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PARLIAMENT  
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*21/4/15*

*Paper laid*  
*By Hon. Kitui Mwangi MP*  
*on 21.04.2015.*  
*KMM*

ELEVENTH PARLIAMENT - THIRD SESSION

DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL  
RESOURCES

REPORT ON THE PETITION BY THE RESIDENTS OF BURA  
CONSTITUENCY ON THE DEGAZZETMENT OF LEGAL NOTICES  
NO.39 & 40 OF 2013 ON THE DECLARATION OF BANGALI AND  
MBALAMBALA AS FOREST AREAS

CLERK'S CHAMBERS,  
PARLIAMENT BUILDINGS,  
NAIROBI

APRIL, 2015

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## ANNEXES

- A. Various minutes for the committee
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## **1.0 PREFACE**

The Departmental Committee on Environment and Natural Resources is established under Standing Order No. 216(1).

### 1.1 Mandate of the Committee

The functions and mandate of the Committee are:-

- 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 programme 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 subject matter of the Departmental Committee on Environment and Natural Resources are stated in the Second Schedule of the National Assembly Standing Order as: climate change, environment management and conservation, forestry,

water resource management, wildlife, mining and natural resources, pollution and waste management.

## 1.2 Committee Membership

The Committee comprises of the following Members:

Hon.Amina Abdallah, M.P., <b>Chairperson</b>	Hon. Kathuri Murungi, M.P.
Hon. A. Kosgey, M.P., <b>Vice Chairperson</b>	Hon. Sunjeev Birdi, M.P.
Hon. Alice Ng'ang'a, M.P.	Hon. Jackson K. Rop, M.P.
Hon. Samuel Ndiritu, M.P.	Hon. Abdi Noor Ali, M.P.
Hon. Aisha Jumwa Karisa, M.P.	Hon. Joyce Emanikor, M.P.
Hon. Ejidius Njogu Barua, M.P.	Hon. Abdulaziz Farah, M.P.
Hon. Jude Njomo, M.P.	Hon. Ronald Tonui, M.P.
Hon. Moitalel Ole Kenta, M.P.	Hon. (Dr.) Reginalda Wanyonyi, M.P.
Hon. Chachu Ganya, M.P.	Hon. Gideon Mwiti, M.P.
Hon. Opiyo Wandayi, M.P.	Hon. (Major) Muluvi Mutua, M.P.
Hon. Charles G. Mongare, M.P.	Hon. Mohamed, Diriye M.P.
Hon. (Dr.) Wilber K. Ottichilo, M.P.	Hon, Peter Kinyua, MP.
Hon. Khatib Mwashetani, M.P.	Hon. Shukra Hussein Gure, M.P
Hon. George Ogalo, M.P.	
Hon. Chachu Ganya, M.P.	

## 1.3 Consideration of the Petition

1.3.1 On July 22<sup>nd</sup> 2014, the Member of Parliament for Bura Constituency,

Hon. Ali Wario, M.P. presented a petition to Parliament for the degazetment of Legal Notices No.39 & 40 of 2013 on the declaration of Bangali and Mbalambala as forest areas under the Forest Act (No.7 of 2005);

1.3.2 Hon. Ali Wario, M.P., appeared before the Committee on 24<sup>th</sup> July 2014 and informed it that:-

- (i) Legal Notices No. 39 & 40 of 2013 carved out more than 123,000 Hectares of land to create Bangali and Mbalambala Forest reserves

without local community participation.

- (ii) The area declared as a forest area encloses local villages including Tula, Bangali, Bulto - Banta, Madogo, Bisan Hargessa, Mbalambala and Areri thereby infringing on the movement of the residents given that Bura is largely a pastoralist region and the residents have no other income generating activities;
- (iii) Efforts to have the matter addressed have borne no fruits yet competition for limited grazing area and farming land continues to heighten tension among families

1.3.3 The Member of Parliament for Bura Constituency prayed on behalf of the residents that the National Assembly through the Departmental Committee on Environment and Natural Resources intervenes to have Bangali and Mbalambala areas degazetted and the land reverted back to the Community, and the Cabinet Secretary barred from further gazetting any forest area in Bura Constituency without due participation of the public as required by the Constitution;

1.3.4 The Committee held various sessions in Parliament and received submissions from the Cabinet Secretary for Environment and Natural Resources regarding the petition;

1.3.5 The Committee also undertook an inspection visit of Bangali and Mbalambala to appraise itself with the matters on the ground. The Committee visited Bura Constituency between August 6<sup>th</sup>-7<sup>th</sup> 2014 and received evidence from the residents;

1.3.6 The following Members undertook the inspection visit;

1. The Hon. Samuel Mathenge Ndiritu, M.P. - **Leader of delegation**
2. The Hon. Sunjeev Kour Birdi, M.P.
3. The Hon. Hassan Abdi Dukicha, M.P.
4. The Hon. Ali Wario, M.P.

## **1.4 Committee General Observations and Recommendations**

### **1.4.1 Observations**

- (i) The gazettelement of the land as a forest area was done in 2013 after the

Forest Act, 2005 had come into operation; the Committee noted that the procedure for gazettelement requires public participation as stipulated in the Third Schedule of the Act.

- (ii) It was insufficient to use the District Development Committee, Forest Conservation Committee and full Council of the then Tana River County Council to inform the gazettelement, instead more local community participation should have been done.
- (iii) 70% of the land that has been gazetted is very rich in minerals such as gypsum. The gazettelement of these areas has denied the community access to the resources in the forest.
- (iv) Section 28 of the Forest Act, 2005 stipulates that variation of boundaries or revocation of a local or state authority forest shall only be published following a proposal recommended by the Kenya Forest Service in accordance with subsection (2) and is subsequently approved by resolution of Parliament. The proposal should have been subjected to an independent Environmental Impact Assessment and public consultation in accordance with the Third Schedule.

#### **1.4.2 Response to the petitioners prayers**

In response to the prayers of the petitioner, the Committee recommends that:-

- (i) Noting that Settlement in the area preceded the gazettelement of the forest, and taking into account the needs of the people settled in the area vis a vi the need for conservation of the forest, the Kenya Forest Service should consider initiating a proposal to Parliament for approval to vary the boundaries of the forest in line with section 28 of the Forest Act, 2005.
- (ii) The Kenya Forest Service needs to create awareness on the rights of people living around the forests and what resources they are allowed to access s well as the need to conserve the forest.

## 1.5 Acknowledgement

**Mr. Speaker Sir,**

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.

I take this opportunity to thank all Members of the Committee for their patience, endurance and dedication to Committee business, despite their other commitments and tight schedules, which enabled the Committee to complete this Report.

On behalf of the Departmental Committee on Environment and Natural Resources, and pursuant to Standing Order No.227 (2) of the National Assembly, I now have the honor to present the Committee Report on the Petition for the degazetment of legal notices No.39 & 40 of 2013 on the declaration of Bangali and Mbalambala as forest areas under the Forest Act (No.7 of 2005);

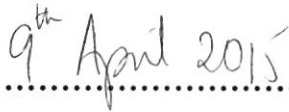
Thank You,

SIGNED ..... 

**CHAIRPERSON**

**(HON. AMINA ABDALLA, M.P)**

**DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL  
RESOURCES**

DATE..... 

## **2.0 FINDINGS**

### **2.1 Evidence and Submissions by Residents of Bura Constituency**

The Committee held a public Hearing at Bura Constituency and was informed as follows; that:-

- 2.1.1 123,000 ha of land was gazetted as forest without involvement of the residents. Under the current law, the land is community land. The community was never compensated for lost land that was gazetted as forest reserve. The residents who are pastoralists are affected for lack of access to water points and grazing land since declaration of the land into forest ;
- 2.1.2 The gazetment of Bangali and Mbalambala was done during the campaigns in 2012. It did not consider the community inputs or the public amenities such as hospitals, schools and worship places and buildings. Recent Government trials to make survey and issue titles (in Galana, Bura, Mucherer, Bura Irrigation Scheme) almost brought conflict since most land has been taken away by the Government;
- 2.1.3 The residents are largely pastoralists and without land they are unable to have a normal livelihood;
- 2.1.4 The residents were not aware of the criteria used nor the law used in declaring part of Tana River as a forest nor are they aware of the leaders (from grassroots to top) who sat and agreed that Tana River be gazetted as forest land ;
- 2.1.5 The residents are concerned that the criterion that was used in gazetment of forest land was un procedural since public consultation was never done;
- 2.1.6 The gazetted forests encompasses schools, mosques and other institutions including permanent houses and residences of the residents;
- 2.1.7 Residents have further been evicted from the area by Oil Exploration companies from China and KPLC on the basis that it is gazetted forest;
- 2.1.8 KETRACO has equally failed to compensate the community when they did developments on the site citing residents cannot claim since it is gazetted land;
- 2.1.9 Since 1978, there was no forest as such on the land and the residents do conserve the environment;
- 2.1.10 The gazetment has marginalized the pastoralists community by pushing them



- further away from the agricultural community ;
- 2.1.11 At the moment, investors are not willing to invest in the area due to the  
Gazetment;
- 2.1.12 Gazetment of a big portion of their land as government forest land deprives  
them of access to pasture and is a threat to their livelihood. Lack of enough  
grazing pastures for the livestock is likely to lead to conflicts and clan clashes;
- 2.1.13 Over 70% of the land that has been gazetted is very rich in minerals e.g.  
gypsum. The gazetment of these areas has denied the community the right to  
mine in their ancestral land which could otherwise improve the living standards  
of the community;
- 2.1.14 The residents feel marginalized by the Government since independence in that  
not only has their land been gazetted but it has equally been taken by the  
government for irrigation schemes, game reserves, gazetted forests and  
national parks. These are;
- a. Galana ranch / galana/Kulalu irrigation scheme.
  - b. Baomo primate reserve (Columbus monkeys)
  - c. Hola irrigation scheme
  - d. Bura irrigation scheme
  - e. Kora national park – 1,788 km square (1973)
  - f. Bangali and Mbalambala government forests
- 2.1.15 The gazette notice giving effect to the degazetment is dated 2012 after the  
promulgation of the new Constitution. According to the law, community land  
is under the County Government and the community is concerned that the  
National Government and the Ministry gazetted their land as forest without the  
consent of the County Government;
- 2.1.16 The residents want the area degazetted as forest and the land returned to  
the Community

## **2.2 Submissions from The Ministry of Environment, Water and Natural Resources**

The Committee received written submissions from the Ministry of Environment,  
Water and Natural Resources as follows:-

- 2.2.1 Bura Constituency covers an area of 13,191.5 Km<sup>2</sup> with a total population of 200,000 and 82,545 persons (2009 census) with a density of 6 persons per Km<sup>2</sup>. The Sub County predominantly comprises of fragile forests, woodlands and grasslands ecosystem found predominant within the riparian, floodplains and water catchment areas;
- 2.2.2 The population is 90 % pastoral community that practices nomadic type of rangeland husbandry thus lending the community credence to the integral conservational value of the area's natural resources as an integral livelihood resource. Flood receding sedentary agriculture is also practiced, but in small scale, mainly along the river banks;
- 2.2.3 Legal notices No 39 & 40 of 2013 carved out more than 123,000 hectares of land in Bura Constituency to create Bangali and Mbalambala forest reserves. This was necessitated by the severe degradation of the areas ecosystem that was characterized by timber poaching, charcoal burning, gypsum prospecting and mining among others;
- 2.2.4 The Government intervened with a desire to reverse this trend through local forums including District Focus for Rural Development and the full council meetings of the then Tana River County Council;
- 2.2.5 Due process was followed when the Kenya Forest Service gazzeted the areas in accordance with the criteria provided for under the Forest Act ,2005 and involvement of the local community through various structures and forums that included the District Development Committee, Forest Conservation Committee and full Council of the then Tana River County Council ;
- 2.2.6 The Ministry is aware that 90% of the population in Bura Constituency are pastoralists and the activity is largely dependent on the conservation of forests, woodlands and grasslands to provide livestock feed and refuge for grazing animals;
- 2.2.7 The sustained management of the natural resources in the area which includes initial traditional governance has ensured constant provision of pasture and other valuable products for the local community;

- 2.2.8 The Cabinet Secretary is not aware that the declared forest areas enclose local villages including Tula, Bangali, Bulto - Banta, Madogo, Bisan Hargessa, Mbalambala and Areri. The stated villages are considered as forest communities whose customary and cultural rights have been safeguarded pursuant to section 22 of the Forest Act, 2005;
- 2.2.8 The gazzement of Bangali and Mbalambala targeted these villages as forest neighbors who largely benefit under the principals of participatory forest management;
- 2.2.9 The Ministry through the Kenya Forest Service would continue to partner with registered Conservation Forest Associations and the local leadership including the Tana River County Government in resolving disputes relating to the conservation activities in the entire ecosystem as and when they arise.

### **3.0 COMMITTEE OBSERVATIONS**

#### **The Committee makes the following observations:-**

- (i) The gazettelement of the land as a forest area was done in 2013 after the Forest Act, 2005 had come into operation; the Committee noted that the procedure for gazettelement requires Public participation as stipulated in the Third Schedule of the Act.
- (ii) It was insufficient to use the District Development Committee, Forest Conservation Committee and full Council of the then Tana River County Council to inform the gazettelement, instead more local community participation should have been done.
- (iii) 70% of the land that has been gazetted is very rich in minerals e.g. gypsum. The gazettelement of these areas has denied the community access to the resources in the forest.
- (iv) Section 28 of the Forest Act, 2005 stipulates that Variation of boundaries or revocation of local or state authority forest shall only be published following a proposal recommended by the Kenya Forest Service. The proposal should have been subjected to an independent Environmental Impact Assessment and public consultation in accordance with the Third Schedule.

#### **4.0 REPOSNE TO THE PETITIONERS PRAYERS**

**In response to the prayers by the petitioners, the Committee recommends that:-**

- (i) Noting that Settlement in the area preceded the gazettelement of the area as a forest, and taking into account the needs of the people settled in the area verses the need for conservation of the forest, the Kenya Forest Service should consider initiating a proposal to Parliament for approval to vary the boundaries of the forest in line with section 28 of the Forest Act, 2005.
- (ii) The Kenya Forest Service needs to create awareness on the rights of people living around the forests and the resources they are allowed to access as well as the need to conserve the forest.



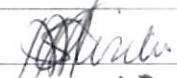
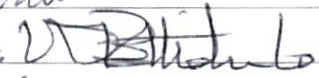

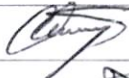


DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL  
RESOURCES

ATTENDANCE / PAYMENT SCHEDULE

AGENDA: ADOPTION OF THE REPORT ON THE PETITION ON THE  
DEGAZETTEMET OF BANGALI & MBALAMBALA AS FOREST AREA

DATE: 21/03/2015 TIME: 10:00 AM VENUE: C.P.A ROOM

1	NAME	SIGNATURE
	Abdalla, Amina CHAIRPERSON	
2	Alexander Kosgey Vice Chairperson	
3	Dukicha, Hassan Abdi	
4	Emanikor, Joyce Akai	
5	Ganya, Francis Chachu	
6	Geni, Charles Mongare	
7	Gure, Shukra Hussein	
8	Ole Kenta, Richard Moitalel	
9	Mohamed, Diriye Abdullahi	
10	Murungi, Kathuri	
11	Ogalo, George Oner	
12	Sunjeev Kour Birdi	
13	Tonui, Ronald Kiprotich	
14	Dr. Wanyonyi, Reginalda N	
15	Farah, Abdulaziz Ali	
16	Barua, Ejidius Njogu	
17	Irea, Gideon Mwiti	
18	Muluvi, Marcus Mutua	
19	Mwashetani, Khatib	

20	Ndiritu, Samuel Mathenge	
21	Ottichilo, Wilber Khasilwa	
22	Rop, Jackson Kipkorir	
23	Abdinoor, Mohammed Ali	
24	Ng'ang'a, Alice Wambui	
25	Peter Kinyua	
26	Wandayi, James Opiyo	
27	Katana, Aisha Jumwa	
28	Jude Njomo	

*Fekeskei*  
 NICHOLAS EMEJEN

FOR -CLERK OF THE NATIONAL ASSEMBLY



# Appendix I

## MINUTES OF THE 21<sup>ST</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES HELD ON THURSDAY 26<sup>TH</sup> MARCH, 2015 AT 10.00AM IN THE C. P. A. ROOM, MAIN PARLIAMENT BUILDINGS

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### PRESENT

1. Hon. Abdalla Amina, M.P. – **Chairperson**
2. Hon. Wandayi James Opiyo, M.P.
3. Hon. Farah Abdulaziz Ali, M.P.
4. Hon. Dr. Wanyonyi Reginalda N. M.P.
5. Hon. Rop Jackson Kipkorir, M.P.
6. Hon. Ottichilo Wilber Khasilwa, M.P.
7. Hon. Geni Charles Mong'are, M.P.
8. Hon. Ndiritu Samuel Mathenge, M.P.
9. Hon. Abdinoor Mohammed Ali, M.P.
10. Hon. Ogalo George Oner, M.P.
11. Hon. Ole Kenta Richard Moitalel, M.P.
12. Hon. Mwashetani Khatib, M.P.
13. Hon. Kathuri Murungi, M.P.
14. Hon. Ganya Francis Chachu, M.P.
15. Hon. Katana Aisha Jumwa, M.P.
16. Hon. Peter Kinyua, M.P.
17. Hon. Emanikor Joyce, M.P.
18. Hon. Sunjeev Kour Birdi, M.P.
19. Hon. Gure Shukra Hussein, M.P.

### APOLOGIES

1. Hon. Alexander Kosgey, M.P. – **Vice Chairperson**
2. Hon. Tonui Ronald Kiprotich, M.P.
3. Hon. Muluvi Marcus Mutua, M.P.
4. Hon. Dukicha Hassan Abdi, M.P.
5. Hon. Barua Ejidius Njogu, M.P.
6. Hon. Mohamed Diriye Abdullahi, M.P.
7. Hon. Jude Njomo, M.P.

### ABSENT

1. Hon. Ng'ang'a Alice Wambui, M.P.
2. Hon. Irea Gideon Mwiti, M.P.



## **IN-ATTENDANCE – THE NATIONAL ASSEMBLY**

1. Mr. Nicholas Emejen - Ag. Deputy Director Committees
2. Ms. Tracy ChebetKoskei - Clerk Assistant II
3. Mr. Joshua Ondari - Clerk Assistant III
4. Ms. Lynette Otieno - Legal Counsel II
5. Mr. Hassan Odhwa - Senior Researcher I

## **MIN. NO. DC/ENR/90/2015 - PRELIMINARIES**

The Chair called the meeting to order at 10.15 am and the proceedings started with a word of prayer.

## **MIN. NO. DC/ENR/91/2015 - CONFIRMATION OF MINUTES**

Minutes of the 20<sup>th</sup> Sitting were confirmed as a true record of the proceedings having been proposed by Hon. Richard Moitalel Ole Kenta, M.P and seconded by Hon. Jackson Kipkorir Rop, M.P.

## **MIN.NO. DC/ENR/92/2015 -CONSIDERATION AND ADOPTION OF THE REPORTS ON PETITIONS**

### **(i) Report on the Degazettement of Nyambene National Reserve**

The Committee considered and adopted the report having been proposed by Hon. Wilber Ottichillo, M.P and seconded by Hon. Jackson Rop, M.P.

### **(ii) Report on the Degazettement of Bangali and Mbalambala Forest**

The Committee considered and adopted the report having been proposed by Hon. Richard Ole Kenta, M.P and seconded by Hon. Peter Kinyua, M.P.

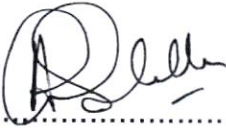
## **MIN.NO. DC/ENR/93/2015 - COMMITTEE RESOLUTIONS**

The Committee resolved to undertake the following upcoming events:-

Date	Event
20 <sup>th</sup> April, 2015	Breakfast Meeting at Intercontinental on the E-waste regulation
23 <sup>rd</sup> April, 2015	Committee retreat to Serena Mombasa to work on the Amendments to the Water Bill, 2014
8 <sup>th</sup> May, 2015	Committee retreat organised by NEMA

MIN.NO. DC/ENR/94/2015 ADJOURNMENT

There being no other business the meeting was adjourned at quarter past twelve O'clock.

SIGNED.....  
(Chairperson)

DATE.....*1<sup>st</sup> April 2015*.....

Annex II

REPUBLIC OF KENYA



MINISTRY OF ENVIRONMENT, WATER AND NATURAL  
RESOURCES

State Department of Environment and Natural Resources

**Response to a petition requesting the degazettement of Legal  
Notices No. 39 and 40 of 2013 on the declaration of Bangali  
and Mbalambala as forest areas: Forest Act (No.7 of 2005)**

**19<sup>th</sup> August, 2014**

**MINISTRY OF ENVIRONMENT, WATER AND NATURAL  
RESOURCES**

**STATE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**

**Petition**

The Member of Bura Constituency, Hon. Ali Wario, requests the Departmental Committee on Environment and Natural Resources for the degazettement of Legal Notices No. 39 and 40 of 2013 on the declaration of Bangali and Mbalambala as forest areas: Forests Act (No. 7 of 2005)

The Petitioner drew the attention of the Committee to the following:-

- (i) That, aware that Legal Notices No. 39 and 40 of 2013 carved out more than 123,000 Hectares of land to create Bangali and Mbalambala Forest Reserves
- (ii) Noting, that Bura is largely a pastoralist region and, that majority of the residents have no other income generating activities
- (iii) That, the gazettement of the Forest Areas was done without local community participation
- (iv) That, the area declared as a Forest Area encloses local villages including Tula, Bangali, Bulto-Banta, Madogo, Bisan Hargessa, Mbalambala and Areri thereby infringing on movement of the resident

## **Response**

### **Introduction**

**Hon. Chair,** Bura Constituency covers an area 13,191.5Km<sup>2</sup> with a total population of 200,000 and 82,545 Persons (2009 census) with a density of 6 persons per Km<sup>2</sup>. The Sub-County predominantly comprises of fragile Forests, woodlands and grasslands ecosystem found predominant within the riparian, floodplains and water catchment areas.

The population is 90% pastoral community that practices nomadic type of rangeland husbandry thus lending the Community credence to the integral conservational value of the area's natural resources as an integral livelihood resource. Flood receding sedentary agriculture is also practiced, but in small scale, mainly along the river banks.

- (i) **That, aware that Legal Notices No. 39 and 40 of 2013 carved out more than 123,000 Hectares of land to create Bangali and Mbalambala Forest Reserves**

**Hon. Chair,** I wish to confirm that Legal Notices No. 39 & 40 of 2013 curved out more than 123,000 hectares of land in Bura Constituency to create Bangali and Mbalambala Forest Reserves. This was necessitated by the severe degradation of the area's

ecosystem that was characterized by timber poaching, charcoal burning, gypsum prospecting and mining among others.

**Hon. Chair,** the Government intervened with the desire to reverse this trend through local forums including District Development Committees, the District Focus for Rural Development and the Full Council meetings of the then Tana River County Council.

Consequently, the due process was followed when the Kenya Forest Service gazetted the areas in accordance with the criteria provided for the Forest Act, 2005. This ostensibly entrenched the principles of community participation in forest management.

- (ii) Noting, that Bura is largely a pastoralist region and, that majority of the residents have no other income generating activities**

**Hon. Chair,** as earlier indicated, I am aware that 90% of the population in Bura Constituency are pastoralists. This activity is largely dependent on the conservation of forests, woodlands and grasslands to provide livestock feeds and refuge for the grazing animals.

**Hon. Chair,** the sustained management of these natural resources which includes initial traditional governance, has ensured constant

provision of pasture and other valuable products to the pastoral community.

**(iii) That, the gazettelement of the Forest Areas was done without local community participation**

**Hon. Chair**, as earlier explained, due process was followed in the gazettelement of Bangali and Mbalambala forests. The local community participated through various structures and forums that included District Development Committee, Forest Conservation Committee and Full Council of the then Tana River County Council among others.


**(iv) That, the area declared as a Forest Area encloses local villages including Tula, Bangali, Bulto-Banta, Madogo, Bisan Hargessa, Mbalambala and Areri thereby infringing on movement of the resident**

**Hon. Chair**, I am not aware that the declared forest areas enclose local villages including Tula, Bangali, Bulto-Banta, Madogo, Bisan Hargessa, Mbalambala and Areri. The stated villages are considered as forest communities whose customary and cultural rights have been safe guarded pursuant to Section 22 of the Forest Act, 2005.

**Hon. Chair**, I further wish to state that the gazettelement of the Bangali and Mbalambala forest reserves targeted these villages as

forest neighbours who largely benefit under the principles of participatory forest management. I wish to reiterate that the villages are not within the Forests.

**Hon. Chair**, my Ministry, through the Kenya Forest Service will continue to partner with registered Conservation Forest Associations, stakeholders and the local leadership including the Tana River County Government in maintaining a Conflict Resolution Committee in resolving disputes relating to the conservation activities in the entire ecosystem as and when they arise.

  
**Prof. Judi W. Wakhungu**  
**Cabinet Secretary**  
**Ministry of Environment, Water and Natural Resources**



Approved  
29/07/14

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT  
(SECOND SESSION)

## **PUBLIC PETITION**

BY THE RESIDENTS OF BURA CONSTITUENCY

FOR

THE DEGAZETTEMET OF LEGAL NOTICES NO. 39 & 40 OF 2013 ON THE  
DECLARATION OF BANGALI AND MBALAMBALA AS FOREST AREAS: FOREST ACT  
(No. 7 of 2005)

I, the **UNDERSIGNED**, on behalf of residents of Bura Constituency in Tana River County;

**DRAW** the attention of the House to the following;

- i) **THAT**, aware that Legal Notices No. 39 & 40 of 2013 carved out more than **123,000** Hectares of land to create Bangali and Mbalambala Forest Reserves;
- ii) **NOTING**, that Bura is largely a pastoralist region and, that majority of the residents have no other income generating activities;
- iii) **THAT**, the gazettelement of the Forest Areas was done without local community participation;
- iv) **THAT**, the area declared as a Forest Area encloses local villages including Tula, Bangali, Bulto-Banta, Madogo, Bisan Hargessa, Mbalambala and Areri thereby infringing on movement of the residents;

PUBLIC PETITION FOR THE DEGAZETEMENT OF LEGAL NOTICES NO. 39  
& 40 OF 2013 ON THE DECLARATION OF BANGALI AND MBALAMBALA AS  
FOREST AREAS: FOREST ACT (No. 7 of 2005)

- v) THAT, efforts to have the matter addressed have borne no fruit yet competition for the limited farming and grazing resources continue to heighten tension among families;
- vi) THAT, the matter in respect of which this petition is made is not pending before any court of law or tribunal.

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

- I. Intervenes to have Bangali and Mbalambala Forest Areas degazetted and the land reverted to the community; and
- II. The Cabinet Secretary be barred from further gazetting any Forest Area in Bura Constituency without due participation of the public as required by the Constitution.

And your PETITIONERS will ever pray.

PRESENTED BY,



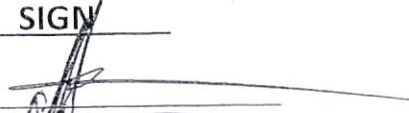
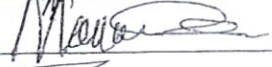
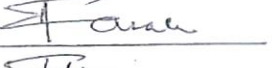
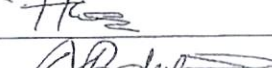







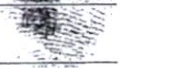


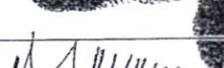



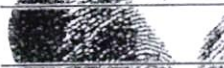

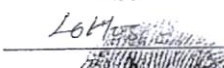

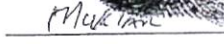



HON. ALI WARIO, MP

MEMBER FOR BURA CONSTITUENCY

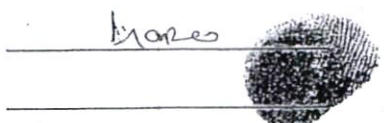
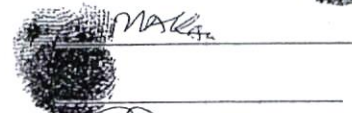

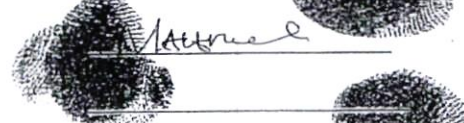
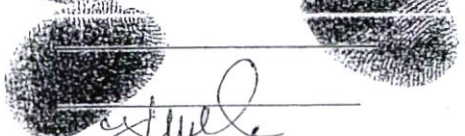

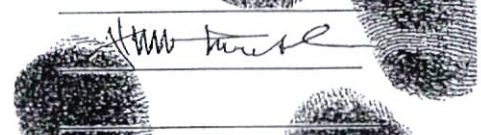

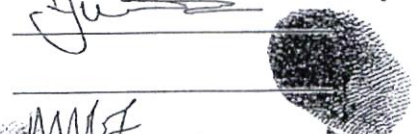
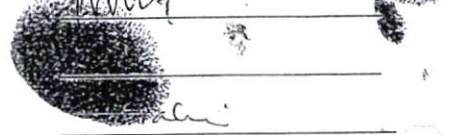
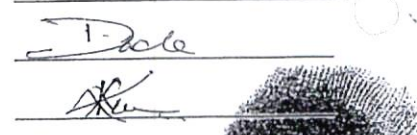
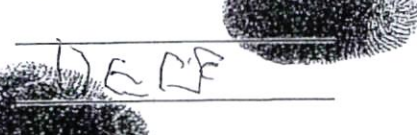
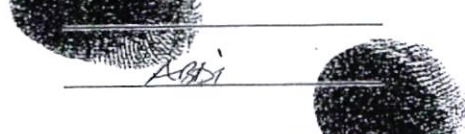
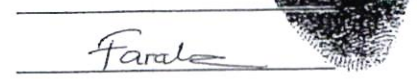
DATE: 22<sup>nd</sup> July 2014 .....

# BANGALE COMMUNITY OPPOSING GAZETTEMET OF BANGALE FOREST


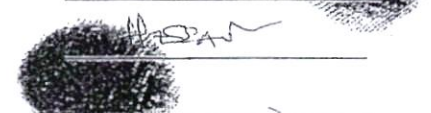
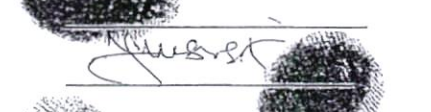

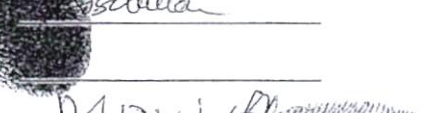
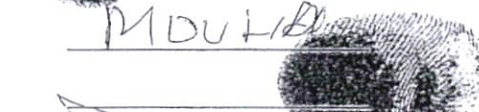
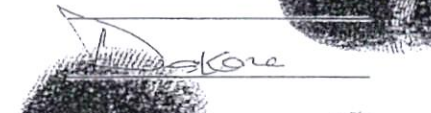

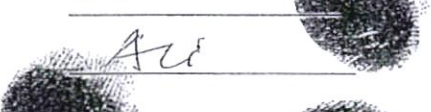
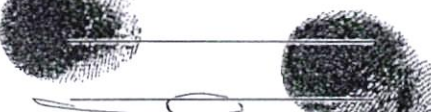
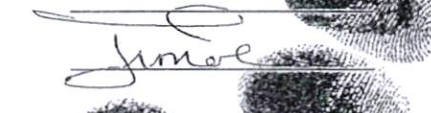


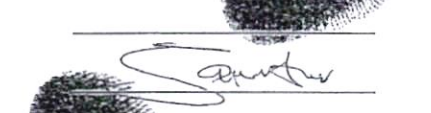




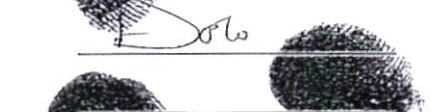

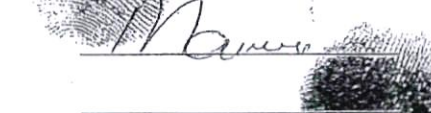
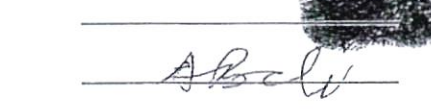

## MEMBERS.

<u>NAME</u>	<u>ID/NO.</u>	<u>SIGN</u>
1. KOLOSHO A. WOLLY	22369269	
2. MOHAMED ABAJILA	21227600	
3. MAHAMUD FARAH	5366208	
4. ABDALLA ABDULAH	5445780	
5. AUHAN IBRAHIM	4406971	
6. MOHAMED IBRAHIM	9769982	
7. HASSAN ROBLE	0648139	
8. AHMED MURSA	5366143	
9. ABUBAKAR DARA	11888780	
10. ALI DAIB OSMAN	22461709	
11. ABDIRAHMAN ADAN ALI	8266665	
12. ABDI HASSAN ABDI	1188876	
13. HAWA LUL IBRAHIM	5366081	
14. BISHARO ISAACK	21682319	
15. HABIBA MOHAMED OSMAN	2031248	
16. MUSLIMA ABDALA HILOWLE	2217290	
17. OSMAN GUTU WACHU	11893309	
18. ABDIGAB IDRIS	2244140	
19. MOHAMED BASHIR YAKO	544140	
20. KHALIF HASSAN GAGALO	1189052	
21. RAHIMA JARSO WARJO	5955533	
22. MOHAMED GABO BORU	20960929	
23. FATUMA YAHYE	11889104	
24. AHMED LOHOS MOHAMED	23992782	
25. ABDI KOSAN ABDULLAHI	5444529	
26. SHABAN MUKTAR ABDI	7549664	

27. HALIMA FATUMA SALAH	5366099
28. MOHAMED HARO BANTO	11888771
29. FATUMA ABDI SULEIMAN	82967874
30. MAKA DURI OMARI	6132343
31. JIBRIL OMAR JALA	4405353
32. DAHIR MOHAMED KASIM	24075113
33. OSMAN DARA WAYAMO	4402512
34. MOHAMED BAB WARIO	22677084
35. HUSSEIN MOHAMED MANSO	23577337
36. HADIKATI GURACHO GARSE	5366594
37. ABDI DADO GALMO	3921228
38. ADHAN HASSAN GARSE	5366909
39. UMAR LEKAB SANTUR	54439343
40. ALI GUTU DAME	5444422
41. MOHAMED ABDI DIBO	5366269
42. FATUMA GALGALO ELEMA	3923863
43. YAHYA YUSUF ABDI	
44. ASLI DAHIB OSMAN	
45. ISMAIL KUNO HILOWLE	
46. AHMED ABDI GURE	
47. MOHAMED LOHOS FARAH	44030053
48. IBRAHIM NAGHEY DIDO	5443868
49. DUALE IBRAHIM MOGO	4404704
50. DUBAT DAKANE	5444572
51. KASIM DAKANE ABDI	5371460
52. IBRAHIM HARET	4482010
53. DEIK K. SHAFARI	4407214
54. HASSAN DAKANE ADE	0046458
55. ABDI MOHAMUD FARAH	223398251
56. ABDI HAJI OYO	4403906
57. MOHAMED FARAH BALALI	24053308

58. ALI IDLE YAROW	9768456
59. ABDULAH I DUBOW ELEMA	5444993
60. HASSAN ABDI ORE	26026654
61. YUSSUF DAKANE BARISA	5367160
62. YUSSUF BURE ABAS	621599023
63. YUSSUF GOROT ISHAKO	5443874
64. ABDULLAHI M. DULAL	5367160
65. SAID S. DIRIE	11893190
66. MOULID DOLAL DIAD	536461
67. HASSAN ADHAN ISSACK	8296571
68. OSMAN KASIM DAKANE	23745184
69. ABDULLAHI ISSACK ABDULLAHI	0048005
70. ABUBAKAR M. ABDI	8267635
71. ALI MURSAL	5366788
72. ABDULLAHI HUSSEIN BORU	8266123
73. MOHAMED SHALE KUNO	23133943
74. ABDULLAHI JIMALE MOHAMED	5954434
75. SHALE YUSUF OMAR	228707086
76. MOHAMED HASSAN SANTUR	10311557
77. SAID A. SHEIK	22376490
78. ABDI BUDHUL BUJUK	5368052
79. HUSSEIN ABDIKARIM SANTUR	23477865
80. ALI MOGO BADISI	5443741
81. HAJIR HUSSEIN RHAGO	27165874
82. FATUMA IBRAHIM YARE	5367609
83. ABDIRAHMAN OMAR	23344065
84. ALI ABDULLAHI ABDI	5367609
85. ABDI KHALIF RAGHO	10311661
86. DOLO GABO DAGHANI	4407970
87. MOHAMED IDLE HUSSEIN	297431
88. ADHAN BASHANE YARE	23495674
89. MARIAM LULI NASIR	8267707
90. FATUMA SHABOY ADHAN	3922018
91. ALI ABDULAH I ABDI	5367609

LEGAL NOTICE NO. 40

THE FORESTS ACT  
(No. 7 of 2005)

~~IN EXERCISE of the powers conferred by section 23 of the Forests Act, the Minister for Forestry and Wildlife declares that the area described in the Schedule hereto shall be a forest area.~~

IN EXERCISE of the powers conferred by section 23 of the Forests Act, the Minister for Forestry and Wildlife declares that the area described in the Schedule hereto shall be a forest area.

## SCHEDULE

An area of land approximately 4,253.5 hectares, known as Ibalambala Forest, situated approximately 60 kilometres north west of Marissa Township, Tana River District/County, Coast Province, the boundaries of which are more particularly delineated, edged green, on Boundary Plan No. 175/427, which is signed and sealed with the seal of Survey of Kenya, and deposited at the Survey Records Office, Survey of Kenya, Nairobi, and copy of which may be inspected at the office of the Zonal Forest Manager, Kenya Forest Service, Tana River.

Dated the 16th December, 2012.

NOAH M. WEKESA,  
*Minister for Forestry and Wildlife*

LEGAL NOTICE NO. 41

THE FORESTS ACT  
(No. 7 of 2005)

## DECLARATION OF RAMOGI FOREST

IN EXERCISE of the powers conferred by section 23 of the Forests Act, the Minister for Forestry and Wildlife declares that the area described in the Schedule hereto shall be a forest area.

## SCHEDULE

An area of land approximately 399.50 hectares, known as Kimbo/Usigu/2743, situated approximately 24 kilometres north west of Bondo Township, Siaya District/County, Nyanza Province, the boundaries of which are more particularly delineated, edged green, on Boundary Plan No. 175/423, which is signed and sealed with the seal of Survey of Kenya, and deposited at the Survey Records Office, Survey of Kenya, Nairobi, and copy of which may be inspected at the office of the District Forest Officer, Kenya Forest Service, Bondo.

Dated the 16th December, 2012.

NOAH M. WEKESA,  
*Minister for Forestry and Wildlife*

LEGAL NOTICE NO. 26

THE FORESTS ACT  
(No. 7 of 2005)

## DECLARATION OF MAATI FOREST

IN EXERCISE of the powers conferred by section 23 of the Forests Act, the Minister for Forestry and Wildlife declares that the area described in the Schedule hereto shall be a forest area.

## SCHEDULE

An area of land approximately 515.00 hectares, situated approximately 80 kilometres north-east of Kitui Town in Kitui District/County, Eastern Province, the boundaries of which are more particularly delineated, edged green, on Boundary Plan No. 175/319, which is signed and sealed with the seal of Survey of Kenya, and deposited at the Survey Records Office, Survey of Kenya, Nairobi, and copy of which may be inspected at the office of the District Forest Officer, Kenya Forest Service, Kitui.

Dated the 16th December, 2012.

NOAH M. WEKESA,  
*Minister for Forestry and Wildlife*

LEGAL NOTICE NO. 27

THE FORESTS ACT  
(No. 7 of 2005)

## DECLARATION OF NTHOANI FOREST

IN EXERCISE of the powers conferred by section 23 of the Forests Act, the Minister for Forestry and Wildlife declares that the area described in the Schedule hereto shall be a forest area.

## SCHEDULE

An area of land approximately 1387.00 hectares, situated approximately 68 kilometres south-east of Kitui Town in Kitui District/County, Eastern Province, the boundaries of which are more particularly delineated, edged green, on Boundary Plan No. 175/320, which is signed and sealed with the seal of Survey of Kenya, and deposited at the Survey Records Office, Survey of Kenya, Nairobi, and copy of which may be inspected at the office of the District Forest Officer, Kenya Forest Service, Kitui.

Dated the 16th December, 2012.

NOAH M. WEKESA,  
*Minister for Forestry and Wildlife*

LEGAL NOTICE NO. 28

THE FORESTS ACT  
(No. 7 of 2005)

## DECLARATION OF MISANGO HILLS FOREST

IN EXERCISE of the powers conferred by section 23 of the Forests Act, the Minister for Forestry and Wildlife declares that the area described in the Schedule hereto shall be a forest area.

## SCHEDULE

An area of land approximately 103.7 hectares, known as Kisa/Mwikalikhha/1690A, situated approximately 16 kilometres south-west of Kakamega Municipality, in Butere/Mumias District/County, Eastern Province, the boundaries of which are more particularly delineated, edged green, on Boundary Plan No. 175/409, which is signed and sealed with the seal of Survey of Kenya, and deposited at the Survey Records Office, Survey of Kenya, Nairobi, and copy of which may be inspected at the office of the District Forest Officer, Kenya Forest Service, Butere.

Dated the 16th December, 2012.

NOAH M. WEKESA,  
*Minister for Forestry and Wildlife.*

LEGAL NOTICE NO. 29

THE FORESTS ACT  
(No. 7 of 2005)

## DECLARATION OF WAYU FOREST

IN EXERCISE of the powers conferred by section 23 of the Forests Act, the Minister for Forestry and Wildlife declares that the area described in the Schedule hereto shall be a forest area.

## SCHEDULE

An area of land approximately 42,512.20 hectares, depicted on an extract of 1:50,000 sheet No. 179/1, situated approximately 22 kilometres west of Lamu Township, in Tana River District/County, Coast Province, the boundaries of which are more particularly delineated, edged green, on Boundary Plan No. 175/416, which is signed and sealed with the seal of Survey of Kenya, and deposited at the Survey Records Office, Survey of Kenya, Nairobi, and copy of which may be inspected at the office of the District Forest Officer, Kenya Forest Service, Tana River.

Dated the 16th December, 2012.

NOAH M. WEKESA,  
*Minister for Forestry and Wildlife.*

LEGAL NOTICE NO. 38

THE FORESTS ACT  
(No. 7 of 2005)

## DECLARATION OF KUJA BULL CAMP FOREST

IN EXERCISE of the powers conferred by section 23 of the Forests Act, the Minister for Forestry and Wildlife declares that the area described in the Schedule hereto shall be a forest area.

## SCHEDULE

An area of land approximately 17.50 hectares, known as Kamasonga/Parcel No. 447, situated approximately 11 kilometres north east of Awendo Trading Centre, in the south Nyanza District/County, Nyanza Province, the boundaries of which are more particularly delineated, edged green, on Boundary Plan No. 175/234, which is signed and sealed with the seal of Survey of Kenya, and deposited at the Survey Records Office, Survey of Kenya, Nairobi, and copy of which may be inspected at the office of the District Forest Officer, Kenya Forest Service, Homa Bay.

Dated the 16th December, 2012.

NOAH M. WEKESA,  
*Minister for Forestry and Wildlife.*

LEGAL NOTICE NO. 39

THE FORESTS ACT  
(No. 7 of 2005)

~~DECLARATION OF BANGALI FOREST~~

IN EXERCISE of the powers conferred by section 23 of the Forests Act, the Minister for Forestry and Wildlife declares that the area described in the Schedule hereto shall be a forest area.

## SCHEDULE

An area of land approximately 119,373.0 hectares, known as Bangali Forest, situated approximately 4 kilometres west of Garissa Township, Tana River District, Coast Province, the boundaries of which are more particularly delineated, edged green, on Boundary Plan No. 175/426, which is signed and sealed with the seal of Survey of Kenya, and deposited at the Survey Records Office, Survey of Kenya, Nairobi, and copy of which may be inspected at the office of the Zonal Forest Manager, Kenya Forest Service, Tana River.

Dated the 16th December, 2012.

NOAH M. WEKESA,  
*Minister for Forestry and Wildlife.*

