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ELEVENTH PARLIAMENT- FOURTH SESSION- 2016

NATIONAL ASSEMBLY

DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

REPORT ON THE PETITION BY HON. AHMED IBRAHIM ABASS, M.P ON BEHALF OF RESIDENTS OF IJARA CONSTITUENCY REGARDING IRREGULAR GAZETTEMENTOF BONI/IJARA FOREST

CLERK'S CHAMBERS

PARLIAMENT BUILDINGS

NAIROBI

OCTOBER, 2016

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CHAIR'S FOREWORD

The Petition was tabled in the House by the Member for Ijara Constituency, the Hon. Ahmed Ibrahim Abass, MP on behalf of residents Ijara Constituency, Garissa County. The Petition is in regard to irregular gazettement of Boni/Ijara Forest. The petitioners prayed that the National Assembly through the Committee on Environment and Natural Resources intervenes and investigates the matter and compels the Ministry of Environment, Natural Resources to revoke Gazette Notice No. 943 of 2016 and make any order and /or direction that it deems fit in the circumstances of the matter.

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. Ahmed Ibrahim Abass, MP, who appeared on behalf of the residents of Ijara Constituency and the Cabinet Secretary Ministry of Environment and Natural Resources. The Committee also carried out a fact finding visit to the area on 29th July, 2016 where it received submissions from the residents. During the visit, the Committee also received submissions from other stakeholders including 21 civil societies from Garissa County and the Garissa County Government.

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 it 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

This report has considered and responded to prayers of the residents of Ijara Constituency in Garissa County on the irregular gazettement of Boni/Ijara forest. The Committee established that the prayers presented by the petitioners were valid given that the gazettement did not follow due process of the law in the gazettement.

The report details presentations by the Hon. Ahmed Ibrahim Abass, MP who submitted to the Committee that no public consultation was done before gazettement of the Boni/Ijara Forest. The Committee also received submissions from the residents, religious leaders/elected leaders, 21 civil societies from Garissa County and the Garissa County Government who all submitted that the forest was a source of livelihood for the community and needed to be de-gazetted.

The Committee recommends that the Cabinet Secretary for the Ministry of Environment and Natural Resources should immediately revoke the Gazette Notice No. 943 dated 3rd February 2016 and degazette the Boni/Ijara Forest.

MANDATE

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

1. Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
2. Study the program and policy objectives of the Ministries and departments and the effectiveness of the implementation;
3. Study and review all legislation referred to it;
4. Study, access and analyze the relative success of the Ministries and Departments as measured by the results obtained as compared with its stated objectives;
5. 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;
6. 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
7. 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.

The Committee oversights the Ministry of Environment and Natural Resources which has two State departments namely: the state department for Environment and the State department for Natural Resources. In the Ministry of Water and Irrigation, the Committee oversights the state department for National Water Services. The Committee also oversights the Ministry of Mining.

MEMBERS OF THE COMMITTEE

The Committee comprises the following members:

Chairperson	The Hon. Amina Abdalla, CBS, M.P
Vice Chairperson	The Hon. Alexander K. Kosgey, M.P
	The Hon. Alice Ng'ang'a, M.P
	The Hon. Samuel Ndiritu, M.P
	The Hon. Opiyo Wndayi, M.P
	The Hon. 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

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**

RECOMMENDATIONS

The Petitioners had prayed that the National Assembly through the Committee on Environment and Natural Resources;

(i) Investigate the matter and compels the Ministry of Environment, Natural Resources and Regional Authorities to revoke Gazette Notice No. 943 of 2016; and
(ii) Makes any other order and /or direction that fit in the circumstances of the matter.

In response to the above prayers, the Committee recommends that:-

The Cabinet Secretary for the Ministry of Environment and Natural Resources should immediately revoke the Gazette Notice No. 943 dated 3rd February, 2016 and de-gazette the Boni/Ijara Forest.

1.0 Introduction

On Tuesday, 15th March 2016, the Member for Ijara Constituency, the Hon. Ahmed Ibrahim Abass, MP presented a petition on behalf of residents of Ijara Constituency. The petition is in regard to the irregular gazettement of Boni/Ijara Forest.

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

1. That, the ministry of Environment, Natural Resources and Regional Development Authorities, through its Cabinet Secretary, gazetted the Boni/Ijara Forest by declaring it a state Forest vide Gazette Notice No. 943 of 2016 dated 3rd February 2016 published on 19th February 2016;

2. That, despite the gazette notice referring to the said Forest as Makutani Forest, the description contained therein confirms that the forest under reference is actually Boni/Ijara Forest which is within Garissa County:

3. That, the said Gazettement was done without the consultation of the people and leaders of the affected region contrary to Article 10(2)(a) of the Constitution that provides for public participation in making and implementing public policy and in applying any law, and Article 69(1)(d) that requires the state to encourage public participation in environmental management;

4. That, the land in question is actually community land that the local people have been using as grazing land for their cattle since time immemorial, and hence any Gazettement exercise shall lock the community out of their pasture lands thereby greatly inconveniencing them and endangering their key source of livelihood and economic sustenance; and

5. That, sustained efforts to solve the issue and attain a workable solution to this concern have not been successful.

The petitioners prayed that the National Assembly through the Departmental Committee on Environment and Natural Resource;

(i) Investigates the matter and compels the Ministry of Environment, Natural Resources and Regional Authorities to revoke Gazette Notice No. 943 of 2016, and
(ii) Makes any other order and /or direction that fit in the circumstances of the matter.

2.0 Background

The Boni Forest is a County Forest reserve and lies in the border of Garissa County with Somalia as well as Lamu County. It covers an area of 1, 399 km^2 (Square Kilometres) and is managed by the community of Garissa County assisted by the Kenya Wildlife Services in Ijara Sub-County. The Forest was considered for gazettement in 1976 by the National government as a dry sanctuary for elephants in the former Ijara District, Lamu and neighbouring Somalia but unfortunately the population of the wildlife like Elephants reduced as a result of poaching.

The Boni/Ijara Forest has common herbivores which include: Bufallos, Hippopotamus, Bush Warthogs, Topi and Waterbucks, Gazelles and Hirollas. The common carnivores in the reserve include: African wild dog, Wolves, Lions, Hyenas, Foxes, Cheetahs and Leopards.

The Boni/Ijara Forest is the single largest resource for Garissa County. It is also a safe haven for the pastoral community during the dry spell. It holds some spiritual significance for the community because after every eight years the historic "MARA DHEER" (spiritual gathering) is conducted in the forest. The forest also supports subsistence farming and provides the community with wood, honey, fruits, Medical and other forest products. The Forest is also home to the hunter gatherer communities like the Boni and the Aweer Communities who are indigenous to the forest.

3.0 CONSIDERATION OF THE PETITION

Having been seized of the Petition, the Committee commenced its consideration by meeting the member who presented the petition, the Petitioners and interested Members of the public on various dates. During the meetings, written and oral evidence was adduced as recorded hereunder:-

The Committee received the following evidence in its meetings with the following stakeholders:

3.1 Submission by Hon. Ahmed Ibrahim Abass, Member of Parliament for Ijara Constituency

The Hon. Ahmed Abass, M.P while appearing on 5th May, 2016 informed the committee that:-

(i) There are seven centers which will be affected by the gazettement affected which include: Sangailu, Santaro and Wartega whose economic backbone is livestock rearing.

(ii) The animals being kept by the people living there are approximately 220,000 cattle, 140,000 Goats and 80,000 sheep. The land in question is a community land which has been occupied by the community from time immemorial and that no pastoralist will allow the gazettement of their land.

(iii) No consultation with the Ijara people was carried out before the gazettement.

(iv) Pastoralism is the main economic activity in the area and gazetting the forest was going to deny the community grazing areas and subsequently deny them their livelihood.

The Hon. Abass requested for the immediate degattement of Boni/Ijara Forest and further stated that the alleged date of public participation which is on 9th March, 2013 was unrealistic as the country had just concluded the General Elections held in March, 2013. The Honourable Member submitted that no leader of the area was involved in any public participation activity and therefore the process of gazettement was irregular. The Hon. Abass requested the Committee and officials of the Ministry of Environment and Natural Resources to carry out a fact finding visit to Ijara Constituency.

3.2 Submission by the Prof. Judi Wakhungu, the Cabinet Secretary for the Ministry Of Environment and Natural Resources

The Cabinet Secretary appeared before the Committee on 5th May, 2016 to respond to the prayers in the petition and issues raised by the committee on the petition.

She submitted that:-

(i) The Gazettement was informed by a request from the community that had been pushing for the same as from the 1960s;

(ii) Public participation was carried out, on various dates as per the list of the public participation activities (*annex III (a)*) ;

(iii) The Boni Forest Complex cuts across Garissa and Lamu Counties and extends into Somalia as reflected on Boundary Plan Nos. 175/433 and 175/434. (The CS tabled a map of the area)

3.3 Submission by Mr. Emilio Mugo, the Director General, Kenya Forest Service

Mr. Mugo informed the Committee that Public participation was carried out prior to the Gazettement of Boni/Ijara forest. The County Government of Garissa was involved in the decision making and would provide necessary correspondence to this effect as proof of engagement with the County government.

He stated that the Kenya Forest Service has no intention of displacing communities but only committed to the sustainability of the ecosystem, security and environmental concerns and therefore it is ready to get a solution to the problem. Mr. Mugo also stated that security concerns was part of the motivation for the gazettement.

3.4 Public Hearing in Masalani Town in Ijara Constituency, Garissa County on 29th July, 2016

A) Submission by the Senator for Garissa County, Sen. Yussuf Haji, M.P

Senator Haji informed the Members that he was the then Member of Parliament for Ijara Constituency in 2003 and during that time he was never consulted over the gazettement of Ijara/Boni Forest. He further stated that no public participation took place then as claimed by the Kenya Forest Service. He also submitted that there was no public representative in the District Development Committee at the time the government is claiming to have carried out public participation and therefore the gazettement should be dismissed.

The Senator stated that Article 63 of the Constitution states very clear on what entails community land which includes land that is ancestral land and land traditionally occupied by hunter-gatherer communities or lawfully held as trust land by the county governments. The gazettement therefore contravenes the Constitution.

The Senator further submitted that the economic livelihood of the community is cattle rearing. The community uses the forest as a source of pasture during the dry season and therefore gazzetting the forest is like killing the community. He further stated that the

Community had lived harmoniously with the forest and has always protected the trees and wildlife in the forest. The forest holds religious significance for the community as it also carries out religious activities in the forest.

In conclusion, he requested that the Committee recommends the de-gazettement of the forest.

B) Submission by Ms. MaryanYahye Mohamed- (Representing Women)

Ms. Yahye informed the Committee that the Boni/Ijara forest was a source of the community's livelihood since they graze their cattle in the forest during the dry season. She stated that before the government posted any forest officer in Masalani which is in Ijara district headquarters, the community had and was still conserving the forest. She however stated that lately felling of trees for timber had started and blamed it on the Kenya Forest Service officials.

C) Submission by Mr. Ibrahim Abdi Kuno- (Youth Representative)

Mr. Kuno informed the Committee that the youth were never consulted on the gazettement of the Boni/Ijara forest. He decried the poor service delivery by most government offices in the area. He further stated that the government had marginalized the pastoralist communities for a long time and taking away the forest which is their only source of livelihood would only make things worse.

D) Submission by Mr. Dubat Ali Amey- (Representing the Disabled)

Mr. Amey informed the committee that the gazettement of the Boni Forest will affect the communities living adjacent to the forest socially, economically and religiously. Religiously, the community recites all the chapters of the Holy Quran in the forest during the famous occasion known as **MARA DHEER** conducted every eight years. Economically, gazettement of the forest was tantamount to killing the whole community as it is the grazing land for its animals as well as home to many wild fruits the Community eats.

He informed the Committee that the community was peace loving and no government official had ever been killed in Ijara following the current insecurity going on in the country due to terror attacks. Mr. Amey stated that if the gazettement remains inforce the pastoralists in the area will migrate to neighboring Tana River County in search of pasture and this will bring conflict due to scarce resources. Therefore he requested the revocation of the government gazettement to restore and reassure government commitment to responsive governance and public participation in public policy.

E) Submission by Mr. Abdullahi Mohamed Buthul- (Member of the County Assembly for Sangailu Ward)

Mr. Buthul informed the committee that the economic life of the residents of Ijara Constituency is tied to the forest. He further stated that the mosque of Sangailu is in Boni/Ijara forest. He also stated that there were other institutions in the forest and the gazzettement would displace and affect very many people.

Mr. Buthul also submitted that with increase in population there would be no places to settle given that the gazettement would reduce the areas for settlement.

F) Submission by Mr. Bashir Dahir Haji Dagane (Former Garissa County Council chairman)

Mr. Dagane stated that, as the trustee of land, the Garissa County Council never had any meeting to consider the gazettement of the forest during his tenure. Further, the Kenya Forest Service never carried out any consultation with the defunct council or the community.

G) Submission by the Director, Environment, Energy and Natural Resources Garissa County Government

Mr. Mulki M. Dekow presented a memorandum on behalf of the Garissa county government and fully supported the petition.

He raised the following three concerns of the county government of Garissa:

1. The Kenya Forest Service was not respecting the Kenyan Constitution;

2. The Garissa County Government advised the Kenya Forest Service to conduct public participation first before doing anything; and

3. The County government also carried out inter -counties consultation with its neighboring counties, a memorandum by the county government is attached to the Report.

Mr. Dekow referred to a letter written by the County Chief Executive for Environment, Energy, Tourism and Natural Resources of Garissa County Government which was written on 16/6/2013 in reference to the gazettement of Boni Forest. The letter stated the position of Garissa County, that the Boni Forest is a county forest and there is a process which is currently ongoing and hope to be completed soon and the following have been done in relation to the said forest:

i. Public participation and sensitization

ii. Discussed and approved in the Executive Meeting
iii. Sensitization of the County Assembly and local leaders

In regard to the above position, the County advised and put forward its recommendation to KFS to stop gazettement of Boni Forest as a national forest. Failure to do so would mean a breach of Intergovernmental Relations Act and Schedule IV of the Constitution.

H) Ms. Fatuma Kinsi Abass- (Representing 21 Civil Societies)

Ms. Kinsi informed the committee that:-

(i) A large population comprising of livestock keepers, farmers, fishermen/women and hunter-gatherers inhabits the said forest. Among the inhabitants are Somalis, Aweer and Nilotic Communities;

(ii) The Aweer community is one of the few hunter-gatherer communities who rely on the forest for their livelihood. In Kenya, the others are the Ogiek, Yaaku and Sengwer;

(iii) These communities have occupied the Boni Forest for over 100 years, thus viewing it as their ancestral home, hence have never been issued with title deeds over the land;

(iv) That the said forest is a source of livelihood for thousands of families – over 60% of the livestock in the County graze in this area, while the hunter-gatherer communities depend on this forest wholly;

(v) In a Map compiled from information supplied by the Commissioner of Lands in 1984 indicated that a large portion of the land was un-alienated land. The land issue started in the late 1970sand early 1980s when the government came in and led the community to believe that they would assist the community to preserve the Boni forest. Over the years the community's land has been encroached by the Kenya Wildlife Service (KWS) and the Kenya Forest Service (KFS). The community had no reason to be suspicious and for some time worked with the Kenya Forest Service (KFS) and the Kenya Wildlife Service (KWS) who unknown to them, were marking the land only to then start gazzetting parts of the land as forest area;

(vi) KWS first gazetted a portion of their land in 1976. With the recent gazettement by the Cabinet Secretary for Environment & Natural Resources in the Kenya Gazette No. 22, Vol. CXVIII dated 3rd February 2016, the Community is now left with the corridor between the Boni - Dondori National Reserve and the recently gazetted Boni/ Ijara and Boni /Lungi;

(vii) The Community sees this as a continuation of the long history of land injustices that the Aweer, Somali and other forest dwelling Communities have faced. The Community fears that the gazettement of the Boni (Ijara) is a means of sending them out of their ancestral land area forcibly so that they do not benefit from the LAPSSET project which coincidentally passes through the forest;

(viii) The Community was aware of the threat to security linked to the Al Shabaab. In the same gazette notice, No. 1148 the Inspector General, National Police Service declared that the area surrounding the Boni Forest is a "disturbed and dangerous area. This insecurity threat has made life difficult for the community as the Kenya Defence Forces has put the community under curfew and forbids wandering into the forest beyond 500 metres. In previous years, the government has used the presence of Al Shabaab, and in the 1960s, the Shifta war to push the community out of the forest where their means of livelihood;

(ix) The issues of the marginalized communities were addressed by the Commission for Review of the Constitution (CKRC), the National Land Policy and now the Constitution has provisions that recognises the rights of indigenous, marginalized and hunter-gatherer communities.

(x) While the CKRC went round the country collecting views, it pointed out that while the forest policy recognised the role of communities in conserving and managing forests and forest resources, the practices under the Forest Act, however, still reflected the firm application of command and control principles instituted during the colonial period.

(xi) The recommendations by the CKRC were that marginalized groups such as forest dwellers should not be interfered with, land unjustly expropriated by the colonial or current Government should be restored to the rightful owners or, where this is not practicable, reparations and restitution should be made.

(xii) The National Land Policy of 2009 recognised the need for special intervention for land occupied by minority communities such as forest dwellers. It recommended that measures have to be initiated to identify such groups and ensure their access to land and participation in decision making. The policy recognised the need for an institutional framework to ensure devolution of power, participation, representation, justice and equity and suggested establishment of bodies that included the National Land Commission.

(xiii) The Constitution Article 1 recognizes that sovereign power belongs to the people. One of the national values in Article 10 is inclusiveness, non-discrimination and the protection of the marginalized;

(xiv) Article 61 of the Constitution categorises land as public, private and community land. Community land is further defined at Article 63(2)(d)(ii) to include land that

is ancestral lands and lands traditionally occupied by hunter-gatherer communities or lawfully held as trust land by the county governments. Article 63(2) further provides that this does not include any public land that is held in trust by the county government under Article 62(2);

(xv) Under Article 63(3), unregistered community land ought to be held in trust by the county government on behalf of the communities for which it is held. Community land cannot be disposed of or used except as provided under legislation that would specify the nature and the extent of the rights of members of each community individually and collectively.

(xvi) The community is aware of the obligation the state has to conserve the environment under Article 69 of the Constitution. On the other hand, forest dweller communities as well can participate in conservation as their interest is also to have forest cover to be able them to practice their way of living;

(xvii) The National Assembly Committee on Environment and Natural Resources hould recommend the revocation of the Gazette Notice No. 22, Vol. CXVIII dated 3rd February 2016 as it is a violation of the land rights of the Somali and Aweer communities as provided under Article 63 of the Constitution.

4.0 Observations

The Committee made the following observations:

1. Article 61 of the Kenyan Constitution, 2010 gives the public, individually or as a group, a say in matters of land including acquisition, management, transfer, disposal, or ownership of private, public and/or community land. From its investigations, the Committee established that the communities living around Boni/Ijara forest were not adequately consulted before the gazettement of the Boni/Ijara Forest. This makes the gazettement illegal and irregular;

2. From its investigations, the Committee also established that no community leader was involved or was aware of any public participation carried out as claimed by the Kenya Forest Service;

3. The County Government of Garissa provided documents to the Committee that indicated that the County government had not agreed to the proposed Gazettement by the Kenya Forest Service and had instead proposed that the forest be Gazetted as a County Forest;

4. The documents submitted by the Kenya Forest Service indicate that the agency held many general meetings with government leaders and Non-governmental Organizations where the issue of gazettement of Boni/Ijara Forest was discussed. However, this meetings did not involve the local community;

5. The communities living next to the Boni/Ijara Forest have lived harmoniously with the forest and have always conserved the Forest;

6. The forest provides various benefits to the local community, beside it being a source of pasture for their livestock, the community also attaches religious significance to it, as it is used as a shrine for the community where historical Quran recitation called "MARA DHEER" is carried every eight years.

5.0 Response to Prayers of the Petitioners

The Petitioners had prayed that the National Assembly through the Committee on Environment and Natural Resources intervenes to

1. Investigate the matter and compels the Ministry of Environment, Natural Resources and Regional Authorities to revoke Gazette Notice No. 943 of 2016, and
2. Makes any other order and /or direction that fit in the circumstances of the matter.

In response to the above prayers, the Committee recommends that:

The Cabinet Secretary for the Ministry of Environment and Natural Resources should immediately revoke the Gazette Notice No. 943 dated 3rd February 2016 and de-gazette the Boni/Ijara Forest.

Signed.....Date....4th October, 2016.....

Hon. Amina Abdalla, CBS, MP

Chairperson, Departmental Committee on Environment and Natural Resources

DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES
PAYMENT SCHEDULE

AGENDA: CONSIDERATION & ADOPTION OF THE REPORT ON THE PETITION REGARDING THE IRREGULAR GAZETTEMENT OF BONI/IJARA FOREST

DATE: 04/10/2016 TIME: 10.30AM VENUE: CPA ROOM

	NAME	SIGNATURE
1	Hon. Abdalla, Amina,CBS, MP-**CHAIRPERSON**	
2	Hon. Alexander Kosgey, MP **Vice Chairperson**	
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, Shukra 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 Kaur 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. Isaac Mwaura, 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

ANNEXTURE 1-PETITIONS

174

Directorate of Legislative and Procedural Services

MEMO

THE NATIONAL ASSEMBLY
RECEIVED
16 MAR 2016
DIRECTOR COMMITTEE SERVICES
Time: 11:45 a.m.

TO : **DIRECTOR, COMMITTEE SERVICES**

FROM : **PRINCIPAL CLERK ASSISTANT II**

DATE : **15TH MARCH 2016**

SUBJECT : **PUBLIC PETITION**

On Tuesday, 15th March 2016, the Hon. Ahmed Ibrahim Abass, MP, presented a Petition on behalf of residents of Ijara Constituency regarding Irregular Gazettement of Boni/Ijara Forest. RC – ENVIRONMENT

Enclosed please find the Petition for your action

Lucy Wanjohi

(Encls)

CHERBET
pls deal
FA
16/3

REPUBLIC OF KENYA

Approved SNA 15/03/16

THE NATIONAL ASSEMBLY
ELEVENTH PARLIAMENT (FOURTH SESSION)

PUBLIC PETITION

BY THE RESIDENTS OF IJARA CONSTITUENCY ON
THE IRREGULAR GAZETTEMENT OF BONI/ IJARA FOREST

I, the **UNDERSIGNED**, on behalf of residents of Ijara Constituency,

DRAW the attention of the House to the following;

i. **THAT**, the Ministry of Environment, Natural Resources and Regional Development Authorities, through its Cabinet Secretary, gazetted the Boni/ Ijara Forest by declaring it a State Forest vide Gazette Notice No. 943 of 2016 dated 3rd February 2016 and published on 19th February 2016;

ii. **THAT**, despite the Gazette Notice referring to the said forest as Makutani Forest, the description contained therein confirms that the forest under reference is actually Boni/ Ijara Forest which is within Garissa County;

iii. **THAT**, the said gazettement was done without the consultation of the people and leaders of the affected region contrary to Article 10(2)(a) of the Constitution that provides for public participation in making and implementing public policy and in applying any law, and Article 69(1)(d) that requires the State to encourage public participation in environmental management;

iv. **THAT**, the land in question is actually community land that the local people have been using as grazing land for their cattle since time immemorial, and hence any gazettement exercise shall lock the community out of their pasture lands thereby greatly inconveniencing them and endangering their key source of livelihood and economic sustenance;

PUBLIC PETITION

BY THE RESIDENTS OF IJARA CONSTITUENCY ON
THE IRREGULAR GAZETTEMENT OF BONI/ IJARA FOREST

v. **THAT,** sustained efforts to solve the issue and attain a workable solution to this concern have not been successful, and

vi. **THAT,** the matter in respect of which this Petition is made is not pendihg before any Court of Law or Constitutional body.

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

(i) Investigates the matter and compels the Ministry of Environment, Natural Resources and Regional Development Authorities to revoke Gazette Notice No. 943 of 2016, and

(ii) Makes any other order and/ or direction that it deems fit in the circumstances of the matter.

And your **PETITIONERS** will ever pray.

PRESENTED BY,

HON. AHMED IBRAHIM ABASS, MP
MEMBER FOR IJARA CONSTITUENCY

DATE 14/3/06

PUBLIC PETITION

BY RESIDENTS OF IJARA CONSTITUENCY REGARDING THE GAZETTEMENT OF A FOREST IN THE AREA

NO	NAME OF PETITIONER	FULL ADDRESS	NATIONAL ID/ PASSPORT NO.	SIGNATURE/ THUMB EXPRESSION
1.	Abdi Shiekh Hassan	Box 17 masalani-IJARA	0538860	
2.	Mohamed D. weyrah	Box 6 IJARA	0164014	
3.	OSMAN SIRAT GEDI	Box 19 IJARA	1188A3919	osman

2014214	Julius Githaiga	Assistant Motor Vehicle Inspector	Kitale
2014219	Peris Charana	Assistant Motor Vehicle Inspector	Likoni
2014229	Fredrick Omondi Owalla	Assistant Motor Vehicle Inspector	Ruaraka
2014230	Roba Walgalo Guyo	Assistant Motor Vehicle Inspector	Embu
2014190	Benard Cheruiyot	Assistant Motor Vehicle Inspector	Nairobi Area
2014218	Dennis Njogu Ireri	Assistant Motor Vehicle Inspector	Voi
2014227	Nicodemus Onwong'a Mogoi	Assistant Motor Vehicle Inspector	Mombasa
2014226	Enock James Odongo	Assistant Motor Vehicle Inspector	Kitale
2014228	Esther Syovata	Assistant Motor Vehicle Inspector	Kisumu
2014191	Teresina M. Namu	Assistant Motor Vehicle Inspector	Mombasa
2014215	Kephah Marucha Okongo	Assistant Motor Vehicle Inspector	Nyeri
2014233	Bonaya Omar Bonaya	Assistant Motor Vehicle Inspector	Nyahururu
2014224	Stephen Kipsang Cheboiywo	Assistant Motor Vehicle Inspector	Kisumu
2014225	Zacheus Njuguna Mukabi	Assistant Motor Vehicle Inspector	Meru
2014193	Julius Muoki Munyao	Assistant Motor Vehicle Inspector	Likoni

Dated the 4th February, 2016.

JAMES MACHARIA,
Cabinet Secretary for Transport and Infrastructure.

GAZETTE NOTICE NO. 943

THE FOREST ACT

(*No.* 7 *of* 2005)

DECLARATION OF A STATE FOREST

IN EXERCISE of the power conferred by section 23 (*b*) of the Forests Act, 2005, the Cabinet Secretary for Environment, Natural Resources and Regional Development Authorities, upon the recommendation of the Board, declares that the area of land described in the Schedule hereto shall be a State Forest.

SCHEDULE

MAKUTANI FOREST

An area of land measuring approximately 451,430.7 hectares in size situated 35 kilometres north of Lamu Township, Garissa County, the boundaries of which are more particularly delineated, edged green, on Boundary Plan No. 175/434, which is signed and sealed with the seal of the Survey of Kenya and deposited at the Survey Records Office, Survey of Kenya, Nairobi Office, and a copy of which may be examined at the office of the Ecosystem Conservator, Garissa, and Kenya Forest Service Headquarters, Nairobi.

Dated the 3rd February, 2016.

JUDI W. WAKHUNGU,
Cabinet Secretary for Environment,
Natural Resources and Regional Development Authorities.

GAZETTE NOTICE NO. 944

THE FOREST ACT

(*No.* 7 *of* 2005)

DECLARATION OF A STATE FOREST

IN EXERCISE of the power conferred by section 23 (*b*) of the Forests Act, 2005, the Cabinet Secretary for Environment, Natural Resources and Regional Development Authorities, upon the recommendation of the Board, declares that the area of land described in the Schedule hereto shall be a State Forest.

SCHEDULE

LOIMA FOREST

An area of land measuring approximately 19,739.2 hectares in size situated 44 kilometres west of Lodwar Township, Turkana County, the boundaries of which are more particularly delineated, edged green, on Boundary Plan No. 175/436, which is signed and sealed with the seal of the Survey of Kenya and deposited at the Survey Records Office, Survey of Kenya, Nairobi Office, and a copy of which may be examined at the office of the Ecosystem Conservator, Baringo, and Kenya Forest Service Headquarters, Nairobi.

Dated the 3rd February, 2016.

JUDI W. WAKHUNGU,
Cabinet Secretary for Environment,
Natural Resources and Regional Development Authorities.

GAZETTE NOTICE NO. 945

THE FOREST ACT

(*No.* 7 *of* 2005)

DECLARATION OF A STATE FOREST

IN EXERCISE of the power conferred by section 23 (*b*) of the Forests Act, 2005, the Cabinet Secretary for Environment, Natural Resources and Regional Development Authorities, upon the recommendation of the Board, declares that the area of land described in the Schedule hereto shall be a State Forest.

SCHEDULE

PANDA NGUO FOREST

An area of land measuring approximately 451,430.7 hectares in size situated 40 kilometres west of Lamu Township, Lamu County, the boundaries of which are more particularly delineated, edged green, on Boundary Plan No. 175/434, which is signed and sealed with the seal of the Survey of Kenya and deposited at the Survey Records Office, Survey of Kenya, Nairobi Office, and a copy of which may be examined at the office of the Ecosystem Conservator, Lamu, and Kenya Forest Service Headquarters, Nairobi.

Dated the 3rd February, 2016.

JUDI W. WAKHUNGU,
Cabinet Secretary for Environment,
Natural Resources and Regional Development Authorities.

GAZETTE NOTICE NO. 946

THE EWASO NG'IRO NORTH RIVER BASIN DEVELOPMENT AUTHORITY ACT

(*Cap.* 448)

APPOINTMENT

IN EXERCISE of the powers conferred by section 9 (1) of the Ewaso Ng'iro North River Basin Development Authority Act, the Cabinet Secretary for Environment, Natural Resources and Regional Development Authoriities appoints—

OMAR M. SHEIKH

as the Managing Director of the Ewaso Ng'iro North River Basin Development Authority, for a period of three (3) years, with effect from the 16th February, 2016. Gazette Notice No. 9119 of 2015, is revoked.

Dated the 8th February, 2016.

JUDI W. WAKHUNGU,
Cabinet Secretary for Environment,
Natural Resources and Regional Development Authorities.

ANEXTURES 2-MINUTES

MINUTES OF THE 68TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES, HELD ON TUESDAY, OCTOBER 04, 2016 AT 10.30 AM IN CPA ROOM, MAIN PARLIAMENT BUILDINGS

PRESENT

1. Hon. Abdalla Amina, CBS, M.P. – **Chairperson**
2. Hon. Alexander Kosgey, M.P. – **Vice Chairperson**
3. Hon. Rop Jackson Kipkorir, M.P.
4. Hon. Ole Kenta Richard Moitalel, M.P.
5. Hon. Abdinoor Mohammed Ali, M.P.
6. Hon. Sunjeev Kaur Birdi, M.P.
7. Hon. Ndiritu Samuel Mathenge, M.P
8. Hon. Ottichillo K. Wilber, M.P.
9. Hon. Richard Makenga, M.P
10. Hon. Tonui Ronald Kiprotich, M.P
11. Hon. Emanikor Joyce, M.P.
12. Hon. Kathuri Murungi, M.P.
13. Hon. Dr. Wanyonyi Reginalda N. M.P.
14. Hon. Dr. Barua Ejidius Njogu, M.P.
15. Hon. Geni Charles Mong'are, M.P
16. Hon. Farah, Abdulaziz Ali, M.P.

APOLOGIES

1. Hon. Ganya Francis Chachu, M.P.
2. Hon. Peter Kinyua, M.P.
3. Hon. Ogalo George Oner, M.P.
4. Hon. Gure Shukran Hussein, M.P.
5. Hon. Muluvi Marcus Mutua, M.P.
6. Hon. Joyce Lay, M.P
7. Hon. Mohamed Diriye Abdullahi, M.P
8. Hon. Zuleikha Hassan, M.P
9. Hon. Irea Gideon Mwiti, M.P.
10. Hon. Jude Njomo, M.P.
11. Hon. Ng'ang'a Alice Wambui, M.P.
12. Hon. Dukicha Hassan Abdi, M.P.
13. Hon. Isaac Mwaura, M.P

IN-ATTENDANCE - SECRETARIAT

1. Ms. Tracy Chebet Koskei - Clerk Assistant II
2. Mr. James Muguna - Research Officer

MIN.NO. DC-ENR/233/2016: PRELIMINARIES

The meeting was called to order at 10.40 am after which prayers were said. The Chairperson welcomed the Members to the meeting and briefed them on the Agenda of the day.

MIN.NO. DC-ENR/234/2016: CONSIDERATION AND ADOPTION OF THE REPORT ON THE PETITION BY HON. AHMED ABASS ON BEHALF OF RESIDENTS OF IJARA CONSTITUENCY REGARDING IRREGULAR GAZETTMENT OF BONI/IJARA FOREST

The Committee considered the Report and adopted it after it was proposed by Hon. Richard Ole Kenta, M.P and seconded by Hon. Samuel Ndiritu Mathenge, M.P

MIN.NO.DC/ENR/235/2016: Any Other Business

The following issues were raised:

1. The Committee raised concern over the delayed report on the Standard Gauge Railway, the Committee stated that the Committee presents its stand on the SGR before it was too late by tabling a report. The Secretariat was directed to ensure that the report was concluded on as soon as possible.
2. Hon. Geni Charles, M.P briefed the Committee on his recent trip to Australia for the Africa Down Under Mining Conference where he represented the Committee. He informed the meeting the trip was a success and he would be tabling a report on the same soon.

MIN.NO.DC/ENR/236/2016: ADJOURNMENT

There being no other business the meeting was adjourned at 12.20 pm.

SIGNED.....

(Chairperson)

DATE.....13/oct/2016.....

MINUTES OF THE 31st SITTING OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES HELD ON THURSDAY 5TH MAY, 2016 AT 10.30 AM C.P.A ROOM, MAIN PARLIAMENT BUILDINGS

PRESENT

1. Hon. Abdalla Amina, CBS, M.P. – **Chairperson**
2. Hon. Alexander Kosgey, M.P. – **Vice Chairperson**
3. Hon. Emanikor Joyce, M.P.
4. Hon. Ganya Francis Chachu, M.P.
5. Hon. Ole Kenta Richard Moitalel, M.P.
6. Hon. Kathuri Murungi, M.P.
7. Hon. Ogalo George Oner, M.P.
8. Hon. Sunjeev Kaur Birdi, M.P.
9. Hon. Tonui Ronald Kiprotich, M.P
10. Hon. Dr. Wanyonyi Reginalda N. M.P.
11. Hon. Farah, Abdulaziz Ali, M.P.
12. Hon. Irea Gideon Mwiti, M.P.
13. Hon. Muluvi Marcus Mutua, M.P.
14. Hon. Ottichillo K. Wilber, M.P.
15. Hon. Rop Jackson Kipkorir, M.P.
16. Hon. Richard Makenga, M.P

APOLOGIES

1. Hon. Ndiritu Samuel Mathenge, M.P
2. Hon. Geni Charles Mong'are, M.P.
3. Hon. Barua Ejidius Njogu, M.P.
4. Hon. Abdinoor Mohammed Ali, M.P.
5. Hon. Ng'ang'a Alice Wambui, M.P.
6. Hon. Jude Njomo, M.P.
7. Hon. Dukicha Hassan Abdi, M.P.
8. Hon. Peter Kinyua, M.P.
9. Hon. Gure Shukra Hussein, M.P.
10. Hon. Zuleikha Hassan Mwaura, M.P
11. Hon. Joyce Lay, M.P
12. Hon. Isaac Mwaura, M.P
13. Hon. Mohamed Diriye Abdullahi, M.P

IN-ATTENDANCE

FRIEND OF THE COMMITTEE

1. Hon. Ali Wario, M.P

PETITIONERS

1. Hon. Ahmed Ibrahim Abass, M.P - **Petitioner**
2. Hon. Silverse Anami, M.P - **Petitioner**

THE NATIONAL ASSEMBLY

1. Ms. Chebet Koskei - Clerk Assistant II
2. Mr. Hassan A. Arale - Clerk Assistant III
3. Ms. Fatuma Abdi - Audio Officer

MINISTRY OF ENVIRONMENT, NATURAL RESOURCES & REGIONAL DEVELOPMENT(MENR) OFFICIALS

1. Prof. Judi W. Wakhungu - Cabinet Secretary, MENR
2. Dr. Margaret Mwakima - Principal Secretary State Department for Natural Resources
3. Mr. Emilio Mugo - Director Kenya Forest Service (KFS)
4. Mr. Ephraim Mugo - Deputy Director, KFS

MIN.NO. DC-ENR/0114/2016 - PRELIMINARIES

The meeting was called to order at 10.30 am after which prayers were said. The chair then welcomed the members to the meeting.

MIN. NO. DC-ENR/0115/2016 – MEETING WITH CABINET SECRETARY MINISTRY OF ENVIRONMENT AND NATURAL RESOURCES ON THE PETITION ON THE IRREGULAR GAZETEMENT OF BONI/IJARAFOREST.

The Cabinet Secretary was asked to response to the following issues;

1. What informed the Gazettement;
2. Whether public participation was carried out before the gazettement;
3. The exact location and acreage of the Gazetted forest ; and
4. Provide the map of the Gazetted area.

The Cabinet Secretary responded as follows:

1. The Gazettement was informed by a request from the community that has been pushing for Gazettement over time as from the 1960s;
2. Public participation was carried out, she tabled a list of the dates of the public participation activities;

3. The Boni Forest Complex cuts across Garissa and Lamu Counties and extends into Somalia as reflected on Boundary Plan Nos. 175/433 and 175/434. (The CS tabled a map of the area)

Mr. Emilio Mugo, the Director, Kenya Forest Service informed the Committee that:

Public participation was carried out prior to the Gazettement of Boni/Ijara forest, further, the County government of Garissa was involved in the decision in making and would provide necessary correspondence to this effect as proof of engagement with the County government; The Kenya forest service has no intention of displacing communities but only committed to the sustainability of the ecosystem, security and environmental concerns and therefore said it is ready to get a solution to the problem and operate. Security concerns was part of the motivation for the gazettement

Hon. Ahmed Ibrahim Abass, M.P responded to the submission by the Cabinet Secretary and the Director, KFS as follows:
That no consultation with the Ijara people were carried out, He further said that, pastoralism is the main economic activity and gazetting the forest was going to deny the community grazing areas and subsequently deny them their livelihood. Finally, Hon. Abass, M.P he requested the Committee and ministry officials to carry out a fact finding visit to the area.

Hon. Ali Wario, M.P submitted as follows:
The honorable Member said that, the pastoralist communities are not respected in this Country since they are not consulted when gazetting their grazing land as it happened in Bura and Wayu forest with no compensation and that, Community land is a County Government responsibility and unsubstantiated security reasons should not be used to deny them their rights of participation.

MIN.NO.DC-ENR/0116/2016- PRESENTATION BY THE CABINET SECRETARY MINISTRY OF ENVIRONMENT AND NATURAL RESOURCES ON THE PETITION ON THE DEFORESTATION OF KAKAMEGA RAIN FOREST.

The Hon. Silverse Anami, M.P for Shinyalu Constituency drew the attention of the Committee Members and the cabinet secretary on the following,

I. THAT, Kakamega forest was first gazette as a trust Forest in 1933, and later on in 1986 a total of 4,000 hectares of the northern portion of the forest, along with the adjacent 457 hectares of Kisere Forest, were amalgamated and gazette as Kakamega , National Park;
II. THAT, the forest is an important catchment for Isiukhu and Yala Rivers, holds a large and diverse wildlife population and with over 16 species of birds found only in Kenya (the highest in the country), is a top bird- watching destination;

III. THAT, the forest a coverage of 14,800 Hectares out of which 11,000 hectares are covered with indigenous tree species while 1,600 hectares are covered with exotic trees like Pynus, Cyprus and Eucalyptus, and is thus an area that is often illegally exploited for commercial purposes;
IV. THAT, the Kenya Forest Services issues logging permits for mature exotic trees only yet indigenous trees are also harvested with rogue loggers hiding indigenous wood beneath exotic wood in trailers to avoid detection during transportation;
V. THAT, this exercise has affected rain patterns, water availability, and food security and consequently the livelihood of the rain reliant community;
VI. THAT, efforts made to correct the situation have proved futile;
VII. THAT, the matter presented in this petition is not pending before any tribunal or court of law;

Therefore the humble petitioner prayers are that; the National Assembly through the Departmental Committee on Environment and National Resources;

I. Recommends that the Kenya Forest Services, National Environmental Management Authority and other relevant government agencies in consultation with the local Community find a way to halt the deforestation;
II. Ensures reforestation with a view to restoring the indigenous species of tree; and
III. Make any other order and/ or direction that it deems fit in the circumstances of the case.

The following questions were raised:

1. Measures being undertaken by the Kenya Forest Service to protect indigenous trees in Kakamega Rain Forest

2. Mechanisms that, have been put in place to regulate logging at the forest

The Cabinet Secretary responded as follows:

(i) Kenya Forest Service has adopted integrated patrol and surveillance measures for detection of illegal and unauthorized activities in the forest area. These includes monthly aerial flights over Kakamega forest among others in the western region , joint patrols with community forest scouts management and linking with the national police service in investigations and prosecution of offenders
(ii) harvesting of exotic forest plantations are regulated by the forest harvesting plans that, have been developed to guide the area, species, time and mode of ha4rvesting of the populations. Harvesting of trees in the forest is a public activity that must first be authorized by the director of forests and is restricted to the sub compartments of operation. This is carried out by licensed Saw Millers.

Submission by Hon. Silverse Anami, M.P

The honorable Member informed the meeting that,

(i) Deforestation of Kakamega rain forest had altered the rainfall patterns in the area;

(ii) Loggers were felling indigenous trees and there was indication of collusion with the Kenya Forest Officials;

(iii) There was need to carry out EIAs before harvesting of trees to establish the impact of harvesting;

(iv) There was skewed surveillance creating loophole for illegal loggers to harvest indigenous trees

(v) Civil society who wished to access the forest for conservation were not allowed in the forest

The Director, Kenya Forest Service informed the Committee that:

(i) Only of 2% of the forest area is under plantation and therefore can only support 3-4 Middle sized saw mill firms

(ii) In a forest harvesting plan a reforestation plan is incorporated

(iii) Ferrying of trees is done at one designated area in the planation and those not complying should have action taken against them

(iv) The forest had the most active Community forest Associations who have taken up various green economic activities such carbon credit and butterfly project.

(v) Open areas inside the forest are not necessarily due to afforestation but are natural glades.

Committee Concerns:

I. There is need to rehabilitate roads within the forest for ease of access.
II. There need to have an interface between the community, Kenya Forest Service, Kenya wildlife service and the National Environment Management Authority.

Way Forward:

I. The ministry should closely work with all stakeholders to preserve the forest.
II. In future consultation with the communities and local leadership before gazetting community lands.

MIN.NO. DC-ENR/0116/2016: ADJOURNMENT

There being no other business the meeting was adjourned at 11.10 am.

SIGNED.....

(Chairperson)

14/6/2016

DATE.....

ANNEXTURES 3- SUBMISSIONS

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MINISTRY OF ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT AUTHORITIES
CABINET SECRETARY'S OFFICE

Telegrams: "NATURE" Nairobi
Telephone: Nairobi +254 20 2730808
Fax: Nairobi +254 20 2734722
E-mail: cs@environment.go.ke
Website: www.environment.go.ke

CABINET SECRETARY'S OFFICE
NHIF BUILDING
RAGATI ROAD
P.O. Box 30126 - 00100
NAIROBI

Ref. DENR/ADM/16/1/VOL V

Date: 21st April, 2016

Mr. Justin Bundi, CBS
Clerk
National Assembly
P.O. BOX 41842 - 00100
Parliament Buildings
NAIROBI

(1) D/Committees

(2) CHEBET
Pls dep
FA
27/4

MEETING WITH THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

This is in reference to your letter Ref. KNA/DC/ENR/22/2016 dated 30th March, 2016 and another Ref. KNA/DC/ENR/24/2016 dated 14th April, 2016 regarding the subject above.

Attached please find responses for the petition presented to the National Assembly by Hon. Ahmed Abass, MP on behalf of Ijara Constituency regarding gazettment of Boni/Ijara Forest and a petition by Hon. Silverse Anami, MP on the deforestation of Kakamega rain Forest.

PROF. JUDI WAKHUNGU, EGH
CABINET SECRETARY

NATIONAL ASSEMBLY
RECEIVED
26 APR 2016
CLERK'S OFFICE
P. O. Box 41842, NAIROBI

PETITION BY HON. AHMED ABASS, MP ON BEHALF OF IJARA CONSTITUENCY REGARDING GAZETTMENT OF BONI/IJARA FOREST

Pursuant to Standing Order 227, a Petition presented by Hon. Ahmed Ibrahim Abass, MP on behalf of residents of Ijara Constituency regarding Gazettement of Boni/Ijara Forest was referred to the committee for consideration and reporting back to the House. The committee during its sitting of 24th March 2016 met with petitioners and resolved to invite the Cabinet Secretary, Ministry of Environment Natural Resources and Regional Development Authorities for a meeting to deliberate on the said petition and to respond to the following issues:-

1. What informed the Gazettement;
2. Whether public participation was carried out before the gazettement;
3. The exact location and acreage of the Gazetted Forest; and
4. Provide the map of the Gazetted area.

Que. 1: What informed the gazettement?

Answer:

It was informed by a request from the community that has been pushing for gazettement over time as from the 1960s.

Que. 2: Whether public participation was carried out before the gazettement?

Answer:

Public participation was carried out as listed in the table below.

Item	Date	Action	Remarks
1.	August 2003	DDC Meeting and proposed Gazettement of the forest.	Approved minutes forwarded to KFS HQs for action.
2.	May 2008	DEC meeting held at Ijara Commissioners' office.	Document forwarded to KFS HQs for action.
3	November 2010 - April 2011	Kenya secure projects held consultative meetings with stakeholders on gazettement of Boni Complex.	Meetings held in Lamu and Mombasa - minutes forwarded to KFS for action on gazettement.
4.	March 2013	Shakeholders forum for development of a strategic road map towards sustainable conservation of Boni Forest.	Meeting held at Al Ain Hotel - Masalani. Document forwarded to KFS HQs for action on gazettement.
5	December. 2014	Community representatives held a meeting with Director KFS where they presented a dossier on proposed	Meeting was at Director's board room.

		gazettement of Boni Forest.	
6	January 2014	Reconnaissance survey by Kenya Forest Service in the company of community leaders	The three blocks identified and general outline agreed upon.
7	October - November 2014	Consultative meetings with communities within and around Boni ecosystem on gazettement.	Documents forwarded to KFS for action.
8	June 2015	Survey of boundary conducted by KFS Surveyors in the company of Boundary officers from Survey of Kenya and Community members.	The three blocks surveyed with a total area of 532,672.38 ha approximately.
9	June 2015	Consultative/informative meetings with County Governments of Garissa and Lamu on gazettement.	Document forwarded to KFS for action.
10	July 2015	Boundary Plans and Draft schedules prepared by KFS and forwarded to Director of Surveys for authentication.	Boundary Plan No. 175/437 checked and authenticated /approved by Director of Surveys.
11	March 2016	Boni Ijara, Boni Lung and Panda Nguo Forest blocks	Gazette Notice No.1470, 1447 & 945 of 2016 respectively.

PETITION BY THE HON. SILVERSE ANAMI, MP FOR SHINYALU CONSTITUENCY ON DEFORESTATION OF KAKAMEGA RAIN FOREST

This response in reference to a petition by Residents of Kakamega on the reported deforestation of the Kakamega Rain Forest and which was presented by the Shinyalu MP to the House on 12th April 2016.

Consequent to the above, the Departmental Committee on Environment and Natural Resources has sought clarification on issues raised. The issues to be addressed and the answers thereof are as follow:-

Issue 1: Measures being undertaken by Kenya Forest Service to protect Indigenous trees in Kakamega Rain Forest.

Answer

Kenya Forest Service has adopted integrated patrol and surveillance measures for detection of illegal and unauthorized activities in the forest area. These include monthly aerial flights over Kakamega forest among others in the western region, joint patrols with community forest scouts, Involvement of the Community Forest Association in forest management and linking with the National Police Service in investigations and prosecution of offenders.

Que. 3: What is the location and acreage of the Gazetted Forest?

Answer:

The Boni Complex cuts across Garissa and Lamu Counties and extends into Somalia as reflected on Boundary Plan Nos. 175/433 and 175/434

Que. 4: Provide the map of the Gazetted area.

Answer:

The map of the gazetted area is as reflected on a Copy of Boundary Plan No. 175/434 herewith provided.

Issue 2: Mechanisms that have been put in place to regulate logging at the forest

Answer

Harvesting of exotic forest plantations are regulated by the forest harvesting plans that have been developed to guide the area, species, time and mode of harvesting of the plantations.

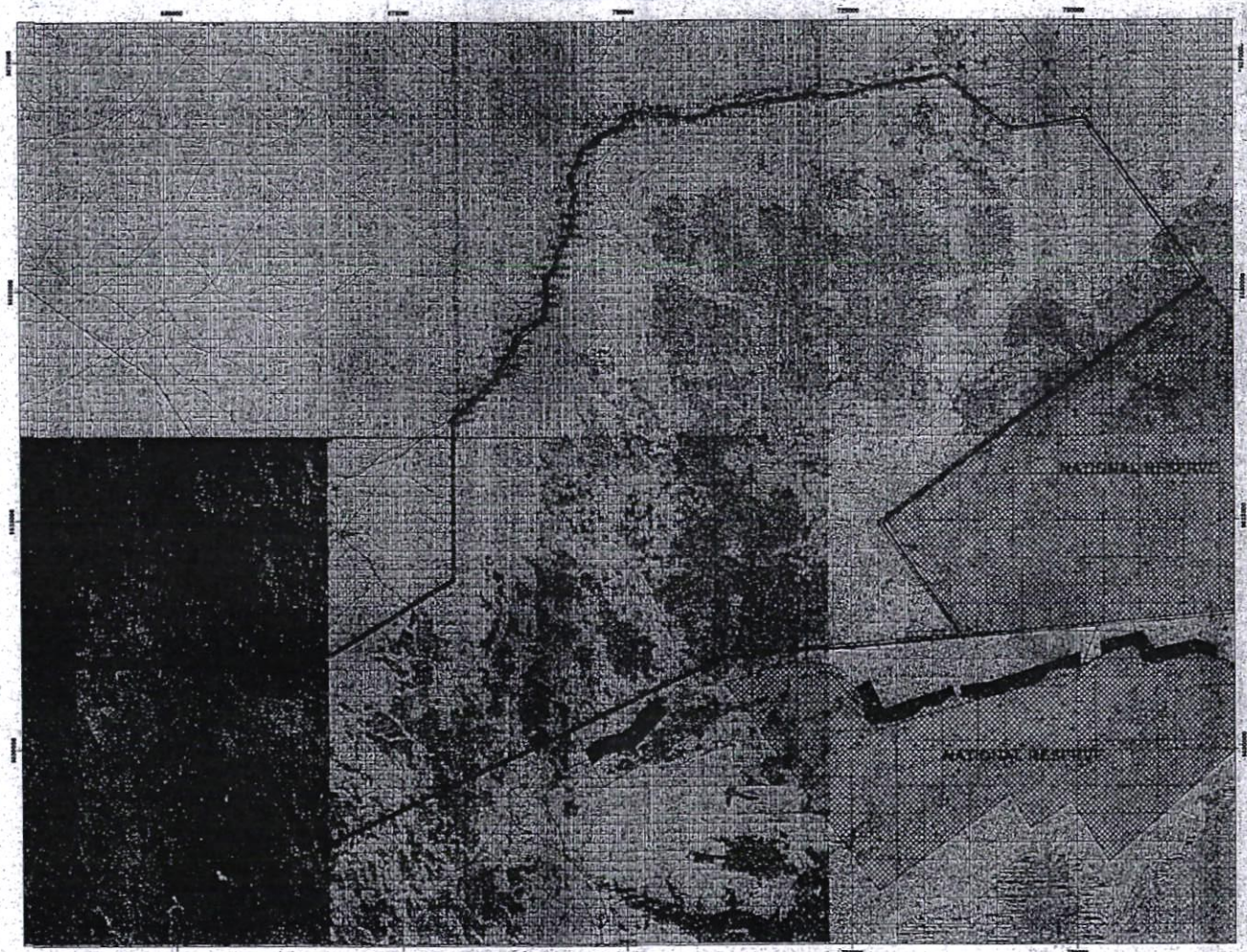
Harvesting of trees in the forest is a public activity that must first be authorized by the Director of Forests and is restricted to the sub compartments of operation. This is carried out by licensed Saw Millers.

PROF. JUDI W. WAKHUNGU, EGH
CABINET SECRETARY
MINISTRY OF ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT AUTHORITIES

BONI (IJARA) FOREST

SCALE 1:250,000

AREA = 451,430.68 Ha. (Approx)



NOTE: Grid Value In UTM

NAME BONI (IJARA) FOREST

B.P NO 175/434

Tops / RIM 155, 156, 157, 168/1, 168/2, 168/3, 168/4, 169, 170

FILE FOR/7/13/1

LOCALITY NORTH OF LAMU TOWN

DISTRICT IJARA

B.P PREPARED BY EVANS KIBEDE (SPS) Date 04-11-2014

B.P CHECKED BY KIPSIMBOI KANDAGOR Date 14-11-2014

B.P CHARTED BY _____ Date _____

N
W E
S

Sign _____ Date 06-11-2014 For Director, Kenya Forest Service	OFFICER AND OFFICE REQUESTING B.P
Sign _____ Date 17-11-2014	FOR DIRECTOR OF SURVEYS

BOUNDARY PLAN NO. 175 / 434

REPUBLIC OF KENYA

DEPARTMENT OF ENVIRONMENT,ENERGY AND NATURAL RESOURCES.

Website: www.garissa.go.ke **P.O. Box 563-70100,**

Garissa.

DATE: 28thJULY2016.

RE: GAZETTMENT OF BONNI FOREST UNDER GAZETTE NOTICE NUMBER 943 OF 2016.

The Boni Forest is county reserve and lies in the boarder of Garissa county Kenya .It covers an area of 1399 km2 (519) square kilometer and is managed by the community of Garissa county assisted by Kenya wildlife services in Ijara sub county.

It was considered for Gazettment in 1976 by the National government as dry season sanctuary for elephants in the former Kenya ijara district, lamu and neighboring somalia.Unfortunately the population of the wildlife like elephant reduced greatly as result of poaching.

The boni forest reserves is an indigenous open canopy forest and part of the northern Zanzibar coastal forest harboring densities of plants species that are among the highest in the world. And the forest has been declared as biodiversity hotspot.

Boni forest have common herbivorous which include; Buffalos, hippos, bush pigs, warthogs, common dikkers, topi and waterbucks, gazelles and Hirollas.

The common carnivorous in the reserve include; African wild dog, aard wolves, lions, hyenas, folks, cheetahs, leopards etc.

As part of the East African coastal forest it holds bird species including, globally endangered species especially sokoke pipits. It also holds the most endangered antelope species hirola that led to the establishment of the community owned conservancy (Ishaqbini) to protect this precious antelopes.

The Kenya forest Act 2005 established in 2007 in the context of its general principal provides for the establishment including conservation and rational utilization of forest resources for social development of the country.

The Act recognizes the importance of forest for the benefit of soils in ground water regulations, Agriculture and their roles in absorbing greenhouse gases. The element of the forest Act are;

1) The inclusion of management of all types of forest
2) Involvement of adjacent forest communities and other stakeholders in forest conservation and mgt
3) An ecosystem approach to the forest mgt and planning
4) Provision of appropriate incentives to promote sustainable use and mgt of forest resources
5) Development of a framework for a forest legislation
6) Establishment of the Kenya forest services

The Act also recognizes community forest associations who participate in forest conservation and mgt under the Kenya forest service. That also has specific provision related to access rights and benefit sharing arrangement which provides a role for communities in the utilization of forest resources and protection of the same.

The Act has four priority areas related to the management of forest including;

1) Reducing pressure to clear forest for Agriculture and other uses
2) Promoting sustainable utilization of forest
3) Improving governance in the forest sector
4) Enhancing of carbon stock and re-afforestation of the degraded land areas

SIGNIFICANCE OF THE BONI FOREST TO THE COUNTY AND THE NEIGHBOURING COMMUNITIES

1) The forest is the single largest natural resource for Garissa county
2) It's a safe haven for the pastoral community during the dry spell
3) It holds some spiritual significance for Samawathal community because in every eight years the historic "Mara Dheer" (spiritual gathering) is conducted in the forest.
4) The forest provides for the community with wood, honey, fruits, medicinal and other forest products
5) It supports subsistence farming
6) The little known Boni forest has exceptional biodiversity consisting of most variety ecosystem that provides refuge for endangered mammals i.e. Elephants, wild dog and "HIROLA". [BeatragusHunteri]

Since the inception of the devolution, the county government inherited all the resources, assets, liabilities and mgt of the defunct county council and to that effect undertook the following measures in the development, management and protection of the community resources.

i. Forest bill
ii. Mining bill
iii. Wildlife bill
iv. Energy and Environmental bill at the county assembly for approval
v. Deployment of over 200 forest rangers and forest guards,

vi. Constructed over 40 wildlife water pans to reduce human-wildlife conflict.

vii. Deployment of conservancy managers and Sub-county Environment officers for cooperation, consultation and coordination

viii. Tree planting activities and nursery establishment

ix. Formation of community structures and community sensitization

x. Inter-county and intra-county meetings on wildlife protection

xi. Construction of Bothai Eco-camp

xii. Community policing hence reduction in incidence of insecurity.

Therefore the gazettment of the forest was done without the consultation of the county government contrary to article10 (2) (a) of the constitution of Kenya that provide for the public participation article 69 (1) (d) that requires the state to encourage public participation on environmental management. The land in question is actively a community land that the local people have been using forgrazing their animals since livestock is main economicbackbone.

In light of the above, the county government hasnot been consulted in the whole process and is not a party to the gazettment whatsoever. In addition the county government strongly advices the de-gazettment of the forest as it remains community and county natural resources. Failure to do so would mean breach of intergovernmental relations Act and Schedule Four of the constitution.

Regards,

MULKI M. DEKOW,
DIRECTOR,ENVIRONMENT,ENERGY AND NATURAL RESOURCES.
GARISSA COUNTY GOVERNMENT.
KENYA.

N.B: Kindly refer to attached letter by CEC Environment in relation to the above subject and the position of the County Government of Garissa

REPUBLIC OF KENYA

THE COUNTY GOVERNMENT OF GARISSA
OFFICE OF THE COUNTY EXECUTIVE MEMBER FOR
ENVIRONMENT, ENERGY AND NATURAL RESOURCES

When replying please quote:
REF: CGG/ EEM&T/ KFS/13

P.O. Box 563-70100,
Garissa
environmentxxacounty@gmail.com

Date: 16/6/2015

TO DIRECTOR GENERAL,
KENYA FOREST SERVICE,
P.O BOX 30513-00100,
NAIROBI.

Dear Sir,

RE: GAZZETMENT OF BONI FOREST

Following up our meeting held at the office of the Deputy Governor on 11th June 2015, the County Government wants to register its disatisfaction on the said issue.

The position of the County is to gazette Boni Forest as a county forest. A process which is currently ongoing and hope to be completed soon. The following have been done in relation to the said process:-

i. Public participation and sensitization
ii. Discussed and aproved in the Executive meeting
iii. Sensitization of the County Assembly and the local leaders

In regards to the above position, the County advices and puts forward its commendation to KFS to stop gazettement of Boni Forest as a national forest. Failure to do so, would mean a bridge of intergovernmental relations Act and Schedule IV of the constitution.

Regards.

Salah Y. Farah,
County Executive Member For,
Environment, Energy, Tourism & Natural Resource
Garissa County.

Cc

- ✓ H.E. The Governor – Garissa County
- ✓ HOC North Eastern Region

To: **National Assembly of the Republic of Kenya,**
Parliamentary Committee on Environment
C/O The Clerk,
Parliament Buildings,
P.O. Box 41842-00100,
Nairobi.

RE: MEMORANDUM ON THE GAZETTEMENT OF THE BONI IJARA FOREST

We, the undersigned, citizens of Kenya and members and representatives of the Civil Society Organizations of Garissa County present this Memorandum to you in regard to the gazettement of the ~~Mukutano~~ BONI IJARA forest as a state forest vide Kenya Gazette No. 22, Vol. CXVIII dated 3rd February 2016 and its Corrigenda Publish on the Kenya Gazette of 4th March 2016.

We draw the attention of the House to the following:

Historical background

1. That a large population comprising of livestock keepers, farmers, fishermen/women and hunter-gatherers inhabits the said forest. Among the inhabitants are Somalis, Aweer and Nilotic Communities.

2. The Aweer community is one of the few hunter-gatherer communities who rely on the forest for their livelihood. In Kenya, the others are the Ogiek, Yaaku and Sengwer.

3. Despite these communities occupying the Boni Forest for over 100 years, thus viewing it as their ancestral, they have never been issued with title deeds over the land.

4. That the said forest is a source of livelihood for thousands of families – over 60% of the livestock in the County graze in this area, while the hunter-gatherer communities depend on this forest wholly.

5. In a Map compiled from information supplied by the Commissioner of Lands in 1984 indicated that a large portion of the land was unalienated. The land issue started in the late 1970s/ and early 1980s when the government came in and led the community to believe that they would assist the community to preserve the Boni forest. Over the years the community's land has been encroached by the Kenya Wildlife Service (KWS) and the Kenya

Forest Service (KFS). The community had no reason to be suspicious and for some time worked with the Kenya Forest Service (KFS) and the Kenya Wildlife Service (KWS) who unknown to them, were marking the land only to then start gazzetting parts of the land as forest area.

6. KWS first gazetted a portion of their land in 1976. With the recent gazettement by the Cabinet Secretary for Environment in Kenya Gazette No. 22, Vol. CXVIII dated 3rd February 2016, the community is now left with the corridor between the Boni Dondori National Reserve and the recently gazetted Boni Ijara and Boni Lungi.

7. The community sees this as a continuation of the long history of land injustices that the Aweer, Somali and other forest dwelling communities have faced. The community fears that the gazettement of the Boni (Ijara) is a means of sending them out of their ancestral land area forcibly so that they did not benefit from the LAPSSET project which coincidentally passes through the forest.

8. We are aware of the threat to security linked to the Al Shabaab. In the same gazette notice, No. 1148 the Inspector General, National Police Service declared that the area surrounding the Boni Forest is a "disturbed and dangerous area. This insecurity threat has made life difficult for the community as the Kenya Defence Forces has put the community under curfew and forbids wandering into the forest beyond 500 metres. In previous years, the government has used the presence of Al Shabaab, and in the 1960s, the Shifta war to push the community out of the forest and their means of livelihood.

Legal framework

9. The issues of the marginalized communities were addressed by the Commission for Review of the Constitution (CKRC), the National Land Policy and now the Constitution has provisions that recognises the rights of indigenous, marginalized and hunter-gatherer communities.

10. While the CKRC went round the country collecting views, it pointed out that while the forest policy recognised the role of communities in conserving and managing forests and forest resources, the practices under the Forest Act, however, still reflected the firm application of command and control principles instituted during the colonial period.

11. The recommendations by the CKRC were that marginalized groups such as forest dwellers should not be interfered with, land unjustly expropriated by the colonial or current Government should be restored to the rightful owners or, where this is not practicable, reparations and restitution should be made.

12. The National Land Policy of 2009 recognised the need for special intervention for land occupied by minority communities such as forest dwellers. It recommended that measures

have to be initiated to identify such groups and ensure their access to land and participation in decision making. The policy recognised the need for an institutional framework to ensure devolution of power, participation, representation, justice and equity and suggested establishment of bodies that included the National Land Commission.

13. The Constitution at Article 1 recognises that sovereign power belongs to the people. One of the national values at Article 10 is inclusiveness, non-discrimination and the protection of the marginalised.

14. Article 61 of the Constitution categorises land as public, private and community land. Community land is further defined at Article 63(2)(d)(ii) to include land that is ancestral lands and lands traditionally occupied by hunter-gatherer communities or lawfully held as trust land by the county governments. Article 63(2) further provides that this does not include any public land that is held in trust by the county government under Article 62(2).

15. Under Article 63(3), unregistered community land ought to be held in trust by the county government on behalf of the communities for which it is held. Community land cannot be disposed of or used except as provided under legislation that would specify the nature and the extent of the rights of members of each community individually and collectively.

16. We are aware of the obligation the state has to conserve the environment under Article 69 of the Constitution. On the other hand, forest dweller communities as well can participate in conservation as their interest is also to have forest cover to be able them to practice their way of living.

Request

17. It is our humble request that the National Assembly Committee on Environment recommend for the revocation of the Gazette Notice No. 22, Vol. CXVIII dated 3rd February 2016 as it is a violation of the land rights of the Somali and Aweer communities as provided under Article 63 of the Constitution.

Dated ....29..... of ..JULY..... 2016

.....

GARISSA CIVIL SOCIETY ORGANISATIONS CONTACT PERSONS

NO.	OFFICIAL`S NAME	ORG	PHONE NO.	Signature
1.	ABDULLAHI MOHAMED	WOKIKE	0723493121	
2.	FATUMAKINSI ABASS	PGI	0721717260	
3.	ZAHARA ALI	MYWO	0722461077	
4.	ZEINAB ALI	WOMEN 4 PEACE	0721660044	
5.	MOHAMED SHEIKHOW	COMMUNITY FOR PEACE	0724-234555	
6.	FATUMA ABUBAKAR	NYC	0720015100	
7.	ABDULLAHI HIRSI	NOHA	0722506695	
8.	ADEN DIKA	YOUNG MUSLIM ASSOC	0720499815	
9.	KHALIF ABDI	NORFOD	0721585253	
10.	MOHAMED OSMAN	COUNCIL OF ELDERS	0723883727	
11.	ABDIRIZAQ MAHAT	ASPECT	0721113407	
12.	ADEN AWLE	NORFOD	0721423593	
13.	MOHAMED KHALIF	Environmental watch	0726522417	
14.	IBRAHIM HUSSEIN	AIDA	0721883153	
15.	ABDIRAZACK SHALE	Youth leader	0722456750	
16.	MOHAMED K. ABDI	MOVE-NET	0711164465	
17.	ABDI OSMAN	BARJIN	0721358667	
18.	YUSSUF ALI OMAR	Youth Leader	0723330738	
19.	ABDIRASHID YUSSUF GURE	Football team leader	0721110099	
20.	SIYATHOW	Youths groups	0722349548	
21.	UBAH A. KUSOW	Women groups	0728753814	

FORM II.

REPUBLIC OF KENYA

MINISTRY OF CO-OPERATIVES AND SOCIAL SERVICES

DEPARTMENT OF CO-OPERATIVE DEVELOPMENT
P.O. Box 40811, NAIROBI

Date 20th August, 1979

Ref.: 3060

THE CO-OPERATIVE SOCIETIES ACT
(*Cap.* 490, *Section* 7)

Certified a photo copy of the original.

CERTIFICATE OF REGISTRATION

CERTIFICATE OF REGISTRATION No. 3060

I hereby certify that the society under the name of MASALANI LIVESTOCK CO-OPERATIVE SOCIETY LTD and its by-laws have this day been duly registered by me in the Register of Co-operative Societies, in pursuance of the provisions of the Act and the Rules made thereunder.

DISTRICT CO-OPERATIVE OFFICER RISA

Given under my hand at Nairobi this 20th day of AUGUST 1979

L.N. MUCEMI
Commissioner for Co-operative Development

MEMORANDUM

RE: Gazettement of Boni Forest, Ijara Sub-County, Garissa County
DATE: 2016.07.29

I. BACKGROUND

On 4th of March 2016 through a Government Gazette Notice, the Cabinet Secretary for the Environment and Natural Resources, Prof. Judy Wakhungu, declared that the Boni-Ijara forest, an area spanning 451,430.7 hectares would be an area hereto defined as a state forest.

In the last week of July, Fatuma Abass from the Pastoralist Girls Initiative, contacted us with news that the Member of Parliament (MP) of Ijara had petitioned the Parliamentary Committee on Natural Resources to investigate this declaration given the potential effect it would have on communities who use the forest. Natural Justice agreed to develop a brief memorandum of key legal issues to keep in mind with respect to the declaration of the forest that potentially protect the community's interests and must be highlighted in supporting their MP's petition.

In this Memo, we examine what key laws are of relevance to the communities in Ijara and around the forest whose interests are paramount. We examine the Constitution of Kenya, particularly highlighting key laws on land, livelihood rights, culture and language, freedom of religion and belief, and the rights of marginalized communities.

II. KEY LAWS TO KEEP IN MIND

A. Community Land

Land in Kenya is classified into three categories: public, private and community. According to the Constitution, a majority of government forests constitute public land.[1] However, there is an important exception to this – all land used by communities as community forests, grazing areas and shrines, together with any ancestral lands traditionally occupied by hunter gatherer communities are <u>not</u> government forests.[2]

Therefore, prior to the declaration of the Boni-Ijara forest as a state forest, a very strong argument can be made that this land has been used as a community forest, was used as a grazing area and may contain shrines of importance to communities.

According to **Article 63 of the Constitution of Kenya**, community land is described as that which is vested and set aside for groups of individuals who share a common ethnicity, culture or are a similar community of interest.

It further explains that community land can be:

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[1] Article 62(1)(g).
[2] Article 63(2)(d)(i) and (ii).

- **land controlled and in use by specific communities as their forests, grazing lands or shrines; and,**
- **ancestral lands and those traditionally occupied by hunter-gatherer communities.**

Note that the forests gazetted by the notice may constitute as community land under the underlined categories above given that the Aweer Community has controlled a portion of the land in the recent past as their forests, grazing lands or shrines. Additionally, a hunter-gatherer community – the Aweer, has traditionally occupied the land.

The Constitution explicitly states that community land shall not be disposed or otherwise used except in terms of legislation specifying the nature and extent of the rights of members of each community.[3] In our opinion, the gazettement of the Boni forest violates this provision.

It is concerning that without such legislation specifying the nature and rights of these communities – specifically the Community Land Bill – the forest has still been gazetted. Article. 63(4) strongly implies that nothing can be done on any community land, such as the Boni Forest, until the legislation specifying these rights of the communities is passed. This law has not been passed and thus, the act may be inherently unconstitutional and in violation of Article 63(4).

Additionally, we strongly advise you request the Parliamentary Committee to give you clarity on the legal status of the land the forest is currently on given communities do use it and are protected in law. Question what the status of the land was before and question whether the community's interests in its ownership are affected by this declaration.

B. Fair Administrative Action

The Constitution gives every person a right to fair administrative action if that person's fundamental right or freedom is likely to be adversely affected.[4] Administrative action happens when the state takes certain actions that affect its citizens, such as the gazettement of a forest, in this instance by the Cabinet Secretary. According to the law, every person has the right to administrative action that is expeditious, efficient, lawful, reasonable and procedurally fair.[5]

Most importantly, where administrative action is likely to affect a community's rights or fundamental freedoms, such as the case with the declaration of the state forest, the administrator is required to give the people affected:[6]

- prior and adequate notice of the nature and reasons for the proposed administrative action;
- an opportunity to be heard and to make representations;
- notice of a right to review or appeal against the decision;
- a statement of reasons for the decision; and,

[3] Article 63(4).
[4] Article 47.
[5] Fair Administrative Act (FAA), Section 4(1).
[6] Section 4(3), FAA.

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- information, materials and evidence to be relied upon in making the decision

Additionally, an administrator like the Cabinet Secretary in this instance is required to also:

- Issue a public notice of the proposed administrative action inviting public views; and,
- Consider all views before taking administrative action;

A decision to gazette the forest is one that is going to affect the rights of the Aweer community, and it certainly will have an impact on their human dignity. The community should therefore be given a fair hearing on whether the forest should be gazetted or not before a fair decision can be made, particularly where they have not been involved and so many rights are at stake.

C. Livelihood Rights

Livelihood rights ensure that all persons have a dignified, productive and fulfilling livelihood which enables them to live in peace, justice and dignity. Key sources of livelihood for the Aweer community and Somali pastoralists who use the Boni Forest include:

- **Pastoralism and grazing (a number of communities in Ijara who utilize the forest are traditionally pastoralist);**

The Constitution of Kenya guarantees the rights of grazers of livestock and links it to one of the rights communities have with respect to their land.[7]

- **The hunter gatherers within the forest are bee keepers and gather honey for local use and for sale;**

The Constitution of Kenya guarantees the rights of dwellers on lands traditionally occupied by hunter-gatherers and links it to one of the rights communities have with respect to their land.[8]

- **Use of environmental supportive services (i.e. clean air, sufficient nourishment, traditional medicine, etc.);[9]**

According to the Constitution, the State has an obligation to ensure the sustainable utilization, management and conservation of the environment.[10] It is this that must be kept in mind with respect to the above environmental services, which communities dwelling in the forest have used to sustainably manage, utilize and conserve the environment.

- **Right to food**

[7] Article 63(d)(i).
[8] Article 63(d)(ii).
[9] Wasalwa B. et al., *Natural resources utilization by the Aweer in Boni-Lungi and Dodori National Reserves, Kenya.* Tanzania Journal of Forestry and Nature Conservation (June 2014) at 40.
[10] Article 69(1).

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Research indicates that the local community in the forest uses sixteen different animal species and countless more plants as food.[11] Limiting access to a person's food is a potential violation of the Constitution, which guarantees every person the right to be free from hunger and to have adequate food of acceptable quality.[12]

D. Public Participation

Public participation is not only a key constitutional principle binding all state actors,[13] it also serves as an important element in the management, conservation and protection environment at large. The Constitution explicitly requires the government to encourage participation in matters of the environment, which usually has a great impact on communities.[14]

The Cabinet Secretary and the Kenya Forest Service (KFS) have violated the constitutional principle of public participation by failing to involve the Aweer community in their attempts to gazette the Boni forest.

E. Access to Information

The Constitution gives every citizen a right of access to information held by the state.[15] It also requires the state to publish and publicize important information affecting the nation.[16]

The KFS and the Cabinet Secretary have failed to freely avail information leading to gazettement of the Boni Forest. Moreover, on several occasions, the KFS has denied community members access to maps indicating the full expanse of the newly declared state forest.

F. Culture and Language

The Aweer are an indigenous community whose culture and livelihoods have co-evolved with the forests, their forced resettlement over the past decades continually alienates their land and livelihood rights, but also has resulted in an undermining of their culture, including the traditional use of natural resources.[17] Additionally, the Aweer language has been categorized as 'Definitely Endangered' by the United Nations Education, Scientific and Cultural Organization (UNESCO),[18] and with this forced eviction from the state forest through the gazettement, may further endanger it and may result in negative impacts on biodiversity conservation.

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[11] Wasalwa B. et al., (supra) at 30.
[12] Article 43(1)(c).
[13] Article 10.
[14] Article 69(1)(d).
[15] Article 35(1)(a).
[16] Article 35(3).
[17] John Bett, Nickson Orwa and Ann Komen. *Community-based conservation and livelihoods development within Kenya's Boni-Dodori forest ecosystem*. Darwin Initiative Main Project Report (April 2015) at 1.
[18] Wasalwa B. et al., (supra) at 43.

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This undermining may amount to a violation of the Constitution, which guarantees a person belonging to a cultural community the right to enjoy their culture and language.[19] It will also be a violation of the Forest Act, which requires that a community that uses forest resources according to custom be protected with its rights not undermined.[20]

G.Freedom of Religion and Belief

Religion, taboos and superstition help the Aweer to sustainably utilise natural resources. These unwritten informal management systems carry precise control instruments and mechanisms based on shared norms, values and regulations, which govern resource exploitation, by establishing strong links with the ancestors and the low population densities. They help to assure a sound ecological balance. The Aweer believe that spirit mediums control large ritual groves and protected parts of the forest where no one is allowed to hunt, cut trees, graze livestock or cultivate.[21]

By limiting the community's access to the forest through its gazettement, the action by the Cabinet Secretary potentially violates the community's right to freedom of religion and belief, which is protected under Kenya's Constitution.[22]

H.The Special Place of Marginalized Communities

While the gazettement of the Boni Forest threatens eco-systemic integrity, it also puts pressure on an already vulnerable and marginalized community. Such communities are defined, under law, as those, which have a small population and have been unable to fully participate in Kenya's society and economy; or a traditional community that out of a need to preserve its identity, culture and way of life has remained outside integrated socioeconomic life of Kenya as a whole; an indigenous community that has maintained a traditional lifestyle based on hunter gathering; and, pastoralist persons and communities.[23]

Under Kenya's Constitution, the government is required to put affirmative action programs in place to ensure that minorities and marginalized communities develop their cultural values, languages and practices.[24]

III. CONCLUSION

The information in this memorandum contains the key laws and constitutional principles of importance to keep in mind with respect to the gazettement of the Boni Forest. There may be additional provisions of law that we could highlight, but these are what we believe have the strongest protection under law.

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[19] Article 44.
[20] Forest Act, Section 22.
[21] Wasalwa B. et al., (supra) at 41.
[22] Article 32(1) and (2).
[23] Article 260.
[24] Article 56(d).

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Hopefully, the main challenges against the declaration as a state forest that we raise here are strong and clearly support the need to consider the threats this action by the government poses to communities in and around the forest who practice a hunter-gatherer lifestyle and those who live near it but use it for other purposes. In your efforts to highlight the negative effects that the declaration will have, we recommend that you support your arguments by the key facts and laws that we have highlighted for this purpose.

We hope that this brief write up is beneficial to you and the communities likely to be affected by this action by government.

Thank You

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KENYA
Forest Service

Kenya Forest Service Hqs
Karura, Off Kiambu Rd
P.O. Box 30513 - 00100,
Nairobi, Kenya.

Ref: No. MAP/2/KFS/VOL.V111/121

Date: 9th August, 2016.

The Clerk of the National Assembly
Clerk's Chambers
National Assembly
Parliament Buildings
P.O. Box 41842 - 00100
NAIROBI

(1) D/Committees

REQUEST FOR SUBMISSION OF MINUTES.

Reference is made to your letter Ref. No. KNA/DC-ENR/2016(43) dated 3rd August, 2016 on the above referred subject.

Attached herewith, please find a brief detailing meetings held and copies of Minutes on the process of gazettement as requested.

We appreciate the work being carried out by the committee on Forest matters.

Emilio N. Mugo
DIRECTOR

(2) CHGBET
Pls deal
FA 11/8

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KENYA
Forest Service

BRIEF ON THE GAZETTEMENT PROCESS OF BONI COMPLEX IN GARISSA AND LAMU COUNTIES.

AIM

The report is aimed at appraising the Director on the process followed on the Gazettement of Boni Complex.

INTRODUCTION

Forests rank highly as one of Kenya's important natural resources for economic, environmental, social, and cultural values. They play a vital role in natural systems, as well as in economic development. As outlined in the vision 2030, the Government is committed to increasing the current forest cover to attain the minimum accepted international standard of 10%, a fact emphasized by the Kenya Constitution. In addition, the government is putting measures to better manage and conserve the existing forests for sustainable provision of environmental goods and services for current and future generations.

The Boni Forest Complex which borders Somalia is of both National and cross border interest. This fact has been highlighted recently by the National Security concern relating to incursions by the Al Shabaab militants who have used the forest as a hide out for launching their attacks. The forest is currently in a state of degradation due to lack of adequate capacity under the current management arrangement. In view of this, there is need therefore to manage these complex that cut across the two counties as one ecosystem. In order to ensure better management and conservation of these forests, there was need to put in place a legal instrument, which will assist towards achieving this goal.

The HON. Ahmed Ibrahim Abas petitioned the National Assembly requiring to have details on the recent gazettement of Boni Ijara Forest which is part of the Boni Complex and the process followed.

BACKGROUND

Population increase and natural resources related conflicts have in the past been the major factors that threaten sustainable conservation of forest resources in arid and semi arid areas in Kenya. Garissa and Lamu counties are good examples where recent conflicts, settlements and land use changes all interact to form a complex threat to sustainable management of these resources. There is therefore need to secure the fragile and forested areas so as to guarantee forest related benefits for current and future generation.

Boni Forest complex comprises three blocks thus Boni Lungi, Panda Nguo and Boni Ijara blocks. The Boni complex strides between Lamu and Garissa Counties extending into Somali The gazettement process was a community driven initiative to reserve the forest from extinction as it serves as the source of their livelihood. The community since time immemorial have been depending on the forest reserve as their habitat and source of food.

The community in their demand for gazettement of the forest complex cited the fear of displacement and destruction of the water catchment area as their main concern.

The Aweer which community is an indigenous forest dwelling community that largely depends on forest products were in the forefront of demanding for gazettement. On the other hand, the pastoralist communities living around the complex depend on the forest for grazing or pastoralist activities.

The need for gazettement of the complex was informed by **security, environmental, economic and socio-cultural challenges experienced by the country and the world at large**. According to the most recent presentation at the Kenya Forest Service Director's office on the **Lungi Forest - DOSSIER, proposed gazettement of Lungi Forest**, the community highlighted the specific reasons for gazettement of the forest as clearly detailed in the referred document (copy of which is attached).

As per the available correspondence, the community resolved to address the various challenges through conservation of the complex by gazetting it as a state forest. It is their believe that such a move will guarantee them the following;

1) Peace and security within the forest and region at large.

2) Required access to the cultural heritage sites
3) Improved water reservoirs for domestic purposes from the rivers existing in the forest complex.
4) Economic empowerment through ecotourism and other non consumptive uses of the forest
5) Opportunities for Infrastructure and general development through partnerships.
6) Community participation in Conservation through the Forest Act No. 7 of 2005.

PROCESS FOLLOWED

After the concerted efforts by the community, the Al-shabaab threats and the fear by community that their ancestral land could be grabbed, the community through the help of the donors petitioned the Government to gazette the forest to ensure that the complex is protected for sustainable use.

The table below shows the process followed upto gazettement of Boni Complex.

Item	Date	Action	Remarks
1.	August 2003	DDC Meeting and proposed Gazettement of the forest.	Approved minutes forwarded to KFS HQs for action.
2.	May 2008	DEC meeting held at Ijara Commissioners' office.	Document forwarded to KFS HQs for action.
3	November 2010 - April 2011	Kenya secure projects held consultative meetings with stakeholders on gazettement of Boni Complex.	Meetings held in Lamu and Mombasa - minutes forwarded to KFS for action on gazettement.
4.	March 2013	Shakeholders forum for development of a strategic road map towards sustainable conservation of Boni Forest.	Meeting held at Al Ain hotel - Masalani. Document forwarded to KFS HQs for action on gazettement.
5	December. 2014	Community representatives held a meeting with Director KFS where they presented a dossier on proposed gazettement of Boni Forest.	Meeting was at Director's board room.

6	January 2014	Reconnaissance survey by Kenya Forest Service in the company of community leaders	The three blocks identified and general outline agreed upon.
7	October - November 2014	Consultative meetings with communities within and around Boni ecosystem on gazettement.	Documents forwarded to KFS for action.
8	June 2015	Survey of boundary conducted by KFS Surveyors in the company of Boundary officers from Survey of Kenya and Community members.	The three blocks surveyed with a total area of 532,672.38 ha approximately.
9	June 2015	Consultative/informative meetings with County Governments of Garissa and Lamu on gazettement.	Document forwarded to KFS for action.
10	July 2015	Boundary Plans and Draft schedules prepared by KFS and forwarded to Director of Surveys for authentication.	Boundary Plan Nos. 175/434, 175/435 and 175/438 checked and authenticated /approved by Director of Surveys.
11	March 2016	Boni Ijara, Boni Lung and Panda Nguo Forest blocks gazetted	Gazette Notice No.1470, 1447 & 945 of 2016 respectively.

DISCUSSION

Complex nature of conflicts result from accessibility to cultural sites, political interests, land degradation. Gazettement ensures that the interests of forest dependants are not interfered with after gazettement of given forest blocks and ensures sustainable use of the forest blocks.

Boni complex forest was handed over to the then forest department in the early 1960's to conserve and manage. From the stated period to 2015, various Government Departmental communication shows efforts that were made with a view to gazetting Boni Forest Complex. Among the said communication is a request from the office of the president in the early 1970s, through the District Commissioners requesting gazettement of the referred forest. The concern of the communities dwelling in the forest complex

were equally raised and it were confirmed that their interest would not be interfered with as stipulated in the Forest Act of 2005.

Various forums have deliberated on the advantages and disadvantages of gazetting Boni complex and all agreed that the way forward was to gazette the complex as a state forest. There appears to be other political interests in the management of the complex. It is importance to inform that the failure to gazette Boni forest in the 1960s, as recommended has always had security costs thus loosing several Kenyans from the said effects. Several Attacks were Organized within this forest complex during the shifta period and now Alshabaab activities. It is therefore necessary that politics be kept out of the conservation and management of the gazetted forest blocks.

CONCLUSION

Various state holders deliberated on the gazettement of the forest as tabulated in the table above. The various government agencies communicated on the gazettement. the County Governments were informed and consultations carried out on the gazettement of this forest.

Community members pushed for the gazettement after clearly understanding that the gazettement would protect their interests.

Stakeholders meetings should be held with the lead agency being Kenya Forest Service in collaboration with other partners like National Land Commission, Kenya WildLife, NEMA, WWF among others on the way forward now that the complex is gazetted.

RECOMMENDATION

Now that the forest block is gazetted as requested by the community, it should be protected and all Forest Conservation and Management activities carried out on the Complex in collaboration with all stake holders as stipulated in the Forest Act if 2005.

DOCUMENTATION

The following documents are attached to confirm that the necessary consultation were done before gazettement of the forest block.

They include;

- DDC Minutes of August, 2007
- DEC Minutes of May 2008
- Kenya secure projects Minutes of November, 2010 - April 2011
- Draft report of March, 2013
- Copy of Dossier on proposal gazettement of December, 2014
- Minutes of meetings of October - November, 2014
- Minutes of cosultative informative meetings with County Governments of Lamu and Garissa on gazettement of June 2015.
- Boundary Plans copies No 175/433, 175/434 and 175/435
- Gazette Notices No. 945, 1447 and 1470 of March 2016

MINISTRY OF PLANNING.

DDC MEETING - 8 - 2005.

MEMBERS PRESENT.

1. H.E. YATANI - DC CHAIRMAN Box 1, Wasalani
2. Francis Dabir - Chairman County Council
3. Ahmed H. Issack - Forest Representative
4. Silvanus M.Oruma - DADO Box 10, Wasalani
5. Yussuf A. Olow - Tana County Council
6. Aden S. D. - DWO(Water)
7. Abdillahi I.Shurie - D.E.O - NCC
8. Yussuf Noor Buco - Coast Development Authority
9. Abdi Omar - Pokike
10. J.K. Kagumi - DWO(Works) Box 10, Wasalani
11. Joseph Ngunzi - PHO's Office Box 7, Wasalani
12. Jonathan Mutwiri - D/Sub Officer Box 7, Wasalani.
13. Ismail B. Hassan - District Education Officer Box 4, Wasalani
14. [illegible] Dahir - AIPHE
15. Mohamed A. Dahir - District Information Officer Box 1 Wasalani
16. J.K. Kituda - DLO Box 1, Wasalani
17. S.Z. Yussuf - C.C.P.D - IDARA
18. Cllr Abdikadir G. - Chairman Garbatulla District

DDC MINUTES.

AGENDA.

1. Chairman opening Remarks
2. Gazzetment of Boni Forest
3. Prioritization of water pans for 2003/2004 financial year.
4. Expansion of Wasalani water supply
5. Construction of District Headquarters.
6. Adoption of the District Strategic Plan of operation
7. Cloud concern incorporated - an NGO
8. Ltos for DICEC centre
9. Any other Business.

MIN. DDC 1/2005 CHAIRMANS OPENING REMARKS.

The meeting started at 10.40a.m with a quick self introduction. The Chairman noted that this was the first meeting for this year. He thanked members for the co-operation and teamwork between departments and members of the public. The Chairman further thanked Pokike and AIRMP for their continued support to the District and requested other donors willing to come and support our District

He stressed the need for the departments and politicians to consult the
Chairman whenever there were issues to be solved. This will ensure harmonization
of the District different approaches to the development of the District by all.

The Chairman requested the leaders to support the heads of departments in their end
to develop the District.

He finally thanked members for attending the meeting in a short notice.

MINUTE 3/2003 GAZETTEMENT OF NORTH TURKWEL

The Forest Department Representative informed members that Nonl forest has a
total of 283,500 Ha of which 159,000Ha is gazetted under KWS and Samburu County
Council as a Game Reserve. 124,500 Ha is not gazetted but is beneficial because
of its associated investments in roads, tourism, and protection of the fragile
ecosystem.

The members expressed fears that gazettement might lead to restrictions in grazing
and farming. The DFO representative informed members that their fear is unfounded
because Nonl forest will remain open for grazing and farming.

After length deliberations and discussions, the members approved and sanctioned the
gazettement of North Nonl forest but demarcation to be determined by DFO and Ministry
of Environment and Natural Resource Headquarters.

MINUTE 4/2003 REHABILITATION OF WATER DAMS UNDER ECOD/2004 FINANCIAL YEAR.

The District Water Officer informed members that his department has received Kshs.
6 million on development expenditure for this financial year for desilting of water
dams. He proposed four dams to be developed as follows Dullagolol, Handiro, Dolole
and Sarote.

The proposed members approved the development of the first three dams by the water department
and the fourth dam to be done by women kind(Sangole).

The members further agreed that for effective digging the dams should be contracted
to known contractors with the ability to do the job effectively.

MINUTE 5/2003 EXPANSION OF MASALANI WATER SUPPLY.

The District Water officer informed members that the department has receive Kshs.
2 million for the expansion of Masalani water supply. He proposed to members that
Kshs. 2 million be used for expansion and extension of water within Masalani
township and Kshs. 1 million be used on the rehabilitating of the elevated tank.

The DDO approved the proposals subject to an extension plan to be presented in
the next DHC.

The AHPP Officer informed members on the need to fence the water intake for
Masalani Water Supply.

The District Water Officer further informed members that Kshs.10 million from the
headquarters has been allocated for rehabilitation of Masalani Water Supply. A
team of engineers from Nairobi to come and assess the rehabilitation works to be
carried out using the money.

The District Education Officer proposed the removal of the water kiosk from near Nol Boranna primary school. The DDO appointed a sub-committee
chaired by DPHO, members as DHO, DWO(water), DCDO to decide on a good site for
relocation of the water kiosk.

MIN. DDC 5/2003 CONSTRUCTION [illegible] HEADQUARTERS

The Chairman informed members that [illegible] departmental heads [illegible] to be accommodated in the proposed [illegible] District Headquarters [illegible] heads members in view to sourcing [illegible] funds to contribute towards the [illegible]

He further informed members that since [illegible] money from the Community [illegible] the end of the month it is necessary that a technical committee of [illegible] visit the Headquarters be formed to oversee the construction [illegible] The DDC approved the following to serve on the Committee [illegible]

DDC [illegible]

DVO (Works) [illegible]

DWO [illegible]

District Medical [illegible]

Sheikh Abdiwali Hared

DPHO [illegible]

DEO [illegible]

[illegible]

[illegible]

The next meeting is scheduled for 12.8.2003.

MIN. DDC 6/2003 IJARA DISTRICT STRATEGIC PLAN 2004 - 2008.

The DDO informed members that the first draft of the Ijara District Strategic Plan 2004 - 2008 is ready and departmental heads should read through to correct any necessary omissions.

The Chairman requested the members to liase with the DDO for the necessary amendments. Any these amendments will be forwarded to the consultants for necessary action.

MIN. DDC 7/2003 GLOBAL CONCERN INCORPORATED

The DDO informed members that this is a new NGO wishing to come to the District. He further said that it shall be dealing underground water prospecting and borehole drilling. It is at the moment looking for funds.

The Chairman noted that more NGOs like these are required in our District.

MIN. DDC 8/2003 DICHIL PLOT

The DEO requested members to approve a plot for a District centre for early Childhood Education in the District. The members approved for the plot and directed that land be allocated for a centre which is very vital in our District.

a centre which is very vital in our District.

MIN. DDC 9/2003 ANY OTHER BUSINESS.

1. The DAO representative informed members that NUR has been transferred as DAO Garissa and a new DAO DUBET has reported to Ijara District.
2. OCPD stressed the need to have a fisheries officer because of fish is available in the District.

/...

3. The DEO encouraged members to continue free primary campaigns because already 1,592 extra pupils have enrolled since primary education was made free.

4. AIDMT Officer informed members that USAID will visit Ujara District on 12/6/2003 for a baseline data on food security.

5. The Chairman advised members that FFW should be food for work and should never be made to pay for any work.

There being no any other business, the meeting ended at 1 p.m. with the Chairman thanking members for their fruitful deliberations.

MINUTES CONFIRMED BY

J.K. YATANI
DC UJARA DISTRICT

SIGNATURE .....

DATE 12/8/2003

MINUTES TAKEN BY

J.K. KITUNDA
DDC UJARA DISTRICT

SIGNATURE .....

DATE 12/8/2003

MEMBERS PRESENT

1.	Mr. Peter Thuku	District Commissioner/Chairman
2.	Mr. Rashid Mwagi	District Development Officer/Secretary
3.	Mr. Alfred.O.Ouko	District Criminal investigation Officer
4.	Mr. John Onditi	OCPD's Office
5.	Mr. Stanley.N.Muturi	District Officer-Masalani Division
6.	Mr. Jackson.M.Mutemi	District Officer-Hulugho Division
7.	Mr. Ismael.A.Mohamud	District Co-ordinator-Coast Development Authority
8.	Mr. Peter Lekereni	District Warden
9.	Mr. Abdullahi.A.Diis	District Public Health Officer
10.	Mr. Michael.K.Lagatt	District Immigration Office
11.	Mr. Mohamed.A.Dahir	District Information Officer
12.	Mr. John.K. Sianyo	District Children's Office
13.	Mr. F.S.Tube	District Agriculture Officer
14.	Mr. Khalif.B.Bahola	District Education Office
15.	Dr. Mohamed.A.Sheikh	District Medical Officer of Health
16.	Mr. Thomas.O.Changamu	District Forest Officer
17.	Mr. W.C.Bor	Sub Regional Intelligence Co-ordinator
18.	Mr. M.M.Dahir	Drought Management Officer-Arid Lands RMP
19.	Dr.Jackson Kinyua	District Veterinary Officer
20.	Mr. Kwena Kenneth	District Education Office

Members absent With Apology

21.	Mr. Francis Ogwori	District Co-operatives Officer
22.	Mr. Aden.S.Dagane	District Irrigation Officer
23.	Mr. Mohamed Rage Kassim	District Adult Education Officer
24.	Mr. P.M.Mbithi	Clerk to Ijara County Council
25.	Mr. G.I. Mwangi	District Accountant
26.	Mr. Hussein Ali Somow	District Environment Co-ordinator – NEMA
27.	Mr. Rashid Dhadho	District Registrar of Persons

ABSENT WITHOUT APOLOGY

All Other Members

AGENDA

1. Address from the Chair
2. Confirmation of the Previous Minutes
3. Matters Arising From Previous Minutes
4. Illegal logging and Destruction of Boni Forest
5. Food Security: Revival of Masalani and Abalatiro Irrigation Schemes
6. Departmental Progress Reports
7. Office Accommodation for Government Departments
8. Update on Ijara DDP Preparation Process/validation of the new Fact Sheet
9. A.O.B

Min DEC 1/4/2008: address from the Chair

The chairman called the meeting to order at 9.11 am. After self-introductions the chairman told members to be punctual in future meetings and reminded them that they should be in the forefront in setting an example in good time management practices.

The chairman noted that there were members who have not attended three DEC meetings consecutively and that this implied a lack of seriousness. He reminded them the importance of the DEC and DDC meetings and therefore urged them to ensure that meetings are attended as scheduled because they are mandatory.

He also urged all departmental heads to step up service delivery by being present in their workstations as required because some urgent matters are not attended to due to absenteeism. He also advised members to notify him when they intended to be absent from their stations.

Finally, he called on departmental heads to adhere to government financial regulations and use resources allocated to them efficiently and ensure timely surrender of imprests within the stipulated time of 48 hours upon return from official duties/trips. Members were advised to look into the matter to avoid audit queries in future. Thereafter he requested the secretary to take members through the Agenda of the day.

MIN DEC 2/4/2008: CONFIRMATION OF THE PREVIOUS MINUTES

The minutes of the previous meeting held on 28th February were confirmed as a true record of the day's deliberations. They were proposed by Mr. Dahir the Drought Management Officer and seconded by Mr. Tube the District Agriculture Officer.

MIN DEC 3/4/2008: MATTERS ARISING FROM PREVIOUS MINUTES
EX-EX-MIN DEC 2/12/2007: THE MEDIUM TERM EXPENDITURE FRAMEWORK (MTEF) PROCESS

The DDO informed members that he submitted the District MTEF inputs to the Ministry of Planning and National Development headquarters although the Information department did not present its inputs to him. Mr. Onditi from the police department pointed out that the right date for Treasury circular No.11 was 8th October 2007 and not 8th October 2008 as captured in the minutes. The DDO was instructed to take note and correct that.

Action: DDO, District Information Officer

EX-MIN DEC 4/2/2008: IJARA DISTRICT DEVELOPMENT PLAN PREPARATION PROCESS

The secretary informed the members that a number of them had not submitted the information required to update the Ijara District fact sheet to complete the preparation of the current Ijara District Development Plan 2008-2012. The chairman urged the members to give the DDO full support because the DDP preparation process must be completed as required.

Action: All Members

EX-MIN DEC 5/2/2008: CONSTITUTING THE DISTRICT DEVELOPMENT COMMITTEE AND DISTRICT PLANNING AND MANAGEMENT UNIT (DPMU)

Mr. Ismael.A.Mohamud the District Co-ordinator for Coast Development Authority requested to have the Regional Authority incorporated into the DPMU. Members deliberated on the issue and agreed that CDA be incorporated into the sub committee. The chairman advised the Drought Management Officer and the District Agricultural Officer to tap into the expertise at the disposal of the Coast Development Authority.

Action: DDO, DMO, DAO, CDA Co-ordinator

MIN DEC 4/4/2008: ILLEGAL LOGGING AND DESTRUCTION OF BONI FOREST

The chairman expressed concern that Boni Forest, which is the only forest in the district, is being depleted by illegal logging and that this cannot be allowed to go on.

The District Forest Officer pointed out that much of the poaching and illegal logging is carried out during the rainy season when the area is cut off due to poor road conditions, which do not allow for his officers to drive over and arrest the poachers. He also informed the members that logging was not the only problem but also the issue of burning grass. He also said that the unclear boundary for the forest was making it hard to manage the situation and that the illegal logging was being done on both sides of the forest, in Lamu and in Ijara.

The DFO was advised to work closely with the community because there are many who would wish to see the forest remain intact. The DFO said he has done a lot of sensitization and even selected committees that work closely with Kenya Police Reservists and elders in that area. He said that he is willing to take officers to the area but there is no housing for them. The DFO was advised to take in locals as forest guards as bringing in non-locals had alienated the department from the community, as they would interact with the locals properly.

The members agreed that the forest be gazetted to make it possible to pass regulations for utilizing the forest. The DFO informed the members that the process to gazette the forest started in 2003 and got the DDC approval but the process got stuck at the council because the council did not do the second approval at a full council meeting as required by law to allow for the forest's gazettement. The DFO told members that if the Forest is gazetted, it would acquire special status that would enable the DFO to even get additional privileges such as more funding and staff.. The DFO was told to prepare five guards, as tents would be provided through funding by Arid Lands Resource Management Project.

The DLPO urged the DEC to be strict on the County Council so they can do their work and even employ local forest guards. He suggested that the cut lines leading into the forest be revived and maintained. The DFO was told to write a proposal to the DSG so that it can be adopted when the annual work plan for the year 2008/2009 financial is reviewed in December 2008.

The DMO said that the funds that will enable the DFO and KWS to go in to the forest would be made available.

The District Warden informed members that he is in the process of requesting for a chopper to access the area because the officers do not seem to be getting the exact affected areas.

The Chairman said that the logging must stop as a matter of urgency and that he would take up the matter of approving the forest's gazettement with the council and that no case of illegal logging should take place.

Action: OCPD, KWS, DO, DFO, Chairman

MIN DEC 5/4/2008: FOOD SECURITY: REVIVAL OF MASALANI AND ABALATIRO IRRIGATION SCHEMES

The chairman brought to the attention of the committee that Masalani and Abalatiro Irrigation Schemes are two important projects that the government started and there is no reason why they should not be working. He told members that as the technical team in the district, they cannot sit and watch as the schemes go to waste. To this effect the District Agricultural Officer gave a brief on why the schemes stalled and these included:

1. Internal disagreements between the communities in Ijara District
2. Conflicts and disputes between the Ijara and the Tana River District Communities
3. Lack of consultation with the communities when the schemes were initiated

The members agreed that the two communities from Ijara District and Tana River Districts need to be combined to benefit from the project. There was also an agreement by the members that the conflicts between the two communities be addressed. The DMO proposed that the two peace committees in the two districts be used to resolve the issue, then subsequently politicians and local authorities through the guidance of the technical committees of the two districts.

The chairman told members that a bottom-up approach needs to be enhanced and that the communities educated in order to realize benefits of the project in future. The members formed a committee with a mission to of boosting the food security in the district to handle the matter and the Chairman said that he will contact his counterpart in Tana River to speed up the process. The committee selected consists of the members below and will come up with the Terms of reference:

1. District Commissioner-Chairman
2. District Agriculture Officer-Secretary
3. DO-Masalani
4. District Irrigation Officer
5. Drought Management Officer
6. Peace Committee chairman
7. Clerk to the Council
8. Woman Kind
9. Coast Development Authority
10. District Social Development Officer
11. District Livestock Production Officer
12. District Water Co-ordinator
13. DO-Kotile
14. KWS-Warden
15. Any other member the committee finds necessary to co-opt

The DAO and DMO were instructed to facilitate the process and the first meeting was scheduled to be held Thursday 17th April 2008. The sub committee was instructed to act very fast by the chairman.

MIN DEC 6/4/2008: DEPARTMENTAL PROGRESS REPORTS

The members were taken through the progress reports of various departments.

LIVESTOCK DEPARTMENT REPORT

The District Livestock Production Officer took members through the Livestock department's progress report

livestock aspects and that the Kotile livestock sales yard resumed operations in April and about 3500 head were sold through it. He also revealed that farmers earned a total of KShs.456, 546,383 from sale of livestock products in 2007. The sales he said were affected by the closure of the market upon the outbreak of the Rift Valley fever amongst other challenges. Programmes in place to address livestock production included the ASAL Based Livestock and Rural Livelihoods Support Programme. The project has already disbursed KShs. 2,160,430 to community initiated micro projects. He also revealed that the department's office was complete at an estimated Kshs.2,000,000. The major constraints to achieving the department's objectives include inadequate staff, unreliable transport and lack of office accommodation in the divisions. He pointed out the major concerns that affect the livestock production activities are:

- Livestock diseases
- Poverty
- Reduced breed potency
- Lack of sustainable grazing management
- Bush encroachment
- Lack of capacity in modern animal husbandry
- Beliefs and attitudes of the local communities
- Tsetse and other parasites

The chairman instructed the DLPO to liaise with the council on Kotile market to eradicate the illegal market that is coming up so that there can be increased revenue for the council and the area.

VETERINARY DEPARTMENT PROGRESS REPORT

The DVO took members through the department's progress report and gave the livestock population as follows:

1. Cattle-270,529
2. Sheep-154,050
3. Goats-126,840

The main challenges he said was that the area is periodically and cyclically affected by disastrous conditions such as drought or floods with resultant big losses in livestock and parasites which pose a big challenge to livestock development in the area. He also said that the transboundary diseases often occur as a result of exchange of animals for trade across the borders. He said that the department had approached Arid lands RMP for funding to undertake disease surveillance in the district. The chair urged Arid Lands to provide funding and any other necessary support. The DMO informed members that action is being taken at the moment to facilitate that activity because the process to get the funds had already been initiated.

Action: DMO, DVO

AGRICULTURE DEPARTMENT REPORT

The DAO informed members that agriculture production rates are low in the district due to the fact that this is not an agricultural oriented community. The district has 100,000 Ha of arable land of which 1% is under crop production. But efforts had been stepped up in offering extension services to farmers and that the department had even provided seeds to farmers to plant. The chair advised the DAO to try and put it in the DSG that they buy farming implements for the farmer. He also advised the DAO to have a demonstration farm from which farmers could draw good farming practices. The DAO said he had tried that in the past without any success because the results from such an activity were not commensurate with the results as there was a total lack of commitment to farming. He said that two water pans in Masalani division had been put up at a cost of KShs.1, 000,000 to boost high value crop production through irrigation. The DAO reported that yields for the previous year were below target because of prolonged dry spells throughout the production seasons resulting to crop failure also attributed. Through the Njaa Maututu Kenya Project, 22 groups across the district benefited with a total funding of KShs. 2,640,000. He pointed out that Bodha was a good farming area but roads into the area poor and thus produce could not be transported and this discourages farming activities from taking place. This department through the SIDA sponsored National Agricultural and Livestock Extension Programme (NALEP) is still being implemented throughout the district at a cost of KShs 1 Million. The challenges the department is facing include human wildlife conflict, frequent breakdown of vehicles due to poor road conditions, unpredictable rainfall and intercommunity and political conflicts in the irrigation schemes.

The DAO was instructed by the Chairman to make agriculture work and that the success of the two irrigation schemes, Abalatiro and Masalani would make the uptake of farming high.

Action: DAO

COAST DEVELOPMENT AUTHORITY PROGRESS REPORT

The District Coordinator, CDA gave a brief introduction to members on the activities of the regional Development authority in the area. He said the organisation had been operating in the district since 2002 but had no sustainable projects had been undertaken. But he gave an outline of projects that were on the ground and these included:

dispensary.
2. Construction and furnishing of an office complex at a cost of Kshs.4million
3. Livestock project that bought bulls in Kotile and transported them to their holding grounds at Bamba, Mariakani for fattening. So far 110 bulls bought at KShs. 15,500 each (KShs.1, 705,000). The organisation was also involved in eco tourism promotion with a mission of sustainably utilizing natural resources with one notable achievement being the setting up of the Ishaqbini Community conservancy. The organisation managed to get the council to give the conservancy land.
4. A 12,000 cubic metres dam in Hulugho at a cost of Kshs.3.7 million is under construction.
5. A project to put up a dining hall for Yusuf Haji Girls

He noted that the area has potential for fish farming and informed members that CDA plans to come and set up processes to exploit the fishing potential in the area. The chairman asked the DLPO to follow up on the matter.

The organisation has also come up with a strategic development plan covering 2009-2012. The challenges being faced by the authority include: lack of transport, understaffing. The chairman told the DAO and DMO to assist with transport to the organisation when requested to do so.

The CDA district coordinator requested the Chairman to ensure that Kenya Agricultural Research Institute which has a station in Mtwapa extends its mandate and coverage to Ijara. The Chairman said he would follow up on the matter.

Action: Chairman, DAO, DMO, CDA, DLPO

MINISTRY OF HEALTH REPORT

The DMOH reported that the district has 13 health facilities which include 9 dispensaries, 3 health centres and 1 district hospital. He cited malaria and pneumonia as the most prevalent diseases. On HIV and Aids he informed the members that while in other parts of the country the disease prevalence rate was reducing, in Ijara it was increasing and that previously there used to be about 1 positive case out of that 30 but this has increased to 4 out of 30. He attributed the increasing prevalence to stigma and the fact that the community did not want to talk about it.

He also informed members that there was a new health policy from the ministry of health that needs the Provincial administration to help in community mobilization. He said that level 1 health system was meant to incorporate Community Health Workers into the health system whereby the community health workers will cater to a unit of about 5000 people and will be mandated to have the names of all the citizens they are serving.

He cited the main challenges as lack of essential services such as dental health because there was no dentist and anaesthetist in the district; he also cited understaffing given that there was only one Medical doctor in the whole district. The district also lacks X-ray equipment, the theatre is also not equipped to deal with emergencies since it was put up in 2006. The Chairman promised to take up on the matter together with the DMOH.

ANNOUNCEMENT: The DMOH informed members that there will be a Medical camp on 19th -20th April 2007 nd welcomed everyone to offer the necessary support in mobilizing the community to attend. He called on all departments to be involved.

Action: Chairman, DMOH, all Members

DISTRICT PUBLIC HEALTH OFFICE REPORT

The DPHO reported that he had so far distributed between 40, 000-50,000 nets from UNICEF and that during the period when the rift Valley fever struck three nets were given to each household. The office also managed to give out net treatment tablets donated by World vision. The Department had also been carrying out the routine work of inspecting premises and offering health education to the public. Deworming had been carried out and schools heads and teachers trained. He informed members that the department was also carrying out education to the community on water use safety measures and this was a continuous process. The department had also given communities 20 hand pumps and anti mosquito chemicals for spraying. The constraints the department is facing include transport and inadequate staff.

The chairman asked the DPHO to come out with a strategy to prevent animals from loitering in town. The DPHO informed members that town cleaning is supposed to be done by the county council and that he had advised the clerk on what to do. He said he had advised the council that the slaughter house should be located not less than 1km away from settlement areas because this would attract wild animals. The chairman instructed the DPHO to formalize that by writing a letter and that he would follow up on the matter.

Action: Chairman, DPHO, Clerk to the County Council

MINISTRY OF EDUCATION REPORT

The officer informed members that the department had carried out assessment of schools and teachers and that the process was complete. The department had also carried staff redeployment and balancing in the district. Members were also informed that in co curricular activities, one school got position 1 at the provincials and that the district did not do well in ball games. Currently the department is selecting candidates who will join teachers training colleges.

CHALLENGES:

The school feeding programme is not benefiting the girls because the big girls are shy and do not want to be see queuing for food. This has affected the retention rates of the girl child in schools The areas in which the girl i disadvantaged is in toilet use because they are shy too and do not want to be seen using toilets unless they are plac further away where they cannot be seen. The girls are also not having access to sanitary towels.

The chairman said that there is a need to intensify the provision of sanitary towels and proper sanitation facilities and also get to work out a strategy that will see girls use the School-feeding programme fully. The Education officer was told to liaise with teachers to settle the problem. He also informed members that KCB had given 2000 tree seedlings which should be planted in school compounds to act as windbreakers and that the schools that will be given the seedlings should take care of them. He instructed the Education officer that while giving the seedlings they should be accompanied by a letter. The Chairman also announced that he had instructed chiefs to bring 10 kids each to the new boarding school in Masalani next year (2009).

MIN DEC 7/4/2008: OFFICE ACCOMMODATION FOR GOVERNMENT DEPARTMENTS

The chairman informed members that some departments have not been able to have office accommodation. To this extent he requested all departments that have extra space or more than enough to optimize and let the ones that are not fully utilized to be given out to departments lacking office space because at the end of the day all departments are offering Government of Kenya Services to the people of Ijara. The members agreed that:

1. All heads of departments who have more than enough space to declare it.
2. Those who do not have office space to enlist with the DDO
3. Those who are building offices should speed up the process

The chair also expressed concern at the quality of workmanship in the construction of government facilities and other government funded structure. He noted that most were cracking. The officers were instructed to put up structures appropriately with the supervision of the Ministry of works regulations. To this extent the officers should seek proper technical advice from the ministry officials who the members advised to be involved in all government funded construction work. To address the office accommodation the members selected a sub committee to solve the issue with terms of reference that entail moving around in government departments to assess the departments that have more than enough space, and allocate the space to those departments that lack office space and report back to the next DEC meeting. The sub committee will consist of the following:

1. District Commissioner-Chairman
2. District Public Health Officer
3. District Development Officer
4. Supplies office
5. District Works Officer

MIN DEC 8/4/2008 UPDATE ON IJARA DDP PREPARATION PROCESS/VALIDATION OF THE NEW FACT SHEET

The District Development Officer took the members through the draft District Development Plan for 2008-2012. The DDO informed members that he had managed to come up with an updated District Fact sheet. The members were also taken through the new fact sheet. The chair noted that the fact sheet had a number of gaps. The DDO informed him that the gaps were due to the fact that some head of departments had failed to avail the necessary data to him. The Chair instructed all members to work closely with the DDO to enable him complete the District development Plan in good time. The DDO also informed members that each sector was supposed to come up with sector priorities to be incorporated in the DDP in line with the Vision 2030 and Millennium Development Goals. The members were told by the chairman to prepare a draft for all their sectors so that the DDO can consolidate them and come up with a draft for all the sectors in the district.

Action: DDO, All Heads of Departments

MIN DEC 9/4/2008: ANY OTHER BUSINESS

The District Forest Officer informed heads of departments who want to grow trees in their compounds or near the offices to get them fast enough because the trees were

of the problem. The chairman asked the Forest Officer to follow up with the Water Coordinator and sort out the water problems. Mr. Bahola from the Education Department also complained that there was a persistent water problem at Yusuf Haji Girls because the water is very salty and not fit for human consumption. He suggested direct piping and water treatment system to ensure permanent, continuous water flow.

The DDO passes on information to the members that the incoming District Registrar of Persons Mr. Rashid Dhadho had lost his spouse. The Chairman called on members to support him. He informed them to liaise with the DOI and extend any kind of support to Mr. Rashid.

The DDO requested the chairman to clarify on the issue of whether matters discussed in the DEC should be leaked to the general public or Media. The chairman informed members that the DEC most of the time deliberates sensitive matters that require a lot of discretion and confidentiality and therefore should not be passed on without the committee's approval to the public or media.

The chairman informed members that the government was in the process of connecting electricity to the district and this is going to benefit the community and a team from the Kenya Power and Lighting Company was already surveying the area. He revealed that he had requested Telkom Kenya to install a booster in the district to enhance telecommunication in the area.

To that extent heads of departments were advised to modernise their way of offering services to the public by modernising how they communicate amongst themselves and with the community. The chairman instructed each Head of Department to have Internet access and an email address. The chairman asked members to embrace the spirit of teamwork and work as a family. The members were requested to use all linkages possible to enhance Public Service Delivery. The officers were also advised to share information that is relevant for achieving the district's development agenda.

The DDO informed members that there would be a District Development Committee meeting the following day 16th April 2008.

There being no other business, the chairman closed the meeting at 1.15pm by thanking members once more for the co-operation accorded to the DEC activities.

DISTRICT COMMISSIONER
TARA

Chairman _____ Date 21/5/08
Signature

DISTRICT DEVELOPMENT OFFICER
TARA
P.O. BOX 18 - 70105 ARUSHA

Secretary _____ Date 21/05/08
Signature

TETRA TECH

31 October 2012

Mr. Peter Kamwara
Head of Survey
Kenya Forest Service
Survey Section, P.O Box 30513-00100 Nairobi Kenya

Dear Mr. Peter Kamwara,

RE: Participatory Resource Use Mapping of the Boni-Lungi-Dodori Forest Area in Lamu, Kenya

The international consulting firm Tetra Tech ARD was sub-contracted by USAID to provide technical assistance to the Ministry of Lands (MoL) in implementing the Kenya SECURE project (Securing Rights to Land and Natural Resources for Biodiversity and Livelihood in the Kiunga, Boni, and Dodori Reserves and Surrounding Areas in North Coastal Kenya) Project. One of the activities undertaken by the project was a participatory resource mapping exercise on the of the Boni-Lungi-Dodori region in Lamu County.

The resource mapping exercise covered about 1,325 km², including the Boni-Dodori corridor, the area located between the Boni and Dodori National Reserves. The aim of the mapping exercise was to obtain detailed information about the natural resource uses by the Aweer people (otherwise known as the Boni) and other nearby communities in the Boni-Lungi-Dodori forest areas. The information that was mapped included, but was not limited to: the current extent of the forest, its health and state of biodiversity, cultural heritage sites, and resource use patterns.

Together with the Kiunga, Boni, Dodori (Kibodo) Trust, the Kenya SECURE Project contracted mapping consultants from ERMIS Africa and Tetra Tech ARD to undertake the exercise in November-December 2011. As a participatory exercise, the organizations worked closely with the Aweer community to sketch and map the area. In addition, significant support was provided during the design and implementation of the exercise by the Kenya Wildlife Services, Kenya Forest Service, Aweer Wildlife and Environmental Resources (AWER) Group, National Drought Management Authority, World Wildlife Fund, Northern Rangelands Trust, Kenya Forest Research Institute, Flora and Fauna International, and Save Lamu.

Tetra Tech ARD is deeply grateful of all the support provided by our partners during the implementation of the exercise and delighted to provide the enclosed copy of the report and map. Despite the fact that the Kenya SECURE project has closed out all field activities since September 28, 2012, we anticipate that the information gathered and the subsequent map generated from this exercise will be used to inform the protection and management of the biologically sensitive area, and securing of the community land and resource rights of the Aweer. I therefore hope you find the information useful to support your institutions' work.

Please feel free to contact me in case of any further questions at mark.freudenberger@tetratech.com or our local partner, Kibodo Trust, at ceo@kibodo.org.

Sincerely,

Mark Freudenberger
Senior Associate

Kenya SECURE Project/KiBoDo Trust
Draft Notes on the Design of a Resource Mapping Plan for the Boni-Lungi Forest Area

October 18, 2011
Silver Springs Hotel, Nairobi

Invited Partners

- Kenya Wildlife Service
- Kenya Forest Service
- Kenya Forestry Research Institute
- Ministry of Lands
- World Wildlife Fund
- National Museums of Kenya
- BP Conservation Leadership Program

Goals & Objectives

Obtain detailed information through participatory resource mapping about forest uses by the Boni (Aweer) and other nearby communities in the Boni-Lungi-Dodori forest areas, perhaps including but not limited to the current extent of the forest, its health and state of biodiversity, cultural heritage sites, social mapping to identify human activities to depict mobility patterns and utilization of the resources, and resource use patterns e.g. honey harvesting, gathering fruits, firewood etc., to help inform the process of improving the protection and management of this biologically sensitive area, and securing the community land and resource rights of the Boni people.

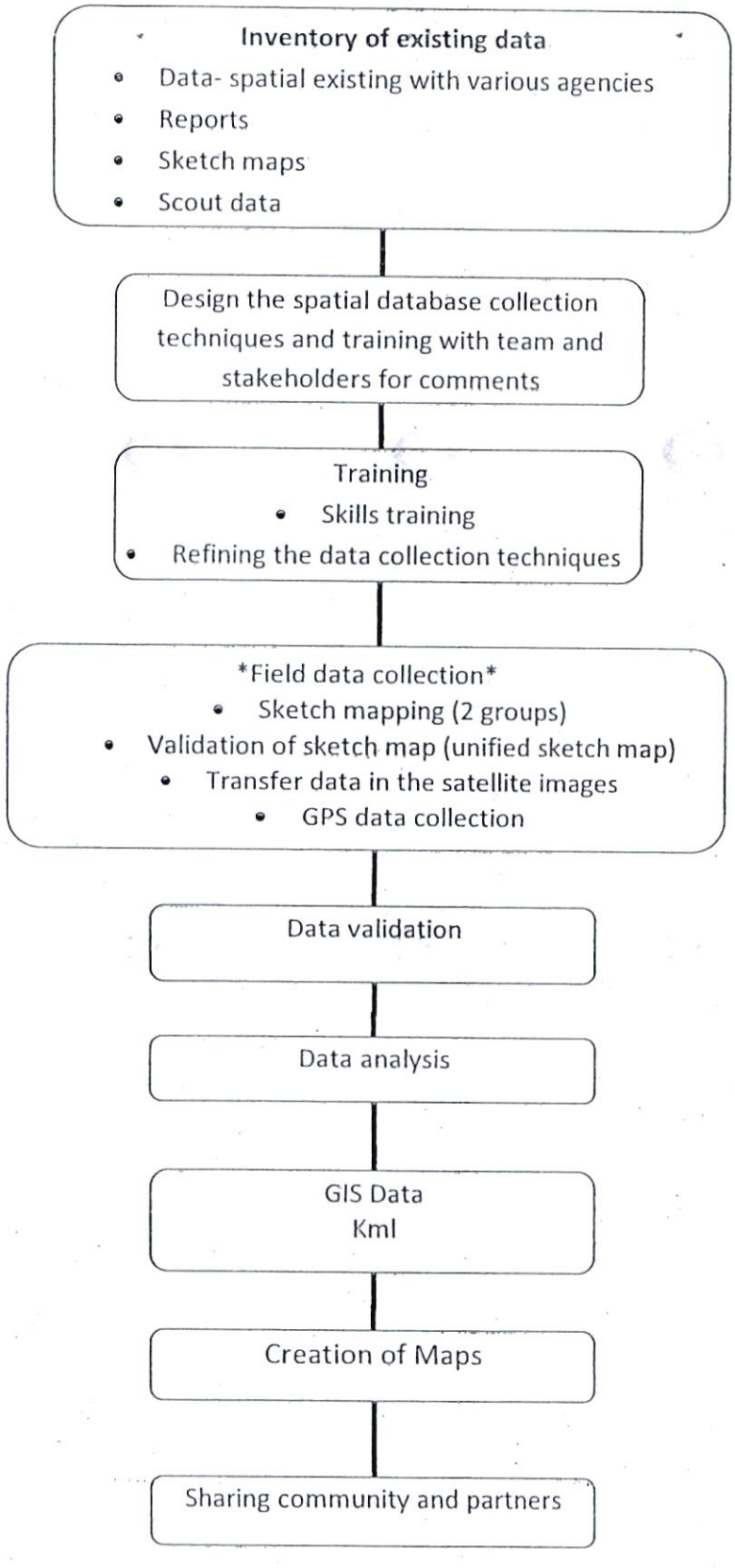
A. Data Layers

1. Base Data
   a. Images: Satellite, Topographic maps
   b. Infrastructure: administrative boundaries, roads, protected areas
   c. Drainage: rivers and other hydrological features
   d. Names of places
2. Vegetation
   a. Expert general classifications
   b. Community classification
3. Sacred Sites/culturally sensitive areas
4. Resource use
   a. Honey use
   b. Herbal medicine
   c. Firewood
   d. Construction material
   e. Illegal/legal logging
   f. Farming
   g. Charcoal
   h. Wild fruits
   i. Grazing areas
   j. Fishing
   k. Water source/watering points
   l. Handcrafts materials
5. Land use
   a. Settlement (existing and historical)
   b. Farming: permanent vs temporary, types of permanent crops...
6. Ecological
   a. Wildlife locations
   b. Migration of wildlife
   c. Dispersal areas
7. Historical sites
8. Conflict areas, e.g. human wildlife conflict

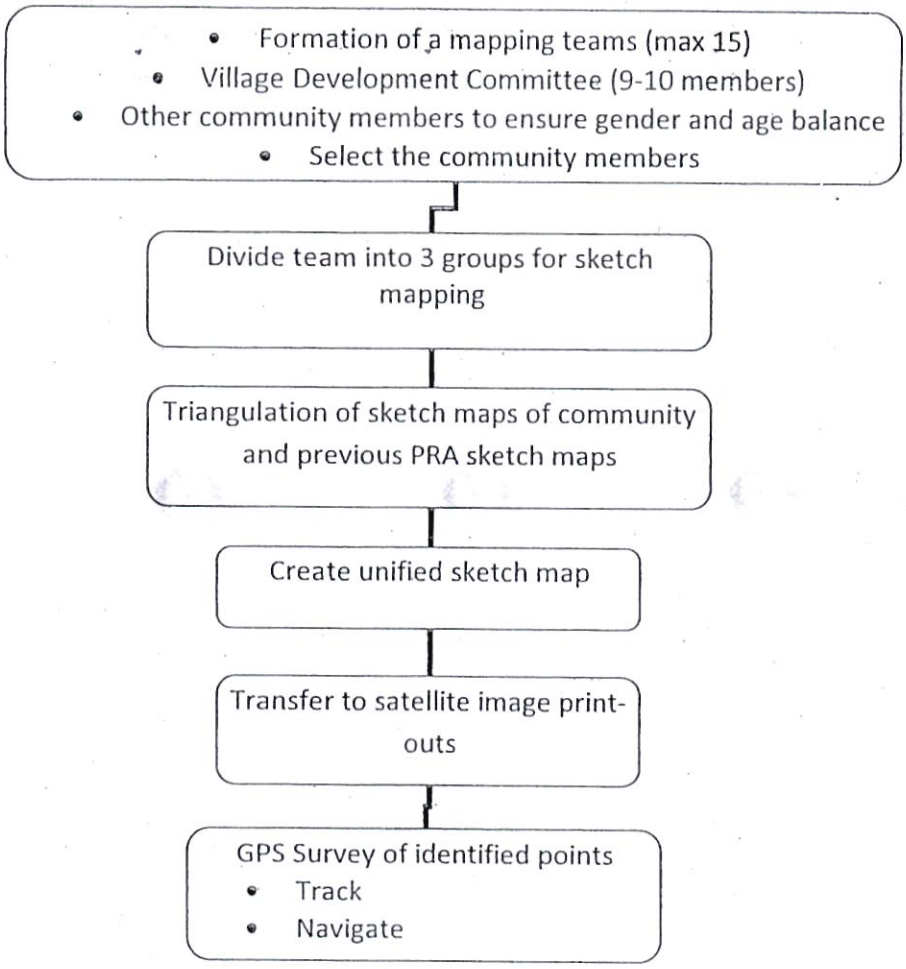
B. Analysis (Spatial-temporal)

1. Land use change
2. Resource use trends, intensity, and frequency
3. Resource abundance & off take
4. Action Plan for land use planning, conservation, and natural resource management

C. Resource Mapping Plan



Field Data Collection Plan



Pending Clarifications

Explore the potential of doing change analysis

- Red – decreasing
- Amber – static
- Green – Increasing

Challenges

- Community trust and motivation for disclosing accurate information
- Increased insecurity in the area

Kenya SECURE Project

Boni-Lungi Forest Working Meeting

Lamu House 19/04/2011

Participants

1. Mr. Kevin Doyle, SECURE Project Team Leader
2. Mr. Nickson Orwa, SECURE Project Program Assistant
3. Mr. Victor Liyai, LRTU Deputy Coordinator, MoL
4. Mr. Gregory Mbita, Forest Conservancy Areas Coordinator, KFS Hqs.
5. Mr. Peter Kamwara, Chief Surveyor, KFS
6. Mr. Joseph Maina, Zonal Manager, KFS
7. Ms. Patricia Maina, Forestry Officer, KFS
8. Mr. Ali Mbwarali, Kibodo Trust
9. Mr. Rudolf Makhanu, Kenya Forest Working Group
10. Mr. Nyongesa, KWS
11. Dr. Adakwah Antwi, SECURE Project Consultant on Land Tenure
12. Mr. Robinson Ngethe, SECURE Project Consultant on Co-Management

Meeting Objectives

1. To reach a common understanding on the need to protect the Boni-Lungi forest
2. Discuss potential solutions and reach a consensus on a way forward towards protecting the Boni-Lungi forest

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4. Threats Reduction Assessment [Kevin Doyle, SECURE]
5. KIBODO perspectives on the Boni Lungi Forest [Ali Mbwarali, KIBODO]
6. Overview of KFS involvement/interactions and plans for the Boni Lungi forest [Joseph Maina, KFS]
7. Community Land Rights Recognition (CLRR)Model [Adakwah Antwi, SECURE]
8. Plenary discussion: Potential Solutions for protecting the forest, people, biodiversity and a way of life in a participatory and transparent fashion
9. Way forward (next steps, budget, logistics, dates, personnel, etc)

Proceedings

After the first seven agenda items, which primarily consisted of brief background presentations and updates on the current situation re: the Boni forest, the participants were unanimous in accepting the idea that the time was right to protect the Boni forest, and that there was an urgency for action, as illegal logging and slash and burn agriculture are seemingling on the rise, and the threat of land being alienated (currently all of the forest land in question is unalienated government land) is also high, due mainly to the increased security in the region and the land speculation surrounding the proposed Lamu Port development.

The participants then engaged in a lively exchange of ideas about how best to pursue protecting the forest while also honoring the Boni people's rights to community land as provided for in both the Constitution and the National Land Policy.

A first proposal to gazette the entire forest area as a State forest was rejected because it would then preclude the rights of the Boni (who are culturally forest dwellers and traditionally a hunter/gatherer people) to be granted their community lands within the forest in which they have historically lived. This would be a violation of their Constitutional rights (ref: Articles 60, 61, and 63) .

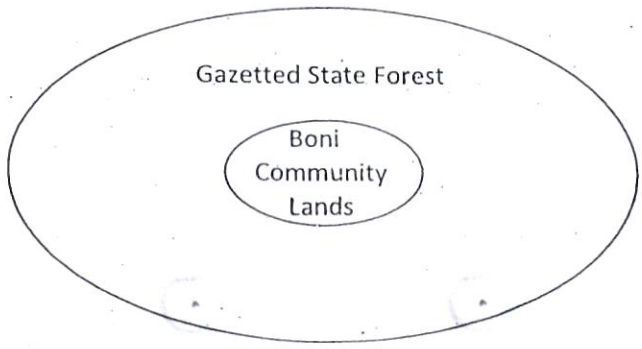
Another proposal suggesting that perhaps the Boni should be moved out of the forest completely and provided alternative lands was also rejected, as this would also violate their Constitutional rights (Articles 40, 60, 61, and 63).

Yet another proposal suggested that the entire forest area be designated as Boni community lands. This idea was also rejected on the basis that it was poltically implausable for the Boni to be granted such a large land holding.

Various permutations of gazetting the forest area by KFS and combining that with designating community lands by MoL were proposed and debated, with participants examining specific articles in the Constititution, the National Land Policy and the Forest Act of 2005.

The following plan, referred to as the "donut" approach, was reached via consensus of the group: The larger forest ecosystem (in Lamu County only and outside of the gazetted Dodori National Reserve) would be identified, mapped out, and ground truthed by KFS, while concurrently the MoL would begin implementation of the CLRR model in the Boni area to designate the actual boundaries of the Boni community lands, encompassing the five primary Boni villages of Kiangwe, Milimani, Busuba, Mangai and Mararani. The community lands would then be subtracted from the larger forest boundaries and registered by the MoL. The resulting area of forest would be gazetted as a State forest using Article 23 of the Forest Act, but with specific access and user rights for the Boni as a Community Forest Association as per Article 46 of the Forest Act. A mangement agreement would be signed between KFS and the Boni CFA consistent with the traditional forest user rights of the community in accordance with sustainable use criteria, and conferring on the association specific forest user rights and methods for the conservation of biodiversity and the monitoring and protection of wildlife and plant populations.

Fig. 1: The "donut" approach



The Community Land Governance Entity (created by the CLRR) would then make the necessary application to KFS to register the forested areas within their community lands as a "private" forest as per Article 25 of the Forest Act so as to avail themselves technical support from KFS to manage the forest.

Conclusion

The "donut" approach accomplishes a myriad of objectives. Among other things, this approach helps: 1) protect the forest from illegal logging and irregular/illegal land allocations; 2) helps protect biodiversity of the region; 3) increase the protected forest cover in Kenya; 4) protect habitat for numerous threatened or endangered plants and animals; 5) respect the Boni culture and way of life; 6) respect the Boni's rights to community land; 7) grant user rights to the Boni in the protected State forest; 8) provide a viable stake for the Boni to co-manage the forest; and 9) provide a mechanism for KFS assistance to the Boni to manage forests on community lands.

The participants agreed that this approach must be discussed in depth with the Boni community to seek their buy-in. A contingent of personnel representing KFS, Kibodo Trust and SECURE should arrange for visits to the Boni villages and provide clear explanations about the benefits of gazetting the forest along with delineating and registering their community lands.

Next Steps

1. Community engagement with Boni community by KFS, SECURE and Kibodo Trust
2. KFS to:
    a) Create a base map of the forest area
    b) Create a boundary plan
    c) Conduct ground truthing of boundary plan
    d) Conduct boundary monumentation of outer limits of forest area, and the perimeter of the community lands
    e) Make a budget for the above activities and forward the same to the Team Leader, Kenya SECURE Project for funding support
3. MoL, with assistance from SECURE, to commence CLRR process in Boni communities
4. KFS to conduct boundary monumentation of outer limits of forest area, and the perimeter of the community lands
5. MoL to register Boni community lands
6. KFS to gazette Boni Lugi as State forest
7. Development of a Participatory Managenet Plan for the Boni Lugi forest
8. Management Agreement to establish co-management arrangement signed between Boni Community and KFS specifying use/access/benefit sharing of the gazetted State Forest
9. Boni Community to apply to KFS to register forest areas of Boni Community Lands as "private" forest
10. KFS to avail technical advice re: appropriate forestry practices and conservation on Boni private forest lands

Re: Follow up on Boni Lugi forest

Wed, December 29, 2010 11:09:37 AM

From: Kevin M. Doyle <kdoyle@ard-kenya.c... Add to Contacts
To: Ndiritu Gatiki <ndiritugatiki@yahoo.com>
Cc: Muthini Kaindi <gmubita2007@yahoo.com>; hoccoast@kenyaforestservice.org; Jonathan Davies <jonathansdavies@gmail.com>; Mike Watson <mwatson@kibodo.org>; Michael Gachanja <Gachanja@eawildlife.org>; Nigel Hunter <nhunter@eawildlife.org> ... more

Dear Mr. Ndertiu,

As per the suggestion of Mr. Gregory Mbita, with whom I had the pleasure of meeting at our recent workshop on the co-management of natural resources (Empowering Local Communities to Manage and Co-Manage Natural Resources, Reef Hotel, Mombasa, Nov 30-Dec 3, 2010), I would like to follow up with you on some of the discussions that we have been having which would help conserve the rich biological diversity and forest resources of the Boni-Lungi forest which overlaps Lamu East, Lamu West and Ijara Districts, while also help protect the Boni culture and way of life.

Let me start first by informing you a bit about the Kenya SECURE Project. The SECURE Project is an initiative of the Ministry of Lands, supported financially by USAID. The project is facilitated by ARD, Inc., a private U.S. company specializing in land tenure, natural resource management, and international development, with projects in over 35 countries around the world. The project has three objectives: 1) to improve land tenure security and reduce conflicts over natural resources, 2) to enhance the conservation of biological diversity, and 3) to provide lessons learned to inform policy development. Our general project area is the region including the Boni and Dodori National Reserves, and the Kiunga Marine National Reserve. Specifically, the project is focusing on four communities: Mkokoni, Kiunga, Kiwayu Island, and the collective Boni villages of Kiangwe, Basuba, Milimani, Mangai and Mararani.

On objective #1, the Project is very close to piloting a new process which legally recognizes - for the first time ever in Kenya's history - customary land tenure. This process, called the Community Customary Land Rights Recognition process. It is backed by the Constitution and is also a key feature of the National Land Policy passed by Parliament in December 2009. Upon conducting an assessment of the five principal Boni villages of Basuba, Kiangwe, Mangai, Mararani and Milimani in March 2010, it became evident to the multi-stakeholder assessment team that the Boni-Lungi forest is under siege as outsiders seek land and natural resources. Slash and burn agriculture is expanding every year, and reports of illegal logging are now common. There are also rumors of land speculation for large-scale agricultural ventures.

Together with the fact that the Boni people can be classified as not only a minority community, but also a vulnerable community given their traditional hunter/gatherer background, we have been working closely with the Ministry of Lands team to define a strategy to ascertain the customary lands of the Boni for delimitation and then titling and registration - thereby, in essence, returning a swatch of what is now Government land to the Boni community. This action could, in effect, also protect a tract of the Boni-Lungi forest.

At this point, the thought then turns to two issues: 1) protecting the tract of the forest that may lie outside of the delimited Boni community lands through gazettement, and 2) establishing management and co-management arrangements which establish resource rights of the Boni and management measures for the forest.

BONI/LUNGI FOREST

Background

The Boni /Lungi forest, situated to the west of the Dodori National Reserve, administratively falls within Basuba Location of Kiunga Division in the newly created Lamu East District. The villages that fall within this area include Kiangwe, Sele, Bakuu, Mukushi, Ariruu and Milimani. The Boni-Lungi forest area is endowed with coastal forests, creeks, river streams, ponds, wetlands, beaches, mangroves and wildlife, including a number of endangered species. It has fertile lands with many medicinal plants and trees for timber, and grasslands for grazing wildlife and livestock.

The Boni community from the five Boni villages of Mararani, Mangai, Basuba, Kiangwi and Milimani had collectively assumed ancestral, cultural and customary ownership of the Boni/Lungi forest for the last several decades (including pre- colonial era), since they came into existence in this part of the world.

The Boni/Lungi Forest serves as holy shrines (sacred places), and a supplier of medicinal plants, building materials, honey, water, food such as wild fruits and tubers (especially during droughts and dry spells), as well as being a socio-cultural and economic heritage. According to the elders, the area had also been used as a security refuge during British – Italian wars and the Shifta menace.

Under Siege

In the recent past the Boni community has yearned for a formal ownership of the Boni/Lungi forest due to sporadic land grabbing. They fear that those in positions and influence will exploit their illiteracy, poverty and political powerlessness to grab their land. For instance, in 1999 a convoy of six vehicles carrying government officials (Nairobi and Lamu) from the Ministries of Land, Water and Forest arrived at Milimanni village and informed the local community that they had gone to survey and gazette the Boni/Lungi forest area. The absence of a local Provincial Administration in the entourage rose suspicion amongst the community members. When the team failed to explain this scenario, the community became reactive and the team left unceremoniously. It is alleged that they tried to induce the then area County Councilor with a 1 million ksh bribe, but he rejected it. When some Boni leaders visited the then District Commissioner in Lamu to lodge a complaint over the visit by those officers, he claimed to be unaware of that team's visit and instructed the community to stop any survey work in the area.

Early last year (2009), a group of Councilors from Lamu County Council, in the company of two Indian bussinessmen, visited Kiangwe area. Allegedly they grabbed more than 1,000 ha of land for plantation of the gethrova - the bio-diesel crop. It is further alleged that the grabbed land was formalized by District authorities but was rejected at the ministerial level.

Furthermore, in 2009, about 50 Bajuni farmers from Pate Island, notably Mbwajumwali; Muyabogi and Tchundwa villages, moved into the Boni/Lungi Forest and cleared about 200 acres of the virgin forest within Baku referral point. They apparently used power saws to clear the forest, and were also involved in some illegal commercial logging. They planted maize, simsim and some cashew nuts crops. They realized a bumper harvest of maize crop. This has excited and attracted other islanders who are starting to come looking for land.

According to the Kibodo Trust, the Boni community is, not surprisingly, disturbed with these new developments by the Bajuni community moving into the Boni/Lungi and the use of power saws for land

clearing and logging. Historically, the Bajuni community from Pate Island undertook farming activities on the mainland just along and on the vicinity of the shoreline around Vumbe, Saadan, Mwadhi, Kiduruni, Kilimandaro and Kiangwe.

There is tension building up between these two communities which could culminate into violent conflict if the above trend is not checked by the relevant government authorities. The use of power saws to clear land within the Boni/Lungi forest is impacting negatively on the protracted conserved environment of the Boni/Lungi forest, as there is widespread destruction of the natural forest as well as disturbance of the wildlife. It is feared that the human-wildlife conflict will intensify as the wild animals will dislocate from Boni/Lungi forest towards human settlements due to noise from the power saws.

The Boni community, as a move to spearhead conservation and development in the area, formed the Boni-Lungi Self Help Group which was registered with the Ministry of Social Services in Lamu in the mid 1990s . The group has since become dormant, but there is now some talk of reviving it. All five Boni villages have each selected three representatives in their effort to secure tenure and property rights over Boni/Lungi forest land.

Kibodo Trust has been mobilising the community to encourage them to take steps to raise their cultural claims to 'ownership' of the area. This has become particularly relevant in recent months as land grabbing has been perpetuated by the possibility of the Lamu port development but also more seriously by farmers from Pate island who have been coming in significant numbers to clear the forest for agriculture. By virtue of its geographical location (close to the coast – Kiangwe), this area is more at risk from land grabbing and unplanned forest clearance than existing Boni village areas in the corridor between the Boni and Dodori National Reserves.

Kibodo Trustees have discussed this issue at length in recent Trustees meetings and there is a general sense that the Trust should be facilitating the Boni community and Kenya Forest Service to establish some sort of co-management structure with the Boni community for this area, maybe under the Community Forest Association regulations which allows for this type of intervention.

Kibodo Trust management will facilitate visits of the District Forest Officer and the representatives from the five villages to visit the Boni/Lungi Forest in January 2010 and assess the situation on the ground, in the hope of finding a solution. It was also reported that Kenya Wildlife Service sent a team to the area recently to assess the situation and, presumably, monitor the real and/or potential impacts of this activity on the neighbouring Dodori National Reserve.

Kenya SECURE Project

EMPOWERING LOCAL COMMUNITIES TO MANAGE AND CO-MANAGE NATURAL RESOURCES WORKSHOP – Nov. 30-Dec. 3, 2010, Mombasa

ACTION PLAN

	Action to be taken	Specific Activities	Timeline	Responsible party(ies)
1.	Securing of community land rights	• Freeze all new land allocations; • Suspend Settlement Scheme and land adjudication processes; • Land use planning and management; • Revocation of illegal/irregular titles; • Verification of land ownership; • Repossess lands grabbed from national reserves; • Increase awareness of land rights/policies/Constitutional provisions	July 2011	MoL
2	Gazettement of Boni-Lungi Forest	• Awareness raising of threats and opportunities; • Seek consensus resolution from Boni community and other stakeholders; • Seek approval from DDC; • Demarcation of forest boundaries; • Gazettement; • Assessment/baseline survey of forest resources; • Facilitate formation of CFAs; • Preparation of forest management plan;	July 2011	KFS & Kibodo Trust
3	Review fishing landing sites as basis for improving fisheries management	• Inventory of all existing fishing landing sites; • Reclaim un-used sites; • Repossess grabbed sites; • Gazette new sites deemed necessary	July 2011	Ministry of Fisheries, MoL, & BMUs, KWS, KFS
4	Establishment of community marine & terrestrial conservancies	• Awareness raising of threats and opportunities; • Seek consensus resolution from communities and other stakeholders; • Seek approval from DDC;	July 2011	KWS, Kibodo Trust; JMT

		• Assessment/baseline survey of resources; • Facilitate formation of Conservancies with support from KWS;		
5	**Participatory development of management plans by appropriate Government resource agencies**	• Consensus of communities; • Establish planning team involving community representatives; • Carry out resource assessment; • Develop management plan programs through consultative meetings	National Reserves: July 2012; Species-Specific Plans: July 2012	KWS, Ministry of Fisheries; KFS, BMUs, Kibodo Trust, WWF, Communities

Ministry of Lands
nd Reform Transformation Unit
P.O. Box 432 – 80500, Lamu, Kenya • Tel/Fax: (254) (0) 42 4633 465

Kenya SECURE Project

USAID
FROM THE AMERICAN PEOPLE

Boni-Lungi Forest Working Meeting

Lamu House 19/04/2011

Invited Participants

1. Mr. Kevin Doyle, SECURE Project Team Leader
2. Mr. Nickson Orwa, SECURE Project Program Assistant
3. Mr. Victor Liyai, LRTU Deputy Coordinator, MoL
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5. Mr. Peter Kamwara, Chief Surveyor, KFS
6. Mr. Joseph Maina, Zonal Manager, KFS
7. Mr. James Owenga, Asst Zonal Manager, KFS
8. Ms. Patricia Maina, Forestry Officer, KFS
9. Mr. Ali Mbwarali, Kibodo PM
10. Mr. Rudolf Makhanu, KFWG
11. Mr. Nyongesa, KWS
12. Dr. Adakwah Antwi, SECURE Project Consultant on Land Tenure
13. Mr. Robinson Ngethe, SECURE Project Consultant on Co-Management

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2. Discuss potential solutions and reach a consensus on a way forward towards protecting the Boni-Lungi forest

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3. Executive summary of the Boni corridor PRA [Nickson Orwa, SECURE]
4. Threats Reduction Assessment [Kevin Doyle, SECURE] – no results as yet.
5. Overview of KFS involvement/interactions and plans for the Boni Lungi forest [Joseph Maina, KFS]
6. KIBODO perspectives on the Boni Lungi Forest [Ali Mbwarali, KIBODO]
7. Community Land Rights Recognition (CLRR)Model [Adakwah Antwi, SECURE]
8. Plenary discussion: Potential Solutions for protecting the forest, people, biodiversity and a way of life in a participatory and transparent fashion
9. Way forward (next steps, budget, logistics, dates, personnel, etc)

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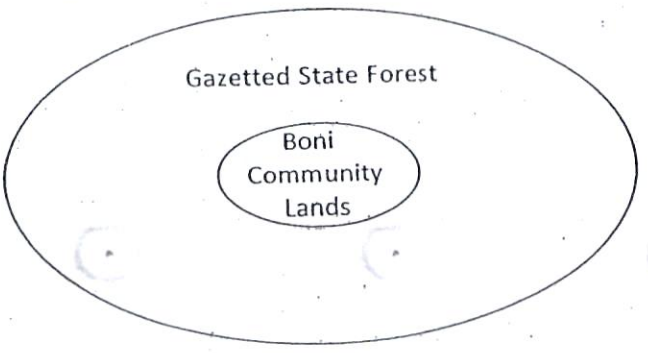
Yet another proposal suggested that the entire forest area be designated as Boni community lands. This idea was also rejected on the basis that it was poltically implausable for the Boni to be granted such a large land holding.

Various permutations of gazetting the forest area by KFS and combining that with designating community lands by MoL were proposed and debated, with participants examining specific articles in the Constititution, the National Land Policy and the Forest Act of 2005.

The following plan, referred to as the "donut" approach, was reached via consensus of the group: The larger forest ecosystem (in Lamu County only and outside of the gazetted Dodori National Reserve) would be identified, mapped out, and ground truthed by KFS, while concurrently the MoL would begin implementation of the CLRR model in the Boni area to designate the actual boundaries of the Boni community lands, encompassing the five primary Boni villages of Kiangwe, Milimani, Busuba, Mangai and Mararani. The community lands would then be subtracted from the larger forest boundaries and registered by the MoL. The resulting area of forest would be gazetted as a State forest using Article 23 of the Forest Act, but with specific access and user rights for the Boni as a Community Forest Association as per Article 46 of the Forest Act. A mangement agreement would be signed between KFS and the Boni CFA consistent with the traditional forest user rights of the community in accordance with sustainable use criteria, and conferring on the association specific forest user rights and methods for the conservation of biodiversity and the monitoring and protection of wildlife and plant populations.

Fig. 1: The "donut" approach



The Community Land Governance Entity (created by the CLRR) would then make the necessary application to KFS to register the forested areas within their community lands as a "private" forest as per Article 25 of the Forest Act so as to avail themselves technical support from KFS to manage the forest.

Conclusion

The "donut" approach accomplishes a myriad of objectives. Among other things, this approach helps: 1) protect the forest from illegal logging and irregular/illegal land allocations; 2) helps protect biodiversity of the region; 3) increase the protected forest cover in Kenya; 4) protect habitat for numerous threatened or endangered plants and animals; 5) respect the Boni culture and way of life; 6) respect the Boni's rights to community land; 7) grant user rights to the Boni in the protected State forest; 8) provide a viable stake for the Boni to co-manage the forest; and 9) provide a mechanism for KFS assistance to the Boni to manage forests on community lands.

The participants agreed that this approach must be discussed in depth with the Boni community to seek their buy-in. A contingent of personnel representing KFS, Kibodo Trust and SECURE should arrange for visits to the Boni villages and provide clear explanations about the benefits of gazetting the forest along with delineating and registering their community lands.

Next Steps

1. Community engagement with Boni community by KFS, SECURE and Kibodo Trust
2. KFS to create a base map of forest area
3. KFS to create a boundary plan
4. MoL, with assistance from SECURE, to commence CLRR process in Boni communities
5. KFS to conduct ground turthing of boundary plan
6. KFS to conduct boundary monumentation of outer limits of forest area, and the perimeter of the community lands
7. MoL to register Boni community lands
8. MOU to establish co-management arrangement signed between Boni and KFS specifying use/access/benefit sharing of State Forest
9. KFS to gazette State forest
10. Boni Community to apply to KFS to register forest areas of Boni Community Lands as "private" forest
11. KFS to avail technical advice re: appropriate forestry practices and conservation on Boni private forest lands

FD/SS/109/1/32

1st November, 1999.

BONI/RUNGI FORESTS.

Boni Forest covers an area of 18,466 hectares with a boundary length of 54 kilometres. The forest is on government land.

Lungi Forest covering an area of 8,9517 hectares has a boundary length of 39 kilometres. It is on Trust Land.

There forests were authorised for gazettement by the Chief Conservator of Forests in his letter Ref. No. FOR.2/8/7/51 dated 3rd October, 1994. By December of the same year, the boundaries were cleared and beaconed ready for photography which were to be used for mapping and gazettement of the forests.

The Forester, Lamu in his letter Ref. No. 16/2/3/225 dated 16th February, 1976 stated that land use in the area would be reorganised with a view to settling Aboni people. 2100 hectares were given for settlement in Lungi Forest . All forest areas were so affected that fresh demarcation and survey of the boundaries were required.

Although IFAD set aside K$ 8,000 for Boni - Lungi Forest survey, the forests could not be surveyed as the money was too little. So far there is no information that this problem of boundaries has been resolved.

C.K. Kimotori,
Head: Head; FOREST SURVEY BRANCH.

CC.

FD/SS/3/1

FOR 68/34/71

18th January, 2000.

Director General,
Survival for Tribal Peoples,
11-15 Emerald Street,
LONDON WCIN 3QL
UNITED KINGDOM.

Dear Sir,

RE: GAZETTEMENT OF BONI-LUNGI FOREST.

Thank you very much for your letter dated 10th November, 1999 on your concern for interests of Boni community when Boni-Lungi Forest is gazetted.

This is to assure you that the interests of this community along with those of other stake-holders will be taken into consideration before gazettement of the forest through the Lamu District Development Committee. The ensuing recommendations will culminate if necessary in Forest Rules or Memorandum of Understanding to be enjoined in the Gazettement.

C.K. Kimotori,
FOR, CHIEF CONSERVATOR OF FORESTS.

c.c.
The District Commissioner,
Lamu District,
P.O. Box 41,
LAMU.

The District Forest Officer,
Lamu District,
P.O. Bx 7,
MOKOWE, Via LAMU.

KENYA
Forest Service

NORTH EASTERN CONSERVANCY

STAKEHOLDERS FORUM FOR DEVELOPMENT OF A STRATEGIC ROAD MAP TOWARDS SUSTAINABLE CONSERVATION OF BONI FOREST

HELD ON 21ST MARCH 2013

AT

AL AIN HOTEL - MASALANI

OVERVIEW

INTRODUCTION

Boni Forest situated in Ijara District of Garissa County is the only continuous closed dry forest found in North Eastern Conservancy. The forest is estimated to cover an area of about 283,500 Hectares. The forest transcends from Ijara to Lungi forest on the coastal strip and traverses up along the border of Kenya and Somali.

PROBLEM STATEMENT

Over time the forest has faced various challenges leading to degradation.

This expansive forest not gazetted as a state forest. It is managed under the County Council of Ijara as a trust land Forest. The County Council lacks not only the capacity to protect such massive area of forest but they also do not prioritize it as important due to other pressing social needs.

The forest faces massive destruction through tree poaching, animal poaching and serious encroachment resulting in the loss of biodiversity. Currently there is increased grazing, harvesting of forest products and over utilization of forest resources for domestic and commercial purposes by the neighboring communities as well as communities from the Kenya Somali border hence increasing environmental degradation.

Attempts by Kenya Forest Service to secure the forest has always been treated with suspicion by the local leadership and community at large with insinuations that if Kenya forest service is allowed to fully protect the forest, there is a likelihood of eviction of those communities that depend on the forest or stopped altogether from utilizing the forest resource.

Therefore there is an urgent need for KFS to be on the frontline and demystify the local leadership thinking within a collaborative framework and also to open dialogue with all stakeholders who have a genuine interest of conserving this important forest ecosystem.

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THE STRATEGY

KFS aims at putting in place an all inclusive process that will focus on ensuring that this forest is fully protected from marauding poachers once and for all.

And also that the local communities benefit within an agreed framework of sustainable conservation and utilization of the forest resource.

OBJECTIVES OF THE FORUM

1. Highlight to the stakeholders the importance of Boni Forest and why we all cannot watch as our valuable forest resource diminishes.
2. Identify the various forest actors both at the local and national level and their roles towards ensuring Boni Forest is conserved sustainably.
3. Identify and implement a six month plan of activities to ensure Boni Forest boundaries are secured.
4. Identify issues that negate the conservation efforts of the forest and develop an action plan to address the same.

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LIST OF ABBREVIATIONS

KFS	Kenya Forest Service
KWS	Kenya Wildlife Service
CFAs	Community Forest Associations
WWF	World Wide Fund
ICC	Ijara County Council
IUCN	International Union for Conservation of Nature
RECCE	Reconnaissance
NEMA	National Environmental Management Authority
WARMA	Water Resource Management Authority
KEFRI	Kenya Forestry Research Institute
ICRAF	International Centre for Research in Agroforesty
UNDP	United Nations Development Program
UNEP	United Nations Environmental Program
FAO	Food and Agriculture Organization
KFWG	Kenya Forests Working Group
USAID	United States Agency for International Development
LAPSSET	Lamu Port Southern Sudan Ethiopia Transport Corridor
TARDA	Tana and Athi Rivers Development Authority
NDMA	National Drought Management Authority
FCC	Forest Conservation Committee
KTB	Kenya Tourism Board

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WELCOME REMARKS – MR. JAMES MUTHEMBWA - IJARA ZONE MANAGER

"As we talk about Boni natural forest which is estimated to be about 283,500 Hectares is facing threats that are leading to its degradation. The following are some of the factors of degradation:

- Climate change – high temperatures reduce the survival rate of flora and fauna within the forest.
- Bush fire caused by farmers who practice this as a means of controlling/fumigating pests like Tsetse fly and ticks.
- Illegal logging especially the indigenous tree species which are as old as over 100 years.
- Encroachment of forest land through agricultural activities.
- Charcoal making, shelter , fencing materials and fuelwood for both domestic and commercial purposes.

The benefits of this forest include:

- Eco tourism
- Provides water to the communities around it
- Medicinal herbs are gotten from the forest
- Livelihood improvement - wild fruits, game meat, honey etc
- Rich in biodiversity
- Charcoal making, shelter, fencing materials and fuelwood for both domestic and commercial purposes.
- moderate climate and air clean up

KFS is on the forefront in the conservation of the forest by deploying rangers to that site and work in collaboration with the chiefs and the communities

If a natural resource is degraded, the productivity reduces. By combining indigenous knowledge and modern technology, the forest can be well reserved ad infinitum. Boni forest is managed by County Council of Ijara as a trust land. It is not gazzetted and its borders are not clearly defined. I therefore request the grassroots leaders and KFS to take stock the forest to analyze its real situation.

Even as we discuss the issues of Boni forest I wish all of you to hold to the view of 'our Boni' that is well managed and sustained .

All are welcome

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CLIMATE SETTING - MR. JAMES KITONYO – ASSISTANT HEAD OF CONSERVANCY NEC

INTRODUCTION :

Self introduction was done by all participants.

NORMS

1. Use both English and Kiswahili as the communication languages.
2. Respect each others opinion.
3. Phones to be set to silent mode.
4. Lessen unnecessary movements.
5. Observe prayer times.
6. Communicate through the chair.

EXPECTATIONS

1. Know the history and gain knowledge on Boni Forest
2. Know and understand the means of mitigating degradation.
3. Why conserve and the conservatory measures of the Boni Forest
4. Partnership efforts and mutual agreements
5. Make friends and sharing of ideas
6. Community initiatives and participation
7. Sustainable management of Boni Forest and the way forward.
8. Ownership – categorization
9. The importance of Boni Forest resources to the community, Garissa County and Countrywide.
10. General feelings of stakeholders on Boni Forest
11. What is Bothai?

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OVERVIEW OF KFS – MR. DAVID MWANZIA – GARISSA COUNTY FOREST CORDINATOR

It began as a Forest Department under Ministry of Environment and Natural Resources . It had shortcomings such as lack of community participation in conservation and a weak legal framework.

In 2005, Forest Act No. 7 was passed and implemented in 2007 through gazette notice, Kenya Forest Service was born. It became a legal entity. It was given the mandate to manage all the categories of forests in Kenya which are: Private forests; Local Authority Forests and State Forests. It major mandate is the management of the forests for the benefit of all.

IMPORTANCE OF BONI FOREST – MR. SAMWEL MUTAHI - WWF

Background

Separating and adjacent to the National Reserves and straddling the districts of Lamu and Ijara are the Boni (Ijara) and Lungi (Lamu) Forests. It is through these two forests that the only road to Kiunga and the border runs, and along which the current settlements of the Boni people are situated. Even after the end of the Shifta war in 1967, lawlessness and insecurity continued to plague the area.

The Boni/Lungi forest which is situated to the west of Dodori National Reserve administratively falls within Basuba Location of Kiunga Division in the newly created Lamu East District. The traditional referral points of the area include Kiangwe, Sele, Bakuu, Mukushi, Ariruu and Milimani. The Boni-Lungi forest area is endowed with coastal forests, creeks, river streams, ponds, wetlands, beaches, mangroves and different wildlife species including the endangered ones. It has fertile lands with many medicinal plants and trees for timber and grasslands for grazing wildlife and livestock.

The forest communities, both the Aweer/Boni people and the Ijara community, whose lives and livelihoods are interwoven with the forest landscape of the Boni-Dodori ecosystem stand in the frontline of the consequences of any environmental destruction. While these people are already poor and the most vulnerable to the effects of further degradation of the forest, they are also the most familiar with the forest, and well placed to inform and contribute to any initiative intent on conserving the Boni forest ecosystem.

The Boni-Lungi Forest is a vast expanse (approximately 95km^2) of coastal scrub forest, with pockets of savannah, harbouring a significant amount of wildlife. The area provides wildlife corridors between the Boni and the Dodori National Reserves, as well as southwards to the Kipini Forest and the Tana River area.

The forest is ungazetted and unprotected despite its rich wildlife, including buffalo, lion, leopard, African wild dog, coastal topi, Abyssinian Bushbuck, Ader's Duiker, desert warthog, golden-rumped elephant shrew and the critically endangered Hirola (Hunter's hartebeest) as well as hundreds of bird species.

The region once supported one of the largest herds of elephants in East Africa. In addition, the forests host a vegetal diversity mainly consisting of coastal and riverine forests, mangroves, swampy grasslands and savanna. Away from the rivers and channels, impenetrable thornbush is scattered with gigantic baobabs.

<u>Socio Economic Importance of the Forest</u>

The Boni and Ijara communities collectively assume ancestral, cultural and customary ownership of Boni Lungi forest for the last several decades including pre-colonial era. Building materials, honey, water, food (wild fruits and tubers) and grazing fields especially during droughts and dry spells as well as being a socio-cultural and economic heritage.

- **Sacred Groves:** The forest serves as Holy shrines (sacred places). It is reported by the Aweer community that the two forests play hosts to more than ten shrines.

- **Agricultural Farms:** Some areas of the forest especially those that are close to the settlement areas have been converted to farm lands and has supplied food to the local communities since they adopted farming for many years.

- **Source of medicinal plants:** The forests are a source of medicinal plants. Most of the communities living adjacent to these forests rely heavily on the traditional herbs to manage some of the illnesses.

- **Pastures and water for animals:** During the dry spells, the pastoralists community from Ijara graze their animals in these two forests. During that time, there are plenty of water and pasture. These forests provide a safety net for this community as they wait for the next rainy season and sprouting of pastures back home.

- **Wild food:** The Boni community derives their wild food from the forest in addition to the tow national reserves. The tubers, berries, honey, roots are all found in the forests. High concentrations of these foods are found in the interiors.

- **Source of honey:** High concentration of honey is found in the two forests. The Boni particularly keep their traditional hives in these two forests and are known to supply sizable amount of honey twice a year. The honey the collect from the forest is sold to willing customers thereby getting their income.

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- **Water catchment areas:** Most of the rivers originate from these forests including other water bodies such as seasonal and permanent lakes.

- **Security haven:** The forest, from time immemorial has been used as a security refuge especially during British-Italian wars and Shifta menace of 1967.

Envisaged socio-economic benefits

- **Tourism:** The forests provide a very good spot for tourism due to its rich wildlife and scenic views, and cultural diversity of the communities. Tourism has not been tapped due to the insecurity in the area but it would be a good source of income to the communities in terms or revenue and employment to tour companies and hotels set up in the region.

- **Wood and timber:** Currently there is no commercial harvesting of timer and wood in the forest. The communities from the Aweer and Somali would greatly benefit if there are mechanisms set for commercial harvesting of timber/wood from the forests. This would provide a source of employment and income to the communities thus alleviating their poverty levels.

Threats to the Boni-Lungi Forest

The forest face many threats both direct (e.g fires) and indirect (land and resource competition associated with the development of the port at Lamu and related infrastructures). The destruction of the forest poses a serious threat to Boni and Ijara communities' survival , as well as the loss of significant biological diversity. Vital ecosystems in the area are not properly conserved and managed. Instead they are being seriously degraded at a high economical and ecological cost.

Slash and burn agriculture

The most immediate threat to the forest is the slash and burn cutting by the Boni, and more significantly, by immigrant outsiders establishing agricultural plots. Each new growing season, more people arrive with machetes to cut the forest for farming. The soil in the area is not highly suitable for agriculture. If farmers are lucky, they may have tow years of productivity, but even that depends on adequate rainfall. If they want to continue farming, they will need to shift to a new plot – ultimately requiring them to slash and burn more forest.

A disturbing new trend is emerging: chain saws are entering the scene, giving way to fears that larger blocks of forest will be cut at a faster pace than ever before. Power tools also assist illegal loggers to decimate the forest hardwoods.

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Agricultural Investors

Recently there are a number of outside investors and developers eyeing large tracts of this forest land - for ranches and commercial farming including a plantation of coconut. It is more likely that this forest may be converted into large plantations if nothing is done to protect it.

Illegal Logging

Though not prevalent, export of timber from indigenous tree species for the construction and furniture industries within and outside the forest and reserves continues to exert pressure on the forest resources. Trees such as Brachystagia Huillensis (Muhugu), Combretum Schumanii (Mkongolo) and Dalbergia Melanoxylon (Mpingo) are the primary raw materials for the wood carving industry which is a vital element of the coastal tourism

Wildfires

Wildfires are a threat to the forests. Honey collectors usually burn the whole area where there is honey before harvesting of honey. These fires, especially during windy seasons become uncontrollable and end up burning a big area including all the flora and fauna

Influx of cattle

The two forests (Boni and Lungi), Dodori and Boni national reserves have played host to a number of cattle from the pastoralists community in Ijara District for many years now. The number of cattle keeps increasing every year. The cattle invade wildlife habitat thus competing for pasture and water forcing the animals to flee and move to farms and water ponds near the homesteads. This trend continues and by the time rains set in, the area is overgrazed.

Lamu Port

The proposed port in Lamu District is a potential threat to the Boni-Lungi Forest and the culture and livelihood of the Boni and Ijara people. The LAPSSET Corridor project, a major infrastructure development project that will run from Kenya to South Sudan and Ethiopia will impact positively or negatively on the lives of many people in several countries. Indigenous people will potentially suffer the most negative impacts as a result of their having been historically marginalized economically, socially and politically.The project's potential negative impacts on indigenous people especially the Aweer (Boni) include loss of land and forests, territories and resources, increased conflicts, alteration of traditional livelihood systems and the collapse of culture and traditions among others. These communities are some of the most excluded from the socio-economic and political fabric of Kenya and are least equipped to respond to the new set of challenges that route presents

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STAKEHOLDERS ANALYSIS – PLENARY SESSION – DR. MOHAMED

Is there a forest known as Boni forest?

- ✓ Boni Forest is real.
- ✓ It serves as a refuge during dry spells as pastoralists get pasture and water from this forest.
- ✓ Its borders are not clearly defined. The forest should be demarcated using both the administrative boundaries and resources therein. The chiefs and residents will help in the demarcation process. The border communities should also be involved for a holistic outcome. Known boundaries will help in controlling community movement in the forest.
- ✓ The Boni in Ijara should be gazetted separately from the Boni in Lamu.

Who owns/manages it?

Boni forest is community owned but managed by the Ijara County Council as trust land. Management of the forest has been a challenge due to the fact of unknown boundaries, its vastness, lack of skilled personnel and economic resource. Despite these challenges the county council has been able to stop encroachments into the forest by declining to consent to request for land blocks in the forest.

Who owns the title deed?

- ✓ As a trust land there is no title deed to it.
- ✓ In collaboration with the community, the council tries to avoid external aggravation like grabbing part of the forest.
- ✓ The few KFS guards in the forest help in curbing illegal activities within the forest.

How can KFS and partners support a sustainable management of Boni Forest?

- ✓ Teamwork with different partners
- ✓ Community involvement from planning to Monitoring and Evaluation
- ✓ Capacity building the community
- ✓ Adoption of innovative technologies
- ✓ Strong patrols and law enforcement
- ✓ Benefit sharing
- ✓ Boni forest will be fully owned by KFS but the community will be the beneficiary of its resources, community managed supported by stakeholders.
- ✓ It will change from a trust land to community land.

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What is gazetted forest?

It is a forest that has been surveyed, beacons set and has been registered legally with the State.

What is the impact after gazettement?

There is no direct negative impacts on the beneficiaries, but controlled resource utilization.

What are the benefits after gazettement?

Management plan for sustainability.

Resources will be geared towards the forest i.e. restoration of degraded arareas

frequent patrols.

CFA's are funded annually by KFS

Sustainably serve the communities for a long time due to legal enactment.

Participatory forest management

self sustaining resource

direct benefits to the host community

Stakeholders who will assist in mapping and conserving the forest:

	CATEGORY	ROLES
1.	**Community:** CFAs, Elders, youth and women community conservancies, herders, religious leaders	• Identification of the boundaries • Conserve and protect the forest
2.	**Political leaders:** Governor, Senator, MPs, County Assembly Ward, Woman Rep	• Good will support • Advocacy fro friendly policies and legislation at both County and national levels. • Mobilization of resources e.g. funds.
3.	**NGOs** : WWF, IUCN, North Coast Conservation Co., Northern Range Land Trust, Woman Kind, Coastal Development Authority, World Vision	• Resource mobilization including funding • Capacity building
4.	**County Government:** NEMA, National Drought Management	• Resource mobilization • Appropriate policies and enforcement

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	Authority, WARMA, Water and Irrigation Board, KWS	• Mitigate disasters • Protection • Planning and implementation • Support gazettement and conservation • Information dissemination • Management planning
5.	**National Government:** KFS KTB, KEFRI, National Museums of Kenya, ICRAF, UNDP, UNEP, FAO, KFWG, USAID, LAPPSET, Ministry of Planning, KFS, KWS, TARDA, Parliamentary Group on Climate Change, NDMA , Administration, Universities **Private sector:** Safaricom, Airtel, Cocacola, Kengen	• Development of appropriate policies • Resource mobilization • Research and development interventions • Universities • Capacity building • Advocacy and marketing • Protection and management

SUSTAINABLE CONSERVATION AND UTILIZATION – PLENARY DISCUSSIONS

MR. D. MWANZIA – GARISSA COUNTY COORDINATOR

The participants were divided into two discussion groups to tackle the following:

What are the benefits, threats and sustainable management of Boni Forest?

The following were the findings by the groups:

Group 1 – CHAIRMAN – ABDI FATAH – CHIEF BOMA

Benefits of Boni Forest

1. Provide wide range of products e.g. timber, poles, wild fruits, wild food
2. Pasture for animals
3. Source of water
4. Biodiversity – eco-tourism, employment e.g. Ishaqbini Conservancy
5. Herbal medicine
6. Education – Research carried out in the forest
7. Aesthetic - healing through environment
8. Environmental conservation (modified climate)
9. Home to wildlife

Threats facing the forest

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1. Wild fires
2. Overgrazing
3. Logging for timber and poles
4. Encroachment
5. Poaching (wild animals)
6. Human wildlife conflict
7. The LAPSSET Project which is to pass through the forest from Lamu Port

Sustainable Management of the forest

1. Bring all stakeholders on board – holding regular meetings.
2. Resource mapping – taking inventory of all the resources within the forest
3. Come up with management plan
4. Capacity building through training, awareness creation
5. Resource mobilization e.g. funding, staffing
6. Advocacy
7. Publicity through media, creating a website.
8. .Benefits sharing formula included
9. Gazettement and Management by KFS

Group 2 – CHAIRMAN – HAJI OMAR – CHIEF JALISH

BENEFITS OF BONI FOREST

1. Seeds/samplings
2. Firewood
3. Charcoal
4. Grass – for livestock and house thatching
5. Water
6. Poles / timber
7. Honey, fruits, medicinal
8. Farming
9. Tourism
10. Amelioration - air/climate

THREATS (To the community)

1. Mosquitoes, ticks, Tsetse flies
2. Human wildlife conflict
3. Erratic rainfall (Death / infrastructure)

THREATS (to the forest)

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1. Overgrazing
2. Wild fires
3. Encroachment – farming, settlement
4. Logging
5. Charcoal burning
6. Climatic changes – less rain, high temperatures

SUSTAINABLE MANAGEMENT

1. Re-afforestation
2. Gazettement and Management by KFS
3. Establish outposts – security
4. Capacity building to the community
5. Exposure tour to other state forests e.g Arabuko Sokoke, Kakamega
6. Participatory management
7. Publicity/marketing
8. Political support – sensitization

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CONCLUSION:

KFS should move with speed to ensure that the forest is placed under statutory management regime in light of the threats outlined above. However, the following should be put into consideration:

Clearly defined boundaries should be put in place

The communities living adjacent to these forests should have the right of exclusive use of the resources within the defined forest area. The principle here is clear: if the community does not have control over the resources in question, a "free-for-all" prevails, and it becomes unrealistic to expect the community's own institutions to regulate rates of resource use of its own members. Ideally, boundaries should be defined and agreed through negotiation among community leaders. Defining the boundaries between territories requires agreement between communities that want as much land as possible for their own use. KFS should facilitate the fair delineation of boundaries and to help solve intractable boundary disputes such as witnessed in the Dodori National Reserves.

The costs and benefits of management should clearly be defined

The costs and benefits for the management of these forests should be clearly defined by KFS with the communities being fully made to understand their responsibilities. The

opportunity costs of community members' time and labor must also be taken into account. For instance, if community members are expected to give up a significant amount of time dedicated to cultivating their farms in favor of resource management activities, then the resource management activities must be shown to yield more benefits than farming.

Ensure collective ownership and management

Collective ownership implies collective responsibility. Decisions about resource use and benefit-sharing are more likely to be perceived as fair when they are made in a participatory and transparent manner. Women are as reliant upon the natural resource base as mane and are active participants in the management of natural resources. All community members must be encouraged to participate fully in the co-management planning process, and the perspectives of all parties should be reflected in a balance way.

KFS managed forest does not exclude the community but rather involves them in the management of the forest.

The community representatives preferred a Boni Forest that is gazzetted, owned by the community and managed by KFS.

Once gazetted, Boni Forest will be better managed as there will be close monitoring of activities going on within it. Forest guards will be deployed to enhance vigilance on the activities.

KFS was mandated to Carry out the necessary measures for proper sustainable conservation through the forest gazettement and other tasks

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PLAN OF ACTIVITIES FOR GAZZENTMENT OF BONI FOREST IN SIX MONTHS – EVANS KEGODE – KFS SURVEY DEPARTMENT

In the Forest Act 2005 No. 7 (21) states that *'All forests in Kenya other than private and local authority forests, are vested in the State, subject to any rights of user in respect thereof, which by or under this Act or other written law, have been or are granted to any other person.'*

(22) states that *'Nothing in this Act shall be deemed to prevent any member of a forest community from using, subject to such conditions as may be prescribed, such forest produce as it has been the custom of that community to take from such forest otherwise than for the purpose of sale.'*

The above statements in summary state that:

Beneficiaries will continue benefiting from the forest despite the change to a state forest.

The only difference that will be noticed will be regulated use of resources for sustainability.

Only gazetted forests are surveyed and marked.

Reconnaissance (Recce) (pre-survey) is carried out. This includes accommodation, storage, logistics and other requirements.

The forest can be surveyed within a month.

After the survey, maps are drawn within one week.

The Director of Survey will then give the maps a reference number.

The boundaries plan will be given to KFS Board who then passes it on to the Minister.

The Minister will give it to the Attorney General who will publish it in Kenya Gazette for one month.

Legal notice then follows.

It takes a minimum period of two months to get a boundary survey map.

During the delineation process, the Aweer community representative from both sides of the Boni forest need to be included.

Gazettement will be easy if the group concentrate on Ijara side only.

Only stakeholders within Ijara District to be involved.

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ACTION PLAN FOR SUTAINABLE MANGEMENT OF BONI FOREST IN THE NEXT SIX MONTHS – DR. AHMED MOHAMED – CHAIRMAN FCC – NEC

	ACTIVITY	WHO (LEAD)	WHEN	SOURCE OF FUND
1.	Bring stakeholders on board through holding of regular meetings	• KFS-Assist- HOC	March, June, Sept 2013	• KFS
2.	Establishment of a Forest Rangers Post	• KFS-Regional Commandant	May 2013	• KFS
3.	Posting of a Forester and six rangers for the post.	• KFS-CFC	June 2013	• KFS
4.	Restoration of the natural Forest	• Sub-County Co-ordinator Ijara	During rainy seasons	• KFS
5.	Sensitization of leaders e.g. political and religious leaders	• KFS-HOC	15TH April 2013	• KFS • WWF • Ishaqbin
6.	Sensitization to communities. Sites: Kotile, Korisa, Hara, Haji Mohamed, Jalish, Bothai, Sangailu, Hulugho, Ijara	• KFS-Assist.HOC • KWS • CFAs • Administration • WWF	1st Week of May 2013	• KFS • WWF • Ishaqbin
7.	Recce	• KFS-Survey • KWS • Administration • CFAs	2nd last week of May 2013	• KFS
8.	Survey	• KFS • Administration • CFAs	June 2013	• KFS • WWF
9.	Mapping	• KFS	1st week July 2013	• KFS
10.	Authentication of maps	• KFS – Director of Survey	2nd – 3rd week of July 2012	• KFS
11.	Gazettement	• Attorney General KFS-Survey	August/September 2013	• KFS
12.	Capacity building for the CPA & CFA	• KFS-Zonal Manager Ijara		• KFS
13.	Feedback to	• KFS-Zonal	October 2013	• KFS

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	communities	Manager		• WWF
14.	Preparation of Participatory Forest Management Plan	• KFS-Zonal Manager -Ijara	November 2013	• KFS
15.	Publicity through Media-WEB sites, talk shows , local FMs	• KFS-HOC • CFA	May 2013 Continous activity	• KFS
16.	Co ordination of the action plan	• HOC	Continous activity	• KFS
17.	Monitoring & Evaluation	• HOC ,CFC, RC	Quarterly	• KFS

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WAY FORWARD - DR. MOHAMED

1. The process of gazetting the Boni Forest to be commenced.
2. Planning needs to be made to maximize benefits out of Boni Forest.
3. Institutions to be put in place in which elders from the local communities to be included in this institutionalization.
4. Training and awareness creation to be made especially on the sharing of benefits of the forest.
5. KFS to do intensive air patrol o the forest.

CLOSING REMARKS – MR. JULIUS TOO (ASSISTANT COUNTY COMMISSIONER - IJARA)

I want to thank the organizers and all the participants for their participation and hoped that everybody learned a lot from the forum. I am optimistic that the highlighted activities will be fully implemented. If gazettement of the forest is done, then benefits accrued from this will be seen like increase in tourism, creation of employment and increase in revenue.

Security is a challenge in North Eastern but if all stakeholders/communities are included in the fight against crime, then it will be curbed.

Communities need to be sensitized on the importance of conserving the forest and the benefits accrued therein.

Other resources within the county include oil (block 3),

LAPSSET project, conservancies.

Supply of electricity which has been erratic for sometime now will be more reliable in the near future.

In conclusion I hope that after this forum, our attitude towards KFS intervening in the conservation of Boni forest has been changed as we envision a Boni that is utilized sustainably.

I wish to declare this forum officially closed. Thank you."

VOTE OF THANKS – MR. HASSAN A. MUSA – COUNTY CLERK - IJARA

He thanked KFS for organizing such a wonderful forum and hoped that all the participants had learnt a lot and were ready to map out a good direction for Boni Forest.

He further stated that he is available anytime incase his services or Ijara County Council services may be required.

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ANNEX 1 - LIST OF PARTICIPANTS

NO.	NAME	ORGANIZATION	CONTACTS
1.	Mohamed Ali Hirey	Boni CFA	0722163235
2.	Ahmed Hussein Noor	Boni Representative	0713926338
3.	Ibrahim Hassan Muhumed	CFA	0733296044
4.	Mohamed Omar Aden	Chief – Ijara	0729245137
5.	Abdifatah Mohamud Owl	Chief Boma	0710746902
6.	Mohamed Hussein	Chief Bothai	0725266557
7.	Mohamed Haji Omar	Chief Jalish	0727473552
8.	Ibrahim Warab Khalif	Chief Kotile	0732352673
9.	Hassan A. Musa	Clerk County Council of Ijara	0720603638
10.	Roselyne Omanya	Documentation	0720323255
11.	Dr Ahmed M. Mohamed	FCC Chairman – NE / IUCN	0721626499
12.	Aden Y. Goni	FCC Ijara	0725048692
13.	Benson Ojwang	Ishaqbin Conservancty	0738933185

14.	Gabriel Kiio	Kenya Wildlife Service	0721686034
15.	Salatho Hassan Bulle	KFS - Garissa	0725606033
16.	James Kitonyo	KFS – Garissa	0712462166
17.	D. K. Mwanzia	KFS – Garissa	0722876328
18.	James Muthembwa	KFS – Ijara	0724844820
19.	Jacob Chebet	KFS – Ijara	0721412527
20.	Joshua G. Choya	KFS Headquarters	0734750085
21.	Evans Kegode	KFS Headquarters	0721209631
22.	Lt. Co. (rtd) F. K. Musumbu	KFS - NEC	0722963180
23.	Mwinzi M. Mwandi	Lands (Adj)	0715247565
24.	Franklin O. Ouma	NEMA	0721987253
25.	Julius Too	Office of the President (DO)	0722552055
26.	Samuel Mutahi	WWF	0721624499
27.	Hassan Abikar Ali	Youth leader	0703342895

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ANNEX 2 - PROGRAMME

TIME	ACTIVITY	RESPONSIBLE
8.00 a.m. – 9.00 a.m.	• Registration • Welcome • Introduction • Climate setting	– Mr. Kitonyo – Mr. Muthembwa
9.00 a.m. – 10.00 a.m.	• Overview of KFS • Objective of the Forum	– Mr. Mwanzia – Mr. Kitonyo
10.00 a.m. – 10.30 a.m.	TEA BREAK	– **Roselyne and Salatho** – **All participants**
10.30 a.m. – 11.30 a.m.	• Importance of Boni Forests • Plenary discussion and presentation	– WWF
11.30 a.m. – 1.00 p.m.	• Stakeholders analysis • Plenary discussion and presentation	– Dr. Mohamed
1.00 p.m. – 2.00 p.m.	LUNCH	
2.00 p.m. – 3.00 p.m.	• Plan of activities – teaching to securing of Boni forest boundaries in 6 months • Plenary discussion and presentation	– KFS – Survey Branch
3.00 p.m. – 4.30 p.m.	• Sustainable conservation and utilization efforts • Plenary discussion and presentation • Development of a plan of action to mitigate issues • Plenary discussion and presentation	– Mr. Mwanzia – Dr. Mohamed
	• Closing Remarks	– DC – Ijara
	• Vote of thanks	– Clerk to County Council Ijara

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DD(FC&M) Forward this to Survey 6/1/16

LUNGI FOREST – DOSSIER
PROPOSED GAZETTMENT OF LUNGI FOREST

Background

The **Lungi forest** which is situated to the west of the Dodori National Reserve administratively falls within Basuba Location of Kiunga Division in the former Lamu East District. The traditional referral points of the area include Kiangwe, Sele, Bakuu, Mukushi, Ariruu and Milimani. The forest area is endowed with coastal forests, creeks, river streams, ponds, wetlands, beaches, mangroves and different wildlife species including the endangered ones. It has fertile lands with many medicinal plants and trees for timber, and grasslands for grazing wildlife and livestock.

The forest communities, mainly Boni people, whose lives and livelihoods are interwoven with the forest landscape of the Boni-Dodori ecosystem stand in the frontline of the consequences of any environmental destruction. While these people are already poor and the most vulnerable to the effects of further degradation of the forest, they are also the most familiar with the forest, and well placed to inform and contribute to any initiative intent on conserving the Boni-Dodori forest ecosystem.

The Boni-Lungi Forest is a vast expanse (exact size not known) of coastal scrub forest, with pockets of savannah, harbouring a significant amount of wildlife. The area provides wildlife corridors between the Boni and the Dodori National Reserves, as well as southwards to the Kipini Forest and the Tana River area.

The forest is **un-gazetted and unprotected** despite its rich biodiversity with numerous tree and plants species and wildlife, including buffalo, lion, leopard, African wild dog, coastal topi, Abyssinian bushbuck, Ader's duiker, desert warthog, golden-rumped elephant shrew and the critically endangered hirola (Hunter's hartebeest) as well as hundreds of bird species. The forest once supported one of the largest herds of elephant in East Africa. In addition, the forests hosts a vegetal diversity mainly consisting of coastal and riverine forests, mangroves, swampy grasslands and savannah. Away from the rivers and channels, impenetrable thornbush is scattered with gigantic baobabs.

Socio Economic Importance of the Forest

The Boni community assume ancestral, cultural and customary ownership of Lungi forest for the last several decades including pre- colonial era. Some of the economic importance of the forests includes but not limited to: source of building materials, honey, water, food (wild fruits and tubers) and grazing fields especially during droughts and dry spells as well as being a socio-cultural and economic heritage.

The community also uses the forest for the following functions:

- Sacred groves

The Lungi Forest serves as Holy shrines (Sacred places). It is reported by the Awer community that the two forests play hosts to more than ten shrines.

- Agricultural Farms

Some areas of the forests especially those that are close to the settlement areas have been converted to farm lands and has supplied food to the local communities for many years.

- Source of Medicinal Plants

The forests are a source and a supplier of medicinal plants. Most of the communities living adjacent to these forests rely heavily on the traditional herbs to manage most of the illnesses.

- Pastures and water for animals

During the dry spells, the pastoralists community from Ijara graze their animals in these two forests. During that time, there are plenty of water and pastures. The forest provides a safety net for this community as they wait for the next rainy season and sprouting of pastures back home.

- Wild food

The Boni community derives their wild food from the Boni and Lungi forests in addition to the two national reserves. The tubers, berries, honey, roots are all found in the forests. High concentrations of these foods are found in the interiors.

Ecosystem services

- Source of honey

High concentration of honey is found in the two forests. The Boni particularly keep their traditional hives in these two forests and are known to supply sizable amount of honey twice a year.

- Water catchment areas

Most of the rivers originates from these forests including other water bodies such as seasonal and permanent lakes.

- Security haven

The forest, from time immemorial has been used as a security refuge especially during British – Italian wars and Shifta menace of 1967.

Threats to the Lungi Forest

The forest face many threats, both direct (e.g. fires) and indirect (land and resource competition associated with the development of the port at Lamu and related infrastructures). The destruction of the forest poses a serious threat to Boni and Ijara communities' survival, as well as the loss of significant biological diversity. Vital ecosystems in the area are not properly conserved and managed. Instead they are being seriously degraded at a high economical and ecological cost.

- Slash and burn Agriculture

The most immediate threat to the forest is the slash-and-burn cutting by the Aweer (Boni) community and, more significantly, by immigrant outsiders establishing agricultural plots. Each new growing season, more people arrive with machetes to cut the forest for farming. The soil in the area is not highly suitable for agriculture. If farmers are lucky, they may have two years of productivity, but even that depends on adequate rainfall. If they want to continue farming, they will need to shift cultivation to a new plot—ultimately requiring them to slash and burn more native forest. But a disturbing new trend is emerging: chain saws are entering the scene, giving way to fears that larger swaths of forest will be cut at a faster pace than ever before. Power tools also assist illegal loggers to decimate the forest hardwoods.

- Agricultural Investors

Recently there are a number of outside investors and developers eyeing large tracts of this forest land—for ranches and commercial farming, including a plantation of coconut. It is more likely that this forest may be converted into large plantations if nothing is done to protect it.

- Illegal Logging

Though not prevalent, export of timber from indigenous tree species for the construction and furniture industries within and outside the forests and reserves continues to exert pressure on the forest resources. Trees such as *Brachystagia huilliensis* (Muhugu), *Combretum schumanii* (Mkongolo) and *Dalbergia melanoxylon* (Mpingo) are the primary raw material for the woodcarving industry which is a vital element of the coastal tourism sector.

- Wildfires

Wildfires are a threat to the forests. Honey collectors usually burn the whole area where there is honey before harvesting of honey. These fires, especially during windy seasons become uncontrollable and end up burning a big area including all the flora and fauna found there.

- Influx of cattle

The Lungi and Boni forests, Dodori and Boni national reserves has played host to a number of cattle from the pastoralists community in Ijara district for many years now. The number of cattle keeps increasing every year. The cattle invade wildlife habitat thus competing for pasture and water forcing the animals to flee and move to farms and water ponds near the homesteads. This trend continues and by the time the rains sets in, the area is overgrazed.

- Lamu Port

The proposed port in Lamu District is a potential threat to the Boni-Lungi Forest and the culture and livelihood of the Boni and Iijara people. The LAPSSET Corridor project, a major infrastructure development project that will run from Kenya to South Sudan and Ethiopia, will impact, positively or negatively, on the lives of many people in several countries. Indigenous peoples will potentially suffer the most negative impacts as a result of their having been historically marginalized economically, socially and politically.

The project's is envisaged to present a devastating negative impacts to the forest including but not limited to loss of land and forests, territories and resources, increased conflicts, alteration of traditional livelihoods systems and the collapse cultures and traditions among others.

RECOMMENDATIONS

1. **Kenya Forest Service (KFS) should move with speed to ensure that the forests are placed under statutory management regime through Gazettement in light of the threats outlined above.**

However, the following should also be put into consideration:

2. **Clearly defined boundaries (customary) should be recognized and respected.**

The communities living adjacent to these forests should have the right of exclusive use of the resources within the defined forest area. The principle here is clear: If the community does not have control over

the resources in question, a "free-for-all" prevails, and it becomes unrealistic to expect the community's own institutions to regulate rates of resource use of its own members. Ideally, boundaries should be defined and agreed through negotiation among community leaders. Defining the boundaries between territories requires agreement between communities that want as much land a possible for their own use. KFS should facilitate the fair delineation of boundaries and to help solve intractable boundary disputes such as witness in the Dodori National Reserves.

3. The costs and benefits of management should clearly be defined.

The costs and benefits for the management of these forests should be clearly defined by KFS with the communities being fully made to understand their responsibilities. The opportunity costs of community members' time and labor must also be taken into account. For instance, if community members are expected to give up a significant amount of time dedicated to cultivating their farms in favor of resource management activities, then the resource management activities must be shown to yield more benefits than farming.

4. Ensure collective ownership and management.

Collective ownership implies collective responsibility. Decisions about resource use and benefit-sharing are more likely to be perceived as fair when they are made in a participatory and transparent manner. Women are as reliant upon the natural resource base as men and are active participants in the management of natural resources. All community members must be encouraged to participate fully in the co-management planning process, and the perspectives of all parties should be reflected in a balanced way.

HAYA NDIO MAWAZI YA JAMII YA 27/08/2014
MAGARAMI KUHUSU MSITU PAMOJA NA
AREHI YAO.

Jamii ya Magarami wameomba Serikali pamoja
na mashirika husika Amber Conc – pamoja na
W.W.F N.C.C Tufungiwe msitu wetu
block Tatu
La muhimu ni haya makubaliano
kwamba sote tumekubali wetu wa
Magarami tufungiwe na walio kubali ndio
hawa majina na namba ya kitambulisho na sahi

(1) CHORA ATHMAN CHORA – ID/NO – 11626167 –
(2) HAJI ALBLE ABALA – 2238824 – HAJI
(3) BAISHE BINDA SAFE – 5355421 –
(4) MOHAMED ALBLE ABALA – 8525891 –
(5) ALI MALO IREA – 8520050 –
(6) OMAR ATHMAN CHORA – 21747396 –
(7) GODHANA HAJI BWAKERI – 8524338 –
(8) YUSUF KITETE ABALLA – 8520096 –
(9) ABOUD CHAR CHENGEK – 11626082 –
(10) GURE YUSUF KITETE – 29877738 –
(11) ZEINAB ALI SIMBO – 7353695 –
(12) MARIYAM HAJI – 24870403 –
(13) ADHINA ATHMAN SHOZA – 24704123 –
(14) MWANASHAWI KASSIM – 2939163 –
(15) ALI FUMO – 2239069 –
(16) MAKAMAMA ISSA – 28576859 –
(17) NURU WARE SAWI – 27969338 –
(18) MARIJA GODHANA – 22322293 –
(19) TIMA KASSIM – 22322993 –

22) HADIJA ALI FUMO ID 11625537
23) Badaa Abdia ID 2239089.
24) Banjke Mohamed ID 2239020.
25 Khadija Ngawashe ID 23003138.
26 Olat Athman I.D-8520048.
27 Safia Badaa. I.D-11625515.
28 Mohamed Jirimo ID 2239005.
29 Amina Shaaz ID 11628818.
30 Hassan Haji ID 11626082.
31 Mariamu Barisa ID [redacted] 9352548.
32 Munamina Athman Shora —
33 Khadija Mahadhi IRE — 2238989
34 MOMINA Athman Shora — 8520415
35 MUSA ALI SIMBO — 11626195
36 Halima Mohamed Hele — 11625847
37 Tuma Athman Shora — 24831023
38 Omar Chengela. — 2239025
39 ALI Sulo OBE — 29657419
40 Mohamed HAMISI.
41 Shakue Chengele — 2239049
42 ASHA Athman SHORA — 20840202
43 HASSAN MAHAZI IRE — 2238869
44 MOHAMED ISSA JIRIMO — 23004964
45 HANA SIMBO BASHORA — 2238998
46 HALIMA GODHANA — 24571631
47 ABALE GODHANA ULEO — 24571543
48 Mwanaisha Omari — 22384500
49 NASIR BIN ALY — 11140205
50 MOHAMED MALOO — 2239030
51 ALI GODHANA — 22322926
52 MOHAMED SHAKUNE. — 8525885
53 MOHAMED YUSUF — 31165468
54 HASSAN

BISHARO BARE BISHARO — ID/NO — 8524346

56 ~~MUSHE~~ ~~Hez~~

56 — RUFAI NOOR MOHAMED — 29657411

57 — DOLAI ALI SIMBO — 27969377

(58) ABoud GODHANA ULGO — ID-No- 22322834

(59) Mwanaisha KASSIM TIRO — ID/No! 24571624

60 MIMINAH MSU — ID/No- 2239865

61 TIMA HOROBE KOKOTO — ID-No- 23813486

62 MOHAMED SULO OBE — ID/No 29657421 ~~ID~~

63 ISINNO KIRWGO Funo — ID/No - 8525887 ~~ID~~

64 ABoudi SHAKUJJE ID 21586489

65 FATIMA KASSIM ID-No 22322883

66 SAID MOHAMED JIRIMO — ID-No- 27518024

67 KHADIJA KIZEZE — ID-No- 0158195

68 ASHA ALI MALOO — ID-No- 30015784

69 Abdi Maryam Godhana — 593112

70 Habiba Maulid — 573725

71 JIMOI Solio — 592129

72 Abale Shekne — 24511152

73 HUSSEIN JIRIMO — [redacted] 2239050

74 AMINA BADA BATISA 31811986

75 Guruba Chengela 223953

76 TIMA Guruba 27932305

77 Batulo Bunye 22384184

78 ISSA JIRIMO 2239095

79 Halima Alale 2239070

80 Fatima ISSA 23600049

81 Omar Guruba 24672243

82 Maryam Ngwashee 22578086

83 Bernice Maradi 31357708

84 Haiwa Shekule 23007255

85 Rukiya Haji 11621553

86 Mohamed Harun 7621553

87 Omar Harun

	IdHoi	MoHAMED	IA-No	2239035
10	SHeIKA	HAROUN	IA-No	30232927
91	ESHA	LACHO	IA-No	0650495
92	HAdiJA	Jirimo	IA-No	2238991
93	JARO	GENYA GEFU	IA-No	592185
94	HASSAN	ALi	IA-No	2238917

MAKARANI

28/10/2014

(1) BADRA ABDLA MISUNO — ID 2239059
2. SHEKUE TENGELE ID 2239069
(3) ALI FUMO DORIYA ID 2239068
(4) BABA ABDULLAHI S SOB11375
(7) HAJI ALALE ID 2238884
(8) ABDUL SHEKUE ID 8158 6489
9) BULO MOHAMED ID 8524346
10) CHUMA KTHIMMA ID 11 52 68 87
11 TIMA KORBE ID 23 61 3489
12. KHADIJA ALI FUMO ID 11625537
13 KHADIJA LOLI ID 34 27 88 36
14 KSUM ALI MILEK ID 3CCB798
15 FATIMA KASSIM ID 22322882
16 ABALE SHEKUE ID 24 5111 52
17) KHIMWA KTHIMAN ID 24 75 4126
18 KS SINGHI MUIMNNG — 8525852
19 TIMA KTHIMAN ID 24 83 1023
(20) KHADIJA MAKHANI ID 22 38 489
21 MUIMINA KTHIMAN ID 85 24 415
22 AHMED ALI ID 8520036
23 MOHAMED ALALE ID 8525891

24 BAHARI MOHAMMOD — ID-223[illegible]
25 MOHAMED SULE — ID-3965 7421
26 HASSAN SALAT — ID-1628078
27 BRISHE BINDA — ID-835542
28 KASSIM M H — ID-31[illegible]5254
29 HASSAN MAHADI ID-223[illegible]

28.10.2014

MANGAI

BUNEI NASIBU – ID 23007209
MITOO SANWI – ID 2239171
SANWI GURBA – ID – 23008088
OMARI MOH'D ID – 23011491
HUSSEIN MOHAMED – ID 11626190
GURI ABDALLA – ID – 25059093
SIMBA SULUU – ID 06508886
MOHAMED ABDALLA ID – 2239133
MAHADHI MOHAMED ID – 11625866
ROBLE ALI ID – 22277458
AHMED MOHAMED ID – 22180040
MAHADHI GURBA ID – 20840214
ESHA OMARI ID 24510072
HAROBO ABDALA ID 20840207
LIBA SANWI ID 53554006
SALAMA SHARE ID – 27948394
ASHA MOHAMED – ID 11626191
ASHA WARE ID 23815085
KHADIJA GURBA ID, 11625816
SHAKULE SHIDITO ID, 2239029

28/10/2014.

1. TUKIWA TAMU KA RASUBA TUNATAKA KUTUMWE MBUNGE TUNAZIMBA COUNTY PAMOJA NA MASHIRIKA MADIWANI HIYO MADIWANI YETU TUANGALIWE UREFU NA UPANA SHULI SIKU NYINGI KATIKA JAMII YA RASUBA KUMSAIDIA KATUNA MENGI LAKUFANYA HAYA MACHACHE.

TUKUWA TAKO NA UMOJA

NA	JINA	MATIBA YAO	I.D. N°
1	ABAKO	HAMZA	24276554
2	HAMZA	KIMAGE	2234232
3	FATUMA	HAMZA	9881020
4	ABAKE	HASSAN	27972006
5	MOHAMED	HASSAN	26567602
6	ABDIRIZA	AHMAD	26567651
7	MSUO	MAHMOUD	2239241
8	KULA	ANO	2239216
9	ABUDI	MSUO	22567585
10	JAMA	MSUO	25017219
11	MOHAMED	HABULA	27618150
12	HALIMA	MAHMOUD	2239212
13	RASHIDI	MSUO	30217122
14	FATUMA	MSUO	24765224
15	SAID	TUMAA	26567557
16	HASSAN	NULL	2239220
17	MAHADI	KHAMAU	26072497
18	MSUO	KARE	03621004
19	FATUMA	JUMA	6335012
20	MSUO	TOKA	22384251
21	MSUO	KHAMISI	2239244
22	FATUMA	NOE	2352000
23	CHARI	ALIANA	22419245
24	BASHA	TUU	2520019

01.10.2014

BASUBA

1) TORA WARE — ID 2239085
2) BARISA DEKO — ID 21522203
3 MOHAMED BARISA — ID 2239061
4 BARANJA GURBA — ID 2239225
5 MARIAM HAMZWI — ID 2238883
6 FATUMA NOE — ID 9352022
7 NOE ABULI — ID 2239059
8 FATUMA OMARI — ID 5355418
9 MWANAMINA ISSA — ID 26575453
10 RUFI IJOO — ID — 2239231
11 FATUMA MSUO — ID 24765227
12 KUFA SALAT — ID 5355419
13 NURU DHOLOLO — ID 296774536
14 ABUDI NOE — ID 24763666
15 ABALE HAMZA — ID 24870559
16 SAIDI JUMAA — ID 26567797
17 HUSSEIN ADAN — ID 24764671
18 MUKE MOHA'D ID 11626176
19 AMADHO ALIOO — ID — 22659019
20 ALI HUSSEIN — ID — 24329789

29.10.2014

MILIMANI

NESHA SANI ID - 2339727
FATUMA BAKULENI ID - 24763099
HADIJA KUNO ID 24765171
HALIMA NURI ID 2239304
FATUMA AZAN ID 27969323
HAWA MUSHO ID 2339300
ABONA BAKARI ID 0158303
SHABANI BOKE ID 8520416
MARIAM YUSUF ID 31357799
MARIAM SANI ID 0650804
MALE ELIMA ID 16007825
ZUHURA HAMADI ID 24869739
SHUNGI HAMISSI ID 2352268475
ABARO HAMISSI ID 0650810
ABIA ALI ID 24303985
MSHO WARE ID 2239360
SALIM KUNO ID 2239360
SALAT RUFI ID 2239226
MUSA BAKULENI ID 31371675
SHEE ARTAN ID 592863
ALI HAMADI ID 24765160
ABDALLA SHEE ID 23006032
RUFI KUNO ID 11626174
BWANA HAMADI ID 22975251
ALI MOHAMED ID 29978313
IBRAHIM MARDI ID 24763649
IJUU YUSUF ID 22775690
BURI IJUU ID 8528466
JAMALI YUSUF ID 24764680
MOHAMED ADHAN ID 26840713
HAMADI ABALONI ID 2239280

ADEN ABDI ID - 26578623
ABDI FARAH ID - 11693870
HABIBA KASSIM ID - 22605507
KERIO MARDI ID - 29668014
SHAFFAH AHMED ID - 30828603
MOHAMED DUALE ID - 30859914
HAJIR HAMDI ID - 26852106

KORUSA 4/11/014

	NAME	ID No.	VILLAGE	SIG.
1	SELEC MUHUMED	183971	KORUSA	
2	ADAN HAJIN ADI	3519422	KORUSA	A
3	MOHAMED ALI	0539651	KORUSA	MA
4	MURSHID ASD MURSI	8672334	KORUSA	MUR
5	MOHAMED ADI MURSAL	0539651	KORUSA	MOHAM
6	GASSIM ASDI	0538825	KORUSA	K
7	ADEY ALI ASDI	11693877	KORUSA	AA
8	HALO MOHAMED	1363068	KORUSA	H
9	SAHDIA ANGE GURE	0539919	KORUSA	S
10	ABDI MUHAMED SALAM	1826829	KORUSA	AB
11	HABATHO MOHAMED DIBAK	8672305	KORUSA	H
12	FEISAL SELEC MUHUMED	30473862	KORUSA	FE
13	HASSAN HAJIN ADI	32348426	KORUSA	H
14				
15				

KORUSA

The meeting started with a word of Prayer from Sheikh Kassim.

Mr Adan said that forest has been ~~clear~~ cleared by some people, coming out illegal tree cutting, e.g. Bassa kuji and etc

Mr Kassim said settlement be made within the forest area to avoid illegal cutting down of trees.

Mama Hawa said that the leaders are among the people doing illegal forest activities e.g. chiefs and etc

Mama stressed that settlement be made within the forest area of Kalgoni.

The forest owners are people who are grazing within the forest e.g livestock keepers.

Mr Mashid mobilization be made through Educating the community on the importance of Conservation through Youth Employment and forest guard by the government and be gazetted immediately (Community)

Mzee Mohamed said that the forest be gazetted under community managed forest for better conservation.

Mr Hawo supported the idea Mzee mentioned be under community managed.

Mr Bas thanked the community members who were present during the meeting and informed them their views will be taken for further action

Bulong Hara Location

NAME	ID/no	Village	FG
1. AHMED YARROW KOSAR	23682336	Hara	
2. ABDULLAHI M. HUSSEIN	0540535	HARA	
3. Mohamed Abdullahi	1188302	HARA	
4. HAWO HARGO IBRAHIM	1188367	HARA	
5. HUSSEIN MUHUMUD	1262556	HARA	
6. ALI ABDI IBRAHIM	27528283	HARA	
7. RAGE SHEAT ALAN	0540856	HARA	
8. SHARE BURAE ALI	1132990	HARA	
9. YUSUF ABDI NUR	12360577	HARA	
10. KHALIF MOHAMUD DABAKE	0539408	HARA	
11. ABDIRAHMAN KAHIN	29035221	HARA	
12. ABDIRAHAH DUBOW	29032362	HARA	
13. FEISAL ABDIRAHMAN ISMAIL	26612235	HARA	
14. ABDI MOHAMED ABDI	28099751	HARA	
15. ALI YA DUB	22889436	HARA	
16. HAWA NASTEH	11880319	HARA	
17. KHADIJA NASTEH	23142018	HARA	

Here

The Meeting was opened with a prayer by Prayer by [illegible] Shaibu

After the prayers the area chief opened the meeting officially and later welcomed the Bore to the meeting.

Mr Bore - Inform the member to introduce each other, the meeting

Mr [illegible] Emphasis on the importance of conservation to the act of 2002, community has been given a chance to participate in forest conservation

Mr Alhusein - said farming activity be carried out within the forest area for conservation purposes

Mr - Abdullahi - a community can owned land through settlement e.g. Wallon area Tak Sile for conservation purpose

Mr - Mahmuda - said land can owned through registration by through the three communities of Kesin Ara - Kongo - Idee. Shaibu said that NGO writing and sitting under a tree has been common to this community and no feature. He said that the issue is important to us, but farming settlement of the forest is not idea. The idea of registration (community owned forest) by my idea.

Chief Bore - thanked the CFA for his mobilization and hope never seen

He said, the best way of preserving our forest is through community owned forest registration [illegible] (Ishaqbini).

Ishaqbini is a community owned wildlife conservation, it has greated job opportunities to our youths.

The best option is registering community owned forest associations.

Mzee Hussein Hassan - supported the idea of registration forest associations, through community owned.

Here members have agreed the forest be registered as a community owned forest.

Be [illegible] any other business the meeting has closed with a word of prayers from Mr Charles at 12:45 pm.

KOTILE 3/11/014

		Village	ID no	
1	HUSSEIN SIRAT	Kotile	0540180	
2	OLAJ JIBRIL ALI	Kotile	1263045	
3	HASSAN BASHIR KOROSIA	KOTILE	0588720	HASSAN
4	BENNAH HIREY HUSSEIN	Kotile	0263730	
5	ABDI YARE ABDI	Kotile	20880299	
6	HARON BULO HUSSEIN	Kotile	05398101	HARRO
7	MOHAMED BULO HUSSEIN	Kotile	11883536	
8	ABDI BULO HUSSEIN	Kotile	0540228	
9	DAHIR HUSSEIN DAGANE	Kotile	24400426	
10	ABDI NASIR ABDI MOHAMED	Kotile	20872912	
11	OSMAN MURE FARAH	Kotile	1132239	
12	Ibrahim Ure Fatti	Kotile	5520000	IB
13	Abdi Hassan Mohamed	Kotile	0540378	ABDI
14	ZAKIA Abdi Kassim	Kotile	2452042	KV
15	Fatuma Kabil Olow	Kotile	3519961	FATU

KOTILE

The meeting started with a kind of prayer from Sheikh Abdinasir. The CFA Secretary thanked the community Members for their good turn up and welcomed them to the agenda. The Secretary informed the community that the Karay forest opened and there is need to conserve the forest. He informed them to planned for their forest and the meeting is for ~~there's~~ them to come up with proper division of conserving the forest. The Secretary said that the forest (Kori) is shared by Bectalia community and Jare side and other community at the side of Lamu County. He informed the community Members that forest should be negotiated before it's cut by hands.

He informed them that the forest is owned by the communities and their is need to conserve the forest as they were conserving so to of independence. The Secretary informed that the KFS forest Act has given the community full participation in forest conservation.

Mzee - Hussein Said that the forest is a resources owned by the community and we should conserve it. He said that mobilization and sensitization of forest conservation shall continued. he said that the mobilization be extended up

On the gazzement of the forest through community owned conservation and continue of ~~main~~ mobilizing the community.

Nima Mohamed, Fatuma Kuhl, Rukia Abdi Fatuma Musa Mie, the supported the gazzement of the forest, owned by the community.

Being no any other ~~att~~ ~~common~~ business the meeting was closed with a word of prayer from Mr Ismail Jussuf who is also LFA organising secretary at 12:45 pm.

Telegram .....
Telephone 046-2436
Email:dfoijara@gmail.com
: zmijara@kenyaforestservice.org
When replying please quote

KENYA
Forest Service

KENYA FOREST SERVICE
IJARA FOREST ZONE
P.O BOX 29
MASALANI
GARISSA COUNTY
12/11/2014

RE: BONI FOREST GAZETTMENT SENSITIZATION REPORT

It was conducted in three locations of Ijara and Hulugho districts namely: Ijara location, Jalish location and Sangailu locations. It was conducted successfully with the community responding positively.

The lead agency was Kenya Forest Service with support of the local leader's i.e. chiefs and assistant chief. It was carried out on 7th, 8th and 10th October, 2014 respectively.

OBSERVATION

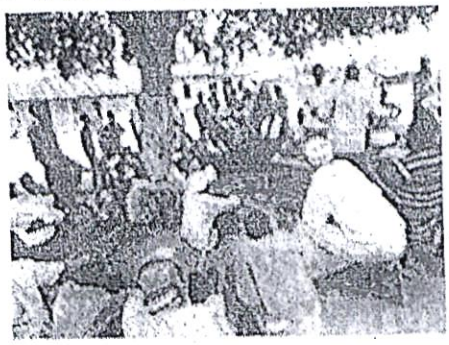
During the public baraza the communities were asked several questions based on benefits they get from the forest and their response were positive and they have knowledge on the same.

About the gazetting the forest they were made to understand the important of gazetting the forest for their benefit they all agreed except one location (Sangailu) which they resisted by raising some issues like grazing, accessing to forest produce will be restricted. Through explanation they understood but still the leaders need to be updated on the process. Also at Sangailu they raised that the forest to be re-named Ijara Forest instead of Boni forest and maps to be availed to the community.

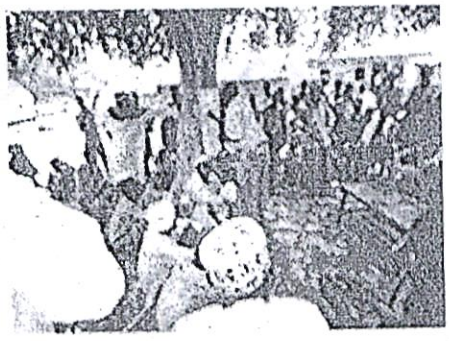
WAY FORWARD

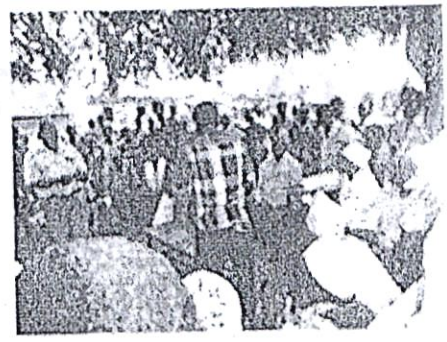
- The community were requesting for capacity building on PFM especially the leaders
- Local leaders to be involved in the process
- Formation of community forest association to be facilitated
- Re-naming of forest to be called Ijara instead of Boni forest which was also raised during baraza

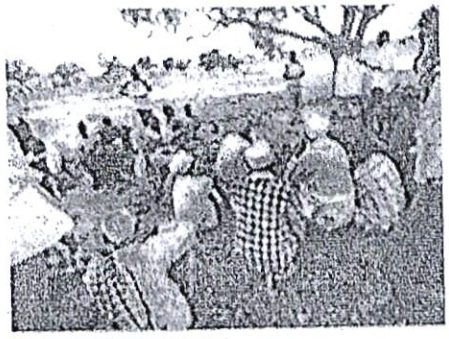
Photos Taken



Zonal manager addressing the community DFO addressing the community







JACOB CHEBET

For: Zonal Forest Manger

IJARA ZONE

BONI FOREST GAZETTMENT SENSITIZATION

COMMUNITY ATTENDANCE LIST – IJARA PUBLIC BARAZA

1. ABDULLAHI IBRAHIM – SENIOR CHIEF
2. MOHAMED OMAR ADEN – ASST. CHIEF
3. MURSHID OMAR – ASST. CHIEF
4. MOHAMED DAHIR – CHIEF
5. HASSAN SHURIE
6. BALE KABIROW
7. KUNO DIIS
8. MOHAMED BARE
9. ISKAK DIGALE
10. ADEN SAHAL
11. ABDI KHALIF
12. ABDI SHIDOW
13. MAALIM SAHAL
14. ISE ABSHIR
15. MOHAMED DAHIR
16. MADOY RABE
17. OMARI ADEW
18. FARAH SIRAT
19. MOHAMED ADEW ABDOY
20. ADEW BARE BUDUL
21. ABDI DIGALE
22. IDRIS ALI
23. MOHAMUD HASSAN JABHAD
24. MOHAMED SABE
25. MOHAMUD ALI HARBI
26. ISMAIL MUHUMED
27. ALI HAJI SHURIE
28. MOHAMED OMAR
29. ABDI ALI
30. ADEW HILOWLE
31. ADEW HALKANO
32. HAROW SALAT
33. YAROW HASSAN
34. GULED ADAN
35. MOGE GURE
36. ABDI HASSAN
37. MAGAG SIGAL
38. ADEW IBRAHIM

39. SAREY HASSAN
40. ABDI GURE
41. ABDI HASSAN
42. MOHAMUD JELLE
43. FARAH SAWTUL
44. ABDI SANTUR
45. ADOW DEROW
46. ALI DAHIR
47. SULUB HASSAN
48. MOHAMED ARTE
49. YUSSUF HAJI JELLE
50. HAMDI ABDI
51. NUR HAMDI
52. BISHAR BUROW

JALISH LOCATION

1. BAYE ISSE HASSAN
2. JELLE DUALE KEINAN
3. MOHAMED TOWANA BASHIR
4. DEPANE DAHIR
5. ISMAIL ABDULLE
6. HUSSEIN ABDULLE
7. ABDI OMAR
8. HAMDI JILLOLE
9. DINE DUALE
10. DAMAL ADEN
11. BILOW BILLALE
12. SHALLE WOBI
13. MARJAN MAGAN
14. HAWO AHMED
15. HABIBA ADEN
16. AHMED HASSAN
17. IBRAHIM HIRBI
18. ADEY ELMEGE
19. ARLIYA IDLE
20. IDLE ABDI
21. ISSE HASSAN
22. KHADIJA NASTEH
23. ADEN GUHAD
24. BAHSAN SHAKUL
25. HALIMA KEINAN

F.O. FORESTOL

26. HAWO
27. HAWO ALI
28. MOHAMED ABDULLE
29. ESHA ALI
30. MALBUB HASSAN
31. HASSAN KURGU
32. DENABA MIOHAS
33. MOHAMED HAJI OMAR
34. DUBO BAHASS
35. DEDIYA MOHAMED
36. RUKIYA BASHIR
37. HAWO SALAT
38. IJABO OMAR
39. IJABO SALAT
40. BABSAN BUNOW
41. SENA HASSAN
42. EBLA BILE
43. HALIMA SULA
44. HASSAN MOHAMUD
45. IBRAHIM JELLE
46. ABDI YUSSUF
47. ABASS BIRIK
48. RASHID ALEY
49. JELLE ABDULLE
50. AFTINE ADEN

JACOB CHEBGI
FORESTER IJARA

JALISA LOCATION: 8/11/2014

ATTENDANCE LIST

1. BARE ISSE HASSAN
2. JELLE DUALE KENYAN
3. mohamed Tuma Dashir
4. DOBANE DAHIR
5. ISMAIL ABDULLE
6. HUSSEIN ABDULLE
7. ABDI OMAR
8. HAMDI JILLALE
9. DIRE AVALE
10. DAMAL ADEN
11. RICAW BILLALE
12. SHALE WABI
13. MARYAN NRJAN
14. HAWO AHMED
15. HABIBA ALE ADEN
16. Ahmed HASSAN ASSAN
17. IBRAHIM HIRSI
18. ADEL ELMAGE
19. ARLIZA IDLE
20. IDLE ABDI
21. ISE HASSAN
22. KHADIJA NASTAH
23. ADEN Guhad
24. Bahsan Shakul
25. Halima Kenyan
26. HAWO mdeme
27. HAWO ALE
28. mohamed Abdulle
29. mama Esha Ali
30. Mahbub HASSAN
31. HASSAN KURFIV
32. DENALA Miathas

FORESTER

34 Dubo Bayas
35 Badiya mohamed
36 Rukiya Bashir
37 Hawa Salat
38 Ijabo omar
39 Ijabo Sintal
40 Batsan Bunow
41 Sena Hassan
42 Gereba Bile
43 Hikima Sula
44 Hassan mohamoud
45 Ibrahim Jelle
46 Aldi Tussof
47 Abass Binik
48 Rashid Atey
49 Jelle Abdulle
50 Affine Aden

JACUB CHEB ET
FORESTIER DE IJARA

KFS ATTENDANCE - [illegible] PUBLIC [illegible]

ABDULLAHI IBRAHIM - SENIOR CHIEF
MOHAMED OMAR ADEN - ASS - CHIEF
3. MURSHID OMAR = ASS CHIEF
4. MOHAMED DAHIR = CHIEF
5. HASSAN SHURIE =
6. BALE KABILOW
7. KUNO DIK
8. MOHAMED BIRE
9. ISHAK DIGALE
10. ADEN SAHAL
11. ABDI KHALIF
12. ~~ABDI~~ SHADOW
13. MAALIM SAHAL
14. ISE ABSHIR
15. MOHAMED DAHIR
16. MADOY RABE
17. OMARI ADEN
18. FARAH SIRAT
19. MOHAMED ADEN ABDOY
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29. ABDI ALI
30. ADEN HALKANO
31. ADEN HILOWLE
32. HARUN SALAT
33. HARUN HASSAN
34. GULED ~~[illegible]~~ HOSAN
35. MOHE GURE
36. ABDI HASSAN
37. MAGAG SUGAL
38. ADEN IBRAHIM
39. SAREY HASSAN
40. ABDI GURE
41. ABDI HASSAN
42. MOHAM

IBRAHIM SANTUR
ADOW DEROW
ALI DAHIR
47. SUBUB HASSAN
48. MOHAMED DRIE
49. YUSSUF HAJI JELLE
50. HAMMOR ABDI
51. NUR HAMADI
52. BISHAR BUROW

JACOB CHIEF
FORESTER IJARA

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Ref.No.KFS/LMU/BL/25/VOL.I/90

KENYA
Forest Service

ECOSYSTEM CONSERVATOR
LAMU
P.O. BOX 49 – 80500
LAMU

Date. 22nd June, 2015

The Director
Kenya Forest Service
NAIROBI.

(Att: Head of Survey
K.F.S (Mr Evans Kegudo)

Dear Sir,

RE: MINUTES OF THE MEETING ON GAZETTEMENT OF PANDANGUO AND BOMI LUNGI FOREST RESERVE HELD ON 9TH JUNE 2015 AT THE COUNTY GOVERNMENT OFFICE LAMU

Please find enclosed the minutes of the above meeting held on the 9/06/15 for your further necessary action.

GEORGE O. WARA
ECOSYSTEM CONSERVATOR
LAMU.

MEETING ON GAZETTEMENT OF PANDANGUO AND BONI (LUNGI) FOREST RESERVES HELD ON THE 9TH JUNE, 2015 AT THE COUNTY GOVERNMENT OFFICE IN LAMU

Members Present:

Name	Designation
1. Amina Rashid	County Executive Committee for Lands, Physical, Planning, Infrastructure, Urban Dev,Water and Natural Resources – (Chairperson)
2. Dedan Ndiriru	Head of Conservancy - Conservancy Coast
3. Ahmed Ali	Chief Officer - Lamu
4. Mohamed Baishe	Director of Natural Resources – Chief Officer Lamu
5. Evans Kegode	Head of Survey (K.F.S)
6. Aggrey M. Sitati	Accountant (K.F.S)
7. Patrick Njagi	Legal Officer (K.F.S)
8. Lt. Col (Rtd) Simani Zacharia	Regional Commandant Coast (K.F.S)
9. George Wara	Ecosystem Conservator - Lamu (Taking Minutes)
10. James Owenga	Forester Lamu Forest Station

AGENDA

1. **Introduction**
2. **Remarks from the Head of Conservancy Coast**
3. **Status of Boni Forest**
4. **Statement from the CE.C for land forest and infrastructure**
5. **A.O.B**

1. Introduction

The meeting started at 3.40pm with introductory remarks from the chair who welcomed the members and informed the meeting the Governor was away on official duty and had consented to the meeting. A moment of prayer observed subsequently followed by introductions of members.

2. Remarks from the Head od Conservancy Coast

The Head of Conservancy Coast observed that the percentage forest cover in the Coast region is low compared to the constitutional requirement of at least 10% land cover. He however, indicated the significance of involving stake holders in the management and conservation of forestry recourses as provided for in the Forest Act 2005.

He further informed members that forest Management plans for Witu Ecosystem and National Mangrove Forest management plans are being developed and were at an advance stage of completion with the involvement of other relevant stakeholders.

In addition, the Head of conservancy – Coast informed the meeting that the Boni Forest is an important Ecological ecosystem rich in biodiversity, contains rare endemic and endangered species and is an important catchment area.

3. **The Head of Survey Kenya Forest Service Karura Forest Headquarter.**

The Head of survey informed the meeting that the Boni Forest is a trans boundary ecosystem which traverses Lamu, Garissa and into Somali Land.

The Boni forest Ecosystem which was ear marked for gazzetment has a total area of 531,000ha (approximately). The part of the ecosystem in Lamu County which is government land alienated for forest development totaling to 81,241.7ha (approximately) and is as depicted on the authenticated boundary plans no 175/433 and 175/435 comprising Boni (Lungi) 39,925.7ha and Pandanguo 41,316.0ha.

The Head of survey informed the meeting that the gazettement process will be completed once the documents have been forwarded to the Cabinet Secretary by the Kenya forest Service Board for onward forwarding to the Attorney General for gazettement.

Prior to the survey of the ecosystem adequate consultations were carried out with the communities (Aweer) and relevant National Security agencies.

The legal officer added to the remarks on the gazzettment process and informed members that the process was constitutionally backed, having identified the area as ecological sensitive are, and as a land policy requirement it was prudent to gazette the forest .

4. **The C.E.C Remarks .**

The Chair thanked the Kenya Forest Service team for informing County Government of Lamu on the ongoing process on gazettement of the two forest blocks of Pandanguo and Boni-Lungi (Boni Forest).

However, the chairperson raised the following concerns;-

I. There is need for further consultation on this process.

II. Fate of the Indigenous communities.

III. How the county government would benefit from the gazettement.

IV. The C.E.C promised to forward the matter on the gazettement of the two forest blocks to the local County assembly for further discussions with a view to validating and consenting.

V. The County Government of Garissa shall facilitate the gazettement of Boni forest ecosystem in particular Panda Nguo and Boni Lungi

VI. o ensure its conservation and improvement of security within this region.

5. **Concluding Remarks**

The Head of survey confirmed to the meeting that the areas settled by the Aweer have been excluded from the area to be gazetted as clearly depicted on the boundary plans. Equally by gazettement, the activities of the Aweer Community will not be affected by the subject gazettement. In addition the Ecosystem Conservator Lamu assured the county government of Lamu, that communities have been well sensitized on the process and the benefits therein.

In conclusion, the Head of Conservancy – Coast informed the meeting that there is no ban on mangrove forest exploitation.

There being no other business, the chairperson adjourned the meeting at 5.30pm.

Confirmation of the meeting:-

Chairperson- Amina Rashid ..... **Date** 19.06.15

Signature

CHIEF OFFICER
LANDS, PHYSICAL INFRASTRUCTURE,
URBAN DEVELOPMENT, WATER
AND NATURAL RESOURCES
LAMU COUNTY GOVERNMENT

Secretary - George Wara ..... **Date** .....

Signature

19.06.05

MEETING ON GAZETTEMENT OF PANDANGUO AND BONI (LUNGI) FOREST RESERVES HELD ON THE 9TH JUNE, 2015 AT THE COUNTY GOVERNMENT OFFICE IN LAMU

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Chairperson- Amina Rashid ..... **Date** 19.06.2015

Signature

CHIEF OFFICER
LANDS, PHYSICAL INFRASTRUCTURE,
URBAN DEVELOPMENT, WATER
AND NATURAL RESOURCES
LAMU COUNTY GOVERNMENT

Secretary - George Wara ..... **Date** .....

Signature 19.06.05

MEETING ON GAZETTEMENT OF BONI (IJARA) FOREST HELD ON THE 11/06/2015 AT THE GOVERNOR'S BOARDROOM GARISSA COUNTY

Members Present:

Name	Designation
1. Abdullahi Hussein Ali	Deputy Governor Garissa – Chairperson
2. Mohamed Osman Ahmed	Ag. CEC Environment, Garissa
3. Mohammed Hassan Ahmed	Environment Officer, Garissa
4. Habib Farah	Environment Officer, Garissa
5. Simon Wahome	H.O.C North Eastern
6. Dedan Nderiru	H.O.C (Conservancy Coast)
7. Donald Avude	Deputy H.O.C North Eastern
8. Evans Kegode	Head of Survey (K.F.S)
9. Aggrey Sitati	Accountant (K.F.S)
10. Lt. Col (Rtd) Simani	R.C. Coast (K.F.S)
11. Elijah Kiarie	Ag. R.C. Garissa
12. Patrick Njagi	Legal Services (K.F.S) – Recording
13. David Mwanzia	E.C Garissa (K.F.S)
14. James Muthembwa	Zonal Manager Ijara (K.F.S)

AGENDA

1. **Introduction**
2. **Remarks from Head of Conservancies (North Eastern & Coast)**
3. **Status of Boni (Ijara) Forest (By Head of Survey)**
4. **Statement from the Regional Commandant- Coast**
5. **Statement from the Deputy Governor-Garissa**
6. **A.O.B**

Minutes 1/1/15 Introduction

The meeting started at 10.40am with introductory remarks from the chairman who welcomed the members and informed the meeting that the Governor was away on official duty and had consented to the meeting. Members introduced themselves thereafter.

Minutes 2/1/15 Remarks from the Head of Conservancies (North Eastern & Coast)

The H.O.C North Eastern briefed the chairman on the purpose of the meeting and further briefed members on the status of the forest while noting that that the percentage forest cover in North Eastern region was low compared to the constitutional requirement of at least 10% land cover.

He also pointed out the importance of sound conservation and protection of the Boni (Ijara) being ecologically critical.

He as well indicated the significance of involving stake holders in the management and conservation of forestry recourses as provided for in the Forest Act 2005.

In his support, the Head of conservancy – Coast informed the meeting that the Boni Forest is an important ecosystem rich in biodiversity, containing rare endemic and endangered species with important water catchment functions.

Minute 3/1/15 The Head of Survey Kenya Forest Service Karura Forest Headquarter.

The Head of survey informed the meeting that the Boni Forest is a trans-boundary ecosystem which traverses Lamu, Garissa and into Somali Land.

The Boni forest Ecosystem which is ear marked for gazzetment has a total area of 531,000ha (approximately). The part of the ecosystem in Garissa County set aside for forest development is 451,430.68 Ha (approximately) and is as depicted on the authenticated boundary plans no 175/434 which depicts BONI (IJARA) forests and environs.

The Head of survey further informed the meeting that the gazettement process will be completed once the documents have been forwarded to the Cabinet Secretary by the Kenya forest Service Board for onward forwarding to the Attorney General for gazettement.

Prior to the survey of the ecosystem adequate consultations were carried out with the Aweer Community and relevant National Security agencies.

The legal officer added to the remarks on the gazzettment process and informed members that the process was constitutionally sound, having identified the area as ecologically sensitive and as a land policy requirement, it was prudent to gazette the forest.

Minute 4/1/15 Regional Commandant –Coast on Security

The Regional Commandant noted that the Gazettement of the ecosystem would enhance security in the region and the county at large. He explained that this would be achieved by monitoring the movement in and out of the Forest by KFS personnel on the ground.

Minute 5/1/15 The Deputy Governor's Remarks .

The Deputy Governor thanked the Kenya Forest Service team for informing the County Government of Garissa on the ongoing process on gazettement of Boni (Ijara)forest.

However, he noted that;-

i. The forest block being a trans-boundary resource would require a well structured plan in terms of management and infrastructure as well as involvement of the county Government for efficient Management.

iii. The interest of the neighboring communities should be considered in the conservation management plan of the ecosystem.

iv. That the County Government of Garissa should benefit from the gazetted forest including creation of employment opportunities among others

v. The County Government of Garissa shall facilitate the gazettement of Boni forest ecosystem to ensure its conservation and improvement of security within this region.

Minute 6/1/15 Concluding Remarks

The Head of survey confirmed to the meeting that the areas settled by the Aweer have been excluded from the area to be gazetted as clearly depicted on the boundary plans. Equally by gazettement, the activities of the Aweer Community will not be affected by the subject gazettement. In addition the Ecosystem Conservator Garissa assured the county government of Garissa, that communities have been well sensitized on the process and the benefits therein.

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

Confirmation of the meeting:-

Chairperson- Abdi Abdullahi ..... **Date** .....

Signature

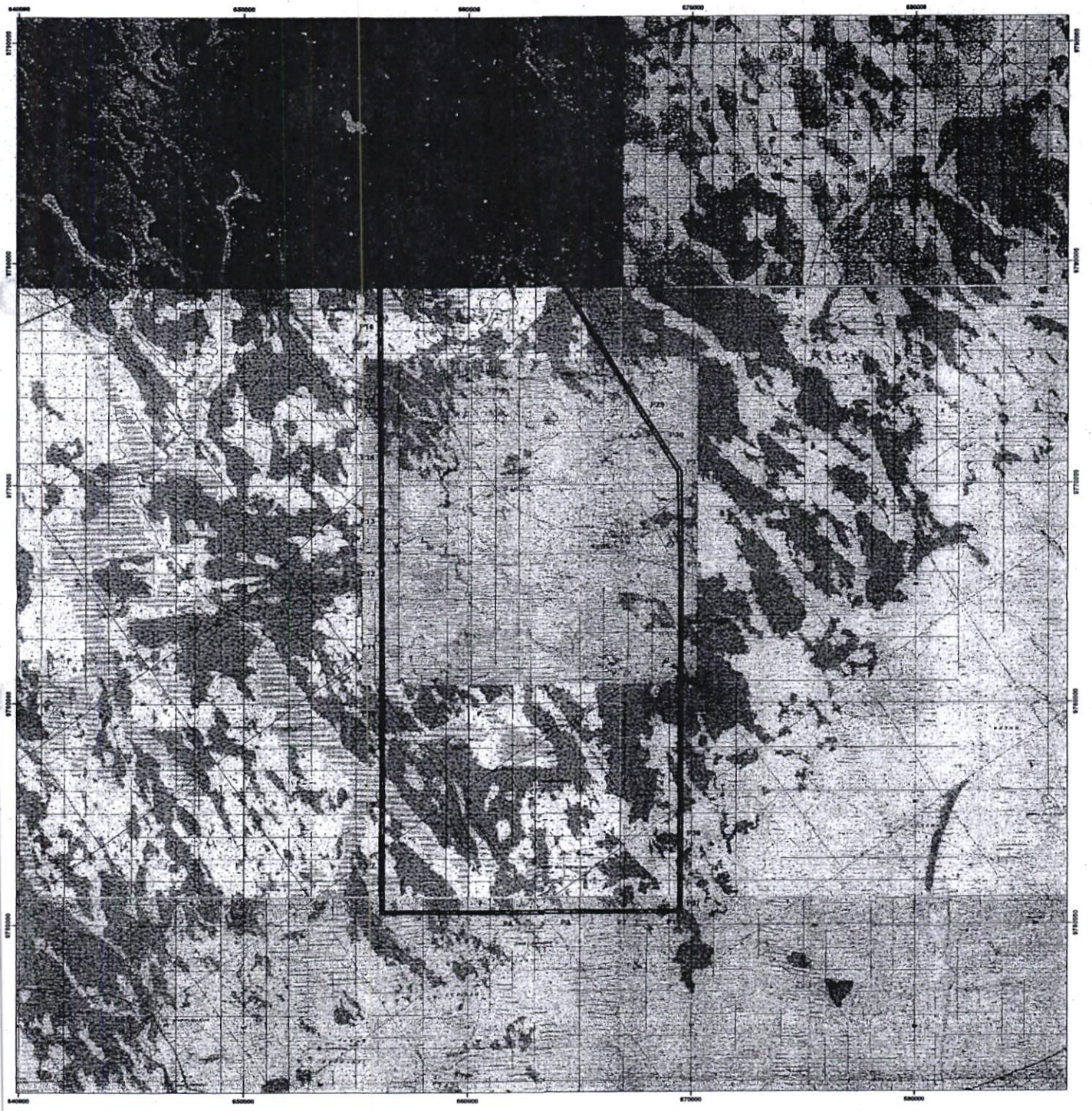
Secretary - Patrick Njagi ..... **Date** .....

Signature

PANDA-NGUO FOREST

SCALE 1:100,000

AREA = 41,316.0 Ha. (Approx)



NOTE: Grid Value In UTM

NAME PANDA-NGUO FOREST

B.P NO 175/435

Topo / RIM 168/4, 169, 179/2,180/1,179/4,180/3

FILE FOR/7/130/7

LOCALITY WEST OF LAMU TOWN

DISTRICT LAMU

B.P PREPARED BY EVANS KEGODE (KFS) Date 04 -11-2014

B.P CHECKED BY JEPKEMBOI KANDAGOR Date 25 -11-2014

B.P CHARTED BY _____ Date _____

N
W E
S

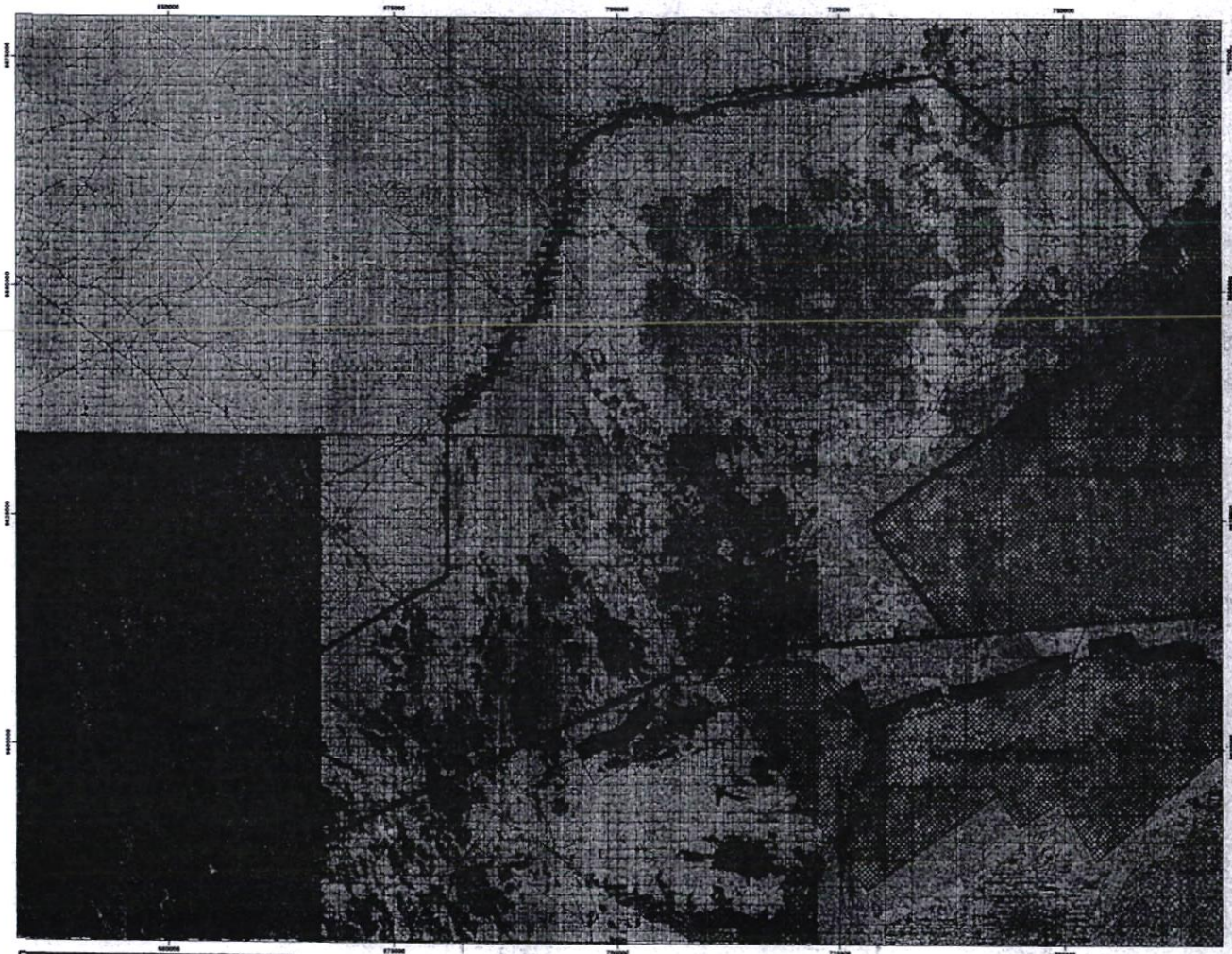
Sign _____ Date 19-11-2014 For Director, Kenya Forest Service	OFFICER AND OFFICE REQUESTING B.P
Sign _____ Date 27-11-2014	FOR DIRECTOR OF SURVEYS

BOUNDARY PLAN NO. 175/ 435

BONI (IJARA) FOREST

SCALE 1:250,000

AREA = 451,430.68 Ha. (Approx)



NOTE: Grid Value in UTM

NAME BONI (IJARA) FOREST

B.P NO 175/434

Topo / RIM 155, 156, 157, 168/1, 168/2, 168/3, 168/4, 169, 170

FILE FDR/7/19/2

LOCAUTY NORTH OF LAMU TOWN

DISTRICT IJARA

B.P PREPARED BY EVANS KIBOODE (KFS) Date 04-11-2014

B.P CHECKED BY JEPKEMBOI KANDAGOR Date 14-11-2014

B.P CHARTED BY _____ Date _____

N
W E
S

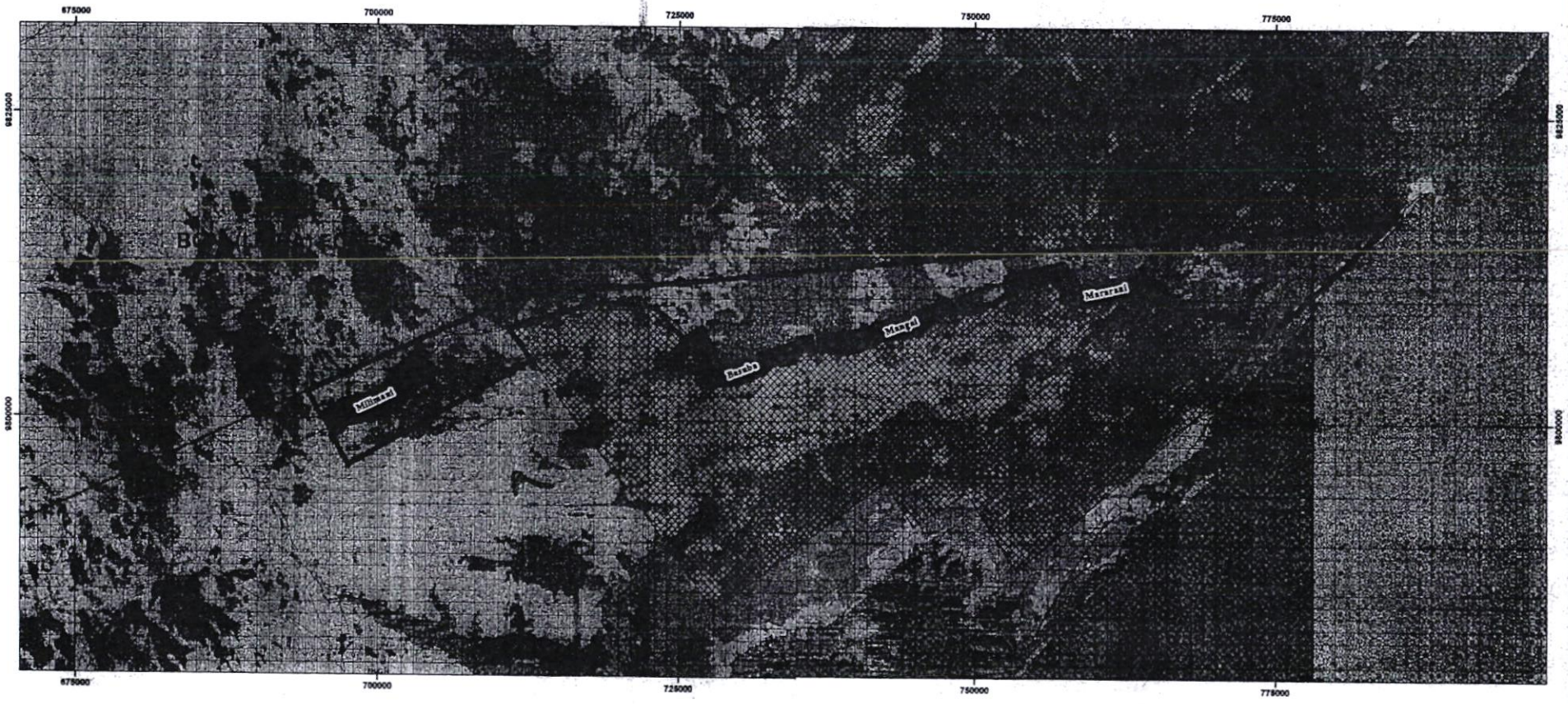
Sign _____ Date 06-11-2014 For Director, Kenya Forest Service	OFFICER AND OFFICE REQUESTING B.P
Sign _____ Date 17-12-2014	FOR DIRECTOR OF SURVEYS

BOUNDARY PLAN NO. 175 / 434

BONI - LUNGI FOREST

SCALE 1:250,000

AREA = 39,925.7 Ha. (Approx)



NOTE: Grid Value In UTM

NAME BONI / LUNGI FOREST

B.P NO 175/433

Topo / RIM 169, 170, 170A

FILE FOR/7/139/2

LOCALITY NORTH OF LAMU TOWN

DISTRICT LAMU

B.P PREPARED BY EVANS KEGODE (KFS) Date 04-11-2014

B.P CHECKD BY JEPKEMBOI KANDAGOR Date 14-11-2014

B.P CHARTED BY _____ Date _____

Sign ..... Date 04-11-2014 For Director, Kenya Forest Service	OFFICER AND OFFICE REQUESTING B.P
Sign ..... Date 17-11-2014	FOR DIRECTOR OF SURVEYS

BOUNDARY PLAN NO. 175/ 433