife protected area complex in Kenya, covering over 21,000 km<sup>2</sup> and are over 4% of the entire country's land mass. The protected area consist of three National parks; Tsavo East, Tsavo West and Chyullu Hills.

The Tsavo National Park traverses Taita Taveta and Makueni Counties. The Parks were established Vide Proclamation No.17 of 2<sup>nd</sup> April 1948. Administratively, Tsavo National Park is divided into Tsavo East and Tsavo West for ease of management due to its vast area.

The petition sought to draw the attention of the House to the following:

- i. The Tsavo West National Park offers some of the most magnificent game viewing in the world and attractions include elephants, Rhinos, Hippos, Lions, Cheetah, Leopards and Buffalos, among others;
- ii. Illegal grazing of animals in the National Park has resulted to movement of wild animals towards human settlement areas in search of greener pastures, and in the process leading to human wildlife conflict;
- iii. The park is not fenced and the area is vast thus making it easily accessible by people who freely graze their animals;
- iv. The Kenya Wildlife Service has failed in their mandate of safeguarding the park from such invasion;
- v. multiple efforts to resolve the matter with the relevant authorities and government bodies have not borne any fruits;

The petitioner's prayers were that, the National Assembly, through the Departmental Committee on Environment and Natural Resources-

1. Recommends that the Kenya Wildlife Service deploys more rangers to the park to assist in manning the vast areas and removing herders who illegally graze their animals in national parks;
2. Recommends that, action is taken against these illegal herders by the relevant government agencies;
3. Recommends that the Kenya wildlife service erects a perimeter fence along the Tsavo West National Park to stop the wild animals from migrating to areas of human settlement; and
4. Makes any other order and /or direction that it deems fit in the circumstances of the matter for the welfare of the communities residing near National parks.

## **2.0 EVIDENCE**

### **2.1 SUBMISSION BY HON. ANDREW MWADIME, M.P**

The Honourable Member for Mwatate Constituency informed the Committee that:

The Petition sought to draw attention to the following issues:

1. Tsavo West National Park offers some of the most magnificent game viewing in the world and attractions include elephants, rhinos, hippos, lions, cheetahs, buffalos among others;
2. The Park is not fenced and the area is vast thus making it easily accessible by people looking to graze their animals
3. Illegal grazing of animals in the Tsavo West National Park has resulted to movement of wild animals towards human settlement areas in search of greener pastures, and in the process leading to human-wildlife conflict;
4. The Kenya Wildlife Service had failed to carry out their mandate of protecting the park from such invasion. Further, the Agency Officials take long to respond when animals attack residents;
5. Multiple efforts to resolve the matter with the relevant authorities and government bodies have not borne any fruit;
6. The problem of human-wildlife has been going on for a very long time in the Constituency. Human deaths and injuries have become very common in the area;
7. Blockage of animal migratory routes due to the construction of the Standard Gauge Railway has increased cases of human-wildlife conflict;
8. There was water scarcity in the area and humans and animals were fighting for the few available water resources;
9. Schools were affected as some pupils were no longer going to school for fear of attack by animals on their way to and from school. Those pupils who go to school are forced to go late and leave school early;
10. Crops in the farms have been destroyed and the residents have to rely on relief food for survival;

Further, the Honourable Member submitted the following:

- i. The problem of illegal grazing in the Tsavo National Park was a major catastrophe that needed the urgent attention of the National Government and the County Government.

- ii. He also requested the national Government to allow locals resident to mine in the areas without being mistreated by the Kenya Wildlife Service (KWS) rangers.
- iii. A permanent solution to the problem needed to be established to avoid further damage of crops mostly caused by the Elephants.
- iv. He further requested the Committee to recommend more Corporate Social Responsibility (CSR) activities by KWS in the area so as to benefit and educate the local residents.

## **2.2FACT FINDING VISIT AND MEETING WITH THE RESIDENTS OF MWATATE CONSTITUENCY**

On 14<sup>th</sup> October, 2016 the Committee undertook a field visit to Taita Taveta County. A public hearing meeting was held at the Mwatate CDF Hall. The oral submissions were as follows:-

### **A. Submission by Mr. Grafton Mwakio - A Teacher**

Mr. Mwakio informed the Committee that Human wildlife conflict has become a thorn in the flesh in the County as some families never harvest their crops since they are always destroyed by the wild animals before maturing for harvesting. He also noted that he had lost all his cassava, watermelons and that his fish pond gets invaded by the elephant on almost daily basis. He lamented having constructed a fish pond.

The wild animals have caused psychological torture to the residents since they spend most of their nights outside chasing elephants and other wild animals. The children within the affected locations go to school as late as 9.00 am and leave school as early as 3.00pm for fear of wild animals attack and thus they don't fully cover the syllabus as required leading to poor performance in their exams. He called for an immediate action by the National Government to avert a foreseen drought in the region.

### **B. Submission by Mr. Bong'osa Mcharo- Chairman, Ranchers Association**

Mr. Mcharo informed the Committee that the Taita Taveta Ranches Association is a membership platform which brings together all ranches and wildlife conservation with an aim of pursuing shared business opportunity and addressing cross-cutting issues and challenges, the main one which is the continued invasion of unauthorised livestock in the County especially in the Tsavo National Park.

He further informed the committee that;

- In the 1990's and 2000's, a few ranches invited the herders from North Eastern to herd in their ranches on lease.
- Most of them went against the agreement by increasing the herd and not paying the agreed grazing fee.
- Poaching started taking place more on large scale in the ranches
- Some of the cattle started invading and grazing in the Tsavo National Park

- In 2012 illegal grazing and poaching both in the ranches and the National Park become so serious that the government decided to take action and called for a meeting which was held in Sagalla Lodge between KWS, County security and Taita Taveta ranches members and the government decided to evict all illegal ranchers in the park.
- Another meeting was held in 2014 and it was established that all leases in the county were unprocedurally entered and thus were null and void.
- This was followed by eviction operation which was rated 90% successful; however, the operation was stopped by illegal grazers through a court order.
- To date they still graze in the park with some of them having permanent cattle sheds inside the park.

**C. Submission by Mr. John Mulamba-Chairman County Wildlife Conservation and Compensation Committee (CWCCC)**

Mr. Mulamba informed the Committee that the CWCCC had held one meeting in Feb/March 2016 in which Taita Taveta reviewed a total of 182 claims (15 deaths and 167 injuries) and other 452 crops/Property destruction. He noted the claims were on the rise every day.

The Chairperson informed the Committee that, as a compensation claim committee they face challenges which include:

1. Human Wildlife Conflict (HWC) which is being escalated by illegal grazing in the park especially Tsavo West and the wildlife in turn invades the communities encroaching on the parks. The cases of HWC were on the increase since the commencement of the SGR project
2. Changes in environment near the parks. The construction of the SGR has necessitated underpasses and overpasses which animals are not used to.
3. Human settlements along the traditional migratory corridors. It had been recommended that a land use planning officer is attached to the County Wildlife Conservation and Compensation Committee to advise on this and assist in the maintenance of the animal corridors.

**D. Submission by Ms. Eunice Manga-A Farmer in Alia Area**

Ms. Manga informed the Committee that in the past years when there was plenty of water, there was no wildlife movement to human settlements. However in the recent years she has noted an increase in human-wildlife conflict which was causing the residents sleepless nights. The frequent attacks by wildlife has made children to go to school late.

She urged the Government to ensure that the illegal cattle's in the park be evicted to reduce the movement of the wild animals. She also noted that everything they plant ends up being eaten by elephants and thus leaving the residents to rely on relief food.

### **E. Submission by Ms. Purity Mighambi – Resident in Mngama (Activist)**

Ms. Mighambi informed the Committee that, livestock belonging to known senior politicians from North Eastern region are ferried to the National Park by huge Trucks at night. This has resulted to movement of wild animals towards human settlement areas in search of greener pastures, leading to human wildlife conflicts.

She noted that if the situation is not arrested early the county would be left behind in terms of development and education. She also informed the Committee that the Uwezo fund in the area is of no use since residents don't borrow for fear of repayment because all their projects are destroyed by wildlife. The residents also have to escort their children to school for fear of attack by the wild animals. She requested that rangers be increased and more KWS stations to be built.

### **3.0 COMMITTEE OBSERVATIONS**

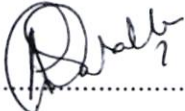
The Committee observed the following:

1. There is need for deployment of more Kenya Wildlife Service rangers in the area to provide more surveillance and increase response rate during incidences of human-wildlife conflict;
2. Illegal grazing had increased in the Park especially during the drought season;
3. The Kenya Wildlife Service has started fencing the Tsavo Conservation Area but the area is very vast and a lot of resources will be needed to complete the fencing;
4. The victims of human –wildlife conflict are yet to be compensated which was creating animosity between the residents and KWS officers. Further, the claims were on the rise due to increased cases of human-wildlife conflict which was also fuelled by human settlements on traditional wildlife migratory corridors;

#### 4.0 RESPONSE TO PRAYERS OF THE PETITIONERS

The Committee recommends that:

1. The Kenya Wildlife Service should deploy more officers to the Tsavo National Park to assist in manning the vast area;
2. The Kenya Wildlife Service should invoke Section 102 (2) and 102 (3) of the Wildlife Conservation and Management Act, 2013 to deal with illegal herders, however during times of drought or natural disasters, Section 102 (4) of the Act should apply which requires that the Cabinet Secretary in consultation with Kenya Wildlife Service to make regulations on the same;
3. The Ministry of Environment and Natural Resources should seek funds to complete the fencing of Tsavo National Park;
4. The Ministry of Environment and Natural Resources should develop a land use management plan in consultation with the County Wildlife Conservation and Compensation Committee and provide resources for its implementation.

Signature  Date 17/02/17

**Hon. Amina Abdalla, CBS, MP**

**Chairperson, Departmental Committee on Environment and Natural Resources**

# ANNEXTURES | ADOPTION LIST


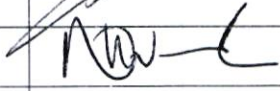
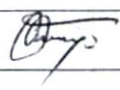



DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

ADOPTION LIST OF THE REPORT ON THE PETITION ON HUMAN WILDLIFE  
CONFLICT AND ILLEGAL GRAZING IN TSAVO WEST NATIONAL PARK

	NAME	SIGNATURE
1	Hon. Abdalla, Amina, CBS, MP-CHAIRPERSON	
2	Hon. Alexander Kosgey, MP <b>Vice Chairperson</b>	
3	Hon. Dukicha, Hassan Abdi, MP	
4	Hon. Emanikor, Joyce Akai, MP	
5	Hon. Ganya, Francis Chachu, MP	
6	Hon. Geni, Charles Mongare, MP	
7	Hon. Gure, Shukran Hussein, MP	
8	Hon. Ole Kenta, Richard Moitalel, MP	
9	Hon. Mohamed, Diriye Abdullahi, MP	
10	Hon. Murungi, Kathuri, MP	
11	Hon. Ogalo, George Oner, MP	
12	Hon. Sunjeev Kour Birdi, MP	
13	Hon. Tonui, Ronald Kiprotich, MP	
14	Hon. Dr. Wanyonyi, Reginalda N, MP	
15	Hon. Farah, Abdulaziz Ali, MP	
16	Hon. Barua, Ejidius Njogu, MP	
17	Hon. Irea, Gideon Mwiti, MP	
18	Hon. Muluvi, Marcus Mutua, MP	
19	Hon. Opiyo wandayi, MP	
20	Hon. Ndiritu, Samuel Mathenge, MP	
21	Hon. Ottichilo, Wilber Khasilwa, MP	



22	Hon. Rop, Jackson Kipkorir, MP	
23	Hon. Abdinoor, Mohammed Ali, MP	
24	Hon. Ng'ang'a, Alice Wambui, MP	
25	Hon. Peter Kinyua, MP	
26	Hon. Richard Makenga, MP	
27	Hon. Zuleikha Hassan Juma, MP	
28	Hon. Jude Njomo, MP	
29	Hon. Joyce Lay, M.P	

**CHEBET KOSKEI**  
**FOR -CLERK OF THE NATIONAL ASSEMBLY**

## ANNEXTURES II. PETITION

**Directorate of Legislative and Procedural Services**

**MEMO**

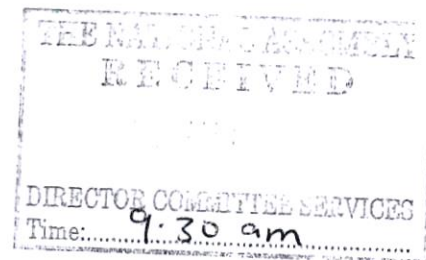
TO : DIRECTOR, COMMITTEE SERVICES

FROM : PRINCIPAL CLERK ASSISTANT

DATE : AUGUST 02, 2016

SUBJECT : PUBLIC PETITIONS

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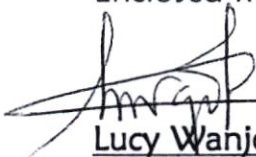


The above-mentioned subject matter refers.

On **Tuesday, 2<sup>nd</sup> August, 2016**, the following Petitions were presented by:

1. The Hon. Sunjeev K. Birdi, MP regarding delayed issuance of citizenship by Kenya; and *DC - ADMINISTRATION*
2. The Hon. Andrew Mwadime, MP on illegal grazing in Tsavo West National Park and Human Wildlife Conflict. *DC - ENVIRONMENT*

Enclosed herewith, please find the Petitions for your action.

  
Lucy Wanjohi

Encl.

**Copy to:** Clerk of the National Assembly

Director, Legislative and Procedural Services

Chair, Departmental Committee on Administration & National Security

Chair, Departmental Committee on Environment and Natural Resources

*1. MACHARA*  
*2. CHERETI*  
*pls deep*  
*FA*  
*03/8*

REPUBLIC OF KENYA



Approved  
RA  
SNA  
22/7/16

THE NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT  
(FOURTH SESSION)

PUBLIC PETITION

BY RESIDENTS OF MWATATE CONSTITUENCY REGARDING ILLEGAL  
GRAZING IN TSAVO WEST NATIONAL PARK AND HUMAN WILDLIFE  
CONFLICT

---

I, the undersigned, on behalf of the residents of Mwatate Constituency,

DRAW the attention of the House to the following:-

- i. **THAT**, Tsavo West National Park offers some of the most magnificent game viewing in the world and attractions include elephants, rhinos, hippos, lions, cheetah, leopards and buffalos, among others;
- ii. **THAT**, illegal grazing of animals in the National Park has resulted to movement of wild animals towards human settlement areas in search of greener pastures, and in the process leading to human wildlife conflict;
- iii. **THAT**, the Park is not fenced and the area is vast thus making it easily accessible by people who freely graze their animals;
- iv. **THAT**, Kenya Wildlife service has failed in their mandate of safeguarding the park from such invasion;
- v. **THAT**, multiple efforts to resolve the matter with the relevant authorities and government bodies have not borne any fruit;
- vi. **THAT**, the issues in respect of which this Petition is made are not pending before any Court of Law, or before any Constitutional or statutory body.



PUBLIC PETITION

BY RESIDENTS OF MWATATE CONSTITUENCY REGARDING ILLEGAL  
GRAZING IN TSAVO WEST NATIONAL PARK AND HUMAN WILDLIFE  
CONFLICT

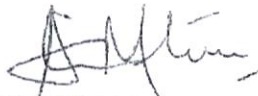
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**THEREFORE** your humble petitioners pray that the National Assembly, through the Departmental Committee on Environment and Natural Resources:-

- 1) Recommends that the Kenya Wildlife Services deploys more officers to the Park to assist in manning the vast area and removing herders who illegally grazing their domestic animals in National Parks;
- 2) Recommends that action is taken against these illegal herders by the relevant Government agencies;
- 3) Recommends that the Kenya Wildlife Services erects a perimeter fence along the Tsavo West National Park to stop the wild animals from migrating to areas of human settlement; and
- 4) Makes any other order and/or direction that it deems fit in the circumstances of the matter for the welfare of the communities residing near National Parks.

And your **PETITIONERS** will ever pray.

**PRESENTED BY,**



**HON. ANDREW MWADIME, M.P.**

**MEMBER FOR MWATATE CONSTITUENCY**

**DATE:** 20/07/2016

ANNEXTURES III- MINUTES OF THE COMMITTEE

**MINUTES OF THE 9<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES, HELD ON FRIDAY 17<sup>TH</sup> FEBRUARY, 2017 AT 10.00 AM IN IMPERIAL HOTEL, KISUMU CITY**

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**PRESENT**

1. Hon. Abdalla Amina, M.P. – **Chairperson**
2. Hon. Tonui Ronald Kiprotich, M.P.
3. Hon. Dr. Wanyonyi Reginalda N. M.P.
4. Hon. Dr. Ottichillo K. Wilber, M.P.
5. Hon. Richard Makenga, M.P.
6. Hon. Jude Njomo, M.P.
7. Hon. Wandayi James Opiyo, M.P.
8. Hon. Geni Charles Mong'are, M.P.
9. Hon. Rop Jackson Kipkorir, M.P.
10. Hon. Sunjeev Kaur Birdi, M.P.
11. Hon. Abdinoor Mohammed Ali, M.P.
12. Hon. Ndiritu Samuel Mathenge, M.P.
13. Hon. Peter Kinyua, M.P.
14. Hon. Ogalo George Oner, M.P.
15. Hon. Farah, Abdulaziz Ali, M.P.
16. Hon. Ole Kenta Richard Moitalel, M.P.

**APOLOGIES**

1. Hon. Alexander Kosgey, M.P. – **Vice Chairperson**
2. Hon. Ganya Francis Chachu, M.P.
3. Hon. Kathuri Murungi, M.P.
4. Hon. Muluvi Marcus Mutua, M.P.
5. Hon. Dr. Barua Ejidius Njogu, M.P.
6. Hon. Ng'ang'a Alice Wambui, M.P.
7. Hon. Dukicha Hassan Abdi, M.P.
8. Hon. Irea Gideon Mwitii, M.P.
9. Hon. Joyce Lay, M.P.
10. Hon. Gure Shukran Hussein, M.P.
11. Hon. Mohamed Diriye Abdullahi, M.P.
12. Hon. Emanikor Joyce, M.P.
13. Hon. Zulekha Hassan, M.P.

**IN-ATTENDANCE - SECRETARIAT**

1. Ms. Florence Abonyo - Director Committee Services, National Assembly
2. Ms. Tracy Chebet Koskei - Clerk Assistant II
3. Mr. Hassan A. Arale - Clerk Assistant III



- |                       |                                  |
|-----------------------|----------------------------------|
| 4. Mr. James Muguna   | - Research Officer III           |
| 5. Mr. Lilian Amuga   | - Public Communication Assistant |
| 6. Mr. Nickson Mutai  | - Audio Officer                  |
| 7. Mr. Mohamamed Said | - Serjeant at Arms               |

**MIN.NO. DC/ENR/031/2017: PRELIMINARIES**

The meeting was called to order at 10.00 am after which prayers were said. The Chair then welcomed the members to the meeting.

**MIN.NO. DC/ENR/032/2017: CONSIDERATION OF THE REPORT ON THE PROPOSED DEGAZETEMENT OF 1, 577.36 HECTARES OF TURBO FOREST RESERVE COMPRISING OF MAUTUMA SETTLEMENT SCHEME IN LUGARI DISTRICT, KAKAMEGA COUNTY:**

The Members considered and adopted the report after it was proposed and seconded by Hon. Dr. Reginalda Wanyonyi, M.P and Hon. Richard Makenga, M.P respectively.

**MIN.NO. DC/ENR/033/2017: CONSIDERATION OF THE REPORT ON THE PETITION BY HON. ANDREW MWADIME M.P ON BEHALF OF RESIDENTS OF MWATATE CONSTITUENCY REGARDING HUMAN WILDLIFE SETTLEMENT AND ILLEGAL GRAZING IN TSAVO WEST NATIONAL PARK:**

The Members considered and confirmed the report on the as the true reflection of the Committee's deliberation and findings after it was proposed and seconded by Hon. Dr. Wilber Ottichilo, M.P and Hon. Sunjeev Kaur Birdi, M.P respectively.

**MIN.NO. DC/ENR/034/2017: CONSIDERATION OF THE REPORT ON THE PETITION BY HON. FRANCIS MWANGANGI M.P ON BEHALF OF RESIDENTS OF YATTA CONSTITUENCY REGARDING THE POLLUTION OF RIVER ATHI:**

The Members considered and confirmed the report on the as the true reflection of the Committee's deliberation and findings after it was proposed and seconded by Hon. Richard Makenga, M.P and Hon. Ronald Tonui, M.P respectively.

**MIN.NO.DC/ENR/035/2017:**

**ADJOURNMENT**

There being no other business the meeting was adjourned at 12.30pm.

**SIGNED.....**  
**(Chairperson)**

**DATE.....**

**MINUTES OF THE 62<sup>ND</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES, HELD ON TUESDAY, AUGUST 25, 2016 AT 10.30 AM IN CPA ROOM, PARLIAMENT BUILDINGS**

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**PRESENT**

1. Hon. Ottichillo K. Wilber, M.P. – **Chairing**
2. Hon. Rop Jackson Kipkorir, M.P.
3. Hon. Emanikor Joyce, M.P.
4. Hon. Ole Kenta Richard Moitalel, M.P.
5. Hon. Kathuri Murungi, M.P.
6. Hon. Sunjeev Kaur Birdi, M.P.
7. Hon. Farah, Abdulaziz Ali, M.P.
8. Hon. Muluvi Marcus Mutua, M.P.
9. Hon. Isaac Mwaura, M.P.
10. Hon. Tonui Ronald Kiprotich, M.P.
11. Hon. Richard Makenga, M.P.
12. Hon. Ndiritu Samuel Mathenge, M.P.

**APOLOGIES**

1. Hon. Abdalla Amina, CBS M.P. – **Chairperson**
2. Hon. Alexander Kosgey, M.P. – **Vice Chairperson**
3. Hon. Ganya Francis Chachu, M.P.
4. Hon. Gure Shukran Hussein, M.P.
5. Hon. Peter Kinyua, M.P.
6. Hon. Mohamed Diriye Abdullahi, M.P.
7. Hon. Barua Ejidius Njogu, M.P.
8. Hon. Irea Gideon Mwiti, M.P.
9. Hon. Jude Njomo, M.P.
10. Hon. Geni Charles Mong'are, M.P.
11. Hon. Ogalo George Oner, M.P.
12. Hon. Ng'ang'a Alice Wambui, M.P.
13. Hon. Joyce Lay, M.P.
14. Hon. Dukicha Hassan Abdi, M.P.
15. Hon. Dr. Wanyonyi Reginalda N. M.P.
16. Hon. Zuleikha Hassan, M.P.
17. Hon. Abdinoor Mohammed Ali, M.P.

**IN-ATTENDANCE**

Hon. Andrew Mwadime, M.P - Petitioner

**SECRETARIAT**

Ms. Tracy Chebet Koskei

- Second Clerk Assistant

**MIN.NO. DC-ENR/212/2016:**

**PRELIMINARIES**

The meeting was called to order at 10.40 am after which prayers were said. The Chair then welcomed the members to the meeting and asked the Members of the Committee and the Petitioner to introduce themselves.

**MIN.NO. DC-ENR/213/2016: SUBMISSION BY HON. ANDREW MWADIME, M.P**

The Honourable Member for Mwatate Constituency informed the Committee that:

The Petition sought to draw attention to the following issues:

1. Tsavo West National Park offers some of the most magnificent game viewing in the world and attractions include elephants, rhinos, hippos, lions, cheetahs, buffalos among others;
2. The Park is not fenced and the area is vast thus making it easily accessible by people looking to graze their animals
3. Illegal grazing of animal in the Tsavo West National Park has resulted to movement of wild animals towards human settlements areas in search of greener pastures, and in the process leading to human-wildlife conflict;
4. The Kenya Wildlife Service had failed to carry out their mandate of protecting the park from such invasion. Further, the Agency Officials take long to respond when animals attack residents
5. Multiple efforts to resolve the matter with the relevant authorities and government bodies have not borne any fruit;
6. The problem of human-wildlife has been going on for a very long time in his Constituency. Human deaths and injuries have become very common in the area;
7. Blockage of animal migratory routes due to the construction of the standard Gauge Railway has increased cases of human-wildlife conflict
8. There was water scarcity in the area and humans and animals were fighting for the few available water resources
9. Schools were affected as some pupils were no longer going to school for fear of attack by animals on their way to and from school. Those pupils who go to school are forced to go late and leave school early;
10. Crops in the farms have been destroyed and the residents have to rely on relief food for survival;

The Petitioners prayed that the National Assembly, through the Departmental Committee on Environment and Natural Resources:

1. Recommends that the Kenya Wildlife Services deploys more officers to the Park to assist in manning the vast area and removing herders who illegally graze their livestock in the Park;

2. Recommends that action is taken against these illegal herders by the relevant government agencies;
3. Recommends that the Kenya Wildlife Service erects a perimeter fence along Tsavo West National Park to stop the wild animals from migrating to areas of human – settlement; and
4. Makes any other Recommendation that it deems fit in the circumstances of the matter for the welfare of the communities residing near National Parks.

### COMMITTEE OBSERVATIONS AND RESOLUTIONS

1. There was need to come up with a solution to deal with the problem of human-wildlife conflict which had become rife countrywide and also given the high number of Petitions the Committee was receiving on the same;
2. Although it is expensive there was need to explore the possibility of fencing National Parks as along term solution to the human- wildlife conflict;
3. The Committee should organise a forum to engage all stakeholders in the wildlife sector to come up with solutions to mitigate human-wildlife conflict; and
4. The Committee needs to finish its Report on the Impact of the Standard Gauge Railway on the Tsavo National Park and table it soon. The Secretariat was directed to fast track on the Report.

MIN.NO.DC-ENR/214/2016:

ADJOURNMENT

There being no other business the meeting was adjourned at 12.00pm.

SIGNED.....

*(Handwritten signature)*  
(Chairperson)

DATE.....

*15/10/16*

# ANNEXTURES IV- SUBMISSIONS

# ANNEXTURES IV- SUBMISSIONS

Lead by Hon. Raymond Mwangola.  
Chairperson, Committee on Natural  
Resources, Environment and Mining  
20 13th Oct 2016  
At 1:21 PM  
R. Mwangola



# SPECIAL REPORT

BY THE COMMITTEE ON NATURAL RESOURCES, ENVIRONMENT,  
FORESTRY AND MINING IN REGARD TO WANTON DESTRUCTION OF  
FORESTS IN TAITA TAVETA

## PREAMBLE

Mr. Speaker Sir,

On behalf of the select Committee on Environment, Natural Resources, Forestry and Mining, and pursuant to Standing Order no. 193, it is my duty and pleasure to present to the House the special report on the Committee's situation analysis of destruction of the environment at Kambanga in Mwatate Sub-County by Charcoal burners.

## COMMITTEE MEMBERSHIP

The Committee on Environment, Natural Resources, Forestry and Mining was reconstituted by the House on May 14<sup>th</sup> 2015 and comprise of the following Members:

- |                          |                         |
|--------------------------|-------------------------|
| 1. HON. RAYMOND MWANGOLA | - MCA, CHAIRPERSON      |
| 2. HON. MERCY MWAKERA    | - MCA, VICE CHAIRPERSON |
| 3. HON. MARY MNGOLA      | - MCA, MEMBER           |
| 4. HON. OMAR AHMED       | - MCA, MEMBER           |
| 5. HON. ABRAHAM MWAMBONU | - MCA, MEMBER           |
| 6. HON. FRANK KICHOI     | - MCA, MEMBER           |



7. HON. GODWIN KILELE - MCA, MEMBER
8. HON. JUSTINE JUMA - MCA, MEMBER
9. HON. JONES SOLOMON - MCA, MEMBER
10. HON. RACHEL DAWAI - MCA, MEMBER
11. HON. CRISPUS TONDOO - MCA, MEMBER

**Mr. Speaker, Sir**

The Committee's mandate is as follows:

1. Investigate, inquire into and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
2. To study the programme and policy objectives of departments and the effectiveness of the implementation;
3. Study and review all County legislation referred to it;
4. Study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
5. Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
6. Vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order no.187 (*Committee on appointments*) and;
7. Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

**OBJECTIVES**

**Mr. Speaker Sir**

The objective of the visits was to access the extent of destruction of the environment (felling of indigenous trees) by charcoal burners in Kamtonga area which has reached worrying levels. The other was to access the illegal harvesting of trees at Kinyesha Vua forest and to also find out why Kenya Forest Service

officers were abetting the vice. There is also the report on trees harvested around HPC area on diverse dates.

## FINDINGS

Taita Taveta County has of late witnessed wanton destruction of the environment namely forests and indigenous trees in Kinyesha Vua forest in Wundanyi Sub-County, destruction of trees for charcoal burning at Kambanga in Mwatate Sub-County and felling of trees for timber at Muchinyi in Wundanyi Sub-County.

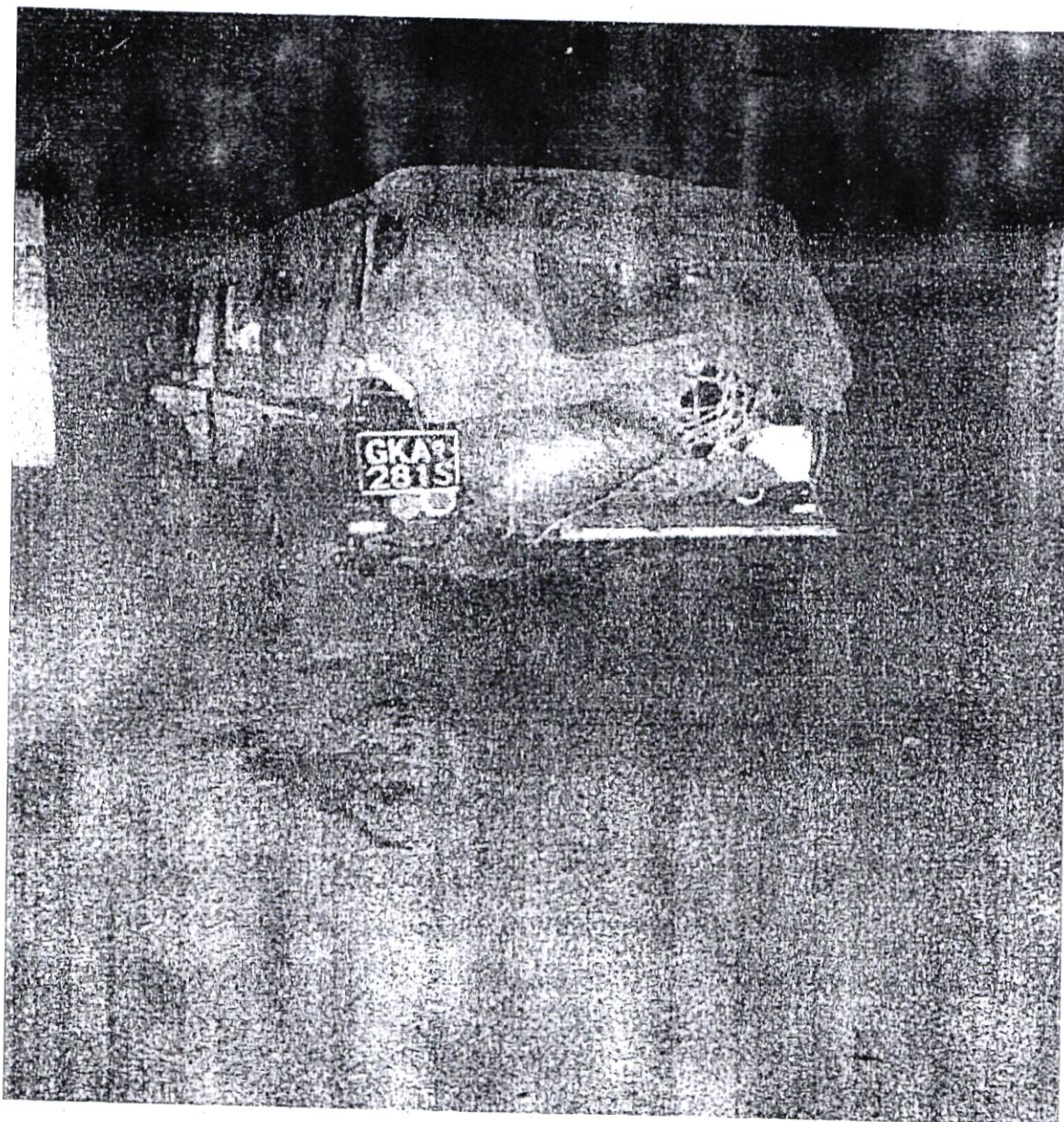
The Committee on Natural Resources, Environment, Forestry and Mining on 7<sup>th</sup> April, 2016 carried out a situational analysis at Kinyesha Vua forest in Wundanyi Sub-County where it was discovered that although the Kenya Forest Service officers wrote to the National Government in 2012 requesting authorization for the removal of dead logs (activity called salvaging of windfalls), some trees were cut yet they were not part of the windfall. It was also noted that Public Participation towards the same was not conducted as claimed to have been undertaken by KFS officials. (*See attached report on Kinyesha Vua forest*).

The Committee on 18<sup>th</sup> August, 2016 also conducted a situational analysis at Kambanga in Mwatate Sub-County where they discovered wanton destruction of trees for purposes of charcoal burning and yet the Kenya Forest Service officers are aware of the vice (*see attached report on Kambanga*).

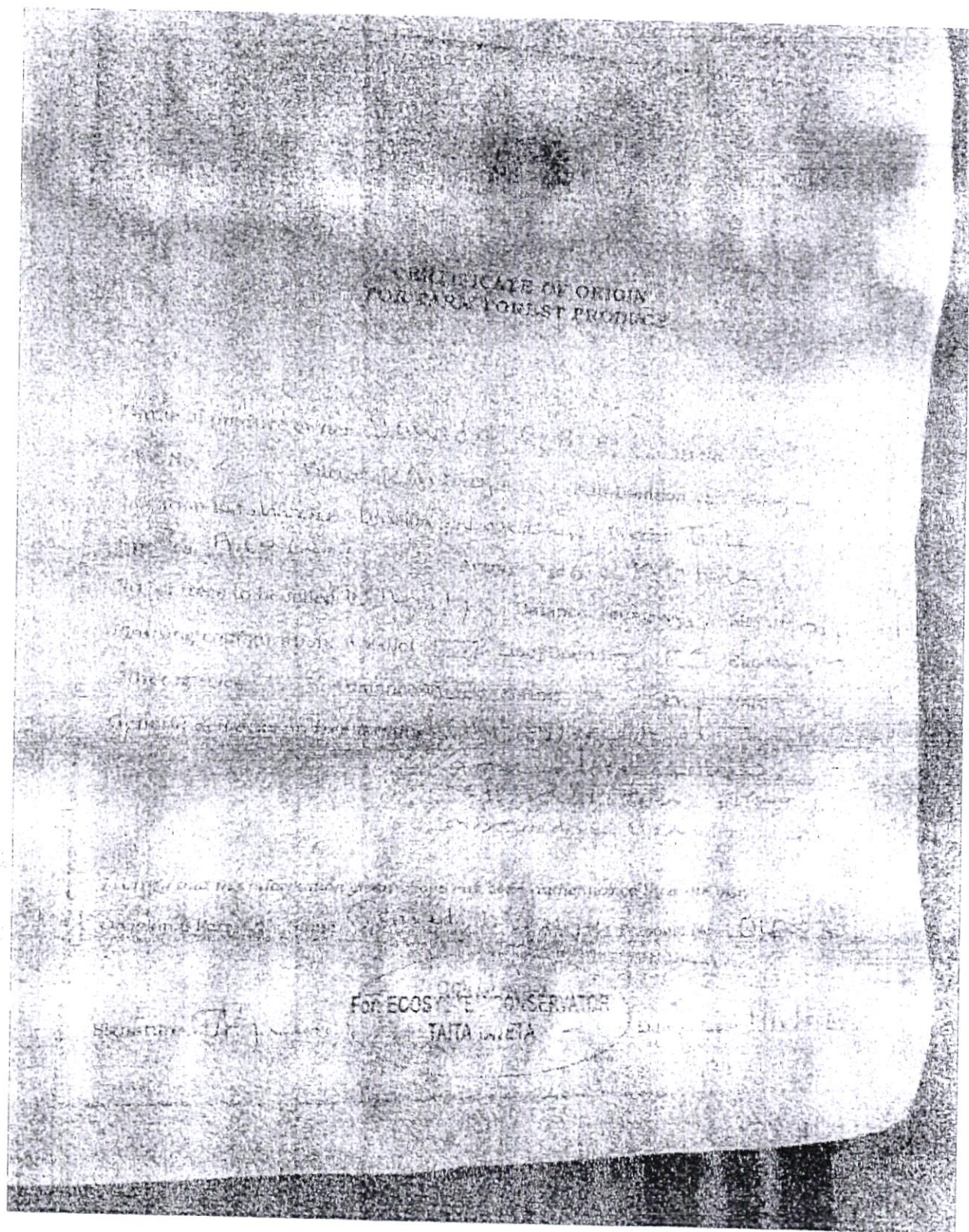
The Committee also received another report from the Sub-County Administrator on 20<sup>th</sup> September, 2016 detailing tree harvesting around HPC area on diverse dates between 10<sup>th</sup> and 14<sup>th</sup> September, 2016. According to the report by the Sub-County Administrator, the harvesting was illegal. (*see attached report and other correspondences from the Sub-County Administrator*).

The Committee further discovered that the office of the Kenya Forest Services in Wundanyi was the one issuing forest produce movement permits there by not only aggravating the matter but also abetting it. (*see attached movement permits*).

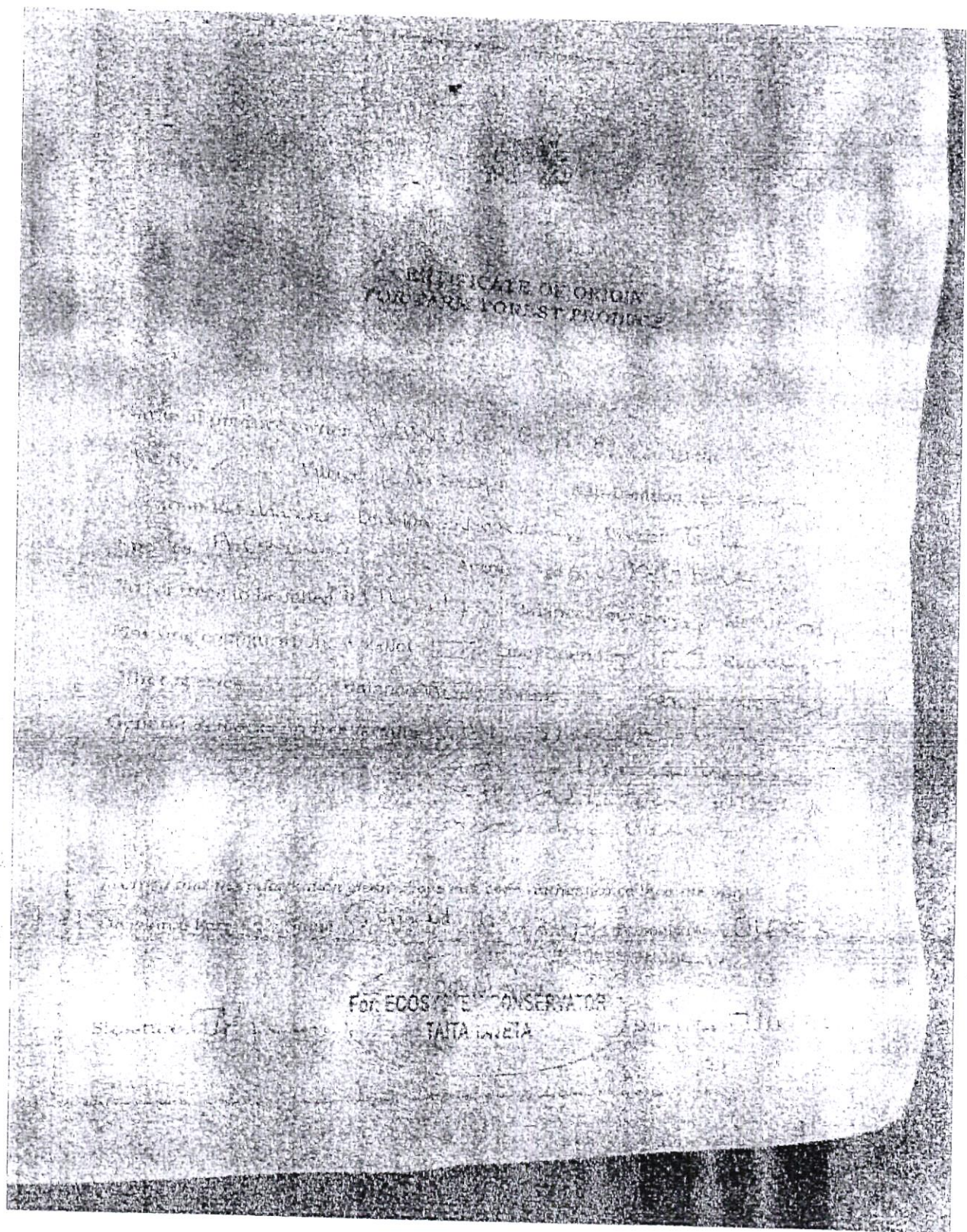
In Kishushe area of Wundanyi Sub-County, wanton felling of trees for charcoal burning is also evident. The permits for felling and charcoal burning, including movement of charcoal are issued by the Kenya Forest Service.



1. A Government Land Rover pictured ferrying sacks of charcoal from Kishushe at night.



2. A picture of a permit authorizing felling of acacia trees



Picture of a permit authorizing felling of acacia trees

ORIGINAL



REPUBLIC OF KENYA  
KENYA FOREST SERVICE  
CHARCOAL MOVEMENT PERMIT

ID

*[Faint, illegible text, likely a permit form with fields for origin, destination, and quantity]*

REGISTRAR GENERAL  
NATIONAL BUREAU OF STANDARDS

REGISTRAR GENERAL

A charcoal movement permit issued by the Kenya Forest Service

ORIGINAL

# Kenya Forest Service OFFICIAL RECEIPT



No. B

Received

District Zone

Date

RECEIVED FROM

Name

Address

Telephone No.

Account No.

Charity No.

Signature of Charles Mwangi Njiru

Name

6. A permit authorizing movement of bags of charcoal issued by the Kenya Forest Service

## RECOMMENDATIONS

Owing to the above, the Committee hereby recommends that;

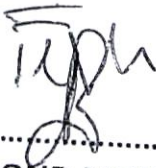
- Logging and charcoal burning both in the national forests and County forests be stopped forthwith for the next six months,
- Taita Taveta Ecosystem Conservator and County Forester Manager must be held accountable and therefore be interdicted to allow independent investigations,
- The rest of the forest and security officers from the national Government in charge of Sub-County stations should also be transferred and a complete overhaul be done,
- Rehabilitation of the affected areas should commence immediately,
- There is need for the concerned County Department to do a retreat with an objective of coming up with a joint working mechanism.

## CONCLUSION

The above recommendations should be adopted immediately in order to salvage the situation the soonest possible.

**Mr. Speaker, Sir.**

It is now my duty and privilege to present to the House this report for its approval and adoption thereof.



.....  
**HON. RAYMOND MWANGOLA**  
**CHAIRPERSON**





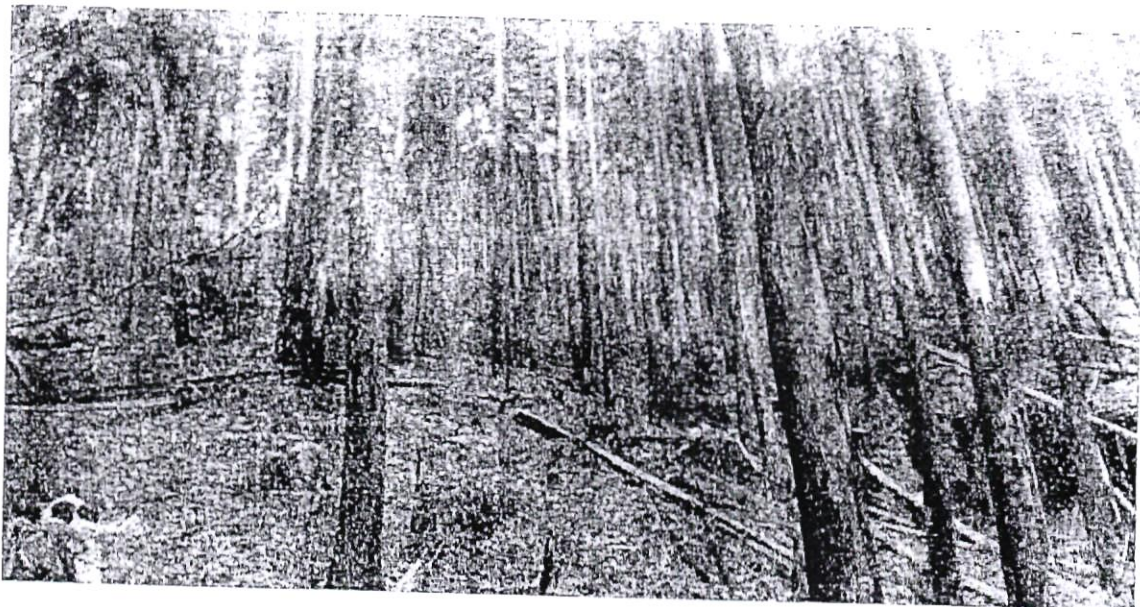
## TAITA TAVETA COUNTY ASSEMBLY

### REPORT ON

### THE SITUATION ANALYSIS AT KINYESHA VUA FOREST IN WUNDANYI SUB-COUNTY ON 7<sup>TH</sup> APRIL, 2016 BY THE COMMITTEE ON ENVIRONMENT, NATURAL RESOURCES, FORESTRY AND MINING

#### PREAMBLE

Kinyesha Vua Forest straddles Ngilinyi in Wundanyi/Mbale Ward and Wumingu/ Kishushe Ward respectively both in Wundanyi Sub-County. The common tree species found is mainly Cyprus and pine. According to Kenya Forest Service (KFS) records these trees were planted in 1972.



pix1. Kinyesha vua forest

## Findings

- Mr. John Mbori the Forest Station Manager wrote a letter to the National Government back in 2012 requesting for authorization of removal of Dead logs (Activity called salvaging of windfalls)
- In 2016, He received a letter which he claimed that was in the KFS office authorizing the exercise. This is after he wrote several reminders to the ministry. The objective of the exercise was to generate revenue To the County
- The Tender was advertised to the prequalified entities .This were
  - Wawuda Contractors
  - Vanessa Enterprises- which was awarded the tender and,
  - Wundanyi Timber Association.
- The major complaint among the area residents is that although the KFS officers claim to have conducted Public Participation towards the same, on 21st March 2016, nothing of the sort happened.
- Also, there was no consultation between the County Ministry of Environment and that of the Eco-system Conservative Association according to CECM Mr. Alexander Mwangeka.
- The Committee found out that what the KFS claim to be Public Participation was done after the activity had began and that they did not get the views of the common Mwananchi.
- It was also noted that the Area MCA who is also the Chairperson of the Committee had contacted the KFS Manager Mr. Ongeri . He also sent an invite to him to attend to a town hall meeting which was held on 4<sup>th</sup> April 2016 at the County social hall in Wundanyi to shade more light on the issue but he did not show up.
- Some trees were cut yet they were not part of the windfalls. The Committee members were able to recognize four.



Pix 2 a tree cut and covered with saw dust Pix 3. Hon . Raymond Mwangola, Committee Chair assessing the damage



Pix 4. Hon Valary Mwadime at the scene.



Pix.5. A resident around one of the tree trunk.



Pix 2. Committee Members and CECM Alexander Mwangeka addressing the public

### Committee observations

- The KFS has been taking advantage of the permits for their own vested interest to harvest trees within the forests.
- The Chiefs baraza which was held at Ngilinyi was the one hijacked by the KFS Officers ,to slot their agenda of Public Participation
- Harmon Mwamburi , an area resident said that it was the second time the KFS has been cutting down trees at the forest for timber to unknown destination.
- The Members noted that there were a lot of issues concerning illegal harvesting of timber within the County and that the KFS officers led by Mr.John Mbori should be sent packing.
- The number of pieces of timber which were found at the forest during the time of visit were 499 pieces, which were also to be transported to the Governor's office as it appears in the recommendations.

### Emerging issues

1. According to KFS Officer Mr. Mbori, there is a management plan which will soon be rolled out to the mwananchi. The plan tends to remove all the trees which have reached the rotation age of 30years and above especially pine and Cyprus and replace them with the indigenous ones.

2. Hon .Godwin Kilele sort to find out what happen to the resolution of the House about cutting down of trees within the County.
3. Mr. Chris Mwambingu said that the public have information that once they area done with Kinyesha vua forest, they will move to Kidaya Ngerenyi forest.

### Recommendations

- The exercise was to be stopped pending, Deliberations of the meeting which was to be held at the Governor's office on 6th April 2016.
- The pieces of timber which were found on site were to be transported to the Governor's office, by the County Garbage truck on 6<sup>th</sup> April 2016 since it was late in the evening. This was a mutual agreement between the committee members and the Contractor.
- The residents were to choose among themselves their representatives who were to watch over the 499 pieces of timber, and their allowances were to be paid by Hon. Raymond Mwangola.

The names of the representatives were

1. John Mwadime-0789854395 ,0700599048
2. Henry Ngingo-
3. Jeremiah Mwaghuda-0711298479
4. Petere mwamburi
5. Mwakise Granton
6. Emanuel Kiteria
7. Mr.David Mzongolinyi-071241850 - Representing the contractor

He was also supposed to choose other representatives of the Contractor. And their allowances were to be paid by the contractor.

### **Conclusion**

The above recommendations should be adopted immediately to save the few remaining trees from depletion.

**Mr. Speaker, Sir**

It is now my duty and privilege to present to the House this report for its approval and adoption thereof.

.....  
**HON. RAYMOND MWANGOLA**  
**CHAIRMAN**

file copy

# COUNTY GOVERNMENT OF TAITA TAVETA

OFFICE OF THE INSPECTORATE, ENFORCEMENT AND COMPLIANCE UNIT

Telephone: 0788186436/0718988717  
Email: [devolution@taitataveta.go.ke](mailto:devolution@taitataveta.go.ke)



P.O. Box 1066-80304  
WUNDANYI

GOV/TT/CG/DAE/VOL.11/19

20<sup>th</sup> September, 20

The Sub County Administrator,  
P.O Box 1066-80304  
Wundanyi.

**RE: REPORT ON TREES HARVESTED AROUND HPC AREA ON DIVERSE DATE BETWEEN 10<sup>TH</sup> AND 14<sup>TH</sup> SEPTEMBER, 2016.**

The above subject matter refers.

On 14<sup>th</sup> the day of September, 2016, the Wundanyi-Mbale Ward Administrator informed our office that there has been tree harvesting exercise around HPC water pump area, which was illegal. Upon investigation, the following was noted.

On the request of the Sub county Administrator Wundanyi have I compiled this report based on preliminary investigations that the A.g County Director of Housing in the state department of Housing and Urban Development had on 8<sup>th</sup> July, 2016 done a letter to the Ecosystem Conservator Taita Taveta County requesting for the trimming of dangerously trees over hanging at the various government quarters (Copy of the letter hereby attached).

In the letter, three houses identified were House No.28/57 and 16 respectively. In response to the above letter, the Taita-Taveta Ecosystem Conservator also did a letter to the CCO Department of Tourism, Environment & Natural Resources dated 3<sup>rd</sup> August, 2016.

In the said letter the Ecosystem Conservator requested for direction on the above in which he attached a copy of an assessment they did. In the assessment report, the forest manager, confirmed that twenty five (25) trees of various species were posing a danger to the staff quarters.

It was thus, recommended that an urgent removal of the said trees (Copy attached) be done. It is however, alleged that the CCO Department of Tourism, Environment & Natural Resources has authorized the County forester to implement the trimming of the trees as per the report by the Kenya Forest Service reference letter KFS/TT/9/8Vol.V/46 dated 3<sup>rd</sup> August 2016.

It was from such authority, the A.g County Director of Housing in the state department of Housing and Urban Development went ahead to organize for the pruning and removal of the said tree through one Mr. Alfred Makau Dighila.

However, emerging issues were that the initial request was to prune the identified trees but based on the assessment the Kenya Forest Service assessment report directed the removal of the identified trees.

Further to that Mr. Ndighila Makau went ahead to fell trees the products of the trees (Timber) were to be used to repair a damaged government house as indicated by the A.g County Director of Housing in the state department of Housing and Urban Development.

From the above issues, it was clear that the CCO Department of Tourism, Environment & Natural Resources was sort of misadvised vide reference letter KFS/TT/9/8Vol.V/46 dated 3<sup>rd</sup> August 2016. The approval of the exercise didn't follow the County Government laid down guidelines and is therefore null and void.

In fact the agreement between Mr. Ndighila Makau and the A.g County Director of Housing was a gentleman arrangement between an outsider and a civil servant which is tantamount to gross misconduct evidenced by the fact the transaction was made on credit payment of which was to be done after the sale of the product.

## RECOMMENDATIONS

The *TAITA-TAVETA County Inspectorate, Compliance and Enforcement* unit recommends that one Mr. Alfred Makau Ndighila should be compelled to at his own cost under the supervision of County enforcement officers to return all the timber he transported to Mombasa for sale with authority and payment so as the same to be used for the intended purpose.

The CCO Department of Tourism, Environment & Natural Resources to institute disciplinary action against the A.g County Director of Housing in the state department of Housing and Urban Development to deter such future multipractices.

The CCO Department of Tourism, Environment & Natural Resources to give further direction on how the remaining timbers of about one hundred and fifteen pieces were to be collected from the site and stored in a safe place.



**CASSIAN NGOTHO MWACHANYA**  
Ag. Director Administration & Communication

CC

H.E. The Governor

County Chief officer Administration & Devolution

County Chief Officer Department of Tourism, Environment & Natural Resources

A.g County Director of Housing in the state department of Housing and Urban Development

Wundanyi-Mbale Ward Administrator





**MINISTRY OF TRANSPORT, INFRASTRUCTURE,  
HOUSING AND URBAN DEVELOPMENT**  
**State Department of Housing and Urban Development**

Telephone: WUNDANYI 043-42053

If calling or telephoning please ask for

.....

When replying please quote ref:

Ref No: MLHUD/DH/ED/TTAV/8/25/28

Ecosystem Conservator,  
Taita Taveta County,  
P.O. Box 1043-80304,  
WUNDANYI

County Director of Housing

Taita Taveta County

P.O. Box 1043

WUNDANYI

DATE: 5<sup>th</sup> September, 2016

**RE: DANGEROUSLY OVERHANGING TREES AT VARIOUS GOVERNMENT HOUSES**

Reference is made to letter ref. no. **TTCG/TENAR/ENV/VOL 1/98** dated **22/08/2016** from The County Forester on the above subject matter.

The purpose of this letter is therefore to thank your office for granting us the authority to prune and cut the trees in question. However, we have contacted the **Officer in Charge of Wundanyi G. K. Prison**, together with **Alfred Makau Ndighila** of I. D. No. **12547165** requesting for services as far as the pruning and removal of said trees is concerned. This will ensure that the exercise is carried out safely without causing damage to the houses and other property there in.

In this regard, we plan to use some of the timber and funds acquired to renovate one of the Government houses which was completely destroyed by a falling tree within **Wundanyi Sub-County**.

**J. K. NYAGA**

**For: AG. COUNTY DIRECTOR OF HOUSING  
TAITA/TAVETA COUNTY**

C.c: 1. Sub County Forest Officer  
Wundanyi

2. The County Chief Officer  
Department of Tourism, Environment and Natural Resources  
Taita Taveta County

3. Mr. Alfred Makau Ndighila  
I. D No. 12547165

# COUNTY GOVERNMENT OF TAITA TAVETA



DEPARTMENT OF TOURISM, ENVIRONMENT & NATURAL RESOURCES  
P.O.BOX. 1066-80304, WUNDANYI

Tel: 0702600000

Email: [tourism@taitataveta.go.ke](mailto:tourism@taitataveta.go.ke) / [environment@taitataveta.go.ke](mailto:environment@taitataveta.go.ke)

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When replying please quote

Our ref: TTCG/TENAR/ENV/VOL 1/98

22/08/2016

COUNTY DIRECTOR OF HOUSING  
TAITA TAVETA COUNTY,  
P.O BOX 1061-80304,  
WUNDANYI

Thro

COUNTY CHIEF OFFICER  
DEPARTMENT OF TOURISM, ENVIRONMENT AND NATURAL RESOURCE  
TAITA TAVETA COUNTY  
P.O.BOX 1066-80304  
WUNDANYI

**RE: TRIMMING OF DANGEROUSLY OVER HANGING TREES AT VARIOUS  
GOVERNMENT QUARTERS**

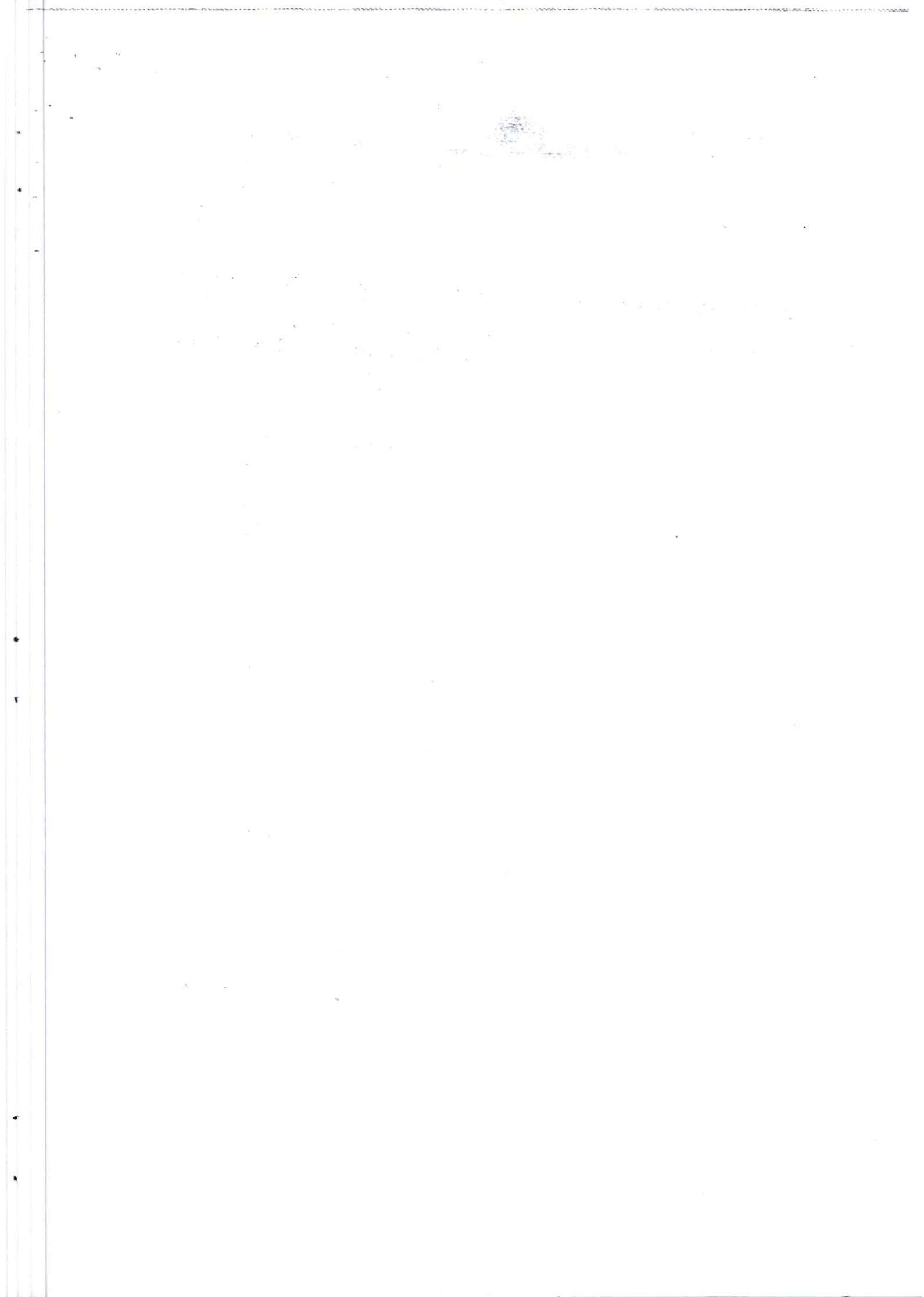
In reference to your letter dated 3/08/2016 Ref No. KFS/TT/9/8/Vol.V/46, addressed to the county chief officer, requesting for the authority to trim dangerous over hanging tree at various government quarters.

The purpose of this letter is to authorize you to organize and trim the trees in question based on the report given by Kenya forest service.

**SILVESTER MWANG'OMBE**

COUNTY FORESTER: TOURISM, ENVIRONMENT, & NATURAL RESOURCES

CC Ecosystem conservator  
Taita Taveta County



Telephone 043-42048

For

When replying please quote

WST/TS/PT/POL/1152

WST/TS/PT/POL/1152

WST/TS/PT/POL/1152

WST/TS/PT/POL/1152

WST/TS/PT/POL/1152

The Ecosystem Conservator,  
Taita Taveta.

ASSESSMENT OF DANGEROUS TREES TO VARIOUS GOVERNMENT  
QUARTERS

On the basis of the above subject matter referring to letter reference  
WST/TS/PT/POL/1152 for County Director of Housing - Taita Taveta.

The Office visited the identified government quarters and came up with the following findings:

- ✓ It was evident that the trees were dangerous to both the houses and the existing power lines.
- ✓ All the twenty five (25) trees composed of; 10 Eucalyptus, 1 Pine, 1 Acacia and 13 Jacaranda species.
- ✓ All the exotic trees have attained their rotational ages and could therefore be harvested.

Photographs

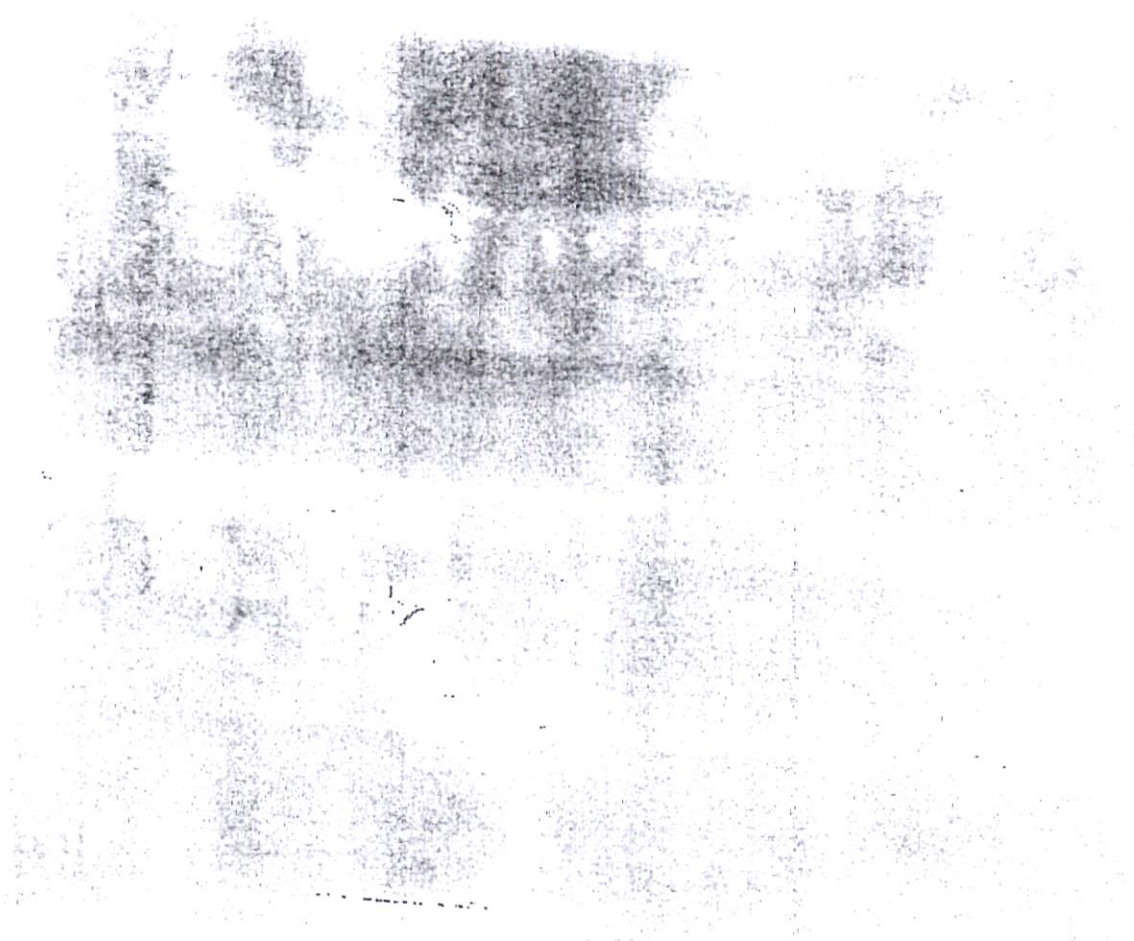


Plate 1. 2.5 in 4: Identified dangerous trees on different positions within the compound of

The Office of the Registrar General's Department, Singapore. The trees are identified as being dangerous and liable to cause disaster.

FOR THE DIRECTOR,  
REGISTRAR GENERAL'S DEPARTMENT,  
SINGAPORE.

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# Kenya Forest Service OFFICIAL RECEIPT

ORIGINAL

No. B



Station Mt Kenya Forest Date 1/1/1988

District/Zone Triana

RECEIVED from Deputy Manager

Shillings One thousand five

hundred only

on account of Forest Income

for the year 1987/88

Income Type A.M.A

Account No. 12345

Cash 1000.00

Cheque No. \_\_\_\_\_

Shs. 1500 Cts \_\_\_\_\_

Doc No. \_\_\_\_\_

Signature of Officer receiving remittance

Name [Signature]

ORIGINAL

REPUBLIC OF KENYA

KSH. 1500.00

MINISTRY OF FORESTRY AND WILDLIFE



KENYA FOREST SERVICE

B 2153591

### FOREST PRODUCE MOVEMENT PERMIT

(This permit is applicable to the movement of timber, beams, Logs, billets, Poles, Posts, firewood, Charcoal, bamboo)

1. District Taita Taveta Station/Division/Location Nundanyi

2. Mr./Mrs/Miss/Ms. Alfred Ndughila is authorised to transport forest produce specified below from Nundanyi to Numbara.

3. Types of produce and quantity:

Type of produce	Units of measure	Quantity
<u>Blue gum</u>	<u>Tonnes</u>	<u>5 (five)</u>
<u>General</u>		
<u>Long pole</u>		

4. Point of origin of forest produce ID No 21904822  
(forest block, farm - be specific)

5. Vehicle Registration Number KCF 927V

6. Date of transportation 13/09/06

7. Date of expiry of permits 14/09/06

8. Timber statement Number (s) /

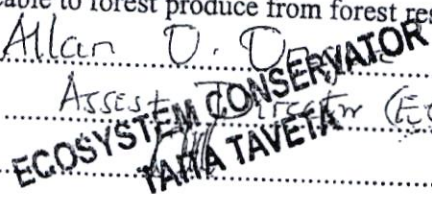
9. Official Receipt Number (s) B 2153591

(applicable to forest produce from forest reserve)

10. Name of issuing Forest Officer Allan D. D.

11. Designation of issuing Forest Officer Asst. Conservator (EC)

12. Signature of issuing Forest Officer [Signature]



13. Name of Officer supervising removal

14. Signature of Officer supervising removal Date

This permit has been issued without any alteration whatsoever and is valid for only 3 days.

DISTRIBUTION;

Original - To applicant.

Duplicate - To be returned to Issuing Officer after endorsement by Officer supervising removal

Triplicate - To remain in the book





**CERTIFICATE OF ORIGIN  
FOR FARM FOREST PRODUCE**

Name of produce owner PETER KALERU ID No 29904822  
Plot No. 1 Village MLAWA Sub-Location KITENI  
Location WUNDATI Division WUNDATI District TAITA  
Species GRAVILIA Average Age (yrs) MATURE  
No. of trees to be felled EIGHT Balance: Young:  Mature:   
Planting configuration: Woodlot  Line/Boundary:  Random:   
Other species Balance:  Young:  Mature:   
General Remarks on tree farming THE FARMER HAS BEEN ADVISED TO PLANT MORE TREES FOR FUTURE USE

I certify that the information given above has been authenticated by a site visit.

Divisional Forester's Name TOWATIWA MUKHAI Personal No. 04842

Signature [Signature]



Date of issue 18/9/04

# COUNTY GOVERNMENT OF TAITA TAVETA



DEPARTMENT OF TOURISM, ENVIRONMENT & NATURAL RESOURCES  
P.O.BOX. 1066-80304, WUNDANYI

Tel: 0702600000

Email: [tourism@taitataveta.go.ke](mailto:tourism@taitataveta.go.ke) / [environment@taitataveta.go.ke](mailto:environment@taitataveta.go.ke)

When replying please quote

Our ref: TTCG/TENAR/ENV/VOL 1/98

22/08/201

COUNTY DIRECTOR OF HOUSING  
TAITA TAVETA COUNTY,  
P.O BOX 1061-80304,  
WUNDANYI

Thro  
COUNTY CHIEF OFFICER  
DEPARTMENT OF TOURISM, ENVIRONMENT AND NATURAL RESOURCE  
TAITA TAVETA COUNTY  
P.O.BOX 1066-80304  
WUNDANYI

## RE: TRIMMING OF DANGEROUSLY OVER HANGING TREES AT VARIOUS GOVERNMENT QUARTERS

In reference to your letter dated 3/08/2016 Ref No. KFS/TT/9/8/Vol.V/46, addressed to the county chief officer, requesting for the authority to trim dangerous over hanging tree at various government quarters.

The purpose of this letter is to authorize you to organize and trim the trees in question based on the report given by Kenya forest service.

A handwritten signature in black ink, appearing to be 'SM' or similar initials, written above the printed name.

SILVESTER MWANG'OMBE  
COUNTY FORESTER: TOURISM, ENVIRONMENT, & NATURAL RESOURCES

CC Ecosystem conservator  
Taita Taveta County

4.500 10/10/1943

10/10/1943

10/10/1943

10/10/1943

10/10/1943

Telephone 043-42046

Fax:

When replying please quote

KFS/TTFS/9/M/VOL.V/52

TATA TAVETA SOUTH  
STATION

P.O. BOX 10000

WUPUJANG

Date 2<sup>nd</sup> August 2012

The Ecosystem Conservator,  
Tata Taveta.

RE: REPORT ON ASSESSMENT OF DANGEROUS TREES TO VARIOUS GOVERNMENT  
QUARTERS

On the basis of the above subject matter referring to letter ref: KFS/TTFS/9/M/VOL.V/52 from Deputy Director of Housing--Tata Taveta.

The Office visited the identified government quarters and came up with the following findings:

- ✓ It was evident that the trees were dangerous to both the houses and the existing power lines.
- ✓ All the twenty five (25) trees composed of: 16 Eucalyptus, 1 Pine, 2 Camphor or Jacaranda species.
- ✓ All the exotic trees have attained their rotational ages and could therefore be harvested for timber production.

Photographs

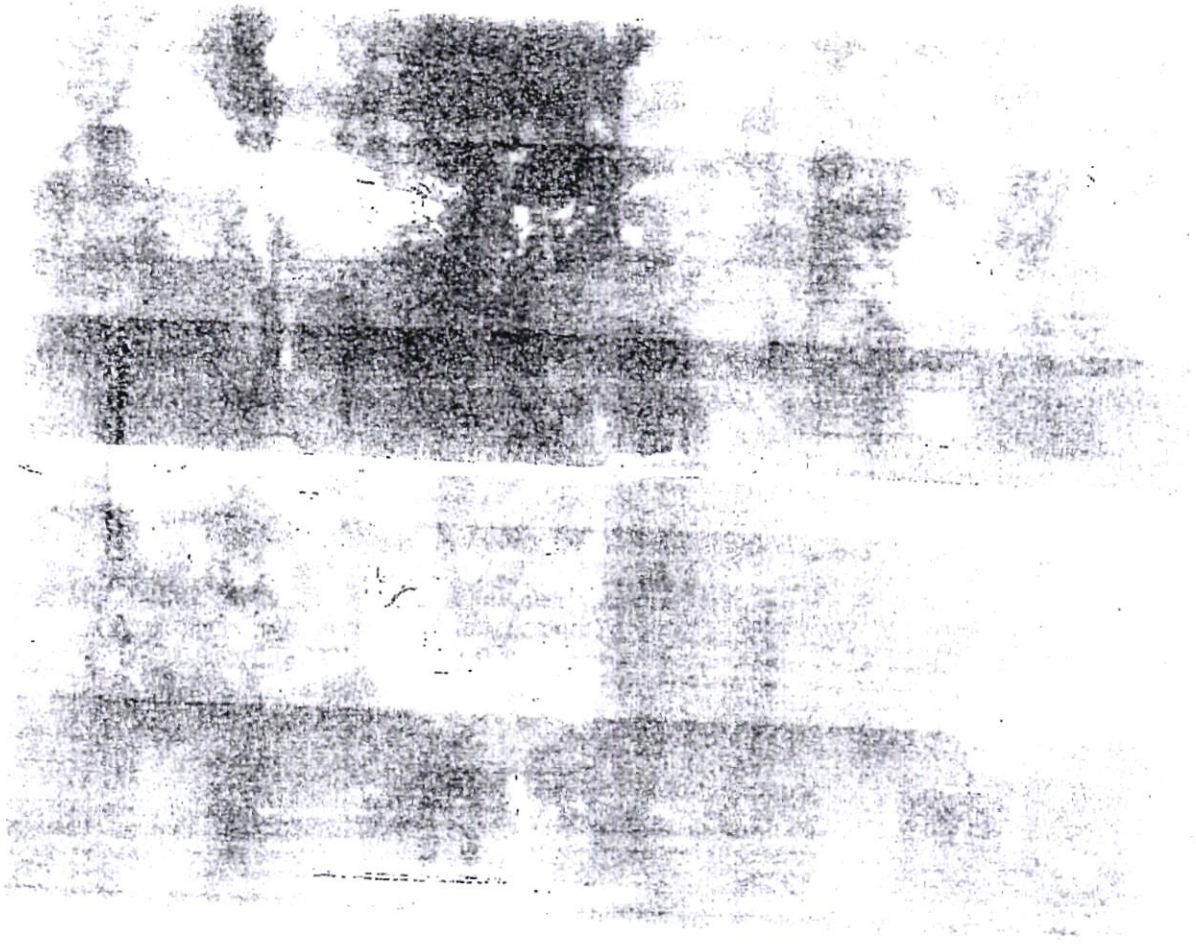
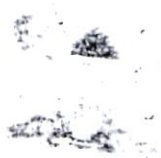


Plate 1, 2, 3 & 4: Identified dangerous trees on different positions within the compound.

This Office therefore recommends urgent removal of the identified trees to avoid any calamity disaster.

FELIX NTALUCCI,  
FOREST MANAGER,  
M. S. TAYLOR FOREST STATION



MINISTRY OF TRANSPORT, GOVERNMENT OF INDIA  
CENTRAL BOARD OF SECONDARY EDUCATION

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## TAITA TAVETA COUNTY ASSEMBLY

### REPORT

ON

### THE SITUATION ANALYSIS OF DESTRUCTION OF THE ENVIRONMENT AT KAMBANGA IN MWATATE SUB-COUNTY BY THE COUNTY ASSEMBLY'S ENVIRONMENT, NATURAL RESOURCES AND MINING COMMITTEE ON 18<sup>TH</sup> AUGUST, 2016

#### PREAMBLE

Mr. Speaker, Sir,

On behalf of the select Committee on Environment, Natural Resources, Forestry and Mining, and pursuant to Standing Order no. 193, it is my duty and pleasure to present to the House the report on the Committee's situation analysis of destruction of the environment at Kambanga in Mwatate Sub-County by charcoal burners.

#### COMMITTEE MEMBERSHIP

The Committee on Environment, Natural Resources, Forestry and Mining was reconstituted by the House on May 14<sup>th</sup>, 2015 and comprise of the following Members:

- |    |                       |                         |
|----|-----------------------|-------------------------|
| 1. | HON. RAYMOND MWANGOLA | - MCA, CHAIRPERSON      |
| 2. | HON. MERCY MWAKERA    | - MCA, VICE CHAIRPERSON |
| 3. | HON. MARY MNGOLA      | - MCA, MEMBER           |
| 4. | HON. OMAR AHMED       | - MCA, MEMBER           |

- |     |                       |               |
|-----|-----------------------|---------------|
| 5.  | HON. ABRAHAM MWAMBONU | - MCA, MEMBER |
| 6.  | HON. FRANK KICHOI     | - MCA, MEMBER |
| 7.  | HON. GODWIN KILELE    | - MCA, MEMBER |
| 8.  | HON. JUSTIN JUMA      | - MCA, MEMBER |
| 9.  | HON. JONES SOLOMON    | - MCA, MEMBER |
| 10. | HON. RACHEL DAWAI     | - MCA, MEMBER |
| 11. | HON. CRISPUS TONDOO   | - MCA, MEMBER |

**Mr. Speaker, Sir,**

The Committee's mandate is as follows;

1. Investigate, inquire into and report on all matters relating to the mandate, management activities, administration, operations and estimates of the assigned departments;
2. To study the program and policy objectives of departments and the effectiveness of the implementation;
3. Study and review all County legislation referred to it;
4. Study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
5. Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
6. Vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order no. 187 (*Committee on appointments*), and;
7. Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

## **OBJECTIVES**

**Mr. Speaker, Sir,**

The objective of the visit was to assess the extent of destruction of the environment (felling of indigenous trees) by charcoal burners in Kamtonga area which has reached worrying levels.



The Committee Members made a visit to Kambanga area in Mwatate Sub-County following reports that charcoal producers were cutting indigenous trees with abandon and burning charcoal which is allegedly then ferried to Nairobi.

## **FINDINGS**

The committee unearthed the following findings:-

1. Big trees have already been depleted and now the charcoal burners are cutting small trees for charcoal production.
2. Several make shift kilns are spread all over the area where burning of charcoal continues unabated. Burning is found to be in different stages.
3. Members came across hundreds of bags of charcoal already packed awaiting to be ferried to Nairobi.
4. The burners are allegedly Durumas and Kambas. Others are from Sagala and Bughuta in Kasighau. They have built makeshift camps in several places. .
5. It was discovered that the movement permits for the charcoal are issued by the Forestry Department. Their exit points are in Kasighau and Ndi.
6. The National Environmental Management Authority (NEMA) is abetting the vice. Reasons unknown.
7. During the visit, Hon. Kichoi reported that he indeed invited NEMA officials to accompany Committee Members for the tour but declined since they never responded.
8. Local people are opposed to the activity saying the area will soon be barren if the activity is allowed to continue.
9. The burners also know the activity is illegal since they went into hiding on seeing the officers.
10. Continued destruction of the environment will affect ranches since there will be no grass for the livestock.

## **RECOMMENDATIONS**

The committee recommends the following:-

1. Consent to burn charcoal in Kambanga area should be stopped forthwith.

2. The County Government should carry out an impromptu operation using Lorries and confiscate sacks of charcoal. This should be carried out regularly to discourage the burners.
3. NEMA and forestry officials should be investigated by the Committee as to why they are the vice.
4. The County Assembly should invite NEMA and forestry officials to appear before the Committee to explain why they cannot stop this activity.
5. County Government should streamline the issuance of permits to burn charcoal and transport.
6. Find out if the charcoal burners association is registered with the forest Department.

### CONCLUSION

The above recommendations should be adopted immediately to save the few remaining trees from depletion.

**Mr. Speaker, Sir,**

It is now my duty and privilege to present to the House this report for its approval and adoption thereof.



**HON. RAYMOND MWANGOLA  
CHAIRPERSON**

# An outlook of Human wildlife conflict for Taita Taveta County

A Compensation claim summary for pending cases between 2014 and  
August 2016

By:

John Mwalwala Mlamba,

Chairperson,

Taita Taveta Wildlife Conservation and Compensation Committee

## Background

Taita Taveta County is heavily affected by human wildlife conflict largely for the reason that 62% of the County is occupied by Tsavo East and West National Parks while a further 24% is occupied by ranches and big sisal plantations which double as wildlife dispersal areas.

Taita Taveta County Wildlife Conservation and Compensation Committee was formed in line with the provisions of section 18 of the Wildlife Conservation and Management Act No. 47 of 2013 to undertake the following functions as espoused in section 19 of the WCMA Act and hereunder listed;

- Implement the registration and establishment of wildlife user right as provided for under this act.
- Oversee the preparation and implementation of management plan on community and private land under provision of this act.
- Ensure that benefit derived from the use of wild life resource are distributed in accordance with the provision of this act.
- Bring together all relevant stakeholders within the county to actively harness their participation in the planning and implementation of project and program related to the protection, conservation and management of wildlife resources in the county.
- Review and make appropriate recommendations on ecosystem based management plans produced by the service.
- Participate at the county level in land use planning initiative and in consultation with all relevant stakeholders with particular regard to critical wildlife habitat, corridors and dispersal areas for better management and conservation of wildlife.
- Monitor the implementation of management plans for any relevant national park in collaboration with the service.
- Develop and implement in collaboration with community wildlife association Mechanism for mitigation of human wildlife conflict.
- Review and recommend claims resulting from loss or damages caused by wildlife for payment of compensation.
- Undertake education, extension services and public awareness.
- Perform quasi-judicial roles in awarding compensations especially for injury, predation and crops destruction.
- Perform such other functions as the service may require or delegate to it.

Due to funding constraints, the committee has only managed to undertake 1, 2 days sitting where it reviewed and recommended for payment claims that included 15 deaths and 167 human injuries. Since

then 3 deaths and 121 injuries have been additionally recorded. So far the committee has not reviewed any of the claims that touch on livestock, crop and property loss/damage.

### State of Compensation in Taita Taveta County

In order to understand the magnitude of the problem, the Committee through the Chairperson directed the service to prepare a breakdown of all pending cases. The following is a summary report on the status of compensation claims in the County. The report goes further and attempts to provide statistics on wild animal type responsible and the most affected areas/locations. This is an attempt at broadening the understanding of the dynamics of human wildlife conflict and also to devise strategies to mitigate the same.

### Deaths and injury to persons

By August 2016 there were 3 additional deaths reported; 2 arising from contact with elephant and the other from a leopard attack.

121 injuries were reported and were mainly occasioned by;

- Snakes;
- Lion;
- Bufallo;
- Elephant and
- Leopard

Snakes were the biggest culprit accounting for slightly over 80% of all reported injuries as demonstrated in the table below. Bufallo attacks came a distant second with 10 reported incidences.

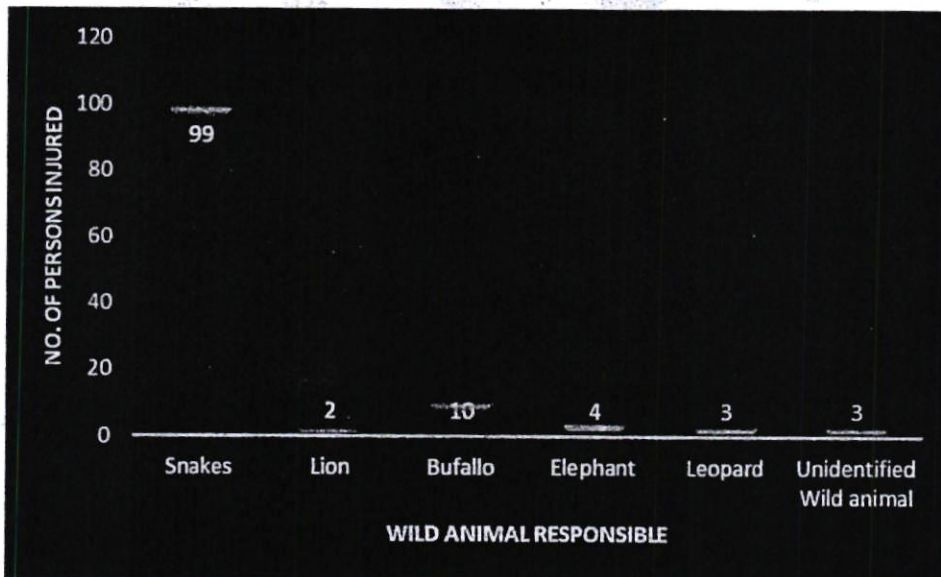


Figure 1 Pending Deaths and Injury claims to 2016

## Livestock Predation

Predation of livestock is also another worrying trend in the human wildlife conflict scenario in Taita Taveta County. As portrayed in the data for 2014, 2015 and 2016 in the figures below, one will note that the hyena is the biggest culprit when it comes to livestock predation. So far 260 livestock deaths have been reported with goats being the most vulnerable, having recorded 179 deaths so far. Separate aggregated data from Bura and Alia areas show an additional 33 claims bringing the total pending number of claims for deaths of livestock by wildlife to 293. Additionally, 32 chicken were reportedly killed by a snake.

### Predation figures for year 2014

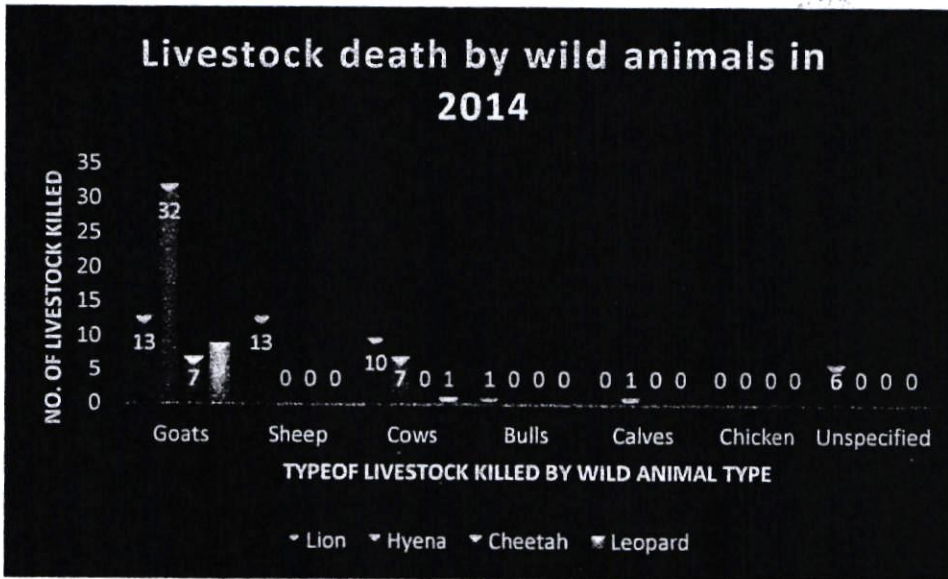


Figure 2 Livestock predation claims for 2014

### Predation Figures for year 2015



Figure 3 Livestock predation claims for 2015

**Predation Figures for 2016**

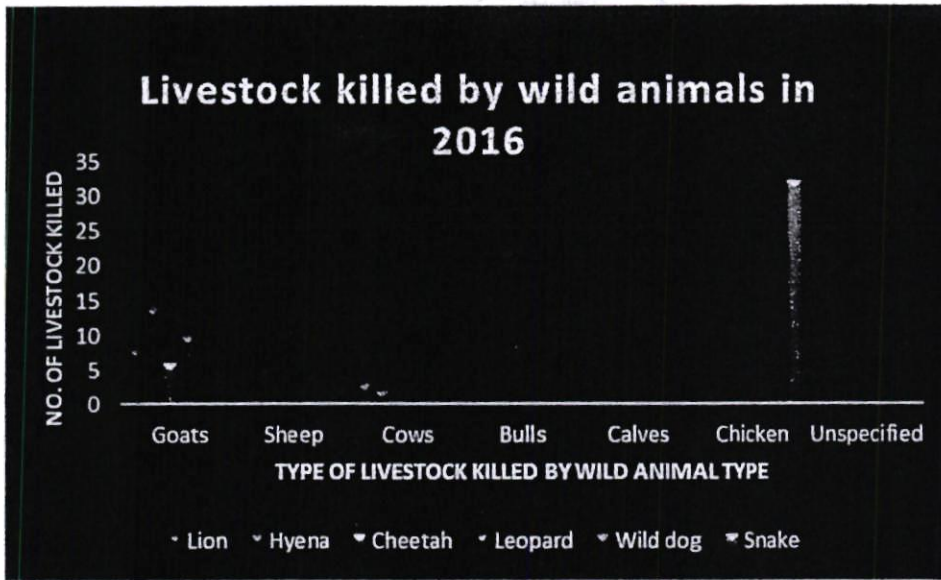


Figure 4 Livestock predation claims for 2016

**Crop damage**

Unfortunately from the data captured it was not possible to calculate the total acreage of crops destroyed by wildlife, however from available data the animal that caused most if not all crop destruction was the Elephant. In 2014 there were a only 46 claims filed with the Tsavo East Voi KWS Office. This number rose dramatically to 149 cases in the year 2015 and already stand at 104 by August 2016. This should be noted that the data captured is areas proximate to Tsavo East. Data for Taveta and is not included in this report. As indicated most of the destruction was done by the elephant but there are a few instances where buffalo are cited as the offending animal. The following charts graphically illustrate trends of farm raids by wild animals as listed in the seventh schedule since the coming into effect of the WCMA No. 47 of 2013 on 10<sup>th</sup> January 2014.

Equally, data for Bura and Alia area had not been tabulated but the claims filed so far from this area total 58. Interestingly, this number does not correlate with the amount of noise that emanate from the same area. Unless, many claims have yet to be filed with the service. The committee has been invited to a number of meetings in Mwatate by the Human Wildlife Conflict lobby group MWABU where several alleged farm raids by elephants were reportedly happening. This is why in this report it is thus noted that the data herein provided may not be a complete representation of the severity of the conflict in the Bura and Alia corridor.

Therefore, this report has documented a total of 357 pending claims on crop destruction which are awaiting to be reviewed and recommended for payment. Unfortunately this report was not able to give the exact acreage of crops that was destroyed since in a number of cases the assessment reports did not provide this detail. But the average farm destruction was about an acre from the data analysed.

The report further reveals that the most affected areas in terms of crop destruction by elephants are Ngolia (86), Bura Alia (58), Voi (55), Sagalla(53) and Marungu (43).

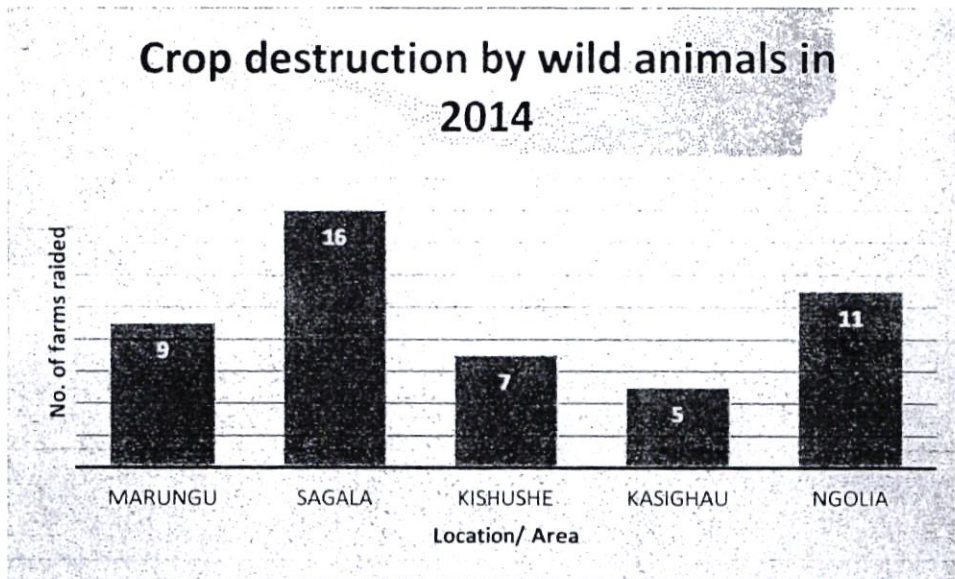


Figure 5 Crop destruction chart for 2014

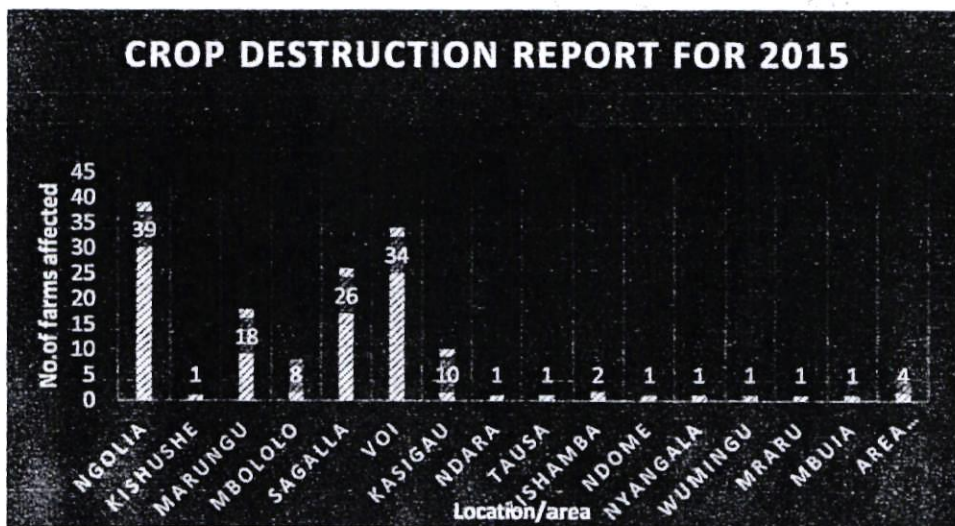


Figure 6 Crop destruction chart for 2015



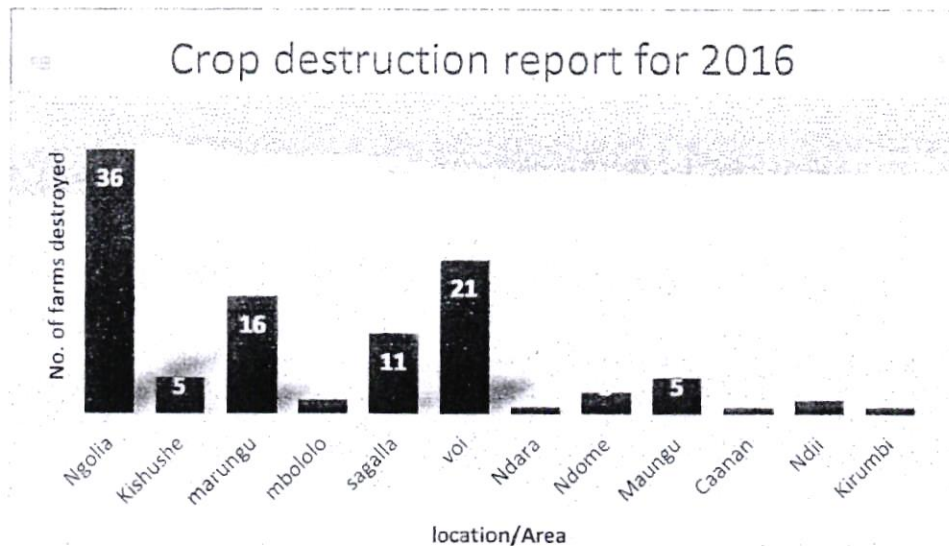


Figure 7 Crop destruction chart for 2016

#### Conclusion:

From the report it is clear that conflict in terms of human death/injury, livestock predation and crop destruction continue to escalate. The report further confirms that elephants are responsible for nearly all reported crop destruction incidences. Whereas in livestock predation, the hyena was the biggest culprit. In terms of human injury, poisonous snakes accounted for over 80% of the reported cases.

The finalization of this report will be done once compensation claim data is obtained from the Taveta Service station. In the meantime this report is in draft form.

#### Recommendations:

From the report there is urgent need to undertake the following;

1. Operationalize the CWCCC to undertake urgent community sensitization especially in the determined conflict hotspots of Ngolia, Bura/Alia, Voi, Sagalla and Marungu.
2. Undertake community and stakeholder engagement to develop human wildlife conflict mitigation strategies
3. Fast track compensation payment
4. Familiarise MCAs and the County Executive on the provisions of the WCMA so as to lobby for county support for the CWCCC

# **TAITA/TAVETA RANCHES ASSOCIATION**

## **PETITION TO THE PARLIAMENTARY COMMITTEE AGAINST GRAZING IN THE TSAVO WEST NATIONAL PARK AND TAITA TAVETA RANCHES**

### **INTRODUCTION**

Taita/Taveta Ranches Association (TTRA) is a membership platform which brings together all the ranches and wildlife conservancies with an aim of pursuing shared business opportunities and addressing cross-cutting issues and challenges the main one of which is the continued invasion of unauthorized livestock in the County's rangelands; including Tsavo National Park.

### **BACKGROUND**

Taita Taveta Ranches are situated in the southern sector of the county between Tsavo West and East National parks and in the Tsavo Conservation Area [TCA] and the core business is livestock keeping and also wildlife moving across the Tsavos.

In the 1990's and 2000's a few ranches invited the herders from North Eastern Province [NEP] to herd in the ranches on lease holds, but later (a) Most of them went against the leases by increasing more livestock than agreed and by not paying the agreed grazing fees (b) Poaching started taking place more in large scale in the ranches (c) Some of the cattle started invading and grazing in parks.

By 2012 illegal grazing and poaching both in the ranches and national parks became so serious that the government decided to take action and in October 2012, a meeting was held at Sagalla Lodge in Ndara Ranch between KWS, county security and Taita Taveta ranches members where the government decision to evict the illegal ranches from the parks and ranches was communicated, all the ranches committed themselves to support the government in this action.

The continued invasion of Taita/Taveta by unauthorized livestock was also highlighted as a security issue during a meeting convened by the Provincial Commissioner in October 2012 during which fears were expressed that the illegal herdsmen also harbor Al Shabab elements in their midst.

The following year, the KWS Director reported at the World Elephant day commemorations at Voi that 60% of the elephants poached were in the Tsavo Conservation Area (TCA), out of which 83% of the cases took place in Taita ranches.

A follow-up meeting was held at Voi Wildlife Lodge in May 2013 which was attended by seven Legislators from the North Eastern region headed by Hon. Noor MP from one of the constituencies in Mandera and attended by our local MPs headed by Hon. Mwadeghu. During the meeting these MPs owned up that some of these cattle in the ranches belonged to them and begged to be allowed to continue grazing in the ranches. They were informed by the ranchers that they were no longer wanted in the Taita Ranches and should remove their cattle.

In February 2014, the County Government in consultation with the Security Committee directed all TTRA member ranches to convene Special Annual General Meetings (AGMs) for their shareholders to validate the grazing leases signed with their respective Tenants. Upon conclusion of the validation exercise which cost us millions of shillings, it was established that ALL leases in the County had indeed been procedurally entered into and therefore null and void. For the first time we witnessed the most effective eviction operation under the command of the then regional Police boss Robert Kitur and KWS Senior Assistant Director Julius Kimani. The operation was rated 90% successful; however, further

operation was stopped by these illegal grazers through a court order. Later all the livestock came back both in the ranches and the Tsavo West National park and now Tsavo West is regarded as the biggest livestock ranch in the county which in turn has scared the wildlife in their habitat and moved into the ranches and the community farms areas for water and safety, this has in turn caused great human wildlife conflict; there have been many human deaths, injuries and crop destruction. Unfortunately the compensation scheme provided in Wildlife Conservation and Management Act 2013 has not been effective.

In our opinion, if the operation carried out under the command of Mr. Robert Kitur and Julius Kimani has been taken to a conclusive end and the evicted livestock stopped from coming back into the ranches and national Parks these meeting today could not be necessary.

The situation prevailing now, is a great concern to the ranchers and all the Taita Taveta community, as there are also many unidentified people moving freely within the rangelands and the national park. We as Taita Taveta people feel if this situation is unarrested quickly there would soon be an explosion between the locals and these strangers. We Taita Taveta community we are peaceful people but we want to declare this should not be taken for granted by other people coming from outside and the government should take note.

#### PETITION

1. The continued invasion of unauthorized livestock accompanied by unscreened herdsmen suspected to be laboring al shabab elements in the County and especially the national parks is a security risk to both people and wildlife. The livestock has brands and their owners have identities. We petition the County Commissioner at your capacity as the chair of the County Security Committee to compel KWS; with support of the state machinery to name and shame the "sacred cows".
2. In addition to naming and shaming the "sacred cows" we petition the County Commissioner at the same capacity again to mobilize the state machinery to repeat the operation from where Mr. Robert Kitur and Julius Kimani stopped and ensure that KWS gets the necessary reinforcement to prevent the livestock and herdsmen from back-tracking into the park. The ranchers are more than prepared to keep them at bay.
3. We also petition the County Government of ensure that the Animal Diseases Control Act which stipulates that no livestock shall enter the County from outside without a Movement Permit accompanied a No Objection the County Director of Veterinary services. The County Government should also stop issuing movement permits for finished stock from the national parks headed for slaughter.
4. The county government should fast track the county livestock policy and the county livestock bill through the national assembly to be discussed and passed into law act before the end of this year
5. And lastly, on behalf of the entire community I petition this committee to remind the Cabinet Secretary Prof. Judy Wakhungu to constitute the Taskforce for resolving border disputes between KWS and other land owners in the County which she pledged to constitute immediately after her address on 9<sup>th</sup> April 2016 at Voi Safari lodge.

Signed on behalf of TTRA members by Mr. Donald Bong'osa Mcharo .....14<sup>th</sup>  
October 2016

**MEMORANDUM ON HUMAN  
WILDLIFE CONFLICT TO:  
THE NATIONAL PARLIAMENTARY COMMITTEE  
ON ENVIRONMENT AND  
NATURAL RESOURCES.**

**PREPARED AND SUBMITTED BY:  
MWABU COMMUNITY BASED ORGANIZATION  
ON BEHALF OF THE TAITA/TAVETA COUNTY  
COMMUNITY ON 14/10/2016  
DURING PUBLIC PARTICIPATION IN  
MWATATE CONSTITUENCY.**

## **MWABU COMMUNITY BASED ORGANIZATION**

For: Human Wildlife Conflicts resolutions, Wildlife ownership, environmental and cultural conservation, promotion of ecotourism activities, civic education programmes, advocacy among others.

**P.O.Box 180 - 80311, NG'AMBWA-TAITA. CONTACT TEL NOs.**

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**14/10/2016.**

TO: THE NATIONAL PARLIAMENTARY COMMITTEE ON  
WATER, ENVIRONMENT & NATURAL RESOURCES.

### **REF: MEMORANDUM ON HUMAN WILDLIFE CONFLICT IN TAITA / TAVETA COUNTY:**

We, **MWABU** community Based Organization, on behalf of the legitimate residents of Taita/Taveta County, living, farming and undertaking other socio-economic activities within and around designated Tsavo National Parks, do hereby wish to **submit** this memorandum to **you**, with great sorrows and painful hearts of the deaths, destructions and injuries done to our people and properties by marauding wild animals. This is as a result of **insecurity and terror** caused by the wild animals on the loose from Tsavo National Parks contrary to the new constitution that protects human life and property. This human wildlife conflict has **denied** us our rights to life and properties' ownership which is enshrined in the new constitution under bills of rights. Wildlife encroachment into our settlements and farmlands has violated the 1948 universal declaration of human rights. We strongly believe that, the former Kenya Wildlife Conservation and Management Act **has been the main source of our problem** and also inefficiency of KWS personnel in managing the problem.

Wild animals are a natural resource in the Taita/Taveta County that generates between 120-180 millions dollars a year to the Government of Kenya. These millions of dollars are never translated into direct development in the affected areas but instead they promote poor infrastructure and loss of already **POOR KENYANS' LIVES.**

Over the years, the residents of Taita/Taveta County have lost crops that would have otherwise been used by the residents of these areas and property including infrastructure. All this is due to laxity of our Government and its security agents. Consequently, the levels of poverty are on the rise everyday with the situation getting worse day after day.

Life has been unbearable for the people especially, in the whole lower zone of Mwatate Constituency, Kishushe, Paranga, Mulilo in Wundanyi Constituency, Kasighau, Saghala, and Mbololo in Voi Constituency and Chala, Njukini, Riata, Jipe in Taveta Constituency, with animals spreading **TERROR** in these areas of our County **and people turned to paupers entirely depending on relief food.**

Some of the references of the destructions brought about by the wild animals include:-

1. On 28/7/2009, Mr Samuel Musikari of Bura Location was shot by a stray bullet from a KWS warden gun. By the Grace of God, the man has now recovered after serious treatment.
2. On 23/8/2009, in Alia Village, Wumari/Sechu Sub-location, Mwachabo Location, Mrs Eghwa Mjomba collapsed and died due to shock after a dramatic chase with an elephant.
3. On 28/8/2009, Mrs Rose Mwakio of Mwachabo Location was found on top of the tree dead after her encounter with the elephant.
4. On 9/10/2009, Mr Mwakisakenyi Meli of Mwakitau Location was found dead after a serious attack by an elephant.
5. On 13/10/2009, Ephrancia Malemba was attacked and injured by an elephant in her shamba in Nyolo Sub-Location of Mwatate District. The woman has not yet recovered and still needs some medications.
6. Bura Ward has been infested by crocodiles. This is a very big threat to the community, domestic animals and entire environment.
7. On 16<sup>th</sup> Sept, 2014, Mr Masawi Mwaghuda was attacked and injured by an elephant in Paranga. He is now admitted at Moi Hospital, Voi.
8. On 17<sup>th</sup> Sept, 2014, Miss Abigael Samba was attacked and killed by an elephant at Paranga.

9. Attacks of domestic animals by wild animals is the order of the day e.g

- On 4/9/2009, Mr Kitili lost 11 goats which were his only source of livelihood to marauding cheetahs.

On the month of August, 2012, the following had attacks of their domestic animals by the lions:-

- Jared Mwakamba - 2 cows
- Mghenyu Tighina - 1 cow & 1 goat
- Benson Mbole - 2 cows
- Mghanga - 1 goat
- Leonard Mkongo - 1 donkey
- Mwacharo Mdindi - 2 goats

The month of September, 2012;

- Benson Mbole - 4 cows
- Jared Mwakamba - 2 cows
- Mshai Daniel - 1 dog & 1 goat.

The month of October, 2012:

- Mshai Daniel - 1 cow, 1 sheep & 1 goat.
- Mwadime Mwakaya - 2 cows & 1 goat.
- Boli Mwamsudu - 1 cow.

The month of November, 2012;

- Mnjau Malambo - 3 goats
- Juliah Malambo - 4 goats
- Mwashighadi Kichakuri - 15 goats
- Mwang'ombe Mwasi - 1 donkey & 2 goats
- Peter Kilugha - 1 donkey

On the month of December, 2012 kwa Kele area;

- Mwakaya - 8 goats
- Mka Righa - 4 goats
- Mwarenge - 4 goats
- Tarama - 6 goats

April, 2013, Tom Boli 1 cow.

**DESTRUCTION AT GODOMA SUB-LOCATION - MWAKITAU LOCATION DUE TO ATTACK BY LION:**

NO	NAMES		
1	MWASHIGHADI MBOGHO	GOATS	3
2	AUSTIN MGHANGA	GOATS	2
3	TETE MWAMBELA	GOATS	2
4	MWALUGHA	GOAT	1
5	RIGHA MBEKE	GOAT	1
6	DANIEL POTUA	GOATS	6
7	STEPHEN MWAIGHONYI	GOATS	4
8	JOHN SHUMA SHENA	COW	5
9	CATHERINE CHARI	GOAT	1
10	SIMION MWAKICHAKURI	GOAT	1
11	LIVERSON MWAKIO	COW	1
12	LUCY TUMBO	GOAT	1
13	FLORIAN MWADIME	GOATS	2
14	JAMES MWAKATA	SHEEP 1 + GOAT 1	

**DESTRUCTION AT PARANGA IN WUNDANYI CONSTITUENCY DUE TO ATTACK BY:**

**LION:**

Mwanyalo Mghanga - 1 cow

Mbogho Mwanjama - 1 cow

**CHEETAH:**

Philomena Lombo - 10 goats

Jacob Mghanga - 2 goats

David Mwamburi - 3 goats

Livingston Mwasawa - 2 goats

Juma Mwanyaha - 5 goats

Getrude Sau - 3 goats

James Mzungu - 4 goats + 3 sheep

Nickson Katini - 6 goats



10. There are some other many more serious incidents in Kasighau, Mbololo, Kishushe, Paranga and so forth which we have **NOT** highlighted here.

All this is happening under the watchful eye of the KWS which act on behalf of the Government with compensation being an uphill task to these **POOR RESIDENTS**. We humbly request you to **intervene** and ensure that the following measures (long term and short term projects) are implemented simultaneously by KWS and the Government (G.O.K) with immediate effect:

1. KWS must remove all livestock out of Tsavo East and West National Parks.
2. Construction of enough water pans in the Tsavo East and West National Parks to minimize the movement of wild animals in search of water.
3. Immediate fencing of the National Parks boundaries to separate the wild animals from direct interference with the community.
4. Putting permanent campsites for the warders within the most affected hotspots of the county with at least five (5) warders each, with enough vehicles, as chasing elephants using chopper is **NOT** efficient and very much uneconomical.
5. Immediate rehabilitation of infrastructure e.g water points that have been damaged by wild animals.
6. Immediate compensation of the crops, domestic animals and property damaged by the irate wild animals at prevailing market rates.
7. We demand a minimum monthly payment of kshs. 30,000/= till death for a person who is permanently disabled/incapacitated or maimed due to attack by wild animals apart from normal compensation.
8. Immediate and adequate compensation of injuries and deaths that have been caused by the animals. Injuries to be compensated according to the magnitude of harm assessed by a doctor and insurance experts, while death to be compensated with minimum of 5 million Kenya shillings.
9. KWS to train community game rangers to partner with KWS rangers in managing the Human wildlife conflicts.
10. We demand **not less** than 60% of the revenue accruing from the National Parks to be shared to the residents of Taita/Taveta County.
11. KWS to work hand in hand with the community to initiate appropriate conservation strategies.

12. We demand explanation, apology and a stop to the inhuman treatment carried out by **David sheldrick Wildlife Trust and KWS** outside the parks. This staff harass and carry out **unwarranted search** to people's houses, farms and imposed exhibits. This is contravening the Bills of Rights in the constitution.
13. 75% of the employment opportunities **MUST** go to the locals within the National parks circuits.
14. We demand explanation, apology and a stop to the inhuman treatment being carried out by: **DAVID SHELDRIK WILDLIFE TRUST AND KWS** outside the parks. This staff harass and carry out **unwarranted search** to people's houses, farms and impose exhibits. This is contravening the bills of rights in the constitution.
15. Supplies of materials and food stuffs for Manyani Training School and Hotels be sourced within the locality.
16. With immediate effect, **KWS and RANCHERS must** remove all foreign livestock from Tsavo National Parks and ranches.
17. Our social life has been destructed greatly e.g school children are unable to attend school due to fear of being attacked by wild animals. The schools start late in the morning and finish early in the evening - a state that has contributed to poor education performances. People **cannot** attend their farms or graze their livestock freely for fear of being attacked by wild animals and this has rendered them poor.
18. In extension, we demand that all medical bills and funeral expenses of the victims **MUST** be fully **MET** by the government.
19. We like tourism industry but it **MUST** be done in a proper manner that will guarantee freedom from Human wildlife conflict. Therefore, with reference to point No. 2 above, there will be possible outlets to allow wild animals to get into the conservation area of any organization or individual that wishes to carry out wild animal conservation exercise. However, that will only take place on **condition** that, the organizations or individuals get conservation mandate from the community. Above all, the conservation area **must** be fenced before the outlets are made to avoid wild animals going into community farms. Last but **not** least, every conservancy carrying out the wildlife conservation exercise **MUST** give back 60% of their annual income to the Taita/Taveta Community for community development like other parts of Northern Kenya.

20. Maintenance of all roads in and outside Tsavo National Parks should be constructed to local contractors.

**21. Recommended reviews to the current Wildlife Act 2013.**

- a. Outline the compensation timeframe;
  - i. The process to be simplified.
  - ii. Time to be taken for completion of the compensation process **not** to exceed three (3) months.
- b. Ambiguity on Article 25 sub-section 4 to read third schedule and not 7<sup>th</sup> schedule.
- c. 3<sup>rd</sup> schedule to include wild pig, baboons, monkeys, wild rats for crop damages – in the case of Vermins Law to authorize the community to kill.
- d. Include snakes that are not poisonous e.g pythons.
- e. Insurance cover for community rangers.
- \* f. Article 25 sub-section 5 in paragraph 2; - delete the sentence that reads; provided that no compensation shall be paid where the owner of the livestock, crops and other properties failed to take reasonable measures to protect such crops, livestock or property from damage by wildlife or his land use practices are in compatible with the eco-system based management plan for the area.
- g. Provide medical cover for persons injured by wildlife and cater for all funeral expenses for those killed so that we ensure treatment and care for the bereaved and injured while the compensation is being processed.
- \* h. Include a clause about killing animals in protection of crops , livestock and property - Article 78.
  - i. Outline timeframe for review of compensation amount.  
Base it on the current influential rates - say review after every 5 years.
  - j. There should be a dispute resolution mechanism ( Tribunal) formed for settlement of cases and justification process set by the chief justice.
  - k. Define and establish a County Community Development Fund from the wildlife revenue (resource).
  - l. On remuneration of CWCCC, we also feel that there should be a board to guide on this.

- m. We still believe that the CWCCC should have more representation from the community to replace the government officers who are already paid by the government already as employees. We further agree on the importance of the officers to be called when need arises for justification process, as their duty to serve the community.
- n. We demand that, the national parks in our County be changed to Game Reserves.

The KWS and the Government (G.O.K) **MUST** start implementation of long term projects in 3 months time from now while the short term projects **MUST** start immediately. Failure to that, the Government will **force** MWABU COMMUNITY BASED ORGANIZATION to mobilize the community to demand the ownership of the Tsavo National Parks so that human security rights, property and wildlife security rights are taken care of properly by the community themselves. Thereafter we shall say, **"JUSTICE IS OUR SHIELD AND DEFENDER"**.

**Prepared by:**



**1. GAMALIEL MWANGI  
CO-ORDINATOR**



**2. GILIAD MWAKAZI  
CHAIRPERSON**



**3. GEORGE MWANDOE  
SECRETARY**



# THE KENYA NATIONAL UNION OF TEACHERS

**TAITA - TAVETA BRANCH**

**BRANCH OFFICE**

**TAITA / TAVETA TEACHERS CO-OPERATIVE HSE.  
TATECOH 2<sup>ND</sup> FLOOR**

P.O. Box 1065  
Wundanyi, Kenya (E.A)  
Tel: 043-42060  
Telegrams:K.N.U.T

## **MEMORANDUM**

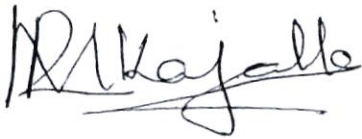
As Taita Taveta Knut Branch, we would wish to state as follows:

That Human wildlife conflict has been a thorn in the flesh in our county in that:-

1. It has affected the education sector for the last 15 years most of the families have not been able to harvest anything from their shamba's because they are destroyed by wild animals before they mature hence families go without food.
2. Schools within infested areas go to school late at around 9.00 a.m and leave early at around 3.00 p.m meaning that they don't get enough time for syllabus coverage leading to poor performance.
3. Psychological torture to the parents and children because of too much worry.
4. Some teachers have lost their lives while on duty and compensation given is not worth their life.
5. Destruction of environment especially by wild animals especially on destroying indigenous plants hence we are requesting you to think of constructing several water pan in the national parks to avoid animals coming to where people are.
6. Kenya Wildlife should also construct boarding schools in the affected area to give a proper security and to enable good education to the residents.
7. They should also give proper compensation to those affected either by death or losing plants.
8. They should put proper electric fence to avoid animal coming to where human beings are.
9. They should provide a medical insurance cover for communities living near the parks incase they get injured they can easily be treated or get good treatment.
10. As a way of motivating the community living with animals, they should think of sponsoring ten students each year for secondary and colleges.

11. Also provide clean water for the community to reduce chances of them meeting the animals as they go to search for water.

Prepared by:-

A handwritten signature in black ink, appearing to read 'R. Mkanjalla', with a horizontal line underneath the name.

ROSALIA MKANJALLA

**BRANCH EXECUTIVE SECRETARY**

Dear Hon. Members, I am privileged to be addressing this August committee for the second time this year. However, I am saddened by the fact that I am repeating almost exactly the same challenges that I brought to your attention last time.

It is unfortunate that the Government has chosen to give lip service to conservation. I say lip service because since the enactment of the WCMA no.47 of 2013, and its coming into effect on 10<sup>th</sup> January 2014, nothing seems to have changed. What the new Act envisaged and promised is still a mirage. I will restrict myself to the affairs of the CWCCCs and by extension community participation in wildlife conservation and management as envisaged in the Act. It is important to note that;

1. The Committees came into effect after 6<sup>th</sup> March 2015 following the gazettelement by the CS of the Names of Chairpersons and members representing communities
2. The Taita Taveta CWCCC was fully constituted by October 2015 with the appointment of the rest of the members as per section 18 of the Act
3. An induction of sorts was conducted in early November 2015 for Coastal CWCCCs among 35 other CWCCCs Nationally. To date the induction for the remaining 12 counties is yet to happen
4. Just one Committee sitting was held in Feb/March 2016 in which Taita Taveta CWCCC reviewed a total of 182 claims (15deaths and 167 injuries) out of a backlog of 702 pending claims at the time (15 deaths, 235 Injuries, 452 crops/property loss & livestock predation. Since then to August this year the claims stand at 3 deaths, 121 injuries, 293 livestock killed, 357 crop raids bringing the total to 774 (This is minus data from Taveta Sub County). N/B: No word has come from Nairobi as to when these claims will be settled
5. Poisonous snakes accounted for 80% of all reported injuries while, 99% of crop raids were by Elephants and the Hyena, lion and leopard accounted for most predatory attacks in that order.
6. The Chairmen of 32 CWCCCs convened in Nairobi on May 31<sup>st</sup> to demand from the Ministry the immediate Operationalization of the Committees among other demands.

The above is a snapshot of the status of the CWCCC and the compensation case load. Having said this now allow me to make the following observations;

1. As a committee we feel very frustrated that we are unable to operate within the framework of the Law because of forces beyond our control. There is a general feeling that there are certain quarters that are not happy with the establishment of these committees and are hell bent to ensure that they do not operate as envisaged.
2. We are aware that there is ongoing final debate on the wildlife regulations ahead of the National validation workshop in Nairobi on 4<sup>th</sup> November 2016; what we don't agree is the manner in which the CWCCCs have been sidelined in this whole process yet one of our key function is to create community awareness and sensitization. Again we see this as a deliberate effort to continue strangling the CWCCCs and deny us our space in the conservation discourse.
3. In the year 2015/2016 the Ministry argued that there was no budget allocation for CWCCCs as the reason why there was delay to operationalize the same. However, the same Ministry promised that operational budgets for CWCCCs had been factored in this year's budget. Surprisingly, upto now there is no word from the Ministry whether these funds are there or not. This has put CWCCCs in limbo.
4. Chairpersons as well as community representatives to the committee are forced to use their personal resources to discharge their mandate. We feel this is grossly unjust and are therefore

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calling for the immediate and commensurate payment of allowances and honoraria to facilitate our effective delivery of public duty.

On the matter under petition; that is grazing inside the Parks, I wish to make the following remarks. Indeed this is now a grave menace which is threatening not just wildlife but the entire County economy. When I say this I don't want to sound alarmist, but it is important to note that Taita Taveta relies mainly on Tourism. Voi Town owes its existence and growth to tourism. So when thousands of livestock flock into our Parks and KWS is "helpless" to do anything because it is alleged that these livestock belong to powerful individuals then the next thing we shall have to contend with is the death to tourism in the County. Equally, the incursion of livestock inside the Parks are contributing to increased incidences of human wildlife conflict because there is increased competition for pasture and water in the Parks which is why wild animals are moving out into community areas further fuelling the conflict. Therefore my appeal to the Parliamentary committee is after this fact finding mission, please go back to the August House and crack the whip. We need and Must Save Tsavo. Thank You.