



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT - FIFTH SESSION - 2026

Approved
SNA
23/6/26

DIRECTORATE OF DEPARTMENTAL COMMITTEES
THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY AND
MINING

REPORT ON:
THE PROPOSED DE-GAZETTEMET OF SPECIFIED PUBLIC FOREST LAND
NAMELY; TURBO FOREST (MANZINI AREA), MOUNT ELGON FOREST
(CHEPYUK AREA), AND KAKAMEGA FOREST (SHIRU AND SHAVIRINGA
AREAS)

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 24 JUN 2026	
DAY: Wednesday	
TABLED BY:	Hon. Vincent Musyoka (Chairperson, Environment, Forestry & Mining Committee)
CLERK-AT THE-TABLE:	Anastacia

DIRECTORATE OF DEPARTMENTAL COMMITTEES,
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JUNE, 2026



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LIST OF ABBREVIATIONS AND ACRONYMS

Cap.	-	Chapter
CBS	-	Chief of the Burning Spear
EATEC	-	East African Tanning and Extract Company
EIA	-	Environmental Impact Assessment
ESIA	-	Environmental and Social Impact Assessment
KFS	-	Kenya Forest Service
KUP	-	Kenya Union Party
KWS	-	Kenya Wildlife Service
MBS	-	Moran of the Order of the Burning Spear
NEMA	-	National Environment Management Authority
ODM	-	Orange Democratic Movement
RIMs	-	Registry Index Maps
TVET	-	Technical, Vocational, Education and Training
UDA	-	United Democratic Alliance
UPIA	-	United Party of Independent Alliance
WDP	-	Wiper Democratic Party

LIST OF ANNEXURES

Annex 1:	Adoption Schedule for the Report
Annex 2:	Minutes
Annex 3:	Copy of the Petition
Annex 4:	Submissions from the stakeholders

CHAIRPERSON'S FOREWORD

This report contains the proceedings of the Departmental Committee on Environment, Forestry and Mining on the consideration of the Petition concerning the proposed variation of boundaries of selected public forests, namely Turbo Forest (Manzini Area), Mount Elgon Forest (Chepyuk Phases II and III), and Kakamega Forest (Shiru/Shaviringa Settlement Schemes). The Petition was presented pursuant to Articles 37, 62 and 119 of the Constitution and Section 34 of the Forest Conservation and Management Act, Cap. 385.

In considering the Petition, the Committee received submissions from the Ministry of Environment, Climate Change and Forestry; the National Land Commission; the Ministry of Lands, Public Works, Housing and Urban Development; the Kenya Forest Service; local leadership; and representatives of the affected communities. The Committee also undertook inspection visits and stakeholder engagement in the affected areas to ascertain the status of the settlements and the implications of the proposed degazettement.

The Committee observed that the settlement schemes under consideration were established by the Government between the 1970s and 1990s to address historical cases of landlessness, displacement arising from public projects, settlement of squatters, and resettlement of communities and retired forest workers. Over time, the areas have developed into fully settled communities with public infrastructure such as schools, health facilities, markets, roads, and administrative offices. However, due to the absence of formal degazettement processes, many residents have continued to live without secure land tenure and title deeds for several decades.

At the same time, the Committee recognized that public forests are constitutionally protected ecological resources whose conservation is critical to environmental sustainability, climate regulation, biodiversity protection, and attainment of the national tree cover target. The Committee therefore appreciated concerns raised by the National Land Commission and other stakeholders regarding the need to safeguard Kenya's forests against further encroachment and unsustainable land use practices.

The Committee noted the importance of balancing environmental conservation with the need to resolve long-standing historical land injustices and tenure insecurity affecting the affected communities. The Committee further observed the need for strict adherence to constitutional and statutory requirements governing forest boundary variation, including public participation, environmental impact assessment, transparent beneficiary verification, and protection of the remaining forest areas.

Accordingly, the Committee emphasizes that any resolution of the matter must ensure transparent and accountable processes, harmonization and verification of beneficiary records, and clear demarcation between settlement areas and protected forest land in order to prevent future disputes and encroachment.

On behalf of the Committee, I wish to thank all stakeholders, Government agencies, community representatives, and members of the public who participated in the consideration of this Petition. I also extend appreciation to Members of the Committee and the Secretariat for their dedication and commitment throughout the inquiry process.

It is my pleasant duty and privilege to present this Report of the Departmental Committee on Environment, Forestry and Mining on the Petition regarding the proposed variation of boundaries of specified public forests.

Hon. Vincent Musyoka Musau, CBS, MP
Chairperson, Departmental Committee on Environment, Forestry and Mining

CHAPTER ONE

1.0 PREFACE

1.1 Establishment of the Committee

- I. The Departmental Committee on Environment, Forestry and Mining is one of the twenty (20) Departmental Committees of the National Assembly established under Standing Order 216, whose mandate pursuant to Standing Order 216 (5) is as follows:
 - i. *To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
 - ii. *To study the programme and policy objectives of Ministries and departments and the effectiveness of their implementation;*
 - iii. *On a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
 - iv. **To study and review all the legislation referred to it;**
 - v. *To study, assess and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
 - vi. *To 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;*
 - vii. *To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on appointments);*
 - viii. *To examine treaties, agreements and conventions;*
 - ix. *To make reports and recommendations to the House as often as possible, including recommendations of proposed legislation;*
 - x. *To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
 - xi. *To examine any questions raised by Members on a matter within its mandate.*

1.2 Mandate of the Committee

2. In accordance with the Second Schedule to the Standing Orders, the Committee is mandated to consider matters related to Climate change, environment management and conservation, forestry, mining and natural resources, pollution and waste management.
3. In executing its mandate, the Committee oversees the Ministry of Environment, Climate Change and Forestry and the State Department for Mining.

1.3 Committee Membership

4. The Committee comprises of the following Members:

Chairperson

The Hon. Eng. Vincent Musyoka Musau Kawayu, CBS, MP
Mwala Constituency

UDA Party

Vice-Chairperson

The Hon. Charles Kamuren, CBS, MP
Baringo South Constituency

UDA Party

Members

Hon. Jessica Kiko Mbalu, CBS, MP
Kibwezi East Constituency

WDM-K Party

Hon. Yakub Adow Kuno, MP
Bura Constituency

UPIA Party

Hon. Gertrude Mbeyu Mwanyanje, CBS, MP
Kilifi County

ODM Party

Hon. Salim Feisal Bader, M.P.
Msambweni Constituency

UDA Party

Hon. Hiribae Said Buyu, MP
Galole Constituency

ODM Party

Hon. Dr. Joseph Wainaina Iraya, OGW, MP
Nominated,

UDA Party

Hon. Joseph Namuah Emathe, MP
Turkana Central Constituency

UDA Party

Hon. Charity Kathambi, MP
Njoro Constituency

Independent Member

Hon. Beatrice Chepng'eno Kemei, MP
Kericho County

UDA Party

Hon. Mohamed Mohamed, CBS, MP
Nyali Constituency

UDA Party

Hon. Fatuma Hamisi Masito, MP
Kwale County

ODM Party

Hon. Titus Lotee, MP
Kacheliba Constituency

KUP Party

Hon. Leo WA Muthende Njeru, MP
Mbeere North Constituency

UDA Party

1.4 Committee Secretariat

5. The following Members of Staff serve the Committee:

Mr. Nicodemus Maluki
Clerk Assistant I/Head of Secretariat

Ms. Mercy Wanyonyi
Principal Legal Counsel II

Ms. Nancy Chamunga
Fiscal Analyst II

Mr. Hamdi Hassan Mohamed
Clerk Assistant III

Dr. Joseph Kuria
Research Officer III

Mr. Stephen Otieno
Sergeant-at-Arms

Mr. Kevin Ojiambo
Media Relations Officer III

CHAPTER TWO

2.0 BACKGROUND OF THE PETITION

2.1 Introduction

6. The Petition was submitted to the National Assembly by Dr. Deborah Barasa, Cabinet Secretary for the Ministry of Environment, Climate Change and Forestry, pursuant to Articles 37, 62 and 119 of the Constitution and Section 34 of the Forest Conservation and Management Act, Cap. 385.
7. The Ministry of Environment, Climate Change and Forestry received petitions from members of the public claiming to have settled in various public forest lands. Consequently, the Ministry established an inter-ministerial committee to review the petitions.
8. The report of the inter-ministerial committee was subsequently presented to the Kenya Forest Service Board, which recommended the regularization of settlements within the affected forest areas. Following this, the Ministry submitted a Cabinet Memorandum on the determination of the land claims in public forests. The Cabinet considered and approved the Memorandum, including the proposal to vary the boundaries of the affected public forests to regularize the settlements.
9. Accordingly, the Petitioner sought the intervention of Parliament to approve the variation of boundaries for the following public forests:
 - a. South Nandi Forest (Chepkumia), approximately 989.17 hectares;
 - b. Turbo Forest (Manzini area), approximately 1,241.50 hectares;
 - c. Mount Elgon Forest (Chepyuk area), approximately 4,647 hectares; and
 - d. Kakamega Forest, approximately 94.99 hectares at Shiru and 36 hectares at Shaviringa.

2.2 Petitioner's Prayers

10. The Petitioner further requested Parliament to consider the Petition and issue appropriate orders.
11. In accordance with the Speaker's Communication, the Committee was directed to consider the Petition with respect to the proposed de-gazettement of specified public forest lands, particularly in relation to claims concerning Turbo Forest (Manzini area), Mount Elgon Forest (Chepyuk area), and Kakamega Forest (Shiru and Shaviringa areas). The Petition relating to South Nandi Forest (Chepkumia area) was already under consideration by the select Committee on Petitions.

CHAPTER THREE

3.0 LEGAL FRAMEWORK

3.1 The Constitution

12. Pursuant to Article 69(1)(b) of the Constitution, the State is required to achieve and maintain a tree cover of at least ten per cent of the land area in Kenya. Additionally, Article 69(1) (d) and (h) of the Constitution provide for the obligations of the State with respect to the environment. In particular, it provides that the State shall encourage public participation in the management and conservation of the environment and utilize the environment and natural resources for the benefit of the people of Kenya. The Forest Conservation and Management Act, Cap. 385.
13. Section 34 of the Forest Conservation and Management Act, Cap. 385 provides for the process of variation of boundaries or revocation of public forests through a Petition to the National Assembly. It sets out clear steps that must be undertaken in the consideration of such a Petition. These steps include:
 - a) The Petition should demonstrate that the variation of boundaries of the public forest does not:
 - i. endanger any rare, threatened or endangered species; or
 - ii. adversely affect its value as a water catchment area; and prejudice biodiversity conservation, cultural site protection of the forest or its use for educational, recreational, health, or research purposes.
 - b) The Petition should only be forwarded to the National Assembly on the recommendation of the Kenya Forest Service.
14. Upon committal of the Petition to the Departmental Committee on Environment, Forestry and Mining, the Cabinet Secretary responsible for matters relating to forestry is required, within thirty (30) days, to submit a recommendation on whether the Petition should be approved subject to an independent Environmental Impact Assessment and public consultation being undertaken in accordance with the Second Schedule of the Act. On the outcome, where the Committee finds that the Petition:
 - i. does not disclose a ground for the variation of boundaries of the public forest, no further proceedings shall be taken; or
 - ii. discloses a ground for the variation of boundaries, the National Assembly shall vote on whether to approve the recommendation.
15. Their recommendation to vary boundaries is supported by a majority of the members present and voting in the National Assembly. The Cabinet Secretary shall publish a notice on the variation of boundaries in the *gazette*.

CHAPTER FOUR

4.0 STAKEHOLDERS' SUBMISSIONS AND INSPECTION VISITS

4.1 Stakeholders' Submissions on the Petition

4.1.1 Ministry of Environment, Climate Change and Forestry

The Cabinet Secretary appeared before the Committee and submitted as follows on the Petition:

16. The Petition seeks to determination various public forest land claims affecting South Nandi Forest, Turbo Forest, Mount Elgon Forest, and the Shiru/Shaviringa area of Kakamega Forest.
17. The Ministry received over one hundred (100) petitions requesting the regularization of settlements within public forest land. To address this, the Ministry constituted a technical team which evaluated the petitions based on an established criteria, including:
 - i. Evidence of prior Government approval for resettlement;
 - ii. Absence of pending litigation; and
 - iii. The extent and nature of settlement on the land.
18. The recommendations arising from this review were submitted to the Kenya Forest Service Board, which approved the proposed regularization during its meeting held on 21st January 2025. Subsequently, the Ministry sought and obtained Cabinet approval on 29th April 2025 to proceed with the Petition.
19. In compliance with Section 34 of the Forest Conservation and Management Act, Cap. 385, the Ministry conducted Environmental Impact Assessments (EIA) for all affected forest areas and submitted the reports to NEMA for licensing. The process also included stakeholder consultations.

a. Turbo Forest

20. Turbo Forest was declared a forest area through Legal Notice No. 145 of 14th June 1968, originally covering approximately 19,038 acres (7,404 Ha). The current forest area measures approximately 10,788.17 hectares as per Boundary Plan No. 175/132 and is administered by the Kenya Forest Service.
21. The forest was established in the late 1960s as a pulpwood plantation following land acquisition from East African Tanning and Extract Company EATEC, with additional parcels incorporated through subsequent Legal Notices issued in 1971 and 1972, including land from West King, Cooper Estates, and a railway land exchange.
22. The Manzini Forest Block, measuring approximately 1,214 hectares, forms part of the larger Turbo Forest. In 1995, the Government proposed the excision of the area for the settlement of landless squatters; however, the process was not finalized in accordance with the applicable legal and procedural requirements. The Ndung'u Report subsequently recommended that

ecologically sensitive sections of the area be excluded prior to the formalization of the settlement scheme. The area was later surveyed and designated as Land Reference No. 11945 for purposes of settlement planning and regularization.

23. The current Petition seeks to regularize these long-settled areas to promote harmony with adjacent communities and prevent further encroachment while supporting national forest cover targets.

b. Mount Elgon Forest – Chepyuk Area

24. Mount Elgon Forest, covering approximately 91,997.16 hectares, was proclaimed a forest reserve in 1932 and later declared a Central Forest in 1964.
25. Boundary adjustments undertaken in 1939 led to the creation of the Elgon Native Land Unit, commonly referred to as Chepkitale. Subsequently, in 1973, the Government resettled the Elgonyi Dorobo community to the Chepyuk Settlement Scheme covering approximately 3,686 hectares.
26. Further developments occurred in 1992 when Chepyuk Phases II and III were surveyed, covering approximately 4,607 hectares and comprising 2,576 plots intended for settlement. In 2000, Chepkitale was gazetted as a National Reserve despite continued occupation by local communities.
27. A 2018 Petition to vary forest boundaries to exclude Chepyuk Phases II and III was tabled and considered by Parliament in 2019, with recommendations supporting the excision. However, the process was not concluded. This Petition seeks to finalize that process.
28. Mount Elgon Forest, covering approximately 91,997.16 hectares, was first proclaimed a Forest Reserve through Proclamation No. 44 of 1932, and later declared a Central Forest under Legal Notice No. 174 of 1964 (copy attached). Since its establishment, several boundary amendments have been undertaken as outlined below:
29. In 1939, the boundaries of the Kavirondo Native Land Unit were altered, resulting in the creation of the Elgon Native Land Unit, now known as Chepkitale, covering approximately 17,000 hectares.
30. In 1973, the Government resolved to resettle the Elgonyi Dorobo community from the Elgon Native Land Unit due to harsh climatic conditions. This resettlement was implemented through Legal Notice No. 51 of 1974, which allocated approximately 3,686 hectares on the lower slopes of the mountain, currently known as Chepyuk.
31. In mid-1992, Chepyuk Settlement Scheme Phases II and III were surveyed, covering 5,252 hectares and comprising 2,576 plots. The settlement comprised approximately 80% Dorobo (Mosop) and 20% Soy (Sabaot) communities. Phase III covers 2,865.42 hectares while Phase II covers 1,741.99 hectares. Subsequently, the boundaries of Phases II and III were regularized to 4,607 hectares in accordance with Approved Boundary Plan No. 175/49.

32. In 2000, the Chepkitala area was gazetted as the Mount Elgon National Reserve (Chepkitala). The reserve is currently managed by the Kenya Wildlife Service (KWS), although it remains inhabited by members of the Elgoni Dorobo community.
33. In 2018, the Ministry submitted a Petition to the National Assembly seeking the variation of the boundaries of Mount Elgon Forest Reserve. The Petition was tabled on 5th July 2018 and subsequently referred to the Departmental Committees on Environment and Natural Resources and Lands for consideration. The Report was tabled before the National Assembly for debate and adoption on 4th July 2019; however, the process was not concluded.(Copy attached)
34. Pursuant to Section 34 of the Forest Conservation and Management Act, 2016, the National Assembly is required to approve the variation of the boundaries of Mount Elgon Forest Reserve to facilitate the exclusion of Chepyuk Phases II and III, which together comprise approximately 4,607 hectares. The Government is further required to take appropriate measures to secure and protect the remaining forest areas, particularly in Chepkitala, in line with the United Nations recommendation of attaining at least 10% national forest cover. A copy of the Committee's Report on the Petition dated July 2019 is attached for reference.

c. Kakamega Forest – Shiru/Shaviringa Area

35. The Government initiated a land exchange programme between private landowners in Mbale and the then Ministry of Environment and Natural Resources. Under this arrangement, private landowners in Mbale were to surrender their land to the Government, while the Government would, in turn, allocate forest land within Kakamega Forest.
36. An area measuring approximately 134.8 hectares in the Shiru area of Kibiri Forest (part of the larger Kakamega Forest) was identified for this purpose. Subsequently, Boundary Plan No. 180/215 (copy attached) was prepared in anticipation of the de-gazettement. However, it is noteworthy that this plan was developed from Registry Index Maps (RIMs) by the Director of Survey without an actual ground survey, contrary to the required procedure.
37. In or about 1992, 36.0 hectares of the identified land was earmarked for individuals displaced by the expansion of Mudete Tea Factory in Vihiga. These individuals were resettled in what came to be known as the Shaviringa Settlement Scheme.
38. Although the Shaviringa Scheme was intended to cover 36.0 hectares, a ground verification conducted by the Kenya Forest Service (KFS) in November 2019 established that the occupied area measures approximately 43.5 hectares, indicating an excess occupation of 7.5 hectares.
39. Importantly, none of the areas earmarked for excision were formally de-gazetted. Consequently, they remain legally under the jurisdiction of the Kenya Forest Service, despite the fact that both Shiru and Shaviringa are fully settled.

40. Shiru Settlement Scheme currently measures approximately 98.8 hectares following the excision of 36 hectares for Shaviringa. Both Shiru and Shaviringa settlement schemes are now fully developed, featuring extensive public infrastructure, including schools and well-established road networks. The Ndung'u Report (Page 685) classified the Shiru and Shaviringa excisions as illegal but recommended their legalization on account of full settlement and existing developments.
41. On 30th September 2019, the Governor of Vihiga County submitted a request to the Kenya Forest Service seeking the alteration of the Kibiri Forest boundaries in order to regularize existing settlements in accordance with the Forest Conservation and Management Act, Cap. 385.
42. This request was followed by Petition No. 82 of 2019, dated 1st October 2019, which was submitted by the then Member of Parliament for Hamisi Constituency, Hon. Charles Gimose, to the Departmental Committee on Environment and Natural Resources. The petition sought a resolution on settlement and compensation for families who had been displaced from Vihiga, Sabatia, and Hamisi Sub-Counties and subsequently resettled within Kibiri Forest.
43. The Ministry of Environment and Forestry responded to the petition, after which the Committee directed that the matter be processed through the Kenya Forest Service in accordance with the law.
44. Both the Governor's request and the parliamentary petition were later presented to the Kenya Forest Service Board of Directors for consideration.
45. On 28th September 2021, a meeting convened by the Principal Secretary of the Ministry of Environment and Forestry resolved to establish a multi-agency team comprising the Ministry of Interior and Coordination of National Government, the Ministry of Lands and Physical Planning, the Council of Governors, the National Environment Management Authority (NEMA), and the Kenya Forest Service (KFS). The team was tasked with addressing the degazettement of the Shiru and Shaviringa Settlement Schemes.
46. The meeting further resolved that all legal procedures for boundary alteration must be strictly followed, and the County Government of Vihiga should formally petition the National Assembly for the alteration of the Kakamega Forest boundary to exclude the two settlement schemes, in line with the 1985 land exchange programme. It was also agreed that KFS and Ministry of Lands surveyors would jointly prepare a budget and carry out a proper survey, while the Ministry of Interior would provide security during the exercise. In addition, a joint field mission was to be conducted to engage stakeholders, and NEMA was to undertake an Environmental Impact Assessment (EIA) concurrently with the survey. Finally, the Petition, Survey Report, and EIA findings were to be submitted to the KFS Board for consideration.
47. Between 14th and 18th December 2021, the multi-agency team undertook a field visit to Shiru and Shaviringa, during which a series of stakeholder engagements were held. The team paid courtesy calls to the County Commissioner of Kakamega County and held consultations with representatives of the Vihiga County Government. In addition, engagements were conducted

with the then Governor of Kakamega County, H.E. Hon. Wycliffe Oparanya. The visit also included a public participation forum held at Vihiga County Hall on 16th December 2021.

48. During the field excursions, the team visited the settlement areas under the guidance of local elders and allottees and traversed the boundaries of Shiru and Shaviringa as delineated by Kenya Forest Service (KFS) surveyors. The County Government of Vihiga subsequently committed, through a letter dated 10th June 2022, to finance the survey and Environmental and Social Impact Assessment (ESIA) process. Thereafter, the Ministry undertook an Environmental Impact Assessment (EIA) in compliance with Section 34 of the Forest Conservation and Management Act, Cap 385.

4.1.2 The National Land Commission

The Chief Executive Officer of the National Land Commission, Ms. Kabale Tache Arero, MBS, appeared before the Committee and made submissions on the Petition as follows:

49. Our forests constitute an integral part of Kenya's national heritage and remain a critical pillar of environmental sustainability and socio-economic development. Kenyans derive numerous benefits from public forests, including water catchment services, medicinal resources, fuelwood, grazing areas, and enhanced agricultural productivity arising from climate regulation functions.
50. Forest ecosystems further play a vital protective role by buffering communities against natural disasters such as mudslides, landslides, and floods, which have become increasingly frequent due to climate change. In addition, they support biodiversity conservation, sustain livelihoods, and contribute significantly to Kenya's climate change mitigation and adaptation commitments.
51. It is therefore imperative that any proposal to vary forest boundaries or allocate forest land be undertaken with utmost caution, strictly guided by the Constitution and applicable legal frameworks, and with due regard to the need to safeguard these critical ecological assets for present and future generations.
52. However, the survival and continued existence of these forests is under significant threat from unsustainable human activities, including encroachment for settlement, agricultural expansion, and illegal logging, among others. It is precisely these immense ecological benefits, and the increasing threats facing these ecosystems, that informed their original gazettement during both colonial and post-colonial periods.
53. The public forests under consideration—Turbo Forest, Mount Elgon Forest (Chepyuk), and Kakamega Forest (Shiru and Shaviringa)—are not unique in the range of ecological and socio-economic benefits they provide, including their critical role as water catchment areas.
54. Consequently, any proposal to vary forest boundaries or degazette public forests, including those subjects of this Petition, is inconsistent with the Constitution of Kenya, 2010. Such action would undermine the right of every person to a clean and healthy environment under

Article 42, and the State's obligation to protect and conserve the environment under Article 69.

55. Further, such proposals would contravene the principle of sustainable development under Article 10(2)(d) and the principles of land policy under Article 60 of the Constitution, which require land to be managed in a manner that is equitable, efficient, productive, and sustainable. These principles include equitable access to land, sustainable and productive management of resources, and the protection of ecologically sensitive areas.
56. In addition, variation of forest boundaries and subsequent degazettement would set a dangerous precedent for forest governance and conservation. Public forests are already significantly encroached upon, and granting this Petition would likely exacerbate further encroachment. This would effectively open a "Pandora's box," making it increasingly difficult for the State, including Parliament, to regulate and protect forest resources.
57. It would also encourage similar claims over other public forests such as Ngong Hills, Aberdare Forest, Mount Kenya Forest, and the Embobut Forest complex, thereby undermining consistency, equity, and effectiveness in forest governance.
58. Moreover, such action would be inconsistent with Kenya's obligations under multilateral environmental agreements, including the Convention on Biological Diversity, as well as Articles 2(5) and 2(6) of the Constitution. Where genuine cases of displacement exist, appropriate redress should be pursued through established legal mechanisms for resettlement, including the Settlement Fund Trustees Board under Section 134 of the Land Act, 2012.
59. The Government has further committed to increasing national tree cover to 30% by 2032 under the 15 billion Trees Growing, Landscape and Ecosystem Restoration Programme. These objectives require sustained conservation of existing public forests alongside restoration efforts on private and community lands, in line with Article 69(2) and the realization of environmental rights under Article 42.
60. Allowing degazettement of protected forests would undermine these national goals and render environmental policy commitments unattainable.
61. The Government should therefore prioritize the identification and provision of alternative land outside protected forest areas, which are designated as ecologically sensitive under Section 12(2) of the Land Act, 2012. Such lands are not available for allocation and must be preserved for public use, particularly environmental protection and biodiversity conservation.
62. The Commission expresses grave concern regarding the continued pressure to degazette public forests. It is essential that Parliament, in both Houses, fully appreciates the critical role of forests in climate regulation and ecological stability, and upholds the principle of sustainable development in balancing human needs with environmental protection.

63. Our forests are increasingly at risk of ecological collapse due to encroachment and unsustainable land use practices, which significantly undermine their resilience and the public benefits they provide.
64. Parliament has a constitutional duty under Article 68 of the Constitution not only to regulate the conversion of land from one category to another, but also to protect, conserve, and ensure equitable access to public land in the national interest.

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

65. The Principal Secretary, State Department for Lands and Physical Planning, Hon. Generali Nixon Korir, CBS, appeared before the Committee on Thursday, 7th May 2026 informed the Committee that the settlement schemes in Manzini–Turbo Forest, Chepyuk in Mount Elgon Forest, and the Shiru/Shaviringa areas in Kakamega Forest were established by the Government between the 1970s and 1990s to settle landless persons, squatters, retired forest workers, and communities displaced to facilitate expansion of public utilities.
66. He stated that the allocation processes were undertaken through the Provincial Administration and relevant Government officers, with beneficiaries identified and allocated land through official procedures. The PS further noted that while some phases, particularly Chepyuk Phases II and III, remain unregistered due to lack of formal degazettement, the current occupants are largely the original settlers, although the population has increased over time due to natural growth and informal settlement.
67. The proposed degazettement of the affected forest areas would help resolve long-standing land tenure insecurity affecting the settlers and public utilities established within the schemes, while assuring the Committee that the Kenya Forest Service continues to protect the remaining forest areas against encroachment.
68. He further informed the Committee that issues relating to land administration and forest management were best addressed by the National Land Commission and the Kenya Forest Service, respectively.
69. During the meeting, representatives of the settlement schemes from Turbo, Chepyuk, Shiru, and Shaviringa also submitted memoranda and supporting documents regarding the historical settlement process, verification of beneficiaries, and the need for formalization of land ownership within the affected areas.
70. The Committee sought clarification on the criteria used in identifying beneficiaries under Chepyuk Phases I, II and III, the authenticity of the beneficiaries' registers, and the legal status of the occupied forest land.
71. The Committee was informed that the original list of beneficiaries was prepared by the then Provincial Administration and that the current occupants largely comprise the original settlers and their families, although the population had increased over time due to natural growth and informal settlement.

72. Stakeholders representing the affected communities submitted that several residents had previously been evicted from the forest areas and later resettled by the Government. They further informed the Committee that the matter had previously been presented before the National Land Commission as a historical land injustice claim and that a multi-agency verification exercise had subsequently been undertaken to authenticate the list of beneficiaries.
73. The stakeholders stated that the initial register contained approximately 4,116 beneficiaries, while the verification exercise confirmed approximately 3,641 members, with additional claims arising from deceased beneficiaries and persons who had failed to appear during the verification exercise.
74. Members emphasized the need for a clean, verified, and traceable register of beneficiaries, including national identification details, in order to avoid future disputes and irregular allocation of land.
75. The Committee further underscored the importance of balancing settlement of the affected communities with the protection of remaining forest areas from further encroachment. Members observed that any settlement process should be undertaken transparently, with adequate public participation and in consultation with relevant Government agencies, including the Kenya Forest Service and the National Land Commission.
76. Members also noted the need for the Ministry to expedite the resolution of the matter in order to address the long-standing issue of insecure land tenure affecting the affected communities.

4.2 Committee Inspection Visits

77. The Committee undertook inspection visits intended to enable it to ascertain the status of the Petition on the ground and report its findings to the House regarding the proposed degazettement of specified public forest land. The inspections focused on various public forest land claims relating to Turbo Forest at Mazini Area, Mount Elgon Forest at Chepyuk Area, and Kakamega Forest at Shiru/Shaviringa Area, as presented by Deborah Barasa, the Cabinet Secretary for the Ministry of Environment, Climate Change and Forestry.

a. Mt. Elgon (Chepyuk Phase II and III)

78. During the public gathering held at Kipsigon Market Grounds in the Mt. Elgon (Chepyuk Settlement) area, various stakeholders expressed support for the proposed degazettement of the Mt. Elgon (Chepyuk Phase II and III) settlement land. Representatives from the Ministry responsible for Environment, Climate Change and Forestry indicated that the Petition was initiated to address the long-standing challenges faced by residents due to the delayed degazettement of the settlement areas.
79. The larger Mt. Elgon Forest covers approximately 50,000 hectares consisting of indigenous and exotic tree species, and the unclear boundaries between settlement areas and forest land have complicated efforts to protect the forest. The completion of the degazettement process

was therefore viewed as necessary to ensure clear demarcation between settlement land and protected forest areas, thereby enhancing forest conservation efforts. Residents were also encouraged to plant trees on at least ten per cent of their allocated land to help prevent soil erosion and landslides.

80. Representatives from the National Land Commission informed the Committee that their earlier objection to the degazettement proposal had been based on the information initially presented through the Petition. However, following the site visit, they confirmed that the settlement areas were fully occupied and developed with schools, dispensaries, Technical, Vocational, Education and Training (TVET) institutions, markets, trading centres, and extensive farming activities, with no existing forest cover within the settlement areas under consideration.
81. Members of the community expressed concern over the prolonged delay in regularizing the settlement despite the area having been established several decades ago. Residents observed that many families had occupied the land since the 1970s, yet the allocation process remained incomplete due to the lack of formal degazettement. As a result, they noted that the absence of title deeds had denied residents the opportunity to fully utilize their land as collateral for loans and other economic opportunities.
82. Several submissions emphasized that a clear demarcation between settlement areas and official forest land would support the Kenya Forest Service in protecting gazetted forest areas from encroachment while also enabling the local community to support government-led forest conservation and restoration initiatives. Community members, therefore, strongly supported the ongoing degazettement process and appealed for its speedy conclusion.
83. Residents further recalled that while Phase I of the settlement scheme had previously been degazetted and title deeds issued, Phases II and III had remained unresolved, causing prolonged suffering and uncertainty among affected families. They requested the Committee to fast-track the regularization process so that residents could enjoy secure land ownership and improve their livelihoods through farming, livestock rearing, and other economic activities.
84. Submissions also highlighted that the uncertainty surrounding land ownership had previously contributed to security challenges and conflicts over land allocation within the area. It was therefore observed that formal degazettement and proper allocation based on the existing list of occupants would promote peaceful coexistence among residents and minimize future disputes.
85. Elderly residents expressed appreciation to the Government and the Committee for taking steps to resolve the matter, noting that many original settlers had waited for decades to obtain title deeds. They appealed for the process to be finalized promptly so that families could secure ownership documents and pass the land to future generations.
86. Administrative officials further noted that the uncertainty over the legal status of the land had complicated the discharge of administrative responsibilities within the area. They observed

that regularization of the settlement would make administration easier and improve service delivery.

87. Community members also stated that once land allocations are regularized and title deeds issued, residents would be able to engage more effectively in socio-economic activities such as farming, livestock keeping, business development, and educating their children. Leaders from the area emphasized that secure land ownership would empower residents to access financial services and loans, thereby improving livelihoods and fostering long-term economic growth within the community.



b. Manzini forest-Turbo Block

88. The meeting was attended by a broad range of stakeholders, including officials from the Ministry of Environment, Climate Change and Forestry, the Kenya Forest Service, the National Land Commission, the Sub-County security team, members of the Turbo Settlement Committee, representatives of government institutions, village elders, church leaders, and residents of the Manzini Forest Block settlement. The participants underscored the long-standing nature of the settlement and the urgent need to finalize the degazettement process to enable issuance of title deeds to residents.
89. It was submitted that the settlement was established in 1995 following the identification and settlement of vulnerable and low-income residents drawn from neighboring locations around the Manzini Forest Block. Since then, the settlement has grown into a fully established community occupying approximately 1,240 hectares, with an estimated population of close to 20,000 residents. The area now hosts numerous social and public amenities, including primary and secondary schools, churches, a mosque, government administrative offices, cattle dips, shopping centers, and a cultural site.
90. Residents and community representatives noted that, despite occupying the land for over three decades and holding government-issued allotment letters, they continue to face significant social and economic challenges due to the absence of title deeds. It was emphasized

that the lack of secure land ownership has limited residents' ability to access credit facilities from banks and financial institutions, invest confidently in economic activities such as farming and livestock keeping, and fully enjoy their constitutional property rights. The uncertainty surrounding land ownership has also subjected families to persistent fear of eviction and hindered long-term development within the settlement.

91. Further submissions highlighted that many of the original allottees have since passed away, with succession processes already undertaken in some cases. Additionally, some parcels of land have been subdivided among family members, merged into larger portions, or transferred through family and informal arrangements over time. Stakeholders therefore requested that these realities be formally recognized and accommodated through a structured and lawful titling process supported by clear technical and legal guidance, so as to avoid disputes or disadvantage to affected families during implementation.
92. The meeting further noted that the absence of title deeds has affected both residents and public institutions within the area. Government institutions and development partners have allegedly faced challenges in undertaking major projects due to the unsettled land status. It was observed that issuance of title deeds for both residential and public utility land would unlock opportunities for investment and development, including the establishment of polytechnics, health facilities, water projects, and other essential services by both county and national governments.
93. Religious leaders and community representatives also emphasized that the settlement has evolved into a peaceful and diverse community accommodating various faith groups and social institutions. They reiterated that residents have suffered substantial losses and insecurity over the years due to unresolved land ownership issues and appealed for the expeditious conclusion of the degazettement and titling process to secure the future of current and succeeding generations.
94. Stakeholders further proposed the reconstitution of the coordination committee into a more inclusive and credible structure working closely with Government Administration offices, in line with constitutional principles of public participation, transparency, accountability, and equitable land governance.
95. The Committee emphasized that, upon completion of the degazettement process, there should be a transparent, inclusive, and fair verification exercise to identify legitimate beneficiaries for the issuance of title deeds. The Committee noted that this process would be essential in building public trust, ensuring accountability, and preventing future land disputes within the settlement.



c. Kakamega Forest at Shiru/Shaviringa Area

96. On Thursday, 27th March 2026, the Committee undertook a stakeholders' engagement meeting at the Shiru/Shaviringa Settlement Scheme in Kakamega County. During the engagement, the Committee was informed that in 1985, the Government of Kenya resolved to create space at Mbale in Maragoli for the establishment of the present-day Vihiga County Headquarters, including Mbale Teaching and Referral Hospital, County headquarters for the Police, Prisons, Administration, and other public amenities.
97. Consequently, members of the Maragoli community who occupied land within the affected areas were evicted and resettled in the Shiru/Shaviringa Settlement Scheme. However, the procedures required for compulsory acquisition of private land were not adhered to, resulting in the subsequent declaration that the process constituted an illegal and irregular disposal of public land.
98. The community highlighted several anomalies arising from the process, namely that:
 - i) Those evicted from their ancestral land have remained, and continue to be, the legally registered freehold proprietors of the land they vacated, for which they still hold title deeds;
 - ii) The Government does not possess ownership documents for the land on which government institutions and public amenities were established;
 - iii) The persons resettled in the Shiru/Shaviringa Settlement Scheme have not been issued with title deeds, as the land remains part of Kakamega Forest; and
 - iv) These matters have remained unresolved for the last forty years.
99. The community therefore appealed to the Committee to approve the proposed de-gazettement process to enable issuance of title deeds to the affected residents of Shiru/Shaviringa Settlement Scheme.



CHAPTER FIVE

5.0 COMMITTEE OBSERVATIONS

Upon hearing from the Petitioner and other stakeholders, the Committee observed that:

1. Public forests are constitutionally protected under Articles 42, 60, and 69 of the Constitution, and any proposal for boundary variation or de-gazettement must strictly comply with environmental protection obligations and the principle of sustainable development.
2. The settlement schemes in Manzini–Turbo Forest, Chepyuk in Mount Elgon Forest, and the Shiru/Shaviringa areas in Kakamega Forest were established by the Government between the 1970s and 1990s to address cases of landlessness, squatter settlements, displacement arising from the expansion of public utilities, and the resettlement of retired forest workers.
3. The allocation of land to beneficiaries was undertaken through the Provincial Administration and relevant Government officers using official Government procedures. However, the Committee noted that some areas remain unregistered due to the absence of formal degazettement of the affected forest land.
4. The current occupants of the settlement schemes largely comprise the original settlers and their families, although the population within the areas has increased over time as a result of natural population growth and informal settlement.
5. The proposed degazettement of the affected forest areas would facilitate the resolution of land tenure challenges while enabling the continued protection of the remaining forest areas by the Kenya Forest Service.
6. The Committee noted the need for harmonization and verification of all beneficiary records in order to prevent future disputes and irregular allocation of land.
7. Pursuant to Section 34 of the Forest Conservation and Management Act, Cap. 385:
 - a) The Petition was forwarded to the National Assembly on the recommendation of the Kenya Forest Service.
 - b) The variation of boundaries of the public forests will not endanger any rare, threatened or endangered species; or adversely affect their value as water catchment areas; and prejudice biodiversity conservation, cultural site protection of the forest or its use for educational, recreational, health or research purposes;
 - c) The Cabinet Secretary responsible for matters related to forestry, within thirty days of the committal of the Petition to the Committee, submitted a recommendation that the Petition should be approved after an independent Environmental Impact Assessment and public consultation had been undertaken in accordance with the Second Schedule of the Act; and
 - d) The Petition discloses sufficient grounds for the variation of the boundaries of the following public forests:

- i. Turbo Forest (Manzini area) -approximately 1,241.50 hectares;
- ii. Mount Elgon Forest (Chepyuk area) -approximately 4,647 hectares; and
- iii. Kakamega Forest -approximately 94.99 hectares at Shiru and 36 hectares at Shaviringa.

CHAPTER SIX

6.0 COMMITTEE RECOMMENDATIONS

Based on the analysis of the grounds set out in the Petition; the findings from site visits; the engagements with government agencies and stakeholders; and having reviewed the relevant provisions of the Forest Conservation and Management Act, Cap. 385, the Committee:

FINDS THAT, the Petition by the Cabinet Secretary for the Ministry of Environment, Climate Change and Forestry relating to variation of boundaries of Turbo Forest (*Manzini Area*), Mount Elgon Forest (*Chepyuk Phases II and III*), and Kakamega Forest (*Shiru/Shaviringa Settlement Schemes*) **provides sufficient grounds** for the **variation of the boundaries** of the specified public forests; and

RECOMMENDS THAT, the National Assembly **APPROVES**:

1. **THAT**, the boundaries of Turbo Forest be varied by excluding 1,241.50 hectares in the *Manzini* area from the original boundaries of the Forest for the settlement of the landless squatters in the *Manzini Forest Block*;
2. **THAT**, the boundaries of Mount Elgon Forest be varied by excluding 4,647 hectares in *Chepyuk* area from the original boundaries of the Forest for the settlement of landless squatters in *Chepyuk Phase II and Phase III*; and
3. **THAT**, the boundaries of Kakamega Forest be varied by excluding 94.99 hectares at *Shiru* and 36 hectares at *Shaviringa* from the original boundaries of the Forest as compensation for beneficiaries who surrendered land to the government to establish public institutions and government offices.

Signature: Date: 23/06/2026

Hon. Vincent Musyoka Musau, CBS, MP

Chairperson,

Departmental Committee on Environment, Forestry and Mining

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 24 JUN 2026	
DAY: Wednesday	
TABLED BY:	Hon. Vincent Musyoka (Chairperson, Environment, Forestry & Mining Committee)
CLERK-AT-THE-TABLE:	Anastacia

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