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REPUBLIC OF KENYA
THE SENATE
2ND SESSION
THIRTEENTH PARLIAMENT

Rt. Hon. Speaker
You may approve for tabling
J. M. Nyegenye, C.B.S.,
Clerk of the senate/secretary, PSC
Date: 02/11/23

**THE REPORT OF THE SENATE STANDING COMMITTEE ON LAND,
ENVIRONMENT AND NATURAL RESOURCES**

ON

**THE PETITION BY SQUATTERS OF THE MAUTUMA CENTRAL
SETTLEMENT SCHEME REGARDING THE DEGAZETEMENT OF
1577.86 HA OF LUGARI/TURBO FOREST IN KAKAMEGA COUNTY**

2023



| PAPERS AID | |
|--------------------|--------------|
| DATE | 14/11/2023 |
| TABLED BY | Sen. Kamahya |
| COMMITTEE | lands |
| CLERK AT THE TABLE | Kenya M. |

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LIST OF ABBREVIATIONS/ ACRONYMS

| | |
|---------|---|
| COK | -Constitution of Kenya |
| CS | - Cabinet Secretary |
| EIA | -Environmental Impact Assessment |
| FCMA | -Forest Conservation and Management Act |
| Ha | -Hectares of land |
| KFS | - Kenya Forest Service |
| LR | - Land Reference |
| MECCF | -Ministry of Environment Climate Change & Forestry |
| MLPWHUD | - Ministry of Lands Public Works Housing & Urban Development |
| NEMA | - National Environment Management Authority |
| NLC | - National Land Commission |

PREFACE

Mr. Speaker sir,

The Standing Committee on Land, Environment and Natural Resources is established pursuant to standing order 228(3) of the Standing Orders of the Senate. As set out in the Fourth Schedule, the Committee is mandated to consider all matters relating to lands and settlement, housing, environment, forestry, wildlife, mining, water resource management and development.

Committee Membership

The Committee comprises of the following Members.

1. Sen. John Muhia Methu, MP - **Chairperson**
2. Sen. (Dr) Steve Lelegwe Ltumbesi, MP - **Vice-Chairperson**
3. Sen. William Cheptumo Kipkiror CBS, MP
4. Sen. Johnes Mwashushe Mwaruma, MP
5. Sen. Issa Juma Boy, MP
6. Sen. Agnes Kavindu Muthama, MP
7. Sen. Wamatinga Wahome, MP
8. Sen. Mariam Sheikh Omar MP
9. Sen. Beatrice Akinyi Ogola, MP

At a sitting of the Senate, held on 20th June, 2023, the Rt. Hon Speaker reported to the Senate a Petition that was submitted by three Petitioners from the Lugari East Africa Tanin Extract company, on behalf of the residents of the Mautuma settlement scheme, concerning the delayed degazettement of 1577.86 Ha in Kakamega County.

Pursuant to standing order 238(1) and the Fourth Schedule to the Standing Orders of the Senate, the Petition was committed to the Standing Committee on Land, Environment and Natural Resources.

Pursuant to Articles 37 and 119(1) of the Constitution, section 5(2) of the Petition to Parliament (Procedure) Act and standing order 238(2) of the Senate Standing Orders, the Committee is mandated to consider the Petition and respond to the Petitioners

within the prescribed period.

To facilitate a judicious disposal of the Petition, the Committee resolved to conduct an inquiry on the issues raised in the Petition. In this regard the Committee invited the Petitioners to a meeting to elaborate further on the issues raised in the Petition and to supply supporting evidence on the same.

The Committee proceeded to seek responses from the Cabinet Secretaries of the MLPWHUD and MECCF and the Chairperson, National Land Commission, to address the issues raised in the Petition.

ACKNOWLEDGEMENT

The Committee thanks the Offices of the Speaker of the Senate and the Clerk of the Senate for the support extended to the Committee in the execution of its mandate. The Committee further extends its appreciation to the Petitioners, National Land Commission, Ministry of Environment Climate Change & Forestry and the Ministry of Lands Public Works Housing & Urban Development for their submissions and contribution to the resolution of this matter.

Mr. Speaker Sir,

It is now my pleasant duty and privilege, on behalf of the Committee, to present this Report of the Standing Committee on Land, Environment and Natural Resources on the Petition concerning delayed degazettement of 1577.86 of land in Lugari/Turbo.

Signed:  Date: **31/10/2023**

SEN. JOHN MUHIA METHU, M.P.

**CHAIRPERSON, SENATE STANDING COMMITTEE ON LAND,
ENVIRONMENT AND NATURAL RESOURCES**

CHAPTER I

1.1 INTRODUCTION

1. At the sitting of the Senate held on 20th June, 2023, the Rt. Hon Speaker, reported to the Senate a Petition on behalf of the residents of the Mautuma settlement scheme, concerning the delayed degazettement of 1577.86 Ha of Lugari/Turbo forest area situated in Lugari Kakamega County.

1.11 Underlying Constitutional and Statutory Provisions

2. **Article 1(1) and (2)** of the Constitution, vests all sovereign power in the people of Kenya and shall be exercised only in accordance with the Constitution.
3. **Article 1(3) (a)** of the Constitution delegates sovereign power of the Constitution to, *inter alia*, Parliament and the legislative assemblies in the county governments.
4. **Article 37** of the Constitution provides that *every person has the right, peaceably and unarmed, to assemble, to demonstrate, to picket, and to present petitions to public authorities* while **Article 119(1)** of the Constitution provides that “*every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation.*”
5. **Article 40 (3)(b)(i)** of the Constitution provides that the state shall not deprive a person of property of any description, or of any interest in, or right over, property of any description, unless the deprivation- is for a public purpose or in the public interest and is carried out in accordance with the Constitution and an Act of Parliament that requires prompt payment in full or just compensation to the person.
6. **Article 60(1)(b)** of the Constitution further provides that land in Kenya shall be held, used and managed in a manner that is equitable, efficient, productive and sustainable

and according to the principle of security of land rights.

7. Under **Article 62(1)(g) & (3)** of the Constitution, public land including government forests and shall vest in and be held by the national government in trust for the people of Kenya and shall be administered on their behalf by the National Land Commission.
8. Under **Article 67(2)** of the Constitution, the National Land Commission is mandated to manage public land on behalf of the national and county governments.
9. The Forest Conservation and Management Act, No. 34 of 2016 currently enforces Article 69 of the Constitution concerning forest resources. Under section 8(m) of this Act, the Kenya Forest Service has the authority to consider and recommend to the Cabinet Secretary the determination and alteration of boundaries of public forests.
10. Section 34 of the Act further provides that any person may submit a petition to the National Assembly, to recommend a proposal to vary the boundary or revoke the registration of a public forest.
11. A petition submitted under section 34 of the Forest Conservation and Management Act shall—
 - (a) be forwarded to the National Assembly on the recommendation of the Kenya Forest Service;
 - (b) be in accordance with the provisions of the Petitions to Parliament (Procedure) Act and the Standing Orders of the National Assembly;
 - (c) within thirty days of being committed to the relevant Committee, the Cabinet Secretary responsible for matters relating to forestry shall submit a recommendation on whether the petition should be approved, subject to the petition being subjected to an Independent Environmental Impact Assessment and public consultation being undertaken in accordance with the Forest

Conservation and Management Act;

12. Section 34(6) provides that if the resolution of the relevant committee disclosing a ground for variation of the boundaries of a public forest, is supported by a majority of the members of the National Assembly, the Cabinet Secretary shall publish a notice in the *Gazette*.

The Petition

13. The Petition before the Senate concerns the delayed degazettement of Lugari/Turbo forest land measuring 1577.86 Ha belonging to residents of the Mautuma Central Settlement scheme. The petitioners allege that they were settled in the land comprising the Lugari/Turbo forest way back in the year 1992 by the former President the late Daniel Arap Moi and further claim that they are the legitimate occupiers of about 1,577.86 Hectares in Lugari/Turbo Forest.

14. Despite their occupation, the petitioners who are squatters of the Mautuma Central Settlement Scheme, do not have the legal title for the said land which in effect exposes them to various risks such as, land grabbing, alien occupation and eviction. Further the squatters of the settlement scheme have also been denied their right to property as enshrined in the Constitution of Kenya and the benefits that come with ownership of title to land.

15. The petitioners claim that the due process was followed including public participation, environmental impact assessment and approval by Cabinet. The Cabinet Memorandum was forwarded to the Kenya Forest Service for further processing.

16. The number of squatters and their families in the scheme has been rising at an alarming rate since the first allotment of 1,577.86 Hectares causing perennial problems of overcrowding.

17. A further 2,428.12 Hectares has since been identified to settle the growing number of squatters once and for all; it is therefore the wish of the squatters to have 2,428.12 Hectares of Lugari/Turbo be de-gazetted to accommodate them.

18. The Ministry of Environment and Forestry, through the Kenya Forest Service is mandated to degazette any forest land in Kenya, by following the due legal process.

Background Facts of the Complaint

19. The delay in de-gazettement, hinders processes such as land demarcation and issuance of titles to genuine squatters who have been identified through a vetting process.

20. The number of squatters and their families in the settlement scheme, has been rising since the first allotment of 1,577.86 Hectares causing perennial problems of overcrowding.

21. That the Ministry of Environment Climate Change and Forestry has delayed in delivering its recommendation to Parliament despite being prevailed upon through various correspondences by the area Member of Parliament and the National Land Commission to expedite on the same matter.

22. Currently there is no matter before courts, constitutional or legal body touching on the issue of de-gazettement of the 1,577.86 hectares of Lugari/Turbo forest comprising of the Mautuma Central Settlement Scheme in Lugari Constituency.

23. The FCMA 2016, provides for the mechanism and procedure for variation of boundaries or revocation of state or local authority with regards to public forest land.

24. Under section 8(m) of the FCMA 2016, The Kenya Forest Service which falls under the Ministry of Environment and Forestry is mandated with variation of forest boundaries through recommendation once the due process has been followed.

The Petitioners prayed that:

25. The Committee investigates the matter with a view to fast track the de-gazettement of the parcel of land, LR No. 5560 & LR No. 4128/2, comprising the Mautuma block settlement scheme situated in the Lugari/Turbo forest area.

26. That the Speaker of the House invokes the mandate and duty to call for the recommendation of the Ministry of Environment and Natural resources, through the KFS, so as to enable resolution by Parliament on degazettement of 1577.86Ha of

• forest land in Lugari constituency Kakamega county.

27. That the Land, Environment and Natural Resources Committee invites the relevant Cabinet Secretary to give responses to the Committee.

1.2LEGAL BASIS FOR PETITIONS

28. Petitions to the Senate are governed by the Constitution, the Petition to Parliament (Procedure) Act, No. 22 of 2012 and the Senate Standing Orders.

29. Article 37 of the Constitution provides that *every person has the right, peaceably and unarmed, to assemble, to demonstrate, to picket, and to present petitions to public authorities* while Article 119(1) of the Constitution provides that “*every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation.*”

30. Section 5(2) of the Petition to Parliament (Procedure) Act, provides that *a petition that is tabled in Parliament under this Act shall be considered in accordance with the Standing Orders of the relevant House.* In this regard, standing order 238 of the Senate Standing Orders provides as follows-

238. Committal of Petitions

(1) Every Petition presented or reported pursuant to this Part, shall stand committed to the relevant Standing Committee.

(2) Whenever a Petition is committed to a Standing Committee, the Committee shall, in not more than sixty calendar days from the time of reading the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the Table of the Senate and no debate on or in relation to the report shall be allowed, but the Speaker may, allow comments or observations in relation to the Petition for not more than thirty Minutes.

31. Standing order 239 requires the Clerk to, within fifteen days of tabling of the report on a petition under Standing Order 238 (Committal of Petitions), submit a copy of the report to the petitioner or petitioners.

CHAPTER 2

2.1 CONSIDERATION OF THE PETITION

2.1 1 Approach taken by the Committee

32. In considering the Petition, the Committee observed that it would be important to verify the facts alleged in the Petition. The Committee therefore resolved to conduct an inquiry on the issues raised in the Petition.
33. In this regard the Committee received the Petition from the Petitioner through the House and further met with the Petitioners on several occasions as it met with the stakeholders.
34. Thereafter the Committee invited the Cabinet Secretaries of the MECCF and MLPWHUD and the Chairperson NLC, who gave written responses to the Committee.

2.1 2 Petitioners Submissions

35. Vide a letter REF: SEN/DSEC/LENR/3/2023(86) dated 22nd June, 2023, the Committee invited the Petitioners to physically appear before the Committee on Wednesday, 26th July, 2023. The Petitioners appeared before the Committee as invited and defended their Petition.
36. Among the matters that were noted during the meeting with the Petitioners during their appearance was that –
 - a. Indeed the matter of the de degazettement was at very advanced levels and should have been concluded;
 - b. The 2,428.12 additional Hectares mentioned in the petition for degazettement in the Petition, which were not in the original plan, should not be added to this petition. Given the current global climate change concerns and the importance of

protecting the forest and environment, there's no need for further encroachment, especially since the previous request was already at advanced levels.

- c. There were different groups that wanted recognition as petitioners, even though they weren't part of the original petitioners. These groups submitted a letter on 24th July, 2023 urging the Committee not to listen to the current petitioners led by the Chairman Mr. Alex. A. Lusala, of the Harmonized Group.

37. Evidence submitted includes a chronological summary of events spanning from when they received allocation via a request by the then Late MP of Lugari, Hon. Apire Wawire at a public rally in Lugari requesting the late President Moi to consider assisting the squatters.

- a. Between 1995 – 1996 First and second survey was done and squatters allocated two acres each.
- b. 26/7/2011 - The District commissioner gave authority for collection of funds to pay for Environmental impact assessment License. *(Evidence not attached)*.
- c. 17/2/2012 – The Director General, NEMA wrote to the District Land Adjudication and Settlement Officer, Kakamega requesting him to provide evidence of degazettement and written consent from the Director, KFS. *(Petitioners submission Annex 8)*
- d. 11/10/2012 - EIA License with the conditions to be met dated 11th October, 2012 attached. *(Petitioners submission Annex 6)*
- e. 17/10/2012 - District lands and settlement wrote to Director Kenya Forest Service forwarding the Environmental impact assessment license. *(Petitioners submission Annex 7)*
- f. Letters between the area MP at the time Hon. Shakhhalaga Khwa Jirongo, EGH, MP and the KFS. *(Petitioners submissions Annex 9, 11, 12,14,)*

- g. Petitioners letter to KFS. (*Petitioners submission Annex 13*).
- h. Letters between the Former Vice President Hon. Dr. A.A. Moody Awori, EBS, MP and the Ministry of Lands and Housing. (*Petitioners submission Annex 15&16*)
- i. Letters from Kenya Anti-corruption Commission investigating fraudulent Allocations of Mautuma Settlement Scheme Land to Non-squatters following a request by East African Tanning Lugari Squatters. (*Petitioners submission Annex 17*)
- j. List of the Settlement Schemes within forest reserves that require to be regularized by degazettement. (*Petitioners submission Annex 9 & 10*)
- k. 29/6/2012 - Kenya Forest Service held 23rd Full board meeting and approved 1577.86 ha to be curved from forest to settlement.
- l. 29/8/2013- Cabinet secretary of Environment, Water and Natural Resources wrote a cabinet memorandum on Degazettement of 1577.86 ha. This was signed by Prof. Wakhungu and Hon. Charity Ngilu (Lands). (*Evidence not attached*)
- m. 25/11/2016 - under Hon. Ayub Savula MP, Member Parliamentary Committee of Environment and Natural Resources held a meeting at Mautuma Central to confirm that land was allocated and received more views /Ndungu commission reports on Mautuma central scheme. The Meeting was chaired by Hon. Abdalla. (*Evidence not attached*)
- n. During the fifth session in March 2017 the report was presented to parliament for approval. It has passed first and second stage and was awaiting the final stage. (*Evidence not attached*)

2.1 3 Responses by the Cabinet Secretary, Ministry of Environment Climate Change and Forestry

38. Vide Letters REF: SEN/DSEC/LENR/3/2023(84), and letter REF: SEN/DSEC/LENR/3/2023(93), dated 23rd June, 2023 and 4th July, 2023 respectively the MECCF requested for a rescheduling of the meetings and via Letter REF: SEN/DSEC/LENR/3/2023(101) dated 25th July, 2023 the Cabinet Secretary was represented by the Principal Secretary, MECCF Mr. Gitonga Mugambi who appeared before the Committee on Thursday, 3rd August, 2023 with apologies from the Cabinet Secretary. The Committee admitted written responses and resolved to seek for further clarification should the submissions be insufficient.

The MECCF responded as follows:

39. Turbo forest was established as a pulp wood area in the late 1960s through purchase of land from the East African Tanning and Extraction Company (EATEC). Four forest blocks were gazetted as Block 1 (Mautuma), Block 2 (Nzoia), Block 3 (Sango), Block 4 (Manzini) covering 7704.57 Ha and declared as a forest area by legal Notice No. 145 of 6th March 1968. **(Annexure 18 of the Ministry's submissions)**
40. Additional Block 5 (Turbo), originally owned by West King and covering 2592 Ha, was added to Turbo Forest as per legal notice No. 167 of 12th August 1971. **(Annexures 19 of the Ministry's submissions)**
41. These five forest Blocks covered a total of approximately 10788 Ha and are represented on the Boundary Plan No. 175/132 (As per **Annexure 20 of the Ministry's submission**)
42. In 1971, approximately 474.3 Ha, previously owned by Cooper, was added to Turbo Forest (Manzini Block), as per legal notice No. 168 of 12th August 1971 **(Annexure 21 of the ministry's submission)**

- 43. In 1972, unalienated old railway line area measuring approximately 21.9 Ha was exchanged with 4.6 Ha of current railway line as per legal notice No.227 of 10th November 1972. (**Annexure 22 of the submission**)
- 44. The commission of inquiry into the illegal/irregular allocation of public land (Ndungu Commission) in its report dated June 2004 recommended that the settlement be formalized by de-gazettement of the forest reserve, but the process has never been effected to date. As a result, the MLPWHUD cannot process title deeds to the beneficiaries of the settlement who have been demanding the same since the land is still legally forest land.
- 45. Settlement of people in the Mautuma scheme progressed before the legal aspects and administrative procedures were duly completed in accordance to the established law.
- 46. The Ministry submitted that there are several government departments involved in this matter; land settlement departments, survey of Kenya, NLC as well as the County Government of Kakamega who are to work together consultatively in resolving the issue.
- 47. The KFS Board to give their recommendations after the EIA report was presented and the MLPWHUD to adopt the recommendations and authenticate the boundary plan.
- 48. An audit to be undertaken of the land acquired within Lugari Mautuma Turbo Forest.

3.1 ISSUES FOR CONSIDERATION

49. The Committee identified the following as the key issues arising from the Petition-

- I). *Whether the Petitioners are justified in their quest for justice following the delayed degazettement of Lugari/Turbo Forest land measuring 1577.86 Ha belonging to residents of the Mautuma Central Settlement scheme*

The petitioner submitted evidence as follows:

50. The petitioners allege that they were settled in the land comprising the Lugari/Turbo Forest way back in the year 1992 by the former President the late Daniel Arap Moi and further claim that they are the legitimate occupiers of about 1,577.86 Hectares in Lugari/Turbo Forest.

51. The petitioners in their evidence submitted, indicate that between 1995 to 1996 a second survey was done and squatters allocated two acres each.

The Ministry of ECCF responded as follows:

52. The Mautuma Central Settlement Scheme comprises of 1,577.86 hectares and is located within the Nzoia Forest Station in Lugari District, Kakamega County in the former Western province. It came into existence in 1992 following a government decision to allocate part of the gazetted Turbo Forest Reserve for settlement of squatters.

53. On diverse dates between 1993 and 1994, the Ministry of Lands undertook the demarcation, survey and mapping of the settlement scheme which by then was administratively under Kakamega District. Thereafter, people were allocated plots within the settlement scheme and to date, the whole scheme is fully settled.

54. Despite the Government having given out the forest land for settlement, gazettement for the land to cease to be a gazetted forest never took place.

Observations of the Committee

55. The Committee observed that the Petitioners claim over Lugari/Turbo Forest land measuring 1577.86 Ha belonging to residents of the Mautuma Central Settlement scheme originates from their settlement by the former President Daniel Arap Moi in 1992.
56. The Committee further noted that post the 1992 decision, the Ministry of Lands, between 1993 and 1994, undertook necessary processes like demarcation, survey, and mapping of the scheme, leading to the allocation of plots, a fact that is corroborated by the evidence presented by the Ministry of ECCF. The Committee further identified a significant administrative oversight: despite the allocation of forest land for settlement purposes, the land was never officially degazetted from its status as a gazetted forest. As such, the residents despite being officially settled by the government, face a potential legal ambiguity due to the land's continuous recognition as a gazetted forest.

II). Whether the Petitioners have title deeds and the status of processing title deeds for their farms;

The petitioner submitted evidence as follows:

57. Despite their occupation, the petitioners who are squatters of the Mautuma Central Settlement Scheme, do not have the legal title for the said land which in effect exposes them to various risks such as, land grabbing, alien occupation and eviction.

The Ministry of ECCF responded as follows:

58. The commission of inquiry into the illegal/irregular allocation of Public Land (Ndung'u Commission), in its report dated June 2004, recommended that the settlement be formalized by the degazettement of the forest reserve, but this has never been effected to date. As a result, the Ministry of Lands cannot process title Deeds to the beneficiaries of the settlement who have been demanding the same as the land is

still legally forest land. Settlement of people in Mautuma progressed before all the legal aspects and administrative procedures were completed in accordance with the established law.

Observations of the Committee

59. The Committee observed that the delay in the issuance of title deeds to the residents was as a result of the land's retained status as a gazetted forest. This absence of legal titles exposes the residents to a myriad of risks including potential land grabbing, alien occupation, and eviction threats.

III). Whether the due process was followed to ensure degazettement of Lugari/Turbo forest land measuring 1577.86 Ha allegedly belonging to residents of the Mautuma Central Settlement scheme

The petitioner submitted evidence as follows:

60. The petitioners claim that the due process was followed including public participation, environmental impact assessment and approval by Cabinet. The Cabinet Memorandum was forwarded to the Kenya Forest Service for further processing.

The Ministry of ECCF responded as follows:

61. Settlement of people in the Mautuma scheme progressed before the legal aspects and administrative procedures were duly completed in accordance to the established law.

62. The Ministry submitted that there are several government departments involved in these matter; land settlement departments, survey of Kenya, NLC and county government of Kakamega who are to work together consultatively in resolving the issue.

63. The KFS Board to give their recommendations after the EIA report was presented and the MLPWHUD to adopt the recommendations and authenticate the boundary plan.

64. An audit to be undertaken of the lands acquired within Lugari Mautuma Turbo forest.

Observations of the Committee

65. The Committee noted the petitioners' assertion that all the requisite due processes, including public participation, environmental impact assessment, and cabinet approval, had been adhered to. Furthermore, a Cabinet Memorandum regarding the matter was forwarded to the Kenya Forest Service for subsequent actions.

66. The Committee noted that while initial steps towards altering the forest boundaries had begun, they had not been finalized in compliance with Section 34 of the Forest Conservation Management Act.

Whether the Petitioners are justified in their request for an additional 2,428.12 Hectares within the Lugari/Turbo Forest for the increasing number of residents

The petitioner submitted evidence as follows:

67. The number of squatters and their families in the scheme has been rising at an alarming rate since the first allotment of 1,577.86 Hectares causing perennial problems of overcrowding;

68. A further 2,428.12 Hectares has since been identified to settle the growing number of squatters once and for all; it is therefore the wish of the squatters to have 2,428.12 Hectares of Lugari/Turbo be de- gazetted to accommodate them.

Observations of the Committee

69. The Committee noted that since the gazettelement of the initial 1,577.86 Hectares remains unfulfilled, the petition for an additional 2,428.12 Hectares appears premature. Any such request should adhere to the procedures outlined in Section 34 of the Forest Conservation Management Act.

70. While acknowledging the evident demand for more land due to the rising population, the Committee remains acutely aware of the environmental ramifications of degazetting substantial sections of the Lugari/Turbo Forest.

That the Speaker of the House and/or relevant committee of the House invoke their mandate and duty to summon the Cabinet Secretary for Environment and Natural Resources to explain the reasons for the delay.

Vide Letters REF: SEN/DSEC/LENR/3/2023(84), and letter REF: SEN/DSEC/LENR/3/2023(93), dated 23rd June, 2023 and 4th July, 2023 respectively the MECCF requested for a rescheduling of the meetings and via Letter REF: SEN/DSEC/LENR/3/2023(101) dated 25th July, 2023 the Cabinet Secretary was represented by the Principal Secretary, MECCF Mr. Gitonga Mugambi who appeared before the Committee on Thursday, 3rd August, 2023 with apologies from the Cabinet Secretary. The Committee admitted written responses on this particular matter.

The Committee acknowledges that while certain steps towards de-gazettement, such as the processing of the EIA report and public participation, were initiated, the complete due process as required by the FCMA 2016 was not completed. This has subsequently caused delays in the issuance of titles, leaving the residents of the settlement scheme in a state of vulnerability. In light of this, the Committee underscores the importance of upholding the economic and social rights of these residents as enshrined in Article 43 of the Constitution. It is of utmost importance that the relevant government agencies address and rectify these gaps promptly to ensure the residents' rights are safeguarded while awaiting the resolution of the petition.

CHAPTER 5

COMMITTEE OBSERVATIONS

Prayer One:

That this Petition be dealt with immediately in view of the urgency of this matter and the seriousness of the issues raised;

The Committee acknowledges the gravity and urgency of the issues raised in the Petition. It is particularly observed that the process of degazetting the Lugari/Turbo Forest land had been initiated but was not seen through to completion, further exacerbating the uncertainties faced by the residents. The immediate attention and resolution of this matter, therefore, is paramount, both in the best interest of justice and the welfare of the affected residents.

Prayer Two:

That the Speaker of the House invoke his mandate and duty to call for the recommendation of the Ministry of Environment and Natural Resources through the Kenya Forest Service to enable resolution by Parliament on the de-gazettement of 1,577.86 hectares of Lugari Constituency, Kakamega County;

The Committee recognizes the MECCF's commitment to play a lead role in addressing the ongoing issue, particularly in their undertaking to facilitate the formation and activities of a multi-stakeholder team. The establishment and facilitation of the multi-stakeholder team, as proposed by the Ministry, should serve as a critical step in ensuring the rights and interests of the petitioners are realized. While the approval for de-gazettement had been previously recommended, the Committee urges immediate action of the MECCF in accordance with the provisions of Section 34 of the Forest Conservation and Management Act.

Prayer Three:

CHAPTER 6

COMMITTEE RECOMMENDATIONS

The Committee having investigated the matter in accordance with its mandate under the standing order 228(4) of the Senate Standing Orders recommends that:

The proposed degazettment of 1,557.36 Ha(s) of Turbo Forest Reserve comprising the Matuma Settlement Scheme in Lugari, Kakamega County be processed in accordance with section 34 of the Forest Conservation Management Act. Noting that the process had been initiated, the Committee further recommends that the Ministry of Environment, Climate Change and Forestry fast-tracks this process and reports progress within three (3) months following the adoption of this Report.

APPENDICES

ANNEX I: MINUTES OF THE MEETINGS

Annex I -

- a. Minutes of the 17th sitting held on Wednesday, 26th July, 2023 – Meeting with the Petitioners;
- b. Minutes of the 29th sitting held on Thursday, 3rd August, 2023 – Meeting with the MECCF
- c. Minutes of the 45th sitting held on Thursday, 26th October, 2023 – Consideration of the Committee Report on the Petition.
- d. Minutes of the 50th sitting held on Saturday, 28th October, 2023 – Adoption of the Committee Report on the Petition.

ANNEX II: SUBMISSIONS BY KEY STAKEHOLDERS

Annex II (A) – MECCF Submissions responding to the Petition

Annex II (B) – Report of the Departmental Committee on Environment and Natural Resources of the National Assembly dated 2nd March, 2017 regarding the proposed degazettment of 1,557.36 Ha(s) of Turbo Forest Reserve comprising the Matuma Settlement Scheme in Lugari, Kakamega County.

ANNEX III: SUBMISSIONS BY THE PETITIONER

Annex III (A) – Petition as tabled in the Senate

Annex III (B) – Submissions presented by the Petitioner as evidence backing their
Petition

Annex III (C) – Request for recognition by the Second group of petitioners –
Harmonized group

ANNEX I: MINUTES OF THE MEETINGS



MINUTES OF THE FIFTYITH (50TH) SITTING OF THE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON SATURDAY, 28TH OCTOBER, 2023 IN THE CLUB HOUSE, ENASHIPAI RESORT, NAIVASHA AT 2:00 PM

PRESENT

- | | |
|--------------------------------------|---------------|
| 1. Sen. John Muhia Methu, MP | - Chairperson |
| 2. Sen. Johnes Mwashushe Mwaruma, MP | - Member |
| 3. Sen. Issa Juma Boy, MP | - Member |
| 4. Sen. Mariam Sheikh Omar, MP | - Member |
| 5. Sen. Wamatinga Wahome, MP | - Member |
| 6. Sen. Agnes Kavindu Muthama, MP | - Member |
| 7. Sen. Beatrice Akinyi Ogola, MP | - Member |

ABSENT WITH APOLOGIES

- | | |
|--|--------------------|
| 1. Sen. (Dr.) Steve Lelegwe Ltumbesi, MP | - Vice Chairperson |
| 2. Sen. William Cheptumo Kipkiror, CBS, MP | - Member |

SECRETARIAT

- | | |
|-----------------------|--------------------------|
| 1. Mr. Victor Bett | - Clerk Assistant II |
| 2. Ms. Ivy Nyambura | - Clerk Assistant III |
| 3. Mr. Peter Adika | - Chief Research Officer |
| 4. Ms. Angela Kagunyi | - Legal Counsel II |
| 5. Ms. Keziah Muthama | - Fiscal Analyst III |
| 6. Ms. Shirley Milimu | - Audio Officer III |
| 7. Mr. Ibrahim Odindo | - Serjeant at arms |

MINUTE SEN/LENR/286/2023

PRELIMINARIES

The Chair called the meeting to order at 2:21 pm. This was followed by a word of prayer.

MINUTE SEN/LENR/287/2023

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted after having been proposed by Sen. Agnes Kavindu Muthama, MP and seconded by Sen. Beatrice Akinyi Ogola, MP as follows-

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of Minutes of the following sittings;
 - a) *Minutes of the 28th sitting held on 2nd August, 2023*
 - b) *Minutes of the 29th sitting held on 3rd August, 2023*
 - c) *Minutes of the 38th sitting held on 19th September, 2023*
 - d) *Minutes of the 45th sitting held on 26th October, 2023;*
 - e) *Minutes of the 46th sitting held on 26th October, 2023;*
 - f) *Minutes of the 47th sitting held on 27th October, 2023;*
 - g) *Minutes of the 48th Sitting held on 27th October, 2023; and*
 - h) *Minutes of the 49th Sitting held on 28th October, 2023.*
4. Matters arising;
5. **Adoption of the Committee Report on the-**
 - a) **Petition by squatters of the Mautuma Central Settlement Scheme regarding the degazettement of 1577.86 Ha of Lugari/Turbo Forest in Kakamega County;**
 - b) **Petition by residents of Laikipia West Constituency regarding degazettement of Land Reference No. 12493; and**
 - c) **Petition by residents of Chokaa on illegal demolition at Mihang'o, Njiru Chokaa;**
6. Any Other Business; and
7. Date of the Next Meeting and Adjournment.

MINUTE SEN/LENR/288/2023

CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS

1. The Committee confirmed the Minutes of the Twenty Eighth (28th) meeting held on Wednesday, 2nd August, 2023 after having been proposed by Sen. Johnes Mwaruma, MP and seconded and Sen. Beatrice Ogola, MP respectively.
2. The Committee confirmed the Minutes of the Twenty Ninth (29th) meeting held on Thursday, 3rd August, 2023 after having been proposed by Sen. Johnes Mwaruma, MP and seconded and Sen. Beatrice Ogola, MP respectively.
3. The Committee confirmed the Minutes of the Thirty Eighth (38th) meeting held on Tuesday, 19th September, 2023 after having been proposed by Sen. Johnes Mwaruma, MP and seconded and Sen. Beatrice Ogola, MP respectively.
4. The Committee confirmed the Minutes of the Forty Fifth (45th) meeting held on 26th October, 2023 after having been proposed by Sen. Johnes Mwaruma, MP and

seconded and Sen. Beatrice Ogola, MP respectively.

5. The Committee confirmed the Minutes of the Forty Sixth (46th) meeting held on 26th October, 2023 after having been proposed and seconded by Sen. Beatrice Ogola, MP and Sen. Johnes Mwaruma, MP respectively.
6. The Committee confirmed the Minutes of the Forty Seventh (47th) meeting held on 27th October, 2023 after having been proposed and seconded by Sen. Johnes Mwashushe Mwaruma, MP and Sen. Issa Juma Boy, MP respectively.
7. The Committee confirmed the Minutes of the Forty Eighth (48th) meeting held on 27th October, 2023 after having been proposed and seconded by Sen. Johnes Mwashushe Mwaruma, MP and Sen. Agnes Kavindu Muthama, MP respectively.
8. The Committee confirmed the Minutes of the Forty Ninth (49th) meeting held on 28th October, 2023 after having been proposed and seconded by Sen. Issa Juma Boy, MP and Sen. Mariam Sheikh Omar, MP respectively.

MINUTE SEN/LENR/289/2023

**ADOPTION OF THE COMMITTEE
REPORTS ON THREE (3)
PETITIONS BEFORE THE
COMMITTEE**

1. The Committee having reviewed the draft report on the *Petition by squatters of the Mautuma Central Settlement Scheme regarding the degazettement of 1577.86 Ha of Lugari/Turbo Forest in Kakamega County* recommended that the report be adopted with a recommendation that –

all the remaining processes that were remaining are fastened and a report on the progress tabled before this Committee within three (3) months of the tabling of this Report.

The Committee adopted the report having been proposed and seconded by Sen. Johnes Mwaruma, MP and Sen. Maria Sheikh, MP respectively.

2. The Committee having reviewed the draft report on the *Petition by residents of Laikipia West Constituency regarding degazettement of Land Reference No. 12493b* recommended that the report be adopted with the following recommendations –
 - a. In accordance with section 36 of the FCMA, KFS should immediately initiate and commence the process of –
 - i. Degazettement of Land Parcel Rumuruti LR No. 12493 being an excision

- of 149.1 Ha(s) from Rumuruti Forest and
- ii. Gazettment of Lariak Forest Block LR No. 2467/1 that is set to now benefit the Kenya Forest Service with 127.3 Ha(s) being an addition to Lariak Forest.
 - b. The County Government of Laikipia should embark on ensuring services are offered to the residents residing in LR No. 12493 as Article 43 of the CoK 2010 including aligning of the County Integrated and Annual Development Plans to ensure the area is also developed;
 - c. The Committee recommends that a report on the progress be tabled before the Committee within three (3) months of tabling of this Report.

The Committee adopted the report having been proposed and seconded by Sen. Beatrice Ogola, MP and Sen. Johnes Mwaruma, MP respectively.

1. The Committee having reviewed the draft report on the *Petition by residents of Chokaa on illegal demolition at Mihang'o, Njiru Chokaa* recommended that the report be adopted with the following recommendations –
 - a. That should there be such incidences in future humane ways to evict the persons from the encroached areas should be employed; and
 - b. The petitioners have sought redress in the courts of law and therefore the matter is considered *subjudice* pursuant to the Senate Standing Orders 235(g) and 103(2) on the Form of a Petition that indicates the minimum requirements for admittance of Petitions, a matter pending in court being one of them and matters *subjudice* respectively.

The Committee adopted the report having been proposed and seconded by Sen. Agnes Kavindu, MP and Sen. Issa Juma Boy, MP respectively.

MINUTE SEN/LENR/290/2023

ANY OTHER BUSINESS

There was no other business discussed.

MINUTE SEN/LENR/291/2023

ADJOURNMENT AND DATE OF NEXT MEETING

The meeting was adjourned at 4:57 pm. The date of the next meeting was to be called on notice.

Signed



Date 31/10/2023

SEN. JOHN MUHIA METHU, MP

CHAIRPERSON
STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL
RESOURCES



MINUTES OF THE FORTY FIFTH (45TH) SITTING OF THE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON THURSDAY, 26TH OCTOBER, 2023 IN THE CLUB HOUSE, ENASHIPAI RESORT, NAIVASHA AT 9:00 AM

PRESENT

- | | |
|--------------------------------------|---------------|
| 1. Sen. John Muhia Methu, MP | - Chairperson |
| 2. Sen. Johnes Mwashushe Mwaruma, MP | - Member |
| 3. Sen. Issa Juma Boy, MP | - Member |
| 4. Sen. Mariam Sheikh Omar, MP | - Member |
| 5. Sen. Wamatinga Wahome, MP | - Member |
| 6. Sen. Agnes Kavindu Muthama, MP | - Member |
| 7. Sen. Beatrice Akinyi Ogola, MP | - Member |

ABSENT WITH APOLOGIES

- | | |
|--|--------------------|
| 1. Sen. (Dr.) Steve Lelegwe Ltumbesi, MP | - Vice Chairperson |
| 2. Sen. William Cheptumo Kipkiror, CBS, MP | - Member |

SECRETARIAT

- | | |
|-----------------------|--------------------------|
| 1. Mr. Victor Bett | - Clerk Assistant II |
| 2. Ms. Ivy Nyambura | - Clerk Assistant III |
| 3. Mr. Peter Adika | - Chief Research Officer |
| 4. Ms. Angela Kagunyi | - Legal Counsel II |
| 5. Ms. Keziah Muthama | - Fiscal Analyst III |
| 6. Ms. Shirley Milimu | - Audio Officer III |
| 7. Mr. Ibrahim Odindo | - Serjeant at arms |

MINUTE SEN/LENR/245/2023

PRELIMINARIES

The Chair called the meeting to order at 9:28am. This was followed by a word of prayer.

MINUTE SEN/LENR/246/2023

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted after having been proposed by Sen. Johnes Mwaruma, MP and seconded by Sen. Beatrice Ogola, MP as follows-

1. Prayer;
2. Adoption of the Agenda;
3. **Consideration of the draft report on the Petition by squatters of the Mautuma Central Settlement Scheme regarding the degazettement of 1577.86 Ha of Lugari/Turbo Forest in Kakamega County;**
4. Any Other Business; and
5. Date of the Next Meeting and Adjournment.

MINUTE SEN/LENR/247/2023

**CONSIDERATION OF THE DRAFT
REPORT ON THE PETITION BY
SQUATTERS OF THE MAUTUMA
CENTRAL SETTLEMENT SCHEME
REGARDING THE
DEGAZETTEMET OF 1577.86 HA
OF LUGARI/TURBO FOREST IN
KAKAMEGA COUNTY**

The Secretariat took the Members through the draft report on the aforementioned Petition highlighting various legal submissions underpinning the Petition, submissions from the Petitioners as well as responses submitted by the Cabinet Secretary, Ministry of Environment, Climate Change and Forestry. Further, the Committee was taken through the key issues for consideration as follows-

- a) *Whether the Petitioners are justified in their quest for justice following the delayed degazettement of Lugari/Turbo forest land measuring 1577.86 Ha belonging to residents of the Mautuma Central Settlement scheme;*
- b) *Whether the Petitioners have title deeds and the status of processing title deeds for their farms;*
- c) *Whether the due process was followed to ensure degazettement of Lugari/Turbo forest land measuring 1577.86 Ha allegedly belonging to residents of the Mautuma Central Settlement scheme; and*
- d) *Whether the Petitioners are justified in their request for a more 2,428.12 Hectares within the Lugari/Turbo Forest for the ever increasing numbers.*

The members deliberated on the above matters having examined the Petitioners submissions and evidences as well as the responses submitted by the Ministry of Environment, Climate Change and Forestry and made the following observations-

- a) The community has been greatly affected by the delay and expeditious of the requisite approvals should be done to ensure justice is given to Mautuma Central Settlement Scheme;
- b) The community has been greatly affected by the delay and fastening of the requisite approvals should be done to ensure Mautuma Central Settlement Scheme residents obtain Title Deeds to enable them reap from the benefits of having documentation from their parcels of land;
- c) All processes were followed and that the Ministry should expedite the processes; and
- d) Priority should be given to the allotment of 1,577.86 Hectares and that the further 2,428.12 Hectares be rejected given the need to also conserve the Environment a matter the Committee is equally very committed to ensure that Forest Cover in the Country is increased.

MINUTE SEN/LENR/248/2023

ANY OTHER BUSINESS

There was no other business discussed.

MINUTE SEN/LENR/249/2023

ADJOURNMENT AND DATE OF NEXT MEETING

The meeting was adjourned at 12:45 pm. The date of the next meeting was to be called on notice.

Signed _____



Date 28/10/2023

SEN. JOHN MUHIA METHU, MP

CHAIRPERSON

STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES



MINUTES OF THE TWENTY NINTH (29th) SITTING OF THE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON THURSDAY, 3RD AUGUST, 2023 AT THE ROOM 23, 5TH FLOOR, BUNGE TOWER AT 9:00 AM

PRESENT

- | | |
|--|--------------------|
| 1. Sen. John Muhia Methu, MP | - Chairperson |
| 2. Sen. (Dr.) Steve Lelegwe Ltumbesi, MP | - Vice Chairperson |
| 3. Sen. William Cheptumo Kipkiror, CBS, MP | - Member |
| 4. Sen. Johnes Mwashushe Mwaruma, MP | - Member |
| 5. Sen. Beatrice Akinyi Ogola, MP | - Member |

ABSENT WITH APOLOGIES

- | | |
|-----------------------------------|----------|
| 1. Sen. Agnes Kavindu Muthama, MP | - Member |
| 2. Sen. Mariam Sheikh Omar, MP | - Member |
| 3. Sen. Issa Juma Boy, MP | - Member |
| 4. Sen. Wamatinga Wahome, MP | - Member |

IN ATTENDANCE

I. FRIENDS OF THE COMMITTEE

1. Sen. Godfrey Osotsi, MP
2. Sen. Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP

II. FRIENDS OF THE COMMITTEE

- | | |
|----------------------------------|-------------------------------|
| 1. Mr. Gitonga Mugambi | - PS, Forestry |
| 2. Mr. Alfred Gichu | - State Dept. of Forestry |
| 3. Mr. Kihara Ndungu | - SOF |
| 4. Dr. Kennedy Ondimu | - Dir. Ecosystem, NEMA |
| 5. Ms. Caroline Muriuki | - Snr. Wetlands Officer, NEMA |
| 6. Mr. A. L. Lemarkoko 'ndc' (k) | - KFS, Chief Conservator |
| 7. Ms. Ruth Kerubo | - KFS, Legal Officer |

III. SECRETARIAT

- | | |
|---------------------|----------------------|
| 1. Mr. Victor Bett | -Clerk Assistant I |
| 2. Ms. Ivy Nyambura | -Clerk Assistant III |

- | | |
|-----------------------|--------------------------------|
| 3. Ms. Angela Kagunyi | -Legal Counsel |
| 4. Mr. John Gichia | -Research Officer III |
| 5. Mr. Jack Lemeteki | -Media Relations Officer |
| 6. Mr. Shirley Milimu | -Audio Officer |
| 7. Ms. Keziah Muthama | -Fiscal Analyst III |
| 8. Ms. Lydia Kagumba | -Public Communications Officer |
| 9. Mr. Ibrahim Odindo | -Sergeant-At-Arms |

MINUTE SEN/LENR/172/2023

PRELIMINARIES

The meeting was called to order at 9.25 am followed by a word of prayer.

MINUTE SEN/LENR/173/2023

ADOPTION OF AGENDA

The agenda of the meeting was adopted having been proposed by Sen. (Dr.) Steve Lelegwe Ltumbesi, MP and seconded by Sen. Beatrice Akinyi Ogola, MP as follows-

1. Prayer;
2. Adoption of the Agenda;
3. **Meeting with the Cabinet Secretary, Ministry of Environment, Climate Change and Forestry for deliberations on –**
 - i. *The Message by Nyandarua County Assembly on the resolution on a motion petitioning the Senate to ensure the exploitation of the forest harvest in the Aberdare Forest and other public forests in Nyandarua is done within the legal framework;*
 - ii. *The Petition concerning degazettement of Land Reference No. 12493, situated West of Rumuruti Township in Laikipia County;*
 - iii. *The Petition concerning destruction of 41 HA Siany Wetlands- L.R.NO. North Mugirango/Magwagwa II/403;*
 - iv. *The Petition concerning delayed degazettement of approximately 1,577.86 Hectares of land in Lugari/Turbo Forest;*
 - v. *The Statement sought by Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP, regarding measures towards the attainment of the recommended healthy forest cover level nationally and, more specifically, in Kisumu County;*
 - vi. *The Statement sought by Sen. George Osotsi, MP regarding the harvesting of cypress trees at Kibiri Forest, Vihiga County; and*
 - vii. *The Statement sought by Sen. Hamida Kibwana, MP concerning the lifting of the ban on logging in public and community forests in Kenya.*
4. Any Other Business; and
5. Date of the Next Meeting and Adjournment.

MINUTE SEN/LENR/174/2023

**MEETING WITH THE CABINET
SECRETARY, MINISTRY OF
ENVIRONMENT, CLIMATE CHANGE
AND FORESTRY**

The Chairperson invited the Principal Secretary, State department for forestry and the accompanying team from the Ministry of Environment, Climate Change and Forestry to introduce themselves and give an explanation to the Committee of the non-appearance of the Cabinet Secretary.

The Principal Secretary informed the Members that the Cabinet Secretary had to attend to another official engagement that had come up and therefore sent the PS to convey her apologies to the Committee and represent her in the meeting.

The Committee noted with concern that the Cabinet Secretary was not showing enough commitment to the Committee and thus leading to a huge back log on the part of the Committee in addressing matters that fall under the mandate of the Ministry.

On further deliberations, the Committee resolved to;

- i. Adjourn the meeting with the Principal Secretary, State Department of Forestry and send out another invitation to the Cabinet Secretary, Ministry of Environment, Climate Change and Forestry to appear before the Committee as the matters to be deliberated on would require direct responses from the Cabinet Secretary herself; and
- ii. Have the various Ministries under the Committee's oversight mandate to send written submissions ahead of the meeting to allow Members time to interrogate and familiarize themselves with the documents in order to enable them to engage better with the visiting Stakeholders.

MINUTE SEN/LENR/175/2023

ANY OTHER BUSINESS

There was no other business discussed.

MINUTE SEN/LENR/176/2023

**ADJOURNMENT AND DATE OF NEXT
MEETING**

The meeting was adjourned at 10.16 am. The next meeting was to be communicated on notice.

Signed  Date 31/10/2023

SEN. JOHN MUHIA METHU, MP

**CHAIRPERSON,
STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL
RESOURCES**



MINUTES OF THE SEVENTEENTH (17TH) SITTING OF THE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON WEDNESDAY, 10TH MAY, 2023 IN THE SENATE CHAMBERS AT 10:00 AM

PRESENT

- | | |
|--------------------------------------|---------------|
| 1. Sen. John Muhia Methu, MP | - Chairperson |
| 2. Sen. Johnes Mwashushe Mwaruma, MP | - Member |
| 3. Sen. Wamatinga Wahome, MP | - Member |
| 4. Sen. Beatrice Akinyi Ogola, MP | - Member |

ABSENT WITH APOLOGIES

- | | |
|--|--------------------|
| 1. Sen. (Dr.) Steve Lelegwe Ltumbesi, MP | - Vice Chairperson |
| 2. Sen. William Cheptumo Kipkiror, CBS, MP | - Member |
| 3. Sen. Mariam Sheikh Omar, MP | - Member |
| 4. Sen. Agnes Kavindu Muthama, MP | - Member |
| 5. Sen. Issa Juma Boy, MP | - Member |

IN ATTENDANCE

INVITED SENATORS

- | | |
|------------------------------|------------------------------|
| 1. Sen. Fatuma Dullo, MP | - Senator, Isiolo County |
| 2. Sen. Julius Murgor, MP | - Senator, West Pokot County |
| 3. Sen. Shakilla Mohamed, MP | - Nominated Senator |

NATIONAL LAND COMMISSION

- | | |
|------------------------------|----------------|
| 1. Mr. Gershom Otachi | - Chairperson |
| 2. Mr. Alister Murimi Mutugi | - Commissioner |
| 3. Ms. Tiyah Galgalo | - Commissioner |

SECRETARIAT

- | | |
|-----------------------|-----------------------|
| 1. Mr. Victor Bett | - Clerk Assistant I |
| 2. Ms. Ivy Nyambura | - Clerk Assistant III |
| 3. Mr. Mitchell Otoro | - Legal Counsel I |

- | | |
|-----------------------|-------------------------------|
| 4. Mr. John Gichia | - Research Officer III |
| 5. Mr. Jack Lemeteki | - Media Relations Officer III |
| 6. Mr. Shirley Milimu | - Audio Officer III |
| 7. Mr. Ibrahim Odindo | - Sergeant-At-Arms |

MINUTE SEN/LENR/101/2023:

PRELIMINARIES

The Chairperson called the meeting to order at 10.25 am, followed by a word of prayer.

MINUTE SEN/LENR/102/2023:

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted after having been proposed by Sen. Wamatinga Wahome, MP and seconded by Sen. Johnes Mwaruma, MP as follows-

1. Prayer;
2. Adoption of the Agenda;
3. **Meeting with the Cabinet Secretary, Ministry of Lands, Public Works, Housing and Urban Development and the Chairperson, National Land Commission to consider a Petition and pending Statements;**
 - (i) *Presentation by the Cabinet Secretary, Ministry of Lands, Public Works, Housing and Urban Development; and*
 - (ii) *Presentation by the Chairperson, National Land Commission.*
4. Any Other Business; and
5. Date of the Next Meeting and Adjournment.

MINUTE SEN/LENR/103/2023:

MEETING WITH THE CABINET SECRETARY, MINISTRY OF LANDS, PUBLIC WORKS, HOUSING AND URBAN DEVELOPMENT AND THE CHAIRPERSON, NATIONAL LAND COMMISSION TO CONSIDER A PETITION AND PENDING STATEMENTS

- i. Presentation by the Cabinet Secretary, Ministry of Lands, Public Works, Housing and Urban Development*

The Chairperson began by informing the committee that the CS, Lands, Public Works, Housing and Urban Development sent his apologies as he had to travel out of the country on official duties and the Committee resolved to invite him at a later date.

- ii. Presentation by Chairperson, National Land Commission*

The Chairperson, NLC tabled the respective responses to the various statements and petition as was requested by the Committee. *(Submissions attached for reference).*

The Statements and Petition were;

- i. A Petition concerning degazettment of Land Reference No. 12493, situated in West of Rumuruti Township in Laikipia County.
- ii. Statement requested by Sen. Shakila Abdala, MP on 17th November, 2022 concerning the land acquisition of the LAPSSSET Corridor Programme;
- iii. Statement requested by Sen. Tabitha Karanja Keroche, MP on 2nd March, 2023 regarding the status of resettlement of informal settlers in Molo, Nakuru County;
- iv. Statement requested by Sen. Johnes Mwaruma, MP on 14th March, 2023 regarding the residents of Ikanga whose land was encroached by Kenya Ports Authority;
- v. Statement requested by Sen. Wamatinga Wahome, MP on 23rd March, 2023 on alleged irregularities in land acquisition for dam construction projects; and
- vi. Statement requested by Sen. Fatuma Dullo, MP on 30th November, 2022 regarding the Criteria used in computing compensation to land owners along the Horn of Africa Gateway Project in Isiolo County;

Additionally, the Senators who had inquired on the respective Statements and were present during the meeting were able to seek further clarifications to the Responses provided by the Commission.

The Chairperson then directed that the Statement responses be shared with the Senators and that should there be any supplementary questions from the responses then the same can be shared with the Committee for the respective responses to be sought from the Commission.

The Committee thereafter proceeded to make the following resolutions;

- a) Engage the Ministry of Environment, Forestry and Climate Change and the Ministry of Lands, Public Works, Housing and Urban Development by inviting both Cabinet Secretaries as well as the Kenya Forest Service State Corporation to further deliberate on the Petition concerning degazettment of Land Reference No. 12493, situated West of Rumuruti Township In Laikipia County.
- b) The leaders from Isiolo County under the Leadership of Sen. Fatuma Dullo to meet with the National Land Commission to deliberate further on the Statement regarding the Criteria used in computing compensation to land owners along the Horn of Africa Gateway Project in Isiolo County and report back to the Committee by 13th June, 2023. Direction was also given to the NLC to immediately withdraw the list of persons to be compensated under the project

from Kenya National Highways Authority (Kenha) and the Committee be copied in their communications.

- c) The National Land Commission immediately informs the Ministry of Lands, Public Works, Housing and Urban Development and LAPSSET of the double ownership of titles and sale and resell of titles already compensated as raised by Sen. Shakilla Mohamed, MP and reiterated by the Committee. The Committee should also be copied in these communications.

MINUTE SEN/LENR/104/2023

ANY OTHER BUSINESS

There was no other business discussed.

MINUTE SEN/LENR/105/2023

ADJOURNMENT AND DATE OF NEXT MEETING

The meeting was adjourned at 12.13 pm. The date of the next meeting was to be held on notice.

Signed _____



Date 24/5/2023

SEN. JOHN MUHIA METHU, MP

CHAIRPERSON

STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES

ANNEX II: SUBMISSIONS BY STAKEHOLDERS

ANNEX II (A)



REPUBLIC OF KENYA

MINISTRY OF ENVIRONMENT, CLIMATE CHANGE AND FORESTRY

CABINET SECRETARY'S RESPONSE TO A PETITION BEFORE THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES

Introduction

The Clerk of the Senate, through letter Ref. SEN/DSEC/LENR/3/2023(84) dated 23rd June, 2023, requested the Cabinet Secretary, Ministry of Environment, Climate Change and Forestry to respond to the following:-

PETITION CONCERNING DELAYED DEGAZETTEMET OF APPROXIMATELY 1,577.86 HECTARES OF LAND IN LUGARI/ TURBO FOREST

Legal Framework

The legal framework under Forest Management and Conservation Act 2016 Part IV—Conservation and Management of Forests on degazettement is provided in Section 34: -

- (1) Any person may petition the National Assembly or the Senate for the variation of boundaries of a public forest or the revocation of the registration of a public forest or a portion of a public forest.



2) A petition under subsection (1) shall demonstrate that the variation of boundaries or revocation of the registration of a public forest or a portion of a public forest does not —

- (a) endanger any rare, threatened, or endangered species; or
- (b) 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.

(3) A petition made under subsection (1) shall be considered in accordance with the provisions of the Petitions to Parliament (Procedure) Act and the Standing Orders of the relevant House.

(4) The Cabinet Secretary shall, within thirty days of the petition being committed to the relevant Committee, submit a recommendation on whether the petition should be approved subject to —

- (a) the petition being subjected to an independent Environmental Impact Assessment; and
- (b) public consultation being undertaken in accordance with the Second Schedule.

(5) If the relevant Committee reports that it finds that the petition

(a) does not disclose a ground for the variation of the boundaries of a public forest or the revocation of the registration of a public forest or a portion of a public forest, no further proceedings shall be taken; or

(b) Discloses a ground for the variation of the boundaries of a public forest or the revocation of the registration of a public forest or a portion of a public forest, the National Assembly or the Senate shall vote on whether to approve the recommendation.

(6) If the resolution under subsection (5) (b) is supported by a majority of the members of the National Assembly or the Senate, present and voting, the Cabinet Secretary shall publish a notice in the Gazette.

Historical background

1. Turbo Forest was established as a pulp wood area in the late 1960s through the purchase of land from the East African Tanning and Extraction Company (EATEC). The purchased land, which was for the exclusive establishment of pulpwood, was consequently developed for the intended purpose.
2. Four forest Blocks were gazette as Block 1 (Mautuma), Block 2 (Nzoia), Block 3 (Sango) and Block 4 (Manzini), covering 7,704.57 hectares (19,038 acres) were declared as a forest area by Legal Notice No. 145 of 6th March 1968 (**Annex 1**)
3. Additional Block 5 (Turbo), originally owned by West King, covering 2,592 hectares, was added to Turbo Forest as per Legal Notice No. 167 of 12/8/1971 (**Annex 2**).
4. The above-mentioned forest blocks (paragraphs 67 & 68) covered a total of approximately 10,788 Ha and are as shown on Boundary Plan No. 175/132 (**Annex 3**).
5. In the year 1971, approximately 474.3 hectares (previously owned by Cooper) were added to Turbo Forest (Manzini Block) as per Legal Notice No. 168 of 12/8/1971 (**Annex 4**).
6. In 1972, an unused old railway line area measuring approximately 21.9 hectares was exchanged with 4.6 hectares of current Railway line as per Legal Notice No. 227 of 10 /11/1972 (**Annex 5**).

7. The Mautuma Central Settlement Scheme, comprised of 1,577.86 hectares, is located within the Nzoia Forest Station in Lugari District, Kakamega County, in the former Western province.
8. It came into existence in 1992 following the government's decision to allocate part of the gazetted Turbo Forest Reserve for the settlement of squatters.
9. This was after a request was presented to the President by the local leaders led by the then area member of Parliament for Lugari Constituency, the late Hon. Apili Wawire.
10. On diverse dates between 1993 and 1994, the Ministry of Lands undertook the demarcation, survey, and mapping of the settlement scheme, which was administratively under the Kakamega District by then.
11. Thereafter, people were allocated plots within the settlement scheme and to date, the whole scheme is fully settled.
12. Despite the Government having given out the forest land for settlement, degazette for the land to cease to be a gazetted forest never took place.
13. The commission of inquiry into the illegal/irregular allocation of Public Land (Ndung'u Commission), in its report dated June 2004, recommended that the settlement be formalized by the degazettement of the forest reserve, but this has never been affected to date. As a result, the Ministry of Lands cannot process title Deeds to the beneficiaries of the settlement who have been demanding the same as the land is still legally forest land.
14. Settlement of people in Mautuma progressed before all the legal aspects and administrative procedures were completed in accordance with the established Law.

PETITIONERS PRAYERS: -

i. That this Petition be dealt with immediately in view of the urgency of this matter and the seriousness of the issues raised;

The government is in the process of constituting a team which will look at all such matters in the country case by case. The government will communicate its policy decision on this and other similar cases across the country as soon as possible.

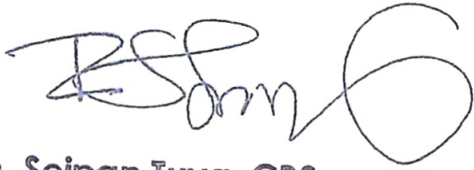
ii. That the Speaker of the House invoke his mandate and duty to call for the recommendation of the Ministry of Environment and Natural Resources through the Kenya Forest Service to enable resolution by Parliament on the de-gazettement of 1,577.86 hectares of Lugari Constituency, Kakamega County;

The Ministry undertakes to facilitate the team once constituted and expedite the work which will inform the government on the best way forward. The same will be guided by the relevant prevailing laws.

iii. That the Speaker of the House and/or relevant committee of the House invoke their mandate and duty to summon the Cabinet Secretary for Environment and Natural Resources to explain the reasons for the delay.

The ministry recognizes the delay due to changes in forest law from Cap 385 to the Forest Act 2005 and the current Forest Conservation and Management Act, 2016 which introduced additional requirements on the content of Environmental Impact Assessment required before the excision of public forest is undertaken. The Ministry undertakes to expedite the process within the confines of the law.

Thank You, Honourable Chair.



Hon. Soipan Tuya, CBS
Cabinet Secretary
Ministry of Environment, Climate Change and Forestry

Date..... 8/2/23

ANNEX 18

FORM NO. 102

111

17/3/68

THE FORESTS ACT

(CAP 385)

TURBO FOREST

IN EXERCISE of the powers conferred by section 4 (1) of the Forests Act, the Minister for Natural Resources hereby declares that the area of unalienated Government land described in the schedule hereto shall be a forest area.

SCHEDULE

TURBO FOREST

That area known as L.R. Nos. 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 and 101 situated north-west, north, north-east and south-east of Turbo in the Kakamega District and the Uasin Gishu District the boundaries of which are more particularly delineated, edged green on Boundary Plan No. 175/102 which is signed, sealed with the seal of Survey of Kenya and deposited in the Survey Records Office, Survey of Kenya, Nairobi, and a copy of which may be inspected at the office of the Conservator of Forests (West), Eldoret.

Dated this 6th day of March 1968

J. J. M. NYAGAH,
Minister for Natural Resources

Entered in Log

ANNEX 19

282

Kenya Subsidary Legislation, 1971

Legal Notice No. 167

20/8/71

THE FORESTS ACT

(Cap. 385)

TURBO FOREST—ALTERATION OF BOUNDARIES

IN EXERCISE of the powers conferred by section 4 (1) of the Forests Act, 1969, the following boundaries, subject to the boundaries of the Turbo Forest shall be altered so as to include the area described in the Schedule hereto—

SCHEDULE

An area of land approximately 2,592 hectares, known as L.R. No. 7561/6/R (G.L.), situated, adjoining Turbo Town, in the Kakamega and Uasin Gishu Districts, Western and Rift Valley Provinces respectively, the boundaries of which are more particularly delineated edged green, on Boundary Plan No. 175/153, which is signed and deposited in the Survey Records Office, Survey of Kenya, Nairobi, and a copy of which may be inspected at the office of the Conservator of Forests (West), Forest Department, Eldoret.

Dated this 12th day of August, 1971

William O. Omamo

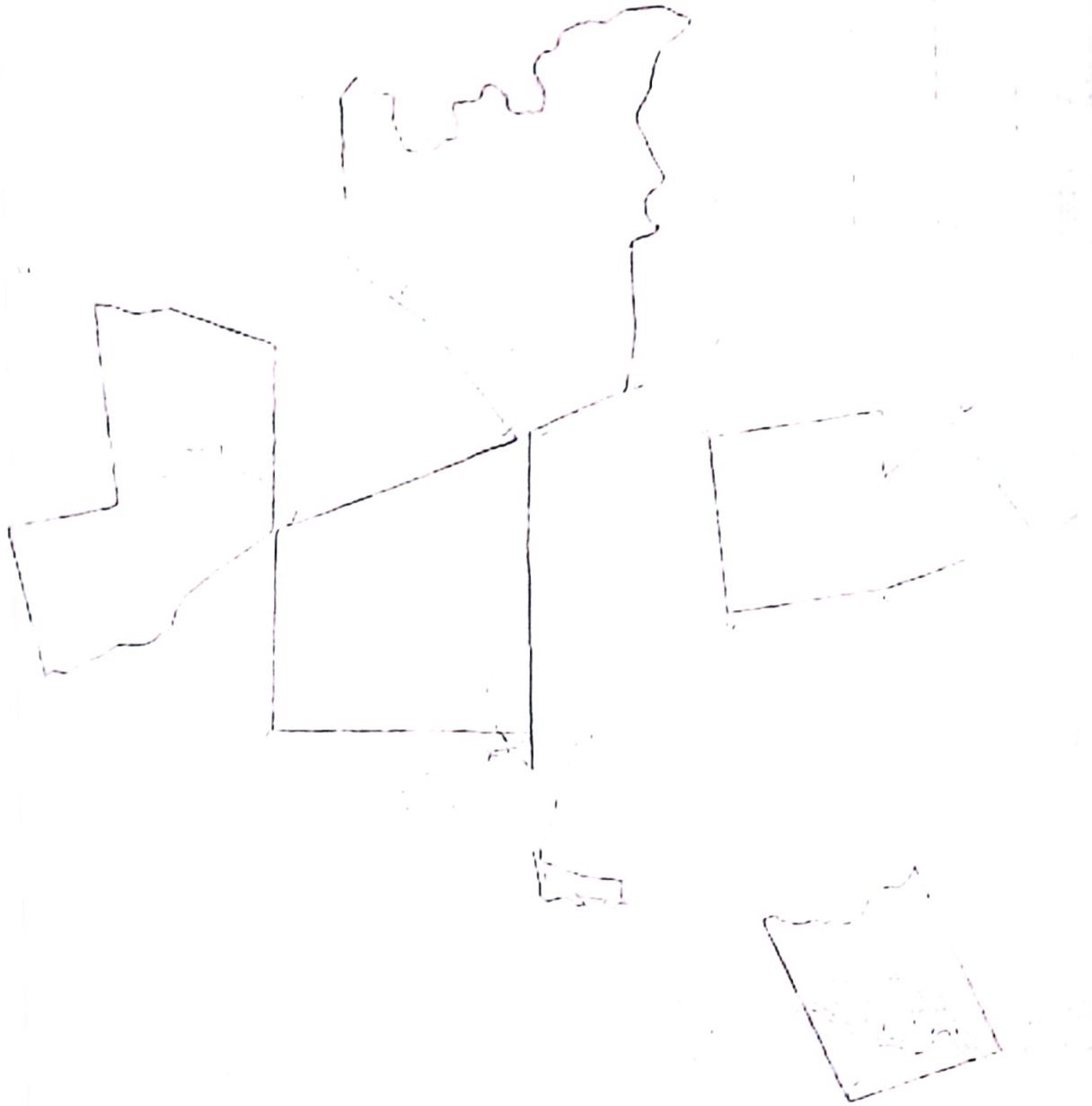
WILLIAM O. OMAMO,
Minister for Natural Resources

ANNEX 20

TURBO FOREST

AREA 19034 ACRES (77200 H)

SCALE 1:50,000



BOUNDARY PLAN No. 175/32

ANNEX 21

THE FORESTS ACT
(Cap. 355)

TURBO FOREST - ALTERATION OF BOUNDARIES

IN EXERCISE of the powers conferred by section 4 (1) of the Forests Act, the Minister for Natural Resources hereby declares that the boundaries of the Turbo Forest shall be altered so as to include the area described in the Schedule hereto—

SCHEDULE

An area of land of approximately 474½ hectares, known as L.R. No. 11945, situated approximately 1 kilometre south-east of Turbo Trading Centre, in the Uasin Gishu District, Rift Valley Province, the boundaries of which are more particularly delineated, edged green, on Boundary Plan No. 175/155, which is signed and deposited in the Survey Records Office, Survey of Kenya, Nairobi, and a copy of which may be inspected at the office of the Conservator of Forests (West), Forest Department, Eldoret.

Dated this 12th day of August, 1971

WILLIAM O. OMAMO
Minister for Natural Resources

Entered in Ledger P. 1/1/71.

ANNEX 22

Local Notice No. 227

10/11/72.

THE FORESTS ACT

(Cap. 385)

TURBO FOREST—ALTERATION OF BOUNDARIES

IN EXERCISE of the powers conferred by section 4 (1) of the Forests Act, the Minister for Natural Resources hereby declares that the boundaries of the Turbo Forest should be altered so as to exclude the area described in the First Schedule hereto, and to include the area described in the Second Schedule hereto

FIRST SCHEDULE

An area of land of approximately 4.6 hectares, situated within Turbo Forest approximately 4 kilometres south-east of Turbo Trading Centre, in the Uasin Gishu District, Rift Valley Province, the boundaries of which are more particularly delineated, edged red, on Boundary Plan No. 175/158, which is signed and deposited in the Survey Records Office, Survey of Kenya, Nairobi and a copy of which may be inspected at the Office of the Conservator of Forests (West), Forest Department, Eldoret.

✓

SECOND SCHEDULE

An area of land approximately 21.9 hectares, situated approximately 3 kilometres south-east of Turbo Trading Centre, in the Uasin Gishu District, Rift Valley Province, the boundaries of which are more particularly delineated, edged green, on Boundary Plan No. 175/159, which is signed and deposited in the Survey Records Office, Survey of Kenya, Nairobi, and a copy of which may be inspected at the Office of the Conservator of Forests (West), Forest Department, Eldoret.

✓

Dated this 26th day of October, 1972.

WILLIAM O. OMAMO,
Minister for Natural Resources.

To seal the envelope, fold this portion over the top edge

Entered in Ledger. 13/11/72

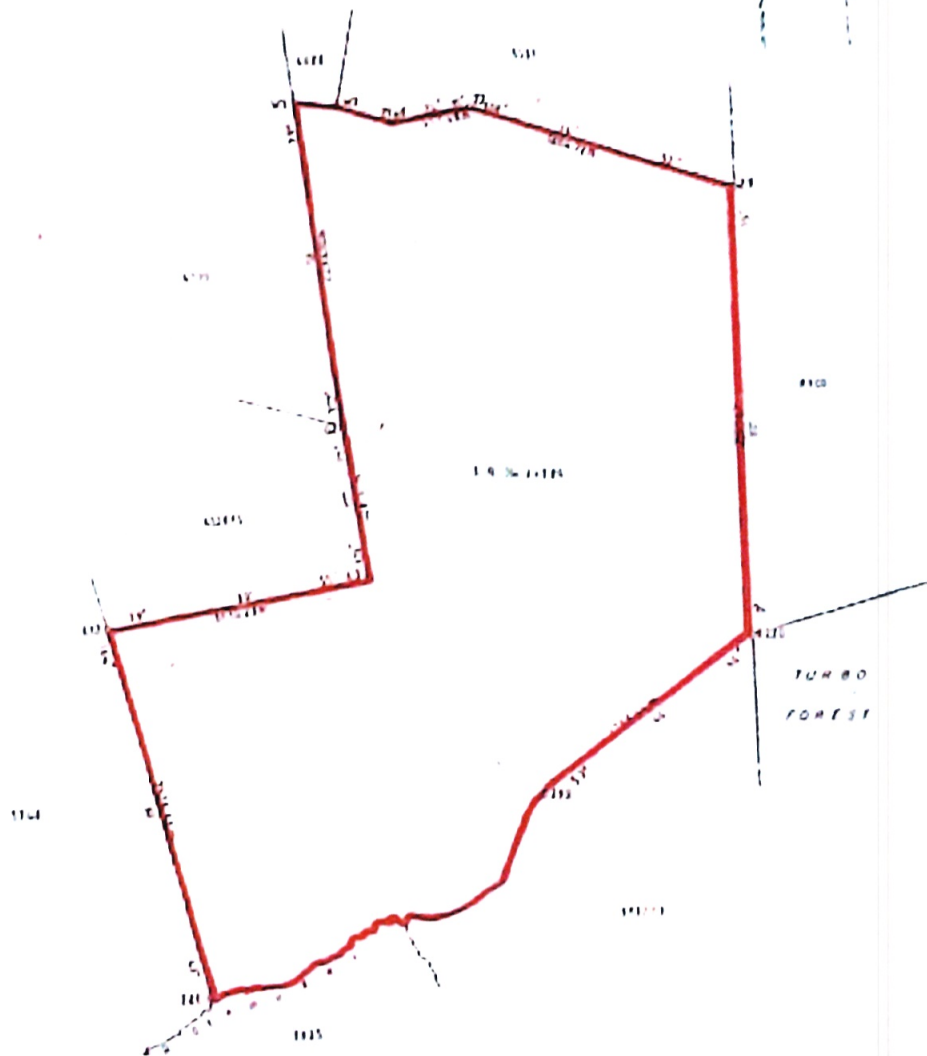
All up to these records:
SIP folder

EXCISION FROM TURBO FOREST

AREA = 1577.86 Ha (Approx.)

SCALE 1:25,000

| Line | Length | Area |
|--------|--------|--------|
| 1-2 | 112.15 | 112.15 |
| 2-3 | 112.15 | 112.15 |
| 3-4 | 112.15 | 112.15 |
| 4-5 | 112.15 | 112.15 |
| 5-6 | 112.15 | 112.15 |
| 6-7 | 112.15 | 112.15 |
| 7-8 | 112.15 | 112.15 |
| 8-9 | 112.15 | 112.15 |
| 9-10 | 112.15 | 112.15 |
| 10-11 | 112.15 | 112.15 |
| 11-12 | 112.15 | 112.15 |
| 12-13 | 112.15 | 112.15 |
| 13-14 | 112.15 | 112.15 |
| 14-15 | 112.15 | 112.15 |
| 15-16 | 112.15 | 112.15 |
| 16-17 | 112.15 | 112.15 |
| 17-18 | 112.15 | 112.15 |
| 18-19 | 112.15 | 112.15 |
| 19-20 | 112.15 | 112.15 |
| 20-21 | 112.15 | 112.15 |
| 21-22 | 112.15 | 112.15 |
| 22-23 | 112.15 | 112.15 |
| 23-24 | 112.15 | 112.15 |
| 24-25 | 112.15 | 112.15 |
| 25-26 | 112.15 | 112.15 |
| 26-27 | 112.15 | 112.15 |
| 27-28 | 112.15 | 112.15 |
| 28-29 | 112.15 | 112.15 |
| 29-30 | 112.15 | 112.15 |
| 30-31 | 112.15 | 112.15 |
| 31-32 | 112.15 | 112.15 |
| 32-33 | 112.15 | 112.15 |
| 33-34 | 112.15 | 112.15 |
| 34-35 | 112.15 | 112.15 |
| 35-36 | 112.15 | 112.15 |
| 36-37 | 112.15 | 112.15 |
| 37-38 | 112.15 | 112.15 |
| 38-39 | 112.15 | 112.15 |
| 39-40 | 112.15 | 112.15 |
| 40-41 | 112.15 | 112.15 |
| 41-42 | 112.15 | 112.15 |
| 42-43 | 112.15 | 112.15 |
| 43-44 | 112.15 | 112.15 |
| 44-45 | 112.15 | 112.15 |
| 45-46 | 112.15 | 112.15 |
| 46-47 | 112.15 | 112.15 |
| 47-48 | 112.15 | 112.15 |
| 48-49 | 112.15 | 112.15 |
| 49-50 | 112.15 | 112.15 |
| 50-51 | 112.15 | 112.15 |
| 51-52 | 112.15 | 112.15 |
| 52-53 | 112.15 | 112.15 |
| 53-54 | 112.15 | 112.15 |
| 54-55 | 112.15 | 112.15 |
| 55-56 | 112.15 | 112.15 |
| 56-57 | 112.15 | 112.15 |
| 57-58 | 112.15 | 112.15 |
| 58-59 | 112.15 | 112.15 |
| 59-60 | 112.15 | 112.15 |
| 60-61 | 112.15 | 112.15 |
| 61-62 | 112.15 | 112.15 |
| 62-63 | 112.15 | 112.15 |
| 63-64 | 112.15 | 112.15 |
| 64-65 | 112.15 | 112.15 |
| 65-66 | 112.15 | 112.15 |
| 66-67 | 112.15 | 112.15 |
| 67-68 | 112.15 | 112.15 |
| 68-69 | 112.15 | 112.15 |
| 69-70 | 112.15 | 112.15 |
| 70-71 | 112.15 | 112.15 |
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| 72-73 | 112.15 | 112.15 |
| 73-74 | 112.15 | 112.15 |
| 74-75 | 112.15 | 112.15 |
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| 77-78 | 112.15 | 112.15 |
| 78-79 | 112.15 | 112.15 |
| 79-80 | 112.15 | 112.15 |
| 80-81 | 112.15 | 112.15 |
| 81-82 | 112.15 | 112.15 |
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| 98-99 | 112.15 | 112.15 |
| 99-100 | 112.15 | 112.15 |



NAME: EXCISION FROM TURBO FOREST
 NO. 175/39
 DISTRICT: ...
 BE Prepared by: ...
 BE Checked by: ...
 BE Drawn by: ...

DATE: 25/09/2013
 SIGNATURE OF DIRECTOR: ...
 DIRECTOR OF SERVICES

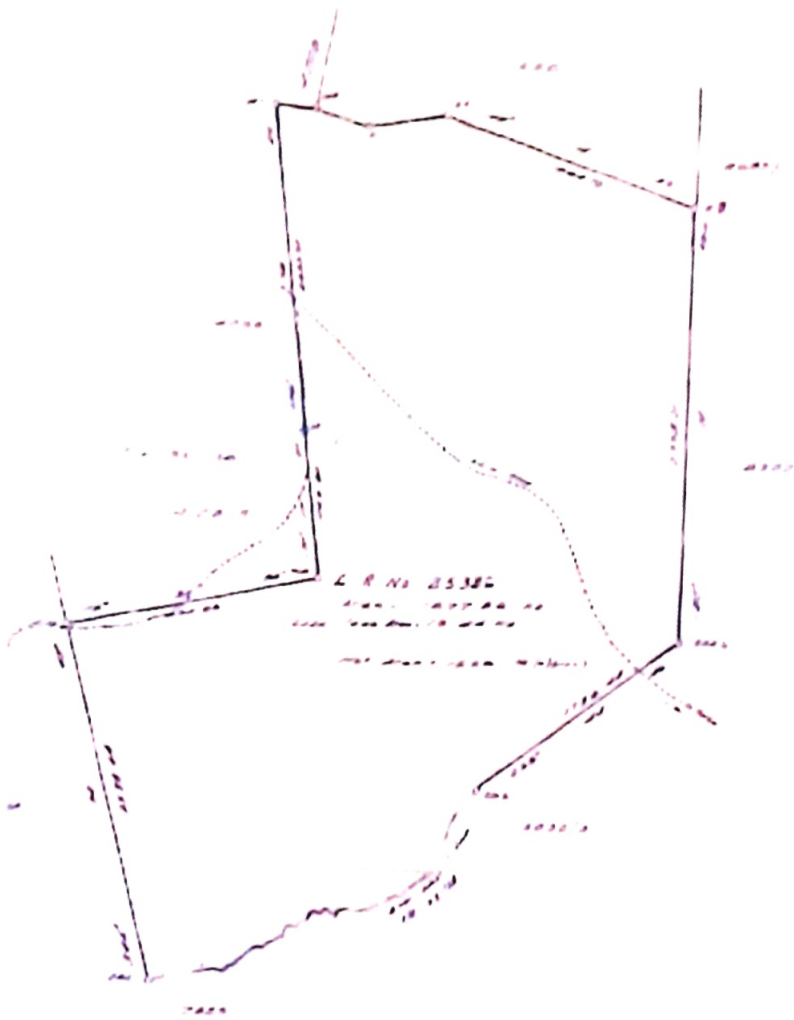
BOUNDARY PLAN No. 175/39

2007-24

Registered Survey of 1950 A.C. 1950

| Sl. No. | Area (Acres) | Area (Cents) | Total Area (Acres) | Area (Cents) |
|---------|--------------|--------------|--------------------|--------------|
| 1 | 12 81 3 | 48 | 12 81 3 | 48 |
| 2 | 12 81 3 | 48 | 12 81 3 | 48 |
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| 49 | 12 81 3 | 48 | 12 81 3 | 48 |
| 50 | 12 81 3 | 48 | 12 81 3 | 48 |

| Sl. No. | Area (Acres) | Area (Cents) | Total Area (Acres) | Area (Cents) |
|---------|--------------|--------------|--------------------|--------------|
| 1 | 12 81 3 | 48 | 12 81 3 | 48 |
| 2 | 12 81 3 | 48 | 12 81 3 | 48 |
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| 42 | 12 81 3 | 48 | 12 81 3 | 48 |
| 43 | 12 81 3 | 48 | 12 81 3 | 48 |
| 44 | 12 81 3 | 48 | 12 81 3 | 48 |
| 45 | 12 81 3 | 48 | 12 81 3 | 48 |
| 46 | 12 81 3 | 48 | 12 81 3 | 48 |
| 47 | 12 81 3 | 48 | 12 81 3 | 48 |
| 48 | 12 81 3 | 48 | 12 81 3 | 48 |
| 49 | 12 81 3 | 48 | 12 81 3 | 48 |
| 50 | 12 81 3 | 48 | 12 81 3 | 48 |



Survey Map

This map is a true and correct copy of the original survey map as shown to the Surveyor General of the State of Texas on the 12th day of August 1950 and is a true and correct copy of the original survey map as shown to the Surveyor General of the State of Texas on the 12th day of August 1950.

SCALE 1" = 200'

Plot No. P.No. 2538C
 Sec. 36, T. 34 N., R. 10 E., S. 3
 Registration Book
 Registration Book 44103 Q100
 County MAUTOMA, TEXAS

WARRANT DISTRICT

| Page No. | Transaction | Applicant | Date | Remarks | Fee |
|----------|------------------------|-----------|----------|-------------|-----|
| 1 | Original Survey | Surveyor | 12/12/50 | Surveyed by | |
| 2 | Final Approval | Surveyor | 12/12/50 | Reviewed by | |
| 3 | Conveyance to J.G.A.D. | Applicant | 12/12/50 | Conveyed by | |
| 4 | Final Plat with Comm. | Applicant | 12/12/50 | Conveyed to | |

File No 392
 Register No 39

ANNEX II (B)
Approved for tabling

PARLIAMENT
OF KENYA
LIBRARY

SNA
1/3/17

PARLIAMENT OF KENYA



THE NATIONAL ASSEMBLY

Paper Laid by
LOM on
2/3/2017



ELEVENTH PARLIAMENT – FIFTH SESSION- 2017

DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL
RESOURCES

REPORT ON THE PROPOSED DEGAZETTMENT OF 1, 577.36 HECTARES OF
TURBO FOREST RESERVE COMPRISING THE MAUTUMA SETTLEMENT
SCHEME IN LUGARI DISTRICT, KAKAMEGA COUNTY

CLERK'S CHAMBERS
PARLIAMENT BUILDINGS,
NAIROBI

MARCH, 2017



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ANNEXES

- I. Adoption List**
- II. Minutes of Committee deliberations**
- III. Environmental Impact Assessment study Report**
- IV. Submission by the Ministry of Environment and Natural Resources**
- V. Petition by residents of Mautuma Settlement Scheme**

ACRONYMS / ABBREVIATIONS

| | | |
|------|---|---|
| EIA | - | Environmental Impact Assessment |
| Ha | - | Hectares |
| KFS | - | Kenya Forest Service |
| NEMA | - | National Environmental Management Authority |

CHAIRMAN'S FOREWORD

The Proposal to de-gazette 1,577.36 Hectares of Turbo Forest Reserve comprising the Mautuma Central Settlement Scheme in Lugari District, Kakamega County was received by the Committee on 28th June, 2016. The proposal from the Cabinet Secretary for the Ministry of Environment and Natural Resources, Prof. Judi Wakhungu, EGH, sought to regularize the already existing settlements in the scheme.

In considering the proposal, the Committee held meetings with officials Ministry of Environment & Natural Resources and the Member for Lugari Constituency, the Hon. Ayub Savula, M.P. The Committee also carried out an inspection visit to Mautuma settlement scheme on 25th November, 2016. During the visit, the Committee received views from residents of the scheme.

The Committee established that as regards existing legislations, due process had been followed before the recommendation to de-gazette Turbo Forest Reserve Comprising the Mautuma Settlement scheme was brought to Parliament. These includes: public participation fora, carrying out of an Environmental Impact Assessment study and a recommendation by the Kenya Forest Service Board as provided for in the Forest Act, 2005.

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

On behalf of the Committee and pursuant to Standing Order 227 (2) of the National Assembly, I now have the honor to present the Committee Report on the Proposed Gazettement of Mautuma Settlement Scheme.

HON. AMINA ABDALLA, CBS, MP

EXECUTIVE SUMMARY

In this report the Committee has considered the Petition to de-gazette Turbo Forest Reserve to regularise Mautuma central Settlement Scheme. The Committee held meetings with the Cabinet Secretary for the Ministry of Environment and Natural Resources, Prof. Judi Wakhungu, EGH who informed the Committee that due process was followed as stipulated in the Forest Act and Environmental Coordination and Management Act before the recommendation to de-gazette was brought to Parliament. This included public participation fora, carrying out an Environmental Impact Assessment study and a recommendation to de-gazette the scheme by the Kenya Forest Service Board (**Annex iv**).

The Committee also held a meeting with the Member for Lugari, Hon. Ayub Savula, M.P who requested that the process of de-gazettement be expedited as it had taken too long. The Committee also carried out a fact finding visit to the settlement scheme and held a public hearing on November 25, 2016.

Section 28 of the Forest Act, 2005 provides that variation of boundaries of forests or revocation of state of Local Authority forests shall only be published where the proposal is recommended by the Service (Kenya Forest Service Board) and is subsequently approved by resolution of Parliament.

The Committee recommends that Parliament approves the de-gazettement of 1,577.86 Hectares of Turbo Forest Reserve Area comprising of Mautuma Central Settlement Scheme in Lugari Constituency, Kakamega County since due process was followed as regards existing legislations for the proposed de-gazettement and considering that the area is already in habited. The Committee further recommends that the Ministry of lands and Physical Planning and the Ministry of Environment and Natural Resources should ensure that people settled in wetlands and other ecologically sensitive areas are relocated and given alternative land and further ensure that the wetlands and ecologically sensitive areas are restored and rehabilitated.

MANDATE

The Departmental Committee on Environment and Natural Resources is established under the National Assembly Standing Orders No. 216(1).

The functions and mandate of the Committee are contained under Standing Order 216(5) and include, to:-

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

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

OVERSIGHT

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

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

MEMBERS OF THE COMMITTEE

The Committee comprises the following Members:-

| | |
|-------------------------|--|
| Chairperson | The Hon. Amina Abdalla, CBS M.P. |
| Vice chairperson | The Hon. Alexander Kosgey, M.P. |
| | The Hon. Alice Ng'ang'a, M.P. |
| | The Hon. Samuel Ndiritu, M.P. |
| | The Hon. Zuleikha Hassan Juma, M.P. |
| | The Hon. Dr. Ejidius Njogu Barua, M.P. |
| | The Hon. Jude Njomo, M.P. |
| | The 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. |
| | The 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. Isaac Mwaura, M.P. |
| | The Hon. Opiyo Wandayi, M.P. |
| | The Hon. Charles G. Mongare, M.P. |
| | The Hon. (Dr.) Wilber K. Ottichilo, M.P. |
| | The Hon. Richard Makenga, 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

The Committee is serviced by the following Members of Staff:

| | |
|-------------------------|-----------------------------|
| Ms. Tracy Chebet Koskei | Clerk Assistant II |
| Mr. Hassan A. Arale | Clerk Assistant III |
| Mr. Ronald Walala | Legal Counsel II |
| Mr. James Muguna | Research Officer III |
| Ms. Amran Mursal | Fiscal Analyst III |

COMMITTEE OBSERVATIONS

The Committee made the following observations:

1. The residents of Mautuma Settlement Scheme have occupied the land since 1992, however the delay in regularizing the ownership of the land has increased the level of poverty in the area;
2. As regards existing legislations, due process had been followed before the proposal to de-gazette Turbo Forest Reserve Comprising the Mautuma Settlement scheme was brought to Parliament. These includes: public participation fora, carrying out of an Environmental Impact Assessment study and a recommendation by the Kenya Forest Service Board as provided for in the Forest Act, 2005;
3. The number of settlers in the Mautuma Settlement Scheme has increased and it is difficult to establish who the real beneficiaries of the settlement scheme were;
4. There was need to prevent further encroachment into the remaining forest land;
5. The Environmental Impact Assessment study report carried out established that some residents had been settled on wetlands, rocky areas and other ecologically sensitive areas. One of the conditions of licensing by NEMA was that such residents had been settled on wetlands and needed to be relocated; and,
6. The Committee noted that initially the residents had each been promised 5 acres of land, however some settlers were given 5 acres while others had only received two (2) acres per family. Therefore the inequitable distribution of land is brewing animosity in the area.

COMMITTEE RECOMMENDATIONS

The Committee having had meetings and carried out investigations, recommends that:-

1. Parliament approves the de-gazettement of 1,577.86 Hectares of Turbo Forest Reserve Area comprising of Mautuma Central Settlement Scheme in Lugari Constituency, Kakamega County since due process was followed as regards existing legislations for the proposed de-gazettement and considering that the area is already in habited. The Committee however notes that this degazettement will set a bad precedence in a country whose forest resources are continually under threat;
2. The Ministry of Lands and Physical Planning should verify the registered owners of the settlement scheme to ensure title deeds are given to real and deserving owners;
3. The Kenya Forest Service should encourage the settlers of the scheme to carry out forest farming to maintain the ecosystem of the area;
4. The Ministry of lands and Physical Planning and the Ministry of Environment and Natural Resources should ensure that people settled in wetlands and other ecologically sensitive areas are relocated and given alternative land and further ensure that the wetlands and ecologically sensitive areas are restored and rehabilitated; and,
5. The Ministry of Lands and Physical Planning should look into the issue of inequitable distribution of land in the settlement scheme and come up with a solution.

1.0 Background

On 28th June, 2016 the Cabinet Secretary for the Ministry of Environment and Natural Resources, Prof. Judi Wakhungu, EGH wrote to the Committee requesting for the approval of the de-gazettement of Mautuma Central Settlement Scheme.

The Mautuma Central Settlement scheme was started in 1992 after the then President, Hon. Daniel Toroitich Arap Moi allocated land to the squatters who had been living next to Turbo Forest Reserve. The scheme measures 1,577.86 Ha and is part of the Mautuma Turbo Forest measuring 9,534 Ha. After the proposed degazettement the remaining forested area will be 8,000 Ha.

The Mautuma Central Settlement Scheme is part of Mautuma / Turbo forest that consists of both natural and plantation forest areas. The Kenya Forest in a bid to protect the remaining forest area has clearly demarcated the forest with a road. KFS is also encouraging the settlers on the scheme to practise forest farming in order to protect the ecosystem.

The proposal to degazette Mautuma Settlement Scheme was forwarded to Parliament on 28th June, 2016 by the Cabinet Secretary for the Ministry of Environment and Natural Resources. The proposal was directed to the Departmental Committee on Environment and Natural Resources for consideration and thereafter reports its recommendation to the House for consideration.

1.1 Relevant Legislations

The Forest Act, 2005

At the time of the proposal to degazette, the legislation in place was the Forest Act, 2005. According to section 28 of the Act, variation of boundaries of forests or revocation of state of local Authority forests shall only be published where the proposal is recommended by the Service (Kenya Forest Service Board) and is subsequently approved by resolution of Parliament.

The Kenya Forest Service Board during its sitting of 29th June, 2012 considered and approved the proposal to de-gazette 1,577.86 Hectares of Lugari Forest comprising of Mautuma Central settlement scheme to regularize the settlement and facilitate issuance of title deeds to the beneficiaries (annex minutes). The recommendation by the KFS Board to degazette is in line with provisions of Section 28 of the Forest Act, 2005.

Environment Management and Coordination Act (EMCA) 1999

In accordance with the Environment Management and Coordination Act (EMCA) 1999, the Mautuma Central Settlement Scheme in Lugari District appointed a consultant, Mr. Fredrick O. Omondi to prepare an Environmental Impact Assessment (EIA) project Report.

According to the Report submitted to the Committee, the scope of the study covered the physical extent of the project site and its immediate environs, implementation of the proposed resettlement and installation of key institutions and utilities including other facilities required for the project to function optimally.

An EIA license was issued by the National Environment Management Authority on 11th October, 2012. (**Annex III**)

EIA Study Recommendations

The EIA study Report made the following Recommendations:

1. The proposed de-gazettement of the Turbo Forest Area to regularize the Mautuma Central Settlement Scheme;
2. The proposed registration programme is implemented within the planned timeframe and transparency should be upheld at all times;
3. The adjudication of the plots for the beneficiaries, institutions and public utilities take cognizance of conservation of ecologically sensitive areas;
4. The government agencies, beneficiaries and stakeholders participate in the integrated planning and implementation;
5. The proponent and the beneficiaries adhere to the proposed environmental management plan as a guide to mitigate potential adverse impacts;
6. The proponent to undertake environmental audit of the resettlement programme after twelve months of registration

Conditions of the EIA license

Some of the Conditions of licensing include:

1. The proponent shall provide the final accounts on completion of construction phase. This should be done prior to project commissioning/operation/occupation.
2. Without prejudice to the other conditions of this license, the proponent shall implement and maintain an environmental management system, organizational structure and allocate resources that are sufficient to achieve compliance with the requirements and conditions of this license.

3. The Authority shall not be taken as a statutory defence against charges of environmental degradation or pollution in respect of any manner of degradation/ pollution not specified herein;
4. The proponent shall ensure that de-gazettement and excision of forest for purpose of establishing the settlement scheme are done as per the provision of Forest Act, Water Act and all other legal provisions;
5. The proponent shall ensure that records on conditions of licenses/ approval and project monitoring and evaluation shall be kept on the site for inspection by NEMA's Environmental inspectors;
6. The proponent shall submit an Environmental Audit report in the first year of occupation/ operations/ commissioning to confirm the efficacy and adequacy of the Environmental Management Plan;
7. The proponent shall comply with NEMA's improvement orders throughout the project cycle
8. The proponent shall put up a project signboard as per the Ministry of works standards indicating the NEMA license number among other information;
9. The proponent shall ensure that all excavated material and debris is collected, re-used and where need be, disposed off as per the Environmental Management and Coordination (Waste Management) Regulations of 2006.
10. The proponent shall ensure strict adherence to the occupational Safety and Health Act (OSHA), 2007;
11. The proponent shall ensure strict adherence to the Environmental Management Plan developed throughout the project cycle;
12. The proponent shall ensure that the development adheres to zoning specifications issued for development of such a project within the jurisdiction of the County of Kakamega;
13. The proponent shall ensure that adjudication of the plots for the beneficiaries, institutions and public utilities does not occupy ecologically sensitive areas and rocky hills;
14. The proponent and other lead agencies shall ensure that farm forestry is practiced to ensure environmental conservation;
15. The proponent shall ensure sound land use practices are put in place to ensure environmentally sustainability;
16. The proponent shall ensure that rain water harvesting facilities are provided to supplement surface and ground water;

17. The proponent shall ensure that environmental protection facilities or measures to prevent pollution and ecological deterioration such as re-afforestation, sound agricultural practices, water harvesting systems, tree planting are designed, constructed and employed simultaneously with the proposed project;

18. The proponent shall ensure that all pollutants and polluted material is contained and adequate mitigation measures provided during the phase.

1.2 Petition by Residents of Mautuma Settlement Scheme

In December 2015, the Hon. Ayub Savula presented a Petition to the Clerk of the National Assembly on behalf of residents of Mautuma settlement scheme. The petition was however not formally presented to the House and was presented to the Committee on 13th September, 2016. According to the petition the residents of Mautuma Settlement Scheme had been settled on the forest area in 1992 by the former President Daniel Arap Moi. And while the residents were the legitimate occupiers of the land, lack of title deeds left them at a risk of being evicted from the land or land grabbing.

The Petition further stated that due process had been followed which included public participation and an Environmental Impact Assessment Study had also been carried out.

The Petitioners prayed the following:

1. The Petition be dealt with immediately in view of the urgency of this matter and the seriousness of the issues raised;
2. That the Speaker of the House invokes his mandate and duty to call for the recommendation of the Ministry of Environment and Natural Resources, through the Kenya Forest Service, so as to enable resolution by Parliament on the de-gazettement of 1,577.86 hectares of Lugari Constituency, Kakamega County.
3. That the Speaker of the House and /or relevant Committee of the House invoke their mandate and duty to summon the Cabinet Secretary to explain reasons for the delay.

2.0 Evidence

2.1 Submission by the Cabinet Secretary for the Ministry of Environment and Natural Resources, Prof. Judi Wakhungu, EGH

On 2nd September, 2016, the Cabinet Secretary, Prof. Wakhungu informed the Committee that the proposed de-gazettement is meant to formalize the Mautuma Central Settlement Scheme in Lugari District, Kakamega County. The Settlement scheme came to existence in 1992 following a government decision to allocate part of the gazetted turbo forest reserve for settlement of landless people who were living as squatters in various areas within the former western province. This was after a request was presented to the then President His Excellency Daniel Toroitich arap Moi by the local leaders led by the then area Member of Parliament for Lugari Constituency, the late Honourable Apili Wawire.

She further stated that the settlement scheme is fully settled and developed with permanent structures and other social amenities like schools, markets and health centres, with a population estimated at over 45,000 people. The land occupied by the settlement scheme is still legally regarded as forest land until de-gazettement of the same is done pursuant to section 28 of the Forest Act, 2005.

2.2 Field visit to Mautuma Settlement Scheme

The Committee carried out a fact finding visit to Mautuma Settlement scheme on November 25, 2016 and received the following submissions:

A. Submission by Western Conservancy Ecosystem Manager, Mr. George Wandabwa

Mr. Wandabwa informed the Committee that:

- (i) Kakamega County has a population of 1,660,651 people according to the Kenya National Bureau of Statistics, 2009 and is ranked the second most populous County after Nairobi;
- (ii) The County has three forest zones namely Kakamega, Lugari and Butere/Mumias. Management of these forest zones is under the Ecosystem Conservator based in Kakamega;
- (iii) The Mautuma settlement scheme was part of Turbo/ Nzoia Forest Station, Mautuma forest block. The forest was converted into settlement called Mautuma in 1994;
- (iv) The Turbo forest has 6,135.8 Ha of natural forest and 3,398.2 Ha of plantation forest making the total forest area 9,534 Ha; and
- (v) The Report of the Ndungu Commission on Illegal and Irregular allocation of Public Land published in 2010 recommended the formalization of the Mautuma settlement scheme.

B. Submission by Mr. Charles Kunukha, on behalf of East Africa Tannin Extract Company Squatters

Mr. Kunukha submitted that:

- (i) The area was originally owned by a company known as the East African Tanning Extract Company (EATECO);
- (ii) EATECO promised its workers that they would be settled on the land upon completion of the company's contract in 1977. However this never happened as the land was taken over by the department of forestry for planting of exotic trees;

- (iii) In 1992 the Squatters approached the then President who directed that they be settled on one parcel of the Mautuma Turbo forest. According to them they were promised 5 acres per individual but have only gotten 2 acres;
- (iv) People who gave up their land for construction of utilities like schools in neighbouring areas have also settled in Mautuma Settlement scheme yet they are not the original settlers;
- (v) The scheme has become a scandal especially with some people in leadership positions allocating themselves large parcels of land;
- (vi) The settlement office charges up to Kshs. 80,000 per plot of 1.8 acres yet the land is yet to be degazetted;
- (vii) He requested that the county government in conjunction with the National Land Commission allocate an additional 6,000 acres in addition to the 3,800 that is approved for degazettement so that all squatters who have not gotten land be given land; and
- (viii) The people who are settled in swampy and rocky areas be given alternative land.

C. Submission by Mr. Evans Orumi, Sub-County Land Adjudication and Settlement Officer

Mr. Orumi submitted that:

- (i) The settlers in the scheme were given land through a settlement scheme loan. While some had finished paying the loans they could not be allocated titles since the land was yet to be degazetted as a forestland;
- (ii) The number of squatters in the area had increased and a verification of the real beneficiaries of the scheme will have to be carried out;
- (iii) The approved 1,577 Ha was very little and it may be prudent to consider allocation of more land to settle the squatters who are yet to be allocated land.

D. Submission by Mr. David Wabukhe – Former Area Chief

Mr. Wabukhe submitted that:

- (i) There was need for expeditious formalization of the land ownership to enable the residents have peace of mind;
- (ii) issuance of titles would help in alleviating the poverty levels in the area as the residents would be more focused in developing the area;
- (iii) That the funds being remitted through the Settlement Scheme Loans be stopped
- (iv) The existing register at the settlement's office should be verified to ensure only real and deserving beneficiaries are allocated titles;

- (v) In the Environmental Impact Assessment study carried out, one of the conditions of licensing was that the people who are living next to swampy areas be resettled elsewhere. He requested that people living in water catchment areas be relocated in order to protect the environment.

E. Submission by the Hon. Ayub Savula, M.P -Area Member of Parliament

The Hon. Savula informed the meeting that the area allocated for settlement was inadequate and there was no space for amenities such as health centres, schools and roads. He therefore requested for an additional 6,000 acres for such amenities and to accommodate the squatters who will not be able to get land in the existing scheme. Further, he submitted that there were undeserving people and outsiders who had been allocated large parcels of land in a dubious manner and there was need to ensure that during issuance of title deeds only the settlers of Mautuma area benefitted.

3.0 Committee Observations

The Committee made the following observations:

1. The residents of Mautuma Settlement Scheme have occupied the land since 1992, however the delay in regularizing the ownership of the land has increased the level of poverty in the area;
2. As regards existing legislations, due process had been followed before the recommendation to de-gazette Turbo Forest Reserve comprising the Mautuma Settlement scheme was brought to Parliament. These includes: public participation fora, carrying out of an Environmental Impact Assessment study and a recommendation by the Kenya Forest Service Board as was provided for in the Forest Act, 2005;
3. The number of settlers in the Mautuma Settlement Scheme has increased and it is difficult to establish who the real beneficiaries of the settlement scheme were;
4. There was need to prevent further encroachment into the remaining forest land;
5. The Environmental Impact Assessment study report carried out, established that some residents had been settled on wetlands, rocky areas and other ecologically sensitive areas. One of the conditions of licensing by NEMA was that such residents had been settled on wetlands and needed to be relocated;
6. The Committee noted that initially the residents had each been promised 5 acres of land, however some settlers were given 5 acres while others had only received two (2) acres per family. Therefore the inequitable distribution of land is brewing animosity in the area.

4.0 Committee Recommendations

1. Parliament approves the de-gazettement of 1,577.86 Hectares of Turbo Forest Reserve Area comprising of Mautuma Central Settlement Scheme in Lugari Constituency, Kakamega County since due process was followed as regards existing legislations for the proposed de-gazettement and considering that the area is already inhabited. The Committee however notes that this degazettement will set a bad precedence in a country whose forest resources are continually under threat;
2. The Ministry of Lands and Physical Planning should verify the registered owners of the settlement scheme to ensure title deeds are given to real and deserving owners;
3. The Kenya Forest Service should encourage the settlers of the scheme to carry out forest farming to maintain the ecosystem of the area;
4. The Ministry of lands and Physical Planning and the Ministry of Environment and Natural Resources should ensure that people settled in wetlands and other ecologically sensitive areas are relocated and given alternative land and further ensure that the wetlands and ecologically sensitive areas are restored and rehabilitated; and,
5. The Ministry of Lands and Physical Planning should look into the issue of inequitable distribution of land in the settlement scheme and come up with a solution.

Signed..........Date.....17/02/17.....

Hon. Amina Abdalla, CBS, MP

Chairperson, Departmental Committee on Environment and Natural Resources

ANNEX III: SUBMISSIONS BY THE PETITIONER

ANNEX III (A)

RE: PETITION TO PARLIAMENT UNDER ARTICLES 37 AND 119 OF THE CONSTITUTION, PETITION TO PARLIAMENT (PROCEDURE) ACT, NO.22 OF 2012, AND STANDING ORDER 220 AND 223 OF THE NATIONAL ASSEMBLY FOR RESOLUTION BY PARLIAMENT ON DEGAZETEMENT OF 1,577.86 HECTARES OF LUGARI/TURBO FOREST COMPRISING THE MAUTUMA CENTRAL SETTLEMENT SCHEME AND A FURTHER 2,428.12 HECTARES IN THE SAME SCHEME IN LUGARI CONSTITUENCY, KAKAMEGA COUNTY.

Senate Republic of Kenya

C/O The Clerk

Senate

Parliament Buildings

P.O BOX 41842 – 00100,

Nairobi - Kenya

25th May, 2023

RE: PETITION TO PARLIAMENT UNDER ARTICLES 37 AND 119 OF THE CONSTITUTION, PETITION TO PARLIAMENT (PROCEDURE) ACT, NO.22 OF 2012, AND STANDING ORDER 220 AND 223 OF THE NATIONAL ASSEMBLY FOR RESOLUTION BY PARLIAMENT ON DEGAZETEMENT OF 1,577.86 HECTARES OF LUGARI/TURBO FOREST COMPRISING THE MAUTUMA CENTRAL SETTLEMENT SCHEME AND A FURTHER 2,428.12 HECTARES IN THE SAME SCHEME IN LUGARI CONSTITUENCY, KAKAMEGA COUNTY.

WE, the undersigned,

Citizens of Kenya, representing squatters from The Mautuma Central Settlement Scheme, wish to state that it is in the interest of the squatters of The Mautuma Central Settlement Scheme, the undersigned individuals formally lodge this petition concerning the de-gazettement of 1,577,86 Hectares of Lugari/Turbo forest and a further 2, 428,12 Hectares in the same area.

(A) III XNEX

RE: PETITION TO PARLIAMENT UNDER ARTICLES 37 AND 119 OF THE CONSTITUTION, PETITION TO PARLIAMENT (PROCEDURE) ACT, NO.22 OF 2012, AND STANDING ORDER 220 AND 223 OF THE NATIONAL ASSEMBLY FOR RESOLUTION BY PARLIAMENT ON DEGAZETEMENT OF 1,577.86 HECTARES OF LUGARI/TURBO FOREST COMPRISING THE MAUTUMA CENTRAL SETTLEMENT SCHEME AND A FURTHER 2,428.12 HECTARES IN THE SAME SCHEME IN LUGARI CONSTITUENCY, KAKAMEGA COUNTY.

WE DRAW the attention of the House to the following;

1. The Constitution of the Kenya 2010 reposes all sovereign authority in the People of Kenya;
2. The People of Kenya have delegated legislative authority to Parliament as the representatives of the People;
3. The squatters of The Mautuma Central Settlement Scheme were settled in the land comprising the Lugari/Turbo forest way back in the year 1992 by former President Daniel Arap Moi and are therefore legitimate occupiers of about 1,577.86 Hectares or thereabouts in the Lugari/Turbo forest;
4. As the legitimate occupiers of the said land that was set aside for them, the squatters of The Mautuma Central Settlement Scheme do not have the legal title for the said land which in effect exposes the squatters to amongst others, land grabbing, alien occupation and eviction;
5. The squatters of the Mautuma Central Settlement Scheme have also been denied their right to property as enshrined in the Constitution of Kenya and the benefits that come with ownership and title to land;
6. The Kenya Forest Act, Cap 385 laws of Kenya, provides for the mechanism and procedure for variation of boundaries or revocation of state or local authority;
7. Under section 28 of The Kenya Forest Act, Cap 385 laws of Kenya, The Kenya Forest Service which fall under the Ministry of Environment and Natural Resources is mandated with variation of forest boundaries through recommendation after due process has been followed;
8. The recommendation by the Kenya Forest Service should be approved by resolution of parliament before the Cabinet Secretary publishes the Gazette Notice effecting de-gazettement of forest land;

RE: PETITION TO PARLIAMENT UNDER ARTICLES 37 AND 119 OF THE CONSTITUTION, PETITION TO PARLIAMENT (PROCEDURE) ACT, NO.22 OF 2012, AND STANDING ORDER 220 AND 223 OF THE NATIONAL ASSEMBLY FOR RESOLUTION BY PARLIAMENT ON DEGAZETEMENT OF 1,577.86 HECTARES OF LUGARI/TURBO FOREST COMPRISING THE MAUTUMA CENTRAL SETTLEMENT SCHEME AND A FURTHER 2,428.12 HECTARES IN THE SAME SCHEME IN LUGARI CONSTITUENCY, KAKAMEGA COUNTY.

9. Due process has been followed to the latter including public participation, environmental impact assessment and approval by cabinet. The Cabinet Memorandum has in fact been forwarded to Kenya Forest Service for delivery to parliament;
10. The delay in de-gazettement, which is now long overdue, is holding other processes to go on such as demarcation and issuance of titles to genuine squatters who are being identified through an elaborate vetting process;
11. The number of squatters and their families in the scheme has been raising at an alarming rate since the first allotment of 1,577.86 Hectares causing perennial problems of overcrowding;
12. A further 2,428.12 Hectares has since been identified to settle the ever growing number of squatters once and for all; it is therefore the wish of the squatters to have 2,428.12 Hectares of Lugari/Turbo de-gazzeted to accommodate them.

THAT

13. The Ministry of Environment and Natural Resources, through the Kenya Forest Service is mandated to deliver de-gazettement recommendation for resolution by parliament;
14. That the Ministry has delayed in delivering its recommendation to parliament despite being prevailed upon through various correspondences by the area Member of Parliament and the National Land Commission to expedite on the same;
15. To the best of our knowledge there is no matter before courts, constitutional or legal body touching on the matter of de-gazettement of 1,577.86 hectares of Lugari/Turbo forest comprising The Mautuma Central Settlement Scheme in Lugari Constituency, Kakamega County.

RE: PETITION TO PARLIAMENT UNDER ARTICLES 37 AND 119 OF THE CONSTITUTION, PETITION TO PARLIAMENT (PROCEDURE) ACT, NO.22 OF 2012, AND STANDING ORDER 220 AND 223 OF THE NATIONAL ASSEMBLY FOR RESOLUTION BY PARLIAMENT ON DEGAZETEMENT OF 1,577.86 HECTARES OF LUGARI/TURBO FOREST COMPRISING THE MAUTUMA CENTRAL SETTLEMENT SCHEME AND A FURTHER 2,428.12 HECTARES IN THE SAME SCHEME IN LUGARI CONSTITUENCY, KAKAMEGA COUNTY.

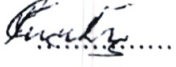

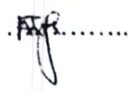
THEREFORE, your humble Petitioners pray that:

16. That this Petition be dealt with immediately in view of the urgency of this matter and the seriousness of the issues raised.
17. That the Speaker of the House invoke his mandate and duty to call for the recommendation of The Ministry of Environment and Natural Resources, through the Kenya Forest Service, so as to enable resolution by Parliament on the de-gazettment of 1,577.86 hectares of Lugari/Turbo forest comprising The Mautuma Central Settlement Scheme in Lugari Constituency, Kakamega County;
18. That the Speaker of the House and/or relevant committee of the house invoke their mandate and duty to summon the Cabinet Secretary for Environment and Natural Resources to explain the reasons for delay.

And your PETITIONERS will ever PRAY.

Petitioned and dated at this day of , 2023

LUGARI EAST AFRICAN TANIN EXTRACT COMPANY SQUATTERS COMMITTEE

| NAME | POSITION | ID.NO | CONTACT | SIGNATURE |
|--------------------------|----------------|---------|------------|---|
| 1. Charles Kunukha Kofia | Chairperson | 1232070 | 0721211619 |  |
| 2. Jastus Mulati Wasike | Secretary | 092242 | 0721793031 |  |
| 3. Fred Waswa Chonge | Vice Secretary | 6283985 | 0721280748 |  |

ANNEX III B 1

REPUBLIC OF KENYA

Telegraphic Address

'Bunge', Nairobi

Telephone 2848000

Fax: 2243694

E-mail: clerk.senate@parliament.go.ke



The Senate

Clerk's Chambers

Parliament Buildings

P. O. Box 41842 -00100

NAIROBI, Kenya

PARLIAMENT

OFFICE OF THE CLERK OF THE SENATE

REF: SENDSEC/LENR/3/2023(86)

23rd June, 2023

Mr. Charles Kunukha Kofia,
C/o Petitioners.

Dear Sir,

RE: PETITION CONCERNING DELAYED DEGAZETTEMENT OF APPROXIMATELY 1,577.86 HECTARES OF LAND IN LUGARI/TURBO FOREST

The Senate Standing Committee on Land, Environment and Natural Resources is established under standing order 228(3) of the Senate Standing Orders and is mandated to consider all matters relating to lands and settlement, environment, forestry, wildlife, mining, water resource management and development.

The Committee is presently considering a Petition concerning delayed degazettement of approximately 1,577.86 hectares of land in Lugari/Turbo Forest, Kakamega County.

The Committee considered the Petition and resolved to request for further documentation on the matter for verification and to invite you to apprise the Committee on matters relating to the Petition.

The purpose of this letter is to invite you to a meeting of the Committee to be held on Wednesday, 26th July, 2023 at Committee Room 5, First Floor, Main Parliament Buildings at 8.30 am.

Mr. Victor Bett, Clerk Assistant I (Cell Number: +254 721 402 506; e-mail: victor.kipchirchir@parliament.go.ke) is the Clerk to the Committee and is responsible for all arrangements relating to this matter.

Yours faithfully,

Fdc: *Ef*
J. M. NYECENYE, CBS,
CLERK OF THE SENATE.

KINEX III 8

RE: PETITION TO PARLIAMENT UNDER ARTICLES 37 AND 119 OF THE CONSTITUTION, PETITION TO PARLIAMENT (PROCEDURE) ACT, NO.22 OF 2012, AND STANDING ORDER 220 AND 223 OF THE NATIONAL ASSEMBLY FOR RESOLUTION BY PARLIAMENT ON DEGAZETEMENT OF 1,577.86 HECTARES OF LUGARI/TURBO FOREST COMPRISING THE MAUTUMA CENTRAL SETTLEMENT SCHEME AND A FURTHER 2,428.12 HECTARES IN THE SAME SCHEME IN LUGARI CONSTITUENCY, KAKAMEGA COUNTY.

9. Due process has been followed to the latter including public participation, environmental impact assessment and approval by cabinet. The Cabinet Memorandum has in fact been forwarded to Kenya Forest Service for delivery to parliament;
10. The delay in de-gazettement, which is now long overdue, is holding other processes to go on such as demarcation and issuance of titles to genuine squatters who are being identified through an elaborate vetting process;
11. The number of squatters and their families in the scheme has been raising at an alarming rate since the first allotment of 1,577.86 Hectares causing perennial problems of overcrowding;
12. A further 2,428.12 Hectares has since been identified to settle the ever growing number of squatters once and for all; it is therefore the wish of the squatters to have 2,428.12 Hectares of Lugari/Turbo de-gazzeted to accommodate them.

THAT

13. The Ministry of Environment and Natural Resources, through the Kenya Forest Service is mandated to deliver de-gazettement recommendation for resolution by parliament;
14. That the Ministry has delayed in delivering its recommendation to parliament despite being prevailed upon through various correspondences by the area Member of Parliament and the National Land Commission to expedite on the same;
15. To the best of our knowledge there is no matter before courts, constitutional or legal body touching on the matter of de-gazettement of 1,577.86 hectares of Lugari/Turbo forest comprising The Mautuma Central Settlement Scheme in Lugari Constituency, Kakamega County.

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RE: PETITION TO PARLIAMENT UNDER ARTICLES 37 AND 119 OF THE CONSTITUTION, PETITION TO PARLIAMENT (PROCEDURE) ACT, NO.22 OF 2012, AND STANDING ORDER 220 AND 223 OF THE NATIONAL ASSEMBLY FOR RESOLUTION BY PARLIAMENT ON DEGAZETEMENT OF 1,577.86 HECTARES OF LUGARI/TURBO FOREST COMPRISING THE MAUTUMA CENTRAL SETTLEMENT SCHEME AND A FURTHER 2,428.12 HECTARES IN THE SAME SCHEME IN LUGARI CONSTITUENCY, KAKAMEGA COUNTY.

9. Due process has been followed to the latter including public participation, environmental impact assessment and approval by cabinet. The Cabinet Memorandum has in fact been forwarded to Kenya Forest Service for delivery to parliament;
10. The delay in de-gazettement, which is now long overdue, is holding other processes to go on such as demarcation and issuance of titles to genuine squatters who are being identified through an elaborate vetting process;
11. The number of squatters and their families in the scheme has been raising at an alarming rate since the first allotment of 1,577.86 Hectares causing perennial problems of overcrowding;
12. A further 2,428.12 Hectares has since been identified to settle the ever growing number of squatters once and for all; it is therefore the wish of the squatters to have 2,428.12 Hectares of Lugari/Turbo de-gazzeted to accommodate them.

THAT

13. The Ministry of Environment and Natural Resources, through the Kenya Forest Service is mandated to deliver de-gazettement recommendation for resolution by parliament;
14. That the Ministry has delayed in delivering its recommendation to parliament despite being prevailed upon through various correspondences by the area Member of Parliament and the National Land Commission to expedite on the same;
15. To the best of our knowledge there is no matter before courts, constitutional or legal body touching on the matter of de-gazettement of 1,577.86 hectares of Lugari/Turbo forest comprising The Mautuma Central Settlement Scheme in Lugari Constituency, Kakamega County.

10/6/2023

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□

FACT ABOUT MAUTUMA CENTRAL SCHEME IN LUGARI

There has been unnecessary rumours emanating from some source causing panick, unrest, and confusion in mautuma central scheme (New scheme)

The documents in my possession is clear proof mautuma central Land was procedurrally given out to squatters .

Now I would like to share with residents of mautuma central the documents in my possession to prove that Law Was adhered to. All government ministries and departments were involved

(1)The late MP of Lugari Hon Apire Wawire at public rally in Lugari requested the late President Moi to consider assisting the squatters

(2)Between 1995-1996-First and second survey was done and squatters allocated two acres each.

(3) 26/7/2011 -The District commissioner gave authority for collection Of funds to pay for Environmental impact assessment Licence.

(4) 3/4/2012-ksh 1,461,500/= was collected with Hon jirongo donating ksh 350,000/

(5) 11/10/2012-NEMA issued licence for 1577.86ha to be curved from forest to Land.

(6)17/10/2012- District lands and settlement wrote to Director kenya forest forwarding the Environmental impact assessment Licence

(7) 29/6/2012- Kenya Forest held 23rd Full board meeting and approved 1577.86ha to be curved from forest to settlement.

24

29/8/2013- cabinet secretary of Environment, water and natural Resources wrote a cabinet memorandum on Degazettement of 1577.86 ha. This was signed by pro wakhungu and Hon charity Ngilu (Lands)

(9) 25/11/2016-under Hon Ayub Savula MP parliamentary Department committee of Environment and natural resources of 29mps held a meeting at mautuma central to confirm that land was allocated and receive more views /Ndungu commission reports on mautuma central scheme. The Meeting was chaired by Hon Skins Abdalla.

(10) During fifth session in March 2017 the report Was presented to parliament house for approval. It has passed first and second stage and now it is a waiting final stage. Report compiled by mmunyangori Local name.

on 14/08/11
Whitener
Sec.

29/8/2011 - Received at the Provincial Office



DISTRICT LAND ADJUDICATION
AND SETTLEMENT OFFICE
LUGARI
P.O. Box 697, KAKAMEGA

5

NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY

Tel: (254-020) 605522/3/6/7, 601945
Mbl: 0724-253398, 0733-600035
Fax: 254-020-608997
Nairobi, Kenya
E-mail: dgnema@nema.go.ke

P.O. Box 67839 00200
Popo Road
Nairobi, Kenya
Website: www.nema.go.ke

NEMA/PR/5/2/8946

Date: 23/08/11

DISTRICT LAND ADJUDICATION
AND SETTLEMENT OFFICER
P.O. BOX 679
KAKAMEGA


RE: ACKNOWLEDGEMENT OF ENVIRONMENTAL IMPACT ASSESSMENT PROJECT REPORT

The National Environment Management Authority (NEMA) acknowledges receipt of 10 copies of Environmental Impact Assessment Project Report Number PR/8946 prepared by FREDRICK OMONDI - 1726 (EIA/Audit Lead Expert/Firm of Experts). We have also received 100% of the C.05% EIA licence processing fee.

The reference number for the EIA Project report is NEMA/PR/5/2/8946 for any future correspondence.

The report will be reviewed in accordance with Environmental/Impact Assessment and Audit Regulations 2003; and NEMA will communicate its assessment/findings to you in due course.

In the interim, please do not commence or proceed with any development of the proposed project until you receive communication from NEMA on the same.


E. M. LANGWEN
FOR: DIRECTOR GENERAL



6



nema

NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA)

Application Reference No. PR/8946
Registration No. 0911598

For official use

**THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT
ENVIRONMENTAL IMPACT ASSESSMENT LICENSE**

This is to certify that the Project Report/Environmental Impact Assessment Study Report received from
District Land Adjudication and Settlement Officer (Name of

individual/firm) of P. O. Box 679, Kakamega (Address

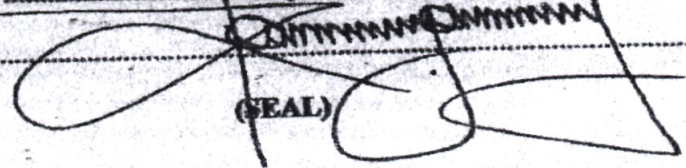
submitted to the National Management Environment Authority (NEMA) in accordance with the
Environmental Impact Assessment and Audit Regulations regarding Proposed Mautuma Settlement
Scheme

(title of project) whose objective is to carry on
Establishment of 1,577.86Ha as Mautuma Central Settlement Scheme under the Mautuma Forest
Reserve

(briefly describe purpose) located at
Mautuma Forest Reserve, Lugari District

(locality and district) has been
reviewed and a licence is hereby issued for implementation of the project, subject to attached conditions.

Dated this 11th Day of October 2012

Signature 

(SEAL)

Director General
The National Environment Management Authority

CONDITIONS OF LICENSE

1. This licence is valid for a period of 24 MONTHS (time within which the project should commence) from the date hereof.
2. The Director-General shall be notified of any transfer/variation/surrender of this licence.

P.T.O.



1.0 General Conditions

- 1.1 This project is for the proposed establishment of 1577.86 Ha. as Mautuma Central Settlement Scheme under the Mautuma Forest Reserve Lugari.
- 1.2 The license shall be valid for 24 months from the date of issue.
- 1.3 The proponent shall provide the final project accounts (final project costs) on completion of construction phase. This should be done prior to project commissioning/operation/occupation.
- 1.4 Without prejudice to the other conditions of this license, the proponent shall implement and maintain an environmental management system, organizational structure and allocate resources that are sufficient to achieve compliance with the requirements and conditions of this license.
- 1.5 The Authority shall take appropriate action against the proponent in the event of breach of any of the conditions stated herein or any contravention to the Environmental Management and Coordination Act, 1999 and regulations therein.
- 1.6 This license shall not be taken as statutory defence against charges of environmental degradation or pollution in respect of any manner of degradation/pollution not specified herein.
- 1.7 The proponent shall ensure that records on conditions of licenses/approval and project monitoring and evaluation shall be kept on the project site for inspection by NEMA's Environmental Inspectors.
- 1.8 The proponent shall submit an Environmental Audit report in the first year of occupation/operations/commissioning to confirm the efficacy and adequacy of the Environmental Management Plan.
- 1.9 The proponent shall comply with NEMA's improvement orders throughout the project cycle.

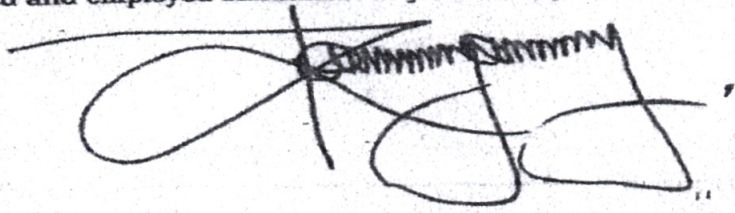
2.0 Construction Conditions

- 2.1 The proponent shall ensure that de-gazetteement and excision of forest for purpose of establishing the settlement scheme are done as per the provision of Forest Act, Water Act, and all other relevant legal provision.
- 2.2 The proponent shall put up a project signboard as per the ministry of Works Standards indicating the NEMA license number among other information.
- 2.3 The proponent shall ensure that all excavated material and debris is collected, re-used and where need be, disposed off as per the Environmental Management and Coordination (Waste Management) Regulations of 2006.
- 2.4 The proponent shall ensure strict adherence to the provisions of Environmental Management and Coordination (Noise and Excessive Vibrations Pollution Control) Regulations of 2009.
- 2.5 The proponent shall ensure strict adherence to the Occupational Safety and Health Act (OSHA), 2007.

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- 2.6 The proponent shall ensure that construction workers are provided with adequate personal protection equipment (PPE), sanitary facilities as well as adequate training.
- 2.7 The proponent shall ensure that construction activities are undertaken during the day (and not at night) between 08.00 hrs and 17.00 hrs; and that transportation of construction material to site are undertaken during weekdays (and not weekends) off peak hours.
- 2.8 The proponent shall ensure strict adherence to the Environmental Management Plan developed throughout the project cycle.
- 2.9 The proponent shall ensure that the development adheres to zoning specifications issued for development of such a project within the jurisdiction of the County Council of Lugari, with emphasis on approved land use for the area.
- 2.10 The proponent shall ensure that the adjudication of the plots for the beneficiaries, institutions and public utilities does not occupy ecologically sensitive areas and a rocky hills.

- 3.0 **Operational Conditions**
- 3.1 The proponent and other lead agencies shall ensure that farm forestry is practised to enhance environmental conservation.
- 3.2 The proponent shall ensure that sound land use practices are put in place to ensure environmentally sustainability.
- 3.3 The proponent shall ensure that rain water harvesting facilities are provided to supplement surface and ground water.
- 3.4 The proponent shall ensure that all drainage facilities on the road are fitted with adequate functional silt traps.
- 3.5 The proponent shall ensure that appropriate and functional efficient air pollution control mechanisms are installed in the facility to control all air emissions.
- 3.6 The proponent shall ensure that all equipment used are well maintained in accordance with the Environmental Management and Coordination (Noise and Excessive Vibration Pollution Control) Regulations of 2009.
- 3.7 The proponent shall ensure that all solid waste is handled in accordance with the Environmental Management and Coordination (Waste Management) Regulations of 2006.
- 3.8 The proponent shall ensure that all workers are well protected and trained as per the Occupational Safety and Health Act (OSHA) of 2007.
- 3.9 The proponent shall comply with the relevant principal laws, by-laws and guidelines issued for development of such a project within the jurisdiction of the Ministry of Lands, Kenya Forest Service, Ministry of Water and Irrigation, Ministry of Roads, Kenya Wildlife Services, Directorate of Health and Safety Services, Ministry of Public health and Sanitation, County Council of Lugari, Provincial Administration and other relevant Authorities.
- 3.9 The proponent shall ensure that environmental protection facilities or measures to prevent pollution and ecological deterioration such as re-afforestation, sound agricultural practices, water harvesting systems, tree planting are designed, constructed and employed simultaneously with the proposed project.



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4.0 Notification Conditions

- 4.1 The proponent shall seek written approval from the Authority for any operational changes under this license.
- 4.2 The proponent shall ensure that the Authority is notified of any malfunction of any system within 12 hours on the NEMA hotline No. 020 6006041 and mitigation measures put in place.
- 4.3 The proponent shall keep records of all pollution incidences and notify the Authority within 24 hours.
- 4.4 The proponent shall notify the Authority in writing of its intent to decommission the facility three (3) months in advance.

5.0 Decommissioning Conditions

- 5.1 The proponent shall ensure that a decommissioning plan is submitted to the Authority for approval at least three (3) months prior to decommissioning.
- 5.2 The proponent shall ensure that all pollutants and polluted material is contained and adequate mitigation measures provided during the phase.

The above conditions will ensure environmentally sustainable development and must be complied with.

MINISTRY OF LANDS

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DISTRICT LAND ADJUDICATION AND SETTLEMENT OFFICE, LUGARI DISTRICT
P.O. Box 697 - 50100
KAKAMEGA

Ref. No. DIASO/KAK/CON.II/40
And date

Date 17th October, 2012



The Director
Kenya Forest Service
Karura Off-Kiambu Road
P.O. Box 30513 - 00100
NAIROBI.


RE: PROPOSED CHANGE OF USER FROM FOREST RESERVE TO SETTLEMENT SCHEME IN LUGARI FOREST

The matter above refer:-

Enclosed herein find the Environment Impact Assessment licence from NEMA office issued pursuant to request in your letter to National Environment Management Authority dated 4th September, 2012 to the District Land Adjudication Office.

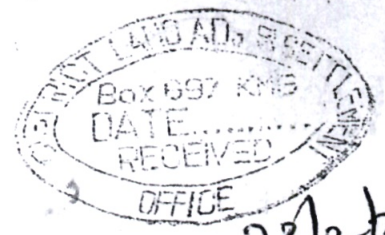
It is, however, my appeal to your good office to fast track the preparation of the Cabinet document for onward transmission to the Parliament.

Thanks in advance for your co-operation.


OURU K. OBINGO
DISTRICT LAND ADJUDICATION OFFICER
LUGARI DISTRICT

**DISTRICT LAND ADJUDICATION
AND SETTLEMENT OFFICE
P.O. Box 697, KAKAMEGA**

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NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY

Tel: (254-020) 6005522/3/6/7, 6001945, 6008767, 6008687
Mbl: 0724-253398, 0723-363010, 0735-013046, 0735-010237
Telkom Wireless: 020-2101370
Fax: 254-020-6008997
Hotline: 020-8077233, 020-6006041

P.O. Box 67839, 40200
Papo Road, Nairobi, Kenya
E-mail: dgnema@nema.go.ke
website: www.nema.go.ke

NEMA/PR/5/2/8946

17th February 2012

District Land Adjudication & Settlement Officer
P.O. Box 679
KAKAMEGA

RE: ENVIRONMENTAL IMPACT ASSESSMENT PROJECT REPORT FOR THE PROPOSED PROJECT FOR MAUTUMA CENTRAL SETTLEMENT SCHEME

We acknowledge receipt of your letter Ref. No.DLASO/KAK/CON.11/31 dated 6th February 2012 on the above subject.

This is to request you to provide evidence of degazettment and a written consent from the Director, Kenya Forest Services as evidence of the same.

Kindly note that the EIA processing time stops running until the above issues are addressed.

Your prompt action will be highly appreciated.

MARRIAN KIOKO
For: DIRECTOR GENERAL



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REPUBLIC OF KENYA



MINISTRY OF FORESTRY AND WILDLIFE
Office of the Permanent Secretary

Telephone: Nairobi 020-2219622
Fax: 020-2219619
E-mail: ps@forestryandwildlife.go.ke

Telposta Towers
Kenyatta Avenue
P.O. Box 41394-00100
NAIROBI

When replying please quote:

REF: MFW/8/3

DATE: 7th February, 2011

Hon. Shakhhalaga K. Jirongo, EGH, MP

Lugari Constituency
Parliament Buildings
P.O. Box 41842

NAIROBI

Dear Sir,

LUGARI - NEW SCHEME MAUTUMA

This is in reference to your letter dated 28th September, 2010 addressed to the Hon. Minister for Forestry and Wildlife on the above subject matter.

In order to degazette forest land for a settlement scheme the following procedure has to be followed in accordance with the Forest Act sub-section (2) clause 28:

The Service shall not recommend any such proposal unless:

- (a) It has been approved by the Forest Conservation Committees for the area in which the forest is situated – from Zonal to Conservancy
- (b) It is satisfied that such variation of boundary or cessation of forest proposed by the notice:

- (i) Shall not endanger any rare, threatened or endangered species
- (ii) Does not adversely affect its value as a water catchment
- (iii) Does not prejudice biodiversity conservation, cultural site protection of the forest or its use for educational, recreational, health or research purposes.

(c) The proposal has been subjected to an independent Environmental Impact Assessment: and

(d) Public consultation in accordance with third schedule has been undertaken and completed in relation to the proposal

Yours *Sincerely*



M. A. M. Wa-Mwachai, CBS
PERMANENT SECRETARY



REPUBLIC OF KENYA
KENYA NATIONAL ASSEMBLY

Hon. Shakhhalaga Khwa Jirongo, EGH MP.

Parliament Buildings
Fax: +254 20 245473
P. O. Box 41842 - 00100
Nairobi, Kenya

Lugari Constituency

Continental House, 5th Flr
Room 514
Tel: +254 20 2221291 Ext. 32466
Email: lugari@parliament.go.ke

18th FEBRUARY 2011

THE NATIONAL CONSERVATOR OF FORESTS,

KENYA FOREST SERVICE,

PO BOX 30513,00100,

NAIROBI.

Dear National Conservator,

RE: DEGAZZETEMENT OF FOREST LAND FOR SETTLEMENT:INFRASTRUCTURES AND INSTITUTIONAL DEVELOPMENTS:

I wish to bring to your attention the above subject.

Kindly expedite the above degazettelement process , to necessitate the formal settlement of MAUTUMA SCHEME and the urgent establishment of socio- economic institutions, as mentioned in the letter of the concerned settlers of LUGARI forest attached.

Please note that I have formally raised these issues with the following authorities and all have unanimously supported the course of degazetting LUGARI forest land with a view of issuing them with Title Deeds:

1.His Excellency President MWAI KIBAKI in 2010—during a public rally at Lumakanda LUGARI DISTRICT Headquarters and in a subsequent meeting at Harambee House with MPs from Western province.

2.Written to and consulted with both the Minister and Permanent Secretary MINISTRY OF FORESTRY AND WILDLIFE – see attached copy of letter.

3.Lugari District Development Committee (DDC)consultative meetings held last year -2010.

It is my sincere belief and hope that your office will expeditiously sort out this matter to enable the people of LUGARI plan their future with renewed hope and confidence. Thank you.

Yours faithfully,

LUGARI COMMUNITY FOREST ASSOCIA/
AND FORMER SQUATTERS,
PO BOX 178,
TURBO.

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18th FEBRUARY 2011-02-18

THE NATIONAL CONSERVATOR OF FORESTS,
KENYA FOREST SERVICE ,
PO BOX 30513,
NAIROBI.

THRO.

THE PROVINCIAL FOREST OFFICER,

KENYA FOREST SERVICE,

WESTERN REGION.

KAKAMEGA

THRO.

ZONAL MANAGER ,

KENYA FOREST SERVICE

LUGARI ZONE

THRO.

THE DISTRICT FOREST OFFICER,
KENYA FOREST SERVICE,
LUGARI DISTRICT,

13

THRO.

THE STATION FORESTERS,
(a) LUGARI STATION
(b) NZOIA STATION
(c) TURBO STATION

DEAR SIR / MADAM,

**RE: DEGAZZETMENT OF FOREST LAND FOR SETTLEMENT SCHEME;
INFRASTRUCTURES AND DEVELOPMENT OF INSTITUTIONS.**

We formally wish to bring to your attention the above subject .However in order for you to appreciate our demands and pressure, the following background information is necessary:

1) GENESIS OF MAUTUMA SETTLEMENT SCHEME.

- a) Mautuma Central Scheme was carved out of the larger Turbo Forest land on 1st March 1996.
- b) This land was allocated to us as squatters who previously worked for White Settlers in this area up to 1947 and later on EAST AFRICA TANNING EXTRACT (EATEC) UP TO 1977.
- c) After the exit of EATEC ,these people were left to squat on what became government forest land – LUGARI / TURBO forest.
- d) Between 1989 and 1990 we were forcibly evicted out of our homes, and our houses razed down by forest guards and provincial administration. We lost all our belongings.
- e) After eviction , we were left helpless ; without land, without shelter, without food and other social amenities. Life was terrible.
- f) On 22nd OCT 1992 , under the banner of LUGARI SQUATTER COMMITTEE ,accompanied by the then LUMAKANDA WARD CLLR –MR.PAUL NGOME and the then MINISTER FOR STATE IN THE

13a

OFFICE OF THE PRESIDENT and MP for LUGARI CONSTITUENCY – HON. BURUDI NABWERA, we sought audience with former PRESIDENT DANIEL MOI at STATE LODGE KAKAMEGA.

g) After listening to our grievances PRESIDENT MOI authorised the Ministers for Lands and Settlement , and Environment and Natural Resources , in conjunction with Provincial Administration to settle the squatters on a 9000 acres of forest land – now known as MAUTUMA CENTRAL SCHEME.

h) However out of the 9000 acres we were supposed to be settled on, we were settled on a parcel of 3357 acres with each household getting only 2 (two) acres. We are therefore requesting the government to consider allocating us the remaining 5643 acres.

2) BACK GROUND INFORMATION ON INFRASTRUCTURES AND INSTITUTION S DEVELOPMENTS.

For the last 15 years – since we were settled, there has been sharp increase in population, hence putting a lot of pressure on the hitherto limited natural resources and social infrastructures / services. In view of the foregoing – the following institutions were established to serve the communities living on MAUTUMA scheme:

- a) ST. KIZITO PRI. SCHOOL
- b) MACHO PRI. SCHOOL
- c) LUANDA – LUGARI PRIMARY
- d) MAHEMAS PRIMARY SCH.
- e) ST. KIZITO IMMACULATE SEC.
- f) KOGO PRI. SCHOOL
- g) KOGO SEC . SCHOOL
- h) SIPANDE PRI. SCHOOL
- i) MASINDE MULIRO UNIVERSITY – LUGARI CAMPUS

(3) DEGAZZETEMENT REQUESTS AND PURPOSE

As a result of rapid population growth within MAUTUMA settlement secheme –(from 1276 households to currently upwards 6500 households) ; and within its proximity and the neighbouring

settlements in LUGARI CONSTITUENCY, we hereby request your office to expeditiously consider the following requests with a view to DEGAZZETEMENT , hence ultimate issuance of titles :

- a) MAUTUMA SETTLEMENT SCHEME – current 3357 acres plus the remaining 5643 , each household meant to get 5 acres not 2 acres.

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b)SCHOOLS AND INSTITUTIONS – degazettement of land occupied by the following public institutions

- 1.St. Kizito primary school
- 2.Macho primary school
- 3.Luanda – Lugari primary school
- 4.Mahemas primary school
- 5.St.Kizito Immaculate sec. school
- 6.Kogo primary school
- 7.Kogo sec school
- 8.Sipande primary school

c)MUKUMU MISSION HOSPITAL – Lugari annex – need 100 acres

d)MASINDE MULIRO UNIVERSITY – LUGARI CAMPUS

Need 1000 acres ,next to LUGARI SECONDARY AND PRIMARY SCHOOLS.The schools have already given the campus 44 acres out of its 72 acres.The extra 1000 acres is necessary for expansion purposes.We en visage an independent public university in future.

e) LAND FOR COMMERCIAL CENTRE AND GOVERNMENT OFFICES – at Panpaper District Headquarters

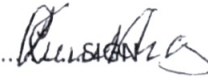
f) 300 acres of land to allow MINISTRY OF HOUSING put up residential houses for civil servants and institutional staffs within the proximity of the District headquarters.


h)400 acres at LUGARI railway station centre for the establishment of a commercial and industrial hub /centre.


N/B PLEASE NOTE THAT IN LINE WITH THE ABOVE REQUESTS ,LUGARI MP HON. S. K.JIRONGO HAS INDULGED THE APPROVAL OF THE MINISTER AND PS MINISTRY OF FORESTRY AND WILDLIFE AND THEY ARE ALL POSITIVE.SEE ATTACHED LETTERS.


Thank you ,

YOURS FAITHFULLY,

CHARLES KUNUKHACHAIRMAN/SQUATTERS.....

JUSTUS MULATI.....SECRETARY/SQUATTERS.....SIGN

FRED CHONGE.....MEMBER.....

SYLVESTER MAUKO.....MEMBER.....

- JUMA MAYENDE.....MEMBER *J.M.*
- LAZARO MUKOTO.....MEMBER *L.M.*
- ELINA CHESOLI.....MEMBER *ELINA*
- GETRUDE WASWA.....MEMBER *G.W.*
- SAMWEL IMBWAGA.....C/MAN TURBO(C.F.A)
- ISAAC WANJALA ^{WABUGA} WANYAMA.....NZOIA (CFA) *29/2/01*
- ROSE K.AMUKOBOLE.....TURBO (CFA)

REPUBLIC OF KENYA



Handwritten signature in blue ink, possibly 'JG', enclosed in a blue oval.

MINISTRY OF FORESTRY AND WILDLIFE
Office of the Permanent Secretary

Telephone: Nairobi 020-2219622
Fax: 020-2219619
E-mail: ps@forestryandwildlife.go.ke

Telposta Towers
Kenyatta Avenue
P.O. Box 41394-00100
NAIROBI

When replying please quote:

REF: MFW/8/3

DATE: 7th February, 2011

Hon. Shakhalaga K. Jirongo, EGH, MP
Lugari Constituency
Parliament Buildings
P.O. Box 41842
NAIROBI

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 - (iii) Does not prejudice biodiversity conservation, cultural site protection of the forest or its use for educational, recreational, health or research purposes.
- (c) The proposal has been subjected to an independent Environmental Impact Assessment: and
- (d) Public consultation in accordance with third schedule has been undertaken and completed in relation to the proposal

Yours *Sincerely*



M. A. M. Wa-Mwachai, CBS
PERMANENT SECRETARY

REPUBLIC OF KENYA



Handwritten initials 'AS' in a blue circle

Ministry of Lands and Housing
OFFICE OF THE MINISTER

Telegrams: "MINILANDS". Nairobi
Telephone: Nairobi 2718050
When replying, quote

ARDHI HOUSE
NGONG ROAD
P.O. BOX 30450
NAIROBI

MLS. 25/007

4 August 2004

Ref. No.

..... 20

Hon. Dr. A. A. Moody Awori, EBS., M.P.,
Vice President & Minister for Home Affairs,
P.O.Box 30478-00100,
NAIROBI.

Dear *Shule Moody,*

RE: LUGARI SQUATTERS

Thanks for your letter of 19th July 2004 on the above. I am looking into the matter and will liaise with the Committee directly.

Warm regards.

HON. AMOS KIMUNYA, MP.,
MINISTER FOR LANDS & HOUSING

c.c.

✓ **Lugari Squatters Committee,**
P.O. Box 178,
TURBO.



16

From the Desk of

A. A. Moody Awori, EBS, MP.

THE VICE PRESIDENT AND MINISTER FOR HOME AFFAIRS
OF THE REPUBLIC OF KENYA

19 July 2004

Lugari Squatters Committee
P.O. Box 178
TURBO

Dear

I acknowledge receipt of your memorandum dated 10th June 2004. I note that you had send a copy of it to the Minister for Lands & Settlement, Hon. Amos Kimunya. I have written to him today and will be talking to him in person. I hope he will be able to help you.

Yours sincerely.

Hon. Dr. A.A. Moody Awori, EBS, MP



From the Desk of
Hon. Dr. A. A. Moody Awori, EGH, MP
VICE PRESIDENT AND MINISTER FOR HOME AFFAIRS

7th May 2007

Mr Justus Mulati
Lugari Squatters Committee
P O Box 178
TURBO

Dear *Mr. Mulati*

RE: LUGARI SQUATTERS COMMITTEE

I acknowledge receipt of your letter dated 23rd April 2007. I have added the names to the list you previously gave me.

Yours sincerely

A. A. Moody Awori
HON DR A A MOODY AWORI EGH MP

INTEGRITY CENTRE
(Valley Rd. /Millmani Rd.
Junction)
P.O. Box 61130
00200 - NAIROBI, Kenya



Tel.: 254 (020) 2717318/310722
Fax: 254 (020) 2719757
Email: kacc@Integrity.go.ke

17

When replying please quote:

Our Ref: KACC/INV. 6/16/1 Vol. XIX (79)
Case No. 2519-06

CONFIDENTIAL

25th April 2006

The Provincial Criminal Investigations Officer,
Western Province,
P. O. Box 23,
KAKAMEGA

Dear Sir,

RE: FRAUDULENT ALLOCATION OF MAUTUMA SETTLEMENT SCHEME LAND TO NON- SQUATTERS

We have received two letters dated 13th March 2006 and 15th March 2006 from Committee members of Mautuma squatters who allege that Mautuma Central Scheme meant for settlement of squatters was instead allocated to non-squatters.

The complainants claim that besides most of the land being allocated to non-deserving people by the Provincial Administration, the squatters who managed to get the land were allocated between half an acre and two acres instead of the five acres that they deserved.

They further claim the exercise was riddled with corruption, with the officials demanding Kshs 20,000 to allocate land to the squatters.

Please launch an inquiry into the matter and take appropriate action.

Attached are copies of the letters for reference.

Yours faithfully,

G. K. NAMACHANJA
FOR: DIRECTOR/ CHIEF EXECUTIVE

CONFIDENTIAL

Tuangamize Ufisadi

Copy: Mr. Justus Mulati,
Secretary,
Lugariu Squatters Committee,
P. O. Box 178,

TURBO- Please report to the PCIO, Western and assist with the
Investigation. We thank you for brining the matter to our
attention.

GKN/MN

KENYA ANTI-CORRUPTION COMMISSION

INTEGRITY CENTRE
(Valley Rd. /Millmani Rd.
Junction)
P.O. Box 61130
00200 - NAIROBI, Kenya



Tel.: 254 (020) 2717318/310722
Fax: 254 (020) 2719757
Email: kacc@integrity.go.ke
Website: www.kacc.go.ke

When replying please quote:

CONFIDENTIAL

Our ref. KACC/INV. 6/16/1 VOL. XLV / (88) – (14252)

28th September 2007

Mr. Charles Kunukha
Chairman,
Lugari Squatters Committee
P. O. Box 178
TURBO


Dear Sir,

RE: EAST AFRICAN TANNING LUGARI SQUATTERS

Your letter dated 21st July 2007, on the above subject, is acknowledged.

The matter has been referred to the Provincial Commissioner, Western Province for appropriate intervention. We, however, thank you for bringing the matter to the attention of the Commission.

Yours faithfully,


P. M. MWANGI 'ndc' (K)
FOR: DIRECTOR/CHIEF EXECUTIVE

PMM/doo

CONFIDENTIAL

On the Frontline against Corruption

KENYA ANTI-CORRUPTION COMMISSION

INTEGRITY CENTRE
(Valley Rd. / Millimani Rd. Junction)
P.O. Box 61130
00200 - NAIROBI, Kenya



Tel.: 254 (020) 2717318/310722
Fax: 254 (020) 2719757
Email: kacc@integrity.go.ke
Website: www.kacc.go.ke

When replying please quote:

KACC/INV. 6/16/1 Vol. XCIII/ (39) - 14252

23rd May 2011

Provincial Commissioner
Western Province
P. O. Box 218
KAKAMEGA

Dear Sir,

RE: IRREGULARITIES IN ALLOCATION OF LAND TO THE EAST AFRICAN TANNING LUGARI SQUATTERS


The Commission referred the complaint above to your office, vide letters referenced **KACC/INV. 6/16/1 Vol. XLVI/ (93) – (14252)** dated 28th September 2007 and **KACC/INV. 6/16/1 VOL. XLV / (87) – (14252)** dated 30th November 2007.

The allegations by the squatters were that they were allocated 9,000 acres for settlement, but only 3,000 acres were allocated to genuine squatters. Each squatter was meant to get 5 acres, but ended up getting ½ an acre and the rest was allocated to non squatters. The then provincial administration is accused of having colluded with settlement officers to allocate the land to outsiders.

The squatters have written back to the Commission seeking the status of the matter.

Kindly, update us on the same to inform appropriate response, or otherwise determine the next course of action, as need be.

Yours faithfully,


P. M. MWANGI, 'ndc' (K)
FOR: DIRECTOR/CHIEF EXECUTIVE

Copy: Charles Kunukha and Others } Kindly follow up the matter with the Provincial
Lugar Squatters Committee } Commissioner, Western Province who we
P.O Box 178 } referred the matter to in 2007
TURBO.

PMM/cr

On the Frontline against Corruption

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BINET MEMORANDUM ON DEGAZETTMENT OF *DE FACTO* SETTLEMENT SCHEMES AND IRREGULARLY ALLOCATED LAND WITHIN GAZETTED FOREST RESERVES

SUMMARY BY CATEGORY

| | CATEGORY | AREA (HA.) |
|----|---|-------------------|
| a) | Settlements that have met all requirements for degazettment except parliamentary approval | 7,466.36 |
| b) | Settlement Schemes that are yet to be subjected to Environmental Impact Assessment | 20,267.69 |
| c) | Extension of towns | 20,267.69 |
| d) | Schools, police stations, and other educational institutions | 1,033.93 |
| e) | Agricultural show rounds, cemeteries, health centres, and transmission stations | 652.16 |
| f) | Failed land exchanges | 24,512.42 |
| g) | Other land uses | 27,220.13 |
| h) | Land areas with cases pending in court | 36,823.55 |
| | Total Area | 138,243.93 |



ANNEX 1: SETTLEMENT SCHEMES WITHIN FOREST RESERVES THAT REQUIRE TO BE REGULARIZED BY DEGAZETTMENT

a) Settlement Schemes that have met all requirements for degazettment except Parliamentary approval

| | COUNTY | FOREST RESERVE | SETTLEMENT SCHEME | AREA in (HA.) | YEAR OF ESTABLISHMENT | PURPOSE | BACKGROUND | STATUS |
|----|-------------|----------------|-------------------|-------------------------|-----------------------|--|--|--|
| 1. | Kakamega | Turbo | Mautuma Central | 1577.86 x Petition ? | 1995 | Settlement of displaced persons | Squatters relocated x from Mudete Tea Factory and along x railway reserves | <ol style="list-style-type: none">1. Fully settled2. Proponent funded (EIA) and public consultation completed3. Approved by the Cabinet in 20154. Awaiting Parliamentary approval |
| 2. | Bungoma | Mt. Elgon | Chepyuk | 4647 | 1974 | Settlement of the Elgony Dorobos formerly residing within Mt. Elgon forest on the moorland | Phase 1 de-gazetted in 1974. Long standing controversy on phase 3 pitted Sabaot and Dorobo clans | <ol style="list-style-type: none">1. Fully settled2. EIA and public consultation funded by OP done3. Awaiting cabinet and Parliamentary approval |
| 3. | Uasin Gishu | Turbo | Manzini | 1241.5 | 1995 | Settlement of the landless | Mooted for settlement of 25 landless squatters from every location in Uasin Gishu | <ol style="list-style-type: none">1. Heavily settled (about 2000 families)2. EIA and public consultation funded by |

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|-------------------|--|--|--|-----------------|--|--|--|--|
| | | | | | | | | proponents done |
| | | | | | | | | 3. Awaiting Cabinet and Parliamentary approval |
| TOTAL AREA | | | | 7,466.36 | | | | |

b) Settlement schemes that are yet to be subjected to Environmental Impact Assessment

| | COUNTY | FOREST RESERVE | SETTLEMENT SCHEME | AREA (HA.) | YEAR OF ESTABLISHMENT | PURPOSE | BACKGROUND | STATUS |
|----|----------|----------------|-------------------|------------|-----------------------|------------------------------------|---|--|
| 1. | Kakamega | Kakamega | Senyende | 20.7 | 1951 | Settlement of the landless | Settled in 1960s | 1. Fully settled 2. EIA and public consultation not done |
| 2. | Kakamega | Kakamega | Shilelo | 55.9 | 1951 | Settlement of the landless | Settled in 1950s | 1. Fully settled and occupants may be having titles 2. EIA and public consultation not done |
| 3. | Kakamega | Kakamega | Ishiru | 94.99 | 1988 | Compensation for displaced persons | Paving way for establishment of Vihiga district Headquarters | 1. Fully settled 2. EIA and public consultation on going |
| 4. | Kakamega | Kakamega | Shaviringa | 36.0 | 1988 | Compensation for displaced persons | Resettlement of displaced persons following the expansion of Mbale Hospital ,Vokoli Sec and other public institutions | 1. Fully settled 2. EIA and public consultation ongoing |
| 5. | Kakamega | Kakamega | Virembe (A) | 22.1 | 1987 | Compensation for displaced persons | To settle people displaced by Mukumu Girls Extension | 1. Fully settled 2. EIA and public consultation not |

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| | | | | | | | | |
|-----|-----------------|---------------------|---|--------|------|---|--|---|
| | | | | | | | | done |
| 6. | Kiambu | Kikuyu Escarpment | Ragia | 1795 | 1964 | Settlement for landless | South Kinangop(Ragia) Settlement Scheme | 1. Fully settled 2. EIA and public consultation not done |
| 7. | Kiambu | Kijambe hill forest | Munengi | 320.3 | 1975 | Settlement for landless | Settlement | 3. Fully settled 4. EIA and public consultation not done |
| 8. | Nyandarua | Aberdare | Geta & Mekaro | 4340 | 1967 | Settlement for landless | Settlement scheme | 1. Fully settled 2. EIA and public consultation not done |
| 9. | Nandi | North Nandi | Kombe (B) | 300 | 1977 | Settlement for the landless | Govt. settlement soon after independence | 1. Fully settled 2. EIA and public consultation not done |
| 10. | Elgeyo Marakwet | Kapchemtwa | Chebara A | 34.0 | 1996 | Extension of Chembara market | This followed a 1983 public presidential directive | 1. Development ongoing 2. EIA and public consultation not done |
| 11. | Elgeyo Marakwet | Kipkabus | EX-EATEC Farms | 3916.0 | 1996 | Partly for land exchange(95.46 Ha) and the rest for settlement | Wheat farms purchased by Govt. for Wattle tree production | 1. Fully settled 2. EIA and public consultation not done |
| 12. | Elgeyo Marakwet | Kapchemtwa | Kapsowar divisional headquarters exchange | 73.0 | 1996 | Compensation for displaced persons Kapsowar Divisional Hqs Exchange | Settlement for people displaced at Kapsowar Div. Hqrs. | 1. Fully settled 2. EIA and public consultation not done |
| 13. | Elgeyo Marakwet | Kapchorua | Kapchora | 148.0 | 1993 | Settlement for the landless | Earmarked for settlement of the landless in surrounding area | 1. Fully settled 2. EIA and public consultation not done |
| 14. | Baringo | Ol arable/ Marmanet | Muchongoi | 6,230 | 1993 | Informal settlement | No information | 1. Fully settled 2. EIA and public consultation not |

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|-------------------|----------|----------|--------|------------------|------|---------------------------------------|-------------------------|--|
| | | | | | | | | done |
| 15. | Laikipia | Marmanet | Gatero | 1,773.5 | 1983 | Informal settlement | No Information | <ol style="list-style-type: none"> 1. Partly settled 2. EIA and public consultation not done 3. Regularise the settled 94 ha. and repossess 102 ha. |
| 16. | Nyeri | Ragati | Ndathi | 912.1 | 2001 | Occupied | Settlement scheme | <ol style="list-style-type: none"> 1. Fully settled 2. EIA and public consultation not done |
| 17. | Nyeri | Ragati | Magutu | 196.1 | 2001 | 94 ha. settled ; 102 ha. not occupied | Settlement of squatters | <ol style="list-style-type: none"> 1. Fully settled 2. EIA and public consultation not done |
| Total area | | | | 20,267.69 | | | | |

ANNEX 2: IRREGULARLY ALLOCATED FOREST LAND

a) Extension of towns

| | County | Station | Name of proposed excision | Area (Ha) | Year | Status | Purpose | Beneficiaries | Procedure | Recommendation by Kenya Forest Service |
|----|--------|-----------|---------------------------|-----------|------|--------------|-------------------------|---------------|---------------|--|
| 1. | Nyeri | Nyeri | Nyeri Satellite Town | 432.0 | 1999 | Not occupied | Town development | Unknown | Un-procedural | Revoke and repossess |
| 2. | Nyeri | Mt. Kenya | Gathiuru | 744.4 | 1993 | Not occupied | Settlement of squatters | Unknown | unprocedural | Revoke and repossess |

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|-----|-----------------|-----------------|--------------------------------------|-------|------|--------------------|--|-------------------------------|---|--|
| 3. | Nyeri | Hombe | Sagana | 717.0 | 2001 | Not occupied | Settlement of squatters | Unknown | unprocedural | Revoke and repossess |
| 4. | Elgeyo Marakwet | Cheptong ei | Chebiemit Extension | 12.14 | 1999 | Area not occupied. | Extension of Divisional Hqs | Marakwet County Council | Un-procedural. No EIA. | Regularize and reduce the land |
| 5. | Kiambu | Uplands | Extension of Nyambari trading centre | 8.1 | 1993 | Not occupied | Private development | Onesmus Ngunjiri | Un-procedural | Regularize |
| 6. | Bomet | Chépalungu | Bomet County Council | 64.75 | 1995 | Partly established | Expansion of church Market, school and church. Current status: Incomplete sub county hqs, dairy cooling plant, Moi Girls sec school, primary school,, 2 churches, a few community settlement farms, | Siongiroi Market and a Church | Procedural | Regularize |
| 7. | Baringo | Tenges | Tenges Trading Centre | 18.60 | 1995 | Occupied | Business plots, Cereals Board, Divisional HQs, KPTC tree nursery. | Baringo county council | Un-procedural | Formalize de-gazettement |
| 8. | Kericho | Londiani | Londiani | 17.37 | 1992 | Area not occupied. | Extension of Londiani Town | Londiani Town Council | Fraudulent allocation and un-procedural | Regularize |
| 9. | Nakuru | Ndundori | Bahati | 84.9 | 1994 | Plots issued | Market expansion | Nakuru County Council | Procedural | Review the area and Issue Legal Notice for excision for 77.4 ha. |
| 10. | Trans Nzoia | Kitale township | Kitale Municipal Expansion | 6.07 | 1998 | Area not occupied. | Kitale municipal development programmes | Kitale Municipal council | Un-procedural | Revoke and repossess |

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|---|---------------|-----------------|----------------------------------|------------------|-------------|--------------------|---|--------------------------|-----------------------------------|---|
| 11. | Trans Nzola | Kitale township | Kitale Municipal Expansion | 25.7 | 1998 | Area not occupied. | Kitale municipal development programmes | Kitale Municipal council | Un-procedural | Revoke and repossess |
| 12. | Trans Nzola | Kitale township | Kitale Municipal Expansion | 6.07 | 1998 | Area not occupied. | Kitale municipal development programmes | Kitale Municipal council | Un-procedural | Revoke and repossess |
| 13. | Trans Nzola | Kitale township | Kitale Municipal Expansion | 32.37 | 1998 | Area not occupied. | Kitale municipal development programmes | Kitale Municipal council | Un-procedural | Revoke and repossess |
| 14. | Nandi | South Nandi | Kobujoi | 12.14 | 1996 | Occupied | Expansion of Kobujoi town | Nandi County Council | Un-procedural | Review and finalize |
| 15. | Bungoma | Kaberua | Kapsokwony Township Extension | 40.47 | 1998 | Area not occupied. | Extension Kapsokwony Township | Kapsokwony Town Council | Un-procedural | Revoke and repossess forest land |
| 16. | Kiambu | Kinale | Extension of Kinale excision | 182 | 1990 | Occupied | Settlement | Undeserving cases | Un-procedural | Regularize |
| 17. | Kiambu | Kinale | Soko Mjinga Settlement | 2.0 | 1994 | Not occupied | Establishment of a market | Kiambu County Council | Un-procedural | Regularize |
| 18. | Nyandarua | Ndaragwa | Ndaragwa Township | 110.3 | 1991 | Occupied | Extension of Ndaragwa Town | Nyandarua County Council | Procedural | Regularize and restrict to areas occupied |
| Total Area | | | | 2,516.38 | | | | | | |
| b) Schools, Police stations and other educational institutions | | | | | | | | | | |
| | County | Station | Name of proposed excision | Area (ha) | Year | status | Purpose | Beneficiaries | Conformity with procedures | Recommendation |
| 1. | Uasin Gishu | Cengalo | North. Tinderet | 2 | 2000 | Not occupied | School Development | Olunguse community | Un-procedural | 1. Regularise and restrict to recommended area by Ministry of |

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|----|---------|-------------|--------------------------------------|-------|------|-------------------------------------|--------------------------------------|--|---------------|---|
| | | | | | | | | | | Education: <ul style="list-style-type: none"> • 5 acres for primary schools • 10 acres for secondary schools & colleges 2. Alternative land equivalent to area ceded to schools be identified and be gazetted as forest. |
| 2. | Baringo | Lembus | Lembus | 505.2 | 1999 | Occupied | Construction of public Institutions. | Unknown | Un-procedural | As above |
| 3. | Nandi | South Nandi | Kobujoi Catholic Girls sec. School | 20.23 | 1999 | Not occupied | School development | Local community | Un-procedural | As above |
| 4. | Kiambu | Kinale | Kijabe Girls Secondary School | 21.41 | 1996 | Occupied | Expand school | Local community | Un-procedural | As above |
| 5. | Baringo | Kimojoch | Extension of Sacho Girls High School | 47.71 | 2002 | Already taken position of the area. | Eco-tourism | Sacho Girls High School | Un-procedural | As above |
| 6. | Meru | Meru | Methodist University | 40.47 | 1997 | Partially occupied | University | Methodist Church | Procedural | As above |
| 7. | Meru | Ontulili | Ontulili Secondary School | 16.00 | 1998 | Occupied | Construction of Secondary School | Ontulili Secondary School | Un-procedural | As above |
| 8. | Meru | Nyambene | Extension of Kambene Primary School | 10.00 | 1996 | Not occupied | A school, church and a dispensary. | School, church and a dispensary. | Un-procedural | As above |
| 9. | Nairobi | Karura | N.S.I.S Special School. | 20.33 | 1997 | Occupied | Special School | National Security Intelligence Service | Un-procedural | As above |

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|-----|------------|-------------|----------------------------|-------|------|--------------------|--|--------------------------|--|----------|
| 10. | Baringo | Tenges | Tenges Secondary School | 5.45 | 1995 | Occupied | Tenges Secondary School | Tenges Secondary School | Un-procedural | As above |
| 11. | Bomet | Chepalungu | Siongilo Girls Sec. School | 7.956 | 1994 | School established | School Development | Siongilo Girls school | Procedural | As above |
| 12. | Nandi | South Nandi | AIC Chebisas | 44.03 | 1996 | Partially occupied | School Development | Local community | Un-procedural | As above |
| 13. | Baringo | Maji Mazuri | Makutano Police Station | 4.00 | 1993 | Occupied | Police Station | Police Department | Un-procedural | As above |
| 14. | Baringo | Mutarakwa | Mutarakwa | 5.45 | 1995 | Occupied | School Development | Local community | Un procedural | As above |
| 15. | Nairobi | Ngong | St. Francis Church | 2.50 | 1989 | Not occupied | School establishment | St. Francis ACK Church. | Un-procedural. Due process not followed. | As above |
| 16. | Nairobi | Ngong | Mounted police | 5.30 | 1992 | Partially occupied | Mounted police training unit | Private Developers | Un-procedural (Case in Court) | As above |
| 17. | Bomet | Chepalungu | Chepalungu | 6.071 | 1992 | School established | School Development | Chelelach Primary School | Procedural | As above |
| 18. | Laikipia | Marmanet | Marmanet | 4.1 | 1992 | School established | School Development | Gatero Primary School | Procedural | As above |
| 19. | West Pokot | Kapenguria | Kaprech Primary School | 10.00 | 1998 | Not occupied | Construction of Kaprech Primary School | Kaprech Primary School | Un-procedural | As above |
| 20. | Baringo | Katimok | Katimok | 13.27 | 1988 | Occupied | School Development | Local community | Un-procedural. Due process not followed. | As above |
| 21. | Baringo | Katimok | Katimok | 8.91 | 1988 | Occupied | School Development | Local community | Un-procedural. Due process not followed. | As above |
| 22. | Kajiado | Ololua | Nkaiseri Primary School | 6.07 | 1992 | Occupied | School | Local communities | Un-procedural | As above |

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|-----|------------------|-------------|--------------------------------------|-------|------|------------------------------------|---|----------------------------|--|----------|
| 23. | Kajiado | Ololua | Nkaimurunya Primary School | 10.0 | 1992 | Occupied | School | Local communities | Un-procedural | As above |
| 24. | Kajiado | Oloitokitok | Oloitokitok Secondary School | 43.56 | 1978 | School already developed | School development | Oloitokitok Community | Irregular | As above |
| 25. | Kakamega | Kakamega | Kisaina | 7.5 | 1993 | Area occupied. | Relocation of Kisaina Primary School from the middle of the forest to the boundary. | Kisaina Primary School | Un-procedural | As above |
| 26. | Nairobi | Ngong | Ngong Forest primary School | 3.83 | 1982 | Occupied | School development | Nairobi City Council | Un-procedural. Due process not followed. | As above |
| 27. | Baringo | Kimojoch | Extension of Sacho Girls High School | 47.71 | 2002 | Already taken position of the area | Eco-tourism | Sacho Girls High School | Irregular | As above |
| 28. | Kiambu | Uplands | Githogoiyo Primary School | 3.00 | 1987 | Occupied | Establishment of a school | Local community | Un-procedural. Due process not followed. | As above |
| 29. | Vihiga | Kibiri | Kaptik | 9.476 | 1978 | Area already occupied. | Construction of Kaptik Secondary School | Kaptik Secondary School | Procedural | As above |
| 30. | Elgeyo. Marakwet | Elgeyo | Sing'ore girls | 9.96 | 1979 | Occupied | School Development | Sing'ore Girls Sec. School | Procedural | As above |
| 31. | Kajiado | Oloitokitok | Oloitokitok sec. School | 43.56 | 1978 | School already developed | School Development | Oloitokitok community | Procedural | As above |
| 32. | Kiambu | Uplands | Raini Njeke Primary School | 3.00 | 1987 | | Establishment of a school | Kiambu County Council | Un-procedural. Due process not followed. | As above |
| 33. | Nyandarua | Geta | Karima Girls Sec. School | 13.60 | 1985 | Occupied | Extension of Karima Girls Sec. School | Karima Girls Sec. School | Procedural | As above |

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|-------------------|---------|--------|--------------------------------|-----------------|------|-------------------------|--------|----------------|--|--|
| 34. | Nairobi | Karura | C.R.D.O's Tumaini School | 26.25 | 1980 | NOT OCCUPIED | School | Tumaini School | Un-procedural. Due process not followed. | Non existent. Revoke and maintain current status as forest |
| Total area | | | | 1,033.93 | | | | | | |

c) Agricultural show grounds, cemeteries, health centres and transmission stations

| | County | Station | Name of proposed excision | Area (Ha) | Year | Status | Purpose | Beneficiaries | Procedure | Recommendation by Kenya Forest Service |
|-----|----------------|------------------------|--|--------------|------|---|--|-----------------|---|--|
| 1. | Trans Nzoia | Kitale Townshi p | Kitale ASK show ground extension | 19.69 | 1981 | Area not occupied. | Kitale Municipal development programmes | ASK | Un-procedural. Due process not followed. | Revoke the proposal and repossess forest land |
| 2. | Kakamega | Kakame ga | Shikusa Prison Kakamega | 422 | 1981 | Area partly occupied. | Meant for juvenile prisoners | Shikusa Prison. | Un-procedural. It was allocated on lease arrangement. | Review the lease arrangements and area to be leased. |
| 3. | Nyeri | Nyeri | Nyeri ASK showground | 49.5 | 1993 | Partially and temporary occupied | ASK showground | Nyeri ASK | Un-procedural | Regularize and restrict to area occupied. |
| 19. | Nyeri | Nyeri | Nyeri hills micro wave station | 0.4 | 1976 | Occupied | transmission | Telcom & KBC | Un procedural | Regularise through special use licence |
| 4. | Meru | Meru | Meru ASK showground | 40.47 | 1994 | Partially occupied | Relocation of Meru ASK showground. | Meru ASK | Procedural | Regularize and reduce the area |
| 5. | Nairobi | Ngong | Nairobi ASK Show | 7.51 | 1992 | Partially occupied | Expansion of ASK Show ground | ASK | Un-procedural, the land is currently leased to Kenya Safaris | Regularize |
| 6. | Nairobi | Ngong | Nairobi ASK Show | 18.00 | 1993 | Partially occupied | Expansion of ASK | Nairobi ASK | Un-procedural | Revoke and repossess |

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|-------------------|-------------|-------------|-------------------------------|---------------|------|--|--|------------------------|---|---|
| 7. | Kakamega | Kakamega | Kakamega Show Ground | 40.47 | 1992 | Area partially and temporary occupied. | Relocation of the ASK Show ground from Bukhungu. | ASK Kakamega Branch. | Procedural but not justified. Former showground is still intact and sufficient. | Regularize and reduce the area |
| 8. | Nairobi | Karura | Agha Khan cemetery | 8.00 | 1998 | Not occupied | Cemetery | Agha Khan Community | Un-procedural | Revoke and repossesse |
| 9. | Baringo | Mutarakwa | Mutarakwa | 4.50 | 1995 | Occupied | Tenges Health Centre | Local community | Un procedural | Formalize de-gazettement |
| 10. | Nandi | North Nandi | North Nandi | 20.21 | 1996 | Not occupied | Ngerek dispensary and farming | Local community | Un-procedural | Regularize and reduce the area |
| 11. | Nyeri | Nyeri | Nyeri Hills Microwave station | 0.40 | 1976 | Occupied | Transmission | Telecoms and KBC | Un-procedural. Due process not followed. | Regularize via licensing as per KFS polocy. |
| 12. | Baringo | Katimok | Katimok | 5.01 | 1988 | Occupied | Kabartojo Hospital | Local community | Un-procedural. Due process not followed. | Regularize via licensing as per KFS polocy |
| 13. | Uasin-Gishu | Eldoret | Eldoret | 16 | 1994 | Not occupied | Expansion of cemetery | Eldoret county council | Un-procedural | Revoke and repossess |
| Total area | | | | 652.16 | | | | | | |

d) Failed Land Exchange Programmes

| | County | Station | Name of proposed excision | Area (Ha) | Year | Status | Purpose | Beneficiaries | Procedure | Recommendation by Kenya Forest Service |
|----|-----------------|----------|---------------------------|-----------|------|----------|---|--------------------------------------|---------------|--|
| 1. | Laikipia | Marmanet | Uaso Narok | 14.16 | 2000 | Settled | Exchange with 12.57 neighbouring Lariak forest station. | F. N. Macharia and Forest Department | Procedural | Review and relocate the exchanged land to an appropriate site. |
| 2. | Elgeyo Marakwet | Kaptagat | Kaptagat /Kiptoros | 44.796 | 1990 | Occupied | Exchange with 44.796 neighbouring Tapendo block | Tapendo farmers/ Forest Department | Un-procedural | Regularize the exchange |

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| | | | | | | | | | | |
|-----|-----------------|----------------|--------------------------------|---------|------|--------------------------|---|---|--|--|
| 3. | Elgeyo Marakwet | Kipkabus | Kibonge (Tingwa) | 475 | 1995 | Occupied | Exchange with 94.88 neighbouring Tingwa Forest Reserve | Tingwa people/Forest Department | Procedural | Regularize the exchange |
| 4. | Nyandarua | South Kinangop | Magumu North | 241.5 | 1989 | Fully occupied | Settlement of the landless | Landless | Un-procedural | Review with a view to exclude ecologically sensitive areas. |
| 5. | Nyandarua | South Kinangop | Magumu South | 368.9 | 1989 | Fully occupied | Settlement of the landless | Landless | Un-procedural | Review with a view to exclude ecologically sensitive areas. |
| 6. | Laikipia | Marmanet | Uaso Narok | 14.16 | 2000 | Settled | Exchange with 12.57 neighbouring Lariak Forest Station | F.N. Macharia and Kenya Forest Service. | Irregular | Regularise exchange |
| 7. | Nandi | South Nandi | Chepkumia/Ngerek land exchange | 1170 | 1999 | Not occupied | Exchange 989.17 ha with farmers on hilly terrain | Sally Kosgey, Henry Kosgey, Zakayo Cheruiyot and others | Irregular | Regularize exchange |
| 8. | Kiambu | Ragia | Ragia Settlement Scheme | 1,795.0 | 1965 | Occupied | Exchange with Mugumu South and Mugumu North forests | Landless People | Un-procedural. Due process not followed. | Formalize the excision |
| 9. | Machakos | Iveti | Masaku County Council Exchange | 14.25 | 1971 | | Exchanging 17.5 ha under Masaku County Council | Masaku County Council | Un-procedural. Due process not followed. | Formalize the exchange. |
| 10. | Nairobi | Ngong | Prisons industrial centre | 15.09 | 1985 | Occupied | Exchange forest land with a plot in industrial area | Private Developers | Un-procedural. Due process not followed. | Revoke and repossess forest land |
| 11. | Narok | OI posimoru | OI posimoru | 20,115 | 1975 | Occupied and adjudicated | Exchange with 45,744 ha of Maasai Mau County Council forest | Local residents | Un-procedural | Regularise the exchange |
| 12. | Elgeyo Marakwet | Kipkabus | Kipkabus | 95.46 | 1987 | Occupied | Exchange with Mr. Kandie. | Mr. Kandie and Forest Department | Procedural | To surrender title and Gazette otherwise revoke the exchange |
| 13. | Laikipia | Rumuruti | Rumuruti | 149.1 | 1976 | Not occupied | Exchange 127.3 ha neighbouring Lariak forest reserve | Mr. Mwendia and Forest Department. | Procedural | Regularize exchange |

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| Total area | | 24,512.42 | | | | | | | | |
|--------------------------|---------|------------------|----------------------------|-----------|------|--------------------|--|---|----------------------------|---|
| e) Other Land Use | | | | | | | | | | |
| | County | Station | Name of excision | Area (ha) | Year | Status | Purpose | Beneficiaries | Conformity with procedures | Recommendation |
| 1. | Nairobi | Ngong | Nairobi Chapel | 6.5 | 2000 | Partially occupied | Private development | Private Developers | Un-procedural | Reduce the area and Issue licence to church |
| 2. | Nairobi | Karura | Mr. Johnson Githii Karanja | 0.3774 | 1999 | Occupied | Private development | Initially allocated to Hezekiah Kogo Karanja. | Un-procedural | Revoke and repossess |
| 3. | Nandi | South Nandi | Kubujoi | 23.66 | 1999 | Not occupied | Settlement of people displaced by Kapkolei Sec. School | S. K. Cheramboss | Un-procedural | Revoke and repossess |
| 4. | Kiambu | Ragia | Mr. Buddy Gichure | 4.5 | 1993 | Occupied | Farm extension | Buddy Gichure | Un-procedural | Revoke and repossess |
| 5. | Kiambu | Kiambu | Kamiti Settlement | 169.57 | 1994 | Partially occupied | Settlement of squatters. | Persons displaced by clashes | Un-procedural | Consider long term special use licence charged at market rate Reason The purported squatters are not squatters as such going by the kind of developments that have |

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|-----|---------|--------|---|--------|------|--------------------|-------------------------|---|---------------|--|
| | | | | | | | | | | been done in the occupied area. No squatters were settled as land was hijacked by affluent people. |
| 6. | Nairobi | Karura | Baptist Convention | 0.81 | 1991 | Not occupied | Private development | Baptist Church | Un-procedural | Revoke and repossess |
| 7. | Nairobi | Ngong | Private Development | 2.03 | 1992 | Partially occupied | Residential houses | Private Developers | Un-procedural | Revoke and repossess |
| 8. | Nairobi | Karura | S. Kiruki, Maj. Gen. H. Njoroge & others | 16.00 | 1994 | Not occupied | Private development | Shadrack Kiruki, Maj. Gen. H. Njoroge & others | Un-procedural | Revoke and repossess |
| 9. | Nairobi | Karura | Pelican Engineering & Construction Co. Ltd. | 18.41 | 1994 | Not occupied | Private development | June Moi, Maina | Un-procedural | Revoke and repossess. |
| 10. | Nairobi | Karura | Sardul Singh Viridi & Gurshran Kaur Viridi | 0.87 | 1994 | Not occupied | Private development | Individuals | Un-procedural | Revoke and repossess |
| 11. | Nairobi | Ngong | Mugumoini PCEA Church | 6.7 | 1995 | Not occupied | Expansion of the church | PCEA, Dagoretti Parish & Others | Un-procedural | Repossess |
| 12. | Nairobi | Karura | Mr. Julius Waweru Mungai | 0.1899 | 1996 | Occupied | Private development | Initially allocated to Hezekiah Kogo Karanja In 1992. | Un-procedural | Revoke and repossess |
| 13. | Nairobi | Karura | Farmwell Promotions Ltd. | 0.1887 | 1993 | Not occupied | Private development | Initially allocated to Hezekiah Kogo in 1992. | Un-procedural | Revoke and repossess |

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|-----|-----------------|------------------------|----------------------------------|---------|------|--|----------------------------------|--|---|--|
| 14. | Nairobi | Karura | Mr. Samson Murlithi Nduhiu | 0.2179 | 1992 | Occupied | Private development | Allocated in 1992 | Un-procedural | Revoke and repossesse |
| 15. | Nairobi | Ngong | Ngong road motel and Supermarket | 8.8 | 1997 | Not occupied | Private development | Private Developers | Un-procedural | Revoke and repossess |
| 16. | Nairobi | Ngong | Ngong road hospital | 8.55 | 1997 | Not occupied | Private development | Private Developers | Un-procedural | Revoke and repossess |
| 17. | Nairobi | Karura | ICRAF | 8.10 | 1989 | 3.0 ha occupied by ICRAF. 5.1ha given to individuals not occupied. | ICRAF Hqs | ICRAF, Private developers. | Un-procedural. Justified for ICRAF but not for private development. | Formalize excision for ICRAF and revoke the 5.1 ha allocated to individuals. |
| 18. | Nairobi | Karura | Hon. J.J. Kamotho | 2.67 | 1989 | Not occupied | Private development | Hon. J.J. Kamotho | Un-procedural. Due process not followed. | Revoke and repossess |
| 19. | Nairobi | Ngong | Kenya Broadcasting Corporation | 47.47 | 1988 | Not occupied | Construction of KBC headquarters | 36.57 ha taken by KBC and 10.90 by private developers. | Un-procedural. Due process not followed. | Revoke and repossess |
| 20. | Bomet | Chepalungu/Olenguruone | Bomet County Council | 102.179 | 1994 | Tea established | Tea development | Bomet County Council | Un-procedural | Provide special use licence at market rate for area under tea. |
| 21. | West Pokot | Kapenguria | Lelan | 601.5 | 1995 | Partially Settled | Settle landless people | Landless People | Un-procedural | Review the settlement and recover encroached areas |
| 22. | Elgeyo Marakwet | Kaptagat | Kaptagat | 58.27 | 1994 | Not occupied | Relocation of sawmill | Kaptagat sawmill | Un-procedural | Revoke and repossess |

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|-----|----------|-------------|---|--------|------|-------------------------|---|---|--|--|
| 23. | Kericho | Kericho | Saosa | 74.72 | 1994 | Area under tea | Agricultural development | Kericho Rural Multipurpose Co-operative society | The excision was fraudulent and un-procedural. | Provide special use licence at market rate for area under tea. |
| 24. | Kericho | Kericho | S.W. Mau | 5.14 | 1994 | Area under tea | Agricultural development | Kericho Rural Multipurpose Co-operative society | The excision was fraudulent and un-procedural. | Provide special use licence at market rate for area under tea. |
| 25. | Kericho | Kericho | S.W. Mau | 292.97 | 1994 | Area under tea | Agricultural development | Kericho Rural Multipurpose Co-operative society | The excision was fraudulent and un-procedural. | Revoke and repossess |
| 26. | Kericho | Keriso | Frankways Sawmills | 10 | 1995 | Area occupied | Construction of a Sawmill. | Hon. Franklin Bett | Un-procedural | Revoke and repossess |
| 27. | Baringo | Sabatia | Business plots along Sabatia Railway Station. | 19.98 | 1993 | Occupied | Business plots | Not known | Un-procedural | Revoke and repossess |
| 28. | Laikipia | Mukogondo | Mukogondo | 15000 | 1998 | Squatters in the Forest | Settlement | Landless People | Un-procedural | Review the proposal it is a water catchment area. |
| 29. | Nakuru | Keringet | S.W. Mau | 1687.2 | 1997 | Not fully settled | Settlement | Landless People | Procedural | Revoke the Excision and relocate the already settled people to other areas which are not water catchment |
| 30. | Nandi | North Nandi | Teressia | 12.95 | 1993 | Not occupied | Settlement | 5 displaced individuals | Un-procedural | Revoke and repossesse |
| 31. | Nandi | South Nandi | Kobujoi | 23.66 | 1999 | Not occupied | Settlement of people displaced by Kapkolei Sec. School. | S.K. Cheramboss | irregular | Revoke and repossesse |
| 32. | Nandi | North Nandi | Teressia | 9.36 | 1997 | Not occupied | Settlement | Two individuals | Un-procedural | Revoke and repossesse |

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|-----|-------------|------------|-------------|----------|------|--------------------------------|---|--|--|--|
| 33. | Trans Nzoia | Kitalale | Kitalale | 1,609.90 | 1994 | Area occupied. | Maize seed development. | 600 ha meant for Kenya seed maize production was hijacked by undeserving influential people. | Un-procedural and fraudulent. | Finalize excision for Kitalale. Follow up Gazettment of the area of 1,428 ha in Ol-Jolai (ADC farm Eburu) meant for exchange with Kitalale. |
| 34. | Trans Nzoia | Kapolet | Sengwer | 513.76 | 1999 | Area occupied illegally | Settlement of squatters from ADC Millimanj farm | Sengwer squatters | Un procedural | Regularise and exclude areas critical for catchment of river Nzoia. |
| 35. | Trans-Nzoia | Saboti | Sekhendu | 804.1 | 1999 | Area not occupied | Unknown people claiming traditional ownership | Not known | Un procedural | Maintain status quo as forest. |
| 36. | Kajiado | Loitokitok | Mrs. Siyote | 6.1 | 2001 | Occupied | Farming | Mrs. Siyote | Un procedural | Revoke and repossess |
| 37. | Uasin-Gishu | Eldoret | Eldoret | 3.13 | 1991 | Not occupied | Industrial development | M/S Rodah Bett and others | Un-procedural | Revoke and repossess |
| 38. | Uasin-Gishu | Cengalo | Cengalo | 711.7 | 1994 | Occupied | Settle landless people | Landless People | Un-procedural | Regularize |
| 39. | Kajiado | Ngong | Ngong Hills | 19.16 | 1988 | Occupied | Settlement | Pulel, Joyce Kimonjino and Ole Mpaayei | Un-procedural. Due process not followed. | Revoke and repossess |
| 40. | Nandi | Kimondi | Ururu | 18.53 | 1988 | Not occupied | Farming | Dr. Yego | Un-procedural. Due process not followed. | Revoke and repossess |
| 41. | Narok | Trans Mara | Kiptangich | 937.70 | 1988 | Occupied | Farming | Daniel Toroitich Arap Moi | Un-procedural. Due process not followed. | Provide special use licence at market rate for area under tea |
| 42. | Busia | Sio Port | Wanga | 2.00 | 1998 | Area is developed and settled. | To settle former Minister the late Hon. Okondo. | Family of the late Hon. Okondo. | Un-procedural | Revoke and repossess |

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|-------------------|-----------------|------------|--------------------------------|------------------|------|------------------------|--|--|--|--|
| 43. | Kakamega | Malava | Bahai | 0.405 | 1989 | Area not occupied. | Compensation | Bahai centre for giving 1 acre for construction of DO's house. | Un-procedural. Due process not followed. | Regularise the exchange |
| 44. | Kiambu | Kiambu | Kiambu Women Group | 24.00 | 1984 | Partially Occupied | Women group Projects | Kiambu Women Group | Un-procedural. Due process not followed. | Revoke and repossess forest land |
| 45. | Kiambu | Kiambu | Tugirane Project | 25.00 | 1984 | Partially occupied | Horticultural Farming | Hon. Kuria Kanyingi | Un-procedural. Due process not followed. | Revoke and repossess forest land |
| 46. | Nairobi | Ngong | Nairobi Women Prison Extension | 8.80 | 1985 | Occupied | Expansion of Lang'ata women prison | Prison Department and Private developers | Un-procedural. Due process not followed. | Regularize area for prisons and revoke private allocation. |
| 47. | Elgeyo Marakwet | Kipkabu s | Kipkabus | 3916.5 | 1986 | Occupied | Settlement. Area bought from EATEC for pulpwood development. | Landless People | Un-procedural. Due process not followed. | Regularize. |
| 48. | Elgeyo Marakwet | Sabor | Kesup | 378.2 | 1967 | Occupied | Settlement | Landless People | Un-procedural. Due process not followed. | Regularize |
| 49. | Kakamega | Kakamega | Virhembe(B) | 17.6 | 1987 | Area already occupied. | Compensation | Persons displaced during expansion of Mukumu Girls. | Procedural | Regularize. |
| 50. | Nairobi | Ngong road | Ankhan Holding | 6.03 | 2000 | Not occupied | Private development | Private Developers | Un-procedural | Revoke and repossess |
| Total area | | | | 27,220.13 | | | | | | |

f) Land areas with cases pending in court

| | County | Station | Name of forest | Area (ha) | Year | Status | Purpose | Beneficiaries | Conformity with procedures | Recommendation |
|----|--------|---------|----------------|-----------|------|---------------|------------|---------------|----------------------------|----------------|
| 1. | Kilifi | Jilore | Mandunguni | 951.5 | 2000 | Fully settled | Settlement | Landless | Unprocedural | Regularise |

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|-------------------|---------|-------------|-------------|------------------|------|---------------|---------------------|--|---------------|-----------------------|
| 2. | Kajiado | Ngong Hills | Ngong hills | 510 | 2006 | Fully settled | Settlement | Landless | Unprocedural | Regularize |
| 3. | Nakuru | Eastern Mau | Eastern Mau | 35,301.01 | 1997 | Fully settled | settlement | landless | unprocedural | Regularize |
| 4. | Nairobi | Ngong road | Ngong road | 1.943 | 1999 | Occupied | Private development | Geo Gladys Holdings ltd | Un procedural | Revoke and repossess |
| 5. | Kiambu | Kiambu | Kiambu | 39.82 | 1984 | Occupied | Private development | Jackson M. Kinyua Wairaria Njenga Karume & 144 others | Un procedural | Revoke and repossess |
| 6. | Kiambu | Kiambu | Kiambu | 0.87 | 1984 | Occupied | Private development | John Peter Ruhangi | Un procedural | Revoke and repossess |
| 7. | Nairobi | Karura | Karura | 18.41 | 1994 | Not occupied | Private development | Pelican Engineering & Construction Co. Ltd | Un-procedural | Revoke and repossess. |
| Total Area | | | | 36,823.55 | | | | | | |

ANNEX III C

Monday, July 24, 2023

OUR REF: MCS/P/JULY/2023
TO THE CLERK OF THE SENATE,
P.O BOX 41842-00100,
NAIROBI- KENYA
TEL: 2848000
EMAIL: clerk.senate@parliament.co.ke



① DSEC
Kindly deal
25/07/23

Dear Sir,

② DDSEC
Kindly deal
25/07/2023

REF: PETITION CONCERNING DELAYED DEGAZEMMENT OF APPROXIMATELY 1,577.86 HECTARES OF LAND IN LUGARI/TURBO FOREST.

The above subject matter refers,

We the undersigned petitioners refer to your letter dated 23rd June 2023, REF: SEN/DCEC/LENR/3/2023(86) addressed to one of the petitioners Mr. Charles Kunukha Kofia.

We hereby petition the senate committee on Land, Environment and natural resources established under standing order 228(3) of the senate standing orders that is mandated to consider all matters related to lands and settlement, environment, forestry, mining, water resource management and development to adjourn the proposed meeting scheduled for Wednesday, 26th July 2023 at Committee Room 5, First Floor, main Parliament building at 8.30Am.

③ Mr. Bett
Plse deal.
Smb
27/07/23



U III

AMBA

Our reasons for calling for the adjournment of the meeting are pegged on:

One of the Petitioners (Mr. Charles Kunukha Kofia) in isolation is secretly attempting to attend the meeting, without the rest of the Group representatives who are the majority, hence encouraging divisions and animosity among the entire group membership. This is bound to create too many splinter groups fighting each other.

We petition the concerned Committee to postpone the meeting until All the Groups are harmonized and ready to appear before the Committee under your guidance.

Yours faithfully,

1. Mr. Alex. A. Lusala : ID/No: 8713780
Chairman – The Harmonized Group
Mobile: +254 714957306



2. Mr. Kennedy Baraza: ID/No: 5792393
Secretary – The Harmonized Group
Mobile: +254 710933505



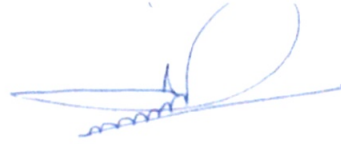
3. Mr. Zakayo Wafula: ID/NO: 5107922
Treasurer- The Harmonized Group
Mobile: +254 715776167



4. Mr. Joseph Sande: ID/No: 4167391
Organizing Secretary – The Harmonized Group
Mobile: +254 724 917341



5. Mr. Alexander Hoops
Coordinator- The Harmonized Group
Mobile: +254 722 458009




6. Mr. Elphas Indika : ID/No: 0993912



7. Mr. Maurice Muhati: ID/No: 1436871



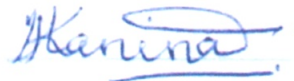
8. Mr. Palia Omwoma: ID/No: 4839406



9. Mr. Eliud Mulinga: ID/No: 0847765



10. Mr. Festus Kanina: ID/NO: 6413949



11. Mr. Stephen Akwanyi Otukho: ID/No: 6294701



CC: Mr. Victor Bett- Clerk Assistant 1

Mobile Number: +254 721 402 506

Email: [victor.kipchirchir@parliament .go.ke](mailto:victor.kipchirchir@parliament.go.ke)

The Senator- Kakamega County

Ministry of Lands- Kakamega County

Lugari Sub- County - District Commissioner

25/07/2023

DSEC
Kindly deal
27/07/23

THE SENATE
RECEIVED
28 JUL 2023
DIRECTOR COMMITTEE SERVICES
(DSEC)

ON
DELAYED GAZETTEMET OF 1577.86 HACTERS OF LUGARI TURBO- FOREST
LAND

1. This Presidential Degree to settle squatters was rendered after His Excellency the Late President Toroitich Arap Moi conducted a fact finding enquiry through elders from Lugari led by chairman of Nyayo National Guidance movement Mr. Alexander Hoops in February 1993, later on area MP. the late Apili Wawire followed the report and requested His Excellency Daniel Arap Moi to settle the squatters from ~~post~~ ^{pre.} election violence in 1993.
2. The Presidential Degree was established to settle all squatters who came as a result of ethnic clashes of 1991/1992.
3. These people were to settle on land estimated at over 9000 acres in Lugari (Mautuma Central Settlement Scheme) since the initial homes covered areas around Lugari, including Jua kali, Turbo, Mwamba, Kipkarren-river, Musembe, Magut and Kambi Chura and those along railway line in Turbo.
4. Other people came from Mudete Tea Zone in Vihiga, including Navakholo in Kakamega.
5. All landless total figure was about 2000 families at the time of presidential degree.
6. Other persons were settled by provincial administration
7. Many other groups have not been settled to date due to planning problems and delayed procedures e.g. 1992 squatters ,Oridhika, former EATEC employees and Neema Squatters(Schemes Mpya)
8. We observe that the gazettement of 1577.86 hectares amounting to 3898 acres, that makes a total of 43.32% leaves over 57.7% untouched which was covered in the Presidential Degree totalling to 9000 acres.
9. That is why we are submitting that all ~~the~~ ^{these} over 9,000 acres be de-gazetted as required by the Presidential Degree through this honourable house of the senate.
10. We further submit that the current many groups that have emerged over time be harmonized through organized vetting into one single team to streamline settlement processes to avoid disagreements and more conflicts.

26 JUL 2023

Mr. Awonyo
Kindly deal
31/07/23

Mr. Bett
Please deal
sub.
1/08/23

THE SENATE
RECEIVED
27 JUL 2023
DIRECTOR COMMITTEE SERVICES
(DGAC)



4

From the Desk of
Hon. Dr. A. A. Moody Awori, EGH, MP
VICE PRESIDENT AND MINISTER FOR HOME AFFAIRS

7th May 2007

Mr Justus Mulati
Lugari Squatters Committee
P O Box 178
TURBO

Dear *Mr. Mulati*


RE: LUGARI SQUATTERS COMMITTEE

I acknowledge receipt of your letter dated 23rd April 2007. I have added the names to the list you previously gave me.

-Yours sincerely

A. A. Moody Awori
HON DR A A MOODY AWORI EGH MP

11. We submit that further additional verifiable procedures should be employed to put the record clear on which parts of the forest ^{was} gazetted and which ones are not. Since we have information on record that certain parts of the forest were never gazetted as national forests.

 20/07/2023